

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:)

) Chapter 11

WESTMORELAND COAL COMPANY, *et al.*,¹)

) Case No. 18-35672 (DRJ)

Debtors.)

) (Jointly Administered)

) **Re: Docket No. 1947**

**NOTICE OF FILING OF REVISED ORDER GRANTING MOTION OF MCKINSEY
RECOVERY & TRANSFORMATION SERVICES U.S., LLC IN FURTHERANCE OF
MEDIATION AGREEMENT**

PLEASE TAKE NOTICE that on June 3, 2019 McKinsey Recovery & Transformation Services U.S., LLC (“McKinsey RTS”) filed the *Motion of McKinsey Recovery & Transformation Services U.S., LLC in Furtherance of Mediation Agreement* [Docket No. 1947] (the “Motion”).

PLEASE TAKE FURTHER NOTICE that RTS hereby files a revised proposed order granting the Motion (the “Order”), attached hereto as **Exhibit A**.

PLEASE TAKE FURTHER NOTICE that attached hereto as **Exhibit B** is a redline of the Order reflecting changes from the order attached to the Motion.

PLEASE TAKE FURTHER NOTICE that a hearing to consider approval of the relief requested in the Motion is currently scheduled to commence on **June 26, 2019 at 1:00 p.m. prevailing Central Time** before the Honorable David R. Jones, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of Texas, Courtroom 404, 515 Rusk Street, Houston, Texas 77002.

PLEASE TAKE FURTHER NOTICE that copies of all documents in these chapter 11 cases are available free of charge by (a) visiting the Debtors’ restructuring website at <http://www.donlinrecano.com/westmoreland>, (b) writing to Donlin, Recano & Company, Inc., Re: Westmoreland Coal Company, *et al.*, 6201 15th Avenue, Brooklyn, New York 11219, (c) calling the Debtors’ Notice and Claims Agent at (800) 499-8519 (U.S. and Canada) or (212) 771-11289 (International), or (d) emailing westmorelandinfo@donlinrecano.com.

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 debtors’ 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.

Houston, Texas
June 25, 2019

/s/ Zack A. Clement

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Attorneys for McKinsey RTS

Certificate of Service

I certify that on June 25, 2019, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Zack A. Clement _____

Zack A. Clement

Exhibit A

Revised Proposed Order

**UNITED STATES BANKRUPTCY COURT
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)
)	
)	Re: Docket No. 1947

ORDER GRANTING MOTION OF MCKINSEY RECOVERY & TRANSFORMATION SERVICES U.S., LLC IN FURTHERANCE OF MEDIATION AGREEMENT

Upon the motion (the “Motion”)² of McKinsey Recovery & Transformation Services U.S., LLC (“McKinsey RTS”) for entry of this order (the “Order”) in furtherance of the Mediation Agreement [Dkt. No. 1947], all as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having determined 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 the Motion in this district is proper pursuant to 28 U.S.C. § 1409; and this Court having found that the notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other or further notice need be provided; and this Court having found that there is good cause for waiving the stay referred to in Bankruptcy Rule 6004(h), to the extent it is applicable; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court (the “Hearing”); and this Court having

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² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

determined that the legal and factual bases set forth in the Motion 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 Motion is granted as provided herein.
2. In furtherance of the Mediation Agreement, the WLB Debtors shall file the New Application for retention *nunc pro tunc* to the petition date, on or before July 3, 2019.
3. Upon the filing of the New Application, the Application shall be deemed withdrawn.
4. The requirements of Bankruptcy Local Rule 2014-1(b) are hereby waived with respect to the New Application.
5. Nothing in this Order authorizing the withdrawal of the Application shall affect, modify, or impair the rights of the United States Trustee with respect to the matters that have been litigated, settled, or remain pending in these cases regarding the Application. This reservation of rights shall include the rights of the United States Trustee under the settlement previously approved by this Court pursuant to the *Corrected Order Approving Settlement Agreement between United States Trustee and McKinsey & Co., Inc. and Certain of its Affiliates* [Dkt. No. 1769].
6. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Order are immediately effective and enforceable upon its entry.
7. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).
8. 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

DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

Exhibit B

Redline of Revised Proposed Order

**UNITED STATES BANKRUPTCY COURT
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)
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)	Re: Docket No. 1947

ORDER GRANTING MOTION OF MCKINSEY RECOVERY & TRANSFORMATION SERVICES U.S., LLC IN FURTHERANCE OF MEDIATION AGREEMENT

Upon the motion (the “Motion”)² of McKinsey Recovery & Transformation Services U.S., LLC (“McKinsey RTS”) for entry of this order (the “Order”) in furtherance of the Mediation Agreement [[Dkt. No. 1947](#)], all as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having determined 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 the Motion in this district is proper pursuant to 28 U.S.C. § 1409; and this Court having found that the notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other or further notice need be provided; and this Court having found that there is good cause for waiving the stay referred to in Bankruptcy Rule 6004(h), to the

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² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

extent it is applicable; and this Court having reviewed the Motion 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 Motion 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 Motion is granted as provided herein.

2. In furtherance of the Mediation Agreement, the WLB Debtors shall file the New Application for retention *nunc pro tunc* to the petition date, on or before July 3, 2019.

3. Upon the filing of the New Application, the Application shall be deemed withdrawn.

4. The requirements of Bankruptcy Local Rule 2014-1(b) are hereby waived with respect to the New Application.

5. Nothing in this Order authorizing the withdrawal of the Application shall affect, modify, or impair the rights of the United States Trustee with respect to the matters that have been litigated, settled, or remain pending in these cases regarding the Application. This reservation of rights shall include the rights of the United States Trustee under the settlement previously approved by this Court pursuant to the *Corrected Order Approving Settlement Agreement between United States Trustee and McKinsey & Co., Inc. and Certain of its Affiliates* [Dkt. No. 1769].

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

7. ~~6.~~ All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

8. ~~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

DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE