

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

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

**AGENDA FOR MATTERS SCHEDULED  
FOR FEBRUARY 13, 2019, AT 1:00 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 amended agenda for matters set for hearing on February 13, 2019 at 1:00 p.m. (prevailing Central Time).

**I. UPDATE REGARDING STATUS OF CHAPTER 11 CASES**

**II. 1113-1114 MOTION**

1. 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 [Docket No. 1091].

Responses Received:

- A. United Mineworkers of America’s Objection to Debtors’ Motion Pursuant to 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 [Docket No. 1207].
- B. Coal Act Funds’ Objection to Debtors’ Motion Pursuant to 11 U.S.C. §§ 105, 1113 and 1114 for an Order Authorizing (But Not Directing) the Debtors to (A) Reject

---

<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.

Certain Collective Bargaining Agreements, (B) Implement the Debtors' Proposal, and (C) Modify Certain Retiree Benefits [Docket No. 1213].

- C. Response of the Coal Act Retirees' Committee to 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, and 2) Establishing Response Deadline [Docket No. 1236].

Related Documents:

- A. Order (1) Setting A Hearing on 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, and (2) Establishing Response Deadline [Docket No. 1109].
- B. Declaration of Stephen Douglas Williams in Support of 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 [Docket No. 1173].
- C. Notice of Reset of Hearing on Debtors' Motion Pursuant to Sections 1113/1114 [Docket No. 1226].
- D. Declaration and Expert Report of Michael J. Talarico in Support of 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 [Docket No. 1342].
- E. Stipulation Regarding the Debtors' Coal Act Obligations [Docket No. 1349].
- F. Response of Westmoreland Secured Lenders in Support of Debtors' Motion for an Order Authorizing Rejection of Collective Bargaining Agreements and Retiree Medical Benefits [Docket No. 1350].
- G. Debtors' Reply in Support of their 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 [Docket No. 1354].
- a. Motion Expedited Motion for Entry of an Order Authorizing Debtors to File Under Seal Certain Exhibits to Their Reply in Support of Their 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 [Docket No. 1353].

- b. Sealed Document - Exhibit A to Reply in Support of their 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 [Docket No. 1355].
- c. Sealed Document - Exhibit B to Reply in Support of their 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 [Docket No. 1356].
- d. Sealed Document - Exhibit C to Reply in Support of their 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 [Docket No. 1357].

Status: This matter is going forward.

### **III. UMWA'S EMERGENCY MOTION**

- 2. United Mine Workers of America's Emergency Motion to Enforce Collective Bargaining Agreements [Docket No. 1325].

Responses Received:

- A. Debtors' Opposition to UMWA's "Emergency Motion to Compel Compliance" with Collective Bargaining Agreements [Docket No. 1360].

Related Documents:

- A. United Mine Workers of America's Emergency Motion to Enforce Collective Bargaining Agreements [Docket No. 1324].
- B. Notice of Hearing [Docket No. 1330].
- C. Amended Notice of Hearing [Docket No. 1331].

Status: This matter is going forward.

**IV. WITNESS AND EXHIBIT LISTS**

3. United Mine Workers of America's Witness and Exhibit List for February 13, 2019 Hearing [Docket No. 1340].
4. Debtors' Witness and Exhibit List for February 13, 2019 Hearing [Docket No. 1341].
5. Coal Act Funds' Witness and Exhibit List for February 13, 2019 Hearing [Docket No. 1343].
6. Westmoreland Secured Lenders' Exhibit and Witness List [Docket No. 1344].
7. United Mine Workers of America's Witness and Exhibit List of February 13, 2019 Hearing on UMWA's Emergency Motion [Docket No. 1358].
8. Debtors' Witness and Exhibit List of February 13, 2019 Hearing on UMWA's "Emergency Motion" [Docket No. 1359].

**V. ADJOURNED MATTER**

9. Motion of Westmoreland Coal Company and Certain Debtor Affiliates for Entry of Final Decree Closing Certain of the Chapter 11 Cases [Docket No. 1129].

Responses Received: None

Related Documents: None

Status: This matter is adjourned to the hearing scheduled for February 26, 2019 at 1:00 p.m. (prevailing Central Time).

*[Remainder of page intentionally left blank]*

Houston, Texas  
February 12, 2019

*/s/ Patricia B. Tomasco*

---

Patricia B. Tomasco (Bar No. 01797600)  
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  
mcavanaugh@jw.com

*Conflicts Counsel to the WLB Debtors and Local  
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

*Counsel to the Debtors and Debtors in Possession*

**Certificate of Service**

I certify that on February 12, 2019, 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