

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF KENTUCKY
ASHLAND, LONDON, AND LEXINGTON DIVISIONS

IN RE: : CHAPTER 11
LICKING RIVER MINING, LLC, *et al.*¹ : CASE NO. 14-10201
DEBTORS IN POSSESSION : JOINTLY ADMINISTERED

PHAEDRA SPRADLIN, TRUSTEE, on behalf of :
J.A.D. COAL COMPANY, INC., LICKING :
RIVER RESOURCES, INC., S. M. & J., INC., :
SANDLICK COAL COMPANY, LLC, FOX :
KNOB COAL COMPANY, INC., LICKING :
RIVER MINING, LLC, OAK HILL COAL, INC, : ADVERSARY PROCEEDING
HARLAN COUNTY MINING, LLC, U.S. :
COAL MARKETING LLC, and U.S. COAL : CASE NO. 16-01031
CORPORATION :
PLAINTIFFS, :
v. :
PRYOR CASHMAN LLP :
DEFENDANT. :

AGREED ORDER HOLDING SCHEDULE IN ABEYANCE

This adversary proceeding was commenced on June 7, 2016. On August 16, 2016, Trustee Phaedra Spradlin, filed an amended complaint. On September 9, 2016, Defendant Pryor Cashman LLP filed a motion to dismiss. The motion was fully briefed and argued to the Court on October

¹ The Debtors in these chapter 7 cases, along with the last four digits of each debtor's federal tax identification number, are: U.S. Coal Corporation ("U.S. Coal") (5761), Licking River Mining, LLC ("LRM") (6847), Licking River Resources, Inc. ("Resources") (3837), S. M. & J., Inc. ("SMJ") (8437), Fox Knob Coal Co., Inc. ("Fox Knob") (9910), J.A.D. Coal Company, Inc. ("JAD") (0145), Harlan County Mining, LLC ("Harlan") (9031), Oak Hill Coal, Inc. ("Oak Hill") (9035), Sandlick Coal Company, LLC ("Sandlick") (9939), and U.S. Coal Marketing, LLC ("Marketing") (6694) (collectively, "Debtors"). The location of the Debtors' corporate headquarters is 6301 Old Richmond Road, Lexington, Kentucky 40515.

13, 2016. Plaintiff served written discovery on November 30, 2016, but agreed with Defendant that no responses would be immediately due and owing while the motion to dismiss remains unresolved.

While the decision on the motion to dismiss remains pending, the parties wish to vacate the current scheduling order and hold the trial calendar in abeyance until after a decision on the motion. Within 14 days after service of a decision on the motion, the Parties will jointly propose a new case scheduling order.

SO ORDERED.

JUDGE

AGREED TO AND TENDERED BY:

/s/ Gideon Cashman

Gideon Cashman (*Pro Hac Vice*)

Eric M. Fishman (*Pro Hac Vice*)

Ross M. Bagley (*Pro Hac Vice*)

PRYOR CASHMAN LLP

7 Times Square

New York, New York 10036

Tel: (212) 421-4100

Fax: (212) 326-0806

/s/ Daniel J. Donnellon

Daniel J. Donnellon

BINGHAM GREENEBAUM DOLL LLP

255 E. Fifth Street, Suite 2350

Cincinnati, Ohio 45202

(513) 455-7610

ddonnellon@bgdlegal.com

Counsel for Phaedra Spradlin, Trustee

-and-

Adam R. Kegley

FROST BROWN TODD LLC

250 West Main Street, Suite 2800

Lexington, KY 40507

(859) 231-0000

akegley@fbtlaw.com

Counsel for Pryor Cashman LLC