

**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)
)	

**AGENDA FOR MATTERS SCHEDULED
FOR FEBRUARY 28, 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-captioned debtors and debtors in possession (collectively, the “Debtors”) hereby file their agenda for matters set for hearing on February 28, 2019 at 1:00 p.m. (prevailing Central Time).

I. UNCONTESTED MATTERS NOT RELATED TO WLB DEBTORS’ CHAPTER 11 PLAN AND KEMMERER SALE

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

Responses Received: None

Related Documents:

- A. Revised *Proposed* Final Decree Closing Certain of the Chapter 11 Cases [Docket No. 1513].

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. Debtors' Motion for Entry of an Order Approving Omnibus Claims Objection Procedures and Filing of Substantive Omnibus Claims Objections [Docket No. 1212].

Responses Received: None

Related Documents:

- A. Notice of Reset of Hearing on February 26, 2019, at 1:00 p.m. (Central Time) to February 28, 2019, at 1:00 p.m. (Central Time) [Docket No. 1491].
- B. *Proposed* Order Approving Omnibus Claims Procedures and Filing of Substantive Omnibus Claims Objections [Docket No. 1521].

Status: This matter is going forward.

II. CONTESTED MATTERS UNRELATED TO WLB DEBTORS' CHAPTER 11 PLAN AND KEMMERER SALE

3. Debtors' Emergency Motion to Waive Compliance with Section 345(b) of the Bankruptcy Code on a Final Basis [Docket No. 1316].

Responses Received:

- A. Objection of United States Trustee Regarding Debtors' Emergency Motion to Waive Compliance with Section 345(b) of the Bankruptcy Code on a Final Basis [Docket No. 1332].

Related Documents:

- A. Witness and Exhibit List of United States Trustee [Docket No. 1453].

Status: This matter is going forward.

III. WLB DEBTORS' CHAPTER 11 PLAN AND RELATED MATTERS

4. Debtors' Emergency Motion for Entry of an Order Authorizing and Approving Intercompany Settlement Term Sheet [Docket No. 1367].

Responses Received:

- A. Declaration of Gerald A. Tywoniuk in Support of the Debtors' Emergency Motion for Entry of an Order Authorizing and Approving Intercompany Settlement Term Sheet [Docket No. 1435].
- B. Declaration of Michael G. Hutchinson in Support of the Debtors' Emergency Motion for Entry of an Order Authorizing and Approving Intercompany Settlement Term Sheet [Docket No. 1451].

- C. PacifiCorp's Objection to Debtors Emergency Motion for Entry of an Order Authorizing and Approving Intercompany Settlement Term Sheet [Docket No. 1479].
- D. Declaration of Michael G. Hutchinson in Support of the (I) Debtors' Emergency Motion for Entry of an Order Authorizing and Approving Intercompany Settlement Term Sheet, and (II) WMLP Debtors' Emergency Motion for Entry of an Order Authorizing and Approving the Settlement Term Sheet Between the WMLP Debtors, the MLP Secured Lenders, and the Committee [Docket No. 1506].

Related Documents:

- A. Affidavit of Service (Re Dkt. Nos. 1435) [Docket No. 1515].

Status: This matter is going forward.

- 5. WMLP Debtors' Emergency Motion for Entry of an Order Authorizing and Approving the Settlement Term Sheet Between the WMLP Debtors, the MLP Secured Lenders, and the Committee [Docket No. 1497].

Responses Received:

- A. Declaration of Michael G. Hutchinson in Support of the (I) Debtors' Emergency Motion for Entry of an Order Authorizing and Approving Intercompany Settlement Term Sheet, and (II) WMLP Debtors' Emergency Motion for Entry an Order Authorizing and Approving the Settlement Term Sheet Between the WMLP Debtors, the MLP Secured Lenders, and the Committee [Docket No. 1506].
- B. Statement of the Official Committee of Unsecured Creditors in Support of the Settlement Term Sheet Between the WMLP Debtors', the MLP Secured Lenders, and the Committee [Docket No. 1527].

Related Documents: None

Status: This matter is going forward.

