

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

ALLEGIANCE COAL USA LIMITED, et al.,

Debtors.¹

Chapter 11

Case No. 23-10234 (CTG)

Jointly Administered

Re: D.I. 614

FINAL ORDER DISMISSING THE DEBTORS' CHAPTER 11 CASES

Upon the *Debtors' Motion for Entry of an Order, Pursuant to Sections 105(a), 305(a), 349, 365, 554, and 1112(b) of the Bankruptcy Code and Bankruptcy Rules 1017(a) and 6007: (I) Dismissing the Debtors' Chapter 11 Cases and (II) Granting Related Relief* [D.I. 614] (the "Motion")², and the *Certification of Counsel and Request for Entry of Final Order Dismissing Chapter 11 Cases* [D.I. 763]; and this Court having found it has jurisdiction over the relief requested in the Motion under 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware dated February 29, 2012; and this being a core proceeding under 28 U.S.C. § 157(b); and venue being proper under 28 U.S.C. §§ 1408 and 1409; and due and sufficient notice of the Motion having been given under the circumstances; and it appearing that the relief requested by this Motion is in the best interests of the Debtors, their estates, and their creditors and other parties in interest; and after due deliberation and sufficient cause appearing therefor;

¹ The Debtors in these cases, along with the last four digits of each Debtor's federal EIN, are as follows: Allegiance Coal USA Limited (1324); New Elk Coal Holdings LLC (1314); New Elk Coal Company LLC (0615); and Black Warrior Minerals, Inc. (6486). The Debtors' mailing address for purposes of these chapter 11 cases is 12250 Highway 12, Weston, CO 81091.

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. If consistent with the Court's ruling on the Final Fee Applications and the objection(s) to such Final Fee Applications filed by, among other parties, Collins St Convertible Notes Pty Ltd, as trustee for the Collins St Convertible Notes Fund, all fees and expenses incurred by Retained Professionals after the Final Fee Period may be paid in the ordinary course by the Debtors.
3. Pursuant to sections 1112(b) and 305(a) of the Bankruptcy Code, these chapter 11 cases are dismissed effective as of the entry of this Order.
4. The retentions of the Retained Professionals are hereby terminated, effective immediately, without the need for further action on the part of the Court, the Debtors or such Retained Professionals; provided, however, that counsel to the Debtors is authorized to take any other actions necessary in connection with the dismissal of these cases.
5. The Committee is dissolved as of the date hereof.
6. Notwithstanding the foregoing, in accordance with Local Rule 2002-1(f)(ix), within fourteen (14) days of the entry of this Order, Stretto shall (i) forward to the Clerk of the Court an electronic version of all imaged claims; (ii) upload the creditor mailing list into CM/ECF; and (iii) docket a combined final claims register containing claims against each Debtor. Notwithstanding the foregoing or anything else in this Order to the contrary, the power of attorney granted by Black Warrior Minerals, Inc., and New Elk Coal Company LLC (the "Permittee Debtors") to Indemnity National Insurance Company, pursuant to section 18 of that certain General Indemnity Agreement, shall be unaffected by this Order or the dismissal of these cases.
7. Any executory contracts or unexpired leases neither assumed and assigned nor rejected by the Debtors prior to entry of this Order shall be deemed rejected as of the date of

this Order. Notwithstanding the foregoing or anything else in this Order to the contrary, the Debtors shall not take any action to dissolve or cancel the corporate existence of the Permittee Debtors until the earlier of (i) the date that is 180 days after entry of this Order (provided that such date may be extended by an order of the Bankruptcy Court for cause shown) or (ii) the date as of which all mining permits held by the Permittee Debtors have either been transferred to a third-party or revoked by the applicable regulatory authority.

8. As soon as reasonably practicable after the entry of this Order, without the need for further action on the part of the Court and without the need for further corporate action or action of the boards of directors or stockholders of the Debtors, to the extent not previously dissolved, the Debtors are authorized, but not directed, to dissolve their corporate entities in accordance with applicable state law or take other actions necessary and appropriate to effectuate such dissolution, and the Debtors shall not be required to pay any taxes or fees in order to cause such dissolution. Any officer or other authorized corporate representative of the Debtors is authorized to execute and file on behalf of the Debtors all documents necessary and proper to effectuate and consummate the dissolution of the Debtors in accordance with the laws of the states in which they are formed or take other actions necessary and appropriate to effectuate such dissolution.

9. Notwithstanding anything to the contrary, including, without limitation, section 349 of the Bankruptcy Code, all prior orders, releases, stipulations, settlements, rulings, findings, and judgments of the Court made in any of the above-captioned cases, including, without limitation, the orders authorizing the Auctions and the Final DIP Financing Order, shall remain in full force and effect, shall be unaffected by the dismissal of these cases, and are specifically

preserved for purposes of finality of judgment and *res judicata* unless expressly amended or overruled by a subsequent stipulation, settlement, order, or judgment of the Court, as applicable.

10. The Debtors are hereby authorized and empowered to take any and all steps necessary and appropriate to effectuate the terms of this Order.

11. To the extent applicable, Bankruptcy Rules 6004(h) and 6006(d) are waived and this Order shall be effective and enforceable immediately upon entry.

12. Notwithstanding the dismissal of these cases, the Court shall retain jurisdiction with respect to any matters, claims, rights, or disputes arising from or relating to the implementation, interpretation, or enforcement of this or any other order of the Court entered in these cases.



Dated: July 25th, 2024
Wilmington, Delaware

CRAIG T. GOLDBLATT
UNITED STATES BANKRUPTCY JUDGE