

**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: May 20, 2014

Hearing Time: 10:00 a.m. Central

Location: Courtroom 7-N, St. Louis

**REORGANIZED DEBTORS' THIRTY-THIRD  
OMNIBUS OBJECTION TO CLAIMS  
(Books and Records)**

Patriot Coal Corporation and its affiliates (the "Debtors" or the "Reorganized Debtors"), pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007, respectfully file this Thirty-Third 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 C attached hereto (the "Claims") because the Claims are inconsistent with the Reorganized Debtors' books and records or because the Reorganized Debtors have no liability on account of the Claims. The Reorganized Debtors request entry of an order, pursuant to Section 502 of the Bankruptcy Code and Fed. R. Bankr. P. 3007, modifying or 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 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 (the "Petition Date").

6. On December 19, 2012, these 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 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. 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 "Confirmation Order") the Fourth Amended Joint Plan of Reorganization (the "Plan") [Dkt. No. 5169]. The Effective Date occurred on December 18, 2013.

### **Objection and Argument**

#### **A. Rudd Equipment Company Claims**

11. The Reorganized Debtors object to the Claims identified on Exhibit A, incorporated herein by reference (the "Rudd Equipment Claims"), filed by Rudd Equipment Company, Inc. The Rudd Equipment Claims assert administrative priority amounts in excess of the Reorganized Debtors' books and records, and they improperly assert such amounts against two Debtors.

12. Two of the Rudd Equipment Claims, E.D. Mo. Claim Nos. 4152 and 4154 (GCG Claim Nos. 4229 and 4231), should be disallowed because they assert claims against Debtor Patriot Coal Corporation, in addition to duplicate Claims filed against Debtor Grand Eagle

Mining, LLC. All of the invoices attached to the proofs of claim refer to Grand Eagle Mining, and Grand Eagle Mining is the Debtor against which the Claims are properly asserted. The Reorganized Debtors therefore respectfully request that the Court disallow E.D. Mo. Claim Nos. 4152 and 4154 (GCG Claim Nos. 4229 and 4231).

13. The Reorganized Debtors have reviewed the remaining Rudd Equipment Claims, E.D. Mo. Claim Nos. 4151 and 4153 (GCG Claim Nos. 4228 and 4230). These Claims, which involved additional charges under equipment rental agreements between Grand Eagle Mining and Rudd Equipment, assert amounts that far exceed the obligations reflected in the Reorganized Debtors' records. Pursuant to the Reorganized Debtors' records of the usage of the leased equipment – which gives rise to the obligations reflected in these Claims – Claim No. 4151 (GCG Claim No. 4228) is properly payable in the amount of \$2,535.00, not \$43,190.06, as asserted. Claim No. 4153 (GCG Claim No. 4230) is properly payable in the amount of \$7,800.00, not \$36,363.97, as asserted. *See* Declaration of Jennifer Tally, attached hereto as Exhibit B. The Reorganized Debtors therefore respectfully request that the Court modify these Rudd Equipment Claims as described herein.

B. Insufficiently Documented Claim

14. The Reorganized Debtors object to the Claim identified on Exhibit C, incorporated herein by reference (the “Insufficiently Documented Claim”), filed by Kevin Lee and Eva Miller (E.D. Mo. Claim No. 959, GCG Claim No. 1525), because the Claim does not establish any basis for liability of the Reorganized Debtors, nor include sufficient documentation to permit the Reorganized Debtors to ascertain the nature or validity of the claim.

15. The Reorganized Debtors have reviewed the Insufficiently Documented Claim in an effort to ascertain its validity. The Claim does not identify any valid claim against the Reorganized Debtors, nor does it attach any other documents to support its assertion. *See* Declaration of Robert L. Mead, attached hereto as Exhibit D.

16. 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). Accordingly, the Reorganized Debtors request that the Insufficiently Documented Claim be disallowed.

WHEREFORE, the Reorganized Debtors respectfully request that this Court:

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

Dated: April 18, 2014  
St. Louis, Missouri

Respectfully submitted,  
BRYAN CAVE LLP

/s/ Laura Uberti Hughes  
Lloyd A. Palans, #22650MO  
Brian C. Walsh, #58091MO  
Laura Uberti Hughes, #60732MO  
One Metropolitan Square  
211 N. Broadway, Suite 3600  
St. Louis, Missouri 63102  
(314) 259-2000  
Fax: (314) 259-2020

*Local Counsel to the Reorganized Debtors*

-and-

DAVIS POLK & WARDWELL LLP  
Marshall S. Huebner  
Damian S. Schaible  
Brian M. Resnick  
Michelle M. McGreal  
450 Lexington Avenue  
New York, New York 10017  
(212) 450-4000  
Fax: (212) 607-7983

