

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

In re:	)	
	)	Chapter 11
MURRAY METALLURGICAL COAL HOLDINGS, LLC, <i>et al.</i> , <sup>1</sup>	)	Case No. 20-10390 (JEH)
	)	Judge John E. Hoffman, Jr.
Debtors.	)	(Jointly Administered)
	)	

**DEBTORS’ MOTION FOR ENTRY OF AN ORDER EXTENDING THE DEADLINE TO  
REPLY TO OBJECTIONS TO PLAN CONFIRMATION TO AUGUST 14, 2020  
[RELATED TO DOCKET NO. 641]**

The above-captioned debtors and debtors in possession (collectively, the “Debtors”) respectfully state as follows in support of this motion:

**Relief Requested**

1. The Debtors seek entry of an order, substantially in the form attached hereto as **Exhibit A**, extending the deadline for the Debtors to reply to objections to the *Debtors’ Second Amended Joint Plan Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 502] (the “Plan”) to August 14, 2020.

**Jurisdiction and Venue**

2. The United States Bankruptcy Court for the Southern District of Ohio (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *General Order 30-3* from the United States Bankruptcy Court for the Southern District of Ohio, dated December

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<sup>1</sup> The Debtors in these Chapter 11 cases, along with the last four (4) digits of each Debtor’s federal tax identification number, if applicable, are: Murray Metallurgical Coal Holdings, LLC (4633); Murray Eagle Mining, LLC (4268); Murray Alabama Minerals, LLC (4047); Murray Alabama Coal, LLC (3838); Murray Maple Eagle Coal, LLC (4435); and Murray Oak Grove Coal, LLC (4878). The Debtors’ primary business address is 46226 National Road, St. Clairsville, OH 43950.

4, 2019 (the “General Order”).

3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The bases for the relief requested herein are sections 105 of the United States Code, 11 U.S.C. §§ 101–1532 (the “Bankruptcy Code”), Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) 3015(f), 9006, and 9014, Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of Ohio (the “Local Rules”) 9006-1 and 9013-1, and *General Order 30-3*.

### **Background**

5. Commencing on February 11, 2020 (the “Petition Date”), each Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtors are operating their businesses and managing their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. The Debtors’ chapter 11 cases are being jointly administered pursuant to Bankruptcy Rule 1015(b). On February 24, 2020, the United States Trustee for the Southern District of Ohio appointed a statutory committee of unsecured creditors pursuant to section 1102 of the Bankruptcy Code.

6. The Debtors filed the Plan on May 27, 2020. On May 29, 2020, this Court entered the *Order Approving (A) the Adequacy of the Disclosure Statement, (B) Solicitation and Voting Procedures, and (C) Certain Dates with Respect to Plan Confirmation, and (II) Granting Related Relief* [Docket No. 521], which, among other things, (i) set June 30, 2020, as the deadline to object to confirmation of the Plan, and (ii) scheduled a hearing on confirmation of the Plan (the “Confirmation Hearing”) for July 8, 2020. Several objections to plan confirmation were filed<sup>2</sup> and,

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<sup>2</sup> See Docket Nos. 594, 603, 606, 609, 610, 611, 612, 617, 626, and 632.

pursuant to Local Rule 9013-1(c), the deadline to reply to such objections (the “Reply Deadline”) was July 7, 2020.

7. Prior to the expiration of the Reply Deadline, the Debtors filed the *Notice of Adjournment of Confirmation Hearing* [Docket No. 638] (the “First Adjournment Notice”), notifying all creditors and parties in interest that the Confirmation Hearing had been adjourned until July 22, 2020, at 2:00 p.m., prevailing Eastern Time and, if necessary, would continue to July 23, 2020, at 10:00 a.m., prevailing Eastern Time.

8. Due to the adjournment of the Confirmation Hearing, on July 6, 2020, the Debtors filed the *Debtors’ Motion for Entry of an Order Extending the Deadline to Reply to Objections to Plan Confirmation to July 20, 2020* [Docket No. 541] (the “First Extension Motion”), through which the Debtors sought an extension of time to respond to various objections to confirmation of the Plan. The Debtors filed the First Extension Motion to allow for additional time to resolve Plan objections and obtain mutually agreeable resolutions with various creditors and parties in interest in advance of the adjourned Confirmation Hearing. That same date, the Court granted the First Extension Motion and extended the Debtors’ Reply Deadline to July 17, 2020 [Docket No. 542].

