

This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.



*John E. Hoffman, Jr.*  
John E. Hoffman, Jr.  
United States Bankruptcy Judge

Dated: March 11, 2020

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)

**ORDER (I) SETTING BAR DATES FOR SUBMITTING PROOFS OF CLAIM, (II) APPROVING PROCEDURES FOR SUBMITTING PROOFS OF CLAIM, (III) APPROVING NOTICE THEREOF, AND (IV) GRANTING RELATED RELIEF [RELATED TO DOCKET NO. 174]**

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"), (a) setting bar dates for creditors to submit Proofs of Claim in these chapter 11 cases, (b) approving procedures for submitting Proofs

<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.

of Claim, (c) approving the form of notice of the bar dates and manner of service thereof, and (d) granting related relief, all as more fully set forth in the Motion; 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 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. §§ 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 and no other notice need be provided; and this Court having reviewed the Motion and having read the memorandum in support of the relief requested therein; 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 granted as set forth in this Order.
2. Except as otherwise provided herein, all persons and entities including, without limitation, individuals, partnerships, corporations, joint ventures, and trusts, that assert a Claim (as defined in section 101(5) of the Bankruptcy Code) against the Debtors which arose before February 11, 2020 (the "Petition Date"), including claims pursuant to section 503(b)(9) of the Bankruptcy Code (each, a "503(b)(9) Claim"), shall submit a written proof of such Claim so that it is ***actually received*** by Prime Clerk LLC (the "Claims and Noticing Agent") on or before **5:00**

**p.m., prevailing Eastern Time, on April 30, 2020** (the “General Claims Bar Date”), which submission shall be in accordance with this Bar Date Order.

3. Notwithstanding any other provision of this Order, Proofs of Claim submitted by governmental units must be submitted so as to be *actually received* by the Claims and Noticing Agent on or before **5:00 p.m., prevailing Eastern Time, on August 10, 2020** (the “Governmental Bar Date”), the date that is 180 days from the Petition Date.

4. Any person or entity that holds a Claim arising from the rejection of an executory contract or unexpired lease must submit a Proof of Claim based on such rejection on or before the later of (a) the General Claims Bar Date and (b) any date this Court may fix in the applicable order authorizing such rejection and, if no such date is provided, 35 days after the date of entry of such order. The Debtors will provide notice of the Rejection Bar Date to the contract or lease counterparty whose contract or lease is being rejected at the time the Debtors reject any executory contract or unexpired lease.

5. If the Debtors amend or supplement their Schedules subsequent to the entry of this Order, the Debtors shall provide notice of any amendment or supplement to the holders of Claims affected thereby. Any claimant holding a Claim affected by the amendment or supplement to the Schedules that does not agree with such amendment’s or supplement’s treatment of such claimant’s Claim must submit a Proof of Claim on or before the later of (a) the applicable General Claims Bar Date or the Governmental Bar Date, and (b) 5:00 p.m., prevailing Eastern Time, on the date that is 35 days after the date on which the Debtors provide notice of the amendment to the Schedules (any such date, a “Supplemental Bar Date”). In such instances, the Debtors shall provide such parties with notice, in a form substantially similar to the Bar Date Notice, that clearly sets forth the Supplemental Bar Date by which such parties must submit a Proof of Claim.

6. Except for all claimants and/or Claims that are exempt from the applicable bar dates as set forth in this Bar Date Order, and except as otherwise ordered by the Court pursuant to the Bankruptcy Code, the Bankruptcy Rules, and/or applicable law, all Proofs of Claim must be filed so as to be actually received by Prime Clerk on or before the applicable bar date. In accordance with Bankruptcy Rule 3003(c)(2), except in the case of certain exceptions explicitly set forth in this Bar Date Order, any holder of a Claim that fails to timely submit a Proof of Claim in the appropriate form shall be forever barred, estopped, and enjoined from (a) asserting such Claim against the Debtors and their chapter 11 estates, (b) voting on any chapter 11 plan filed in this case on account of such Claim, and (c) participating in any distribution in these chapter 11 cases on account of such Claim.

7. As appropriate, the Debtors shall mail one or more proof of claim forms substantially similar to the Form of Proof of Claim attached hereto as **Exhibit 1**, which is hereby approved, indicating on the form how the Debtors have listed such creditor's Claim in the Schedules (including the identity of the Debtor, the amount of the Claim and whether the Claim has been scheduled as "contingent," "unliquidated," or "disputed").

8. The following procedures for the submission of Proofs of Claim asserting Claims against the Debtors in these chapter 11 cases shall apply:

- a) Each Proof of Claim must: (i) be written in English; (ii) be legible; (iii) include a Claim amount denominated in United States dollars; (iv) conform substantially with the Proof of Claim form provided by the Debtors or Official Form 410; (v) be signed by the claimant or by an authorized agent or legal representative of the claimant; and (vi) include supporting documentation unless voluminous, in which case a summary must be attached or an explanation provided as to why documentation is not available. Notwithstanding the foregoing: (a) contingent and unliquidated claims or protective Proofs of Claim do not need to include a Claim amount; and (b) subsection (vi) above does not apply to Proofs of Claim filed by the United States or State Environmental Agencies; provided, however, that the

United States or State Environmental Agencies shall provide supporting documentation to the Debtors upon the Debtors' request.

