

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

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

PATRIOT COAL CORPORATION, *et al.*,

Plaintiffs,

-against-

Adversary Proceeding
No. 13-04204-659

PEABODY HOLDING COMPANY, LLC and
PEABODY ENERGY CORPORATION,

Defendants.

**STIPULATION AND ORDER WITHDRAWING THE DEBTORS' MOTION FOR A
PRELIMINARY INJUNCTION AND DISMISSING THE COMPLAINT WITHOUT
PREJUDICE**

This stipulation and order (the “**Stipulation and Order**”) is made and entered into between Plaintiff Patriot Coal Corporation and its affiliated Debtors in these Chapter 11 cases (together, “**Patriot**”) and Defendants Peabody Holding Company, LLC and Peabody Energy Corporation (collectively, “**Peabody**”), through their respective undersigned counsel, subject to the approval of the Court:

WHEREAS Peabody propounded a subpoena (the “**Subpoena**”), dated August 7, 2013, on Patriot in connection with Lowe et al. v. Peabody Holding Co., No. 2:12-CV-06925 (S.D. W. Va.) (the “**Lowe Action**”);

WHEREAS Patriot initiated this adversary proceeding on September 3, 2013, and concurrently therewith filed a Motion for a Preliminary Injunction Pursuant to 11 U.S.C. § 105(a) [ECF No. 3] (the “**Motion**”), seeking to enjoin enforcement of the Subpoena;

WHEREAS the Lowe Action was dismissed in its entirety on September 27, 2013;

WHEREAS the Debtors, Peabody, and the United Mine Workers of America (the “**UMWA**”) have reached a global settlement agreement pursuant to which, among other things, the UMWA and those retirees it represents agreed to cease their prosecution of the Lowe Action (the “**Settlement**”); and

WHEREAS on October 16, 2013, the Debtors filed a motion for entry of an order approving the Settlement.

NOW THEREFORE, it is hereby stipulated by and between Patriot and Peabody as follows, subject to approval and order of the Court:

1. The Motion is withdrawn without prejudice.
2. The complaint in this adversary proceeding [ECF No. 1] is dismissed without prejudice.

3. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Stipulation and Order.


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: October 25, 2013
St. Louis, Missouri
jjh

Dated: October 18, 2013

/s/ Michael J. Russano
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