

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

IN RE: § Chapter 11
§
UTEX INDUSTRIES, INC., et al., § CASE NO. 20-34932
§
DEBTORS. §

EMERGENCY MOTION TO STRIKE

EMERGENCY RELIEF HAS BEEN REQUESTED. A HEARING WILL BE CONDUCTED ON THIS MATTER AS SOON AS POSSIBLE OR NO LATER THAN THE START OF THE COMBINED HEARING ON OCTOBER 23, 2020, AT 1:00 P.M. (CENTRAL TIME) BY AUDIO AND VIDEO COMMUNICATIONS AS SET FORTH BELOW. IF YOU OBJECT TO THE RELIEF REQUESTED OR YOU BELIEVE THAT EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU MUST EITHER APPEAR AT THE HEARING OR FILE A WRITTEN RESPONSE PRIOR TO THE HEARING. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

RELIEF IS REQUESTED NOT LATER THAN OCTOBER 23, 2020.

PLEASE NOTE THAT THROUGH ENTRY OF GENERAL ORDER 2020-19 ON AUGUST 7, 2020, THE COURT HAS EXTENDED THE USE OF THE PROTOCOL FOR EMERGENCY PUBLIC HEALTH OR SAFETY CONDITIONS (ADOPTED BY GENERAL ORDER 2020-4; INVOKED BY GENERAL ORDERS 2020-10 AND 2020-10A AND AS EXTENDED AND MODIFIED BY GENERAL ORDERS 2020-11, 2020-17 AND 2020-18) THROUGH NOVEMBER 1, 2020.

IT IS ANTICIPATED THAT ALL PERSONS WILL APPEAR TELEPHONICALLY AND ALSO MAY APPEAR VIA VIDEO AT THIS HEARING.

AUDIO COMMUNICATION WILL BE BY USE OF THE COURT'S DIAL-IN FACILITY. YOU MAY ACCESS THE FACILITY AT (832) 917-1510. YOU WILL BE RESPONSIBLE FOR YOUR OWN LONG-DISTANCE CHARGES. ONCE CONNECTED, YOU WILL BE ASKED TO ENTER THE CONFERENCE ROOM NUMBER. JUDGE JONES CONFERENCE ROOM NUMBER IS 205691.

YOU MAY VIEW VIDEO VIA GOTOMEETING. TO USE GOTOMEETING, THE COURT RECOMMENDS THAT YOU DOWNLOAD THE FREE

GOTOMEETING APPLICATION. TO CONNECT, YOU SHOULD ENTER THE MEETING CODE “JUDGEJONES” IN THE GOTOMEETING APP OR CLICK THE LINK ON JUDGE JONES’ HOME PAGE ON THE SOUTHERN DISTRICT OF TEXAS WEBSITE. ONCE CONNECTED, CLICK THE SETTINGS ICON IN THE UPPER RIGHT CORNER AND ENTER YOUR NAME UNDER THE PERSONAL INFORMATION SETTING.

HEARING APPEARANCES MUST BE MADE ELECTRONICALLY IN ADVANCE OF THE HEARING. TO MAKE YOUR ELECTRONIC APPEARANCE, GO TO THE SOUTHERN DISTRICT OF TEXAS WEBSITE AND SELECT “BANKRUPTCY COURT” FROM THE TOP MENU. SELECT “JUDGES’ PROCEDURES,” THEN “VIEW HOME PAGE” FOR JUDGE JONES. UNDER “ELECTRONIC APPEARANCE” SELECT “CLICK HERE TO SUBMIT ELECTRONIC APPEARANCE”. SELECT THE CASE NAME, COMPLETE THE REQUIRED FIELDS AND CLICK “SUBMIT” TO COMPLETE YOUR APPEARANCE.

COMES NOW, Randal Newman (“Newman”), a creditor and indirect equity interest holder, and files this *Emergency Motion To Strike*, and would respectfully show as follows:

1. Final Disclosure Statement consideration and Plan Confirmation have been set for non-emergency hearing on Friday, October 23, 2020.
2. A timely objection to the Disclosure Statement and to Confirmation was filed by Mr. Newman on October 19, 2020.
3. Pursuant to BLR 9013-2, Witness & Exhibit Lists, with the exhibits, were due to be filed and served no later than noon, October 21, 2020.
4. Debtors failed to comply with the filing and service requirements of the local rules.
5. Mr. Newman requests the Court to strike the Debtors’ Witness & Exhibit List.

WHEREFORE, Mr. Newman requests the Court to grant the Motion, and grant him such other and further relief, at law or in equity, to which he may be justly entitled.

Dated: October 22, 2020

Respectfully submitted,

By: /s/ Johnie Patterson
Johnie Patterson
attorney-in-charge
SBN 15601700

COUNSEL FOR RANDAL NEWMAN

OF COUNSEL:
WALKER & PATTERSON, P.C.
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CERTIFICATE OF SERVICE

I, Johnie Patterson, hereby certify that all creditors and parties in interest receiving notice pursuant to the Courts CM/ECF notice system, including Debtors' counsel and the U.S. Trustee, were served by electronic service on October 22, 2020.

/s/ Johnie Patterson
Johnie Patterson

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ORDER STRIKING

[Relates To Docket #____]

It is

ORDERED that the Witness and Exhibit List filed by the Debtors is stricken as being late filed.

Dated: _____

UNITED STATES BANKRUPTCY JUDGE