

DENIED  
MOOT

Apr 24, 2013

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

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)

Objection Deadline:

April 19, 2013 at 4:00 p.m. (prevailing  
Central Time)

Proposed Hearing Date  
(if necessary):

April 23, 2013 at 10:00 a.m.  
(prevailing Central Time)

Re: ECF No. 3682

**MOTION TO EXPEDITE DEBTORS' MOTION TO (i) COMPEL  
AURELIUS CAPITAL MANAGEMENT, LP, KNIGHTHEAD CAPITAL  
MANAGEMENT, LLC AND THEIR COUNSEL TO COMPLY WITH  
BANKRUPTCY RULE 2019 AND (ii) PROHIBIT FURTHER PARTICIPATION  
IN THESE CASES BY AURELIUS CAPITAL MANAGEMENT, LP,  
KNIGHTHEAD CAPITAL MANAGEMENT, LLC AND THEIR COUNSEL  
PENDING COMPLIANCE WITH BANKRUPTCY RULE 2019**

Patriot Coal Corporation and its affiliated debtors respectfully move, pursuant to Rule 9013-2(A) of the Local Rules of the Bankruptcy Court for the Eastern District of Missouri (the "**Local Rules**"), for an order expediting the Debtors' Motion to (i) Compel Aurelius Capital Management, LP, Knighthead Capital Management, LLC and their Counsel to Comply with Bankruptcy Rule 2019 and (ii) Prohibit Further Participation in these Cases by Aurelius Capital Management, LP, Knighthead Capital Management,

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<sup>1</sup> The Debtors are the entities listed on Schedule 1 attached hereto. The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors' chapter 11 petitions.

LLC and their Counsel Pending Compliance With Bankruptcy Rule 2019 (the “**Rule 2019 Motion**”)<sup>2</sup> [ECF No. 3682] and scheduling the Rule 2019 Motion for hearing at the Debtors’ April status hearing on April 23, 2013 at 10:00 a.m. (Central Time).

Additionally, the Debtors respectfully seek a waiver of paragraph 12(a) of the Court’s Order Establishing Certain Notice, Case Management and Administrative Procedures [ECF No. 3361] (the “**Case Management Order**”) with respect to the Rule 2019 Motion, thereby allowing the Rule 2019 Motion to be heard on less than 21-days’ notice.

### **BACKGROUND AND JURISDICTION**

1. On July 9, 2012 (the “**Petition Date**”), each Debtor commenced a voluntary case under chapter 11 of the Bankruptcy Code. The Debtors are authorized to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. The Debtors’ cases are being jointly administered pursuant to Bankruptcy Rule 1015(b) and the Joint Administration Order entered on July 10, 2012 [ECF No. 30].

2. On March 28, 2013, the Noteholder Group, an informal group of creditors that holds (according to the Noteholder Group) a substantial amount of Patriot’s 3.25% Convertible Senior Notes due 2013 and 8.25% Senior Notes due 2018, filed the Motion of Aurelius Capital Management, LP, and Knighthead Capital Management, LLC, for Entry of an Order, Pursuant to 11 U.S.C. §§ 105(a) and 1104(a), Directing the Appointment of a Chapter 11 Trustee [ECF No. 3423] (the “**Trustee Motion**”). On April 12, 2013, the Noteholder Group filed the Noteholders’ Objection to Motion to Reject

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<sup>2</sup> Unless otherwise defined herein, each capitalized term shall have the meaning ascribed to such term in the Rule 2019 Motion.

Collective-Bargaining Agreements and to Modify Retiree Benefits Pursuant to 11 U.S.C. §§ 1113 and 1114 [ECF No. 3608] (the “**1113/1114 Objection**”). Aside from the very basic facts contained in these pleadings, very little is definitively known about the Noteholder Group – largely because they and their counsel have not complied with the mandatory disclosure requirements of Bankruptcy Rule 2019.

3. Today, April 16, 2013, the Debtors filed an objection to the Trustee Motion [ECF No. 3675.

4. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b) and may be heard and determined by this Court. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

#### **BASIS FOR RELIEF**

5. Rule 9013-2(A) of the Local Rules provides that an emergency or expedited hearing may be granted upon a movant’s “written motion, setting forth the reason the matter should be heard on an expedited or emergency” basis.

6. The Rule 2019 Motion simply requests that the Court compel the Noteholder Group to comply with the disclosure requirements of Bankruptcy Rule 2019 so that the Court, the United States Trustee, the Debtors, the official committee of unsecured creditors, and other parties in interest may be able to fully and accurately evaluate the actions and intentions of the Noteholder Group. Such information should be readily available to the Noteholder Group and filed with this Court pursuant to Bankruptcy Rule 2019. Delaying consideration of the Rule 2019 Motion beyond April 23, 2013 would allow the Noteholder Group to be heard with respect to the Trustee Motion, which seeks an extraordinary remedy, and any further delay beyond April 29,

2013 would allow the Court to consider the 1113/1114 Objection, all without obligating the Noteholder Group to provide the required information. The sanctions for non-compliance with Bankruptcy Rule 2019 allow the Court to, among other things, “refuse to permit the . . . group . . . to be heard or to intervene in the case.”

