

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

In re:

EMERGE ENERGY SERVICES, LP

Reorganized Debtor.¹

Chapter 11

Case No. 19-11563 (KBO)

A-1 EXCAVATING, INC.,

Plaintiff,

v.

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

Defendant.

Adversary Proceeding No. 19-50730 (KBO)

STIPULATION OF DISMISSAL

IT IS HEREBY stipulated and agreed, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, which is incorporated by reference into Rule 7041 of the Federal Rules of Bankruptcy Procedure, by and among plaintiff A-1 Excavating, Inc., and defendants Superior Silica Sands LLC and HPS Investment Partners, LLC, that the above-captioned adversary proceeding be dismissed, with prejudice, with each party to bear its own costs and attorneys' fees.

¹ The Reorganized Debtor in this case, along with the last four digits of the Reorganized Debtor's federal tax identification number, is Emerge Energy Services LP (2937). The Reorganized Debtor's address is 6500 West Freeway, Suite 800, Fort Worth, Texas 76116.



Dated: March 17, 2022
Wilmington, Delaware

/s/ David T. Queroli

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