

SO ORDERED

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

Apr 17, 2013

*Kathy A. Surratt - States*

KATHY A. SURRATT-STATES  
Chief United States Bankruptcy Judge

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.<sup>1</sup>

Chapter 11  
Case No. 12-51502-659  
(Jointly Administered)

Re: ECF No. 3494

**MOTION OF THE DEBTORS AND THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS FOR LEAVE TO EXCEED THE PAGE  
LIMITATION IN THEIR MOTION FOR LEAVE TO CONDUCT  
DISCOVERY OF PEABODY ENERGY CORPORATION PURSUANT TO RULE 2004**

Patriot Coal Corporation (“**Patriot**”) and its affiliated debtors (collectively, the “**Debtors**”) and the Official Committee of Unsecured Creditors of Patriot Coal Corporation (the “**Committee**,” and, together with the Debtors, the “**Movants**”), by and through their undersigned attorneys, hereby submit this motion for an Order pursuant to Local Bankruptcy Rule 9004(C) granting the Movants leave to exceed the Court’s page limitation in the Motion of the Debtors and the Official Committee of Unsecured Creditors for Leave to Conduct Discovery of Peabody Energy Corporation Pursuant to Rule 2004 [ECF No. 3494] (the “**Motion**”). In support of this motion, the Movants state as follows:

1. The Movants are seeking discovery pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure from Patriot’s former parent company, Peabody Energy Corporation (“**Peabody**”). The transaction by which Patriot was spun off from Peabody was complicated and highly structured, involving dozens of people over several years. Accordingly, as they are

---

<sup>1</sup> The Debtors are the entities listed on Schedule 1 attached to the Motion (as defined herein). The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors’ chapter 11 petitions.

entitled to under Rule 2004, the Movants are seeking discovery from Peabody in order to assess the viability of potential causes of action relating to the transaction.

2. The Movants and Peabody have already engaged in numerous meet-and-confer sessions over the course of approximately three months to attempt to agree on the scope of discovery. Despite the Movants' best efforts and numerous concessions, the parties have been unable to reach a mutually agreeable compromise on all issues.

3. In their Motion, the Movants have made every effort to comply with the applicable page limitation. However, given the need to provide the Court adequate background on both the relationship between Patriot and Peabody and the weeks of meet-and-confer sessions, the Movants are unable to adequately explain the limitations in Peabody's offered discovery in fifteen pages.

4. The Movants respectfully request leave to exceed the Court's page limitation by 4 pages.

WHEREFORE, for the foregoing reasons, the Movants respectfully request leave to exceed the applicable page limitation by 4 pages in their Motion, and for such other relief as the Court deems just and proper.

Dated: New York, New York  
April 2, 2013

Respectfully Submitted,

DAVIS POLK & WARDWELL LLP

By: /s/ Michael J. Russano

Marshall S. Huebner  
Elliot Moskowitz  
Brian M. Resnick  
Michael J. Russano

450 Lexington Avenue  
New York, New York 10017  
Telephone: (212) 450-4000  
Facsimile: (212) 607-7983

*Counsel to the Debtors  
and Debtors in Possession*

KRAMER LEVIN NAFTALIS & FRANKEL LLP

By: /s/ P. Bradley O'Neill

Thomas Moers Mayer  
P. Bradley O'Neill

1177 Avenue of the Americas  
New York, New York 10036  
Telephone (212) 715-9100  
Facsimile: (212) 715-8000

*Counsel for the Official Committee of  
Unsecured Creditors*

In re:  
Patriot Coal Corporation  
Debtor

Case No. 12-51502-kss  
Chapter 11

**CERTIFICATE OF NOTICE**

District/off: 0865-4

User: klom  
Form ID: pdfol

Page 1 of 4  
Total Noticed: 1

Date Rcvd: Apr 18, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 20, 2013.

aty +Michael J. Russano, Davis Polk & Wardwell LLP, 450 Lexington Avenue,  
New York, NY 10017-3982

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

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

NONE. TOTAL: 0

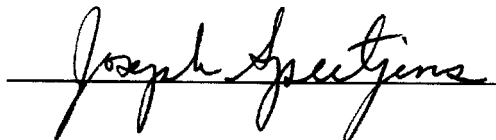
Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

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 20, 2013

Signature:



District/off: 0865-4

User: klom  
Form ID: pdfol

Page 2 of 4  
Total Noticed: 1

Date Rcvd: Apr 18, 2013

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 18, 2013 at the address(es) listed below:

Alan D. Strasser on behalf of Creditor Aurelius Capital Management, LP  
astrasser@robbinsrussell.com, sberini@robbinsrussell.com  
Angela Ferrante on behalf of Other Professional GCG, Inc. angela.ferrante@gcginc.com,  
pacerteam@gcginc.com;elizabeth.vrato@gcginc.com;kevin.grover@gcginc.com;alison.moodie@gcginc.com;  
jeffrey.demma@gcginc.com;ryan.nadick@gcginc.com  
Angela L Schisler on behalf of Creditor Committee Official Committee of Unsecured Creditors  
als@carmodymacdonald.com,  
tmayer@kramerlevin.com;arogoff@kramerlevin.com;boneill@kramerlevin.com;gplotko@kramerlevin.com;ay  
erramalli@kramerlevin.com;sblank@kramerlevin.com;abyowitz@kramerlevin.com;awong@kramerlevin.com;h  
vanaria@kramerlevin.com;jwagner@kramerlevin.com  
Anna M. Alfonso on behalf of Creditor Bank of America, N.A. aalfonso@willkie.com,  
mao@willkie.com  
Ariel N. Lavinbuk on behalf of Creditor Aurelius Capital Management, LP  
alavinbuk@robbinsrussell.com  
Arthur Traynor on behalf of Creditor United Mine Workers of America atraynor@umwa.org  
Arthur E. Rosenberg on behalf of Interested Party Drummond Coal Sales, Inc.  
arthur.rosenberg@hklaw.com  
Ashley B. Osborn on behalf of Creditor Conveying Solutions, LLC moedbknotices@southlaw.com  
Barbara J. Grabowski on behalf of Interested Party Commonwealth of Pennsylvania, Department of  
Environmental Protection bgrabowski@pa.gov, jolevin@pa.gov  
Benjamin S Kaminetzky on behalf of Debtor Patriot Coal Corporation ben.kaminetzky@davispolk.com  
Bonnie L. Clair on behalf of Creditor Ohio Valley Coal Company  
blcattymo@summerscomptonwells.com  
Bradley P Schneider on behalf of Creditor CompassPoint Partners, L.P. schneider@stlouislaw.com  
Brian C. Walsh on behalf of Debtor Patriot Coal Corporation brian.walsh@bryancave.com,  
erica.woods@bryancave.com  
Bryan David Lemoine on behalf of Interested Party Cliff's Natural Resources Inc.  
lemoine@mcmahonberger.com, mangiore@mcmahonberger.com  
Carl E. Black on behalf of Interested Party Peabody Energy Corporation ceblack@jonesday.com  
Casey M Cantrell Swartz on behalf of Creditor J.H. Fletcher & Co. cswartz@taftlaw.com  
Catherine C Whittaker on behalf of Creditor Blue Eagle Land, LLC cwhittaker@shb.com  
Charles I Jones on behalf of Interested Party Cole & Crane Real Estate Trust  
cjones@campbellwoods.com  
Chrisandrea L. Turner on behalf of Creditor Argonaut Insurance Company clturner@stites.com  
Christopher N. Grant on behalf of Creditor United Mine Workers of America cng@schuchatcw.com,  
notices@schuchatcw.com;rm@schuchatcw.com  
Christopher S Smith on behalf of Creditor Shonk Land Company LLC chris@hhsmlaw.com  
Daniel A. West on behalf of Creditor Conveying Solutions, LLC moedbknotices@southlaw.com  
