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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI

Case No. 12-51502

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In the Matter of:

PATRIOT COAL CORPORATION, et al.,

Debtors.

- - - - -x

United States Bankruptcy Court
111 South 10th Street
4th Floor
St. Louis, Missouri

September 13, 2013
10:09 AM

B E F O R E:
HON. KATHY A. SURRETT-STATES
CHIEF U.S. BANKRUPTCY JUDGE

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Joint Motion of the Debtors and the Official Committee of
Unsecured Creditors to Compel Production of Documents by
Peabody Energy Corporation (4561)

Transcribed by: Clara Rubin
eScribers, LLC
700 West 192nd Street, Suite #607
New York, NY 10040
(973)406-2250
operations@escribers.net

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A P P E A R A N C E S :

DAVIS POLK & WARDWELL LLP

Attorneys for Debtors and Debtors-in-Possession
450 Lexington Avenue
New York, NY 10017

BY: MICHAEL J. RUSSANO, ESQ.
MICHELLE MCGREAL, ESQ. (TELEPHONICALLY)

ARMSTRONG TEASDALE LLP

Attorneys for Peabody Energy Corporation
7700 Forsyth Boulevard
Suite 1800
St. Louis, MO 63105

BY: STEVEN N. COUSINS, ESQ.

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HUSCH BLACKWELL LLP

Attorneys for Citibank N.A., First Out DIP Agent

190 Carondelet Plaza

Suite 600

St. Louis, MO 63105

BY: MATTHEW GARTNER, ESQ.

JONES DAY

Attorneys for Peabody Energy Corporation

North Point

901 Lakeside Avenue

Cleveland, OH 44114

BY: JACK M. NEWMAN, JR., ESQ.

PAULA WILSON, ESQ.

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KRAMER LEVIN NAFTALIS & FRANKEL LLP

Attorneys for the Official Committee of Unsecured
Creditors

1177 Avenue of the Americas

New York, NY 10036

BY: P. BRADLEY O'NEILL, ESQ.

ANDREW M. DOVE, ESQ.

LATHROP & GAGE LLP

Attorneys for Caterpillar Financial Services Corporation
and Caterpillar Global Mining

7701 Forsyth Boulevard

Suite 500

St. Louis, MO 63105

BY: DANIEL D. DOYLE, ESQ.

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WILLKIE FARR & GALLAGHER LLP

Attorneys for Bank of America, N.A.

as Pre-Petition Agent and Second Out DIP Agent

787 Seventh Avenue

New York, NY 10019

BY: ANA M. ALFONSO, ESQ. (TELEPHONICALLY)

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P R O C E E D I N G S

THE CLERK: The United States Bankruptcy Court for the Eastern District of Missouri is now in session, the Honorable Kathy A. Surratt-States presiding.

THE COURT: Good morning. Please be seated.

All right. This is the special standing (ph.) in the Patriot Coal case. Let me get appearances on the record in the courtroom first, please.

MR. O'NEILL: Good morning, Your Honor. Brad O'Neill and Andrew Drove of Kramer Levin Naftalis & Frankel, on behalf of the creditors' committee.

THE COURT: Good morning.

MR. RUSSANO: Good morning, Your Honor. Michael Russano from Davis Polk, on behalf of the debtors.

THE COURT: Good morning.

MR. COUSINS: Good morning, Your Honor. Steven Cousins of Armstrong Teasdale, here today on behalf of Peabody Energy Corporation, together with my co-counsel Mr. Jack Newman and Paula Wilson. Thank you.

THE COURT: Good morning.

MR. GARTNER: Good morning, Your Honor. Matthew Gartner of Husch Blackwell, on behalf of Citibank, the first DIP agent.

THE COURT: Good morning.

MR. DOYLE: Good morning, Your Honor. Dan Doyle,

1 Lathrop & Gage, Caterpillar Financial Services Corporation,
2 Caterpillar Global Mining.

3 THE COURT: Good morning.

4 All right, and then on the telephone I believe we have
5 Ms. McGreal on behalf of the debtors?

6 MS. MCGREAL: Yes. Good morning, Your Honor.

7 THE COURT: Good morning.

8 And Ms. Alfonso on behalf of Bank of America?

9 MS. ALFONSO: Yes, Your Honor. Good morning.

10 THE COURT: Good morning.

11 All right, then, Mr. O'Neill or Mr. Russano, it is
12 your motion. I have certainly had a preview of this motion at
13 our last hearing, and I have read the motion and the reply.
14 What else is it that you would like for me to know this
15 morning, Mr. O'Neill?

