



ENTERED
06/25/2019

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

In re: WESTMORELAND COAL COMPANY, <i>et al.</i> ¹ Debtors.	§ § § § § § §	Chapter 11 Case No. 18-35672 (DRJ) (Jointly Administered)
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**ORDER SUSTAINING DEBTORS’ SEVENTEENTH OMNIBUS OBJECTION TO
CERTAIN PROOFS OF CLAIM (CROSS DEBTOR DUPLICATE CLAIMS)**

(Relates to ECF No. 1831)

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’ Seventeenth Omnibus Objection to certain Cross Debtor Duplicate 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

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.

best interests 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 Cross Debtor Duplicate Claim identified on Exhibit A attached to this Order is disallowed in its entirety and replaced by the applicable Remaining Claim identified on Exhibit A attached to this Order; *provided that* this Order will not affect the portion of the Remaining Claim identified on Exhibit A; *provided further* that the Debtors reserve the right to object to the Remaining Claim on Exhibit A 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 Cross Debtor Duplicate Claim, each such Cross Debtor Duplicate Claim, and the Objection as it pertains to such Cross Debtor Duplicate 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 Cross Debtor Duplicate 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 25, 2019.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

Exhibit A

Cross Debtor Duplicate Claims

Westmoreland Coal Company 18-35672 (DRJ)
Exhibit A - Cross Debtor Duplicate Claims
Basis for objection: See paragraph 15 of the Foregoing Objection

CLAIMS TO BE DISALLOWEDREMAINING CLAIMS

	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #/ ECF #	CLAIM AMOUNT	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #/ ECF #	CLAIM AMOUNT
1	CHEMSTREAM INC REED SMITH LLP JARED S ROACH 225 FIFTH AVE STE 1200 PITTSBURGH, PA 15222	11/06/18	Westmoreland Coal Company 18-35672 (DRJ)	81/ 49.1	\$ 13,532.98	CHEMSTREAM INC REED SMITH LLP JARED S ROACH 225 FIFTH AVE STE 1200 PITTSBURGH, PA 15222	11/06/18	Buckingham Coal Company, LLC 18-35675 (DRJ)	72/ 5.1	\$ 13,532.98
2	GEOMAT INC MATTHEW CRAMER 915 MALTA AVE FARMINGTON, NM 87401	11/05/18	Westmoreland Coal Company 18-35672 (DRJ)	76/ 45.1	\$ 13,120.06	GEOMAT INC MATTHEW CRAMER 915 MALTA AVE FARMINGTON, NM 87401	10/31/18	San Juan Coal Company 18-35684 (DRJ)	45^/ 6.1	\$ 13,120.06*
^ Claim also appears on Exhibit A to the Fifteenth Omnibus Claims Objection (Reclassified Claims)										
3	GEOMAT INC MATTHEW CRAMER 915 MALTA AVE FARMINGTON, NM 87401	11/14/18	Westmoreland Coal Company 18-35672 (DRJ)	103/ 67.1	\$ 13,120.06	GEOMAT INC MATTHEW CRAMER 915 MALTA AVE FARMINGTON, NM 87401	10/31/18	San Juan Coal Company 18-35684 (DRJ)	45^/ 6.1	\$ 13,120.06*
^ Claim also appears on Exhibit A to the Fifteenth Omnibus Claims Objection (Reclassified Claims)										
4	J-S SANITATION LLC PO BOX 543 BEULAH, ND 58523	12/05/18	Westmoreland Coal Company 18-35672 (DRJ)	323/ 138.1	\$ 940.00	J-S SANITATION LLC PO BOX 543 BEULAH, ND 58523	12/31/18	Dakota Westmoreland Corporation 18-35676 (DRJ)	1228/ 33.1	\$ 940.00
5	P&F SERVICES/ FRANK RUSSO PO BOX 1076 KEMMERER, WY 83101	10/29/18	Westmoreland Coal Company 18-35672 (DRJ)	11/ 17.1	\$ 25,057.43	P&F SERVICES/FRANK RUSSO PO BOX 1076 KEMMERER, WY 83101	11/26/18	Westmoreland Kemmerer, LLC 18-35696 (DRJ)	170/ 7.1	\$ 25,057.43
6	VALLEY GARAGE INC. P.O. BOX 177 SAVAGE, MT59262	12/04/18	Westmoreland Savage Corporation 18-35707 (DRJ)	424/ 11.1	\$ 1,079.00	VALLEY GARAGE INC. P.O. BOX 177 SAVAGE, MT59262	11/29/18	Westmoreland Coal Company 18-35672 (DRJ)	181^/ 100.1	\$ 1,079.00
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
7	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Texas Jewett Coal Company 18-35671 (DRJ)	341/ 1.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										

