

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:)	
)	Chapter 11
)	
WESTMORELAND COAL COMPANY, <i>et al.</i> , ¹)	Case No. 18-35672 (DRJ)
)	
Debtors.)	(Jointly Administered)
)	

**NOTICE OF AGENDA FOR SECOND DAY HEARING ON MOTIONS
SCHEDULED FOR NOVEMBER 15, 2018, AT 8:30 A.M. (PREVAILING
CENTRAL TIME), BEFORE THE HONORABLE DAVID R. JONES AT
THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT
OF TEXAS, AT COURTROOM 400, 515 RUSK STREET, HOUSTON, TEXAS 77002**

The above-referenced debtors and debtors in possession (collectively, the “Debtors”) hereby file their agenda for matters set for hearing on November 15, 2018, at 8:30 a.m. (prevailing Central Time). *Please note that, following the filing of the Debtors’ Omnibus Reply in Support of Certain of the Debtors’ Motions Set for Hearing on November 15, 2018 [Docket No. 487] on November 13, 2018, the Debtors consensually resolved all objections to the WLB Bidding Procedures Motion and that matter, therefore, will proceed as an uncontested matter at the hearing.*

¹ Due to the large number of debtors in these chapter 11 cases, for which joint administration has been granted, a complete list of the debtors and the last four digits of their tax identification, registration, or like numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors’ claims and noticing agent in these chapter 11 cases at www.donlinrecano.com/westmoreland. Westmoreland Coal Company’s service address for the purposes of these chapter 11 cases is 9540 South Maroon Circle, Suite 300, Englewood, Colorado 80112.

I. UNCONTESTED MATTERS

1. ***Insurance Motion.*** Debtors' Emergency Motion for Entry of Interim and Final Orders Authorizing Debtors to (I) Continue Insurance Policies Entered into Prepetition and Satisfy Prepetition Obligations Related Thereto, (II) Renew, Amend, Supplement, Extend, or Purchase Insurance Policies, (III) Honor the Terms of the Premium Financing Agreement and Pay Premiums Thereunder, and (IV) Enter into New Premium Financing Agreements in the Ordinary Course of Business [Docket No. 7].

Responses Received:

- A. Informal comments were received and incorporated in the proposed order.

Related Documents:

- A. Interim Order Authorizing Debtors to (I) Continue Insurance Policies Entered into Prepetition and Satisfy Prepetition Obligations Related Thereto, (II) Renew, Amend, Supplement, Extend, or Purchase Insurance Policies, (III) Honor the Terms of the Premium Financing Agreement and Pay Premiums Thereunder, and (IV) Enter into New Premium Financing Agreements in the Ordinary Course of Business [Docket No. 74].
- B. Notice of Rescheduled Second Day Hearing [Docket No. 299].
- C. Notice of Rescheduled Second Day Hearing [Docket No. 347].
- D. Proposed Final Order Authorizing the Debtors to (I) Continue Insurance Policies Entered into Prepetition and Satisfy Prepetition Obligations Related Thereto, (II) Renew, Amend, Supplement, Extend, or Purchase Insurance Policies, (III) Honor the Terms of the Premium Financing Agreement and Pay Premiums Thereunder, and (IV) Enter into New Premium Financing Agreements in the Ordinary Course of Business [Docket No. 471].

Status: This matter is going forward for purposes of presenting a revised order.

2. ***Taxes Motion.*** Debtors' Emergency Motion for Entry of Interim and Final Orders Authorizing the Payment of Certain Prepetition Taxes and Fees [Docket No. 9].

Responses Received:

- A. Informal comments were received and incorporated in the proposed order.

Related Documents:

- A. Interim Order Authorizing the Payment of Certain Prepetition Taxes and Fees [Docket No. 75].
- B. Notice of Rescheduled Second Day Hearing [Docket No. 299].

- C. Notice of Rescheduled Second Day Hearing [Docket No. 347].
- D. Proposed Final Order Authorizing the Payment of Certain Prepetition Taxes and Fees [Docket No. 473].

Status: This matter is going forward for purposes of presenting a revised order.

