



ENTERED
05/29/2010

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. 09-38044
	§	
Reorganized Debtors.	§	Jointly Administered
	§	

ORDER DENYING THE MOTION TO CONTINUE HEARING FILED BY JACK WINN

[Related to Docket No. 277]

Upon consideration of the Motion to Continue Hearing (Docket No. 277, the “**Motion to Continue**”)¹ of Jack Winn (“**Winn**”), which seeks entry of an order continuing a hearing on Winn’s Objection to Partial Rejection of Employment Agreement (Docket No. 214, the “**Objection**”); and the Court having jurisdiction to consider the Motion to Continue and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion to Continue and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and a hearing to consider the Motion to Continue being held on May 20, 2010 (the “**May 20 Hearing**”); and upon consideration of the representations made on the record at the May 20 Hearing; and for the reasons set forth by the Court on the record at the May 20 Hearing; and after due deliberation and sufficient cause appearing therefor, it is hereby DETERMINED, FOUND, ADJUDGED, and DECREED that:

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

A. On December 30, 2009, Express Energy Services Operating, LP and its affiliated debtors in the above captioned bankruptcy cases (the “**Debtors**” or the “**Reorganized Debtors**”) filed their Third Revised Exhibit 5 of the Plan Supplement in Support of the Debtors’ Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code (Docket No. 212, the “**Plan Supplement Exhibit**”). On December 31, 2009, Winn filed the Objection. On January 21, 2010, the Reorganized Debtors filed their Response to the Objection (Docket No. 226, together with the Plan Supplement Exhibit and the Objection, the “**Winn Matter**”).

B. The Court scheduled a hearing on the Winn Matter for April 16, 2010 at 9:00 a.m. (prevailing Central Time) (the “**April 16 Hearing**”). Pursuant to an affidavit of service filed on March 15, 2010, the Debtors’ claims and notice agent served Winn’s counsel with notice of the April 16 Hearing (Docket No. 241).

C. On April 12, 2010, counsel to Winn informed the Reorganized Debtors’ counsel that a continuance of the April 16 Hearing was necessary because Winn was scheduled to undergo medical treatment on April 16, 2010. At the April 16 Hearing, counsel for the Reorganized Debtors informed the Court of the representations made by Winn’s counsel and the Court continued the hearing on the Winn Matter to the May 20 Hearing.

D. On May 18, 2010, Winn filed a Motion to Continue the May 20 Hearing (Docket No. 272, the “**First Motion to Continue**”). On May 19, 2010, the Court entered an order denying the First Motion to Continue for the reasons set forth therein (Docket No. 276).

E. On May 19, 2010, Winn filed the Motion to Continue to seek a continuance of the May 20 Hearing relating to the Winn Matter because, *inter alia*, Winn’s counsel was scheduled to appear in another bankruptcy court in Ft. Worth, Texas, on May 20, 2010 and would be unable to personally attend the May 20 Hearing. The Motion to Continue

also states that Winn will be receiving medical treatment on June 28, 2010, the next scheduled hearing date in the Reorganized Debtors' cases, and requests that the Court continue the hearing on the Winn Matter until a date in July, 2010.

F. Winn's counsel appeared telephonically before the Court at the May 20 Hearing. No testimony or representation of counsel was presented to the Court that Winn was unable to appear before the Court at the May 20 Hearing because of medical treatment, health-related issues, or a non-medical emergency.

G. Winn's counsel received proper notice of the May 20 Hearing.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion to Continue is DENIED for the reasons set forth in this Order and on the record at the May 20 Hearing.

2. The Court retains jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: Houston, Texas

May 28, 2010



HONORABLE JEFF BOHM
UNITED STATES BANKRUPTCY JUDGE