

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:		: Chapter 11
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PATRIOT COAL CORPORATION, <i>et al.</i> ,		: Case No. 12-12900 (SCC)
		:
Debtors.		: (Jointly Administered)
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EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.,		:
		:
Plaintiff,		:
		: Adv. Pro. No. 12-01786 (SCC)
		:
v.		:
		:
BOONE EAST DEVELOPMENT CO., PERFORMANCE COAL CO., AND NEW RIVER ENERGY CORP.,		:
		:
Defendants.		:
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**ORDER AUTHORIZING PLAINTIFF TO FILE UNDER SEAL  
THE AGREEMENTS AS EXHIBITS TO PLAINTIFF’S  
COMPLAINT FOR DECLARATORY RELIEF**

Upon the motion (the “**Motion**”)<sup>1</sup> of Eastern Royalty LLC f/k/a Eastern Royalty Corp. (“**ERC**” or “**Plaintiff**”), one of the affiliated debtors and debtors in possession in the above-captioned chapter 11 case, for entry of an order authorizing ERC to file under seal the Agreements and the exhibits attached thereto pursuant to sections 105(a) and 107(b) of the Bankruptcy Code and Bankruptcy Rule 9018, as more fully described in the Motion; and the Court having jurisdiction to consider the Motion and the

<sup>1</sup> Unless otherwise defined herein, each capitalized term shall have the meaning ascribed to such term in the Motion.

relief requested therein pursuant to 28 U.S.C. § 1334; and consideration of the Motion and the requested relief being a core proceeding the Bankruptcy Court can determine pursuant to 28 U.S.C. § 157(b); and due and proper notice of the Motion having been provided to (a) the Core Parties, (b) the Non-ECF Service Parties (as those terms are defined in the Case Management Order), and (c) the Massey Entities consistent with the Case Management Order, and it appearing that no other or further notice need be provided; and the relief requested in the Motion being in the best interests of ERC and its estate and creditors; and the Court having reviewed the Motion; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the relief requested in the Motion is hereby granted as set forth herein; and it is further

ORDERED that pursuant to section 107(b) of the Bankruptcy Code and Bankruptcy Rule 9018, ERC is authorized to file the Agreements and the exhibits attached thereto under seal; and it is further

ORDERED that the Agreements and the exhibits attached thereto shall remain under seal and confidential and shall not be made available to anyone without the consent of ERC and the Massey Entities or without further order from this Court (after notice and a hearing), in each case, under appropriate confidentiality agreements reasonably satisfactory to ERC; *provided, however*, that ERC has provided or will provide unredacted copies of the Agreements and the exhibits attached thereto to (i) the U.S. Trustee on a strictly confidential basis, (ii) the counsel and financial advisors to the administrative agents for the Debtors' post-petition lenders on a strictly confidential and

professionals' eyes only basis, and (iii) the counsel and financial advisors to the Committee on a strictly confidential and professionals' eyes only basis, *provided*, *however*, that Committee members shall receive the Agreements only as agreed among the Debtors and counsel to the Committee; and it is further

ORDERED that any pleadings filed in this case or the above-captioned chapter 11 case that reference or disclose any confidential commercial information contained in the Agreements and the exhibits attached thereto shall be filed under seal and served only on those parties authorized to receive the Agreements in accordance with this Order; and it is further

ORDERED that the terms and conditions of this Order shall be immediately effective and enforceable upon its entry; and it is further

ORDERED that ERC is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion; and it is further

ORDERED that notice of the Motion as provided therein is good and sufficient notice and satisfies Bankruptcy Rule 9014 by providing the counterparties with notice and an opportunity to object and be heard at a hearing; and it is further

ORDERED that this Court shall retain jurisdiction to hear and decide any dispute related to or arising from this Order.

Dated: August 23, 2012  
New York, New York

*/s/ Shelley C. Chapman*  
HONORABLE SHELLEY C. CHAPMAN  
UNITED STATES BANKRUPTCY JUDGE