



BENJAMIN A. KAHN  
UNITED STATES BANKRUPTCY JUDGE

**Dated: August 3rd, 2020**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION

In re: ) Lead Case No. 3:19-bk-30289  
)  
Blackjewel L.L.C., *et al.*, ) Chapter 11  
)  
Debtors. ) (Jointly Administered)

**ORDER ESTABLISHING CERTAIN NOTICE AND  
CASE MANAGEMENT PROCEDURES**

These cases<sup>1</sup> are before the Court *sua sponte*. The Court having found and concluded that (i) it has jurisdiction over these jointly administered cases under 28 U.S.C. § 1334(a), any proceedings herein which arise under, arise in, or relate to these cases under 28 U.S.C. § 1334(b), and all property of Debtors under 28 U.S.C. § 1334(e); (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A); (iii) venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409; (iv) the provisions of this Order were entered after due notice and opportunity for hearing; and(v)

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<sup>1</sup> 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., Case No. 19-30289 (0823); Blackjewel Holdings L.L.C., Case No. 19-30290 (4745); Revelation Energy Holdings, LLC, Case No. 19-30291 (8795); Revelation Energy, LLC, Case No. 19-30292 (4605); Revelation Management Corporation, Case No. 19-30293 (8908); Dominion Coal Corporation, Case No. 19-30323 (2957); Harold Keene Coal Co. LLC, Case No. 19-30324 (6749); Vansant Coal Corporation, Case No. 19-30325 (2785); Lone Mountain Processing, LLC, Case No. 19-30326 (0457); Powell Mountain Energy, LLC, Case No. 19-30327 (1024); and Cumberland River Coal LLC, Case No. 19-30328 (2213).

the legal and factual bases set forth on the record and herein establish just cause for the entry of this order, which is appropriate to ensure that the cases are handled expeditiously and economically and is in the best interests of the Debtors, their estates, and their creditors. **NOW, THEREFORE**, after due deliberation and sufficient cause appearing,

**IT IS ORDERED AS FOLLOWS:**

**A. Service and Notice Procedures**

1. In these jointly administered cases, all requests for an order as contemplated by Bankruptcy Rule 9013 and all applications (collectively, “Requests for Relief”) shall be subject to the service and notice procedures described in this Order (the “Service and Notice Procedures”), which Service and Notice Procedures are hereby implemented and approved pursuant to Sections 102(a) and 105(a) of the Bankruptcy Code and Bankruptcy Rules 2002(m) and 9007. Service and notice given in accordance with the Service and Notice Procedures shall be deemed adequate pursuant to the Bankruptcy Code, the Bankruptcy Rules, and the Local Bankruptcy Rules of the Court (the “Local Rules”); provided, however, that nothing herein shall be construed to affect or control the method of service or notice procedures in related adversary proceedings.

2. All Requests for Relief shall be filed with the Court in accordance with the Local Rules.

3. The Debtor shall establish a master service (the “Master Service List”), which shall include:

- (a) The Debtors and their counsel;
- (b) The United States Trustee;
- (c) Counsel to any official committee(s) established under Section 1102 of the Bankruptcy Code;

- (d) The Attorney General of The United States;
- (e) The Civil Process Clerk for the United States Attorney's Office for the Southern District of West Virginia;
- (f) The Attorney General for the State of West Virginia;
- (g) All counsel having entered a notice of appearance, but only one copy of the filing regardless of how many creditors or parties-in-interest the counsel represents; and
- (h) Those parties that may be added to the Master Service List upon written request to the Debtors or as ordered by the Court for good and sufficient cause.

5. Any creditor or party-in-interest that wishes to receive notice other than as required in accordance with Bankruptcy Rule 2002 must file a notice of appearance and request for service of papers (a "Request") with the Clerk of the Court and serve a copy of such Request upon each of the parties set forth on the Master Service List. The Request must include such party's (i) name, (ii) address, (iii) name of client, if applicable, (iv) telephone number, (v) facsimile telephone number, and (vi) electronic mail ("e-mail") address, unless such party files a request to be exempted from providing an e-mail address. All requests for automatic receipt of Requests for Relief, and other documents or writings filed in the case and any related adversary proceeding from and after the date of this Order that do not comply with the foregoing requirements shall be denied, and the Request will not be processed by the Debtors.

