

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

	§	
	§	
In re	§	Chapter 11
	§	
EXPRESS ENERGY SERVICES	§	
OPERATING, LP, <i>et al.</i> ,	§	Case No. 09-____ (____)
	§	
	§	
Debtors.	§	
	§	
	§	Joint Administration Requested

DEBTORS’ EMERGENCY MOTION FOR AN EXTENSION OF TIME TO FILE SCHEDULES OF ASSETS AND LIABILITIES, SCHEDULES OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES, AND STATEMENTS OF FINANCIAL AFFAIRS PURSUANT BANKRUPTCY RULE 1007

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Express Energy Services Operating, LP (“**EES**”) and its affiliated debtors in the above-referenced chapter 11 cases, as debtors and debtors in possession (collectively, the “**Debtors**”),¹ submit this emergency motion (the “**Motion**”) seeking an extension of time to file their (i) schedules of assets and liabilities, (ii) schedules of executory contracts and unexpired leases, and (iii) statements of financial affairs (collectively, the “**Schedules**”), and respectfully represent as follows:

I.

BACKGROUND

1. On the date hereof (the “**Commencement Date**”), each of the Debtors filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”). The Debtors are authorized to operate their businesses and manage their

¹ A list of the Debtors in these chapter 11 cases is attached hereto as **Exhibit A**.

properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. Contemporaneously herewith, the Debtors filed a motion seeking joint administration of their chapter 11 cases pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”).

2. Information regarding the Debtors’ business and events leading to the Debtors’ bankruptcy filing can be found in the Declaration of Darron Anderson in Support of Support of the Debtors’ Chapter 11 Petitions and First Day Motions, filed contemporaneously herewith.

II.

JURISDICTION

3. Pursuant to 28 U.S.C. §§ 157 and 1334, the Court has jurisdiction to consider and grant the relief requested herein. A proceeding to consider and grant such relief is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

III.

RELIEF REQUESTED

4. The Debtors request that the Court enter an order, substantially in the form attached hereto as **Exhibit B**, granting the Debtors a 14-day extension to file their Schedules through and including November 25, 2009. The Debtors further request that, if the Debtors obtain written consent to an additional 14-day extension from the Office of the United States Trustee for the Southern District of Texas (the “**U.S. Trustee**”) and attorneys for any committee appointed pursuant to section 1102 of the Bankruptcy Code (a “**Committee**”) prior to November 25, 2009, the period in which the Debtors must file their Schedules be extended for an additional 14 days through and including December 9, 2009 without additional notice required from the

Debtors or further order from the Court. Finally, the Debtors request that the relief requested herein be without prejudice to their right to request further extensions of time to file the Schedules.

IV.

BASIS FOR RELIEF

5. Bankruptcy Rule 1007(c) requires the filing of the Schedules within 15 days after the Commencement Date. FED. R. BANKR. P. 1007(c). Bankruptcy Rule 1007(c), however, permits the Court to extend the 15-day time period upon a showing of cause. Id. Notice of any requested extension must be given to the U.S. Trustee, any Committee, and any other party that the Court directs. Id.

6. Given the size and complexity of the Debtors' operations and their prepetition focus on restructuring their financial affairs to avoid chapter 11 filings, the Debtors have been unable to gather the information required for drafting the Schedules and do not anticipate having the Schedules ready for filing within the 15 days required under Bankruptcy Rule 1007(c). The Debtors, with the help of their professional advisors, are mobilizing their employees to work diligently and expeditiously on the preparation of the Schedules and anticipate that it will take between four to six weeks days from the Commencement Date to complete and file the Schedules with the Court. Therefore, the Debtors request that the Court grant a moderate extension of the time to file their Schedules.

7. The Debtors submit that the amount of information that must be assembled and compiled and the number of hours required to complete the Schedules all constitute good and sufficient cause for granting the extensions requested herein. No party-in-interest will be prejudiced by the brief extensions because the Debtors would only have a 14-day

extension through and including November 25, 2009 unless they obtain an additional 14-day extension through and including December 9, 2009 by obtaining the written consent of the U.S. Trustee and attorneys for any Committee. Accordingly, the relief requested herein is warranted and should be approved by the Court.

V.

