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*Counsel to Ankura Trust Company, LLC, in its Capacity as Trustee of the Vista Litigation Trust*

**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 |
| Reorganized Debtors.[1] | § | (Jointly Administered) |

**ELEVENTH MOTION OF THE LITIGATION TRUSTEE FOR ORDER EXTENDING CLAIM OBJECTION DEADLINE AND INITIAL DISTRIBUTION DEADLINE FOR GENERAL UNSECURED CLAIMS**

Ankura Trust Company, LLC (the "Trustee"), as the Litigation Trustee of the Litigation Trust established by the confirmed plan of reorganization (the "Plan")[2] of the above-captioned debtors and debtors in possession (collectively, prior to the Effective Date of the Plan, the

[1] The Reorganized Debtors in these chapter 11 cases, along with the last four digits of each Reorganized Debtor's federal tax identification number, are: Vista Proppants and Logistics, LLC (7817); VPROP Operating, LLC (0269); Lonestar Prospects Management, L.L.C. (8451); MAALT Specialized Bulk, LLC (2001); Denetz Logistics, LLC (8177); Lonestar Prospects, Ltd. (4483); and MAALT, LP (5198). The location of the Reorganized Debtors' service address is 4413 Carey Street, Fort Worth, TX 76119.

[2] Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Plan (as further identified below).



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"Debtors" and, following the Effective Date of the Plan, the "Reorganized Debtors"), and as Disbursing Agent with respect to General Unsecured Claims under the Plan, moves the Court for entry of an order extending the Claim Objection Deadline and the Distribution Deadline (each as defined below) for General Unsecured Claims (as defined in Exhibit A to the Plan) by six months through and including January 31, 2026, pursuant to Sections VI.F.1 and VII.D of the Plan, section 105(a) of title 11 of the United States Code (the "Bankruptcy Code"), and Rule 9006 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"). In support of this Motion, the Trustee respectfully states as follows:

## JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and paragraph 80 of the Confirmation Order (as defined below). This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

## BACKGROUND

***General Background***

2. On June 9, 2020, the Debtors commenced these cases by filing voluntary petitions for relief under chapter 11 of the Bankruptcy Code. Pursuant to an order entered on June 12, 2020 [Dkt. No. 66], the Debtors' chapter 11 cases have been consolidated for procedural purposes only and are being administered jointly.

3. On October 28, 2020, the Court entered an order [Dkt. No. 717] (the "Confirmation Order") confirming the *Fourth Amended Joint Plan of Reorganization of Vista Proppants and Logistics, LLC, et al., Pursuant to Chapter 11 of the Bankruptcy Code* [Dkt. No. 682] (as confirmed, the "Plan"). The Plan became effective in accordance with its terms on

November 6, 2020 (the "Effective Date"), at which time the Debtors emerged from chapter 11 as the Reorganized Debtors. *See Notice of Effective Date of the Fourth Amended Joint Plan of Reorganization of Vista Proppants and Logistics, LLC, et al., Pursuant to Chapter 11 of the Bankruptcy Code* [Dkt. No. 748].

4. Among other things, the Plan provides for the creation of a Litigation Trust for the purpose of prosecuting and liquidating certain causes of action (collectively, the "Litigation Claims"). *See* Plan, § IV.P. Pursuant to the Plan, the trustee of the Litigation Trust (the Litigation Trustee) also shall serve as "the Disbursing Agent under the Plan when making distributions to Class 6 Creditors [holders of General Unsecured Claims]." Plan, Ex. A at 5 (definition of "Disbursing Agent"); *see also* Plan, § IV.P ("The Litigation Trustee shall be deemed the Disbursing Agent under the Plan when making distributions to holders of Litigation Trust Interests and the GUC Cash Settlement."). Pursuant to the Confirmation Order and the Plan, the Trustee was appointed Litigation Trustee of the Litigation Trust and Disbursing Agent for the General Unsecured Claims. *See* Plan, § IV.P; *Notice of Filing of Amended Plan Supplements*, Ex. 10 [Dkt. No. 612]; Confirmation Order, ¶¶ 2, 43.

