



ENTERED  
11/21/2011

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
	§	

**AGREED STIPULATION AND ORDER RELATING TO CLINT PARKISON**

[Related to Docket No. 389]

Clint Parkison and Express Energy Services Operating, LP, and its affiliated reorganized debtors in the above-captioned bankruptcy cases (collectively, the “**Debtors**” or the “**Reorganized Debtors**”), by and through their respective undersigned counsel, hereby enter into this agreed stipulation and order (this “**Agreed Stipulation and Order**”).

**RECITALS**

WHEREAS, on October 27, 2009 (the “**Commencement Date**”), the Debtors commenced voluntary cases under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Southern District of Texas, Houston Division (the “**Court**”);

WHEREAS, on December 7, 2009, the Court entered an order (Docket No. 189, the “**Confirmation Order**”) confirming the Debtors’ Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code (the “**Plan**”), which became effective in accordance with its own terms on December 31, 2009 (the “**Effective Date**”);

WHEREAS, on the Effective Date, the automatic stay imposed by section 362 of the Bankruptcy Code (the “**Automatic Stay**”) was terminated pursuant to the terms of the Plan and Confirmation Order (as more fully described therein);

WHEREAS, on or about June 3, 2009, Parkison allegedly fell off of certain equipment on a well-site in White County, Arkansas while allegedly performing his duties as an employee of Eagle Precision Productions, LLC;

WHEREAS, Parkison believes that certain equipment on the well-site may have been delivered to the well-site by one or more of the Debtors;

WHEREAS, Parkison has filed a complaint (the “**Complaint**”) in the Circuit Court of White County, Arkansas, Case No. CV-2011-95-1, which was subsequently removed to the United States District Court for the Eastern District of Arkansas (the “**Arkansas Court**”), Case No. 4:11-cv-265-DPM. The Complaint alleges, among other things, that Parkison has incurred injuries as a result of the Accident;

WHEREAS, on July 8, 2011, the Arkansas Court entered an order dismissing the Complaint because of the automatic stay imposed by the Debtors’ bankruptcy cases. That order provided that Parkison may move to amend and reassert the claims in the Complaint should the Court order relief from the automatic stay;<sup>1</sup>

WHEREAS, on or about October 26, 2011, counsel for Parkison contacted counsel for the Reorganized Debtors seeking relief from the Automatic Stay to pursue the claims in the Complaint, and any non-bankruptcy remedies Parkison may have against the Reorganized Debtors, in the Arkansas Court; and

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<sup>1</sup> The Arkansas Court’s order dismissing the Complaint is at Docket No. 19. That order states: “Parkison’s claims against the [Debtors] run afoul of the automatic stay because those companies are in bankruptcy. Those claims are therefore dismissed without prejudice for lack of subject matter jurisdiction. Parkison may move to amend and reassert those claims if he succeeds in getting relief from the stay in the bankruptcy court.”

WHEREAS, in light of the foregoing, the Reorganized Debtors and Parkison entered into this Agreed Stipulation and Order for the purposes of confirming the termination of the Automatic Stay.

**AGREED STIPULATION AND ORDER**

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED** by and between Parkison and the Reorganized Debtors that:

1. The Automatic Stay is Modified. To the extent applicable, and/or necessary pursuant to the terms of the Plan and Confirmation Order, the Automatic Stay is modified to allow Parkison to pursue remedies against the Reorganized Debtors solely with respect to the Accident, and solely in the Arkansas Court. Parkison shall only satisfy any recovery or settlement relating to the Accident from the proceeds of any applicable insurance policies covering the Accident, and shall waive any and all Claims (as defined in the Plan) against the Debtors, the Reorganized Debtors, or their respective estates.
2. No Admission of Liability. Nothing contained herein shall be construed as an admission of liability by the Reorganized Debtors, the Debtors, any party involved in or related to the Accident, and/or any applicable insurance provider.
3. Reservation of Rights. All of the rights, privileges and defenses, including but not limited to the rights to tender or receive indemnification from other parties, of the Reorganized Debtors, the Debtors, Parkison, and/or any party involved in or related to the Accident, and any applicable insurance provider are expressly preserved.
4. No Waiver, Amendment or Modification of Plan or Confirmation Order. Nothing contained herein shall be deemed a waiver, amendment, or modification of any provision in the Plan or Confirmation Order.

5. Drafting and Construction. Parkison and the Reorganized Debtors acknowledge that this Agreed Stipulation and Order is their joint work product, and that, accordingly, in the event of ambiguities, no inferences shall be drawn against either Parkison or the Reorganized Debtors on the basis of authorship of this Agreed Stipulation and Order.

6. Counterparts. This Agreed Stipulation and Order may be executed in any number of counterparts, and all such counterparts, taken together, shall be deemed to constitute one and the same instrument.

7. Retention of Jurisdiction. The Court shall retain exclusive jurisdiction to hear and determine all matters arising from or relating to the implementation, interpretation, and/or enforcement of this Agreed Stipulation and Order. The parties to this Stipulation agree to execute any and all other documents required by the Arkansas Court to effectuate the terms of this Agreed Stipulation and Order.

8. Binding Effect. This Agreed Stipulation and Order shall be binding on Parkison and the Reorganized Debtors from the date of its execution, but is expressly subject to, and contingent upon, its approval by the Court. If the Court does not approve this Agreed Stipulation and Order, it shall be null and void.

By: /s/ Kimberly A. Bartley  
Kimberly A. Bartley

By: /s/ Alfredo R. Pérez  
Alfredo R. Pérez

WALDRON & SCHNEIDER, L.L.P.

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Tel: (713) 546-5000  
Fax: (713) 224-9511

Counsel for Parkison

Counsel for the Reorganized Debtors

The foregoing Agreed Stipulation and Order **IS HEREBY APPROVED AND ORDERED** by the Court.

**Signed: November 19, 2011**



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**DAVID R. JONES**  
**UNITED STATES BANKRUPTCY JUDGE**

United States Bankruptcy Court  
Southern District of TexasIn re:  
Express Energy Services Operating, LP  
DebtorCase No. 09-38044-drj  
Chapter 11**CERTIFICATE OF NOTICE**

District/off: 0541-4

User: aalo  
Form ID: pdf002Page 1 of 3  
Total Noticed: 46

Date Rcvd: Nov 21, 2011

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 23, 2011.

aty +David C Carlile, The Carlile Law Firm LLP, 400 S Alamo, Marshall, TX 75670-4260  
 aty +Elizabeth Weller, Linebarger Heard et al, 2323 Bryan St, Ste 1720, Dallas, TX 75201-2603  
 aty +Jimmie A Franklin, Franklin Law Firm PLLC, 4150 International Plaza, Ste 600,  
 Fort Worth, TX 76109-4831

aty +Joon P Hong, Richards Kibbe, One World Financial Center, New York, NY 10281-1003  
 aty +Weil Gotshal and Manges LLP, 767 Fifth Ave, New York, NY 10153-0119  
 cr +AFCO, 4501 College Blvd, Ste 320, Leawood, KS 66211-2328  
 fa +Alvarez and Marsal North America LLC, 700 Louisiana St, Ste 900, Houston, TX 77002-2769  
 cr +Baker Hughes Oilfield Operations, Inc., c/o Phil Snow, 2929 Allen Parkway, Suite 4100,  
 Houston, TX 77019-7106  
 cr +Chesapeake Operating, Inc., 10 Floor, 2 Leadership Square, 211 N. Robinson,  
 Oklahoma City, OK 73102-7109  
 cr +Credit Suisse, Cayman Islands Branch, c/o Charles R. Gibbs,  
 Akin Gump Strauss Hauer & Feld LLP, 1700 Pacific Avenue, Suite 4100, Dallas, TX 75201-4675  
 cr David Shetter, c/o Frankel & Frankel, L.L.P., 12700 Park Central Drive, Suite 1900,  
 Dallas, TX 75251-1508  
 cr David Shetter, c/o Don J. Knabeschuh, 5090 Richmond Ave., #472, Houston, TX 77056-7402  
 cr Dolphin Petroleum, P.O. Box 90, Alice, TX 78333-0090, UNITED STATES  
 cr +Ector Cad, 711 Navarro, Suite 300, San Antonio, TX 78205-1749  
 cr +Ernestina Gonzalez, c/o The Linares Law Firm, P.L.L.C., 2911 Turtle Creek Blvd., Suite 300,  
 Dallas, TX 75219-6243

