



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><sup>1</sup></p> <p style="text-align: center;">Debtors.</p>	<p>§</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' TENTH OMNIBUS OBJECTION TO CERTAIN  
PROOFS OF CLAIM (SATISFIED CLAIMS)**

(Relates to ECF No. 1793)

Upon the objection (the "Objection")<sup>2</sup> of the above-captioned WLB Debtors<sup>3</sup> and the WMLP Debtors<sup>4</sup> (collectively, with the WLB Debtors, the "Debtors") for entry of an order (this "Order") sustaining the Debtors' Tenth Omnibus Objection to certain Satisfied 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

<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" 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.

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.
1. Each Satisfied Claim identified on Exhibit A attached to this Order is disallowed and expunged in its entirety.
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 Satisfied Claim, each such Satisfied Claim, and the Objection as it pertains to such Satisfied 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 Satisfied 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.

**Signed: June 11, 2019.**

  
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DAVID R. JONES  
UNITED STATES BANKRUPTCY JUDGE

**Exhibit A**

**Satisfied Claims**

Exhibit A - Notice of Satisfaction

Claimant Name	Claim / Schedule No.	ECF Claim #	Debtor	Total Claim Value
1 EXCEL FOUNDRY & MACHINE INC	S01532		Western Energy Company	19,921.34
2 FARSTAD OIL, INC.	S01556		Western Energy Company	10,761.84
3 FASTENERS, INC.	S02563		Westmoreland Resources, Inc.	32.63
4 FED EX	S00589		Oxford Mining Company, LLC	57.56
5 FEDEX FREIGHT	S00583		Oxford Mining Company, LLC	582.53
6 FICKLER OIL COMPANY INC	S01566		Western Energy Company	200.00
7 FIRST HEALTH	S01762		Westmoreland Coal Company	194.50
8 FIRST INTERSTATE BANK	942	385.1	Westmoreland Kemmerer, LLC	10,011.19
9 FIRST INTERSTATE BANK	943	386.1	Westmoreland Coal Company	20,612.02
10 FIRST INTERSTATE BANK	944	387.1	Westmoreland Coal Company	5,460.66
11 FIRST INTERSTATE BANK	974	55.1	Westmoreland Coal Company	20,612.02
12 FIRST INTERSTATE BANK	991	58.1	Westmoreland Kemmerer, LLC	10,011.19
13 FIRST INTERSTATE BANK	1000	54.1	Westmoreland Coal Company	5,460.66
14 FIRST INTERSTATE BANK	1043	425.1	Westmoreland Coal Company	5,460.66
15 FIRST INTERSTATE BANK	1044	426.1	Westmoreland Kemmerer, LLC	10,011.19
16 FIRST INTERSTATE BANK	1045	427.1	Western Energy Company	20,612.02
17 FIRST INTERSTATE BANK	1278	385.2	Westmoreland Coal Company	-
18 FIRST INTERSTATE BANK	1279	386.2	Westmoreland Coal Company	-
19 FIRST INTERSTATE BANK	1280	387.2	Westmoreland Coal Company	-
20 FIRST INTERSTATE BANK	1282	58.2	Westmoreland Coal Company	-
21 FIRST INTERSTATE BANK	1283	385.3	Westmoreland Coal Company	-
22 FIRST INTERSTATE BANK	1284	386.3	Westmoreland Coal Company	-
23 FIRST INTERSTATE BANK	1285	387.3	Westmoreland Coal Company	-
24 FIRST INTERSTATE BANK	S01535		Western Energy Company	238.00
25 FIRST INTERSTATE BANK MASTERCARD	S02230		Westmoreland Kemmerer, LLC	2,871.42
26 FM CREATIONS LLC	S01530		Western Energy Company	3,820.00
27 FORZA CONSULTING BV	S01757		Westmoreland Coal Company	71,297.28
28 FREIGHT AGENCY	1129	436.1	Western Energy Company	5,100.00
29 FRONTIER CHEVROLET CO	S01514		Western Energy Company	576.23
30 FULL POTENTIAL FITNESS, LLC	S02286		Westmoreland Kemmerer, LLC	200.00
31 GALLATIN SCALES	S01422		Western Energy Company	985.00
32 GCM SERVICES INC	S02581		Westmoreland Resources, Inc.	5,727.83
33 GCR COBRE TIRE	S01461		Western Energy Company	31,060.97
34 GCR TIRE CENTER	S02269		Westmoreland Kemmerer, LLC	27,943.68
35 GCR TIRES & SERVICE	S00122		Buckingham Coal Company, LLC	34,861.17
36 GCR TIRES & SERVICE	S00605		Oxford Mining Company, LLC	174,967.92
37 GCR-COBRE BILLINGS TIRE CENTER	S02558		Westmoreland Resources, Inc.	35,205.46
38 GENERAL DISTRIBUTING COMPANY	S01444		Western Energy Company	5,486.25
39 GENERAL TENOLA OWENS	S01259		Texas Westmoreland Coal Company	13.70
40 GENERATOR & STARTER SHOP	S01526		Western Energy Company	549.00
41 GILLETTE STEEL	163	4.1	Western Energy Company	11,210.00
42 GLACIER PRODUCTS, LLC	S01451		Western Energy Company	213.99
43 GMS MINE REPAIR & MAINTENANCE INC.	713	46.1	San Juan Coal Company	25,977.60
44 GMS MINE REPAIR & MAINTENANCE INC.	960	72.1	San Juan Coal Company	25,977.60
45 GORDON DRILLING, INC.	S01557		Western Energy Company	71,389.80
46 GRAYBAR ELECTRIC	S01472		Western Energy Company	300.80
47 GREAT PLAINS TECHNICAL SERVICES	S01572		Western Energy Company	18,671.00
48 GREG SMESTAD	S00214		Dakota Westmoreland Corporation	10,976.10
49 HAZEL, RICHARD E	S02571		Westmoreland Resources, Inc.	18.00
50 HDR ENGINEERING, INC.	S01205		Texas Westmoreland Coal Company	4,428.82
51 H-E PARTS INTERNATIONAL ((CROWN))	S01412		Western Energy Company	3,044.70
52 HE PARTS INTERNATIONAL MINING SOLUTIONS	1198	486.1	Westmoreland Coal Company	3,044.70
53 HESTER BAKER	S01207		Texas Westmoreland Coal Company	123.33
54 HI-TECH FILTERS INC	S01529		Western Energy Company	19.50
55 HONSTEIN OIL AND DISTRIBUTING LLC	1127	434.1	Westmoreland Coal Company	178,066.05
56 HONSTEIN OIL AND DISTRIBUTING LLC	S00954		San Juan Coal Company	153,258.04
57 HOPEDALE MINING LLC/ RHINO ENERGY LLC	S00612		Oxford Mining Company, LLC	20,971.40
58 HORIZON IMPLEMENT	S01420		Western Energy Company	270.79
59 HYDRAULIC SERVICE & SUPPLY INC	S01206		Texas Westmoreland Coal Company	1,238.31
60 HYDROMETRICS	S02542		Westmoreland Resources, Inc.	11,841.79
61 I STATE TRUCK CENTER	S01460		Western Energy Company	454.98
62 INDUSTRIAL SALES AND SERVICE	S01408		Western Energy Company	822.90
63 INTER-MOUNTAIN LABS	1060	63.1	Western Energy Company	74,415.40
64 INTERNAL REVENUE SERVICE	S02535		Westmoreland Resources, Inc.	27,783.36
65 INTERNATIONAL UNION OF OPERATING	S01428		Western Energy Company	23,836.65
66 INTERNATIONAL UNION OF OPERATING	S01429		Westmoreland Savage Corporation	1,001.15

