



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 July 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 RESETTING HEARINGS

[Relates to Docket Nos. 1, 41, 202, 203 and 207]

On June 8, 2021, the Plaintiff and Third-Party Defendant jointly filed their *Motion to Exclude Undisclosed Evidence of Damages, Dismiss Claims, and Supporting Brief* [Docket No.



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202] (the “**Motion to Exclude**”) and thereafter set the Motion to Exclude for hearing on July 22, 2021, at 9:30 a.m. (prevailing Central Time). *See* Docket No. 203.

On June 15, 2021, the Court entered an *Order Setting Hearing* [Docket No. 207] (the “**June 15 Order**”) pursuant to which the Court scheduled a Final Pretrial Hearing¹ and Trial Scheduling Conference (each as defined in the June 15 Order) for July 22, 2021, at 9:30 a.m. (prevailing Central Time).

Previously, on April 30, 2021, the Defendant filed an *Opposed Motion for Leave to Appeal Under Fed. R. Bankr. P. 8004 & 28 U.S.C. § 158(a)(3)* [Docket No. 134] (the “**Leave Motion**”) to request leave of the United States District Court for the Northern District of Texas (the “**District Court**”) to appeal three different interlocutory summary judgment orders entered by this Court. The Leave Motion is currently pending before the District Court under Civil Action No. 4:21-CV-625-O (the “**Leave Proceeding**”).

The District Court recently conducted a hearing in the Leave Proceeding to entertain oral arguments with respect to the Leave Motion. At the conclusion of the hearing, the District Court provided the parties with the opportunity to submit additional briefing on certain isolated issues addressed at the hearing. As a result of the briefing schedule, it appears unlikely that the Leave Motion will be determined prior to the currently scheduled July 22, 2021 hearings. Consequently, the Court has determined to reschedule the July 22, 2021 hearings.

Accordingly, having considered the parties’ previously submitted scheduling conflict disclosures, *see* Docket Nos. 200 and 204, it is hereby:

ORDERED that the Final Pretrial Hearing, the Trial Scheduling Conference, and the hearing on the Motion to Exclude are all hereby rescheduled to, and shall be conducted on, **September 9, 2021, at 9:30 a.m. (prevailing Central Time)**, before the Honorable Edward L. Morris, Eldon B. Mahon U.S. Courthouse, 501 W. Tenth Street, Room 204, Fort Worth, Texas 76102; it is further

ORDERED that, consistent with the June 15 Order, counsel for the parties must be prepared to discuss at the rescheduled Trial Scheduling Conference the parties’ respective availability for trial during the months of October 2021, November 2021, December 2021, January 2022 and February 2022.²

END OF ORDER

¹ The primary purpose of the Final Pretrial Hearing is to address the parties’ respective objections to the admissibility of certain designated trial exhibits. *See* Docket Nos. 188, 193 and 206.

² The Court notes for the benefit of the parties that the reason for the expansiveness of the requirement is that certain renovations are planned for the above-signed judge’s courtroom, during which time the courtroom will not be accessible, and the period of construction has not yet been determined.