



ENTERED
06/25/2019

**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. 18-35672 (DRJ)
	§	
Debtors.	§	(Jointly Administered)
	§	

**ORDER SUSTAINING DEBTORS’ EIGHTEENTH OMNIBUS OBJECTION TO
CERTAIN PROOFS OF CLAIM (SUBSTANTIVE DUPLICATE CLAIMS)**

(Relates to ECF No. 1832)

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’ Eighteenth Omnibus Objection to certain Substantive 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 Substantive 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 Substantive Duplicate Claim, each such Substantive Duplicate Claim, and the Objection as it pertains to such Substantive 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 Substantive 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

Substantive Duplicate Claims

Westmoreland Coal Company 18-35672 (DRJ)
 Exhibit A - Substantive 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	
1	DEWEY ROBERTS RT 1 BOX 292D ALDERSON, WV 24910	12/11/18	Westmoreland Coal Company 18-35672 (DRJ)	754/ 319.1	\$ 660.10*	US DEPT OF LABOR OFFICE OF WORKERS' COMPENSATION PROGRAMS DIVISION OF COAL MINE WORKERS' COMPENSATION 200 CONSTITUTION AVE NW RM N-2119 WASHINGTON, DC 20009	04/05/19	Westmoreland Coal Company 18-35672 (DRJ)	1353/ 546.1	Undetermined*	
2	EGYPT VALLEY STONE LLC DAVIS AND KOTUR LAW OFFICE CO LPA KELLY KOTUR 407 HOWARD ST BRIDGEPORT, OH 43912	01/23/19	Oxford Mining Company, LLC 18-35682 (DRJ)	1269/ 89.1	\$ 196,290.80	EGYPT VALLEY STONE LLC TREVOR E. BIGLER, ESQ. 320 HOWARD ST. BRIDGEPORT, OH 43912	12/12/18	Oxford Mining Company, LLC 18-35682 (DRJ)	1052^/ 75.1	\$ 326,288.80	
^ Claim also appears on Exhibit A to the Sixteenth Omnibus Claims Objection (Modified Claims)											
3	HORIZON RESOURCES JAMES RADTKE 317 2ND ST WEST WILLISTON, ND 58801	11/02/18	Westmoreland Coal Company 18-35672 (DRJ)	64/ 39.1	\$ 340.50	HORIZON RESOURCES 317 2ND STREET WEST WILLISTON, ND 58801	02/05/19	Westmoreland Savage Corporation 18-35707 (DRJ)	1298/ 31.1	\$ 300.00	
4	JESSE J COPEN EVELYN M ODELL PO BOX 331 QUINWOOD, WV 25981	12/11/18	Westmoreland Coal Company Asset Corp. 18-35689 (DRJ)	916/ 3.1	\$ 381.62	US DEPT OF LABOR OFFICE OF WORKERS' COMPENSATION PROGRAMS DIVISION OF COAL MINE WORKERS' COMPENSATION 200 CONSTITUTION AVE NW RM N-2119 WASHINGTON, DC 20009	04/05/19	Westmoreland Coal Company 18-35672 (DRJ)	1353/ 546.1	Undetermined*	
5	OUTLAW SUPPLY INC KRISTI MAGEE 2594 HWY 233 KEMMERER, WY 83101	11/05/18	Westmoreland Coal Company 18-35672 (DRJ)	75/ 44.1	\$ 3,198.61	OUTLAW SUPPLY INC KRISTI MAGEE 2594 HWY 233 KEMMERER, WY 83101	11/08/18	Westmoreland Coal Company 18-35672 (DRJ)	86^/ 57.1	\$ 16,889.72	
^ Claim is pending on Exhibit A to the Third Omnibus Claims Objection (Incorrect Debtor Claims)											
Total					\$ 200,871.63*	Total					\$ 343,478.52*

* Indicates claim contains unliquidated and/or undetermined amounts