6. Each party having filed a Request to be added to the Master Service List and each party having requested an CM/ECF password from the Court shall be deemed to have consented to electronic service of papers and to have waived the right to receive notice and service

conventionally (i.e., served in paper or “hard copy”). Notwithstanding the foregoing, any party that has not filed a request to be added to the Master Service List, any party that is a governmental unit or agency, or any party that has not consented to or been deemed to have consented to electronic service, shall be served in paper (i.e., “hard copy”) by U.S. mail or overnight delivery. Except as specifically provided in this paragraph 6, nothing in this Order shall be construed to modify the method of service of process as required under Bankruptcy Rules 9014 and/or 7004, as applicable.

7. The Debtor shall review the Master Service List on a weekly basis and update it to include the names, addresses, telephone numbers, and e-mail addresses of any party-in-interest that has made a written request for notice in the case. In the event any changes are made to the Master Service List, the Debtor shall (i) file the updated Master Service List on the case docket and (ii) provide the Court with a document that reflects the changes that were made to the Master Service List since the last update.

8. All Requests for Relief shall be served on the Master Service List as updated by the Debtor pursuant to this Order.

9. Except as provided in paragraph 10 below, all Requests for Relief for which particular notices are required by Bankruptcy Rules 2002(a)(2), (3), and (6), 4001, 6004, 6006, 6007, or 9019 shall be served on the Master Service List and additionally in accordance with the following procedures, unless otherwise ordered by the Court:

- (a) Pleadings related to the use, sale, lease, or abandonment of property other than in the ordinary course of business shall be served on each entity having an interest in the property;

- (b) Pleadings related to relief from, or otherwise related to, the automatic stay shall be served on each entity having an interest in (including a lien or encumbrance on) the affected property;
- (c) Pleadings related to the use of cash collateral or obtaining debtor in possession financing shall be served on each entity with an interest in the cash collateral or each entity with a lien or other interest in property on which a lien is proposed to be granted;
- (d) Pleadings related to approval of proposed compromises or settlements shall be served on any entity that is a party to the compromise or settlement or which may be directly adversely affected thereby;
- (e) Pleadings related to rights under Section 365 of the Bankruptcy Code shall be served on each party to the executory contract(s) or unexpired lease(s) affected thereby; and
- (f) Notice of other matters for which the Federal Rules of Bankruptcy Procedure specifically require notice to all parties in interest shall be served on all creditors and equity security holders of the Debtors and parties in interest, except as set forth herein or as otherwise authorized by the Court.

10. Except as set forth herein or as otherwise authorized by the Court, the time and service party limitations set forth in the Service and Notice Procedures shall not apply to the instant Order (which shall be served on the entire creditor mailing matrix), or to the matters or proceedings described in the following Federal Rules of Bankruptcy Procedure:

- (a) Rule 2002(a)(1) (any meetings of creditors pursuant to Section 341 of the Bankruptcy Code);

- (b) Rule 2002(a)(2) (any proposed use, sale, or lease of property of the estate, other than in the ordinary course of business to the extent that such use, sale, or lease concerns all or substantially all the Debtors' assets);
- (c) Rule 2002(a)(3) (the hearing on approval of a compromise or settlement of a controversy, other than approval of an agreement pursuant to Bankruptcy Rule 4001(d)(1), to the extent that such compromise or settlement either involves claims between and among the Debtors and the Official Committee of Unsecured Creditors or a plan of reorganization);
- (d) Rule 2002(a)(4) (a hearing upon the dismissal of the case, or the conversion of the case to another chapter);
- (e) Rule 2002(a)(5) (the time fixed to accept or reject a proposed modification of a plan of reorganization);
- (f) Rule 2002(a)(7) (the time fixed for filing proofs of claim pursuant to Rule 3003(c));
- (g) Rule 2002(b)(1) (the time fixed for filing objections and any hearing to consider approval of a disclosure statement);
- (h) Rule 2002(b)(2) (the time fixed for filing objections and any hearing to consider confirmation of a plan of reorganization);
- (i) Rule 2002(d) (certain matters for which notice is to be provided to equity security holders);
- (j) Rule 2002(f)(1) (the entry of an order for relief in this case);
- (k) Rule 2002(f)(2) (the dismissal or conversion of the case to one under another chapter of the Bankruptcy Code);