16 MR. O'NEILL: Your Honor, you're absolutely correct; a
17 lot of ways this motion has proceeded backwards and we argued
18 it and then we submitted the papers. I think all we'd like --
19 all we'd like to do today is underline the points in our reply,
20 and that is that this is a Rule 2004 investigation that is
21 important to the estate and its creditors; it is something that
22 has to be conducted and has to be completed for the benefit of
23 all of the constituents of the estate. Eight months, Your
24 Honor, is plenty of time for such an investigation to be
25 conducted. I don't think there's a lot of dispute about the

1 record of what's happened here. There may be differences about
2 details or about characterizations; I'm sure there might be
3 significant differences about that, but I don't think it's
4 material to what is at issue today.

5 The process has not progressed as it should have
6 progressed now. And in the opinion of the two estate
7 fiduciaries -- the committee and the debtors -- it needs some
8 discipline; and the discipline, in our view, should come
9 through the imposition of deadlines for production. It's
10 perhaps -- it seems for lawyers to suggest to a judge, who
11 probably knows better than anybody, that deadlines make things
12 happen, but things need to happen here. And in other cases, to
13 pick simply ResCap, for example -- a case I'm involved in -- at
14 random, far more discovery has occurred in far less time than
15 has occurred here. And I think if Your Honor were to impose a
16 deadline for completion of production, we'd start getting
17 somewhere.

18 That's not to say that there won't be additional
19 issues to be resolved along the way; I'm sure there will be.
20 In fact, I can think of several arising from Peabody's own
21 technology-assisted review that may -- we may or may not be
22 able to resolve ourselves but, if we're not, we would need to
23 bring -- we would like to bring to Your Honor. I know the 2004
24 order contains a provision for us to do that on an expedited
25 basis by contacting Mr. Howley. But that's the way we'd like

1 to proceed, Your Honor: impose a deadline for the completion
2 of production, and with the knowledge that if additional issues
3 crop up as we get closer to that deadline, that we can involve
4 the Court in an effort to get that resolved expeditiously.
5 Thank you, Your Honor.

6 THE COURT: All right, thank you.

7 Mr. Russano?

8 MR. RUSSANO: Once again, Your Honor, Michael Russano
9 on behalf of the debtors.

10 I agree with everything Mr. O'Neill just said and I
11 won't repeat it. I would just simply note that we've already
12 seen in practice what Mr. O'Neill is talking about, the fact
13 that when we're in front of Your Honor about these issues,
14 progress that wasn't being made, all of a sudden things start
15 to -- progress starts to be made.

16 We already received information in Peabody's response
17 papers, that we have been asking for, for a long time. So I
18 think just the fact that we're in front of you here today --
19 we've already seen some of that sort of unworking of the
20 logjam, and we would just like to see some more of that. Thank
21 you, Your Honor.

22 THE COURT: All right, thank you.

23 All right, Mr. Cousins or Mr. Newman or Ms. Wilson?

24 MR. NEWMAN: Thank you, Your Honor --

25 THE COURT: Mr. O'Neill?

1 MR. NEWMAN: Jack Newman on behalf of Peabody, Your
2 Honor. Good morning again.

3 Your Honor, I would invite any inquiry or discussion
4 that you have in the course of my brief presentation here,
5 because I think the Court needs and deserves a real boots-on-
6 the-ground appreciation of the complexity of this process. We
7 would have no objection to, and in fact we have suggested that,
8 there be an additional status conference, or possibly status
9 conferences, when this Court can monitor what's going on, so
10 you can have a full understanding as it is going on. We regard
11 this as a going-forward issue. Things have been happening, and
12 they are happening even now.

13 Let me offer just a few basic points to underline what
14 I think are in our submission. And our submission is detailed.
15 We've been criticized for making it detailed, calling it a fog
16 of detail, but I suggest to Your Honor that any good document
17 production, and we want this one to be a good document
18 production, is all about detail, especially a large document
19 production and especially one that goes back so many years and
20 involves so many electronic documents.

