

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI**

.....)
In re:) Case No. 12-51502
)
PATRIOT COAL CORPORATION, *et al.*,) Chapter 11
)
Debtors.) Jointly Administered
.....)

**MOTION OF CERTAIN INTERESTED SHAREHOLDERS FOR LEAVE
TO EXCEED THE PAGE LIMITATION IN THEIR OMNIBUS REPLY
TO OBJECTIONS TO APPOINT OFFICIAL EQUITY COMMITTEE**

Certain interested shareholders (the “Interested Shareholders”), by and through their undersigned attorneys, hereby move this Court (the “Excess Pages Motion”) for leave under Local Bankruptcy Rule 9004(C) to exceed the page limitation in their omnibus reply (the “Reply”) to the objections (the “Objections”)¹ to the *Motion of Certain Interested Shareholders for Entry of an Order Directing the Appointment of an Official Committee of Equity Security Holders Pursuant to Bankruptcy Code § 1102(a)(2)* [ECF. No. 417] (the “Motion to Appoint”).

In support of the Excess Pages Motion, the Interested Shareholders respectfully state as follows:

1. Three of the Objections (the Debtors’, the Creditors’ Committee’s, and the U.S. Trustee’s) each exceeds the page limitation imposed by Local Bankruptcy Rule 9004(C), which provides that certain pleadings may not exceed fifteen pages without leave of this Court. Moreover, since the Interested Shareholders filed the Motion to Appoint, the Debtors have

¹ Objection of the United States Trustee [ECF No. 565]; Objection of Wilmington Trust Company, as Indenture Trustee [ECF No. 3439]; Objection of the Official Committee of Unsecured Creditors [ECF No. 3441]; Joinder of U.S. Bank National Association, as Indenture Trustee, to Objection of the Official Committee of Unsecured Creditors [ECF No. 3442]; Joinder of Bank of America, N.A., as Second Out DIP Agent, to Debtors’ Objection [ECF No. 3451]; and Joinder of Citibank, N.A., as First Out DIP Agent in Debtors Objection [ECF No. 3452] (collectively, the “Objections”).

provided the Interested Shareholders with documents, depositions and witness interviews have taken place, and expert reports have been submitted by the parties.

2. While the Interested Shareholders used their best efforts to comply with the applicable fifteen page limitation, the sheer number of objections and expert reports to be addressed (not to mention the discovery that has taken place to date in this matter) has made it all but impossible for the Interested Shareholders to respond to the arguments raised in the Objections in fifteen pages.

3. Courts routinely grant motions to file pleadings in excess of page limits specified by local rules where, as here, the issues addressed are significant and complex. *See, e.g., Jannota v. Subway Sandwich Shops, Inc.*, 1995 U.S. Dist. LEXIS 7586, at *3 n.3 (N.D. Ill. June 1, 1995) (leave granted where parties represent that complexity of issues requires additional space). In the matter of the Motion to Appoint, both the complexity of the issues addressed and the significant impact of this Court's ruling require a detailed explanation so that the Court can make an informed decision.

4. Accordingly, the Interested Shareholders respectfully request leave to file the Reply in excess of the fifteen-page limit specified by Local Bankruptcy Rule 9004(C).

WHEREFORE, for the foregoing reasons, the Interested Shareholder respectfully request that this Court grant (i) the Excess Pages Motion and (ii) such other and further relief that may be just and proper under the circumstances.

Dated: April 19, 2013
New York, New York

MCKOOL SMITH, P.C.

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