

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

-----x  
In re: Chapter 11  
Case No. 12-51502-659  
PATRIOT COAL CORP., *et al.*, Jointly Administered  
Debtor GCG Claim No. 1261  
-----x EDMO Claim No. 779-1

**RESPONSE TO THE APRIL 18, 2014 OBJECTION OF THE REORGANIZED  
DEBTOR TO THE CLAIM OF CATHY WRIGHT,  
ADMINISTRATRIX FOR THE ESTATE OF NINA WRIGHT**

Cathy Wright, administratrix for the Estate of Nina Wright, by her attorneys, provides the following response to the “Reorganized Debtor’s Objection to Claim Filed by Cathy Wright, Administratrix, Estate of Nina Wright, dated April 18, 2014 (Objection). In response, claimant makes the following representations:

1. Reorganized Debtor Patriot Coal Corp. (Patriot) has identified only two objections. First, Patriot asserts that the Notice of Claim is deficient. *See* Objection at ¶¶ 2, 12, 15, 16. Second, Patriot theorizes that Ms. Wright’s manifestation of injury from prior chemical exposure relieves it of any liability for her subsequent 12 years of exposure while working for Eastern. *See Id.* at 14.

2. Both objections are devoid of merit.

3. With respect to Ms. Wright’s notice, which is attached as Exhibit A, the Bankruptcy Court’s instructions state: State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note and credit card. ... You may be required to provide additional disclosure if an interested party objects to your claim.” Exh. A at 3.

4. Ms. Wright correctly identified the basis of the estate's claim as "Personal Injury." *See Id.* at 1 (box 2). This identification complies with the requirements detailed on the form for the U.S. Bankruptcy Court, Southern District of New York, where the matter was originally filed.

5. At no subsequent point has the debtor sought any clarification of the basis of the estate's claim.

6. The reorganized debtor, moreover, already possessed the complaint against the company, and, accordingly, the company was fully informed of the facts underlying the personal injury claim.

7. Similarly, Patriot's posturing concerning the date of Ms. Wright's injury lacks merit. *See* Objection at ¶ 14.

8. Dr. Nelson Avery conducted a review of Ms. Wright's medical records. A copy of his resulting report is attached as Exhibit B.

9. His report notes that Nina Wright was exposed to perchloroethylene (PCE) during her employment at Eastern (an aspect of Patriot Coal) and, with the assistance of another expert, notes her level of exposure to PCE during her ten years working for Eastern. *See* Exh. B at 4.

10. That aspect of the report notes that her exposure at Eastern approximately equaled (over far fewer hours) her prior exposure at New River Coal Co. ("New River"), and indicated that the upper end of her exposure to PCE was 90,902,539 mg over the course of her entire employment with Eastern. *Id.*

11. Dr. Avery then attributed specific injuries that Ms. Wright suffered to her full exposure to PCE, not simply her initial exposure while working at New River. *Id.* at 8-9.

12. Accordingly, Patriot is incorrect in its unsubstantiated postulation that Nina Wright experienced all of her injuries from her exposure to PCE prior to her employment with Eastern.

13. As Patriot has offered no other objection to the claim beyond these two brief and superficial challenges, the Court should deny the objection.

14. The Estate maintains that it can meet each aspect of its burden of proof with respect to its claim against the reorganized debtor and can do so, in part, through other former Eastern employees and expert testimony.

15. The basis for the amount in the Estate's claim is the total of medical costs, lost income and pain & suffering attributable to the injuries that Ms. Wright suffered due to her exposure to PCE while working for Eastern.

WHEREFORE, the Estate of Nina Wright respectfully requests that the Court uphold the validity of claim and reject the Reorganized Debtor's objections, together with such other and further relief as the Court deems just and proper.

Dated: June 6, 2014  
New York, New York

Respectfully submitted

WEITZ & LUXENBERG



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*Counsel to the Estate of Nina Wright*

# ***EXHIBIT A***

**RESPONSE TO THE APRIL 18, 2014 OBJECTION OF THE REORGANIZED  
DEBTOR TO THE CLAIM OF CATHY WRIGHT,  
ADMINISTRATRIX FOR THE ESTATE OF NINA WRIGHT**



Modified B 10 (GCG) (12-11)

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

You may only check one Debtor box. If you have a claim against multiple Debtors listed below you must complete a separate proof of claim form for each such Debtor.

