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

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PATRIOT COAL CORPORATION, et al.,

Debtors.

Chapter 11 Case No. 12-51502-659 (Jointly Administered)

Hearing Date: January 28, 2014 Hearing Time: 10:00 a.m. Central Location: Courtroom 7-N, St. Louis

# REORGANIZED DEBTORS' TWENTY-FOURTH OMNIBUS OBJECTION TO CLAIMS

(Late-Filed Claims)

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

#### **Relief Requested**

- 1. By this Objection, the Reorganized Debtors object to certain claims listed on Exhibit A attached hereto (the "Claims") because the Claims were not timely filed. The Reorganized Debtors request entry of an order, pursuant to Section 502 of the Bankruptcy Code and Fed. R. Bankr. P. 3007, disallowing the Claims.
- 2. Parties receiving this Objection should locate their names on the attached exhibit. 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 Reorganized 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. Ninety-nine of the Reorganized 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, these Reorganized 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 against these Reorganized Debtors 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].
- 9. Reorganized Debtors Brody Mining, LLC and Patriot Ventures LLC filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code on September 23, 2013 in this Court. The bar date for filing proofs of claim against these Debtors was October 24, 2013.
- 10. On December 17, 2013, the Court confirmed the Debtors' Fourth Amended Plan of Reorganization (the "Plan") [Dkt. No. 5169]. The Effective Date occurred on December 18, 2013.

#### **Objection and Argument**

- 11. The Reorganized Debtors object to the Claims identified on Exhibit A, incorporated herein by reference, because the Claims were not timely filed.
- 12. The Court, as provided in Fed. R. Bankr. P. 3003, fixed the dates by which claims were required to be filed. The bar date for filing proofs of claims against 99 of the Reorganized Debtors was December 14, 2012 [Dkt. No. 1388]. The bar date for filing proofs of claim against Brody Mining, LLC and Patriot Ventures LLC was October 24, 2013 [Case No. 13-48727, Dkt. No. 14; Case No. 13-48728, Dkt. No. 14].
- 13. The Reorganized Debtors have reviewed each of the Claims listed on Exhibit A.

  Each of the Claims was filed after the applicable bar date. The Claims were therefore not timely filed and must be disallowed pursuant to Section 502(b)(9) of the Bankruptcy Code.

WHEREFORE, the Reorganized Debtors respectfully request that this Court:

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

Dated: December 30, 2013 St. Louis, Missouri

Respectfully submitted, BRYAN CAVE LLP

/s/ Laura Uberti Hughes

Brian C. Walsh, #58091MO Laura Uberti Hughes, #60732MO One Metropolitan Square 211 N. Broadway, Suite 3600 St. Louis, Missouri 63102 (314) 259-2000

Fax: (314) 259-2020

Local Counsel to the Reorganized Debtors

-and-

#### DAVIS POLK & WARDWELL LLP

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Counsel to the Reorganized Debtors

### **Omnibus Objection to Claims**

Patriot Coal Corporation 12-51502 (KSS)

