

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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In re: : Chapter 11
: :
HI-CRUSH PERMIAN SAND LLC, *et al.*,¹ : Case No. 20-33505 (DRJ)
: (Jointly Administered)
Reorganized Debtors. : (Formerly Jointly Administered under Lead
: Case: Hi-Crush Inc., Case No. 20-33495)²
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**REORGANIZED DEBTORS' FOURTEENTH OMNIBUS
OBJECTION TO CERTAIN CLAIMS (WISCONSIN TORT CLAIMS)**

This objection seeks to disallow certain claims. Claimants receiving this objection should locate their names and claims on Schedule 1 attached to the proposed form of order attached to this objection. If you do not file a response within 30 days after the objection was served on you, your claim may be disallowed without a hearing.

A hearing will be conducted on this matter on May 14, 2021 at 9:30 am (Prevailing Central Time) in Courtroom 400, 4th floor, United States Bankruptcy Court for the Southern District of Texas, 515 Rusk Street, Houston, Texas 77002. You may participate in the hearing by audio/video connection.

Audio communication will be by use of the Court's regular dial-in facility. You may access the facility at (832) 917-1510. You will be responsible for your own long-distance charges. Once connected, you will be asked to enter the conference room number. Judge Jones' conference room number is 205691.

You may view video via GoToMeeting. To use GoToMeeting, the Court recommends that you download the free GoToMeeting application. To connect, you should enter the meeting Code "JudgeJones" in the GoToMeeting app or click the link on Judge Jones' home page on

¹ The Reorganized Debtors in these cases, along with the last four digits of each Reorganized Debtor's federal tax identification number, are: Hi-Crush Inc. (0530), OnCore Processing LLC (9403), Hi-Crush Augusta LLC (0668), Hi-Crush Whitehall LLC (5562), PDQ Properties LLC (9169), Hi-Crush Wyeville Operating LLC (5797), D & I Silica, LLC (9957), Hi-Crush Blair LLC (7094), Hi-Crush LMS LLC, Hi-Crush Investments Inc. (6547), Hi-Crush Permian Sand LLC, Hi-Crush Proppants LLC (0770), Hi-Crush PODS LLC, Hi-Crush Canada Inc. (9195), Hi-Crush Holdings LLC, Hi-Crush Services LLC (6206), BulkTracer Holdings LLC (4085), Pronghorn Logistics Holdings, LLC (5223), FB Industries USA Inc. (8208), PropDispatch LLC, Pronghorn Logistics, LLC (4547), and FB Logistics, LLC (8641). The Reorganized Debtors' address is 1330 Post Oak Blvd, Suite 600, Houston, Texas 77056.

² On December 11, 2020, the Court entered the *Final Decree Closing Certain of the Chapter 11 Cases* [Case No. 20-33495, Docket No. 505], which closed each Reorganized Debtor's case except for Hi-Crush Permian Sand LLC, Case No. 20-33505, and directed that all further filings be made in that case.



the Southern District of Texas website. Once connected, click the settings icon in the upper right corner and enter your name under the personal information setting.

Hearing appearances must be made electronically in advance of the hearing. To make your electronic appearance, go to the Southern District of Texas website and select “Bankruptcy Court” from the top menu. Select “Judges’ Procedures,” then “View Home Page” for Judge Jones. Under “Electronic Appearance” select “Click here to submit Electronic Appearance”. Select the case name, complete the required fields and click “Submit” to complete your appearance.

If you object to the relief requested, you must respond in writing. Unless otherwise directed by the Court, you must file your response electronically at <https://ecf.txsb.uscourts.gov/> within 30 days from the date this objection was filed. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

The above-captioned reorganized debtors (collectively, the “Debtors” or “Reorganized Debtors,” as applicable) respectfully state the following in support of this omnibus claims objection (this “Objection”):

RELIEF REQUESTED

1. By this Objection, the Reorganized Debtors seek entry of an order (the “Order”), substantially in the form attached hereto, disallowing each of the claims identified on Schedule 1 (the “Wisconsin Tort Claims”) in their entirety because each of the Wisconsin Tort Claims asserts a claim based on causes of action asserted in underlying lawsuits for which the Reorganized Debtors have no liability. In support hereof, the Reorganized Debtors submit the declaration of Jeffrey Sielinski, Senior Director of Alvarez and Marsal North America, LLC (the “Sielinski Declaration”), attached here as Exhibit A.

