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

In re:

PATRIOT COAL CORPORATION, et al.,

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

**Debtors.** 

Related to Docket No. 5518

## STIPULATION AND ORDER REGARDING OBJECTION TO CLAIM OF JASON BLANKENSHIP

Patriot Coal Corporation and its subsidiaries that are reorganized debtors in these jointlyadministered cases (collectively, the "Reorganized Debtors") and Jason Blankenship, individually and as putative class representative ("Blankenship"), hereby stipulate and agree as

follows.

1. On May 29, 2014, the Reorganized Debtors filed their Objection to Claim Filed

by Jason Blankenship [Docket No. 5518] (the "Objection").<sup>1</sup>

2. In the Objection, the Reorganized Debtors proposed to modify the claim (the

"Claim") filed by Blankenship. Specifically, the Reorganized Debtors objected to Claim No. 2-1

(GCG Claim No. 4218), filed against Debtor Brody Mining, LLC ("Brody"), because the

Reorganized Debtors asserted that, to the extent the Claim was asserted on behalf of individuals

other than Blankenship, it was improper.

3. The Claim is deemed withdrawn, without prejudice to the following:

<sup>&</sup>lt;sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Objection.

## Case 12-51502 Doc 5568 Filed 09/03/14 Entered 09/03/14 07:24:20 Main Document Pg 2 of 3

(a) Blankenship and Brody may seek approval by the Circuit Court of Mingo
County, West Virginia (the "State Court") of the parties' settlement, the terms of which
are documented in a Joint Stipulation and Settlement Agreement dated August 27, 2014.

(b) Although the class members and their counsel will receive payments in amounts less than the face amounts of their claims, both as a result of the confirmation of the Plan and the negotiation of the settlement, nothing in this Stipulation and Order or in the Plan shall preclude Brody from paying the amounts specified in the parties' settlement agreement.

4. Except as specifically provided in this Stipulation, Blankenship and all putative class members shall be bound by the Plan, the discharge, and the injunction described in the Plan.

 In light of the resolution described above, the Objection is hereby WITHDRAWN AS MOOT.

6. The Clerk of the Court and the Reorganized Debtors' claims agent are hereby directed to reflect the withdrawal of the Claim in their respective records.

Junnast - Staten

KATHY A. SURRATT-STATES Chief United States Bankruptcy Judge

DATED: September 3, 2014 St. Louis, Missouri <sub>jjh</sub> STIPULATED AND AGREED TO THIS 29th DAY OF AUGUST, 2014:

## BRYAN CAVE LLP

/s/ Brian C. Walsh Lloyd A. Palans, #22650MO Brian C. Walsh, #58091MO Laura Uberti Hughes, #60732MO One Metropolitan Square 211 North Broadway, Suite 3600 St. Louis, MO 63102 Telephone: (314) 259-2000 Facsimile: (314) 259-2020

DAVIS POLK & WARDWELL LLP Marshall S. Huebner Brian M. Resnick Michelle M. McGreal 450 Lexington Avenue New York, NY 10017 Telephone: (212) 450-4000 Facsimile: (212) 607-7983

Attorneys for the Reorganized Debtors

BAILEY & GLASSER LLP

/s/ Jonathan R. Marshall Jonathan R. Marshall 209 Capitol Street Charleston, WV 25301 Telephone: (304) 345-6555 Fax: (304) 342-1110

Attorneys for Jason Blankenship, individually and as putative class representative