



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 March 1, 2021

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, *et al.*, § Case No. 20-42002-ELM-11
§
§ Debtors.¹ § (Jointly Administered)
§

FIRST AMENDED SCHEDULING ORDER

On October 28, 2020, the Court entered the *Order Confirming the Fourth Amended Joint Plan of Reorganization of Vista Proppants and Logistics, LLC, et al., Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 717] (the “Confirmation Order”),² pursuant to which the

¹ The Debtors in these chapter 11 cases are: Vista Proppants and Logistics, LLC (7817) (“VISTA OpCo”); VPROP Operating, LLC (0269) (“VPROP”); Lonestar Prospects Management, L.L.C. (8451) (“Lonestar Management”); MAALT Specialized Bulk, LLC (2001) (“Bulk”); Denetz Logistics, LLC (8177) (“Denetz”); Lonestar Prospects, Ltd. (4483)(“Lonestar Ltd.”); and MAALT, LP (5198) (“MAALT”).

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Confirmation Order.



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Court confirmed the Debtors' Plan, which subsequently became effective on November 6, 2020 [Docket No. 748]. Paragraph 33(c) of the Confirmation Order provided for an agreed resolution of the objection (the "EOG Cure Objection") [Docket No. 487] asserted by EOG Resources, Inc. ("EOG") to certain cure amounts which, among other things, (i) extended the applicable deadline to assume or reject certain identified agreements to November 30, 2020 and (ii) required that, if the Debtors or the Reorganized Debtors seek to assume the Sand Supply Agreement and a consensual resolution of the EOG Cure Objection has not been reached by November 30, 2020, then the Reorganized Debtors or EOG shall request that the Bankruptcy Court schedule the EOG Cure Objection for hearing. On November 30, 2020, the Reorganized Debtors filed their *Notice of Reorganized Debtors' Intention to Assume Certain Executory Contracts with EOG Resources, Inc.* [Docket No. 781]. On February 1, 2021, the Court entered the *Scheduling Order* [Docket No. 844] setting certain dates and deadlines with respect to the EOG Cure Objection. As evidenced by the signatures of the counsel for the Reorganized Debtors and EOG as set forth below, the parties stipulate and agree that (i) no consensual resolution of the EOG Cure Objection has been reached by November 30, 2020 or thereafter, (ii) the parties have agreed to extend the terms of the original *Scheduling Order* in order to accommodate further discussions between the parties, and (iii) they have agreed on the terms of this amended scheduling order governing the litigation of the EOG Cure Objection. Based on the agreement of the parties, the Court finds there is good cause to enter this Amended Scheduling Order. It is therefore **ORDERED** that:

1. Trial. Trial on the EOG Cure Objection is set before the Honorable Edward L. Morris at 501 W. 10th St., Room 204, Fort Worth, TX 76102 on **June 10, 2021** starting at 9:30 a.m. (prevailing Central Time).

2. Expert Disclosures. The deadline for making expert disclosures shall be **April 23,**

2021. The deadline for making rebuttal expert disclosures is **May 14, 2021**. Any additional experts designated after the date of this order shall be disclosed in the manner required by Federal Rule of Civil Procedure 26(a)(2). The deadline for any objections to, or motions to strike or exclude expert testimony (including *Daubert* motions), is **May 28, 2021**. Absent leave of court granted for unique circumstances, *Daubert* motions and other expert objections should not be filed before **May 14, 2021**.

3. Discovery. The deadline for the completion of all fact-based written discovery, including requests for admission, interrogatories, and requests for production, is **April 23, 2021**. The deadline for the completion of all non-expert depositions is **May 14, 2021**. The deadline for the completion of all expert depositions is **May 21, 2021**.

4. Dispositive Motions. Unless otherwise permitted by the Court, all dispositive motions, including summary judgment motions, must be filed no later than **May 28, 2021**. All dispositive motions, including summary judgment motions, shall be heard by no later than the trial date of **June 10, 2021**.

5. Exhibits. All exhibits, except impeachment exhibits, shall be marked with exhibit labels and exchanged with the opposing party, together with a list of witnesses to be called, no later than **June 3, 2021**. A list of exhibits and witnesses shall also be filed with the Court no later than **June 3, 2021**. All exhibits not objected to in writing prior to the Trial shall be admitted into evidence at trial without further proof, except for relevance. Written objections to exhibits will be taken up either at the beginning of, or during the course of, the actual trial, unless otherwise directed by the Court.

6. Joint Pretrial Order. The parties shall file, serve and upload for Court entry a Joint Pretrial Order in compliance with Local Bankruptcy Rule 7016-1 by no later than **May 28, 2021**. All counsel are responsible for preparing the Joint Pretrial Order, which shall contain the

following: (a) a summary of the claims and defenses of each party; (b) a statement of stipulated facts; (c) a list of the contested issues of fact; (d) a list of contested issues of law; (e) an estimate of the length of trial; (f) a list of additional matters which would aid in the disposition of this proceeding; and (g) the signature of each attorney.

7. Proposed Findings and Conclusions. Written proposed Finding of Fact and Conclusions of Law shall be filed and served on the opposing party by no later than **June 4, 2021**. Trial briefs addressing contested issues of law shall also be filed and served on the opposing party by no later than **June 4, 2021**.

8. Pretrial Conference. If a party believes a pretrial conference is necessary or would facilitate the resolution of this case, a request can be made following conference with the opposing party by request to the Court no later than **June 4, 2021**.

End of Order

AGREED AS TO FORM, ENTRY, AND SUBSTANCE:

/s/ Joshua N. Eppich

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