

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

----- X
In re: : Chapter 11
: :
EMERGE ENERGY SERVICES LP, *et al.*,¹ : Case No. 19-11563 (KBO)
: :
Reorganized Debtors. : Jointly Administered
: :
----- X Re: Docket No. 792

CERTIFICATE OF NO OBJECTION REGARDING MOTION OF THE
REORGANIZED DEBTORS FOR AN ORDER FURTHER EXTENDING
PERIOD WITHIN WHICH THE REORGANIZED DEBTORS MAY
REMOVE ACTIONS PURSUANT TO 28 U.S.C. § 1452 AND RULE 9027
OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE
AND GRANTING RELATED RELIEF

The undersigned hereby certifies as follows:

1. On February 10, 2020, the reorganized debtors in the above-captioned chapter 11 cases (collectively, the “**Reorganized Debtors**”) filed the *Motion of the Reorganized Debtors for an Order Further Extending Period Within Which the Reorganized Debtors May Remove Actions Pursuant to 28 U.S.C. § 1452 and Rule 9027 of the Federal Rules of Bankruptcy Procedure and Granting Related Relief* [Docket No. 792] (the “**Motion**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”). A proposed form of order (the “**Proposed Order**”) was attached as **Exhibit A** to the Motion.

2. As of the date hereof, the undersigned has reviewed the Court’s docket in this case and certifies that no answer, objection, or other responsive pleading to the Motion has appeared thereon. In addition, the undersigned has not otherwise received any formal or

¹ The Reorganized Debtors in these cases, along with the last four digits of each Reorganized Debtor’s 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 Reorganized Debtors’ address is 6500 West Freeway, Suite 800, Fort Worth, Texas 76116.



informal responses or objections to the Motion. Pursuant to the *Notice of Motion and Hearing*, filed with the Motion, any objections or responses to the Motion were to be filed and served by no later than February 24, 2020 at 4:00 p.m. (Eastern Time).

[Remainder of page intentionally left blank.]

WHEREFORE, the Reorganized Debtors respectfully request that the Proposed Order granting the relief requested in the Motion, substantially in the form attached hereto as **Exhibit 1**, be entered at the earliest convenience of the Court.

Dated: February 25, 2020
Wilmington, Delaware

/s/ Travis J. Cuomo

RICHARDS, LAYTON & FINGER, P.A.

John H. Knight (No. 3848)
Paul N. Heath (No. 3704)
Zachary I. Shapiro (No. 5103)
Brett M. Haywood (No. 6166)
Travis J. Cuomo (No. 6501)
One Rodney Square
920 North King Street
Wilmington, DE 19801
Telephone: (302) 651-7700
Facsimile: (302) 651-7701
E-mail: knight@rlf.com
heath@rlf.com
shapiro@rlf.com
haywood@rlf.com
cuomo@rlf.com

- and -

LATHAM & WATKINS LLP

George A. Davis (admitted *pro hac vice*)
Keith A. Simon (admitted *pro hac vice*)
Hugh K. Murtagh (admitted *pro hac vice*)
Liza L. Burton (admitted *pro hac vice*)
885 Third Avenue
New York, New York 10022
Telephone: (212) 906-1200
Facsimile: (212) 751-4864
E-mail: george.davis@lw.com
keith.simon@lw.com
hugh.murtagh@lw.com
liza.burton@lw.com

Counsel for the Reorganized Debtors

EXHIBIT 1

Proposed Order

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

| | | |
|---|---|---------------------------|
| In re: | X | |
| | : | Chapter 11 |
| | : | |
| EMERGE ENERGY SERVICES LP, <i>et al.</i> , ¹ | : | Case No. 19-11563 (KBO) |
| | : | |
| Reorganized Debtors. | : | Jointly Administered |
| | : | |
| | : | Re: Docket No. 792 |

**ORDER EXTENDING PERIOD WITHIN WHICH THE REORGANIZED DEBTORS
MAY REMOVE ACTIONS PURSUANT TO 28 U.S.C. § 1452 AND RULE 9027 OF THE
FEDERAL RULES OF BANKRUPTCY PROCEDURE
AND GRANTING RELATED RELIEF**

Upon the motion (the “**Motion**”)² of the Reorganized Debtors for entry of an Order extending the time by which the Reorganized Debtors may file notices of removal under Bankruptcy Rule 9027 and granting related relief; the Court having reviewed the Motion and having considered the statements of counsel with respect to the Motion at a hearing (if any) before the Court; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 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; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and that this Court may enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and the

¹ The Reorganized Debtors in these cases, along with the last four digits of each Reorganized Debtor’s 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 Reorganized Debtors’ address is 6500 West Freeway, Suite 800, Fort Worth, Texas 76116.

² Capitalized terms not otherwise defined herein shall have the meanings given to them in the Motion.

Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and upon the record herein; and after due deliberation thereon; and the Court having determined that there is good and sufficient cause for the relief granted in this order, it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is GRANTED as set forth herein.
2. The time periods provided under Bankruptcy Rules 9027(a)(2) and 9027(a)(3) within which the Reorganized Debtors may file notices of removal of any and all civil actions is extended to and including June 9, 2020, to the extent that the time period for filing any such notices of removal expires on or before such date.
3. The Reorganized Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.
4. This Order is without prejudice to (a) any position the Reorganized Debtor may take on whether the injunctions under the Plan stay any given Civil Action pending against any Debtor or (b) the Reorganized Debtor's right to seek further extensions of the Removal Deadline.
5. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.