- 6. WLB Debtors' Emergency Motion for Entry of an Order Authorizing and Approving Settlement Term Sheet Between the WLB Debtors and the Coal Act Retirees Committee [Docket No. 1467].

Responses Received: None.

Related Documents:

- A. Declaration of Gregory Ossi in Support of the Coal Act Settlement Motion and Entry of the Confirmation Order [Docket No. 1501].

B. Affidavit of Service (Re Dkt. Nos. 1467) [Docket No. 1515].

Status: This matter is going forward.

7. Emergency Motion of Westmoreland Coal Company and Certain Affiliates for Entry of an Order Approving Modifications to Collective Bargaining Agreement Between Western Energy Company and the International Union of Operating Engineers, Local No. 400 [Docket No. 1498].

Responses Received: None

Related Documents: None

Status: This matter is going forward.

8. Amended Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1532].

Plan Supplement Documents:

- A. Plan Supplement for the Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1102].
- B. Notice of Amended Plan Supplement [Docket No. 1415].
- C. Notice of Second Amendment to the Plan Supplement [Docket No. 1454].
- D. Notice of Third Amendment to the Plan Supplement [Docket No. 1522].
- E. Notice of Fourth Amendment to the Plan Supplement [To Be Filed].

Responses Received:

- A. United Mine Workers of America's Objection to WLB's Plan of Reorganization [Docket No. 1208].
- B. Objection of United States Trustee to Debtors' Joint Chapter 11 Plan [Docket No. 1163].
- C. Objection of the Securities and Exchange Commission to Confirmation of the Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its debtor Affiliates [Docket No. 1148].
- D. Objection of State of Ohio Environmental Protection Agency and Department of Natural Resources to Confirmation of the Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates (the WLB Debtors) [Docket No. 1187].

- E. **Resolved:** Objection to Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates (NorthWestern) [Docket No. 1154].
- F. **Resolved:** Objection by Puget Sound Energy, Inc., Portland General Electric Company, PacifiCorp, and Avista Corporation to Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1157].
- G. **Resolved:** Organization of Resource Councils' Joinder to that Limited Objection of Sierra Club with Respect to Joint Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates Dated December 14, 2018 [Docket No. 1158].
- H. **Resolved:** Limited Objection to Talen Montana, LLC to Confirmation of Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1161].
 - i. Expedited Motion for Entry of an Order (I) Authorizing Talen Montana, LLC to File Under Seal Portions of Plan Objection and Exhibit to Plan Objection and (II) Granting Related Relief [Docket No. 1160].
- I. **Resolved:** PacifiCorp's Reservation of Rights to Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1172].
- J. **Resolved:** Secretary of Labor's Limited Objection to the Chapter 11 Plan Filed by Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1197].
- K. **Resolved:** Objection of the WMLP Debtors to Confirmation of the Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1200].
- L. **Resolved:** MLP Lenders' Objection to the Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates and Joinder to the WMLP Debtors' Confirmation Objection [Docket No. 1201].
- M. **Resolved:** Limited Objection of Hopedale Mining LLC to Confirmation of the Joint Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1238].
- N. **Resolved:** Statement and Reservation of Rights of Lexon Insurance Company, Sompo International Insurance and Bond Safeguard Insurance Company to Debtors' Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1429].
- O. **Resolved:** Reservation of Rights of Argonaut Insurance Company in Connection with Confirmation of Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1431].