Name of Debtor:	Case No.	Name of Debtor:	Case No.	Name of Debtor:	Case No.
<input type="checkbox"/> Affinity Mining Company	12-12902	<input type="checkbox"/> Eastern Royalty, LLC	12-12936	<input type="checkbox"/> Patriot Coal Sales LLC	12-12969
<input type="checkbox"/> Apogee Coal Company, LLC	12-12903	<input type="checkbox"/> Emerald Processing, L.L.C.	12-12937	<input type="checkbox"/> Patriot Coal Services LLC	12-12970
<input type="checkbox"/> Appalachia Mine Services, LLC	12-12904	<input type="checkbox"/> Gateway Eagle Coal Company, LLC	12-12938	<input type="checkbox"/> Patriot Leasing Company LLC	12-12971
<input type="checkbox"/> Beaver Dam Coal Company, LLC	12-12905	<input type="checkbox"/> Grand Eagle Mining, LLC	12-12939	<input type="checkbox"/> Patriot Midwest Holdings, LLC	12-12972
<input type="checkbox"/> Big Eagle, LLC	12-12906	<input type="checkbox"/> Heritage Coal Company LLC	12-12940	<input type="checkbox"/> Patriot Reserve Holdings, LLC	12-12973
<input type="checkbox"/> Big Eagle Rail, LLC	12-12907	<input type="checkbox"/> Highland Mining Company, LLC	12-12941	<input type="checkbox"/> Patriot Trading LLC	12-12974
<input type="checkbox"/> Black Stallion Coal Company, LLC	12-12908	<input type="checkbox"/> Hillside Mining Company	12-12942	<input type="checkbox"/> PCX Enterprises, Inc.	12-12899
<input type="checkbox"/> Black Walnut Coal Company	12-12909	<input type="checkbox"/> Hobet Mining, LLC	12-12943	<input type="checkbox"/> Pine Ridge Coal Company, LLC	12-12975
<input type="checkbox"/> Bluegrass Mine Services, LLC	12-12910	<input type="checkbox"/> Indian Hill Company LLC	12-12944	<input type="checkbox"/> Pond Creek Land Resources, LLC	12-12976
<input type="checkbox"/> Brook Trout Coal, LLC	12-12911	<input type="checkbox"/> Infinity Coal Sales, LLC	12-12945	<input type="checkbox"/> Pond Fork Processing LLC	12-12977
<input type="checkbox"/> Catenary Coal Company, LLC	12-12913	<input type="checkbox"/> Interior Holdings, LLC	12-12946	<input type="checkbox"/> Remington Holdings LLC	12-12978
<input type="checkbox"/> Central States Coal Reserves of Kentucky, LLC	12-12914	<input type="checkbox"/> IO Coal LLC	12-12947	<input type="checkbox"/> Remington II LLC	12-12979
<input type="checkbox"/> Charles Coal Company, LLC	12-12916	<input type="checkbox"/> Jarrell's Branch Coal Company	12-12948	<input type="checkbox"/> Remington LLC	12-12980
<input type="checkbox"/> Cleaton Coal Company	12-12917	<input type="checkbox"/> Jupiter Holdings LLC	12-12949	<input type="checkbox"/> Rivers Edge Mining, Inc.	12-12981
<input type="checkbox"/> Coal Clean LLC	12-12918	<input type="checkbox"/> Kanawha Eagle Coal, LLC	12-12950	<input type="checkbox"/> Robin Land Company, LLC	12-12982
<input type="checkbox"/> Coal Properties, LLC	12-12919	<input type="checkbox"/> Kanawha River Ventures I, LLC	12-12951	<input type="checkbox"/> Sentry Mining, LLC	12-12983
<input type="checkbox"/> Coal Reserve Holding Limited Liability Company No. 2	12-12920	<input type="checkbox"/> Kanawha River Ventures II, LLC	12-12952	<input type="checkbox"/> Snowberry Land Company	12-12984
<input type="checkbox"/> Colony Bay Coal Company	12-12921	<input type="checkbox"/> Kanawha River Ventures III, LLC	12-12953	<input type="checkbox"/> Speed Mining LLC	12-12985
<input type="checkbox"/> Cook Mountain Coal Company, LLC	12-12922	<input type="checkbox"/> KE Ventures, LLC	12-12954	<input type="checkbox"/> Sterling Smokeless Coal Company, LLC	12-12986
<input type="checkbox"/> Corydon Resources LLC	12-12923	<input type="checkbox"/> Little Creek LLC	12-12955	<input type="checkbox"/> TC Sales Company, LLC	12-12987
<input type="checkbox"/> Coventry Mining Services, LLC	12-12924	<input type="checkbox"/> Logan Fork Coal Company	12-12956	<input type="checkbox"/> The Presidents Energy Company LLC	12-12988
<input type="checkbox"/> Coyote Coal Company LLC	12-12925	<input type="checkbox"/> Magnum Coal Company LLC	12-12957	<input type="checkbox"/> Thunderhill Coal LLC	12-12989
<input type="checkbox"/> Cub Branch Coal Company LLC	12-12926	<input type="checkbox"/> Magnum Coal Sales LLC	12-12958	<input type="checkbox"/> Trout Coal Holdings, LLC	12-12990
<input type="checkbox"/> Dakota LLC	12-12927	<input type="checkbox"/> Martinka Coal Company, LLC	12-12959	<input type="checkbox"/> Union County Coal Co., LLC	12-12991
<input type="checkbox"/> Day LLC	12-12928	<input type="checkbox"/> Midland Trail Energy LLC	12-12960	<input type="checkbox"/> Viper LLC	12-12992
<input type="checkbox"/> Dixon Mining Company, LLC	12-12929	<input type="checkbox"/> Midwest Coal Resources II, LLC	12-12961	<input type="checkbox"/> Weatherby Processing LLC	12-12993
<input type="checkbox"/> Dodge Hill Holding JV, LLC	12-12930	<input type="checkbox"/> Mountain View Coal Company, LLC	12-12962	<input type="checkbox"/> Wildcat Energy LLC	12-12994
<input type="checkbox"/> Dodge Hill Mining Company, LLC	12-12931	<input type="checkbox"/> New Trout Coal Holdings II, LLC	12-12963	<input type="checkbox"/> Wildcat, LLC	12-12995
<input type="checkbox"/> Dodge Hill of Kentucky, LLC	12-12932	<input type="checkbox"/> Newtown Energy, Inc.	12-12964	<input type="checkbox"/> Will Scarlet Properties LLC	12-12996
<input type="checkbox"/> EACC Camps, Inc.	12-12933	<input type="checkbox"/> North Page Coal Corp.	12-12965	<input type="checkbox"/> Winchester LLC	12-12997
<input checked="" type="checkbox"/> Eastern Associated Coal, LLC	12-12934	<input type="checkbox"/> Ohio County Coal Company, LLC	12-12966	<input type="checkbox"/> Winfrede Dock Limited Liability Company	12-12998
<input type="checkbox"/> Eastern Coal Company, LLC	12-12935	<input type="checkbox"/> Panther LLC	12-12967	<input type="checkbox"/> Yankeetown Dock, LLC	12-12999
		<input type="checkbox"/> Patriot Beaver Dam Holdings, LLC	12-12898		
		<input type="checkbox"/> Patriot Coal Company, L.P.	12-12968		
		<input type="checkbox"/> Patriot Coal Corporation	12-12900		

NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.

PROOF OF CLAIM

Name of Creditor (the person or other entity to whom the Debtor owes money or property): <b>Cathy Wright, Administratrix, Estate of Nina Virginia Wright</b>		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.	<p><b>Your Claim Is Scheduled As Follows:</b></p> <p>If an amount is identified above, you have a claim scheduled by the Debtor as shown. (This scheduled amount of your claim may be an amendment to a previously scheduled amount.) If you agree with the amount and priority of your claim as scheduled by the Debtor and you have no other claim against the Debtor, you do not need to file this proof of claim form, EXCEPT AS FOLLOWS: If the amount shown is listed as DISPUTED, UNLIQUIDATED, or CONTINGENT, a proof of claim MUST be filed in order to receive any distribution in respect of your claim. If you have already filed a proof of claim in accordance with the attached instructions, you need not file again.</p>
Name and address where notices should be sent: William A. Walsh, Esq. Weitz & Luxenberg, P.C. 700 Broadway New York, NY 10003 Telephone number: (212) 558-5836 E-mail: <a href="mailto:wwalsh@weitzlux.com">wwalsh@weitzlux.com</a>		Court Claim Number: _____ (if known)	
Name and address where payment should be sent (if different from above):  Telephone number: E-mail:		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.	
1. Amount of Claim as of Date Case Filed (July 9, 2012): \$ <u>548,380</u> (See instruction #1)  If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.			
2. Basis for Claim: <b>Personal Injury</b> (See instruction #2)			
3. Last four digits of any number by which creditor identifies Debtor: (See instruction #3)  <u>6</u> <u>0</u> <u>7</u> <u>3</u>	3a. Debtor may have scheduled account as: <u>Nina Virginia Wright</u> (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)	

**4. Secured Claim** (See instruction #4)  
 Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.

**Nature of property or right of setoff:**  Real Estate  Equipment  Other  
**Describe:** \_\_\_\_\_ **Basis for perfection:** \_\_\_\_\_

**Value of Property:** \$ \_\_\_\_\_ **Amount of Secured Claim:** \$ \_\_\_\_\_

**Annual Interest Rate** \_\_\_\_\_ %  Fixed or  Variable **Amount Unsecured:** \$ \_\_\_\_\_  
 (when case was filed)

**5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a).** If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount. (See instruction #5)

<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the Debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).	<b>Amount entitled to priority:</b> \$ _____
<input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).	