JURISDICTION AND VENUE

2. The United States Bankruptcy Court for the Southern District of Texas (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157, and this Court may enter a final order consistent with

Article III of the United States Constitution. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The bases for the relief requested herein are sections 105(a) and 502(b) of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “**Bankruptcy Code**”), rule 3007 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), rule 3007-1(b) of the Bankruptcy Local Rules for the Southern District of Texas, and the Procedures for Complex Cases in the Southern District of Texas.

BACKGROUND

4. On July 12, 2020 (the “**Petition Date**”), the Debtors filed voluntary petitions for relief in this Court commencing cases (the “**Chapter 11 Cases**”) under chapter 11 of the Bankruptcy Code. The factual background regarding the Debtors, including their business operations, their capital and debt structures, and the events leading to the filing of the Chapter 11 Cases, is set forth in detail in the *Declaration of J. Philip McCormick, Jr., Chief Financial Officer of the Debtors, in Support of Chapter 11 Petitions and First Day Pleadings* [Docket No. 24]³ (the “**First Day Declaration**”), filed on the Petition Date.

5. On August 15, 2020, the Debtors filed their *Joint Plan of Reorganization for Hi-Crush Inc. and Its Affiliate Debtors Under Chapter 11 of the Bankruptcy Code* [Docket No. 289] (as may be amended, modified, or supplemented, the “**Plan**”). On September 23, 2020, the Court entered the *Findings of Fact, Conclusions of Law and Order Confirming the Plan of Reorganization for Hi-Crush Inc. and Its Affiliate Debtors Under Chapter 11 of the Bankruptcy Code* [Docket No. 420] (the “**Confirmation Order**”).

³ All references to “Docket No.” refer to the docket in the former lead case of Hi-Crush Inc., Case No. 20-33495 unless otherwise indicated.

6. The Plan provides that the Reorganized Debtors are authorized to object to scheduled claims and proofs of claim and interests. *See* Plan Article VIII. On October 9, 2020, the Plan was substantially consummated, and the Effective Date (as defined in the Plan) occurred. *See Notice of (I) Effective Date of the Joint Plan or Reorganization for Hi-Crush Inc. and its Affiliate Debtors Under Chapter 11 of the Bankruptcy Code and (II) Establishing Deadline for the Filing of Administrative Claims Against the Debtors* [Docket No. 452] (the “**Notice of Effective Date**”).

7. On August 11, 2020, the Debtors filed their respective schedules of assets and liabilities (“**Schedules**”) and statements of financial affairs, pursuant to Bankruptcy Rule 1007. *See* Docket Nos. 231-274.

8. On July 13, 2020, the Court entered the *Order (I) Establishing (A) Bar Dates and (B) Related Procedures for Filing Proofs of Claim, (II) Approving the Form and Manner of Notice Thereof and (III) Granting Related Relief* [Docket No. 88] (the “**Bar Date Order**”) pursuant to which the Court, among other things, established August 16, 2020, at 5:00 p.m. (prevailing Central Time) (the “**General Bar Date**”), as the deadline for all non-governmental entities⁴ holding or wishing to assert a “claim” (as defined in section 101(15) of the Bankruptcy Code).

9. As set forth in the Notice of Effective Date, under the terms of the Plan and Confirmation Order, the deadline for holders of Contract Rejection Claims to file proofs of such claims was the later of the General Bar Date of the date that is twenty-one days following service of an order approving rejection of any executory contract or unexpired lease of the Debtors (the “**Contract Rejection Claims Bar Date**”).

⁴ The deadline for all governmental units asserting a “claim” (as defined in section 101(15) of the Bankruptcy Code) against the Reorganized Debtors that arose on or prior to the Petition Date to file written proof of such claim was January 8, 2021, at 5:00 p.m. (prevailing Central Time) (together with the General Bar Date and the Contract Rejection Claims Bar Date, the “**Bar Dates**”).