NOTICE

8. The Debtors have served notice of this Motion on (i) the U.S. Trustee; (ii) Credit Suisse, as administrative agent for (a) the Debtors' prepetition secured lenders under the Credit Agreement dated as of July 11, 2008, as amended, and (b) the Swap Agreement dated as of July 11, 2008; (iii) Akin Gump Strauss Hauer & Feld (Attn: J. Michael Chambers and Charles R. Gibbs), attorneys for Credit Suisse; (iv) the Debtors' 20 largest unsecured creditors (on a consolidated basis); and (v) all applicable government agencies, to the extent required by the Bankruptcy Rules or the Bankruptcy Local Rules for the Southern District of Texas. The Debtors submit that no other or further notice need be provided.

WHEREFORE, the Debtors respectfully request entry of an order granting the relief requested herein and such other further relief as is just.

Dated: October 27, 2009
Houston, Texas

/s/ Alfredo R. Pérez
Alfredo R. Pérez (15776275)

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Attorneys for Debtors
and Debtors in Possession

EXHIBIT A**LIST OF DEBTORS**

Debtor	Last Four Digits of Federal Tax I.D. No.
Express Energy Services Operating, LP	7644
Express Energy Services (2008) LLC	3087
Express Energy Services Holding, LP	7122
Express Energy Services GP, LLC	7083
Express Energy Services CT, LP	8432
Express Energy Services Ark, LP	5287
Express Energy Services P&A, LP	8402
Express Energy Services WL, LP	2834
Express – Byrd R&S GP, LLC	7556
Express – Byrd R&S Oilfield Services, L.P.	7580
Express – MBCC GP, LLC	0760
Express – MBCC, Ltd.	0802
Express – Mike Byrd Casing Crews GP, LLC	0852
Express – Mike Byrd Casing Crews, Ltd.	0938
Express – R&S Tong Services GP, LLC	2230
Express – R&S Tong Services, Ltd.	7465
Express – BAH Leasing GP, LLC	0510
Express – BAH Leasing, Ltd.	0708
D&D Tongs GP, LLC	6566
D&D Tongs, L.P.	6586
Express – North Trail Oilfield Services, GP, LLC	7506
Express – North Trail Oilfield Services, Ltd.	7526
Express – Ace Rat Hole Service GP, LLC	6617
Express – Ace Rat Hole Service, Ltd.	6632

EXHIBIT B

PROPOSED ORDER

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

In re

EXPRESS ENERGY SERVICES
OPERATING, LP, *et al.*,

Debtors.

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Chapter 11

Case No. 09-____ (____)

Joint Administration Requested

**ORDER GRANTING EMERGENCY MOTION PURSUANT TO BANKRUPTCY
RULE 1007 EXTENDING TIME TO FILE SCHEDULES OF ASSETS AND
LIABILITIES, SCHEDULES OF EXECUTORY CONTRACTS AND
UNEXPIRED LEASES, AND STATEMENTS OF FINANCIAL AFFAIRS**

Upon the Emergency Motion (the “**Motion**”)¹ of Express Energy Services Operating, LP (“**EES**”) and its affiliated debtors in the above-referenced chapter 11 cases, as debtors and debtors in possession (collectively, the “**Debtors**”) for an Order Pursuant to Rule 1007 of the Federal Rules of Bankruptcy Procedures Extending Time to File (I) Schedules Assets and Liabilities, (II) Schedules of Executory Contracts and Unexpired Leases, and (iii) Statements of Financial Affairs (collectively, the “**Schedules**”), all as more fully described in the Motion; and upon consideration of the Declaration of Darron Anderson in Support of the Debtors’ Chapter 11 Petitions and First Day Motions; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the requested relief being a core proceeding the Court can determine pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion and the hearing thereon

¹ Capitalized terms used and not otherwise defined herein shall have the meanings ascribed to them in Motion.

has been given under the circumstances and that no other or further notice need be provided; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor, it is ORDERED that

1. The relief requested in the Motion is GRANTED to the extent provided herein.

2. The period in which the Debtors must file their Schedules is extended through and including November 25, 2009; **provided, however,** that, if the Debtors obtain written consent to an additional 14-day extension from the Office of the United States Trustee for the Southern District of Texas and attorneys for any committee appointed in the Debtors' chapter 11 cases pursuant to section 1102 of the Bankruptcy Code prior to November 25, 2009, the period in which the Debtors must file their Schedules shall be extended for an additional 14 days through and including December 9, 2009 without additional notice required from the Debtors or further order from the Court.

3. Entry of this Order is without prejudice to the Debtors' right to request further extensions of time to file Schedules with the Court.

4. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion.

5. The Court shall retain jurisdiction to consider all matters arising from the interpretation or implementation of this Order.

Dated: Houston, Texas
_____, 2009

UNITED STATES BANKRUPTCY JUDGE