

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

PATRIOT COAL CORPORATION, *et al.*,

Plaintiffs,

-against-

PEABODY HOLDING COMPANY, LLC and  
PEABODY ENERGY CORPORATION,

Defendants.

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

Adversary Proceeding  
No. 13-04204-659

**STIPULATION DISMISSING THE COMPLAINT WITH PREJUDICE**

This stipulation is made and entered into between Plaintiffs Patriot Coal Corporation and its affiliated debtors in these chapter 11 cases (together, “**Patriot**”) and Defendants Peabody Holding Company, LLC and Peabody Energy Corporation (collectively, “**Peabody**”), through their respective undersigned counsel:

WHEREAS Peabody propounded a subpoena (the “**Subpoena**”), dated August 7, 2013, on Patriot in connection with Lowe et al. v. Peabody Holding Co., No. 2:12-CV-06925 (S.D. W. Va.) (the “**Lowe Action**”); and

WHEREAS Patriot initiated an adversary proceeding on September 3, 2013, and concurrently therewith filed a Motion for a Preliminary Injunction Pursuant to 11 U.S.C. § 105(a) [ECF No. 3] (the “**Motion**”), seeking to enjoin enforcement of the Subpoena; and

WHEREAS the Lowe Action was dismissed in its entirety on September 27, 2013; and

WHEREAS the Debtors, Peabody, and the United Mine Workers of America (the “**UMWA**”) have reached a global settlement agreement pursuant to which, among other things, the UMWA and those retirees it represents agreed to cease their prosecution of the Lowe Action (the “**Settlement**”); and

WHEREAS, on October 16, 2013, the Debtors filed a motion for entry of an order approving the Settlement, which this Court approved on November 7, 2013; and

WHEREAS, on October 25, 2013 the Court entered a stipulated order dismissing the above-captioned adversary proceeding without prejudice; and

WHEREAS the Settlement requires the Debtors to dismiss the above-captioned adversary proceeding with prejudice within two business days of the Effective Date of the Settlement; and

WHEREAS the Effective Date occurred on December 18, 2013; and

NOW THEREFORE, it is hereby stipulated by and between Patriot and Peabody that, pursuant to Federal Rule of Civil Procedure 41(A)(ii), made applicable by Federal Rule of Bankruptcy Procedure 7041, this adversary proceeding, including all claims, is dismissed with prejudice and, that each party shall bear its own costs.

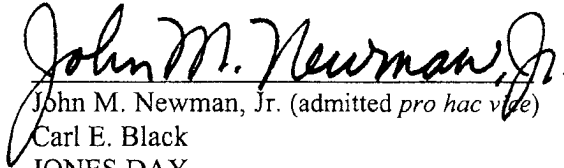
Dated: December 19, 2013



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