- 3. ***Wages Motion.*** Debtors' Emergency Motion for Entry of Interim and Final Orders Authorizing Debtors to (I) Pay Prepetition Wages, Salaries, Other Compensation, and Reimbursable Expenses, and (II) Continue Employee Benefits Programs [Docket No. 10].

Responses Received:

- A. Informal comments were received and incorporated in the proposed order.

Related Documents:

- A. Interim Order Authorizing the Debtors to (I) Pay Prepetition Wages, Salaries, Other Compensation, and Reimbursable Expenses, and (II) Continue Employee Benefits Programs [Docket No. 76].
- B. Notice of Rescheduled Second Day Hearing [Docket No. 299].
- C. Notice of Rescheduled Second Day Hearing [Docket No. 347].
- D. Proposed Final Order Authorizing the Debtors to (I) Pay Prepetition Wages, Salaries, Other Compensation, and Reimbursable Expenses, and (II) Continue Employee Benefits Programs [Docket No. 474].

Status: This matter is going forward for purposes of presenting a revised order.

- 4. ***Lienholders Motion.*** Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Payment of Specified Trade Claims and (II) Confirming Administrative Expense Priority of Outstanding Orders [Docket No. 11].

Responses Received:

- A. Informal comments were received and incorporated in the proposed order.

Related Documents:

- A. Interim Order Approving Notification and Hearing Procedures for Certain Transfers of and Declarations of Worthlessness with Respect to Common Stock and Granting Related Relief [Docket No. 77].
- B. Notice of Rescheduled Second Day Hearing [Docket No. 299].
- C. Notice of Rescheduled Second Day Hearing [Docket No. 347].

- D. Proposed Final Order (I) Authorizing the Payment of Specified Trade Claims and Outstanding Orders, and (II) Confirming Administrative Expense Priority of Outstanding Orders [Docket No. 469].

Status: This matter is going forward for purposes of presenting a revised order.

- 5. ***Customer Programs Motion.*** Debtors' Emergency Motion for Entry of Interim and Final Orders Authorizing Debtors to (I) Honor Prepetition Obligations to Customers in the Ordinary Course of Business and (II) Continue, Renew, Replace, Implement, or Terminate Customer Programs [Docket No. 12].

Responses Received:

- A. Informal comments were received and incorporated in the proposed order.

Related Documents:

- A. Interim Order Authorizing the Debtors to (I) Honor Prepetition Obligations to Customers in the Ordinary Course of Business and (II) Continue, Renew, Replace, Implement, or Terminate Customer Programs [Docket No. 78].
- B. Notice of Rescheduled Second Day Hearing [Docket No. 299].
- C. Notice of Rescheduled Second Day Hearing [Docket No. 347].
- D. Proposed Final Order Authorizing the Debtors to (I) Honor Prepetition Obligations to Customers in the Ordinary Course of Business and (II) Continue, Renew, Replace, Implement, or Terminate Customer Programs [Docket No. 468].

Status: This matter is going forward for purposes of presenting a revised order.

- 6. ***NOL Motion.*** Debtors' Emergency Motion for Entry of Interim and Final Orders Approving Notification and Hearing Procedures for Certain Transfers of and Declarations of Worthlessness with Respect to Common Stock [Docket No. 13].

Responses Received:

- A. Informal comments were received and incorporated in the proposed order.

Related Documents:

- A. Interim Order Approving Notification and Hearing Procedures for Certain Transfers of an Declarations of Worthlessness with Respect to Common Stock [Docket No. 79].
- B. Notice of Rescheduled Second Day Hearing [Docket No. 299].
- C. Notice of Rescheduled Second Day Hearing [Docket No. 347].

- D. Proposed Final Order Approving Notification and Hearing Procedures for Certain Transfers of and Declarations of Worthlessness with Respect to Common Stock [Docket No. 470].

Status: This matter is going forward for purposes of presenting a revised order.

- 7. ***Surety Bond Motion.*** Debtors' Emergency Motion for Entry of Interim and Final Orders Approving Continuation of Surety Bond Program [Docket No. 14].

Responses Received:

- A. Informal comments were received and incorporated in the proposed order.

