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November 10, 2020

VIA ECF

Honorable Michael E. Wiles
U.S. Bankruptcy Court for the
Southern District of New York
One Bowling Green
New York, NY 10004-1408

**Re: *In re Westinghouse Electric Company, LLC et al.*, Case No. 17-10751 (MEW);
Gladden, et al. v. Westinghouse Electric Company, LLC, Adv. Proc. No. 17-1109;
and Massey, et al. v. Westinghouse Electric Company, LLC, Adv. Proc. No. 17-
1215**

Dear Judge Wiles:

As per the Court's request, the parties to the above-captioned WARN Act matters relating to the shutdown of the VC Summer project hereby submit this letter as a status report on the WARN Act litigation that is currently pending before Judge Childs in the United States District Court for South Carolina under Civil Action Nos. 0:17-cv-02094 and 02201 (the "SC WARN Cases"). Per the Court's December 21, 2018 Order (Adv. Pro. No. 17-1109, Doc. No. 70), the above-captioned adversary proceedings are stayed in this Court pending resolution of the SC WARN Cases. As the parties previously informed the Court, a resolution of the SC WARN Cases (through litigation or otherwise) could moot all of the adversary proceedings pending in this Court.

The procedural status of the SC WARN Cases is as follows:

- Fact discovery as to liability issues has concluded, with fact discovery as to damages to now proceed;
- The parties are in the midst of summary judgment briefing on liability issues. Briefing is to close on November 13, 2020, and oral argument is scheduled for December 1, 2020; and
- Trial is scheduled for April 5-23, 2021.

In addition, in late September, the parties to the SC WARN Cases (the WARN plaintiffs and the Fluor and SCANA defendants) participated in a two (2) day mediation, which proved unsuccessful. Although the parties continue to talk, to the extent a settlement is reached with the Fluor and SCANA defendants, such a settlement may or may not subsume the WARN claims





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pending against the Westinghouse parties in this Court. To date, the Westinghouse parties have declined to participate in discussions relating to a resolution of the WARN claims pending against them, either through separate negotiations or participation in a global mediation with the Fluor and SCANA defendants.¹

We trust the foregoing is helpful. If you have any questions or would like to discuss this further, plaintiffs' counsel is available to arrange a call.

Respectfully,

Charles A. Ercole

CAE/cbb

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¹ When the mediation was originally scheduled in May, the parties contacted Westinghouse's as well as W. Wind Down Co.'s lawyers, and both parties declined to participate in a mediation.