



ENTERED
12/22/2009

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

IN RE:	§	
	§	
EXPRESS ENERGY SERVICES, L.P., et al.	§	CASE NO. 09-38044
	§	(Chapter 11)
DEBTORS	§	Jointly Administered

**AGREED ORDER GRANTING MERIT ENERGY COMPANY, LLC'S MOTION FOR
MODIFICATION OF THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362(d)(1)**

[Relates to Docket No. 179]

Having considered the *Motion for Modification of the Automatic Stay Pursuant to 11 U.S.C. § 362(d)(1)* (the "Motion")¹ filed by Merit Energy Company, L.L.C. ("Merit"), the agreement of the parties, and finding that: (i) the court has jurisdiction to consider the motion, (ii) venue is proper, (iii) due and proper notice of the motion has been provided, (iv) cause exists to modify the automatic stay; and (v) the motion is meritorious and should be granted, it is hereby

ORDERED that the Motion is GRANTED; it is further

ORDERED that the automatic stay is modified to permit Merit and Express Energy Services, L.L.C. ("Express") to finalize and close the settlement agreement reached prior to the filing of this bankruptcy action.

ORDERED that the relief provided herein shall apply only to the State Court matter entitled, *Merit Energy Company v. Express Energy Services, L.L.C.*, Cause No. 2008-51078, pending in the 133rd Judicial District Court for Harris County, Texas, and is limited to execution of the Mutual General Release, Indemnity Agreement and Assignment by Merit and Express,

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

filing a dismissal of the State Court matter, and negotiation of the settlement proceeds funded by Express' insurers; and it is further

ORDERED that the ten-day stay otherwise imposed by Bankruptcy Rule 4001(a)(3) is waived and shall have no force or effect with respect to the implementation of this Order. As such, this Order shall be of immediate force and effect upon entry.

Signed this 22nd day of Dec., 2009



Jeff Bohm
United States Bankruptcy Judge

Agreed as to form and substance by:

/s/ Michael A. Golemi (by permission)

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