

# **Exhibit C**

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)

**MAR-BOW VALUE PARTNERS, LLC'S FIRST REQUEST TO MCKINSEY  
RESTRUCTURING AND TRANSFORMATION SERVICES U.S., LLC  
FOR THE PRODUCTION OF DOCUMENTS**

Pursuant to Federal Rules of Bankruptcy Procedure 7026 and 7034, Federal Rules of Civil Procedure 26 and 34, any other applicable federal or local rules, Creditor-Objector Mar-Bow Value Partners, LLC ("**Mar-Bow**"), by and through its counsel, hereby requests that McKinsey Restructuring and Transformation Services U.S., LLC produce for inspection and copying all documents responsive to the following individual requests (collectively, the "**Requests**"). All documents responsive to the Requests shall be produced within the time ordered by the Court at the offices of Diamond McCarthy LLP, 909 Fannin, Suite 3700, Houston, Texas 77010.

**DEFINITIONS**

Unless otherwise indicated, in addition to the definitions set forth in the Federal Rules of Civil Procedure, the following definitions shall apply to these Requests:

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<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.

1. “**ANR**” means the bankruptcy proceeding *In re Alpha Natural Resources Inc.*, No. 15-33896 (Bankr. E.D. Va. Aug. 3, 2015).

2. The term “**communication**” means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

3. “**Competitor**” refers to any competitor of any Debtor and each of their direct and indirect subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it currently is or formerly was a party, assigns, funds or trusts administered by or on behalf of any of those entities, any persons who directly or indirectly control any of those entities in whole or in part, and/or each of those entities’ current or former officers, directors, employees, principals, shareholders, partners, owners, agents, representatives, and consultants.

4. The term “**concerning**” means relating to, referring to, describing, evidencing or constituting.

5. The term “**document**” shall be construed as synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Federal Rule of Civil Procedure 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term.

6. “**Debtor**” refers to any and all persons identified as debtors in the above-captioned bankruptcy proceeding and each of their direct and indirect subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it currently is or formerly was a party, assigns, funds or trusts administered by or on behalf of any of those entities, any persons who directly or indirectly control any of those entities

in whole or in part, and/or each of those entities' current or former officers, directors, employees, principals, shareholders, partners, owners, agents, representatives, and consultants.

7. “**Hojnacki Declaration**” refers to the “Declaration of Mark W. Hojnacki in Support of Debtors’ Application or Entry of an Order (i) Authorizing the Retention and Employment of McKinsey Recovery & Transformation Services U.S., LLC as Performance Improvement Advisor for the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date and (ii) Granting Related Relief,” filed as Exhibit B to 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,” filed on October 11, 2018 as Dkt. No. 452 in the above-captioned proceeding, and any exhibits or schedules thereto.

8. “**Interested Parties**” refers collectively to the Debtors and any and all persons identified as a party-in-interest in the above-captioned bankruptcy proceeding, including but not limited to any and all persons identified on Schedule 2 of the Hojnacki Declaration, and each of their direct and indirect subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it currently is or formerly was a party, assigns, funds or trusts administered by or on behalf of any of those entities, any persons who directly or indirectly control any of those entities in whole or in part, and/or each of those entities’ current or former officers, directors, employees, principals, shareholders, partners, owners, agents, representatives, consultants, accountants, and attorneys.

9. “**McKinsey**” refers collectively to McKinsey & Co., McKinsey RTS, MIO, and each of their direct and indirect subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it currently is or formerly was a

party, assigns, funds or trusts administered by or on behalf of any of those entities, any persons who directly or indirectly control any of those entities in whole or in part, and/or each of those entities' current or former officers, directors, employees, principals, shareholders, partners, owners, agents, representatives, and consultants. **For the avoidance of doubt**, McKinsey shall be construed as including, without limitation, the following entities:

- Afos Equity LLC;
- Afos LLC;
- McKinsey & Company, Inc. United States;
- McKinsey & Company, Inc. Washington D.C.;
- McKinsey Holding Group, Inc.;
- McKinsey Holdings, Inc.;
- McKinsey International, Inc.; and
- McKinsey Kazakhstan Holdings, Inc.