9. To continue discussions with interested parties and resolve outstanding Plan objections in advance of the Confirmation Hearing, the Debtors have further adjourned the Confirmation Hearing to August 19, 2020 at 10:00 a.m., prevailing Eastern Time [Docket No 649] (the “Second Adjournment Notice”).

### **Basis for Relief**

10. The Debtors seek an extension of the Reply Deadline to August 14, 2020 to (i) allow additional time to reach consensual resolutions to remaining Plan objections, (ii) allow the Debtors to collect and prepare evidence needed to appropriately respond to certain objections, and

(iii) align the Reply Deadline with the new Confirmation Hearing schedule.

11. The Debtors continue to negotiate actively with many of the parties that filed objections to Plan confirmation, and the Debtors hope and expect to reach consensual resolutions to such objections. The requested extension of the Reply Deadline will allow the Debtors sufficient time to resolve the majority of the objections, while preserving their ability to file a reply in the event a resolution is not possible. In addition, to appropriately respond to arguments raised in certain objections, the Debtors required additional time to prepare evidentiary support.

12. An extension of the Reply Deadline will not delay the Confirmation Hearing, but will simply bring the Reply Deadline closer to the date of the adjourned Confirmation Hearing, allow the Debtors sufficient time to resolve or reply to outstanding confirmation objections, and still allow the Court and all interested parties sufficient time to review any reply that is filed in advance of the Confirmation Hearing. Accordingly, the requested extension will not cause any undue delay and is not made for an improper purpose.

13. Because the Debtors seek an extension of the Reply Deadline prior to the expiration of same, an automatic bridge order is created pursuant to Local Rule 9006-1 and case management procedure 49 of the supplemental case management order in these chapter 11 cases [Docket No. 317] (the "Case Management Order").

#### **Motion Practice**

14. This motion includes citations to the applicable rules and statutory authorities upon which the relief requested herein is predicated, and a discussion of their application to this motion. Accordingly, the Debtors submit that this motion satisfies Local Rule 9013-1(a).

#### **Notice**

15. The Debtors have provided notice of this motion to the entities on the Master

Service List (as defined in the Case Management Order). The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE the Debtors respectfully request that the Court enter an order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

Dated: July 17, 2020  
Columbus, Ohio

/s/ Thomas R. Allen

Thomas R. Allen (0017513)  
Richard K. Stovall (0029978)  
James A. Coutinho (0082430)  
Matthew M. Zofchak (0096279)  
**Allen Stovall Neuman Fisher & Ashton**  
17 South High Street, Suite 1220  
Columbus, Ohio 43215  
Telephone: (614) 221-8500  
Facsimile: (614) 221-5988  
Email: allen@asnfa.com  
stovall@asnfa.com  
coutinho@asnfa.com  
zofchak@asnfa.com

*Counsel to the Debtors and Debtors in Possession*

David M. Hillman (admitted *pro hac vice*)  
Timothy Q. Karcher (admitted *pro hac vice*)  
Chris Theodoridis (admitted *pro hac vice*)

**PROSKAUER ROSE LLP**  
Eleven Times Square  
New York, New York 10036  
Telephone: (212) 969-3000  
Facsimile: (212) 969-2900  
Email: dhillman@proskauer.com  
tkarcher@proskauer.com  
ctheodoridis@proskauer.com

- and -

Charles A. Dale (admitted *pro hac vice*)  
**PROSKAUER ROSE LLP**  
One International Place  
Boston, Massachusetts 02110  
Telephone: (617) 526-9600  
Facsimile: (617) 526-9899  
Email: cdale@proskauer.com

