

ENTERED

August 08, 2023

Nathan Ochsner, Clerk

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:**EPIC COMPANIES, LLC,****Debtors.¹**§
§
§
§
§
§**Chapter 11****Case No. 19-34752****(Jointly Administered)**(Docket No. 1133)

**STIPULATION AND AGREED ORDER
RESOLVING PROOFS OF CLAIM NOS. 10162, 10164,
10165, 10277, 10278 AND 10279 FILED BY FREEPORT-MCMORAN OIL & GAS LLC**

Jeffrey T. Varsalone, in his capacity as the Liquidating Trustee for the Epic Companies, LLC Liquidating Trust (the “Liquidating Trustee”)² and Freeport-McMoRan Oil & Gas LLC (the “Claimant,” and collectively with the Liquidating Trustee, the “Parties”) hereby stipulate and agree as follows:

WHEREAS, on August 26, 2019, Epic Companies, LLC (“Epic”) and certain of its subsidiaries (collectively, the “Debtors”) filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of Texas, Houston Division (the “Court”).

WHEREAS, on October 3, 2019, the Court entered the *Order (I) Setting Bar Dates for Filing Proofs of Claim, including Requests for Payment under Section 503(b)(9), (II) Establishing Amended Schedules Bar Date and Rejection Damages Bar Date, (III) Approving the Form of and*

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are as follows: Epic Companies, LLC (1473), Epic Diving & Marine Services, LLC (2501), Epic Applied Technologies, LLC (5844), Epic Specialty Services, LLC (8547), Epic Alabama Steel, LLC (6835), Epic San Francisco Shipyard, LLC (5763) and Zuma Rock Energy Services, LLC (1022). The mailing address of the Debtors is: P.O. Box 79625, Houston, Texas 77279-9625.

² Unless otherwise specified herein, all capitalized terms shall have the meanings given to them by the confirmed Plan.

Manner for Filing Proofs of Claim, Including Section 503(b)(9) Requests, and (IV) Approving Notice of Bar Dates [Docket No. 226], which established November 6, 2019 as the general claims bar date and February 24, 2020 as the governmental bar date.

WHEREAS, on November 5, 2019, the Claimant filed Proof of Claim No. 10162 asserting an unsecured claim against Epic (“Claim 10162”).

WHEREAS, on November 5, 2019, the Claimant filed Proof of Claim No. 10164 asserting an unsecured claim against Epic Applied Technologies, LLC (“Claim 10164”).

WHEREAS, on November 5, 2019, the Claimant filed Proof of Claim No. 10165 asserting an unsecured claim against Epic Diving & Marine Services, LLC (“Claim 10165”).

WHEREAS, on August 12, 2022, the Claimant filed an Amended Proof of Claim No. 10277 (“Amended Claim 10277”) amending Claim 10162 against Epic.

WHEREAS, on August 12, 2022, the Claimant filed an Amended Proof of Claim No. 10278 (“Amended Claim 10278”) amending Claim 10164 against Epic Applied Technologies, LLC.

WHEREAS, on August 12, 2022, the Claimant filed an Amended Proof of Claim No. 10279 (“Amended Claim 10279”) amending Claim 10165 against Epic Diving & Marine Services, LLC. Collectively the claims and amended claims referenced herein are the “McMoRan Claims.”

WHEREAS, on February 13, 2020, the Debtors filed the *Joint Plan of Liquidation of Epic Companies, LLC and its Debtor Subsidiaries under Chapter 11 of the Bankruptcy Code* [Docket No. 581] (the “Plan”).

WHEREAS, on April 8, 2020, the Court confirmed the Plan. Paragraph 23 of the Confirmation Order reserved the Claimant’s right to amend its claims. (Doc. No. 681 ¶ 23).

WHEREAS, on April 13, 2020, the Effective Date of the Plan occurred.

WHEREAS, under the Plan, the Liquidating Trustee was appointed and is vested with, among other things, the authority and duty to resolve the claims against the Debtors.

WHEREAS, the Liquidating Trustee and Claimant have agreed to resolve any potential objection to the McMoRan Claims without need for litigation as set forth below.

Accordingly, it is hereby ORDERED that:

1. Amended Claim 10277 shall be allowed as a general unsecured claim in the amount of \$5,000,000.00 (the “Allowed Claim”) to be treated under Class 5 (General Unsecured Claims) of the Plan.

2. Except for the Allowed Claim, all other claims that the Claimant had, has, or may have against the Debtors, including Claim 10162, Claim 10164, Claim 10165, Amended Claim 10278, and Amended Claim 10279, are hereby withdrawn by the Claimant with prejudice.

