

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 11
	:	
PATRIOT COAL CORPORATION, <i>et al.</i> ,	:	
	:	
Debtors.	:	
	:	Case No. 12-12900 (SCC)
	:	
	:	(Jointly Administered)
	:	
	:	
----- X	:	
EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Adv. Pro. No. 12-01786 (SCC)
	:	
BOONE EAST DEVELOPMENT CO., PERFORMANCE COAL CO., and NEW RIVER ENERGY CORP.,	:	<u>AFFIDAVIT OF SERVICE</u>
	:	
	:	
Defendant.	:	

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STATE OF NEW YORK     )  
                                          : ss  
COUNTY OF NEW YORK )

Tynslei Spence, being duly sworn, deposes and says:

I am over the age of 18 years, am not a party to this action and am employed by Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, New York 10017 and that on September 24, 2012, I served a true and correct copy of the Notice of Motion for Judgment on the Pleadings and Plaintiff's Memorandum of Law in

Support of Its Motion For Judgment on the Pleadings upon Elisabetta Gasparini by  
delivering a true copy of same by hand upon:

Office of the United States Trustee  
33 Whitehall Street  
New York, NY 10004

On September 24, 2012, I served a true and correct copy of the  
aforementioned documents upon Luke Barefoot, Esq. of Cleary Gottlieb Steen &  
Hamilton by delivering true copy of same by hand upon:

Luke Barefoot, Esq.  
Cleary Gottlieb Steen & Hamilton LLP  
1 Liberty Plaza  
New York, NY 10006

  
\_\_\_\_\_  
Tynslei Spence

Sworn to before me this  
24<sup>th</sup> day of September, 2012.

  
\_\_\_\_\_  
Notary Public

**CHARMAINE BARRETT**  
Notary Public, State of New York  
No. 01BA6033297  
Qualified in Bronx County  
Certificate Filed in New York County 13  
Commission Expires November 15, 2013