

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

In re

PATRIOT COAL CORPORATION, *et al.*,

Debtors.¹

Chapter 11

**Case No. 12-51502-659
(Jointly Administered)**

Hearing Date:

**April 29, 2013 at 10:00 a.m.
(prevailing Central Time)**

Hearing Location:

Courtroom 7 North

Re: ECF No. 3214

**THE PARTIES' EXHIBIT LIST RELATING TO THE DEBTORS'
MOTION TO REJECT COLLECTIVE BARGAINING AGREEMENTS AND
TO MODIFY RETIREE BENEFITS PURSUANT TO 11 U.S.C. §§ 1113, 1114**

The parties identify the following joint exhibits for the hearing on the Motion:

1. Robertson Decl. [ECF No. 3220]
2. Robertson Decl. Ex. 1/Huffard Dep. Ex. 3
3. Robertson Decl. Ex. 2
4. Robertson Decl. Ex. 3
5. Robertson Decl. Ex. 4
6. Robertson Decl. Ex. 5
7. Robertson Decl. Ex. 6
8. Robertson Decl. Ex. 7
9. Robertson Decl. Ex. 8
10. Robertson Decl. Ex. 9
11. Robertson Decl. Ex. 10
12. Robertson Decl. Ex. 11

¹ The Debtors are the entities listed on Schedule 1 attached to the Debtors' Motion to Reject Collective Bargaining Agreements and to Modify Retiree Benefits Pursuant to 11 U.S.C. §§ 1113, 1114 [ECF No. 3214] (the "**Motion**"). The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors' chapter 11 petitions.

13. Robertson Decl. Ex. 12
14. Robertson Decl. Ex. 13
15. Robertson Decl. Ex. 14
16. Robertson Decl. Ex. 15
17. Robertson Decl. Ex. 16
18. Robertson Decl. Ex. 17
19. Robertson Decl. Ex. 18
20. Robertson Decl. Ex. 19
21. Robertson Decl. Ex. 20
22. Robertson Decl. Ex. 21
23. Robertson Decl. Ex. 22
24. Robertson Decl. Ex. 23
25. Robertson Decl. Ex. 24
26. Robertson Decl. Ex. 25
27. Robertson Decl. Ex. 26
28. Robertson Decl. Ex. 27
29. Robertson Decl. Ex. 28
30. Robertson Decl. Ex. 29
31. Robertson Decl. Ex. 30
32. Robertson Decl. Ex. 31
33. Robertson Decl. Ex. 32
34. Robertson Decl. Ex. 33
35. Robertson Decl. Ex. 34
36. Robertson Decl. Ex. 35
37. Robertson Decl. Ex. 36
38. Robertson Decl. Ex. 37
39. Robertson Decl. Ex. 38
40. Robertson Decl. Ex. 39
41. Robertson Decl. Ex. 40
42. Robertson Decl. Ex. 41
43. Robertson Decl. Ex. 42
44. Robertson Decl. Ex. 43
45. Robertson Decl. Ex. 44
46. Robertson Decl. Ex. 45
47. Robertson Decl. Ex. 46
48. Robertson Decl. Ex. 47
49. Robertson Decl. Ex. 48
50. Robertson Decl. Ex. 49