Daniel D. Doyle on behalf of Creditor Caterpillar Financial Services Corporation  
ddoyle@lathropgagge.com, lschorr@lathropgagge.com  
Danielle A. Suberi on behalf of Creditor Continental Crushing & Conveying, Inc  
dsuberi@demlawllc.com, dsuberi@yahoo.com;whickey@demlawllc.com;nneske@demlawllc.com  
David A. Sosne on behalf of Counter-Claimant Boone East Development Co., Performance Coal Co.,  
And New River Energy Corp. dasattymo@scwpcplaw.com  
David A. Warfield on behalf of Special Counsel Thompson Coburn LLP dwarfield@thompsoncoburn.com  
David R. Barney on behalf of Creditor Alexis Cook drbarneywv@gmail.com, melissarose03@gmail.com  
Desiree Wolford on behalf of Creditor Missouri Department of Revenue edmoecf@dor.mo.gov  
E. Rebecca Case on behalf of Creditor Shonk Land Company LLC erc@stoneleyton.com,  
ercecfc@gmail.com  
Earl L. Martin on behalf of Creditor Boehl Stopher & Graves, LLP emartin@bsg-law.com  
Edward L. Dowd on behalf of Creditor The United Mine Workers of America 2012 Retiree Bonus  
Account Trust edowd@dowdbennett.com  
Emily L. Pagorski on behalf of Creditor Kentucky Utilities Company emily.pagorski@skofirm.com  
Eric Lopez Schnabel on behalf of Interested Party U.S. Bank National Association  
schnabel.eric@dorsey.com  
Eric Michael Wilson on behalf of Creditor State of West Virginia, Dept of Tax & Revenue  
Eric.M.Wilson@wv.gov, Chrissy.e.evans@wv.gov  
Erik Glenn Detlefsen on behalf of Interested Party U.S. Bank National Association  
detlefsen.erik@dorsey.com  
Frank Peretore on behalf of Creditor Somerset Capital Group, Ltd. peretore@peretore.com,  
scott.chait@peretore.com  
Frederick Perillo on behalf of Creditor United Mine Workers of America fp@previant.com  
Glenn R. Bronson on behalf of Creditor Republic Bank grb@princeyeates.com,  
nancyw@princeyeates.com  
Grant Crandall on behalf of Creditor United Mine Workers of America gcrandall@umwa.org  
Gregory D. Willard on behalf of Creditor Committee Official Committee of Unsecured Creditors  
gdw@carmodymacdonald.com  
Gregory F. Herkert on behalf of Creditor Gelco Corporation gherkert@stolarlaw.com  
Howard S. Smotkin on behalf of Creditor Lawson Heirs Incorporated hss@stoneleyton.com,  
hssecf@gmail.com  
Ian T Peck on behalf of Creditor AmerCable Incorporated ian.peck@haynesboone.com,  
ishmael.kamara@haynesboone.com  
James Gadsden on behalf of Creditor Phillip Machine Service, Inc. bankruptcy@clm.com  
James E. Crowe on behalf of Creditor The United Mine Workers of America 2012 Retiree Bonus  
Account Trust jcrowe@dowdbennett.com, tcampbell@dowdbennett.com  
James I. Singer on behalf of Creditor United Mine Workers of America jis@schuchatcw.com,  
mw@schuchatcw.com

