

ORAL ARGUMENT NOT YET SCHEDULED

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN LUNG ASSOCIATION,
and AMERICAN PUBLIC HEALTH
ASSOCIATION, *et al.*

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, and
ANDREW R. WHEELER, Administrator,
United States Environmental Protection
Agency,

Respondents.

Case No. 19-1140
(and consolidated cases)

**NOTICE OF PENDENCY OF BANKRUPTCY FOR
MURRAY ENERGY CORPORATION AND OF
AUTOMATIC STAY OF CERTAIN PROCEEDINGS**

PLEASE TAKE NOTICE that on October 29, 2019, Intervenor Murray Energy Corporation and certain of its direct and indirect subsidiaries (collectively, the “Debtors”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “Bankruptcy Code”), in the United States Bankruptcy Court for the Southern District of Ohio (the “Bankruptcy Court”). The Debtors’ chapter 11 cases are being jointly administered under the

lead case *In re Murray Energy Corporation*, Case No. 2:19-bk-57017 (collectively, the “Chapter 11 Cases”). A copy of the voluntary petition of the lead Debtor, Murray Energy Corporation, is attached hereto as **Exhibit A**.

PLEASE TAKE FURTHER NOTICE that pursuant to section 362(a) of the Bankruptcy Code, the Debtors’ filing of their respective voluntary petitions gives rise to a stay, applicable to all entities, of, among other things: (a) the commencement or continuation of any judicial, administrative, or other action or proceeding against the Debtors (i) that was or could have been commenced before the commencement of the Chapter 11 Cases or (ii) to recover a claim against the Debtors that arose before the commencement of the Chapter 11 Cases; (b) the enforcement against any of the Debtors or against any property of each of the Debtors’ bankruptcy estates of a judgment obtained prior to the commencement of the Chapter 11 Cases; and (c) any act to obtain possession of property of or from any of the Debtors’ bankruptcy estates, or to exercise control over property of any of the Debtors’ bankruptcy estates.¹ No order has been entered in the Chapter 11 Cases granting relief from the automatic stay.

¹ Nothing herein shall constitute a waiver of the Debtors’ rights to assert any claims, counterclaims, defenses, rights of setoff or recoupment, or any other claims against any party to the above-captioned cases. The Debtors expressly reserve all rights to contest any claims that may be asserted against the Debtors.

PLEASE TAKE FURTHER NOTICE that additional information regarding the status of the Debtors' chapter 11 cases may be obtained by (i) reviewing, free of charge, the docket of the Debtors' chapter 11 cases on the website of the Debtors' claims and noticing agent, Prime Clerk, LLC, at cases.primeclerk.com/MurrayEnergy/, (ii) visiting the Court's website at <https://ecf.ohsb.uscourts.gov> (PACER login and password required) in accordance with the procedures and fees set forth therein, or (iii) contacting the following proposed counsel for the Debtors in the Chapter 11 Cases: Alexander Nicas, Kirkland & Ellis, LLP, 601 Lexington Ave, New York, New York 10022, Telephone: (212) 390-4135.

Dated: October 30, 2019

Respectfully submitted,

/s/John Lazzaretti

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*Counsel for Murray Energy
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CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2019, I electronically filed the foregoing Notice of Pendency of Bankruptcy for Murray Energy Corporation and of Automatic Stay of Certain Proceedings with the Clerk of the Court for the United States Court of Appeals for the District of Columbia circuit by using the CM/ECF system. Accordingly, all parties to this appeal were served via ECF.

/s/John Lazzaretti

John Lazzaretti

*Counsel for Murray Energy
Corporation*