

ENTERED  
01/05/2010

**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 SMITH INTERNATIONAL, INC.'S AND  
THOMAS ENERGY SERVICES, INC.'S MOTION FOR MODIFICATION  
OF THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362(d)(1)**  
[Relates to Docket No. \_\_\_\_]

Having considered the *Motion for Modification of the Automatic Stay Pursuant to 11 U.S.C. § 362(d)(1)* (the "Motion")<sup>1</sup> filed by Smith International, Inc. and Thomas Energy Services, Inc. and 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 the Movants to pursue, as contractual third party beneficiaries, their claims for indemnity and insurance benefits against the Debtor's insurers, as contemplated by the Express MSA; it is further

ORDERED that the relief provided herein shall apply only to Smith and Thomas and is limited to their pursuit of insurance and indemnity benefits from the Debtor's insurers; and it is further

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

ORDERED that nothing herein or in the Motion shall be construed as an admission of liability by any party and all parties described in the Motion including but not limited to the Debtors herein expressly reserve all of their rights, privileges and defenses; 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 5th day of Jan., ~~2009~~ 2010.

*JS*

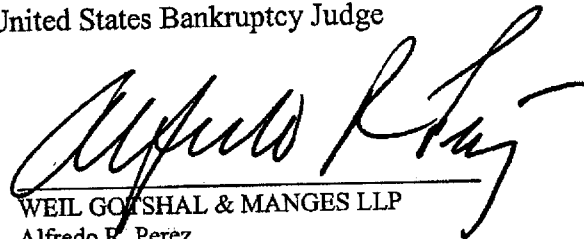


Jeff Bohm  
United States Bankruptcy Judge

Agreed as to form and substance by:

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