

**IN THE UNITED STATES BANKRUPTC COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**IN RE:** §  
§ **CASE NO: 16-10992 (SMB)**  
§  
**SUNEDISON, INC., et al.,** § **CHAPTER 11**  
§ **(Jointly Administered)**  
§  
**Debtors.** §

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

**IN RE:** §  
§ **CASE NO: 19-00302 (KRH)**  
§  
**OLD ANR, LLC, et al.,** § **MISCELLANEOUS PROCEEDING**  
§  
**Debtors.** §  
§

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN RE:** §  
§ **CASE NO: 18-35672**  
§  
**WESTMORELAND COAL** § **CHAPTER 11**  
**COMPANY, et al.,** § **(Jointly Administered)**  
§  
§ §  
**Debtors.** §

**WITNESSES:**

Any witness listed or called by another party §  
 Rebuttal witnesses §

§  
§  
§  
§  
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§  
§  
§  
§  
§

**JUDGE:** David R. Jones  
**PARTY:** United States Trustee  
**ATTORNEY:** Hector Duran  
**PHONE:** 713-718-4650 x 241  
**NATURE OF PROCEEDING:**  
 (a) Application to Compromise Controversy [Dkt. No. 1589]; (b) Preliminary Objection to the Proposed Settlement [Dkt. No. 1591]  
**HEARING DATE:** April 16, 2019, at 1:00 p.m.

**WITNESS AND EXHIBIT LIST OF UNITED STATES TRUSTEE**

NO	DESCRIPTION	M A R K E D	O F F E R E D	O B J E C T	A D M I T	D A T E	DISPOSITION AFTER TRIAL
1.	Any exhibits used by another party						
2.	Any exhibit necessary for rebuttal or impeachment						
3.	IN RE WESTMORELAND COAL CO. ECF # 452 Debtors' Application for Entry of an Order to Employ McKinsey Recovery & Transformation Services U.S. LLC as Performance Improvement Advisors to the Debtors <i>Nunc Pro Tunc</i>						
4.	IN RE WESTMORELAND COAL CO. ECF # 619 Order Authorizing the Retention and Employment of McKinsey Recovery & Transformation Services U.S., LLC as Performance Improvement Advisors to the Debtors <i>Nunc Pro Tunc</i> to the Petition Date						

5.	IN RE WESTMORELAND COAL CO. ECF # 630 Stipulation Extending the Deadline by Which the United States Trustee Must Object to the 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 <i>Nunc Pro Tunc</i> to the Petition Date						
6.	IN RE WESTMORELAND COAL CO. ECF # 785 Acting United States Trustee's (1) Objection to Debtors' Application for Entry of an Order to Employ McKinsey Recovery & Transformation Services U.S. LLC as Performance Improvement Advisors to the Debtors <i>Nunc Pro Tunc</i> ; and (2) Response to Court's Order Dated November 30, 2018						
7.	IN RE WESTMORELAND COAL CO. ECF # 787 Additional Attachments re: ECF # 785						
8.	IN RE WESTMORELAND COAL CO. ECF # 810 First Supplemental Declaration of Mark W. Hojnacki in Support of Debtors' Application for Entry of an Order to Employ McKinsey Recovery & Transformation Services U.S. LLC as Performance Improvement Advisors to the Debtors <i>Nunc Pro Tunc</i> to the Petition Date and (II) Granting Related Relief						
9.	IN RE WESTMORELAND COAL CO. ECF # 812 McKinsey Recovery and Transformation Services U.S., LLC's Pre-Conference Submission						

10.	IN RE WESTMORELAND COAL CO. ECF # 885 McKinsey Recovery & Transformation Services U.S., LLC's Emergency Motion to Seal and for a Protective Order in Advance of a Deposition That Must be Completed by December 31, 2018						
11.	IN RE WESTMORELAND COAL CO. ECF # 894 Order regarding ECF # 885 McKinsey Recovery & Transformation Services U.S., LLC's Emergency Motion to Seal and for a Protective Order in Advance of a Deposition That Must be Completed by December 31, 2018						
12.	IN RE WESTMORELAND COAL CO. ECF # 901 Acting United States Trustee's Objection to McKinsey Recovery & Transformation Services U.S., LLC's Emergency Motion to Seal and for a Protective Order in Advance of a Deposition That Must be Completed by December 31, 2018 (Docket No. 885)						
13.	IN RE WESTMORELAND COAL CO. ECF # 920 McKinsey Recovery & Transformation Services U.S., LLC's Response to the U.S. Trustee's Objection to the Motion to Seal and Request for Further Consideration						
14.	IN RE WESTMORELAND COAL CO. ECF # 1406 Mediator's Notice to Court						
15.	IN RE WESTMORELAND COAL CO. ECF # 1589 Joint Motion by the Acting United States Trustee and McKinsey Recovery & Transformation Services U.S., LLC and Certain of its Affiliates in Furtherance of Mediation Agreement						

