

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

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

**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.

**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

/s/ Michael J. Russano
Marshall S. Huebner
Elliot Moskowitz
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PEABODY HOLDING COMPANY, LLC

/s/ Frederick Perillo

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ATTORNEYS FOR ADDITIONAL
COUNTERCLAIM DEFENDANT
UNITED MINE WORKERS OF AMERICA

Patriot Coal Corporation,
Plaintiff

Adv. Proc. No. 13-04067-kss

Peabody Holding Company, LLC,
Defendant

CERTIFICATE OF NOTICE

District/off: 0865-4

User: klom
Form ID: pdf02

Page 1 of 1
Total Noticed: 1

Date Rcvd: Oct 24, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 26, 2013.

aty +Elliot Moskowitz, Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, NY 10017-3982

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 26, 2013

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 24, 2013 at the address(es) listed below:

- Angela Ferrante on behalf of Other Professional The Garden City Group, Inc.
angela.ferrante@gcginc.com,
pacerteam@gcginc.com;elizabeth.vrato@gcginc.com;kevin.grover@gcginc.com;alison.moodie@gcginc.com;
jeffrey.demma@gcginc.com;ryan.nadick@gcginc.com
- Carl E. Black on behalf of Defendant Peabody Holding Company, LLC ceblack@jonesday.com
- Carl E. Black on behalf of Defendant Peabody Energy Corporation ceblack@jonesday.com
- Steven N. Cousins on behalf of Counter-Claimant Peabody Energy Corporation
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- Steven N. Cousins on behalf of Counter-Claimant Peabody Holding Company, LLC
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- Steven N. Cousins on behalf of Defendant Peabody Holding Company, LLC
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- Steven N. Cousins on behalf of Defendant Peabody Energy Corporation
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TOTAL: 7