***The Claim Bar Dates***

5. The Debtors filed their Schedules of Assets and Liabilities (collectively, as amended, the "Schedules") on July 23, 2020. On September 4, 2020, one of the Debtors, MAALT LP, filed an amendment to its Schedules [MAALT, LP Dkt. No. 14].

6. On July 27, 2020, the Court entered the *Order (I) Shortening the Bar Date for Filing Proofs of Claim, (II) Establishing Ramifications for Failure to Timely File Claims, (III) Approving Notice of Shortened Bar Date, and (IV) Approving the Mailing of Notices* [Dkt. No. 288] (the "Bar Date Order"). The Bar Date Order established, among other things, (i) August 31, 2020 as the

deadline for persons or entities to file proofs of claim asserting claims, as defined by section 101(5) of the Bankruptcy Code, against the Debtors (each, a "Claim"); and (ii) February 3, 2021 as the deadline for governmental units to file Claims against the Debtors (the "Governmental Bar Date").

7. Pursuant to the Plan and the Confirmation Order, the deadline to file Claims relating to the rejection of an Executory Contract or Unexpired Lease, unless otherwise provided by Court order, is 30 days after the later of (i) the date of entry of an order (including the Confirmation Order) approving such rejection, (ii) the effective date of such rejection, (iii) the Effective Date, or (iv) the date after the Effective Date of an amendment to the Schedules affecting the Executory Contract or Unexpired Lease (the "Contract Rejection Bar Date"). *See* Plan, § V.C. For Claims that must be filed within 30 days after the Effective Date, the Contract Rejection Bar Date was December 7, 2020.

***The Claim Objection Deadline and the Distribution Deadline***

8. The Plan provides that the Litigation Trustee has authority to file, litigate, and settle objections to General Unsecured Claims. Plan, § VII.A. Under the Plan, all objections to General Unsecured Claims must be filed on or before the date that is 180 days after the Effective Date, unless a later date is fixed by order of the Court (the "Claim Objection Deadline"). *See* Plan, § VII.D. The Plan established an original Claim Objection Deadline of May 5, 2021.

9. In addition, the Plan requires the Trustee, as Disbursing Agent, to make an initial *pro rata* cash distribution to each holder of an Allowed General Unsecured Claim (other than Term Loan Lender Class 6 Creditors) within 180 days of the Effective Date, unless that deadline is extended for cause upon a motion by the Litigation Trustee (the "Distribution Deadline"). Plan, § VI.F.1. The Plan established an original Distribution Deadline of May 5, 2021.

10. The Trustee has filed multiple prior motions seeking an extension of the Claim Objection Deadline and the Distribution Deadline [Dkt. Nos. 857, 891, 922, 989, 998, 1010, 1030, 1043, 1070, 1088]. The Court has entered orders extending the Claim Objection Deadline and the Distribution Deadline through the current deadline of July 31, 2025 [Dkt. Nos. 869, 895, 939, 994, 1002, 1017, 1035, 1048, 1075, 1096].

## RELIEF REQUESTED

11. By this Motion, the Trustee respectfully requests entry of an order, substantially in the form attached hereto as **Exhibit A** (the "Proposed Order") granting a further extension of each of the Claim Objection Deadline and the Distribution Deadline with respect to General Unsecured Claims, which deadlines currently are July 31, 2025, by an additional six months through and including January 31, 2026, pursuant to Sections VI.F.1 and VII.D of the Plan, section 105(a) of the Bankruptcy Code, and Bankruptcy Rule 9006(b)(1).

## BASIS FOR RELIEF

12. The Court may extend the Claim Objection Deadline by entry of an order, at its discretion, pursuant to Section VII.D of the Plan. Further, the Court may extend the Distribution Deadline upon motion of the Trustee, for cause, pursuant to Section VI.F.1 of the Plan.

13. The Court also is authorized to extend the Claim Objection Deadline and the Distribution Deadline under Bankruptcy Rule 9006(b)(1) and section 105(a) of the Bankruptcy Code. Bankruptcy Rule 9006(b)(1) permits a bankruptcy court, in its discretion and subject to certain exceptions not relevant here, to enlarge any period of time within which an act is required or allowed to be done, for good cause shown. *See* Fed. R. Bankr. P. 9006(b)(1). In addition, section 105(a) of the Bankruptcy Code grants bankruptcy courts broad authority and discretion to take actions and implement procedures necessary to administer a bankruptcy case. *See* 11 U.S.C.

