

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:**

**September 18, 2013 at 4:00 p.m.**  
**(prevailing Central Time)**

**Proposed Hearing Date:**

**September 24, 2013 at 10 a.m.**  
**(prevailing Central Time)**

**MOTION FOR EXPEDITED HEARING ON APPLICATION AND MOTION  
FOR ENTRY OF STIPULATED ORDER AUTHORIZING THE OFFICIAL  
COMMITTEE OF UNSECURED CREDITORS TO RETAIN H5  
AS ORDINARY COURSE PROFESSIONALS**

The Official Committee of Unsecured Creditors of Patriot Coal Corporation (the “**Committee**”), by and through its undersigned counsel, respectfully moves, pursuant to Rule 9013-2(A) of the Local Rule of the Bankruptcy Court for the Eastern District of Missouri (the “**Local Rules**”), for an order expediting the Application and Motion For Entry of Stipulated Order Authorizing the Official Committee of Unsecured Creditors to Retain H5 as Ordinary Course Professionals (the “**Motion**”) and scheduling the Motion for hearing at the omnibus hearing scheduled for September 24, 2013 at 10:00 a.m. (Central Time). Additionally, the Committee respectfully seeks a waiver of paragraphs 12(a) and 13 of the Court’s Order Establishing Certain Notice, Case

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

Management and Administrative Procedures [Dkt. No. 3361] (the “**Case Management Order**”) with respect to the Motion, thereby allowing the Motion to be heard on less than 21-days’ notice and the objection deadline to be six rather than seven days before the proposed hearing.

### **JURISDICTION**

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper pursuant to 28 U.S.C. §§ 1408, 1409, and 1412.

### **BASIS FOR RELIEF**

2. By the Motion, the Committee seeks authority to retain H5 as expert search and data management consultants, and for such retention to be subject to the terms applied to “Ordinary Course Professionals” retained by the Debtors under the Order Authorizing the Debtors to Employ Ordinary Course Professionals, *Nunc Pro Tunc* to the Petition Date [Dkt. No. 263].

3. Local Rule 9013-2(A) provides that an expedited hearing may be granted upon a motion setting forth the reason the matter should be heard on an expedited or emergency basis.

4. As the Court is aware, the Debtors and the Committee have sought discovery from Peabody Energy Corporation (“**Peabody**”) pursuant to their investigation of potential claims. Peabody only recently disclosed that it is reviewing 416,145 electronic documents, totaling in excess of four million pages, for potential production to the Fiduciaries. *See* Obj. at 15 [Dkt. No. 4590]. As a result, the Committee has determined to retain H5 to provide expert search and data management services. It is the Committee’s goal to have those services in place when the forthcoming production is received, so that they may immediately

utilized. Postponing consideration of H5's retention beyond September 24, 2013 may impede the Committee's access H5's services at the appropriate time. This potential delay would hinder the efficient progress of the Fiduciaries' investigation and thereby undermine the value of H5's retention and, importantly.

5. The Committee submits that no party in interest will be prejudiced by shortening the otherwise applicable notice period. As the Stipulation reflects, the Debtors have agreed to the retention of H5 and the Office of the United States Trustee does not object. Other parties in interest will be given one week to file an objection to the Motion. Accordingly, cause exists to grant the relief requested herein.

#### **NOTICE**

6. The Committee will serve notice of this motion on the Core Parties as set forth in the Case Management Order. Parties who have requested electronic notice of filings through the Court's ECF system will automatically receive notice of the Motion no later the day after its filing. A copy of the Motion and any order approving it will also be made available on the Debtors' Case Information Website (located at [www.patriotcaseinfo.com](http://www.patriotcaseinfo.com)).

#### **CONCLUSION**

For the foregoing reasons, the Committee respectfully requests that the Court schedule the Motion for hearing on an expedited basis at the hearing scheduled for September 24, 2013 at 10:00 a.m. (prevailing Central Time).

*[Signature page follows]*

Dated: September 11, 2013

Respectfully Submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP

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Unsecured Creditors*

SCHEDULE 1  
(Debtor Entities)

1. Affinity Mining Company
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 IV, 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