



ENTERED
06/12/2019

**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>¹</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' SIXTH OMNIBUS OBJECTION TO CERTAIN
PROOFS OF CLAIM (LATE-FILED CLAIMS)**

(Relates to ECF No. 1789)

Upon the objection (the "Objection")² of the above-captioned WLB Debtors³ and the WMLP Debtors⁴ (collectively, with the WLB Debtors, the "Debtors") for entry of an order (this "Order") sustaining the Debtors' Sixth Omnibus Objection to certain Late-Filed 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

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" 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.

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 Late-Filed Claim identified on **Exhibit A** attached to this Order is disallowed and expunged in its entirety.
3. 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.
4. To the extent a response is filed regarding any Late-Filed Claim, each such Late-Filed Claim, and the Objection as it pertains to such Late-Filed 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 Late-Filed Claim.
5. 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.

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

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

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

Signed: June 11, 2019.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

Exhibit A

Late-Filed Claims

Basis for objection: See paragraph 15 of the Foregoing Objection

NAME	DATE FILED	DEBTOR	CLAIM # / ECF #	CLAIM AMOUNT	REASON FOR DISALLOWANCE
1 ADOLPHUS D LONG MARGARET B LONG 44745 VETERANS MEMORIAL HWY PENNINGTON GAP, VA 24277	12/17/2018	Westmoreland Coal Company	1164 / 466.1	\$ 990.60*	Claim filed after the general bar date of December 12, 2018.
2 ALTA A BRADY 3002 ESPACIO ST FARMINGTON, NM 87401	1/23/2019	Westmoreland Coal Company	1281^ / 516.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
^ Claim also appears on Exhibit A to the Seventh Omnibus Claims Objection (No Liability Claims)					
3 AVA GRIFFITH PO BOX 1113 KIRTLAND, NM 87417-1113	12/14/2018	Westmoreland Coal Company	1162^ / 464.1	\$ 337.00*	Claim filed after the general bar date of December 12, 2018.
^ Claim also appears on Exhibit A to the Seventh Omnibus Claims Objection (No Liability Claims)					
4 BERTHA CONLEY 1300 CAMEO DR FT WORTH, TX 76134	2/11/2019	Westmoreland Coal Company	1315 / 526.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
5 BOBBY R DUNCAN 3193 CLINCH RIVER HWY DUFFIELD, VA 24244	12/17/2018	Westmoreland Coal Company	1166 / 468.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
6 CARROLL ADAMS JR 565 LAKEVIEW CIR MT STERLING, KY 40353	12/21/2018	Westmoreland Coal Company	1180 / 482.1	\$ 990.10*	Claim filed after the general bar date of December 12, 2018.
7 CARROLL G. EMBRY 119 C.R. 236 FAIRFIELD, TX 75840	12/27/2018	Texas Westmoreland Coal Company	1230^ / 26.1	\$ 1,138.36*	Claim filed after the general bar date of December 12, 2018.
^ Claim also appears on Exhibit A to the Second Omnibus Claims Objection (Exact Duplicate Claims) Claim also appears on Exhibit A to the Seventh Omnibus Claims Objection (No Liability Claims)					
8 CHARLENE CORE 2083 BIRCHVIEW RD REYNOLDSBURG, OH 43068	1/28/2019	Buckingham Coal Company, LLC	1287^ / 61.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
^ Claim also appears on Exhibit A to the Fifth Omnibus Claims Objection (No Liability Claims)					
9 CLIFFORD RAY ELY 238 CLIFF ELY RD KEOKEE, VA 24265	12/14/2018	Westmoreland Kemmerer, LLC	1191 / 65.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
10 CONLEY BEGLEY ALICE BEGLEY	12/17/2018	Westmoreland Coal Company	1167 / 469.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.