21 And there is nothing that has been challenged about
22 any of the facts that we have offered in our submission,
23 nothing that's bogus, nothing that's irrelevant. And, Your
24 Honor, if we hadn't been limited to fifteen pages, there would
25 have been even more; and if we hadn't done that, of course we'd

1 have been accused of just offering generalities, not offering
2 specifics. So we have provided the Court a good bit of detail.

3 Because of the way that a production like this has to
4 proceed, it's not necess -- and I'll explain in a moment,
5 although it really is -- it's included in our papers -- it
6 cannot be known until there is further progress in the actual
7 mechanics of the production, to have any sense -- to have a
8 sense for exactly how big it is or how effectively our
9 mechanisms are working or how speedy we're going to be able to
10 go.

11 I offer further the view, Your Honor, that there
12 really is no emergency here. We've noted in our papers that if
13 there's a lawsuit to be filed, can be filed up to early July of
14 next year. And the time period that I suggested in my remarks
15 on August 20th when pressed, is not at all inconsistent with
16 exactly what these putative plaintiffs -- and let's make no
17 mistake about it that -- call themselves fiduciaries; we call
18 them movants, but let's think of them really as putative
19 plaintiffs here -- nothing at all inconsistent with their
20 ability to make a good thorough investigation.

21 Also, please keep in mind -- we made this point
22 repeatedly but I want to make sure it doesn't get lost -- this
23 is not a situation where there's an end date and that's when
24 production will be made. This will be a rolling production; it
25 has been a rolling production up to now. Several productions

1 have been made. It's anticipated that the pace of that
2 production will increase, and increase substantially; exactly
3 the details of that are something that we will know much better
4 in about thirty days. And why is that true? Well, understand,
5 Your Honor, the scope of what has been sought here. You've
6 seen reference in the papers to five broad topics, and we've
7 shown you the document that contains those five broad topics,
8 that whether it was a mistake or not, we agreed to. We agreed
9 to those five topics. Those topics include not just the
10 spinoff that, if there were to be a challenge here, would be
11 subject to challenge, but everything else that was considered
12 as part of a possible reorganization over a period of two and a
13 half years, which was long -- which began long before there was
14 a settled view that the spinoff would be the way to go.

15 So Plaintiffs have asked -- the putative plaintiffs
16 have asked for that; we agreed to it. But it makes the scope
17 of just the subject matter exceptionally broad and
18 exceptionally complicated because over two and a half years a
19 whole passel of things were considered in a very complicated
20 company, and they want data down not only to subsidiaries but
21 to the asset level.

22 So having anybody understand what it is that needs to
23 be included in any production is a very big process of
24 education, in part to make sure that we don't exclude anything
25 and, on that basis, be it challenged at a later time. I've

1 already mentioned three and a half years, twenty-three
2 custodians of both e-mail and what we call loose electronic
3 documents, but think of those as Word documents, Excel
4 spreadsheets and so on, that are typically on shared drives,
5 not something that is your typical to-and-from e-mail. And
6 we -- I will note, Your Honor, that there has been the recent
7 application, by the putative plaintiffs, for an e-discovery
8 consultant, in which part of the justification is what they
9 refer to generally, not specifically, as the magnitude of the
10 upcoming document production.

11 Just as an aside, Your Honor, I am not a cynic, but a
12 cynic might say that's a pretty good gig for a consultant to
13 develop search terms and then, once develop search terms that
14 produce several hundred thousand documents, get a job handling
15 them for the other side. I say that I'm not a cynic, but a
16 cynic could possibly say that.

17 The issue here, Your Honor, is electronic documents,
18 both e-mails and shared drives. And as I said at the opening
19 of my remarks, we need to look forward; and that's what we are
20 (sic). We start there at the beginning of August. Now,
21 remember, before August there were issues of confidentiality,
22 scope in the order, what tapes would be restored, and that was
23 a complicated process because the putative plaintiffs wanted to
24 sequence them in a certain way, and we accommodated them but
25 that created some difficulties when it came to actually

1 identifying the tapes, finding some that were missing, and so
2 forth. And then once those tapes were identified and
3 collected, then they were restored. "Restored" doesn't simply
4 mean putting them on a machine and getting them on a hard drive
5 or something like that; it means issues of de-duplication and
6 just setting them up in a way that they can be processed. That
7 was done by an expert over the month of July.