Related Documents:

- A. Interim Order Approving Continuation of Surety Bond Program [Docket No. 84].
- B. Notice of Rescheduled Second Day Hearing [Docket No. 299].
- C. Notice of Rescheduled Second Day Hearing [Docket No. 347].
- D. Proposed Final Order Approving Continuation of Surety Bond Program [Docket No. 472].

Status: This matter is going forward for purposes of presenting a revised order.

- 8. ***Coal Sales Motion.*** Debtors' Emergency Motion for Entry of Interim and Final Orders Authorizing Debtors to Enter into and Perform Under Coal Sale Contracts in the Ordinary Course of Business [Docket No. 15].

Responses Received:

- A. Limited Objections by Puget Sound Energy, Inc., Portland General Electric Company, PacifiCorp, and Avista Corporation to Certain "First Day" Motions [Docket No. 255].
- B. Limited Objections by PacifiCorp to Certain "First Day" Motions [Docket No. 265].

Related Documents:

- A. Interim Order Authorizing the Debtors to Enter Into and Perform Under Coal Sale Contracts in the Ordinary Course of Business [Docket No. 85].
- B. Notice of Rescheduled Second Day Hearing [Docket No. 299].
- C. Notice of Rescheduled Second Day Hearing [Docket No. 347].

- D. Proposed Final Order Authorizing the Debtors to Enter Into and Perform Under Coal Sale Contracts in the Ordinary Course of Business [Docket No. 467].

Status: This matter is going forward for purposes of presenting a revised order. All objections have been resolved through modifications to the proposed Coal Sales Order.

9. **Cash Management Motion.** Debtors' Emergency Motion for Entry of Interim and Final Orders Authorizing Debtors to (I) Continue to Operate Their Cash Management System, (II) Honor Certain Prepetition Obligations Related Thereto, (III) Maintain Existing Business Forms, and (IV) Continue to Perform Intercompany Transactions [Docket No. 16].

Responses Received:

- A. Informal comments were received and incorporated in the proposed order.

Related Documents:

- A. Interim Order Authorizing the Debtors to (I) Continue to Operate Their Cash Management System, (II) Honor Certain Prepetition Obligations Related Thereto, (III) Maintain Existing Business Forms, and (IV) Continue to Perform Intercompany Transactions [Docket No. 83].
- B. Notice of Rescheduled Second Day Hearing [Docket No. 299].
- C. Notice of Rescheduled Second Day Hearing [Docket No. 347].
- D. Proposed Final Order Authorizing the Debtors to (I) Continue to Operate Their Cash Management System, (II) Honor Certain Prepetition Obligations Related Thereto, (III) Maintain Existing Business Forms, and (IV) Continue to Perform Intercompany Transactions [Docket No. 483].

Status: This matter is going forward for purposes of presenting a revised order.

10. **A&M Retention Application.** Debtors' Application for Entry of an Order Authorizing the Retention and Employment of an Order Authorizing the Retention and Employment of Alvarez & Marsal North America, LLC as Restructuring Advisor for the Debtors *Nunc Pro Tunc* to the Petition Date [Docket No. 210].

Responses Received:

- A. Informal comments were received and incorporated in the proposed order.

Related Documents:

- A. Notice of Rescheduled Second Day Hearing [Docket No. 299].
- B. Notice of Rescheduled Second Day Hearing [Docket No. 347].

- C. Proposed Order Authorizing the Retention and Employment of Alvarez & Marsal North America, LLC as Restructuring Advisor *Nunc Pro Tunc* to the Petition Date [Docket No. 481].

Status: This matter is going forward.

- 11. ***OCP Motion.*** Debtors' Motion for Entry of an Order Authorizing the Retention and Compensation of Certain Professionals Utilized in the Ordinary Course of Business [Docket No. 229].

Responses Received:

- A. Informal comments were received and incorporated in the proposed order.

Related Documents:

- A. Notice of Rescheduled Second Day Hearing [Docket No. 299].
- B. Notice of Rescheduled Second Day Hearing [Docket No. 347].
- C. Proposed Order Authorizing the Retention and Compensation of Certain Professionals Utilized in the Ordinary Course of Business [Docket No. 501].

Status: This matter is going forward for purposes of presenting a revised order.