Basis for objection: See paragraph 15 of the Foregoing Objection

160 RAVINE ST
 GATE CITY, VA 24251

11	DAMIANA S. PADILLA 206 GARCIA STREET TRINIDAD, CO 81082	12/22/2018	Westmoreland Coal Company	1310 / 523.1	\$ 15,455.80*	Claim filed after the general bar date of December 12, 2018.
12	DAVID BREEDLOVE 104 NELSON ST HARROGATE, TN 37752	12/13/2018	Westmoreland Coal Company	1135^ / 442.1	\$ 49.90*	Claim filed after the general bar date of December 12, 2018.
^ Claim also appears on Exhibit A to the Seventh Omnibus Claims Objection (No Liability Claims)						
13	DEBORAH A BRANDENBURG 4975 ARTISTIC CIR COLORADO SPGS, CO 80917	12/13/2018	Westmoreland Coal Company	1029^ / 411.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
^ Claim also appears on Exhibit A to the Seventh Omnibus Claims Objection (No Liability Claims)						
14	DEBORAH HINTON KOVACEVICH 1307 QUARRY OAKS DRIVE COLLEGE STATION, TX 77845	1/4/2019	Westmoreland Coal Company	1240^ / 501.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
^ Claim also appears on Exhibit A to the Fifth Omnibus Claims Objection (No Liability Claims)						
15	DONETTA KUNKEL 2624 9TH ST SW HENSLER, ND 58530	12/14/2018	Westmoreland Coal Company	1163^ / 465.1	\$ 146,643.06	Claim filed after the general bar date of December 12, 2018.
^ Claim also appears on Exhibit A to the Seventh Omnibus Claims Objection (No Liability Claims)						
16	EAGLE PRINTING AND BUSINESS FORMS LLC 4148 1ST AVENUE S BILLINGS, MT 59101	3/26/2019	Westmoreland Coal Company	1343 / 542.1	\$ 1,619.81	Claim filed after the general bar date of December 12, 2018.
17	EDWARD AND JEANETTE GLADDEN 70 ORCHARD LN COLUMBUS, OH 43214	12/26/2018	Buckingham Coal Company, LLC	1156 / 457.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
18	ERNIE JOE PO BOX 1647 KIRTLAND, NM 87417-1647	1/7/2019	Westmoreland Coal Company	1243^ / 504.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
^ Claim also appears on Exhibit A to the Fifth Omnibus Claims Objection (No Liability Claims)						
19	ESTATE OF ELLIOTT A RIGGS CO LEANN FOUTZ PERSONAL REP 14135 E MUSTANG DR. DEWEY, AZ 86327	2/19/2019	Western Energy Company	1321 / 73.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.

Basis for objection: See paragraph 15 of the Foregoing Objection

20 ESTATE OF EVELYN F BROADUS AKA EVELYN J BROADUS CO M ALICE NATION 6620 ARAB PLACE SHEPHERD, MT 59079	1/4/2019	Westmoreland Coal Company	1234^ / 502.1	\$ 570.00*	Claim filed after the general bar date of December 12, 2018.
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^ Claim also appears on Exhibit A to the Seventh Omnibus Claims Objection (No Liability Claims)

21 FREDERICK B SMOUSE 5144 HOYT CT ARVADA, CO 80002	12/13/2018	San Juan Coal Company	1140^ / 85.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
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^ Claim also appears on Exhibit A to the Fifth Omnibus Claims Objection (No Liability Claims)

22 GEORGE R LONGENBAUGH 644 LCR 403 GROESBECK, TX 76642	1/28/2019	Westmoreland Coal Company	1290^ / 517.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
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^ Claim also appears on Exhibit A to the Seventh Omnibus Claims Objection (No Liability Claims)

23 HARMON MECHANIC SVC LLC 44450 COUNTY RD 27 COSHOCOTON, OH 43812	12/27/2018	Westmoreland Coal Company	1197 / 485.1	\$ 6,630.00*	Claim filed after the general bar date of December 12, 2018.
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24 HAROLD E. HUBBARD 853 HARRELL PARK ROAD BEAN STATION, TN 37708	1/4/2019	Westmoreland Coal Company	1222 / 493.1	\$ 11,976.00*	Claim filed after the general bar date of December 12, 2018.
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25 HARRY SMITH SR PO BOX 1781 SHIPROCK, NM 87420-1781	12/17/2018	San Juan Coal Company	1149^ / 87.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
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^ Claim also appears on Exhibit A to the Seventh Omnibus Claims Objection (No Liability Claims)

26 HERBERT K YAZZIE PO BOX 1096 GANADO, AZ 86505	12/19/2018	Westmoreland Coal Company	1170^ / 472.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
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^ Claim also appears on Exhibit A to the Seventh Omnibus Claims Objection (No Liability Claims)

27 JAMES BURKE JR. 663A 2ND AVENUE E BIG STONE GAP, VA 24219	1/4/2019	Westmoreland Coal Company	1239 / 500.1	\$ 653.00*	Claim filed after the general bar date of December 12, 2018.
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28 JAMES R. RAMSEY 4725 ROBERT C BYRD DRIVE BECKLEY, WV 25801	12/13/2018	Westmoreland Coal Company	1134^ / 441.1	\$ 660.10*	Claim filed after the general bar date of December 12, 2018.
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^ Claim also appears on Exhibit A to the Second Omnibus Claims Objection (Exact Duplicate Claims)

