

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:

PATRIOT COAL CORPORATION, et  
al.,

Debtors.

CASE NO. 12-12900 (SCC)

CHAPTER 11

(Jointly Administered)

OBJECTION TO RECLAMATION REPORT AND REQUEST FOR HEARING

Industrial Supply Solutions, Inc. (hereinafter "ISSI"), by and through counsel, hereby objects to the Reclamation Report (docket #1651) and requests a hearing thereon. In support thereof, ISSI states as follows:

1. As shown by the record herein, on July 19, 2012, the Debtors filed a Motion for Approval of Procedures for the Assertion, Resolution and Treatment of Reclamation Claims and Claims Asserted Pursuant to 11 U.S.C. § 503(b)(9) (docket #137).

2. Thereafter, the Court entered an Order (docket #261) granting the Motion which set forth the procedures for the Debtors and potential claimants to resolve reclamation claims and claims asserted pursuant to 11 U.S.C. § 503(b)(9).

3. Prior to the filing of the foregoing Motion, ISSI sent a letter to the Debtors which reclaimed all goods delivered within forty-five (45) days prior to the Debtors' petition date. This notice was provided in accordance with 11 U.S.C. § 546(c) and Section 2-702 of the Uniform Commercial Code.

4. In accordance with the Motion and Order, the Debtors forwarded a letter to counsel for ISSI on or about November 28, 2012, a copy of which is appended hereto, identified as "Exhibit 1," and the same is incorporated herein by reference.

5. Within the ten (10) day period as set forth in the Motion and Order and as provided in the letter, counsel for ISSI forwarded a letter, Reclamation Claim Form, Spreadsheet, and invoices for each Reclamation Claim asserted by ISSI. A true copy of the letter is appended hereto, identified as "Exhibit 2," and the same is incorporated herein by reference.

6. The foregoing letter (Exhibit 2) and enclosures were served and received by each party as shown thereon within the ten (10) day period as set forth in the Motion, Order and letter (Exhibit 1).

7. ISSI has timely provided the required information and responses and requests that the Debtors and ISS be given an additional time to resolve the Reclamation Claims asserted by ISSI.

WHEREFORE, ISSI prays the Court as follows:

1. That the Court determine that ISSI has timely and promptly complied with all procedures as set forth by this Court in asserting and filing its Reclamation Claims;

2. That the Reclamation Claims be allowed as filed of ISSI;

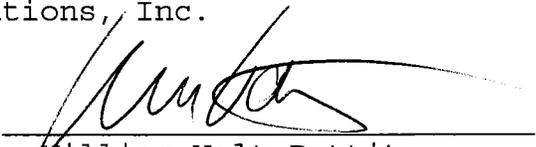
3. That the Court conduct a hearing on this matter; and

4. For such other further relief as this Court deems just and proper.

This the 14<sup>th</sup> day of December, 2012.

HUTCHENS, SENTER, KELLAM & PETTIT, P.A.  
Attorneys for Industrial Supply  
Solutions, Inc.

By: \_\_\_\_\_

  
William Walt Pettit

NC Bar No.: 9407

P.O. Box 12497

Charlotte, N.C. 28220-2497

Telephone: (704) 362-9255

Telecopier: (704) 357-6233

Email: [walt.pettit@hskplaw.com](mailto:walt.pettit@hskplaw.com)



Patriot Coal Corporation  
12312 Olive Boulevard  
St. Louis, Missouri 63141  
314.275.3600  
www.patriotcoal.com

William Walt Petit  
6230 Fairview Road  
Suite 105  
Charlotte, NC 28210

To Whom it May Concern:

With reference to your letter dated July 20, 2012 regarding Industrial Supply Solutions, Inc., we are writing in response to the Reclamation Demand set forth therein. In accordance with paragraph 2 of the Order Approving Procedures for the Assertion, Resolution and Treatment of Reclamation Claims and Claims Asserted Pursuant to 11 U.S.C. § 503(b)(9) entered by the United States Bankruptcy Court for the Southern District of New York on August 2, 2012 (Case No. 12-12900 [ECF No. 261]) (the "Reclamation Claims Procedures Order") we are writing to inform you that your Reclamation Demand for Industrial Supply Solutions, Inc. does not provide the information required by the Reclamation Claim Form, which is attached hereto, and to request that you provide the necessary information.

If you do not provide the Debtors with the necessary information within 10 days of receiving this letter, your Reclamation Claim, as defined in the Reclamation Claims Procedures Order, will be deemed irrevocably waived.

Notwithstanding anything herein, the Debtors hereby reserve all applicable rights and defenses with respect to any claims.

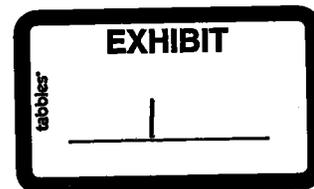
Very Truly Yours,

A handwritten signature in black ink, appearing to read "Tim Tynan", written over a horizontal line.

