

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

In re:

Westmoreland Coal Company, et al.,<sup>1</sup>

Debtors.

Chapter 11

Case No. 18-35672 (DRJ)

(Jointly Administered)

**NOTICE OF AGREEMENT BETWEEN OFFICIAL COMMITTEE OF UNSECURED CREDITORS AND MLP REQUIRED LENDERS FURTHER EXTENDING CHALLENGE PERIOD DEADLINE IN CASH COLLATERAL ORDER**

**[Related Docket Nos. 996 and 1028]**

**PLEASE TAKE NOTICE THAT:**

1. On November 15, 2018, the Court entered the *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) Granting Related Relief* [Docket No. 521] (the **“Cash Collateral Order”**).<sup>2</sup>

2. Pursuant to paragraph 19 of the Cash Collateral Order, parties with requisite standing were required to commence an adversary proceeding (a **“Challenge”**) by (i) in the case of a party other than the Official Committee of Unsecured Creditors (the **“Committee”**), December 24, 2018, or (ii) in the case of the Committee, January 7, 2019 (such deadline, the **“Challenge Period Deadline”**).

<sup>1</sup> 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](http://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.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to such terms in the Cash Collateral Order.

3. On January 6, 2019, the Committee delivered a letter to the Debtors describing the potential claims and causes of action identified in connection with the Committee's investigation that it in good faith believed could provide a basis for a Challenge (the "**Letter Claims**").

4. On January 7, 2019, the Court entered a *Stipulation and Agreed Order Extending Challenge Period Deadline in Cash Collateral Order* [Docket No. 996] (the "**Challenge Stipulation**"). Pursuant to the Challenge Stipulation, the Committee and MLP Required Lenders (as defined in the Cash Collateral Order) agreed to extend the Challenge Period Deadline through and including January 14, 2019, solely with respect to the Committee and the Letter Claims. The Challenge Stipulation provides that the Challenge Period Deadline "may be further extended to such later date that has been agreed to in writing (which writing may be via electronic mail), by the Committee and the MLP Required Lenders, and with notice to the Court."

5. On January 11, 2019, the Committee filed the *Notice of Agreement Between Official Committee of Unsecured Creditors and MLP Required Lenders Extending Challenge Period Deadline in Cash Collateral Order* [Docket No. 1028] (the "**Extension Notice**"). Pursuant to the Extension Notice, the Committee and MLP Required Lenders agreed to further extend the Challenge Period Deadline to January 21, 2019.

6. In accordance with the Challenge Stipulation, the Committee and the MLP Required Lenders have agreed to further extend the Challenge Period Deadline through and including January 28, 2019, solely with respect to the Committee and the Letter Claims.

Dated: January 18, 2019

Respectfully submitted,

By: /s/ Michael D. Warner

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