10. “**McKinsey & Co.**” refers to McKinsey & Company, Inc., its direct and indirect subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it currently is or formerly was a party, assigns, funds or trusts administered by or on behalf of any of those entities, any persons who directly or indirectly control any of those entities in whole or in part, and/or each of those entities' current or former officers, directors, employees, principals, shareholders, partners, owners, agents, representatives, and consultants.

11. “**McKinsey RTS**” refers to McKinsey Restructuring and Transformation Services U.S., LLC, its direct and indirect subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it currently is or formerly was a

party, assigns, funds or trusts administered by or on behalf of any of those entities, any persons who directly or indirectly control any of those entities in whole or in part, and/or each of those entities' current or former officers, directors, employees, principals, shareholders, partners, owners, agents, representatives, and consultants.

12. “**McKinsey Shareholders Council**” refers to the entity or group known as the “McKinsey Shareholders Council” and its direct and indirect subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it currently is or formerly was a party, assigns, funds or trusts administered by or on behalf of any of those entities, any persons who directly or indirectly control any of those entities in whole or in part, and/or each of those entities' current or former officers, directors, employees, principals, shareholders, partners, owners, agents, representatives, and consultants.

13. “**MIO**” refers to MIO Partners, Inc., its direct and indirect subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any partnership or joint venture to which it currently is or formerly was a party, assigns, funds or trusts administered by or on behalf of any of those entities, any persons who directly or indirectly control any of those entities in whole or in part, and/or each of those entities' current or former officers, directors, employees, principals, shareholders, partners, owners, agents, representatives, and consultants. To the extent there is a distinct entity or group of entities known as “McKinsey Investment Office,” that entity (or entities) shall be deemed encompassed within the term MIO. **For the avoidance of doubt,** MIO shall be construed as including without limitation the entities and/or funds known as:

- Alvernia Bijou LLC;
- Barfield Nominees Limited A/C CSC01;
- Barfield Nominees Limited A/C CSJ01 FBO Compass Special Situations Fund LLC;

- Barfield Nominees Limited A/C GWW01;
- Barfield Nominees Limited A/C SL101;
- Barfield Nominees Limited A/C SLT01;
- Barfield Nominees Ltd.;
- CGPEC-1997 LLC;
- CIMON GMS LLC;
- Compass Age LLC;
- Compass AIEN LLC;
- Compass Commodities Fund LLC;
- Compass COSS Master Limited;
- Compass CSS High Yield LLC;
- Compass CSS TAV LLC;
- Compass ESMA LP;
- Compass Global Equities Fund LLC f/k/a Compass Global Equities Fund LP;
- Compass Hedging Strategies Fund LLC;
- Compass Highfields Fund I LLC;
- Compass Highfields Fund II LLC;
- Compass Highfields II Fund;
- Compass HTV LLC;
- Compass MAV LLC;
- Compass MCSGI Ltd.;
- Compass NINEALPHA LLC
- Compass NRD LLC;
- Compass Offshore Hedging Strategies;
- Compass Offshore Hedging Strategies Limited-Dollar Class;
- Compass Offshore Hedging Strategies Limited-Euro Class;

- Compass Offshore HTV PCC Limited;
- Compass Offshore MAV Limited;
- Compass Offshore SAV PCC Limited;
- Compass Offshore SAV II PCC Limited;
- Compass Offshore Special Situations PCC Limited;
- Compass Offshore Special Situations PCC Limited Euro Class;
- Compass Offshore Special Situations PCC Limited Singapore Dollar;
- Compass Offshore Special Situations PCC Limited Multi Currency;
- Compass Offshore Special Situations PCC Limited Pound Sterling Class;
- Compass Offshore Special Situations PCC Limited Swiss Franc Class;
- Compass Offshore Special Situations PCC Limited US Dollar Class;
- Compass OGCTV LLC;
- Compass Private Equity 1999 LLC;
- Compass Private Equity LP (Series 2001 and Ventures);
- Compass Private Investments 2015 LLC;
- Compass Private Investments 2015 Master LP;
- Compass Private Investments 2016 LLC;
- Compass Private Investments 2017 LLC;
- Compass Private Investments 2018 LLC;
- Compass SAV LLC;
- Compass SAV II LLC;
- Compass SBTV LLC;
- Compass Sea Energy LLC;
- Compass Special Situations Fund LLC (referenced in Paragraph 44 of the Objections);
- Compass Special Situation IRA Fund LLC;
- Compass Special Situations Multi Currency Fund LLC;



