

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:  
 WESTERN DISTRICT OF VIRGINIA

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Case number *(if known)* \_\_\_\_\_ Chapter 11

Check if this an amended filing

## Official Form 201

# Voluntary Petition for Non-Individuals Filing for Bankruptcy

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If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. **Debtor's name** Mill Creek Mining, Inc.

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2. **All other names debtor used in the last 8 years**  
 Include any assumed names, trade names and *doing business as* names

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3. **Debtor's federal Employer Identification Number (EIN)** 46-2313938

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4. **Debtor's address**

<p><b>Principal place of business</b></p> <p><u>609 Hoback St, NE</u>  <u>Wise, VA 24293</u>  <small>Number, Street, City, State &amp; ZIP Code</small></p> <p><u>Wise</u>  <small>County</small></p>	<p><b>Mailing address, if different from principal place of business</b></p> <p>_____  <small>P.O. Box, Number, Street, City, State &amp; ZIP Code</small></p> <p><b>Location of principal assets, if different from principal place of business</b></p> <p>_____  <small>Number, Street, City, State &amp; ZIP Code</small></p>
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5. **Debtor's website (URL)** \_\_\_\_\_

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6. **Type of debtor**

Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

Partnership (excluding LLP)

Other. Specify: \_\_\_\_\_

Debtor Mill Creek Mining, Inc.  
Name

Case number (if known) \_\_\_\_\_

**7. Describe debtor's business**

A. Check one:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Railroad (as defined in 11 U.S.C. § 101(44))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- Clearing Bank (as defined in 11 U.S.C. § 781(3))
- None of the above

B. Check all that apply

- Tax-exempt entity (as described in 26 U.S.C. §501)
- Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.  
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

2112

**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

Check one:

- Chapter 7
- Chapter 9

Chapter 11. Check all that apply:

- Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
- The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- A plan is being filed with this petition.
- Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
- The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

Chapter 12

**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

- No.
- Yes.

If more than 2 cases, attach a separate list.

District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_

**10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?**

- No
- Yes.

List all cases. If more than 1, attach a separate list

Debtor	Relationship	Subsidiary
<u>Clinchco Met Coal, Inc.</u>		
District <u>WDVA</u> When <u>10/04/17</u> Case number, if known <u>17-71353</u>		

Debtor Mill Creek Mining, Inc.  
Name

Case number (if known) \_\_\_\_\_

11. Why is the case filed in this district? *Check all that apply:*

Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.

A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

No

Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

**Why does the property need immediate attention? (Check all that apply.)**

It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
What is the hazard? \_\_\_\_\_

It needs to be physically secured or protected from the weather.

It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

Other \_\_\_\_\_

**Where is the property?** \_\_\_\_\_  
Number, Street, City, State & ZIP Code

**Is the property insured?**

No

Yes. Insurance agency \_\_\_\_\_  
Contact name \_\_\_\_\_  
Phone \_\_\_\_\_

**Statistical and administrative information**

13. Debtor's estimation of available funds *Check one:*

Funds will be available for distribution to unsecured creditors.

After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

<input checked="" type="checkbox"/> 1-49	<input type="checkbox"/> 1,000-5,000	<input type="checkbox"/> 25,001-50,000
<input type="checkbox"/> 50-99	<input type="checkbox"/> 5001-10,000	<input type="checkbox"/> 50,001-100,000
<input type="checkbox"/> 100-199	<input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> More than 100,000
<input type="checkbox"/> 200-999		

15. Estimated Assets

<input checked="" type="checkbox"/> \$0 - \$50,000	<input type="checkbox"/> \$1,000,001 - \$10 million	<input type="checkbox"/> \$500,000,001 - \$1 billion
<input type="checkbox"/> \$50,001 - \$100,000	<input type="checkbox"/> \$10,000,001 - \$50 million	<input type="checkbox"/> \$1,000,000,001 - \$10 billion
<input type="checkbox"/> \$100,001 - \$500,000	<input type="checkbox"/> \$50,000,001 - \$100 million	<input type="checkbox"/> \$10,000,000,001 - \$50 billion
<input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> More than \$50 billion

16. Estimated liabilities

<input type="checkbox"/> \$0 - \$50,000	<input checked="" type="checkbox"/> \$1,000,001 - \$10 million	<input type="checkbox"/> \$500,000,001 - \$1 billion
<input type="checkbox"/> \$50,001 - \$100,000	<input type="checkbox"/> \$10,000,001 - \$50 million	<input type="checkbox"/> \$1,000,000,001 - \$10 billion
<input type="checkbox"/> \$100,001 - \$500,000	<input type="checkbox"/> \$50,000,001 - \$100 million	<input type="checkbox"/> \$10,000,000,001 - \$50 billion
<input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> More than \$50 billion

Debtor **Mill Creek Mining, Inc.**  
Name

Case number (if known)

**Request for Relief, Declaration, and Signatures**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature of authorized representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **October 4, 2017**  
MM / DD / YYYY

**X /s/ Stephen Moscicki**  
Signature of authorized representative of debtor  
  
Title **President**

**Stephen Moscicki**  
Printed name

**18. Signature of attorney**

**X /s/ Robert T. Copeland**  
Signature of attorney for debtor

Date **October 4, 2017**  
MM / DD / YYYY

**Robert T. Copeland**  
Printed name

**Copeland Law Firm, P. C.**  
Firm name

**P.O. Box 1296**  
**Abingdon, VA 24212**  
Number, Street, City, State & ZIP Code

Contact phone **276-628-9525** Email address **brw@rcopelandlaw.com;rtc@rcopelandlaw.com**

**14575**  
Bar number and State

**Fill in this information to identify the case:**

Debtor name Mill Creek Mining, Inc.

