

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

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

**RESPONSE TO REORGANIZED DEBTORS' OBJECTION  
TO PROOF OF CLAIM NO. 9-1 FILED BY OR ON BEHALF  
OF RANDAL S. NEWMAN AND KIM L. NEWMAN**

COMES NOW, Randal and Kim Newman ("Newman" or "Creditors"), creditors, and file this *Response To Reorganized Debtors' Objection To Proof Of Claim No. 9-1 Filed By Or On Behalf Of Randal S. Newman And Kim L. Newman*, and would respectfully show as follows:

1. Paragraph 1 of the *Reorganized Debtors' Objection To Proof Of Claim No. 9-1 Filed By Or On Behalf Of Randal S. Newman And Kim L. Newman* (the "Objection") does not contain factual allegations that require a response.
2. Paragraph 2 of the Objection does not contain factual allegations that require a response.
3. Paragraph 3 of the Objection does not contain factual allegations that require a response.
4. Creditors admit the factual allegations contained in paragraph 4 of the Objection.
5. Creditors admit the factual allegations contained in paragraph 5 of the Objection.
6. Creditors admit the factual allegations contained in paragraph 6 of the Objection.
7. Creditors would refer to the Confirmation Order regarding allegations of the content of that Order, deny that anything in the Order constitutes an agreement as orders contain orders from the court, and admit the remaining factual allegations contained in paragraph 7 of the Objection.

8. Creditors would refer to the identified claim regarding the contents of the claim, and admit the remaining factual allegations contained in paragraph 8 of the Objection.
9. Creditors are unable to admit or deny the assumptions of the Reorganized Debtors, and they deny the remaining factual allegations contained in paragraph 9 of the Objection.
10. Creditors admit that UTEX purchased their company, would refer to the identified documents regarding the contents and meaning of those documents, and they deny the remaining factual allegations contained in paragraph 10 of the Objection.
11. Creditors would refer to the Amerifrac PSA regarding the content or meaning of that document, and they deny the remaining factual allegations contained in paragraph 11 of the Objection.
12. Creditors would refer to the Amerifrac PSA regarding the content or meaning of that document, and they deny the remaining factual allegations contained in paragraph 12 of the Objection.
13. Creditors admit a written statement was provided to them in January 2018, and they deny the remaining factual allegations contained in paragraph 13 of the Objection.
14. Creditors would refer to the Amerifrac PSA regarding the content or meaning of that document, and they deny the remaining factual allegations contained in paragraph 14 of the Objection.
15. Creditors admit that a written statement was received from UTEX in January 2018, and they deny the remaining factual allegations contained in paragraph 15 of the Objection.
16. Creditors would refer to the Amerifrac PSA regarding the content or meaning of that document, and they deny the remaining factual allegations contained in paragraph 16 of the Objection.
17. Paragraph 17 of the Objection does not contain factual allegations that require a response.
18. Paragraph 18 of the Objection does not contain factual allegations that require a response.
19. Paragraph 19 of the Objection does not contain factual allegations that require a response.

20. Paragraph 20 of the Objection does not contain factual allegations that require a response.
21. Creditors deny the factual allegations contained in paragraph 21 of the Objection.
22. Creditors refer to the identified documents regarding the contents thereof, and they deny the remaining factual allegations contained in paragraph 22 of the Objection.
23. Creditors would refer to the Amerifrac PSA regarding the content or meaning of that document, and they deny the remaining factual allegations contained in paragraph 23 of the Objection.
24. Creditors would refer to the Amerifrac PSA regarding the content or meaning of that document, and they deny the remaining factual allegations contained in paragraph 24 of the Objection.
25. Creditors deny the factual allegations contained in paragraph 25 of the Objection.
26. Creditors deny that the Reorganized Debtors may just *declare* that issues, claims or rights are preserved by just declaring so. Estoppel and other judicial doctrines apply to this proceeding, and *declaring* that they don't apply doesn't make it so.

**WHEREFORE**, Creditors request the Court to deny the Debtors' Objection, and grant them such other and further relief, at law or in equity, to which they may be justly entitled.

Dated: January 14, 2021

Respectfully submitted,

By: /s/ Johnie Patterson

Johnie Patterson  
attorney-in-charge  
SBN 15601700

COUNSEL FOR CREDITORS

OF COUNSEL:  
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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 January 14, 2021.

/s/ Johnie Patterson

Johnie Patterson