

**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: September 24, 2013

Hearing Time: 10:00 a.m. Central

Location: Courtroom 7-N, St. Louis

DEBTORS' FOURTEENTH OMNIBUS OBJECTION TO CLAIMS
(Wrong Debtor or Otherwise Inconsistent with Books and Records)

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

Relief Requested

1. By this Objection, the Debtors object to certain claims listed on Exhibit A through Exhibit D attached hereto (the "Claims") because the Claims have been filed against the wrong Debtor, with an incorrect priority, and/or in an inaccurate amount. The Debtors request entry of an order, pursuant to Section 502 of the Bankruptcy Code and Fed. R. Bankr. P. 3007, disallowing and/or modifying the Claims as indicated on the exhibits to this Objection.

2. **Parties receiving this Objection should locate their names on one or more of the attached exhibits.** 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 or modify, 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 (the "Petition Date") 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

Zero Amount Claims

9. The Debtors object to each of the Claims identified on Exhibit A, incorporated herein by reference (the “Zero Amount Claims”), because the Debtors’ books and records reflect that the Debtors were not liable to the applicable creditor on account of the Zero Amount Claims as of the Petition Date.¹

10. Exhibit A identifies each Zero Amount Claim.² The Debtors have reviewed each of the Zero Amount Claims and have determined that, for the reasons described in further detail on Exhibit A, the Debtors do not have any liability to the creditor on account of the Zero Amount Claim. *See* Declaration of Robert L. Mead, attached hereto as Exhibit E. The Debtors thus request that the Court disallow each of the Zero Amount Claims.

Wrong Priority Claim

11. The Debtors object to the Claim identified on Exhibit B, incorporated herein by reference (the “Wrong Priority Claim”), because it inappropriately asserts secured status.

¹ This Objection is limited to the Zero Amount Claims and does not affect any other Claims asserted by the affected creditors.

² Certain creditors listed on the exhibits hereto 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.

12. Exhibit B sets forth the amount included in the Wrong Priority Claim. The Debtors have reviewed the Wrong Priority Claim and have determined that there is no legal or factual basis for the creditor's claim of secured status. Specifically, the Debtors believe that the asserted secured status was based on a mechanic's lien that was untimely filed. *See* Declaration of Robert L. Mead.

13. Exhibit B also includes what the Debtors believe to be the appropriate treatment of the Wrong Priority Claim, in accordance with the Debtors' books and records, the business relationship between the Debtors and the creditor, and the requirements of the law (the "Reclassified Claim").

14. The Debtors request that the Wrong Priority Claim be modified in the claims register to reflect the priorities of the applicable Reclassified Claim. Although the Debtors do not dispute the total amount of the Reclassified Claim, the Debtors request that the Court's order sustaining this Objection be without prejudice to the right of any party in interest to object to the Reclassified Claim on any ground.

Wrong Debtor Claim

15. The Debtors object the Claim identified on Exhibit C, incorporated herein by reference (the "Wrong Debtor Claim"), because it has been filed against a Debtor that is not liable for it.

16. Exhibit C sets forth the name of the Debtor against which the Wrong Debtor Claim was filed (the "Claimed Debtor"). The Debtors have reviewed the Wrong Debtor Claim and have determined that the Claimed Debtor does not have a business relationship with the creditor asserting the Claim or that the Claim does not arise out of the relationship between the

Claimed Debtor and the creditor. *See* Declaration of Robert L. Mead. Rather, the Wrong Debtor Claim relates to the creditor's relationship with the Debtor identified on Exhibit C as the "Reassigned Debtor."

17. The Debtors request that the Court disallow the Wrong Debtor Claim as a Claim against the Claimed Debtor and that the claims register be modified to identify the Wrong Debtor Claim as asserted against the Reassigned Debtor. Although the Debtors do not dispute the amount of the Wrong Debtor Claim, the Debtors request that the Court's order sustaining this Objection be without prejudice to the right of any party in interest to object to the Wrong Debtor Claim on any ground.

Wrong Amount Claims

18. The Debtors object to each of the Claims identified on Exhibit D, incorporated herein by reference (the "Wrong Amount Claims"), because it exceeds the amount owed to the applicable creditor as of the Petition Date.

