

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re: : Chapter 11
: :
WELDED CONSTRUCTION, L.P., *et al.*, : Case No. 18-12378 (LSS)
: :
Debtors.¹ : (Jointly Administered)
: :

**NOTICE OF FILING OF PROPOSED REDACTED VERSION OF
POST-EFFECTIVE DATE DEBTORS’ OBJECTION TO CLAIM NO. 597 PURSUANT
TO SECTION 502 OF THE BANKRUPTCY CODE AND BANKRUPTCY RULE 3007**

PLEASE TAKE NOTICE that, pursuant to Rule 9018-1(d)(ii) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, the above-captioned debtors and debtors in possession (together, the “Debtors” and, following the Effective Date, the “Post-Effective Date Debtors”), through Cullen D. Speckhart, solely in her capacity as Plan Administrator, hereby file with the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, Wilmington, Delaware 19801, the proposed redacted version of *Post-Effective Date Debtors’ Objection to Claim No. 597 Pursuant to Section 502 of the Bankruptcy Code and Bankruptcy Rule 3007* previously filed under seal.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Welded Construction, L.P. (5008) and Welded Construction Michigan, LLC (9830). The mailing address for each of the Debtors is c/o P.O. Box 470, Perrysburg, OH 43552-0470.



Dated: June 16, 2023
Wilmington, Delaware

BLANK ROME LLP

/s/ Josef W. Mintz

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Counsel to the Post-Effective Date Debtors

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re: : Chapter 11
: :
WELDED CONSTRUCTION, L.P., *et al.*, : Case No. 18-12378 (LSS)
: :
Debtors.¹ : (Jointly Administered)
: :
: **Hearing Date: 7/19/2023 at 10:00 a m. (ET)**
: **Response Deadline: 6/30/2023 at 4:00 p m. (ET)**

**POST-EFFECTIVE DATE DEBTORS' OBJECTION TO CLAIM NO. 597 PURSUANT
TO SECTION 502 OF THE BANKRUPTCY CODE AND BANKRUPTCY RULE 3007**

The above-captioned debtors and debtors in possession (together, the “Debtors” and, following the Effective Date, the “Post-Effective Date Debtors”), through Cullen D. Speckhart, solely in her capacity as Plan Administrator, hereby submit this objection (this “Objection”), pursuant to section 502 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) to claim no. 597 filed against the Debtors and their estates and that is listed on **Exhibit A** (the “Disputed Claim”) to the proposed form of order attached hereto as **Exhibit 2** (the “Proposed Order”), and request the entry of the Proposed Order disallowing the Disputed Claim, as indicated in further detail below and on **Exhibit A** to the Proposed Order. In support of this Objection, the Post-Effective Date Debtors rely on the declaration of Frank A. Pometti (the “Pometti Declaration”), which is attached hereto as **Exhibit 1**. In further support of this Objection, the Post-Effective Date Debtors respectfully represent as follows:

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Welded Construction, L.P. (5008) and Welded Construction Michigan, LLC (9830). The mailing address for each of the Debtors is c/o P.O. Box 470, Perrysburg, OH 43552-0470.

JURISDICTION AND VENUE

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware dated as of February 29, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Pursuant to Local Rule 9013-1(f), the Post-Effective Date Debtors consent to the entry of a final order by the Court in connection with this Objection to the extent it is later determined the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution. Venue is proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The predicates for the relief requested herein are section 502 of the Bankruptcy Code and Bankruptcy Rule 3007.

BACKGROUND

3. On October 22, 2018 (the "Petition Date"), each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. Factual background regarding the Debtors, including their business operations, their capital and debt structures, and the events leading to the filing of these Chapter 11 Cases, is set forth in detail in the *Declaration of Frank Pometti in Support of Debtors' Chapter 11 Petitions and First Day Motions* [D.I. 4].

4. On October 23, 2018, the Court entered an order [D.I. 39] appointing Kurtzman Carson Consultants LLC ("KCC") as claims and noticing agent in these chapter 11 cases. Among other things, KCC is authorized to (1) receive, maintain, and record and otherwise administer the proofs of claim filed in these chapter 11 cases, and (2) maintain official claims registers for the Post-Effective Date Debtors.

