

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**In re:**

**PATRIOT COAL CORPORATION, *et al.*,**

**Debtors.**

**Chapter 11**

**Case No. 12-51502-659**

**(Jointly Administered)**

**PATRIOT COAL CORPORATION and  
HERITAGE COAL COMPANY,**

**Plaintiffs,**

**v.**

**PEABODY HOLDING COMPANY, LLC and  
PEABODY ENERGY CORPORATION,**

**Defendants.**

**Adversary Proceeding  
No. 13-04067-659**

**#14**

**ORDER GRANTING DEFENDANTS' MOTION FOR LEAVE TO  
FILE UNDER SEAL CERTAIN EXHIBITS TO THE DECLARATION  
OF MATTHEW C. CORCORAN IN SUPPORT OF DEFENDANTS'  
RESPONSE TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

This matter came before the Court on Defendants Peabody Holding Company, LLC and Peabody Energy Corporation's (collectively, "Peabody") Motion for Leave to File Under Seal Certain Exhibits to the Declaration of Matthew C. Corcoran in Support of Defendants' Response to Plaintiffs' Motion for Summary Judgment (the "Motion"); the Court having reviewed the Motion; and the Court having determined after due deliberation that the Motion establishes just cause for the relief granted herein;

**IT IS HEREBY ORDERED THAT:**

1. Peabody may file under seal confidential drafts of the NBCWA Individual Employer Plan Liabilities Assumption Agreement and certain comments Patriot Coal Corporation made to one of those drafts as Exhibits A and B (the "Confidential Exhibits") to the Declaration of Matthew C. Corcoran in Support of Defendants' Response to Plaintiffs' Motion for Summary Judgment; and

2. Pursuant to Federal Rule of Evidence 502(d), Peabody's filing of the Confidential Exhibits under seal shall not constitute a waiver of any applicable privilege or protection.

  
KATHY A. SURRATT-STATES  
Chief United States Bankruptcy Judge

DATED: April 24, 2013  
St. Louis, Missouri  
jjh

Prepared by:

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Patriot Coal Corporation,  
Plaintiff

Adv. Proc. No. 13-04067-kss

Peabody Holding Company, LLC,  
Defendant

**CERTIFICATE OF NOTICE**

District/off: 0865-4

User: klom  
Form ID: pdf02

Page 1 of 2  
Total Noticed: 1

Date Rcvd: Apr 24, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on  
Apr 26, 2013.  
aty David G. Heiman, North Point, 901 Lakeside avenue, Cleveland, OH 44114-1190

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

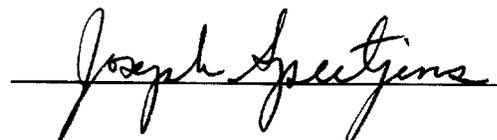
NONE. TOTAL: 0

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 26, 2013

Signature:



District/off: 0865-4

User: klom  
Form ID: pdfo2

Page 2 of 2  
Total Noticed: 1

Date Rcvd: Apr 24, 2013

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 24, 2013 at the address(es) listed below:

Angela Ferrante on behalf of Other Professional The Garden City Group, Inc.  
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Carl E. Black on behalf of Defendant Peabody Energy Corporation ceblack@jonesday.com  
Steven N. Cousins on behalf of Defendant Peabody Energy Corporation  
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TOTAL: 3