United States Bankruptcy Court for the: WESTERN DISTRICT OF VIRGINIA

Case number (if known): \_\_\_\_\_

Check if this is an amended filing

**Official Form 204**

**Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim		
				If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
83 Gas & Grocery, Inc. 8709 Dickenson Highway Clintwood, VA 24228						\$3,105.42
Brickstreet Insurance P. O. Box 11285 Charleston, WV 25339						\$6,671.00
City of Norton P. O. Box 618 Norton, VA 24273						\$41.77
Cobalt Coal, LLC 609 Hoback St. NE Wise, VA 24293						\$397,224.00
Contract Highwall Mining, LLC P. O. Box 1469 Pikeville, KY 41502						\$15,288.95
EMI 5730 Industrial Park Rd. Norton, VA 24273						\$2,854.73
ESI, Inc. P. O. Box 750 Wise, VA 24293						\$200.00
Financial Recovery, Inc. P.O. Box 21107 Roanoke, VA 24018						\$60,285.83
GEM Holdings Ltd. (GBP) 3 Wharfe Mews, Cliffe Terrace Wetherby, LS22 6LX United Kingdom						\$1,375,873.86

Debtor **Mill Creek Mining, Inc.**  
Name \_\_\_\_\_

Case number (if known) \_\_\_\_\_

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
GEM Holdings Ltd. (USD) 3 Wharfe Mews, Cliffe Terrace Wetherby, LS22 6LX United Kingdom						\$100,000.00
Internal Revenue Service Insolvency Units, 400 N 8th Street Richmond, VA 23240		Federal Employment Taxes				\$36,268.30
Internal Revenue Service Insolvency Units, 400 N 8th Street Richmond, VA 23240		Federal Unemployment				\$438.41
Maria Trucking Co., Inc. 2858 Rose Ridge Clintwood, VA 24228						\$4,364.73
Maxim Engineering, Inc. P.O. Drawer 1997 Coeburn, VA 24230						\$44,265.99
Rish Equipment P.O. Box 330 Bluefield, WV 24701				\$14,213.32	\$0.00	\$14,213.32
Ron Bailey Trucking P. O. Box 310 Dryden, VA 24243						\$800.00
Services & Supplies, LLC 8104 Drulu Road Pound, VA 24279						\$292.00
Spectrum Laboratories 1024 Laurel Avenue Coeburn, VA 24230						\$2,412.20
Virginia Department of Taxation P.O. Box 1880 Richmond, VA 23218		Virginia Income Tax				\$2,800.37
Virginia Department of Taxation P.O. Box 1880 Richmond, VA 23218		Virginia State Unemployment Insurance				\$2,051.58

Case 1:17-cv-01354 Doc 1  
Mill Creek Mining, Inc.  
83 GAS & GROCERY, INC.  
8709 DICKENSON HIGHWAY  
CLINTWOOD, VA 24228

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BRICKSTREET INSURANCE  
P. O. BOX 11285  
CHARLESTON, WV 25339

CITY OF NORTON  
P. O. BOX 618  
NORTON, VA 24273

COBALT COAL, LLC  
609 HOBACK ST. NE  
WISE, VA 24293

CONTRACT HIGHWALL MINING, LLC  
P. O. BOX 1469  
PIKEVILLE, KY 41502

EMI  
5730 INDUSTRIAL PARK RD.  
NORTON, VA 24273

ESI, INC.  
P. O. BOX 750  
WISE, VA 24293

FINANCIAL RECOVERY, INC.  
P.O. BOX 21107  
ROANOKE, VA 24018

GEM HOLDINGS LTD. (GBP)  
3 WHARFE MEWS, CLIFFE TERRACE  
WETHERBY, LS22 6LX  
UNITED KINGDOM

GEM HOLDINGS LTD. (USD)  
3 WHARFE MEWS, CLIFFE TERRACE  
WETHERBY, LS22 6LX  
UNITED KINGDOM

Case 1:17-71354 Doc 1  
Mill Creek Mining, Inc.  
GEM HOLDINGS US  
609 HOBACK ST. NE  
WISE, VA 24293

INTERNAL REVENUE SERVICE  
INSOLVENCY UNITS, 400 N 8TH STREET  
RICHMOND, VA 23240

MARIA TRUCKING CO., INC.  
2858 ROSE RIDGE  
CLINTWOOD, VA 24228

MAXIM ENGINEERING, INC.  
P.O. DRAWER 1997  
COEBURN, VA 24230

RISH EQUIPMENT  
P.O. BOX 330  
BLUEFIELD, WV 24701

RON BAILEY TRUCKING  
P. O. BOX 310  
DRYDEN, VA 24243

SERVICES & SUPPLIES, LLC  
8104 DRULU ROAD  
POUND, VA 24279

SPECTRUM LABORATORIES  
1024 LAUREL AVENUE  
COEBURN, VA 24230

VIRGINIA DEPARTMENT OF TAXATION  
P.O. BOX 1880  
RICHMOND, VA 23218

**United States Bankruptcy Court  
Western District of Virginia**

In re Mill Creek Mining, Inc.

Debtor(s)

Case No.

Chapter 11

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for Mill Creek Mining, Inc. in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

**Clinchco Met Coal, Inc.**  
**609 Hoback St, NE**  
**Wise, VA 24293**

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None [*Check if applicable*]

**October 4, 2017**

Date

**/s/ Robert T. Copeland**

**Robert T. Copeland 14575**

Signature of Attorney or Litigant  
Counsel for **Mill Creek Mining, Inc.**

**Copeland Law Firm, P. C.**

**P.O. Box 1296**

**Abingdon, VA 24212**

**276-628-9525 Fax:276-628-4711**

**brw@rcopelandlaw.com;rtc@rcopelandlaw.com**