

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF KENTUCKY**

In re:)	Chapter 11
)	
Cambrian Holding Company, Inc., <i>et al.</i> ¹ ,)	Case No. 19-51200 (GRS)
)	
Debtors.)	(Jointly Administered)
)	
)	Honorable Gregory R. Schaaf
)	

**ORDER GRANTING RELIEF FROM PLAN INJUNCTION AND
DENYING MOTION TO COMPEL ABANDONMENT OF RECORDS**

This matter came before the Court for hearing on June 23, 2022 (the “Hearing”) on the Motion of Roger and Betty Ratliff, Trustees, Requesting (i) Relief From Plan Injunction (To the Extent Applicable); (ii) Motion to Compel Abandonment of Records; (iii) Motion to Limit Notice; (iv) Granting Relief Requested Without a Hearing (Doc. 2054) (the “Motion”). The following parties attended the Hearing: (i) Kevin Ratliff, Trustee of the Thomas B. Ratliff Trust (the “Ratliff Trustee” and “Ratliff Trust”), solely in his capacity as Trustee for the Ratliff Trust and Roger and Betty Ratliff, individually (the “Ratliffs”) (collectively the “Ratliff Plaintiffs”); and (ii) Ellen Kennedy (“Liquidating Trustee”) solely in her limited capacity as Trustee for the Liquidating Trust (the “Liquidating Trust”) established upon the effective date of the Plan of Liquidation in these jointly administered Cambrian Coal Chapter 11 cases (the “Bankruptcy Case”); and (iii) TECO

¹ - The Debtors in these Chapter 11 cases are (with the last four digits of their federal tax identification numbers in parentheses): Cambrian Holding Company, Inc. (8203), Cambrian Coal LLC (3394), Apex Energy, Inc. (3455), C.W. Augering, Inc. (2875), Marshall Resources, Inc. (9735), PLM Holding Company LLC (7427), Bear Branch Coal LLC (0674), Clintwood Elkhorn Mining LLC (6910), Gatliff Coal LLC (5768), Perry County Coal LLC (4382), Ray Coal LLC (0981), Whitaker Coal LLC (8270), Pike-Letcher Land LLC (8952), Premier Elkhorn Coal LLC (8951), Raven Rock Development LLC (1351), Rich Mountain Coal LLC (1974), S.T. & T. Leasing, Inc. (0340), T.C. Leasing, Inc. (7705), and Shelby Resources, LLC (5085).

Energy, Inc. (“TECO Energy”) (the Ratliff Plaintiffs, the Liquidating Trustee and TECO Energy are hereafter referred to as the “Parties”).

For the reasons stated orally and recorded in open Court, the Court hereby makes the following **FINDINGS**:

1. The Ratliff Plaintiffs are the Plaintiffs in a civil action pending before the Circuit Court of Pike County, Kentucky styled Thomas B. Ratliff Trust, et. al. v. Pike Letcher Land Company, et. al. (Civil Action No.: 14-Ci-1367) (the “Pike County Litigation”).

2. The Debtors, Pike Letcher Land LLC (“Pike Letcher”) and TECO Coal Corporation and TECO Coal, LLC (collectively “TECO Coal”) are Defendants in the Pike County Litigation.

3. At the time of the filing of this Bankruptcy Case on June 16, 2019, the Pike County Litigation became subject to the automatic stay provisions of Section 362 of the Bankruptcy Code.

4. On February 16, 2021, this Court entered its Order (Doc. 1542) confirming the Third Amended Joint Plan of Orderly Liquidation (the “Plan”) which enjoined, among other things, further collection actions against Pike-Letcher and TECO Coal pursuant to Article XI of the Plan (the “Plan Injunction”).

5. The Ratliff Plaintiffs withdrew their Motion to Compel Abandonment of Records in open Court at the Hearing.

Accordingly, for the reasons stated orally and recorded in open Court, the Court hereby **ORDERS AND ADJUDICATES** as follows:

6. The Motion is hereby denied as moot with respect to the Ratliff Plaintiffs’ Motion to Compel Abandonment of Records.

7. The Motion is granted and the Plan Injunction is hereby lifted as of the date of this Order solely as to the Ratliff Plaintiffs to permit them to continue the Pike County Litigation

nominally against the Debtors, Pike Letcher and TECO Coal, and the continued prosecution and defense of the Pike County Litigation is no longer stayed as of the date of this Order.

8. The Ratliff Plaintiffs may not seek in personam judgment against the Debtors, Pike Letcher and TECO Coal.

9. The Liquidating Trustee may not be subpoenaed by the parties in the Pike County Litigation for either in person testimony or to produce documents.

/s/ David L. Baird

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All parties designated to receive electronic notice