8 And so by the end of July, the early -- and early
9 August, that's when we start the actual processing of these
10 data from the backup tapes. In the meantime, of course there
11 was work done to try to get into the shared drives: interviews
12 and other things to identify where the twenty-three custodians
13 had access, and then looking at where they had access, to see
14 what folders might contain pertinent documents, and then
15 lifting the material out of those.

16 So with all of that, and I think you've heard this
17 number -- seen this number in the papers, Your Honor, we had to
18 determine how to handle about 630,000 electronic documents, not
19 pages; pages would be much more. And we've actually learned
20 that the number -- we don't know, and I'm not going to suggest
21 today any kind of a precise number of pages, but we've learned
22 that the Peabody documentation doesn't really follow what are
23 the normal expectations for sizes of non-e-mail electronic
24 documents, because of size of spreadsheets and size of
25 elaborate presentations, and so on. So there are -- there're

1 going to be probably -- well, there are, we think, even below
2 the 630,000 documents, when we cut those down, something over
3 4,000,000 pages that we're going to have to deal with here on
4 an electronic basis only.

5 And so, Your Honor, the 630,000 is after the
6 application of the search terms that were delivered to us and
7 then negotiated, and finally we just gave up trying to narrow
8 them anymore, ran the search terms. And then we did -- and
9 Mr. O'Neill, I think, referred to this: We -- after assessing
10 what to do when 630,000 documents came back, how do we deal
11 with this, because eyes-on review of 630,000 documents, we
12 didn't think, was going to be reasonable, so we did undertake
13 what -- and have been undertaking, and are nearing, we think,
14 the conclusion of what is called -- what we call RAR; it's a
15 computer-assisted review tool using a software called
16 Relativity. And what that involves is back-and-forth
17 iterations between sample eyes-on review and computerized
18 analysis to try to educate the computer to tell us what are the
19 most likely responsive documents, so that a smaller number than
20 630,000 could then get actual human -- one-hundred percent
21 human eyes-on review. And that requires initial -- and we had
22 made that decision, Your Honor, just before the hearing on
23 August 20th, and I mentioned that we were going to do a
24 computer-assisted review; since that time, that process has
25 been going on, which required an organization -- this is a

1 computerized organization and indexing of the documents;
2 personnel at our firm, and specially hired contract attorneys
3 assigned to sequential tasks; multiple rounds of looking at
4 documents, back to the computer, more computer work, looking at
5 documents, back to the computer.

6 We now have, and I think it's reported in our filing,
7 in the vicinity -- and I say only "in the vicinity", but
8 something in excess of 400,000 documents of a computer variety,
9 maybe 420-, 425-, something like that. And while the
10 relatively -- Relativity Assisted Review -- RAR in our
11 terminology -- is going on and, we like to think, reach a
12 conclusion, we have taken some documents that have -- that
13 we've identified that way, out, and begun human review of those
14 documents. It's a -- it of course is a smaller number to be
15 looked at than the 630,000.

16 Any given document, while not necessarily responsive,
17 is more likely to be responsive. And the computer is able to
18 cluster those documents in certain ways so that we can then
19 have people look more effectively at particular portions of the
20 documents. Once there has been some eyes-on review of those
21 documents that have emerged from the Relativity Assisted Review
22 process and they have been in the process of review for
23 responsiveness, also categorized to the extent they can be on a
24 small number of categories, then the computer will be able to
25 do an even better job of narrowing down documents so that they

1 can be fed through the review process in a more effective
2 fashion.

3 I ask you to remember, when we talk in terms of
4 e-mails, we're not just talking about a one- or two-page
5 document with a to, from and some CCs. There're very often
6 attachments; they're multiple, thick; presentations and
7 analyses, including spreadsheets with multiple tabs, all of
8 which have to be looked at. Why? Because there are factors
9 here other than simple responsiveness. There are issues of
10 privilege and work product. And I mentioned last time, Your
11 Honor, and I believe it's in our paper, that there are
12 something slightly in excess of 250,000 names, people, firms
13 and so on, that need to be run through the filter for privilege
14 concerns, because, I mean, this went on for a long period of
15 time; there were lots of lawyers involved in it.

