



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’ 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

		<u>REMAINING CLAIMS</u>							
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, OH43912	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, OH43912	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	\$ 16,899.72

^ Claim is pending on Exhibit A to the Third Omnibus Claims Objection (Incorrect Debtor Claims)

		Total		Total	
		\$ 200,871.63*		\$ 343,478.52*	

* Indicates claim contains unliquidated and/or undetermined amounts

United States Bankruptcy Court
Southern District of Texas

In re:
Westmoreland Coal Company
Westmoreland Texas Jewett Coal Company
Debtors

Case No. 18-35672-drj
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0541-4

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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 27, 2019.

db +Absaloka Coal, LLC, 9540 South Maroon Circle, Suite 300, Englewood, CO 80112-5730
db +Basin Resources, Inc., 9540 South Maroon Circle, Suite 300, Englewood, co 80112-5730
db +Buckingham Coal Company, LLC, 9540 South Maroon Circle, Suite 300, x,
Englewood, CO 80112-5730
db +Dakota Westmoreland Corporation, 9540 South Maroon Circle, Suite 300,
Englewood, CO 80112-5730
db Daron Coal Company, LLC, 9450 South Maroon Circle, Suite 300, Englewood, CO 80112
db +Harrison Resources, LLC, 9540 South Maroon Circle, Suite 300, Englewood, CO 80112-5730
db +Haystack Coal Company, 9540 South Maroon Circle, Suite 300, Englewood, CO 80112-5730
db +Oxford Conesville, LLC, 9540 South Maroon Circle, Suite 300, Englewood, co 80112-5730
db +Oxford Mining Company, 9540 South Maroon Circle, Suite 300, Englewood, CO 80112-5730
db +Oxford Mining Company - Kentucky, LLC, 9540 South Maroon Circle, Suite 300,
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db +San Juan Coal Company, 9540 South Maroon Circle, Suite 300, Englewood, Co 80112-5730
db +San Juan Transportation Company, 9540 South Maroon Circle, Suite 300,
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db +Texas Westmoreland Coal Company, 9540 South Maroon Circle, Suite 300,
Englewood, Co 80112-5735
db +WCC Land Holding Company, Inc., 9540 South Maroon Circle, Suite 300,
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db +WEI - Roanoke Valley, Inc., 9540 South Maroon Circle, Suite 300, Englewood, CO 80112-5730
db WLB Debtors, Jackson Walker, L.L.P., Patricia B. Tomasco, Houston, TX 77010
db +Western Energy Company, 9540 South Maroon Circle, Suite 300, Englewood, CO 80112-5730
db +Westmoreland Coal Company, 9540 South Maroon Circle, Suite 300, Englewood, CO 80112-5735
db +Westmoreland Coal Company Asset Corp., 9540 South Maroon Circle, Englewood, co 80112-5735
db +Westmoreland Coal Sales Company, Inc., 9540 South Maroon Circle, Suite 300,
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db +Westmoreland Kemmerer, LLC, 9540 South Maroon Circle, Suite 300, Englewood, co 80112-5730
db +Westmoreland Mining LLC, 9540 South Maroon Circle, Suite 300, Englewood, CO 80112-5730
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db +Westmoreland Power, Inc., 9540 South Maroon Circle, Suite 300, Englewood, CO 80112-5730
db +Westmoreland Resource Partners, LP, 9540 South Maroon Circle, Suite 300,
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db +Westmoreland Resources GP, LLC, 9540 South Maroon Circle, Suite 300,
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db +Westmoreland Resources, Inc., 9540 South Maroon Circle, Suite 300,
Englewood, CO 80112-5730
db +Westmoreland San Juan Holdings, Inc., 9540 South Maroon Circle, Suite 300,
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db +Westmoreland San Juan, LLC, 9540 South Maroon Circle, Suite 300, Englewood, CO 80112-5730
db +Westmoreland Savage Corporation, 9540 South Maroon Circle, Suite 300,
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db +Westmoreland Texas Jewett Coal Company, 9540 South Maroon Circle, Suite 300,
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db +Westmoreland-Roanoke Valley LP, 9540 South Maroon Circle, Suite 300,
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 cr +Alva Ray Trail, 193 Dusty Miller St., Princeton, WV 24740-7663
 cr +American Guarantee and Liability Insurance Company, c/o Duane J. Brescia,
 Clark Hill Strasburger, 720 Brazos, Suite 700, Austin, TX 78701-2531
 intp +Bayou Coal Partners, LLC, Bradley Arant Boulton Cummings LLP, 600 Travis Street, Suite 4800,
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 cr +Ben Epifanio Palomino, 537 Railroad Ave, Raton, NM 87740-3222
 intp +Bethel J. Brock, 6223 Bear Creek Meadows Drive, Wise, VA 24293-4434
 cr +Big Horn County, c/o Tara LeDay, PO Box 1269, Round Rock, TX 78680-1269
 intp +Bond Safeguard Insurance Company, Philip Eisenberg, 600 Travis, Suite 2800,
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 cr +Bridgestone Americas Tire Operations, c/o Waller, 511 Union Street, 27th Fl,
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 cr +CRG Financial LLC, 100 Union Avenue, Cresskill, NJ 07626-2141
 cr +Carl N Neace, 236 East Lynn Rd, Ranger, WV 25557-7003
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cr +Texas Comptroller of Public Accounts, John Stern, P.O. Box 12548, Austin, TX 78711-2548
cr +The Crow Tribe of Indians, c/o Barnet B. Skelton, Jr., 815 Walker, Suite 1502,
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cr The Texas Ad Valorem Taxing Jurisdictions, c/o Tara LeDay, PO Box 1269,
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cr +Zurich Insurance Group, Ltd., c/o Duane J. Brescia, Clark Hill Strasburger,
720 Brazos, Suite 700, Austin, TX 78701-2531