10. On October 16, 2020, the Reorganized Debtors filed the *Reorganized Debtors' Motion for Entry of an Order Approving Omnibus Claims Objection Procedures and Filing of Substantive Omnibus Claim Objections* [Docket No. 456] (the “**Omnibus Procedures Motion**”) seeking approval of certain omnibus claims objection procedures (the “**Omnibus Objection Procedures**”). On November 10, 2020, the Court entered an order granting the Omnibus Procedures motion [Docket No. 477] (the “**Omnibus Procedures Order**”) and approving the Omnibus Objection Procedures.

THE WISCONSIN TORT CLAIMS

11. The Reorganized Debtors object to the Wisconsin Tort Claims because each Wisconsin Tort Claim asserts a claim against the Reorganized Debtors on account of alleged torts for which the Reorganized Debtors are not liable.⁵ Prior to the Petition Date, the Wisconsin Tort Claimants⁶ initiated litigation asserting claims against the Reorganized Debtors in the following state court cases (collectively, the “**Wisconsin Tort Litigation**”):

- *Michael Sylla, et al. v. Hi-Crush Whitehall, et al.*, Trempealeau (Wis.) County Case No. 19-CV-63
- *Darrell Bork, et al. v. Hi-Crush Whitehall, LLC, et al.*, Trempealeau (Wis.) County Case No. 19-CV-64

⁵ The Confirmation Order contains language reserving the Debtors rights to object to the Wisconsin Tort Claims and seek resolution of Wisconsin Tort Claims before this Court. *See* Confirmation Order, ¶54(a)(stating, in relevant part that “[t]he Debtors’ or Reorganized Debtors’ (as applicable) rights to seek resolution of the Wisconsin Tort Claimants’ Claims in this Court as part of the claims resolution process set forth herein and in the Plan is hereby preserved.”).

⁶ “**Wisconsin Tort Claimants**” shall mean the following persons represented by Fitzpatrick, Skemp & Butler, LLC: Cory Berg, Julie Berg, Danielle Holstad, Greg Bluem, Lorraine Bluem, Dianna Brown, Michael Johnson, Paula Knutson, Patrick Mathson, Deborah Clare, Randy Rose, Cara Rose, S.S. (a minor child, by her natural parent and guardian Cara Rose), James Syverson, Kimberly Syverson, Darrell Bork, Mary Jo Bork, Dakotah Bork, Colton Bork, Robert Guza, Lisa Guza, Emily Guza, Kaitie Guza, Todd Kulig, Amy Kulig, H.K. (a minor child by his natural parents and guardians Todd and Amy Kulig), Broney Manka, Jared Manka, John Manka, Mary Manka, Leland Drangstveit, Mary Drangstveit, Michael J. Sylla, Stacy L. Sylla, Chase Sylla, M.S. (a minor child by her natural parents and guardians Michael and Stacy Sylla), William J. Sylla, Angela Sylla, W.S. and Z.S. (minor children by their natural parents and guardians William and Angela Sylla), Ann Sylla, Kate Connell, Scott Dykstra, Glenn Willers, and Beth Willers.

- *Cory Berg, et al. v. Hi-Crush Blair, LLC et al.*, Trempealeau (Wis.) County Case No. 19-CV-65; and
- *Leland and Mary Drangstveit v. Hi-Crush Blair, LLC, et al.*, Trempealeau (Wis.) County Case No. 19-CV-66.

12. The Wisconsin Tort Claimants commenced the Wisconsin Tort Litigation on April 22, 2019. In the litigation, the Wisconsin Tort Claimants seek declaratory and injunctive relief pertaining to the Reorganized Debtors' frac-sand mining operations in Trempealeau County, Wisconsin, as well as compensatory and medical damages from various alleged tort claims, including: negligence and negligence per se, public and private nuisance, trespass, and strict liability for ultra-hazardous activity. These alleged tort claims assert damages based upon allegations that the Reorganized Debtors' mining operations have exposed the Wisconsin Tort Claimants to dangerous environmental contamination, physically injured the Wisconsin Tort Claimants, diminished the Wisconsin Tort Claimants' property values, and unreasonably interfered with the Wisconsin Tort Claimants' enjoyment of their properties.

