

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In Re:)
)
PATRIOT COAL CORPORATION,) Case No. 12-51502-659
) Chapter 11
)
Debtor.

ORDER

The matters before the Court are correspondence filed by various parties regarding participation at the hearing to consider Debtors' Motion to Reject Collective Bargaining Agreements and to Modify Retiree Benefits Pursuant to 11 U.S.C. §§ 1113, 1114 of the Bankruptcy Code, Motion to Intervene by the United Mine Workers of America 1974 Pension Trust and the United Mine Workers of America 1993 Benefit Plan and Motion for Emergency Hearing Thereon and Joinder of the Ohio Valley Coal Company and the Ohio Valley Transloading Company to the Motion to Intervene by the United Mine Workers of America 1974 Pension Trust and the United Mine Workers of America 1993 Benefit Plan. There was a hearing held on April 2, 2013, with parties appearing by telephone and in person, as noted on the record. Based upon a consideration of the record as a whole,

IT IS ORDERED THAT all parties other than Debtors, the United Mine Workers of America (hereinafter "UMWA") and the United Mine Workers of America 1974 Pension Trust and the United Mine Workers of America 1993 Benefit Plan (hereinafter collectively "the Plans") may file a brief in support of their position and the legal arguments therefor, regarding the Debtors' Motion to Reject Collective Bargaining Agreements and to Modify Retiree Benefits Pursuant to 11 U.S.C. §§ 1113, 1114 of the Bankruptcy Code (hereinafter "Debtors' Motion") of 15 pages or less on or before April 12, 2013 at 4:00 p.m. Central Daylight Time; and

IT IS FURTHER ORDERED THAT Debtors, the UMWA and the Plans may, if they choose, file a reply to any such briefs of 15 pages or less on or before April 23, 2013 at 4:00 p.m. Central

Daylight Time; and

IT IS FURTHER ORDERED THAT all parties other than Debtors, the UMWA and the Plans may participate in depositions related to Debtors' Motion after Debtors, the UMWA and the Plans have completed all of their questions; and

IT IS FURTHER ORDERED THAT at the hearing on Debtors' Motion, all parties other than Debtors, the UMWA and the Plans may make an opening statement of 10 minutes or less and a closing argument of 20 minutes or less; and

IT IS FURTHER ORDERED THAT at the hearing on Debtors' Motion all parties other than the Debtors, the UMWA and the Plans may NOT conduct cross-examination of any witnesses and may NOT present any witnesses; and

IT IS FURTHER ORDERED THAT the Motion to Intervene by the United Mine Workers of America 1974 Pension Trust and the United Mine Workers of America 1993 Benefit Plan and Motion for Emergency Hearing Thereon is **GRANTED** and the Plans may file a brief in support of their position and the legal arguments therefor, regarding Debtors' Motion of 25 pages or less on or before April 12, 2013 at 4:00 p.m. Central Daylight Time; and

IT IS FURTHER ORDERED THAT Debtors and UMWA may, if they choose, file a reply to any such brief filed by the Plans of 15 pages or less on or before April 23, 2013 at 4:00 p.m. Central Daylight Time; and

IT IS FURTHER ORDERED THAT at the hearing on Debtors' Motion the Plans may make an opening statement and a closing argument; may conduct cross-examination of any witnesses and may present no more than two witnesses; and the Plans' witnesses must be disclosed as soon as possible, but no later than April 4, 2013 at 4:00 p.m. Central Daylight Time and the Plans' witnesses must be made available for depositions during the week of April 8, 2013; and

IT IS FURTHER ORDERED THAT like the UMWA, the Plans must file Declarations of their witnesses by April 12, 2013 at 4:00 p.m. Central Daylight Time, which will be accepted as direct

examination; and

IT IS FURTHER ORDERED THAT the Declarations previously filed by Debtors in support of Debtors' Motion will be accepted as direct examination; and

IT IS FURTHER ORDERED THAT the Joinder of the Ohio Valley Coal Company and the Ohio Valley Transloading Company to the Motion to Intervene by the United Mine Workers of America 1974 Pension Trust and the United Mine Workers of America 1993 Benefit Plan is **DENIED.**



KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: April 5, 2013
St. Louis, Missouri

Copies to:

All Creditors and Parties in Interest.