16.	IN RE WESTMORELAND COAL CO. ECF # 1685 United States Trustee's Statement in Support of Settlement Agreement Between United States Trustee Program and McKinsey & Company, Inc. and Certain of its Affiliates						
17.	IN RE WESTMORELAND COAL CO. ECF # 1695 Reply of McKinsey Recovery & Transformation Services U.S., LLC and Certain of Its Affiliates in Further Support of Settlement with the United States Trustee Program						
18.	IN RE ALPHA NATURAL RESOURCES, INC. ECF # 212 Application of the Debtors, Pursuant to Sections 327(a), 328(a) and 1107(b) of the Bankruptcy Code, Bankruptcy Rule 2014(a) and Local Bankruptcy Rule 2014-1, for an Order Authorizing Them to Retain and Employ McKinsey Recovery & Transformation Services U.S., LLC as Turnaround Advisor for the Debtors, Effective as of the Petition Date						
19.	IN RE ALPHA NATURAL RESOURCES, INC. ECF # 476 Order, Pursuant to Sections 327(a), 328(a) and 1107(b) of the Bankruptcy Code, Bankruptcy Rule 2014(a) and Local Bankruptcy Rule 2014-1, Authorizing the Debtors to Retain and Employ McKinsey Recovery & Transformation Services U.S., LLC as Turnaround Advisor for the Debtors, Effective as of the Petition Date						

20.	<p>IN RE ALPHA NATURAL RESOURCES, INC. ECF # 865  Supplemental Declaration of Kevin Carmody in Support of Application of the Debtors, Pursuant to Sections 327(a), 328(a) and 1107(b) of the Bankruptcy Code, Bankruptcy Rule 2014(a) and Local Bankruptcy Rule 2014-1, for an Order Authorizing Them to Retain and Employ McKinsey Recovery &amp; Transformation Services U.S., LLC as Turnaround Advisors for the Debtors, Effective as of the Petition Date</p>						
21.	<p>IN RE ALPHA NATURAL RESOURCES, INC. ECF # 1854  Second Supplemental Declaration of Kevin Carmody in Support of Application of the Debtors, Pursuant to Sections 327(a), 328(a) and 1107(b) of the Bankruptcy Code, Bankruptcy Rule 2014(a) and Local Bankruptcy Rule 2014-1, for an Order Authorizing Them to Retain and Employ McKinsey Recovery &amp; Transformation Services U.S., LLC as Turnaround Advisor for the Debtors, Effective as of the Petition Date</p>						
22.	<p>IN RE ALPHA NATURAL RESOURCES, INC. ECF # 2308 Notice of Motion and Motion of the United State Trustee to Compel McKinsey Recovery &amp; Transformation Services, U.S., Turnaround Advisor for the Debtors, to Comply With the Requirements of Bankruptcy Rule 2014</p>						

