

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**In re:**

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

**Debtors.<sup>1</sup>**

**Chapter 11**

**Case No. 12-51502-659  
(Jointly Administered)**

**In re:**

**BRODY MINING, LLC,**

**Debtor.**

**Case No. 13-48727-659  
(Joint Administration Proposed)**

**In re:**

**PATRIOT VENTURES LLC,**

**Debtor.**

**Case No. 13-48728-659  
(Joint Administration Proposed)**

**Hearing Date: September 26, 2013  
Hearing Time: 2:00 p.m. Central  
Location: Courtroom 7-North**

**MOTION TO ESTABLISH DEADLINE FOR FILING PROOFS OF CLAIM AND  
APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

NOW COME Patriot Coal Corporation and its subsidiaries that are currently debtors and debtors in possession in these proceedings, which are the entities listed on Schedule 1 attached hereto (collectively, the “**Initial Debtors**”), and Brody Mining, LLC and Patriot Ventures LLC, as debtors and debtors in possession (together, the “**New Debtors**” and, collectively with the Initial Debtors, the “**Debtors**”) and respectfully request that the Court establish deadlines for the

<sup>1</sup> The Debtors are the entities listed on Schedule 1 attached hereto. The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors’ chapter 11 petitions.

filing of proofs of claim against the New Debtors. In support of this Motion, the Debtors show the Court as follows:

### **Relief Requested**

1. Pursuant to Rule 3003(c)(3) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), the Debtors request that the Court (i) establish deadlines by which proofs of claim based on prepetition debts or liabilities against the New Debtors must be filed, (ii) approve the Proof of Claim Form (as defined below), (iii) approve the Bar Date Notice and Publication Notice (each as defined below) and (iv) approve the proposed notice and publication procedures.

### **Background and Jurisdiction**

2. On July 9, 2012 (the “**Initial Petition Date**”), each of the Initial Debtors commenced a voluntary case under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Southern District of New York. On December 19, 2012, the SDNY Bankruptcy Court entered an order transferring the Initial Debtors’ chapter 11 cases to this Court (the “**Transfer Order**”) [ECF No. 1789].<sup>2</sup> Subsequently, each of the New Debtors commenced its chapter 11 case by filing petitions for voluntary relief with this Court on September 23, 2013 (the “**New Debtors’ Petition Date**”).

3. The Debtors are authorized to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. The Debtors’ cases are being jointly administered pursuant to Bankruptcy Rule 1015(b).

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<sup>2</sup> Pursuant to the Transfer Order, all orders previously entered in these chapter 11 cases remain in full force and effect in accordance with their terms notwithstanding the transfer of venue.

4. This Court has subject matter jurisdiction to consider this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and may be determined by this Court. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

### **The Bar Dates**

5. Bankruptcy Rule 3003(c)(2) provides that any creditor who asserts a claim (as defined in section 101(5) of the Bankruptcy Code) against the New Debtors that arose prior to the New Debtors' Petition Date and whose claim is not listed on the New Debtors' schedules of assets and liabilities and/or schedules of executory contracts and unexpired leases (collectively, the "**Schedules**")<sup>3</sup> or whose claim is listed on the Schedules as disputed, contingent, or unliquidated, must file a proof of claim. Bankruptcy Rule 3003(c)(3) provides that the Court shall fix the time within which proofs of claim must be filed in a chapter 11 case.

6. The Debtors request that the Court establish:

(a) **October 24, 2013 at 4:00 p.m.** (prevailing Central Time) (the "**General Bar Date**") as the deadline for each person or entity (including, without limitation, individuals, partnerships, joint ventures, corporations, estates, and trusts), other than any governmental units (as defined in section 101(27) of the Bankruptcy Code) ("**Governmental Units**"), to file a proof of claim in respect of a prepetition claim (as defined in section 101(5) of the Bankruptcy Code), including, for the avoidance of doubt, prepetition secured claims or priority claims against the New Debtors; and

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<sup>3</sup> The New Debtors filed their Schedules on September 23, 2013.

(b) **March 24, 2014 at 4:00 p.m.** (prevailing Central Time) (the “**Governmental Bar Date**”) as the deadline for each Governmental Unit to file a proof of claim in respect of a prepetition claim against any of the New Debtors.<sup>4</sup>

Fixing the proposed General Bar Date and Governmental Bar Date (each a “**Bar Date**” and together, the “**Bar Dates**”) will enable the New Debtors to receive, process and begin their analysis of creditors’ claims in a timely and efficient manner. Based on the procedures set forth below, the proposed Bar Dates will give all creditors ample opportunity to prepare and file proofs of claim. Nothing in this Motion extends the applicable deadline for filing proofs of claim against the Initial Debtors.

7. Pursuant to the form of order to be made available on the Debtors’ Case Information Website (located at *www.PatriotCaseInformation.com*) (the “**Bar Date Order**”), each person or entity (including, without limitation, each individual, partnership, joint venture, corporation, estate, trust and Governmental Unit) that asserts a claim (as defined in section 101(5) of the Bankruptcy Code) against the New Debtors that arose prior to the New Debtors’ Petition Date (including, without limitation, claims entitled to priority under section 503(b)(9) of the Bankruptcy Code) must file an original, written proof of such claim that substantially conforms to the Proof of Claim Form (as defined below), as provided in the Notice of Claims Bar Date (the “**Notice**”). The Debtors request that the Bar Date Order provide that (i) proofs of claim sent by facsimile, telecopy or email will *not* be accepted and (ii) proofs of claim are deemed timely filed only if such claims are *actually received* at or prior to 4:00 p.m. (prevailing Central Time) on the applicable Bar Date.

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<sup>4</sup> Section 502(b)(9) of the Bankruptcy Code provides that governmental units shall have 180 days after the petition date, or such later time as the Bankruptcy Rules may provide, to file proofs of claim. March 24, 2014 is more than 180 days after the Petition Date.

8. Pursuant to the proposed Bar Date Order, the following persons or entities are *not* required to file a proof of claim on or prior to the applicable Bar Date:

- (a) any person or entity that has *already* properly filed a proof of claim against the applicable New Debtor or New Debtors with the Clerk of the Bankruptcy Court for the Eastern District of Missouri or the Patriot Claims Processing Center, in a form substantially similar to the Proof of Claim Form (as defined below);
- (b) any person or entity whose claim is listed on the Schedules; *provided* that (i) the claim is *not* scheduled as “disputed,” “contingent” or “unliquidated,” (ii) the claimant agrees with the amount, nature and priority of the claim as set forth in the Schedules *and* (iii) the claimant agrees that the claim is an obligation of the specific New Debtor against which the claim is listed on the Schedules;
- (c) any person or entity that holds a claim that has been allowed by an order of the Court entered on or prior to the applicable Bar Date;
- (d) any person or entity whose claim has been paid in full by any of the New Debtors;
- (e) any current employee of the New Debtors, and any labor union authorized by law to represent any current employee, in each case solely with respect to any claim based on the payment of wages, salaries and vacation pay arising in the ordinary course of business and authorized to be paid by order of the Court, *provided, however*, that if the New Debtors provide written notice to any current employee stating that the New Debtors do not intend to exercise their authority to pay such claim, such employee shall have until the later of (i) the General Bar Date and (ii) 30 days from the date of service of such written notice, to file a proof of claim;
- (f) any person or entity that holds a claim for which specific deadlines have been fixed by an order of the Court entered on or prior to the applicable Bar Date;
- (g) any person or entity that holds a claim allowable under sections 503(b) and 507(a) of the Bankruptcy Code as an expense of administration (other than any claim allowable under section 503(b)(9) of the Bankruptcy Code);
- (h) any current officer, director or employee of the New Debtors that holds a claim based on indemnification, contribution, or reimbursement;
- (i) any Debtor;

- (j) any person or entity that holds an interest in the New Debtors, which interest is based exclusively upon the ownership of common stock or warrants, rights or options to purchase, sell or subscribe to common stock; *provided, however*, that interest holders who wish to assert claims (as opposed to ownership interests) against any of the New Debtors (including claims for damages, rescission, reimbursement or contribution) that arise out of or relate to the purchase or sale of an interest must file a proof of claim with respect to such claim on or prior to the applicable Bar Date;
- (k) the Administrative Agent, the Lenders, the L/C Issuers, the Sole Book Manager, the Arrangers, the Syndication Agent and the Co-Documentation Agents (the “**Prepetition Secured Parties**”) under the Amended and Restated Credit Agreement, dated as of May 5, 2010, among the Prepetition Secured Parties and Patriot Coal Corporation, solely with respect to claims asserted pursuant to the *Master Proof of Contingent Secured Claim of Bank of America, N.A., Individually and as Administrative Agent*, and (ii) the Other Prepetition Secured Parties, dated December 11, 2012, filed by the Administrative Agent against each of the Initial Debtors (the “**BofA Master Proof of Claim**”); and
- (l) the Administrative Agents, Arrangers, or any lender party (collectively, the “DIP Creditors”) to the Debtors’ postpetition financing facilities (the “DIP Facilities”), solely with respect to claims arising in connection therewith, as approved and allowed pursuant to the Final Order (I) Authorizing Debtors (A) to Obtain Postpetition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(c)(1) and 364(e) and (B) to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection to Prepetition Secured Lenders Pursuant to 11 U.S.C. §§ 361, 362, 363 and 364, Final Order (I) Authorizing Debtors (A) to Obtain Postpetition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(c)(1) and 364(e) and (B) to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection to Prepetition Secured Lenders Pursuant to 11 U.S.C. §§ 361, 362, 363 and 364 [ECF No. 275], as amended pursuant to the Supplemental DIP Financing Order Authorizing, Pursuant to 11 U.S.C. §§ 363 and 364, (i) Amendment to the DIP Financing, (ii) Engagement of the First Out DIP Agent in Connection Therewith, (iii) Payment of Fees Related Thereto, and (iv) Waiver of Bankruptcy Rule 6004(h) Stay, entered by the Bankruptcy Court on August 21, 2013 [ECF No. 4498], and as each of the foregoing has been or is hereafter modified, amended, supplemented or extended from time to time during the chapter 11 cases.

