

**Objection Deadline: October 4, 2012 at 4:00 p.m. (prevailing Eastern Time)**  
**Hearing Date (if necessary): October 11, 2012 at 10:00 a.m. (prevailing Eastern Time)**

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In re:**

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

**Debtors.<sup>1</sup>**

**Chapter 11**

**Case No. 12-12900 (SCC)**

**(Jointly Administered)**

**DEBTORS' MOTION FOR ENTRY OF (I) BRIDGE ORDER AND (II) ORDER  
EXTENDING THE TIME PERIOD WITHIN WHICH THE DEBTORS MAY  
REMOVE ACTIONS PURSUANT TO 28 U.S.C. § 1452 AND FEDERAL RULE  
OF BANKRUPTCY PROCEDURE 9027**

Patriot Coal Corporation and its subsidiaries that are debtors and debtors in possession in these proceedings (collectively, the “**Debtors**”) file this motion (the

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<sup>1</sup> The Debtors are the entities listed on Schedule 1 attached hereto. The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors' chapter 11 petitions.

“**Motion**”) for entry of (i) a bridge order (the “**Bridge Order**”) substantially in the form attached hereto as Exhibit A and (ii) an order (the “**Order**”), substantially in the form attached hereto as Exhibit B, extending the period within which the Debtors may remove actions pursuant to 28 U.S.C. § 1452 and Rule 9027 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”). In support of this Motion, the Debtors respectfully represent:

### **Background and Jurisdiction**

1. On July 9, 2012 (the “**Petition Date**”), each Debtor commenced with this Court a voluntary case under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”). The Debtors are authorized to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. The Debtors’ cases are being jointly administered pursuant to Bankruptcy Rule 1015(b).

2. The Court has subject matter jurisdiction to consider this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and may be determined by the this Court. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

### **Relief Requested**

3. By this Motion, the Debtors respectfully request the entry of a Bridge Order, without a hearing, extending the period during which the Debtors may remove actions that are subject to removal under Section 1452 or Bankruptcy Rule 9027 (the “**Removal Period**”), from the current deadline of October 9, 2012 (the “**Current Removal Deadline**”) through and including the Court’s adjudication of the Motion,

currently scheduled for October 11, 2012 at 10:00 a.m. (prevailing Eastern Time). The Debtors also respectfully request, pursuant to Bankruptcy Rule 9006(b), that the time period during which they may file notices of removal with respect to any civil actions pending as of the Petition Date and covered by 28 U.S.C. § 1452 be extended from the Current Removal Deadline through and including the effective date of any plan of reorganization in the Debtors' chapter 11 cases.

**Basis for Relief Requested**

4. 28 U.S.C. § 1452 and Bankruptcy Rule 9027 govern the removal of pending civil actions. Specifically, section 1452(a) provides:

A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

28 U.S.C. § 1452(a). Bankruptcy Rule 9027(a)(2) further provides:

If the claim or cause of action in a civil action is pending when a case under the [Bankruptcy] Code is commenced, a notice of removal may be filed only within the longest of (A) 90 days after the order for relief in the case under the [Bankruptcy] Code, (B) 30 days after entry of an order terminating a stay, if the claim or cause of action in a civil action has been stayed under § 362 of the [Bankruptcy] Code, or (C) 30 days after a trustee qualifies in a chapter 11 reorganization case but not later than 180 days after the order for relief.

Fed. R. Bankr. P. 9027(a)(2).

5. Bankruptcy Rule 9006(b) provides that the Court may extend unexpired time periods such as the time within which debtors may remove actions:

[W]hen an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion . . . with or without motion or notice order the period enlarged if the request therefor

is made before the expiration of the period originally prescribed or as extended by a previous order.

Fed. R. Bankr. P. 9006(b)(1).