- (l) Rule 2002(f)(5) (the time fixed for filing a complaint to determine the dischargeability of a debt pursuant to Section 523 of the Bankruptcy Code, as provided in Bankruptcy Rule 4007);
- (m) Rule 2002(f)(6) (the waiver, denial, or revocation of a discharge as provided in Rule 4006);
- (n) Rule 2002(f)(7) (the entry of an order confirming a Chapter 11 plan of reorganization); and
- (o) Rule 2002(f)(8) (a summary of the trustee's final report and account, should the case be converted to one under Chapter 7 of the Bankruptcy Code).

All the foregoing matters or proceedings set forth in this paragraph shall be noticed in accordance with the applicable provisions of Bankruptcy Rule 2002 , unless otherwise ordered by the Court or otherwise proscribed by the Bankruptcy Code. *Provided, however,* that nothing in this Order shall prejudice (i) the right of the Debtor or any party-in-interest to move the Court to further limit or expand notice of such matters and proceedings upon a showing of good cause, including, but not limited to, the right to file a motion seeking emergency *ex parte* consideration or consideration upon shortened time; or (ii) the rights of any party to seek an enlargement or reduction of a time period under Bankruptcy Rule 9006(b) or (c).

11. A "Notice of Hearing," using the format attached hereto as Exhibit A, shall be affixed as a first page to all motions, applications, or other requests for relief, and shall include the following:

- (a) The title of the Pleading;

- (b) The Parties upon whom any response or objection to the Pleading is required to be served;
- (c) The date and time of the applicable objection deadline (the “Applicable Objection Deadline”);
- (d) The date of the Omnibus Hearing or other hearing date (as ordered by the Court) at which the Court will consider the Pleading (the “Applicable Hearing Date”); and
- (e) If so provided under the Local Rules or standing practice in this district, a statement that the relief requested in the Pleading may be granted without a hearing if no objection is timely filed and served in accordance with the Service and Notice Procedures.

12. To be properly considered by the Court at the Applicable Hearing Date, a moving party must comply with any notice period found in the Federal Rules of Bankruptcy Procedure and the Local Rules associated with a given Pleading. Any Notice of Hearing may designate a hearing date that is at least 21 days after filing and service of the motion, application, or other request for relief. If a Notice of Hearing designates a hearing date that is less than 21 days after filing, the Clerk shall schedule the Applicable Hearing Date for the next available Omnibus Hearing date that is at least 21 days after filing. Notwithstanding Bankruptcy Rule 9006(f), no additional days shall be added to the notice period if the Pleading is served by U.S. mail. Nothing in these Service and Notice Procedures shall prejudice the right of any party to move the Court to request an enlargement or reduction of any time period under Bankruptcy Rules 6006(b) and 9006(b)-(c).



13. If a party seeks a reduction of a time period, it must file a *Motion to Expedite Hearing* immediately after filing the Request for Relief requesting that the Court hear the matter at the next available Omnibus Hearing date or other hearing date as ordered by the Court. The party must notify Courtroom Deputy Karen Champagne by e-mail at Karen\_Champagne@ncmb.uscourts.gov of such a motion, and file with the Court a proposed order shortening notice of and expending hearing on the relevant Request for Relief.

14. The Applicable Objection Deadline shall be no later than (i) the seventh (7<sup>th</sup>) calendar date before the Applicable Hearing Date, or (ii) such other date otherwise ordered by the Court. The Applicable Objection Deadline may be extended with the consent of the movant or the applicant or by further order of the Court. An objection will not be considered timely filed unless filed with the Court and served on all parties on the Master Service List and the interested movant, on or before the Applicable Objection Deadline. All parties filing an objection shall include their telephone and their email or facsimile number in the signature block on the last page of the objection.