cr ++FORD MOTOR CREDIT COMPANY, PO BOX 6275, DEARBORN MI 48121-6275  
 (address filed with court: Ford Motor Credit Company LLC, Dept 55953, PO Box 55000,  
 Detroit, MI 48255-0953)

cr +First National Capital Corporation, c/o Keating Muething & Klekamp PLL,  
 1 East Fourth St., Ste. 1400, Cincinnati, OH 45202-3708  
 cr Fort Worth ISD, c/o Elizabeth Banda, Perdue Brandon Fielder et al, P O Box 13430,  
 Arlington, TX 76094-0430  
 cr +Francisco Gonzalez, c/o The Linares Law Firm, P.L.L.C., 2911 Turtle Creek Blvd., Suite 300,  
 Dallas, TX 75219-6243  
 cr +General Electric Capital Corporation, c/o Kevin Walters, Prisdha Govender,  
 Chaffe McCall, L.L.P., 815 Walker Street, Suite 953, Houston, TX 77002-5735  
 cr +Gray County c/o, Perdue Brandon Fielder Collins & Mott, PO Box 9132,  
 Amarillo, TX 79105-9132  
 cr +Hydra-Dynamics, Inc., 19 Wrenfield Place, The Woodlands, TX 77384-4696, UNITED STATES  
 cr IKON Financial Services, Bankruptcy Administration, 1738 Bass Road, P.O. Box 13708,  
 Macon, GA 31208-3708  
 cr +Iron Mountain Information Management, Inc., c/o Frank F. McGinn, Esq.,  
 Bartlett Hackett Feinberg P.C., 155 Federal Street, 9th Floor, Boston, MA 02110-1610  
 cr Johnson County, City of Cleburne, Cleburne ISD, Hi, c/o Elizabeth Banda,  
 Perdue Brandon Fielder et al, P O Box 13430, Arlington, TX 76094-0430

intp +Joon P Hong, Richards Kibbe & Orbe LLP, One World Financial Center, New York, NY 10281-1098  
 cr Office of Unemployment Compensation Tax Services, Department of Labor & Industry,  
 Commonwealth of Pennsylvania, 625 Cherry Street, Room 203, Reading, PA 19602-1184  
 cr Sandford Oil Company, c/o Timothy A. York, Quilling Selander Cummiskey & Lownds,  
 2001 Bryan Tower Suite 1800, Dallas, TX 75201  
 cr +Southern Field Maintenance, 2004 S. Laurent, Victoria, TX 77901-9404  
 cr +Stallion Oilfield Services Ltd., c/o Mark Schuck, The Schuck Law Firm, PLLC,  
 4545 Mount Vernon Street, Houston, TX 77006-5815  
 sp +Sullins and Johnston PC, 3200 Southwest Fwy, Ste 2200, Houston, TX 77027-7533  
 cr +Texas Comptroller of Public Accounts, John Stern, P.O. Box 12548, Austin, TX 78711-2548  
 cr Texas Workforce Commission, Jason Starks, c/o Sherri K. Simpson, Paralegal, P.O. Box 12548,  
 Austin, TX 78711-2548

op #+The Garden City Group, Inc., 105 Maxess Road, Melville, NY 11747-3855  
 cr +Valerus Compression Services LP, C/O Eric M. English, King & Spalding LLP, 1100 Louisiana,  
 Suite 4000, Houston, TX 77002-5213  
 cr +Victoria County, c/o Diane W. Sanders, Linebarger Goggan Blair & Sampson, LLP,  
 P.O. Box 17428, Austin, TX 78760-7428

