

**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> ¹	§	Case No. 18-36572 (DRJ)
	§	
Debtors.	§	(Jointly Administered)
	§	

**ORDER SUSTAINING DEBTORS' FOURTH OMNIBUS
OBJECTION TO CERTAIN PROOFS OF CLAIM (INCORRECT DEBTOR CLAIMS)**

(Relates to ECF No. [1787](#))

Upon the objection (the “Objection”)² of the above-captioned ~~Reorganized~~ WLB Debtors³ and the WMLP Debtors⁴ (collectively, with the ~~Reorganized~~ WLB Debtors, the “Debtors”) for entry of an order (this “Order”) sustaining the Debtors’ Fourth Omnibus Objection to certain Incorrect Debtor 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 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

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 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 Objection.

³ “~~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”).

⁴ 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.

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.
1. Each Incorrect Debtor Claim identified under the "Asserted" column on **Exhibit A** attached to this Order is disallowed and modified; *provided* that the Debtors reserve the right to object to any proof of claim identified in the "Modified" column of **Exhibit A** attached to this Order on any applicable grounds.
2. 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.
3. To the extent a response is filed regarding any Incorrect Debtor Claim, each such Incorrect Debtor Claim, and the Objection as it pertains to such Incorrect Debtor 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 Incorrect Debtor Claim.
4. 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.

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

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

7. 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

DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

Exhibit A

Incorrect Debtor Claims

Basis for objection: See paragraph 15 of the Foregoing Objection

	NAME	DATE FILED	CLAIM #	ECF CLAIM #	DEBTOR	ASSERTED	MODIFIED
						CLAIM AMOUNT	DEBTOR
1	STAPLES ADRIENNE CHAVIS 7 TECHNOLOGY CIR COLUMBIA, SC 29203	10/30/2018	16	1.1	Westmoreland Resource Partners, LP	\$ 29,607.75	Buckingham Coal Company, LLC \$1,847.15 Oxford Mining Company, LLC \$3,774.58 San Juan Coal Company \$78.91 Westmoreland Coal Company \$6,044.47 Westmoreland Kemmerer, LLC \$9,113.63 Westmoreland Resources, Inc. \$8,749.01 Total: \$29,607.75
2	STATE ELECTRIC SUPPLY CO INC DIRK VANDERKRAATS 2010 2ND AVE HUNTINGTON, WV 25703	10/18/2018	56	4.1	Westmoreland Coal Company	\$ 65,987.52	Buckingham Coal Company, LLC \$65,987.52
3	STATE OF WYOMING DEPARTMENT OF REVENUE MINERAL TAX DIVISION 122 WEST 25TH ST CHEYENNE, WY 82002-0110	11/9/2018	87	58.1	Westmoreland Coal Company	\$ 787,566.76	Westmoreland Kemmerer, LLC \$787,566.76
4	STATE OF WYOMING DEPARTMENT OF REVENUE MINERAL TAX DIVISION 122 WEST 25TH ST CHEYENNE, WY 82002-0110	11/8/2018	88	59.1	Westmoreland Coal Company	\$ 1,747,771.61	Westmoreland Kemmerer, LLC \$1,747,771.61
54	STERN WELDING 12 MONTANA BOX 132 SAVAGE, MT 59262	11/15/2018	115	78.1	Westmoreland Coal Company	\$ 480.00	Westmoreland Savage Corporation \$480.00
65	SUBURBAN PROPANE PO BOX 206 WHIPPANY, NJ 07981	11/27/2018	146	97.1	Westmoreland Coal Company	\$ 3,133.03	San Juan Coal Company \$3,133.03
76	TAYLOR BRUNSKI 1120 4TH WEST AVE KEMMERER, WY 83101	1/22/2019	1264	510.1	Westmoreland Coal Company	\$ 250.00	Westmoreland Kemmerer, LLC \$250.00
87	THE DITCH COMPANY, LLC 6085 LAKEWOODS LN, FLORA VISTA, NM 87415-9616	12/12/2018	841	342.1	Westmoreland Coal Company	\$ 35,432.03*	San Juan Coal Company \$35,432.03*
98	THEODORE E. WORCESTER 3905 WAKEFIELD DRIVE COLORADO SPRINGS, CO 80906	12/10/2018	720	36.1	Western Energy Company	\$ 31,192.00*	Westmoreland Coal Company \$31,192.00*