15. Unless otherwise ordered by the Court, a reply to a response or an objection will not be considered timely unless timely filed with the Court and served in accordance with these Service and Notice Procedures on or before 12:00 p.m., Prevailing Eastern Time, on the day that is at least three (3) business days before the Applicable Hearing Date.

16. Proposed Agenda for Hearings. At or before 3:00 p.m. Prevailing Eastern Time the day prior to each hearing day, the Debtor's counsel shall file on the case docket a proposed agenda outlining (i) the matters to be heard on such hearing day; (ii) matters for which no objection was filed and the Court has entered an order; and (iii) matters for which no objection was filed but for which no order has been entered such that the Court will consider the matter at the hearing (the

“Agenda”). The Agenda may and should be updated after the initial submission if necessary. The Agenda shall list disputed matters first and will be limited to substantive papers – motions and responses — and need not include the supporting memoranda, briefs, affidavits, exhibits, or miscellaneous filings, such as notices of adjournment and affidavits of service. Service of the Agenda shall be made by e-mail on the following: (i) the Master Service List, (ii) the Court’s Courtroom Deputy and law clerk at Karen\_Champagne@ncmb.uscourts.gov and Samantha\_Ruben@ncmb.uscourts.gov, respectively, (iii) the Clerk of Court for the United States Bankruptcy Court for the Southern District of West Virginia, and (iv) the Court’s Automation Department at Video\_Court@ncmb.uscourts.gov. Service of the Agenda shall be made on the above parties via CM/ECF and via e-mail (on those parties that included an email address in the Request and who are not otherwise registered for CM/ECF), and such service shall constitute sufficient service.

17. Information Available on the Court’s Website. The Court will maintain a link on its main website, [www.wvsb.uscourts.gov](http://www.wvsb.uscourts.gov), where it will post Agendas provided to the Court, list Omnibus Hearing Dates, and provide other information and notices regarding the Debtor’s case.

18. Settlements. If a matter is properly noticed for hearing and the parties reach agreement on a settlement of the dispute prior to the final hearing, the parties may announce the settlement at the scheduled hearing on the hearing day. If the Court determines that the notice of the dispute and the hearing is adequate notice of the effects of the settlement (*i.e.*, that the terms of the settlement are not materially different from what parties-in-interest could have expected if the dispute were fully litigated), the Court may approve the settlement at the hearing without further notice of the terms of the settlement. If the Court determines that additional or supplemental notice is required, the parties shall serve such notice in accordance with the

procedures set forth herein and a hearing to consider such settlement shall be on the next hearing day deemed appropriate by the Court.

**B. Hearings and Related Procedural Matters**

19. Claims Objections. The Court shall set separate hearings for claim objections, but any such hearings will be governed by the provisions of this Section B.

20. Hearings Scheduled in Error. If a document is filed by a non-Debtor party that purports to set a hearing date inconsistent with the procedures herein, the hearing shall be scheduled, without the necessity of Court order, for the first Omnibus Hearing after the applicable notice period has expired. If this occurs, the Debtors shall provide the movant with notice of these procedures within five (5) business days of the Debtors' receipt of the documents that are erroneously filed.

21. Guidelines for Setting a Hearing Date. Pleadings shall not be considered by the Court unless filed and served in accordance with the Service and Notice Procedures. The Court will inform parties-in-interest when Omnibus Hearings will take place in the case via a link on its website, [www.wvsvb.uscourts.gov](http://www.wvsvb.uscourts.gov). All matters requiring a hearing in the case shall be set for and heard on Omnibus Hearing dates unless alternative hearing dates are approved by the Court for good cause shown.