\* - Indicates claim contains unliquidated and/or undetermined amounts

**Exhibit A - Notice of Satisfaction**

Claimant Name	Claim / Schedule No.	ECF Claim #	Debtor	Total Claim Value
67 IUOE-LOCAL #400	S02560		Westmoreland Resources, Inc.	10,288.05
68 JABO SUPPLY CORP	202	11.1	Buckingham Coal Company, LLC	7,400.00
69 JACKSON, MARK T	S02584		Westmoreland Resources, Inc.	120.00
70 JAMAAL KEITH WILLIS	S01231		Texas Westmoreland Coal Company	17.10
71 JB MAINTENANCE SERVICES	S01478		Western Energy Company	1,516.00
72 JOE C. PATE	S01257		Texas Westmoreland Coal Company	13.86
73 JOHN D. PATE	S01293		Texas Westmoreland Coal Company	13.86
74 JOSHUA LEE TREES	S01266		Texas Westmoreland Coal Company	10.46
75 K-B COMMERCIAL PRODUCTS	S01522		Western Energy Company	1,562.79
76 KELLY'S AUTO ELECTRIC	593	248.1	Westmoreland Coal Company	820.00
77 KENNETH E. PATE	S01230		Texas Westmoreland Coal Company	13.86
78 KENTUCKY DEPARTMENT OF REVENUE	S00586		Oxford Mining Company, LLC	2,918.97
79 KINGSOLVER, BRUCE W	S01421		Western Energy Company	230.00
80 KIRK M. SLACK	S01248		Texas Westmoreland Coal Company	80.17
81 KIRST ENGINEERING	S01447		Western Energy Company	348.80
82 KRESS CORPORATION	S01564		Western Energy Company	2,679.95
83 L AND H INDUSTRIAL INC	1205	71.1	Western Energy Company	5,726.00
84 LADY HESTER HOGAN	S01270		Texas Westmoreland Coal Company	13.71
85 LARGO, ROSS R	S02268		Westmoreland Kemmerer, LLC	345.24
86 LAURIE ANN RUDESILL MILLER	S01209		Texas Westmoreland Coal Company	111.66
87 LEE & ASSOCIATES, LLC	S02554		Westmoreland Resources, Inc.	128.90
88 LENDELL OWENS	S01239		Texas Westmoreland Coal Company	13.70
89 LEON COUNTY TAX ASSESSOR COLLECTOR	S01199		Texas Westmoreland Coal Company	133.25
90 LEONARD RAY OWENS	S01288		Texas Westmoreland Coal Company	13.70
91 LONESTAR MAINTENANCE & SERV, INC.	S01238		Texas Westmoreland Coal Company	30.00
92 LORA PATE BECKS	S01229		Texas Westmoreland Coal Company	13.86
93 LORINE PATE	S01234		Texas Westmoreland Coal Company	48.52
94 LULA CASE	S00075		Buckingham Coal Company, LLC	170.32
95 LYKINS ENERGY SOLUTIONS	S00652		Oxford Mining Company, LLC	275,778.44
96 LYKINS OIL COMPANY	430	187.1	Westmoreland Coal Company	275,778.44
97 M AND C TRANSPORTATION LLC	S00621		Oxford Mining Company, LLC	183,708.37
98 M&C TRANSPORTATION LLC	7	12.1	Westmoreland Coal Company	462,489.42
99 MADRIGAL, JESSE J	S01407		Western Energy Company	75.00
100 MAE DELL POLK	S01233		Texas Westmoreland Coal Company	29.11
<b>\$</b>				<b>2,442,904.19</b>