§ 105(a) (authorizing the Court to "issue any order . . . that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code].").

14. Although Bankruptcy Rule 9006 does not define "cause," it has been noted that "courts should be liberal in granting extensions of time sought before the period to act has elapsed, so long as the moving party has not been guilty of negligence or bad faith and the privilege of extension has not been abused." 10 COLLIER ON BANKRUPTCY ¶ 9006.06[2] (Alan N. Resnick & Henry J. Sommer eds., 16th ed. rev. 2016).

15. Cause exists to grant the requested extension of the Claim Objection Deadline and Distribution Deadline. The Trustee has largely concluded with its responsibilities analyzing and pursuing the Litigation Claims and has resolved a number of such claims through a settlement agreement with certain of the Debtors' former insiders, which resulted in the waiver of their liquidated and unliquidated claims.

16. As set forth in the undersigned counsel's letter to the Court dated May 4, 2023 [Dkt. No. 1029], the Trustee has now resolved all disputed General Unsecured Claims except Claim No. 142 and Claim No. 143 (together, the "Sequitur Permian Claims"), each of which (i) was filed by Sequitur Permian, LLC and (ii) asserts liabilities in the amount of $4,029,977.00. The Trustee understands that resolution of the Sequitur Permian Claims is contingent on the outcome of certain legal issues addressed in the adversary proceeding filed by Debtor MAALT, LP on September 4, 2020, *In re Vista Proppants and Logistics, LLC (MAALT, LP v. Sequitur Permian, LLC)*, Adv. Proc. No. 20-04064-ELM (the "Adversary Proceeding"). A hearing on the Adversary Proceeding was held on December 7-14, 2021, and the matter currently is *sub judice*. As soon as the Adversary

Proceeding is adjudicated, or the values of the Sequitur Permian Claims are estimated,[3] the Trustee can administer the Sequitur Permian Claims and proceed with a distribution to Trust beneficiaries.

17. The Trustee, therefore, requests an extension of the Claim Objection Deadline and Distribution Deadline to allow for resolution or estimation of the Sequitur Permian Claims and a distribution to Claim holders thereafter. The Trustee prefers to make a single distribution on behalf of all eligible Allowed General Unsecured Claims to avoid the expense of multiple distributions and thus increase recoveries to Claim holders. The relief requested herein will allow for the administrative cost savings associated with a single distribution and, therefore, is in the best interests of creditors.

18. Courts in this District and other districts have granted similar requests to extend claim objection deadlines and distribution deadlines. *See*, *e.g.*, *In re Taco Bueno Restaurants, Inc.*, No. 18-33678-SGJ-11 (Bankr. N.D. Tex. Feb. 13, 2019) [Dkt. No. 297] (granting 180-day extension of claim objection deadline); *In re Opus West Corp.*, No. 09-34356-HDH-11, 2011 WL 6014384 (Bankr. N.D. Tex. Aug. 26, 2011) (granting extension of distribution deadline through three weeks after order became non-appealable); *see also In re Neighbors Legacy Holdings, Inc.*, No. 18-33836 (MI) (Bankr. S.D. Tex. Oct. 28, 2020) [Dkt. No. 1151] (granting fifth extension of the claim objection deadline for a total extension of over 450 days where the trustee of a litigation trust was responsible for both objecting to claims and pursuing litigation claims); *In re Patriot National, Inc.*, No. 18-10189 (CSS) (Bankr. D. Del. Sept. 4, 2020) [Dkt. No. 1293] (granting fifth extension of deadline to object to claims for a total extension of over 950 days where litigation trustee was responsible for both claim reconciliation and ongoing

[3] On April 29, 2024, the Trustee filed a motion to estimate the value of the Sequitur Permian Claims [Dkt. No. 1054], which remains pending.

litigation); *In re Gymboree Corp*., No. 17-32986 (KLP) (Bankr. E.D. Va. Mar. 29, 2018) [Dkt. No. 960] (extending claim objection bar date by approximately 279 days).