23.	IN RE ALPHA NATURAL RESOURCES, INC. ECF # 2464 Third Supplemental Declaration of Kevin Carmody in Support of Application of the Debtors, Pursuant to Sections 327(a), 328(a) and 1107(b) of the Bankruptcy Code, Bankruptcy Rule 2014(a) and Local Bankruptcy Rule 2014-1, for an Order Authorizing Them to Retain and Employ McKinsey Recovery & Transformation Services U.S., LLC as Turnaround Advisor for the Debtors, Effective as of the Petition Date						
24.	IN RE ALPHA NATURAL RESOURCES, INC. ECF # 2474 Stipulation Resolving Motion of the United State Trustee to Compel McKinsey Recovery & Transformation Services, U.S., Turnaround Advisor for the Debtors, to Comply With the Requirements of Bankruptcy Rule 2014						
25.	IN RE ALPHA NATURAL RESOURCES, INC. ECF # 3222 Statement of the Recommendation of the United States Trustee on Public Disclosures by McKinsey RTS						
26.	IN RE ALPHA NATURAL RESOURCES, INC. ECF # 3223 Declaration of Kevin Carmody in Respect of Recommendation of United States Trustee Pursuant to Paragraph 'D' of Order Dated July 15, 2016 [Docket # 3055]						
27.	IN RE ALPHA NATURAL RESOURCES, INC. ECF # 4126 United States Trustee's Response to Mar-Bow Partners, LLC's (I) Motion to Reopen Case and (II) Motion for Relief from Judgments and for Indicative Ruling						

28.	IN RE ALPHA NATURAL RESOURCES, INC. ECF # 4150 Declaration of Kevin Carmody in Respect of Questions Proffered by United States Trustee in Response Dated July 31, 2018						
29.	IN RE ALPHA NATURAL RESOURCES, INC. ECF # 4151 Declaration of Jon Garcia in Respect of Questions Proffered by United States Trustee in Response Dated July 31, 2018						
30.	IN RE ALPHA NATURAL RESOURCES, INC. ECF # 4164 Comments of the United States Trustee Regarding McKinsey RTS's Opposition to Mar-Bow Partners, LLC (I) Motion to Reopen Case and (II) Motion for Relief from Judgments and for Indicative Ruling						
31.	IN RE OLD ANR <sup>1</sup> , LLC ECF # 5 Order Appointing United States Bankruptcy Judge as Mediator						
32.	IN RE ALPHA NATURAL RESOURCES, INC. ECF # 4195 Disclosure, <i>In Camera</i> , By McKinsey Recovery & Transformation Services U.S., LLC Pursuant to Order Dated July 1, 2016						
33.	IN RE ALPHA NATURAL RESOURCES, INC. ECF # 4198 Order Directing Docketing of Documents Provided <i>In Camera</i> By McKinsey Recovery and Transformation Services U.S., LLC on July 6, 2016						
34.	IN RE OLD ANR, LLC ECF # 18 Mediator's Notice to Court						

<sup>1</sup> The Bankruptcy Court for the Eastern District of Virginia directed its clerk to open a miscellaneous proceeding captioned "Old ANR, LLC, et al." in its January 16<sup>th</sup> Order reopening *In Re Alpha Natural Resources Inc.*.



35.	IN RE OLD ANR, LLC ECF # 28 Joint Motion by the Acting United States Trustee & McKinsey Recovery & Transformation Services U.S., LLC and Certain of its Affiliates in Furtherance of Mediation Agreement						
36.	IN RE ALPHA NATURAL RESOURCES, INC. ECF # 4207 United States Trustee's Statement in Support of Settlement Agreement Between United States Trustee Program and McKinsey & Company, Inc. and Certain of its Affiliates						
37.	IN RE OLD ANR, LLC ECF # 37 Reply of McKinsey Recovery & Transformation Services U.S., LLC and Certain of Its Affiliates in Further Support of Settlement with the United States Trustee Program						
38.	IN RE SUNEDISON INC. ECF # 202 Debtors' Application for Order Pursuant to Sections 327(a), 328, 330, 331, and 1107(b) of the Bankruptcy Code, Bankruptcy Rules 2014(a) and 2016(b) and Local Bankruptcy Rules 2014-1 and 2016-1 Authorizing the Employment and Retention of McKinsey Recovery & Transformation Services U.S., LLC as Restructuring Advisor for the Debtors, <i>Nunc Pro Tunc</i> to the Petition Date						

