

SO ORDERED

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

Apr 17, 2013

*Kathy A. Surratt - States*

KATHY A. SURRATT-STATES  
Chief United States Bankruptcy Judge

**In re:**

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

**Debtors.**

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

**ROBIN LAND COMPANY, LLC,**

**Plaintiff,**

**v.**

**STB VENTURES, INC.,**

**Defendant,**

**ARCH COAL, INC., ARK LAND COMPANY,  
and ARK LAND KH, INC.,**

**Intervenor-Defendants.**

**Adv. Pro. No. 12-04355-659**

**Re: ECF No. 74**

**PLAINTIFF'S MOTION FOR LEAVE TO EXCEED THE PAGE  
LIMITATION IN ITS REPLY MEMORANDUM OF LAW IN  
FURTHER SUPPORT OF ITS MOTION FOR JUDGMENT ON THE  
PLEADINGS AND MOTION TO DISMISS DEFENDANTS' COUNTERCLAIMS**

Plaintiff Robin Land Company, LLC (“**Robin Land**”), one of the affiliated debtor entities in the above-captioned chapter 11 case, by and through its undersigned attorneys, hereby moves the Court for an Order pursuant to Local Bankruptcy Rule 9004(C) granting Robin Land leave to exceed the Court’s page limitation (the “**Motion**”) in its Reply Memorandum in Further Support (the “**Reply Memorandum**”) <sup>1</sup> [ECF No. 74] of its motion pursuant to Rules 12(b)(6) and 12(c) of the Federal Rules of Civil Procedure, as incorporated by Rule 7012 of the Federal Rules of Bankruptcy Procedure, granting judgment on the pleadings, dismissing Defendants’ counterclaims in their entirety for failure to state a claim, and declaring (1) that the STB Override is a non-executory contract for purposes of Section 365 of the Bankruptcy Code, and (2) that the STB Override is not integrated with or is severable from the 1994 Asset Purchase Agreement, the Leases, the Assignments, the Magnum PSA, and/or any other agreement (the “**Rule 12 Motion**”) [ECF No. 35]. In support of its Motion, Robin Land states as follows:

1. The Reply Memorandum responds to arguments raised in objections to the Rule 12 Motion filed by defendant STB Ventures, Inc. (“**STB**”) (the “**STB Objection**”) [ECF No. 69] and intervenor-defendants Arch Coal, Inc., Ark Land Company, and Ark Land KH, Inc. (together, “**Arch**”) (the “**Arch Objection**”) [ECF No. 72]. The STB Objection exceeded the Court’s page limitation by sixteen pages. The Arch Objection also exceeded that Court’s page limitation by sixteen pages.

2. Robin Land has made every effort to comply with the Court’s page limitation. However, given the length of the STB Objection and the Arch Objection – which together total 61 pages – as well the complexity of the issues involved, Robin Land is unable to adequately respond to both objections in fifteen pages. Moreover, rather than file two reply briefs of fifteen

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<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Reply Memorandum.

pages each, Robin Land is filing a single reply brief of 23 pages in response to both objections.

3. Robin Land respectfully requests leave to exceed the applicable page limitation by eight pages.

WHEREFORE, for the foregoing reasons, Robin Land respectfully requests leave to exceed the applicable page limitation by eight pages in its Reply Memorandum, and such other relief as the court deems just and proper.

Dated: New York, New York  
April 16, 2013

Respectfully Submitted,

DAVIS POLK & WARDWELL LLP

By: /s/ Jonathan D. Martin

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*Counsel to Plaintiff/Debtor and Debtor in Possession*

Robin Land Company, LLC,  
Plaintiff

Adv. Proc. No. 12-04355-kss

STB Ventures, Inc.,  
Defendant

**CERTIFICATE OF NOTICE**

District/off: 0865-4

User: pott  
Form ID: pdfol

Page 1 of 2  
Total Noticed: 1

Date Rcvd: Apr 18, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on  
Apr 20, 2013.

aty +Brian M. Resnick, Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, NY 10017-3982

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

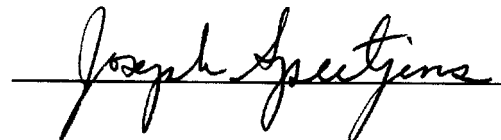
Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 20, 2013

Signature:



District/off: 0865-4

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Total Noticed: 1

Date Rcvd: Apr 18, 2013

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 18, 2013 at the address(es) listed below:

Angela Ferrante on behalf of Other Professional Gcg, Inc. A/K/A The Garden City Group, Inc.  
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John J. Hall on behalf of Intervenor-Defendant Arch Coal, Inc. jhall@lewisrice.com  
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Michelle M. McGreal on behalf of Plaintiff Robin Land Company, LLC  
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TOTAL: 7