

**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 and
HERITAGE COAL COMPANY,**

Plaintiffs,

v.

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

Defendants.

**Adversary Proceeding
No. 13-04067-659**

#14

**ORDER GRANTING DEFENDANTS' MOTION FOR LEAVE TO
FILE UNDER SEAL CERTAIN EXHIBITS TO THE DECLARATION
OF MATTHEW C. CORCORAN IN SUPPORT OF DEFENDANTS'
RESPONSE TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

This matter came before the Court on Defendants Peabody Holding Company, LLC and Peabody Energy Corporation's (collectively, "Peabody") Motion for Leave to File Under Seal Certain Exhibits to the Declaration of Matthew C. Corcoran in Support of Defendants' Response to Plaintiffs' Motion for Summary Judgment (the "Motion"); the Court having reviewed the Motion; and the Court having determined after due deliberation that the Motion establishes just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. Peabody may file under seal confidential drafts of the NBCWA Individual Employer Plan Liabilities Assumption Agreement and certain comments Patriot Coal Corporation made to one of those drafts as Exhibits A and B (the "Confidential Exhibits") to the Declaration of Matthew C. Corcoran in Support of Defendants' Response to Plaintiffs' Motion for Summary Judgment; and

2. Pursuant to Federal Rule of Evidence 502(d), Peabody's filing of the Confidential Exhibits under seal shall not constitute a waiver of any applicable privilege or protection.


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: April 24, 2013
St. Louis, Missouri
jjh

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