Westmoreland Coal Company 18-35672 (DRJ)

Exhibit A - Cross Debtor Duplicate Claims

Basis for objection: See paragraph 15 of the Foregoing Objection

CLAIMS TO BE DISALLOWED

REMAINING CLAIMS

	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #/ ECF #	CLAIM AMOUNT	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #/ ECF #	CLAIM AMOUNT
8	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Absaloka Coal, LLC 18-35673 (DRJ)	376/ 2.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
9	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Basin Resources, Inc. 18-35674 (DRJ)	377/ 1.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
10	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	WCC Land Holding Company, Inc. 18-35686 (DRJ)	393/ 1.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
11	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	WEI - Roanoke Valley, Inc. 18-35687 (DRJ)	394/ 1.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
12	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company Asset Corp. 18-35689 (DRJ)	400/ 1.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
13	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Sales Company, Inc. 18-35690 (DRJ)	401/ 1.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										

* Indicates claim contains unliquidated and/or undetermined amounts

Westmoreland Coal Company 18-35672 (DRJ)

Exhibit A - Cross Debtor Duplicate Claims

Basis for objection: See paragraph 15 of the Foregoing Objection

CLAIMS TO BE DISALLOWED

REMAINING CLAIMS

	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #/ ECF #	CLAIM AMOUNT	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #/ ECF #	CLAIM AMOUNT
14	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Energy Services New York, Inc. 18-35691 (DRJ)	402/ 1.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
15	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Energy Services, Inc. 18-35693 (DRJ)	403/ 1.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
16	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Energy, LLC 18-35694 (DRJ)	404/ 2.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
17	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Kemmerer Fee Coal Holdings, LLC 18-35695 (DRJ)	405/ 3.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
18	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Mining LLC 18-35697 (DRJ)	408/ 2.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
19	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland North Carolina Power, LLC 18-35698 (DRJ)	410/ 2.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										

* Indicates claim contains unliquidated and/or undetermined amounts

Westmoreland Coal Company 18-35672 (DRJ)

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CLAIMS TO BE DISALLOWED

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	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #/ ECF #	CLAIM AMOUNT	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #/ ECF #	CLAIM AMOUNT
20	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Partners 18-35700 (DRJ)	411/ 1.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
21	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Power, Inc. 18-35701 (DRJ)	412/ 1.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
22	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Resource Partners, LP 18-35702 (DRJ)	413/ 4.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
23	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Resources GP, LLC 18-35703 (DRJ)	415/ 1.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
24	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland San Juan Holdings, Inc. 18-35705 (DRJ)	421/ 1.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										
25	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland San Juan, LLC 18-35706 (DRJ)	422/ 2.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)										

* Indicates claim contains unliquidated and/or undetermined amounts

Westmoreland Coal Company 18-35672 (DRJ)

Exhibit A - Cross Debtor Duplicate Claims

Basis for objection: See paragraph 15 of the Foregoing Objection

CLAIMS TO BE DISALLOWED

REMAINING CLAIMS

	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #/ ECF #	CLAIM AMOUNT	NAME	DATE FILED	CASE NUMBER / DEBTOR	CLAIM #/ ECF #	CLAIM AMOUNT	
26	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Savage Corporation 18-35707 (DRJ)	423/ 10.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29	
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)											
27	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland - Roanoke Valley, LP 18-35708 (DRJ)	425/ 1.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29	
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)											
28	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	WRI Partners, Inc. 18-35709 (DRJ)	426/ 1.1	\$ 154,426.29	W.W. GRAINGER, INC. 401 SOUTH WRIGHT ROAD W4EC37 JANESVILLE, WI 60714	12/03/18	Westmoreland Coal Company 18-35672 (DRJ)	344^/ 153.1	\$ 154,426.29	
^ Claim is pending on Exhibit A to the Fourth Omnibus Claims Objection (Incorrect Debtor Claims)											
Total					\$ 3,464,227.91	Total					\$ 3,464,227.91*

* Indicates claim contains unliquidated and/or undetermined amounts