

ENTERED

October 27, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION****In re:****Hi-Crush Inc., et al.,****Debtors.¹****Hi-Crush Permian Sand LLC,****Plaintiff,****v.****EOG Resources, Inc.,****Defendant.**

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Chapter 11

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Case No. 20-33495 (DRJ)

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(Jointly Administered)

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Adversary No. 20-03471 (DRJ)

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(Docket No. 68)**JOINT STIPULATION OF DISMISSAL AND AGREED ORDER**

Pursuant to Rule 7041 of the Federal Rules of Bankruptcy Procedure and Rule 41 of the Federal Rules of Civil Procedure, Hi-Crush Permian Sand LLC, as a former debtor in possession in the above-captioned Chapter 11 case (“Debtor”), and EOG Resources, Inc. (“EOG”) hereby file this joint stipulation of dismissal and agreed order (the “Joint Stipulation of Dismissal and Agreed Order”) with prejudice to the claims and counterclaims pleaded in the above-captioned adversary proceeding and hereby stipulate as follows:

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.



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WHEREAS Debtor filed its Original Complaint on November 20, 2020 (ECF No. 1) and its First Amended Complaint on January 7, 2021 (ECF No. 14);

WHEREAS EOG filed its Answer and Counterclaim on April 13, 2021 (ECF No. 45) and its First Amended Answer on May 14, 2021 (ECF No. 51); and

WHEREAS Debtor and EOG hereby stipulate, by and through their respective undersigned counsel, to dismissal of all claims and counterclaims in this matter with prejudice, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedures (and applicable here pursuant to Rule 7041 of the Federal Rules of Bankruptcy Procedure).

NOW, THEREFORE, IT IS STIPULATED, AGREED, AND ORDERED as follows:

The above-styled adversary proceeding is dismissed with prejudice pursuant to Rule 7041 of the Federal Rules of Bankruptcy Procedure and Rule 41 of the Federal Rules of Civil Procedure, with the parties to bear their own costs and expenses.

Signed: October 26, 2021.


DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

/s/ Joseph W. Buoni

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CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2021 a true and correct copy of the foregoing *Joint Stipulation of Dismissal and Agreed Order* was served on all counsel of record via the Court's CM/ECF system.

/s/ Joseph W. Buoni

Joseph W. Buoni