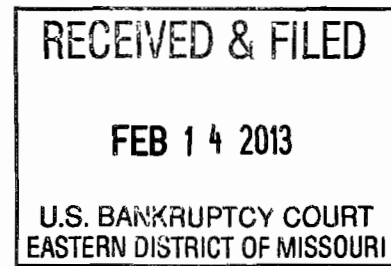


February 11, 2013

112 Buck Lane
Benton, KY 42025

The Honorable Kathy A. Surratt-States
Re: Case No. 12-51502
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, 4th Floor
St. Louis, MO 63102



Dear Honorable Judge Surratt-States:

I write to you in behalf of my deceased father and in behalf of my mother who is incapacitated in a skilled care facility. I write as her Power of Attorney and primarily as her son.

I have written you previously with statements regarding this case, and I will not reiterate the previous statements.

However, in sorting through documents my father had retained over the years from Peabody, I found the enclosed letter.

Certainly the tone of this letter is not indicative of the current state of affairs in relationship to benefits to which my father had diligently worked to achieve for himself and for my mother. Please note the highlighted sections of this letter from the Peabody representative indicating that these are benefits that are entitled to my father as a retiree and to my mother as a widow. Even the language of the manner in filing claims uses the connotative "asserted."

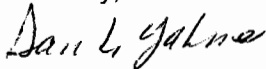
According to Merriam Webster's online dictionary (<http://www.merriam-webster.com/dictionary/assert>), to assert has these two definitions:

1. to state or declare positively and often forcefully or aggressively
2. to demonstrate the existence of

In this memorandum, Peabody clearly asserts the benefit and the entitlement according to the document presented in the previous paragraph.

Peabody, clearly, accepts the responsibility for this entitlement; and I ask you to give consideration in this matter that will continue to support retirees and widows of men who diligently served their employer and their country to produce a resource necessary for industrialization for many years.

Sincerely,



Dan L. Yahne
P.O.A. for Maggie L. Yahne
Widow of deceased miner, Virgle E. Yahne

PEABODY COAL COMPANY

ILLINOIS DIVISION

#50 JEROME LANE • FAIRVIEW HEIGHTS, IL 62208

TELEPHONE (618) 398-7950

MAILING ADDRESS:

P.O. BOX 14495

ST. LOUIS, MO 63178

J. U. SEWARD
DIRECTOR-HUMAN RESOURCES

January 15, 1985

To: Retirees and Widows:

As a result of changes made in Peabody's benefit plan for UMWA represented employees in accordance with the National Bituminous Coal Wage Agreement of 1984, an updated comprehensive booklet containing general information and a brief summary of the benefits as well as a complete text of the Plan and instructions pertaining to claims procedures is enclosed. This replaces and supercedes any booklet pertaining to this subject previously furnished you by this company.

I strongly urge you to review thoroughly the enclosed booklet so that you will be familiar with and fully aware of all of the benefits to which you may be entitled as well as the proper manner in which claims for benefits should be asserted.

Health care claims will continue to be processed by a specific person in the location office which issued your identification card. This person has been designated to assist in filing claims and to insure that the claims are transmitted to the insurance carrier promptly for payment. This person is also available to answer any questions you or your health providers may have concerning this Plan.

Sincerely,



John U. Seward
Director, Human Resources
Illinois Division

mrk

Enclosure

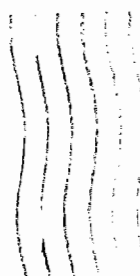
cc: J. C. Bennett w/enc.
R. B. Everett wo/enc.

*Do not
return
to
Kathleen
Kathy
43025*

RECEIVED+FILED

2013 FEB 14 AM 10:41

CLERK, US BANKRUPTCY COURT
EASTERN DISTRICT
ST. LOUIS, MISSOURI - MR



The Honorable Kathy A. Sennett - Staton

Re: Case No. 12-51502

Thomas F. Eagleton U.S. Courthouse

111 South 10th Street, 4th Floor

St. Louis, MO 63102

6310281125

