

**Hearing Date and Time:**  
**September 11, 2012, at 1:30 p.m.**

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of America 1974 Pension Trust and United Mine  
Workers of America Combined Benefit Fund*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

<b>In re:</b>	)	<b>Case No. 12-12900 (SCC)</b>
<b>Patriot Coal Corporation, et al.,</b>	)	<b>Chapter 11</b>
<b>Debtors.</b>	)	<b>Jointly Administered</b>

**JOINDER OF THE UNITED MINE WORKERS OF AMERICA 1992 BENEFIT PLAN,  
THE UNITED MINE WORKERS OF AMERICA 1993 BENEFIT PLAN, THE UNITED  
MINE WORKERS OF AMERICA 1974 PENSION TRUST AND THE UNITED MINE  
WORKERS OF AMERICA COMBINED BENEFIT FUND TO THE UNITED STATES  
TRUSTEE’S MOTION, PURSUANT TO 28 U.S.C. § 1412 AND FED. R. BANKR.  
P. 1014(A)(1) TO TRANSFER VENUE OF THESE CASES IN THE INTEREST OF  
JUSTICE**

The United Mine Workers of America 1992 Benefit Plan, the United Mine Workers of America 1993 Benefit Plan, the United Mine Workers of America 1974 Pension Trust and the United Mine Workers of America Combined Benefit Fund (collectively, the “UMWA Health and Retirement Funds”), by and through their undersigned attorneys, hereby join the *United States Trustee’s Motion, Pursuant to 28 U.S.C. § 1412 and Fed. R. Bankr. R. 1014(a)(1) To Transfer Venue of These Cases in the Interest of Justice* (the “UST Motion”) [ECF No. 406].

### **BACKGROUND**

1. On July 9, 2012, each of the Debtors filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code. Pursuant to an order dated July 10, 2012, the cases are being administered jointly.

2. The UMWA Health and Retirement Funds are comprised of health and retirement benefit plans to which the Debtors have historically contributed. One of the UMWA Health and Retirement Funds, the United Mine Workers of America 1974 Pension Trust (the “1974 Plan”), is a member of the Official Committee of Unsecured Creditors (the “UCC”). In connection with this Joinder, the 1974 Plan is acting on its own behalf and not as a representative of the UCC.

3. On August 22, 2012, the United States Trustee filed the UST Motion to transfer venue of the cases.

4. On August 23, 2012, the United States Trustee conducted an examination at the Section 341 First Meeting of Creditors (the “341 Meeting”).

### **JOINDER**

5. Based upon the testimony provided at the 341 Meeting and the arguments set forth in the UST Motion, the UMWA Health and Retirement Funds agree with the United States

Trustee that the Southern District of New York is an improper venue to hold the Debtors' cases, and contend that the cases should be transferred to an appropriate jurisdiction.<sup>1</sup>

6. Therefore, the UMWA Health and Retirement Funds hereby join in the UST Motion and adopt and incorporate by reference all of the legal and factual arguments set forth therein.

### **CONCLUSION**

WHEREFORE, for the foregoing reasons, the UMWA Health and Retirement Funds respectfully request that the Court enter an order (i) granting the relief requested in the UST Motion and (ii) providing such other and further relief as the Court deems just and appropriate.

Dated: August 27, 2012

Respectfully submitted

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<sup>1</sup> As noted in the UST Motion, also pending before the Court is a motion by the United Mine Workers of America ("UMWA") to transfer venue to the Southern District of West Virginia (ECF 127). That motion has been joined by American Electric Power, Monongahela Power Company, and Hope Gas, Inc. d/b/a Dominion Hope (ECF 178), as well as the State of West Virginia (ECF 390) and the Commonwealth of Kentucky, Energy and Environment Cabinet, Department for Natural Resources (ECF No. 392). A separate motion to transfer venue to the Southern District of West Virginia filed by Argonaut Insurance Company, Indemnity National Insurance Company, US Specialty Insurance and Westchester Fire Insurance Company (ECF No. 287) also remains pending.

