

**U.S. Bankruptcy Court
Southern District of New York (Manhattan)
Adversary Proceeding #: 12-01786-scc**

Assigned to: Judge Shelley C. Chapman
Lead BK Case: 12-12900
Lead BK Title: Patriot Coal Corporation
Lead BK Chapter: 11
Show Associated Cases

Date Filed: 08/06/12

Demand:

Nature[s] of Suit: 91 Declaratory
judgment

Plaintiff

**EASTERN ROYALTY LLC f/k/a EASTERN
ROYALTY CORP.**
450 LEXINGTON AVENUE
NEW YORK
212-450-4000

represented by **Brian Resnick**
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V.

Defendant

**BOONE EAST DEVELOPMENT CO.,
PERFORMANCE COAL CO., AND NEW
RIVER ENERGY CORP.**

represented by **James L. Bromley**
Cleary, Gottlieb, Steen & Hamilton, LLP
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Defendant

New River Energy Corp.

represented by **James L. Bromley**
(See above for address)

Defendant

Boone East Development Co.

represented by **James L. Bromley**
(See above for address)

Defendant

Performance Coal Co.

represented by **James L. Bromley**
(See above for address)

Claims and Noticing Agent

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Inc.**
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Counter-Claimant

**BOONE EAST DEVELOPMENT CO.,
PERFORMANCE COAL CO., AND NEW
RIVER ENERGY CORP.**

V.

Counter-Defendant

**EASTERN ROYALTY LLC f/k/a EASTERN
ROYALTY CORP.**
450 LEXINGTON AVENUE
NEW YORK
212-450-4000

Filing Date	#	Docket Text
08/06/2012	<u>1</u>	

			Adversary case 12-01786. Complaint against BOONE EAST DEVELOPMENT CO., PERFORMANCE COAL CO., AND NEW RIVER ENERGY CORP. . Nature(s) of Suit: (91 (Declaratory judgment)) Filed by EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.. (Attachments: # <u>1</u> Exhibit) (Graulich, Timothy) (Entered: 08/06/2012)
08/06/2012		<u>2</u>	Motion to Seal <i>PLAINTIFFS MOTION FOR AN ORDER AUTHORIZING PLAINTIFF TO FILE UNDER SEAL THE AGREEMENTS AS EXHIBITS TO PLAINTIFFS COMPLAINT FOR DECLARATORY RELIEF</i> (related document(s) <u>1</u>) filed by Timothy E. Graulich on behalf of EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.. with hearing to be held on 9/11/2012 (check with court for location) Objections due by 8/16/2012, (Graulich, Timothy) (Entered: 08/06/2012)
08/07/2012			Receipt of Complaint(12-01786-scc) [cmp,cmp] (293.00) Filing Fee. Receipt number 190205. Fee amount 293.00. (Porter) (Entered: 08/07/2012)
08/08/2012		<u>3</u>	Summons with Notice of Pre-Trial Conference issued by Clerk's Office with Pre-Trial Conference set for 9/11/2012 at 01:30 PM at Courtroom 610 (SCC), Answer due by 9/7/2012, (Campbell, Tiffany) (Entered: 08/08/2012)
08/17/2012		<u>4</u>	Certificate of Service (related document(s) <u>2</u>) filed by Darren S. Klein on behalf of EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.. (Klein, Darren) (Entered: 08/17/2012)
08/20/2012		<u>5</u>	Affidavit of Service (related document(s) <u>3,1,2</u>) filed by Darren S. Klein on behalf of EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.. (Klein, Darren) (Entered: 08/20/2012)
08/21/2012		<u>6</u>	Statement / <i>Notice of Adjournment of Pretrial Conference</i> filed by Michelle M. McGreal on behalf of EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.. with hearing to be held on 9/25/2012 at 10:00 AM at Courtroom 621 (SCC) (McGreal, Michelle) (Entered: 08/21/2012)
08/21/2012		<u>7</u>	Certificate of Service (related document(s) <u>3,1,2</u>) filed by Jeffrey S. Stein on behalf of GCG, Inc. a/k/a The Garden City Group, Inc.. (Stein, Jeffrey) (Entered: 08/21/2012)
08/22/2012		<u>8</u>	Affidavit of Service (<i>Notice of Adjournment of Pretrial Conference</i>) (related document(s) <u>6</u>) filed by Jeffrey S. Stein on behalf of GCG, Inc. a/k/a The Garden City Group, Inc.. (Stein, Jeffrey) (Entered: 08/22/2012)
08/23/2012		<u>9</u>	Order Authorizing Plaintiff to File Under Seal the Agreements as Exhibits to Plaintiff's Complaint for Declaratory Relief (Related Doc # <u>2</u>) signed on 8/23/2012. (Chien, Jason) (Entered: 08/23/2012)
08/27/2012		<u>10</u>	Certificate of Service (related document(s) <u>3,1,2</u>) filed by Timothy E. Graulich on behalf of EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.. (Graulich, Timothy) (Entered: 08/27/2012)
08/30/2012		<u>11</u>	

			Status Report /Parties' Report of Rule 26(f) Meeting filed by Brian Resnick on behalf of BOONE EAST DEVELOPMENT CO., PERFORMANCE COAL CO., AND NEW RIVER ENERGY CORP., EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.. (Resnick, Brian) (Entered: 08/30/2012)
09/07/2012		<u>12</u>	Notice of Appearance and Request for Service of Papers, dated September 7, 2012 filed by James L. Bromley on behalf of BOONE EAST DEVELOPMENT CO., PERFORMANCE COAL CO., AND NEW RIVER ENERGY CORP.. (Bromley, James) (Entered: 09/07/2012)
09/07/2012		<u>13</u>	Corporate Ownership Statement , dated September 7, 2012. filed by James L. Bromley on behalf of BOONE EAST DEVELOPMENT CO., PERFORMANCE COAL CO., AND NEW RIVER ENERGY CORP.. (Bromley, James) (Entered: 09/07/2012)
09/07/2012		<u>14</u>	Answer to Complaint (Related Doc # <u>1</u>), Counterclaim against EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP. (related document(s) <u>1</u>) filed by James L. Bromley on behalf of BOONE EAST DEVELOPMENT CO., PERFORMANCE COAL CO., AND NEW RIVER ENERGY CORP.. (Bromley, James) (Entered: 09/07/2012)
09/07/2012		<u>15</u>	Certificate of Service of Richard V. Conza, dated September 7, 2012 (related document(s) <u>14, 12, 13</u>) filed by James L. Bromley on behalf of BOONE EAST DEVELOPMENT CO., PERFORMANCE COAL CO., AND NEW RIVER ENERGY CORP.. (Bromley, James) (Entered: 09/07/2012)
09/21/2012		<u>16</u>	Statement / Notice of Motion for Judgment on the Pleadings Pursuant to Rule 12(c) filed by Brian Resnick on behalf of EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.. (Resnick, Brian) (Entered: 09/21/2012)
09/21/2012		<u>17</u>	Memorandum of Law in Support of Motion for Judgment on the Pleadings Pursuant to Rule 12(c) (related document(s) <u>16</u>) filed by Brian Resnick on behalf of EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.. (Resnick, Brian) (Entered: 09/21/2012)
09/24/2012		<u>18</u>	Affidavit of Service (related document(s) <u>16, 17</u>) filed by Brian Resnick on behalf of EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.. (Resnick, Brian) (Entered: 09/24/2012)
09/25/2012		<u>19</u>	Transcript regarding Hearing Held on September 25, 2012 at 10:12 AM RE: Pre-Trial Conference. Remote electronic access to the transcript is restricted until 12/24/2012. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: eScribers, LLC.]. (See the Courts Website for contact information for the Transcription Service Agency.). Notice of Intent to Request Redaction Deadline Due By 10/2/2012. Statement of Redaction Request Due By 10/16/2012. Redacted Transcript Submission Due By 10/26/2012. Transcript access will be restricted through 12/24/2012. (Braithwaite, Kenishia) (Entered: 09/26/2012)
10/18/2012		<u>20</u>	Memorandum of Law / Defendants' Memorandum of Law in Opposition to Plaintiff's Motion for Judgment on the Pleadings,

			<i>dated October 18, 2012</i> (related document(s) <u>16</u>) filed by James L. Bromley on behalf of New River Energy Corp., Boone East Development Co., Performance Coal Co.. (Bromley, James) (Entered: 10/18/2012)
10/19/2012		<u>21</u>	Certificate of Service of <i>Richard V. Conza, dated October 19, 2012</i> (related document(s) <u>20</u>) filed by James L. Bromley on behalf of Boone East Development Co., New River Energy Corp., Performance Coal Co.. (Bromley, James) (Entered: 10/19/2012)
11/01/2012		<u>22</u>	Memorandum of Law <i>PLAINTIFFS REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF ITS MOTION FOR JUDGMENT ON THE PLEADINGS</i> (related document(s) <u>16, 17</u>) filed by Brian Resnick on behalf of EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.. (Resnick, Brian) (Entered: 11/01/2012)
11/07/2012		<u>23</u>	Affidavit of Service (related document(s) <u>22</u>) filed by Brian Resnick on behalf of EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.. (Resnick, Brian) (Entered: 11/07/2012)
11/14/2012		<u>24</u>	Notice of Adjournment of Hearing / <i>Notice of Adjournment of Hearing on Motion for Judgment on the Pleadings Pursuant to Rule 12(c) of the Federal Rules of Civil Procedure</i> filed by Michelle M. McGreal on behalf of EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.. with hearing to be held on 12/4/2012 at 02:00 PM at Courtroom 621 (SCC) (McGreal, Michelle) (Entered: 11/14/2012)
11/15/2012		<u>25</u>	Affidavit of Service (<i>Notice of Adjournment of Hearing on Motion for Judgment on the Pleadings Pursuant to Rule 12(c) of the Federal Rules of Civil Procedure</i>) (related document(s) <u>24</u>) filed by Jeffrey S. Stein on behalf of GCG, Inc. a/k/a The Garden City Group, Inc.. (Stein, Jeffrey) (Entered: 11/15/2012)
12/19/2012		<u>26</u>	Order Transferring Venue of the Cases to the United States Bankruptcy Court for the Eastern District of Missouri signed on 12/19/2012. All Further Motions, Pleadings and Papers Should Be Filed on the Docket of Case Number 12-51502 in the United States Bankruptcy Court for the Eastern District of Missouri. (Chien, Jason). (Entered: 12/19/2012)