

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

EMERGE ENERGY SERVICES LP, *et al.*,

Debtors.

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)

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 February 6, 2024, from 10:00 am EST to 12:00 pm EST, in Courtroom 7.

Dated: November 8th, 2023
Wilmington, Delaware

Thomas M. Horan
THOMAS M. HORAN
UNITED STATES E



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EXHIBIT 1

Stipulation

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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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