District/off: 0865-4

User: klom  
Form ID: pdfol

Page 3 of 4  
Total Noticed: 1

Date Rcvd: Apr 18, 2013

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

James W. Lane on behalf of Interested Party Alpha Engineering Services, Inc.  
jim.lane@jimlaneattorneyatlaw.com  
Jason P. Alter on behalf of Creditor Broun Properties, LLC jalter@mcguirewoods.com  
Joel O. Christensen on behalf of Creditor Tire Centers, LLC. jchristensen@armstrongteasdale.com  
John D. McAnnar on behalf of Creditor Committee Official Committee of Unsecured Creditors  
jdm@carmodymacdonald.com, cjz@carmodymacdonald.com;gdw@carmodymacdonald.com  
John J. Hall on behalf of Creditor Arch Coal, Inc. jhall@lewisrice.com  
John S. Meyer on behalf of Witness Irl Engelhardt meyer@capessokol.com  
Jonathan Bondy on behalf of Creditor Aspen American Insurance Company jbondy@wolffsamson.com  
Jonathan I. Levine on behalf of Interested Party Wilmington Trust Company jlevine@akllp.com  
Joseph G. Bunn on behalf of Defendant STB Ventures, Inc. jgbunn@efjones.com  
Joseph G. Gibbons on behalf of Creditor Century Indemnity Company gibbonsj@whiteandwilliams.com  
Joseph W. Caldwell on behalf of Creditor Bulldog Excavating, LLC joecaldwell@frontier.com,  
caroltalbert@frontier.com  
Karen L Gilman on behalf of Creditor Aspen American Insurance Company kgilman@wolffsamson.com,  
ecf@wolffsamson.com  
Kathleen Marie Saunier on behalf of Interested Party Commonwealth of Kentucky, Energy and  
Environment Cabinet kathleen.saunier@ky.gov  
Kevin W Thompson on behalf of Creditor Alexis Cook kwthompsonwv@gmail.com,  
thompsonbarneywv@gmail.com  
Kristi A. Davidson on behalf of Creditor Caterpillar Financial Services Corporation  
kristi.davidson@bipc.com  
Lars A. Peterson on behalf of Auditor Ernst & Young LLP lapeterson@foley.com  
Laura Thoms on behalf of Creditor United States Environmental Protection Agency  
laura.thoms@usdoj.gov  
Laura Toledo on behalf of Creditor Bank of America, N.A. ltoledo@lathropgage.com,  
sking@lathropgage.com  
Laura Uberti Hughes on behalf of Debtor Patriot Coal Corporation laura.hughes@bryancave.com  
Lawrence E. Oscar on behalf of Interested Party Cliff's Natural Resources Inc.  
leoscar@hahnlaw.com, hlpcr@hahnlaw.com  
Lee J. Viorel on behalf of Creditor Hawthorn Bank lviorel@lowtherjohnson.com  
Leonora S. Long on behalf of U.S. Trustee Office of U.S. Trustee leonora.long@usdoj.gov  
Lisa Epps Dade on behalf of Interested Party U.S. Bank National Association  
leppsdade@spencerfane.com,  
lwright@spencerfane.com;ccarpenter@spencerfane.com;kreitz@spencerfane.com  
Lloyd A. Palans on behalf of Debtor Patriot Coal Corporation lpalans@bryancave.com,  
lwilson@bryancave.com  
Margaret M. Anderson on behalf of Creditor Old Republic Insurance Company manderson@fslc.com  
Mark Moedritzer on behalf of Creditor Blue Eagle Land, LLC mmoedritzer@shb.com,  
mwarnecker@shb.com  
Mark A. Hiller on behalf of Creditor Aurelius Capital Management, LP mhiller@robbinsrussell.com  
Mark Lawrence French on behalf of Interested Party Raymond Logan mfrench@cfc-law.com  
Mark V. Bossi on behalf of Special Counsel Thompson Coburn LLP mbossi@thompsoncoburn.com,  
lmckinnon@thompsoncoburn.com  
Marshall C. Turner on behalf of Creditor Citibank, N.A. marshall.turner@huschblackwell.com  
Mary Louise Fullington on behalf of Creditor County of Henderson, Kentucky  
Lexbankruptcy@wyattfirm.com  
Matthew J. Gartner on behalf of Creditor Citibank, N.A. matthew.gartner@huschblackwell.com  
Matthew S Layfield on behalf of Creditor J.H. Fletcher & Co. mlayfield@polsinelli.com,  
robrien@polsinelli.com;stldocketing@polsinelli.com  
Meredith Thomas Persinger on behalf of Creditor Branch Banking & Trust Company  
mtplaw@frontier.com  
Michael A. Becker on behalf of Interested Party Brittany McGhee mab@mabeckerlaw.com,  
wantonbecker@mac.com  
Michael A. Cohen on behalf of Debtor Patriot Coal Corporation macohen@curtis.com,  
hhiznay@curtis.com;bkotliar@curtis.com  
Michael E. Idzkowski on behalf of Interested Party State of Ohio, Department of Natural  
Resources michael.idzkowski@ohioattorneygeneral.gov  
Michael J. Roesenthaler on behalf of Creditor Alice Ann Wright, Wright Holdings, LLC  
mroesenthaler@mcguirewoods.com  
Michael Patrick Wood on behalf of Creditor The Commonwealth of Kentucky, Energy and  
Environment Cabinet, Department for Natural Resources michael.wood@ky.gov  
Michael R Carney on behalf of Creditor Interested Shareholders mcarney@mkoolsmith.com  
Michelle M. McGreal on behalf of Debtor Patriot Coal Corporation  
bankruptcy.routing@davispolk.com  
Nathan A Gambill on behalf of Creditor State of Michigan, Department of Treasury, Revenue  
Division, Lansing gambilln@michigan.gov  
Norah J. Ryan on behalf of Creditor American Electric Power norah.ryan@att.net  
Office of U.S. Trustee USTPRegion13.SL.ECF@USDOJ.gov  
Patrick J. McLaughlin on behalf of Interested Party U.S. Bank National Association  
mclaughlin.patrick@dorsey.com  
Paul A. Green on behalf of Creditor The United Mine Workers of America 2012 Retiree Bonus  
Account Trust pgreen@mooneygreen.com  
Paul A. Randolph on behalf of U.S. Trustee Office of U.S. Trustee paul.a.randolph@usdoj.gov  
Paul C. Hamill on behalf of Creditor Artisan Contracting, Inc. hamill@hnhpc.com,  
hamillpc@gmail.com  
Paul J Wallace on behalf of Creditor United Leasing, Inc. pwallace@joneswallace.com,  
kstroud@joneswallace.com;ljones@joneswallace.com