9. The proposed Bar Date Order further provides that any person or entity that holds a claim that arises from the rejection of an executory contract or unexpired lease must file a proof of claim based on such rejection by the later of (a) the applicable Bar Date and

(b) 30 days after notice by the New Debtors of the entry of an order authorizing rejection to which the claim relates. Notwithstanding the foregoing, a party to an executory contract or unexpired lease that asserts a claim on account of unpaid amounts accrued and outstanding as of the Petition Date pursuant to such executory contract or unexpired lease (other than a rejection damages claim) must file a proof of claim for such amounts on or prior to the applicable Bar Date unless an exception identified in paragraph 8 above applies. In addition, the Debtors request that the proposed Bar Date Order provide that the BofA Master Proof of Claim, which the Administrative Agent timely filed against each of the Initial Debtors, shall be deemed to have been timely filed, and of equal force and effect, against the New Debtors.

10. The New Debtors are not at this time seeking to set a deadline for the filing of proofs of equity interest. The New Debtors may move the Court to establish a deadline for filing such proofs of interest in the future.

#### **Form of Proof of Claim**

11. Due to the size and complexity of these chapter 11 cases, the New Debtors, with the assistance of GCG, Inc. (“GCG”),<sup>5</sup> have prepared a proof of claim form tailored to these chapter 11 cases (the “**Proof of Claim Form**”). The proposed Proof of Claim Form, which is based on Official Form No. 10, is annexed hereto as Exhibit A. Each creditor whose claim is listed on the Schedules will receive in the mail a “customized” Proof of Claim Form printed with the creditor’s name and address and information regarding the nature, amount, and status of its claim(s) (as reflected on the Schedules), together with instructions for filing a proof of claim and correcting any incorrect name and address information. If a creditor

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<sup>5</sup> GCG is the official noticing agent retained by the Debtors pursuant to the Court’s Order Authorizing Retention and Appointment of GCG, Inc. as Claims and Noticing Agent for the Debtors *Nunc Pro Tunc* to the Petition Date [ECF No. 45], dated July 11, 2012.

disagrees with information set forth on the Proof of Claim Form, including the specified New Debtor or the amount or type of the claim set forth on the Proof of Claim Form, such creditor is required to file a proof of claim identifying the New Debtor against which the creditor is asserting a claim and the amount and type of such claim.

**Requirements for Preparing and Filing Proofs of Claim**

12. The proposed Bar Date Order provides that each proof of claim must: (i) be written in the English language; (ii) be denominated in lawful currency of the United States (*provided, however*, that the New Debtors reserve the right to convert a claim denominated in non-U.S. currency into U.S. currency using the applicable exchange rate as of the New Debtors' Petition Date); (iii) conform substantially with the Proof of Claim Form; (iv) indicate the New Debtor against which the creditor is asserting a claim (and, unless otherwise ordered by the Court, if a creditor asserts a claim against more than one New Debtor or has claims against more than one New Debtor, a separate proof of claim must be filed with respect to each New Debtor); (v) include supporting documentation (if voluminous, attach a summary) or an explanation as to why such documentation is not available; and (vi) be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. The New Debtors respectfully request that the Court approve the proposed Proof of Claim Form.

**Consequences of Failure to File a Proof of Claim**

13. Pursuant to Bankruptcy Rule 3003(c)(2), the New Debtors propose that any holder of a claim against one or more of the New Debtors who is required, but fails, to timely file a proof of such claim in appropriate form in accordance with the terms of the Bar Date Order shall be forever barred, estopped and enjoined from asserting such claim against the New Debtors (or filing a proof of claim with respect thereto), and the New Debtors and their



successors and their respective property shall be forever discharged from any and all indebtedness or liability with respect to such claim, and such holder shall not be permitted to vote to accept or reject any plan of reorganization filed in these chapter 11 cases or participate in any distribution in the New Debtors' chapter 11 cases on account of such claim or to receive further notices regarding such claim.

**Notice of the Bar Date Order and the Bar Dates**

14. Pursuant to Bankruptcy Rule 2002(a)(7), the New Debtors propose to mail a notice of the Bar Date Order and the Bar Dates in a form substantially similar to the notice annexed hereto as Exhibit B (the "**Bar Date Notice**"). The Bar Date Notice (together with a copy of the Proof of Claim Form) will be sent to:

- (a) the United States Trustee;
- (b) counsel to the official committee of unsecured creditors appointed in these chapter 11 cases (the "**Committee**");
- (c) all persons or entities that have requested notice of the proceedings in the chapter 11 cases;
- (d) all persons or entities that have filed claims against the New Debtors;
- (e) all known holders of prepetition claims listed on the Schedules at the addresses stated therein;
- (f) all counterparties to the New Debtors' executory contracts and unexpired leases listed on the Schedules at the addresses stated therein;
- (g) all parties to litigation with the New Debtors;
- (h) the Internal Revenue Service, the Securities and Exchange Commission, the United States Environmental Protection Agency, the United States Attorney's Office for the Eastern District of Missouri and any other required governmental units;
- (i) the Core Parties and the Non-ECF Service Parties (each as defined in the Order Establishing Certain Notice, Case Management and Administrative Procedures entered by the Court [ECF No. 3361] (the "**Case Management Order**")); and

- (j) such additional persons and entities as deemed appropriate by the New Debtors.

15. The Bar Date Notice notifies the parties of the Bar Dates and contains information regarding who must file a proof of claim, the procedure for filing a proof of claim and the consequences of failure to timely file a proof of claim. The New Debtors request that the Court approve the Proof of Claim Form and use of the Bar Date Notice.

#### **Amendments to Schedules**

16. Bankruptcy Rule 1009(a) provides that notice of any amendment to the Schedules must be given to any entity affected thereby. If the Schedules are amended prior to the date upon which the Bar Date Notice is served, then the New Debtors ask that the personalized Proof of Claim Form attached to the Bar Date Notice shall serve as the notice required by Bankruptcy Rule 1009(a), and that no other notice of amendment of the Schedules be required.

17. If the Debtors amend the Schedules on or after the date upon which the New Debtors serve the Bar Date Notice in a manner that would add a new claim, reduce the undisputed, non-contingent or liquidated amount of a claim, or change the nature or classification of a claim, the New Debtors acknowledge that they would be obligated to satisfy the notice requirements of Bankruptcy Rule 1009(a) for each affected entity. The New Debtors propose that the affected claimant would be required to file a proof of claim by the later of (i) the applicable Bar Date and (ii) 30 calendar days after such claimant is served with notice that the New Debtors have amended their Schedules in a manner that affects such creditor as described in this paragraph.

**Publication Notice**

18. Given the size and scope of the Debtors' businesses, the New Debtors have determined that it would be in the best interest of their estates to give notice by publication to certain creditors, including: (i) those creditors to whom no other notice was sent and who are unknown or not reasonably ascertainable by the New Debtors, (ii) known creditors with addresses unknown by the New Debtors and (iii) potential creditors with claims unknown by the New Debtors.

19. Pursuant to Bankruptcy Rule 2002(1), the Debtors seek authority to publish notice of the Bar Dates in substantially the form annexed hereto as Exhibit C (the "**Publication Notice**"). The New Debtors propose to publish the Publication Notice once in each of *The Wall Street Journal, National Edition*, *St. Louis Post Dispatch*, a St. Louis, Missouri newspaper, *Charleston Gazette* and *Charleston Daily Mail*, each a Charleston, West Virginia newspaper, *Gleaner*, a Henderson County, Kentucky newspaper, *Evansville Courier and Press*, a Union County, Kentucky newspaper, *The Dominion Post*, a Morgantown, West Virginia newspaper, *The Register Herald*, a Beckley, West Virginia newspaper, *Times West Virginian*, a Fairmont, West Virginia newspaper and *The Southern Illinoisan*, a Carbondale, Illinois newspaper, in each case at least 10 days prior to the General Bar Date. Additionally, the New Debtors will post a copy of the Publication Notice and the Proof of Claim Form on [www.PatriotCaseInformation.com](http://www.PatriotCaseInformation.com), the independent website authorized by the Case Management Order. The Publication Notice includes a telephone number that creditors can call to obtain copies of the Proof of Claim Form and information concerning the procedures for filing proofs of claim. The New Debtors respectfully request that the Court approve the Publication Notice and find that the New Debtors' proposed procedures regarding the Publication Notice shall be deemed good, adequate and sufficient notice of the Bar Dates.

**Noticing Agent**

20. As noted above, GCG is the authorized noticing agent for the Court with respect to the Debtors' chapter 11 cases. In such capacity, GCG is responsible for, among other things, maintaining a database containing the Schedules and maintaining and docketing proofs of claim that are filed in these chapter 11 cases.

21. To facilitate and coordinate the claims reconciliation and notice functions, GCG will mail the Proof of Claim Forms together with the Bar Date Notice. The New Debtors have been advised by GCG that, based upon the number of persons to whom the Debtors propose to provide notice, GCG expects to be able to complete the mailing of the Proof of Claim Forms and Bar Date Notices within two business days of entry of the Bar Date Order by this Court. By establishing October 24, 2013 as the General Bar Date, potential claimants will have approximately 24 days from the mailing of notices to file proofs of claim. Such period is clearly an adequate period of time within which to file proofs of claim, as Bankruptcy Rule 2002(a)(7) requires only 21 days.<sup>6</sup>

**Objections to Claims**

22. The New Debtors reserve their right to object to any proof of claim, whether filed or scheduled, on any grounds. The New Debtors reserve their right to dispute or to assert offsets or defenses to any claim reflected on the Schedules or any amendments thereto, as to amount, liability, classification or otherwise and to subsequently designate any claim as disputed, contingent, unliquidated or undetermined.

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<sup>6</sup> The Debtors do not have any creditors with a foreign address.

**The Proposed Notice Procedures are Reasonable and Adequate**

23. The New Debtors believe that the procedures described herein, the Bar Date Notice and the Publication Notice (together, the “**Notice Procedures**”) are collectively “reasonably calculated under the circumstances to apprise an interested party of the pendency of the bankruptcy case” and the requirement of filing a proof of claim by the applicable Bar Date. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). Consequently, the New Debtors respectfully request that the Court find that the Notice Procedures constitute adequate and sufficient notice for all relevant purposes.

