

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re: PATRIOT COAL CORPORATION, <i>et al.</i>, Debtors.¹	Chapter 11 Case No. 12-51502-659 (Jointly Administered)
PATRIOT COAL CORPORATION, <i>et al.</i>, Plaintiffs, -against- PEABODY HOLDING COMPANY, LLC and PEABODY ENERGY CORPORATION, Defendants.	Adversary Proceeding No. 13-04204-659 Re: ECF No. 4

**THE DEBTORS' MOTION FOR LEAVE TO EXCEED THE PAGE
LIMITATION IN THEIR MEMORANDUM OF LAW IN SUPPORT OF THEIR
MOTION FOR A PRELIMINARY INJUNCTION PURSUANT TO 11 U.S.C. § 105(a)**

Patriot Coal Corporation and its affiliated debtors (collectively, the “**Debtors**”), by and through their undersigned attorneys, hereby submit this motion for an Order pursuant to Local Bankruptcy Rule 9004(C) granting them leave to exceed the Court’s page limitation in the Memorandum of Law in Support of Plaintiffs’ Motion for a Preliminary Injunction Pursuant to

¹ The Debtors are the entities listed on Schedule 1 attached to the Motion (as defined herein). The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors’ chapter 11 petitions.

11 U.S.C. § 105(a) [ECF No. 4] (the “**Motion**”). In support of this motion, the Debtors state as follows:

1. The Debtors are seeking a preliminary injunction under 11 U.S.C. § 105(a) extending the automatic stay to enjoin enforcement of the subpoena (the “**Subpoena**”) propounded on the Debtors by Peabody Energy Corporation and Peabody Holding Company, LLC (together, “**Peabody**”) until the effective date of a confirmed plan of reorganization. Peabody’s third-party Subpoena upon the Debtors is massively overbroad, and the vast majority—if not the entirety—of information relevant to the claims at issue in that proceeding is already in Peabody’s possession. Complying with the Subpoena would place an inordinate burden on the Debtors at a time when they are on the cusp of achieving a successful reorganization. The vast operational and financial burdens the Subpoena would impose threatens the Debtors’ ability to reorganize, risking all of the progress they have made over the past thirteen months, as well as the livelihoods of the thousands of people who are depending on their recovery. Accordingly, the Debtors are seeking to enjoin Peabody’s enforcement of the Subpoena until the Debtors’ plan of reorganization has been confirmed and becomes effective.

2. In their Motion, the Debtors have made every effort to comply with the applicable page limitation. However, given the need to provide the Court sufficient background on the progress of the reorganization, what remains to be accomplished, the action in which Peabody is seeking its discovery, the sheer breadth of the Subpoena’s requests, and the threat the Subpoena poses to the Debtors’ reorganization, the Debtors are unable to limit the Motion to fifteen pages.

3. The Debtors respectfully request leave to exceed the Court’s page limitation by 5 pages.

WHEREFORE, for the foregoing reasons, the Debtors respectfully request leave to exceed the applicable page limitation by 5 pages in their Motion, and for such other relief as the Court deems just and proper.

Dated: New York, New York
September 3, 2013

Respectfully Submitted,

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