6. It is well-settled that this Court has the authority to extend the removal period provided under 28 U.S.C. § 1452 and Bankruptcy Rule 9027. *See, e.g., Pacor, Inc. v. Higgins*, 743 F.2d 984, 996 n.17 (3d Cir. 1984) (bankruptcy court’s authority to enlarge time frame for removal under Bankruptcy Rule 9006(b) is “clear”), *overruled on other grounds by Things Remembered, Inc. v. Petrarca*, 516 U.S. 124, 134–35 (1995); *Anchev v. 335 W. 38th St. Coop. Corp. (In re Anchev)*, No. 99 B 45846 (PCB), 2009 Bankr. LEXIS 906, \*8 (Bankr. S.D.N.Y. Apr. 15, 2009) (finding removal untimely in part because the party seeking it “could have, but did not, seek to enlarge the 90 day period to remove the [relevant state court action] under [Bankruptcy Rule] 9006(b)”; *Jandous Elec. Constr. Corp. v. City of New York (In re Jandous Elec. Constr. Corp.)*, 106 B.R. 48, 50 (Bankr. S.D.N.Y. 1989) (time limit for removal of civil actions may be extended pursuant to Bankruptcy Rule 9006(b)); *In re World Fin. Servs. Ctr., Inc.*, 81 B.R. 33, 39 (Bankr. S.D. Cal. 1987) (bankruptcy judges have the power to enlarge the time period for filing notices of removal under Bankruptcy Rule 9027(a) pursuant to Bankruptcy Rule 9006(b)).

**Cause Exists to Grant the Requested Extension**

7. The Debtors submit that cause exists for the relief requested herein. These chapter 11 cases involve 99 jointly administered debtors, with billions of dollars in assets and liabilities and thousands of creditors and other parties in interest. Such large, complex bankruptcy proceedings have demanded substantially all of the Debtors’ attention and efforts since the Petition Date – a time period of less than three months.

8. As of the Petition Date, the Debtors were party to various judicial and administrative proceedings covered by 28 U.S.C. § 1452 (collectively, the “**Pre-Petition Actions**”) involving a diverse assortment of claims. Given the number of Pre-Petition Actions and the variety of claims, as well as the enormous amount of time and effort the Debtors have had to devote since the Petition Date to resolving other significant aspects of these chapter 11 cases, the Debtors have not been able to analyze and make a determination regarding the removal of each of the Pre-Petition Actions. Consequently, the Debtors believe that it is advisable to seek an extension to allow the Debtors the opportunity to carefully consider the possible removal of each Pre-Petition Action and to ensure that the Debtors do not forfeit valuable rights under 28 U.S.C. § 1452.

9. Since the Petition Date, numerous significant business and legal issues have arisen that have required, and will continue to require, a great deal of time and effort on the part of the Debtors’ employees and professionals. For example, the Debtors and their professionals have devoted much time and effort to, *inter alia*: (i) stabilizing the Debtors’ business operations in order to maximize the value of the Debtors’ estates; (ii) reducing costs, including the costs of their legacy liabilities through negotiation and/or litigation; (iii) beginning the process of analyzing executory contracts and nonresidential real property leases in order to determine whether to assume or reject them; (iv) beginning the process of negotiating new agreements with certain providers of goods and services; (v) compiling information from books, records and documents relating to large numbers of claims, assets and contracts in order to prepare their schedules of assets and liabilities, schedules of current income and expenditures,

schedules of executory contracts and unexpired leases and statements of financial affairs; and (vi) opposing motions to transfer venue of these chapter 11 cases.

10. The Debtors submit that the relief requested herein is in the best interests of their estates and their creditors. The extension sought will permit the Debtors to make a full assessment of the possible removal of Pre-Petition Actions and thereby maximize the potential recovery for creditors, while also protecting the Debtors' rights under 28 U.S.C. § 1452. Furthermore, the Debtors' adversaries will not be prejudiced by the requested extension because such adversaries may not prosecute a Pre-Petition Action absent relief from the automatic stay. Moreover, any party whose proceeding is removed may seek to have it remanded under 28 U.S.C. § 1452(b).