24. Based on the foregoing, the New Debtors submit that the relief requested herein is necessary and appropriate, is in the best interests of its estates and creditors, and should be granted in all respects.

**Notice**

25. Pursuant to the Case Management Order, the New Debtors will serve notice of this Motion on (a) the Core Parties and (b) the Non-ECF Service Parties (as those terms are defined in the Case Management Order). In addition, all parties who have requested electronic notice of filings in these cases through the Court’s ECF system will automatically receive notice of this Motion no later than the day after its filing with the Court. Moreover, a copy of this Motion and any Order approving it will be made available on the Debtors’ Case Information Website (located at [www.PatriotCaseInformation.com](http://www.PatriotCaseInformation.com)). In light of the nature of the relief requested herein, the New Debtors submit that no other or further notice need be provided.

WHEREFORE, the Debtors respectfully request that the Court:

- (a) establish deadlines by which proofs of claim based on prepetition debts or liabilities against the New Debtors must be filed;
- (b) approve the Proof of Claim Form, attached hereto as Exhibit A;
- (c) approve the Bar Date Notice and Publication Notice, attached hereto as Exhibits B and C, respectively;
- (d) approve the proposed notice and publication procedures; and
- (e) grant such other and further relief as the Court deems just and proper.

Dated: September 23, 2013  
St. Louis, Missouri

Respectfully submitted,

BRYAN CAVE LLP

/s/ Laura Uberti Hughes

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-and-

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**SCHEDULE 1**  
(Debtor Entities)

1. 1 Affinity Mining Company
2. 2 Apogee Coal Company, LLC
3. Appalachia Mine Services, LLC
4. Beaver Dam Coal Company, LLC
5. Big Eagle, LLC
6. Big Eagle Rail, LLC
7. Black Stallion Coal Company, LLC
8. Black Walnut Coal Company
9. Bluegrass Mine Services, LLC
10. Brook Trout Coal, LLC
11. Catenary Coal Company, LLC
12. Central States Coal Reserves of Kentucky, LLC
13. Charles Coal Company, LLC
14. Cleaton Coal Company
15. Coal Clean LLC
16. Coal Properties, LLC
17. Coal Reserve Holding Limited Liability Company No. 2
18. Colony Bay Coal Company
19. Cook Mountain Coal Company, LLC
20. Corydon Resources LLC
21. Coventry Mining Services, LLC
22. Coyote Coal Company LLC
23. Cub Branch Coal Company LLC
24. Dakota LLC
25. Day LLC
26. Dixon Mining Company, LLC
27. Dodge Hill Holding JV, LLC
28. Dodge Hill Mining Company, LLC
29. Dodge Hill of Kentucky, LLC
30. EACC Camps, Inc.
31. Eastern Associated Coal, LLC
32. Eastern Coal Company, LLC
33. Eastern Royalty, LLC
34. Emerald Processing, L.L.C.
35. Gateway Eagle Coal Company, LLC
36. Grand Eagle Mining, LLC
37. Heritage Coal Company LLC
38. Highland Mining Company, LLC
39. Hillside Mining Company
40. Hobet Mining, LLC
41. Indian Hill Company LLC
42. Infinity Coal Sales, LLC
43. Interior Holdings, LLC
44. IO Coal LLC
45. Jarrell's Branch Coal Company
46. Jupiter Holdings LLC
47. Kanawha Eagle Coal, LLC
48. Kanawha River Ventures I, LLC
49. Kanawha River Ventures II, LLC
50. Kanawha River Ventures III, LLC
51. KE Ventures, LLC
52. Little Creek LLC
53. Logan Fork Coal Company
54. Magnum Coal Company LLC
55. Magnum Coal Sales LLC
56. Martinka Coal Company, LLC
57. Midland Trail Energy LLC
58. Midwest Coal Resources II, LLC
59. Mountain View Coal Company, LLC
60. New Trout Coal Holdings II, LLC
61. Newtown Energy, Inc.
62. North Page Coal Corp.
63. Ohio County Coal Company, LLC
64. Panther LLC
65. Patriot Beaver Dam Holdings, LLC
66. Patriot Coal Company, L.P.
67. Patriot Coal Corporation
68. Patriot Coal Sales LLC
69. Patriot Coal Services LLC
70. Patriot Leasing Company LLC
71. Patriot Midwest Holdings, LLC
72. Patriot Reserve Holdings, LLC
73. Patriot Trading LLC
74. PCX Enterprises, Inc.
75. Pine Ridge Coal Company, LLC
76. Pond Creek Land Resources, LLC
77. Pond Fork Processing LLC
78. Remington Holdings LLC
79. Remington II LLC
80. Remington LLC
81. Rivers Edge Mining, Inc.
82. Robin Land Company, LLC
83. Sentry Mining, LLC
84. Snowberry Land Company
85. Speed Mining LLC
86. Sterling Smokeless Coal Company, LLC
87. TC Sales Company, LLC
88. The Presidents Energy Company LLC
89. Thunderhill Coal LLC
90. Trout Coal Holdings, LLC
91. Union County Coal Co., LLC
92. Viper LLC
93. Weatherby Processing LLC
94. Wildcat Energy LLC
95. Wildcat, LLC
96. Will Scarlet Properties LLC
97. Winchester LLC
98. Winifrede Dock Limited Liability Company
99. Yankeetown Dock, LLC