District/off: 0865-4

User: klom  
Form ID: pdfol

Page 4 of 4  
Total Noticed: 1

Date Rcvd: Apr 18, 2013

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Paula Batt Wilson on behalf of Interested Party Peabody Energy Corporation  
pbwilson@jonesday.com, lalbert@JonesDay.com, pmkral@JonesDay.com, kmmcvoy@jonesday.com  
Penelope J. Jensen on behalf of Creditor Bank of America, N.A. pjensen@willkie.com,  
mao@willkie.com  
Peter D. Kerth on behalf of Creditor C&A Cutterhead, Inc. pkerth@jenkinskling.com,  
mdarner@jenkinskling.com  
Peter Stephen Russ on behalf of Creditor Caterpillar Financial Services Corporation  
peter.russ@bipc.com  
Randall F. Scherck on behalf of Creditor Bank of America, N.A. rscherck@lathropgage.com  
Richard J. Parks on behalf of Creditor Continental Crushing & Conveying, Inc ,  
rjp@pietragallo.com;kas2@pietragallo.com;ms@pietragallo.com;ms@pietragallo.com  
Robert Faxon on behalf of Interested Party Peabody Energy Corporation rfaxon@jonesday.com  
Robert E. Eggmann on behalf of Creditor Harold Racer reggmann@demlawllc.com,  
triske@demlawllc.com;whickey@demlawllc.com;nneske@demlawllc.com  
Ryan T. Schultz on behalf of Creditor Old Republic Insurance Company rschultz@fslc.com  
Sarah Jean Geenen on behalf of Creditor United Mine Workers of America sjg@previant.com  
Scott A. Greenberg on behalf of Creditor Penn Virginia Operating Co., L.L.C.  
sgreenberg@sandbergphoenix.com,  
rhileman@sandbergphoenix.com;jmcculloch@sandbergphoenix.com;jnitsch@sandbergphoenix.com  
Scott N. Schreiber on behalf of Creditor Harold Racer sschreiber@stahlcowen.com  
Seth B Shapiro on behalf of Creditor US Department of Labor seth.shapiro@usdoj.gov  
Shawn M. Christianson on behalf of Creditor Oracle America, Inc. schristianson@buchalter.com,  
cmcintire@buchalter.com  
Sherry K. Dreisewerd on behalf of Creditor H.A. Robson Trust, PRC Holdings, LLC, The Board of  
Trustees of Prichard School, The Trust with A.M. Prichard, III, Sarah Ann Prichard and Lewis  
Prichard dated December 30, 1983, The Robert B. LaFollet sdreisewerd@polsinelli.com,  
robrien@polsinelli.com;sdenison@polsinelli.com;stldocketing@polsinelli.com  
Stephen H. Rovak on behalf of Creditor Kentucky Utilities Company stephen.rovak@snrrenton.com,  
dawn.doerr@snrrenton.com;stlouisdocket@dentons.com  
Stephen L. Thompson on behalf of Creditor Central Contracting, Inc.  
sthompson@barth-thompson.com  
Stephen Todd Hamby on behalf of Witness Irl Engelhardt hamby@capessokol.com,  
ohrt@capessokol.com  
Steven Goldstein on behalf of Creditor Aurelius Capital Management, LP  
sg@goldsteinpressman.com  
Steven J. Reisman on behalf of Debtor Patriot Coal Corporation sreisman@curtis.com  
Steven L Thomas on behalf of Creditor Hughes Supply Company sthomas@kaycasto.com,  
jmartin@kaycasto.com  
Steven M. Wallace on behalf of Interested Party U.S. Bank National Association  
swallace@kuninlaw.com  
Steven N. Cousins on behalf of Defendant Peabody Energy Corporation  
scousins@armstrongteasdale.com, mscott@armstrongteasdale.com  
T. Kent Barber on behalf of Interested Party C.W. Electric, Inc. kbarber@dlgfir.com,  
dlgecf@dlgfir.com;dlgecf@gmail.com  
Tanya D. Bosi on behalf of Creditor Caterpillar Financial Services Corporation  
tanya.bosi@bipc.com  
Theresa Betro Anderson on behalf of Interested Party Pension Benefit Guaranty Corporation  
anderson.theresa@pbgc.gov, efile@pbgc.gov  
Thomas H. Riske on behalf of Creditor Harold Racer triske@demlawllc.com,  
whickey@demlawllc.com;nneske@demlawllc.com  
Thomas W. Frentz on behalf of Creditor Rudd Equipment Company tfrentz@middletonlaw.com  
Todd W. Ruskamp on behalf of Creditor Blue Eagle Land, LLC truskamp@shb.com,  
dnunn@shb.com;cwhittaker@shb.com;mmoedritzer@shb.com  
Tracy A. Brown on behalf of Interested Party Ernie Burns tbrownfirm@bktab.com,  
txmotb@sbcglobal.net;casemanager@bktab.com/myecfmailtabpc@gmail.com/dgibson7@bktab.com  
W. Timothy Miller on behalf of Creditor J.H. Fletcher & Co. miller@taftlaw.com

TOTAL: 126