*Counsel to the Reorganized Debtors*

## Exhibit A - Books & Records 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				MODIFIED SURVIVING CLAIM(S)			
	NAME	GCG CLAIM NO.	ED MO CLAIM NO.	CLAIM AMOUNT	NAME	CLAIM NO.	ED MO CLAIM NO.	MODIFIED CLAIM AMOUNT
1	RUDD EQUIPMENT COMPANY INC ATTN COREY NIEMEIER 4344 POPLAR LEVEL RD LOUISVILLE, KY 40213  Date Filed: 01/09/14 ED MO Date Filed: 01/22/14 Debtor: PATRIOT COAL CORPORATION	4229	4152-1	Admin: \$43,190.06	RUDD EQUIPMENT COMPANY INC ATTN COREY NIEMEIER 4344 POPLAR LEVEL RD LOUISVILLE, KY 40213  Date Filed: 01/09/14 ED MO Date Filed: 01/22/14 Debtor: GRAND EAGLE MINING, LLC	4228	4151-1	Admin: \$2,535.00
2	RUDD EQUIPMENT COMPANY INC ATTN COREY NIEMEIER 4344 POPLAR LEVEL RD LOUISVILLE, KY 40213  Date Filed: 01/09/14 ED MO Date Filed: 01/22/14 Debtor: PATRIOT COAL CORPORATION	4231	4154-1	Admin: \$36,363.97	RUDD EQUIPMENT COMPANY INC ATTN COREY NIEMEIER 4344 POPLAR LEVEL RD LOUISVILLE, KY 40213  Date Filed: 01/09/14 ED MO Date Filed: 01/22/14 Debtor: GRAND EAGLE MINING, LLC	4230	4153-1	Admin: \$7,800.00

**EXHIBIT B**

**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 EDDIE SNELL IN SUPPORT OF REORGANIZED DEBTORS'  
THIRTY-THIRD OMNIBUS OBJECTION TO CLAIMS**

Eddie Snell 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 currently the Operations Manager of Grand Eagle Mining, LLC. I have held this position from August 2012 to the present.

2. According to records regularly kept in the ordinary course of business, as well as my personal knowledge, the amount owed to Rudd Equipment Company for rental overtime charges for the Euclid-Hitachi EH1700-3 Rigid Hauler, Serial No. 8R6BAN0012011, from the period of August through November 2012, is \$7,800. This amount corresponds to use of the equipment in excess of 400 hours, as permitted under the rental agreement, in the amount of 38 hours in August 2012 and 42 hours in October 2012.

3. According to records regularly kept in the ordinary course of business, as well as my personal knowledge, the amount owed to Rudd Equipment Company for rental overtime charges for the Euclid-Hitachi EH1700-3 Rigid Hauler, Serial No. 8R6BAN0012013, from the period of August through November 2012, is \$2,535.00. This amount corresponds to use of the

equipment in excess of 400 hours, as permitted under the rental agreement, in the amount of 22 hours in August 2012 and 4 hours in October 2012.

4. Records that I have referred to in connection with the preparation of this Declaration were made at or near the time of the matters set forth in such records, by or from information transmitted by a person with knowledge of those matters, and were made and kept in the course of the regularly conducted business activities of Patriot Coal Corporation and its affiliates. It is the regular practice of those companies to make such records. I am the custodian of such records.

5. I declare under penalty of perjury that the foregoing is true and correct. Executed on April 17, 2014.

/s/ Eddie Snell  
Eddie Snell

## Exhibit C - No Liability Claim

**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	KEVIN LEE MILLER & EVA MILLER C/O BUCCI BAILEY & JAVINS LC ATTN TIMOTHY C BAILEY PO BOX 3712 CHARLESTON, WV 25337  Date Filed: 12/11/12 ED MO Date Filed: 02/25/13 Debtor: SPEED MINING LLC	1525	959-1	Unsecured: Unliquidated

\* Denotes an unliquidated component.

Any 503(b)(9) amount is included in the Admin amount as a subset.

**EXHIBIT D**

**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' THIRTY-THIRD 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 (“Patriot”).
2. I, or my colleagues, have reviewed the proof of claim identified on Exhibit C to the Reorganized Debtors’ Thirty-Third Omnibus Objection to Claims (the “Insufficiently Documented Claim”). With respect to this Claim, the Reorganized Debtors are unable to ascertain the nature or validity of the Claim. No supporting documents are attached to the Claim.
3. The facts set forth in this Declaration are based on my firsthand knowledge as Vice President & Treasurer of Patriot and the person responsible for overseeing the Reorganized Debtors’ claims reconciliation process, as well as on information provided to me by other employees of the Debtors involved in the claims reconciliation process.

4. I declare under penalty of perjury that the foregoing is true and correct. Executed  
on April 17, 2014.

/s/ Robert L. Mead  
Robert L. Mead