- b) In addition to the requirements set forth in (a) above, any Proof of Claim asserting a 503(b)(9) Claim must also: (i) include the value of the goods delivered to and received by the Debtors in the 20 days prior to the Petition Date; (ii) attach any documentation identifying the particular invoices for which the 503(b)(9) Claim is being asserted; (iii) attach documentation of any reclamation demand made to any Debtor under section 546(c) of the Bankruptcy Code (if applicable); and (iv) set forth whether any portion of the 503(b)(9) Claim was satisfied by payments made by the Debtors pursuant to any order of the Court authorizing the Debtors to pay prepetition Claims.
- c) Parties who wish to receive proof of receipt of their Proofs of Claim from the Claims and Noticing Agent must also include with their Proof of Claim (i) a copy of their Proof of Claim and (ii) a self-addressed, stamped envelope.
- d) Except as otherwise set forth herein, each Proof of Claim must specify by name and case number the Debtor against which the Claim is submitted. Except as otherwise set forth herein, (i) a Proof of Claim submitted under Case No. 20-10390 or that does not identify a Debtor will be deemed as submitted only against Murray Metallurgical Coal Holdings, LLC and (ii) a Proof of Claim that names a subsidiary Debtor but is submitted under the Case No. 20-10390 will be treated as having been submitted against the subsidiary Debtor with a notation that a discrepancy in the submission exists.
- e) Except as otherwise set forth herein, (i) if the holder asserts a Claim against more than one Debtor or has Claims against different Debtors, a separate Proof of Claim form must be submitted with respect to each Debtor and (ii) to the extent more than one Debtor is listed on the Proof of Claim, such Claim will be treated as if submitted only against the first-listed Debtor.
- f) Solely as an accommodation to the United Mine Workers of America (the "UMWA"), the Debtors seek to permit the UMWA to file a single, consolidated Proof of Claim on account of any Claim it may have, including Claims held by the retirees the UMWA represents on account of retiree benefits (as defined in section 1114 of the Bankruptcy Code), workers' compensation, and Claims arising under the United States Benefits Revenue Act of 1977 and the Black Lung Benefits Reform Act of 1977 (together, the "Black Lung Act"), which Claim shall be deemed to be filed against all the Debtors (a "UMWA Retiree Claim"); *provided, however*, that the UMWA Retiree Claim shall set forth in reasonable detail the basis and amount of the Claims asserted against each Debtor, as required by the Bankruptcy Code, the Bankruptcy Rules, and any applicable order of the Court. The

UMWA Retiree Claim shall be deemed a valid Proof of Claim against each Debtor described in the UMWA Retiree Claim and the UMWA shall not be required to file a Proof of Claim in the separate case of each such Debtor. Notwithstanding the foregoing, nothing herein shall affect the UMWA's obligation to file with the UMWA Retiree Claim documents evidencing the basis and amounts of Claims asserted against each Debtor. For the avoidance of doubt, the retirees that the UMWA represents are not required to file a Proof of Claim with respect to the matters covered by the UMWA Retiree Claim, but must file a Proof of Claim with respect to any Claim held by such retiree that is unrelated to retiree benefits, workers' compensation, or the Black Lung Act (for example, claims for personal injury or property damage). The authorization sought for the UMWA to file a single, consolidated Proof of Claim is for procedural purposes only, intended for administrative convenience and shall not be interpreted or construed to substantively affect any right, objection, Claim, or defense of any party in interest to the UMWA Retiree Claim, including the amount, extent, validity, priority, perfection, or enforceability of any Claim or security interest asserted by the UMWA Retiree Claim. For the avoidance of doubt, the authorization sought hereby is without prejudice to the right of any party to object to the UMWA Retiree Claim on the basis of insufficient information, or to seek to disallow and/or expunge the Proof of Claim to the extent it is determined that all or any portion of the Claims asserted in the UMWA Retiree Claim are not allowable against any individual Debtor.

- g) Solely as an accommodation to the United States on behalf of the United States Environmental Protection Agency, Department of Agriculture, Department of Interior, Department of Labor, Army Corps of Engineers, and any other federal governmental units (collectively the "United States"), the United States is permitted to file a single, consolidated Proof of Claim on account of each of its Claims, which Claim shall be deemed to be filed against all the Debtors (the "United States' Claim"); provided, however, that the United States' Claim shall meet the requirements of the Bankruptcy Code, the Bankruptcy Rules, and any applicable order of the Court. The United States' Claim shall be deemed a valid Proof of Claim against each Debtor described in the United States' Claim and the United States shall not be required to file a Proof of Claim in the separate case of each such Debtor. The authorization for the United States to file a single, consolidated Proof of Claim is for procedural purposes only, intended for administrative convenience, and shall not be interpreted or construed to substantively affect any right, objection, Claim, or defense of any party in interest to the United States' Claim, including the amount, extent, validity, priority, perfection, or enforceability of any Claim or security interest asserted in the United States' Claim.
- h) Each Proof of Claim, including supporting documentation, must be submitted so that the Claims and Noticing Agent **actually receives** the Proof of Claim on or before the applicable Bar Date by either (i) electronically

using the interface available on the Claims and Noticing Agent's website at <https://cases.primeclerk.com/MurrayMET> or (ii) first-class U.S. Mail, overnight mail, or other hand-delivery system, which Proof of Claim must include an original signature, at the following address: Murray Metallurgical Coal Holdings, LLC Claims Processing Center, c/o Prime Clerk LLC, 850 Third Avenue, Suite 412, Brooklyn, NY 11232.

**PROOFS OF CLAIM SUBMITTED BY FACSIMILE OR ELECTRONIC MAIL WILL NOT BE ACCEPTED AND WILL NOT BE DEEMED TIMELY SUBMITTED.**

9. The following persons or entities need *not* submit a Proof of Claim in these chapter 11 cases on or prior to the General Claims Bar Date:

- a) any person or entity that has already submitted a Proof of Claim against the Debtors with the Clerk of this Court or the Debtors' Claims and Noticing Agent (as defined herein) in a form substantially similar to Official Bankruptcy Form No. 410;
- b) any person or entity whose Claim is listed on the Schedules filed by the Debtors, *provided* that (i) the Claim is *not* scheduled as "disputed," "contingent," or "unliquidated," (ii) the claimant agrees with the amount, nature, and priority of the Claim as set forth in the Schedules, and (iii) the claimant does not dispute that the Claim is an obligation of the specific Debtor against which the Claim is listed on the Schedules;
- c) (i) the Senior DIP Secured Parties,<sup>3</sup> on account of Claims arising under or in connection with the Senior DIP Loan Documents; (ii) the Junior DIP Secured Parties, on account of Claims arising under or in connection with the Junior DIP Loan Documents; (iii) Javelin Global, on account of the Senior DIP Secured Designated Coal Contract Obligations, and Claims arising under or in connection with the Javelin DIP Documents and the Prepetition Javelin Loan Documents;<sup>4</sup> and (iv) the Prepetition Term Loan Secured Parties, on account of Claims arising under or in connection with the Prepetition Term Loan Documents; *provided* that if the Prepetition Term Loan Agent files a Proof of Claim on account of the Prepetition Term Loan Documents, it shall be authorized to provide supporting documentation only upon request and to file a single consolidated Proof of Claim with respect to all claims arising under the Prepetition Term Loan Documents, and such Proof of Claim shall constitute the filing of a Proof of Claim in these chapter 11 cases of all other Debtors against whom a Claim may be asserted under the Prepetition Term Loan Documents; *provided, further*, that any Proof of

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<sup>3</sup> Capitalized terms used in this paragraph 20(c) shall have the meanings set forth in the interim order approving the Debtors' postpetition financing facility [Docket No. 130] (the "DIP Order").