**NOTICE**

7. Consistent with the Case Management Order, the Debtors will serve notice of this motion on the Core Parties. All parties who have requested electronic notice of filings in these cases through the Court’s ECF system will automatically receive notice of this motion through the ECF system no later than the day after its filing with the Court. A copy of this motion and any order approving it will also be made available on the Debtors’ Case Information Website (located at *www.patriotcaseinfo.com*).

WHEREFORE the Debtors respectfully request that the Court enter an order scheduling the Rule 2019 Motion for hearing on an expedited basis at the Debtors’ April status hearing scheduled for April 23, 2013 at 10:00 a.m. (prevailing Central Time).

Dated: April 16, 2013  
New York, New York

Respectfully submitted,

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**SCHEDULE 1**  
(Debtor Entities)

1. 1 Affinity Mining Company
2. 2 Apogee Coal Company, LLC
3. Appalachia Mine Services, LLC
4. Beaver Dam Coal Company, LLC
5. Big Eagle, LLC
6. Big Eagle Rail, LLC
7. Black Stallion Coal Company, LLC
8. Black Walnut Coal Company
9. Bluegrass Mine Services, LLC
10. Brook Trout Coal, LLC
11. Catenary Coal Company, LLC
12. Central States Coal Reserves of Kentucky, LLC
13. Charles Coal Company, LLC
14. Cleaton Coal Company
15. Coal Clean LLC
16. Coal Properties, LLC
17. Coal Reserve Holding Limited Liability Company No. 2
18. Colony Bay Coal Company
19. Cook Mountain Coal Company, LLC
20. Corydon Resources LLC
21. Coventry Mining Services, LLC
22. Coyote Coal Company LLC
23. Cub Branch Coal Company LLC
24. Dakota LLC
25. Day LLC
26. Dixon Mining Company, LLC
27. Dodge Hill Holding JV, LLC
28. Dodge Hill Mining Company, LLC
29. Dodge Hill of Kentucky, LLC
30. EACC Camps, Inc.
31. Eastern Associated Coal, LLC
32. Eastern Coal Company, LLC
33. Eastern Royalty, LLC
34. Emerald Processing, L.L.C.
35. Gateway Eagle Coal Company, LLC
36. Grand Eagle Mining, LLC
37. Heritage Coal Company LLC
38. Highland Mining Company, LLC
39. Hillside Mining Company
40. Hobet Mining, LLC
41. Indian Hill Company LLC
42. Infinity Coal Sales, LLC
43. Interior Holdings, LLC
44. IO Coal LLC
45. Jarrell's Branch Coal Company
46. Jupiter Holdings LLC
47. Kanawha Eagle Coal, LLC
48. Kanawha River Ventures I, LLC
49. Kanawha River Ventures II, LLC
50. Kanawha River Ventures III, LLC
51. KE Ventures, LLC
52. Little Creek LLC
53. Logan Fork Coal Company
54. Magnum Coal Company LLC
55. Magnum Coal Sales LLC
56. Martinka Coal Company, LLC
57. Midland Trail Energy LLC
58. Midwest Coal Resources II, LLC
59. Mountain View Coal Company, LLC
60. New Trout Coal Holdings II, LLC
61. Newtown Energy, Inc.
62. North Page Coal Corp.
63. Ohio County Coal Company, LLC
64. Panther LLC
65. Patriot Beaver Dam Holdings, LLC
66. Patriot Coal Company, L.P.
67. Patriot Coal Corporation
68. Patriot Coal Sales LLC
69. Patriot Coal Services LLC
70. Patriot Leasing Company LLC
71. Patriot Midwest Holdings, LLC
72. Patriot Reserve Holdings, LLC
73. Patriot Trading LLC
74. PCX Enterprises, Inc.
75. Pine Ridge Coal Company, LLC
76. Pond Creek Land Resources, LLC
77. Pond Fork Processing LLC
78. Remington Holdings LLC
79. Remington II LLC
80. Remington LLC
81. Rivers Edge Mining, Inc.
82. Robin Land Company, LLC
83. Sentry Mining, LLC
84. Snowberry Land Company
85. Speed Mining LLC
86. Sterling Smokeless Coal Company, LLC
87. TC Sales Company, LLC
88. The Presidents Energy Company LLC
89. Thunderhill Coal LLC
90. Trout Coal Holdings, LLC
91. Union County Coal Co., LLC
92. Viper LLC
93. Weatherby Processing LLC
94. Wildcat Energy LLC
95. Wildcat, LLC
96. Will Scarlet Properties LLC
97. Winchester LLC
98. Winifrede Dock Limited Liability Company
99. Yankeetown Dock, LLC