

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

PATRIOT COAL CORPORATION and
HERITAGE COAL COMPANY LLC,

Plaintiffs/Counterclaim-Defendants,

v.

PEABODY HOLDING COMPANY, LLC and
PEABODY ENERGY CORPORATION,

Defendants/Counterclaim-Plaintiffs,

v.

INTERNATIONAL UNION, UNITED
MINE WORKERS OF AMERICA,

Counterclaim-Defendant.

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

Adversary Proceeding
Case No. 13-04067-659

**STIPULATION AND ORDER TO EXTEND DATE FOR RESPONSE TO
COUNTERCLAIM AND RE-SCHEDULE PRE-TRIAL CONFERENCE**

This stipulation is made and entered into between Plaintiffs/Counterclaim Defendants Patriot Coal Corporation and Heritage Coal Company LLC (together, "**Patriot**"), Defendants/Counterclaim Plaintiffs Peabody Holding Company, LLC and Peabody Energy Corporation (together, "**Peabody**"), and additional Counterclaim Defendant International Union,

United Mine Workers of America (the “**UMWA**”) through their respective undersigned counsel, subject to the approval of the Court:

WHEREAS, Patriot commenced this adversary proceeding against Peabody with the filing of a complaint on March 14, 2013;

WHEREAS, following various other proceedings that postponed the necessity for a responsive pleading, on September 13, 2013, Peabody filed an answer to the complaint and a counterclaim against Patriot and the UMWA as an additional counterclaim defendant;

WHEREAS, the UMWA has been served with process on the counterclaim but has not entered an appearance in this adversary proceeding;

WHEREAS, Patriot, Peabody and the UMWA have entered into an agreement to resolve this adversary proceeding and certain other disputes, as reflected in the settlement term sheet (the “**Term Sheet**”) executed on October 4, 2013 and appended as Appendix E to the proposed *Disclosure Statement for Debtors’ First Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code*, which was filed in the underlying Chapter 11 case on October 9, 2013 [ECF No. 4763];

WHEREAS, on October 16, 2013, Patriot filed in the underlying Chapter 11 cases a motion to approve the settlement reflected in the Term Sheet [ECF No. 4799];

WHEREAS, if, as the parties intend, the agreement in the Term Sheet is definitively documented and approved and becomes effective, the dispute that underlies this adversary proceeding will be resolved, and the adversary proceeding, including all claims and counterclaims, will be dismissed with prejudice;

NOW THEREFORE, it is hereby stipulated by and between Patriot, Peabody and the UMWA as follows, subject to approval and order of the Court:

1. The time for Patriot and the UMWA to respond to Peabody's counterclaim shall be extended to March 25, 2014.

2. The pre-trial conference currently set for November 19, 2013, shall be removed from calendar and re-scheduled for March 25, 2014 at 10AM in Courtroom 7-North.

3. All further proceedings in this adversary proceeding shall be stayed pending further order of the Court.


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: October 24, 2013
St. Louis, Missouri
jjh

Dated: October 22, 2013

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