22. Audio and Video Conferencing Solutions. Pursuant to Rule 43(a) of the Federal Rules of Civil Procedure, made applicable here by Bankruptcy Rule 9017, the current COVID-19 pandemic provides good cause in compelling circumstances to allow evidentiary hearings in these jointly administered cases to be conducted remotely using audio and video conferencing solutions. Accordingly, after due deliberation, this Court adopts the following virtual hearing procedures which provide appropriate safeguards. Until further order of the Court, all hearings shall take

place using the telephonic and videoconferencing solutions described herein. Participants will be connected with the courtroom using these technologies but will not be physically present in the courtroom. The Court will utilize the AT&T Teleconferencing Service (“AT&T”) (for audio purposes) and Zoom for Government (“ZFG”) (for video purposes).

a. Audio. AT&T can be accessed by calling (877) 848-7030, access code 8852513. All counsel and Remote Witnesses, as defined in Paragraph 28 below, accessing the hearing through AT&T shall utilize either a headset or handset.

b. Video. The ZFG link shall be provided to those Parties who have submitted a notice of intent to participate via ZFG to the Court in accordance with Paragraph 4 below. All counsel and Remote Witnesses shall conduct a pre-hearing test of ZFG and, if possible, AT&T, using the same equipment that they will be using during the hearing. All counsel and Remote Witnesses appearing through the ZFG shall disable the audio function on ZFG and access audio through AT&T with a headset or handset.

23. Speaker Phones Prohibited. No one attending through AT&T shall utilize a speaker phone.

24. Limit on Video Conferencing. Due to video conferencing limitations, and in an effort not to overburden the ZFG platform, video conference participants shall be limited to the witnesses, those parties that anticipate questioning or cross-examining witnesses and, when possible, should be limited to one attorney per firm. Parties attending via ZFG shall utilize the ZFG link only during the matter for which they wish to be heard. Upon the conclusion of such matter, the party shall disconnect from the ZFG link and may continue participation in the hearing through AT&T. Similarly, Remote Witnesses shall utilize the ZFG link only during their

testimony. Prior to, and after completion of, a Remote Witness's testimony and all cross-examination, the Remote Witness shall disconnect from the ZFG link and may participate in the hearing through AT&T. In order to limit the number of ZFG participants, if necessary, the Court may permit examination of a Remote Witness by telephone or take a recess between matters in order to add or subtract individuals participating via ZFG, if necessary.

25. Prior Notice of Intent to Use ZFG. All parties wishing to attend the hearing via ZFG or wishing to offer Remote Witnesses shall provide notice to **Karen\_Champagne@ncmb.uscourts.gov** and **Video\_Court@ncmb.uscourts.gov** via e-mail no later than **5:00 p.m. prevailing Eastern Time two business days prior to the scheduled hearing.** The notice shall identify each matter on which the Party intends to attend via ZFG. The Court will circulate the ZFG link to all such Parties prior to the hearing. Parties shall be responsible for circulating such information to any Remote Witness they intend to sponsor as provided below.

26. Attendance at the Hearing by Other Attorneys, Parties-in-Interest and the Public. All other attorneys, parties in interest, or members of the public who wish to hear or observe any scheduled hearing shall send an email to **Karen\_Champagne@ncmb.uscourts.gov** via electronic mail no later than **5:00 p.m. prevailing Eastern Time two business days prior to the scheduled hearing.** Attorneys, parties-in-interest, and the public must provide the following information in their email: (1) the first and last name of each person who will connect to the Hearing; (2) a telephone number for any person connecting by telephone; (3) the law firm you are affiliated with (if applicable); (4) and the client you represent (if applicable). To avoid multiple appearances at the Hearing, parties will join with one device only.

27. Submission of Exhibits to Court. Notwithstanding Local Rule 5005-1, parties intending to offer exhibits at a hearing shall file all such exhibits on the docket in bookmarked .pdf

format no later than **5:00 p.m. prevailing Eastern Time two business days prior to any scheduled hearing**, and shall contemporaneously serve the filed exhibits by electronic mail on counsel for each of the parties who has made an appearance on the relevant Pending Matter and the U.S. Trustee. All exhibits shall be separately labeled. Filing of any exhibit shall not require the exhibit to be offered into evidence at the hearing, nor shall any proposed exhibit be considered as evidence unless offered and admitted at the hearing. Any other exhibit or demonstrative that may be used for any purpose, including for rebuttal or impeachment, must be submitted no later than 12:00 noon prevailing Eastern Time one business day prior to the hearing, via email by the offering party to the Court (at **Karen\_Champagne@ncmb.uscourts.gov**), counsel for each of the parties who has made an appearance in the relevant Pending Matter, and the U.S. Trustee.