13. The Wisconsin Tort Claims are without merit, however, for several reasons. First, the Wisconsin Tort Claimants cannot establish negligence or negligence per se because the Reorganized Debtors operated their mines with reasonable care and in full compliance with all applicable safety statutes and regulations at all times. Second, the nuisance claims fail because, under Wisconsin law, liability for a nuisance requires an underlying tort, which the Wisconsin Tort Claimants cannot establish.⁷ Third, the Reorganized Debtors are not liable for any trespass claims because trespass claims require intent to bring about the intrusion or negligence, and the Wisconsin

⁷ *Milwaukee Metro. Sewerage Dist. v. City of Milwaukee*, 2005 WI 8, ¶ 25, 277 Wis.2d 635, 691 N.W.2d 658; Wis. JI-Civil 1920 (“[L]iability [for nuisance] depends upon the existence of underlying tortious acts that cause the harm.”).

Tort Claimants cannot establish either.⁸ Further, claims of trespass as a result of particulate matter fail as a matter of law.⁹ Finally, the Wisconsin Tort Claimants cannot establish strict liability for the Reorganized Debtors engaging in an ultra-hazardous activity because the Reorganized Debtors' activities were made safe through the exercise of reasonable care in compliance with state and federal statutes as well as industry standards.¹⁰

14. Accordingly, the Reorganized Debtors request that the Court enter the Order, disallowing the Wisconsin Tort Claims listed on **Schedule 1** to the Order.

BASIS FOR RELIEF

15. Section 502(a) of the Bankruptcy Code provides, in pertinent part, as follows: “[a] claim or interest, proof of which is filed under section 501 of [the Bankruptcy Code], is deemed allowed, unless a party in interest . . . objects.” 11 U.S.C. § 502. Moreover, section 502(b)(1) of the Bankruptcy Code provides, in relevant part, that a claim may not be allowed if “such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law” 11 U.S.C. § 502(b)(1).

16. As set forth in Bankruptcy Rule 3001(f), a properly executed and filed proof of claim constitutes *prima facie* evidence of the validity and the amount of the claim under section 502(a) of the Bankruptcy Code. *See, e.g., In re Jack Kline Co., Inc.*, 440 B.R. 712, 742 (Bankr. S.D. Tex. 2010). A proof of claim loses the presumption of *prima facie* validity under Bankruptcy

⁸ *Wisconsin Power & Light Co. v. Columbia County*, 3 Wis.2d 1, 8, 87 N.W.2d 279, 282 (1958) (noting that “there is no liability in the absence of an intention to bring about the intrusion or negligence in the doing of the act”).

⁹ *See, e.g., Johnson v. Paynesville Farmers Union Co-op. Oil Co.*, 817 N.W.2d 693 (Minn. 2012) (holding that invasion of particulate matter on plaintiff’s property was nuisance, not trespass); *Adams v. Cleveland–Cliffs Iron Co.*, 237 Mich. App. 51, 602 N.W.2d 215 (1999) (same); Dan B. Dobbs., *The Law of Torts* § 53 (2d ed. 2018).

¹⁰ *Grube v. Daun*, 213 Wis. 2d 533, 544-45, 570 N.W.2d 851 (1997) (setting forth standard for strict liability); *Philip Morris, Inc. v. Emerson*, 235 Va. 380, 368 S.E.2d 268 (1988) (holding that strict liability would not apply to the disposal of highly toxic chemicals where such disposal could be conducted safely if reasonable precautions were taken).

Rule 3001(f) if an objecting party refutes at least one of the allegations that are essential to the claim's legal sufficiency. *See In re Fidelity Holding Co., Ltd.*, 837 F.2d 696, 698 (5th Cir. 1988). Once such an allegation is refuted, the burden reverts to the claimant to prove the validity of its claim by a preponderance of the evidence. *Id.* Despite this shifting burden during the claim objection process, "the ultimate burden of proof always lies with the claimant." *In re Armstrong*, 347 B.R. 581, 583 (Bankr. N.D. Tex. 2006) (citing *Raleigh v. Ill. Dep't of Rev.*, 530 U.S. 15 (2000)).