- Compass TPM LP;
- Compass TSMA LP;
- Compass Winston LLC;
- Compass YOTTABIT LLC;
- Global Private Equity Capital LLC;
- McKinsey & Company Inc. Money Purchase Pension Plan;
- McKinsey & Company Inc. Profit Sharing Retirement Plan;
- McKinsey Master Retirement Trust (referenced in Paragraph 43 of the Objections);
- Levered Global Inflation Linked Bond Fund;
- MIO Group, Inc.;
- MIO Partners (EU) Limited;
- Pacific Alliance China Land Fund Limited;
- Pacific Alliance China Land Limited;
- Pacific Alliance China Land Limited Holdings;
- Special Situations Investment Fund LP;
- SSALT Fund Limited; and
- VinaLand Limited.

14. **“MLP Ad Hoc Group”** refers to the group of lenders disclosed in Dkt. No. 498, Exhibit A, filed in the above-captioned proceeding.

15. **“Objection”** refers to the 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, filed December 3, 2018, Dkt. No. 669 in this action, and any subsequent amendments, responses, or replies.

16. The term **“person”** is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.

17. “**WLB Ad Hoc Group**” refers to the group of lenders disclosed in Dkt. No. 496, Exhibit A, filed in the above-captioned proceeding.

18. “**You**,” “**Your**” or “**Yours**” refers to McKinsey as defined above in Paragraph 9. **For the avoidance of doubt**, this term encompasses MIO as defined above in Paragraph 13.

19. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.

20. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

### **INSTRUCTIONS**

The following instructions apply to each of the Requests and are deemed to be incorporated in each of them:

A. In producing documents, You are requested to produce the original of each document requested together with all non-identical copies and drafts of that document. If the original of any document cannot be located, a copy shall be provided in lieu thereof, and shall be legible and bound or stapled in the same manner as the original. In any circumstance in which an agreement is reached to allow the production of copies of documents rather than originals, You shall retain all of the original documents for inspection or copying throughout the pendency of this case, any appeal(s), and any related proceedings.

B. Any alteration of a responsive document, including any marginal notes, handwritten notes, underlining, date stamps, received stamps, endorsed or filed stamps, drafts, revisions, modifications and other versions of a document is a responsive document in its own right and must be produced.

C. The terms defined above and used in each of the Requests should be construed broadly to the fullest extent of their meaning in a good-faith effort to comply with the Federal Rules of Civil Procedure.

D. The use of the singular form of any word includes the plural, and vice-versa.

E. Where it is necessary to bring within the scope of these Requests information that might otherwise be construed to be outside their scope, the use of a verb in any tense shall be recognized as the use of that verb in all other tenses.

F. You should construe negative terms to include the positive, and vice-versa. For example, You should construe the word “preference” to mean preference or lack of preference.

G. Any reference to a person that is a business entity and is not otherwise defined includes that person’s predecessors (including any preexisting person that at any time became part of that entity after merger or acquisition), successors, parents, divisions, subsidiaries, affiliates, franchisors and franchisees; each other person directly or indirectly owned or controlled by any of them; each partnership or joint venture to which any of them is a party; all present and former directors, officers, employees, agents, consultants, controlling shareholders (and any entity owned by any such controlling shareholder), representatives, and agents.

H. Unless words or terms have been given a specific definition herein, each word or term used herein shall be given its usual and customary dictionary definition except where such words have a usual custom and usage definition in Your trade or industry, in which case they shall be interpreted in accordance with such usual custom and usage definition of which You are aware.