3. This Stipulation and Agreed Order is without prejudice to any affirmative defenses, counterclaims, rights of setoff, or rights of recoupment or other rights at law, at contract, or in equity that Claimant may have against any third party relating to the McMoRan Claims.

4. The terms and conditions of this Stipulation and Agreed Order will be immediately effective and enforceable upon its entry.

5. This Stipulation and Agreed Order constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior discussions, agreements, and understandings, both written and oral, among the Parties with respect thereto.

6. This Stipulation and Agreed Order shall be binding upon the Parties’ successors, agents, assigns, including bankruptcy trustees and estate representatives, and any parent, subsidiary, or affiliated entity of the Parties.

7. The undersigned represent that they are authorized to execute this Stipulation and Agreed Order on behalf of the representative party for whom they have signed.

8. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Stipulation and Agreed Order, and the Parties hereby consent to such jurisdiction to resolve any disputes or controversies arising from or related to this Stipulation and Agreed Order.

STIPULATED AND AGREED TO BY:

PORTER HEDGES LLP By: <u>/s/ M. Shane Johnson</u> John F. Higgins (TX 09597500) Eric M. English (TX 24062714) M. Shane Johnson (TX 24083263) 1000 Main Street, 36th Floor Houston, Texas 77002 Telephone: (713) 226-6000 Fax (713) 226-6248 COUNSEL FOR LIQUIDATING TRUSTEE	LOCKE LORD LLP By: <u>/s/ Bradley C. Knapp</u> Omer F. Kuebel, III Federal Bar No. 32595 Bradley C. Knapp Texas Bar No. 24060101 LOCKE LORD LLP 601 Poydras St., Suite 2660 New Orleans, Louisiana 70130 Telephone: (504) 558-5155 Fax: (504) 558-5200 bknapp@lockelord.com -and- Philip G. Eisenberg Texas Bar No. 24033923 LOCKE LORD LLP 600 Travis Street JP Morgan Chase Tower, Suite 2800 Houston, Texas 77002 Telephone: (713) 226-1304 Facsimile: (713) 223-3717 peisenberg@lockelord.com ATTORNEYS FOR FREEPORT- MCMORAN OIL & GAS LLC
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IT IS SO ORDERED.

Signed: August 08, 2023.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

United States Bankruptcy Court
Southern District of Texas

In re:
Epic Companies, LLC
Epic Alabama Steel, LLC
Debtors

Case No. 19-34752-drj
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0541-4
Date Rcvd: Aug 08, 2023

User: ADIuser
Form ID: pdf002

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Total Noticed: 46

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 10, 2023:

Recip ID	Recipient Name and Address
db	+ Epic Alabama Steel, LLC, 1080 Eldridge Parkway, Suite 1300, Houston, TX 77077-2583
db	+ Epic Applied Technologies, LLC, 1080 Eldridge Parkway, Suite 1300, Houston, TX 77077-2583
db	+ Epic Companies, LLC, 1080 Eldridge Parkway, Suite 1300, Houston, TX 77077-2583
db	+ Epic Diving & Marine Services, LLC, 1080 Eldridge Parkway, Suite 1300, Houston, TX 77077-2583
db	+ Epic San Francisco Shipyard, LLC, 1080 Eldridge Parkway, Suite 1300, Houston, TX 77077-2583
db	+ Epic Specialty Services, LLC, 1080 Eldridge Parkway, Suite 1300, Houston, TX 77077-2583
db	+ Zuma Rock Energy Services, LLC, 1080 Eldridge Parkway, Suite 1300, Houston, TX 77077-2583
aty	+ Andrew V. Tenzer, PaulHastings, LLP, 600 Travis Street, 58th Floor, Houston, TX 77002-3009
aty	+ David L Bateman, Bateman Law Firm, 6700 Jefferson Hwy, Bldg 3, Baton Rouge, LA 70806-8287
aty	+ Michael S Waskiewicz, Burr Forman LLP, 50 N Laura Street, Ste 3000, Jacksonville, FL 32202-3658
cr	+ 4J Subsea Solutions LLC, 4819 Menlo Park Dr, Sugarland, TX 77479-3828
cr	+ Abe's Boat Rentals, Inc., Wilbur J. Babin, Jr., Bankruptcy Trustee, 3027 Ridgelake Dr, Metairie, LA 70002-4924
intp	+ Alliance Offshore, LLC, c/o David F. Waguespack, 1100 Poydras Street, Suite 3100, New Orleans, LA 70163 USE 70163-1102
cr	+ American Longshore Mutual Association, Ltd. through, c/o Leann O. Moses, 1100 Poydras Street, Suite 3100, New Orleans, LA 70163-1102
cr	+ Austin Waterman, CAIN & SKARNULIS PLLC, 303 Colorado Street, Suite 2850, Austin, TX 78701-0137
cr	+ Brian M. Jackson, 8 Tanager Trail, The Woodlands, TX 77381-3121
cr	+ Chalos & Co, P.C., Chalos & Co, P.C., 7210 Tickner Street, Houston, TX 77055, UNITED STATES 77055-6935
cr	+ DHD Offshore Services, LLC, 7889 Hwy 182 E, Morgan City, LA 70380-2465
cr	+ Deep Delta, LLC, Timothy Thriffiley, P.O. Box 7125, Belle Chasse, LA 70037-7125
intp	#+ Fairways Offshore Exploration, Inc., c/o McDowell Hetherington LLP, Attention: Jarrod B. Martin, 1001 Fannin, Suite 2700, Houston, TX 77002-6774
cr	+ Forum US, Inc., c/o Bradley Arant Boult Cummings, LLP, Attn: Chris Glenos, 1819 5th Avenue North, Birmingham, AL 35203-2119
cr	+ Frederick J. Guidry, c/o Jason Welborn, P. O. Box 2053, Lafayette, LA 70502-2053
cr	+ Greene's Energy Group, LLC, 440 Louisiana, Suite 718, Houston, TX 77002, UNITED STATES 77002-1058
cr	+ Gulf Oceanic Marine Contractors, Inc., P.O. Box 99, Bourg, LA 70343-0099
cr	+ Javelier Marine Services LLC, P.O. Box 137, Delcambre, LA 70528-0137
cr	+ LAD Services of Louisiana L.L.C., 1043 Stephenville Road, Stephenville, LA 70380-4442
cr	+ Louisiana Department of Revenue, Senior Bankruptcy Counsel, Litigation, 617 N. Third Street, Office 780, P O Box 4064 (Zip 70821-4064), Baton Rouge, LA 70802 UNITED STATES OF AMERICA 70821-4064
cr	+ McMoran Oil & Gas, LLC, Locke Lord LLP, Omer F. Kuebel, III, Bradley C. Knapp, 601 Poydras St., Suite 2660 New Orleans, LA 70130-6032
cr	+ New Industries, LLC, c/o Barnet B. Skelton, Jr., 815 Walker, Suite 1502, Houston, TX 77002-5832
intp	#+ Offshore Domestic Group, LLC, c/o McDowell Hetherington LLP, Attention: Jarrod B. Martin, 1001 Fannin, Suite 2700, Houston, TX 77002-6774
intp	#+ Offshore Express, LLC, c/o McDowell Hetherington LLP, Attention: Jarrod B. Martin, 1001 Fannin, Suite 2700, Houston, TX 77002-6774
cr	+ Offshore Technical Solutions, LLC, 690 S. Hollywood Rd, Houma, LA 70360-3226
cr	+ RTD Services, c/o David K. Bissinger, Bissinger, Oshman & Williams LLP, 2229 San Felipe, Suite 1500, Houston, TX 77019-5648
cr	+ Taylors International Services, Inc., C/O Stephen C. Jackson, 1901 6th Ave North, 2400 Regions/Harbert Plaza, Birmingham, AL 35203
intp	+ Triton Heavy Lift Services, LLC, c/o David F. Waguespack, 1100 Poydras Street, Suite 3100, New Orleans, LA 70163-1102
cr	+ Versabar Lift Specialists, 11349 FM 529 Rd, Houston, TX 77041-3207

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intp + White Oak Global Advisors, LLC, PaulHastings, LLP, c/o Peter S. Burke, 515 South Flower Street, 25th Floor Los Angeles, CA 90071-2228

cr + Wilson Heavy Industry Co. Ltd., 2925 Briarpark Dr., Suite 675, Houston, TX 77042-3781