*\*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

**6. Claim Pursuant to 11 U.S.C. § 503 (b)(9).** (See instruction #6) Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before July 9, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business. Attach documentation supporting such claim. \$ \_\_\_\_\_

**7. Credits.** The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)

**8. Documents:** Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted".)  
 DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.  
 If the documents are not available, please explain: \_\_\_\_\_

**9. Signature:** (See instruction #9)  
 Check the appropriate box.

I am the creditor  I am the creditor's authorized agent. (Attach copy of power of attorney, if any.)  I am the trustee, or the Debtor, or its authorized agent. (See Bankruptcy Rule 3004.)  I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: William A. Walsh  
 Title: Associate  
 Company: Weitz & Luxenberg, P.C. 12/5/2012

Address and telephone number (if different from notice address above): 700 Broadway (Signature) \_\_\_\_\_ (Date)  
New York, NY 10003

Telephone number: (212) 558-5836 e-mail: ww Walsh@weitzlux.com

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

**INSTRUCTIONS FOR PROOF OF CLAIM FORM**

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the Debtor, exceptions to these general rules may apply. The attorneys for the Debtor and its Court-appointed claims agent, GCG, Inc. ("GCG"), are not authorized to provide you, and are not providing you, with any legal advice.

PLEASE SEND YOUR ORIGINAL, COMPLETED CLAIM FORM AS FOLLOWS: **IF BY FIRST CLASS MAIL:** Patriot Coal Claims Processing Center, c/o GCG, P.O. Box 9898, Dublin, Ohio 43017-5798. **IF BY HAND DELIVERY OR OVERNIGHT MAIL:** Patriot Coal Claims Processing Center, c/o GCG, 5151 Blazer Parkway, Suite A, Dublin, Ohio 43017. **ANY PROOF OF CLAIM SUBMITTED BY FACSIMILE OR EMAIL WILL NOT BE ACCEPTED.**

**THE GENERAL BAR DATE IS DECEMBER 14, 2012 AT 5:00 P.M. (PREVAILING EASTERN TIME) AND THE GOVERNMENTAL BAR DATE IS JANUARY 21, 2013 AT 5:00 P.M. (PREVAILING EASTERN TIME)**

Items to be completed in Proof of Claim Form

**Court, Name of Debtor, and Case Number:**

These chapter 11 cases were commenced in the United States Bankruptcy Court (the "Court") for the Southern District of New York on July 9, 2012 (the "Commencement Date"). You should select the Debtor against which you are asserting your claim.

**A SEPARATE PROOF OF CLAIM FORM MUST BE FILED AGAINST EACH DEBTOR.**

**Creditor's Name and Address:**

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy cases. Please provide us with a valid e-mail address. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the Court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

**1. Amount of Claim as of Date Case Filed:**

State the total amount owed to the creditor on the date of the bankruptcy filing (using the exchange rate, if applicable, as of the Commencement Date.) Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

**2. Basis for Claim:**

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to your claim.

**3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:**

State only the last four digits of the Debtor's account or other number used by the creditor to identify the Debtor.

**3a. Debtor May Have Scheduled Account As:**

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the Debtor.

**3b. Uniform Claim Identifier:**

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

**4. Secured Claim:**

Check whether the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

**5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a):**

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

**6. Claim Pursuant to 11 U.S.C. § 503 (b)(9):**

If you have a claim arising from the value of any goods received by the Debtor within 20 days before the Commencement Date, in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business, state the amount of such claim and attach documentation supporting such claim. (See Definitions.)

**7. Credits:**

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the Debtor credit for any payments received toward the debt.

**8. Documents:**

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

**9. Date and Signature:**

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, attach a complete copy of any power of attorney, and provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

**DEFINITIONS****Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

**Creditor**

A creditor is the person, corporation, or other entity to whom the debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. § 101 (10).

**Claim**

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. § 101 (5). A claim may be secured or unsecured.

**Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the proof of claim form with GCG as described in the instructions above.

**Secured Claim Under 11 U.S.C. § 506 (a)**

A secured claim is one backed by a lien on property of the Debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

**Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

**Claim Entitled to Priority Under 11 U.S.C. § 507 (a)**

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

**Claim Entitled to Priority Under 11 U.S.C. § 503 (b)(9)**

A Section 503 (b)(9) claim is a claim for the value of any goods received by the Debtor within 20 days before the date of commencement of a bankruptcy case in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business.