I. All headings used in the Requests are for organizational purposes only, and are not intended, and shall not be construed, to modify any request in any manner, and shall not be

used in any way to restrict or limit the scope of any request set forth beneath any particular heading.

J. Any Request that demands the production of documents “sufficient to show” requires You to produce only those documents necessary to provide all the information necessary to show, identify or describe the subject matter requested.

K. Pursuant to Rule 7034 of the Federal Rules of Bankruptcy Procedure and Rule 34(b) of the Federal Rules of Civil Procedure, each document shall be produced either (a) as it was kept in the usual course of business (in which case it shall be produced in such fashion as to identify the department, branch, or office in whose possession it was located and, where applicable, the natural person in whose possession it was found or the server or central file in which it was found, and the address of each document’s custodian(s)), or (b) segregated as responsive to a specific request enumerated in these Requests, with such specific request identified.

L. All documents shall be produced in the file folder, envelope, or other container in which the documents are kept or maintained. If, for any reason, the container cannot be produced, produce copies of all labels or other identifying marks.

M. Documents attached to each other should not be separated.

N. If identical copies of a document are in the possession, custody or control of more than one natural person or other document custodian, a copy of that document shall be produced from each such natural person or other document custodian.

O. In instances where two or more exact duplicates of any document exist, the most legible copy shall be produced.

P. The fact that a document is in the possession of Mar-Bow, or is produced by another person, does not relieve You of the obligation to produce all of Your copies of the same document, even if Your copies are identical in all respects to a document produced or held by another person.

Q. If You file a timely objection to any portion of a Request, definition or instruction, provide a response to the remaining portion.

R. If You are unable to produce a document that is responsive to a Request, so state and indicate whether the document ever existed or whether the document once existed but cannot be located. If any responsive document once was, but is no longer, in Your possession, custody or control, state the whereabouts of such document when last in Your possession, custody or control, state the date and manner of its disposition, and identify its last known custodian. To the extent any responsive document was lost or destroyed, produce any document that supports Your assertion that the document was lost or destroyed, and provide the date when each such document was lost or destroyed and a brief description of the circumstances under which the document was destroyed.

S. Other than redactions of privileged information as addressed below, documents are to be produced in full and may not be redacted in any manner. If any requested document cannot be produced in full, produce it to the extent possible, and provide the following information with regard to each such document and each portion of such document withheld:

- (a) the type of document;
- (b) the general subject matter of the document and each portion withheld;
- (c) the date(s) of the document;
- (d) the author(s) of the document and their title(s);

- (e) the recipient(s) of the document and their title(s); and
- (f) the basis for withholding each portion of the document that is withheld from production.

T. If You withhold production of any document or portion of any document responsive to the Requests based upon any privilege, provide the following information for each document and each portion of any document withheld:

- (a) the type of document;
- (b) the general subject matter of the document and each portion withheld;
- (c) the date of the document;
- (d) the author(s) of the document and their title(s);
- (e) the recipient(s) of the document and their title(s); and
- (f) the basis for withholding such document and each withheld portion of a document.

U. Production will be conducted pursuant to an agreement of the parties or order of the Court governing the format of the production and the media on which production will be made, or in the absence of such agreement or order will be provided in a form to be specified by Mar-Bow.

V. These Requests are continuing and require supplemental responses in accordance with the requirements of Federal Rule of Civil Procedure 26(e).

### **DOCUMENT REQUESTS**

#### **Request For Production No. 1:**

All documents concerning any investments or other financial or ownership interest currently or previously held by You (including without limitation through MIO), whether directly or indirectly, in any of the Interested Parties.

**Request For Production No. 2:**

All documents concerning the “diligence undertaken by McKinsey’s legal department” referenced in Paragraph 2 of the Hojnacki Declaration.

**Request For Production No. 3:**

All documents concerning the “diligence undertaken by [Hojnacki] or professionals reporting to [him]” referenced in Paragraph 2 of the Hojnacki Declaration.