- P. **Resolved:** Objection and Reservation of Rights of Zurich American Insurance Company and Affiliate to Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1434].
- Q. **Resolved:** Coal Act Funds' Limited Objection to Debtors' Chapter 11 Plan [Docket No. 1443].
- R. **Resolved:** Objection and Reservation of Rights of PNM Resources, Inc., and Public Resources Company of New Mexico to (I) Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of Its Debtor Affiliates, and (II) Supplemental Notice of Executory Contracts and Unexpired Leases to Be Assumed and Assigned [Docket No. 1462].
- S. **Resolved:** Combined Objection of GT Nix Construction, Inc., to (I) the Expedited Motion for Entry of an Order Approving the Sale of the Kemmerer Mine and (II) Confirmation of the Proposed Plan [Docket No. 1500].
- T. **Withdrawn:** Limited/Conditional Objection of First Surety Corporation and Westchester Fire Insurance Company to Confirmation of Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Affiliates [Docket No. 1300].
 - i. Notice of Withdrawal of Limited/Conditional Objection of First Surety Corporation and Westchester Fire Insurance Company to Confirmation of Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Affiliates [Docket No. 1524].
- U. **Withdrawn:** Objection to Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its debtor Affiliates (The Texas Ad Valorem Taxing Jurisdictions) [Docket No. 318].
 - i. Withdrawal of the Texas Ad Valorem Taxing Jurisdictions' Objection to the Confirmation of the Debtors Joint Prepackaged Chapter 11 Plan (Related to Dkt. No. 318) [Docket No. 1299].
- V. **Withdrawn:** Objection to Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates (County of Big Horn and County of Rosebud) [Docket No. 970].
 - i. Withdrawal of the the Rosebud County et al Objection to Debtor's Joint Chapter 11 Plan (Relates to Doc. No. 970) [Docket No. 1137]
- W. **Withdrawn:** Objection to Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its debtor Affiliates (The Texas Ad Valorem Taxing Jurisdictions) [Docket No. 971].
 - i. Withdrawal of the Texas Ad Valorem Taxing Jurisdictions' Objection to Debtor's Joint Chapter 11 Plan (Relates to Doc. No. 971) [Docket No. 1136].

- X. **Withdrawn:** Limited Objection and Reservation of Rights of the Crow Tribe of Indians to (A) Debtors' Proposed Assumption and Assignment of Mining Leases and Associated Contracts, Easements and Property Rights and Cure Costs Associated Therewith and (B) Confirmation of Debtors' Plan of Reorganization [Docket No. 1135]
 - i. Withdrawal of Limited Objection and Reservation of Rights of the Crow Tribe of Indians to (A) Debtors' Proposed Assumption and Assignment of Mining Leases and Associated Contracts, Easements and Property Rights and Cure Costs Associated Therewith and (B) Confirmation of Debtors' Plan of Reorganization [Docket No. 1444].

- Y. **Withdrawn:** Limited Objection of Sierra Club with Respect to Joint Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates Dated December 14, 2018 [Docket No. 1147].
 - i. Notice of Withdrawal of Limited Objection of Sierra Club with Respect to Joint Plan of Westmoreland Coal Company and Certain of Its Debtor Affiliates [Docket No. 1494]

Contract Cure Responses:

- A. Monsanto Company's Limited Objection to Debtors' Stated Cure Amounts [Docket No. 990].
- B. Objection of WPP LLC to Debtors' Proposed Cure Amounts [Docket No. 1013].
- C. Limited Objection of CIBC and CIBC Bank USA to Proposed Assignment of Executory Contracts to Successful Bidder [Docket No. 1014].
- D. Limited Objection of NRG Texas Power LLC to the Notice of Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 1015].
- E. Objection of Great Northern Properties LP to Debtors' Proposed Cure Amounts [Docket No. 1017].
- F. Komatsu Financial Limited Partnership's Limited Objection with Respect to the Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 1018].
- G. **Resolved:** Reservation of Rights of Lexon Insurance Company, Sompo International Insurance and Bond Safeguard Insurance Company to Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 1019].

