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Financial Services Corporation and  
Caterpillar Global Mining LLC*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re	: Chapter 11
	:
PATRIOT COAL CORPORATION, <i>et al.</i> ,	: Case No. 12-12900 (SCC)
	:
Debtors.	: (Jointly Administered)
	:
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	: <b>Hearing Date: September 11, 2012 at 1:30 p.m.</b>
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	: <b>Objection Deadline: August 27, 2012 at 11:59 p.m.</b>
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	: <b>Objection Joinder/Reply Deadline: August 31,</b>
	: <b>2012 at 11:59 p.m.</b>
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**JOINDER OF CATERPILLAR INC., CATERPILLAR FINANCIAL  
SERVICES CORPORATION AND CATERPILLAR GLOBAL MINING LLC  
TO THE OPPOSITIONS OF THE DEBTORS, THE CREDITORS COMMITTEE,  
AND THE FIRST OUT DIP LENDERS TO THE MOTIONS TO TRANSFER VENUE  
FILED BY (i) THE UNITED MINE WORKERS OF AMERICA,  
(ii) CERTAIN SURETIES AND (iii) THE UNITED STATES TRUSTEE**

TO: THE HONORABLE SHELLEY C. CHAPMAN  
UNITED STATES BANKRUPTCY JUDGE

Caterpillar Inc., Caterpillar Financial Services Corporation and Caterpillar Global Mining LLC (collectively, the "CAT Creditors"), hereby support, adopt and join in the Debtors' Memorandum of Law in Opposition [Dkt No. 425]; the Objection of the Official Committee of Unsecured Creditors [Dkt No. 424]; the Objection of the First Out DIP Agent [Dkt. No. 427] (collectively, the "Oppositions") to (i) the Motion of the United Mine Workers of America to Transfer the Case to the Southern District of West Virginia [Dkt No. 116, 127] (the "UMWA Motion"), (ii) the Sureties' Motion to Transfer Jointly Administered Cases to Southern District of West Virginia [Dkt. No. 287] (the "Sureties' Motion"), and (iii) the United States Trustee's Motion, Pursuant to 28 U.S.C. § 1412 and Fed. R. Bankr. P. 1014(a)(1), to Transfer Venue of These Cases [Dkt. No. 406] (together with the UMWA Motion and the Sureties' Motion, and together with all joinders thereto, the "Motions").

### **JOINDER**

1. The CAT Creditors are parties in interest in the above-captioned cases pursuant to their status as creditors, equipment lessors and/or an issuer of certain letters of credit (now rolled up into the DIP facility). The CAT Creditors have significant claims and have been identified by the Debtors as among both the largest secured and the largest unsecured creditors.

2. For all of the reasons stated in the Oppositions, both the interests of justice and the convenience of the parties warrant against a transfer of venue to the Southern District of West Virginia and in favor of maintaining venue in the Southern District of New York.

3. For the CAT Creditors in particular, the Southern District of New York is considerably more convenient than the Southern District of West Virginia would be.

4. The Oppositions set forth ample reasons why the Movants have not sustained

their burden and the Motions should be denied. Consequently, the CAT Creditors fully support, adopt and join in the Oppositions, which are incorporated by reference.

WHEREFORE, for the reasons set forth in the Oppositions, Caterpillar Inc., Caterpillar Financial Services Corporation and Caterpillar Global Mining LLC respectfully request that this Court deny the Motions.

DATED: New York, New York  
August 31, 2012

BUCHANAN INGERSOLL & ROONEY PC

By:           /s/ Kristi A. Davidson            
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**CERTIFICATE OF SERVICE OF JOINDER OF CATERPILLAR INC.,  
CATERPILLAR FINANCIAL SERVICES CORPORATION AND CATERPILLAR  
GLOBAL MINING LLC TO THE OPPOSITIONS OF THE DEBTORS, THE  
CREDITORS COMMITTEE, AND THE FIRST OUT DIP LENDERS TO THE  
MOTIONS TO TRANSFER VENUE FILED BY (i) THE UNITED MINE WORKERS OF  
AMERICA, (ii) CERTAIN SURETIES AND (iii) THE UNITED STATES TRUSTEE**



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