

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

WESTMORELAND COAL COMPANY, et al.

Debtors.

Chapter 11

Case No. 18-35672 (DRJ)

(Jointly Administered)

**[PROPOSED] ORDER DENYING DEBTORS'
MOTION PURSUANT TO 11 U.S.C. §§ 105 AND 1114
FOR AN ORDER AUTHORIZING (BUT NOT DIRECTING)
THE DEBTORS TO MODIFY CERTAIN RETIREE BENEFITS**

Upon the *Debtors' Motion Pursuant to 11 U.S.C. § 105, 1113 and 1114 for an Order Authorizing (But Not Directing) the Debtors to (A) Reject Certain Collective Bargaining Agreements; (B) Implement the Debtors' Proposal; and (C) Modify Certain Retiree Benefits* (Dkt. No. 1091) (the "Motion"); and upon consideration of the Motion and the Objection (the "Objection") filed by the Trustees of the United Mine Workers of America Combined Benefit Fund (the "Combined Benefit Fund") and the United Mine Workers of America 1992 Benefit Plan (the "1992 Plan"); and this being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and venue being proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion being adequate and appropriate under the circumstances; and this Court having reviewed the Motion and the Objection; and having heard the statements in support of and against the relief requested in the Motion at a hearing before this Court (the "Hearing"); and based upon the record of the Hearing, after due deliberation and sufficient cause appearing, therefor **IT IS HEREBY ORDERED THAT:**

1. The Motion is **DENIED** with respect to the Debtors' request to modify or terminate those Retiree Benefits (as defined in the Motion) required under the Coal Industry Retiree Health Benefit Act of 1992 (the "Coal Act"), including by: (a) terminating any individual employer plan(s) pursuant to which the Debtors provide medical benefits to retirees of the Debtors, or any of their predecessors, current or prior affiliates, or controlled group companies, pursuant to the provisions of the Coal Act; (b) discontinuing remitting contributions or payments to the 1992 Plan pursuant to the Coal Act; (c) discontinuing remitting contributions or payments to the Combined Benefit Fund pursuant to the Coal Act; and (d) discontinuing the provision of any security for the benefit of the 1992 Plan pursuant to the Coal Act.

2. This Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

Dated: _____, 2019
Houston, Texas

DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE