



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

A handwritten signature in black ink, appearing to read "Edward L.", written over a horizontal line.

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
Debtors.	§	
	§	
MAALT, LP,	§	
	§	
Plaintiff,	§	
v.	§	Adversary No. 20-04064
	§	
SEQUITUR PERMIAN, LLC,	§	
	§	
Defendant/Third-Party Plaintiff,	§	
v.	§	
	§	
VISTA PROPPANTS AND	§	
LOGISTICS, LLC,	§	
	§	
Third-Party Defendant.	§	

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



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.

United States Bankruptcy Court
Northern District of Texas

MAALT, LP,
Plaintiff
Sequitur Permian, LLC,
Defendant

Adv. Proc. No. 20-04064-elm

CERTIFICATE OF NOTICE

District/off: 0539-4
Date Rcvd: Jun 08, 2021

User: bdozier
Form ID: pdf001

Page 1 of 2
Total Noticed: 4

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 10, 2021:

Recip ID	Recipient Name and Address
ust	+ Cheryl Wilcoxson, US Trustee, 1100 Commerce St., Ste. 976, Dallas, TX 75242-0996

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustregion06.ty.ecf@usdoj.gov	Jun 08 2021 21:20:00	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231
ust	+ Email/Text: ustregion07.hu.ecf@usdoj.gov	Jun 08 2021 21:20:00	US Trustee, Office of the US Trustee, 515 Rusk Ave, Ste 3516, Houston, TX 77002-2604
ust	+ Email/Text: ustregion06.da.ecf@usdoj.gov	Jun 08 2021 21:20:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 3

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
ust		Sandra Nixon, U.S. Trustee
ust		mario zavala
ust	*+	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231

TOTAL: 2 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 10, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

District/off: 0539-4

User: bdozier

Page 2 of 2

Date Rcvd: Jun 08, 2021

Form ID: pdf001

Total Noticed: 4

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 8, 2021 at the address(es) listed below:

Name	Email Address
Dylan Benjamin Russell	on behalf of 3rd Party Plaintiff Sequitur Permian LLC russell@hooverslovacek.com
Dylan Benjamin Russell	on behalf of Defendant Sequitur Permian LLC russell@hooverslovacek.com
J. Robert Forshey	on behalf of Defendant Sequitur Permian LLC bforshey@forsheyprostok.com, calendar@forsheyprostok.com;jgonzalez@forsheyprostok.com;lbreedlove@forsheyprostok.com;bforshey@ecf.courtdrive.com;calendar_0573@ecf.courtdrive.com
James Lanter	on behalf of 3rd Pty Defendant Vista Proppants and Logistics LLC jim.lanter@lanter-law.com
James Lanter	on behalf of Plaintiff MAALT LP jim.lanter@lanter-law.com
James Lanter	on behalf of Counter-Defendant MAALT LP jim.lanter@lanter-law.com
Matthew A. Kornhauser	on behalf of Defendant Sequitur Permian LLC kornhauser@hooverslovacek.com
Matthew A. Kornhauser	on behalf of 3rd Party Plaintiff Sequitur Permian LLC kornhauser@hooverslovacek.com
Paul O. Wickes	on behalf of 3rd Pty Defendant Vista Proppants and Logistics LLC pwickes@wickeslaw.com, gretchen.wickes@wickeslaw.com
Paul O. Wickes	on behalf of Plaintiff MAALT LP pwickes@wickeslaw.com, gretchen.wickes@wickeslaw.com
Paul O. Wickes	on behalf of Counter-Defendant MAALT LP pwickes@wickeslaw.com, gretchen.wickes@wickeslaw.com
Suzanne K. Rosen	on behalf of Defendant Sequitur Permian LLC srosen@forsheyprostok.com, jjones@forsheyprostok.com;lbreedlove@forsheyprostok.com;calendar@forsheyprostok.com;srosen@ecf.courtdrive.com;calendar_0573@ecf.courtdrive.com

TOTAL: 12