cr + Wright's Well Control Services LLC, 28019 Buena Way, Spring, Tx 77386-2819

TOTAL: 39

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

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: c.rodrique@bluewaterrubber.com	Aug 08 2023 20:55:00	Bluewater Rubber & Gasket Company, 1119 Barrow Street, P O Drawer 190, Houma, LA 70361-0190
cr	Email/Text: david.cedro@danos.com	Aug 08 2023 20:54:00	Danos, L.L.C., 3878 West Main Street, Gray, LA 70359
cr	Email/Text: houston_bankruptcy@LGBS.com	Aug 08 2023 20:55:00	Harris County, Linebarger Goggan Blair & Sampson LLP, C/O John P. Dillman, PO Box 3064, Houston, TX 77253-3064
cr	Email/Text: BANKRUPTCY@DOR.MS.GOV	Aug 08 2023 20:55:00	MISSISSIPPI DEPARTMENT OF REVENUE, P. O. BOX 22808, JACKSON, MS 39225-2808
cr	+ Email/Text: jarrod.martin@chamberlainlaw.com	Aug 08 2023 20:55:00	Offshore Express, Inc., C/O Jarrod Martin, 1200 Smith Street, Suite 1400, Houston, TX 77002-4496
cr	^ MEBN	Aug 08 2023 20:03:40	Texas Comptroller of Public Accounts, Christopher S. Murphy, c/o Sherri K. Simpson, Paralegal, P.O. Box 12548, Austin, TX 78711-2548
cr	+ Email/Text: ssoule@hallestill.com	Aug 08 2023 20:56:00	Williams Field Services-Gulf Coast Company, L.P., c/o Steven W. Soule, Hall, Estill, et al., 320 South Boston Avenue, Suite 200, Tulsa, OK 74103-3705

TOTAL: 7

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
aty		Lugenbuhl, Wheaton, Peck, Rankin & Hubbard
aty		Norton Rose Fulbright US LLP
cr		Acadiana Rubber & Gasket Co.
cr		Acqua Liana Capital Partners, LLC
cr		Aqueos Corporation
cr		Bay Point Capital Partners II, LP
cr		Blue Cross Blue Shield of Texas, a Division of Hea
cr		Bollinger Fourchon, LLC
cr		Bordelon Marine, LLC
cr		Candy Apple, LLC
cr		Central Boat Rentals Inc.
cr		Curtin Maritime Corporation
cr		Cypress Energy Partners L.P.
cr		Dan Bunkering (America) Inc.
cr		Echo Offshore, LLC
cr		Entier USA Inc.
op		Epiq Corporate Restructuring, LLC
cr		Express Supply and Steel, LLC
cr		Freeport-McMoRan Oil & Gas LLC
cr		Fugro USA Marine, Inc.
cr		Garber Bros, Inc.
cr		Goliath Offshore Holdings PTE.LTD, in pesonam

District/off: 0541-4
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cr		Gulf Coast Manufacturing, LLC
op		Hilco Industrial, LLC
app		Hilco Valuation Services, LLC
cr		ITC Global, Inc.
cr		Industrial Diesel Services, Inc.
cr		Integra Services Technologies Inc
op		Jeffrey T. Varsalone, Liquidating Trustee
cr		Linear Controls, Inc.
cr		M/V Nor Goliath, in rem
cr		MARMAC LLC
cr		MM Industrial Fabrication, LLC
cr		Medsafe, Inc. and W. Joe Shaw, Ltd.
intp		Modern American Recycling Service, Inc.
intp		Mule Services, LLC
cr		National Oilwell Varco, L.P. d/b/a NOV Quality Tub
cr		Oceanwide Cypress Ltd.
cr		Oceanwide Netherlands BV
cr		Oceanwide Texas, Inc.
cr		Stephanie Daniels
cr		Stern Offshore, B.V.
crcm		The Official Committee of Unsecured Creditors
intp		The Ultimate Software Group Inc.
cr		United States of America
intp		Vertex Services, LLC
cr		Work Boat Electric Services, Inc.
cd	*+	Epic Applied Technologies, LLC, 1080 Eldridge Parkway, Suite 1300, Houston, TX 77077-2583
cd	*+	Epic Companies, LLC, 1080 Eldridge Parkway, Suite 1300, Houston, TX 77077-2583
cc	*+	Wright's Well Control Services LLC, 28019 Buena Way, Spring, Tx 77386-2819
aty	##+	Nicholas A Bassett, Paul Hastings LLP, 875 15th Street, N.W., Washington, DC 20005-2258
intp	##+	Arena Offshore LP, Arena Offshore LP, 4200 Research Forest Drive, Suite 500, The Woodlands, TX 77381, UNITED STATES 77381-4224
cr	##+	David Wright, 28019 Buena Way, Spring, Tx 77386-2819

TOTAL: 47 Undeliverable, 3 Duplicate, 3 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, 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 309): 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: Aug 10, 2023

Signature: /s/Gustava Winters