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IT IS SO ORDERED.

Dated: August 10, 2018



ALAN M. KOSCHIK
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

)	Chapter 11
In re:)	
)	Case No. 18-50757 (AMK)
FIRSTENERGY SOLUTIONS CORP., <i>et al.</i> , ¹)	(Jointly Administered)
)	
Debtors.)	
)	Hon. Judge Alan M. Koschik
)	

SCHEDULING ORDER REGARDING (A) DEBTORS' MOTION FOR ENTRY OF AN ORDER AUTHORIZING FIRSTENERGY GENERATION, LLC TO REJECT A CERTAIN COAL SUPPLY CONTRACT AND (B) MOTION OF CONSOLIDATION COAL COMPANY AND MCELROY COAL COMPANY FOR RELIEF FROM THE AUTOMATIC STAY TO TERMINATE THE CCR AGREEMENT

On June 27, 2018, the above-captioned debtors and debtors in possession (collectively, the "Debtors") filed *Motion of the Debtors for Entry of an Order Authorizing FirstEnergy Generation, LLC to Reject a Certain Coal Supply Agreement* [Dkt. No. 837] (the "Coal Supply

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: FE Aircraft Leasing Corp. (9245), case no. 18-50759; FirstEnergy Generation, LLC (0561), case no. 18-50762; FirstEnergy Generation Mansfield Unit 1 Corp. (5914), case no. 18-50763; FirstEnergy Nuclear Generation, LLC (6394), case no. 18-50760; FirstEnergy Nuclear Operating Company (1483), case no. 18-50761; FirstEnergy Solutions Corp. (0186); and Norton Energy Storage L.L.C. (6928), case no. 18-50764. The Debtors' address is: 341 White Pond Dr., Akron, OH 44320.



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Contract Rejection Motion”). On July 11, 2018, Murray Energy Corporation’s subsidiaries, Consolidation Coal Company (“Consolidation”) and McElroy Coal Company (“McElroy”, together with Consolidation, “Murray”) filed an *Objection of Consolidation Coal Company and McElroy Coal Company to Motion of the Debtors Authorizing FirstEnergy Generation, LLC to Reject a Certain Coal Supply Contract* [Dkt. No. 927] (the “Objection”) and a *Motion of Consolidated Coal Company and McElroy Coal Company for Relief from the Automatic Stay to Terminate the CCR Agreement* [Dkt. No. 931](the “Stay Relief Motion”).

The parties have conferred about scheduling discovery, deadlines for filing pleadings and hearings on the Coal Supply Contract Rejection Motion and the Stay Relief Motion.

On July 31, 2018, the parties submitted this joint proposed scheduling order. The Court, having reviewed the proposed scheduling order, finds that the order is appropriate and concurs with the dates and deadlines contained therein.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. The previously scheduled August 21, 2018 hearing on the Coal Rejection Motion and the Stay Relief Motion will not go forward.
2. The Debtors will file a reply to the Objection on or before **5:00 p.m. prevailing Eastern time on September 14, 2018.**
3. A non-evidentiary hearing to determine if the Coal Sales Agreement (as defined in the Coal Supply Rejection Motion) and the CCR Agreement (as defined in the Objection) are separate contracts or constitute one agreement based solely upon the language contained in the Coal Sales Agreement and the CCR Agreement shall be held on **October 2, 2018 at 10:00 a.m. prevailing Eastern Time** in Courtroom 260 of the John F. Seiberling Federal Building & U.S. Courthouse, 2 South Main Street, Akron, Ohio. In the event

that after such hearing the Court determines that it requires parol evidence in order to make such determination, the Court will establish a schedule for the submission of parol evidence in the form of declarations by witnesses and will schedule an evidentiary hearing. All other legal issues with respect to the Coal Supply Contract Rejection Motion will be heard on the same date as the scheduled hearing on the Stay Relief Motion.

4. With respect to the Stay Relief Motion, the parties have agreed that document requests may be served no earlier than **Tuesday, September 4, 2018** and depositions will occur once documents have been produced. The parties agree to a cut off of **October 16, 2018** with respect discovery in connection with the Stay Relief Motion. By no later than **October 25, 2018**, the Debtors will file responsive pleadings with respect to the Stay Relief Motion, including any supporting declarations. By no later than **November 5, 2018**, Murray will file its reply to the Debtors' responsive pleadings. The Court will reserve **November 27, 2018 at 10:00 a.m. prevailing Eastern Time** in Courtroom 260 of the John F. Seiberling Federal Building & U.S. Courthouse, 2 South Main Street, Akron, Ohio, for an evidentiary hearing on the Stay Relief Motion and a hearing on the other legal issues with respect to the Coal Supply Contract Rejection Motion.
5. There shall be a pretrial conference on **November 7, 2018 at 2:00 p.m. prevailing Eastern time** in Courtroom 260 of the John F. Seiberling Federal Building & U.S. Courthouse, 2 South Main Street, Akron, Ohio. Parties may participate telephonically by registering with Court Solutions, a private vendor, at www.court-solutions.com.

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SUBMITTED BY:

/s/ Kate M. Bradley

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