51. Robertson Decl. Ex. 50
52. Robertson Decl. Ex. 51
53. Robertson Decl. Ex. 52
54. Robertson Decl. Ex. 53
55. Robertson Decl. Ex. 54
56. Robertson Decl. Ex. 55
57. Robertson Decl. Ex. 56
58. Robertson Decl. Ex. 57
59. Robertson Decl. Ex. 58
60. Robertson Decl. Ex. 59
61. Robertson Decl. Ex. 60
62. Robertson Decl. Ex. 61
63. Robertson Decl. Ex. 62
64. Robertson Decl. Ex. 63
65. Robertson Decl. Ex. 64
66. Robertson Decl. Ex. 65
67. Robertson Decl. Ex. 66
68. Robertson Decl. Ex. 67
69. Robertson Decl. Ex. 68
70. Robertson Decl. Ex. 69
71. Robertson Decl. Ex. 70
72. Robertson Decl. Ex. 71
73. Robertson Reply Decl. [ECF No. 3799]
74. Robertson Reply Decl. Ex. 72/Huffard Dep. Ex. 3
75. Robertson Reply Decl. Ex. 73
76. Robertson Reply Decl. Ex. 74
77. Robertson Reply Decl. Ex. 75
78. Robertson Reply Decl. Ex. 76
79. Robertson Reply Decl. Ex. 77
80. Robertson Reply Decl. Ex. 78
81. Robertson Reply Decl. Ex. 79
82. Robertson Reply Decl. Ex. 80
83. Robertson Reply Decl. Ex. 81/Lucha Dep. Ex. 9/
Amended Traynor Decl. Ex. R
84. Robertson Reply Decl. Ex. 82
85. Robertson Reply Decl. Ex. 83
86. Robertson Reply Decl. Ex. 84
87. Robertson Reply Decl. Ex. 85
88. Robertson Reply Decl. Ex. 86

89. Robertson Reply Decl. Ex. 87
90. Robertson Reply Decl. Ex. 88
91. Robertson Reply Decl. Ex. 89
92. Robertson Reply Decl. Ex. 90
93. Robertson Reply Decl. Ex. 91
94. Robertson Reply Decl. Ex. 92
95. Robertson Dep. Ex. 1
96. Robertson Dep. Ex. 2
97. Lucha Decl. [ECF No. 3223]
98. Lucha Decl. Ex. 1.A
99. Lucha Decl. Ex. 1.B
100. Lucha Decl. Ex. 1.C
101. Lucha Decl. Ex. 1.D
102. Lucha Decl. Ex. 1.E
103. Lucha Decl. Ex. 2
104. Lucha Decl. Ex. 3
105. Lucha Decl. Ex. 4.A
106. Lucha Decl. Ex. 4.B
107. Lucha Decl. Ex. 4.C
108. Lucha Decl. Ex. 4.D
109. Lucha Decl. Ex. 5/Huffard Dep. Ex. 2
110. Lucha Decl. Ex. 6
111. Lucha Decl. Ex. 7
112. Lucha Reply Dec. [ECF No. 3802]
113. Lucha Reply Decl. Ex. 8
114. Lucha Reply Decl. Ex. 9
115. Lucha Reply Decl. Ex. 10
116. Lucha Reply Decl. Ex. 11.A
117. Lucha Reply Decl. Ex. 11.B
118. Lucha Dep. Ex. 8
119. Huffard Decl. [ECF No. 3224]
120. Huffard Expert Materials:
“Metallurgical Coal Prices to Back Down from Ultra-High Levels,” Daiwa Capital Markets
121. Huffard Expert Materials:
“Prices of Metallurgical and Thermal Coal Fall to Lowest Range,” Daiwa Capital Markets
122. Huffard Expert Materials:
“Metallurgical Coal Prices Forecasts Raised,” Daiwa Capital Markets

123. Huffard Expert Materials:
ICAP Energy, Daily Coal Prices
124. Huffard Expert Materials:
“BHP, Nippon Q1 coking coal settlement down,”
Ironoreteam.com
125. Huffard Expert Materials:
“Coal Dynamics: Current Trends & 2013 Outlook,”
Morgan Stanley
126. Huffard Expert Materials:
Henry Hub Spot Natural Gas Index SNL
127. Huffard Expert Materials:
U.S. EIA Annual Energy Outlook 2013
128. Huffard Expert Materials:
U.S. EIA Electric Power Annual 2011
129. Huffard Expert Materials:
U.S. EIA Electric Monthly Update, December 2012
130. Huffard Expert Materials:
U.S. EIA Today in Energy
131. Huffard Expert Materials:
World Steel Association, Steel Statistical Yearbook 2012
132. Huffard Reply Decl. [ECF No. 3801]
133. Huffard Dep. Ex. 1
134. Huffard Dep. Ex. 4
135. Schwartz Decl. [ECF No. 3225]
136. Schwartz Expert Materials:
Argus Coal Daily, U.S. Coal Market Prices
137. Schwartz Expert Materials:
U.S. EIA Annual Coal Report 2011
138. Schwartz Expert Materials:
U.S. EIA Annual Energy Review 2011
139. Schwartz Expert Materials:
U.S. EIA Electric Power Monthly, Dec. 2012
140. Schwartz Expert Materials:
U.S. EIA Quarterly Coal Report, Oct.–Dec. 2011
141. Schwartz Expert Materials:
U.S. EIA Short-Term Energy Outlook
142. Schwartz Expert Materials:
EIA Weekly Natural Gas Futures Prices
143. Schwartz Expert Materials:
Energy Ventures Analysis, CoalCast, Stockpile Data
Report
144. Schwartz Expert Materials:
Energy Ventures Analysis, U.S. Coal Quarterly Financial
Report 2012 Q-3
145. Schwartz Expert Materials:
ICAP Energy Coal Prices