5. On December 17, 2018, the Debtors filed their schedules of assets and liabilities and statements of financial affairs, and on July 3, 2019, filed amended schedules E-F for Debtor Welded Construction, L.P. (collectively, and as they may be further modified, amended, or supplemented from time to time, the “Schedules”). See D.I. 333, 334, 335, 336, 817.

A. The Plan

6. On May 8, 2020, the Debtors filed the *Amended Chapter 11 Plan of Welded Construction, L.P. and Welded Construction Michigan LLC* (the “Plan”) [D.I. 1363] and the *Amended Disclosure Statement for the Amended Chapter 11 Plan of Welded Construction, L.P. and Welded Construction Michigan, LLC* [D.I. 1364].

7. On June 25, 2020, the Court entered its *Findings of Fact, Conclusions of Law, and Order Confirming the Amended Chapter 11 Plan of Welded Construction, L.P. and Welded Construction Michigan, LLC* (the “Confirmation Order”) [D.I. 1505] pursuant to section 1129 of the Bankruptcy Code, which approved the documents included in the Plan Supplement (as defined in the Confirmation Order) necessary to implement the Plan.

8. The Effective Date of the Plan occurred on July 31, 2020 [D.I. 1555].

9. Pursuant to paragraph 19 of the Confirmation Order, as of the Effective Date, Cullen D. Speckhart was appointed as Plan Administrator under the terms of the Plan Administrator Agreement (the “PAA”). The Confirmation Order approved the PAA and authorized the Debtors to perform thereunder. Confirmation Order ¶¶ 18-19.

B. The Claims Resolution Process

10. On January 10, 2019, the Court entered an order (the “Bar Date Order”)² [D.I. 403] establishing (i) **February 28, 2019, at 5:00 p.m.** (Eastern Time) (the “General Bar Date”) as the general bar date for filing proofs of claim that arose prior to the Petition Date, including requests for allowance and payment of claims under section 503(b)(9) of the Bankruptcy Code, and (ii) **April 22, 2019, at 5:00 p.m.** (Eastern Time) as the deadline for filing proofs of claim by governmental units (the “Governmental Bar Date”). Notice of the foregoing deadlines was mailed to all parties known to the Debtors as having potential claims against the Debtors’ estates and was published in the national edition of *USA Today*.

11. On March 11, 2019, the Court entered an order [D.I. 554] establishing **April 30, 2019, at 5:00 p.m.** (Eastern Time) as the deadline for filing requests for the allowance of administrative expenses that arose during the period from the Petition Date through and including March 31, 2019 (the “Administrative Bar Date” and collectively with the General Bar Date, the Governmental Bar Date, the Amended Schedules Bar Date, and the Rejection Bar Date, the “Bar Dates”). Notice of the Administrative Bar Date was mailed to the Debtors’ known creditors.

12. The Plan provides that the Post-Effective Date Debtors “shall have the authority (a) to file, withdraw or litigate to judgment objections to Claims; (b) to settle, compromise or

² The Bar Date Order also provides that if the Debtors amend or supplement the Schedules subsequent to the date of service of the Bar Date Notice (as defined in the Bar Date Order), then the Debtors shall give notice of any such amendment or supplement to the holders of claims affected thereby, and such holders shall be afforded the later of (i) the General Bar Date or (ii) 5:00 p.m. (prevailing Eastern Time) on the date that is thirty (30) days from the date on which such notice is given, to file proofs of claim in respect of their claims (the “Amended Schedules Bar Date”). Additionally, pursuant to the Bar Date Order, except as otherwise provided by another order of the Court, any person or entity that holds a claim that arises from the rejection of an executory contract or unexpired lease must file a proof of claim based on such rejection on or before the later of (i) the General Bar Date or (ii) 5:00 p.m. (prevailing Eastern Time) on the date that is thirty-five (35) days following the entry of the order approving the rejection of the executory contract or unexpired lease pursuant to which the entity asserting the Rejection Damages Claim is a party (the “Rejection Bar Date”).