- H. Navakai, Inc.'s Objection to "Cure Amounts" in Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 1021].
- I. Notice of Objection to Amount of Cure Costs by Caterpillar Financial Services Corporation [Docket No. 1198].
- J. Komatsu Financial Limited Partnership's Objection to the Notice of (A) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases and (B) Cure Amounts (Docket No. 1116-5) [Docket No. 1227].
- K. Objection of Chevron to the Debtors' Proposed Partial Assumption and Proposed Cure Amounts for Assumed Contracts and Unexpired Leases [Docket No. 1247].
- L. Notice of Objection by Caterpillar Financial Services Corporation to Amount of Cure Costs for Oxford Mining, LLC Assumed Leases [Docket No. 1301].
- M. Notice of Objection by Caterpillar Financial Services Corporation to Amount of Cure Costs for Westmoreland Kemmerer, LLC Assumed Leases [Docket No. 1304].
- N. Objection of Monsanto Company to Proposed Assumption of Certain Executory Contracts [Docket No. 1410].
- O. Komatsu Financial Limited Partnership's Objection to the Schedule of Cure Amounts (Docket No. 1295) [Docket No. 1419].
- P. Limited Objection and Reservation of Rights of Wheeler Machinery Co. [Docket No. 1428].
- Q. Notice of Objection of Caterpillar Financial Services Corporation to the Amounts of Cure Costs Stated in the WLB Debtor's' Second Supplement Notice of Cure Costs (doc 1414) with Respect to Caterpillar Financial's Contracts and Leases [Docket No. 1486].
- R. Limited Objection and Reservation of Rights of Wheeler Machinery Co. [Docket No. 1496].

Other Related Documents

- A. Notice of Non-Consent to Third Party Release [Docket No. 1144].
- B. Notice of Rule 30(b)(6) Deposition of the Debtor on February 25, 2019, beginning at 3:00 p.m. [Docket No. 1471].
 - i. Notice of Adjournment of Depositions [Docket No. 1488].

- C. Notice of Rule 30(b)(6) Deposition of Conflicts Committee on February 25, 2019, beginning at 7:00 p.m. [Docket No. 1472].
 - i. Notice of Adjournment of Depositions [Docket No. 1488].
- D. The WMLP Debtors' Notice of Deposition of Zurich American Insurance Company, and its Affiliate, Fidelity and Deposit Company of Maryland [Docket No. 1484].
 - i. Emergency Motion to Quash, Motion for Protective Order, and Objection to the WMLP Debtors' Notice of Depositions of Zurich American Insurance Company, and Its Affiliate, Fidelity & Deposit Company of Maryland (Relates to Dkt Nos. 1484 and 1485) [Docket No. 1505].
 - ii. Order Denying Emergency Motion to Quash [Docket No. 1516].
 - iii. The WMLP Debtors' Notice of Adjournment Depositions [Docket No. 1518].
- E. The WMLP Debtors' Notice of Deposition of Chris Edwards [Docket No. 1485].
 - i. Emergency Motion to Quash, Motion for Protective Order, and Objection to the WMLP Debtors' Notice of Depositions of Zurich American Insurance Company, and Its Affiliate, Fidelity & Deposit Company of Maryland (Relates to Dkt Nos. 1484 and 1485) [Docket No. 1505].
 - ii. Order Denying Emergency Motion to Quash [Docket No. 1516].
 - iii. The WMLP Debtors' Notice of Adjournment Depositions [Docket No. 1518].
- F. Letter from Harold Ray Ball [Docket No. 1520].

Confirmation Briefs and Declarations in Support of Confirmation:

- A. Declaration and Expert Report of Robert A. Campagna in Support of Confirmation of the Amended Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1445].
- B. Declaration of Marc D. Puntus in Support of Confirmation of the Amended Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1449].
- C. Declaration of Jeffrey S. Stein in Support of Confirmation of the Amended Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1452].

- D. WLB Debtors' (I) Memorandum of Law in Support of Confirmation of Amended Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of Its Debtor Affiliates and (II) Response to Certain Objections Thereto [Docket No. 1478]
- E. Declaration of Gregory Ossi in Support of the Coal Act Settlement Motion and Entry of the Confirmation Order [Docket No. 1501].

Voting Report:

- A. Declaration of Jung W. Song on Behalf of Donlin, Recano & Company, Inc. Regarding Voting and Tabulation of Ballots Accepting and Rejecting the Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1436].
- B. Affidavit of Service (Re Dkt. Nos. 1436) [Docket No. 1515].

Proposed Confirmation Order:

- A. *Proposed* Order Confirming the Amended Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of Its Debtor Affiliates [To Be Filed].

