

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In the matter of:

**NEW WEI, INC, *et al.*,
Debtor,**

§
§

Case Number: 15-02741-TOM-7

ORDER REFERRING PARTIES TO MEDIATION

It is hereby **ORDERED, ADJUDGED** and **DECREED** that the Liquidating Trustee for the WEI Estates, Warrior Met Coal, Inc., and the Alabama Workers' Compensation Self-Insurance Guaranty Association (hereafter "the parties")¹ and their respective counsel shall participate in a mediation (the "Mediation") with Judge Mary Grace Diehl regarding all issues and disputes between the parties. Each of the parties is authorized to take all steps necessary and appropriate to participate in the Mediation. Judge Diehl will communicate directly with counsel regarding the details of the Mediation and the mediation process including, but not limited to, the date, time, place, and any position papers or other documentation to be provided. It is further

ORDERED, ADJUDGED and **DECREED** that Judge Diehl is designated as a settlement judge for the purpose of conducting mediation proceedings as the neutral mediator. It is further

ORDERED, ADJUDGED and **DECREED** that all counsel shall attend and participate in good faith and each shall have a representative present at the Mediation with full authority to settle all applicable and relevant issues and disputes between the parties; and it is further

ORDERED, ADJUDGED and **DECREED** that the Mediation shall take place at a time and place and in accordance with procedures mutually agreed upon by Judge Diehl and the parties. Since Judge Diehl will be serving as the neutral mediator in this matter, and because the nature of the mediation process requires *ex parte* contacts and communications between the neutral mediator and each of the parties, the prohibitions of FED. R. BANKR. P. 9003 do not apply to communications among the parties, their attorneys, and Judge Diehl in connection with the mediation proceedings. The parties and their attorneys may, therefore, have *ex parte* communications with Judge Diehl in her capacity as the neutral mediator in connection with these mediation proceedings. All communications made by the parties or their attorneys to each other or to Judge Diehl in connection with the mediation process, the conduct and demeanor of the parties and their counsel during the Mediation, and any documents prepared or produced in connection with the mediation process, including Judge Diehl's notes or records, shall be confidential and shall not be admissible in evidence or be the subject of any discovery in any proceeding (unless admissible or discoverable without regard to the Mediation). The mediation sessions, and any conferences or proceedings in connection therewith, shall be treated as compromise negotiations for purposes of the Federal Rules of Evidence and any other rules of evidence applicable to the disputes.

¹ Sedgwick Claims Management Services, Inc. has been included as a party in the related Mediation Scheduling Order entered in this case; thus, this Order Referring Parties to Mediation is applicable to Sedgwick Claims Management Services, Inc. as well.



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No record will be made of the mediation proceedings. Judge Diehl is disqualified from appearing as a witness in any matter and shall not be called as a witness with regard to the Mediation or any matter arising out of or related thereto; and it is further

ORDERED, ADJUDGED and DECREED that all pending matters related to these parties and the disputes between shall be held in abeyance until the Mediation is concluded.

Dated: July 30, 2020

/s/ Tamara O. Mitchell
TAMARA O. MITCHELL
United States Bankruptcy Judge

Notice Recipients

District/Off: 1126-2
Case: 15-02741-TOM7

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intp	Atlas Resource Partners, L.P.
intp	ARP Production Company, LLC
sp	Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
sp	Paul, Weiss, Rifkind, Wharton & Garrison LLP
op	Houlihand Lokey Capital, Inc.
cr	Union Security Insurance Company a/k/a Assurant Employee Benefits

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cr	Aspen American Insurance Company	c/o C. Ellis Brazeal III	Jones Walker LLP	1819 5th Avenue
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TOTAL: 200