

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

In re: )  
 ) Case No. 20-11550-CSS  
8 North LLC, ) Chapter 11  
 )  
Reorganized Debtor )

**RESPONSE TO REORGANIZED DEBTOR'S OBJECTION TO PROOF OF CLAIM  
NO. 1355 FILED BY RENEGADE OIL AND GAS COMPANY**

Renegade Oil and Gas Company ("Renegade"), by and through its counsel, Wadsworth Garber Warner Conrardy, P.C., for its Response to Reorganized Debtor's Objection to Proof of Claim No. 1355 filed by Renegade Oil and Gas Company respectfully states as follows:

1. The Debtor commenced its case by filing for relief under Chapter 11 of the Bankruptcy Code on June 14, 2020.
2. On December 23, 2020, the Court entered its Findings of Fact, Conclusions of Law, and Order Confirming the Sixth Amended Joint Plan of Reorganization of Extraction Oil & Gas Company and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code (the "Plan").
3. Prior to Confirmation of the Plan Renegade timely filed its Proof of Claim (identified as Claim No. 1355) in an unliquidated amount in the Axis Exploration, LLC affiliated bankruptcy case, Case No. 20-11551 (the "Claim"). The damages related to the Claim were ongoing during the bankruptcy case. Determination of the amount of the Claim will require additional information in the Debtor's possession.
4. 8 North LLC filed an objection to the Claim on November 1, 2021.
5. The Plan at Article IV, Means for Implementation of the Plan, paragraph F, subpart 11 governs the treatment of the Claim and provides:



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Notwithstanding any other provision in the Plan, on and after the Effective Date, all Royalty and Working Interests shall be preserved and remain in full force and effect in accordance with the terms of the granting instrument so other governing documents applicable to such Royalty and Working Interests, and no Royalty and Working Interests shall be compromised or discharged by the Plan; *provided* that the forgoing shall not apply to any granting instrument or other governing document giving rise to a Royalty and Working Interest that is an Executory Contract or Unexpired Lease that has been rejected in accordance with the Plan. As to certain disputed Royalty and Working Interests, until a court, arbiter, or other tribunal determines that the holder of a Royalty and Working Interest is entitled to payment, such Royalty and Working Interest shall be treated as a Disputed Claim, and the Debtors shall reserve the amount in dispute in the Disputed Claim Reserve. To the extent a court, arbiter, or other tribunal determines that the holder of the Royalty and Working Interest is entitled to recovery, such amount shall not be deemed property of the Estates.

6. The Claim arises from a dispute pertaining to a Royalty and Working Interest subject to a contract that was not rejected in the bankruptcy cases.

7. The Plan defines the phrase “Bankruptcy Court,” as the United States Bankruptcy Court for the District of Colorado. Article IV, Means for Implementation of the Plan, paragraph F, subpart 11 does not use the term “Bankruptcy Court” when describing how Royalty and Working Interest claims will be liquidated. Thus, the Plan does not require that the Bankruptcy Court resolve the Claim. Rather, the Plan contemplates that the parties will litigate in any court, in arbitration or other tribunal and after such adjudication, then the Claim will be liquidated.

8. The Claim should be resolved in accordance with the Royalty and Working Interest contract giving rise to the Claim, other court of competent jurisdiction.

9. At the time that Claim was filed, the Plan was not yet confirmed, and treatment of the Claim was unknown. Now that the Plan has been confirmed and details how Royalty and Working Interest claims are to be resolved, the Claim should be treated and resolved in accordance with Article IV, Means for Implementation of the Plan, paragraph F, subpart 11 of the Plan as opposed to the claim objection process.

WHEREFOR Renegade respectfully requests that the Court overrule the Objection to the Claim and allow the Claim to be liquidated in accordance with the Plan, and grant such other and

further relief as the Court deems just.

Dated November 22, 2021.

Respectfully submitted,

/s/ Aaron A. Garber

Aaron A. Garber, #3837

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 22, 2021, I caused a copy of **RESPONSE TO REORGANIZED DEBTOR'S OBJECTION TO PROOF OF CLAIM NO. 1355 FILED BY RENEGADE OIL AND GAS COMPANY** to be served via CM/ECF upon those parties registered to receive such electronic notifications and served additionally as indicate on the parties below:

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