

Thompson Coburn LLP
One US Bank Plaza, Suite 2700
St. Louis, Missouri 63101
Telephone: 314-552-6000
Facsimile: 314-552-7000
David A. Warfield
Mark A. Mattingly

*Special Counsel to the Debtors
and Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI**

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

Chapter 11

Case No. 12-51502

(Jointly Administered)

**AFFIDAVIT OF ADDITIONAL REPRESENTATION BY THOMPSON COBURN LLP
AS SPECIAL COUNSEL TO THE DEBTORS**

I, Mark A. Mattingly, declare as follows:

1. I am a Partner of Thompson Coburn LLP (“**Thompson Coburn**” or the “**Firm**”), a law firm with its principal office at St. Louis, Missouri, and other offices in Belleville, Illinois; Chicago, Illinois; and Washington D.C.

2. I submit this declaration (the “**Declaration**”) to advise the Court that, pursuant to the Order Authorizing the Employment and Retention of Thompson Coburn LLP as Special Counsel to the Debtors *Nunc Pro Tunc* to the Petition Date [Dkt. No. 538], Debtors have requested that Thompson Coburn represent them in a dispute with Mountain State Carbon, LLC (“**Mountain State**”).

3. Mountain State failed to take the entirety of its coal purchase obligation pursuant to its contract with debtor Patriot Coal Sales LLC (“Patriot”). On December 20, 2012, Patriot sent a letter notifying Mountain State that it was in default of its purchase obligation and that, if the default was not cured in thirty (30) days, Patriot would fully pursue its rights under the parties’ contract, including but not limited to filing a lawsuit for damages. Debtors requested that Thompson Coburn provide advice regarding this dispute, including but not limited to assisting with the drafting of the letter. Debtors also requested that Thompson Coburn assist in any further actions taken with respect to this matter if Mountain State fails to cure the event of default as stated in the letter.

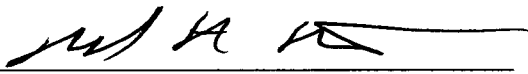
4. Consistent with the procedures described in the Thompson Coburn Retention Order and the Interim Compensation Order, Thompson Coburn will serve this notice, by hand or overnight delivery, on (i) the Debtors, Patriot Coal Corporation, 12312 Olive Boulevard, Suite 400, St. Louis, Missouri, 63141, Attn: Jacquelyn A. Jones, Esq., (ii) attorneys for the Debtors, Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, New York 10017, Attn: Marshall S. Huebner, Esq. and Brian M. Resnick, Esq., (iii) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21st Floor, New York, New York 10004, Attn: Elisabetta G. Gasparini, Esq. and Paul K. Schwartzberg, Esq., (iv) attorneys for the administrative agent for the Debtors’ postpetition lenders, (a) Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, New York 10153, Attn: Marcia Goldstein, Esq. and Joseph Smolinsky, Esq., and (b) Willkie Farr & Gallagher LLP, 787 Seventh Avenue, New York, New York 10019, Attn: Margot B. Schonholtz, Esq. and Ana Alfonso, Esq., and (v) counsel to the official committee of unsecured creditors, Kramer Levin Naftalis & Frankel LLP, 1177 Avenue

of the Americas, New York, New York 10036, Attn: Adam C. Rogoff, Esq. and Gregory G. Plotko, Esq.

Respectfully Submitted,

THOMPSON COBURN LLP

Dated: January 8, 2013
St. Louis, Missouri

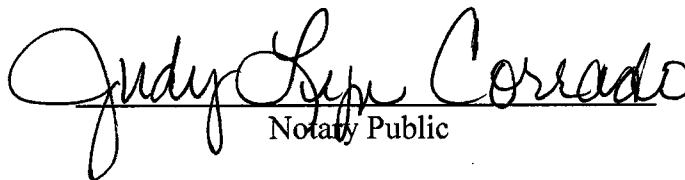
By: 

Mark A. Mattingly
THOMPSON COBURN LLP
One U.S. Bank Plaza
St. Louis, Missouri 63101
Telephone: 314-552-6000
Facsimile: 314-552-7000
Email: mmattingly@thompsoncoburn.com

STATE OF MISSOURI)
)
CITY OF ST. LOUIS)

On this 8th day of January 2013, before me personally appeared Mark A. Mattingly, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.


Notary Public

(SEAL)

My Commission Expires:

