

**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)**

Related to Docket No. 4181

**STIPULATION AND ORDER REGARDING
OBJECTION TO CLAIMS OF DAVID COX**

Patriot Coal Corporation and its affiliates (collectively, the “Debtors” or the “Reorganized Debtors”) and David Cox, d/b/a FiberPlus Business and Data Solutions (“Cox”), hereby stipulate and agree as follows:

1. On June 20, 2013, the Debtors filed their Fifth Omnibus Objection to Claims (Wrong Debtor or Otherwise Inconsistent with Books and Records) [Docket No. 4181] (the “Objection”).
2. In the Objection, the Debtors proposed to disallow Claim Nos. 1787-1, 1788-1, and 3656-1 (GCG Claim Nos. 2783, 2784, and 2785) filed by Cox, each in the amount of \$245,356.38 (the “Claims”), because the Debtors’ books and records demonstrated that Cox did business solely with a non-debtor third party.
3. The Reorganized Debtors and Cox now stipulate and agree as follows:
 - (a) Claim No. 3656-1 (GCG Claim No. 2783) shall be allowed as a general unsecured claim in the amount of \$245,356.38 against Debtor Kanawha Eagle Coal, LLC.

(b) Claim Nos. 1787-1 and 1788-1 (GCG Claim Nos. 2784 and 2785) shall be disallowed.

(c) Within five (5) business days after the entry of this Stipulation and Order by the Court, Cox shall deliver to the Reorganized Debtors' counsel, in recordable form, a Release of Mechanic's Lien, substantially in the form attached hereto as Exhibit A.

4. The Objection is hereby SUSTAINED IN PART and OVERRULED IN PART, as described above.

5. The Clerk of the Court and the Reorganized Debtors' claims agent are hereby directed to reflect the allowance and disallowance of the Claims, as specified above, in their respective records.

6. Nothing herein shall be deemed to modify any other Claim in the Objection.

7. The agreement incorporated in this Stipulation is in full and complete satisfaction of any and all claims, of whatever kind, between and among the Debtors and Cox.


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: April 15, 2014
St. Louis, Missouri
jjh

STIPULATED AND AGREED TO
THIS 10th DAY OF APRIL, 2014:

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/s/ Brian C. Walsh

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Attorneys for David Cox, d/b/a
FiberPlus Business and Data Solutions

EXHIBIT A

Form of Release

RELEASE OF MECHANIC’S LIEN

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned, David Cox, d/b/a Fiber Plus, and Fiber Plus LLC, a West Virginia limited liability company, hereby release in full that certain Notice of Mechanic’s Lien filed by David Cox, d/b/a Fiber Plus, pursuant to W.Va. Code § 38-2-31, against Kanawha Eagle Coal, LLC, recorded on July 27, 2012, in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Mechanic’s Lien Book 61, page 55.

IN WITNESS WHEREOF, David Cox, d/b/a Fiber Plus, has caused his name to be signed hereunto and Fiber Plus LLC has caused its company name to be signed hereunto by its Member duly authorized this ____ day of _____, 2014.

David Cox
d/b/a Fiber Plus

Fiber Plus LLC

By: _____
Name: David Cox
Title: Member

STATE OF _____,
COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by David Cox, d/b/a Fiber Plus.

My commission expires _____.

Notary Public

(SEAL)

STATE OF _____,
COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by David Cox, Member of Fiber Plus LLC, a West Virginia limited liability company, on behalf of said limited liability company.

My commission expires _____.

Notary Public

(SEAL)

This instrument was prepared by:

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