11. The Debtors' requested extension of the time period during which they may remove actions under 28 U.S.C. § 1452 and Bankruptcy Rule 9027 comports with relief granted in other cases by courts in this district. *See, e.g., In re Great Atl. & Pac. Tea Co.*, Case No. 10-24549 (Bankr. S.D.N.Y. Mar. 10, 2011 and July 8, 2011) (granting a 120-day extension upon debtors' initial request and granting subsequent request to enlarge removal period through plan confirmation); *In re Gen. Growth Props., Inc.*, Case No. 09-11977 (ALG) (Bankr. S.D.N.Y. Aug. 19, 2009) (enlarging removal period through plan confirmation); *In re Frontier Holdings, Inc.*, Case No. 08-11298 (RDD) (Bankr. S.D.N.Y. Jun. 18, 2008) (granting extension through and including the plan effective date); *In re Delta Air Lines Inc.*, Case No. 05-17923 (Bankr. S.D.N.Y. May 31, 2006) (granting extension through confirmation); *In re Nw. Airlines Corp.*, Case No. 05-17930 (ALG) (Bankr. S.D.N.Y. Nov. 29, 2005) (granting a 180-day extension of removal period); *In re Delaco Company*, Case No. 04-10899 (Bankr. S.D.N.Y. Apr. 21, 2004)

(granting extension to 30 days after plan effective date); *In re Genuity Inc.*, Case No. 02-43558 (Bankr. S.D.N.Y. Feb. 26, 2003) (granting extension to 30 days after plan effective date); *In re WorldCom, Inc.*, Case No. 02-13533 (Bankr. S.D.N.Y. Oct. 8, 2002) (granting extension through confirmation); *In re Global Crossing Ltd.*, Case Nos. 02-40187 through 02-40241 (Bankr. S.D.N.Y. May 2, 2002) (granting extension through confirmation).

12. For the reasons set forth above, the Debtors respectfully request that this Court enter an Order extending the time period during which they may file notices of removal with respect to any Pre-Petition Actions through and including the effective date of any plan of reorganization in the Debtors' chapter 11 cases.

**Entry of the Bridge Order is Appropriate**

13. Because a hearing on the Motion has been scheduled for October 11, 2012, the Debtors respectfully submit that entry of the Bridge Order approving what should be no more than a two-day extension of the Removal Period is appropriate and will not prejudice any party.

**Notice**

14. Pursuant to the Order Establishing Certain Notice, Case Management and Administrative Procedures entered by this Court on July 16, 2012 [ECF No. 84] (the "**Case Management Order**"), the Debtors will serve notice of this Motion on each of (i) the Core Parties, (ii) the Non ECF Service Parties (each as defined in the Case Management Order) and (iii) known counterparties to actions removable under 28 U.S.C. § 1452. In addition, all parties who have requested electronic notice of filings in these cases through the Court's ECF system will automatically receive notice of this motion no

later than the day after its filing with the Court. Moreover, a copy of this Motion and any Order approving it will be made available on the Debtors' Case Information Website (located at *www.PatriotCaseInfo.com*). In light of the nature of the relief requested herein, the Debtors submit that no other or further notice need be provided. Pursuant to paragraph 21 of the Case Management Order, the relief requested herein may be granted without a hearing if no objections are timely filed and served in accordance with the Case Management Order.

**No Previous Request**

15. No previous request for the relief sought herein has been made by the Debtors to this or any other court.

WHEREFORE, the Debtors respectfully request that the Court grant the Debtors the relief requested herein and such other and further relief as the Court deems just and proper.

Dated: New York, New York  
September 27, 2012

By: /s/ Michelle M. McGreal  
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**SCHEDULE 1**  
(Debtor Entities)

