

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

**In re:**

**PATRIOT COAL CORPORATION, *et al.*,**

**Debtors.**

**Chapter 11  
Case No. 12-51502-659  
(Jointly Administered)  
#4895**

**ORDER AUTHORIZING ASSUMPTION OF CERTAIN UNEXPIRED LEASES  
AND GUARANTY AND APPROVING SETTLEMENT OF CLAIMS OF  
CAPITALSOURCE BANK**

On October 29, 2013, Patriot Coal Corporation and its subsidiaries that are Debtors in these jointly-administered cases (the “**Debtors**”) filed their Motion for Entry of an Order Authorizing Assumption of Certain Unexpired Leases and Guaranty and Approving Settlement of Claims of CapitalSource Bank (the “**Motion**”). Capitalized terms not defined herein have the meanings set forth in the Motion.

Upon consideration of the Motion, the related certificate of service, and the statements of counsel; and it appearing that the relief requested in the Motion is in the best interest of the Debtors, their estates, and creditors; and it appearing that good cause exists for granting the Motion; it is hereby ORDERED as follows:

1. The Motion is GRANTED.
2. The Settlement is hereby approved pursuant to Fed. R. Bankr. P. 9019.
3. Patriot Leasing is authorized to assume the Assumed Equipment Leases pursuant to 11 U.S.C. § 365.
4. Patriot Coal is authorized to assume the Guaranty pursuant to 11 U.S.C. § 365.

5. There are no defaults under the Agreements that preclude their assumption, and Patriot Leasing and Patriot Coal are hereby deemed to have satisfied all of their respective obligations under 11 U.S.C. § 365(b)(1) with respect to the Agreements.

6. CapitalSource will have an allowed general unsecured claim of \$5,000,000.00 against Patriot Leasing.

7. CapitalSource will have an allowed general unsecured claim of \$5,000,000.00 against Patriot Coal.

8. Patriot Leasing shall make a payment of \$106,000.00 to CapitalSource as the cure of the outstanding amounts due under the Assumed Equipment Leases pursuant to 11 U.S.C. § 365(b) within ten (10) days of the date of this Order.

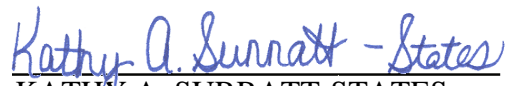
9. The Proofs of Claim of CapitalSource, E.D. Mo. Claim Nos. 3273-1 and 3281-1; GCG Claim Nos. 1973 and 1959, are hereby disallowed.

10. The Lease Parties are authorized to and may mutually amend the terms of the Assumed Equipment Leases after entry of this Order.

11. The Clerk of the Court and the Debtors' claims agent are hereby directed to reflect the disallowance of such Proofs of Claim in their respective records.

12. This Court shall retain jurisdiction with respect to all matters arising from or relating to the implementation of this Order.

13. 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: December 5, 2013  
St. Louis, Missouri  
jjh

Order prepared by:

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