146. Schwartz Expert Materials:
Mine Safety and Health Administration Data
147. Schwartz Expert Materials:
Platts International Coal Report Prices
148. Schwartz Reply Decl. [ECF No. 3800]
149. Schwartz Reply Decl. Ex. A
150. Schwartz Dep. Ex. 2
151. Schwartz Dep. Ex. 3
152. Schwartz Dep. Ex. 4
153. Schwartz Dep. Ex. 5
154. Schwartz Dep. Ex. 6
155. Schwartz Dep. Ex. 7
156. Schwartz Dep. Ex. 8
157. Schwartz Dep. Ex. 9
158. Terry Decl. [ECF No. 3321]/ Cobin Dep. Ex. 5
159. Hatfield Decl. [ECF No. 3222]
160. Amended Traynor Decl. [ECF No. 3642]/Cobin Dep. Ex.
3/Mandarino Dep. Ex. 5
161. Amended Traynor Decl. Ex. A
162. Amended Traynor Decl. Ex. B
163. Amended Traynor Decl. Ex. C
164. Amended Traynor Decl. Ex. D
165. Amended Traynor Decl. Ex. E
166. Amended Traynor Decl. Ex. F
167. Amended Traynor Decl. Ex. G
168. Amended Traynor Decl. Ex. H
169. Amended Traynor Decl. Ex. I
170. Amended Traynor Decl. Ex. J
171. Amended Traynor Decl. Ex. K
172. Amended Traynor Decl. Ex. L
173. Amended Traynor Decl. Ex. M
174. Amended Traynor Decl. Ex. N
175. Amended Traynor Decl. Ex. O
176. Amended Traynor Decl. Ex. P
177. Amended Traynor Decl. Ex. Q
178. Amended Traynor Decl. Ex. S
179. Amended Traynor Decl. Ex. T
180. Traynor Dep. Ex. 2
181. Buckner Decl. [ECF No. 3613]

182. Buckner Decl. Ex. A
183. Buckner Decl. Ex. B
184. Buckner Dep. Ex. 1
185. Buckner Dep. Ex. 2
186. Buckner Dep. Ex. 3
187. Buckner Dep. Ex. 4
188. Buckner Dep. Ex. 5
189. Buckner Dep. Ex. 6
190. Buckner Dep. Ex. 7
191. Mandarino Decl. [ECF No. 3622]
192. Mandarino Dep. Ex. 1
193. Mandarino Dep. Ex. 2
194. Mandarino Dep. Ex. 3
195. Mandarino Dep. Ex. 4
196. Mandarino Dep. Ex. 6
197. Mandarino Dep. Ex. 7
198. Mandarino Dep. Ex. 8
199. Mandarino Dep. Ex. 9
200. Mandarino Dep. Ex. 10
201. *Mission Iowa Wind Co., and Storm Lake Power Partners I, LLC v. Enron Corp.*, No. 02-503 (S.D.N.Y. 2003)
202. *In re Summit Global Logistics, Inc.*, 2008 Bankr. LEXIS 896, No. 08-11566 (Bankr. D. N.J. 2008)
203. InfoMine U.S.A, Inc., “2012 Survey Results: U.S. Coal Mine Salaries, Wages & Benefits”
204. Akunuri Decl. [ECF No. 3614]
205. Akunuri Decl. Ex. A
206. Akunuri Decl. Ex. B
207. Akunuri Decl. Ex. C
208. Akunuri Decl. Ex. D
209. Akunuri Decl. Ex. E
210. Akunuri Decl. Ex. F
211. Akunuri Expert Materials:
SNL Energy Coal Forecast, Feb. 28, 2013
212. Akunuri Expert Materials:
Jodi Shafto, “May natural gas settles at 18-month high at \$4.068/MMBtu,” SNL Financial, Mar. 27, 2013.
213. Akunuri Expert Materials:
Darren Epps, “Barclays projects 12% increase in coal-fired generation in 2013,” SNL Financial, Mar. 27, 2013.

