

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**In re:**

**PATRIOT COAL CORPORATION, *et al.*,**

**Debtors.**

**Chapter 11**

**Case No. 12-51502-659**

**(Jointly Administered)**

Hearing Date: January 28, 2014

Hearing Time: 10:00 a.m. Central

Location: Courtroom 7-N, St. Louis

**REORGANIZED DEBTORS' TWENTY-FIFTH OMNIBUS OBJECTION TO CLAIMS**  
**(No Liability Claims)**

Patriot Coal Corporation and its affiliated debtors (the "Reorganized Debtors"), pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007, respectfully file this Twenty-Fifth Omnibus Objection to Claims (the "Objection"). In support of this Objection, the Reorganized Debtors show the Court as follows:

**Relief Requested**

1. By this Objection, the Reorganized Debtors object to certain claims listed on Exhibits A and B attached hereto (the "Claims") because the Reorganized Debtors do not have any liability to creditors on account of the Claims, as discussed below. The Reorganized Debtors request entry of an order, pursuant to Section 502 of the Bankruptcy Code and Fed. R. Bankr. P. 3007, disallowing the Claims.

2. **Parties receiving this Objection should locate their names on the attached exhibits.** Any response to this Objection should include, among other things, (i) an appropriate caption, including the title and date of this Objection; (ii) the name of the claimant, both the EDMO and GCG claim numbers of the claim that the Reorganized Debtors are seeking to

disallow, and a description of the basis for the amount claimed; (iii) a concise statement setting forth the reasons why the Court should not sustain this Objection, including, but not limited to, the specific factual and legal bases upon which the claimant relies in opposing this Objection; (iv) copies of any documentation and other evidence which the claimant will rely upon in opposing this Objection at a hearing; and (v) the name, address, telephone number and facsimile number of a person authorized to reconcile, settle or otherwise resolve the claim on the claimant's behalf. A claimant that cannot timely provide such documentation and other evidence should provide a detailed explanation as to why it is not possible to timely provide such documentation and other evidence.

### **Jurisdiction**

3. This Court has jurisdiction over this Objection 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).

4. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

### **Background**

5. Ninety-nine of the Reorganized Debtors filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code on July 9, 2012 in the United States Bankruptcy Court for the Southern District of New York.

6. On December 19, 2012, these Reorganized Debtors' cases were transferred to the United States Bankruptcy Court for the Eastern District of Missouri [Dkt. No. 1789].

7. The bar date for filing proofs of claim against these Reorganized Debtors was December 14, 2012 [Dkt. No. 1388].

8. On March 1, 2013, the Court entered its Order Establishing Procedures for Claims Objections [Dkt. No. 3021].

9. Reorganized Debtors Brody Mining, LLC and Patriot Ventures LLC filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code on September 23, 2013 in this Court. The bar date for filing proofs of claim against these Debtors was October 24, 2013.

10. On December 17, 2013, the Court confirmed the Debtors' Fourth Amended Plan of Reorganization (the "Plan") [Dkt. No. 5169]. The Effective Date occurred on December 18, 2013.

### **Objection and Argument**

11. The Reorganized Debtors object to the Claims identified on Exhibit A, incorporated herein by reference, because they are obligations of qualified benefit plans, not obligations of the Reorganized Debtors or their estates.<sup>1</sup>

12. The Reorganized Debtors and prior operators of certain of their mining operations, including Peabody Energy Corporation ("Peabody"), Arch Coal, Inc. ("Arch"), and their affiliates, have contributed over a period of decades to a number of qualified benefit plans (the "Plans"). Certain of the Plans are sponsored by the Reorganized Debtors, Peabody, or Arch, and others are affiliated with the United Mine Workers of America (the "UMWA"). Some are defined-contribution plans, such as those established under Section 401(k) of the Tax Code, and

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<sup>1</sup> Certain creditors listed on Exhibits A and B may be clients of one or more of the law firms representing the Reorganized Debtors. Any dispute regarding this Objection will be handled by attorneys for the Reorganized Debtors from a law firm that does not represent the applicable creditor.

others are defined-benefit plans, such as the UMWA 1974 Pension Trust. But in each case, the right of a beneficiary to receive a distribution from one of the Plans is a claim of the beneficiary against the applicable Plan. In other words, the Reorganized Debtors' only obligation (if any) is to contribute funds to the Plans, and the Reorganized Debtors have satisfied that obligation.

13. The Debtors have reviewed each of the Claims listed on Exhibit A. The obligation to make payments to the claimants is an obligation of one of the Plans, not an obligation of the Debtors. *See* Declaration of Robert L. Mead, attached hereto as Exhibit C.

14. In addition, the Reorganized Debtors object to the Claims listed on Exhibit B, incorporated herein by reference, because they do not establish any legal basis for liability by the Reorganized Debtors or otherwise include sufficient documentation to permit the Debtors to ascertain the validity of such Claims.

15. The Debtors have reviewed each of the Claims listed on Exhibit B in an effort to ascertain their validity. The Claims do not identify any valid claim against the Reorganized Debtors, nor do the documents attached to the Claims permit the Reorganized Debtors to determine the nature and basis of the Claim. *See* Declaration of Robert L. Mead, attached hereto as Exhibit C.

