

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Apr 17, 2013

Kathy A. Surratt - States
KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.¹

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

Re: ECF No. 3494

**MOTION OF THE DEBTORS AND THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS FOR LEAVE TO EXCEED THE PAGE
LIMITATION IN THEIR MOTION FOR LEAVE TO CONDUCT
DISCOVERY OF PEABODY ENERGY CORPORATION PURSUANT TO RULE 2004**

Patriot Coal Corporation (“**Patriot**”) and its affiliated debtors (collectively, the “**Debtors**”) and the Official Committee of Unsecured Creditors of Patriot Coal Corporation (the “**Committee**,” and, together with the Debtors, the “**Movants**”), by and through their undersigned attorneys, hereby submit this motion for an Order pursuant to Local Bankruptcy Rule 9004(C) granting the Movants leave to exceed the Court’s page limitation in the Motion of the Debtors and the Official Committee of Unsecured Creditors for Leave to Conduct Discovery of Peabody Energy Corporation Pursuant to Rule 2004 [ECF No. 3494] (the “**Motion**”). In support of this motion, the Movants state as follows:

1. The Movants are seeking discovery pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure from Patriot’s former parent company, Peabody Energy Corporation (“**Peabody**”). The transaction by which Patriot was spun off from Peabody was complicated and highly structured, involving dozens of people over several years. Accordingly, as they are

¹ The Debtors are the entities listed on Schedule 1 attached to the Motion (as defined herein). The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors’ chapter 11 petitions.

entitled to under Rule 2004, the Movants are seeking discovery from Peabody in order to assess the viability of potential causes of action relating to the transaction.

2. The Movants and Peabody have already engaged in numerous meet-and-confer sessions over the course of approximately three months to attempt to agree on the scope of discovery. Despite the Movants' best efforts and numerous concessions, the parties have been unable to reach a mutually agreeable compromise on all issues.

3. In their Motion, the Movants have made every effort to comply with the applicable page limitation. However, given the need to provide the Court adequate background on both the relationship between Patriot and Peabody and the weeks of meet-and-confer sessions, the Movants are unable to adequately explain the limitations in Peabody's offered discovery in fifteen pages.

4. The Movants respectfully request leave to exceed the Court's page limitation by 4 pages.

WHEREFORE, for the foregoing reasons, the Movants respectfully request leave to exceed the applicable page limitation by 4 pages in their Motion, and for such other relief as the Court deems just and proper.

Dated: New York, New York
April 2, 2013

Respectfully Submitted,

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