

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re Patriot Coal Corp.)
)
) Case No. 12-51502
Debtor(s).) Chapter 11
)

STATEMENT OF ISSUES ON APPEAL

Appellant United Mine Workers of America (“UMWA”), by its attorneys the
Previant Law Firm S.C., pursuant to Bankruptcy Rule 8006, hereby provides this
statement of issues to be presented:

STATEMENT OF THE ISSUES TO BE PRESENTED

1. Did the Bankruptcy Court err when it ruled that §1113/§1114 proposals
first presented to the UMWA subsequent to the Debtors’ filing of their §1113/§1114
motions could be considered to satisfy the requirements of §1113/§1114, despite the
unambiguous language to the contrary in the statute?

2. Did the Bankruptcy Court err when it ruled that the Debtors satisfied their
obligation to provide information to the UMWA when the information provided did not
constitute and the Bankruptcy Court did not find that it constituted all information
needed by the UMWA to evaluate the §1114 VEBA funding proposal?

3. Did the Bankruptcy Court err when it found that information provided by
the Debtors to the UMWA subsequent to the filing of their §1113/§1114 motions may be
considered in evaluating whether the Debtors provided to the UMWA all information
necessary to evaluate their proposals?

4. Did the Bankruptcy Court err by holding that it was necessary to lock the
UMWA employees and retirees into reduced levels of wages and benefits for five years

through 2018, when the Debtors have not made any revenue and cash flow projections for 2017 or 2018, and therefore cannot know whether §1113/§1114 savings are necessary in those years, and when the Debtors understated their projected revenues for 2015 and 2016?

5. Did the Bankruptcy Court err by ruling that the UMWA did not have good cause to reject the Debtors' §1113/§1114 proposals for 2017 and 2018?

6. Did the Bankruptcy Court err by ruling that the Debtors' §1113 proposal is fair and equitable when it locked the active employees of the Debtors into reduced levels of compensation through 2018, while permitting other bankruptcy constituents such as the officers, managers and investors of the Debtors to share fully in the benefits of the Debtors' projected recovery during those same years?

7. Did the Bankruptcy Court err by ruling that the Debtors' §1114 proposal is fair and equitable when the proposal sought to provide certainty to Patriot's officers and managers through cash bonus compensation, and certainty to Patriot's investors through a guaranteed reduced labor cost structure, but required its retirees to accept a VEBA funding proposal with a high degree of uncertainty that may provide insufficient funding to fund even a single year of benefits?

8. Did the Bankruptcy Court err by ruling that the balance of the equities favored rejection when contract rejection would create a withdrawal liability claim that the Debtors' CEO admitted would place the Debtors in an untenable position, and when the contract rejection would also create uncertainty over whether the UMWA would initiate a strike, both of which would make it impossible for the Debtors to attract exit financing?

Dated this 19th day of June, 2013.

s/ Frederick Perillo

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(Jointly Administered)

CERTIFICATE OF SERVICE

The foregoing Appellant's Statement of Issues to be Presented on Appeal was filed this day via the Court's ECF system and served upon the Appellee 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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Dated this 19th day of June, 2013.

s/ Frederick Perillo