16. A proof of claim that is executed and filed in accordance with the Federal Rules of Bankruptcy Procedure ordinarily is prima facie evidence of the validity and amount of the claim. Fed. R. Bankr. P. 3001(f). Nevertheless, a proof of claim that, on its face, provides "absolutely no legal basis for liability by the Debtor" is appropriately disallowed. In re AFY, Inc., 463 B.R. 483 (B.A.P. 8th Cir. 2012). Because the Claims do not state cognizable claims against the Reorganized Debtors, nor do they include sufficient information to allow the

Reorganized Debtors to understand what the claimant might be seeking to recover, they should be disallowed.

WHEREFORE, the Reorganized Debtors respectfully request that this Court:

- (a) disallow the Claims; and
- (b) grant such other and further relief as is just and proper.

Dated: January 3, 2014  
St. Louis, Missouri

Respectfully submitted,  
BRYAN CAVE LLP

/s/ Laura Uberti Hughes  
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*Local Counsel to the Reorganized Debtors*

-and-

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*Counsel to the Reorganized Debtors*

## Exhibit A - No Liability Claims

**Omnibus Objection to Claims**

**Patriot Coal Corporation  
 12-51502 (KSS)**

Note: Claims on the exhibit are sorted in alphabetical order based on the creditor name as listed on proof of claim form.

SEQ NO.	CLAIM(S) TO BE DISALLOWED			
	NAME	GCG CLAIM NO.	ED MO CLAIM NO.	CLAIM AMOUNT
1	CONNIE J. ROBERTS & ENOS L. ROBERTS, ET AL P O BOX 73 ALKOL, WV 25501  Date Filed: 12/08/12 ED MO Date Filed: 02/27/13 Debtor: EASTERN ASSOCIATED COAL, LLC	1313	2586-1	Secured: Unliquidated Priority: Unliquidated
2	PAMELA P. CHAMNESS 410 MAIN STREET P O BOX 302 GRAND TOWER, IL 62942  Date Filed: 11/14/12 ED MO Date Filed: 02/25/13 Debtor: PATRIOT COAL SALES LLC	558	1293-1	Priority: Unliquidated
3	ROGER L. WYCISKALLA 4468 STATE HWY 154 SESSER, IL 62884  Date Filed: 11/13/12 ED MO Date Filed: 02/25/13 Debtor: PATRIOT COAL CORPORATION	540	1257-1	Priority: \$750,000.00

\* Denotes an unliquidated component.

## Exhibit B - No Liability Claims

**Omnibus Objection to Claims**

**Patriot Coal Corporation  
 12-51502 (KSS)**

Note: Claims on the exhibit are sorted in alphabetical order based on the creditor name as listed on proof of claim form.

SEQ NO.	CLAIM(S) TO BE DISALLOWED			
	NAME	GCG CLAIM NO.	ED MO CLAIM NO.	CLAIM AMOUNT
1	DELBERT AND JUDY NICHOLS C/O THE CALWELL PRACTICE PLLC 500 RANDOLPH STREET CHARLESTON, WV 25302  Date Filed: 12/14/12 ED MO Date Filed: 02/28/13 Debtor: EASTERN ASSOCIATED COAL, LLC	3174	3726-1	Unsecured: \$250,000.00
2	JAMES T. AND JULIA FOSTER C/O THE CALWELL PRACTICE PLLC 500 RANDOLPH STREET CHARLESTON, WV 25302  Date Filed: 12/14/12 ED MO Date Filed: 02/28/13 Debtor: EASTERN ASSOCIATED COAL, LLC	3175	3725-1	Unsecured: \$250,000.00

\* Denotes an unliquidated component.

**EXHIBIT C**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**In re:**

**PATRIOT COAL CORPORATION, *et al.*,**

**Debtors.**

**Chapter 11  
Case No. 12-51502-659  
(Jointly Administered)**

**DECLARATION OF ROBERT L. MEAD IN SUPPORT OF REORGANIZED  
DEBTORS' TWENTY-FIFTH OMNIBUS OBJECTION TO CLAIMS**

Robert L. Mead declares, pursuant to 28 U.S.C. § 1746, to the best of his knowledge and based upon the documents available to him, as follows:

1. I am Vice President & Treasurer of Patriot Coal Corporation.
2. I, or my colleagues, have reviewed each of the proofs of claim identified on Exhibits A and B to the Reorganized Debtors' Twenty-Fifth Omnibus Objection to Claims (the "Claims") in an effort to ascertain the validity of the Claims. I also have requested that legal issues underlying the Claims be reviewed by the Debtors' in-house counsel or bankruptcy counsel.
3. Each of the Claims listed on Exhibit A relates to one or more qualified benefit plan (collectively, the "Plans"). The right of a beneficiary to receive a distribution from one of the Plans is a claim of the beneficiary against the Plan; it is not an obligation of the Reorganized Debtors or their bankruptcy estates.



4. The Claims listed on Exhibit B do not identify any valid legal basis for liability by the Reorganized Debtors. The documents attached to the Claims, if any, also do not permit the Reorganized Debtors to ascertain the nature and validity of the Claims.

5. The facts set forth in this Declaration are based on my firsthand knowledge as the person responsible for overseeing the Reorganized Debtors' claims reconciliation process, as well as on information provided to me by other employees of the Reorganized Debtors involved in the claims reconciliation process.

6. I declare under penalty of perjury that the foregoing is true and correct. Executed on January 2, 2014.

/s/ Robert L. Mead

Robert L. Mead