

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

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.¹

Chapter 11

Case No. 12-12900 (SCC)

(Jointly Administered)

**ORDER EXTENDING THE PERIOD
WITHIN WHICH THE DEBTORS MAY ASSUME OR REJECT
UNEXPIRED LEASES OF NONRESIDENTIAL REAL PROPERTY**

Upon the motion (the “**Motion**”)² of Patriot Coal Corporation and its subsidiaries that are debtors and debtors in possession in these proceedings (collectively, the “**Debtors**”), for an order pursuant to section 365(d)(4) of the Bankruptcy Code for an extension of the period within which the Debtors may assume or reject unexpired leases of nonresidential real property (the “**Leases**”), as more fully set forth in the Motion; and this 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 requested relief being a core proceeding the Bankruptcy Court can determine pursuant to 28 U.S.C. § 157(b); and due and proper notice of the Motion having been provided in

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 it in the Motion.

accordance with the Case Management Order, and it appearing that no other or further notice need be provided; and this Court having reviewed the Motion; and the relief requested in the Motion being in the best interest of the Debtors and their respective estates and creditors; and the Debtors having articulated good, sufficient and sound business justifications and compelling circumstances therefor; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before this Court and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the relief requested in the Motion is hereby granted; and it is further

ORDERED that the time within which the Debtors may assume or reject the Leases pursuant to section 365(d)(4) of the Bankruptcy Code is extended by 90 days to and including **February 4, 2013**, or such later date as may be agreed in writing between the Debtors and the applicable lessors without the need for further order of the Court (the “**Extended Deadline**”); and it is further

ORDERED that any Leases proposed to be assumed or rejected by the Debtors by a motion filed on or before the Extended Deadline (a “**Timely Election Motion**”) shall not be deemed rejected under section 365(d)(4) of the Bankruptcy Code irrespective of whether the Court has entered an order granting or denying such motion by the Extended Deadline, and such lease shall be assumed or rejected only upon further order of the Court approving such assumption or rejection; and it is further

ORDERED that the requirements of Local Bankruptcy Rule 6006-1 are hereby waived to the extent they are inconsistent with this Order; and it is further

ORDERED that this Order shall be effective immediately upon entry; and
it is further

ORDERED that this Court shall retain jurisdiction to hear and determine
all matters arising from or related to this Order.

New York, New York

Dated: October 23, 2012

/S/ Shelley C. Chapman
THE HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE