

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

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In re:	:	Chapter 11
	:	
EMERGE ENERGY SERVICES, LP,	:	Case No. 19-11563 (KBO)
	:	
Reorganized Debtor. <sup>1</sup>	:	
	:	
	:	
-----	X	
MARKET & JOHNSON, INC.,	:	
	:	
Plaintiff,	:	
v.	:	Adversary Proceeding No. 19-50728 (KBO)
	:	
SUPERIOR SILICA SANDS LLC, and	:	
HPS INVESTMENT PARTNERS, LLC,	:	Re: Docket No. 14
	:	
Defendant.	:	
-----	X	

ORDER DISMISSING ADVERSARY COMPLAINT  
FILED BY MARKET & JOHNSON, INC.

Upon consideration of the *Certification of Counsel Regarding Order Dismissing Adversary Complaint Filed by Market & Johnson, Inc.* (the “Certification of Counsel”);<sup>2</sup> and the Court having found that (i) 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; (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b); (iii) venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and (iv) good and sufficient cause exists for the relief granted herein;

<sup>1</sup> 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.

<sup>2</sup> Capitalized terms not otherwise defined herein have the meanings given to them in the Certification of Counsel.



**IT IS HEREBY ORDERED THAT:**

1. The M&J Adversary Complaint is dismissed with prejudice in accordance with the terms of the Stipulation.
2. Entry of this Order shall not affect or otherwise modify the terms of the Stipulation.
3. The adversary proceeding's docket shall be marked as "Closed."
4. The Clerk of the Court is authorized to take any actions necessary to effectuate the relief granted herein.
5. This Order shall be effective and enforceable immediately upon its entry.
6. The Court retains jurisdiction over any and all matters arising from or related to the implementation or interpretation of this Order.

**Dated: March 18th, 2022  
Wilmington, Delaware**

  
**KAREN B. OWENS  
UNITED STATES BANKRUPTCY JUDGE**

United States Bankruptcy Court  
District of Delaware

Market & Johnson, Inc.,  
Plaintiff  
Superior Silica Sands LLC,  
Defendant

Adv. Proc. No. 19-50728-KBO

## CERTIFICATE OF NOTICE

District/off: 0311-1

User: admin

Page 1 of 2

Date Rcvd: Mar 18, 2022

Form ID: pdfodc

Total Noticed: 6

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 20, 2022:**

Recip ID	Recipient Name and Address
dft	+ HPS Investment Partners, LLC, 40 West 57th Street, 33rd Floor, New York, NY 10019-4001
pla	Market & Johnson, Inc., 2350 Galloway Street, P.O. Box 630, Eau Claire, WI 54702-0630
dft	+ Superior Silica Sands LLC, 6500 West Freeway, Suite 800, Fort Worth, TX 76116-2178

TOTAL: 3

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
aty	+ Email/Text: wwallo@bakkenorman.com	Mar 18 2022 19:53:00	William E. Wallo, Bakke Norman, S. C., 130 South Barstow Street, Suite 1C, Eau Claire, WI 54701-3650
ust	+ Email/Text: USTPRegion03.WL.ECF@USDOJ.GOV	Mar 18 2022 19:53:00	U.S. Trustee, Office of United States Trustee, J. Caleb Boggs Federal Building, 844 King Street, Suite 2207, Lockbox 35, Wilmington, DE 19801-3519
ust	+ Email/Text: USTPRegion03.WL.ECF@USDOJ.GOV	Mar 18 2022 19:53:00	U.S. Trustee, Office of the United States Trustee, J. Caleb Boggs Federal Building, 844 King Street, Suite 2207, Lockbox 35, Wilmington, DE 19801-3519

TOTAL: 3

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 20, 2022

Signature: /s/Joseph Speetjens

District/off: 0311-1

User: admin

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Date Rcvd: Mar 18, 2022

Form ID: pdfodc

Total Noticed: 6

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 18, 2022 at the address(es) listed below:

Name	Email Address
Albert Kass	on behalf of Claims Agent Kurtzman Carson Consultants LLC ECFpleadings@kccllc.com ecfpleadings@kccllc.com
David T Queroli	on behalf of Defendant Superior Silica Sands LLC Queroli@rlf.com rbgroup@rlf.com;ann-jerominski-2390@ecf.pacerpro.com
Elihu Ezekiel Allinson, III	on behalf of Plaintiff Market & Johnson Inc. ZAllinson@SHA-LLC.com, ecf@williamsdullivanllc.com;hcoleman@sha-llc.com
Kurtzman Carson Consultants LLC	info@kccllc.com ecfpleadings@kccllc.com
Laura Davis Jones	on behalf of Defendant HPS Investment Partners LLC ljones@pszjlaw.com, efile1@pszjlaw.com

TOTAL: 5