

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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<i>In re</i>	:	Chapter 11
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Patriot Coal Corporation, <i>et al.</i> ,	:	Case No. 12-51502-659
	:	
Debtors.	:	(Jointly Administered)
	:	
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	:	
Robin Land Company, LLC,	:	
	:	
Plaintiff,	:	
	:	Adv. Proc. No. 12-04355-659
v.	:	
	:	Response Due: March 19, 2013
STB Ventures, Inc., <i>et al.</i> ,	:	Hearing Date: March 19, 2013
	:	Hearing Time: 10:00 a.m.
Defendant.	:	Location: Courtroom 7-North
	:	
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**MOTION TO EXPEDITE HEARING ON EMERGENCY MOTION OF
ARCH COAL, INC., ARK LAND COMPANY AND ARK LAND KH, INC.
TO DISMISS PLAINTIFF’S MOTION FOR JUDGMENT ON THE
PLEADINGS AS PREMATURE AND IN VIOLATION OF FEDERAL
RULE 12 (C) AS THE PLEADINGS ARE NOT CLOSED**

Defendants Arch Coal, Inc., Ark Land Company and Ark Land KH, Inc. (collectively, “Arch”), by and through their attorneys Cleary Gottlieb Steen & Hamilton LLP and Lewis Rice & Fingersh, L.C., respectfully request an expedited hearing on Arch’s Emergency Motion to Dismiss Plaintiff’s Motion for Judgment on the Pleadings as Premature and in Violation of Federal Rule of Civil Procedure 12(c) As the Pleadings Are Not Closed (the “Motion to

Dismiss,” filed concurrently herewith and incorporated herein by reference). In support, Arch states as follows.

1. For the reasons set forth in the Motion to Dismiss, Arch has demonstrated “cause” under Bankruptcy Rule 9006(c) and expedited relief is appropriate pursuant to L.R. 9013-2 A.

2. In particular, Plaintiff Robin Land Company, LLC (“Debtor”) has filed a premature “Motion for Judgment on the Pleadings and Motion to Dismiss Defendants’ Counterclaims” (the “Motion for Judgment on the Pleadings”) prior to the close of the pleadings, in violation of Federal Rule 12(c). Although filed prematurely and prior to the close of the pleadings, Debtor nevertheless has noticed its motion for hearing on April 23, 2013, including a stated response date of March 25, 2013.

3. As explained more fully in Arch’s Motion to Dismiss, given the purported March 25, 2013 response date to the Motion for Judgment on the Pleadings, Arch necessarily is seeking an expedited hearing on its Motion to Dismiss. Arch’s Motion to Dismiss includes a request for an emergency stay of its obligation to respond to Debtor’s Motion for Judgment on the Pleadings.

4. With pleadings still open in this case, requiring Arch to respond to Debtor under the schedule as currently stated by Debtor would be prejudicial to Arch, as further explained in the Motion to Dismiss.

5. Counsel for Arch sought the Debtor’s consent to proceed with the Motion to Dismiss on an expedited basis as requested herein, and the Debtor did not give such consent.

WHEREFORE, for the foregoing reasons, and for the reasons stated in Arch's Motion to Dismiss, Arch respectfully requests that its Motion to Dismiss be heard at the upcoming omnibus hearing in these jointly administered chapter 11 cases scheduled for March 19, 2013 at 10:00 a.m. C.S.T., and for such other and further relief as is just and proper.

Dated: New York, New York
March 15, 2013

Respectfully submitted,

CLEARY GOTTlieb STEEN & HAMILTON LLP

By /s/Avram E. Luft

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