

**UNITED STATES BANKRUPTCY COURT
Southern District of New York**

In re: Patriot Coal Corporation

Bankruptcy Case No.:
12-12900-scc

EASTERN ROYALTY LLC f/k/a EASTERN ROYALTY CORP.

Plaintiff(s),

-against-

Adversary Proceeding No.
12-01786-scc

BOONE EAST DEVELOPMENT CO., PERFORMANCE COAL CO., AND
NEW RIVER ENERGY CORP.

Defendant(s)

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE
IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days, to:

Address of Clerk:

**Clerk of the Court
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408**

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

**Name and Address of
Plaintiff's Attorney:**

**Timothy E. Graulich
Davis Polk & Wardwell LLP
450 Lexington Avenue
New York, NY 10017**

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place:

United States Bankruptcy Court Southern District of New York One Bowling Green New York, NY 10004-1408	Room: Courtroom 610 (SCC), One Bowling Green, New York, NY 10004-1408 Date and Time: 9/11/12 at 01:30 PM
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IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

Dated: 8/8/12

Vito Genna

Clerk of the Court

By: /s/ Tiffany Campbell

Deputy Clerk