

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

PATRIOT COAL CORPORATION, *et al.*

Debtors.¹

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

¹ 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.

By: /s/ Joseph G. Bunn

Todd W. Ruskamp
Mark Moedritzer
Catherine C. Whittaker
2555 Grand Blvd.
Kansas City, MO 64108
Telephone: (816) 474-6550
Facsimile: (816) 421-5547
truskamp@shb.com

Joseph G. Bunn
JONES & ASSOCIATES
13 Kanawha Blvd. West
P.O. Box 1989
Charleston, WV 25302
Telephone: (304) 343-9466
Facsimile: (304) 345-2456
jgbunn@efjones.com

Attorneys for Defendant STB Ventures, Inc.

DAVIS POLK & WARDWELL LLP

By: /s/ Jonathan D. Martin

Marshall S. Huebner
Brian M. Resnick
Jonathan D. Martin
450 Lexington Avenue
New York, New York 10017
Telephone: (212) 450-4000
Facsimile: (212) 701-5800
jonathan.martin@davispolk.com

*Attorneys for Plaintiff/Debtor and
Debtor in Possession*

CLEARY GOTTlieb STEEN & HAMILTON LLP

By: /s/ Avram E. Luft

Sean A. O'Neal
Avram E. Luft
One Liberty Plaza
New York, New York 10006
Telephone: (212) 225-2000
Facsimile: (212) 225-3999

LEWIS, RICE & FINGERSH, L.C.
Joseph J. Trad, #32540MO
John J. Hall, #41419MO
600 Washington Avenue, Suite 2500
St. Louis, Missouri 63101
Telephone: (314) 444-7600
Facsimile: (314) 612-7635

*Counsel for Arch Coal, Inc., Ark Land Company,
and Ark Land KH, Inc.*

Robin Land Company, LLC,
Plaintiff

Adv. Proc. No. 12-04355-kss

STB Ventures, Inc.,
Defendant

CERTIFICATE OF NOTICE

District/off: 0865-4

User: pott
Form ID: pdfol

Page 1 of 2
Total Noticed: 9

Date Rcvd: Feb 04, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 06, 2013.

aty	+Brian M. Resnick, Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, NY 10017-3982
aty	+Jeffrey S. Stein, GCG, Inc., 1985 Marcus Avenue, Suite 200, Lake Success, NY 11042-2029
aty	+John S Mairo, PORZIO, BROMBERG & NEWMAN, P.C., 100 Southgate Parkway, Morristown, NJ 07960-6465
aty	+Jonathan D Martin, Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, NY 10017-3982
aty	+Sean A. O'Neal, One Liberty Plaza, New York, NY 10006-1404
aty	+Timothy E. Graulich, Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, NY 10017-3982
ust	+Office of U.S. Trustee, 111 South Tenth Street, Suite 6353, St. Louis, MO 63102-1125
ust	+Paul A. Randolph, Office of U.S. Trustee, 111 S. 10th St., Ste. 6353, St. Louis, MO 63102-1125
op	+Gcg, Inc. A/K/A The Garden City Group, Inc., 1985 Marcus Ave, Lake Success, NY 11042-2008

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

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

pla Robin Land Company, LLC, 450 Lexington Ave, New York

TOTALS: 1, * 0, ## 0

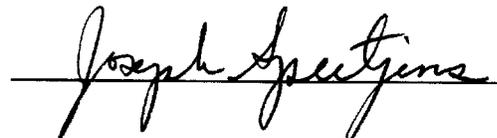
Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

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: Feb 06, 2013

Signature:



District/off: 0865-4

User: pott
Form ID: pdfol

Page 2 of 2
Total Noticed: 9

Date Rcvd: Feb 04, 2013

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 4, 2013 at the address(es) listed below:

Catherine C Whittaker on behalf of Defendant STB Ventures, Inc. cwhittaker@shb.com
John J. Hall on behalf of Intervenor-Defendant Arch Coal, Inc. jhall@lewisrice.com
Joseph G. Bunn on behalf of Defendant STB Ventures, Inc. jgbunn@efjones.com
Mark Moedritzer on behalf of Defendant STB Ventures, Inc. mmoedritzer@shb.com
Michelle M. McGreal on behalf of Plaintiff Robin Land Company, LLC
bankruptcy.routing@davispolk.com
Todd W. Ruskamp on behalf of Defendant STB Ventures, Inc. truskamp@shb.com,
dnunn@shb.com;cwhittaker@shb.com;mmoedritzer@shb.com

TOTAL: 6