

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re: Chapter 11
WESTMORELAND COAL COMPANY, et al., Case No. 18-35672 (DRJ)
Debtors. (Jointly Administered)

**MAR-BOW VALUE PARTNERS LLC'S RESPONSE TO FOURTH STATUS REPORT
OF MCKINSEY RECOVERY & TRANSFORMATION SERVICES U.S. LLC**
(This relates to Dkt. 1759)

The Fourth Status Report that McKinsey RTS filed on April 17, 2019, states in part:

6. As counsel for RTS reported at the conclusion of the April 16 hearing for approval of the settlement between RTS and the U.S. Trustee, RTS anticipates that it will file a proposed final version of the protocol by the end of May. RTS will then file updated disclosures *in accordance with that protocol* by July 3, 2019.

Dkt. 1759 ¶ 6 (emphasis added).

This paragraph indicates that McKinsey still does not understand that its legal obligation is to comply with Rule 2014 and that its compliance with its forthcoming protocol is not a substitute for its compliance with Rule 2014. This is especially disturbing because this report was filed the day after the Court appropriately stated on the record at the hearing on April 16, 2019, that its approval of McKinsey's employment will turn on its compliance with Rule 2014, not its compliance with its protocol.

Addressing the protocol, the Court stated: “[L]et me be very clear, I don't intend on approving [the protocol].” Hr'g Tr. 41:15-16, April 16, 2019.

And later, the Court stated, “So am I going to be curious to read [the protocol]? Absolutely. Am I going to approve it? Absolutely not. You know, *the standard is what the standard is.*” Hr'g Tr. 42:8-11 (emphasis added).

And finally, addressing the effect of the protocol on Rule 2014, the Court stated, “But in terms of whether or not that changes the required standard under the applicable rules, *it does not.*” Hr’g Tr. 42:17-18 (emphasis added).

McKinsey is required to comply with Rule 2014 regardless of its protocol.

Respectfully submitted, April 25, 2019.

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Certificate of Service

I certify that on April 25, 2019, I caused a copy of this pleading to be filed through the Court's electronic filing system and thereby served all parties registered to receive such service.

/s/ Christopher Murray

Christopher Murray