

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

Chapter 11

Case No. 12-51502-659

(Jointly Administered)

Hearing Date: August 20, 2013

Hearing Time: 10:00 a.m. Central

Location: Courtroom 7-N, St. Louis

DEBTORS' TWELFTH OMNIBUS OBJECTION TO CLAIMS
(Equity Claims)

Patriot Coal Corporation (“Patriot”) and its affiliated debtors (collectively, the “Debtors”), pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007, respectfully file this Twelfth Omnibus Objection to Claims (the “Objection”). In support of the Objection, the Debtors show the Court as follows:

Relief Requested

1. By this Objection, the Debtors object to certain claims listed on Exhibit A attached hereto (the “Claims”) because the Claims assert an equity interest, rather than a right to payment, in the Debtors. The Debtors request entry of an order, pursuant to Section 502 of the Bankruptcy Code and Fed. R. Bankr. P. 3007, finding that the Claims are not valid claims against the Debtors directing that the Claims be disallowed.

2. **Parties receiving this Objection should locate their names on Exhibit A.** Any response to this Objection should include, among other things, (i) an appropriate caption, including the title and date of this Objection; (ii) the name of the claimant, both the EDMO and GCG claim numbers of the claim that the Debtors are seeking to disallow, and a description of

the basis for the amount claimed; (iii) a concise statement setting forth the reasons why the Court should not sustain this Objection, including, but not limited to, the specific factual and legal bases upon which the claimant relies in opposing this Objection; (iv) copies of any documentation and other evidence which the claimant will rely upon in opposing this Objection at a hearing; and (v) the name, address, telephone number and facsimile number of a person authorized to reconcile, settle or otherwise resolve the claim on the claimant's behalf. A claimant that cannot timely provide such documentation and other evidence should provide a detailed explanation as to why it is not possible to timely provide such documentation and other evidence.

Jurisdiction

3. This Court has jurisdiction over this Objection under 28 U.S.C. § 1334. Venue of this proceeding is proper pursuant to 28 U.S.C. § 1409. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

4. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

Background

5. The Debtors filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code on July 9, 2012 in the United States Bankruptcy Court for the Southern District of New York.

6. On December 19, 2012, the Debtors' cases were transferred to the United States Bankruptcy Court for the Eastern District of Missouri [Dkt. No. 1789].

7. The bar date for filing proofs of claim was December 14, 2012 [Dkt. No. 1388].

8. On March 1, 2013, the Court entered its Order Establishing Procedures for Claims Objections [Dkt. No. 3021].

Objection and Argument

9. Exhibit A lists proofs of claim asserting unsecured claims against the Debtors based on an equity interest in the Debtors in the form of stock.¹

10. Because such interests reflect equity in the Debtors, they are not proper claims against the Debtors because they do not assert a right to payment. *See* 11 U.S.C. §§ 101(5), 101(16)(A). The Debtors, therefore, seek entry of an order disallowing the Claims.

11. The Debtors have reviewed each of the Claims listed on Exhibit A and have confirmed that such Claims are based on equity interests. *See* Declaration of Robert L. Mead, attached hereto as Exhibit B.

WHEREFORE, the Debtors respectfully request that this Court:

- (a) disallow the Claims; and
- (b) grant such other and further relief as is just and proper.

¹ Certain creditors listed on Exhibit A may be clients of one or more of the law firms representing the Debtors. Any dispute regarding this Objection will be handled by attorneys for the Debtors from a law firm that does not represent the applicable creditor.

Dated: July 19, 2013
St. Louis, Missouri

Respectfully submitted,
BRYAN CAVE LLP

/s/ Laura Uberti Hughes
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*Local Counsel to the Debtors
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-and-

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Exhibit A - No Liability - Equity Claims

Omnibus Objection to Claims

**Patriot Coal Corporation
 12-51502 (KSS)**

Note: Claims on the exhibit are sorted in alphabetical order based on the creditor name as listed on proof of claim form.

SEQ NO.	CLAIM(S) TO BE DISALLOWED			CLAIM AMOUNT
	NAME	GCG CLAIM NO.	ED MO CLAIM NO.	
1	TERRY TEITELBAUM 5200 KELLER SPRINGS RD #523 DALLAS, TX 75248 Date Filed: 12/17/12 ED MO Date Filed: 02/22/13 Debtor: PATRIOT COAL CORPORATION	3632	71-1	Unsecured: \$2,600.00
2	WALLACE D KESSEL 4418 BEECHWOOD RD KNOXVILLE, TN 37920 Date Filed: 12/14/12 ED MO Date Filed: 02/27/13 Debtor: PATRIOT COAL CORPORATION	3132	2030-1	503(b)(9): \$0.00 Secured: \$1,232.19

EXHIBIT B

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**DECLARATION OF ROBERT L. MEAD IN SUPPORT
OF DEBTORS' TWELFTH OMNIBUS OBJECTION TO CLAIMS**

Robert L. Mead declares, pursuant to 28 U.S.C. § 1746, to the best of his knowledge and based upon the documents available to him, as follows:

1. I am Vice President & Treasurer of Patriot Coal Corporation.
2. I, or my colleagues, have reviewed each of the proofs of claim identified on Exhibit A to the Debtors' Twelfth Omnibus Objection to Claims.
3. Each of the Claims asserts an equity interest in the Debtors, rather than a right to payment as defined in 11 U.S.C. § 101(5).
4. The facts set forth in this Declaration are based on my firsthand knowledge as the person responsible for overseeing the Debtors' claims reconciliation process, as well as on information provided to me by other employees of the Debtors involved in the claims reconciliation process.
5. I declare under penalty of perjury that the foregoing is true and correct. Executed on July 18, 2013.

/s/ Robert L. Mead

Robert L. Mead