Allow any Claim or Disputed Claim without any further notice to or action, order or approval by the Bankruptcy Court; (c) to amend the Schedules in accordance with the Bankruptcy Code; and (d) to administer and adjust the claims register to reflect any such settlements or compromises without any further notice to or action, order or approval by the Bankruptcy Court.” Plan § 8.1.

13. Under the Plan and PAA, the Plan Administrator is empowered to, among other things, “object to Claims as provided in this Plan, and prosecute such objections [as well as] compromise and settle any issue or dispute regarding the amount, validity, priority, treatment or allowance of any Claim.” Plan § 5.5.3(iv), (v); PAA § 1(b)(vi), (viii).

14. According to KCC, over 800 claims have been filed in these cases. All proofs of claims filed in these cases are recorded on the official claims register maintained by KCC.

RELIEF REQUESTED

15. By this Objection, the Post-Effective Date Debtors request the Court enter the Proposed Order disallowing and expunging the Disputed Claim as indicated in further detail herein and on **Exhibit A** to the Proposed Order.

OBJECTION TO DISPUTED CLAIM

16. After reconciling it against the Post-Effective Date Debtors’ books and records, the Post-Effective Date Debtors have determined that they are not liable with respect to the Disputed Claim identified on **Exhibit A** to the Proposed Order for the reasons set forth herein and on **Exhibit A**.

17. On February 28, 2019, Cleveland Brothers Equipment Co., Inc. (“Claimant”) filed the Disputed Claim. Claimant provided the Debtors with equipment, parts, and services under various agreements in connection with the Debtors’ construction of the Mountaineer Xpress, Leach Xpress, Williams, and Sunoco-ETP pipeline construction projects.

18. The Disputed Claim seeks, *inter alia*, amounts for unpaid equipment lease obligations, damages to equipment leased to the Debtors, and for the value of certain unreturned equipment. *See* Claim No. 597.

19. To resolve various claims asserted by Claimant, on or around March 29, 2019, the Debtors and Claimant entered into a Settlement Agreement and Mutual Release that “resolve[d] all claims by and between [Claimant] and the Debtors” (“Settlement Agreement”). *See* D.I. 596, *Certification of Counsel Regarding Proposed Supplemental Order Approving Vendor Agreements and Releases* ¶ 9. On April 1, 2019, the Court entered an order approving the Settlement Agreement. *See* D.I. 599, *Supplemental Order Approving Vendor Agreements and Releases* ¶ 1.³

20. Under the Settlement Agreement, upon the Debtors’ payment of the Settlement Amount, Claimant agreed to withdraw the proofs of claims it filed in the Debtors’ bankruptcy cases. [REDACTED]

[REDACTED] The Debtors paid Claimant the Settlement Amount in 2019 and all Insurance Claims (as defined in the Settlement Agreement) have been submitted and processed at this time. [REDACTED]

21. However, the Disputed Claim has not been withdrawn and remains on the Post Effective Date Debtors’ claims register.

³ The Settlement Agreement also included a procedure for resolving certain Insurance Claims submitted to Debtors’ insurers by the Debtors and Claimant. *See* Settlement Agreement ¶ 5. Attached hereto as **Exhibit 3** is a true and correct copy of the Settlement Agreement, which was originally filed under seal pursuant to the Court’s orders authorizing filing under seal. *See* D.I. 211, 393, 480.

22. Accordingly, since Claimant has failed to withdraw the Disputed Claim, the Post-Effective Date Debtors must object, and request entry of the Proposed Order disallowing and expunging the Disputed Claim.

RESPONSES TO THIS OBJECTION

23. Any responses to this Objection must be filed on or before **June 30, 2023 at 4:00 p.m. (ET)**, in accordance with the procedures set forth in the notice of this Objection.

RESERVATION OF RIGHTS

24. The Post-Effective Date Debtors reserve the right to adjourn the hearing on any Disputed Claim, and if the Post-Effective Date Debtors do so, they will state the same in the agenda for the hearing on that Disputed Claim, which agenda will be served on the claimant.