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

aty +E-mail/Text: ccooper@mooneygreen.com Jun 25 2019 22:01:10 Diana Bardes,
Mooney, Green, Saindon, Murphy & Welch, 1920 L Street, N.W., Suite 400,
Washington, DC 20036-5041
aty +E-mail/Text: sst@lawtoll.com Jun 25 2019 21:57:04 Sheldon S Toll,
Law Office of Sheldon S. Toll PLLC, 29580 Northwestern Hwy., Suite 1000,
Southfield, MI 48034-1031
cr E-mail/Text: houston_bankruptcy@LGBS.com Jun 25 2019 21:59:55 Harris County,
Linebarger Goggan Blair & Sampson LLP, C/O John P. Dillman, PO Box 3064,
Houston, TX 77253-3064
cr +E-mail/Text: stephen@youtzvaldez.com Jun 25 2019 21:57:11
International Union of Operating Engineers, Local, c/o Youtz & Valdez PC,
900 Gold Avenue SW, Albuquerque, NM 87102-3043
cr +E-mail/Text: TRD-bankruptcyunit@state.nm.us Jun 25 2019 21:58:22
New Mexico Taxation and Revenue Department, P.O. Box 8575, Albuquerque, NM 87198-8575
cr E-mail/Text: pat@pmfpc.com Jun 25 2019 22:00:57 United Mine Workers of America,
c/o Patrick M. Flynn, P.C., 1225 North Loop W, STE 1000, Houston, TX 77008-1775
TOTAL: 6

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

aty The WMLP Debtors and the Conflicts Committee of th
aty Vedder Price P.C.
cr A. Harper
cr ACE American Insurance Company
cr ACE Insurance Company of Texas
cr ACE Property & Casualty Insurance Company
intp Andrew Skillin
intp Ankura Trust Company, LLC
intp Anthony Winder
intp Argonaut Insurance Company
cr Avista Corporation
cr B. Grannon
cr Benjamin J. Smith
cr Bob Post
intp Brett Grunig
intp Brian Nelson
cr Brian Post
intp CCU Coal and Construction LLC
intp CIBC Bank USA
intp Calder Lutz
cr Canadian Imperial Bank of Commerce
intp Charles M. Hunzie
cr Chevron Products Company, a division of Chevron U.
cr Christopher K Seglem
cr Chrystella Montoya
cr Chubb Insurance Company of Canada
cr City of Dover, Ohio
intp Clarson Moore
cr Claud E Onrada
intp Claudia Ourada
intp Clint Bowen
op Coal Act Retirees Committee
intp Connie Gunter
cr Conveyors & Equipment, Inc.
intp David Auilg
intp Dower Rolex
sp Drinker Biddle & Reath LLP
intp Eddie W Gomez
intp Emily Oddino
intp Epsilon Palomins
inre Ethel Nadine Mead, Trust
cr Evan Pargeon
cr Everly I Silva, Sr.
cr Federal Insurance Company
cr First Surety Corporation
cr Floyd Cozort
cr GT Nix Construction, Inc.
intp Gary Biebinger, Jr.
cr Genesis Alkali, LLC