<sup>4</sup> *Provided, however*, the Debtors reserve the right to object to any claim of Javelin Global that was not encompassed in the Debtors' stipulations in paragraph D of the DIP Order.

Claim filed by the Prepetition Term Loan Secured Parties will be treated as duplicative of any Claim filed by the Prepetition Term Loan Agent unless such Proof of Claim is on account of something than a Claim arising under the Prepetition Term Loan Documents; *provided, further*, that the Prepetition Term Loan Secured Parties are required to file Proofs of Claim for any Claim that does not arise under the Prepetition Term Loan Documents;

- d) any holder of a Claim previously allowed by order of this Court;
- e) any holder of a Claim that has already been paid in full;
- f) any holder of a Claim for which a specific deadline has previously been fixed by this Court or otherwise is fixed pursuant to the order entered approving the Bar Dates;
- g) any Debtor having a Claim against another Debtor;
- h) any holder of an equity interest in the Debtors with respect to the ownership of such equity interest, *provided, however*, that any holder of an equity interest who wishes to assert a Claim against the Debtors, including a Claim relating to such equity interest or the purchase or sale of such interest, must file a Proof of Claim asserting such Claim on or prior to the General Claims Bar Date pursuant to procedures set forth herein;
- i) any holder of a Claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an administrative expense incurred in the ordinary course, *provided, however*, that any person or entity asserting a Claim entitled to priority under section 503(b)(9) of the Bankruptcy Code must assert such Claims by filing a request for payment or a Proof of Claim on or prior to the General Claims Bar Date;
- j) any current employee of the Debtors on account of any Claim the Court has authorized the Debtors to honor in the ordinary course of business as a wage, commission, or benefit, *provided, however*, that a current employee must submit a Proof of Claim by the General Claims Bar Date for all other Claims arising before the Petition Date, including Claims, if any, for wrongful termination, discrimination, harassment, hostile work environment, and retaliation and Claims covered by the Debtors' workers' compensation insurance;
- k) any current or former officer or director for indemnification, contribution, or reimbursement;
- l) any present or former employee of a Debtor whose employment is or was, as applicable, subject to the terms of a collective bargaining agreement (and, with respect to benefit claims, spouses and beneficiaries of such employees) or any labor union representing such employees (collectively, "CBA



Parties”) with respect to prepetition claims based solely on the payment of wages, salaries, employee medical benefits, insurance benefits, or other benefits the Court has authorized the Debtors to honor in the ordinary course of business. CBA Parties need not submit Claims for such amounts unless the Debtors have provided written notice to certain CBA Parties and their unions, where applicable, that the Debtors do not intend to pay such Claims with respect to those certain CBA Parties, in which case those CBA Parties will have until the later of (i) the General Claims Bar Date and (ii) 35 days after the date of written notice to submit Proofs of Claim. Notwithstanding the foregoing, employees (present or former) or the labor unions must submit claims relating to grievances prior to the General Claims Bar Date to the extent the grounds for such grievances arose on or before the Petition Date, *provided* that labor unions may submit a claim itemizing such grievances on behalf of their respective members; and

- m) any person or entity holding a Claim solely against the Debtors’ non-debtor affiliates.

10. Nothing in this Order shall prejudice the right of the Debtors or any other party in interest to dispute or assert offsets or defenses to any Claim reflected in the Schedules.

11. The notice substantially in the form attached hereto as **Exhibit 2** is approved and shall be deemed adequate and sufficient if served by first-class mail at least 28 days prior to the General Claims Bar Date, on:

- a. the U.S. Trustee for the Southern District of Ohio;
- b. counsel to any statutory committee formed in these chapter 11 cases;
- c. all persons or entities that have submitted Proofs of Claim against the Debtors;
- d. all known creditors and other known holders of potential Claims against the Debtors, including all persons or entities listed in the Schedules for which the Debtors have addresses;
- e. all parties to executory contracts and unexpired leases of the Debtors;
- f. all parties to litigation with the Debtors and their counsel (if known);
- g. the administrative agent under the Take-Back Facility;
- h. counsel to the Ad Hoc Group of Prepetition Term Loan Lenders;
- i. the administrative agent under the DIP Facilities;

- j. Javelin Investment Holdings LLC;
- k. Javelin Global Commodities (UK) LTD;
- l. Murray Energy;
- m. the United States Attorney's Office for the Southern District of Ohio;
- n. the Internal Revenue Service;
- o. the Pension Benefit Guaranty Corporation;
- p. the United Mine Workers of America;
- q. the Environmental Protection Agency (and similar state environmental agencies for states in which the Debtors conduct business); and
- r. state attorneys general and state departments of revenue for states in which the Debtors conduct business;
- s. all taxing authorities;
- t. all mechanic's lien claimants;
- u. all lessors; and
- v. any persons or entities that have requested notice of the proceedings in these chapter 11 cases pursuant to Bankruptcy Rule 2002.

12. Pursuant to Bankruptcy Rules 2002(f) and 2002(l), the Debtors shall publish a form of the Bar Date Notice, substantially in the form attached hereto as **Exhibit 3**, on one occasion in *USA Today (National Edition)*, *The Birmingham News*, *The Columbus Dispatch*, and *The Herald Dispatch* at least 28 days prior to the General Claims Bar Date, which publication is hereby approved and shall be deemed good, adequate, and sufficient publication notice of the General Claims Bar Date.

13. Any person or entity who desires to rely on the Schedules will have the responsibility for determining that such person's or entity's Claim is accurately listed in the Schedules.

14. Any person or entity wishing to file a complaint with the Court to adjudicate the dischargeability of a debt pursuant to section 523(c) of the Bankruptcy Code and Bankruptcy Rule 4007 must file such complaint no later than **5:00 p.m., prevailing Eastern Time, on May 19, 2020** (the “Exception to Discharge Deadline”), which is the day that is 60 days after the first date set for the meeting of the Debtors’ creditors under section 341(a) of the Bankruptcy Code.

15. Entry of this Order is without prejudice to the right of the Debtors to seek a further order of this Court fixing a date by which holders of Claims or interests not subject to the General Claims Bar Date established herein must submit such Proofs of Claim or interest or be barred from doing so.

16. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of the Bankruptcy Rules and the Local Rules are satisfied by such notice.

17. The Debtors shall serve this Order in accordance with all applicable rules and shall file a certificate of service evidencing compliance with this requirement.

