

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

In Re:) Chapter 11
)
Patriot Coal Corporation, *et al.*) Case No. 12-51502
)
Debtors.) No Hearing Necessary

NOTICE OF FILING OF THE SIXTH STIPULATION REGARDING FINAL ORDER (I) AUTHORIZING DEBTORS (A) TO OBTAIN POST-PETITION FINANCING PURSUANT TO 11 U.S.C. §§ 105, 361, 362, 364(C)(1), 364(C)(2), 364(C)(3), 362(D)(1) AND 364(E), AND (B) TO UTILIZE CASH COLLATERAL PURSUANT TO 11 U.S.C. § 363 AND (II) GRANTING ADEQUATE PROTECTION TO PRE-PETITION SECURED LENDERS PURSUANT TO 11 U.S.C. §§ 361, 362, 363, AND 364

Notice is provided of the filing of the *Sixth Stipulation Regarding Final Order (I) Authorizing Debtors (A) to Obtain Post-Petition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(d)(1) and 364(e), and (B) to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363 and (II) Granting Adequate Protection to Pre-Petition Secured Lenders Pursuant to 11 U.S.C. §§ 361, 362, 363 and 364.*

No further action or hearing is necessary.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Notice of Filing of the Sixth Stipulation* was filed on September 12, 2013 using the Court's CM/ECF system, which sent a copy to all parties receiving electronic notices in this case.

/s/ Angela L. Schisler _____
Angela L. Schisler

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI**

In re:)	Chapter 11
PATRIOT COAL CORPORATION, <u>et al.</u> ,)	Case No. 12-51502
Debtors.)	Jointly Administered

SIXTH STIPULATION REGARDING FINAL ORDER (I) AUTHORIZING DEBTORS (A) TO OBTAIN POST-PETITION FINANCING PURSUANT TO 11 U.S.C. §§ 105, 361, 362, 364(C)(1), 364(C)(2), 364(C)(3), 364(D)(1) AND 364(E), AND (B) TO UTILIZE CASH COLLATERAL PURSUANT TO 11 U.S.C. § 363 AND (II) GRANTING ADEQUATE PROTECTION TO PRE-PETITION SECURED LENDERS PURSUANT TO 11 U.S.C. §§ 361, 362, 363 AND 364

WHEREAS:

A. On July 9, 2012, (the “Petition Date”), Patriot Coal Corporation (“Patriot”) and certain of its affiliates (the “Debtors”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Bankruptcy Code (the “Bankruptcy Code”). The Debtors’ cases are being jointly administered pursuant to Rule 1005(b) of the Federal Rules of Bankruptcy Procedure. Each Debtor is continuing to operate its business and manage its properties as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

B. On August 3, 2012, the Bankruptcy Court for the Southern District of New York entered the *Final Order (I) Authorizing Debtors (A) to Obtain Post-Petition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(d)(1) and 364(e), and (B) to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363 and (II) Granting Adequate Protection to Pre-Petition Secured Lenders Pursuant to 11 U.S.C. §§ 361, 362, 363 and 364* [Docket No. 275] (as subsequently modified by that certain (i) *Stipulation Between the Official*

Committee of Unsecured Creditors and the Pre-Petition Agent Extending the Challenge Period, dated October 16, 2012 [Docket No. 1365], (ii) *Second Stipulation Between The Official Committee of Unsecured Creditors and the Pre-Petition Agent Extending the Challenge Period*, dated November 20, 2012 [Docket No. 1614], (iii) *Stipulation Regarding Final Order (I) Authorizing Debtors (A) To Obtain Post-Petition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(C)(1), 364(C)(2), 364(C)(3), 364(D)(1) and 364(E), and (B) to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363 and (II) Granting Adequate Protection to Pre-Petition Secured Lenders Pursuant to 11 U.S.C. §§ 361, 362, 363 and 364*, dated December 13, 2012 [Docket No. 1734], (iv) *Fourth Stipulation Regarding Final Order (I) Authorizing Debtors (A) To Obtain Post-Petition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(C)(1), 364(C)(2), 364(C)(3), 364(D)(1) and 364(E), and (B) to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363 and (II) Granting Adequate Protection to Pre-Petition Secured Lenders Pursuant to 11 U.S.C. §§ 361, 362, 363 and 364*, dated February 12, 2013 [Docket No. 2813], and (v) *Fifth Stipulation Regarding Final Order (I) Authorizing Debtors (A) To Obtain Post-Petition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(C)(1), 364(C)(2), 364(C)(3), 364(D)(1) and 364(E), and (B) to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363 and (II) Granting Adequate Protection to Pre-Petition Secured Lenders Pursuant to 11 U.S.C. §§ 361, 362, 363 and 364*, dated April 12, 2013 [Docket No. 3602] (the “Fifth Extension Stipulation” , and with all of the foregoing Stipulations, the “Final DIP Order”). Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Final DIP Order.

C. Pursuant to the Fifth Extension Stipulation, the Committee has until September 16, 2013 to properly commence an adversary proceeding or contested matter solely

for purposes of seeking a determination of the Remaining Real Estate Issues (as defined in the Fifth Extension Stipulation).

D. As a result of further diligence and discussions, the Committee has requested a sixty (60) day extension of the Challenge Deadline solely with respect to the Remaining Real Estate Issues, to which the Pre-Petition Agent has agreed to subject to the terms set forth in this Stipulation.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the parties hereto, that:

1. The Challenge Deadline is hereby extended to November 15, 2013 solely with respect to the Committee's time to properly file an adversary proceeding or contested matter seeking a determination of the Remaining Real Estate Issues, as to which all of the Committee's rights are fully preserved through and including the November 15, 2013 Challenge Deadline.

2. Notwithstanding anything to the contrary herein, this Stipulation shall be without prejudice to the rights of the Pre-Petition Agent or the Pre-Petition Credit Agreement Lenders to object to or otherwise contest any requests for allowance or payment of fees or expenses of professionals retained by the Committee.

3. The terms of the Final DIP Order, including but not limited to those set forth in the Fifth Extension Stipulation (including paragraph 2 thereof), shall remain in full force and effect, subject only to the preservation of the Committee's rights as specifically set forth herein.

4. The agreement with respect to the Remaining Real Estate Issues shall not be deemed an admission or concession by the Pre-Petition Agent or any Pre-Petition Credit Agreement Lender.

5. This Stipulation may be executed in one or more counterparts, by facsimile or electronic mail, all of which shall be considered one and the same agreement, and shall become effective immediately upon execution by counsel for the Committee and counsel for the Pre-Petition Agent.

6. This Stipulation may not be changed, amended, modified, or altered except by written agreement signed by each of the parties to this Stipulation.

7. This Court shall retain jurisdiction to hear any matters or disputes arising from or related to this Stipulation.

[Signature page follows.]

Dated: September 12, 2013
New York, New York

Dated: September 12, 2013
New York, New York

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