

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re: PATRIOT COAL CORPORATION, <i>et al.</i> , Debtors. ¹	Case No. 12-51502-659 (Jointly Administered) Chapter 11
THE OHIO VALLEY COAL COMPANY and THE OHIO VALLEY TRANSLOADING COMPANY, Appellants, v. PATRIOT COAL CORPORATION, <i>et al.</i> , Appellees.	Case No. 4:13-cv-01106-JAR

**AGREED MOTION FOR DISMISSAL OF APPEAL PURSUANT TO
FEDERAL RULE OF BANKRUPTCY PROCEDURE 8001(c)(2)**

The Ohio Valley Coal Company and The Ohio Valley Transloading Company (“Ohio Valley” or the “Appellants”) and Patriot Coal Corporation and its affiliated debtors (“Patriot” or the “Appellees”, collectively with Ohio Valley, the “Movants”) move for entry of an Order of this Court dismissing the above-captioned appeal pursuant to Federal Rule of Bankruptcy Procedure 8001(c)(2) (“Bankruptcy Rule 8001(c)(2)”). In support thereof, Movants state as follows:

1. On June 11, 2013, Appellants filed their Notice of Appeal (the “Notice of Appeal”) from the Memorandum and Order on Motion to Reject Collective Bargaining

¹ The Debtors are the entities listed on Schedule 1 attached hereto. The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors’ chapter 11 petitions.

Agreements and to Modify Retiree Benefits Pursuant to 11 U.S.C. §§ 1113, 1114 of the Bankruptcy Code (the “Order Granting the Motion to Reject”) entered by the Honorable Kathy A. Surratt-States of the United States Bankruptcy Court for the Eastern District of Missouri (the “Bankruptcy Court”) on May 29, 2013 [Docket No. 4081], and all rulings rendered appealable thereby.

2. On June 12, 2013, the present appeal was docketed under the caption and case number hereinabove.

3. Subsequent to the filing of the Notice of Appeal, Appellants have determined for various reasons not to pursue their appeal from the Order Granting the Motion to Reject or their related appeal pending before the Honorable Judge Charles Shaw pending in the United States District Court for the Eastern District of Missouri under the District Court’s case number of 4:13-cv-01107-CAS.

4. Bankruptcy Rule 8001(c)(2) states that

If an appeal has been docketed and the parties to the appeal sign and file with the clerk of the district court or the clerk of the bankruptcy appellate panel an agreement that the appeal be dismissed and pay any court costs or fees that may be due, the clerk of the district court or the clerk of the bankruptcy panel shall enter an order dismissing the appeal.

See Fed. R. Bankr. P. 8001(c)(2).

5. By their signatures hereto, Movants advise this Court that they agree to the dismissal of the present appeal.

6. Upon information and belief, all court costs or fees due with regard to the present appeal have been paid in full. In the event that this is not accurate, all court costs or fees due this Court or the Bankruptcy Court with regard to the present appeal shall be paid by Appellants.

WHEREFORE Movants respectfully request that this Court enter an Order dismissing this matter pursuant to Federal Rule of Bankruptcy Procedure 8001(c)(2), with any court costs or fees due this Court or the Bankruptcy Court to be paid by Appellants, and granting such other and further relief as this Court deems just and proper.

Respectfully submitted,

Counsel for Appellants

Dated: July 2, 2013

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So Ordered
John A. Row
7/2/2013

Dated: July 1, 2013

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SCHEDULE 1
(Debtor Entities)

1. Affinity Mining Company	51. KE Ventures, LLC
2. Apogee Coal Company, LLC	52. Little Creek LLC
3. Appalachia Mine Services, LLC	53. Logan Fork Coal Company
4. Beaver Dam Coal Company, LLC	54. Magnum Coal Company LLC
5. Big Eagle, LLC	55. Magnum Coal Sales LLC
6. Big Eagle Rail, LLC	56. Martinka Coal Company, LLC
7. Black Stallion Coal Company, LLC	57. Midland Trail Energy LLC
8. Black Walnut Coal Company	58. Midwest Coal Resources II, LLC
9. Bluegrass Mine Services, LLC	59. Mountain View Coal Company, LLC
10. Brook Trout Coal, LLC	60. New Trout Coal Holdings II, LLC
11. Catenary Coal Company, LLC	61. Newtown Energy, Inc.
12. Central States Coal Reserves of Kentucky, LLC	62. North Page Coal Corp.
13. Charles Coal Company, LLC	63. Ohio County Coal Company, LLC
14. Cleaton Coal Company	64. Panther LLC
15. Coal Clean LLC	65. Patriot Beaver Dam Holdings, LLC
16. Coal Properties, LLC	66. Patriot Coal Company, L.P.
17. Coal Reserve Holding Limited Liability Company No. 2	67. Patriot Coal Corporation
18. Colony Bay Coal Company	68. Patriot Coal Sales LLC
19. Cook Mountain Coal Company, LLC	69. Patriot Coal Services LLC
20. Corydon Resources LLC	70. Patriot Leasing Company LLC
21. Coventry Mining Services, LLC	71. Patriot Midwest Holdings, LLC
22. Coyote Coal Company LLC	72. Patriot Reserve Holdings, LLC
23. Cub Branch Coal Company LLC	73. Patriot Trading LLC
24. Dakota LLC	74. PCX Enterprises, Inc.
25. Day LLC	75. Pine Ridge Coal Company, LLC
26. Dixon Mining Company, LLC	76. Pond Creek Land Resources, LLC
27. Dodge Hill Holding JV, LLC	77. Pond Fork Processing LLC
28. Dodge Hill Mining Company, LLC	78. Remington Holdings LLC
29. Dodge Hill of Kentucky, LLC	79. Remington II LLC
30. EACC Camps, Inc.	80. Remington LLC
31. Eastern Associated Coal, LLC	81. Rivers Edge Mining, Inc.
32. Eastern Coal Company, LLC	82. Robin Land Company, LLC
33. Eastern Royalty, LLC	83. Sentry Mining, LLC
34. Emerald Processing, L.L.C.	84. Snowberry Land Company
35. Gateway Eagle Coal Company, LLC	85. Speed Mining LLC
36. Grand Eagle Mining, LLC	86. Sterling Smokeless Coal Company, LLC
37. Heritage Coal Company LLC	87. TC Sales Company, LLC
38. Highland Mining Company, LLC	88. The Presidents Energy Company LLC
39. Hillside Mining Company	89. Thunderhill Coal LLC
40. Hobet Mining, LLC	90. Trout Coal Holdings, LLC
41. Indian Hill Company LLC	91. Union County Coal Co., LLC
42. Infinity Coal Sales, LLC	92. Viper LLC
43. Interior Holdings, LLC	93. Weatherby Processing LLC
44. IO Coal LLC	94. Wildcat Energy LLC
45. Jarrell's Branch Coal Company	95. Wildcat, LLC
46. Jupiter Holdings LLC	96. Will Scarlet Properties LLC
47. Kanawha Eagle Coal, LLC	97. Winchester LLC
48. Kanawha River Ventures I, LLC	98. Winifrede Dock Limited Liability Company
49. Kanawha River Ventures II, LLC	99. Yankeetown Dock, LLC
50. Kanawha River Ventures III, LLC	