

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

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In re	:	Chapter 11
	:	
SWIFT ENERGY COMPANY, <sup>1</sup>	:	Case No. 15-12670 (MFW)
	:	
Reorganized Debtor.	:	Re: Docket Nos. 490 & 513
	:	

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**CERTIFICATION OF COUNSEL REGARDING  
AGREED ORDER REGARDING PHILLIP J. BENOIT  
AND SWIFT ENERGY OPERATING, LLC**

The undersigned hereby certifies as follows:

1. We are counsel for the reorganized above-captioned debtor (the "Reorganized Debtor").
2. Phillip J. Benoit ("Benoit") has a currently pending lawsuit against Swift Energy Operating, LLC ("Swift") in the 25<sup>th</sup> Judicial District Court for the Parish of Plaquemines, State of Louisiana (the "State Court Action").
3. On March 2, 2016, Benoit filed proof of claim number 552, in the amount of \$200,000.00, against Swift (the "Proof of Claim").
4. On March 31, 2016, the Court entered an order [Docket No. 513] (the "Confirmation Order") confirming the Second Amended Joint Plan of Reorganization of the Debtors and Debtors in Possession [Docket No. 490] (as amended, supplemented, and modified, the "Plan").
5. Benoit seeks to modify the post-confirmation discharge injunction in the Plan, the post-confirmation discharge injunction in the Confirmation Order, and any stays, automatic or

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<sup>1</sup> The Reorganized Debtor is and the last four digits of its taxpayer identification number are Swift Energy Company (0661) (effective May 5, 2017, renamed SilverBow Resources, Inc.). The address of the Reorganized Debtor is 575 North Dairy Ashford Road, Suite 1200, Houston, TX 77079.



otherwise, currently in existence with respect to Swift, whether pursuant to section 362(a) of the Bankruptcy Code, the Plan, the Confirmation Order, or otherwise solely to the extent necessary to allow Benoit to (i) adjudicate his claims for personal injuries and damages in the State Court Action against Swift to a judgment in the 25<sup>th</sup> Judicial District Court for the Parish of Plaquemines, State of Louisiana; and (ii) execute or enforce any judgment obtained as to Swift against only the insurers of those companies owing Swift indemnification arising out of the occurrence made basis of the State Court Action. . In exchange, Swift has requested that Benoit withdraw the Proof of Claim with prejudice; provided, however, that such withdrawal is without prejudice to the resolution of such claim in the State Court Action on the terms set forth in the Proposed Order (as defined below).

6. Consistent with the foregoing, Benoit and the Reorganized Debtor are in agreement with respect to the terms and provisions of the proposed form of order (the "Proposed Order") attached hereto as Exhibit A.

WHEREFORE, the Reorganized Debtor respectfully requests that the Court enter the Proposed Order at its earliest convenience.

Dated: September 25, 2018  
Wilmington, Delaware

Respectfully submitted,

/s/ Zachary I. Shapiro

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ATTORNEYS FOR REORGANIZED DEBTOR

**EXHIBIT A**

**Proposed Order**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

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In re	:	Chapter 11
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SWIFT ENERGY COMPANY, <sup>1</sup>	:	Case No. 15-12670 (MFW)
	:	
Reorganized Debtor.	:	Re: Docket Nos. 490, 513 & ____
	:	

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**AGREED ORDER REGARDING PHILLIP J. BENOIT  
AND SWIFT ENERGY OPERATING, LLC**

Upon consideration of the Certification of Counsel Regarding Agreed Order Regarding Phillip J. Benoit and Swift Energy Operating, LLC, dated September 25, 2018, and the request of Phillip J. Benoit (the "Plaintiff") regarding his lawsuit against Swift Energy Operating, LLC ("Swift") currently pending in the 25<sup>th</sup> Judicial District Court for the Parish of Plaquemines, State of Louisiana (the "State Court Action"), and upon being apprised that Swift and the Plaintiff are in agreement with respect to the terms and provisions of this Order, after due deliberation, and sufficient cause therefor, it is hereby ordered that:

1. The post-confirmation discharge injunction in the Second Amended Joint Plan of Reorganization of the Debtors and Debtors in Possession [Docket No. 490] (as amended, supplemented, and modified, the "Plan"), confirmed by this Court on March 31, 2016 in the Findings of Fact, Conclusions of Law and Order Confirming Pursuant to Section 1129(a) and (b) of the Bankruptcy Code, the Second Amended Joint Plan of Reorganization of the Debtors and Debtors in Possession [Docket No. 513] (the "Confirmation Order"), the post-confirmation discharge injunction in the Confirmation Order, and any stays, automatic or otherwise, currently in existence with respect to Swift, whether pursuant to section 362(a) of the Bankruptcy Code,

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<sup>1</sup> The Reorganized Debtor is and the last four digits of its taxpayer identification number are Swift Energy Company (0661) (effective May 5, 2017, renamed SilverBow Resources, Inc.). The address of the Reorganized Debtor is 575 North Dairy Ashford Road, Suite 1200, Houston, TX 77079.

the Plan, the Confirmation Order, or otherwise, shall be modified solely to the extent necessary to allow Plaintiff to (i) adjudicate his claims for personal injuries and damages in the State Court Action against Swift to a judgment in the 25<sup>th</sup> Judicial District Court for the Parish of Plaquemines, State of Louisiana (or any other non-bankruptcy forum); and (ii) execute or enforce any judgment obtained as to Swift against only the insurers of those companies owing Swift indemnification arising out of the occurrence made basis of the State Court Action.

2. Proof of claim number 552, in the amount of \$200,000.00, filed by the Plaintiff against Swift is hereby **WITHDRAWN WITH PREJUDICE**; provided, however, that such withdrawal is without prejudice to the resolution of such claim in the State Court Action on the terms set forth in this Order.

3. No execution of any judgment obtained by the Plaintiff will take place with respect to Swift or any asset of Swift.

4. Nothing contained herein shall be construed to limit, modify, or impair the rights of Swift or any insurer under any contractual agreement between Swift and any insurer.

5. Nothing in this Order shall limit the rights of Swift to oppose or defend against the State Court Action.

6. This Court shall retain jurisdiction with respect to all matters arising from or related to the interpretation and implementation of this Order.

Dated: \_\_\_\_\_  
Wilmington, Delaware

\_\_\_\_\_  
THE HONORABLE MARY F. WALRATH  
UNITED STATES BANKRUPTCY JUDGE