

ENTERED

September 02, 2021

Nathan Ochsner, Clerk

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

In re:	§	Chapter 11
	§	
Hi-Crush Inc., et al.,	§	Case No. 20-33495 (DRJ)
	§	
Debtors.¹	§	(Jointly Administered)
	§	
Hi-Crush Permian Sand LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Adversary No. 20-03471 (DRJ)
	§	
EOG Resources, Inc.,	§	
	§	
Defendant.	§	

ORDER (Docket No. 46)

Upon the *Motion of EOG Resources, Inc. for an Order Authorizing EOG to File Answer and Counterclaim to Amended Complaint and Certain Exhibits Under Seal and Redact Confidential Information*, (the “Motion to Seal”)² in the above-captioned cases seeking entry of an order pursuant to Bankruptcy Code sections 105(a) and 107(b) and Bankruptcy Rule 9018 (i) authorizing EOG to file under seal its Answer and Counterclaim to the Amended Complaint and

¹ 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 (5223), FB Industries USA Inc. (8208), PropDispatch LLC, Pronghorn Logistics, LLC (4547), and FB Logistics, LLC (8641). The Debtors’ address is 1330 Post Oak Blvd, Suite 600, Houston, Texas 77056.

² Capitalized terms used but not defined herein have the meaning ascribed to them in the Motion.



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(ii) granting related relief, all as more fully set forth in the Motion to Seal; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having found that venue of this proceeding and the Motion to Seal in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion to Seal having been provided; and such notice having been adequate and appropriate under the circumstances, and it appearing that no other or further notice need be provided; and this Court having reviewed the Motion to Seal and all objections to the Motion to Seal; and upon any hearing held on the Motion to Seal; and this Court having determined that the legal and factual bases set forth in the Motion to Seal and at any hearing held on the Motion to Seal establish cause for the relief sought by the Motion to Seal; and upon all of the proceedings had before this Court; and after due deliberation, it is **HEREBY ORDERED THAT:**

1. The Motion to Seal is granted as set forth herein.
2. Pursuant to 11 U.S.C. §§ 105(a) and 107(b), Fed. R. Bankr. P. 9018 and General Order 2021-1, EOG is authorized to file an unredacted version of the Answer and Counterclaim to Amended Complaint under seal.
3. The unredacted Answer and Counterclaim to Amended Complaint filed under seal shall remain confidential and under seal, and shall not be made available to anyone without the consent of the Parties or further order of the Court.
4. EOG is authorized to publicly file a redacted version of the Answer to Amended Complaint, which has been filed as Docket Number 45. EOG and any party authorized to receive the unredacted version of the Answer to Amended Complaint pursuant to this Order shall be authorized and directed, subject to section 107(b) of the Bankruptcy Code, Bankruptcy Rule 9018

and General Order 2021-1, to redact specific references to the information set forth in the Answer to Amended Complaint from pleadings on the public dockets, including the docket maintained in this adversary proceeding and the Chapter 11 case.

5. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

6. The requirements set forth in Bankruptcy Local Rule 9013-1 and General Order 2021-1 are satisfied by the contents of the Motion to Seal.

7. Notice of the Motion to Seal as provided therein shall be deemed good and sufficient notice of such Motion to Seal.

8. EOG is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion to Seal.

9. The Court shall retain jurisdiction to resolve any dispute regarding the terms of this Order.

Signed: September 01, 2021.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

United States Bankruptcy Court
Southern District of Texas

Hi-Crush Permian Sand LLC,
Plaintiff
EOG Resources, Inc.,
Defendant

Adv. Proc. No. 20-03471-drj

CERTIFICATE OF NOTICE

District/off: 0541-4

User: ADIuser

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Date Rcvd: Sep 02, 2021

Form ID: pdf002

Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 04, 2021:

Recip ID	Recipient Name and Address
pla	+ Hi-Crush Permian Sand LLC, 1330 Post Oak Blvd, Suite 600, Houston, TX 77056-3166

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
dft		EOG Resources, Inc.
cc		EOG Resources, Inc.
cd	*+	Hi-Crush Permian Sand LLC, 1330 Post Oak Blvd, Suite 600, Houston, TX 77056-3166

TOTAL: 2 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 04, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 2, 2021 at the address(es) listed below:

Name	Email Address
Joseph William Buoni	on behalf of Plaintiff Hi-Crush Permian Sand LLC josephbuoni@HuntonAK.com gailscruggs@HuntonAK.com
Philip M. Guffy	on behalf of Plaintiff Hi-Crush Permian Sand LLC pguffy@huntonak.com
Sarah A Schultz	on behalf of Defendant EOG Resources Inc. sschultz@akingump.com, mlahaie@akingump.com;salberino@akingump.com;txdocketing@akingump.com;bkemp@akingump.com;jgleit@sandw.com;bre

District/off: 0541-4

User: ADIuser

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Date Rcvd: Sep 02, 2021

Form ID: pdf002

Total Noticed: 1

nda-kemp-7410@ecf.pacerpro.com;berstell-2979@ecf.pacerpro.com;AGSearch-Lit@akingump.com

TOTAL: 3