# **Exhibit A**

## **Proof of Claim Form**



UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF MISSOURI

You may only check one Debtor box. If you have a claim against multiple Debtors listed below you must complete a separate proof of claim form for each such Debtor:

<b>Name of Debtor:</b> <input type="checkbox"/> Brody Mining, LLC	<b>Case No.</b>	<b>Name of Debtor:</b> <input type="checkbox"/> Patriot Ventures LLC	<b>Case No.</b>
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NOTE: Do not use this form to make a claim for an administrative expense that arises **after** the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.

PROOF OF CLAIM

Name of Creditor (the person or other entity to whom the Debtor owes money or property):	<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.	<b>Your Claim Is Scheduled As Follows:</b>
Name and address where notices should be sent:	<b>Court Claim Number:</b>  (If known)	
Telephone number: E-mail:	Original Claim Filed on: _____	
Name and address where payment should be sent (if different from above):	<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.	If an amount is identified above, you have a claim scheduled by the Debtor as shown. (This scheduled amount of your claim may be an amendment to a previously scheduled amount.) If you agree with the amount and priority of your claim as scheduled by the Debtor, and you have no other claim against the Debtor, you do not need to file this proof of claim form, EXCEPT AS FOLLOWS: If the amount shown is listed as DISPUTED, UNLIQUIDATED, or CONTINGENT, a proof of claim MUST be filed in order to receive any distribution in respect of your claim. If you have already filed a proof of claim against the Debtor in accordance with the attached instructions, you need not file again.
Telephone number: E-mail:		

**1. Amount of Claim as of Date Case Filed (September 23, 2013): \$** \_\_\_\_\_  
(See instruction #1)

If all or part of the claim is secured, complete item 4.  
If all or part of the claim is entitled to priority, complete item 5.

Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.

**2. Basis for Claim:**  
(See instruction #2)

**3. Last four digits of any number by which creditor identifies Debtor:**  
(See instruction #3)

\_\_\_\_\_

**3a. Debtor may have scheduled account as:**

\_\_\_\_\_

(See instruction #3a)

**3b. Uniform Claim Identifier (optional):**

\_\_\_\_\_

(See instruction #3b)

**4. Secured Claim (See instruction #4)**  
Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.

<b>Nature of property or right of setoff:</b>	<input type="checkbox"/> Real Estate	<input type="checkbox"/> Equipment	<b>Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any:</b>
	<input type="checkbox"/> Other		\$ _____
<b>Describe:</b> _____	<b>Basis for perfection:</b> _____		
<b>Value of Property:</b> \$ _____	<b>Amount of Secured Claim:</b> \$ _____		
<b>Annual Interest Rate</b> _____ %	<input type="checkbox"/> Fixed	or	<input type="checkbox"/> Variable
<b>(when case was filed)</b>	<b>Amount Unsecured:</b> \$ _____		

**5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.** (See instruction #5)

<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the Debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).	<b>Amount entitled to priority:</b> \$ _____
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).	

\*Amounts are subject to adjustment on 4/1/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

**6. Claim Pursuant to 11 U.S.C. § 503 (b)(9).** (See instruction #6) Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before September 23, 2013, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business. Attach documentation supporting such claim. \$ \_\_\_\_\_

**7. Credits.** The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)

**8. Documents:** Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain: \_\_\_\_\_

**9. Signature:** (See instruction #9)

Check the appropriate box.

- I am the creditor     I am the creditor's authorized agent.     I am the trustee, or the Debtor, or its authorized agent. (See Bankruptcy Rule 3004.)     I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)  
 (Attach copy of power of attorney, if any.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address and telephone number (if different from notice address above): \_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

\_\_\_\_\_

\_\_\_\_\_

Telephone number: \_\_\_\_\_ e-mail: \_\_\_\_\_

*Penalty for presenting fraudulent claim:* Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

**INSTRUCTIONS FOR PROOF OF CLAIM FORM**

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the Debtor, exceptions to these general rules may apply. The attorneys for the Debtor and its Court-appointed claims agent, GCG, Inc. ("GCG"), are not authorized to provide you, and are not providing you, with any legal advice.