*Counsel to the Debtors and Debtors in Possession*

**Exhibit A**

**Proposed Order**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<p>In re:</p> <p>MURRAY METALLURGICAL COAL HOLDINGS, LLC, <i>et al.</i>,<sup>1</sup></p> <p style="text-align: center;">Debtors.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Chapter 11</p> <p>Case No. 20-10390 (JEH)</p> <p>Judge John E. Hoffman, Jr.</p> <p>(Jointly Administered)</p>
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**ORDER EXTENDING THE DEADLINE TO REPLY TO OBJECTIONS TO PLAN  
CONFIRMATION TO AUGUST 14, 2020 [DOCKET NO. \_\_\_\_]**

Upon the motion (the “Motion”)<sup>2</sup> of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for entry of an order (this “Order”), extending the deadline to reply (the “Reply Deadline”) to objections to confirmation of the *Debtors’ Second Amended Joint Plan*

<sup>1</sup> The Debtors in these Chapter 11 cases, along with the last four (4) digits of each Debtor’s federal tax identification number, if applicable, are: Murray Metallurgical Coal Holdings, LLC (4633); Murray Eagle Mining, LLC (4268); Murray Alabama Minerals, LLC (4047); Murray Alabama Coal, LLC (3838); Murray Maple Eagle Coal, LLC (4435); and Murray Oak Grove Coal, LLC (4878). The Debtors’ primary business address is 46226 National Road, St. Clairsville, OH 43950.

<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings given to them in the Motion.

*Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 502] to August 14, 2020; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *General Order 30-3* from the United States Bankruptcy Court for the Southern District of Ohio, dated December 4, 2019, 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 venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Debtors' notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion; and this Court having determined that the legal and factual bases set forth in the Motion 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 hereby granted as set forth herein.
2. The Reply Deadline is extended to August 14, 2020.
3. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rules 6004(a), 6006, and the Local Rules are satisfied by such notice.
4. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order and in accordance with the Motion.
5. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

**SO ORDERED.**



SUBMITTED BY:

/s/

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Thomas R. Allen (0017513)  
Richard K. Stovall (0029978)  
James A. Coutinho (0082430)  
Matthew M. Zofchak (0096279)  
**Allen Stovall Neuman Fisher & Ashton**  
17 South High Street, Suite 1220  
Columbus, Ohio 43215  
Telephone: (614) 221-8500  
Facsimile: (614) 221-5988  
Email: allen@asnfa.com  
stovall@asnfa.com  
coutinho@asnfa.com  
zofchak@asnfa.com

*Counsel to the Debtors and Debtors in Possession*

David M. Hillman (admitted *pro hac vice*)  
Timothy Q. Karcher (admitted *pro hac vice*)  
Chris Theodoridis (admitted *pro hac vice*)

**PROSKAUER ROSE LLP**  
Eleven Times Square  
New York, New York 10036  
Telephone: (212) 969-3000  
Facsimile: (212) 969-2900  
Email: dhillman@proskauer.com  
tkarcher@proskauer.com  
ctheodoridis@proskauer.com

- and -

Charles A. Dale (admitted *pro hac vice*)  
**PROSKAUER ROSE LLP**  
One International Place  
Boston, Massachusetts 02110  
Telephone: (617) 526-9600  
Facsimile: (617) 526-9899  
Email: cdale@proskauer.com

*Counsel to the Debtors and Debtors in Possession*

**NOTICE OF DEBTORS' MOTION FOR ENTRY OF AN ORDER EXTENDING THE  
DEADLINE TO REPLY TO OBJECTIONS TO PLAN CONFIRMATION TO  
AUGUST 14, 2020**

The Debtors have filed a motion seeking an extension of their reply deadline to objections to plan confirmation.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion, **then on or before twenty-one (21) days from the date of the motion**, you or your attorney must file with the court a response explaining your position by mailing your response by regular U.S. Mail to Clerk, United States Bankruptcy Court, 170 North High Street, Columbus, Ohio 43215, OR your attorney must file a response using the court's ECF system.

The court must **receive** your response on or before the date set forth above.

You must also send a copy of your response either by 1) the court's ECF System, or by 2) regular U.S. Mail to:

United States Trustee  
170 North High Street, Suite 200  
Columbus, Ohio 43215

Thomas R. Allen, Esq.  
Allen Stovall Neuman Fisher & Ashton LLP  
17 South High Street, Suite 1220  
Columbus, Ohio 43215

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.