19. Exhibit D identifies each Wrong Amount Claim. The Debtors have reviewed each of the Wrong Amount Claims and have determined that the amount claimed by the creditor exceeds the applicable Debtor's obligation to the creditor as of the Petition Date. *See* Declaration of Robert L. Mead. Exhibit D also includes what the Debtors believe to be the appropriate amount of each of the Wrong Amount Claims, in accordance with the Debtors' books and records and the business relationship between the Debtors and the creditor (the "Reduced Claim").

20. The Debtors request that each of the Wrong Amount Claims be modified in the claims register to reflect the amount of the applicable Reduced Claim. The Debtors request that

the Court's order sustaining this Objection be without prejudice to the right of any party in interest to object to the Reduced Claims on any ground.

WHEREFORE, the Debtors respectfully request that this Court:

- (a) disallow and/or modify the Claims, as described above; and
- (b) grant such other and further relief as is just and proper.

Dated: August 23, 2013
St. Louis, Missouri

Respectfully submitted,
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Exhibit A - Books & Records/Zero Amount 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				
	NAME	GCG CLAIM NO.	ED MO CLAIM NO.	CLAIM AMOUNT	COMMENTS
1	ALS SERVICES USA CORP 10450 STANCLIFF RD STE 210 HOUSTON, TX 77099 Date Filed: 11/26/12 ED MO Date Filed: 02/25/13 Debtor: BIG EAGLE, LLC	795	539-1	Unsecured: \$60.60	Debtors have no record of receiving services reflected in this Claim or receiving an invoice in the amount of this Claim. Debtors' accounts payable system shows a zero balance to this creditor
2	CORKY WELLS ELECTRIC INC DBA CW ELECTRIC INC PO BOX 203 RUSH, KY 41168 Date Filed: 12/13/12 ED MO Date Filed: 02/27/13 Debtor: KANAWHA EAGLE COAL, LLC	2247	1568-1	Secured: \$206,867.84 Unsecured: \$102,887.50	Debtors' records show no liability associated with this entity, and the invoices claimed should be billed to WWMV, LLC, a non-Debtor joint venture partner for which the Debtors hold no liability.
3	GREEN LEAF SERVICES OF BECKLEY LLC C/O SPILMAN THOMAS & BATTLE PLLC ONE OXFORD CENTRE STE 3440 301 GRANT ST PITTSBURGH, PA 15219 Date Filed: 11/08/12 ED MO Date Filed: 02/25/13 Debtor: APPALACHIA MINE SERVICES, LLC	421	415-1	Unsecured: \$8,130.00	Debtors have no record of receiving services reflected in this Claim or receiving an invoice in the amount of this Claim.
4	LINCOLN LEASING CO INC C/O SPILMAN THOMAS & BATTLE PLLC ONE OXFORDE CENTRE STE 3440 301 GRANT ST PITTSBURGH, PA 15219 Date Filed: 12/14/12 ED MO Date Filed: 02/27/13 Debtor: PATRIOT COAL CORPORATION	2777	1785-1	Unsecured: \$657,280.63	Debtors are aware of no legal or factual basis for liability of Patriot Coal Corporation on account of this Claim. This Claim is redundant of E.D. Mo. Claim No. 1786 (GCG Claim No. 2778), filed against Kanawha Eagle Coal, LLC, addressed on Exhibit D hereto.

Exhibit B - Books & Records/Wrong Priority 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 MODIFIED			MODIFIED AMOUNT AND CLASSIFICATION	
	NAME	GCG CLAIM NO.	ED MO CLAIM NO.		CLAIMED AMOUNT AND CLASSIFICATION
1	WEST VIRGINIA ELECTRIC INDUSTRIES, INC. C/O DAVID A. SOSNE 8909 LADUE ROAD ST. LOUIS, MO 63124 Date Filed: 03/13/13 ED MO Date Filed: 04/15/13 Debtor: ROBIN LAND COMPANY, LLC	3976	3980-1	Secured: \$3,001.02*	Unsecured: \$3,001.02

* Denotes an unliquidated component.

Exhibit C - Books & Records/Wrong Debtor 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 REASSIGNED					
	NAME	GCG CLAIM NO.	ED MO CLAIM NO.	CLAIM AMOUNT	CLAIMED DEBTOR	REASSIGNED DEBTOR
1	CALVARY WELD SERVICE INC PO BOX 97 POUND, VA 24279 Date Filed: 08/27/12 ED MO Date Filed: 02/25/13	143	149-1	Unsecured: \$40,740.00	PATRIOT COAL COMPANY, L.P.	APOGEE COAL COMPANY, LLC

Exhibit D - Books & Records/Wrong Amount 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 MODIFIED				MODIFIED AMOUNT
	NAME	GCG CLAIM NO.	ED MO CLAIM NO.	CLAIMED AMOUNT	
1	COREY WELLS ELECTRIC INC D/B/A CW ELECTRIC INC P.O. BOX 203 RUSH, KY 41168 Date Filed: 12/11/12 ED MO Date Filed: 02/28/13 Debtor: HOBET MINING, LLC	1537	3633-1	Secured: \$139,604.94	Secured: \$126,194.94
2	LINCOLN LEASING CO INC C/O SPILMAN THOMAS & BATTLE PLLC ONE OXFORDE CENTRE STE 3440 301 GRANT ST PITTSBURGH, PA 15219 Date Filed: 12/14/12 ED MO Date Filed: 02/27/13 Debtor: KANAWHA EAGLE COAL, LLC	2778	1786-1	Unsecured: \$657,280.63	Unsecured: \$144,931.53

EXHIBIT E

**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)**

**DECLARATION OF ROBERT L. MEAD IN SUPPORT
OF DEBTORS' FOURTEENTH 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 (“Patriot”).

2. I, or my colleagues, have reviewed each of the proofs of claim identified on Exhibit A to the Debtors’ Fourteenth Omnibus Objection to Claims (the “Zero Amount Claims”).

With respect to each of these Claims:

(a) The Debtors’ books and records reflect that the applicable Debtor was not liable to the creditor for the Zero Amount Claim as of the Petition Date.

(b) Exhibit A also includes a more detailed explanation of the Debtors’ determination that the applicable Debtor had no liability to the creditor. This explanation is true and correct to the best of my knowledge, information, and belief.

3. I, or my colleagues, have reviewed the proof of claim identified on Exhibit B to the Debtors’ Fourteenth Omnibus Objection to Claims (the “Wrong Priority Claim”). With respect to this Claim:

(a) The priority claimed by the creditor is inconsistent with the nature of the parties' obligations and the requirements for secured status in this case. Specifically, the Debtors believe that the asserted secured status was based on a mechanic's lien that was untimely filed.

(b) Exhibit B also includes what the Debtors believe to be the appropriate treatment of the Wrong Priority Claim, in accordance with the Debtors' books and records, the business relationship between the Debtors and the creditor, and the requirements of the law.

4. I, or my colleagues, have reviewed the proof of claim identified on Exhibit C to the Debtors' Fourteenth Omnibus Objection to Claims (the "Wrong Debtor Claim"). With respect to this Claim:

(a) The Debtor against which the Wrong Debtor Claim was filed (the "Claimed Debtor") does not have a business relationship with the creditor asserting the Claim, or the Claim does not arise out of the relationship between the Claimed Debtor and the creditor.

(b) The Wrong Debtor Claim relates to the creditor's relationship with the Debtor identified on Exhibit C as the "Reassigned Debtor."

5. I, or my colleagues, have reviewed each of the proofs of claim identified on Exhibit D to the Debtors' Fourteenth Omnibus Objection to Claims (the "Wrong Amount Claims"). With respect to each of these Claims:

(a) The amount claimed by the creditor exceeds the applicable Debtor's obligation to the creditor as of the Petition Date.

(b) Exhibit D also includes what the Debtors believe to be the appropriate amount of the Wrong Amount Claim, in accordance with the Debtors' books and records and the business relationship between the Debtors and the creditor.

6. The facts set forth in this Declaration are based on my firsthand knowledge as Vice President & Treasurer of Patriot and 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.

7. I declare under penalty of perjury that the foregoing is true and correct. Executed on August 22, 2013.

/s/ Robert L. Mead

Robert L. Mead