

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

In re:

EMERGE ENERGY SERVICES LP, *et al.*,
Debtors.¹

SUPERIOR SILICA SANDS LLC, a Texas
limited liability company,

Plaintiff,

vs.

IRON MOUNTAIN TRAP ROCK
COMPANY, a Missouri corporation, and
FRED WEBER, INC., a Delaware corporation.

Defendants.

Chapter 11

Case No. 19-11563 (KBO)

Jointly Administered

Adv. Proc. No. 20-51052 (TMH)

**CERTIFICATION OF COUNSEL SUBMITTING ORDER
APPROVING STIPULATION REGARDING MEDIATION**

The undersigned hereby certifies as follows:

1. During the October 30, 2023 status conference, the Court ordered Plaintiff Superior Silica Sands, LLC (“Plaintiff”) and Defendants Iron Mountain Trap Rock Company and Fred Weber, Inc. (together “Defendants,” and, collectively with Plaintiff, the “Parties”), pursuant to Local Rule 9019-5, to file, on or before November 6, 2023, a stipulation regarding the selection of a mediator.

¹ The Debtors in these cases, along with the last four digits of each 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 Debtors’ address is 5600 Clearfork Main Street, Suite 400, Fort Worth, Texas 76109.



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2. The Parties have chosen Judge Charles Clevert (ret.) of JAMS mediation to serve as their mediator in this Action, and have reached out to Judge Clevert's office to schedule a mediation in 2023 or no later than January 2024. The Parties have memorialized their agreement in a form of stipulation (the "Stipulation").

3. A proposed order (the "Proposed Order") approving the Stipulation is attached hereto as Exhibit A. A copy of the Stipulation is attached as Exhibit 1 to the Proposed Order.

WHEREFORE, Plaintiff respectfully requests that the Court enter the Proposed Order without further notice or hearing. A copy of this certification is being submitted to Chambers along with the Proposed Order.

Dated: November 6, 2023
Wilmington, Delaware

BAKER & HOSTETLER LLP

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EXHIBIT A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
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ORDER APPROVING STIPULATION REGARDING MEDIATION

Upon consideration of the *Stipulation Regarding Mediation*, a copy of which is attached hereto as Exhibit 1 (the “Stipulation”), and the Court having determined that good and adequate cause exists for approval of the Stipulation, it is hereby ORDERED that:

1. The Stipulation is approved.
2. Judge Charles Clevert (ret.) will serve as the mediator in this Action; and
3. An initial mediation session shall be held no later than January 31, 2024.
4. This Court’s hearing on pending motions for summary judgment scheduled for

December 7, 2023, is continued to _____, 2024, at _____.

EXHIBIT 1

Stipulation

**IN THE UNITED STATES BANKRUPTCY COURT
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Adv. Proc. No. 20-51052 (TMH)

STIPULATION REGARDING MEDIATION

This Stipulation is entered into by and between Plaintiff Superior Silica Sands, LLC (“Plaintiff”) and Defendants Iron Mountain Trap Rock Company and Fred Weber, Inc. (collectively “Defendants”), through their respective counsel.

1. Plaintiff and Defendants (collectively, the “Parties”) have each filed one or more motions or cross-motions for partial summary judgment, each of which is set for hearing on December 7, 2023 (the “Hearing”);

2. Pursuant to Local Rule 9019-5, the above-captioned litigation (the “Action”) must be referred to mediation;

3. The Parties have chosen Judge Charles Clevert (ret.) of JAMS mediation to serve as their mediator in this Action, and are in the process of scheduling an initial mediation session to be held no later than January 31, 2024;

NOW, THEREFORE, the Parties agree and stipulate as follows:

1. This Action is referred to mediation pursuant to Local Rule 9019-5;
2. Judge Charles Clevert (ret.) will serve as the Parties' mediator in this Action;
3. The mediation session will be held no later than January 31, 2024; and
4. The Parties request that the Court continue the Hearing to a date in February 2024

or later to accommodate their mediation.

BAKER & HOSTETLER LLP

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