

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In Re:	)	
	)	
PATRIOT COAL CORPORATION, et. al.	)	Case No. 12-51502-659
	)	Judge Kathy A. Surratt-States
	)	Chapter 11
Debtors.	)	
	)	
PATRIOT COAL CORPORATION,	)	<b>Adversary No. 13-4067-659</b>
HERITAGE COAL COMPANY, LLC,	)	
	)	<b>PUBLISHED</b>
Plaintiffs,	)	
	)	
-v-	)	
	)	
PEABODY HOLDING COMPANY, LLC, and	)	
PEABODY ENERGY CORPORATION,	)	
	)	
Defendants.	)	

**ORDER**

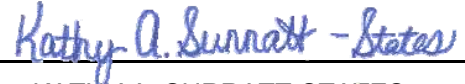
The matters before the Court are the Complaint filed by Debtors Patriot Coal Corporation, *et al.*, Notice and Plaintiffs' Motion for Summary Judgment, Defendants' Motion to Dismiss, Defendants' Opposition to Plaintiffs' Motion for Summary Judgment and Plaintiffs' Opposition to Defendants' Motion to Dismiss. For the reason set forth in this Court's Findings of Fact and Conclusions of Law entered separately,

**IT IS ORDERED THAT** Plaintiffs' Motion for Summary Judgment on Count I - Declaratory Judgment (Declaration of Rights Under the NBCWA Liabilities Assumption Agreement) is **DENIED**; and

**IT IS FURTHER ORDERED THAT** summary judgment is **GRANTED** *sua sponte* as to Defendants and judgment on the Complaint is entered in favor of Defendants and against Plaintiffs; and the relief requested in Plaintiffs' Complaint is **DENIED** in that Plaintiffs' request that this Court declare that Peabody Holding's obligations with respect to the healthcare benefits owed to the

Assumed Retirees will not be affected by modification of the benefits of retirees of Heritage or Eastern Associated under Section 1114 is **DENIED**; and

**IT IS FURTHER ORDERED THAT** Defendants' Motion to Dismiss is **DENIED AS MOOT**; and this is the final judgment and order of the Bankruptcy Court in this case.



KATHY A. SURRATT-STATES  
Chief United States Bankruptcy Judge

DATED: May 29, 2013  
St. Louis, Missouri

Copies to:

Office of the United States Trustee  
Thomas F. Eagleton U.S. Courthouse  
111 South 10th Street, Suite 6.353  
St. Louis, MO 63102

Peabody Holding Company, LLC  
Peabody Plaza  
701 Market St.  
St. Louis, MO 63101-1826

Brad B. Erens  
Jones Day  
77 West Wacker  
Chicago, IL 60601

David G. Heiman  
North Point  
901 Lakeside Avenue  
Cleveland, OH 44114-1190

Peabody Energy Corporation  
Peabody Plaza  
701 Market St.  
St. Louis, MO 63101-1826

Carl E. Black  
North Point  
901 Lakeside Avenue  
Cleveland, OH 44114-1190

Steven N. Cousins  
Armstrong, Teasdale et al.  
One Metropolitan Sq.  
211 N. Broadway, Ste. 2600  
St. Louis, MO 63102-2740

Robert W. Hamilton  
Jones Day  
325 John H. McConnell Blvd.  
Columbus, OH 43215

John M. Newman, Jr.  
Jones Day  
901 Lakeside Avenue  
Cleveland, OH 44114

Jonathan D Martin  
Davis Polk & Wardwell LLP  
450 Lexington Avenue  
New York, NY 10017

Patriot Coal Corporation  
12312 Olive Boulevard  
Suite 400  
St. Louis, MO 63141

Heritage Coal Company LLC  
12312 Olive Boulevard, Suite 436  
Saint Louis, MO 63141

Elliot Moskowitz  
Davis Polk & Wardwell LLP  
450 Lexington Avenue  
New York, NY 10017

Patriot Coal Corporation,  
Plaintiff

Adv. Proc. No. 13-04067-kss

Peabody Holding Company, LLC,  
Defendant

**CERTIFICATE OF NOTICE**

District/off: 0865-4

User: klom  
Form ID: pdfol

Page 1 of 2  
Total Noticed: 12

Date Rcvd: May 29, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 31, 2013.

aty	+Brad B. Erens, Jones Day, 77 West Wacker, Chicago, IL 60601-1692
aty	David G. Heiman, North Point, 901 Lakeside avenue, Cleveland, OH 44114-1190
aty	+Elliot Moskowitz, Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, NY 10017-3982
aty	+John M. Newman, Jr., Jones Day, 901 Lakeside Avenue, Cleveland, OH 44114-1190
aty	+Jonathan D Martin, Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, NY 10017-3982
aty	+Robert W. Hamilton, Jones Day, 325 John H. McConnell Blvd., Columbus, OH 43215-2672
ust	+Office of U.S. Trustee, 111 South Tenth Street, Suite 6.353, St. Louis, MO 63102-1127
ust	+Paul A. Randolph, Office of U.S. Trustee, 111 S. 10th St., Ste. 6353, St. Louis, MO 63102-1125
pla	+Heritage Coal Company LLC, 12312 Olive Boulevard, Suite 436, Saint Louis, MO 63141-6448
pla	+Patriot Coal Corporation, 12312 Olive Boulevard, Suite 400, St. Louis, MO 63141-6448
dft	+Peabody Energy Corporation, Peabody Plaza, 701 Market St., St. Louis, MO 63101-1830
dft	Peabody Holding Company, LLC, Peabody Plaza, 701 Market St., St. Louis, MO 63101-1826

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

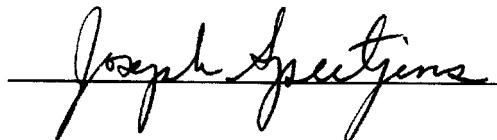
Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 31, 2013

Signature:



District/off: 0865-4

User: klom  
Form ID: pdfol

Page 2 of 2  
Total Noticed: 12

Date Rcvd: May 29, 2013

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 29, 2013 at the address(es) listed below:

Angela Ferrante on behalf of Other Professional The Garden City Group, Inc.  
angela.ferrante@gcginc.com,  
pacerteam@gcginc.com;elizabeth.vrato@gcginc.com;kevin.grover@gcginc.com;alison.moodie@gcginc.com;  
jeffrey.demma@gcginc.com;ryan.nadick@gcginc.com  
Carl E. Black on behalf of Defendant Peabody Holding Company, LLC ceblack@jonesday.com  
Carl E. Black on behalf of Defendant Peabody Energy Corporation ceblack@jonesday.com  
Steven N. Cousins on behalf of Defendant Peabody Holding Company, LLC  
scousins@armstrongteasdale.com, mscott@armstrongteasdale.com  
Steven N. Cousins on behalf of Defendant Peabody Energy Corporation  
scousins@armstrongteasdale.com, mscott@armstrongteasdale.com

TOTAL: 5