

**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)

Hearing Date: February 25, 2014

Hearing Time: 10:00 a.m. Central

Location: Courtroom 7-N, St. Louis

**REORGANIZED DEBTORS' OBJECTION TO CLAIMS OF
UMWA CASH DEFERRED SAVINGS TRUST OF 1988**

Patriot Coal Corporation and its affiliates (the "Debtors" or the "Reorganized Debtors"), pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007, respectfully file this Objection to Claims filed by the United Mine Workers of America Cash Deferred Savings Trust of 1988 (the "Objection"). In support of this Objection, the Reorganized Debtors show the Court as follows:

Relief Requested

1. By this Objection, the Reorganized Debtors object to seven claims filed by the United Mine Workers of America Cash Deferred Savings Trust of 1988 (the "UMWA Trust"), numbered 3739, 3740, 3742, 3743, 3745, 3746, and 3747 on the Court's register (GCG Claim Nos. 3743 through 3749) (the "Claims"), because the amounts sought in the Claims are not due and owing to the UMWA Trust. The Reorganized Debtors request entry of an order, pursuant to Section 502 of the Bankruptcy Code and Fed. R. Bankr. P. 3007, disallowing the Claims.

2. Any response to this Objection should include, among other things, (i) an appropriate caption, including the title and date of this Objection; (ii) the name of the claimant, both the EDMO and GCG claim numbers of the claim that the Reorganized Debtors are seeking

to disallow, and a description of the basis for the amount claimed; (iii) a concise statement setting forth the reasons why the Court should not sustain this Objection, including, but not limited to, the specific factual and legal bases upon which the claimant relies in opposing this Objection; (iv) copies of any documentation and other evidence which the claimant will rely upon in opposing this Objection at a hearing; and (v) the name, address, telephone number and facsimile number of a person authorized to reconcile, settle or otherwise resolve the claim on the claimant's behalf. A claimant that cannot timely provide such documentation and other evidence should provide a detailed explanation as to why it is not possible to timely provide such documentation and other evidence.

Jurisdiction

3. This Court has jurisdiction over this Objection under 28 U.S.C. § 1334. Venue of this proceeding is proper pursuant to 28 U.S.C. § 1409. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

4. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

Background

5. Ninety-nine of the Debtors filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code on July 9, 2012 in the United States Bankruptcy Court for the Southern District of New York.

6. On December 19, 2012, these Debtors' cases were transferred to the United States Bankruptcy Court for the Eastern District of Missouri [Dkt. No. 1789].

7. The bar date for filing proofs of claim against these Debtors was December 14, 2012 [Dkt. No. 1388].

8. On March 1, 2013, the Court entered its Order Establishing Procedures for Claims Objections [Dkt. No. 3021].

9. Debtors Brody Mining, LLC and Patriot Ventures LLC filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code on September 23, 2013 in this Court. The bar date for filing proofs of claim against these Debtors was October 24, 2013.

10. On December 17, 2013, the Court confirmed the Debtors' Fourth Amended Plan of Reorganization (the "Plan") [Dkt. No. 5169]. The Effective Date occurred on December 18, 2013.

Objection and Argument

11. The Reorganized Debtors object to the Claims because the Claims assert amounts purportedly owed to the UMWA Trust for "walk around" time. As of July 9, 2012, the Debtors had made all required contributions to the UMWA Trust for "walk around" time. *See* Declaration of Dale F. Lucha, attached hereto as Exhibit A. Thus, the Claims should be disallowed.

WHEREFORE, the Reorganized Debtors respectfully request that this Court:

- (a) disallow the Claims; and
- (b) grant such other and further relief as is just and proper.

Dated: January 30, 2014
St. Louis, Missouri

Respectfully submitted,
BRYAN CAVE LLP

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-and-

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EXHIBIT A

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**DECLARATION OF DALE F. LUCHA IN SUPPORT OF REORGANIZED
DEBTORS' OBJECTION TO CLAIMS OF
UMWA CASH DEFERRED SAVINGS TRUST OF 1988**

Dale F. Lucha declares, pursuant to 28 U.S.C. § 1746, to the best of his knowledge and based upon the documents available to him, as follows:

1. I am Vice President of Human Resources of Patriot Coal Services, LLC.
2. Capitalized terms not defined in this Declaration have the meanings given to them in the Reorganized Debtors' Omnibus Objection to Claims of UMWA Cash Deferred Savings Trust of 1988, which is being filed with the Court herewith.
3. I have reviewed each of the proofs of claim identified in the Objection, and I am familiar with the issues underlying the Claims.
4. As of July 9, 2012, all required contributions to the UMWA Trust for "walk around" time had been made by the Debtors, and no further amounts were due and owing.
5. The facts set forth in this Declaration are based on my firsthand knowledge as the person responsible for overseeing the Reorganized Debtors' human resources and labor-relations operations and on my review of certain business records of the Reorganized Debtors. All such

records were made at or near the time of the matters recorded by, or from information transmitted by, someone with knowledge of those matters. These records are kept in the course of the regularly conducted business activities of the Reorganized Debtors, and making such records is a regular practice of the Reorganized Debtors. I am the custodian of such records.

6. I declare under penalty of perjury that the foregoing is true and correct. Executed on January 28, 2014.

/s/ Dale F. Lucha
Dale F. Lucha