**Redacted**

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social security, individual's tax identification, or financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

**Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

**INFORMATION****Acknowledgment of Filing of Claim**

Upon GCG's receipt of your proof of claim, GCG will send you an acknowledgement letter stating your assigned claim number and the date on which GCG received your proof of claim. Additionally, you may view your entire filed proof of claim at <http://www.patriotcaseinfo.com>.

**Offers to Purchase a Claim**

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official Court documentation or communications from the Debtor. These entities do not represent the Court or the Debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the Court.

# ***EXHIBIT B***

**RESPONSE TO THE APRIL 18, 2014 OBJECTION OF THE REORGANIZED  
DEBTOR TO THE CLAIM OF CATHY WRIGHT,  
ADMINISTRATRIX FOR THE ESTATE OF NINA WRIGHT**



TEXAS A&M

HEALTH SCIENCE CENTER  
COLLEGE OF MEDICINE

## Medical Toxicology Opinion

**RE: Nina Wright (deceased) (maiden name: Nina Thompson)**  
**DOB 2/17/1931**  
**SSN ---6073**

Wright v. Arkema Inc.  
Civil Action No. 11-C-5410013

FLOAT-SINK LITIGATION  
Civil Action No. 11-C-5000000  
Hon John A. Hutchison

I am qualified to render the opinions contained herein. I am a fully licensed physician in Texas. I am currently employed at the Texas A&M Health Science Center College of Medicine, where I am a full Professor and Director of the Preventive Medicine Residency Program. I am triple board certified in Medical Toxicology, Occupational Medicine and Internal Medicine, and I have served on the Subboard of Medical Toxicology. From 1996 to 2009, I was a faculty member at the University of Texas Medical Branch in Galveston, where I was jointly appointed in the College of Medicine and the Graduate School of Biomedical Science. I taught toxicology, pharmacology and occupational health. Prior to moving to UTMB, I had 20 years of private practice experience in Austin, Texas, where I was the consulting occupational physician to regional and national companies; I continue as the senior occupational medicine consultant to Freescale Semiconductor (formerly a Motorola division). I have many years of experience regarding treatment and prevention of exposure to solvents. I consult and serve as an expert witness nationally on toxicology issues related to work and the environment.

My opinion is based on a thorough review of my medical history, all available medical records and deposition testimony, and an extensive review of medical literature.

### **Medical History:**

From my questionnaire, supplied by the daughter of the plaintiff Nina Wright:

Her mother died 8/3/2007. She worked for the New River Coal Company from the late 1950s through the late 1960s or early 1970s as a coal analyst, and again for Eastern Assoc. Coal. She was in good health when she was young, except for a hysterectomy. It was in the 1970s when she started having nervous problems and other medical problems that she was treated for by various doctors. She had shingles that left her face scarred. She was later diagnosed with Parkinson's disease, mainly based on how she walked on her toes a lot. Other problems arose and she was told it all related to her disease. She was referred to other hospitals such as Duke

University—they told her all of her problems were due to the Parkinson's. She never had a tremor and her speech was not affected. She did have problems with swallowing. Later in life she became so weak she could not walk but could crawl, which she did quite often. She was on numerous medications and at times over medicated. She hallucinated often, and at one time had severe seizures. It was difficult to find a doctor willing to treat her. A couple of her doctors did not believe she had Parkinson's because of the lack of a tremor. She went to therapy multiple times to improve her mobility, without success. Her medications were frequently changed. She was in a nursing home when she had a choking episode that led to her death. Her death certificate said she died from Parkinson's.

From her medical records: See listed below under Review of Systems

From the plaintiff fact sheet: [pp 8-9, 13]

- Parkinson's disease—early 1970s
- Nervous breakdown with seizures and hallucinations—early 1970s
- Shaking, tingling and numbness in limbs
- Neck muscles were affected
- Speech was affected

**Medications used in past:** Daughter said Mrs. Wright's medications were for Parkinson's; too many to remember.

04/2007 Seen in ED with decreased level of consciousness, confused, frequent urination, not eating or drinking, right shoulder pain. Diagnoses: dementia, dehydration. [-0024]

Medications listed at this time [-0029]:

Keppra	Carbidopa/levo
Hydrocodone	Phenytoin
Seroquel	Sertraline
Comtan	Trimethoprim
Lorazepam	Protonix
Razadyne	

**Allergies to medicine:** ---

**Prior surgery:** hysterectomy, cholecystectomy, cataracts

**Injuries:** none

**Social and Family History:** Mrs. Wright's husband is alive in a nursing home, 81 years old. Her 8 siblings are deceased, her 2 children are alive. There was a family history of heart disease. No history was supplied on her smoking or drinking alcohol.