28. Remote Witness Testimony. In accordance with Federal Rule of Civil Procedure 43(a) (made applicable by Federal Rule of Bankruptcy Procedure 9017) and Federal Rule of Evidence Rule 611, for good cause and in compelling circumstances a witness may be permitted to testify by contemporaneous transmission from a location other than the courtroom. The Court finds that the COVID 19 disease pandemic constitutes such exigent circumstances, and that the procedures set forth herein constitute adequate safeguards. Based on the foregoing, any witness called to testify or subject to cross-examination in relation to the Pending Matters shall be permitted to testify by contemporaneous transmission from a different location (“Remote Witness”).

- a. All Remote Witnesses shall be affirmed and their testimony shall have the same effect and be binding on the Remote Witness in the same manner as if such Remote Witness was affirmed and testified in open court.

- b. Each Remote Witness shall provide his or her testimony from a quiet room and must situate himself or herself in such a manner as to be able to both view the video feed and be seen by the Court.
- c. While the Remote Witness is affirmed and testifying: (i) no person may be present in the room from which the Remote Witness is testifying, (ii) the Remote Witness may not have in the room any documents except the exhibits submitted by the parties pursuant to Paragraph 5 above [and any declaration submitted in lieu of direct testimony], and (iii) may not communicate with any other person regarding the subject of the testimony, by electronic means or otherwise. If the Remote Witness or counsel seek to communicate with one another, either shall openly request a recess for such purpose. If such request is granted by the Court, the Remote Witness and counsel may privately confer "offline," i.e., by telephonic means that are not transmitted to the other parties.

29. Requirements for Allowance of Remote Testimony; Additional Information. As additional safeguards for the allowance of a Remote Witness, the Party sponsoring said Remote Witness shall file with the Court, no later than **12:00 p.m. prevailing Eastern Time on one business day prior to the hearing**, a document containing the following information:

- a. The name and title of each Remote Witness from whom the sponsoring Party may offer testimony.
- b. The matter on which the Remote Witness will provide testimony.
- c. The location of the Remote Witness (city, state, country).
- d. The place from which the Remote Witness will testify (e.g. home, office – *no addresses are required*).

Providing the identity of a Remote Witness shall not require that Remote Witness to be called, but only those Remote Witnesses timely identified herein will be permitted to testify absent good cause, unless called solely for rebuttal.

30. Affirming Remote Witnesses. All Remote Witnesses shall be affirmed over ZFG or other video conferencing solution, as applicable, and such testimony will have the same effect and be binding upon the Remote Witness in the same manner as if such Remote Witness was affirmed by the Courtroom Deputy in person in open court.

31. Responsibility for Remote Witnesses. The Party sponsoring any Remote Witness shall be responsible for ensuring that the AT&T dial-in, and ZFG link are supplied to the Remote Witness prior to the hearing and that the Remote Witness has access to AT&T and ZFG, as applicable. **The Party sponsoring a Remote Witness shall ensure that the witness has printed copies of all exhibits filed with the Court by all counsel prior to the start of the hearing. In lieu of printed copies, a witness may have electronic copies that will be readily accessible and reviewable by the witness during testimony on a device separate from the device used to connect to the hearing.**

32. Courtroom Formalities. Although conducted using telephonic and videoconferencing technologies, these evidentiary hearings constitute court proceedings. No person shall record— from any location or by any means—the audio or video of the hearing. The audio recording created and maintained by the Court shall constitute the official record of the hearing. Further, the formalities of a courtroom shall be observed. Counsel and Remote Witnesses shall dress appropriately, exercise civility, and otherwise conduct themselves in a manner consistent with the dignity of the Court and its proceedings.



