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

In re:

**VISTA PROPPANTS AND LOGISTICS,
LLC, ET AL.,¹**

Debtors.

MAALT, LP,

Plaintiff,

v.

SEQUITUR PERMIAN, LLC,

Defendant.

§ Chapter 11

§ **Case No. 20-42002-ELM-11**
§ **(Jointly Administered)**

ADV. PROC. NO. 20-04064-ELM

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Vista Proppants and Logistics, LLC (7817) ("Vista HoldCo"); VPROP Operating, LLC (0269) ("VPROP"); Lonestar Prospects Management, L.L.C. (8451) ("Lonestar Management"); MAALT Specialized Bulk, LLC (2001) ("Bulk"); Denetz Logistics, LLC (8177) ("Denez"); Lonestar Prospects, Ltd. (4483) ("Lonestar Ltd."); and MAALT, LP (5198) ("MAALT"). The location of the Debtors' service address is 4413 Carey Street, Fort Worth, TX 76119-4219.



**SEQUITUR PERMIAN, LLC'S OBJECTIONS TO PLAINTIFF, MAALT, LP'S
TRIAL EXHIBIT LIST**

Pursuant to the Court's Scheduling Order, SEQUITUR PERMIAN, LLC ("Sequitur" or "Defendant") respectfully submits the following objections to Plaintiff, Maalt, LP's ("Maalt") or "Plaintiff") Trial Exhibit List:

DEFENDANTS' OBJECTIONS TO PLAINTIFFS' TRIAL EXHIBIT LIST

1. Objections are identified as follows per Exhibit number and rule of evidence. For exhibits that contain deposition excerpts those objections are identified in the following section:

| Exhibit No. | Objectionable Part of Exhibit | Objection(s) | Ruling |
|--------------------|--|---------------------|---------------|
| 22 | Email dated November 19, 2018 from Jonas Strothers | FRE 805 | |
| 63 | Email from Rob Wright | FRE 805 | |
| 67 | Email from Rob Wright | FRE 805 | |
| 85 | Email from Dion Nicely | FRE 805 | |
| 100 | Email from Dion Nicely | FRE 805 | |
| 110 | Email from Jonas Strothers | FRE 805 | |
| 159 | Email from Dion Nicely | FRE 805 | |
| 161 | Email from Dion Nicely | FRE 805 | |
| 162 | Email from Dion Nicely | FRE 805 | |
| 168 | Email from Dion Nicely | FRE 805 | |
| 233 | Excerpts from the Deposition of Roger Nelson | See below | |
| 234 | Excerpts from the Deposition of Graham Brisben | See below | |
| 236 | Excerpts from the Deposition of Braden Merrill | See below | |
| 237 | Excerpts from the Deposition of Jon Ince | See below | |
| 238 | Excerpts from the Deposition of Robert Wright | See below | |
| 239 | Excerpts from the Deposition of Stan Meador | See below | |
| 240 | Excerpts from the Deposition of Josh Monroe | See below | |

| | | | |
|-----|---|---|--|
| 241 | Excerpts from the Deposition of Brian Seward | See below | |
| 242 | Excerpts from the Deposition of Travis Morris | See below | |
| 246 | Email chain dated October 18, 2018 | FRE 1002 (to the extent the writing refers to another document and Plaintiff seeks to prove the other writings contents) | |
| 248 | Email chain dated August 15, 2018 | FRE 805, 1002 (to the extent the writing refers to another document and Plaintiff seeks to prove the other writings contents) | |
| 249 | Switching & Storage Agreement | FRE 401, 801, 802, 803* | |
| 250 | Claim of Permit by Rule | FRE 801, 802, 803*, 901 | |
| 251 | Hazardous Materials Certificate of Registration | FRE 801, 802, 803*, 901 | |
| 252 | Spill Prevention Control & Countermeasure Plan | FRE 801, 802, 803*, 901 | |
| 253 | Email of William Hess | FRE 801, 802, 803*, 805, 901 | |
| 254 | Email of William Hess | FRE 801, 802, 803*, 805, 901 | |
| 255 | Claim of Permit by Rule with Certification | FRE 801, 802, 803*, 901 | |
| 256 | Site Security Plan | FRE 801, 802, 803*, 901 | |
| 257 | Email chain dated December 14, 2018 | FRE 801, 802, 803*, 805, 901 | |
| 264 | Email from William Hess | FRE 801, 802, 803*, 805, 1002 (to the extent the writing refers to another document and | |

| | | | |
|-----|---|---|--|
| | | Plaintiff seeks to prove the other writings contents) | |
| 269 | Excerpts from the Deposition of Mike Van Den Bold | See below | |

When FRE 801, 802 is followed by an * (asterisk), this signifies that the foregoing FRE 801, 802 803 objections may be resolved by a showing that the requirements of 803(6)(D) have been satisfied.

