

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re:)	
)	Chapter 11
FM COAL, LLC, <i>et al.</i> , ¹)	
)	Case No. 20-02783 (TOM)
Debtors.)	
)	Jointly Administered

**AMENDED NOTICE OF FURTHER EXTENSION OF
CONFIRMATION DEADLINES AND CONFIRMATION HEARING**

PLEASE TAKE NOTICE that on December 1, 2020, the Court entered the *Order (I) Approving the Adequacy of the Disclosure Statement, (II) Approving the Solicitation and Notice Procedures with Respect to Confirmation of the First Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code, (III) Approving the Forms of Ballots and Notices in Connection Therewith, and (IV) Scheduling Certain Dates with Respect Thereto* [Dkt. No. 282] (the “**Solicitation Procedures Order**”). The Solicitation Procedures Order established (i) the deadline by which objections to the Plan² must be filed with the Court (the “**Plan Objection Deadline**”) and the deadline by which all Ballots must be properly executed, completed, and delivered so that they are actually received by the Notice and Claims Agent (the “**Voting Deadline**”) as January 5, 2021 at 4:00 P.M. (prevailing Central Time) and January 5, 2021 at 5:00 P.M. (prevailing Central Time), respectively, (ii) the date on which the Voting Report must be filed (the “**Voting Report Deadline**”) as January 12, 2021, and (iii) the date of the Confirmation Hearing as January 25, 2021 at 10:00 A.M. (prevailing Central Time).

PLEASE TAKE FURTHER NOTICE that pursuant to the *Notice of Extension of the Voting and Confirmation Objection Deadlines to January 12, 2021* [Dkt. No. 313] (the “**First Notice**”), the Debtors extended (i) the Plan Objection Deadline and Voting Deadline to January 12, 2021 at 4:00 P.M. (prevailing Central Time) and 5:00 P.M. (prevailing Central Time), respectively, and (ii) the Voting Report Deadline to January 19, 2021.

PLEASE TAKE FURTHER NOTICE that pursuant to the *Second Notice of Extension of the Voting and Confirmation Objection Deadlines to January 19, 2021* [Dkt. No. 325], the Debtors extended (i) the Plan Objection Deadline and Voting Deadline to January 19, 2021 at 4:00 P.M. (prevailing Central Time) and 5:00 P.M. (prevailing Central Time), respectively, and (ii) the Voting Report Deadline to January 21, 2021.

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: FM Coal, LLC (1768); Cane Creek, LLC (3207); M. S. & R. Equipment Co., Inc. (3487); Cedar Lake Mining, Inc. (6132); Best Coal, Inc. (2487); and Xinergy of Alabama, Inc. (3009).

² Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Solicitation Procedures Order.

PLEASE TAKE FURTHER NOTICE that pursuant to the *Third Notice of Extension of Confirmation Deadlines and Confirmation Hearing* [Dkt. No. 338], the Debtors extended (i) the Plan Objection Deadline and Voting Deadline to February 16, 2021 at 4:00 P.M. (prevailing Central Time) and 5:00 P.M. (prevailing Central Time), respectively, and (ii) the Voting Report Deadline to February 18, 2021.

PLEASE TAKE FURTHER NOTICE that pursuant to the *Notice of Extension of Voting Deadline for the Holders of Class 3 Credit Agreement Secured Claims* [Dkt. No. 384] and the *Notice of Extension of Voting Deadline for KeyBank National Association's Class 4 General Unsecured Claim* [Dkt. No. 393], the Debtors extended the Voting Deadline for Holders of Class 3 Credit Agreement Secured Claims and the Voting Deadline for KeyBank's Class 4 General Unsecured Claim to February 17, 2021 at 5:00 P.M. (prevailing Central Time).

PLEASE TAKE FURTHER NOTICE that, as of the date hereof, the Debtors are continuing to engage in active negotiations with key stakeholders regarding the terms of the Plan, and, therefore, the Debtors believe it is in the best interests of their Estates, holders of Claims, and other parties in interest to extend certain of the deadlines set forth in the Solicitation Procedures Order (as previously extended) in anticipation of a continued Confirmation Hearing.

PLEASE TAKE FURTHER NOTICE that the **Plan Objection Deadline for all parties is extended to March 3, 2021 at 4:00 P.M. (prevailing Central Time).**

PLEASE TAKE FURTHER NOTICE that the **Voting Deadline for all parties entitled to vote to accept or reject the Plan is extended to March 3, 2021 at 5:00 P.M. (prevailing Central Time).**

PLEASE TAKE FURTHER NOTICE that the Debtors will file the Confirmation Brief and Proposed Confirmation Order no later than March 8, 2021 at 12:00 P.M. (prevailing Central Time).

PLEASE TAKE FURTHER NOTICE that the Debtors will file the Voting Report no later than March 9, 2021.

PLEASE TAKE FURTHER NOTICE that the **Confirmation Hearing will be held on March 10, 2021 at 10:00 A.M. (prevailing Central Time).**

Dated: February 22, 2021
Birmingham, Alabama

WALLER LANSDEN DORTCH & DAVIS, LLP

/s/ Jesse S. Vogtle, Jr.

Jesse S. Vogtle, Jr.

Eric T. Ray

Paul Greenwood

1901 Sixth Avenue North, Suite 1400

Birmingham, Alabama 35203

Telephone: (205) 214-6380

Facsimile: (205) 214-8787

Email: Jesse.Vogtle@wallerlaw.com

Eric.Ray@wallerlaw.com

Paul.Greenwood@wallerlaw.com

-and-

John Tishler (admitted *pro hac vice*)

Tyler N. Layne (admitted *pro hac vice*)

511 Union Street, Suite 2700

Nashville, TN 37219

Telephone: (615) 244-6380

Facsimile: (615) 244-6804

Email: John.Tishler@wallerlaw.com

Tyler.Layne@wallerlaw.com

*Attorneys for the Debtors and Debtors in
Possession*