

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

In re:  WESTMORELAND COAL COMPANY, <i>et al.</i> <sup>1</sup>  Debtors.	§ § § § § § §	Chapter 11  Case No. 18-36572 (DRJ)  (Jointly Administered)
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**ORDER SUSTAINING DEBTORS’ FIFTH OMNIBUS  
OBJECTION TO CERTAIN PROOFS OF CLAIM (NO LIABILITY CLAIMS)**

(Relates to ECF No. 1788)

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’ Fifth Omnibus Objection to certain No Liability 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 parties in

<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.

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 No Liability Claim identified on Exhibit A attached to this Order is disallowed and expunged to the extent set forth on Exhibit A.
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 No Liability Claim, each such No Liability Claim, and the Objection as it pertains to such No Liability 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 No Liability 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

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DAVID R. JONES  
UNITED STATES BANKRUPTCY JUDGE

**Exhibit A**

**No Liability Claims**

## Westmoreland Coal Company 18-35672 (DRJ)

## Exhibit A - No Liability

## Basis for objection: See paragraph 15 of the Foregoing Objection

NAME	DATE FILED	DEBTOR	CLAIM # / ECF #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
1 CHARLENE CORE 2083 BIRCHVIEW RD REYNOLDSBURG, OH 43068	1/28/2019	Buckingham Coal Company, LLC	1287^ / 61.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
^ Claim also appears on Exhibit A to the Sixth Omnibus Claims Objection (Late Filed Claims)					
2 CHERYL MCFADDEN 2342 NE LINDSEY DRIVE HILLSBORO, OR 97124	12/7/2018	Westmoreland Coal Company	576 / 231.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
3 DANA HOBBS 1204 RIDGEVIEW RD. JONESVILLE, VA 24263	12/10/2018	Westmoreland Coal Company	609 / 264.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
4 DAVID PANTERMUEHL 8421 ANTIETAM LANE HOUSTON, TX 77083	12/11/2018	Westmoreland Coal Company	578 / 233.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
5 DAVID PANTERMUEHL 8421 ANTIETAM LANE HOUSTON, TX 77083	12/7/2018	Westmoreland Coal Company	579 / 234.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
6 DEBORAH HINTON KOVACEVICH 1307 QUARRY OAKS DRIVE COLLEGE STATION, TX 77845	1/4/2019	Westmoreland Coal Company	1240^ / 501.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
^ Claim also appears on Exhibit A to the Sixth Omnibus Claims Objection (Late Filed Claims)					
7 ELSIE T BENALLY PO BOX 722 SHIPROCK, NM 87420	12/12/2018	Westmoreland Coal Company	1036 / 418.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
8 ERICKSON J BENALLY PO BOX 722 SHIPROCK, NM 87420-0722	12/12/2018	Westmoreland Coal Company	1037 / 419.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
9 ERNIE JOE PO BOX 1647 KIRTLAND, NM 87417-1647	1/7/2019	Westmoreland Coal Company	1243^ / 504.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
^ Claim also appears on Exhibit A to the Sixth Omnibus Claims Objection (Late Filed Claims)					

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NAME	DATE FILED	DEBTOR	CLAIM # / ECF #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
10 ESTATE OF HARRIS BENALLY LORRAINE CORDOVA PO BOX 2536 TAOS, NM 87571-2536	12/7/2018	Westmoreland Coal Company	585 / 240.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
11 ESTATE OF HARRIS BENALLY LORRAINE CORDOVA PO BOX 2536 TAOS, NM 87571-2536	12/11/2018	Westmoreland Coal Company	843 / 344.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
12 FREDERICK B SMOUSE 5144 HOYT CT ARVADA, CO 80002	12/13/2018	San Juan Coal Company	1140^ / 85.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
^ Claim also appears on Exhibit A to the Sixth Omnibus Claims Objection (Late Filed Claims)					
13 GAYLON L. BRITTON 2240 WYOMING DRIVE GREEN RIVER, WY 82935	12/4/2018	Westmoreland Coal Company	333 / 148.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
14 JAMES F. KULINSKY PO BOX 214 DIAMONDVILLE, WY 83116	12/7/2018	Westmoreland Coal Company	586 / 241.1	\$ 608.00*	No liability exists on the Debtor's books and records. Claimant failed to provide sufficient documentation to allow the Debtor to ascertain the validity of the asserted claim.
15 JEAN L KARCHER 4909 WESTFIELD CT NE RIO RANCHO, NM 87144	11/24/2018	Westmoreland Coal Company	140 / 91.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide sufficient documentation to allow the Debtor to ascertain the validity of the asserted claim.
16 JOHN BAUER 961 IOWA AVENUE W ST PAUL, MN 55117	12/11/2018	Westmoreland Coal Company	583 / 238.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
17 JOHN PANTERMUEHL 5875 SEVEN POINTS TRACE HERMITAGE, TN 37076	12/10/2018	Westmoreland Coal Company	677 / 292.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
18 JOSEPH W AND ANNE E POWELL 1605 HARPERS FERRY RD COLLEGE STATION, TX 77845	12/12/2018	Westmoreland Coal Company	1013 / 395.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
19 KAREL M. WEIGEL 926 PLYMOUTH LN NW ROCHESTER, MN 55901	12/3/2018	Westmoreland Coal Company	368 / 177.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.

