

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

In re:

NEW WEI, INC., et al.

Debtors.

Chapter 7

**Case No: 15-02741-TOM7
(Joint Administration)**

**MEDIATION SCHEDULING ORDER REGARDING
THE TRUSTEE'S CLAIMS AGAINST THE GUARANTY ASSOCIATION**

This "Scheduling Order" applies only to the following four parties (collectively, the "Parties"): Andre Toffel, solely in his capacity as the Trustee of these Chapter 7 Cases (the "Trustee"), Warrior Met Coal, Inc. ("Warrior Met"), the Alabama Self-Insured Workers Compensation Guaranty Association (the "Association"), and Sedgwick Claims Management Services, Inc. (the "TPA"). The Trustee and Warrior Met will collectively be referred to as "Claimants;" the Association and the TPA will collectively be referred to as "Respondents."

The Claimants have asserted unfiled claims against the Respondents, which claims are subject to a tolling agreement. All of the Parties desire to mediate before any lawsuit is filed. Based on the request of the Parties and in accord with the procedures of the Eleventh Circuit Court of Appeals (the "Eleventh Circuit"), the Court is pleased to announce that the Honorable Mary Grace Diehl is an acceptable mediator to each of the Parties and she has graciously agreed to be the Mediator. The Eleventh Circuit has approved this assignment.

The Parties have not completed discovery but believe they are in a position to mediate the entire dispute. If the mediation is not successful, then presumably the Claimants will file an Adversary Proceeding against the Respondents.

The Court hereby **ENTERS** the following scheduling order as requested by the Parties.



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1. The Claimants will deliver to Respondents by Monday, August 3, 2020, both (a) a draft of the proposed Stipulation of Facts to the Respondents; and (b) a Statement of their Claims.

2. The Respondents will deliver to the Claimants by Monday, August 24, 2020 both (a) the proposed Stipulation of Facts containing their proposed revisions; and (b) a Statement of their Claims or Defenses.

3. The Parties will work together to agree on a final Stipulation of Facts by Monday, August 31, 2020. This Stipulation of Fact will govern the Mediation, but will not apply, will be inadmissible, and cannot be used in any litigation among the Parties, unless later agreed.

4. The Claimants and the Respondents will each deliver to the Mediator their confidential mediation statements by Monday, September 14, 2020. Each of the Parties may file a separate confidential mediation statement or they may join with any other party for all or a portion of a confidential mediation statement.

5. The Parties shall be ready to mediate by September 21, 2020. The mediation can be face to face, in separate rooms, or by remote means as the Parties and the Mediator may decide. The Parties and the Mediator have agreed that if they mediate in person, the mediation will occur in Birmingham, Alabama. This mediation can be held on one or more days.

6. Each of the Parties shall have at least one representative at the mediation with authority to settle the entire dispute.

7. The Parties are encouraged to make opening demands and offers prior to the date set for mediation.

8. All expenses of the Mediator will be paid by the Parties.

9. The Mediator may make any revisions to this Scheduling Order as she deems appropriate.

10. By a directive of the Eleventh Circuit, the authority of the Mediator to mediate this dispute expires on December 31, 2020.

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

User: admin
Form ID: pdf000

Date Created: 7/30/2020
Total: 301

Recipients submitted to the BNC (Bankruptcy Noticing Center) without an address:

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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	Parker Towing Company, Inc.	c/o Benjamin S. Goldman, Esquire	2001 Park Place North	Suite
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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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