

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

In re:

EXTRACTION OIL & GAS, INC. *et al.*,<sup>1</sup>

Reorganized Debtors.

)  
) Chapter 11  
)  
) Case No. 20-11548 (CSS)  
)  
) Jointly Administered  
)  
)  
)  
)  
)  
)

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

FEDERAL ENERGY REGULATORY  
COMMISSION

Appellant,

v.

EXTRACTION OIL & GAS, INC.

Appellee.

)  
) Civil Action No. 20-cv-1412 (CFC)  
) Civil Action No. 20-cv-1506 (CFC)  
) Civil Action No. 20-cv-1564 (CFC)  
) Civil Action No. 21-cv-0012 (CFC)  
)  
) Bankruptcy Case No. 20-11548 (CSS)  
) Bankruptcy BAP No. 20-44  
) Bankruptcy BAP No. 20-52  
) Bankruptcy BAP No. 20-56  
) Bankruptcy BAP No. 21-01  
)  
)

**APPELLEE EXTRACTION OIL & GAS, INC.'S DESIGNATION OF ADDITIONAL  
ITEM TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellant Federal Energy Regulatory Commission (FERC) has initiated four appeals in the U.S. District Court for the District of Delaware that arise from this bankruptcy case. *See Federal Energy Regulatory Commission v. Extraction Oil & Gas, Inc.*, Nos. 20-cv-1412 (CFC), 20-cv-

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Extraction Oil & Gas, Inc. (3923); 7N, LLC (4912); 8 North, LLC (0904); Axis Exploration, LLC (8170); Extraction Finance Corp. (7117); Mountaintop Minerals, LLC (7256); Northwest Corridor Holdings, LLC (9353); Table Mountain Resources, LLC (5070); XOG Services, LLC (6915); and XTR Midstream, LLC (5624). The location of the Debtors' principal place of business is 370 17th Street, Suite 5300, Denver, Colorado 80202.



2011548210204000000000012

1506 (CFC), 20-cv-1564 (CFC), 21-cv-0012 (CFC) (D. Del.). On January 19, 2021, FERC—citing Federal Rule of Bankruptcy Procedure 8009(a)—filed designations for the record on appeal and a statement of issues that purport to apply to all four appeals. *See* D.I. 1638. For all but its most recent appeal (Case No. 21-cv-0012), however, FERC’s filings are untimely. *See* Fed. R. Bankr. P. 8009(a)(1)(B) (requiring appellant to submit record designations and statement of issues within 14 days of the notice of appeal). Specifically, in Case No. 20-cv-1412, FERC had to submit these filings by November 4, 2020; in Case No. 20-cv-1506, FERC had to submit these filings by November 20, 2020; and in Case No. 20-cv-1564, FERC had to submit these filings by December 4, 2020. FERC has not attempted to explain why its considerable delay should be excused. *Cf.* Fed. R. Bankr. P. 9006(b).

If FERC’s filings are nevertheless accepted despite their unexplained untimeliness, then—pursuant to Federal Rule of Bankruptcy Procedure 8009(a)(2)—Appellee Extraction Oil & Gas, Inc. hereby designates the additional item identified below to be included in the record on appeal in connection with the Notices of Appeal filed by FERC in the Bankruptcy Court at Docket Nos. 866, 1016, 1138, 1587. Should FERC’s filings be deemed untimely, Appellee will provide additional counterdesignations.

<b>Date Filed</b>	<b>Docket Number</b>	<b>Document Name</b>
12/28/2020	D.I. 1534	Transcript for Hearing Held on December 22, 2020 re: Confirmation

Dated: February 2, 2021  
Wilmington, Delaware

*/s/ Richard W. Riley*

---

**WHITEFORD, TAYLOR & PRESTON LLC<sup>2</sup>**

Marc R. Abrams (DE No. 955)  
Richard W. Riley (DE No. 4052)  
Stephen B. Gerald (DE No. 5857)  
The Renaissance Centre  
405 North King Street, Suite 500  
Wilmington, Delaware 19801  
Telephone: (302) 353-4144  
Facsimile: (302) 661-7950  
Email: mabrams@wtplaw.com  
rriley@wtplaw.com  
sgerald@wtplaw.com

- and -

**KIRKLAND & ELLIS LLP**

**KIRKLAND & ELLIS INTERNATIONAL LLP**

Christopher Marcus, P.C. (admitted *pro hac vice*)  
Allyson Smith Weinhouse (admitted *pro hac vice*)  
Ciara Foster (admitted *pro hac vice*)  
601 Lexington Avenue  
New York, New York 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900  
Email: christopher.marcus@kirkland.com  
allyson.smith@kirkland.com  
ciara.foster@kirkland.com

- and-

Anna Rotman, P.C. (admitted *pro hac vice*)  
Jamie Alan Aycock (admitted *pro hac vice*)  
Kenneth Young (admitted *pro hac vice*)  
609 Main Street  
Houston, TX 77002  
Telephone: (713) 836-3600  
Facsimile: (713) 836-3601  
Email: anna.rotman@kirkland.com  
jamie.aycock@kirkland.com  
kenneth.young@kirkland.com

*Co-Counsel to the Reorganized Debtors*

---

<sup>2</sup> Whiteford, Taylor & Preston LLC operates as Whiteford Taylor & Preston L.L.P. in jurisdictions outside of Delaware.