

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

**In re:**

**PATRIOT COAL CORPORATION, et. al.** )  
 )  
 ) **Case No 12-51502**  
 ) **Chapter 11**  
**Debtors.** ) **Judge: Kathy A. Surratt-States**

**NOTICE OF APPEARANCE AND REQUEST FOR  
SPECIAL NOTICE AND SERVICE OF PAPERS**

**PLEASE TAKE NOTICE** that pursuant to Section 1109(b) of the Bankruptcy Code and Rules 2002, 9007 and 9010 of the Federal Rules of Bankruptcy Procedure, Lexon Insurance Company, Bond Safeguard Insurance Company and Aspen American Insurance Company, through their attorneys, Niemann Rourke LLC (co-counsel), appears in the above-captioned case and requests that all notices given or required to be given, and all papers served or required to be served in this case, be given to and served upon the following:

NIEMANN ROURKE LLC  
1650 Des Peres Road  
Suite 150  
St. Louis, MO 63131  
Attn: John W. Rourke, Esq.  
Tel: (314) 822-7171  
Fax: (314) 822-7171  
Email: [jrouke@niemannrourke.com](mailto:jrouke@niemannrourke.com)

**PLEASE TAKE FURTHER NOTICE** that the foregoing request includes notices and papers referred to in Rule 2002 of the Federal Rules of Bankruptcy Procedure and pursuant to Section 1109(b) of the Bankruptcy Code also includes, without limitation, any notice of any orders, pleadings, motions, applications, complaints, demands, hearings, requests or petitions, answering or reply papers, memoranda and briefs in support of any of the foregoing, whether formal or informal, whether written or oral and whether transmitted or conveyed by mail,

delivery, telephone, telegraph, telecopier or otherwise, which affects or seeks to affect in any way any rights or interests of any creditor, equity security holder, party in interest, and/or other person or entity.

**PLEASE TAKE FURTHER NOTICE** that this Notice of Appearance is expressly without prejudice to any objection that may be made to the subject matter jurisdiction of the Court and shall not be deemed or construed to be a waiver of any objection thereto nor shall it be deemed or construed to submit Aspen American Insurance Company to the jurisdiction of the Court and it is without prejudice to its rights, remedies and claims against other entities. This Notice of Appearance and Demand for Notices and Papers shall not be deemed or construed to be a waiver of the right: (1) to have final orders in non-core matters entered only after de novo review by a District Court Judge; (2) to trial by jury in any proceedings so triable in this case or any case, controversy, or proceeding related to this case; or (3) to have the District Court withdraw the reference in any subject to mandatory or discretionary withdrawal. All rights, remedies, claims, actions, setoffs or recoupments to which Aspen American Insurance Company is or may be entitled are hereby expressly reserved.

NIEMANN ROURKE LLC

By: /s/ John W. Rourke  
MO 38111  
1650 Des Peres Road  
Suite 150  
St. Louis, MO 63131  
Tel: (314) 822-7171  
Fax: (314) 822-7171  
Email: [jrourke@niemannrourke.com](mailto:jrourke@niemannrourke.com)

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and accurate copy of the foregoing was served electronically via the ECF filing system to the parties of record thereon and via U.S. Mail, postage prepaid, this 20<sup>th</sup> day of August 2013 as follows:

Leonora S. Long, United States Trustee  
111 S. 10<sup>th</sup> Street  
Suite 6.353  
St. Louis, MO 63102-1125

Marshall S. Huebner  
Damian S. Schaible  
Brian M. Resnick  
Michelle M. McGreal  
450 Lexington Avenue  
New York, New York 10017

William J. Hanna, Esq.  
P.O. Box 3843  
Charleston, WV 25338-3843

/s/ John W. Rourke