**Request For Production No. 4:**

Documents sufficient to identify: all members of the “Service Team” referenced in Paragraph 3 of the Hojnacki Declaration and the position(s) or title(s) and dates of employment of each such member.

**Request For Production No. 5:**

All documents concerning the “borrow[ing]” of “certain consultants . . . from affiliates of RTS US for the purpose of serving the Debtors” referenced in Paragraph 3 of the Hojnacki Declaration, including, without limitation, any contracts or non-contractual understandings in respect of such “borrow[ings].”

**Request For Production No. 6:**

To the extent not produced in response to Request No. 5 above, all documents concerning any contracts or non-contractual understandings with respect to the sharing of fees received or anticipated by McKinsey in connection with its work for the Debtors in this action.

**Request For Production No. 7:**

All documents concerning Your “utiliz[ation of] the expertise of colleagues in the Electric Power and Natural Gas (‘EPNG’) and Basic Materials industry practices” referenced in

Paragraph 7 of the Hojnacki Declaration, insofar as such expertise was utilized in connection with the instant case.

**Request For Production No. 8:**

Documents sufficient to show which McKinsey entity or entities employ(s) each of the members of the Electric Power and Natural Gas and Basic Materials industry practices referenced in Paragraphs 7-10 of the Hojnacki Declaration.

**Request For Production No. 9:**

All documents concerning the negotiation, preparation, or execution of the July 17, 2018 agreement referenced in Paragraph 11 of the Hojnacki Declaration.

**Request For Production No. 10:**

All documents reflecting actual knowledge of any specific MIO investments by any McKinsey employees who are working or have worked on McKinsey RTS engagements, regardless of whether such employee was formally assigned to work on such engagement.

**Request For Production No. 11:**

All documents containing any information concerning MIO investments, which are or were accessible to any McKinsey employees working on any McKinsey RTS engagements.

**Request For Production No. 12:**

All documents concerning oversight exercised by MIO's Board of Directors with respect to investments by MIO, including, without limitation, investment-related decision-making by MIO's Board of Directors.

**Request For Production No. 13:**

Documents sufficient to show all direct and indirect investments by MIO in any one or more of the Interested Parties in the above-captioned proceeding and related proceedings,



including without limitation the investments referenced in Paragraphs 97 and 106 of the Objection.

**Request For Production No. 14:**

All documents concerning any MIO investment in any of the entities numbered 1 through 10 and listed in Paragraph 160 of the Objection.

**Request For Production No. 15:**

All documents concerning any MIO investment in any of the entities numbered 8 through 14 and listed in Paragraph 163 of the Objection, including each of the entities listed in footnote 125 at page 56 of the Objection.

**Request For Production No. 16:**

All documents concerning any MIO investment in any of the entities numbered 1 through 205 and listed in Paragraph 166 of the Objection.

**Request For Production No. 17:**

All time-keeping records, whether formal or informal, created by any McKinsey entities or persons concerning work performed in connection with Your engagement by the Debtors, including both pre- and post-petition work.

**Request For Production No. 18:**

Documents sufficient to show the formal corporate organizational structure of McKinsey.

**Request For Production No. 19:**

Documents sufficient to show the functional organizational structure of McKinsey, including practice groups.

**Request For Production No. 20:**

Documents sufficient to show any office space shared by McKinsey RTS with any other McKinsey entities. *For purposes of this Request, the term “McKinsey RTS” shall be construed as referring only to the entity known as McKinsey Restructuring & Transformation Services U.S., LLC.*

**Request For Production No. 21:**

All documents concerning any marketing, advertising, or business development efforts by for or on behalf of McKinsey RTS by any other McKinsey entities or their employees. *For purposes of this Request, the term “McKinsey RTS” shall be construed as referring only to the entity known as McKinsey Restructuring & Transformation Services U.S., LLC.*

**Request For Production No. 22:**

Documents sufficient to show the nature and scope of any information technology support or services provided to McKinsey RTS by any other McKinsey entities or their employees. *For purposes of this Request, the term “McKinsey RTS” shall be construed as referring only to the entity known as McKinsey Restructuring & Transformation Services U.S., LLC.*

