

**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 HEARING ON MOTIONS
SCHEDULED FOR DECEMBER 18, 2018, AT 2:00 P.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 December 18, 2018, at 2:00 p.m. (prevailing Central Time).

I. UNCONTESTED MATTERS

1. **365(d)(4) Motion.** Debtors’ Motion for Entry of an Order Extending the Time Within Which the Debtors Must Assume or Reject Unexpired Leases of Nonresidential Real Property [Docket No. 567].

Responses Received: None.

Related Documents: None.

Status: This matter is going forward.

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.

2. ***Removal Extension Motion.*** Debtors' Motion for Entry of an Order Extending the Time Within Which the Debtors May Remove Action [Docket No. 567].

Responses Received: None.

Related Documents: None.

Status: This matter is going forward.

3. ***Valued Employee Program Motion.*** Debtors' Motion for Entry of an Order Authorizing and Approving the Debtors' Proposed Valued Employee Program [Docket No. 584].

Responses Received: None.

Related Documents: None.

Status: This matter is going forward.

II. CONTESTED MATTERS

4. ***Disclosure Statement Approval Motion.*** Motion of Westmoreland Coal Company and Certain of Its Subsidiaries for Entry of an Order (I) Approving the Adequacy of the Disclosure Statement, (II) Approving the Solicitation and Notice Procedures with Respect to Confirmation of the Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of Its Debtor Affiliates, (III) Approving the Forms of Ballots and Notices in Connection Therewith, and (IV) Scheduling Certain Dates with Respect Thereto [Docket No. 354].

Responses Received:

- A. Objection of First Surety Corporation and Westchester Fire Insurance Company 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. 368].
- B. Limited Objection and Reservation of Rights by Lexon Insurance Company and Somp 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].

- C. 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].
- D. Objection of Caterpillar Financial Services Corporation to the Debtors' Disclosure Statement [Docket No. 569].
- E. Objection of First Surety Corporation and Westchester Fire Insurance Company to the Disclosure Statement for Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of Its Affiliates [Docket No. 633].
- F. Objection of United States Trustee to Debtors' Disclosure Statement [Docket No. 641].
- G. Limited Objection of Travelers Casualty and Surety Company of America to Disclosure Statement for Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of Its Debtor Affiliates [Docket No. 664].
- H. United Mineworkers of America's Objection to Debtors' Disclosure Statement [Docket No. 668].
- I. Objection of the Securities and Exchange Commission to Approval of the Debtors' Disclosure Statement [Docket No. 705].

Related Documents:

- A. Notice of Hearing on the Entry of an Order (I) Approving the Adequacy of the Disclosure Statement, (II) Approving the Solicitation and Notice Procedures with Respect to Confirmation of the Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of Its Debtor Affiliates, (III) Approving the Forms of Ballots and Notices in Connection Therewith, and (IV) Scheduling Certain Dates with Respect Thereto [Docket No. 359].
- B. Proposed Order (I) Approving the Adequacy of the Disclosure Statement, (II) Approving the Solicitation and Notice Procedures with Respect to Confirmation of the Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of Its Debtor Affiliates, (III) Approving the Forms of Ballots and Notices

in Connection Therewith, and (IV) Scheduling Certain Dates with Respect Thereto [To Be Filed in Connection Herewith].

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

III. STATUS CONFERENCE

5. ***McKinsey Retention Application.*** Debtors' Application for Entry of an Order Authorizing the Retention and Employment of McKinsey Recovery & Transformation Services U.S., LLC as Performance Improvement Advisors to the Debtors *Nunc Pro Tunc* to the Petition Date [Docket No. 452].

Responses Received:

- A. Objection of Mar-Bow Value Partners, LLC, a Creditor, to the Debtors' Application for Approval of the Employment of McKinsey Restructuring and Transformation Services U.S., LLC [Docket No. 629].
- B. *Amended* Objection of Mar-Bow Value Partners, LLC, a Creditor, to the Debtors' Application for Approval of the Employment of McKinsey Restructuring and Transformation Services U.S., LLC [Docket No. 669].
- C. McKinsey Recovery and Transformation Services U.S., LLC's Preliminary Response to the Amended Objection of Mar-Bow Value Partners, LLC [Dkt. 669], to the Debtors' Application for Approval of Employment [Docket No. 763].

Related Documents:

- D. Stipulation Extending the Deadline by Which the United States Trustee Must Object to the Debtors' Application for Entry of an Order Authorizing the Retention and Employment of McKinsey Recovery & Transformation Services U.S., LLC as Performance Improvement Advisors to the Debtors *Nunc Pro Tunc* to the Petition Date [Docket No. 630].
- E. Mar-Bow Value Partners, LLC's Emergency Motion for a Status Conference on Its Objection to the Debtors' Application to Employ McKinsey [Docket No. 715]

Status: This matter is going forward as a status conference.

Houston, Texas
December 14, 2018

/s/ Patricia B. Tomasco

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Certificate of Service

I certify that on December 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