

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re

PATRIOT COAL CORPORATION, *et al.*,

Debtors.¹

Chapter 11

Case No. 12-51502-659

(Jointly Administered)

Objection Deadline:

September 18, 2013 at 4:00 p.m.

(prevailing Central Time)

Proposed Hearing Date:

September 24, 2013 at 10:00 a.m.

(prevailing Central Time)

MOTION TO EXPEDITE CERTAIN DEBTORS' MOTION FOR ENTRY OF AN ORDER PURSUANT TO 11 U.S.C. §§ 363(b) AND 105(a) AND FED. R. BANKR. P. 9019(a) APPROVING THE SETTLEMENT WITH THE ACE COMPANIES

Patriot Coal Corporation, Heritage Coal Company LLC and Pine Ridge Coal Company, LLC (collectively, the "**Plaintiff Debtors**"), by and through their undersigned counsel, 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 Plaintiff Debtors' Motion for Entry of an Order Pursuant to 11 U.S.C. §§ 363(b) and 105(a) and Fed. R. Bankr. P. 9019(A) Approving the Settlement with the ACE Companies (the "**Motion**")² and scheduling the Motion for hearing at the Debtors' next scheduled status hearing on September 24, 2013 at 10:00 a.m. (Central Time).

¹ 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.

² Unless otherwise defined herein, each capitalized term shall have the meaning ascribed to such term in the Motion.

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 Motion, thereby allowing the 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 title 11 of the United States Code (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 Rule 1015(b) of the Federal Rules of Bankruptcy Procedure and the Joint Administration Order entered on July 10, 2012 [ECF No. 30].

2. By the Motion, the Plaintiff Debtors seek approval of a settlement agreement entered into on September 10, 2013 between the Plaintiff Debtors and the ACE Companies (the "**Settlement**").

3. 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

4. Local Rule 9013-2(A) 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. The Settlement consensually resolves the Boone County Insurance Coverage Action and avoids the risk and expense

of further litigation in the Boone County Insurance Coverage Action.. Moreover, the Settlement provides for a payment of \$1,250,000 (the “**Settlement Payment**”) to the Plaintiff Debtors for the benefit of their estates. The Parties have engaged in extensive litigation and negotiation over many months during the course of the Boone Country Insurance Coverage Action. Due to ongoing negotiations in respect of the Settlement, the Parties were not able to file the Motion until today. Delaying consideration of the Motion beyond September 24, 2013 would further delay the timing of the Settlement Payment, which provides a material benefit to the Plaintiff Debtors and their stakeholders.

5. The Debtors submit that no party in interest in these cases will be prejudiced by shortening the otherwise applicable notice period. Under the scheduling proposed by the Plaintiff Debtors, parties will be given eight days to file objections to the Motion. Accordingly, cause exists to grant the expedited relief requested herein.

NOTICE

6. Consistent with the Case Management Order, the Debtors will serve notice of this motion on the Core Parties and the ACE Companies. 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 Motion for hearing on an expedited basis at the Debtors’ next status hearing scheduled for September 24, 2013 at 10:00 a.m. (prevailing Central Time).

Dated: September 10, 2013
New York, New York

Respectfully submitted,

DAVIS POLK & WARDWELL LLP

/s/ Michelle M. McGreal

Marshall S. Huebner

Brian M. Resnick

Michelle M. McGreal

450 Lexington Avenue

New York, New York 10017

Telephone: (212) 450-4000

Facsimile: (212) 607-7983

*Counsel to the Debtors
and Debtors in Possession*

-and-

BRYAN CAVE LLP

Lloyd A. Palans, #22650MO

Brian C. Walsh, #58091MO

Laura Uberti Hughes, #60732MO

One Metropolitan Square

211 N. Broadway, Suite 3600

St. Louis, Missouri 63102

Telephone: (314) 259-2000

Facsimile: (314) 259-2020

*Local Counsel to the Debtors
and Debtors in Possession*

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