17. For the reasons set forth above, as supported by the Sielinski Declaration, the Reorganized Debtors respectfully request that the Court enter an Order sustaining this Objection and disallowing the Wisconsin Tort Claims as set forth above. Failure to do so could result in the Claimants receiving unwarranted or duplicate recoveries from the Reorganized Debtors—to the detriment of legitimate creditors.

RESERVATION OF RIGHTS

18. This Objection is without prejudice to the rights of the Reorganized Debtors or any other party in interest to object to the Wisconsin Tort Claims on any grounds whatsoever, and the Reorganized Debtors expressly reserve all further substantive or procedural objections they may have.

SEPARATE CONTESTED MATTER

19. To the extent that a response is filed regarding any Wisconsin Tort Claim and the Reorganized Debtors are unable to resolve any such response, each such Wisconsin Tort Claim, and the Objection as it pertains to such Wisconsin Tort Claim, will constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. Further, the Reorganized Debtors request that any order entered by the Court regarding an objection or other reply asserted in response to this Objection be deemed a separate order with respect to each claim.

Dated: April 8, 2021
Houston, Texas

Respectfully Submitted,

/s/ Philip M. Guffy

Timothy A. ("Tad") Davidson II (TX Bar No. 24012503)

Joseph P. Rovira (TX Bar No. 24066008)

Ashley Harper (TX Bar No. 24065272)

Philip M. Guffy (TX Bar No. 24113705)

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Counsel for the Reorganized Debtors

CERTIFICATE OF SERVICE

I certify that on April 8, 2021, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Philip M. Guffy _____
Philip M. Guffy

Exhibit A

Sielinski Declaration

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

	X	
In re:	:	Chapter 11
	:	
HI-CRUSH PERMIAN SAND LLC, <i>et al.</i> , ¹	:	Case No. 20-33505 (DRJ)
	:	(Jointly Administered)
Reorganized Debtors.	:	(Formerly Jointly Administered under Lead
	:	Case: Hi-Crush Inc., Case No. 20-33495) ²
	X	

**DECLARATION OF JEFFREY SIELINSKI
IN SUPPORT OF REORGANIZED DEBTORS’ FOURTEENTH
OMNIBUS OBJECTION TO CERTAIN CLAIMS (WISCONSIN TORT CLAIMS)**

I, Jeffrey Sielinski, hereby declare under penalty of perjury:

1. I am a Senior Director with Alvarez & Marsal North America, LLC, (“**A&M**”), a restructuring advisory services firm with numerous offices throughout the country.³ I, along with my colleagues at A&M, have been engaged by the Reorganized Debtors to provide various restructuring and financial services. In my current position with the Reorganized Debtors, I am responsible for all claims management related matters. I am generally familiar with the Reorganized Debtors’ day-to-day operations, financing arrangements, business affairs, and books and records that reflect, among other things, the Reorganized Debtors’ liabilities and the amount

¹ The Reorganized Debtors in these cases, along with the last four digits of each Reorganized Debtor’s federal tax identification number, are: Hi-Crush Inc. (0530), OnCore Processing LLC (9403), Hi-Crush Augusta LLC (0668), Hi-Crush Whitehall LLC (5562), PDQ Properties LLC (9169), Hi-Crush Wyeville Operating LLC (5797), D & I Silica, LLC (9957), Hi-Crush Blair LLC (7094), Hi-Crush LMS LLC, Hi-Crush Investments Inc. (6547), Hi-Crush Permian Sand LLC, Hi-Crush Proppants LLC (0770), Hi-Crush PODS LLC, Hi-Crush Canada Inc. (9195), Hi-Crush Holdings LLC, Hi-Crush Services LLC (6206), BulkTracer Holdings LLC (4085), Pronghorn Logistics Holdings, LLC (5223), FB Industries USA Inc. (8208), PropDispatch LLC, Pronghorn Logistics, LLC (4547), and FB Logistics, LLC (8641). The Reorganized Debtors’ address is 1330 Post Oak Blvd, Suite 600, Houston, Texas 77056.

