

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:

PATRIOT COAL CORPORATION, *et. al.*,

Debtors.

Case No. 12-51502
(Jointly Administered)

Chapter 11

**APPELLANT'S ELECTION THAT APPEAL BE HEARD BY THE
UNITED STATES DISTRICT COURT**

Appellant, The Ohio Valley Coal Company and The Ohio Valley Transloading Company, hereby elects, pursuant to 28 U.S.C. § 158(c)(1)(A), to have its appeal from the Memorandum and Order on Motion to Reject Collective Bargaining Agreements and to Modify Retiree Benefits Pursuant to 11 U.S.C. §§ 1113, 1114 of the Bankruptcy Code (the "Order Granting the Motion to Reject") entered by the Honorable Kathy A. Surratt-States on May 29, 2013 [Docket No. 4081], and all rulings rendered appealable thereby, heard by the United States District Court for the Eastern District of Missouri.

Dated: June 11, 2013

/s/ Bonnie L. Clair

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