Scheduling 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 Plan, (III) Approving the Forms of Ballots and Notices in Connection Therewith and Scheduling Certain Dates with Respect Thereto [Docket No. 359]
- B. Notice of Rescheduled Confirmation Hearing [Docket No. 1337].
- C. Notice of Reset of Hearing on February 26, 2019, at 1:00 p.m. (Central Time) to February 28, 2019, 2019, at 1:00 p.m. (Central Time) [Docket No. 1491].

Previously Filed Plans:

- A. Chapter 11 Plan of Westmoreland Coal Company and Certain of Its Debtor Affiliates [Docket No. 294].
- B. Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of Its Debtor Affiliates [Docket No. 788].
- C. Amended Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1457].
 - i. Notice of Filing of Amended Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1459].

Disclosure Statements, Disclosure Statement Order:

- A. Disclosure Statement for Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 293].
- B. Disclosure Statement for Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 789].
- C. 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. 841].

Affidavits Regarding Publication of Notice of Hearing and Service of Solicitation Related to Confirmation of the Chapter 11 Plan:

- A. Affidavit Re: Solicitation Packages with Respect to Disclosure Statement for Joint Chapter 11 Plan of Westmoreland and Certain of Its Affiliates; Supplemental Mailing of WLB Debtors Motion for Entry of an Order Approving the Sale of the Buckingham Mine to CCU Coal and Construction, LLC; and Emergency Motion to Appoint Allison D. Byman as the Authorized Representative of All Retirees, Spouses, and Their Eligible Dependents Receiving Coal Act Benefits [Docket No. 902].
- B. Affidavit Re: The New York Times Publication of Notice of Hearing to Consider Confirmation of the Chapter 11 Plan Filed by the Westmoreland Coal Company and Certain of its Debtor Affiliates and Related Voting and Objection Deadlines [Docket No. 909].
- C. Affidavit Re: Houston Chronicle Publication of Notice of Hearing to Consider Confirmation of the Chapter 11 Plan Filed by the Westmoreland Coal Company and Certain of its Debtor Affiliates and Related Voting and Objection Deadlines [Docket No. 910].

Witness and Exhibit Lists:

- A. United Mine Workers of America's Witness and Exhibit List of February 26, 2019 Hearing to Consider Joint Chapter 11 Plan of Westmoreland Coal Company and Certain of its Debtor Affiliates [Docket No. 1446].
- B. The WMLP Debtors' Witness and Exhibit List for the February 26, 2019 Hearing [Docket No. 1447].
- C. Exhibit and May Call Witness List (PNMR Entities) [Docket No. 1448].
- D. Secured Lenders' Exhibit and Witness List [Docket No. 1450].

- E. Witness and Exhibit List of United States Trustee [Docket No. 1453].
- F. WLB Debtors' Witness and Exhibit List for February 26, 2019 Hearing [Docket No. 1455].
- G. Zurich American Insurance Company and Affiliate's Witness and Exhibit List for February 26, 2019 Hearing [Docket No. 1456].
- H. Witness and Exhibit List (Official Committee of Unsecured Creditors) [Docket No. 1458].
- I. MLP Lenders' Witness and Exhibit List [Docket No. 1461].
- J. Zurich American Insurance Company and Affiliate's Amended Witness and Exhibit List for February 26, 2019 Hearing [Docket No. 1487].
- K. GT Nix Construction, Inc.'s Exhibit and May Call Witness List [Docket No. 1489].
- L. Western Coal Acquisition Partners, LLC's Witness and Exhibit List for the February 28, 2019 Hearing [Docket No. 1503].
- M. The WMLP Debtors' Witness and Exhibit List for the February 28, 2019 Hearing [Docket No. 1504].
- N. WLB Debtors' Witness and Exhibit List for February 28, 2019 Hearing [Docket No. 1507].
- O. MLP Lenders' Witness and Exhibit List [Docket No. 1510].
- P. Secured Lenders' Exhibit and Witness List [Docket No. 1511].
- Q. Witness and Exhibit List (Official Committee of Unsecured Creditors) [Docket No. 1512].
- R. PacifiCorp's Witness and Exhibit List for the February 28, 2019 Hearing [Docket No. 1517].

