

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re
Patriot Coal Corporation, *et al.*,
Debtors.¹

Chapter 11
Case No. 12-51502-659
(Jointly Administered)
Hearing: April 23, 2013
Re: ECF No. 3499

ORDER GRANTING LIMITED MODIFICATION
OF THE AUTOMATIC STAY

Upon the motion (the “**Motion**”)² of Patriot Coal Corporation (“**Patriot**”) and its subsidiaries that are debtors and debtors in possession (collectively, the “**Debtors**”), pursuant to Section 362 of the Bankruptcy Code, and Rule 4001-1 of the Local Rules of the Bankruptcy Court for the Eastern District of Missouri (the “**Local Rules**”), for entry of an order granting limited modification to the automatic stay, to the extent it applies, to permit the payment of proceeds and advancing of defense costs as provided by XL Specialty Insurance Company (“**XL**”) Insurance Policy No. ELU123382-11 (the “**Policy**”) to Robert W. Bennett, Beverly Parrish Reynolds, Carol Damba, and any other officers, directors, and employees of the Debtors subsequently named as defendants (collectively “**Defendants**”) in the lawsuit filed by Bridgehouse Capital Limited (“**Bridgehouse**”), as more fully described in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C.

¹ The Debtors are the entities listed on Schedule 1 attached to the Motion. The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors’ chapter 11 petitions.

² Unless otherwise defined herein, each capitalized term shall have the meaning ascribed to such term in the Motion.

§ 1334; and consideration of the Motion and the requested relief being a core proceeding the Court can determine pursuant to 28 U.S.C. § 157(b)(2); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided in accordance with the Case Management Order; and it appearing that no other or further notice need be provided; and the Court having reviewed the Motion; and the relief requested in the Motion being in the best interests of the Debtors and their estates and creditors; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that, the relief requested in the Motion is granted as set forth herein; and it is further

ORDERED that the automatic stay pursuant to Section 362 of the Bankruptcy Code is modified, to the extent it applies, solely to the extent necessary to permit the payment of defense costs and advance of legal fees to the Debtors' officers, directors and employees in relation to lawsuits filed against them, pursuant to the terms of the Policy, and for no other purposes; and it is further

ORDERED that Defendants, current or future, and XL will report to the Debtors quarterly, with a copy to the official committee of unsecured creditors, regarding the insurance coverage provided and the amounts paid. To the extent XL has not been subject to claims during any quarterly period, it is not necessary for XL to provide a quarterly report as to that period. In the event XL fails to report as to amounts paid for a

quarterly period when benefits were paid, the insured individual is still required to submit the requested information; and it is further

ORDERED that the requirements set forth in Local Rule 9013-1 are satisfied; and it is further

ORDERED that the entry of this Order is without prejudice to the rights of any party in interest, including the Debtors, to oppose any motion by any party seeking stay relief; and it is further

ORDERED that, notwithstanding the possible applicability of any Bankruptcy Rule that might otherwise delay the effectiveness of this Order, including, but not limited to, Bankruptcy Rule 4001(a)(3), the Local Rules or the Case Management Order, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry; and it is further

ORDERED that this Court retains jurisdiction to hear and determine all matters arising from or related to the implementation and/or interpretation of this Order; and it is further

ORDERED that proper, timely, adequate and sufficient notice of the Motion has been provided in accordance with the Bankruptcy Code, the Bankruptcy Rules and the Local Rules, and no other or further notice of the Motion or the entry of this Order shall be required.


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: April 19, 2013
St. Louis, Missouri
jjh

Order prepared by:

Amelia T.R. Starr

Marshall S. Huebner

Brian M. Resnick

Michelle M. McGreal

DAVIS POLK & WARDWELL LLP

450 Lexington Avenue

New York, New York 10017

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

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Total Noticed: 1

Date Rcvd: Apr 19, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 21, 2013.

aty +Amelia Temple Redwood Starr, 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 21, 2013

Signature:



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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 19, 2013 at the address(es) listed below:

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Angela L Schisler on behalf of Creditor Committee Official Committee of Unsecured Creditors
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tmayer@kramerlevin.com;arogoff@kramerlevin.com;boneill@kramerlevin.com;gplotko@kramerlevin.com;ay
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Arthur Traynor on behalf of Creditor United Mine Workers of America atraynor@umwa.org
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Barbara J. Grabowski on behalf of Interested Party Commonwealth of Pennsylvania, Department of
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Benjamin S Kaminetzky on behalf of Debtor Patriot Coal Corporation ben.kaminetzky@davispolk.com
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Bryan David Lemoine on behalf of Interested Party Cliff's Natural Resources Inc.
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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
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And New River Energy Corp. dasattymo@scwpcplaw.com
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Edward L. Dowd on behalf of Creditor The United Mine Workers of America 2012 Retiree Bonus
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James E. Crowe on behalf of Creditor The United Mine Workers of America 2012 Retiree Bonus
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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.
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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

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TOTAL: 126