

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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In re : Chapter 11
: Case No. 12-51502-659
: (Jointly Administered)
PATRIOT COAL CORPORATION, *et al.* :
: Hearing Date:
: April 29, 2013 at 10:00 a.m.
: (prevailing Central Time)
Debtors. :
: Hearing Location:
: Courtroom 7 North
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STATEMENT OF BANK OF AMERICA, N.A.,
AS SECOND OUT DIP AGENT, WITH RESPECT TO THE HEARING ON
DEBTORS' MOTION TO REJECT COLLECTIVE BARGAINING
AGREEMENTS AND TO MODIFY RETIREE BENEFITS
PURSUANT TO 11 U.S.C. §§ 1113, 1114 OF THE BANKRUPTCY CODE

Bank of America, N.A., in its capacity as administrative agent (in such capacity, the “Second Out DIP Agent”) for itself and the other lenders under that certain Amended and Restated Superpriority Secured Debtor-in-Possession Credit Agreement, dated as of July 11, 2012, by its undersigned counsel, hereby submits this statement with respect to the hearing on 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* [Dkt No. 3214] (the “Motion”).

STATEMENT

Pursuant to the Orders regarding participation at the hearing to consider the Motion entered by this Court on April 5, 2013 [Dkt Nos. 3543, 3544 and 3547] (collectively, the “April 5 Orders”), counsel for the Second Out DIP Agent has been participating in depositions related to the Motion. In order not to burden the Court with an additional filing, the Second Out DIP Agent will not be filing a pleading or brief regarding the Motion before the April 12, 2013

deadline. The Second Out DIP Agent reserves its rights to be heard at the hearing on the Motion as provided in the April 5 Orders.

Dated: Clayton, Missouri
April 12, 2013

Respectfully submitted,

LATHROP & GAGE LLP

By: /s/ Laura Toledo

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*Co-Counsel to Bank of America, N.A., as
Second Out DIP Agent*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served via the Court's CM/ECF system on all parties receiving ECF notices in this case on this 12th day of April, 2013.

/s/Laura Toledo