Status: This matter is going forward

- 9. Expedited Motion of Westmoreland Resource Partners, LP and its Subsidiaries for Entry of (I) an Order (A) Establishing Bidding and Sale Procedures with Respect to the Sale of the Kemmerer Mine and Substantially all Assets Related Thereto, (B) Authorizing the Entry into a Stalking Horse Agreement and the Provision of Stalking Horse Protections, (C) Scheduling an Auction and Sale Hearing and Approving the Form and Manner of Notice Thereof and (D) Granting Related Relief; and (II) an Order Approving the Sale of Such Assets and Granting Related Relief [Docket No. 1101].

Responses Received:

- A. Limited Objection and Reservation of Rights of Zurich American Insurance Company and Affiliates to the Motion of Westmoreland Resource Partners, LP and its Direct and Indirect Subsidiaries for Entry of (I) an Order (A) Establishing Bidding and Sale Procedures with Respect to the Kemmerer Mine and Substantially all Assets Related Thereto (B) Authorizing the Entry into a Stalking Horse Agreement and the Provision of Stalking Horse Protections, (C) Scheduling an Auction and Sale Hearing and Approving the Form and Manner of Notice Thereof and (D) Granting Related Relief; and (II) an Order Approving the Sale of Such Assets and Granting Related Relief (Relates to Dkt No. 1101) [Docket No. 1246].
- B. Limited Objection of Rock Springs Royalty Company LLC to the Expedited Motion of Westmoreland Resources Partners, LP and its Subsidiaries for Entry of (I) an Order (a) Establishing Bidding Procedures with Respect to the Sale of the Kemmerer Mine and Substantially All Assets Related Thereto, (b) Authorizing the Entry into a Stalking Horse Agreement and the Provision of Stalking Horse Protections, (c) Scheduling an Auction and Sale Hearing and Approving the Form and Manner of Notice Thereof and (d) Granting Related Relief; and (II) an Order Approving the Sale of Such Assets and Granting Related Relief [Docket No. 1250].
- C. Objection and Reservation of Rights of the Official Committee of Unsecured Creditors to the Expedited Motion of Westmoreland Resource Partners, LP and Its Subsidiaries for Entry of (I) an Order (A) Establishing Bidding and Sale Procedures with Respect to the Sale of the Kemmerer Mine and Substantially all Assets Related Thereto, (B) Authorizing the Entry into a Stalking Horse Agreement and the Provision of Stalking Horse Protections, (C) Scheduling an Auction and Sale Hearing and Approving the Form and Manner of Notice Thereof and (D) Granting Related Relief; and (II) an Order Approving the Sale of Such Assets and Granting Related Relief [Docket No. 1260].
- D. Notice of Objection by Caterpillar Financial Services Corporation to Amount of Cure Costs for Westmoreland Kemmerer, LLC Assumed Leases [Docket No. 1304].
- E. Objection of Rock Springs Royalty Company to the Expedited Motion of Westmoreland Resources Partners, LP and Its Subsidiaries for Entry of (I) an Order (A) Establishing Bidding Procedures with Respect to the Sale of the Kemmerer Mine and Substantially All Assets Related Thereto, (B) Authorizing the Entry into A Stalking Horse Agreement and the Provision of Stalking Horse Protections, (C) Scheduling an Auction and Sale Hearing and Approving the Form and Manner of Notice Thereof and (D) Granting Related Relief; and (II) an Order Approving the Sale of Such Assets and Granting Related Relief [Relates to Doc. Nos. 1101, 1272, 1287] [Docket No. 1432].
- F. PacifiCorp's Objection to Expedited Motion of Westmoreland Resource Partners, LP and Its Subsidiaries for Entry of (I) an Order (A) Establishing Bidding

Procedures with Respect to the Sale of the Kemmerer Mine and Substantially All Assets Related Thereto, (B) Authorizing the Entry into a Stalking Horse Agreement and the Provision of Stalking Horse Protections, (C) Scheduling an Auction and Sale Hearing and Approving the Form and Manner of Notice Thereof and (D) Granting Related Relief; and (II) an Order Approving the Sale of Such Assets and Granting Related Relief [Relates to Docket No. 1101] [Docket No. 1437].

