

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

In re:  EMERGE ENERGY SERVICES, LP, <i>et al.</i> <sup>1</sup>  Debtor.	Chapter 11  Case No. 19-11563 (KBO)  Jointly Administered
MARKET & JOHNSON, INC.,  Plaintiff,  v.  SUPERIOR SILICA SANDS LLC, and HPS INVESTMENT PARTNERS, LLC,  Defendant.	Adversary Proceeding No. 19-50728 (KBO)  Re: Docket No. _____

**ORDER APPROVING STIPULATION EXTENDING  
RESPONSE DEADLINE AND CONTINUING PRETRIAL CONFERENCE**

The Court having considered the *Stipulation Extending Response Deadline and Continuing Pretrial Conference*, a copy of which is attached hereto as **Exhibit 1** (the “**Stipulation**”), and the Court having determined that good cause exists for approval of the Stipulation,

IT IS HEREBY ORDERED that:

1. The Stipulation is approved in its entirety.

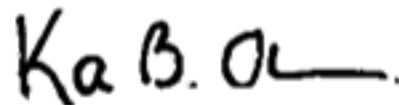
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<sup>1</sup> The debtors in these Chapter 11 cases (the “**Debtors**”), along with the last four digits of each of the Debtors’ federal tax identification number, are: Emerge Energy Services LP (2937), Emerge Energy Services GP LLC (4683), Emerge Energy 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. This Court retains jurisdiction over any and all matters arising from or related to the implementation or interpretation of the Stipulation and this Order.

Dated: December 2nd, 2019  
Wilmington, Delaware

A handwritten signature in black ink, appearing to read "Ka B. Owens", with a stylized flourish at the end.

KAREN B. OWENS  
UNITED STATES BANKRUPTCY JUDGE

**Exhibit 1**

**Stipulation**

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

In re:  EMERGE ENERGY SERVICES, LP, <i>et al.</i> <sup>1</sup>  Debtor.	Chapter 11  Case No. 19-11563 (KBO)  Jointly Administered
MARKET & JOHNSON, INC.,  Plaintiff,  v.  SUPERIOR SILICA SANDS LLC, and HPS INVESTMENT PARTNERS, LLC,  Defendant.	Adversary Proceeding No. 19-50728 (KBO)

**STIPULATION EXTENDING RESPONSE DEADLINE  
AND CONTINUING PRETRIAL CONFERENCE**

WHEREAS, on July 15, 2019, the debtors and debtors-in-possession in the above-captioned cases (collectively, the “**Debtors**”) each filed a voluntary petition under chapter 11 of the Bankruptcy Code with the United States Bankruptcy Court for the District of Delaware (the “**Court**”);

WHEREAS, on October 25, 2019, Market & Johnson, Inc. (“**M&J**”) filed the *Complaint* [Adv. D.I. 1] (the “**Complaint**”) against Debtor Superior Silica Sands LLC (“**SSS**”) and HPS Investment Partners, LLC (“**HPS**” and, together with SSS, the “**Defendants**”);

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<sup>1</sup> 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.

WHEREAS, on October 25, 2019, M&J filed the *Summons and Notice of Pretrial Conference in an Adversary Proceeding* [Adv. D.I. 2]. Accordingly, the Defendants' deadline to answer, move or otherwise respond to the Complaint is November 25, 2019 (the "**Response Deadline**"), and a pretrial conference was scheduled for December 18, 2019 at 2:30 p.m. (ET) (the "**Pretrial Conference**");

WHEREAS, the Defendants and M&J (together, the "**Parties**") have engaged in discussions regarding the Complaint, Response Deadline and Pretrial Conference, and agreed to extend the Response Deadline and reschedule the Pretrial Conference as set forth herein;

NOW, THEREFORE, THE PARTIES STIPULATE AND AGREE THAT:

1. The above recitals are true and correct and are incorporated by reference.
2. The Response Deadline shall be extended through and including December 23, 2019 (the "**Extended Response Deadline**").
3. The Pretrial Conference shall be continued to a date after the Extended Response Deadline that is convenient to the Court and the Parties.

Dated: November 22, 2019  
Wilmington, Delaware

/s/ David T. Queroli

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