

SO ORDERED

Sep 26, 2013

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

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE 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)

In re:

BRODY MINING, LLC,

Debtor.

Case No. 13-48727-659

(Joint Administration Proposed)

In re:

PATRIOT VENTURES LLC,

Debtor.

Case No. 13-48728-659

(Joint Administration Proposed)

Hearing Date: September 26, 2013

Hearing Time: 2:00 p.m. Central

Location: Courtroom 7-North

**MOTION FOR EMERGENCY HEARING ON FIRST-DAY MOTIONS**

NOW COME Patriot Coal Corporation and its subsidiaries that are debtors and debtors in possession in these proceedings (collectively, the “**Initial Debtors**”), and Brody Mining, LLC and Patriot Ventures LLC (together, the “**New Debtors**”, and with the Initial Debtors, the “**Debtors**”), and respectfully request that the Court enter an order scheduling an emergency

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

hearing on each of its First-Day Motions, as defined below, pursuant to Local Rule 9013-2(A).

In support of this Motion, the Debtors show the Court as follows:

**Relief Requested**

1. By this Motion, the Debtors respectfully request that this Court set a hearing on September 26, 2013 at 2:00 p.m. Central time, or at its earliest convenience thereafter, on the following motions that have been filed in connection with the commencement of the New Debtors' Chapter 11 cases (together, the "**First-Day Motions**"):

- (a) Motion of the Debtors for Entry of an Order (i) Directing Joint Administration of Chapter 11 Cases Pursuant to Rule 1015(b); (ii) Making Certain Orders and Other Pleadings Entered or Filed in Chapter 11 Cases Applicable to New Debtors, on an Interim Basis, Pursuant to Section 105(a); and (iii) Setting a Hearing for Entry of Final Relief; and
- (b) Motion to Establish Deadline for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof.

**Jurisdiction and Background**

2. This Court has jurisdiction over this Motion under 28 U.S.C. § 1334. Venue of this proceeding is proper pursuant to 28 U.S.C. § 1409. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

3. On July 9, 2012 (the "**Initial Petition Date**"), each of the Initial Debtors commenced a voluntary case under chapter 11 of title 11 of the United States Code (the "**Bankruptcy Code**") in the United States Bankruptcy Court for the Southern District of New

York. On December 19, 2012, the SDNY Bankruptcy Court entered an order transferring the Initial Debtors' chapter 11 cases to this Court (the "**Transfer Order**") [ECF No. 1789].<sup>2</sup> Subsequently, each of the New Debtors commenced its chapter 11 case by filing petitions for voluntary relief with this Court on September 23, 2013 (the "**New Debtors' Petition Date**").

### **Basis for Relief**

4. Local Rule 9013-2(A) provides that an emergency hearing—one occurring within 14 days of the filing of a motion—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 Local Rules also recognize the need for an expedited hearing on first-day matters, instructing that such motions are typically heard within 48 hours of a filing. L.R. 9013-3(A)(1).

5. The First-Day Motions are essential to allowing the New Debtors to maintain continuity in their business operations and to aiding the efficient administration of the New Debtors' cases with the Initial Debtors' cases by ensuring appropriate procedures tailored to these cases and extending the relief provided in the Initial Debtors' first-day orders to the New Debtors.

6. The New Debtors therefore request that the Court permit the First-Day Motions to be heard on September 26, 2013 at 2:00 p.m. Central time, or at the earliest available date thereafter.

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<sup>2</sup> Pursuant to the Transfer Order, all orders previously entered in these chapter 11 cases remain in full force and effect in accordance with their terms notwithstanding the transfer of venue.

**Notice**

7. Pursuant to the Case Management Order, the Debtors will serve notice of this Motion on (a) the Core Parties and (b) the Non-ECF Service Parties (as those terms are defined in the Case Management Order). In addition, 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 no later than the day after its filing with the Court. Moreover, a copy of this Motion and any Order approving it will be made available on the Debtors' Case Information Website (located at *www.PatriotCaseInformation.com*). In light of the nature of the relief requested herein, the Debtors submit that no other or further notice need be provided.

WHEREFORE, the New Debtors respectfully request that this Court:

- (a) enter an order setting an emergency hearing on each of the First-Day Motions;  
and
- (b) grant the Debtors such other and further relief as is just and proper.

Dated: September 23, 2013.  
St. Louis, Missouri

Respectfully submitted,

BRYAN CAVE LLP

/s/ Laura Uberti Hughes

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**SCHEDULE 1**  
(Debtor Entities)

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