² On December 11, 2020, the Court entered the *Final Decree Closing Certain of the Chapter 11 Cases* [Case No. 20-33495, Docket No. 505], which closed each Reorganized Debtor’s case except for Hi-Crush Permian Sand LLC, Case No. 20-33505, and directed that all further filings be made in that case.

³ Capitalized terms used but not otherwise defined in this Declaration have the meanings given to them in the Objection.

thereof owed to their creditors as of the Petition Date and afterwards. I am above 18 years of age, and I am competent to testify.

2. I submit this declaration (this “**Declaration**”) in support of the *Reorganized Debtors’ Fourteenth Omnibus Objection to Certain Claims (Wisconsin Tort Claims)* (the “**Objection**”) and am directly, or by and through the Reorganized Debtors’ advisors and personnel, familiar with the information contained therein and the Wisconsin Tort Claims. I am authorized to submit this declaration on the Reorganized Debtors’ behalf. Except as otherwise indicated, all facts set forth in this Declaration are based upon my personal knowledge of the Reorganized Debtors’ operations and finances, information learned from my review of relevant documents, and information I have received from other members of the Reorganized Debtors’ management, the Reorganized Debtors’ employees or the Reorganized Debtors’ advisors. As to matters regarding state and federal law, including bankruptcy law, I have relied on the advice of counsel. If I were called upon to testify, I could and would testify competently to the facts set forth in this Declaration on that basis.

3. To the best of my knowledge, information, and belief, insofar as I have been able to ascertain after reasonable inquiry, considerable time and resources have been expended to ensure a high level of diligence in reviewing and reconciling the proofs of claim filed against the Reorganized Debtors in the chapter 11 cases. In evaluating the Wisconsin Tort Claims, the Reorganized Debtors and/or their advisors thoroughly reviewed the Reorganized Debtors’ books and records and the Wisconsin Tort Claims (as well as any supporting documentation) and have determined that the Wisconsin Tort Claims should be disallowed in their entirety for the reasons set forth in the Objection.

4. Failure to do so could result in such claimants receiving an unwarranted or duplicate recovery—to the detriment of similarly situated creditors with legitimate claims. Thus, I believe that disallowance of the Wisconsin Tort Claims in their entirety is appropriate.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Dated: April 8, 2021

Respectfully submitted,

/s/ Jeffrey Sielinski

Jeffrey Sielinski, Senior Director

Alvarez & Marsal North America, LLC

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

	X	
In re:	:	Chapter 11
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HI-CRUSH PERMIAN SAND LLC, <i>et al.</i> , ¹	:	Case No. 20-33505 (DRJ)
	:	(Jointly Administered)
Reorganized Debtors.	:	(Formerly Jointly Administered under Lead
	:	Case: Hi-Crush Inc., Case No. 20-33495) ²
	X	

**ORDER SUSTAINING REORGANIZED DEBTORS’ FOURTEENTH
OMNIBUS OBJECTION TO CERTAIN CLAIMS (WISCONSIN TORT CLAIMS)**

[Relates to Objection at Docket No. __]

Upon the objection (the “**Objection**”)³ of the above-captioned reorganized debtors (collectively, the “**Reorganized Debtors**”) seeking entry of an order (this “**Order**”) disallowing the Wisconsin Tort Claims in their entirety, all as more fully set forth in the Objection; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and it appearing that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that the Court may enter a final order consistent with Article III of the United States Constitution; and it appearing that venue of this proceeding and the Objection in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that the Reorganized Debtors’ notice of the Objection and opportunity

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² On December 11, 2020, the Court entered the *Final Decree Closing Certain of the Chapter 11 Cases* [Case No. 20-33495, Docket No. 505], which closed each Reorganized Debtor’s case except for Hi-Crush Permian Sand LLC, Case No. 20-33505, and directed that all further filings be made in that case.

