Docket #0181 Date Filed: 6/3/2021

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 1, 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 LOGISTICS, LLC, *et al.*,	§	Case No. 20-42002-ELM-11
	§	
	§	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 DENYING STAY PENDING DIRECT APPEAL

On April 30, 2021, Defendant Sequitur Permian, LLC (the "**Defendant**") filed the *Defendant's Opposed Motion to Certify Direct Appeal Under 28 U.S.C. § 158(d)(2)(A)(i)-(iii)*

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[Docket No. 133] (the "**Certification Motion**"). On May 4, 2021, the Defendant filed the *Defendant's Opposed Motion to Stay Pending Direct Appeal* [Docket No. 135] (the "**Stay Motion**").

Pursuant to the Certification Motion, the Defendant requests the Court's certification to the United States Court of Appeals for the Fifth Circuit (the "**Fifth Circuit**") that one or more of the circumstances described in 28 U.S.C. § 158(d)(2)(A)(i)-(iii) exists in relation to each of the interlocutory summary judgment orders previously entered by the Court and appealed by the Defendant,[1] thereby warranting the Fifth Circuit's consideration of a direct appeal. Predicated on the assumption that the Court grants the Certification Motion and that the Fifth Circuit authorizes a direct appeal, pursuant to the Stay Motion the Defendant requests the Court's entry of an order staying all further proceedings in this adversary proceeding pending final disposition of such direct appeal.

Of equal date hereof, the Court has entered an order denying the Certification Motion. Therefore, the Stay Motion is now moot. Accordingly, it is hereby:

ORDERED that the Stay Motion be and is hereby DENIED AS MOOT.

END OF ORDER

[1] A request for leave to appeal such orders currently remains pending in the United States District Court for the Northern District of Texas.

United States Bankruptcy Court
Northern District of Texas

MAALT, LP,
Plaintiff

Adv. Proc. No. 20-04064-elm

Sequitur Permian, LLC,
Defendant

CERTIFICATE OF NOTICE

District/off: 0539-4 User: tspelmon
Date Rcvd: Jun 01, 2021 Form ID: pdf023 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 03, 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: ustpregion06.ty.ecf@usdoj.gov	Jun 01 2021 23:40:00	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231
ust	+	Email/Text: ustpregion07.hu.ecf@usdoj.gov	Jun 01 2021 23:40:00	US Trustee, Office of the US Trustee, 515 Rusk Ave, Ste 3516, Houston, TX 77002-2604
ust	+	Email/Text: ustpregion06.da.ecf@usdoj.gov	Jun 01 2021 23:40:00	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 03, 2021 Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 1, 2021 at the address(es) listed below:

Name	Email Address
Dylan Benjamen Russell	on behalf of Defendant Sequitur Permian LLC russell@hooverslovacek.com
Dylan Benjamen Russell	on behalf of 3rd Party Plaintiff 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
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
Suzanne K. Rosen	on behalf of Defendant Sequitur Permian LLC srosen@forsheyprostok.com, lbreedlove@forsheyprostok.com;calendar@forsheyprostok.com;srosen@ecf.courtdrive.com;calendar_0573@ecf.courtdrive.com

TOTAL: 10