

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

8 North, LLC,¹

Reorganized Debtor.

Chapter 11

Case No. 20-11550 (CSS)

(Formerly Jointly Administered under
Lead Case: Extraction Oil & Gas, Inc.,
Case No. 20-11548)

Re: Docket No. 2054

**CERTIFICATION OF COUNSEL REGARDING STIPULATION RESOLVING
REORGANIZED DEBTORS' OBJECTION TO PROOF OF CLAIM NO. 1441 FILED
BY COLTER ENERGY SERVICES USA, INC. [DOCKET NO. 2054]**

The undersigned co-counsel to the Reorganized Debtors, hereby certifies as follows:

1. On August 14, 2020, Colter Energy Services USA, Inc. ("Colter") filed Claim No. 1441 (the "Claim") for goods and services allegedly provided to Extraction Oil & Gas, Inc. for the period December 2017 through August 2018 related to Stromberger 22-E Pad location, located in Weld County, Colorado (the "Stromberger Facility").
2. On or about October 6, 2021, the Reorganized Debtors filed the *Reorganized Debtors' Objection to Proof of Claim No. 1441 Filed by Colter Energy Services USA, Inc.* [D.I. No. 2054] (the "Objection"), objecting to the Claim.
3. Colter raised an informal response to the Objection (the "Informal Response").

¹ The last four digits of each Reorganized 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 Reorganized Debtors' principal place of business is 370 17th Street, Suite 5200, Denver, Colorado 80202. On October 25, 2021, the Court entered an order [Docket No. 2070] closing the chapter 11 cases of the Reorganized Debtors other than Case No. 20-11550 (CSS).



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4. The Reorganized Debtors and Colter have conferred and resolved the Informal Response pursuant to the terms of the *Stipulation Resolving Reorganized Debtors' Objection to Proof of Claim No. 1441 Filed by Colter Energy Services USA, Inc. [Docket No. 2054]* (the "Stipulation") attached as **Exhibit 1** to the proposed form of order approving the stipulation attached hereto as **Exhibit A** (the "Proposed Order").

WHEREFORE, the Reorganized Debtors respectfully request that the Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit A** at the earliest convenience of the Court.

Dated: November 1, 2021
Wilmington, Delaware

/s/ Stephen B. Gerald

WHITEFORD, TAYLOR & PRESTON LLC²

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

EXHIBIT A

(Proposed Order)

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

In re:

8 North, LLC,¹

Reorganized Debtor.

Chapter 11

Case No. 20-11550 (CSS)

(Formerly Jointly Administered under
Lead Case: Extraction Oil & Gas, Inc.,
Case No. 20-11548)

Re Docket Nos. 2054 and ____

**ORDER APPROVING STIPULATION RESOLVING REORGANIZED DEBTORS'
OBJECTION TO PROOF OF CLAIM NO. 1441 FILED BY COLTER ENERGY
SERVICES USA, INC. [DOCKET NO. 2054]**

This Court having considered the *Stipulation Resolving Reorganized Debtors' Objection to Proof of Claim No. 1441 Filed by Colter Energy Services USA, Inc. [Docket No. 2054]* (the "Stipulation") attached hereto as **Exhibit 1** and the *Certification of Counsel Regarding Stipulation Resolving Reorganized Debtors' Objection to Proof of Claim No. 1441 Filed by Colter Energy Services USA, Inc. [Docket No. 2054]*; the Court having determined that good and adequate cause exists for approval of the Stipulation; and the Court having determined that no further notice of the Stipulation must be given; it is hereby

ORDERED that the Stipulation is APPROVED.

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EXHIBIT 1

(Stipulation)

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

In re:

8 North, LLC,¹

Reorganized Debtor.

Chapter 11

Case No. 20-11550 (CSS)

(Formerly Jointly Administered under
Lead Case: Extraction Oil & Gas, Inc.,
Case No. 20-11548)

**STIPULATION RESOLVING REORGANIZED DEBTORS' OBJECTION TO PROOF
OF CLAIM NO. 1441 FILED BY COLTER ENERGY SERVICES USA, INC.
[DOCKET NO. 2054]**

The Reorganized Debtors and Colter Energy Services USA, Inc. ("Colter") hereby stipulate and agree to the following terms to resolve the Reorganized Debtors' Objection to Proof of Claim No. 1441 Filed by Colter Energy Services USA, Inc. [Docket No. 2054] (the "Stipulation") and request the Court enter an order approving the Stipulation.

FACTUAL BACKGROUND

1. Colter timely filed its claim, Claim No. 1441, for goods and services allegedly provided to Extraction Oil & Gas, Inc. for the period December 2017 through August 2018 related to Stromberger 22-E Pad location, located in Weld County, Colorado (the "Stromberger Facility"). Colter contends the goods and services were provided at Extraction's request and pursuant to the parties' Master Service Agreement. Extraction disputes that the

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services were performed or that any amount is due to Colter under the terms of the parties' Master Service Agreement.

2. A fire occurred at the Stromberger Facility in late December 2017. Extraction brought suit against Colter in the District Court, Denver County, State of Colorado on January 21, 2020, seeking damages against Colter for breach of contract related to the December 2017 fire (the "Colorado Action"). Colter answered and counterclaimed for goods and services allegedly performed for Extraction that remained unpaid on February 12, 2020. It also removed the action to the United States District Court for the District of Colorado, Case No. 20-cv-00366. In response to Extraction's bankruptcy filing, the Colorado District Court entered an order administratively closing the case on June 18, 2020 with leave to reopen [Colorado Proceeding Docket No. 39].

3. Colter currently asserts a Class 5 general unsecured claim. Extraction believes that Colter's claim should be disallowed, and, to the extent allowed, it should be classified as a Class 6 general unsecured claim. The current claim objection does not expressly seek reclassification of Colter's claim [Docket No. 3054].

4. On March 19, 2021, Extraction filed a motion in the Colorado Action to reopen the case. That motion remains pending.

5. The Reorganized Debtors and Colter both desire to seek adjudication of their claim and counterclaims in the Colorado Action.

AGREEMENT

6. The Parties agree that they will seek to reopen and complete the Colorado Action and entry of a final judgment by the District Court in that proceeding on both Extraction's claim and Colter's counterclaim.

7. Should judgment be entered in favor of Extraction on Colter's counterclaims for unpaid goods and services and upheld on appeal, if any, no further action shall be required by this Court and Colter acknowledges it would have no further claim against Extraction in the bankruptcy case. Should judgment be entered in favor of Colter on Colter's Counterclaims in any way, plan distribution procedures shall apply to payment of Colter's claim. However, Extraction reserves the right to seek re-classification of Colter's claim to a Class 6 claim and reserves the right to dispute Colter's ability to assert setoff. Colter reserves any and all rights and defenses if Extraction brings such a motion or issues before the Court seeking reclassification of its claim and its ability to assert setoff.

8. The Parties further agree to participate in good faith settlement discussions for resolution of their respective claims.

9. Extraction's objection to Colter's Proof of Claim No. 1441 shall be stayed upon entry of an order approving the terms of this Stipulation pending resolution of the claims and counterclaims in the Colorado Action.

WHEREFORE, the Parties respectfully request that this Court enter an order approving the terms of this Stipulation.

Dated: November 1, 2021

/s/ Curtis S. Miller

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Counsel to Colter Energy Services USA, Inc.

Dated: November 1, 2021

/s/ Stephen B. Gerald

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