29 JANICE BARRICKLOW SPOUSE OF LARRY BARRICKLOW	2/11/2019	Oxford Mining Company, LLC	1312^ / 92.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
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* - Indicates claim contains unliquidated and/or undetermined amounts

Basis for objection: See paragraph 15 of the Foregoing Objection

PETER H RIDDELL
 RIDDELL AND AIMAR LLC
 194 WEST JOHNSTOWN RD
 GAHANNA, OH 43230

^ Claim also appears on Exhibit A to the Seventh Omnibus Claims Objection (No Liability Claims)

30	JERRY PHILLIP PECK QUANTINA L PECK PO BOX 976 SKELTON, WV 25919	12/19/2018	Westmoreland Coal Company	1177 / 479.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
31	JIMMIE PUGH C/O SHEILA PUGH BOX 212 LAYLAND, WV 25864	1/9/2019	Westmoreland Coal Company	1242 / 503.1	\$ 990.10*	Claim filed after the general bar date of December 12, 2018.
32	JIMMY KETRON PO BOX 172 FLORA VISTA, NM 87415-0172	12/14/2018	San Juan Coal Company	1148^ / 86.1	\$ 655.60*	Claim filed after the general bar date of December 12, 2018.
^ Claim also appears on Exhibit A to the Seventh Omnibus Claims Objection (No Liability Claims)						
33	JOHN J. SANTO 7931 JUG STREET ROAD ALEXANDRIA, OH 43001	2/12/2019	Westmoreland Coal Company	1318 / 529.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
34	JOSEPH MONDRAGON 1514 ATCHISON AVENUE TRINIDAD, CO 81082	12/22/2018	Westmoreland Coal Company	1309 / 522.1	\$ 990.10*	Claim filed after the general bar date of December 12, 2018.
35	KELLY COLLINS 524 VIRGINIA AVE NE NORTON, VA 24273	12/19/2018	Westmoreland Coal Company	1174 / 476.1	\$ 660.00*	Claim filed after the general bar date of December 12, 2018.
36	KENNETH A MOOR 8010 137TH AVE SW BOWMAN, ND 58623	12/13/2018	Westmoreland Coal Company	1133 / 440.1	\$ 20,137.00*	Claim filed after the general bar date of December 12, 2018.
37	KIMBALL R. DAVIS 1301 FOSSIL CREEK ROAD FLORISSANT, CO 80816	12/27/2018	Basin Resources, Inc.	1245^ / 10.1	\$ 437.72*	Claim filed after the general bar date of December 12, 2018.
^ Claim also appears on Exhibit A to the Seventh Omnibus Claims Objection (No Liability Claims)						
38	KIMBERLY B. HICKS 3517 CAROLYN DR RALEIGH, NC 27604	12/13/2018	Westmoreland Coal Company	931^ / 374.1	\$ 67,489.20*	Claim filed after the general bar date of December 12, 2018.

^ Claim also appears on Exhibit A to the Seventh Omnibus Claims Objection (No Liability Claims)

