

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI**

In Re:

Patriot Coal Corporation, et al., Debtors.)	Chapter 11 Cause No. 12-51502 Hon. Kathy A. Surratt-States
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Robin Land Company, LLC Plaintiff,)	Adversary No. 12-04355
v.)	
STB Ventures, Inc., et al. Defendants.)	
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**DEFENDANT STB VENTURES, INC.’S WITHDRAWAL OF
ITS MOTION TO DISMISS AND RESERVATION OF RIGHTS**

Defendant STB Ventures, Inc., a Virginia corporation, (“STB”), hereby submits its Withdrawal of Its Motion to Dismiss and Reservation of Rights (“Withdrawal”). In support of its Withdrawal, STB represents the following:

1. STB filed a *Motion to Dismiss for Robin Land Company, LLC’s Failure to Join a Party and Memorandum in Support* on September 17, 2012 (“Motion to Dismiss”) [Doc. 8].

2. In support of its Motion to Dismiss, STB argued that the above-captioned action should be dismissed because Robin Land Company, LLC, a Delaware limited liability company, (“RLC”), failed to join Ark Land Company, a Delaware corporation, (“Ark”), and Ark Land KH, Inc., a Delaware corporation, (“ALKH”), both

of whom have significant interests that could be adversely affected by their absence from the above-captioned action.

3. In response, Plaintiff RLC filed *Debtor Robin Land Company, LLC's Memorandum of Law in Opposition to Defendant's Motion to Dismiss* on October 22, 2012, ("Response to Motion to Dismiss") [Doc. 12], wherein RLC argued that Ark and ALKH are not necessary parties to the above-captioned action because (i) complete relief can be accorded among STB and RLC in their absence, (Response to Motion to Dismiss at p. 6), and (ii) a threat of future litigation between RLC, Ark and ALKH is too speculative to justify Ark's and ALKH's compulsory joinder. (Response to Motion to Dismiss at 8).

4. This procedural controversy resulted in Arch Coal, Inc., ("Arch"), Ark and ALKH filing their *Motion of Arch Coal, Inc., Ark Land Company and Ark Land KH, Inc. to Intervene as Defendants* on November 28, 2012 ("Motion to Intervene")[Doc. 15]. In their motion, Arch, Ark and ALKH concluded that their Motion to Intervene necessarily mooted STB's Motion to Dismiss. (Motion to Intervene at ¶ 20).

5. RLC responded to the Motion to Intervene by filing *Debtor Robin Land Company, LLC's Response to the Motion of Arch Coal, Inc., Ark Land Company and Ark Land KH, Inc. to Intervene as Defendants* on December 10, 2012 ("Response to Motion to Intervene")[Doc 18], wherein RLC stated that it "does not oppose permitting [Arch, Ark and ALKH] to intervene as a defendant in this action . . . ," (Response to Motion to Intervene at ¶ 1), and also concluded that "the Motion necessarily moots the pending Motion to Dismiss filed by STB." (Response to Motion to Intervene at ¶ 2).

6. STB agrees that the uncontested Motion to Intervene by Arch, Ark and ALKH necessarily moots its Motion to Dismiss and, accordingly, withdraws its pending Motion to Dismiss.

7. STB reserves the right to refile its Motion to Dismiss if Arch, Ark, and ALKH withdraw their pending Motion to Intervene prior to their joinder as parties to the above-captioned action or if the Motion to Intervene is not granted for any reason, and, furthermore, reserves its rights in all other respects.

Respectfully submitted,

Dated: January 3, 2013

SHOOK, HARDY & BACON L.L.P.

By: /s/ Todd W. Ruskamp
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COUNSEL FOR DEFENDANT STB VENTURES,
INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 3rd day of January, 2013, a true and correct copy of the above and foregoing was served via CM/ECF notification on all parties receiving such notification.

 /s/ Todd W. Ruskamp
Counsel for Defendant
STB Ventures, Inc.