

SO ORDERED

Apr 26, 2013

Kathy A. Surratt - States

KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

**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)**

Re: ECF Nos. 3214, 3617

MOTION TO STRIKE THE SECOND OBJECTION OF THE OHIO VALLEY COAL COMPANY AND THE OHIO VALLEY TRANSLOADING COMPANY TO THE DEBTORS' MOTION TO REJECT COLLECTIVE BARGAINING AGREEMENTS AND TO MODIFY RETIREE BENEFITS PURSUANT TO 11 U.S.C. §§ 1113, 1114

Patriot Coal Corporation and its affiliated debtors (collectively, “**Patriot**” or the “**Debtors**”) respectfully move to strike the Brief in Support of Objection of the Ohio Valley Coal Company and the Ohio Valley Transloading Company to the Motion to Reject Collective Bargaining Agreements and to Modify Retiree Benefits Pursuant to 11 U.S.C. §§ 1113,1114 (the “**Second Objection**”) [ECF No. 3617] (the “**Motion**”).

ARGUMENT

1. Pending before the Court is the Debtors’ March 14, 2013 Motion to Reject Collective Bargaining Agreements and to Modify Retiree Benefits Pursuant to 11 U.S.C. §§ 1113,1114 (the “**1113/1114 Motion**”) [ECF No. 3214].

2. On March 19, 2013, The Ohio Valley Coal Company and the Ohio Valley Transloading Company (together, “**Ohio Valley Coal**”) filed its Objection to Motion to Reject

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

Collective Bargaining Agreements and to Modify Retiree Benefits Pursuant to 11 U.S.C. §§ 1113, 1114 (the “**Original Objection**”) [ECF No. 3326], comprising eleven pages.

3. On April 5, 2013, the Court issued an order setting out guidelines for third-party intervention in this matter (the “**Intervention Order**”) [ECF No. 3543]. The Intervention Order granted certain third parties, including Ohio Valley Coal, limited rights to participate in the §§ 1113, 1114 proceeding and in discovery. In particular, the Intervention Order limits third parties like Ohio Valley Coal to “a brief in support of their position . . . regarding” the 1113/1114 Motion “of 15 pages or less.”

4. On April 12, 2013, in contravention of the Intervention Order, Ohio Valley Coal filed the Second Objection, styled as a “brief in support” of its objection, and comprising an additional eleven pages.

5. Although Ohio Valley Coal disingenuously styles the Second Objection as a “brief in support” of its objection, the Second Objection is identical to the Original Objection in form, if not in content. Even a cursory review of the two filings makes plain that they both serve the same purpose: advancing arguments against the 1113/1114 Motion. The Second Objection is a transparent attempt to circumvent the page and briefing limits imposed by the Court to advance variations on the arguments of the Original Objection. The Court should reject this second bite at the apple and strike the Second Objection.

NOTICE

6. Consistent with the Order Establishing Certain Notice, Case Management and Administrative Procedures entered on March 22, 2013 (as may be amended, the “**Case Management Order**”) [ECF No. 3361], the Debtors will serve notice of this Motion on (a) the Core Parties and (b) the Particularized Interest Parties (as those terms are defined in the Case

Management Order). All parties who have requested electronic notice of filings in these cases through the Court's ECF system will automatically receive notice of this motion through the ECF system no later than the day after its filing with the Court. A copy of this Motion and any order approving it will also be made available on the Debtors' Case Information Website (located at www.patriotcaseinfo.com).

WHEREFORE the Debtors respectfully request that the Court grant the Debtors' Motion and strike the Second Objection.

Dated: April 23, 2013
New York, New York

Respectfully submitted,

/s/ Elliot Moskowitz

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SCHEDULE 1
(Debtor Entities)

1. 1 Affinity Mining Company
2. 2 Apogee Coal Company, LLC
3. Appalachia Mine Services, LLC
4. Beaver Dam Coal Company, LLC
5. Big Eagle, LLC
6. Big Eagle Rail, LLC
7. Black Stallion Coal Company, LLC
8. Black Walnut Coal Company
9. Bluegrass Mine Services, LLC
10. Brook Trout Coal, LLC
11. Catenary Coal Company, LLC
12. Central States Coal Reserves of Kentucky, LLC
13. Charles Coal Company, LLC
14. Cleaton Coal Company
15. Coal Clean LLC
16. Coal Properties, LLC
17. Coal Reserve Holding Limited Liability Company No. 2
18. Colony Bay Coal Company
19. Cook Mountain Coal Company, LLC
20. Corydon Resources LLC
21. Coventry Mining Services, LLC
22. Coyote Coal Company LLC
23. Cub Branch Coal Company LLC
24. Dakota LLC
25. Day LLC
26. Dixon Mining Company, LLC
27. Dodge Hill Holding JV, LLC
28. Dodge Hill Mining Company, LLC
29. Dodge Hill of Kentucky, LLC
30. EACC Camps, Inc.
31. Eastern Associated Coal, LLC
32. Eastern Coal Company, LLC
33. Eastern Royalty, LLC
34. Emerald Processing, L.L.C.
35. Gateway Eagle Coal Company, LLC
36. Grand Eagle Mining, LLC
37. Heritage Coal Company LLC
38. Highland Mining Company, LLC
39. Hillside Mining Company
40. Hobet Mining, LLC
41. Indian Hill Company LLC
42. Infinity Coal Sales, LLC
43. Interior Holdings, LLC
44. IO Coal LLC
45. Jarrell's Branch Coal Company
46. Jupiter Holdings LLC
47. Kanawha Eagle Coal, LLC
48. Kanawha River Ventures I, LLC
49. Kanawha River Ventures II, LLC
50. Kanawha River Ventures III, LLC
51. KE Ventures, LLC
52. Little Creek LLC
53. Logan Fork Coal Company
54. Magnum Coal Company LLC
55. Magnum Coal Sales LLC
56. Martinka Coal Company, LLC
57. Midland Trail Energy LLC
58. Midwest Coal Resources II, LLC
59. Mountain View Coal Company, LLC
60. New Trout Coal Holdings II, LLC
61. Newtown Energy, Inc.
62. North Page Coal Corp.
63. Ohio County Coal Company, LLC
64. Panther LLC
65. Patriot Beaver Dam Holdings, LLC
66. Patriot Coal Company, L.P.
67. Patriot Coal Corporation
68. Patriot Coal Sales LLC
69. Patriot Coal Services LLC
70. Patriot Leasing Company LLC
71. Patriot Midwest Holdings, LLC
72. Patriot Reserve Holdings, LLC
73. Patriot Trading LLC
74. PCX Enterprises, Inc.
75. Pine Ridge Coal Company, LLC
76. Pond Creek Land Resources, LLC
77. Pond Fork Processing LLC
78. Remington Holdings LLC
79. Remington II LLC
80. Remington LLC
81. Rivers Edge Mining, Inc.
82. Robin Land Company, LLC
83. Sentry Mining, LLC
84. Snowberry Land Company
85. Speed Mining LLC
86. Sterling Smokeless Coal Company, LLC
87. TC Sales Company, LLC
88. The Presidents Energy Company LLC
89. Thunderhill Coal LLC
90. Trout Coal Holdings, LLC
91. Union County Coal Co., LLC
92. Viper LLC
93. Weatherby Processing LLC
94. Wildcat Energy LLC
95. Wildcat, LLC
96. Will Scarlet Properties LLC
97. Winchester LLC
98. Winifrede Dock Limited Liability Company
99. Yankeetown Dock, LLC