1. Affinity Mining Company
2. Apogee Coal Company, LLC
3. Appalachia Mine Services, LLC
4. Beaver Dam Coal Company, LLC
5. Big Eagle, LLC
6. Big Eagle Rail, LLC
7. Black Stallion Coal Company, LLC
8. Black Walnut Coal Company
9. Bluegrass Mine Services, LLC
10. Brook Trout Coal, LLC
11. Catenary Coal Company, LLC
12. Central States Coal Reserves of Kentucky, LLC
13. Charles Coal Company, LLC
14. Cleaton Coal Company
15. Coal Clean LLC
16. Coal Properties, LLC
17. Coal Reserve Holding Limited Liability Company No. 2
18. Colony Bay Coal Company
19. Cook Mountain Coal Company, LLC
20. Corydon Resources LLC
21. Coventry Mining Services, LLC
22. Coyote Coal Company LLC
23. Cub Branch Coal Company LLC
24. Dakota LLC
25. Day LLC
26. Dixon Mining Company, LLC
27. Dodge Hill Holding JV, LLC
28. Dodge Hill Mining Company, LLC
29. Dodge Hill of Kentucky, LLC
30. EACC Camps, Inc.
31. Eastern Associated Coal, LLC
32. Eastern Coal Company, LLC
33. Eastern Royalty, LLC
34. Emerald Processing, L.L.C.
35. Gateway Eagle Coal Company, LLC
36. Grand Eagle Mining, LLC
37. Heritage Coal Company LLC
38. Highland Mining Company, LLC
39. Hillside Mining Company
40. Hobet Mining, LLC
41. Indian Hill Company LLC
42. Infinity Coal Sales, LLC
43. Interior Holdings, LLC
44. IO Coal LLC
45. Jarrell's Branch Coal Company
46. Jupiter Holdings LLC
47. Kanawha Eagle Coal, LLC
48. Kanawha River Ventures I, LLC
49. Kanawha River Ventures II, LLC
50. Kanawha River Ventures III, LLC
51. KE Ventures, LLC
52. Little Creek LLC
53. Logan Fork Coal Company
54. Magnum Coal Company LLC
55. Magnum Coal Sales LLC
56. Martinka Coal Company, LLC
57. Midland Trail Energy LLC
58. Midwest Coal Resources II, LLC
59. Mountain View Coal Company, LLC
60. New Trout Coal Holdings II, LLC
61. Newtown Energy, Inc.
62. North Page Coal Corp.
63. Ohio County Coal Company, LLC
64. Panther LLC
65. Patriot Beaver Dam Holdings, LLC
66. Patriot Coal Company, L.P.
67. Patriot Coal Corporation
68. Patriot Coal Sales LLC
69. Patriot Coal Services LLC
70. Patriot Leasing Company LLC
71. Patriot Midwest Holdings, LLC
72. Patriot Reserve Holdings, LLC
73. Patriot Trading LLC
74. PCX Enterprises, Inc.
75. Pine Ridge Coal Company, LLC
76. Pond Creek Land Resources, LLC
77. Pond Fork Processing LLC
78. Remington Holdings LLC
79. Remington II LLC
80. Remington LLC
81. Rivers Edge Mining, Inc.
82. Robin Land Company, LLC
83. Sentry Mining, LLC
84. Snowberry Land Company
85. Speed Mining LLC
86. Sterling Smokeless Coal Company, LLC
87. TC Sales Company, LLC
88. The Presidents Energy Company LLC
89. Thunderhill Coal LLC
90. Trout Coal Holdings, LLC
91. Union County Coal Co., LLC
92. Viper LLC
93. Weatherby Processing LLC
94. Wildcat Energy LLC
95. Wildcat, LLC
96. Will Scarlet Properties LLC
97. Winchester LLC
98. Winifrede Dock Limited Liability Company
99. Yankeetown Dock, LLC

## **Exhibit A**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In re:**

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

**Debtors.<sup>1</sup>**

**Chapter 11**

**Case No. 12-12900 (SCC)**

**(Jointly Administered)**

**BRIDGE ORDER PENDING A HEARING ON THE MOTION OF THE  
DEBTORS FOR ORDER EXTENDING THE PERIOD WITHIN WHICH  
DEBTORS MAY REMOVE ACTIONS PURSUANT TO 28 U.S.C. § 1452 AND  
FEDERAL RULE OF BANKRUPTCY PROCEDURE 9027**

Upon consideration of the motion (the “**Motion**”)<sup>2</sup> of the Debtors for entry of a bridge order (this “**Bridge Order**”) extending the period within which the Debtors may remove actions pursuant to 28 U.S.C. § 1452 and Rule 9027 of the Federal Rules of Bankruptcy Procedure through and including the Court’s hearing on the adjudication of the Motion, currently set for October 11, 2012 at 10:00 a.m. (prevailing Eastern Time); and it appearing that the relief requested is in the best interests of the Debtors’ estates, their creditors, and other parties in interest; and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this Motion is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and adequate notice

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<sup>1</sup> 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.