214. Akunuri Expert Materials:
Energy Information Administration Henry Hub Gulf Coast Natural Gas Spot Price, Apr. 1, 2003–Mar. 28, 2013.
215. Akunuri Expert Materials:
Capital IQ- Henry Hub Natural Gas Prices, Mar. 27, 2013.
216. Akunuri Expert Materials:
EIOE/EIA, Energy Information Administration February 2013 Monthly Energy Review.
217. Akunuri Expert Materials:
Baker Hughes Rig Count, Mar. 28, 2013.
218. Akunuri Expert Materials:
Memo from K. Ramoutar and M. Nash to File Re: Coal Price Forecast Call with Wood Mackenzie, Mar. 19, 2013.
219. Akunuri Expert Materials:
Rig Count Spreadsheet
220. Akunuri Dep. Ex. 2
221. Akunuri Dep. Ex. 3
222. Akunuri Dep. Ex. 4
223. Akunuri Dep. Ex. 5
224. Akunuri Dep. Ex. 6
225. Akunuri Dep. Ex. 7
226. Akunuri Dep. Ex. 8
227. Akunuri Dep. Ex. 9
228. Akunuri Dep. Ex. 10
229. Akunuri Dep. Ex. 11
230. Akunuri Dep. Ex. 12
231. Akunuri Dep. Ex. 14
232. Akunuri Dep. Ex. 15
233. Akunuri Dep. Ex. 16
234. Patriot's Coal Price Forecast by Complex pursuant to its five year plan [Data room 1.2.21]
235. Cobin Decl. [ECF No. 3619]
236. Cobin Expert Materials:
Kaiser Family Foundation, *What the Actuarial Values in the Affordable Care Act Mean*, Apr. 2011.
237. Cobin Expert Materials
Devon M. Herrick, *Unnecessary Regulations that Increase Prescription Drug Costs*, National Center for Policy Analysis, Policy Report No. 346, Mar., 2013.

238. Cobin Expert Materials:
Kaiser Family Foundation, *Prescription Drug Trends*,
May 2010.
239. Cobin Expert Materials:
Society of Actuaries Long Term Healthcare Trends
Resource Model, *Practical Issues for Actuaries*, Jan.
2007.
240. Cobin Expert Materials:
Sibson Consulting, Study of Retiree Health VEBAs,
Winter 2008.
241. Cobin Expert Materials:
Mercer, Health Status Assessment Project, United Mine
Workers of American Health and Retirement Funds,
Aug. 14, 2009.
242. Cobin Expert Materials:
Ellen O'Brien, *Retiree Health Care: What Do the New
Auto Industry VEBAs Mean for Current and Future
Retirees?*, AARP Public Policy Institute, Publication #I4.
243. Cobin Expert Materials:
Buchmueller, DiNardo, and Valletta, *Union Effects on
Health Insurance Provision and Coverage in the United
States*, *Industrial & Labor Relations Review*, ILR School,
Cornell University, Vol. 55(4), July 2002.
244. Cobin Expert Materials:
Patriot Coal Retiree Medical Liabilities, Mar. 4, 2013
Mercer Response to PwC's Mar. 1, 2013 email.
245. Cobin Expert Materials:
Patriot Coal Retiree Paid Claims Data for FAS106 Study
246. Cobin Expert Materials:
Patriot 2013 APBO Valuation
247. Cobin Expert Materials:
Excerpt containing section on "Liability Assumption
Agreements and Administrative Services Agreement"
248. Cobin Expert Materials:
Patriot Coal FAS106 data 2009 Q3 spreadsheet
249. Cobin Expert Materials:
Patriot Coal - 2013 Results Spreadsheet
250. Cobin Expert Materials: Cobin Dep. Ex. 4
251. Cobin Expert Materials:
Society of Actuaries Long Term Healthcare Trends
Resources Model, *Practical Issues for Actuaries*
252. Cobin Dep. Ex. 1
253. Cobin Dep. Ex. 2a
254. Cobin Dep. Ex. 2b
255. Cobin Dep. Ex. 4