- 12. ***Bidding Procedures Motion.*** Motion of Westmoreland Coal Company and Certain of its Subsidiaries for Entry of an Order (I) Authorizing Westmoreland Coal Company and Certain Debtor Affiliates to Enter into and Perform Under the Stalking Horse Purchase Agreement, (II) Approving Bidding Procedures with Respect to Substantially all Assets, (III) Approving Contract Assumption and Assignment Procedures, (IV) Scheduling Bid Deadlines and an Auction, (V) Scheduling Hearings and Objection Deadlines with Respect to the Disclosure Statement and Plan Confirmation, and (VI) Approving the Form and Manner of Notice Thereof [Docket No. 208].

Responses Received:

- A. Reservation of Rights of the Chubb Companies with Respect to the Motion of Westmoreland Coal Company and Certain of Its Subsidiaries for Entry of an Order (I) Authorizing Westmoreland Coal Company and Certain Debtor Affiliates to Enter into and Perform Under the Stalking Horse Purchase Agreement, (II) Approving Bidding Procedures with Respect to Substantially All Assets, (III) Approving Contract Assumption and Assignment Procedures, (IV) Scheduling Bid Deadlines and an Auction, (V) Scheduling Hearings and Objection Deadlines with Respect to the Disclosure Statement and Plan Confirmation, and (VI) Approving the Form and Manner of Notice Thereof [Docket No. 367].

- B. Objection of First Surety Corporation and Westchester Fire Insurance Company to Motion of Westmoreland Coal Company and Certain of Its Subsidiaries for Entry of an Order (I) Authorizing Westmoreland Coal Company and Certain Debtor Affiliates to Enter into and Perform Under the Stalking Horse Purchase Agreement, (II) Approving Bidding Procedures with Respect to Substantially All Assets, (III) Approving Contract Assumption and Assignment Procedures, (IV) Scheduling Bid Deadlines and an Auction, (V) Scheduling Hearings and Objection Deadlines with Respect to the Disclosure Statement and Plan Confirmation, and (VI) Approving the Form and Manner of Notice Thereof [Docket No. 368].
- C. Limited Objection of Travelers Casualty and Surety Company of America to Motion of Westmoreland Coal Company and Certain of Its Subsidiaries for Entry of an Order (I) Authorizing Westmoreland Coal Company and Certain Debtor Affiliates to Enter into and Perform Under the Stalking Horse Purchase Agreement, (II) Approving Bidding Procedures with Respect to Substantially All Assets, (III) Approving Contract Assumption and Assignment Procedures, (IV) Scheduling Bid Deadlines and an Auction, (V) Scheduling Hearings and Objection Deadlines with Respect to the Disclosure Statement and Plan Confirmation, and (VI) Approving the Form and Manner of Notice Thereof [Docket No. 369].
- D. Limited Objection and Reservation of Rights by Lexon Insurance Company and Sampo International Insurance to the Motion of Westmoreland Coal Company and Certain of Its Subsidiaries for Entry of an Order (I) Authorizing Westmoreland Coal Company and Certain Debtor Affiliates to Enter into and Perform Under the Stalking Horse Purchase Agreement, (II) Approving Bidding Procedures with Respect to Substantially All Assets, (III) Approving Contract Assumption and Assignment Procedures, (IV) Scheduling Bid Deadlines and an Auction, (V) Scheduling Hearings and Objection Deadlines with Respect to the Disclosure Statement and Plan Confirmation, and (VI) Approving the Form and Manner of Notice Thereof [Docket No. 371].
- E. Reservation of Rights of the Official Committee of Unsecured Creditors to Motion of Westmoreland Coal Company and Certain of Its Subsidiaries for Entry of an Order (I) Authorizing Westmoreland Coal Company and Certain Debtor Affiliates to Enter into and Perform Under the Stalking Horse Purchase Agreement, (II) Approving Bidding Procedures with Respect to Substantially All Assets, (III) Approving Contract Assumption and Assignment Procedures, (IV) Scheduling Bid Deadlines and an Auction, (V) Scheduling Hearings and Objection Deadlines with Respect to the Disclosure Statement and Plan Confirmation, and (VI) Approving the Form and Manner of Notice Thereof [Docket No. 373].