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

db +E-mail/Text: estalbert@eeslp.com Nov 22 2011 00:47:46 Express Energy Services Operating, LP,  
 9800 Richmond Ave, Suite 700, Houston, TX 77042-4685  
 cr +E-mail/Text: KMORRIS@mvbalaw.com Nov 22 2011 00:43:09 Brazos County, et al,  
 c/o Michael Reed, P O Box 1269, Round Rock, TX 78680-1269  
 cr +E-mail/Text: houston\_bankruptcy@LGBS.com Nov 22 2011 00:48:00 Gregg County,  
 C/O John P. Dillman, Linebarger Goggan Blair & Sampson, LLP, P. O. Box 3064,  
 Houston, TX 77253-3064  
 cr E-mail/Text: houston\_bankruptcy@LGBS.com Nov 22 2011 00:47:59 Harris County et al,  
 Linebarger Goggan Blair & Sampson LLP, c/o John P. Dillman, PO Box 3064,  
 Houston, TX 77253-3064  
 cr E-mail/Text: houston\_bankruptcy@LGBS.com Nov 22 2011 00:48:00 Jackson County,  
 Linebarger Goggan Blair & Sampson, Attn: John P. Dillman, PO Box 3064,  
 Houston, TX 77253-3064

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User: aalo  
Form ID: pdf002Page 2 of 3  
Total Noticed: 46

Date Rcvd: Nov 21, 2011

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

cr E-mail/Text: houston\_bankruptcy@LGBS.com Nov 22 2011 00:48:00 Tarrant County,  
c/o John P. Dillman, PO BOX 3064, Houston, TX 77253-3064

cr +E-mail/PDF: bankruptcyverizoncom@afni.com Nov 22 2011 01:49:41 Verizon, 404 Brock Drive,  
Bloomington, IL 61701-2654

cr E-mail/Text: houston\_bankruptcy@LGBS.com Nov 22 2011 00:48:00 Wharton County,  
Linebarger Goggan Blair & Sampson LLP, c/o John P. Dillman, Post Office Box 3064,  
Houston, TX 77253-3064

cr +E-mail/Text: houston\_bankruptcy@LGBS.com Nov 22 2011 00:48:00 Wise CAD, C/O John P. Dillman,  
Linebarger Goggan Blair & Sampson, LLP, P.O. Box 3064, Houston, TX 77253-3064

cr +E-mail/Text: houston\_bankruptcy@LGBS.com Nov 22 2011 00:48:00 Wise County,  
C/O John P. Dillman, Linebarger Goggan Blair & Sampson, LLP, P.O. Box 3064,  
Houston, TX 77253-3064

TOTAL: 10

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cr Darrell Brewer

cr De Lage Landen Financial Services, Inc.

cr Dolphin Petroleum

cr EnCana Oil & gas (USA) Inc.

cr FSP Phoenix Tower Limited Partnership

intp Jack Winn

cr Jeffery A Bell

cr John Deere Construction & Forestry Company

cr Mark B Wilson

cr Merit Energy Company, L.L.C.

cr National Oilwell Varco, LP

cr Northwest ISD

cr Orix Finance Corp.

cr Penn Virginia MC Energy, LLC

cr Penn Virginia MC Operating Company LLC

cr Penn Virginia Oil and Gas Corporation

cr Penn Virginia Oil and Gas, LP

cr Sharyland ISD

cr Siemens Financial Services, Inc.

cr Smith International, Inc.

cr South Texas College

cr South Texas ISD

cr Tome Green County Appraisal District

cr Toyota Motor Credit Corporation

cr Wanda E Bell

TOTALS: 27, \* 0, ## 0

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USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
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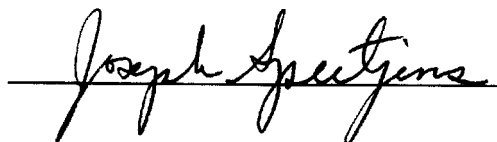
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While the notice was still deliverable, the notice recipient was advised to update its address with the court  
immediately.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 23, 2011

Signature:



District/off: 0541-4

User: aalo  
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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 21, 2011 at the address(es) listed below:

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TOTAL: 44