Tim Tynan

Patriot Coal Corporation  
12312 Olive Boulevard  
St. Louis, Mo. 63141

p. 314 523 2965  
m.314 255 9573



**Hutchens, Senter,  
Kellam & Pettit, P.A.**  
*Attorneys at Law*

FAYETTEVILLE | WILMINGTON | CHARLOTTE

William Walt Pettit  
Attorney at Law  
Phone: 704-357-6262  
Fax: 704-362-9272  
Email: [walt.pettit@hskplaw.com](mailto:walt.pettit@hskplaw.com)

6230 Fairview Road  
Suite 315  
Charlotte, NC 28210  
  
Mail: P.O. Box 12497  
Charlotte, NC 28220-2497

December 7, 2012

Patriot Coal Corporation  
12312 Olive Boulevard  
Suite 400  
St. Louis, MO 63141  
Attn: Marguerite A. O'Connell  
Via Telecopier: 314-275-3626

Patriot Coal Corporation  
c/o GCG, Inc.  
P.O. Box 9898  
Dublin, OH 43017  
Via Telecopier: 855-687-2627

Davis Polk & Wardwell, LLP  
450 Lexington Avenue  
New York, NY 10017  
Attn: Brian Resnick and  
Michelle M. McGreal  
Via Telecopier: 212-607-7983

RE: Compliance with Reclamation Claim Procedures as set forth in the Debtors' Motion for Approval of Procedures for the Assertion, Resolution and Treatment of Reclamation Claims, et al. (docket #137) and Order (docket #261) in Patriot Coal and affiliated entities bankruptcy proceedings

Dear Sir/Madam:

Please note that we represent Industrial Supply Solutions, Inc. and Conveying Solutions, LLC, creditors of the Debtor and its affiliated entities, in the above-captioned matters. In accordance with the Motion and Order referenced hereinabove, this letter is to provide the information required in the Order.

I have enclosed a Reclamation Claim Form which I have signed on behalf of my clients to be filed in the Patriot Coal and related entities matters. I have attached to each form a spreadsheet which shows date of the invoice, the location the goods were delivered, invoice number, purchase order and the amount of each invoice. Since the number of invoices is

**EXHIBIT**

tabbles  
2

voluminous, we are sending these by overnight mail to the addresses noted above.

For years, my clients believed that they were doing business with Patriot Coal Corporation. In previous years, my clients submitted requests for proposals at the suggestion of Patriot Coal. My clients were rewarded the bids from Patriot Coal and invoiced Patriot Coal accordingly. Based on a quick and limited review, checks were received and drawn (supposedly) on the deposit accounts of the subsidiaries. However, each item that we reviewed disclosed that the items were drawn on the same account.

Accordingly, I am submitting a Reclamation Claim to Patriot Coal for the total amount of all goods shipped within the applicable period and to each specific entity (or where the goods were delivered). The total amount referenced in the Reclamation Claim filed in Patriot Coal equals the total amount of all the goods delivered to the affiliated entities. I am informing you of this fact so that you will not believe that these are independent transactions.

With best regards, I am,

Cordially yours,

HUTCHENS, SENTER, KELLAM & PETTIT, PA



William Walt Pettit

WWP/smc

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:

PATRIOT COAL CORPORATION, et  
al.,

Debtors.

CASE NO. 12-12900 (SCC)

CHAPTER 11

(Jointly Administered)

CERTIFICATE OF SERVICE

I, as attorney of record for Industrial Supply Solutions, Inc., hereby certify that on the 14<sup>th</sup> day of December, 2012, I served a copy of the Objection to Reclamation Report and Request for Hearing and Certificate of Service by either electronic notice in accordance with the local rules or by depositing the same, enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service, said envelope being addressed as follows:

Patriot Coal Corporation  
12312 Olive Boulevard  
Suite 400  
Saint Louis, MO 63141

Debtor

Davis Polk & Wardwell, LLP  
450 Lexington Avenue  
New York, NY 10017

Attorneys for the Debtor

Andrea B. Schwartz  
Department of Justice  
Office of the U.S. Trustee  
33 Whitehall Street, 21<sup>st</sup> Floor  
New York, NY 10004

Attorney for the U.S. Trustee

Jeffrey S. Stein  
GCG, Inc. a/k/a  
The Garden City Group, Inc.  
1985 Marcus Avenue, Suite 200  
Lake Success, NY 11042

Claims and Noticing Agent

Michael D. Warner  
Cole Schotz Meisel Forman &  
Leonard, PA  
301 Commerce Street, Suite 1700  
Fort Worth, TX 76102

Attorney for the Creditor  
Committee

HUTCHENS, SENTER, KELLAM & PETTIT, P.A.  
Attorneys for Industrial Supply  
Solutions, Inc.

By: 

William Walt Pettit  
NC Bar No.: 9407  
P.O. Box 12497  
Charlotte, N.C. 28220-2497  
Telephone: (704) 362-9255  
Telecopier: (704) 357-6233  
Email: [walt.pettit@hskplaw.com](mailto:walt.pettit@hskplaw.com)