16 And there are issues also that need to be addressed
17 for each document, and the computer really -- well, issues of
18 confidentiality, Your Honor. And there is a confidentiality
19 order. We are trying to -- well, we will comply with that.
20 And particularly it is a problem with -- or a major effort
21 having to do with something we call AEP confidentiality, which
22 is reflected in the confidential document -- excuse me -- the
23 confidentiality order. And there are some sixty-five or sixty-
24 six different names having to do with AEP and its affiliates
25 and subsidiaries, that, in order to determine whether it

1 qualifies for "AEP confidential" or not, have to be considered
2 and looked at.

3 Our proposal here, Your Honor, remains the same as it
4 was in our paper, and that is, we come back here in thirty days
5 with evidence of -- we'll have more evidence than of the speed
6 with which this review can proceed. And why is that? Because
7 at that point, having used the computer-assisted review to
8 reduce the number of documents from 630- to something --
9 electronic documents -- excuse me -- to around 425,000, we will
10 know the speed at which we are, over that period of time, on a
11 human basis, able to review these, deal with the privilege
12 issues, deal with the confidentiality issues, and get
13 productions out.

14 Now, mind you, Your Honor, we don't intend to just
15 wait until that thirty days and say 'Here's what we have' and
16 not produce anything in the meantime. We intend to be making
17 productions in the meantime.

18 So, Your Honor, that's our proposal; that's what we
19 intend to do. And in view of the absence, Your Honor, here of
20 any emergency -- I haven't seen any basis for believing that
21 there's some sort of an emergency here -- we are -- we want to
22 make a good production, we want to make it in a proper way. We
23 want to make sure that to the extent it is humanly and, with
24 the assistance of computer, computerly possible not to get a
25 full production, that we do that, but that our rights are

1 protected as well.

2 And so, Your Honor, that's where we stand. I see no
3 reason why, if you were to ask us or to direct us to be back
4 here in thirty days, having heard this presentation, knowing
5 what we have done, knowing what we intend to do, and our
6 assurance to the Court that we will have a better idea in that
7 thirty days how effectively our human review is able to proceed
8 in light of the work that's been done by the computer-assisted
9 review so far, that then Your Honor can be in a better position
10 to make some judgments.

11 I suggest to you that putting some sort of an
12 arbitrary date, like October 1 or, for that matter, Your Honor,
13 any other date, is very, very unwise, and I would resist that
14 on behalf of Peabody, and I suggest to you that it just doesn't
15 make any sense.

16 Now, the putative plaintiffs here have had our
17 attention for a long time. You've seen the exchange of
18 e-mails, a sample of which we have put in our response. There
19 has been an enormous effort that's been put into this, a
20 continuing effort that's being put into it. And Your Honor
21 will be able to see in some greater detail the results of that
22 effort and the pace of that effort, in, we are told, about
23 thirty days. So we would suggest you have us come back here in
24 that thirty-day period and then you'll be in, I suggest, a much
25 better position to decide where things stand and what, if

1 anything, you ought to do other than say, 'Peabody, keep
2 working, and working hard.'

3 Thank you, Your Honor. Do you have any inquiries?

4 THE COURT: No, I do not. Thank you, Mr. Newman.

5 MR. NEWMAN: Thank you.

6 MR. O'NEILL: I think the most telling thing
7 Mr. Newman just said, Your Honor, is that if his papers hadn't
8 been limited to fifteen pages, he would have larded them up
9 with even more detail. And I want you to know, Your Honor,
10 that I don't doubt that for a second, that -- and I would
11 ask -- Your Honor has read the papers and you understand. You
12 should ask yourself whether his papers would have been anymore
13 illuminating if he'd had another fifteen pages. I don't think
14 so. I think he's able to get his job done within the limits of
15 reason -- within reasonable limits; he's proven it.

16 You know, Jones Day is not -- it's not a smalltime
17 firm. They're in megacases all the time. They can perform
18 under a deadline; they do it all the time. The fact that major
19 discovery occurs in the context of contested matters or
20 adversary proceedings where there is by definition a deadline,
21 it happens, Your Honor. And if you give them more time,
22 they're going to fill it up. And the record of this proceeding
23 demonstrates that that's what's happened.

24 We will come back -- if you say "Status conference and
25 nothing else", we'll be back here in a month with a long list

1 of preliminary issues to talk about, some small incremental
2 production, but we won't be materially closer to concluding
3 this investigation. And the investigation needs to finish.

