

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

<b>In re:</b>  <b>PATRIOT COAL CORPORATION, <i>et al.</i>,</b>  <b>Debtors.</b>	<b>Chapter 11 Case No. 12-51502-659 (Jointly Administered)</b>  <b>Objection Deadline: April 12, 2013 at 4 p.m. CDT</b>  <b>Hearing Date: April 29 to May 3, 2013 at 10 a.m. CDT</b>  <b>Hearing Location: Courtroom 7 North</b>
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**MOTION OF THE UMWA TO FILE UNDER SEAL ITS OBJECTION TO DEBTORS’  
MOTION TO REJECT COLLECTIVE BARGAINING AGREEMENTS AND MODIFY  
RETREE BENEFITS**

The United Mine Workers of America (“UMWA”), by their counsel The Previant Law Firm, s.c., pursuant to 11 U.S.C. §107(b)(1), hereby seeks leave to file under seal its Objection to 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 (“1113/1114 Motion”) [Doc. 3214], and certain other declarations, exhibits and other materials in support of the UMWA’s Objection (with supporting papers, collectively, “the Objection”). In support of this Motion, the UMWA states as follows:

1. The UMWA and Patriot Coal Corporation and/or its debtor-subsidiaries (“Patriot”) are parties to the collective bargaining agreements Patriot seeks to reject in its 1113/1114 Motion. The UMWA additionally represents the interests of thousands of UMWA retirees, their widows

and dependents who receive health care and other benefits that would be affected by the 1113/1114 Motion.

2. The UMWA's Objection to the 1113/1114 Motion will contain financial information that Patriot has designated and claimed is confidential, relating to its cash balances, liquidity data, and business plan. The UMWA must rely on this information in its Objection order to fully develop its response to the 1113/1114 Motion, as it relates to the necessity of the rejection and modification of Patriot's obligations, as well as whether the proposed modifications of its obligations are fair and equitable.

3. The UMWA and Patriot executed a Stipulated Protective Order Under 11 U.S.C. §§ 1113(d)(3) and 1114(k)(3) ("Protective Order") [Doc. 1040] which requires, at paragraph 6, that "[i]f a party wishes to file with the Court any Confidential Information or any information derived therefrom, such material or information shall be filed with the Court under seal." Because Patriot has designated the information upon which the UMWA relies as "confidential," it is covered by the Stipulated Protective Order.

4. Section 107(b)(1) of the Bankruptcy Code authorized the Bankruptcy Court to protect a party in interest from the disclosure of "confidential . . . commercial information." The Court has authority to make an order "to protect the estate or any entity in respect of . . . confidential . . . commercial information," with or without notice. Fed. R. Bankr. P. 9018.

5. The UMWA will file a redacted version of its Objection in the public record, consistent with this Motion.

6. In light of the confidentiality designations Patriot has placed upon the materials that the UMWA will rely upon in Objection, sealing of the UMWA's Objection is warranted.

For the foregoing reasons, the UMWA respectfully request that the Court enter an Order granting them leave to file their Objection under seal and providing such other and further relief as the court deems just and appropriate.

Dated this 10<sup>th</sup> day of April, 2013.

s/ Sara J. Geenen  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was filed on April 10, 2013 using the Court's CM/ECF system and that service will be accomplished upon all counsel of record by operation of that system.

s/ Sara J. Geenen