

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

In Re:)	Chapter 11
)	
WESTMORELAND COAL COMPANY, <i>et al.</i>)	Case No. 18-35672 (MI)
)	
Debtors.)	(Jointly Administered)
)	

**UNITED MINEWORKERS OF AMERICA’S LIMITED OBJECTION
TO THE JOINT PLAN OF LIQUIDATION FOR THE WMLP DEBTORS**

COMES NOW, the United Mine Workers of America (“UMWA”), by and through counsel, and submits this Limited Objection to the Joint Plan of Liquidation for the WMLP Debtors (the “Limited Objection”). In support of this Limited Objection, the UMWA respectfully states as follows:

1. On October 9, 2018, the Debtors commenced their involuntary cases under Chapter 11 of the United States Bankruptcy Code.
2. The Debtors have continued to be authorized to operate their businesses as Debtors-in-Possession pursuant to §§ 1107 and 1108 of the Bankruptcy Code.
3. The WMLP Debtors proposed a Joint Plan of Liquidation on March 15, 2019 [Dkt. No. 1612] (the “Plan”).
4. The Debtors proposed Plan contemplates the sale and liquidation of assets via a credit bid by the WMLP lenders pursuant to recently filed pleadings in support of the sale.
5. In an effort to preserve its rights yet support the ultimate resolution of this case, the UMWA files this Limited Objection.

ARGUMENT

6. The proposed Plan is not feasible unless the sale contemplated above is ultimately closed by the parties.

7. A condition of that proposed sale is that there is a satisfactory collective bargaining agreement (“CBA”) entered into with the UMWA that would govern the labor relations existing at the Debtors’ Kemmerer Mine.

8. Although progress has been made towards an agreement, that agreement is not finalized. Accordingly, until there is an adequate resolution of the CBA and related labor agreements with the UMWA, the sale cannot go forward and the Plan is not feasible.

9. Bankruptcy Code § 1129(a)(11) requires that a proposed plan be feasible.

10. Absent a labor agreement with the UMWA, the proposed WMLP Plan is not confirmable since the sale contemplated by the Plan cannot be closed.

CONCLUSION

11. In order to preserve and protect its rights, the UMWA respectfully files this Limited Objection and requests the Court withhold confirmation of the proposed Plan until such time as an appropriate CBA is finalized with the UMWA.

Respectfully submitted,

/s/ R. Scott Williams

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CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2019, a true and correct copy of the foregoing was served via this Court's CM/ECF Noticing System on all parties receiving electronic notices in this bankruptcy case.

/s/ R. Scott Williams
Of Counsel