

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:

PATRIOT COAL CORPORATION, *et. al.*,

Debtors.

Case No. 12-51502
(Jointly Administered)

Chapter 11

NOTICE OF APPEAL

Notice is hereby given that The Ohio Valley Coal Company and The Ohio Valley Transloading Company (collectively, "Ohio Valley Coal") appeal under 28 U.S.C. §158(a) to the United States District Court for the Eastern District of Missouri from the Memorandum and Order on Motion to Reject Collective Bargaining Agreements and to Modify Retiree Benefits Pursuant to 11 U.S.C. §§ 1113, 1114 of the Bankruptcy Code (the "Order Granting the Motion to Reject") entered by the Honorable Kathy A. Surratt-States on May 29, 2013 [Docket No. 4081], and all rulings rendered appealable thereby.

The parties to the Order Granting the Motion to Reject from which Ohio Valley Coal appeals and the names of their respective attorneys are as follows:

Appellant: The Ohio Valley Coal Company
The Ohio Valley Coal Transloading Company

Attorneys: Bonnie L. Clair
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Facsimile: (314) 991-2413

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Telephone: (412) 667-6000
Facsimile: (412) 667-6050

Appellees: Patriot Coal Corporation, *et al.*, as Debtors and Debtors in Possession¹

Attorneys: Marshall S. Huebner
Benjamin S. Kaminetzky
Elliot Moskowitz
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450 Lexington Avenue
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Telephone: (212) 450-4000

Those other interested parties and their respective counsel who participated in the proceedings on the contested matter are listed on Exhibit A attached hereto. A schedule listing all of the Debtors in these cases is attached hereto as Exhibit B.

Dated: June 11, 2013

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mfreedlander@mcguirewoods.com

*Counsel to The Ohio Valley Coal Company
and The Ohio Valley Transloading
Company*

¹ A listing of Debtor entities is attached hereto as Schedule 1 on Exhibit B.

EXHIBIT A

Other Interested Parties

Party: United Mine Workers of America

Attorneys: The Previant Law Firm S.C.
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Milwaukee, WI 53212
Telephone: (414) 271-4500
Facsimile:(414) 271-6308

United Mine Workers of America
18354 Quantico Gateway Drive, Suite 200
Triangle, VA 22172
Telephone: (703) 291-2401
Facsimile:(703) 291-2448

Party: United Mine Workers of America 1974 Pension Trust and the United Mine
Workers of America 1993 Benefit Plan

Attorneys: Mooney, Green, Saindon, Murphy & Welch, P.C.
1920 L Street, N.W., Suite 400
Washington, DC 20036
Telephone: (202) 783-0010

Morgan, Lewis & Bockius, LLP
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Telephone: (215) 963-5000
Facsimile: (215) 963-5001
- and -
101 Park Avenue
New York, NY 10178-0060
Telephone: (212) 309-6000
Facsimile: (212) 309-6001

Party: Official Committee of Unsecured Creditors

Attorneys: Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, NY 10036
Telephone: (212) 715-9100
Facsimile: (212) 715-8000

Party: Drummond Company, Inc.
Energy West Mining Company

Attorneys: Venable LLP
8010 Towers Crescent Drive, Suite 300
Tysons Corner, VA 22182
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Facsimile: (314) 567-5968

Party: U.S. Bank National Association, as Indenture Trustee

Attorneys: Dorsey & Whitney LLP
51 West 52nd Street,
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Telephone: (212) 415-9368
Facsimile:(302) 425-7177

Party: Wilmington Trust Company, as Indenture Trustee

Attorneys: Andrews Kurth LLP
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Telephone: (212) 850-2800
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Party: Bank of America N.A., as Second Out DIP Agent

Attorneys: Willkie Farr & Gallagher LLP
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New York, NY 10019
Telephone: (212) 728-8000
Facsimile: (212) 728-8111

Party: Citibank, NA

Attorneys: Weil, Gotshal & Manges LLP
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Party: Cliffs Natural Resources Inc.