**Request For Production No. 23:**

Documents sufficient to show the nature of human resources support provided to McKinsey RTS by any other McKinsey entities or their employees. *For purposes of this Request, the term “McKinsey RTS” shall be construed as referring only to the entity known as McKinsey Restructuring & Transformation Services U.S., LLC.*

**Request For Production No. 24:**

All documents concerning any efforts by McKinsey to prevent any persons not formally employed by MIO Partners, Inc. from learning of the particular investments made by MIO.

**Request For Production No. 25:**

All documents concerning any of Your policies with respect to investment in (1) McKinsey clients or (b) Interested Parties in any bankruptcy proceeding in which McKinsey has sought appointment as a professional. **For the avoidance of doubt**, this Request includes without limitation any documents concerning any such policies promulgated or followed by or concerning MIO and/or MIO investments.

**Request For Production No. 26:**

Documents sufficient to show any policies or procedures concerning any transfer to McKinsey of any investment-management-related fees earned by MIO on investments overseen by MIO, as referenced in Paragraph 58 of the Objection.

**Request For Production No. 27:**

All documents concerning Your assertions that MIO operates as a “blind trust,” including without limitation any documents supporting or refuting: (a) the statement on the MIO website (<https://www.miopartners.com>) that MIO “makes investments essentially on a ‘blind trust’ basis”; (b) the statement in Paragraph 37 of the Hojnacki Declaration that “MIO Partners is operated separately and distinctly from McKinsey’s consulting services”; (c) the statement in Paragraph 38 of the Hojnacki Declaration that “the Board of MIO Partners has delegated responsibility for making investment decisions on behalf of the Plans and the Funds to the professional staff of MIO Partners”; (d) the statement in Paragraph 11 of the Declaration of Casey Lipscomb, filed as Dkt. No. 4160 in *ANR*, that “[t]hrough its oversight and supervisory

functions or other board activities, members of the MIO Board may become aware of MIO Direct Investments, the identities of Third Party Managers with whom money has been invested, and individual investments made by such Third Party Managers”; (e) the statement in Paragraph 9 of the Declaration of Casey Lipscomb, filed as Dkt. No. 4152 in *ANR*, that “[t]hrough its oversight and supervisory functions or other board activities, members of the MIO Board may become aware of MIO Direct Investments, the identities of Third Party Managers with whom money has been invested, and individual investments made by such Third Party Managers.”

**Request For Production No. 28:**

All documents concerning direct or indirect MIO investments in members of the WLB Ad Hoc Group, including, without limitation, those members enumerated in Paragraph 102 of the Objection.

**Request For Production No. 29:**

All documents concerning direct or indirect MIO investments in members of the MLP Ad Hoc Group, including, without limitation, those members enumerated in paragraph 103 of the Objection.

**Request For Production No. 30:**

All documents concerning Your past or intended future efforts to “[a]ssist[] the Debtors with identifying and planning detailed initiatives to support improvements in operating performance in . . . commercial agreement[s],” as referenced in Paragraph 10(a) of the Hojnacki Declaration.

**Request For Production No. 31:**

All documents concerning any instance in which any McKinsey employee’s receipt of confidential information of the Debtors was determined to disqualify that employee from an

assignment on behalf of another McKinsey client, within the contemplation of Section 9 of the engagement agreement between McKinsey RTS and the Debtors, dated as of October 9, 2018.

**Request For Production No. 32:**

All documents concerning Your connections to Interested Parties, including, without limitation, the entities enumerated in Paragraph 109 of the Objection. *For purposes of this Request, the term “connections” shall have its ordinary meaning: “[a] relationship in which a person or thing is linked or associated with something else.”*<sup>2</sup>

**Request For Production No. 33:**

All documents concerning Your connections to any Competitors of the Debtors, including, without limitation, Peabody Energy Corp. and Contura Energy. *For purposes of this Request, the term “connections” shall have its ordinary meaning: “[a] relationship in which a person or thing is linked or associated with something else.”*

**Request For Production No. 34:**

All documents concerning Your receipt, on or about September 17, 2018, of \$325,000 drawn from the August 1, 2018 alleged fee advance of \$1,500,000, and the services performed by You for which such payment was made.

