

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-

**PEABODY HOLDING COMPANY, LLC and
PEABODY ENERGY CORPORATION,**

Defendants.

**Adversary Proceeding
No. 13-04204-659**

**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;

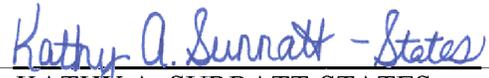
WHEREAS the Debtors, Peabody, and the United Mine Workers of America (the “**UMWA**”) have reached a global settlement agreement pursuant to which, among other things, the UMWA and those retirees it represents agreed to cease their prosecution of the Lowe Action (the “**Settlement**”); and

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 The Motion is withdrawn without prejudice.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
Marshall S. Huebner
Elliot Moskowitz
Michael J. Russano
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ATTORNEYS FOR PLAINTIFFS
PATRIOT COAL CORPORATION AND ITS
AFFILIATED DEBTORS.

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ATTORNEYS FOR DEFENDANTS
PEABODY ENERGY CORPORATION
AND
PEABODY HOLDING COMPANY, LLC

Patriot Coal Corporation,
Plaintiff

Adv. Proc. No. 13-04204-kss

Peabody Holding Company, LLC,
Defendant

CERTIFICATE OF NOTICE

District/off: 0865-4

User: klom
Form ID: pdf02

Page 1 of 1
Total Noticed: 3

Date Rcvd: Oct 25, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 27, 2013.

aty +Elliot Moskowitz, Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, NY 10017-3982
aty +John M. Newman, Jr., Jones Day, 901 Lakeside Avenue, Cleveland, OH 44114-1190
aty +Michael J. Russano, Davis Polk & Wardwell LLP, 450 Lexington Avenue,
New York, NY 10017-3982

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 27, 2013

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 25, 2013 at the address(es) listed below:

Angela Ferrante on behalf of Other Professional GCG, Inc. aka The Garden City Group, Inc.
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Steven N. Cousins on behalf of Defendant Peabody Energy Corporation
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TOTAL: 3