SEQ	CLAIM(S) TO BE DISALLOWED				
NO.	NAME	GCG CLAIM NO.	ED MO CLAIM NO.	CLAIM AMOUNT	
	ASGCO MANUFACTURING INC 301 GORDON STREET ALLENTOWN, PA 18102	3633	2774-1	Unsecured: \$823.30	
1	Date Filed: 12/17/12 ED MO Date Filed: 02/27/13 Debtor: EASTERN ASSOCIATED COAL, LLC				
	ASSOCIATED UNDERGROUND LLC 2740 NORTH MAIN STREET MADISONVILLE, KY 42431	3625	2782-1	Unsecured: \$5,958.74	
2	Date Filed: 12/17/12 ED MO Date Filed: 02/27/13 Debtor: OHIO COUNTY COAL COMPANY, LLC				
3	BECKLEY HEARING CENTER 218 RAGLAND ROAD BECKLEY, WV 25801	3630	3354-1	Unsecured: \$70.00	
	Date Filed: 12/17/12 ED MO Date Filed: 02/27/13 Debtor: PATRIOT COAL CORPORATION				
4	BECKLEY HEARING CENTER 218 RAGLAND ROAD BECKLEY, WV 25801	3631	2806-1	Unsecured: \$245.00	
	Date Filed: 12/17/12 ED MO Date Filed: 02/27/13 Debtor: CATENARY COAL COMPANY, LLC				
5	BROADRIDGE ICS 1155 LONG ISLAND AVE EDGEWOOD, NY 11717	3690	3761-1	Unsecured: \$2,702.02	
Ü	Date Filed: 01/10/13 ED MO Date Filed: 02/28/13 Debtor: PATRIOT COAL CORPORATION				
6	JOSH D. CHAFIN C/O HATFIELD & HATFIELD HARRY HATFIELD, ESQUIRE P. O. BOX 598 MADISON, WV 25130	4213	4140-1	Unsecured: Unliquidated	
	Date Filed: 10/28/13 ED MO Date Filed: 11/08/13 Debtor: Brody Mining, LLC				

### **Omnibus Objection to Claims**

Patriot Coal Corporation 12-51502 (KSS)

SEQ	CLAIM(S) TO BE DISALLOWED				
NO.	NAME	GCG CLAIM NO.	ED MO CLAIM NO.	CLAIM AMOUNT	
7	CONSTRUCTION MACHINERY CO., LLC PO BOX 175 FISHERVILLE, KY 40023	3901	3371-1	Unsecured: \$19,499.75	
7	Date Filed: 01/19/13 ED MO Date Filed: 02/27/13 Debtor: OHIO COUNTY COAL COMPANY, LLC				
8	CONSTRUCTION MACHINERY CO., LLC PO BOX 175 FISHERVILLE, KY 40023	3902	3370-1	Unsecured: \$7,044.02	
	Date Filed: 01/19/13 ED MO Date Filed: 02/27/13 Debtor: HIGHLAND MINING COMPANY, LLC				
9	CONSTRUCTION MACHINERY CO., LLC PO BOX 175 FISHERVILLE, KY 40023	3903	3369-1	Unsecured: \$8,207.41	
9	Date Filed: 01/19/13 ED MO Date Filed: 02/27/13 Debtor: DODGE HILL MINING COMPANY, LLC				
40	CONSTRUCTION MACHINERY CO., LLC PO BOX 175 FISHERVILLE, KY 40023	3904	2927-1	Unsecured: \$11,718.84	
10	Date Filed: 01/19/13 ED MO Date Filed: 02/27/13 Debtor: HERITAGE COAL COMPANY LLC				
	DIMENSION TECHNOLOGY SOLUTIONS, INC. 5808 S RAPP ST # 245 LITTLETON, CO 80120	3665	2876-1	Unsecured: \$8,848.61	
11	Date Filed: 12/24/12 ED MO Date Filed: 02/27/13 Debtor: PATRIOT COAL CORPORATION				
12	ERIC COPELAND C/O EQUAL EMPLOYMENT OPPORTUNITY COMM ATTN MARCIA HALL-CRAIG (EEOC AREA REP) 600 DR M.L. KING JR. PL, SUITE 268 LOUISVILLE, KY 40202	3677	3218-1	Priority: \$11,725.00 Unsecured: \$288,275.00	
	Date Filed: 01/02/13 ED MO Date Filed: 02/27/13 Debtor: DODGE HILL MINING COMPANY, LLC				

### **Omnibus Objection to Claims**

Patriot Coal Corporation 12-51502 (KSS)