³ Capitalized terms used herein but not defined shall have the meanings ascribed to such terms in the Objection.

for a hearing on the Objection were appropriate under the circumstances and no other notice need be provided; and the Court having reviewed the Objection; and all responses, if any, to the Objection having been withdrawn, resolved, or overruled; and the Court having determined that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT**:

1. Each Wisconsin Tort Claim (i.e., those claims listed on **Schedule 1** hereto) is disallowed in its entirety.

2. Kurtzman Carson Consultants LLC, as claims agent, is authorized and directed to update the claims register maintained in these chapter 11 cases to reflect the relief granted in this Order.

3. The Reorganized Debtors and Kurtzman Carson Consultants LLC are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Objection.

4. Each Wisconsin Tort Claim and the objections by the Reorganized Debtors to each Wisconsin Tort Claim constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed a separate order with respect to each Wisconsin Tort Claim.

5. This Court shall retain exclusive jurisdiction to resolve any dispute arising from or related to this Order.

Signed: _____, 2021

DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

Schedule 1

Wisconsin Tort Claims

Hi-Crush Permian Sand LLC, et al. 20-33505 (DRJ)
 Fourteenth Omnibus Objection
 Schedule 1 - Wisconsin Tort Claims

NAME	DATE FILED	DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
1 AMY KULIG ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	661	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
2 ANGELA SYLLA ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	647	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
3 ANN SYLLA ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	663	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
4 BETH WILLERS ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	654	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
5 BRONEY MANKA ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	659	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
6 CARA ROSE ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	642	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
7 CHASE SYLLA ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	650	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
8 COLTON BORK ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	683	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.

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NAME	DATE FILED	DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
9 CORY BERG ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	632	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
10 DAKOTAH BORK ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	685	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
11 DANIELLE HOLSTAD ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	634	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
12 DARRELL BORK ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	662	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
13 DEBORAH CLARE ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	639	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
14 DIANNA BROWN ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	640	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
15 EMILY GUZA ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	679	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
16 GLENN WILLERS ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	655	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.

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NAME	DATE FILED	DEBTOR	CLAIM #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
17 GREG BLUEM ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	635	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
18 H.K., A MINOR CHILD (TODD & AMY KULIG, PARENTS) ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	660	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
19 JAMES SYVERSON ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	643	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
20 JARED MANKA ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	658	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
21 JOHN MANKA ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020		686	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
22 JULIE BERG ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	633	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
23 KAITIE GUZA ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	673	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
24 KATE CONNELL ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	646	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.

* - Indicates claim contains unliquidated and/or undetermined amounts

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25 KIMBERLY SYVERSON ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	644	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
26 LELAND DRANGSTVEIT ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	638	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
27 LISA GUZA ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	681	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
28 LORRAINE BLUEM ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	637	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
29 M.S., A MINOR CHILD (MICHAEL & STACY SYLLA, PARENTS) ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	649	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
30 MARY DRANGSTVEIT ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	636	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
31 MARY JO BORK ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020		678	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
32 MARY MANKA ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	684	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.

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33 MICHAEL JOHNSON ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	645	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
34 MICHAEL SYLLA ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	652	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
35 PATRICK MATHSON ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	653	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
36 PAULA KNUTSON ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	631	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
37 RANDY ROSE ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	641	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
38 ROBERT GUZA ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	682	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
39 S.S., A MINOR CHILD (CARA ROSE, PARENT) ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	657	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
40 SCOTT DYKSTRA ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Blair LLC	656	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.

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41 STACY SYLLA ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	651	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
42 TODD KULIG ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	675	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
43 W.S., A MINOR CHILD (WILLIAM & ANGELA SYLLA, PARENTS) ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	665	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
44 WILLIAM SYLLA ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	648	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
45 Z.S., A MINOR CHILD (WILLIAM & ANGELA SYLLA, PARENTS) ATTY. TIMOTHY JACOBSON FITZPATRICK SKEMP & BUTLER LLC 1123 RIDERS CLUB RD ONALASKA, WI 54650	8/21/2020	Hi-Crush Whitehall LLC	664	Undetermined*	Proof of claim asserts amounts owed due to alleged torts committed by the Reorganized Debtors. As set forth in the Objection, the Reorganized Debtors have no liability to the claimant for these claims.
TOTAL				Undetermined*	

* - Indicates claim contains unliquidated and/or undetermined amounts