4 Is there prejudice here, Your Honor? Yes, there is.
5 The estates fiduciaries are spending time and resources on this
6 investigation, on material -- on issues that don't materially
7 advance it. We need to get it finished. The fact that we have
8 a statute of limitations that runs out in a year, that doesn't
9 redound to the benefit of Peabody, Your Honor. We need to get
10 the documents, review the documents and be in a position to
11 make a decision. That doesn't mean that he has eight more
12 months in order to get organized on his production so that we
13 can rush to a conclusion.

14 Finally, Your Honor, all the stuff he talked about,
15 all the details, that's nothing unusual; that's modern
16 electronic discovery in megacases. He can do it. If he
17 doesn't want to do it, Your Honor, we can do it; he can turn
18 his document databases over to us and we'll take care of it.
19 He's never going to do that, Your Honor, but that doesn't mean
20 that what we're suggesting can't be done and reasonably
21 shouldn't be done.

22 We suggest, Your Honor, that you impose a deadline on
23 production, because that's what's ultimately going to make
24 things happen. Thank you, Your Honor.

25 THE COURT: Thank you.

1 Mr. Russano?

2 MR. RUSSANO: Your Honor, if Peabody devoted half as
3 many resources to explaining their production to you, if they
4 devoted those resources to actually doing it, I think we'd be
5 done by now. You know, Mr. Newman's very lengthy
6 presentation -- during the course of it, he said he's not here
7 to look backwards, here's here to look forward. That's not
8 what I heard, Your Honor; I heard a lot of talk about twenty-
9 three custodians, five topics, shared drives, all kinds of
10 detail, Your Honor, that you've heard before. We've been here
11 before. The record here is that every step of the way it's
12 been a fight, either a fight in front of Your Honor or a
13 tortured lengthy negotiation process that magically resolves
14 itself on the eve of having to go in front of Your Honor to
15 resolve it. That's been the record. It's been eight long
16 months. We need to get moving.

17 But let's look at where we are now. And even
18 Mr. Newman said it; he said it: At the end of July, they had
19 the data they needed to review. The end of July. We're here
20 now; it's mid-September. Why don't we have e-mails? If they
21 had the data at the end of July, what's been going on?

22 The reality is Peabody has no incentive to make a
23 speedy production here. The only incentive they have is one we
24 created for them by appearing before you. And, you know, we --
25 Mr. Newman talks about, well, in thirty days, maybe in thirty

1 days, they'll be able to come back and maybe tell us 'Perhaps
2 we'll have a better idea of when we're going to be finished.'
3 Your Honor, this is way too long. We've all been involved in
4 these large productions. Peabody has the resources; they have
5 a very capable law firm. There's absolutely no reason to get
6 this moving. And without some deadlines -- Mr. Newman calls
7 them arbitrary deadlines. These aren't arbitrary deadlines;
8 they're deadlines in every case. Lawyers may not like them
9 but, in my experience when there are deadlines, it focuses
10 people: They either meet the deadline or they need to explain
11 why they can't. And that's what we're asking for here, Your
12 Honor. It's just been too long.

13 Finally, Your Honor, I just -- I do have to note, when
14 someone comes up and says they're not trying to be a cynic, you
15 know the next few words are going to be cynical, and that was
16 the same thing here. The application for retention of an
17 e-discovery expert, Your Honor, that is all about saving the
18 estate money. That's what that is about. The alternative to
19 that is having costly lawyers review every single piece of
20 paper at huge expense to the estate. That is all about saving
21 money, and I do resent the implication to the contrary.

22 Thank you, Your Honor.

23 THE COURT: Thank you.

24 Mr. Newman, anything else, briefly?

25 MR. NEWMAN: Your Honor, I can read in your

1 expression, "Please, no." I think you've heard it all, Your
2 Honor.

3 THE COURT: And I have, and I have read your papers; I
4 want you to know that as well.

5 All right, let me take a brief recess, and I'll come
6 back in with my ruling. We'll be in temporary recess.

7 (Recess from 10:39 a.m. until 10:58 a.m.)