District/off: 0541-4

User: VrianaPor
Form ID: pdf002Page 5 of 6
Total Noticed: 174

Date Rcvd: Jun 25, 2019

***** BYPASSED RECIPIENTS (continued) *****

intp Gilbert Remmal
 cr Great Northern Insurance Company
 intp Great Northern Properties L.P.
 cr HYG Financial Services, Inc. fka NMHG Financial Se
 cr Henry Moore
 intp Hopedale Mining LLC
 cr Illinois Union Insurance Company
 cr J. Carano
 cr J. Collins
 cr James Cardill, Birdstone Gap, VT
 intp James W Barker
 intp Jason B Chandler
 intp Jason K.
 intp John B. McKnight, IV
 intp John Beachler
 intp Johnny L. Cantor
 intp Joni Henderson
 cr K. Dixon
 intp Kathleen Plaistd
 intp Kevin L.
 intp Kilgore Company
 cr Kinder Morgan Utopia LLC
 cr L. Boone
 intp Larry Kennedy
 cr Lenders and Ad Hoc Noteholders
 intp Les Rex
 cr M. Baisden
 intp MKiall
 cr MLP Ad Hoc Group
 intp Mar-Bow Value Partners, LLC
 cr Marie Crum
 consult McKinsey Recovery & Transformation Services U.S.,
 intp Mickil Klinginbury
 cr Mine Safety and Health, US Department of Labor
 cr Montana Department of Natural Resources and Conser
 cr Montana Department of Revenue
 intp Moody's Investors Service, Inc.
 cr NRG Texas Power LLC
 intp Natural Resource Partners L.P.
 intp Navakai, Inc
 intp Neil L Argyle
 cr Nelson Brothers Mining Services, LLC
 cr Norman R. Mestos
 intp North Dakota Public Service Commissio
 cr Northwest Colstrip Owners (NWCO)
 intp Ohio Department of Natural Resources
 intp Ohio Environmental Protection Agency
 cr Ohio Machinery Co. ("Ohio Cat") and OMCO Leasing C
 cr Paul Buchanan
 cr Pension Benefit Guaranty Corporation
 cr Portland General Electric Company
 consult PricewaterhouseCoopers LLP
 cr Prudential Retirement Insurance and Annuity Company
 cr Puget Sound Energy, Inc.
 intp Robert Huff
 cr Robert McLaughlin
 cr Robert T Sanchez
 cr Rock Springs Royalty Company LLC
 cr Ronald Crum
 intp Samoa Hale Jordan
 cr San Juan County Museum Association
 intp State of Montana, Department of Revenue
 intp State of Ohio
 cr Stephanie Crum
 cr Talen Montana, LLC
 cr Tenaska Power Services Co.
 intp Thayne Christensen
 crcm The Official Committee of Unsecured Creditors
 cr The Sierra Club
 intp The WMLP Debtors, US
 cr Todd Manring
 intp Tom Price
 cr Travelers Casualty and Surety Company of America
 intp Tyler Hysell
 cr U.S. Bank National Association
 cr United States Department of Labor
 cr United States Department of the Interior
 cr United States Secretary of Labor
 cr United States of America

District/off: 0541-4

User: VrianaPor
Form ID: pdf002

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Total Noticed: 174

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***** BYPASSED RECIPIENTS (continued) *****

intp Verdie Winder
intp Virgil Kent Service
intp WPP LLC
cr Wagner Equipment Co.
cr Westchester Fire Insurance Company
cr Westchester Surplus Lines Insurance Company
intp Western Organization of Resource Councils
cr Wheeler Machinery Co.
intp Whitney Garrett
cr Wilmington Savings Fund Society, FSB
intp Wyoming Office of State Lands and Investments
intp* +G. R. Peart, P.O. Box 114, Randolph, UT 84064-0114

TOTALS: 139, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 27, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 25, 2019 at the address(es) listed below:
NONE.

TOTAL: 0