

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

EMERGE ENERGY SERVICES, LP, *et al.*¹

Debtor.

Chapter 11

Case No. 19-11563 (KBO)

Jointly Administered

POWNALL SERVICES, LLC,

Plaintiff,

v.

SUPERIOR SILICA SANDS LLC, and
HPS INVESTMENT PARTNERS, LLC,

Defendant.

Adversary Proceeding No. 19-50295 (KBO)

**NOTICE OF AMENDED² AGENDA OF MATTERS SCHEDULED FOR
HEARING ON OCTOBER 15, 2019 AT 10:00 A.M. (ET)³**

I. RESOLVED/ADJOURNED MATTERS:

1. Application of Debtors for Authority to Retain and Employ BDO USA, LLP as Accountant and Auditor for Debtors *Nunc Pro Tunc* to Petition Date [Docket No. 278; filed August 30, 2019]

Response/Objection Deadline: September 13, 2019 at 4:00 p.m. (ET)

¹ The debtors in these Chapter 11 cases (the “Debtors”), along with the last four digits of each of the Debtors’ federal tax identification number, are: Emerge Energy Services LP (2937), Emerge Energy Services GP LLC (4683), Emerge Energy Services Operating LLC (2511), Superior Silica Sands LLC (9889), and Emerge Energy Services Finance Corporation (9875). The Debtors’ address is 5600 Clearfork Main Street, Suite 400, Fort Worth, Texas 76109.

² **Amended agenda items appear in bold.**

³ The hearing will be before The Honorable Karen B. Owens at the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 6th Floor, Courtroom 1, Wilmington, Delaware 19801. Any party who wishes to appear telephonically at such hearing must contact COURTCALL, LLC at 866-582-6878 prior to **12:00 p.m. (noon) (Eastern Time) on Monday, October 14, 2019**, to register his/her telephonic appearance in accordance with the *Instructions for Telephonic Appearances Effective January 5, 2005, Revised May 11, 2018*.



Responses/Objections Received:

- A. Informal comments from the Office of the United States Trustee for the District of Delaware (the “U.S. Trustee”)

Related Documents:

- i. Supplemental Declaration of James Wasinger in Support of Application of Debtors for Authority to Retain and Employ BDO USA, LLP as Accountant and Auditor for Debtors *Nunc Pro Tunc* to Petition Date [Docket No. 427; filed October 4, 2019]
- ii. Certification of Counsel Regarding Order Authorizing Employment and Retention of BDO USA, LLP as Accountant and Auditor for Debtors *Nunc Pro Tunc* to Petition Date [Docket No. 428; filed October 4, 2019]
- iii. Order Authorizing Employment and Retention of BDO USA, LLP as Accountant and Auditor for Debtors *Nunc Pro Tunc* to Petition Date [Docket No. 439; entered October 7, 2019]

Status: On October 7, 2019, the Court entered an order regarding this matter. Accordingly, a hearing on this matter is no longer necessary.

2. Motion of Iron Mountain Trap Rock Company to Confirm Automatic Stay Does Not Apply to Nondebtor Property, or, in the Alternative, for Relief from, or Annulment of, the Automatic Stay [Docket No. 349; filed September 10, 2019]

Response/Objection Deadline: September 17, 2019 at 4:00 p.m. (ET); extended to October 8, 2019 at 4:00 p.m. (ET) for the Debtors

Responses/Objections Received:

- A. Debtors’ Objection to Motion of Iron Mountain Trap Rock Company to Confirm Automatic Stay Does Not Apply to Nondebtor Property, or, in the Alternative, for Relief from, or Annulment of, the Automatic Stay [Docket No. 443; filed October 8, 2019]

Related Documents:

- i. Declaration of Bryan M. Gaston in Support of Debtors’ Objection to Motion of Iron Mountain Trap Rock Company to Confirm Automatic Stay Does Not Apply to Nondebtor Property, or, in the Alternative, for Relief from, or Annulment of, the Automatic Stay [Docket No. 444; filed October 2, 2019]

Status: The hearing on this matter has been adjourned to a date to be determined.
The parties intend to agree on a form of scheduling order that will be submitted under certification of counsel.

II. MATTER FILED UNDER CERTIFICATION:

3. Debtors' Motion for an Order (A) Modifying the Scope of Retention of Ankura Consulting Group, LLC *Nunc Pro Tunc* to August 19, 2019 and (B) Granting Related Relief [Docket No. 391; filed September 20, 2019]

Response/Objection Deadline: October 4, 2019 at 4:00 p.m. (ET)

Responses/Objections Received:

- A. Informal comments from the U.S. Trustee

Related Documents:

- i. Certification of Counsel Regarding Debtors' Motion for an Order (A) Modifying the Scope of Retention of Ankura Consulting Group, LLC *Nunc Pro Tunc* to August 19, 2019 and (B) Granting Related Relief [Docket No. 460; filed October 10, 2019]
- ii. **Order (A) Modifying the Scope of Retention of Ankura Consulting Group, LLC *Nunc Pro Tunc* to August 19, 2019 and (B) Granting Related Relief [Docket No. 462; filed October 10, 2019]**

Status: **On October 10, 2019, the Court entered an order regarding this matter. Accordingly, a hearing on this matter is no longer necessary.**

III. MATTER GOING FORWARD:

4. Debtors' Motion for Entry of an Order (I) Approving the Settlement Agreement Among the Debtors and Di-Corp Sand Transloading LP, (II) Authorizing Rejection of the Sand Transload and Storage Agreement, and (III) Granting Related Relief [Docket No. 422; filed October 2, 2019]

Response/Objection Deadline: October 10, 2019 at 10:00 a.m. (ET)

Responses/Objections Received: None at this time.

Related Documents:

- i. Motion to Shorten Notice and Objection Periods for Debtors' Motion for Entry of an Order (I) Approving the Settlement Agreement Among the Debtors and Di-Corp Sand Transloading LP, (II) Authorizing Rejection of the Sand Transload and Storage Agreement, and (III) Granting Related Relief [Docket No. 423; filed October 2, 2019]

- ii. Order Shortening Notice and Objection Periods for Debtors' Motion for Entry of an Order (I) Approving the Settlement Agreement Among the Debtors and Di-Corp Sand Transloading LP, (II) Authorizing Rejection of the Sand Transload and Storage Agreement, and (III) Granting Related Relief [Docket No. 426; entered October 3, 2019]
- iii. Notice of Filing of Executed Settlement Agreement Regarding the Debtors' Motion for Entry of an Order (I) Approving the Settlement Agreement Among the Debtors and Di-Corp Sand Transloading LP, (II) Authorizing Rejection of the Sand Transload and Storage Agreement, and (III) Granting Related Relief [Docket No. 452; filed October 9, 2019]
- iv. **Certificate of No Objection Regarding Debtors' Motion for Entry of an Order (I) Approving the Settlement Agreement Among the Debtors and Di-Corp Sand Transloading LP, (II) Authorizing Rejection of the Sand Transload and Storage Agreement, and (III) Granting Related Relief [Docket No. 464; filed October 11, 2019]**

Status: On October 11, 2019, the Debtors filed a certificate of no objection regarding this matter. Accordingly, a hearing with respect to this matter is only required to the extent that the Court has any questions or concerns.

IV. **PRETRIAL CONFERENCE IN ADV. 19-50295:**

5. Complaint [Docket No. 225/Adv. Docket No. 1; filed August 16, 2019]

Response/Objection Deadline: September 16, 2019 at 4:00 p.m. (ET)

Responses/Objections Received: None at this time.

Related Documents:

- i. Summons and Notice of Pretrial Conference in an Adversary Proceeding [Adv. Docket No. 3; filed August 16, 2019]
- ii. Superior Silica Sands LLC's Answer and Affirmative Defenses to Plaintiff's Complaint [Adv. Docket No. 10; filed September 16, 2019]
- iii. HPS Investment Partners, LLC's Answer and Affirmative Defenses [Adv. Docket No. 11; filed September 16, 2019]

Status: The pretrial conference in this adversary proceeding will go forward.

V. ADDITIONAL MATTER:

6. **Letter to the Honorable Karen B. Owens from Blake T. Denton, Esq. re: Discovery Issues [Docket No. 476; filed October 14, 2019]**

Response/Objection Deadline: N/A

Responses/Objections Received:

- A. **Letter to the Honorable Karen B. Owens by Patrick J. Carew, Esq. re: Discovery Issues [Docket No. 479; filed October 14, 2019]**

Related Documents:

- i. **Letter to the Honorable Karen B. Owens by David N. Griffiths, Esq. re Discovery Issues [Docket No. 480; filed October 14, 2019]**

Status: This matter will go forward.

Dated: October 15, 2019
Wilmington, Delaware

/s/ Russell C. Silberglied

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- and -

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