



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed June 10, 2020

United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

In re:	§	Chapter 11
	§	
VISTA PROPPANTS AND LOGISTICS, LLC, <i>et al.</i> , ¹	§	Case No. 20-42002
	§	
<u>Debtors.</u>	§	Joint Administration Requested

**ORDER GRANTING REQUEST FOR EMERGENCY
CONSIDERATION OF CERTAIN “FIRST DAY” MATTERS**

CAME ON FOR CONSIDERATION the *Request for Emergency Consideration of Certain “First Day” Matters* [Docket No. 37] (the “**Motion**”) filed by Vista Proppants and Logistics, LLC in the above-captioned case on behalf of itself and affiliated debtors identified in footnote 1 below (collectively, the “**Debtors**”). Pursuant to the Motion, the Debtors request entry of an order authorizing expedited hearings on certain initial case matters. Upon consideration of the Motion, the Court finds that the relief requested is warranted and in the best interests of the Debtors, their

¹ A request has been made for the joint administration of the above-captioned case with the following additional cases: *In re VPROP Operating, LLC*, Case No. 20-42003; *In re Lonestar Prospects Management, L.L.C.*, Case No. 20-42004; *In re MAALT Specialized Bulk, LLC*, Case No. 20-42005; *In re Lonestar Prospects, Ltd.*, Case No. 20-42006; *In re Denetz Logistics, LLC*, Case No. 20-42007; and *In re MAALT, LP*, Case No. 20-42008.



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estates, and their creditors. The Court also finds that, given the circumstances and the nature of the relief requested, no further notice of the Motion need be given. Therefore,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. The following matters are scheduled for hearing before The Honorable Edward L. Morris on **Thursday, June 11, 2020, at 1:30 p.m. (prevailing Central Time)**, Eldon B. Mahon U.S. Courthouse, 501 W. Tenth Street, Room 204, Fort Worth, Texas 76102:

- (i) *Debtors' Emergency Motion for Entry of Order Authorizing Joint Administration of Chapter 11 Cases Pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure* [Docket No. 3];²
- (ii) *Notice of Designation as Complex Chapter 11 Bankruptcy Cases* [Docket No. 4];
- (iii) *Debtors' Emergency Application for Authorization to Retain and Employ Kurtzman Carson Consultants LLC as Claims, Noticing and Solicitation Agent* [Docket No. 5];
- (iv) *Debtors' Emergency Motion for Entry of an Order (I) Authorizing the Debtors to File a Consolidated List of Creditors and (II) Mail Initial Notices* [Docket No. 6];
- (v) *Debtors' Emergency Motion for Entry of an Order Extending the Time to File Schedules and Statements* [Docket No. 7];³
- (vi) *Debtors' Emergency Motion for Order (I) Authorizing Debtors to Pay Certain Prepetition Employee Wages, Other Compensation and Reimbursable Employee Expenses; (II) Continuing Employee Benefits Programs; (III) Authorizing Financial Institutions to Honor and Process Checks and Transfers Related to Such Obligations Pursuant to Sections 105(a), 363(a), and 507(a) of the Bankruptcy Code and Bankruptcy Rules 6003 and 6004; and (IV) Granting Related Relief* [Docket No. 8];
- (vii) *Debtors' Amended Emergency Motion for Entry of an Order (I) Authorizing Maintenance of Existing Corporate Bank Accounts and Cash Management System; (II) Waiving Certain U.S. Trustee Requirements; and (III) Authorizing Continuation of Intercompany Transactions with Section 364(a) Administrative Priority* [Docket No. 30];

² Also filed at Docket No. 3 in Case Nos. 20-42003, 20-42004, 20-42005, 20-42006, 20-42007 and 20-42008.

³ Also filed at Docket No. 4 in Case Nos. 20-42003, 20-42004, 20-42005, 20-42006, 20-42007 and 20-42008.

- (viii) *Debtors' Emergency Motion for Entry of an Order (I) Authorizing Debtors to Pay Prepetition Sales/Use Taxes and (II) Authorizing Financial Institutions to Honor and Process Related Checks and Transfers Pursuant to Sections 105(a), 363(b), 507(a)(8), and 541(d) of the Bankruptcy Code* [Docket No. 10];
- (ix) *Debtors' Emergency Motion for an Order Under 11 U.S.C. §§ 105(a) and 366 (I) Prohibiting Utility Companies from Altering or Discontinuing Service on Account of Prepetition Invoices, (II) Approving Deposit Account as Adequate Assurance of Payment, and (III) Establishing Procedures for Resolving Requests by Utility Companies for Additional Assurance of Payment* [Docket No. 11];
- (x) *Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 363(c), 363(e), 364(c), 364(d)(1) and 364(e) and (B) Utilize Cash Collateral of Prepetition Secured Entities, (II) Granting Adequate Protection to Prepetition Secured Entities, (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rules 4001(b) and 4001(c), and (IV) Granting Related Relief* [Docket Nos. 31 & 32]; and
- (xi) *Debtors' Emergency Motion for Entry of an Order Authorizing the Debtors to File Fee Letter Under Seal Pursuant to 11 U.S.C. § 107 and Fed. R. Bankr. P. 9018* [Docket No. 34].

3. Pursuant to paragraphs 1 and 2 of General Order 2020-14 issued by the Court on May 20, 2020, and an in effort to mitigate against the spread of the novel coronavirus that causes the COVID-19 disease:

- In person attendance at the hearing is **not** required. The hearing will be conducted both “live” in the courtroom and by WebEx videoconference.
- While in person attendance at the hearing is not required, the following individuals are permitted to attend the hearing in person: (a) Debtors’ proposed bankruptcy counsel; (b) other proposed professionals of the Debtors whose in person attendance at the hearing is deemed necessary or beneficial; (c) personnel of the Debtors whose in person attendance at the hearing is deemed necessary or beneficial; (d) counsel for any party who intends to seek the introduction of any evidence at the hearing and personnel of any such party whose in person attendance is deemed necessary or beneficial; and (e) witnesses; *provided, however*, that all such individuals who plan to attend in person (i) should review the provisions of Special Order No. 13-14 of the United States District Court for the Northern District of Texas (setting out requirements for courthouse entry on account of the national pandemic emergency); and (ii) are required to comply with any social distancing guidelines that the Court or Court personnel implement.

- Witnesses are permitted to testify by WebEx videoconference, *provided, however*, that **each such witness must have the WebEx video function activated** (*i.e.* telephonic testimony without accompanying video will not be accepted by the Court).
- To join the videoconference, counsel, parties and witnesses must use the following WebEx link, meeting number (access code) and meeting password:
Link: <https://us-courts.webex.com/us-courts/j.php?MTID=m4188b1123c390d6cf3ca1b81266a366c>
Meeting number (access code): **160 741 6113**
Meeting password: **bankruptcy**
- For counsel and other parties in interest who will **not** be seeking to introduce any evidence at the hearing and who wish to attend in a telephonic only mode, such counsel and parties in interest may telephonically join the hearing by using the following dial-in number and meeting number (access code):
Dial-In: **1.650.479.3207**
Meeting number (access code): **160 741 6113**
- Any party intending to introduce documentary evidence at the hearing shall file an exhibit list in the case with a true and correct copy of all designated exhibits attached thereto.
- All videoconference and telephonic attendees are required to comply with Judge Morris' telephonic and videoconference hearing policy posted on the Court's website at: <https://www.txnb.uscourts.gov/content/judge-edward-l-morris-0>.

IT IS SO ORDERED.

END OF ORDER