UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

In re: PATRIOT COAL CORPORATION, et al.,) Chapter 11) Case No. 12-51502-659) (Jointly Administered)
Debtors.	Objection Deadline: To Be Determined by the Court Hearing Date: To Be Determined by the Court Hearing Location: Courtroom 7 North
))

MOTION OF THE UNITED MINE WORKERS OF AMERICA 1974 PENSION TRUST AND THE UNITED MINE WORKERS OF AMERICA 1993 BENEFIT PLAN FOR LEAVE TO EXCEED THE PAGE LIMITATION IN THEIR MOTION TO INTERVENE

The United Mine Workers of America 1974 Pension Trust ("1974 Plan") and the United Mine Workers of America 1993 Benefit Plan ("1993 Plan"), (collectively, the "UMWA Plans" or "Plans"), by and through their undersigned counsel and pursuant to Local Bankruptcy Rule 9004(C), hereby move the Court for an Order granting the Plans leave to exceed this Court's page limitation for the Plans' *Motion to Intervene* ("Motion to Intervene") related to the Debtors' *Motion to Reject Collective Bargaining Agreements and to Modify Retiree Benefits Pursuant to* 11 U.S.C. §§ 1113, 1114 ("1113/1114 Motion") [ECF No. 3124]. In support of this Motion, the Plans state as follows:

1. The Plans have made efforts to comply with this Court's page limitation.

However, because both the 1974 Plan and the 1993 Plan are jointly moving to intervene, and

each Plan is separately and uniquely affected by the Debtors' 1113/1114 Motion, more space is required to articulate the significant interests of each Plan with respect to the 1113/1114 Motion.

- 2. The Motion to Intervene also requires additional space to adequately explain the Plans' interest in the relief requested by the Debtors their 86-page memorandum of law filed in support of the 1113/1114 Motion.¹
- 3. In the interest of expediency, the Plans have combined the Motion to Intervene, the supporting memorandum of law and the motion for an emergency hearing into a single pleading. That pleading is 19 pages in length, including the signature of counsel and therefore exceeds the Court's page limitation by four pages.
- 4. For these reasons, the Plans respectfully request leave to file their Motion to Intervene.

WHEREFORE, for the reasons set forth herein, the Plans respectfully request that this Court grant them leave to file their Motion to Intervene in excess of the page limitation of L.R. 9004(C).

Dated: March 29, 2013 Respectfully submitted,

DOWD BENNETT LLP

By: /s/ Edward L Dowd., Jr.
Edward L. Dowd, Jr. #28785MO
James E. Crowe, III #50031MO
7773 Forsyth Boulevard, Suite 1900
St. Louis, MO 63105

Telephone: (314) 889-7300 Facsimile: (314) 863-2111

- and -

¹ On March 28, 2013, the Debtors wrote to this Court, requesting that the Court schedule a teleconference to regarding third-party participation in the hearing on the 1113/1114 Motion (the "<u>Letter</u>"), asserting, among other things, that no parties other than the Debtors and the United Mine Workers of America ("<u>UMWA</u>") should be permitted to participate in the hearing on the 1113/1114 Motion. Because the Plans are interested parties in this contested matter, the Plans seek leave to intervene.

MORGAN, LEWIS & BOCKIUS LLP

John C. Goodchild, III (pro hac vice) Rebecca J. Hillyer (pro hac vice) 1701 Market Street Philadelphia, Pennsylvania 19103 Telephone: (215) 963-5000

Facsimile: (215) 963-5001

MOONEY, GREEN, SAINDON, MURPHY & WELCH, P.C.

John R. Mooney (pro hac vice) Paul A. Green (pro hac vice) 1920 L Street, N.W., Suite 400 Washington, DC 20036 Telephone: (202) 783-0010

Facsimile: (202) 783-6088

Counsel for the United Mine Workers of America 1974 Pension Trust and the United Mine Workers of America 1993 Benefit Plan

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was filed on March 29, 2013 using the Court's CM/ECF system and that service will be accomplished by operation of that system upon all counsel of record, which includes counsel for all core parties.

/s/ Edward L. Dowd, Jr.