

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

PATRIOT COAL CORPORATION, et al.,

Debtors.¹

Chapter 11

**Case No. 12-51502-659
(Jointly Administered)**

Re: Docket No. 1777

**OMNIBUS ORDER APPROVING THE REJECTION
OF CERTAIN EXECUTORY CONTRACTS**

Upon the Ninth Notice of Rejection [Docket No.1777] (the “**Notice**”)² of Patriot Coal Corporation and its subsidiaries that are debtors and debtors in possession in these proceedings (collectively, the “**Debtors**”) filed on December 18, 2012 pursuant to the Order dated August 16, 2012 Establishing Procedures for the Rejection of Executory Contracts and Unexpired Leases and for the Abandonment of Personal Property [Docket No. 370] (the “**Rejection Procedures Order**”); and the Court having jurisdiction to consider the Notice and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Notice and the requested relief being a core proceeding the Bankruptcy Court can determine pursuant to 28 U.S.C. § 157(b); and due and proper notice of the Notice having been provided in accordance with the Rejection Procedures Order; and it appearing that no other or further notice need be provided; and the relief requested in the Notice being in the best interests of the Debtors and their respective

¹ The Debtors are the entities listed on Schedule 1 attached to the Debtors’ Motion for Approval of Procedures for the Rejection of Executory Contracts and Unexpired Leases and for the Abandonment of Personal Property [Docket No. 136]. The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors’ chapter 11 petitions.

² Unless otherwise defined herein, each capitalized term shall have the meaning ascribed to such term in the Notice.

estates and creditors; and rejecting the Contracts (as defined below) to the extent set forth herein representing a prudent exercise of the Debtors' business judgment; and the Court having reviewed the Notice; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the relief requested in the Notice is hereby granted solely with respect to the Contracts (as defined below) and as set forth herein; and it is further

ORDERED that any objections to the Notice that have not been withdrawn are hereby overruled; and it is further

ORDERED that pursuant to section 365(a) of the Bankruptcy Code and Bankruptcy Rule 6006, the Debtors' rejection of the Contracts set forth on Schedule 1 hereto (the "**Contracts**") is hereby approved and shall be effective as of the applicable date set forth on Schedule 1 hereto; and it is further

ORDERED that claims arising out of any rejections effected pursuant to this Order must timely be filed in accordance with the Order Establishing Deadline for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof [Docket No. 1388] on or before 30 days after the date hereof, and that absent a timely filing, such claim will be irrevocably barred; and it is further


ORDERED that, without further order of this Court, all counterparties to the Contracts are prohibited from setting off or otherwise utilizing any monies deposited by the Debtors with such counterparty as a security deposit or pursuant to another similar arrangement; and it is further

ORDERED that notice of the Notice and the relief requested therein with respect to the Contracts satisfies Bankruptcy Rules 6006 and 6007; and it is further

ORDERED that the notice procedures set forth in the Notice with respect to the Contracts are good and sufficient notice and satisfy Bankruptcy Rule 9014 by providing the counterparties to the Contracts with notice and an opportunity to object and be heard at a hearing; and it is further

ORDERED that the relief granted herein is without prejudice to the Debtors' rights to reject any Contracts set forth in Schedule A to the Notice that are not set forth in Schedule 1 hereto; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: March 20, 2013
St. Louis, Missouri
jjh

Order prepared by:
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Michael A. Coehn
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Schedule 1¹

Counterparties to the Contracts and Leases to be Rejected	Title of Agreement/ Contract Type	Debtors' Contract ID	Debtor Parties to the Contracts and Leases to be Rejected	Date of Contract or Lease	Description and Location of Expendable Property	Rejection Effective Date
CSX Transportation, Inc.	Railroad Transportation Contract	CTTA 004	Patriot Coal Sales LLC	4/18/2012	Transportation Agreement Location N/A	12/18/2012
Norfolk Southern Railway Company	Belt Conveyor Agreement	CTTA 013	Patriot Coal Corporation	9/3/2008	Transportation Agreement Location N/A	12/18/2012

¹ The Agreements listed herein include all addendums, supplements, amendments, modifications, assignments, and permits directly related thereto.