

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

In re:) Chapter 11
)
Blackjewel, L.L.C., *et al.*,) Case No. 19-30289
)
Debtors.¹) (Jointly Administered)

**AGREED MOTION TO APPROVE STIPULATIONS BETWEEN
THE DEBTORS AND THE UNITED STATES OF AMERICA
EXTENDING THE DEADLINE TO FILE (I) A COMPLAINT
TO DETERMINE DISCHARGEABILITY OF DEBT AND (II) PROOFS OF CLAIM**

The United States of America hereby files this *Agreed Motion to Approve Stipulations Between the Debtors and the United States of America Extending the Deadline to File a Complaint to Determine Dischargeability of Debt* requesting an order pursuant to 11 U.S.C. §§ 105(a) and 523 of the Bankruptcy Code, extending the period during which a complaint may be filed (the “Complaint Period”) to determine the dischargeability of debt. In support of the Motion, the United States of America (“United States”) respectfully states as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over these chapter 11 cases and this Motion pursuant to 28 U.S.C. §§ 1334. This is a core proceeding as defined by 28 U.S.C. § 157(b)(2)(A). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

II. BACKGROUND

2. On July 1, 2019 (the “Petition Date”), Debtors filed their voluntary petitions for relief under chapter 11 of the Bankruptcy Code, thereby initiating the above-captioned bankruptcy

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor’s taxpayer identification number are as follows: Blackjewel, L.L.C. (0823); Blackjewel Holdings L.L.C. (4745); Revelation Energy Holdings, LLC (8795); Revelation Management Corporation (8908); Revelation Energy, LLC (4605); Dominion Coal Corporation (2957); Harold Keene Coal Co. LLC (6749); Vansant Coal Corporation (2785); Lone Mountain Processing, LLC (0457); Powell Mountain Energy, LLC (1024); and Cumberland River Coal LLC (2213). The headquarters for each of the Debtors is located at 1051 Main Street, Milton, West Virginia 25541-1215.

cases and creating their bankruptcy estates. The bankruptcy cases have been procedurally consolidated under Case Number 19-30289 (the “Chapter 11 Case”) in the United States Bankruptcy Court for the Southern District of West Virginia (the “Bankruptcy Court”).

3. The Debtors continue to operate and manage their businesses as debtors-in-possession pursuant to sections 1107 and 1108 of the Bankruptcy Code.

4. The initial meeting of creditors pursuant to 11 U.S.C. § 341 was scheduled for August 6, 2019 (ECF No. 198) (the “341 Meeting”), then rescheduled to August 21, 2019 (ECF No. 587), and ultimately held on August 23, 2019.

5. Pursuant to Federal Rule of Bankruptcy Procedure 4007(c), a party in interest may file a complaint under 11 U.S.C. § 523(c) within sixty days after the first date set for the 341 Meeting.

6. Accordingly, the deadline by which to file a complaint under 11 U.S.C. § 523(c) is October 5, 2019 (the “Nondischargeability Deadline”).

7. Prior to the debtors commencement of this action, the United States was investigating potential violations of the False Claims Act by Debtor, Blackjewel, LLC (“Blackjewel”) and had issued a subpoena to Blackjewel in connection with that investigation. Since the commencement of the bankruptcy proceedings, counsel for Blackjewel and the United States have engaged in discussions regarding allegations under the False Claims Act made against the Blackjewel and the United States’ investigation of Blackjewel.

8. To the extent that the filing of a dischargeability complaint may be necessary, the United States seeks a 60 day extension of the Nondischargeability Deadline through and including December 4, 2019.

III. PARTIES' STIPULATIONS

9. The United States and the Debtors continue to engage in discussions regarding certain claims and regulatory matters. The United States does not wish to expend unnecessary resources prosecuting complaints to determine the dischargeability of debts, particularly when it is unclear whether the debtors will be liquidating in whole, in part, or reorganizing.

10. The Debtors do not desire to defend against the United States' assertions at this time, and do not object to the relief sought.

11. The Parties agree that these deadlines can be extended by a written agreement of all parties, the Debtors and the United States, and filed with the Court.

12. The Parties jointly move the Court to permit the United States an extension of the Nondischargeability Deadline for sixty (60) days, through and including December 4, 2019.

13. Nothing herein shall be construed to limit the Parties' ability to enter into further agreements with respect to determine the dischargeability of debt or to assert that the deadline does not apply.

IV. RELIEF REQUESTED

14. Rule 4007 of the Federal Rules of Bankruptcy Procedure provides that, upon a motion of any party in interest filed before the time to object has expired, the Court may, for cause shown, enter an order extending the time to file a complaint to determine the dischargeability of certain debts under 11 U.S.C. § 523(c).

15. The United States has timely requested an enlargement of time to file a complaint to determine the dischargeability of debt. The United States seeks this enlargement of time to preserve its rights to file a complaint to determine dischargeability as, among other things, it is yet

unclear whether the debtors will be liquidating in whole, in part, or reorganizing and whether any complaint would even be necessary pursuant to 11 U.S.C. § 1141(d)(3).

16. The Parties request the Court to permit the United States an extension of the Nondischargeability Deadline through and including December 4, 2019. This request is without prejudice to the Parties' rights to seek additional extensions of the Nondischargeability Deadline, and is also without prejudice to the United States' right to assert that the deadline does not apply.

V. PRAYER

Whereas, for the foregoing reasons, the Parties request an Order (i) granting the relief requested herein, and (b) granting such other relief as may be warranted under the circumstances.

Dated: October 5, 2019

FOR THE UNITED STATES:

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CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2019, I caused a copy of the foregoing Objection to be served by electronic mail upon all parties receiving notice through the Court's CM/ECF Noticing System.

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