25. The Post-Effective Date Debtors and their estates reserve any and all rights to amend, supplement or otherwise modify this Objection, the Proposed Order, or **Exhibit A** thereto, and to file additional objections to any and all claims filed in these chapter 11 cases, including without limitation, the Disputed Claim. The Post-Effective Date Debtors and their estates also reserve any and all rights, claims, and defenses with respect to the Disputed Claim, and nothing included in or omitted from this Objection, the Proposed Order, or **Exhibit A** thereto is intended or shall be deemed to impair, prejudice, waive or otherwise affect any rights, claims, or defenses of the Post-Effective Date Debtors and their estates with respect to the Disputed Claim.

NOTICE

26. Notice of this Objection has been provided to the following parties or their counsel of record, if known: (i) the Office of the United States Trustee for the District of Delaware; (ii) all parties who, as of the filing of this Objection, have filed a notice of appearance

and request for service of papers pursuant to Bankruptcy Rule 2002; and (iii) Claimant whose Disputed Claim is subject to this Objection. In light of the nature of the relief requested herein, the Post-Effective Date Debtors submit no other or further notice is necessary.

CONCLUSION

WHEREFORE, for the reasons set forth herein, the Post-Effective Date Debtors respectfully request that the Court (a) enter the Proposed Order, substantially in the form attached to this Objection as **Exhibit 2**, and (b) grant such other and further relief as may be just and equitable.

Dated: June 16, 2023
Wilmington, Delaware

BLANK ROME LLP

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Counsel to the Post-Effective Date Debtors

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
WELDED CONSTRUCTION, L.P., <i>et al.</i> ,	:	Case No. 18-12378 (LSS)
	:	
Debtors. ¹	:	(Jointly Administered)
	:	
	:	Hearing Date: 7/19/2023 at 10:00 a m. (ET)
	:	Response Deadline: 6/30/2023 at 4:00 p m. (ET)

**NOTICE OF POST-EFFECTIVE DATE DEBTORS’ OBJECTION TO CLAIM
NO. 597 PURSUANT TO SECTION 502 OF THE BANKRUPTCY
CODE AND BANKRUPTCY RULE 3007**

**THE PARTY RECEIVING THIS NOTICE SHOULD LOCATE
ITS NAME AND DISPUTED CLAIM
IDENTIFIED ON EXHIBIT A TO THE PROPOSED ORDER**

TO: (I) THE OFFICE OF THE UNITED STATES TRUSTEE FOR THE DISTRICT OF DELAWARE; (II) ALL PARTIES WHO, AS OF THE FILING OF THE OBJECTION, HAVE FILED A NOTICE OF APPEARANCE AND REQUEST FOR SERVICE OF PAPERS PURSUANT TO BANKRUPTCY RULE 2002; AND (III) CLAIMANT WHOSE DISPUTED CLAIM IS SUBJECT TO THE OBJECTION

PLEASE TAKE NOTICE that the above-captioned debtors and debtors in possession (together, the “Debtors” and, following the Effective Date, the “Post-Effective Date Debtors”), through Cullen D. Speckhart, solely in her capacity as Plan Administrator, filed the *Post-Effective Date Debtors’ Objection to Claim No. 597 Pursuant to Section 502 of the Bankruptcy Code and Bankruptcy Rule 3007* (the “Objection”).²

PLEASE TAKE FURTHER NOTICE that any responses (each, a “Response”) to the relief requested in the Objection must be filed on or before **June 30, 2023 at 4:00 p.m. (ET)** (the “Response Deadline”) with the United States Bankruptcy Court for the District of Delaware, 824 N. Market Street, 3rd Floor, Wilmington, Delaware 19801. At the same time, any party submitting a Response (each, a “Respondent”) must serve a copy of its Response upon the undersigned counsel to the Post-Effective Date Debtors so as to be received on or before the Response Deadline.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Welded Construction, L.P. (5008) and Welded Construction Michigan, LLC (9830). The mailing address for each of the Debtors is c/o P.O. Box 470, Perrysburg, OH 43552-0470.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Objection.

