



Electric Company LLC, WECTEC Staffing Services LLC, WECTEC Global Project Services Inc., WEC Carolina Energy Solutions Inc., WEC Carolina Energy Solutions LLC, and Stone & Webster Services LLC (collectively the “WEC Defendants”), by and through their respective undersigned counsel, hereby stipulate as follows:

WHEREAS, on March 28, 2018, this Court entered its Findings of Fact, Conclusions of Law and Order Confirming Modified Second Amended Joint Plan of Reorganization in *In re Westinghouse Electric Company LLC* (17-10751) (Doc. No. 2988) (the “Confirmation Order”), confirming the Modified Second Amended Joint Chapter 11 Plan of Reorganization (the “Plan”).

WHEREAS, the Plan became effective on August 1, 2018;

WHEREAS, pursuant to Paragraphs 11, 15, and 54 of the Confirmation Order, the Plaintiffs are enjoined from pursuing their claims against the WEC Defendants in this adversary proceeding;

WHEREAS, Paragraph 15 of the Confirmation Order provides, in relevant part, that “all Persons are forever prohibited and enjoined from taking any action against the Plan Investor or Reorganized Debtors based on any Claims . . . to the extent such Claims . . . are released or discharged pursuant to the terms of the Plan”;

WHEREAS, Sections 11.1 and 11.9 of the Plan further set forth the applicable injunction provisions which this Court incorporated into its Confirmation Order; and

WHEREAS, pursuant to Paragraph 11 of the Confirmation Order, and Section 5.4 of the Plan, W Wind Down Co. (“Wind Down”) is responsible for resolving all claims asserted against the WEC Defendants (other than Assumed Liabilities, as defined in the Plan), and shall be substituted as the defendant in place of the WEC Defendants in this adversary proceeding.

NOW THEREFORE, upon the foregoing recitals, and pursuant to Federal Rule of Bankruptcy Procedure 7041 and Federal Rule of Bankruptcy Procedure 7025, which make

Federal Rule of Civil Procedure 41 and Federal Rule of Civil Procedure 25, respectively, applicable to this adversary proceeding, Plaintiffs and the WEC Defendants agree to the dismissal of the WEC Defendants from this adversary proceeding, and the substitution of Wind Down as the defendant on the following terms and conditions:

1. Plaintiffs agree to dismiss the WEC Defendants from this adversary proceeding, and substitute Wind Down as the defendant in this adversary proceeding, and the case caption in this adversary proceeding going forward shall reflect Wind Down as the sole defendant.

2. The WEC Defendants agree that Wind Down is responsible for all claims brought by Plaintiffs in this adversary proceeding, and should be substituted for the WEC Defendants as the defendant in this adversary proceeding.

3. Neither the WEC Defendants nor Wind Down acknowledge the validity of the Plaintiff's claims in this adversary proceeding, but the WEC Defendants and Wind Down agree that the WEC Defendants' dismissal will not be used as grounds by Wind Down to argue that Plaintiffs may not recover on its allegations, claims or causes of actions in this adversary proceeding; *provided however*, that Wind Down shall be entitled to assert all defenses that the WEC Defendants could have asserted in this adversary proceeding.

Dated: New York, New York

December 18, 2020

Respectfully submitted,

/s/ Nicholas J. Pappas

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Joint Stipulation to Dismiss Westinghouse Debtor Defendants and Substitute W. Wind Down Co. was filed electronically this December 18, 2020. Notice of this filing will be sent electronically to all parties and attorneys who have entered an appearance and receive notices in this case through the Court's CM/ECF. Parties may access this filing through the Court's electronic filing system.

*/s/ Nicholas J. Pappas*

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Nicholas J. Pappas