8 THE CLERK: Please rise.

9 Your Honor, we are back on the record.

10 THE COURT: All right, thank you.

11 Be seated, please.

12 All right, based upon a consideration of the
13 pleadings, the arguments of counsel, and the record as a whole,
14 including that Rule 2004 does not contemplate an unlimited time
15 to comply with a document request made under this Rule, and
16 likewise that this may not be the only discovery that may be
17 propounded, and also a consideration of Debtors' recent
18 progress towards plan confirmation, and also taking into
19 consideration the process that the movants must go through not
20 only in reviewing the documents but then also in considering
21 what, if any, next step to take, I will order that the joint
22 motion to compel is granted in part, and it is further ordered
23 that all documents must be produced on or before October 31st,
24 2013, by rolling production. It is further ordered that there
25 will be a telephonic status conference on October the 8th, 2013

1 at 9 a.m., and there will be a status hearing on the October
2 22nd, 2013 Patriot docket. It is further ordered that at these
3 status conference/hearings, Peabody is to report the number of
4 documents, paper and electronic, that have been reviewed, and
5 the number of documents, paper and electronic, that have been
6 produced, as of that date.

7 And it is further ordered that Peabody may continue to
8 use its Relativity Assisted Review and attorney review to
9 determine the documents to be produced. It is the Court's
10 expectation that by the October 8th telephonic status
11 conference, a considerable amount of documents, both paper and
12 electronic, should have been produced.

13 All right, Mr. O'Neill, Mr. Doyle, Mr. Russano, any
14 other requests, then, this morning?

15 MR. O'NEILL: No, thank you, Your Honor.

16 THE COURT: All right.

17 Mr. Newman, Mr. Cousins, Ms. Wilson, any other
18 requests, then, this morning on behalf of Peabody?

19 MR. NEWMAN: No, Your Honor.

20 THE COURT: All right, thank you.

21 All right, thank you all for your appearance. We'll
22 be in recess until Monday morning at 10 a.m. Thank you.

23 (Whereupon these proceedings were concluded at 11:00 AM)

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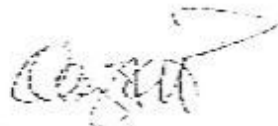
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C E R T I F I C A T I O N

I, Clara Rubin, certify that the foregoing transcript is a true and accurate record of the proceedings.



CLARA RUBIN

eScribers
700 West 192nd Street, Suite #607
New York, NY 10040

Date: September 17, 2013

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UNITED STATES BANKRUPTCY COURT
Eastern District of Missouri
Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street, Fourth Floor
St. Louis, MO 63102

In re: Debtor(s):
Patriot Coal Corporation

Case No.: 12-51502 -A659

CHAPTER 11

Notice of Filing of Transcript and of Deadlines Related to Restriction and Redaction

To: All Persons of Record at Hearing

A transcript of the proceeding held on September 13, 2013 was filed on September 17, 2013.

The following deadlines apply:

If you wish to have personal data identifiers redacted from the transcript, a *Request for Transcript Redaction* must be filed within 7 days of the date of this notice: September 24, 2013. Personal data identifiers **include: social security numbers, financial account numbers, names of minor children, and dates of birth**. If no such request is filed within the allotted time, the Court will presume redaction of personal data identifiers is not necessary.

Any party seeking redaction shall file a *Statement of Transcript Redactions* identifying the location of the personal data identifiers sought to be redacted within 21 days of the date of this notice: October 8, 2013. The party filing the statement shall serve it by regular mail upon all parties at the hearing and shall include a Certificate of Service listing the date and parties served. The *Statement of Transcript Redactions* event will be restricted from public view and cannot be served electronically through the CM/ECF system. If no Statement of Transcript Redactions is filed within the allotted time, the Court will presume redaction of personal identifiers is not necessary.

Any party may file a response in opposition to the Statement within 7 days of the date the Statement is filed using the *Response to Statement of Transcript Redactions* event. If a response in opposition to the Statement is filed, the Court will rule on the matter. If a hearing is needed, the Court will send notice of hearing.

If a request for redaction is filed, the redacted transcript is due within 31 days of the date of this notice: October 18, 2013.

The transcript may be made available for remote electronic access upon expiration of the restriction period, which is 90 days from the date of filing of the transcript: December 16, 2013, unless extended by court order. However, during this 90-day period the transcript is available for viewing only during normal business hours at the Clerk's office.

Any questions regarding the transcript process should be directed to Matt Parker, Director of Courtroom Services, at (314) 244-4801.

FOR THE COURT:

/s/Dana C. McWay
Clerk of Court

Dated: 9/17/13

Copies Mailed To:

Brian C. Walsh, 211 N. Broadway, Suite 3600, St. Louis, MO 63102
Rev. 12/10