PLEASE TAKE FURTHER NOTICE that any Response must contain, at a minimum, the following:

- a. a caption setting forth the name of the Court, the above-referenced case number and the title of the Objection to which the Response is directed;
- b. the name of the Respondent and a description of the basis for the amount and classification asserted in the Disputed Claim, if applicable;
- c. a concise statement setting forth the reasons why the particular Disputed Claim should not be disallowed, reclassified or otherwise modified for the reasons set forth in the Objection, including, but not limited to, the specific factual and legal bases upon which the Respondent will rely in opposing the Objection at any hearing thereon;
- d. all documentation or other evidence of the particular Disputed Claim or asserted amount and classification thereof, to the extent not already included with the proof of claim previously filed, upon which the Respondent will rely in opposing the Objection at any hearing thereon; and
- e. the name, address, telephone number and email address of the person(s) (who may be the Respondent or a legal representative thereof) (i) possessing ultimate authority to reconcile, settle or otherwise resolve the Disputed Claim on behalf of the Respondent and (ii) to whom the Post-Effective Date Debtors should serve any reply to the Response.

PLEASE TAKE FURTHER NOTICE THAT A HEARING ON THE OBJECTION (THE “HEARING”) WILL BE HELD ON JULY 19, 2023 AT 10:00 A.M. (ET) BEFORE THE HONORABLE LAURIE SELBER SILVERSTEIN IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE, 824 N. MARKET STREET, 6TH FLOOR, COURTROOM NO. 2, WILMINGTON, DELAWARE 19801.

PLEASE TAKE FURTHER NOTICE THAT IF YOU ARE A CLAIMANT AND FAIL TO TIMELY FILE AND SERVE A RESPONSE IN ACCORDANCE WITH THE ABOVE REQUIREMENTS, YOU WILL BE DEEMED TO HAVE CONCURRED WITH AND CONSENTED TO THE OBJECTION AND THE RELIEF REQUESTED THEREIN, AND THE POST-EFFECTIVE DATE DEBTORS WILL PRESENT TO THE COURT, WITHOUT FURTHER NOTICE TO YOU, THE PROPOSED ORDER SUSTAINING THE OBJECTION.

PLEASE TAKE FURTHER NOTICE THAT QUESTIONS CONCERNING THE OBJECTION SHOULD BE DIRECTED TO THE UNDERSIGNED COUNSEL FOR THE POST-EFFECTIVE DATE DEBTORS. CLAIMANTS SHOULD NOT CONTACT THE CLERK OF THE COURT TO DISCUSS THE MERITS OF THEIR DISPUTED CLAIM OR THE OBJECTION.

Dated: June 16, 2023
Wilmington, Delaware

BLANK ROME LLP

/s/ Josef W. Mintz

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Counsel to the Post-Effective Date Debtors

EXHIBIT 1

POMETTI DECLARATION

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
WELDED CONSTRUCTION, L.P., <i>et al.</i> ,	:	Case No. 18-12378 (LSS)
	:	
Debtors. ¹	:	(Jointly Administered)
	:	
	:	

**DECLARATION OF FRANK A. POMETTI IN SUPPORT OF POST-EFFECTIVE
DATE DEBTORS’ OBJECTION TO CLAIM NO. 597 PURSUANT TO SECTION 502
OF THE BANKRUPTCY CODE AND BANKRUPTCY RULE 3007**

I, Frank A. Pometti, pursuant to 28 U.S.C. § 1746, declare:

1. I am a Partner and Managing Director at AlixPartners LLP, the financial advisor to the Plan Administrator and Post-Effective Date Debtors. I was formerly the Debtors’ Chief Restructuring Officer during their chapter 11 cases.

2. I am one of the persons responsible for overseeing the claims reconciliation and objection process in these chapter 11 cases. I have read the *Post-Effective Date Debtors’ Objection to Claim No. 597 Pursuant to Section 502 of the Bankruptcy Code and Bankruptcy Rule 3007* (the “Objection”),² and am directly, or by and through other personnel or representatives of the Post-Effective Date Debtors, reasonably familiar with the information contained therein, the Proposed Order, and the exhibit attached thereto. I am authorized to execute this declaration on behalf of the Post-Effective Date Debtors.

