

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Apr 17, 2013

Kathy A. Surratt - States
KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

In re:

**PATRIOT COAL CORPORATION, *et al.*,
Debtors.**

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

ROBIN LAND COMPANY, LLC,

Plaintiff,

v.

Adv. Pro. No. 12-04355-659

STB VENTURES, INC.,

Re: ECF No. 74

Defendant,

**ARCH COAL, INC., ARK LAND COMPANY,
and ARK LAND KH, INC.,**

Intervenor-Defendants.

**PLAINTIFF'S MOTION FOR LEAVE TO EXCEED THE PAGE
LIMITATION IN ITS REPLY MEMORANDUM OF LAW IN
FURTHER SUPPORT OF ITS MOTION FOR JUDGMENT ON THE
PLEADINGS AND MOTION TO DISMISS DEFENDANTS' COUNTERCLAIMS**

Plaintiff Robin Land Company, LLC (“**Robin Land**”), one of the affiliated debtor entities in the above-captioned chapter 11 case, by and through its undersigned attorneys, hereby moves the Court for an Order pursuant to Local Bankruptcy Rule 9004(C) granting Robin Land leave to exceed the Court’s page limitation (the “**Motion**”) in its Reply Memorandum in Further Support (the “**Reply Memorandum**”) ¹ [ECF No. 74] of its motion pursuant to Rules 12(b)(6) and 12(c) of the Federal Rules of Civil Procedure, as incorporated by Rule 7012 of the Federal Rules of Bankruptcy Procedure, granting judgment on the pleadings, dismissing Defendants’ counterclaims in their entirety for failure to state a claim, and declaring (1) that the STB Override is a non-executory contract for purposes of Section 365 of the Bankruptcy Code, and (2) that the STB Override is not integrated with or is severable from the 1994 Asset Purchase Agreement, the Leases, the Assignments, the Magnum PSA, and/or any other agreement (the “**Rule 12 Motion**”) [ECF No. 35]. In support of its Motion, Robin Land states as follows:

1. The Reply Memorandum responds to arguments raised in objections to the Rule 12 Motion filed by defendant STB Ventures, Inc. (“**STB**”) (the “**STB Objection**”) [ECF No. 69] and intervenor-defendants Arch Coal, Inc., Ark Land Company, and Ark Land KH, Inc. (together, “**Arch**”) (the “**Arch Objection**”) [ECF No. 72]. The STB Objection exceeded the Court’s page limitation by sixteen pages. The Arch Objection also exceeded that Court’s page limitation by sixteen pages.

2. Robin Land has made every effort to comply with the Court’s page limitation. However, given the length of the STB Objection and the Arch Objection – which together total 61 pages – as well the complexity of the issues involved, Robin Land is unable to adequately respond to both objections in fifteen pages. Moreover, rather than file two reply briefs of fifteen

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Reply Memorandum.

pages each, Robin Land is filing a single reply brief of 23 pages in response to both objections.

3. Robin Land respectfully requests leave to exceed the applicable page limitation by eight pages.

WHEREFORE, for the foregoing reasons, Robin Land respectfully requests leave to exceed the applicable page limitation by eight pages in its Reply Memorandum, and such other relief as the court deems just and proper.

Dated: New York, New York
April 16, 2013

Respectfully Submitted,

DAVIS POLK & WARDWELL LLP

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