

**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: July 23, 2013

Hearing Time: 10:00 a.m. Central

Location: Courtroom 7-N, St. Louis

**DEBTORS' SEVENTH OMNIBUS OBJECTION TO CLAIMS**  
**(Beneficial Plan Participant Claims)**

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

**Relief Requested**

1. By this Objection, the Debtors object to certain claims listed on Exhibit A attached hereto (the “Claims”) because the Debtors and their bankruptcy estates do not have any obligation to pay the benefits underlying the Claims to the claimants. The Claims relate to qualified benefit plans, and the Claims are payable only from those plans, not from the Debtors’ bankruptcy estates. The 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 Exhibit A.** 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, 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 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**

9. The Debtors object to the Claims identified on Exhibit A, incorporated herein by reference, because they are obligations of qualified benefit plans, not obligations of the Debtors or their estates.<sup>1</sup>

10. The Debtors and prior operators of certain of their mining operations, including Peabody Energy Corporation (“Peabody”), Arch Coal, Inc. (“Arch”), and their affiliates, have contributed over a period of decades to a number of qualified benefit plans (the “Plans”). Certain of the Plans are sponsored by the Debtors, Peabody, or Arch, and others are affiliated with the United Mine Workers of America (the “UMWA”). Some are defined-contribution plans, such as those established under Section 401(k) of the Tax Code, and others are defined-benefit plans, such as the UMWA 1974 Pension Trust. But in each case, the right of a beneficiary to receive a distribution from one of the Plans is a claim of the beneficiary against the applicable Plan. In other words, the Debtors’ only obligation (if any) is to contribute funds to the Plans, and the Debtors have satisfied that obligation.

11. The Debtors have reviewed each of the Claims listed on Exhibit A. The obligation to make payments to the claimants is an obligation of one of the Plans, not an obligation of the Debtors. *See* Declaration of Robert L. Mead, attached hereto as Exhibit B.

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<sup>1</sup> Certain creditors listed on Exhibit A 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.

WHEREFORE, the Debtors respectfully request that this Court:

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

Dated: June 20, 2013  
St. Louis, Missouri

Respectfully submitted,  
BRYAN CAVE LLP

/s/ Brian C. Walsh  
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Brian C. Walsh, #58091MO  
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*Local Counsel to the Debtors  
and Debtors in Possession*

-and-

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## Exhibit A - Beneficial Plan Participant 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
1	BOBBY J. MCPEEK 1028 COUNTY ROAD 700 E CARM, IL 62821  Date Filed: 12/07/12 ED MO Date Filed: 02/25/13 Debtor: PATRIOT COAL CORPORATION	1249	1211-1	Unsecured: \$146,268.11
2	CATHY J. FRAZIER PO BOX 446 WHITESBURG, KY 41858  Date Filed: 12/10/12 ED MO Date Filed: 02/25/13 Debtor: APOGEE COAL COMPANY, LLC	1410	1260-1	Unsecured: \$35,522.46
3	DENNIS E. EAST 1084 PERCH RD PINNACLE, NC 27043  Date Filed: 12/13/12 ED MO Date Filed: 02/25/13 Debtor: EASTERN ASSOCIATED COAL, LLC	2237	1236-1	Unsecured: Unliquidated
4	DOROTHY C. ROOT 65 W DEVILLEZ ROAD EDDYVILLE, KY 42038  Date Filed: 12/13/12 ED MO Date Filed: 02/25/13 Debtor: PATRIOT COAL CORPORATION	2172	1299-1	Unsecured: Unliquidated
5	ETHEL IRICK 255 RUSSELL DRIVE CAMPTON, KY 41301  Date Filed: 12/05/12 ED MO Date Filed: 02/25/13 Debtor: EASTERN ASSOCIATED COAL, LLC	1114	1296-1	Priority: Unliquidated
6	GARY L. CUMBERLEDGE 1052 OAK FOREST ROAD BRAVE, PA 15316  Date Filed: 01/09/13 ED MO Date Filed: 02/25/13 Debtor: PATRIOT COAL CORPORATION	3688	1235-1	Priority: Unliquidated

## Exhibit A - Beneficial Plan Participant 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
7	JEFFREY M. TRENT HC71 BOX 23A GILBERT, WV 25621  Date Filed: 12/12/12 ED MO Date Filed: 02/27/13 Debtor: HOBET MINING, LLC	1801	3319-1	Priority: Unliquidated
8	JESSIE W. CAMPBELL 1460 MANITOU ROAD MANITOU, KY 42436  Date Filed: 12/05/12 ED MO Date Filed: 02/25/13 Debtor: PATRIOT COAL CORPORATION	1107	1213-1	Priority: Unliquidated
9	JOHN HIGGINGS JR 4117 SHADY HOLLOW DR HENDERSON, KY 42420  Date Filed: 12/12/12 ED MO Date Filed: 02/27/13 Debtor: PATRIOT COAL CORPORATION	1943	2538-1	Unsecured: \$432,816.51
10	MARJORY L. ELLIS P O BOX 12104 FT. PIERCE, FL 34979  Date Filed: 12/07/12 ED MO Date Filed: 02/25/13 Debtor: HERITAGE COAL COMPANY LLC	1225	1224-1	Unsecured: \$56,000.00
11	RICHARD L LAPINSKY 6 GOODWIN HILL ROAD MORGANTOWN, WV 26508  Date Filed: 12/05/12 ED MO Date Filed: 02/25/13 Debtor: EASTERN ASSOCIATED COAL, LLC	1120	1234-1	Unsecured: Unliquidated
12	ROBERT R. MOORE 1012 NUCE RD MASONTOWN, WV 26542  Date Filed: 12/14/12 ED MO Date Filed: 02/25/13 Debtor: EASTERN ASSOCIATED COAL, LLC	2632	1237-1	Priority: \$30,000.00*

## Exhibit A - Beneficial Plan Participant 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
13	THOMAS E. BLANDFORD III 5323 PAPA W DR NAPERVILLE, IL 60564  Date Filed: 12/12/12 ED MO Date Filed: 02/25/13 Debtor: EASTERN ASSOCIATED COAL, LLC	1809	1233-1	Unsecured: \$894,600.00
14	WALLACE B. SLINKER, JR. 3790 STATE ROUTE 1473 GREENVILLE, KY 42345  Date Filed: 12/13/12 ED MO Date Filed: 02/25/13 Debtor: PATRIOT COAL CORPORATION	2159	1217-1	Priority: Unliquidated

\* Denotes an unliquidated component.

**EXHIBIT B**

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

**In re:**

**PATRIOT COAL CORPORATION, *et al.*,**

**Debtors.**

**Chapter 11**

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**(Jointly Administered)**

**DECLARATION OF ROBERT L. MEAD IN SUPPORT  
OF DEBTORS' SEVENTH 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.
2. I, or my colleagues, have reviewed each of the proofs of claim identified on Exhibit A to the Debtors' Seventh Omnibus Objection to Claims (the "Claims").
3. Each of the Claims relates to one or more qualified benefit plan (collectively, the "Plans"). The right of a beneficiary to receive a distribution from one of the Plans is a claim of the beneficiary against the Plan; it is not an obligation of the Debtors or their bankruptcy estates.
4. The facts set forth in this Declaration are based on my firsthand knowledge as 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.

5. I declare under penalty of perjury that the foregoing is true and correct. Executed  
on June 20, 2013.

/s/ Robert L. Mead  
Robert L. Mead