**Review of systems:**

Vision: She wore glasses; had a history of cataracts; used eye medication

Hearing: ---

Nose/Throat: ---

Heart/Vascular: ---

Lungs: ---

Stomach/Liver/Colon: had frequent indigestion, stomach burning; history of gallstones and cholecystectomy

Abdominal pain

- 08/1995 Gastritis and dysphagia secondary to Parkinsons [-0014]  
11/1995 Abdominal pain, intractable change in bowel habits. Underwent colonoscopy: no inflammation, few diverticula. Trial of azulfidine. [-0013, -0018]  
10/1996 Had CT scan of abdomen and head; has thrush in throat [-0009]  
08/1998 Abdominal pain for 3 months [-0008]  
09/1998 Chronic pancreatitis [-0007]  
09/1998 Endoscopy: Erosive gastritis [-0016]  
10/1998 Chronic pancreatitis [-0006]  
04/1999 Chronic pancreatitis [-0005]  
07/1999 Abdominal pain, chronic pancreatitis [-0004]  
  
03/2003 Mid epigastric abdominal pain. Diagnosed as acid peptic disease. [-0003]

Kidney/Bladder/Female: She was told by a physician that because of her Parkinson's she could not empty her bladder, therefore she had a lot of infections; she had urine burning, frequency, dribbling. She had a hysterectomy early in life.

- 04/2007 BUN: 36 (N= 7-18) [-0038]

Blood/Lymph System/Cancer: ---

Endocrine: ---

Skin: ---

Psychological: She had problems with anxiety, nervousness and depression; she took medications

General: She had problems with weight loss, fatigue, generalized weakness and trouble sleeping

Neurological: No history of head trauma. Had seizures and was told it was secondary to her medications. She had difficulty walking, paresthesias in her extremities, and memory problems—but no tremor.

Senile parkinsonism

- 03/1997 Neurology consultation: Involuntary jerking of her extremities and gait unsteadiness. Involuntary tremor of her hands and some in her feet. Using a walker and had been falling down. Has sleep impairment. She had previously been diagnosed as having Parkinson's disease and was taking Sinemet and Akineton. She was depressed and nervous. Diagnosis was Parkinson's disease, class III. [-0021]  
  
04/2007 Seen in ED with decreased level of consciousness, confused, frequent urination, not eating or drinking, right shoulder pain. Diagnoses: dementia, dehydration. [-0024]  
CT brain scan showed atrophic changes and periventricular white matter ischemic changes. [-0031]

Musculoskeletal: ---

Shoulder pain and dehydration episode

- 04/2007 Seen in ED with decreased level of consciousness, confused, frequent urination, not eating or drinking, right shoulder pain. Diagnoses: dementia, dehydration. [-0024]  
Right shoulder x-ray: negative [-0032]  
Abdominal x-ray: negative; has scoliosis of lumbar spine.  
Chest x-ray: normal  
  
BUN: 36 (N= 7-18) [-0038]

**Exposure history:**

Daughter indicated that Mrs. Wright worked in the coal lab where she crushed the coal into a fine powder—she would look like she worked underground afterwards. She did not know what chemicals she worked with. She did not believe her mother ever worked with safety equipment. She related that she had material on her clothes and laundered them at home. She showered at work. She ate in the workplace.

**Environmental History:**

She had not lived next to industrial plant or hazardous site; had air conditioning, electric central heating; electric stove; no remodeling or weatherizing; no pesticides used inside; drank water from the city supply

**Occupational History:** never used a respirator at work.

List from the plaintiff fact sheet [pp 3-4]

- 1956-late 1960s: New River Company. Checked for sulfur, worked with ovens, washed the coal, crushed coal
- 1976-1988: Peabody Coal Company / Eastern Associated Coal Corp.

**List of Chemical Exposures:** [pp 6-7]

**At the coal companies:** exposure to perchloroethylene in float-sink work; worked typically 8 hours a day, 40 hours per week.

PPE, as listed in the plaintiff fact sheet [pg 4]

- none

Ventilation, as listed in the plaintiff fact sheet [pg 4]

- none

**Preliminary calculated exposure dose to tetrachloroethylene, by Dr. N.P. Cheremisinoff:**

Company:	Hrs/wk Float-sink	Hrs per year	Years empl.	Cumul. hrs.	Min. perc conc. mg/m <sup>3</sup> (ppm in parenthesis)	Upper perc conc. mg/m <sup>3</sup>	Min. perc inhaled in mg	Upper perc inhaled in mg
New River Coal Co.	50	2500	13	32,500	0 (0 ppm)#	2692 (397 ppm)	231	91,862,231
Eastern Assoc. Coal	40	2000	10	20,011	0 (0 ppm)#	4326 (638 ppm)	229	90,902,539
<b>totals</b>						*	460	182,764,770

