

# APPENDIX A

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-2268**

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In re: ALPHA NATURAL RESOURCES, INCORPORATED,

Debtor.

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MAR-BOW VALUE PARTNERS, LLC,

Creditor - Appellant,

v.

MCKINSEY RECOVERY & TRANSFORMATION SERVICES US LLC,  
(Turnaround Advisor for Alpha Natural Resources),

Defendant - Appellee,

and

ALPHA NATURAL RESOURCES, INCORPORATED,

Defendant.

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**No. 17-2269**

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In re: ALPHA NATURAL RESOURCES, INCORPORATED,

Debtor.

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MAR-BOW VALUE PARTNERS, LLC,

Creditor - Appellant,

v.

MCKINSEY RECOVERY & TRANSFORMATION SERVICES US LLC,

Defendant - Appellee.

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Appeals from the United States District Court for the Eastern District of Virginia, at Richmond. M. Hannah Lauck, District Judge. (3:16-cv-00612-MHL; 3:16-cv-00799-MHL)

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Submitted: August 24, 2018

Decided: September 6, 2018

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Before MOTZ, AGEE, and HARRIS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Susan M. Freeman, Daniel A. Arellano, LEWIS ROCA ROTHGERBER CHRISTIE LLP, Phoenix, Arizona; Steven Rhodes, STEVEN RHODES CONSULTING, LLC, Ann Arbor, Michigan; David R. Ruby, William D. Prince IV, Michael G. Matheson, THOMPSONMCMULLAN, P.C., Richmond, Virginia; Sheldon S. Toll, LAW OFFICES OF SHELDON S. TOLL PLLC, Southfield, Michigan, for Appellant. Bruce H. Matson, Christopher L. Perkins, LECLAIRRYAN, PLLC, Richmond, Virginia; Martin J. Bienenstock, Ehud Barak, Joshua A. Esses, PROSKAUER ROSE LLP, New York, New York; Roy T. Englert, Jr., Lukman Azeez, ROBBINS, RUSSELL, ENGLERT, ORSECK, UNTEREINER & SAUBER LLP, Washington, D.C., for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Mar-Bow Value Partners, LLC, appeals from the district court's orders dismissing MarBow's appeals from numerous bankruptcy court orders in the underlying Chapter 11 proceeding. The district court dismissed the appeals as equitably moot and/or for lack of standing. We have reviewed the record included on appeal, as well as the parties' briefs, and we find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Mar-Bow Value Partners, LLC v. McKinsey Recovery & Transformation Servs. U.S., LLC*, Nos. 3:16-cv-00612-MHL; 3:16-cv-00799-MHL (E.D. Va. Sept. 30, 2017). We deny Mar-Bow's motions for judicial notice, for leave to file a supplemental brief, and to hold the appeals in abeyance, and we dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*