

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**In re:**

**PATRIOT COAL CORPORATION, *et al.***

**Debtors.<sup>1</sup>**

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

**ROBIN LAND COMPANY, LLC,**

**Plaintiff,**

**v.**

**STB VENTURES, INC.,**

**Defendant.**

**Adv. Pro. No. 12-04355-659  
#15**

**STIPULATION AND AGREED ORDER ALLOWING ARCH COAL, INC.,  
ARK LAND COMPANY AND ARK LAND KH, INC. TO INTERVENE AS  
DEFENDANTS, WITHDRAWING AND DENYING THE MOTION TO DISMISS OF  
STB VENTURES, INC., SCHEDULING REMAINING PLEADINGS AND  
SCHEDULING PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS**

Plaintiff Robin Land Company, LLC (“**RLC**” or “**Plaintiff**”), one of the affiliated debtor entities in the above-captioned chapter 11 cases, Defendant STB Ventures, Inc. (“**STB**”), and Arch Coal, Inc., Ark Land Company and Ark Land KH, Inc. (collectively “**Arch**,” and

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<sup>1</sup> The Debtors are the entities listed on Schedule 1 attached to the Debtors’ Motion for Approval of Procedures for the Rejection of Executory Contracts and Unexpired Leases and for the Abandonment of Personal Property [ECF No. 136 under Case No. 12-51502-659]. The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors’ chapter 11 petitions.

together with STB, “**Defendants**”), by and through their respective undersigned counsel, hereby stipulate and agree:

**RECITALS**

WHEREAS Plaintiff filed a Complaint for Declaratory Relief (“**Complaint**”) commencing the above-captioned adversary proceeding on August 10, 2012;

WHEREAS STB filed a Motion to Dismiss for Robin Land Company LLC’s Failure to Join a Party [ECF No. 8] (the “**Motion to Dismiss**”) on September 17, 2012;

WHEREAS Arch filed a Motion to Intervene as Defendants in the above-captioned adversary proceeding on November 28, 2012 [ECF No. 15] (the “**Motion to Intervene**”);

WHEREAS Plaintiff filed its Response to the Motion to Intervene on December 10, 2012 [ECF No. 18] stating that Plaintiff does not oppose permitting Arch to intervene as defendants and reserving Plaintiff’s rights in all other respects;

WHEREAS STB filed a Withdrawal of Its Motion to Dismiss and Reservation of Rights on January 3, 2013 [ECF No. 23] agreeing that the Motion to Intervene necessarily moots the Motion to Dismiss so long as Arch is joined as a Defendant;

WHEREAS Plaintiff intends to file a motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12 (c) (“**Plaintiff’s Motion**”);

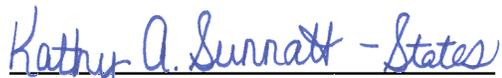
WHEREAS Defendants believe that the parties should complete targeted discovery prior to potentially dispositive motion practice; and

WHEREAS the parties have conferred and have agreed to resolve the Motion to Intervene and the Motion to Dismiss on the terms and conditions of this Stipulation and Order.

NOW, THEREFORE, the parties hereto, by their respective undersigned counsel,  
hereby stipulate and agree:

**STIPULATION AND ORDER**

1. Arch shall be permitted to intervene as defendants in the above-captioned adversary proceeding.
2. STB's Motion to Dismiss [ECF No. 8] is hereby withdrawn and denied as moot.
3. Defendants shall file their respective answers to the Complaint within fourteen (14) days after this Stipulation and Agreed Order is entered by the Court.
4. Defendants shall respond to any cross-claims within fourteen (14) days following the filing of such cross-claims.
5. Plaintiff shall respond to any counterclaims asserted by Defendants, within twenty-eight (28) days after this Stipulation and Agreed Order is entered by the Court.
6. As is its right under Federal Rule of Civil Procedure 12(c), Plaintiff may file Plaintiff's Motion. If Plaintiff files Plaintiff's Motion, (i) Defendants' respective responses in opposition to Plaintiff's Motion shall be due within twenty-one (21) days following the filing of Plaintiff's Motion, (ii) Plaintiff's reply in further support of Plaintiff's Motion shall be due within fourteen (14) days following the last date that Defendants' responses are due and (iii) the parties will coordinate with the Court to schedule a date for a hearing on Plaintiff's Motion.

  
KATHY A. SURRATT-STATES  
Chief United States Bankruptcy Judge

DATED: February 4, 2013  
St. Louis, Missouri  
jjh

Dated: St. Louis, Missouri  
January 30, 2013

SHOOK, HARDY & BACON L.L.P.

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