3. Considerable resources and time have been expended in reviewing and reconciling the proofs of claim filed or pending against the Post-Effective Date Debtors and their

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² Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Objection.

estates in these chapter 11 cases. The Disputed Claim was carefully reviewed and analyzed in good faith utilizing due diligence by the appropriate personnel and representatives of the Post-Effective Date Debtors. These efforts resulted in the identification of the Disputed Claim.

4. The Post-Effective Date Debtors have determined that they are not liable on account of the Disputed Claim due to the Settlement Agreement entered into between the Debtors and the Claimant that required Claimant to withdraw the Disputed Claim upon payment of the Settlement Amount, which occurred in 2019. Accordingly, to prevent the Claimant from receiving an unwarranted recovery, to the detriment of creditors in these chapter 11 cases, the Post-Effective Date Debtors seek to disallow and expunge the Disputed Claim identified on **Exhibit A** to the Proposed Order.

5. The information contained in **Exhibit A** to the Proposed Order is true and correct to the best of my knowledge, information and belief.

6. I declare under penalty of perjury that the foregoing information is true and correct to the best of my knowledge, information and belief.

Executed on June 16, 2023

/s/ Frank A. Pometti

Frank A. Pometti
Partner & Managing Director
AlixPartners LLP

EXHIBIT 2

PROPOSED ORDER

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re: : Chapter 11
: :
WELDED CONSTRUCTION, L.P., *et al.*, : Case No. 18-12378 (LSS)
: :
Debtors.¹ : (Jointly Administered)
: :
: **Re: D.I. __**

**ORDER SUSTAINING POST-EFFECTIVE DATE DEBTORS' OBJECTION TO
CLAIM NO. 597 PURSUANT TO SECTION 502 OF THE
BANKRUPTCY CODE AND BANKRUPTCY RULE 3007**

Upon consideration of the *Post-Effective Date Debtors' Objection to Claim No. 597 Pursuant to Section 502 of the Bankruptcy Code and Bankruptcy Rule 3007* (the "Objection")²; and it appearing that this Court has jurisdiction to consider the Objection pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order; and it appearing that venue of these chapter 11 cases and the Objection in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having determined that the relief requested in the Objection is in the best interests of the Post-Effective Date Debtors, their estates, their creditors and other parties in interest; and it appearing that notice of the Objection was good and sufficient upon the particular circumstances and that no other or further notice need be given; and upon the record herein; and after due deliberation thereon and good and sufficient cause appearing therefor; it is hereby **ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Objection is SUSTAINED, as set forth herein.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Welded Construction, L.P. (5008) and Welded Construction Michigan, LLC (9830). The mailing address for each of the Debtors is P.O. Box 470, Perrysburg, OH 43552-0470.

² Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Objection.

2. The Disputed Claim identified on Exhibit A to the Order is hereby disallowed and expunged.

3. Any and all rights of the Post-Effective Date Debtors and their estates to amend, supplement, or otherwise modify the Objection and to file additional objections to any and all claims filed in these chapter 11 cases, including, without limitation, the Disputed Claim shall be reserved. Any and all rights, claims and defenses of the Post-Effective Date Debtors and their estates with respect to the Disputed Claim shall be reserved, and nothing included in or omitted from the Objection is intended or shall be deemed to impair, prejudice, waive or otherwise affect any rights, claims, or defenses of the Debtors and their estates with respect to the Disputed Claim.

4. KCC is authorized and directed to expunge the Disputed Claim from the official claims register in these chapter 11 cases.

5. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

EXHIBIT A
Disputed Claim

No.	Name	Date Claim Filed	Claim Number	Asserted Claim Amount	Asserted Claim Class	Reason for Disallowance
1	Cleveland Brothers Equipment Co., Inc.	2/28/2019	597	\$123,780.68 \$11,085,486.9	Administrative Secured Priority General Unsecured	Claim fully satisfied pursuant to the Settlement Agreement entered into by the Debtors and Claimant.

EXHIBIT 3

SETTLEMENT AGREEMENT

[Filed Under Seal]