

Jason S. Brookner
Texas Bar No. 24033684
Lydia R. Webb
Texas Bar No. 24083758
Amber M. Carson
Texas Bar No. 24075610
GRAY REED & McGRAW LLP
1601 Elm Street, Suite 4600
Dallas, TX 75201
Telephone: (214) 954-4135
Facsimile: (214) 953-1332

COUNSEL TO THE DEBTORS

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re: § Chapter 11
§
ROCKIES REGION 2006 LIMITED § Case No. 18-33513-sgj-11
PARTNERSHIP and ROCKIES REGION §
2007 LIMITED PARTNERSHIP,¹ § (Jointly Administered)
§
Debtors. §

**MOTION FOR EMERGENCY HEARING ON DEBTORS’ EMERGENCY MOTION TO
(i) EXCLUDE EXPERT REPORT AND TESTIMONY OF EDWIN C. MORITZ,
(ii) EXCLUDE PORTIONS OF EXPERT REPORT AND TESTIMONY OF
GREGORY E. SCHEIG, AND (iii) LIMIT SCOPE OF
EVIDENCE FOR HEARING ON MOTION TO DISMISS**

Rockies Region 2006 Limited Partnership and Rockies Region 2007 Limited Partnership, the above-captioned debtors and debtors in possession (collectively, the “Debtors”), for their Motion for Emergency Hearing (the “Motion”) on their *Emergency Motion to (i) Exclude Expert Report and Testimony of Edwin C. Mortiz, (ii) Exclude Portions of Expert Report and Testimony of Gregory E. Scheig, and (iii) Limit Scope of Evidence for Hearing on Motion to Dismiss* (the “Motion to Exclude”), respectfully represent:

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number are: Rockies Region 2006 Limited Partnership (9573) and Rockies Region 2007 Limited Partnership (8835).

1. Simultaneously herewith, the Debtors filed their Motion to Exclude.² The Debtors respectfully requests that the Court set a hearing on the Motion to Exclude at its earliest convenience, but no later than Monday, May 6, 2019.

2. As mentioned in the Motion to Exclude, on April 22, 2019, the LP Plaintiffs³ served two expert reports in connection with the hearing on their Motion to Dismiss: (i) the Moritz Report and (ii) the Scheig Report. The Debtors seek to exclude the Mortiz Report in its entirety and the Profitability Opinions contained in the Scheig Report because neither is relevant to the matters at issue in the Motion to Dismiss.

3. The LP Plaintiffs have agreed to present Mr. Scheig for deposition in Dallas on May 8, 2019 and Mr. Moritz for deposition in Denver on May 16, 2019. The Debtors should not have to bear the burden and expense of conducting expert discovery if the Court ultimately determines that the proposed expert testimony is not admissible. In order to obtain a ruling prior to the scheduled examination of Ms. Scheig on May 8, 2019, the Debtors respectfully submit that emergency consideration of the Motion to Exclude is appropriate.

4. The Debtors will provide notice of this Motion to (i) counsel to PDC; (ii) counsel to the LP Plaintiffs; (iii) the U.S. Trustee; and (iv) the other parties appearing on the Limited Service List maintained in these chapter 11 cases. The Debtors respectfully submit that such notice is appropriate and that no other or further notice be provided.

² Capitalized terms used but not defined herein have the meanings set forth in the Motion to Exclude.

³ The LP Plaintiffs are (i) Robert R. Dufresne, as Trustee of the Dufresne Family Trust; (ii) Michael A. Gaffey, as Trustee of the Michael A. Gaffey and JoAnne M. Gaffey Living Trust dated March 2000; (iii) Ronald Glickman, as Trustee of the Glickman Family Trust established August 29,1994; (iv) Jeffrey R. Schulein, as Trustee of the Schulein Family Trust established March 29, 1989; and (v) William J. McDonald as Trustee of the William J. McDonald and Judith A. McDonald Living Trust dated April 16, 1991.

WHEREFORE, the Debtors respectfully request that this Court enter an Order (i) setting an emergency hearing on the Motion to Exclude no later than May 6, 2019; and (ii) granting such other and further relief as may be just and proper.

Respectfully submitted this 29th day of April, 2019.

GRAY REED & McGRAW LLP

By: /s/ Jason S. Brookner

Jason S. Brookner

Texas Bar No. 24033684

Lydia R. Webb

Texas Bar No. 24083758

Amber M. Carson

Texas Bar No. 24075610

1601 Elm Street, Suite 4600

Dallas, Texas 75201

Telephone: (214) 954-4135

Facsimile: (214) 953-1332

Email: jbrookner@grayreed.com

lwebb@grayreed.com

acarson@grayreed.com

COUNSEL TO THE DEBTORS

CERTIFICATE OF CONFERENCE

I hereby certify that on April 29, 2019, I conferred with counsel to the LP Plaintiffs regarding the relief sought in this Motion and potential available dates for a hearing on the Motion to Exclude. The LP Plaintiffs are opposed to the relief sought in the Motion.

/s/ Lydia R. Webb

Lydia R. Webb

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 29th day of April, 2019, she caused a true and correct copy of the foregoing document to be served on the parties appearing on the Limited Service List maintained in these cases via first class United States mail, postage prepaid and, where possible, via electronic mail.

/s/ Lydia R. Webb

Lydia R. Webb

Exhibit A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

| | | |
|--|---|--------------------------|
| In re: | § | Chapter 11 |
| | § | |
| ROCKIES REGION 2006 LIMITED | § | Case No. 18-33513-sgj-11 |
| PARTNERSHIP and ROCKIES REGION | § | |
| 2007 LIMITED PARTNERSHIP, ¹ | § | (Jointly Administered) |
| | § | |
| Debtors. | § | |

**ORDER GRANTING MOTION FOR EMERGENCY HEARING ON DEBTORS'
EMERGENCY MOTION TO (i) EXCLUDE EXPERT REPORT AND TESTIMONY OF
EDWIN C. MORITZ, (ii) EXCLUDE PORTIONS OF EXPERT REPORT AND
TESTIMONY OF GREGORY E. SCHEIG, AND (iii) LIMIT
SCOPE OF EVIDENCE FOR HEARING ON MOTION TO DISMISS**

Upon the Motion for Emergency Hearing (the "Motion") on the Emergency Motion to (i) Exclude Expert Report and Testimony of Edwin C. Mortiz, (ii) Exclude Portions of Expert Report and Testimony of Gregory E. Scheig and (iii) Limit Scope of Evidence for Hearing on Motion to Dismiss (the "Motion to Exclude") filed by the above-captioned debtors and debtors in possession (collectively, the "Debtors"), it is hereby

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number are: Rockies Region 2006 Limited Partnership (9573) and Rockies Region 2007 Limited Partnership (8835).

ORDERED that the Motion is **GRANTED** as set forth herein; it is further

ORDERED that a hearing will be held on the Motion to Exclude on _____ before the Honorable Stacey G. C. Jernigan, in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division, Earle Cabell Federal Building, 1100 Commerce Street, 14th Floor, Room 1421 (Courtroom #1), Dallas, TX 75242-1496; it is further

ORDERED that the Debtors shall promptly provide notice of the hearing in the same manner as notice of the Motion to Exclude and the Motion were provided; and it is further

ORDERED that this Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

End of Order

Submitted by:

GRAY REED & McGRAW LLP

Jason S. Brookner
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Texas Bar No. 24075610
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lwebb@grayreed.com
acarson@grayreed.com

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