

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

PATRIOT COAL CORPORATION, et al.,

Debtors.¹

MAGNUM COAL COMPANY LLC

Plaintiff,

v.

ROYALTYCO, LLC

Defendant.

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

Adv. Proc. No. 12-04354-659

STIPULATION AND ORDER OF VOLUNTARY DISMISSAL

Plaintiff Magnum Coal Company LLC (“**Magnum**” or “**Plaintiff**”), one of the affiliated debtor and debtor-in-possession entities in the above-captioned chapter 11 case, by and through its counsel Davis Polk & Wardwell LLP and Bryan Cave LLP, and Defendant RoyaltyCo, LLC (“**RoyaltyCo**”), by and through its counsel Craig and Macauley Professional Corporation and Schiff Hardin LLP, hereby stipulate and agree:

WHEREAS, on July 9, 2012, the Plaintiff commenced a voluntary case under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York, which case was subsequently transferred to the United

¹ 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.

States Bankruptcy Court for the Eastern District of Missouri;

WHEREAS, the Plaintiff commenced the above-captioned adversary proceeding by filing a Complaint for Declaratory Relief dated August 10, 2012 (the “**Complaint**”);

WHEREAS, pursuant to a Notice of Adjournment dated September 17, 2012, the time for RoyaltyCo to file a motion or answer in response to the Complaint was extended to October 10, 2012;

WHEREAS, RoyaltyCo filed a Motion to Dismiss, Or, In the Alternative, For a More Definite Statement on October 10, 2012;

WHEREAS, Magnum and RoyaltyCo have reached a settlement of the issues presented in this adversary proceeding and, pursuant to the Order Authorizing and Approving Procedures for the Compromise and Settlement of Certain Claims, Litigations and Causes of Action [ECF No. 2821] (the “**Claims Settlement Order**”), the Debtors filed a notice of Claims Settlement Agreement (the “**Settlement Notice**”), including a claims settlement agreement between Magnum and RoyaltyCo [ECF No. 4292] (the “**Settlement Agreement**”).

WHEREAS, no Objections (as defined in the Settlement Notice) to the Settlement Agreement were timely filed and, in accordance with the Claims Settlement Order, the Settlement Agreement is deemed to be final and effective.

IT IS HEREBY STIPULATED AND AGREED that the Payment Agreements² are not executory contracts to which any of the Debtors is a counterparty for purposes of Section 365 of the Bankruptcy Code, and that the Payment Agreements are not integrated

² All capitalized terms not defined herein have the meaning ascribed to them in the Complaint. A true, correct, and complete copy of the Payment Agreements are attached as Exhibits to the Complaint.

with any other contract, agreement or understanding, whether written or oral, by and between the parties and/or any other of the Debtors.

IT IS HEREBY STIPULATED AND AGREED that the provisions of this Stipulation shall be binding upon and shall inure to the benefit of the parties and their respective successors, heirs, affiliates, and assigns.

IT IS HEREBY STIPULATED AND AGREED that pursuant to Rule 7041 of the Federal Rules of Bankruptcy Procedure and Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the Complaint is hereby dismissed as moot and without costs, fees, or expenses to any party. Notwithstanding the foregoing, the agreements and acknowledgments contained in this Stipulation shall survive the dismissal of this adversary proceeding. All pending matters are Denied as Moot.


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: July 29, 2013
St. Louis, Missouri
jjh

Dated: July 22, 2013
New York, New York

CRAIG AND MACAULEY P.C.

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*Local Counsel to the Debtors
and Debtors in Possession*

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