- F. Objection and Reservation of Rights of Zurich American Insurance Company and Affiliates to the Motion of Westmoreland Coal Company and Certain of Its Subsidiaries for Entry of an Order (I) Authorizing Westmoreland Coal Company and Certain Debtor Affiliates to Enter into and Perform Under the Stalking Horse Purchase Agreement, (II) Approving Bidding Procedures with Respect to Substantially All Assets, (III) Approving Contract Assumption and Assignment Procedures, (IV) Scheduling Bid Deadlines and an Auction, (V) Scheduling Hearings and Objection Deadlines with Respect to the Disclosure Statement and Plan Confirmation, and (VI) Approving the Form and Manner of Notice Thereof [Docket No. 374].
- G. Limited Objection and Reservation of Rights of the Sierra Club [Docket No. 375]. *Withdrawn at Docket No. 480.*
- H. The County of Rosebud and the County of Big Horn's Response to Debtor's Motion for Entry of an Order (I) Authorizing Westmoreland Coal Company and Certain Debtors Affiliates to Enter into and Perform Under the Stalking Horse Purchase Agreement, (II) Approving Bidding Procedures with Respect to Substantially All Assets, (III) Approving Contract Assumption and Assignment Procedures, (IV) Scheduling Bid Deadlines and an Auction, (V) Scheduling Hearings and Objection Deadlines with Respect to the Disclosure Statement and Plan Confirmation, and (VI) Approving the Form and Manner of Notice Thereof [Docket No. 453]. *Withdrawn at Docket No. 463.*
- I. The County of Freestone, Texas, the County of Leon, Texas and Leon Independent School District's Objection to Debtor's Motion for Entry of an Order (I) Authorizing Westmoreland Coal Company and Certain Debtors Affiliates to Enter into and Perform Under the Stalking Horse Purchase Agreement, (II) Approving Bidding Procedures with Respect to Substantially All Assets, (III) Approving Contract Assumption and Assignment Procedures, (IV) Scheduling Bid Deadlines and an Auction, (V) Scheduling Hearings and Objection Deadlines with Respect to the Disclosure Statement and Plan Confirmation, and (VI) Approving the Form and Manner of Notice Thereof [Docket No. 454]. *Withdrawn at Docket No. 464.*

Related Documents:

- A. Notice of Rescheduled Second Day Hearing [Docket No. 299].
- B. Notice of Rescheduled Second Day Hearing [Docket No. 347].

- C. Proposed Order (I) Authorizing Westmoreland Coal Company and Certain Debtor Affiliates to Perform Obligations Related to the Stalking Horse Bid, (II) Approving Bidding Procedures with Respect to Substantially All Assets, (III) Approving Contract Assumption and Assignment Procedures, (IV) Scheduling Bid Deadlines and an Auction, (V) Scheduling Hearings and Objections Deadlines, with Respect to the Disclosure Statement and Plan Confirmation, and (VI) Approving the Form and Manner of Notice Thereof [Docket No. 486].
- D. Omnibus Reply in Support of Certain of the Debtors' Motions Set for Hearing on November 15, 2018 [Docket No. 487].

Status: This matter is going forward for purposes of presenting a revised order. All objections have been resolved through modifications to the proposed Bidding Procedures Order.

II. CONTESTED MATTERS

- 13. ***WLB DIP Motion.*** Emergency Motion of Westmoreland Coal Company and Certain Debtor Affiliates for Entry of Interim and Final Orders (I) Authorizing Westmoreland Coal Company and Certain of Its Affiliates to Obtain Postpetition Secured Financing, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Authorizing the Use of Cash Collateral, (IV) Granting Adequate Protection, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief [Docket No. 17].

Responses Received:

- A. Komatsu Financial Limited Partnership's Limited Objection to the Emergency Motion for Entry of Interim and Final Orders (I) Authorizing Westmoreland Coal Company and Certain of Its Affiliates to Obtain Postpetition Secured Financing, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Authorizing the Use of Cash Collateral, (IV) Granting Adequate Protection, (V) Modifying the Automatic Stay (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief [Docket No. 234]. *Withdrawn at Docket No. 348.*
- B. Coal Act Funds' Limited Objection to Debtors' Motion for Entry of Final Order Authorizing Debtors to Obtain Postpetition Secured Financing and Granting Related Relief [Docket No. 249].
- C. Limited Objections by Puget Sound Energy, Inc., Portland General Electric Company, PacifiCorp, and Avista Corporation to Certain "First Day" Motions [Docket No. 255].
- D. Limited Objections by PacifiCorp to Certain "First Day" Motions [Docket No. 265].