PLEASE SEND YOUR ORIGINAL, COMPLETED CLAIM FORM AS FOLLOWS: **IF BY FIRST CLASS MAIL:** Patriot Coal Claims Processing Center, c/o GCG, P.O. Box 9898, Dublin, Ohio 43017-5798. **IF BY HAND DELIVERY OR OVERNIGHT MAIL:** Patriot Coal Claims Processing Center, c/o GCG, 5151 Blazer Parkway, Suite A, Dublin, Ohio 43017. **ANY PROOF OF CLAIM SUBMITTED BY FACSIMILE OR EMAIL WILL NOT BE ACCEPTED.**

THE GOVERNMENTAL BAR DATE IS \_\_\_\_\_, 2014 AT 4:00 P.M. (PREVAILING CENTRAL TIME)

THE BAR DATE SOLELY WITH RESPECT TO THIS PROOF OF CLAIM FORM IS OCTOBER \_\_, 2013 AT 4:00 P.M. (PREVAILING CENTRAL TIME)

**Items to be completed in Proof of Claim Form**

**Court, Name of Debtor, and Case Number:**

On July 9, 2012, Patriot Coal Corporation ("Patriot") and 98 of its affiliates filed Chapter 11 petitions in the United States Bankruptcy Court for the Southern District of New York. The Chapter 11 cases were transferred to the United States Bankruptcy Court for the Eastern District of Missouri (the "Court") on December 19, 2012. On September 23, 2013 (the "Commencement Date"), two additional affiliates of Patriot, Brody Mining, LLC and Patriot Ventures LLC, filed Chapter 11 petitions. You should select the Debtor against which you are asserting your claim.

**A SEPARATE PROOF OF CLAIM FORM MUST BE FILED AGAINST EACH DEBTOR.**

**Creditor's Name and Address:**

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy cases. Please provide us with a valid e-mail address. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the Court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

**1. Amount of Claim as of Date Case Filed:**

State the total amount owed to the creditor on the date of the bankruptcy filing (using the exchange rate, if applicable, as of the Commencement Date.) Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

**2. Basis for Claim:**

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to your claim.

**3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:**

State only the last four digits of the Debtor's account or other number used by the creditor to identify the Debtor.

**3a. Debtor May Have Scheduled Account As:**

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the Debtor.

**3b. Uniform Claim Identifier:**

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

**4. Secured Claim:**

Check whether the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

**5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a):**

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

**6. Claim Pursuant to 11 U.S.C. § 503 (b)(9):**

If you have a claim arising from the value of any goods received by the Debtor within 20 days before the Commencement Date, in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business, state the amount of such claim and attach documentation supporting such claim. (See Definitions.)

**7. Credits:**

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the Debtor credit for any payments received toward the debt.

**8. Documents:**

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

**9. Date and Signature:**

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, attach a complete copy of any power of attorney, and provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

**DEFINITIONS****INFORMATION****Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

**Creditor**

A creditor is the person, corporation, or other entity to whom the debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. § 101 (10).

**Claim**

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. § 101 (5). A claim may be secured or unsecured.

**Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the proof of claim form with GCG as described in the instructions above.

**Secured Claim Under 11 U.S.C. § 506 (a)**

A secured claim is one backed by a lien on property of the Debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

**Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

**Claim Entitled to Priority Under 11 U.S.C. § 507 (a)**

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

**Claim Entitled to Priority Under 11 U.S.C. § 503 (b)(9)**

A Section 503 (b)(9) claim is a claim for the value of any goods received by the Debtor within 20 days before the date of commencement of a bankruptcy case in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business.

**Redacted**

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social security, individual's tax identification, or financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

**Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

**Acknowledgment of Filing of Claim**

Upon GCG's receipt of your proof of claim, GCG will send you an acknowledgement letter stating your assigned claim number and the date on which GCG received your proof of claim. Additionally, you may view your entire filed proof of claim at <http://www.patriotcaseinfo.com>.

**Offers to Purchase a Claim**

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official Court documentation or communications from the Debtor. These entities do not represent the Court or the Debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the Court.

# **Exhibit B**

## **Bar Date Notice**

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**In re:**

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

**Debtors.**

**Chapter 11**

**Case No. 12-51502-659**

**(Jointly Administered)**

**NOTICE OF DEADLINES FOR FILING PROOFS OF CLAIM AGAINST BRODY  
MINING, LLC AND PATRIOT VENTURES LLC**

TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST BRODY MINING, LLC  
AND/OR PATRIOT VENTURES LLC:

On \_\_\_\_\_, 2013, the United States Bankruptcy Court for the Eastern District of Missouri entered an order (the "**Bar Date Order**") establishing (i) **October 24, 2013 at 4:00 p.m.** (prevailing Central time) (the "**General Bar Date**") as the last date and time for each person or entity (including individuals, partnerships, joint ventures, corporations, estates, and trusts), other than any governmental units (as defined in section 101(27) of title 11 of the United States Code (the "**Bankruptcy Code**") ("**Governmental Units**"), to file a proof of claim against Brody Mining, LLC and/or Patriot Ventures LLC (together, the "**New Debtors**"); and (ii) **March 24, 2013 at 4:00 p.m.** (prevailing Central Time) as the last date and time for each Governmental Unit to file a proof of claim based on prepetition claims against the New Debtors (the "**Governmental Bar Date**" and, together with the General Bar Date, the "**Bar Dates**").

The Bar Dates and the procedures set forth below for filing proofs of claim apply to all claims against the New Debtors that arose on or prior to September 23, 2013, the date on which the New Debtors commenced cases under chapter 11 of the Bankruptcy Code (the "**New Debtors' Petition Date**"), including claims under section 503(b)(9) of the Bankruptcy Code, except for those holders of the claims listed in section 4 below that are specifically excluded from the Bar Dates filing requirement.

