Case 20-03471 Document 38 Filed in TXSR on 04/01/21

# IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

Docket #0038 Date Filed: 4/1/2021

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ENTERED 04/01/2021

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In re:	§ Chapter 11	
Hi-Crush Inc., et al.,	§ Case No. 20-33495 (DRJ)	
Debtors. <sup>1</sup>	§ (Jointly Administered)	
Hi-Crush Permian Sand LLC,		
Plaintiff,	<b>§</b> <b>§</b>	
<b>v.</b>	<b>§</b> Adversary No. 20-03471	
EOG Resources, Inc.,	<b>§</b> <b>§</b>	
Defendant.	<b>§</b> <b>§</b>	
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# STIPULATION AND AGREED COMPREHENSIVE SCHEDULING, PRE-TRIAL AND TRIAL ORDER

A pretrial conference was held on **February 9, 2021**. The parties submitted a Rule 26 Report:

- A. \_\_\_\_ which is attached and is accepted by the Court except as modified by this order; or
- B. X which is filed at Docket No. 19 and is accepted by the Court except as modified by this order.

Under authority of Fed. R. Bankr. P. 7016 and Fed. R. Civ. P. 16, it is hereby ORDERED that the following deadlines and settings shall apply in the above referenced adversary:

- 1. The deadline for Plaintiff Hi-Crush Permian Sand LLC ("Hi-Crush") to file a response to Defendant EOG Resources, Inc.'s ("EOG") Motion to Dismiss Plaintiff's First Amended Complaint ("Motion") is <u>March 4, 2021</u>. The deadline for EOG to file a reply in support of its Motion is <u>March 17, 2021</u>.
  - 2. The deadline to join additional parties is **April 16, 2021**.

LLC (5223), FB Industries USA Inc. (8208), PropDispatch LLC, Proposition, LLC (8641). The Debtors' address is 1330 Post Oak Blvd, St



The reorganized debtors in the bankruptcy cases, along with the last four digits of each Debtor's federal tax identification number, are: Hi-Crush Inc. (0530), OnCore Processing LLC (9403), Hi-Crush Augusta LLC (0668), Hi-Crush Whitehall LLC (5562), PDQ Properties LLC (9169), Hi-Crush Wyeville Operating LLC (5797), D & I Silica, LLC (9957), Hi-Crush Blair LLC (7094), Hi-Crush LMS LLC, Hi-Crush Investments Inc. (6547), Hi-Crush Permian Sand LLC, Hi-Crush Proppants LLC (0770), Hi-Crush PODS LLC, Hi-Crush Canada Inc. (9195), Hi-Crush Holdings LLC, Hi-Crush Services LLC (6206), BulkTracer Holdings LLC (4085), Pronghorn Logistics Holdings, LLC (65232), FD Later (1920), Policy LLC, Hi-Crush LLC (4547), LLC (454

- 3. All discovery in this case may commence on <u>April 1, 2021</u>. All written discovery and document productions must be completed by <u>July 9, 2021</u> (with written discovery requests having been served at least 30 days prior to this deadline), and all other discovery must be completed on or before <u>September 3, 2021</u>.
- 4. The deadline for Plaintiffs to file amended pleadings is <u>May 14, 2021</u>. The deadline for Defendants to file amended pleadings is <u>May 14, 2021</u>.
- 5. The party with the burden of proof on an issue must serve its expert reports no later than <u>July 23, 2021</u>. Rebuttal expert reports must be served no later than <u>August 20, 2021</u>.
- 6. Dispositive motions may not be filed after <u>September 17, 2021</u>. Any responses to dispositive motions must be filed within 21 days after a dispositive motion is filed.
- 7. Witness and Exhibit Lists must be exchanged at least 3 working days prior to the Pre-Trial Conference. Copies of the exhibits shall be attached to the Exhibit List.
- 8. Counsel must meet face to face or via video conference to attempt to resolve these issues amicably. No indexidence to attempt to resolve these issues amicably. No indexidence to attempt to resolve these issues amicably. No indexidence to attempt to resolve these issues amicably. No indexidence to attempt to resolve these issues amicably. No indexidence to attempt to resolve the indexidence to attempt to resolve these issues and indexidence to attempt to resolve these issues and indexidence the indexidence to attempt to resolve these issues and indexidence and index
- 9. The parties must jointly prepare and file a proposed form of pretrial order not later than **October 15, 2021**.
- 10. Copies of exhibits must be attached to the pretrial order. Relevant portions of lengthy exhibits must be highlighted. Counsel must also attach succinct memoranda on disputed issues of law.
- 11. The Pre-Trial Conference will be held on <u>October 20, 20201 at 10:00 a.m.</u>. Attendance by all parties is required, either in proper person (if not represented by counsel) or by an attorney who has authority to bind the party. Each party <u>must</u> have a representative present with full settlement authority. A trial date will be assigned at the Pe-Trial Conference.
  - 12. No continuances absent motion and order on sufficient cause shown.

Signed: April 01, 2021.

DAVID R. JONES UNITED STATES BANKRUPTCY JUDGE

#### AGREED AS TO FORM AND CONTENT:

Dated: February 5, 2021

#### /s/ Joseph W. Buoni

Joseph W. Buoni (TX Bar No. 24072009)

Timothy A. ("Tad") Davidson II (TX Bar No. 24012503)

Ashley S. Lewis (TX Bar No. 24079415) Philip Guffy (TX Bar No. 24113705)

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# /s/ Laura P. Warrick (with permission)

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