- E. United Mineworkers of America's Limited Objection to Debtors' Motions for Entry of Final Orders Authorizing Debtors to Obtain Postpetition Secured Financing and Granting Related Relief [Docket No. 280].

Related Documents:

- A. Interim Order (I) Authorizing Westmoreland Coal Company and Certain of its Affiliates to Obtain Postpetition Secured Financing, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Authorizing the Use of Cash Collateral, (IV) Granting Adequate Protection, (V) Modifying the Automatic Stay (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief [Docket No. 92].
- B. Notice of Rescheduled Second Day Hearing [Docket No. 299].
- C. Notice of Rescheduled Second Day Hearing [Docket No. 347].
- D. Omnibus Reply in Support of Certain of the Debtors' Motions Set for Hearing on November 15, 2018 [Docket No. 487].
- E. Final Order (I) Authorizing Westmoreland Coal Company and Certain of its Affiliates to Obtain Postpetition Secured Financing, (II) Granting Liens and Providing Superpriority Administrative Expense Claims, (III) Authorizing the Use of Cash Collateral, (IV) Granting Adequate Protection, (V) Modifying the Automatic Stay (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief [Docket No. 489].

Status: This matter is going forward for purposes of presenting a revised order.

- 14. ***WMLP Cash Collateral Motion.*** Emergency Motion of Westmoreland Resource Partners, LP and Certain Debtor Affiliates for the Entry of Interim and Final Orders (I) Authorizing WMLP Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Certain Protections to Prepetition Lenders Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing [Docket No. 18].

Responses Received:

- A. Komatsu Financial Limited Partnership's Limited Objection to the Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the MLP Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Certain Protections to Prepetition Lenders Pursuant to 11 U.S.C. 105, 361, 362, 363, and 507, (III) Modifying the Automatic Stay, and (IV) Scheduling a Final Hearing [Docket No. 235]. *Withdrawn at Docket No. 348.*

- B. The County of Freestone, Texas, the County of Leon, Texas and Leon Independent School District's Limited Objection to Debtor's Emergency Motion of Westmoreland Resource Partners, LP and Certain Debtor Affiliates for the Entry of Interim and Final Orders (I) Authorizing the MLP Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Certain Protections to Prepetition Lenders Pursuant to 11 U.S.C. §§ 105, 361, 362, 363, and 507, (III) Modifying the Automatic Stay, and (IV) Scheduling a Final Hearing [Docket No. 332]. *Withdrawn at Docket No. 465.*
- C. United Mineworkers of America's Limited Objection to Debtors' Motions for Entry of Final Orders Authorizing Debtors to Obtain Postpetition Secured Financing and Granting Related Relief [Docket No. 280].

Related Documents:

- A. Interim Order (I) Authorizing the MLP Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363 (II) Granting Certain Protections to Prepetition Lenders Pursuant to 11 U.S.C. §§ 105, 361, 362, 363, and 507, (III) Modifying the Automatic Stay, and (IV) Scheduling a Final Hearing [Docket No. 95].
- B. Notice of Rescheduled Second Day Hearing [Docket No. 299].
- C. Notice of Rescheduled Second Day Hearing [Docket No. 347].
- D. Omnibus Reply in Support of Certain of the Debtors' Motions Set for Hearing on November 15, 2018 [Docket No. 487].
- E. Final Order (I) Authorizing the MLP Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363 (II) Granting Certain Protections to Prepetition Lenders Pursuant to 11 U.S.C. §§ 105, 361, 362, 363, and 507, (III) Modifying the Automatic Stay, and (IV) Scheduling a Final Hearing [Docket No. 499].

Status: This matter is going forward for purposes of presenting a revised order.

- 15. ***Motion to Appoint Retiree Committee.*** Coal Act Funds' Motion in the Alternative to Appoint Official Retiree Committee Pursuant to 11 U.S.C. § 1114 [Docket No. 248].