Attorneys: Hahn Loeser & Parks LLP
200 Public Square, Suite 2800
Cleveland, Ohio 44114
Telephone: (216) 621-0150
Facsimile: (216) 241-2824

Party: Aurelius Capital Management LP, for Noteholders

Attorneys: Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP
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Goldstein & Pressman, P.C.
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St. Louis, MO 63141-5922
Telephone: (314) 727-1717
Facsimile: (314) 727-1447

Party: Argonaut Insurance Company, Indemnity National Insurance Company, US Specialty Insurance, Westchester Fire Insurance Company, and Travelers Casualty and Surety Company of America (“Sureties”)

Attorneys: Stites & Harbison, PLLC
250 West Main Street
Suite 2300
Lexington, KY 40507
Telephone: (859) 226-2300
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EXHIBIT B

Schedule of Debtor Entities

SCHEDULE 1
(Debtor Entities)

1. Affinity Mining Company
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
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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

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS / APPELLANTS (b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i> (c) Attorneys (<i>Firm Name, Address, and Telephone Number</i>) _____	DEFENDANTS / APPELLEES County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i> NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (<i>If Known</i>) _____
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II. BASIS OF JURISDICTION (<i>Place an "X" in One Box Only</i>) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (<i>U.S. Government Not a Party</i>) <input type="checkbox"/> 4 Diversity (<i>Indicate Citizenship of Parties in Item III</i>)	III. CITIZENSHIP OF PRINCIPAL PARTIES (<i>Place an "X" in One Box for Plaintiff and One Box for Defendant</i>) <i>(For Diversity Cases Only)</i> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (<i>Place an "X" in One Box Only</i>)				
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	OTHER STATUTES <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (*Place an "X" in One Box Only*)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from Another District (*specify*)
 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (*Do not cite jurisdictional statutes unless diversity*): _____

Brief description of cause: _____

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (*See instructions*): JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

CIVIL COVER SHEET
(cont'd)

I(c). Attorneys for Appellants

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OHIO VALLEY TRANSLOADING COMPANY

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(314) 991-2413 facsimile
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and

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(412) 667-7967
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mfreedlander@mcguirewoods.com

I. Attorneys for Appellees

PATRIOT COAL CORPORATION, et al.
(See attached Schedule 1 for full list of Appellees/Debtor Entities)

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Elliot Moskowitz
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elliot.moskowitz@davispolk.com
jonathan.martin@davispolk.com

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brian.walsh@bryancave.com

VIII. Related Case(s)

Judge Kathy A. Surratt-States

Bankruptcy Case No. 12-51502
(Jointly Administered)
U.S. Bankruptcy Court, Eastern District of Missouri

Judge Carol A. Jackson

District Court Case No. 4:13-cv-01086-CEJ
Eastern District of Missouri

SCHEDULE 1
(Debtor Entities)

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(Jointly Administered)

Chapter 11

CERTIFICATE OF SERVICE

The foregoing Notice of Appeal was filed this day via the Court's ECF system and served upon the Appellees and all CM/ECF participants via the electronic filing system. Copies will additionally be served via electronic mail on the following:

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New York, NY 10017
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Brian M. Resnick
PATRIOT.ROUTING@DPW.COM

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St. Louis, MO 63105
JDM@CARMODYMACDONALD.COM

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AROGOFF@KRAMERLEVIN.COM
GPLOTKO@KRAMERLEVIN.COM
BONEILL@KRAMERLEVIN.COM
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THE PREVIANT LAW FIRM S.C.

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Milwaukee, WI 53212

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Dated: June 11, 2013

/s/ Bonnie L. Clair

Bonnie L. Clair, #41696MO

Summers Compton Wells PC

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St. Louis, MO 63124

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Facsimile: (314) 991-2413

blcattymo@summerscomptonwells.com