

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re

PATRIOT COAL CORPORATION, *et al.*,

Debtors.¹

Chapter 11
Case No. 12-51502-659
(Jointly Administered)
#4891

ORDER GRANTING LIMITED MODIFICATION
OF THE AUTOMATIC STAY

Upon the motion (“**Motion**”)² of Patriot Coal Corporation (“**Patriot**”) and its subsidiaries that are Debtors and Debtors In Possession in these proceedings (collectively, the “**Debtors**”), pursuant to section 362 of the Bankruptcy Code, and Rule 4001-1 of the Local Rules of the Bankruptcy Court for the Eastern District of Missouri (the “**Local Rules**”), for entry of an order granting relief from the automatic stay, to the extent it applies, to permit the payment of proceeds and advancing of defense costs as provided by National Union Fire Insurance Company of Pittsburgh, Pa. (“**National Union**”) Insurance Policy No. 01-308-55-92 (the “**Policy**”) to Randy Coffindaffer, Joseph B. “Blair” McGill, and any other officers, directors, and employees of the Debtors subsequently named as defendants in the lawsuit filed by John Renner, et al., as more fully described in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. § 1334; and consideration of the Motion and the

¹ The Debtors are the entities listed on Schedule 1 attached to the Motion. The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors’ Chapter 11 petitions.

² Unless otherwise defined herein, each capitalized term shall have the meaning ascribed to such term in the Motion.

requested relief being a core proceeding the Court can determine pursuant to 28 U.S.C. § 157(b)(2); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided in accordance with the Case Management Order; and it appearing that no other or further notice need be provided; and the Court having reviewed the Motion and having held a hearing with appearances of parties in interest noted on the record thereof (the “**Hearing**”); and the relief requested in the Motion being in the best interest of the Debtors and their estates and creditors; and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the relief requested in the Motion is granted as set forth herein; and it is further

ORDERED that the automatic stay pursuant to section 362 of the Bankruptcy Code is modified, to the extent it applies, solely to the extent necessary to permit the payment of defense costs and advance of legal fees to the Debtors’ current and former officers, directors and employees in relation to lawsuits filed against them, pursuant to the terms of the Policy, and for no other purposes; and it is further

ORDERED that National Union will respond in writing to quarterly inquiries made by the Debtors or the official committee of unsecured creditors (the “**UCC**”) regarding the amounts paid, with copies provided to both the Debtors and the UCC; and it is further

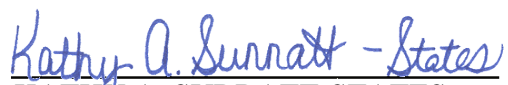
ORDERED that the requirements set forth in Local Rule 9013-1 are satisfied; and it is further

ORDERED that the entry of this Order is without prejudice to the rights of any party in interest, including the Debtors, to oppose any motion by any party seeking stay relief; and it is further

ORDERED that, notwithstanding the possible applicability of any Bankruptcy Rule that might otherwise delay the effectiveness of this Order, including but not limited to, Bankruptcy Rule 4001(a)(3), the Local Rules or the Case Management Order, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry; and it is further

ORDERED that this Court retains jurisdiction to hear and determine all matters arising from or related to the implementation and/or interpretation of this Order; and it is further

ORDERED that proper, timely, adequate and sufficient notice of the Motion has been provided in accordance with the Bankruptcy Code, the Bankruptcy Rules and the Local Rules, and no other or further notice of the Motion or the entry of this Order shall be required.


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: November 20, 2013
St. Louis, Missouri
jjh

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