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NAME	DATE FILED	DEBTOR	CLAIM # / ECF #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
20 KAREN P DIETZ 1677 HOFFMAN LN NEW BRAUNFELS, TX 78132	12/12/2018	Westmoreland Coal Company	1039 / 421.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
21 KATHLEEN MCCRARY 7363 56TH AVENUE NE SEATTLE, WA 98115	12/4/2018	Westmoreland Coal Company	329 / 144.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
22 LEAH SANDRA BORGRINK PO BOX 267 CORRALES, NM 87048-0267	11/27/2018	San Juan Coal Company	232 / 16.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
23 MARGARET THORN 4172 THORNHILL LN VADNAIS HEIGHTS, MN 55127	12/3/2018	Westmoreland Coal Company	367 / 176.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
24 MARGIANNA L HUNT 607 HEATHERBROOK CIR PRESCOTT, AZ 86303	12/13/2018	Westmoreland Coal Company	1132^ / 439.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
^ Claim also appears on Exhibit A to the Sixth Omnibus Claims Objection (Late Filed Claims)					
25 MARSHAL SMOUSE 8481 E COUNTRY PLACE EVANSVILLE, WY 82636-9639	12/6/2018	San Juan Coal Company	529 / 29.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
26 MARVA B. JOPLIN 3766 N. NAVAJO PRESCOTT VALLEY, AZ 86314	12/10/2018	Westmoreland Coal Company	657 / 272.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
27 MATTHEW JULIUS PAYNE GLADYS B. PAYNE P.O. BOX 761 MOUNT HOPE, WV 25880	12/4/2018	Westmoreland Coal Company	335 / 150.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
28 MICHAEL D. SMOUSE GREGORY SMOUSE 4685 FOX RD. CASCADE, CO 80809	12/7/2018	San Juan Coal Company	637 / 39.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.

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NAME	DATE FILED	DEBTOR	CLAIM # / ECF #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
29 NANCY WEIGEL JENSEN 12 CRAMPTON CT. PALM COAST, FL 32134	12/10/2018	Westmoreland Coal Company	676 / 291.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
30 PLEAS MULLINS JR. PO BOX 725 DRYDEN, VA 24243	12/7/2018	Westmoreland Coal Company	512 / 223.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
31 RENA NEZ BOX 1058 SHIPROCK, NM 87420	1/4/2019	Westmoreland Coal Company	1221^ / 492.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
^ Claim also appears on Exhibit A to the Sixth Omnibus Claims Objection (Late Filed Claims)					
32 RONALD G ROGERS PO BOX 445 DUFFIELD, VA 24244	12/13/2018	Westmoreland Coal Company	1137^ / 444.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
^ Claim also appears on Exhibit A to the Sixth Omnibus Claims Objection (Late Filed Claims)					
33 RUBY JOHNSON HALL 3113 MANOR WOOD DR. BRYAN, TX 77801	12/11/2018	Westmoreland Coal Company	680 / 295.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
34 RUFUS H. BARNETT 2948 IMBODER RD. APPALACHIA, VA 24216	12/4/2018	Westmoreland Coal Company	325 / 140.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
35 SUSAN MCCRARY 7530 31ST AVENUE NW SEATTLE, WA 98117	12/3/2018	Westmoreland Coal Company	337 / 152.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
36 TERRI E BIEBINGER BOX 102 BIG PINEY, WY 83113	12/19/2018	Westmoreland Kemmerer, LLC	1192^ / 66.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide sufficient documentation to allow the Debtor to ascertain the validity of the asserted claim.
^ Claim also appears on Exhibit A to the Sixth Omnibus Claims Objection (Late Filed Claims)					
37 TERRI J. RAMIREZ PO BOX 452 GREEN MOUNTAIN FALLS, CO 80819-0452	12/7/2018	San Juan Coal Company	638 / 40.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.



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38 WILLETTA TOLEDO PO BOX 584 FLORA VISTA, NM 87415	12/21/2018	Westmoreland Coal Company	1178^ / 480.1	Undetermined*	No liability exists on the Debtor's books and records. Claimant failed to provide a basis for the claim and supporting documentation to allow the Debtor to ascertain the validity of the asserted claim.
			TOTAL	\$ 608.00*	

^ Claim also appears on Exhibit A to the Sixth Omnibus Claims Objection (Late Filed Claims)