

Exhibit F

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

WESTMORELAND COAL COMPANY, *et al.*,

DEBTORS

CASE NO: 18-35672

CHAPTER 11

JOINTLY ADMINISTERED

HON. DAVID R JONES

**MAR-BOW VALUE PARTNERS LLC'S SECOND SET OF INTERROGATORIES TO
MCKINSEY RECOVERY & TRANSFORMATION SERVICES U.S., LLC**

Pursuant to Federal Rules of Bankruptcy Procedure 7026, 7033, and 9014(c), Federal Rules of Civil Procedure 26 and 33, and any other applicable federal or local rules, Mar-Bow Value Partners LLC, by and through counsel, hereby submits the following interrogatories (the “**Interrogatories**”) to be answered fully, separately, in writing, and under oath by McKinsey Recovery & Transformation Services U.S., LLC. Responses shall be provided within the time ordered by the Court or agreed by the parties. Any and all objections to these interrogatories must be made in accordance with the Federal Rules of Civil Procedure.

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 Interrogatories:

1. “**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.

2. **"First 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.

3. **"Hojnacki Deposition"** refers to the December 31, 2018 deposition of Mark W. Hojnacki, the transcript of which was filed on January 1, 2019 as Dkt. No. 905-2 in the above-captioned proceeding.

4. **"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.

5. “**Investment Professional**” means any employee who, in connection with his/her regular functions or duties, makes or participates in, the making of investment decisions affecting a client. “Investment Professional” includes portfolio managers, research analysts and anyone that assists them directly in the execution of their duties e.g. implementation staff and assistant portfolio managers. Secretarial support staff working within the investment teams are not included in this definition.¹

6. “**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:

- McKinsey & Company, Inc. United States;
- McKinsey & Company, Inc. Washington D.C.;
- McKinsey Holding Group, Inc.;
- McKinsey Holdings, Inc.;
- McKinsey International, Inc.; and
- McKinsey Knowledge Centre India Private Limited

7. “**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

¹ <https://www.lawinsider.com/dictionary/investment-professional>.

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.

8. “**McKinsey RTS**” refers to McKinsey Recovery & 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.

9. “**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.

10. “**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); and
- 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.

11. “**NRG Energy**” refers to NRG Energy, 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.

12. “**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 Recovery & Transformation Services U.S., LLC, filed December 3, 2018, Dkt. No. 669 in this action, and any subsequent amendments, responses, or replies.

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

14. “**RTS Service Team**” refers collectively to the “Service Team” referenced by Mr. Hojnacki in Paragraph 34 of the First Hojnacki Declaration, the “Service Team” referenced by Mr. Hojnacki in Paragraph 4 of the Second Hojnacki Declaration, and the “service team” referenced throughout the Hojnacki Deposition (*see, e.g.*, Dkt. 905-2 in the above-captioned proceeding at 29, 77-96)

15. “**Second Hojnacki Declaration**” refers to the “First Supplemental 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 on December 17, 2018 as Dkt. No. 810 in the above-captioned proceeding, and any exhibits or schedules thereto.

16. “**Vendors**” refers to any vendor for any Debtor, including but not limited to any and all persons identified in Schedule 2(x) of the attached Exhibit A, 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.

17. “**Westmoreland Engagement Team**” refers to the “Westmoreland Engagement Team” referenced by Mr. Hojnacki in the Hojnacki Deposition (*see* Dkt. 905-2 in the above-captioned proceeding at 25-29, 85-91).

18. “**You**,” “**Your**” or “**Yours**” refers to McKinsey as defined above in Paragraph 6. **For the avoidance of doubt**, this term encompasses MIO as defined above in Paragraph 10.

INSTRUCTIONS

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

A. Where the term “identify” is used, for each natural person, include the person’s full name, employer, position or title, last known address, email address, and telephone number.

B. To the extent that any request is objected to, set forth all reasons for the objection. If you object to part of any interrogatory, answer the balance of the interrogatory.

C. If you object to answering an interrogatory, in whole or in part, because of a privilege, set forth the underlying factual basis for your claim of privilege in sufficient details to permit the court to determine the validity of your claim of privilege.

D. For the purposes of reading, interpreting, or construing the scope of these interrogatories, the terms used shall be given their most expansive and inclusive interpretation. This includes, without limitation, the following:

- The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
- 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.
- The use of the singular form of any word includes the plural and vice versa.
- “Including” shall mean “including without limitation.”

E. Each interrogatory shall be construed independently, and no interrogatory shall be viewed as limiting the scope of any other interrogatory unless the request so specifies.

F. Whenever an interrogatory may be answered by referring to a document, that document shall be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

G. If You elect to produce business records in response to an interrogatory pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, produce the records as they are kept in the usual course of business or organize and label them to correspond with the interrogatory. If the document is being produced in its native electronic format (inclusive of its metadata), identify the document using its hash or other appropriate electronic identification and identify the interrogatories to which the document is responsive. If the document is not being produced in electronic form, identify the document using the applicable bates numbers or specifically identify the type of document being produced (*e.g.*, letter, memorandum, telegram, contract, invoice, etc.), its date and author(s), its custodian, and every person to whom such document or copy

thereof was given or sent. For all documents produced pursuant to Rule 33(d), identify the employee, officer, or agent certifying the documents as a business record.

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

INTERROGATORIES

Interrogatory No. 19:

Identify all persons involved in the Global Client Database searches referenced by Mr. Hojnacki in Paragraph 32 of the First Hojnacki Declaration, Paragraphs 7-8 of the Second Hojnacki Declaration, and in the Hojnacki Deposition (*see* Dkt. 905-2 in the above-captioned proceeding at 47-48, 67-79), including each person's name(s), title(s), role(s), and affiliation(s).

Interrogatory No. 20:

Identify all persons involved in the email surveys referenced by Mr. Hojnacki in Paragraph 34 of the First Hojnacki Declaration, Paragraphs 4-5 and 8-9 of the Second Hojnacki Declaration, and in the Hojnacki Deposition (*see* Dkt. 905-2 in the above-captioned proceeding at 78-79, 124-25, 145-46), including each person's name(s), title(s), role(s), and affiliation(s).

Interrogatory No. 21:

Identify any person(s) who, while employed by and/or affiliated with You, performed any service(s) for Westmoreland Coal Company prior to July 17, 2018, including each person's name(s), title(s), role(s), and affiliation(s), as well as the nature and timeframe of said service(s).

Interrogatory No. 22:

Identify all members of the McKinsey RTS professional staff from August 3, 2015 until the present.

Interrogatory No. 23:

Identify all MIO Investment Professionals, including each person's name(s), title(s), role(s), and affiliation(s).

Interrogatory No. 24:

Identify all McKinsey partners who are currently serving or have in the past served on the MIO Board of Directors or an equivalent predecessor body.

Interrogatory No. 25:

Identify all persons who, while employed by and/or affiliated with You, performed any service(s) for NRG Energy from 2015 until the present, including each person's name(s), title(s), role(s), and affiliation(s), as well as the nature and timeframe of said service(s).

Dated: January 11, 2019
Houston, Texas

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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2019, a true and correct copy of the foregoing Second Set of Interrogatories to McKinsey Recovery & Transformation Services U.S., LLC was served by electronic transmission to counsel for McKinsey:

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