

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

<p>In re:</p> <p>WESTMORELAND COAL COMPANY, <i>et al.</i><sup>1</sup></p> <p style="text-align: center;">Debtors.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Chapter 11</p> <p>Case No. 18-36572 (DRJ)</p> <p>(Jointly Administered)</p>
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**ORDER SUSTAINING DEBTORS' FOURTEENTH  
OMNIBUS OBJECTION TO CERTAIN PROOFS OF CLAIM  
(AMENDED CLAIMS AND CROSS DEBTOR DUPLICATE CLAIMS)**

(Relates to ECF No. \_\_\_)

Upon the objection (the “Objection”)<sup>2</sup> of the above-captioned Reorganized WLB Debtors<sup>3</sup> and the WMLP Debtors<sup>4</sup> (collectively, with the Reorganized WLB Debtors, the “Debtors”) for entry of an order (this “Order”) sustaining the Debtors’ Fourteenth Omnibus Objection to certain Amended Claims and Cross Debtor Duplicate Claims, all as more fully set forth in the Objection; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that it may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and this Objection in this district is

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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 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.

<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Objection.

<sup>3</sup> “WLB Debtors” and “Reorganized WLB Debtors” after the effective date, means all Debtors except for Westmoreland Resources GP, LLC, Westmoreland Resource Partners, LP (“WMLP”), and WMLP’s subsidiaries (collectively with WMLP, the “WMLP Debtors”).

<sup>4</sup> Specifically, the WMLP Debtors are: (a) WMLP; (b) Westmoreland Kemmerer, LLC; (c) Oxford Mining Company, LLC; (d) Harrison Resources, LLC; (e) Oxford Mining Company-Kentucky, LLC; (f) Daron Coal Company, LLC; (g) Oxford Conesville, LLC; and (h) Westmoreland Kemmerer Fee Coal Holdings, LLC.

permissible pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Objection is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Debtors' notice of the Objection and opportunity for a hearing on the Objection were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Objection and having heard the statements in support of the relief requested therein at a hearing before this Court (the "Hearing"); and this Court having determined that the legal and factual bases set forth in the Objection and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Objection is sustained as set forth herein.
2. Each Amended Claim identified on **Exhibit A** attached to this Order is disallowed in its entirety and replaced by the applicable Remaining Amended Claim identified on **Exhibit A** attached to this Order; *provided that* this Order will not affect the portion of the Remaining Amended Claim identified on **Exhibit A**; *provided further* that the Debtors reserve the right to object to Amended Remaining Claim on **Exhibit A** on any applicable grounds.
3. The Cross Debtor Duplicate Claims identified on **Exhibit B** attached to this Order are disallowed in their entirety and replaced by the applicable Remaining Cross Debtor Duplicate Claim identified on **Exhibit B** attached to this Order; *provided that* this Order will not affect the portion of the Remaining Cross Debtor Duplicate Claim identified on **Exhibit B**; *provided further* that the Debtors reserve the right to object to the Remaining Cross Debtor Duplicate Claim on **Exhibit B** on any applicable grounds.

4. The Clerk of the Court is authorized and directed to update the claims register maintained in these chapter 11 cases to reflect the relief granted in the Order.

5. To the extent a response is filed regarding any Objected Claim, each such Objected Claim, and the Objection as it pertains to such Objected Claim, will constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order will be deemed a separate order with respect to each Objected Claim.

6. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order shall be deemed: (a) an admission as to the validity of any prepetition claim against a Debtor entity; (b) a waiver of the Debtors' right to dispute any prepetition claim on any grounds; (c) a promise or requirement to pay any prepetition claim;(d) an implication or admission that any particular claim is of a type specified or defined in this Objection or any order granting the relief requested by this Objection; (e) a request or authorization to assume any prepetition agreement, contract, or lease pursuant to § 365 of the Bankruptcy Code; or (f) a waiver of the Debtors' rights under the Bankruptcy Code or any other applicable law.

7. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Order are immediately effective and enforceable upon its entry.

8. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Objection.

9. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: \_\_\_\_\_, 2019  
Houston, Texas

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DAVID R. JONES  
UNITED STATES BANKRUPTCY JUDGE

**Exhibit A**

**Amended Claims**

Westmoreland Coal Company 18-35672 (DRJ)

Exhibit A - Amended Claims

Basis for objection: See paragraph 16 of the Foregoing Objection

CLAIMS TO BE DISALLOWED

REMAINING CLAIMS

	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #/ ECF #	CLAIM AMOUNT	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #/ ECF #	CLAIM AMOUNT		
1	GT NIX CONSTRUCTION INC. P O BOX 607 MOUNTAIN VIEW, WY 82939	12/06/18	Westmoreland Coal Company 18-35672 (DRJ)	495/ 217.1	\$ 285,366.38	GT NIX CONSTRUCTION INC. P O BOX 607 MOUNTAIN VIEW, WY 82939	02/25/19	Westmoreland Kemmerer, LLC 18-35696 (DRJ)	1329/ 77.1	\$ 285,366.38		
	<b>Total</b>							<b>Total</b>				
								<b>\$ 285,366.38</b>				
								<b>\$ 285,366.38</b>				

**Exhibit B**

**Cross Debtor Duplicate Claims**

Westmoreland Coal Company 18-35672 (DRJ)

Exhibit B - Duplicate Claims

Basis for objection: See paragraph 17 of the Foregoing Objection

CLAIMS TO BE DISALLOWED

REMAINING CLAIMS

	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #/ ECF #	CLAIM AMOUNT	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #/ ECF #	CLAIM AMOUNT	
1	GT NIX CONSTRUCTION INC. P O BOX 607 MOUNTAIN VIEW, WY 82939	02/25/19	Westmoreland Coal Company 18-35672 (DRJ)	1324/ 532.1	\$ 285,366.38	GT NIX CONSTRUCTION INC. P O BOX 607 MOUNTAIN VIEW, WY 82939	02/25/19	Westmoreland Kemmerer, LLC 18-35696 (DRJ)	1329/ 77.1	\$ 285,366.38	
2	GT NIX CONSTRUCTION INC. P O BOX 607 MOUNTAIN VIEW, WY 82939	02/25/19	Westmoreland Kemmerer Fee Coal Holdings, LLC 18-35695 (DRJ)	1328/ 8.1	\$ 285,366.38	GT NIX CONSTRUCTION INC. P O BOX 607 MOUNTAIN VIEW, WY 82939	02/25/19	Westmoreland Kemmerer, LLC 18-35696 (DRJ)	1329/ 77.1	\$ 285,366.38	
<b>Total</b>					<b>\$ 570,732.76</b>	<b>Total</b>					<b>\$ 570,732.76</b>