18. The Debtors and their Claims and Noticing Agent are authorized to take all reasonable actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

19. 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/ Thomas R. Allen  
Thomas R. Allen (0017513)  
Richard K. Stovall (0029978)  
James A. Coutinho (0082430)

David M. Hillman (admitted *pro hac vice*)  
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- and -

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*Proposed Counsel to the Debtors and Debtors  
in Possession*

Copies to Default List.

**Exhibit 1**

**Proposed Form of Proof of Claim**

United States Bankruptcy Court, Southern District of Ohio

Fill in this information to identify the case (Select only one Debtor per claim form):

Debtor: \_\_\_\_\_

Case Number: \_\_\_\_\_

Official Form 410

Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense (other than a claim entitled to priority under 11 U.S.C. § 503(b)(9)). Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the claim

1. Who is the current creditor?  
 \_\_\_\_\_  
 Name of the current creditor (the person or entity to be paid for this claim)  
 Other names the creditor used with the debtor \_\_\_\_\_

2. Has this claim been acquired from someone else?  
 No  
 Yes. From whom? \_\_\_\_\_

3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Name _____	Name _____
	Number Street _____	Number Street _____
	City State Zip Code _____	City State Zip Code _____
	Contact phone _____	Contact phone _____
	Contact email _____	Contact email _____

4. Does this claim amend one already filed?  
 No  
 Yes. Claim number on court claims registry (if known) \_\_\_\_\_ Filed on \_\_\_\_\_ MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?  
 No  
 Yes. Who made the earlier filing? \_\_\_\_\_

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_

7. How much is the claim? \$ \_\_\_\_\_ Does this amount include interest or other charges?  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
 Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
 Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.

**Nature of property:**  
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
 Motor vehicle  
 Other. Describe: \_\_\_\_\_

**Basis for perfection:** \_\_\_\_\_  
 Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

**Value of property:** \$ \_\_\_\_\_

**Amount of the claim that is secured:** \$ \_\_\_\_\_

**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)

**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_

**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
 Fixed  
 Variable

10. Is this claim based on a lease?  No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff?  No  
 Yes. Identify the property: \_\_\_\_\_

12. **Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

No

Yes. *Check one:*

	Amount entitled to priority
<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B)	\$ _____
<input type="checkbox"/> Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.	\$ _____

\* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

13. **Is all or part of the claim entitled to administrative priority pursuant to 11 U.S.C. § 503(b)(9)?**

No

Yes. **Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.**

\$ \_\_\_\_\_

**Part 3: Sign Below**

**The person completing this proof of claim must sign and date it.**  
FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.**  
18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date \_\_\_\_\_ (mm/dd/yyyy)

\_\_\_\_\_  
Signature

**Print the name of the person who is completing and signing this claim:**

Name \_\_\_\_\_

First name                      Middle name                      Last name

Title \_\_\_\_\_

Company \_\_\_\_\_

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_

Number                      Street

\_\_\_\_\_  
City                                      State                      ZIP Code

Contact phone \_\_\_\_\_                      Email \_\_\_\_\_

PRINT
SAVE As...
Add Attachment
Reset



Official Form 410

## Instructions for Proof of Claim

United States Bankruptcy Court

12/15

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

### How to fill out this form

- Fill in all of the information about the claim as of the date the case was filed.
- Fill in the caption at the top of the form.
- If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- Attach any supporting documents to this form. Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)

Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called “Bankruptcy Rule”) 3001(c) and (d).

- Do not attach original documents because attachments may be destroyed after scanning.
- If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.

- A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, individual’s tax identification number, or financial account number, and only the year of any person’s date of birth. See Bankruptcy Rule 9037.
- For a minor child, fill in only the child’s initials and the full name and address of the child’s parent or guardian. For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

### Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, enclose a stamped self-addressed envelope and a copy of this form. You may view a list of filed claims in this case by visiting the Claims and Noticing Agent’s website at <http://cases.primeclerk.com/murraymet>.

### Understand the terms used in this form

**Administrative expense:** Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing the bankruptcy estate. 11 U.S.C. § 503.

**Claim:** A creditor’s right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. §101 (5). A claim may be secured or unsecured.

**Claim Pursuant to 11 U.S.C. §503(b)(9):** A claim arising from the value of any goods received by the Debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business. Attach documentation supporting such claim.

**Creditor:** A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. §101 (10).

**Debtor:** A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101 (13).

**Evidence of perfection:** Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

**Information that is entitled to privacy:** A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

**Priority claim:** A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

**Proof of claim:** A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

**Redaction of information:** Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

**Secured claim under 11 U.S.C. §506(a):** A claim backed by a lien on particular property of the debtor. A claim is secured

to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment may be a lien.

**Setoff:** Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

**Unsecured claim:** A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

#### Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

#### Please send completed Proof(s) of Claim to:

Murray Metallurgical Coal Holdings, LLC Claims Processing Center  
c/o Prime Clerk LLC  
850 3rd Avenue, Suite 412  
Brooklyn, NY 11232

**Do not file these instructions with your form**

**Exhibit 2**

**Bar Date Notice**

**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)
	)	
Debtors.	)	Judge John E. Hoffman, Jr.
	)	
	)	(Jointly Administered)

**NOTICE OF DEADLINE REQUIRING SUBMISSION OF PROOFS OF CLAIM ON OR BEFORE APRIL 30, 2020, AND RELATED PROCEDURES FOR SUBMITTING PROOFS OF CLAIM IN THE ABOVE-CAPTIONED CHAPTER 11 CASES**

**TO: ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST ANY DEBTOR LISTED ON PAGE 2 OF THIS NOTICE IN THE ABOVE-CAPTIONED CHAPTER 11 CASES.**

The United States Bankruptcy Court for the Southern District of Ohio (the “Court”) has entered an order (the “Bar Date Order”) establishing **5:00 p.m., prevailing Eastern Time, on April 30, 2020** (the “General Claims Bar Date”), as the last date for each person or entity<sup>2</sup> (including individuals, partnerships, corporations, joint ventures, and trusts) to submit a Proof of Claim against any of the Debtors listed on page 2 of this notice (collectively, the “Debtors”).

Except for those holders of the Claims listed below that are specifically excluded from the General Claims Bar Date submission requirement, the Bar Dates<sup>3</sup> and the procedures set forth below for submitting proofs of claim (each, a “Proof of Claim”) apply to all Claims (defined below) against the Debtors that arose prior to **February 11, 2020** (the “Petition Date”), the date on which the Debtors commenced cases under chapter 11 of the United States Bankruptcy Code, **including parties asserting Claims pursuant to section 503(b)(9) of the Bankruptcy Code**

<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> As used herein, the term “entity” has the meaning given to it in section 101(15) of title 11 of the United States Code (the “Bankruptcy Code”), and includes all persons, estates, trusts and the United States trustee. Further, the terms “person” and “governmental unit” have the meanings given to them in sections 101(41) and 101(27) of the Bankruptcy Code, respectively.

<sup>3</sup> Defined collectively as the Rejection Bar Date (further defined herein), the General Claims Bar Date, the Supplemental Bar Date (further defined herein), and the Governmental Bar Date.

(each, a “**503(b)(9) Claim**”).<sup>4</sup> In addition, governmental units have until **5:00 p.m., prevailing Eastern Time, on August 10, 2020** (the date that is 180 days after the order for relief), to submit Proofs of Claim.

A holder of a possible Claim against the Debtors should consult an attorney regarding any matters not covered by this notice, such as whether the holder should submit a Proof of Claim.

**Debtors in these Chapter 11 Cases**

Debtor Name	Federal Tax Identification Number	Case Number
Murray Metallurgical Coal Holdings, LLC	83-4194633	20-10390
Murray Eagle Mining, LLC	83-4194268	20-10391
Murray Alabama Minerals, LLC	83-1494047	20-10392
Murray Alabama Coal, LLC	83-4193838	20-10393
Murray Maple Eagle Coal, LLC	83-4194435	20-10394
Murray Oak Grove Coal, LLC	83-4194878	20-10395

**Who Must Submit a Proof of Claim**

You **MUST** submit a Proof of Claim to vote on a chapter 11 plan filed by the Debtors or to share in distributions from the Debtors’ bankruptcy estates if you have a Claim that arose before the Petition Date and it is **not** one of the types of Claims described under the heading “Who Need Not Submit a Proof of Claim” below. Claims based on acts or omissions of the Debtors that occurred before the Petition Date must be submitted on or prior to the applicable Bar Date, even if such Claims are not now fixed, liquidated, or certain or did not mature or become fixed, liquidated, or certain before the Petition Date.

Under section 101(5) of the Bankruptcy Code and as used in this notice, the word “Claim” means: (a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

**What To Submit**

The Debtors are enclosing a Proof of Claim form for use in the cases; if your Claim is scheduled by the Debtors, the form also sets forth the amount of your Claim as scheduled by the Debtors, the specific Debtor against which the Claim is scheduled, and whether the Claim is

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<sup>4</sup> “503(b)(9) Claims” are Claims on account of goods received by a Debtor within 20 days before the Petition Date, where such goods were sold to the Debtor in the ordinary course of such Debtor’s business. See 11 U.S.C. § 503(b)(9).

scheduled as disputed, contingent, or unliquidated. You will receive a different Proof of Claim form for each Claim scheduled in your name by the Debtors. You may utilize the Proof of Claim form(s) provided by the Debtors to submit your Claim.

Your Proof of Claim form must not contain complete social security numbers or taxpayer identification numbers (only the last four digits), a complete birth date (only the year), the name of a minor (only the minor's initials), or a financial account number (only the last four digits of such financial account).

Additional Proof of Claim forms may be obtained by contacting the Debtors' claims and noticing agent, Prime Clerk LLC (the "Claims and Noticing Agent"), by calling (877) 427-7610 for callers in the United States or by calling (917) 962-8958 for callers outside the United States and/or visiting the Debtors' restructuring website at: <https://cases.primeclerk.com/MurrayMET>.

The following procedures for the submission of Proofs of Claim against the Debtors in these chapter 11 cases shall apply:

- a) Each Proof of Claim must: (i) be written in English; (ii) be legible; (iii) include a Claim amount denominated in United States dollars; (iv) conform substantially with the Proof of Claim form provided by the Debtors or Official Form 410; (v) be signed by the claimant or by an authorized agent or legal representative of the claimant; and (vi) include supporting documentation unless voluminous, in which case a summary must be attached or an explanation provided as to why documentation is not available.
- b) In addition to the requirements set forth in (a) above, any Proof of Claim asserting a 503(b)(9) Claim must also: (i) include the value of the goods delivered to and received by the Debtors in the 20 days prior to the Petition Date; (ii) attach any documentation identifying the particular invoices for which the 503(b)(9) Claim is being asserted; (iii) attach documentation of any reclamation demand made to any Debtor under section 546(c) of the Bankruptcy Code (if applicable); and (iv) set forth whether any portion of the 503(b)(9) Claim was satisfied by payments made by the Debtors pursuant to any order of the Court authorizing the Debtors to pay prepetition Claims.
- c) Parties who wish to receive proof of receipt of their Proofs of Claim from the Claims and Noticing Agent must also include with their Proof of Claim (i) a copy of their Proof of Claim and (ii) a self-addressed, stamped envelope.
- d) Except as otherwise set forth herein, each Proof of Claim must specify by name and case number the Debtor against which the Claim is submitted. Except as otherwise set forth herein, (i) a Proof of Claim submitted under Case No. 20-10390 or that does not identify a Debtor will be deemed as submitted only against Murray Metallurgical Coal Holdings, LLC and (ii) a

Proof of Claim that names a subsidiary Debtor but is submitted under the Case No. 20-10390 will be treated as having been submitted against the subsidiary Debtor with a notation that a discrepancy in the submission exists.

- e) Except as otherwise set forth herein, (i) if the holder asserts a Claim against more than one Debtor or has Claims against different Debtors, a separate Proof of Claim form must be submitted with respect to each Debtor and (ii) to the extent more than one Debtor is listed on the Proof of Claim, such Claim will be treated as if submitted only against the first-listed Debtor

### **When and Where To Submit**

Each Proof of Claim, including supporting documentation, must be submitted so that the Claims and Noticing Agent *actually receives* the Proof of Claim on or before the applicable Bar Date by either: (i) electronically using the interface available on the Claims and Noticing Agent's website at <https://cases.primeclerk.com/MurrayMET> or (ii) first-class U.S. Mail, overnight mail, or other hand-delivery system, which Proof of Claim must include an *original* signature, at the following address: Murray Metallurgical Coal Holdings, LLC Claims Processing Center, c/o Prime Clerk LLC, 850 Third Avenue, Suite 412, Brooklyn, NY 11232.

**PROOFS OF CLAIM SUBMITTED BY FACSIMILE OR ELECTRONIC MAIL WILL NOT BE ACCEPTED AND WILL NOT BE DEEMED TIMELY SUBMITTED.**

### **Who Need Not Submit a Proof of Claim**

You do not need to submit a Proof of Claim on or prior to the Bar Date if you are:

- a) any person or entity that has already submitted a Proof of Claim against the Debtors with the Clerk of this Court or the Debtors' Claims and Noticing Agent (as defined herein) in a form substantially similar to Official Bankruptcy Form No. 410;
- b) any person or entity whose Claim is listed on the Schedules filed by the Debtors, *provided* that (i) the Claim is *not* scheduled as "disputed," "contingent," or "unliquidated," (ii) the claimant agrees with the amount, nature, and priority of the Claim as set forth in the Schedules, and (iii) the claimant does not dispute that the Claim is an obligation of the specific Debtor against which the Claim is listed on the Schedules;
- c) (i) the Senior DIP Secured Parties,<sup>5</sup> on account of Claims arising under or in connection with the Senior DIP Loan Documents; (ii) the Junior DIP Secured Parties, on account of Claims arising under or in connection with the Junior DIP Loan Documents; (iii) Javelin Global, on account of the Senior DIP Secured Designated Coal Contract Obligations, and Claims arising under or in connection with the Javelin DIP Documents and the

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<sup>5</sup> Capitalized terms used in this paragraph 20(c) shall have the meanings set forth in the interim order approving the Debtors' postpetition financing facility [Docket No. 130] (the "DIP Order").

Prepetition Javelin Loan Documents;<sup>6</sup> and (iv) the Prepetition Term Loan Secured Parties, on account of Claims arising under or in connection with the Prepetition Term Loan Documents; *provided* that if the Prepetition Term Loan Agent files a Proof of Claim on account of the Prepetition Term Loan Documents, it shall be authorized to provide supporting documentation only upon request and to file a single consolidated Proof of Claim with respect to all claims arising under the Prepetition Term Loan Documents, and such Proof of Claim shall constitute the filing of a Proof of Claim in these chapter 11 cases of all other Debtors against whom a Claim may be asserted under the Prepetition Term Loan Documents; *provided, further*, that any Proof of Claim filed by the Prepetition Term Loan Secured Parties will be treated as duplicative of any Claim filed by the Prepetition Term Loan Agent unless such Proof of Claim is on account of something than a Claim arising under the Prepetition Term Loan Documents; *provided, further*, that the Prepetition Term Loan Secured Parties are required to file Proofs of Claim for any Claim that does not arise under the Prepetition Term Loan Documents;

- d) any holder of a Claim previously allowed by order of this Court;
- e) any holder of a Claim that has already been paid in full;
- f) any holder of a Claim for which a specific deadline has previously been fixed by this Court or otherwise is fixed pursuant to the order entered approving the Bar Dates;
- g) any Debtor having a Claim against another Debtor;
- h) any holder of an equity interest in the Debtors with respect to the ownership of such equity interest, *provided, however*, that any holder of an equity interest who wishes to assert a Claim against the Debtors, including a Claim relating to such equity interest or the purchase or sale of such interest, must file a Proof of Claim asserting such Claim on or prior to the General Claims Bar Date pursuant to procedures set forth herein;
- i) any holder of a Claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an administrative expense incurred in the ordinary course, *provided, however*, that any person or entity asserting a Claim entitled to priority under section 503(b)(9) of the Bankruptcy Code must assert such Claims by filing a request for payment or a Proof of Claim on or prior to the General Claims Bar Date;
- j) any current employee of the Debtors on account of any Claim the Court has authorized the Debtors to honor in the ordinary course of business as a

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<sup>6</sup> *Provided, however*, the Debtors reserve the right to object to any claim of Javelin Global that was not encompassed in the Debtors' stipulations in paragraph D of the DIP Order.



wage, commission, or benefit, *provided, however*, that a current employee must submit a Proof of Claim by the General Claims Bar Date for all other Claims arising before the Petition Date, including Claims, if any, for wrongful termination, discrimination, harassment, hostile work environment, and retaliation and Claims covered by the Debtors' workers' compensation insurance;

- k) any current or former officer or director for indemnification, contribution, or reimbursement;
- l) any present or former employee of a Debtor whose employment is or was, as applicable, subject to the terms of a collective bargaining agreement (and, with respect to benefit claims, spouses and beneficiaries of such employees) or any labor union representing such employees (collectively, "CBA Parties") with respect to prepetition claims based solely on the payment of wages, salaries, employee medical benefits, insurance benefits, or other benefits the Court has authorized the Debtors to honor in the ordinary course of business. CBA Parties need not submit Claims for such amounts unless the Debtors have provided written notice to certain CBA Parties and their unions, where applicable, that the Debtors do not intend to pay such Claims with respect to those certain CBA Parties, in which case those CBA Parties will have until the later of (i) the General Claims Bar Date and (ii) 35 days after the date of written notice to submit Proofs of Claim. Notwithstanding the foregoing, employees (present or former) or the labor unions must submit claims relating to grievances prior to the General Claims Bar Date to the extent the grounds for such grievances arose on or before the Petition Date, *provided* that labor unions may submit a claim itemizing such grievances on behalf of their respective members; and
- m) any person or entity holding a Claim solely against the Debtors' non-debtor affiliates.

THIS NOTICE IS BEING SENT TO MANY PERSONS AND ENTITIES THAT HAVE HAD SOME RELATIONSHIP WITH OR HAVE DONE BUSINESS WITH THE DEBTORS BUT MAY NOT HAVE AN UNPAID CLAIM AGAINST THE DEBTORS. THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM OR THAT THE DEBTORS OR THIS COURT BELIEVE THAT YOU HAVE ANY CLAIM.

#### **Executory Contracts and Unexpired Leases**

If you have a Claim arising from the rejection of an executory contract or unexpired lease, you must submit your Proof of Claim based on such rejection on or before the later of (a) the General Claims Bar Date and (b) any date this Court may fix in the applicable order authorizing such rejection and, if no such date is provided, 35 days after the date of entry of such order, (the "Rejection Bar Date"). The Debtors will provide notice of the Rejection Bar Date to the contract

or lease counterparty whose contract or lease is being rejected at the time the Debtors reject any executory contract or unexpired lease.

### **Supplemental Bar Date**

In the event the Debtors amend or supplement their Schedules, the Debtors shall give notice of any such amendment to the holders of any Claim affected thereby, and such holders shall be afforded until the later of (a) the applicable General Claims Bar Date or the Governmental Bar Date, and (b) 35 days after the date on which such notice is given of such amendment or supplement to the Schedules, to submit a Proof of Claim or be forever barred from doing so.