33. Checking in for Hearing. Due to the large number of expected participants in the Hearing and the Court's security requirements for participating in a ZFG audio and video hearing, all persons seeking to attend the hearing via ZFG must connect to the hearing beginning thirty (30) minutes prior to the scheduled commencement of the hearing. When parties sign into ZFG and add their names, they must type in the first and last name that will be used to identify them at the Hearing. Parties that type in only their first name, a nickname or initials will not be admitted into the Hearing. When seeking to connect for either audio or video participation in a ZFG Hearing, participants will first enter a "Waiting Room," in the order in which they seek to connect. Court personnel will admit each person to the Hearing from the Waiting Room after confirming the person's name (and telephone number, if a telephone is used to connect) provided to the Court in accordance with this Order. Because of the potentially large number of participants, participants may experience a delay in the Waiting Room before being admitted to the Hearing.

C. Automatic Stay Proceedings

34. Notwithstanding anything contained herein, and absent any relief otherwise ordered by the Court, motions for relief from the automatic stay filed pursuant to Section 362 of the Bankruptcy Code shall be noticed for consideration on the Omnibus Hearing date that is at least twenty-one (21) days after the motion is filed and notice is served upon the Debtors.

35. If a movant seeks application of the provisions of § 362(e), the movant must so state both in the caption and in the body of its motion. **Otherwise, the movant will be deemed to have waived the application of § 362(e), the initial hearing shall be treated as a preliminary hearing, and the stay shall remain effective notwithstanding expiration of the periods thereunder.** Similarly, if a movant requests application of § 362(e) as provided herein, but files

a motion for relief from the automatic stay pursuant to § 362 less than twenty-one (21) days before the next scheduled Omnibus Hearing and more than thirty (30) days before the Omnibus Hearing date following the date of the next scheduled Omnibus Hearing and the Court does not grant a motion expediting the hearing on the applicable motion, the movant shall be deemed to have waived the application of § 362(e), and the stay shall remain effective at least until the Court considers the matter at a hearing and thereafter upon such terms as the Court orders. Except as specifically set forth herein, all other procedures for such motions shall otherwise conform to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules.

36. A copy of this Order shall be served by the Debtor on all parties designated to receive the notice of commencement of the Case.

[END OF DOCUMENT]

**EXHIBIT A**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION

In re: ) Lead Case No. 3:19-bk-30289  
)  
Blackjewel L.L.C., *et al.*, ) Chapter 11  
)  
Debtors.<sup>1</sup> ) (Jointly Administered)

**NOTICE OF HEARING ON \_\_\_\_\_**

**PLEASE TAKE NOTICE** pursuant to the *Order Establishing Certain Notice and Case Management Procedures* [ECF No. \_\_\_\_] (the “Case Management Order”) that a hearing (the “Hearing”) to consider the \_\_\_\_\_ [ECF No. \_\_\_\_] (the “”) filed by \_\_\_\_\_ (the “Movant”) on \_\_\_\_\_, 202\_ in the above captioned bankruptcy cases shall be held before the United States Bankruptcy Court for the Southern District of West Virginia (the “Bankruptcy Court”) on \_\_\_\_\_, 202\_ at \_\_\_\_\_ (Prevailing Eastern Time).

**PLEASE TAKE FURTHER NOTICE** that the Hearing will be conducted pursuant to the procedures in the Case Management Order as may be modified by further orders of the Court from time to time. **Any party wishing to be heard must comply with the terms and provisions of the Case Management Order.**

**PLEASE TAKE FURTHER NOTICE** that responses or objections, if any, to the relief requested in the \_\_\_\_\_ must be in writing and conform to the Federal Rules of Bankruptcy Procedure, the Local Rules of the Bankruptcy Court, and the procedures described in the Case Management Order entered by the Bankruptcy Court on \_\_\_\_\_. Any responses or objections shall be served in an accordance with the Case Management Order on the following parties:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> 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); Vasant Coal Corporation (2785); Lone Mountain Processing, LLC (0457); Powell Mountain Energy, LLC (1024); and Cumberland River Coal LLC (2213).

Any response must be filed and served no later than on \_\_\_\_\_ (the “Objection Deadline”). If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the \_\_\_\_\_ and may enter an order granting that relief.

Respectfully submitted, this \_\_\_\_ day of \_\_\_\_\_.