

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In Re:)	Chapter 11
)	
EMERGE ENERGY SERVICES LP, et al.,)	Case No. 19-11563 (KBO)
)	
)	Jointly Administered
Debtors.)	
_____)	
)	
SUPERIOR SILICA SANDS LLC, a Texas)	Adv. Proc. No. 20-51052-TMH
limited liability company,)	
)	
Plaintiff,)	
)	
vs.)	
)	
IRON MOUNTAIN TRAP ROCK COMPANY,)	Re: Adv. D.I. 63, 64 & 74
a Missouri corporation, and FRED WEBER, INC.,)	
a Delaware corporation.)	
)	
Defendants.)	
_____)	

**IRON MOUNTAIN TRAP ROCK COMPANY AND FRED WEBER, INC.’S
MOTION TO STRIKE THE DECLARATIONS OF SCOTT WAUGHTAL**

COME NOW Defendants Iron Mountain Trap Rock Company (“IMTR”) and Fred Weber, Inc. (“FWI”) (together, “Defendants”), and, pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure and Rule 56(c)(4) of the Federal Rules of Civil Procedure, respectfully move this Court to strike the declarations of Scott Waughtal submitted in support of Superior Silica Sands LLC’s Motion for Partial Summary Judgment on Its Third Claim for Relief (Adv. D.I. 63, 64, 74). In support of their Motion, Defendants respectfully submit the accompanying Memorandum of Law, which is incorporated herein by reference.



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Dated: August 24, 2023

/s/ Zhao Liu

Scott J. Leonhardt (DE 4885)

Zhao (Ruby) Liu (DE 6436)

THE ROSNER LAW GROUP LLC

824 N. Market Street, Suite 810

Wilmington, Delaware 19801

Tel.: (302) 777-1111

Email: leonhardt@teamrosner.com

liu@teamrosner.com

and

Robert J. Golterman (admitted *pro hac vice*)

John J. Hall (admitted *pro hac vice*)

Oliver H. Thomas (admitted *pro hac vice*)

Sarah A. Milunski (admitted *pro hac vice*)

LEWIS RICE LLC

600 Washington Ave., Suite 2500

St. Louis, MO 63101

Phone: (314) 444-7600

Fax: (314) 612-7822

E-Mail: rgolterman@lewisrice.com

jhall@lewisrice.com

othomas@lewisrice.com

smilunski@lewisrice.com

*Attorneys for Iron Mountain Trap Rock
Company and Fred Weber, Inc.*

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IRON MOUNTAIN TRAP ROCK COMPANY,)	Re: Adv. D.I. 63, 64, 74 & 76
a Missouri corporation, and FRED WEBER, INC.,)	
a Delaware corporation.)	
)	
Defendants.)	
_____)	

**ORDER GRANTING IRON MOUNTAIN TRAP ROCK COMPANY
AND FRED WEBER, INC.’S MOTION TO STRIKE
THE DECLARATIONS OF SCOTT WAUGHTAL**

UPON CONSIDERATION of Defendants Iron Mountain Trap Rock Company (“IMTR”) and Fred Weber, Inc.’s (“FWI”) (collectively, “Defendants”) Motion to Strike the Declarations of Scott Waughtal in the above-captioned adversary proceeding (the “Motion”); and the Court having reviewed the Motion and the accompanying Memorandum of Law in Support of the Motion, and the responses thereto, if any; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.

2. The April 13, 2023 Declaration of Scott Waughtal in Support of Reorganized Debtor Superior Silica Sands LLC's Supplemental Motion for Partial Summary Judgment on Third Claim for Relief for Breach of Contract [Adv. D.I. 63–64] is STRICKEN and shall not be considered by the Court in ruling on the Supplemental Motion for Partial Summary Judgment on Third Claim for Relief for Breach of Contract [Adv. D.I. 61].

3. The August 22, 2023 Supplemental Declaration of Scott Waughtal in Support of Reorganized Debtor Superior Silica Sands LLC's Supplemental Motion for Partial Summary Judgment on Third Claim for Relief for Breach of Contract [Adv. D.I. 74] is STRICKEN and shall not be considered by the Court in ruling on the Supplemental Motion for Partial Summary Judgment on Third Claim for Relief for Breach of Contract [Adv. D.I. 61].

5. This Court shall retain jurisdiction over all matters arising from or related to the interpretation or implementation of this Order.