



ENTERED
03/29/2019

**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)
)	Re: Docket No. <u>1660</u>

**ORDER GRANTING WMLP DEBTORS’ EMERGENCY MOTION
FOR ENTRY OF AN ORDER (I) APPROVING COMPENSATION FOR
ACTING CHIEF EXECUTIVE OFFICER AND (II) GRANTING RELATED RELIEF**

The Court considered the emergency motion (the “Motion”)² of the WMLP Debtors for entry of an order (i) approving compensation for acting chief executive officer and (ii) granting related relief; and the Court having found that it has jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); that venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and that the WMLP Debtors provided appropriate notice of the Motion under the circumstances; and that paying the Proposed Compensation in exchange for Gerald A. Tywoniuk’s services as Acting CEO and Acting Secretary of the WMLP Debtors is a sound exercise of the WMLP Debtors’ business judgment; and that the legal and factual bases set forth in the Motion establish cause to grant the relief requested, the Court finds that the relief requested in the Motion is in the best interests of the

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 Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

WMLP Debtors' estates, their creditors, and other parties in interest, and that the following order should be entered.

ACCORDINGLY, IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. The WMLP Debtors are authorized, during the Interim Period, to (a) employ Gerald A. Tywoniuk as Acting CEO and Acting Secretary for each of the WMLP Debtors and (b) compensate Mr. Tywoniuk for such services at a rate of \$475 per hour.

2. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry on the docket in these bankruptcy cases.

3. The Court shall retain jurisdiction to hear and determine all matters arising from or related to, the implementation of this Order. **

Signed: March 28, 2019



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

** Under the circumstances, the Court does not intend to conduct a hearing. Should an objection be filed in the next 20 days, the Court will treat the objection as a motion to reconsider and schedule a hearing.