



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 November 2, 2020

United States Bankruptcy Judge

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

In re

Vista Proppants and Logistics, LLC, *et al.*,

Debtors.

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Chapter 11

Case No. 20-42002-elm11

(Jointly Administered)

MAALT, LP,

Plaintiff and Counter-Defendant,

vs.

SEQUITUR PERMIAN, LLC

Defendant.

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Adversary Proceeding No. 20-04064

SCHEDULING ORDER IN ADVERSARY PROCEEDING



On October 19, 2020, the Court held a scheduling conference with the parties. Based on the discussions with counsel for the parties and consideration of the proceedings that took place at the state court prior to removal, the Court is of the opinion that this Scheduling Order should be entered.

ACCORDINGLY, it is hereby **ORDERED** that the following dates and deadlines shall apply to this adversary proceeding:

A. Docket Call/Trial. Trial is set before the Honorable Edward L. Morris at 501 W. 10th St., Room 204, Fort Worth, TX 76102 the month of April 2021. Docket Call for this trial will be held on **May 3, 2021 at 1:30 p.m.**, at 501 W. 10th St., Room 204, Fort Worth, TX 76102. Trial will take place on during the month of **May 2021** unless ordered otherwise by the Court.

B. Service by Electronic Means. Pursuant to Fed. R. Civ. P. 5(b)(2)(E) and Fed. R. Bankr. P. 7005, the Parties hereby agree to service of all pleadings and other papers in this case via email transmittal to all counsel of record and the Court's Electronic Case Filing (ECF) system, where applicable.

C. Initial Disclosures. In light of the disclosures made by the Parties in the underlying state court case, no initial disclosures required by Federal Rule of Civil Procedure 26(a)(1).

D. Expert Disclosures. The deadline for making additional case-in-chief expert disclosures shall be **December 31, 2020**. The deadline for making rebuttal expert disclosures is **January 31, 2021**. Experts designated at the state court prior to removal do not have to be re-designated. Any additional experts designated after the date of this order shall be disclosed in the manner required by Federal Rule of Civil Procedure 26(a)(2).

E. Discovery. The deadline for the completion of all fact-based discovery is **February 28, 2021**. The deadline for the completion of all expert depositions is **March 31, 2021**.

F. Dispositive Motions. Unless otherwise permitted by the Court, all dispositive motions other than summary judgment motions must be filed no later than **March 1, 2021**. All dispositive motions shall be heard by no later than **April 16, 2021**.

G. Motions for Summary Judgment. During the status conference held on September 28, 2020, the Court was made aware of the filing of motions for summary judgment at the state court that were not heard or ruled upon prior to the Chapter 11 filing or the removal of the case to this Court. In order to address those motions, the Court sets the following schedule:

1. No later than **November 16, 2020**, the parties shall refile their pending state court motions for summary judgment and any amendments to the motions so that they are docketed on this Court's docket. Responses to the motions shall be filed no later than **December 7, 2020**, and replies shall be filed by **December 21, 2020**. Those motions for summary judgment will be heard by the Court on **January 14, 2021**.
2. As stated by the Court on September 28, 2020, the Court grants leave to the parties to each file one additional motion for summary judgment, respectively, prior to trial. Any such motions shall be filed no later than **March 1, 2021**. The Motions, responses and replies shall be filed in accordance with L.B.R. 7007-1 and 7056-1; provided, however, that any reply shall be filed within 14 days of the date of the response. Those summary judgment motions shall be heard no later than **April 16, 2021**.

H. Statement of Position. No later than November 16, 2020, the parties shall each file a position statement addressing the following: (a) whether each claim asserted by either party is "core" within the provisions of 28 U.S.C. § 157(b)(2); (b) if noncore in nature, whether the party

consents to final judgment by this Court with respect to those particular claims that are asserted to be noncore; (c) whether any jury demand has been made or is being made in relation to any of the claims that are pending; and (d) if there has been a jury demand or is a jury demand in relation to any of those claims, whether the parties consent to the jury trial being handled before this Court.

I. Exhibits. All exhibits, except impeachment exhibits, shall be marked with exhibit labels and exchanged with the opposing party, together with a list of witnesses to be called, no later than **April 19, 2021**. A list of exhibits and witnesses shall also be filed with the Court no later than **April 19, 2021**. All exhibits not objected to in writing prior to the Docket Call shall be admitted into evidence at trial without further proof, except for relevance. Written objections to exhibits will be taken up either at the beginning of, or during the course of, the actual trial, unless otherwise directed by the Court.

J. Joint Pretrial Order. The parties shall file, serve and upload for Court entry a Joint Pretrial Order in compliance with Local Bankruptcy Rule 7016-1 by no later than **April 26, 2021**. All counsel are responsible for preparing the Joint Pretrial Order, which shall contain the following: (a) a summary of the claims and defenses of each party; (b) a statement of stipulated facts; (c) a list of the contested issues of fact; (d) a list of contested issues of law; (e) an estimate of the length of trial; (f) a list of additional matters which would aid in the disposition of this proceeding; and (g) the signature of each attorney.

K. Proposed Findings and Conclusions. Written proposed Finding of Fact and Conclusions of Law shall be filed and served on the opposing party by no later than **April 26, 2021**. Trial briefs addressing contested issues of law shall also be filed and served on the opposing party by no later than **April 26, 2021**.

L. Pretrial Conference. If a party believes a pretrial conference is necessary or would facilitate the resolution of this case, a request can be made at the docket call.

It is hereby further **ORDERED** that this Agreed Scheduling Order shall replace and supersede the Court's *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* entered by the Court on September 8, 2020 [Adv. Doc 4].

End of Order

Respectfully submitted:

By: /s/ James Lanter

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