**Request For Production No. 35:**

All documents concerning Your receipt, on or about October 5, 2018, of a \$1,240,000 alleged fee advance from Debtors, the services performed by Your for which such payment was made, and any efforts by You to return such payment or any portion thereof to Debtors.

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<sup>2</sup> “Connection,” def. noun 1, *Oxford Living Dictionary*, Oxford Univ. Press, <https://en.oxforddictionaries.com/definition/connection>.

**Request For Production No. 36:**

Documents sufficient to show all entities with which You have any common ownership, officers, directors, or employees.

**Request For Production No. 37:**

All documents concerning the alleged September 17, 2018 oral agreement between McKinsey RTS and the Debtors, referenced in Paragraph 22 of the Hojnacki Declaration.

**Request For Production No. 38:**

All documents concerning any work performed by Vik Malhotra for any McKinsey clients operating in the coal mining sector.

**Request For Production No. 39:**

All documents concerning the \$1,500,000 purported fee advance by Debtors to You on or about August 1, 2018.

**Request For Production No. 40:**

All documents concerning the \$1,300,000 purported fee advance by Debtors to You on or about October 5, 2018.

**Request For Production No. 41:**

All documents concerning any services McKinsey has provided related to the ad hoc group of the Debtors' first lien creditors and the ad hoc group of the secured term lenders of Westmoreland Resources Partners LP, as stated in Paragraph 159 of the Objection.

**Request For Production No. 42:**

All documents You intend to use or rely upon at the evidentiary hearing on the Objection.

**Request For Production No. 43:**

All documents concerning any payments that You have received from any Interested Party for any reason within the past five (5) years.

**Request For Production No. 44:**

All documents concerning any payments that You have made to any Interested Party for any reason within the past five (5) years.

**Request For Production No. 45:**

All documents concerning any debts, liens, or amounts owed currently or within the past five (5) years by You to any Interested Parties.

**Request For Production No. 46:**

All documents concerning any debts, liens, or amounts owed currently or within the past five (5) years by any Interested Parties to You.

**Request For Production No. 47:**

All documents concerning any conflicts checks or other queries performed by You in connection with your engagement for the Debtors in this action.

**Request For Production No. 48:**

All documents concerning the preparation and drafting of Your Rule 2014 disclosures in this action.

**Request For Production No. 49:**

Copies of any engagement or retainer letters, contracts, or agreements concerning any services provided by You to any Interested Parties.

**Request For Production No. 50:**

Copies of any engagement or retainer letters, contracts, or agreements concerning any services provided by any Interested Parties to You.

**Request For Production No. 51:**

All documents concerning the corporate governance powers held by the McKinsey Shareholders Council.

**Request For Production No. 52:**

All documents concerning or reflecting any exercise by of direct control by the McKinsey Shareholders Council over the financial, professional, legal, or administrative policies or activities of McKinsey RTS. *For purposes of this Request, the term “McKinsey RTS” shall be construed as referring only to the entity known as McKinsey Restructuring & Transformation Services U.S., LLC.*

**Request For Production No. 53:**

All documents concerning any decision by McKinsey to establish McKinsey RTS, including without limitation any documents concerning any potential effect of McKinsey RTS’s existence upon McKinsey’s or McKinsey RTS’s disclosure obligations pursuant to 18 U.S.C. § 327 and Federal Rule of Bankruptcy Procedure 2014. *For purposes of this Request, the term “McKinsey RTS” shall be construed as referring only to the entity known as McKinsey Restructuring & Transformation Services U.S., LLC.*

Dated: December 14, 2018  
Houston, Texas

DIAMOND MCCARTHY LLP  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2018, a true and correct copy of the foregoing Requests was served by electronic transmission to:

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