DEFENDANT’S OBJECTIONS TO PLAINTIFF’S DEPOSITION EXCERPTS

2. Defendant files these additional objections to the deposition testimony identified by Plaintiff in its Trial Exhibit List:

A. Exhibit 233 – Deposition Excerpts of Roger Nelson.

| Pg:Ln | Objection(s) | Ruling |
|--------------|---|---------------|
| 45:9-13 | Testimony by counsel, asked and answered | |
| 46:5-12 | Mischaracterization or misleading question | |
| 51:12 – 52:8 | Lack of foundation, assumes facts not in evidence, mischaracterization of the facts, testimony by counsel | |
| 55:15-19 | Relevance | |
| 57:24 – 58:5 | Speculative | |
| 62:7-10 | Speculative, misleading | |
| 64:15-18 | Vague | |
| 64:22 – 24 | Vague | |
| 65:17-19 | Argumentative, outside scope | |

B. Exhibit 234 – Deposition Excerpts of Graham Brisben.

| Pg:Ln | Objection(s) | Ruling |
|-----------------|--|---------------|
| 35:8-10 | Calls for speculation | |
| 72:19-21 | Mischaracterization of testimony, vague | |
| 72:25-73:2 | Mischaracterization of testimony, vague | |
| 73:6-9 | Compound question | |
| 73:13-17 | Asked and answers; incorporate testimony of 74:2-12 for completeness | |
| 75:2-4 | Vague | |
| 75:6-7 | Argumentative, Calls for Speculation | |
| 78:11-15, 17-19 | Argumentative, Calls for Speculation | |
| 92:1 – 93:4 | Argumentative; speculative | |

C. Exhibit 236 – Deposition Excerpts of Braden Merril.

| Pg:Ln | Objection(s) | Ruling |
|--------------|---|---------------|
| 24:16-21 | Vague, Best Evidence Rule, calls for contractual interpretation | |
| 45:22-25 | Vague, Misleading | |
| 51:25-52:1 | Vague | |
| 78:3-5 | Best Evidence Rule, calls for contractual interpretation | |
| 78:8-10 | Best Evidence Rule, calls for contractual interpretation | |
| 78:13-16 | Best Evidence Rule, calls for contractual interpretation | |
| 83:14-15 | Vague | |
| 179:5-12 | Answer calls for reliance on hearsay; calls for speculation | |
| 196:8-10 | Answer calls for reliance on hearsay; calls for speculation | |
| 224:11-14 | Best Evidence Rule, calls for contractual interpretation | |
| 224:19-23 | Best Evidence Rule, calls for contractual interpretation | |
| 225:4-7 | Best Evidence Rule, calls for contractual interpretation, argumentative | |
| 249:11-13 | Argumentative, compound question | |

D. Exhibit 237 – Deposition Excerpts of Jon Ince

| Pg:Ln | Objection(s) | Ruling |
|----------------|---|---------------|
| 54:18-19 | Relevance | |
| 54:24-55:6 | Speculative | |
| 55:12 | Lack of foundation | |
| 56:3-6 | Vague, lack of foundation, speculative | |
| 70:13-25 | Speculative, relevance | |
| 71:24 | Lack of foundation, speculative | |
| 91:9 | Speculative, lack of foundation | |
| 91:11-15 | Answer based on hearsay, lack of foundation | |
| 92:2 | Speculative | |
| 107:23 – 108:8 | Lack of foundation, speculative, unqualified opinion, assumes facts not in evidence | |
| 108:12 | Lack of foundation, speculative, unqualified opinion | |
| 108:14 | Speculative | |
| 108:16-17 | Speculative | |
| 109:17 | Lack of foundation, speculative, unqualified opinion | |
| 109:20-24 | Lack of foundation, speculative, unqualified opinion | |
| 110:1 | Lack of foundation, speculative, unqualified opinion | |
| 111:15-16 | Lack of foundation, speculative, unqualified opinion | |
| 111:21-23 | Lack of foundation, speculative, unqualified opinion, | |
| 130:16-131:6 | Unqualified opinion, lack of foundation | |
| 137:22-138:1 | Relevance | |

E. Exhibit 238 – Deposition Excerpts of Robert Wright

| Pg:Ln | Objection(s) | Ruling |
|--------------|--|---------------|
| 43:5-6 | Speculative | |
| 45:15-25 | Speculative | |
| 50:13-23 | Hearsay; speculative | |
| 62:1-8 | Speculative, lack of foundation | |
| 62:14-16 | Speculative; lack of foundation | |
| 63:18-64:2 | Speculative; lack of foundation | |
| 64:5-17 | Hearsay, speculative, lack of foundation | |
| 65:24 – 66:3 | Hearsay; lack of foundation | |
| 78:19 – 79:1 | Speculative; lack of foundation | |
| 70:17-20 | Speculative; lack of foundation | |
| 82:3-21 | Nonresponsive; speculative; lack of foundation | |
| 83:4-6 | Nonresponsive; speculative | |
| 94:12-15 | Speculative | |
| 94:22- 95:2 | Speculative | |
| 116:19-23 | Lack of foundation; calls for speculation | |
| 118:1-5 | Calls for speculation | |
| 119:2-4 | Speculative; lack of foundation | |
| 119:8 | Speculative; lack of foundation | |
| 120:10-21 | Hearsay; testimony by counsel | |
| 121:21-25 | Calls for speculation | |
| 122:3-6 | Hearsay; testimony by counsel | |
| 124:5-7 | Calls for speculation | |
| 124:15-17 | Calls for speculation, vague | |
| 125:17-18 | Speculative; lack of foundation; | |
| 125:19-20 | Vague | |
| 126:17-19 | Calls for speculation | |
| 127:5-8 | Calls for speculation | |
| 127:11-13 | Calls for speculation | |
| 127:19-20 | Calls for speculation, lack of foundation | |
| 128:2-3 | Calls for speculation | |
| 129:24-130:4 | Hearsay; testimony by counsel | |
| 130:5 | Answer relies on hearsay | |
| 131:6-8 | Calls for speculation | |
| 132:4-8 | Calls for speculation, lack of foundation | |
| 132:10-17 | Speculative | |

F. Exhibit 239 – Deposition Excerpts of Stan Meador.

| Pg:Ln | Objection(s) | Ruling |
|--------------|--|---------------|
| 30:23-24 | No question designated, relevance | |
| 31:1, 3-5 | Incomplete answer, no question designated, relevance | |

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|--------------|--|--|
| 31:7-8 | Incomplete answer, no question designated, relevance | |
| 31:13-14 | Relevance | |
| 31:17-18 | Relevance | |
| 33:7-8 | Speculative; lack of foundation, relevance | |
| 34:8-9 | Incomplete answer | |
| 34:12-13 | Incomplete answer, speculative, lack of foundation | |
| 35:1-5 | Incomplete answer, speculative, lack of foundation | |
| 35:16-17 | Speculative, lack of foundation | |
| 39:16 | Relevance | |
| 39:24 | Relevance | |
| 41:22-25 | Relevance | |
| 42:23-24 | Incomplete answer, no question designated, lack of foundation, hearsay, no context | |
| 44:6-9 | Incomplete answer, no questions designated | |
| 45:5-7 | Incomplete answer, no question designated, speculative | |
| 76:21-22 | Incomplete answer, no question designated, lack of foundation, no context | |
| 82:4-7 | Incomplete answer, no question designated, lack of foundation, no context | |
| 82:11-19 | Incomplete answer, no question designated, lack of foundation, no context | |
| 103:14-18 | Incomplete answer, no question designated | |
| 104:13-14 | Incomplete answer, no question designated, lack of foundation | |
| 105:2-4 | Speculative, lack of foundation | |
| 191:24 | Incomplete answer; answer should include 191:25-192:2 for completeness | |
| 198:4-7 | Calls for speculation, lack of foundation | |
| 198:9-18 | Speculative, lack of foundation | |
| 200:14 | Incomplete answer, no question designated | |
| 200:24 | Relevance | |
| 201:17-19 | Vague | |
| 203:3-13 | Speculative | |
| 204:18-21 | Relevance, calls for hearsay, vague | |
| 204:24-25 | Relevance, | |
| 209:5-6 | Relevance | |
| 209:7-10 | Calls for hearsay, calls for speculation | |
| 209:13-14 | Calls for speculation, calls for hearsay, lack of foundation | |
| 213:17-22 | Hearsay | |
| 213:24-24 | Answer based on hearsay, speculative, lack of foundation | |
| 214:25-215:5 | Answer based on hearsay, speculative, lack of foundation, relevance | |
| 215:8 | Answer based on hearsay, speculative, lack of foundation, relevance | |
| 215:17-25 | Answer based on hearsay, speculative, lack of foundation | |