19. The Trustee submits that the extensions requested herein are reasonable and necessary under the circumstances and will not prejudice creditors. The Trustee submits that the relief requested herein inures to the benefit of creditors and parties in interest and should be granted. The Trustee further requests that the Proposed Order be entered without prejudice to its right to seek any further extensions of the Claim Objection Deadline and/or the Distribution Deadline, as appropriate.

**NOTICE AND PRIOR REQUEST**

20. Notice of this Motion has been provided to (i) the Office of the United States Trustee, (ii) counsel to the Reorganized Debtors, and (iii) all parties requesting notice under Bankruptcy Rule 2002. In light of the nature of the relief requested, the Trustee submits that no other or further notice need be given.

21. No prior application for the relief sought herein has been made to this or any other Court.

**WHEREFORE,** the Trustee respectfully requests that the Court enter an order substantially in the form of the Proposed Order (i) extending the Claim Objection Deadline and the Distribution Deadline for General Unsecured Claims through and including January 31, 2026, and (ii) granting such other and further relief as the Court deems appropriate under the circumstances.

Dated: July 1, 2025
Dallas, Texas

*/s/ Meaghan Whitehead*

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*Counsel to Ankura Trust Company, LLC, in its Capacity as Litigation Trustee of the Vista Litigation Trust*

**EXHIBIT A**

**Proposed Order**

**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-1 |
| Reorganized Debtors.[1] | § | (Jointly Administered) |

**ORDER GRANTING ELEVENTH EXTENSION OF CLAIM OBJECTION DEADLINE AND INITIAL DISTRIBUTION DEADLINE FOR GENERAL UNSECURED CLAIMS**

Upon the *Eleventh Motion of the Litigation Trustee for Order Extending Claim Objection Deadline and Initial Distribution Deadline for General Unsecured Claims* (the "Motion")[2] filed

[1] The Reorganized Debtors in these chapter 11 cases, along with the last four digits of each Reorganized Debtor's federal tax identification number, are: Vista Proppants and Logistics, LLC (7817); VPROP Operating, LLC (0269); Lonestar Prospects Management, L.L.C. (8451); MAALT Specialized Bulk, LLC (2001); Denetz Logistics, LLC (8177); Lonestar Prospects, Ltd. (4483); and MAALT, LP (5198). The location of the Reorganized Debtors' service address is 4413 Carey Street, Fort Worth, TX 76119-4219.

[2] Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

by Ankura Trust Company, LLC (the "Trustee"), as Litigation Trustee and Disbursing Agent with respect to the General Unsecured Claims; the Court having reviewed the Motion; and the Court finding that (i) it has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and 1334; (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (iii) proper and adequate notice of the Motion and the opportunity for a hearing thereon has been given under the circumstances and no other or further notice is necessary; and (iv) upon the record herein and after due deliberation thereon, good and sufficient cause exists for granting the relief requested in the Motion, as set forth herein.

Accordingly, **IT IS HEREBY ORDERED** as follows:

1. ORDERED that the Motion is GRANTED; and it is further

2. ORDERED that the Claim Objection Deadline for General Unsecured Claims is hereby extended through and including January 31, 2026, without prejudice to the right of the Trustee to seek further extensions of time; and it is further

3. ORDERED that the Distribution Deadline for General Unsecured Claims (other than Term Loan Lender Class 6 Creditors) is hereby extended through and including January 31, 2026, without prejudice to the right of the Trustee to seek further extensions of time; and it is further

4. ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from and related to the entry of this Order.

**# # # END OF ORDER # # #**

Submitted by:

*/s/ Maeghan Whitehead*

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– and –

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*Counsel to Ankura Trust Company, LLC,*
*in its Capacity as Litigation Trustee of the*
*Vista Litigation Trust*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day of July 2025, I caused a true and correct copy of the foregoing document to be served by the Reorganized Debtors' claims and noticing agent, Kurtzman Carson Consultants LLC, upon all parties eligible to receive services through electronic mail and first-class mail.

*/s/ Maeghan Whitehead*
Maeghan Whitehead