Basis for objection: See paragraph 15 of the Foregoing Objection

39	KING'S CLEANING SERVICE 44517 TR 28 COSHOCTON, OH 43812	2/9/2019	Westmoreland Coal Company	1314 / 525.1	\$ 210.00	Claim filed after the general bar date of December 12, 2018.
40	L AND H INDUSTRIAL INC 913 L & J CT GILLETTE, WY 82718	12/27/2018	Westmoreland Kemmerer, LLC	1209 / 71.1	\$ 1,020.60*	Claim filed after the general bar date of December 12, 2018.
41	L AND H INDUSTRIAL INC 913 L & J CT GILLETTE, WY 82718	12/27/2018	Westmoreland Resources, Inc.	1211 / 58.1	\$ 2,535.18*	Claim filed after the general bar date of December 12, 2018.
42	LARRY D SIZEMORE 304 JADE CT KINGSPORT, TN 37664	12/19/2018	Westmoreland Coal Company	1172 / 474.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
43	LEE MONTOYA 7309 W. HAMPDEN AVENUE 5301 LAKEWOOD, CO 80227	12/22/2018	Westmoreland Coal Company	1308 / 521.1	\$ 990.10*	Claim filed after the general bar date of December 12, 2018.
44	MARGIANNA L HUNT 607 HEATHERBROOK CIR PRESCOTT, AZ 86303	12/13/2018	Westmoreland Coal Company	1132^ / 439.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
^ Claim also appears on Exhibit A to the Fifth Omnibus Claims Objection (No Liability Claims)						
45	MIKEY NICKODAM PEGGY NICKODAM 1455 SMYTH CHAPEL RD PENNINGTON GAP, VA 24277	12/17/2018	Westmoreland Coal Company	1165 / 467.1	\$ 660.10*	Claim filed after the general bar date of December 12, 2018.
46	MONTROSE AIR QUALITY SERVICES LLC 3500 COMANCHE RD., NE BLDG. G ALBUQUERQUE, NM 87107-4546	1/21/2019	Westmoreland Coal Company	1267^ / 513.1	\$ 26,875.87*	Claim filed after the general bar date of December 12, 2018.
^ Claim also appears on Exhibit A to the Second Omnibus Claims Objection (Exact Duplicate Claims)						
47	NELDA J DAVIS PO BOX 428 JEWETT, TX 75846	12/17/2018	Westmoreland Texas Jewett Coal Company	1151^ / 12.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
^ Claim also appears on Exhibit A to the Second Omnibus Claims Objection (Exact Duplicate Claims)						
48	PATSY D. ASHLEY 200 GUNPORT DRIVE DUFFIELD, VA 24244	1/4/2019	Westmoreland Coal Company	1238 / 499.1	\$ 660.10*	Claim filed after the general bar date of December 12, 2018.
49	PIDCOCK GLASS 500 E. CANAL ST. NELSONVILLE, OH 45764	12/13/2018	Buckingham Coal Company, LLC	1138 / 51.1	\$ 513.46	Claim filed after the general bar date of December 12, 2018.

Basis for objection: See paragraph 15 of the Foregoing Objection

50	RENA NEZ BOX 1058 SHIPROCK, NM 87420	1/4/2019	Westmoreland Coal Company	1221^ / 492.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
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^ Claim also appears on Exhibit A to the Fifth Omnibus Claims Objection (No Liability Claims)

51	REVA E SMITH 173 EDGAR DR BECKLEY, WV 25801	12/17/2018	Westmoreland Coal Company	1169 / 471.1	\$ 660.00*	Claim filed after the general bar date of December 12, 2018.
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52	ROBERT C MASON 256 S LOWELL RD JASPER, AL 35503	12/14/2018	Westmoreland Coal Company	1161^ / 463.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
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^ Claim also appears on Exhibit A to the Eighth Omnibus Claims Objection (No Liability Claims)

53	ROBERT E MARSHALL 4539 JAMES RD NORTON, VA 24273	12/13/2018	Westmoreland Coal Company	1130 / 437.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
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54	ROBERT E MARSHALL 4539 JAMES RD NORTON, VA 24273	12/13/2018	Westmoreland Coal Company	1131 / 438.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
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55	ROBERT MAGGARD 210 STONEY LONESOME RD KEOKEE, VA 24265	12/17/2018	Westmoreland Coal Company	1159 / 460.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
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56	RONALD G ROGERS PO BOX 445 DUFFIELD, VA 24244	12/13/2018	Westmoreland Coal Company	1137^ / 444.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
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^ Claim also appears on Exhibit A to the Fifth Omnibus Claims Objection (No Liability Claims)

57	SOUTHEAST BEVERAGE CO PO BOX 180 ATHENS, OH 45701	12/19/2018	Westmoreland Coal Company	1155 / 456.1	\$ 3,783.00	Claim filed after the general bar date of December 12, 2018.
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58	TERRI E BIEBINGER BOX 102 BIG PINEY, WY 83113	12/19/2018	Westmoreland Kemmerer, LLC	1192^ / 66.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
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^ Claim also appears on Exhibit A to the Fifth Omnibus Claims Objection (No Liability Claims)

59	WANDA J. TOKAR 12950 CO. RD. 417 WESTON, CO 81091	12/22/2018	Westmoreland Coal Company	1311 / 524.1	\$ 660.10*	Claim filed after the general bar date of December 12, 2018.
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60	WILLETTA TOLEDO PO BOX 584 FLORA VISTA, NM 87415	12/21/2018	Westmoreland Coal Company	1178^ / 480.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
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* - Indicates claim contains unliquidated and/or undetermined amounts

Basis for objection: See paragraph 15 of the Foregoing Objection

^ Claim also appears on Exhibit A to the Fifth Omnibus Claims Objection (No Liability Claims)

61	ZURICH AMERICAN INSURANCE CO PO BOX 68549 SCHAUMBURG, IL 60196	12/21/2018	Westmoreland Coal Company	1160 / 461.1	Undetermined*	Claim filed after the general bar date of December 12, 2018.
				TOTAL	\$ 317,641.96*	