# Revised to 6.8 mg/m<sup>3</sup> (1 ppm)

\* Revised to 339 mg/m<sup>3</sup> (50 ppm) based on minimum value odor threshold

Total minimum inhaled (mg):	460
Total maximum inhaled (mg):	182,764,770

**Physical Examination: deceased**

**Summary of health problems:**

1. Nervous breakdown, with hallucinations
2. Chronic anxiety and depression
3. Parkinson disease, but no tremor
4. CT brain scan showed atrophic changes plus periventricular white matter ischemic changes (common in elderly with hypertension and atherosclerosis)
5. Dysphagia
6. Frequent urinary tract infections because of difficulty emptying bladder
7. Dementia with decreased memory
8. Seizures
9. Chronic abdominal pain with chronic pancreatitis (history of gallstones) and erosive gastritis
10. Right shoulder pain

**Summary of MSDSs**

**MSDS for perchloroethylene (tetrachloroethylene):**

Effects of overexposure: inhalation of vapors may cause headache, nausea, vomiting, dizziness, drowsiness, irritation of respiratory tract, and loss of consciousness. Liquid may be irritating to skin and eyes. Prolonged skin contact may result in dermatitis. Eye contact may result in temporary corneal damage.

Ingestion may cause nausea, vomiting, headaches, dizziness, gastrointestinal irritation.

Chronic effects of overexposure may include damage to kidneys, liver, lungs, blood or central nervous system.

Target organs: liver, kidneys, eyes, upper respiratory system, central nervous system.

Medical conditions generally aggravated by exposure: none identified .

Routes of entry: inhalation, ingestion, eye contact, skin contact.

**Different MSDS for perchloroethylene (tetrachloroethylene)**

Potential Acute Health Effects:

Hazardous in case of skin contact (irritant), of inhalation. Slightly hazardous in case of skin contact (permeator), of eye contact (irritant), of ingestion.

Potential Chronic Health Effects:

CARCINOGENIC EFFECTS: Classified A3 (Proven for animal.) by ACGIH. Classified 2A (Probable for human.) by IARC; 2 (anticipated carcinogen) by NTP.

MUTAGENIC EFFECTS: Mutagenic for bacteria and/or yeast.

TERATOGENIC EFFECTS: Not available.

DEVELOPMENTAL TOXICITY: Not available.

The substance may be toxic to kidneys, liver, peripheral nervous system, respiratory tract, skin, central nervous system (CNS). Repeated or prolonged exposure to the substance can produce target organs damage.

**Another MSDS for perchloroethylene (tetrachloroethylene)**

Routes of Exposure: Perchloroethylene can affect the body either through ingestion, inhalation, or contact with the eyes and/or skin.

#### Summary of Acute Health Hazards

Ingestion: May cause irritation of the gastrointestinal tract with vomiting. If vomiting results in aspiration, chemical pneumonia could follow. Absorption through the gastrointestinal tract may produce symptoms of central nervous system depression ranging from light-headedness to unconsciousness.

Inhalation: Excessive inhalation may produce symptoms of central nervous system depression, ranging from light-headedness, nausea and vomiting, to unconsciousness and death.

Skin: Mildly irritating to the skin. Skin contact may produce a burning sensation. Prolonged or repeated contact may cause skin to become reddened, rough, and dry due to the removal of natural oils and may result in dermatitis.

Eyes: An irritant to the eyes, causing pain, lacrimation, and general inflammation.

Summary of Chronic Health Hazards: Can cause headache, mental confusion, depression, fatigue, loss of appetite, nausea, vomiting, coughing, loss of sense of balance, and visual disturbances. Prolonged or repeated skin contact may cause dermatitis.

Signs and Symptoms of Exposure: N/A

Effects of Overexposure: N/A

Medical Conditions Generally Aggravated by Exposure: Persons with preexisting skin disorders, impaired liver function, or impaired renal function might have increased health risks working with perchloroethylene.

#### Summary of Literature Review:

Exposure to tetrachloroethylene can affect the

- central nervous system (CNS),
- eyes,
- kidney,
- liver,
- lungs,
- mucous membranes, and
- skin.

CNS effects have been noted most frequently.