<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

of the Motion and opportunity for objection having been given; and it appearing that no other notice need be given; and after due deliberation and sufficient cause therefore, it is

ORDERED that the Motion is hereby granted as set forth herein; and it is further

ORDERED that the time period provided by 28 U.S.C. § 1452 and Bankruptcy Rule 9027 within which the Debtors may file notices of removal of civil actions pending as of the Petition Date is enlarged and extended through and including the Court's adjudication of the Motion, currently set for October 11, 2012 at 10:00 a.m. (prevailing Eastern Time) (the "**Bridge Removal Deadline**"); and it is further

ORDERED that this Bridge Order is without prejudice to the Debtors' right to seek further extension of the Bridge Removal Deadline; and it is further

ORDERED that the terms and conditions of this Bridge Order shall be immediately effective and enforceable upon its entry; and it is further

ORDERED that the Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Bridge Order in accordance with the Motion; and it is further

ORDERED that this Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Bridge Order.

Dated: \_\_\_\_\_, 2012  
New York, New York

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THE HONORABLE SHELLEY C. CHAPMAN  
UNITED STATES BANKRUPTCY JUDGE

## **Exhibit B**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In re:**

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

**Debtors.<sup>1</sup>**

**Chapter 11**

**Case No. 12-12900 (SCC)**

**(Jointly Administered)**

**ORDER EXTENDING THE TIME PERIOD WITHIN  
WHICH THE DEBTORS MAY REMOVE ACTIONS**

Upon the motion (the “**Motion**”)<sup>2</sup> of Patriot Coal Corporation and its subsidiaries that are debtors and debtors in possession in these proceedings (collectively, the “**Debtors**”) for entry of an order pursuant to Bankruptcy Rule 9006(b) for an extension of the period within which the Debtors may remove actions pursuant to 28 U.S.C. § 1452 and Bankruptcy Rule 9027; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and Standing Order M-61 Referring to Bankruptcy Judges for the Southern District of New York Any and All Proceedings Under Title 11, dated July 10, 1984 (Ward, Acting C.J.) as amended by Standing Order M-431, dated February 1, 2012 (Preska, C.J.); and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); 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

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<sup>1</sup> 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.

<sup>2</sup> Each capitalized term used herein but not otherwise defined herein shall have the meaning ascribed to it in the Motion.

provided; [and there being no objections to the Motion;]and the relief requested in the Motion being in the best interests of the Debtors, their estates, their creditors and all other parties in interest in these cases; and the Court having reviewed the Motion [and having held a hearing with appearances of parties in interest noted in the transcript thereof (the “**Hearing**”)]; and the Court having determined that the legal and factual bases set forth in the Motion [and at the Hearing] establish just cause for the 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 hereby granted as set forth herein; and it is further

ORDERED that the time period within which the Debtors may file notices of removal with respect to any civil action pending as of the Petition Date and covered by 28 U.S.C. § 1452 is extended through and including the effective date of any plan of reorganization in the Debtors’ chapter 11 cases (the “**Extended Removal Deadline**”); and it is further

ORDERED that this Order is without prejudice to the Debtors’ right to seek further extension of the Extended Removal Deadline; and it is further

ORDERED that this Court shall retain jurisdiction with respect to any matters or disputes arising from or related to this Order; and it is further

ORDERED that notice of the Motion as provided therein shall be deemed good  
and sufficient notice.

Dated: \_\_\_\_\_, 2012  
New York, New York

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THE HONORABLE SHELLEY C. CHAPMAN  
UNITED STATES BANKRUPTCY JUDGE