### **Exception to Discharge Deadline**

If you wish to file a complaint with the Court to adjudicate the dischargeability of a debt pursuant to section 523(c) of the Bankruptcy Code and Bankruptcy Rule 4007, you must file such complaint no later than **5:00 p.m., prevailing Eastern Time, on May 19, 2020** (the "Exception to Discharge Deadline").

### **The Debtors' Schedules and Access Thereto**

You may be listed as the holder of a Claim against one or more of the Debtors in the Debtors' Schedules of Assets and Liabilities and/or Schedules of Executory Contracts and Unexpired Leases (collectively, the "Schedules").

Copies of the Debtors' Schedules are available: (a) from the Claims and Noticing Agent by calling (877) 427-7610 for callers in the United States or by calling (917) 962-8958 for callers outside the United States and/or visiting the Debtors' restructuring website at: <https://cases.primeclerk.com/MurrayMET> or (b) for inspection on this Court's website at <http://ecf.ohsb.uscourts.gov>. A login and password to this Court's Public Access to Electronic Court Records are required to access this information and can be obtained at <http://www.pacer.psc.uscourts.gov>. Copies of the Schedules may also be examined between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, at the Office of the Clerk of the Bankruptcy Court, 170 North High Street, Columbus, Ohio 43215.

To determine if and how you are listed on the Schedules, please refer to the descriptions set forth on the enclosed Proof of Claim forms regarding the nature, amount, and classification of your Claim(s). If the Debtors believe that you hold Claims against more than one Debtor, you will receive multiple Proof of Claim forms, each of which will reflect the nature and amount of your Claim listed in the Schedules.

If you rely on the Debtors' Schedules, it is your responsibility to determine that the Claim is accurately listed in the Schedules; however, you may rely on the enclosed Proof of Claim form, which lists your Claim as scheduled, identifies the Debtor against which it is scheduled, and specifies whether the Claim is disputed, contingent, or unliquidated.

As set forth above, if you agree with the nature, amount, and classification of your Claim as listed in the Debtors' Schedules, and if you do not dispute that your Claim is only against the Debtor specified by the Debtors, and if your Claim is **not** described as "disputed," "contingent,"

or “unliquidated,” **you need not submit a Proof of Claim**. Otherwise, or if you decide to submit a Proof of Claim, you must do so before the applicable Bar Date in accordance with the procedures set forth in this notice.

### **Reservation of Rights**

Nothing contained in this Bar Date Notice is intended, or should be construed, as a waiver of any party’s right to: (a) dispute, or assert offsets or defenses against, any submitted Proof of Claim or any Claim listed or reflected in the Schedules as to the nature, amount, liability, or classification of such Claims; (b) subsequently designate any scheduled Claim as disputed, contingent, or unliquidated; and (c) otherwise amend or supplement the Schedules.

### **Consequences of Failure to Submit a Proof of Claim by the Applicable Bar Date**

ANY HOLDER OF A CLAIM THAT IS NOT LISTED IN THIS NOTICE AS A PARTY EXCEPTED FROM THE REQUIREMENTS OF THE BAR DATE ORDER AND THAT FAILS TO TIMELY SUBMIT A PROOF OF CLAIM IN THE APPROPRIATE FORM WILL BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM (1) ASSERTING SUCH CLAIM AGAINST THE DEBTORS AND THEIR CHAPTER 11 ESTATES, (2) VOTING ON ANY CHAPTER 11 PLAN OF REORGANIZATION FILED IN THESE CASES ON ACCOUNT OF SUCH CLAIM, AND (3) PARTICIPATING IN ANY DISTRIBUTION IN THE DEBTORS’ CHAPTER 11 CASES ON ACCOUNT OF SUCH CLAIM.

**BY ORDER OF THE COURT**

Dated: March 12, 2020  
Columbus, Ohio

/s/

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Thomas R. Allen (0017513)  
Richard K. Stovall (0029978)  
James A. Coutinho (0082430)  
Matthew M. Zofchak (0096279)  
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*Proposed Counsel to the Debtors and  
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- and -

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*Proposed Counsel to the Debtors and Debtors  
in Possession*

**Exhibit 3**

**Publication Notice**

**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)
	)	
Debtors.	)	Judge John E. Hoffman, Jr.
	)	
	)	(Jointly Administered)

**NOTICE OF BAR DATES FOR  
SUBMITTING PROOFS OF CLAIM AND CLAIMS UNDER  
SECTION 503(B)(9) OF THE BANKRUPTCY CODE AGAINST THE DEBTORS**

**PLEASE TAKE NOTICE THAT** the United States Bankruptcy Court for the Southern District of Ohio (the “Court”) has entered an order (the “Bar Date Order”) establishing **5:00 p.m., prevailing Eastern Time, on April 30, 2020** (the “General Claims Bar Date”), as the last date for each person or entity (including individuals, partnerships, corporations, joint ventures and trusts) to submit a Proof of Claim against any of the Debtors listed below (collectively, the “Debtors”). A copy of the Bar Date Order, and any exhibits thereto are available (i) at the Debtors’ expense upon request to Prime Clerk LLC (the noticing and claims agent retained in these chapter 11 cases), by calling (877) 427-7610 for callers in the United States or by calling (917) 962-8958 for callers outside the United States and/or visiting the Debtors’ restructuring website at: <https://cases.primeclerk.com/MurrayMET> or (ii) for a fee via PACER by visiting <http://ecf.ohsb.uscourts.gov>.

The Bar Date Order requires that all entities (the “Claimants”) holding or wishing to assert a claim that arose or is deemed to have arisen prior to February 11, 2020 (the “Petition Date”) against the Debtors (“Claims”) to submit a Proof of Claim so as to be actually received by Prime Clerk LLC (the “Claims and Noticing Agent”) on or before the applicable bar date (collectively, the “Bar Dates”) as set forth below. None of the Bar Dates described herein apply to any governmental unit. Pursuant to section 502(b)(9) of the Bankruptcy Code, all governmental units shall have 180 days from the Petition Date to submit Claims against the Debtors (the “Governmental Bar Date”).

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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.

