

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

PATRIOT COAL CORPORATION, *et al.*,¹

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

Objection Deadline:
September 17, 2013 at 4:00 p.m.
(prevailing Central Time)

Hearing Date (if necessary):
September 24, 2013 at 10:00 a.m.
(prevailing Central Time)

Hearing Location:
Courtroom 7, North

**NOTICE AND PLAINTIFFS' MOTION FOR
A PRELIMINARY INJUNCTION PURSUANT TO 11 U.S.C. §105(a)**

PLEASE TAKE NOTICE THAT this motion is scheduled for hearing on September 24, 2013, at 10:00 a.m. (prevailing Central Time), in Bankruptcy Courtroom Seventh Floor North, in the Thomas F. Eagleton U.S. Courthouse, 111 South Tenth Street, St. Louis, Missouri 63102.

WARNING: ANY RESPONSE OR OBJECTION TO THIS MOTION MUST BE FILED WITH THE COURT BY 4:00 P.M. (PREVAILING CENTRAL TIME) ON SEPTEMBER 17, 2013. A COPY MUST BE PROMPTLY SERVED UPON THE

¹ Plaintiffs are the entities listed on Schedule 1 attached to the Complaint. The employer tax identification numbers and addresses for each of the plaintiffs are set forth in their chapter 11 petitions.

UNDERSIGNED. FAILURE TO FILE A TIMELY RESPONSE MAY RESULT IN THE COURT GRANTING THE RELIEF REQUESTED PRIOR TO THE HEARING DATE

PLEASE TAKE FURTHER NOTICE that, upon the accompanying Memorandum of Law in Support of Plaintiffs' Motion for a Preliminary Injunction Pursuant to 11 U.S.C. § 105(a) ("**Plaintiffs' Memorandum of Law**"), the Debtors,² by their undersigned counsel, hereby move this Court before the Honorable Kathy A. Surratt-States of the United States Bankruptcy Court for the Eastern District of Missouri, for a preliminary injunction extending the automatic stay to enjoin enforcement of the Subpoena propounded on the Debtors by Peabody until confirmation of the Debtors' plan of reorganization.

WHEREFORE, the Debtors respectfully request this Court to grant their motion for a preliminary injunction and enter an order extending the automatic stay to enjoin enforcement of the Subpoena until the effective date of a plan of reorganization for Patriot Coal Corporation.

Dated: New York, New York
September 3, 2013

Respectfully Submitted,

DAVIS POLK & WARDWELL LLP

By: /s/ Michael J. Russano
Marshall S. Huebner
Elliot Moskowitz
Michael J. Russano

450 Lexington Avenue
New York, New York 10017
Telephone: (212) 450-4000
Facsimile: (212) 607-7983

Counsel to Plaintiffs

² All capitalized terms used herein and not otherwise defined have the meanings ascribed to such terms in Plaintiffs' Memorandum of Law.