

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

In re:

WESTMORELAND COAL COMPANY, *et al.*,¹

Debtors.

Chapter 11

Case No. 18-35672 (DRJ)

(Jointly Administered)

JOINT SUBMISSION OF MCKINSEY RECOVERY & TRANSFORMATION SERVICES U.S., LLC AND MAR-BOW VALUE PARTNERS, LLC REGARDING A PROPOSED SCHEDULE FOR A HEARING ON THE APPLICATION TO EMPLOY [RELATED DKTS. 2119; 2120; AND 2121]

¹ Due to the large number of debtors in these chapter 11 cases, which are consolidated for procedural purposes only, 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 proposed 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.

BACKGROUND TO JOINT SUBMISSION

1. In advance of the scheduling conference that will take place on July 24, 2019, counsel for McKinsey Recovery & Transformation Services U.S., LLC (“RTS”) and certain of its affiliates (collectively, “McKinsey”) have conferred with counsel for Mar-Bow Value Partners LLC (“Mar-Bow”); counsel for the WLB Debtors; and the acting United States Trustee for Region 7, Henry Hobbs, Jr.

2. McKinsey and Mar-Bow conferred on process, sequence and schedule. Mar-Bow wishes to file dispositive motions and McKinsey agrees that the parties may file so long as discovery proceeds in parallel. Mar-Bow intends to argue, among other things, that McKinsey’s retention application should be denied because McKinsey is not qualified as a matter of law based on its new retention application.

3. McKinsey believes that any proposed dispositive motions and discovery should proceed simultaneously. Mar-Bow believes that discovery should be stayed until resolution of any dispositive motions because the Court’s rulings on those motions is likely to narrow the scope of discovery or obviate the need for discovery entirely.

4. Although McKinsey and Mar-Bow have not been able to come to a complete agreement on scheduling, the two parties have agreed to set out their respective scheduling positions jointly for the Court’s review in advance of the scheduling conference on July 24, 2019.

5. We understand that the WLB Debtors and the U.S. Trustee will make their respective positions heard on the record at the scheduling conference.

Schedule for Objections and Initial Dispositive Motions

	McKinsey's Proposed Dates	Mar-Bow's Proposed Dates
General Deadline to Object and/or Make Initial Dispositive Motion	August 12, 2019	August 30, 2019
Deadline for U.S. Trustee to Object	August 26, 2019	August 30, 2019
Responses to Objections and Initial Dispositive Motions Due	September 6, 2019	September 23, 2019
Replies on Objections and Initial Dispositive Motions	September 20, 2019	October 8, 2019
Hearing on Dispositive Motions	October 15-16, 2019	October 15-16, 2019

Schedule for Discovery and Evidentiary Hearing

	McKinsey's Proposed Dates	Mar-Bow's Proposed Dates*
U.S. Trustee to Submit Informal Questions and/or Information Requests to McKinsey	August 12, 2019	No position
Service Deadline for Written Discovery Requests	August 14, 2019	14 days after rulings on dispositive motions
Service Deadline for Deposition Notices	August 14, 2019	14 days after close of written discovery
McKinsey to Respond on the Record to U.S. Trustee Questions/Information Requests	August 19, 2019	No position
Responses and Objections to Discovery Requests Due	August 21, 2019	7 days after service of discovery
Meet and Confer Deadline	August 28, 2019	7 days after responses
Document Production Deadline	September 13, 2019	120 days after service
Deposition Completion Deadline	October 8, 2019	45 days after service of deposition notices
Evidentiary Hearing on Application	October 15-16, 2019	TBD
Post-Hearing Briefs	N/A	21 days
Responses to Post-Hearing Briefing	N/A	21 days
Replies on Post-Hearing Briefing	N/A	14 days

* As noted, Mar-Bow believes it is premature to set a discovery schedule but provides these estimated proposed time periods in the event the Court wishes to set a discovery schedule now.

Respectfully submitted,

Dated: July 23, 2019
Houston, TX

By: /s/ Faith E. Gay

Faith E. Gay (*pro hac vice*)
Jennifer M. Selendy (*pro hac vice*)
Christine H. Chung (*pro hac vice*)
SELENDY & GAY PLLC
1290 Avenue of the Americas
New York, NY 10104
Telephone: (212) 390-9000
E-mail: fgay@selendygay.com
jselendy@selendygay.com
cchung@selendygay.com

-and-

Zack A. Clement
ZACK A. CLEMENT PLLC
3753 Drummond Street
Houston TX 77025
Telephone: (832) 274-7629
E-mail: zack.clement@icloud.com

-and-

M. Natasha Labovitz (*pro hac vice*)
Erica Weisgerber (*pro hac vice*)
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, New York 10022
Telephone: (212) 909-6000
Email: nlabovitz@debevoise.com
eweisgerber@debevoise.com

Attorneys for McKinsey

CADWALADER, WICKERSHAM & TAFT
LLP

Sean F. O'Shea (pro hac vice)
Michael E. Petrella (pro hac vice)
Amanda L. Devereux (pro hac vice)
200 Liberty Street
New York, NY 10281
Tel. 212-504-6000
Fax. 212-504-6666
soshea@cwt.com
michael.petrella@cwt.com
amanda.devereux@cwt.com

-and-

STEVEN RHODES CONSULTING, LLC

Steven Rhodes, Esq. (pro hac vice)
1610 Arborview Blvd.
Ann Arbor, MI 48103
Tel. 734-646-5406
rhodessw@comcast.net

-and-

Daniel L. Lemisch (pro hac vice)
Lakeview Capital Inc.
151 S. Old Woodward Ave., Ste. 400
Birmingham, MI 48009
Tel. 248-554-4900
dlemish@lakeviewcapitalinc.com

-and-

JONES MURRAY & BEATTY LLP

/s/ Christopher R. Murray

Christopher R. Murray (TBN 24081057)
Erin E. Jones (TBN 24032478)
4119 Montrose, Suite 230
Houston, TX 77006
Tel. 832-529-1999
Fax. 832-529-3393
chris@jmbllp.com
erin@jmbllp.com

Attorneys for Mar-Bow Value Partners, LLC

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2019, I caused the foregoing pleading to be filed with the Court and thereby served by the Court's CM/ECF noticing to all parties registered to receive electronic notice in this case.

/s/ Zack A. Clement