



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 8, 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	§	Case No. 20-42002-ELM-11
LOGISTICS, LLC, <i>et al.</i> ,	§	
	§	Jointly Administered
<u>Debtors.</u>	§	
	§	
MAALT, LP,	§	
	§	
Plaintiff,	§	
v.	§	Adversary No. 20-04064
	§	
SEQUITUR PERMIAN, LLC,	§	
	§	
Defendant/Third-Party Plaintiff,	§	
v.	§	
	§	
VISTA PROPPANTS AND	§	
LOGISTICS, LLC,	§	
	§	
<u>Third-Party Defendant.</u>	§	

ORDER REQUIRING ADDITIONAL SCHEDULING CONFLICT DISCLOSURES

On June 7, 2021, the Court conducted the trial docket call hearing in the above-referenced adversary proceeding. At such time, the Court engaged in a discussion with counsel with respect to, among other things, the scheduling of trial. Because of the announcement of certain short-term



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scheduling conflicts, the Court requested counsel for each of the parties to file a notice identifying scheduling conflicts in August and September 2021 so that the Court could identify dates for trial in August and/or September 2021 upon review of such notices and the Court's own calendar.

On June 8, 2021, the parties filed their respective notices of conflicts. *See* Docket Nos. 199 and 200.

According to Defendant's notice (Docket No. 199), there is not a single day of availability for trial in August 2021, and not a single day of availability for trial in September 2021 until the third week of September 2021. That said, based upon the wording of the Defendant's notice, it appears that the Defendant may have taken an overly expansive approach to the designation, effectively designating each and every day on which there is at least one particular witness or one particular member of the Defendant's trial team that is not available to attend trial. Particularly in the case of witnesses, it is obviously unnecessary for each witness to be available for every single day of trial; ordinarily witnesses only need to be available for the specific day(s) on which they will actually testify.

Accordingly, to ensure that the Court has an accurate picture of the scheduling conflicts that would truly preclude the conduct of trial on each particular day, it is hereby:

ORDERED that Defendant's counsel¹ shall **file by no later than 5:00 p.m. (prevailing Central Time) on June 10, 2021**, a supplemental scheduling conflict notice detailing the following information for **each individual day** listed on the Defendant's notice (Docket No. 199) as being unavailable for trial (*i.e.* provide the following information on a day by day basis for each day identified as being unavailable):

1. The name of each attorney and witness who has an unavoidable conflict on such date; and
2. For each such individual:
 - a. the nature of the unavoidable conflict;
 - b. If the individual is a witness or a member of the Defendant's trial team other than Messrs. Kornhauser, Russell and Kronzer, why it is mandatory for such individual to be in attendance at the trial on such date;
 - c. If the individual is a witness, why such witness cannot be scheduled to testify on another date (if applicable); and
 - d. If the individual is a witness, any other information with respect to the scheduling of testimony that the Defendant/Defendant's counsel believes is relevant to the Court's scheduling of trial.

END OF ORDER

¹ At this time, Plaintiff's counsel is not being required to provide the same supplemental disclosure because (a) Plaintiff's counsel has identified a total of 6 days throughout all of August and September 2021 on which an unavoidable scheduling conflict exists, and (b) Plaintiff's counsel has identified exactly who is unavailable and the nature of the unavoidable conflict. *See* Docket No. 200.