SEQ	CLAIM(S) TO BE DISALLOWED				
NO.	NAME	GCG CLAIM		CLAIM AMOUNT	
		NO.	CLAIM NO.		
	HES INDUSTRIES, INC.	3667	2877-1	Unsecured: \$1,150.00	
	408 OLD GRANDVIEW ROAD				
	BEAVER, WV 25813				
13					
	Date Filed: 12/24/12				
	ED MO Date Filed: 02/27/13				
	Debtor: HOBET MINING, LLC				
	HES INDUSTRIES, INC.	3675	3452-1	Unsecured: \$3,200.50	
	408 OLD GRANDVIEW ROAD				
	BEAVER, WV 25813				
14					
	Date Filed: 12/29/12				
	ED MO Date Filed: 02/27/13				
	Debtor: PANTHER LLC				
	ALBERT L. HOOSIER	4214	4141-1	Unsecured: Unliquidated	
	C/O HATFIELD & HATFIELD				
	MATTHEW M. HATFIELD, ESQUIRE				
	P. O. BOX 598				
15	MADISON, WV 25130				
	Date Filed: 10/28/13				
	ED MO Date Filed: 11/08/13				
	Debtor: Brody Mining, LLC				
	J KRISTOFER CORMANY FOR GEORGE	4220	1-1	Unsecured: \$1,000,000.00	
	RUNION				
	C/O CORMANY LAW PLLC				
	PO BOX 11827				
16	CHARLESTON, WV 25339				
	Date Filed: 11/26/13				
	ED MO Date Filed: 11/26/13				
	Debtor: REMINGTON LLC				
	J KRISTOFER CORMANY FOR GEORGE	4221	1-1	Secured: \$1,000,000.00	
	RUNION				
	C/O CORMANY LAW PLLC				
	PO BOX 11827				
17	CHARLESTON, WV 25339				
	Date Filed: 11/26/13				
	ED MO Date Filed: 11/26/13				
	Debtor: PATRIOT COAL COMPANY, L.P.				

### **Omnibus Objection to Claims**

Patriot Coal Corporation 12-51502 (KSS)

SEQ	CLAIM(S) TO BE DISALLOWED				
NO.	NAME	GCG CLAIM	ED MO	CLAIM AMOUNT	
	J KRISTOFER CORMANY FOR GEORGE RUNION	<b>NO</b> . 4222	1-1	Unsecured: \$1,000,000.00	
	C/O CORMANY LAW PLLC				
18	PO BOX 11827 CHARLESTON, WV 25339				
	Date Filed: 11/26/13				
	ED MO Date Filed: 11/26/13 Debtor: WINCHESTER LLC				
	MADISONVILLE COMMUNITY COLLEGE 2000 COLLEGE DRIVE	3642	2820-1	Unsecured: \$5,172.00	
19	MADISONVILLE, KY 42431				
	Date Filed: 12/18/12 ED MO Date Filed: 02/27/13				
	Debtor: PATRIOT COAL COMPANY, L.P. METSO MINERALS INDUSTRIES INC	3695	2316-1	Unsecured: \$44,566.79	
	PO BOX 945859	3093	2310-1	Onsecured: \$44,300.78	
20	ATLANTA, GA 30394				
	Date Filed: 01/14/13 ED MO Date Filed: 02/27/13				
	Debtor: HERITAGE COAL COMPANY LLC PHILLIPS GARDILL KAISER & ALTMEYER PLLC	3953	3919-1	Unsecured: \$3,904.40	
	ATTN DENISE KNOUSE-SNYDER, ESQ 61 FOURTEENTH ST				
21	WHEELING, WV 26003				
	Date Filed: 02/15/13 ED MO Date Filed: 03/07/13				
	Debtor: PATRIOT COAL CORPORATION				
	PHILLIPS GARDILL KAISER & ALTMEYER PLLC ATTN DENISE KNOUSE-SNYDER, ESQ 61 FOURTEENTH ST WHEELING, WV 26003	3954	3920-1	Unsecured: \$16,880.90	
22					
	Date Filed: 02/15/13 ED MO Date Filed: 03/07/13 Debtor: PATRIOT COAL CORPORATION				

<sup>\*</sup> Denotes an unliquidated component.