

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

**In re:**

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

**Debtors.<sup>1</sup>**

**Chapter 11**

**Case No. 12-12900 (SCC)**

**(Jointly Administered)**

**ORDER PURSUANT TO 11 U.S.C. § 362(d) AUTHORIZING  
LIMITED RELIEF FROM THE AUTOMATIC STAY**

Upon the motion (the “**Motion**”)<sup>2</sup> of Patriot Coal Corporation (“**Patriot**”) and Hobet Mining, LLC (“**Hobet**”, and together with Patriot, the “**Debtor Movants**” or the “**Defendants**”), pursuant to section 362(d) of the Bankruptcy Code, Rule 4001 of the Federal Rules of Bankruptcy Procedure and Rule 4001-1 of the Local Bankruptcy Rules for the Southern District of New York, for entry of an order granting limited relief from the automatic stay, to the extent applicable, to allow for certain actions to be taken in *Ohio Valley Env'tl. Coal., Inc. v. Hobet Mining, LLC*, No. 3:09-1167 (S.D. W. Va.) and *Ohio Valley Env'tl. Coal., Inc. v. Patriot Coal Corp.*, No. 3:11-0115 (S.D. W. Va.) (collectively, the “**Environmental Proceedings**”) for the purpose of modifying orders in such cases through the extension of certain compliance deadlines; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and Standing Order M-61 Referring to

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<sup>1</sup> The Debtors are the entities listed on Schedule 1 attached to the Motion. The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors’ chapter 11 petitions.

<sup>2</sup> Unless otherwise defined herein, each capitalized term shall have the meaning ascribed to such term in the Motion.

Bankruptcy Judges for the Southern District of New York Any and All Proceedings Under Title 11, dated July 10, 1984 (Ward, Acting C.J.) as amended by Standing Order M-431, dated February 1, 2012 (Preska, C.J.); 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, the Court having found that cause exists to shorten the time set forth in the Case Management Order for all the reasons set forth in the Motions; 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 the Debtor Movants and their estates and creditors; and the Court having reviewed the Motion and having held a hearing with appearances of parties in interest noted in the transcript thereof (the “**Hearing**”); and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and the objection filed by the Plaintiffs having been overruled at the Hearing; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the Motion is granted as set forth herein; and it is further

ORDERED that the automatic stay pursuant to section 362 of the Bankruptcy Code, to the extent applicable to the relief requested in the Motion, is hereby modified pursuant to section 362(d) of the Bankruptcy Code solely for the limited purpose of allowing the Debtor Movants to file the Motion to Modify and the Litigants to file and prosecute pleadings solely with respect to the Motion to Modify in accordance with a briefing schedule set forth by the West Virginia District Court and allowing the West Virginia District Court to determine whether to modify, and to order the modification of, the Prepetition Orders, and for no other purpose; and

it is further

ORDERED that, notwithstanding anything contained in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, including, without limitation, Bankruptcy Rule 4001(a)(3), the Local Bankruptcy Rules of the Southern District of New York, or the Case Management Order, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry; and it is further

ORDERED that (i) the filing and prosecution by the Debtor Movants of the Motion or any action taken in connection therewith, (ii) the entry of this Order and (iii) the entry, denial or other disposition by the West Virginia District Court of the Motion to Modify, (x) is without prejudice to the rights of the Debtor Movants (and/or any other party in interest in these chapter 11 cases) and the other Litigants to support or oppose any motion by any party, including, but not limited to, the Debtor Movants (and/or any other party in interest in these chapter 11 cases) and the other Litigants, seeking to enforce, or seeking relief from, the automatic stay, (y) shall not constitute a waiver or limitation of the rights of the Debtor Movants (and/or any other party in interest in these chapter 11 cases) and the other Litigants to claim or contest the applicability of the automatic stay to any aspect of the Environmental Proceedings and any action or proceeding related thereto, except as expressly set forth in the second ordered paragraph of this Order and (z) shall not constitute a waiver or limitation of the rights, remedies and defenses of the Debtor Movants (and/or any other party in interest in these chapter 11 cases) and the other Litigants in or relating to the Environmental Proceedings, except as expressly set forth in the second ordered paragraph of this Order; and it is further

ORDERED that, except as set forth herein, the automatic stay under section 362 of the Bankruptcy Code remains in full force and effect to the extent it otherwise applies to any aspect of the Environmental Proceedings, and all parties' rights, claims and defenses thereto are reserved; and it is further

ORDERED that nothing in this Order shall affect the rights or obligations with respect to the letter of credit required to be maintained under the Hobet 22 Order; and it is further

ORDERED that the notice procedures set forth in the Motion are good and sufficient notice and satisfy Bankruptcy Rule 9014 by providing the counterparties with a notice and an opportunity to object and be heard at a hearing; the Court having found that cause exists to shorten the time set forth in the Case Management Order for all the reasons set forth in the Motion; and it is further

ORDERED that this Court retains jurisdiction to hear and determine all matters arising from or related to the implementation and/or interpretation of this Order.

Dated: New York, New York

October 11, 2012

/S/ Shelley C. Chapman  
THE HONORABLE SHELLEY C. CHAPMAN  
UNITED STATES BANKRUPTCY JUDGE