

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re: :
: **Chapter 11**
PATRIOT COAL CORPORATION, et al. :
: **Case No. 12-51502**
Debtors.¹ : **(Jointly Administered)**
: **Judge Kathy Surratt-States**
:

**STATE OF OHIO, OHIO DEPARTMENT OF NATURAL RESOURCES’
NOTICE OF WITHDRAWAL OF PROOFS OF CLAIM**

The State of Ohio, Ohio Department of Natural Resources and its Division of Mineral Resources Management (collectively “ODNR”), by and through the Attorney General of Ohio, hereby withdraws its Proof of Claim No. 3899 (GCG Claims Agent Claim No.)/3769-1 (EDMO Registered Claim No.) filed against Patriot Coal Corporation in Case No. 12-51502 and Proof of Claim No. 3900 (GCG Claims Agent Claim No.)/3770-1 (EDMO Registered Claim No.) filed against Heritage Coal Company LLC in Case No. 12-52063 (collectively, the “Claims”).

ODNR withdraws its claims based on Section 11.4(d) of Debtors’ Fourth Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code [ECF No. 5139] and Paragraph 71 of the amended order [ECF No. 5157] confirming the same, which provide that neither the Plan nor the Confirmation Order releases, discharges, precludes, exculpates or enjoins the enforcement by ODNR of, among other things, any liability or obligation to, or any claim or cause of action under, Ohio Revised Code Chapter 1513 and the Ohio Administrative Code rules promulgated thereunder (Ohio’s equivalent of the federal Surface Mining Control and

¹ The Debtors are the entities listed on Schedule A attached to the Debtor’ Fourth Amended Joint Plan of Reorganization under Chapter 11 of the Bankruptcy Code [ECF No. 5139]. The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors’ Chapter 11 petitions.

Reclamation Act), and all other Ohio environmental laws, to which any Reorganized Debtor is subject as and to the extent that it is the owner, lessee, controller or operator of real property or a mining operation after the effective date of the Plan (whether or not such liability, obligation, claim or cause of action is based in whole or part on acts or omission prior to the confirmation date), and any claim by ODNR under any police or regulatory law arising on or after the confirmation date. ODNR's withdrawal of its claims is further based on the Reorganized Debtors' acknowledgments in their January 28, 2014 Objection to Claims Filed by Ohio Department of Natural Resources that ODNR's Claims, while not payable by the Debtors' bankruptcy estates, "have not been discharged" and "are payable (to the extent they are valid) by the Reorganized Debtors."²

Respectfully submitted,

MICHAEL DEWINE
OHIO ATTORNEY GENERAL

/s/ Michael E. Idzkowski

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State of Ohio, Ohio Department of Natural Resources

² Reorganized Debtors' Objection to Claims Filed by Ohio Department of Natural Resources, p. 1.

CERTIFICATE OF SERVICE

I hereby certify that copy of the foregoing **STATE OF OHIO, OHIO DEPARTMENT OF NATURAL RESOURCES' NOTICE OF WITHDRAWAL OF PROOFS OF CLAIM** was served this 13th day of February, 2014, by regular U.S. Mail upon:

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Debtors' Authorized Claims and Noticing Agent

/s/ Michael E. Idzkowski

Michael E. Idzkowski