Responses Received:

- A. Debtors' Limited Objection to the Coal Act Funds' Motion to Appoint an Official Retiree Committee Pursuant to 11 U.S.C. § 1114 [Docket No. 362].

Related Documents:

- A. Debtors' Emergency Motion for Entry of a Scheduling Order Regarding Coal Act Funds' Matters [Docket No. 462].
- B. Scheduling Order Regarding Coal Act Funds' Matters [Docket No. 488].

- C. Coal Act Funds' (I) Response to Debtors' Emergency Motion for Entry of a Scheduling Order and (II) Reply to Debtors' Limited Objection to the Coal Act Funds' Motion to Appoint an Official Retiree Committee Pursuant to 11 U.S.C. § 1114 [Docket No. 497].

Status: This matter is going forward.

- 16. **Scheduling Motion.** Debtors' Emergency Motion for Entry of a Scheduling Order Regarding Coal Act Funds' Matters [Docket No. 462].

Responses Received: None.

Related Documents:

- A. Scheduling Order Regarding Coal Act Funds' Matters [Docket No. 488].
- B. Coal Act Funds' (I) Response to Debtors' Emergency Motion for Entry of a Scheduling Order and (II) Reply to Debtors' Limited Objection to the Coal Act Funds' Motion to Appoint an Official Retiree Committee Pursuant to 11 U.S.C. § 1114 [Docket No. 497].

Status: This matter is going forward for purposes of setting a hearing date for the Debtors' motion for judgment on the pleadings.

- 17. **Bar Date Motion.** Debtors' Emergency Motion for Entry of an 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 Manner for Filing Proofs of Claim, Including Section 503(B)(9) Requests, and (IV) Approving Notice of Bar Dates [Docket No. 292].

Responses Received:

- A. United Mineworkers of America's Objection to Debtors' Emergency Motion for Entry of an Order Setting Bar Dates and Seeking Related Relief [Docket No. 362].

Related Documents:

- B. Notice of Rescheduled Second Day Hearing [Docket No. 299].
- C. Notice of Rescheduled Second Day Hearing [Docket No. 347].
- D. Omnibus Reply in Support of Certain of the Debtors' Motions Set for Hearing on November 15, 2018 [Docket No. 487].

- E. Proposed 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 Manner for Filing Proofs of Claim, Including Section 503(B)(9) Requests, and (IV) Approving Notice of Bar Dates [Docket No. 500].

Status: This matter is going forward for the purposes of presenting a revised order.

[Remainder of page intentionally left blank]

Houston, Texas
November 14, 2018

/s/ Patricia B. Tomasco

Patricia B. Tomasco (Bar No. 01797600)
Elizabeth C. Freeman (Bar No. 24009222)
Matthew D. Cavanaugh (Bar No. 24062656)

JACKSON WALKER L.L.P.

1401 McKinney Street, Suite 1900
Houston, Texas 77010

Telephone: (713) 752-4200
Facsimile: (713) 752-4221
Email: ptomasco@jw.com
efreeman@jw.com
mcavanaugh@jw.com

*Proposed Co-Counsel to the Debtors
and Debtors in Possession*

James H.M. Sprayregen, P.C.
Michael B. Slade (Bar No. 24013521)
Gregory F. Pesce (admitted *pro hac vice*)

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP
300 North LaSalle

Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
Email: james.sprayregen@kirkland.com
michael.slade@kirkland.com
gregory.pesce@kirkland.com

-and-

Edward O. Sassower, P.C.
Stephen E. Hessler, P.C. (admitted *pro hac vice*)

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

601 Lexington Avenue
New York, New York 10022

Telephone: (212) 446-4800
Facsimile: (212) 446-4900
Email: edward.sassower@kirkland.com
stephen.hessler@kirkland.com

-and-

Anna G. Rotman, P.C. (Bar No. 24046761)

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

609 Main Street
Houston, Texas 77002

Telephone: (713) 836-3600
Email: anna.rotman@kirkland.com

*Proposed Co-Counsel to the Debtors
and Debtors in Possession*

Certificate of Service

I certify that on November 14, 2018, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Patricia B. Tomasco

Patricia B. Tomasco