Acute health problems related to exposure to tetrachloroethylene:

- CNS effects: confusion, euphoria, forgetfulness, loss of memory, headache, irritability, dizziness, light-headedness, loss of coordination, vestibular dysfunction, reversible mood and behavioral changes, slurred speech, insomnia
- Potential anesthetic effect with drowsiness, and at higher doses, loss of consciousness, seizures
- Irritation of eyes (stinging, burning), corneal damage, conjunctivitis
- Irritation of skin, dermatitis, chemical burns
- Irritation of nose, respiratory tract, cough, non-cardiogenic pulmonary edema
- Nausea, vomiting, diarrhea, anorexia
- Cardiac dysrhythmia

Chronic Health Hazards:

- Neurological problems:
  - Headache
  - Mental confusion, disorientation
  - Depression, irritability
  - Fatigue
  - Sleep disturbances, including sleep apnea
  - Concentration impairment, forgetfulness, and short-term memory deficits—can be mistaken for various forms of dementia such as Alzheimer disease or other CNS disorders
  - Ataxia, loss of sense of balance
  - Delayed reaction times
  - Peripheral neuropathy
  
  - **Solvent-induced chronic toxic encephalopathy:**

CSE patients report memory problems, distractibility and slowness when performing actions, fatigue, irritability and mood lability, sleep problems, and a wide range of neurological and psychosomatic symptoms are prevalent:

    - Weakness in extremities
    - Trembling of hands
    - Decreased sensation, numbness, tingling in extremities
    - Problems with balance, dizziness
    - Changes in sense of smell or taste
    - Headache
    - Sweating for no obvious reason
    - Palpitations
    - Tinnitus
    - Nausea, stomach pains, diarrhea, constipation, loss of appetite
    - Irritable, depressed, restless, difficulty in controlling anger
    - Loss of sexual interest
    - Absent minded, difficulty remembering names and dates, forgetfulness
    - Exhaustion, lack of drive, lack of energy
    - Falling asleep when not in bed, unusual tiredness
    - Nightmares
  
  - **Parkinsonism**—a relationship between long-term organic solvent exposure and parkinsonism has been proposed by several authors. Cases of parkinsonism have been repeatedly attributed to various hydrocarbons—mainly aliphatic and halogenated compounds. Memory dysfunctions in CSE closely resemble, from the qualitative perspective, memory decline seen in patients with Parkinson's disease. Occupations involving the use of hydrocarbon solvents are a risk factor for the earlier onset of symptoms of PD and more severe disease throughout its course.
  
- Loss of appetite, nausea, vomiting
- Coughing
- Visual disturbances: color vision, visuospatial memory
- Prolonged or repeated skin contact may cause dermatitis
- Hepatic: abnormal liver function tests, cirrhosis, hepatitis, hepatomegaly; diffuse parenchymal liver changes seen on ultrasound

- Renal: hematuria, proteinuria, increased levels of lysozymes,  $\beta$ 2-microglobulin, and other low-molecular-weight proteins, suggesting tubular damage (mediated through GSH conjugation products)
- Cardiac: arrhythmias, pulmonary edema; decrease the myocardial threshold to the arrhythmogenic effect of epinephrine; cardiomyopathy
- Hematologic: evidence of an effect on red blood cells (decreased hemoglobin), increases in total white cell counts and lymphocyte counts
- Carcinogen, including bladder cancer, non-Hodgkin lymphoma and multiple myeloma; for other sites, including esophageal, kidney, lung, cervical and breast cancer, more limited data suggestive of an effect are available. Based on increased risks of esophageal cancer, cervical cancer, and non-Hodgkin's lymphoma in several epidemiologic studies, and increased liver tumors in mice, increased mononuclear cell leukemia in rats, and renal tumors in male rats, IARC (1995) classified tetrachloroethylene as probably carcinogenic to humans (Group 2A).

**Conclusion:**

My opinions are based on a thorough review of all available medical records, an extensive review of medical literature, and my own experience, knowledge and training.

In my opinion, to a reasonable degree of medical certainty, Mrs. Wright's exposures to perchloroethylene (routes of exposure by inhalation and dermal absorption) were sufficient to be causally related to her illness:

- **Solvent-induced chronic toxic encephalopathy, with**
  - Nervous breakdown
  - Chronic anxiety and depression
  - Dementia
  - Parkinsonism

In my opinion, the following problems either have an uncertain etiology or do not appear to be related to her exposure:

- CT brain scan showed atrophic changes plus periventricular white matter ischemic changes (common in elderly with hypertension and atherosclerosis)
- Dysphagia
- Frequent urinary tract infections because of difficulty emptying bladder
- Seizures
- Chronic abdominal pain with chronic pancreatitis (history of gallstones) and erosive gastritis

This evaluation has been conducted on the basis of the medical documentation as provided with the assumption that the material is true, complete, and correct. It is my understanding that discovery has not been completed yet. If more information becomes available at a later date, then additional service, reports, or reconsideration may be requested. Such information may or may not change the opinions rendered.

Submitted April 13, 2012

A handwritten signature in cursive script that reads "A. Nelson Avery, M.D." with a stylized flourish at the end.

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