- G. Reservation of Rights of the Westmoreland Secured Lenders to the Expedited Motion of Westmoreland Resource Partners, LP and Its Subsidiaries for Entry of (I) an Order (A) Establishing Bidding and Sale Procedures with Respect to the Sale of the Kemmerer Mine and Substantially All Assets Related Thereto, (B) Authorizing the Entry into A Stalking Horse Agreement and the Provision of Stalking Horse Protections, (C) Scheduling an Auction and Sale Hearing and Approving the Form and Manner of Notice Thereof and (D) Granting Related Relief; and (II) an Order Approving the Sale of Such Assets and Granting Related Relief [Docket No. 1499].
- H. Combined Objection of GT Nix Construction, Inc., to (I) the Expedited Motion for Entry of an Order Approving the Sale of the Kemmerer Mine and (II) Confirmation of the Proposed Plan [Docket No. 1500].
- I. Genesis Alkali, LLC's Response and Limited Objection to the Expedited Motion of Westmoreland Resource Partners, LP and Its Subsidiaries for Entry of (I) an Order (A) Establishing Bidding and Sale Procedures with Respect to the Sale of the Kemmerer Mine and Substantially All Assets Related Thereto, (B) Authorizing the Entry into A Stalking Horse Agreement and the Provision of Stalking Horse Protections, (C) Scheduling an Auction and Sale Hearing and Approving the Form and Manner of Notice Thereof and (D) Granting Related Relief; and (II) an Order Approving the Sale of Such Assets and Granting Related Relief [Docket No. 1514].
- J. WMLP Debtors' Omnibus Reply in Support of the Kemmerer Mine and Related Assets [Docket No. 1530].

Related Documents:

- A. Declaration and Expert Report of Tyler Cowan in Support of the Expedited Motion of Westmoreland Resource Partners, LP and its Subsidiaries for Entry of (I) an Order (A) Establishing Bidding and Sale Procedures with Respect to the Sale of the Kemmerer Mine and Substantially all Assets Related Thereto, (B) Authorizing the Entry into a Stalking Horse Agreement and the Provision of Stalking Horse Protections, (C) Scheduling an Auction and Sale Hearing and Approving the Form and Manner of Notice Thereof and (D) Granting Related Relief; and (II) an Order Approving the Sale of Such Assets and Granting Related Relief [Docket No. 1126].
 - i. Supplemental Declaration and Expert Report of Tyler Cowan in Support of the Expedited Motion of Westmoreland Resource Partners, LP and its

Subsidiaries for Entry of (I) an Order (A) Establishing Bidding and Sale Procedures with Respect to the Sale of the Kemmerer Mine and Substantially all Assets Related Thereto, (B) Authorizing the Entry into a Stalking Horse Agreement and the Provision of Stalking Horse Protections, (C) Scheduling an Auction and Sale Hearing and Approving the Form and Manner of Notice Thereof and (D) Granting Related Relief; and (II) an Order Approving the Sale of Such Assets and Granting Related Relief [Docket No. 1424].