256. Roberts Dep. Ex. 1
257. Stover Decl. in Support of 1974 Plan/1993 Plan [ECF No. 3624-1]
258. Stover Decl. in Support of 1974 Plan/1993 Plan, Ex. 2
259. Stover Decl. in Support of 1974 Plan/1993 Plan, Ex. 3/Stover Dep. Ex. 2
260. Stover Decl. in Support of 1974 Plan/1993 Plan, Ex. 4
261. Stover Decl. in Support of 1974 Plan/1993 Plan, Ex. 5
262. Stover Dep. Ex. 3
263. Stover Decl. in Support of 2012 Retiree Bonus Account, Ex. 1
264. Stover Decl. in Support of 2012 Retiree Bonus Account [ECF. No. 3624-1]
265. Whiting Dep. Ex. 1
266. Whiting Dep. Ex. 2
267. Whiting Dep. Ex. 3
268. Whiting Dep. Ex. 4
269. Whiting Dep. Ex. 5
270. Whiting Dep. Ex. 6
271. Whiting Dep. Ex. 7
272. Presentation to the Board of Directors of Peabody Energy Corporation, Solvency Analysis, Oct. 10, 2007
273. Debtors' Fourth Section 1113 Proposal (Blackline)
274. Debtors' Fifth Section 1114 Proposal (Blackline)
275. Patriot Coal Five-Year Business Plan
276. Highland Collective Bargaining Agreements
277. Patriot Coal. Corp. 2009 Annual Report, Form 10-K
278. Patriot Coal. Corp. 2010 Annual Report, Form 10-K
279. Patriot Coal Corp. 2011 Annual Report, Form 10-K
280. Patriot Coal Corp. 2012 Annual Report, Form 10-K
281. D. Ihn email to J. Mazzotti, Mar. 20, 2013, Re: Status Update of UMWA/PwC Data Requests (with attachments)
282. A. Rosen email to J. Mazzotti, Apr. 10, 2013, Re: Status Update of UMWA/PwC and Patriot requests (with attachments)
283. Project Marley Operating Model, Jul. 7, 2012.
284. A. Rosen email to J. Mazzotti, Apr. 18, 2013, Re: Fifth Section 1114 Proposal Diligence Request
285. UMWA Plans' 1113/1114 Objection, Ex. B
286. UMWA Plans' 1113/1114 Objection, Ex. D

- 287. UMWA Plans' 1113/1114 Objection, Ex. E
- 288. Traynor Dep. Ex. 1

The Debtors identify the following exhibits for the hearing on the Motion:

- 1. *State ex rel. Oregon Pipeline Co. v. Clatsop County*, A148770
(Or. Ct. App. Oct. 24, 2012)
- 2. *State ex rel. Oregon Pipeline Co. v. Clatsop County*, S060904
(Or. Mar. 28, 2012)

The UMWA and the UMWA Funds identify the following exhibit for the hearing on the
Motion:

- A. Akunuri Expert Materials: Wood Mackenzie Coal Market Service,
November 2012 Forecasts

Dated: April 25, 2013
New York, New York

Respectfully submitted,

/s/ Elliot Moskowitz

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