Proskauer

Proskauer Represents Murray Metallurgical in Successful Emergence from Chapter 11

December 14, 2020

New York, December 14, 2020- Proskauer, a leading international law firm, today announced that it represented Murray Metallurgical Coal Holdings, LLC and its five subsidiaries (collectively "Murray Met") in connection with their successful restructuring of approximately $270 million in debt through their chapter 11 bankruptcy cases pending in the United States Bankruptcy Court for the Southern District of Ohio.

Murray Met falls within the broader enterprise of Murray Energy Holdings ("Murray Energy"), which is the largest privately-owned coal company in the United States and had also been under chapter 11 bankruptcy protection before the same court. While Murray Energy is primarily focused on serving the *thermal* coal market (used to generate electricity), Murray Met produces *metallurgical* coal (used to produce steel).

Proskauer helped its client successfully navigate its chapter 11 restructuring, which started with the pre-filing execution of a restructuring support agreement with Murray Met's principal secured lenders and was followed by negotiation and approval of a debtor in possession financing in amount of roughly $85 million to fund the continued operation of the business. The Firm has also negotiated the sale of the two coal mines —one to an outside buyer pursuant to section 363 of the Bankruptcy Code and the other, by way of credit bid, to an entity formed by Murray Met's parent company and its prepetition lenders pursuant to a chapter 11 plan of reorganization.

The chapter 11 cases were filed on February 11, 2020, and the chapter 11 plan was confirmed on November 25, 2020 over the objections of the Office of the United States Trustee, the United Mine Workers of America Funds, and Bay Point Capital Partners II, LP.

The bankruptcy case featured several multi-day trials, including a contested plan confirmation trial on issues involving unfair discrimination, the scope of plan exculpation provisions and the appropriate rate of interest on a cram-down note under the Supreme Court's decision in *Till v. SCS Credit Corp*., 541 U.S. 465 (2004). The bankruptcy court confirmed the plan ruling in Murray Met's favor on all issues. The case also featured an attempt by the creditors' committee to seek derivative standing to recharacterize the liens and claims of Murray Met's lenders. Proskauer successfully defeated the committee's request for standing.

Proskauer's team is led by partners David M. Hillman, Chad Dale, and Timothy Karcher, and includes associates Matthew Skrzynski, and Megan Volin (Business Solutions, Governance, Restructuring & Bankruptcy); partners James Gerkis and Andrew Bettwy, and senior counsel Aliza Cinamon and associates Philip Kaminski, Robert Chiu, and Erin Harper; partner Michael Mervis ; partner Martin Hamilton and associate Martine Seiden Agatston; and partner Nicole Eichberger (Labor).

Proskauer's Business Solutions, Governance, Restructuring & Bankruptcy practice is broad and we counsel clients on all matters related to distressed situations, corporate governance, insolvency and bankruptcy. We are proud to have some of the finest and most creative restructuring and governance lawyers in the world who have played pivotal roles in a number of the most complex and high-profile distressed matters. We have represented every constituent (debtor, lender, unsecured creditor, board of directors, shareholder, new investor) involved with a business in distress and understand the goals, strategies and tactics of each of the parties.

Related Professionals

- **David M. Hillman**
  Partner
- **Charles A. Dale**
  Partner
- **Aliza R. Cinamon**
  Partner
- **Philip A. Kaminski**
  Partner

- **Robert H. Chiu**
  Associate
- **Erin M. Harper**
  Senior Counsel
- **Michael T. Mervis**
  Partner
- **Martin T. Hamilton**
  Partner
- **Martine Seiden Agatston**
  Partner
- **Nicole A. Eichberger**
  Partner