- B. Declaration of Gerald A. Tywoniuk in Support of the Expedited Motion of Westmoreland Resource Partners, LP and its Subsidiaries for Entry of (I) an Order (A) Establishing Bidding and Sale Procedures with Respect to the Sale of the Kemmerer Mine and Substantially all Assets Related Thereto, (B) Authorizing the Entry into a Stalking Horse Agreement and the Provision of Stalking Horse Protections, (C) Scheduling an Auction and Sale Hearing and Approving the Form and Manner of Notice Thereof and (D) Granting Related Relief; and (II) an Order Approving the Sale of Such Assets and Granting Related Relief [Docket No. 1130].
- C. Order (A) Establishing Bidding and Sale Procedures with Respect to the Sale of the Kemmerer Mine and Substantially All Assets Related Thereto, (B) Authorizing the Entry into a Stalking Horse Agreement and the Provision of Stalking Horse Protections, (C) Scheduling an Auction and Sale Hearing and Approving the Form And Manner of Notice Thereof, and (D) Granting Related Relief [Docket No. 1287].
 - i. Schedule of Cure Amounts [Docket No. 1295]
 - ii. Notice of Receipt of Qualified Bid in Connection with the Sale of the Kemmerer Mine and related Assets [Docket No. 1372].
 - iii. Notice of Successful Bid in Connection with the Sale of the Kemmerer Mine and Related Assets [Docket No. 1401].
 - iv. Objection of Monsanto Company to Proposed Assumption of Certain Executory Contracts [Docket No. 1410].
- D. Affidavit Re: The Salt Lake Tribune Affidavit of Publication of Notice of Auction and Sale Hearing for The Sale of The Kemmerer Mine And Substantially All Assets Related Thereto [Docket No. 1326].
- E. Affidavit Re: USA Today Affidavit of Publication of Notice of Auction and Sale Hearing for The Sale of The Kemmerer Mine and Substantially All Assets Related Thereto [Docket No. 1327].
- F. Affidavit Re: The Denver Post, LLC Affidavit of Publication of Notice of Auction and Sale Hearing for The Sale of The Kemmerer Mine and Substantially All Assets Related Thereto [Docket No. 1328].

- G. Affidavit Re: Kemmerer Gazette Newspaper Affidavit of Publication of Notice of Auction and Sale Hearing for The Sale of The Kemmerer Mine And Substantially All Assets Related Thereto [Docket No. 1329].
- H. Affidavit Re: Notice of Auction and Sale Hearing for the Sale of the Kemmerer Assets; Notice of Potential Assumption and Assignment of Executory Contracts and Unexpired Leases and Cure Amounts [Docket No. 1365].
- I. Declaration of Thomas M. Clarke in Support of the Expedited Motion of Westmoreland Resource Partners, LP and Its Subsidiaries for Entry of (I) an Order (A) Establishing Bidding and Sale Procedures with Respect to the Sale of the Kemmerer Mine and Substantially All Assets Related Thereto, (B) Authorizing the Entry into A Stalking Horse Agreement and the Provision of Stalking Horse Protections, (C) Scheduling an Auction and Sale Hearing and Approving the Form and Manner of Notice Thereof and (D) Granting Related Relief; and (II) an Order Approving the Sale of Such Assets and Granting Related Relief [Docket No. 1502].

Status: This matter is going forward.

- 10. Debtors' (I) Emergency Preliminary Objection to the State of Ohio, Environmental Protection Agency's Application for Allowance and Payment of Administrative Expense, and (III) Emergency Request for a Hearing on Such Application [Docket No. 1417].

Responses Received:

- A. CCU Coal and Construction, LLC's Statement and Reservation of Rights with Respect to the State of Ohio, Environmental Protection Agency's Application for Allowance and Payment of Administrative Expense [Docket No. 1492].
 - i. Amended Statement and Reservation of Rights with Respect to the State of Ohio, Environmental Protection Agency's Application for Allowance and Payment of Administrative Expense [Docket No. 1528].
- B. State of Ohio, Ohio Environmental Protection Agency's Response to the WLB Debtors' Emergency Preliminary Objection to Its Application for Administrative Expenses and Request for Hearing [Docket No. 1523].

Related Documents:

- A. State of Ohio, Environmental Protection Agency's Application for Allowance and Payment of Administrative Expense [Docket No. 1347].
- B. Motion to Seal Exhibit C to the Debtors' (I) Emergency Preliminary Objection to the State of Ohio, Environmental Protection Agency's Application for Allowance and Payment of Administrative Expense, and (III) Emergency Request for a Hearing on Such Application [Docket No. 1418].

C. Notice of Reset of Hearing on February 26, 2019, at 1:00 p.m. (Central Time) to February 28, 2019, at 1:00 p.m. (Central Time) [Docket No. 1491].

D. Affidavit of Service (Re Dkt. Nos. 1417, 1418) [Docket No. 1515].

Status: This matter is going forward.

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Houston, Texas
February 28, 2019

/s/ Matthew D. Cavanaugh

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Certificate of Service

I certify that on February 28, 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/ Matthew D. Cavanaugh

Matthew D. Cavanaugh