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|-----------|--|--|
| 217:12 | Answer based on hearsay, counsel testifying | |
| 217:13-15 | Leading, answer calls for hearsay | |
| 218:3-7 | Calls for speculation, lack of foundation, leading | |
| 221:8-9 | Leading | |
| 222:9-10 | Relevance | |
| 231:21-24 | Answer based on hearsay | |
| 237:20-24 | Answer based on hearsay | |
| 238:15-22 | Answer based on hearsay | |

G. Exhibit 240 – Deposition Excerpts of Josh Monroe

| Pg:Ln | Objection(s) | Ruling |
|------------------|---|---------------|
| 30:21-22 | Relevance | |
| 30:24 | Relevance | |
| 31:4-5 | Relevance | |
| 31:10 | Relevance | |
| 33:4-7 | Relevance | |
| 33:9-12 | Relevance, speculative | |
| 57:3-6 | Answer relies on hearsay | |
| 59:13-14 | Answer relies on hearsay | |
| 72:8-11 | Speculative | |
| 72:17 | Speculative | |
| 91:6-9 | Calls for speculation, assumes facts not in evidence, leading | |
| 91:19-22 | Vague, leading | |
| 93:25-94:4 | Vague, leading | |
| 99:20-25 | Calls for hearsay, vague | |
| 101:11-14 | Calls for speculation | |
| 103:10-21 | Answer based on hearsay | |
| 103:22-24 | Leading, calls for speculation, assumes facts not in evidence | |
| 104:18-21, 23 | Hearsay within hearsay | |
| 106:10-13 | Hearsay within hearsay | |
| 108:18-21 | Leading, vague | |
| 108:24- 109:2 | Leading, vague | |
| 109:20-22 | Calls for hearsay | |

H. Exhibit 241 – Deposition Excerpts of Brian Seward.

| Pg:Ln | Objection(s) | Ruling |
|--------------|--|---------------|
| 35:19-21 | Nonresponsive | |
| 59:7-10 | Vague answer, lack of foundation | |
| 73:6-9 | Answer based on hearsay | |
| 73:13-16 | Calls for speculation, assumes facts not in evidence | |
| 73:21-23 | Assumes facts no in evidence, hearsay | |

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|----------|--|--|
| 73:25 | Hearsay, assumes facts not in evidence | |
| 74:12-15 | Calls for speculation | |
| 74:20-22 | Testimony by counsel, argumentative | |
| 76:21-23 | Calls for speculation, vague | |
| 77:9-12 | Calls for speculation, calls for unqualified opinion | |
| 78:1-3 | Calls for speculation, assumes facts not in evidence | |
| 79:18-21 | Calls for speculation, calls for unqualified opinion | |

I. Exhibit 242 – Deposition Excerpts of Travis Morris.

| Pg:Ln | Objection(s) | Ruling |
|--------------|---|---------------|
| 204:3-6 | Calls for speculation | |
| 206:10-14 | Asked and answered | |
| 206:22-207:1 | Asked and answered | |
| 208:2-5 | Asked and answered | |
| 317:16-17 | Calls for speculation | |
| 355:6-8 | Vague | |
| 372:14-16 | Relevance | |
| 379:25-380:3 | Leading, calls for hearsay | |
| 380:21-23 | Leading, calls for hearsay | |
| 381:9-11 | Leading, calls for hearsay | |
| 392:12-16 | Calls for speculation, lack of foundation | |

J. Exhibit 269 – Deposition Excerpts of Mike Van Den Bold.

| Pg:Ln | Objection(s) | Ruling |
|--------------|-------------------------------|---------------|
| 59:8-16 | Testimony by counsel, sidebar | |

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2021 a copy of the foregoing Brief was served through the Court's ECF system on those parties receiving ECF notice, and as indicated below on the parties reflected below.

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