39.	<p>IN RE SUNEDISON INC. ECF # 265          Objection of the United States Trustee to Debtors' Application for Order Pursuant to Sections 327(a), 328, 330, 331, And 1107(b) of the Bankruptcy Code, Bankruptcy Rules 2014(a) and 2016(b), and Local Bankruptcy Rules 2014-1 and 2016-1 Authorizing the Employment and Retention of McKinsey Recovery &amp; Transformation Services U.S., LLC as Restructuring Advisor for the Debtors <i>Nunc Pro Tunc</i> to the Petition Date</p>						
40.	<p>IN RE SUNEDISON INC. ECF # 484          Amended Declaration of Mark W. Hojnacki in Support of Debtors' Application for Order Pursuant to Sections 327(a), 328, 330, 331, and 1107(b) of the Bankruptcy Code, Bankruptcy Rules 2014(a) and 2016(b) and Local Bankruptcy Rules 2014-1 and 2016-1 Authorizing the Employment and Retention of McKinsey Recovery &amp; Transformation Services U.S., LLC as Restructuring Advisor for the Debtors, <i>Nunc Pro Tunc</i> to the Petition Date</p>						
41.	<p>IN RE SUNEDISON INC. ECF # 586          Supplement to Amended Declaration of Mark W. Hojnacki in Support of Debtors' Application for Order Pursuant to Sections 327(a), 328, 330, 331, and 1107(b) of the Bankruptcy Code, Bankruptcy Rules 2014(a) and 2016(b) and Local Bankruptcy Rules 2014-1 and 2016-1 Authorizing the Employment and Retention of McKinsey Recovery &amp; Transformation Services U.S., LLC as Restructuring Advisor for the Debtors, <i>Nunc Pro Tunc</i> to the Petition Date</p>						

42.	IN RE SUNEDISON INC. ECF # 639 Order Approving the Debtors' Application for Order Pursuant to Sections 327(a), 328, 330, 331, and 1107(b) of the Bankruptcy Code, Bankruptcy Rules 2014(a) and 2016(b) and Local Bankruptcy Rules 2014-1 and 2016-1 Authorizing the Employment and Retention of McKinsey Recovery & Transformation Services U.S., LLC as Restructuring Advisor for the Debtors, <i>Nunc Pro Tunc</i> to the Petition Date						
43.	IN RE SUNEDISON INC. ECF # 1958 Second Supplement to Amended Declaration of Mark W. Hojnacki in Support of Debtors' Application for Order Pursuant to Sections 327(a), 328, 330, 331, and 1107(b) of the Bankruptcy Code, Bankruptcy Rules 2014(a) and 2016(b) and Local Bankruptcy Rules 2014-1 and 2016-1 Authorizing the Employment and Retention of McKinsey Recovery & Transformation Services U.S., LLC as Restructuring Advisor for the Debtors, <i>Nunc Pro Tunc</i> to the Petition Date						
44.	IN RE SUNEDISON INC. ECF # 2614 Third Supplement to Amended Declaration of Mark W. Hojnacki in Support of Debtors' Application for Order Pursuant to Sections 327(a), 328, 330, 331, and 1107(b) of the Bankruptcy Code, Bankruptcy Rules 2014(a) and 2016(b) and Local Bankruptcy Rules 2014-1 and 2016-1 Authorizing the Employment and Retention of McKinsey Recovery & Transformation Services U.S., LLC as Restructuring Advisor for the Debtors, <i>Nunc Pro Tunc</i> to the Petition Date						

45.	IN RE SUNEDISON INC. ECF # 5756 Order Appointing United States Bankruptcy Judge as Mediator						
46.	IN RE SUNEDISON INC. ECF # 5802 Mediator's Notice to Court						
47.	IN RE SUNEDISON INC. ECF # 5830 Notice of Presentment of an Order Approving the Settlement Between McKinsey Recovery & Transformation Services U.S., LLC and Certain of its Affiliates and the United States Trustee and Opportunity for Hearing						
48.	IN RE SUNEDISON INC. ECF # 5880 United States Trustee's Statement in Support of Settlement Agreement Between United States Trustee Program and McKinsey & Company, Inc. and Certain of its Affiliates						
49.	IN RE SUNEDISON INC. ECF # 5889 Reply of McKinsey Recovery & Transformation Services U.S., LLC and Certain of Its Affiliates in Further Support of Settlement with the United States Trustee Program						

Dated: April 12, 2019

Respectfully Submitted,

HENRY G. HOBBS, JR.  
ACTING UNITED STATES TRUSTEE  
REGION 7, SOUTHERN and WESTERN  
DISTRICTS OF TEXAS

By: /s/Hector Duran

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic means on all PACER participants on this 12th day of April, 2019.

/s/ Hector Duran  
Hector Duran, Trial Attorney