* Indicates claim contains unliquidated and/or undetermined amounts

Basis for objection: See paragraph 15 of the Foregoing Objection

409	TODD MANRING SHARON CASON-ADAMS 1335 DUBLIN RD., STE. 104D COLUMBUS, OH 43215	12/5/2018	460	10.1	Westmoreland Resource Partners, LP	\$ 10,000.00*	Buckingham Coal Company, LLC	\$10,000.00*
410	TOMS HVAC LLC 233 MAIN ST EVANSTON, WY 82930	1/23/2019	1265	511.1	Westmoreland Coal Company	\$ 990.00	Westmoreland Kemmerer, LLC	\$990.00
4211	TREASURE COUNTY TREASURER PO BOX 429 HYSHAM, MT 59038-0429	12/12/2018	871	372.1	Westmoreland Coal Company	\$ 3,815.49	Westmoreland Resources, Inc.	\$3,815.49
4312	TYJEN INC SLATER BUILDERS SUPPLY 35255 HOCKING DR LOGAN, OH 43138	10/31/2018	44	38.1	Westmoreland Coal Company	\$ 25,615.35	Buckingham Coal Company, LLC	\$25,615.35
4413	UINTA COUNTY TREASURER TERRY BRIMHALL-TREASURER PO BOX 1530 EVANSTON, WY 82931-1150	11/5/2018	50	47.2	Westmoreland Coal Company	\$ 240,259.12*	Haystack Coal Company	\$240,259.12*
4514	US BANK NATIONAL ASSOCIATION AS ADMINISTRATIVE AGENT ATTENTION PRITAL PATEL CDO TRUST SVC 214 NORTH TYRON ST 26TH FL CHARLOTTE, NC 28202	12/11/2018	1010	392.1	Westmoreland Coal Company	\$ 326,878,887.87*	Oxford Mining Company, LLC	\$326,878,887.87*
4615	VALLEN DISTRIBUTION 310 TECHNOLOGY PKWY SUITE 200 PEACHTREE CORNERS, GA 30092	2/19/2019	1320	531.1	Westmoreland Coal Company	\$ 299.41	Dakota Westmoreland Corporation	\$299.41
4716	VALLEY GARAGE INC. P.O. BOX 177 SAVAGE, MT 59262	11/29/2018	181	100.1	Westmoreland Coal Company	\$ 1,079.00	Westmoreland Savage Corporation	\$1,079.00
4817	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/3/2018	344	153.1	Westmoreland Coal Company	\$ 154,426.29	San Juan Coal Company	\$154,426.29
4918	WEST RIVER CONVEYORS AND MACHINERY CO 8936 DISMAL RIVER ROAD OAKWOOD, VA 24631	12/31/2018	1223	494.1	Westmoreland Coal Company	\$ 16,476.64	Buckingham Coal Company, LLC	\$16,476.64

* Indicates claim contains unliquidated and/or undetermined amounts

Basis for objection: See paragraph 15 of the Foregoing Objection

2019 2120	WILLIAM ALBERT INC 1300 CASSINGHAM HOLLOW DR COSHOCOTON, OH 43812	10/23/2018	1	14.1	Westmoreland Coal Company	\$ 54,740.91	Oxford Mining Company, LLC	\$54,740.91
2120 2221	WOODRUFF AUTO SERVICE LLC 1466 STATE RTE 601 GREENVILLE, KY 42345	12/10/2018	689	304.1	Westmoreland Coal Company	\$ 12,751.80	Oxford Mining Company, LLC	\$12,751.80
2221 2322	WYOMING WATER DEVELOPMENT COMMISSION 6920 YELLOWTAIL ROAD CHEYENNE, WY 82002	11/20/2018	133	84.1	Westmoreland Coal Company	\$ 7,600.85	Westmoreland Kemmerer, LLC	\$7,600.85
2322 2423	ZEMBA BROS., INC. PO BOX 1270 ZANESVILLE, OH 43702-1270	12/6/2018	433	190.1	Westmoreland Coal Company	\$ 723.13	Oxford Mining Company, LLC	\$723.13

* Indicates claim contains unliquidated and/or undetermined amounts