<b>Debtor Name</b>	<b>Federal Tax Identification Number</b>	<b>Case Number</b>
Murray Metallurgical Coal Holdings, LLC	83-4194633	20-10390
Murray Eagle Mining, LLC	83-4194268	20-10391
Murray Alabama Minerals, LLC	83-1494047	20-10392
Murray Alabama Coal, LLC	83-4193838	20-10393
Murray Maple Eagle Coal, LLC	83-4194435	20-10394
Murray Oak Grove Coal, LLC	83-4194878	20-10395

<b><u>General Claims Bar Date</u></b>  (Applicable to 503(b)(9) Claims)	All Claimants holding or wishing to assert a Claim must submit a Proof of Claim with respect to such Claim so as to be <b>actually received</b> by the Claims and Noticing Agent by <b>April 30, 2020, at 5:00 p.m., prevailing Eastern Time</b> (the " <u>General Claims Bar Date</u> "), including parties asserting Claims pursuant to section 503(b)(9) of the Bankruptcy Code.
<b><u>Supplemental Bar Date</u></b>	In the event the Debtors amend or supplement their schedules of assets and liabilities (the " <u>Schedules</u> "), the Debtors shall give notice of any such amendment to the holders of any Claim affected thereby, and such holders shall be afforded 35 days after the date on which such notice is given to submit a Proof of Claim with respect to such amended Claim or be forever barred from doing so.
<b><u>Rejection Bar Date</u></b>	If you have a Claim arising from the rejection of an executory contract or unexpired lease, you must submit a Proof of Claim based on such rejection on or before the later of (a) the General Claims Bar Date and (b) any date this Court may fix in the applicable order authorizing such rejection and, if no such date is provided, 35 after the date of entry of such order (the " <u>Rejection Bar Date</u> ").
<b><u>Governmental Bar Date</u></b>	Pursuant to section 502(b)(9) of the Bankruptcy Code, all governmental units holding or wishing to assert a Claim must submit a Proof of Claim with respect to such Claim so as to be <b>actually received</b> by the Claims and Noticing Agent by <b>August 10, 2020, at 5:00 p.m., prevailing Eastern Time</b> .
<b><u>Exception to Discharge Deadline</u></b>	If you wish to file a complaint with the Court to adjudicate the dischargeability of a debt pursuant to section 523(c) of the Bankruptcy Code and Bankruptcy Rule 4007, you must file such complaint no later than <b>5:00 p.m., prevailing Eastern Time, on May 19, 2020</b> (the " <u>Exception to Discharge Deadline</u> ").

### **When and Where to Submit**

Each Proof of Claim, including supporting documentation, must be submitted so that the Claims and Noticing Agent **actually receives** the Proof of Claim on or before the applicable Bar Date by either: (i) electronically using the interface available on the Claims and Noticing Agent's website at <https://cases.primeclerk.com/MurrayMET>, or (ii) first-class U.S. Mail, overnight mail, or other hand-delivery system, which Proof of Claim must include an **original** signature, at the following address: Murray Energy Corporation Claims Processing Center, c/o Prime Clerk LLC, 850 Third Avenue, Suite 412, Brooklyn, NY 11232.

**PROOFS OF CLAIM SUBMITTED BY FACSIMILE OR ELECTRONIC MAIL WILL NOT BE ACCEPTED AND WILL NOT BE DEEMED TIMELY SUBMITTED.**

**Contents of Proofs of Claim.** Each Proof of Claim must: (i) be written in English; (ii) be legible, (iii) include a Claim amount denominated in United States dollars; (iv) conform substantially with the Proof of Claim Form provided by the Debtors or Official Form 410; (v) be signed by the claimant or by an authorized agent or legal representative of the claimant; and (vi) include supporting documentation unless voluminous, in which case a summary must be attached or an explanation provided as to why documentation is not available. **Please note** that each Proof of Claim must state a Claim against only one Debtor. To the extent the Proof of Claim lists more than one Debtor, the applicable Claim may be treated as if submitted only against the first-listed Debtor. If a Proof of Claim does not identify a specific Debtor, the Proof of Claim will be considered as submitted only against Murray Metallurgical Coal Holdings, LLC.

**Section 503(b)(9) Claims.** Vendors and suppliers of goods may be entitled to request an administrative priority Claim under section 503(b)(9) of the Bankruptcy Code to the extent they delivered, and the Debtor received, goods within the twenty day period prior to the Petition Date. The Court has deemed the submission of a Proof of Claim as satisfying the procedural requirements for asserting such a Claim under section 503(b)(9) of the Bankruptcy Code. In addition to the other requirements listed above, any Proof of Claim asserting a 503(b)(9) Claim must (i) include the value of the goods delivered to and received by the Debtors in the 20 days prior to the Petition Date; (ii) attach any documentation identifying the particular invoices for which the 503(b)(9) Claim is being asserted; (iii) attach documentation of any reclamation demand made against the Debtors under section 546(c) of the Bankruptcy Code (if applicable); and (iv) set forth whether any portion of the Section 503(b)(9) Claim was satisfied by payments made by the Debtors.

**Consequences of Failing to Timely Submit Your Proof of Claim.** Any Claimant who is required, but fails, to submit a Proof of Claim in accordance with the Bar Date Order on or before the applicable Bar Date shall be forever barred, estopped, and enjoined from asserting such Claim against the Debtors (or submitting a Proof of Claim with respect thereto). In such event, the Debtors' property shall be forever discharged from any and all indebtedness or liability with respect to such Claim, and such holder shall not be permitted to vote to accept or reject any plan of reorganization filed in these chapter 11 cases or participate in any distribution on account of such Claim or receive further notices regarding such Claim.

**Reservation of Rights.** Nothing contained in this notice is intended to or should be construed as a waiver of the Debtor's right to: (a) dispute, or assert offsets or defenses against, any submitted Claim or any Claim listed or reflected in the Debtors' Schedules of Assets and Liabilities and/or Schedules of Executory Contracts and Unexpired Leases as to the nature, amount, liability, or classification thereof; (b) subsequently designate any scheduled Claim as disputed, contingent, or unliquidated; and (c) otherwise amend the Schedules.

**Additional Information.** If you have any questions regarding the claims process and/or if you wish to obtain a copy of the Bar Date Order (which contains a more detailed description of the requirements for submitting Proofs of Claim), a Proof of Claim form or related documents, you may do so by visiting the Debtors' restructuring website at



<https://cases.primeclerk.com/MurrayMET> or contacting the Claims and Noticing Agent by calling (877) 427-7610 for callers in the United States or by calling (917) 962-8958 for callers outside the United States. Please note that the Claims and Noticing Agent cannot advise you how to submit, or whether you should submit, a Proof of Claim.