The Patriot Coal Claims Processing Center can be contacted at 1-877-600-6531 (if calling from within the United States) or 336-542-5677 (if calling from outside the United States) if you have any questions about this Notice.

**1. WHO MUST FILE A PROOF OF CLAIM**

You **MUST** file a proof of claim to vote on a chapter 11 plan filed by the New Debtors or to share in distributions from the New Debtors' bankruptcy estates if you have a claim that arose

on or prior to the Petition Date (including a claim under section 503(b)(9) of the Bankruptcy Code), and it is not one of the types of claims described in section 4 below. Claims based on acts or omissions of the New Debtors that occurred prior to the New Debtors' Petition Date must be filed on or prior to the applicable Bar Date, even if such claims are not now fixed, liquidated or certain or did not mature or become fixed, liquidated or certain prior to the New Debtors' Petition Date.

Under section 101(5) of the Bankruptcy Code and as used in this Notice, the word "**claim**" means any: (a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

This Notice is being sent to many persons and entities that have had some relationship with or have done business with the New Debtors but may not have an unpaid claim against the New Debtors. The fact that you have received this Notice does not mean that you have a claim or that the New Debtors or the Court believes that you have a claim against the New Debtors.

## **2. WHAT TO FILE**

The New Debtors are enclosing a proof of claim form or forms for use in these cases (the "**Proof of Claim Form**"). If your claim is listed on the New Debtors' schedules of assets and liabilities and/or schedules of executory contracts and unexpired leases (collectively, the "**Schedules**")<sup>1</sup> by the New Debtors, the Proof of Claim Form(s) also set forth the amount of your claim as scheduled by the New Debtors, the specific New Debtor against which the claim is scheduled and whether the claim is scheduled as disputed, contingent or unliquidated. You will receive a different Proof of Claim Form for each claim scheduled in your name by the New Debtors. You may use the Proof of Claim Form(s) provided by the New Debtors to file your claim. Additional copies of the Proof of Claim Form may be obtained at [www.PatriotCaseInformation.com](http://www.PatriotCaseInformation.com) or by calling the Patriot Coal Claims Processing Center at 1-877-600-6531 (if calling from within the United States) or 336-542-5677 (if calling from outside the United States).

Each filed proof of claim must conform substantially to the Proof of Claim Form. Each proof of claim must be **signed** by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. Each proof of claim must be written in English and be denominated in United States currency. **You should attach to each completed proof of claim any documents on which the claim is based (if voluminous, attach a summary) or an explanation as to why the documents are not available.**

**If your proof of claim contains confidential information, you may file a redacted proof of claim, and may redact any documents attached thereto. A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain**

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<sup>1</sup> The New Debtors filed their Schedules on September 23, 2013.

**information. A creditor must show only the last four digits of any social security, individual's tax identification, or financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.**

Any holder of a claim against more than one Debtor must file a separate proof of claim with respect to each such Debtor and all holders of claims must identify on their proof of claim the specific Debtor against which their claim is asserted.

### **3. WHEN AND WHERE TO FILE**

Except as provided for herein, all proofs of claim must be filed so as to be actually received (i) if you are not a Governmental Unit, on or prior to **October 24, 2013 at 4:00 p.m.** (prevailing Central Time) and (ii) if you are a Governmental Unit, on or prior to **March 24, 2014 at 4:00 p.m.** (prevailing Central Time), in each case at the following address:

**If by First-Class Mail:**

Patriot Coal Claims Processing Center,  
c/o GCG  
P.O. Box 9898  
Dublin, Ohio 43017-5798

**OR**

**If by Overnight of Hand Delivery:**

Patriot Coal Claims Processing Center,  
c/o GCG  
5151 Blazer Parkway, Suite A  
Dublin, Ohio 43017

Proofs of claim will be deemed timely filed only if **actually received** at or prior to 4:00 p.m. (prevailing Central time) on the applicable Bar Date. Proofs of claim may **not** be delivered by facsimile, telecopy or email.

### **4. WHO NEED NOT FILE A PROOF OF CLAIM**

You do not need to file a proof of claim on or prior to the Bar Dates if you are:

- (a) a person or entity that has **already** properly filed a proof of claim against the applicable New Debtor or New Debtors with the Clerk of the Bankruptcy Court for the Eastern District of Missouri or the Patriot Claims Processing Center, in a form substantially similar to the Proof of Claim Form;
- (b) a person or entity whose claim is listed on the Schedules, **provided** that (i) the claim is **not** scheduled as "disputed," "contingent" or "unliquidated," (ii) the claimant agrees with the amount, nature and priority of the claim as set forth in the Schedules **and** (iii) the claimant agrees that the claim is an obligation of the specific New Debtor against which the claim is listed on the Schedules;
- (c) a person or entity that holds a claim that has been allowed by an order of the Court entered on or prior to the applicable Bar Date;
- (d) a person or entity whose claim has been paid in full by the New Debtors;



- (e) a current employee of the New Debtors, or a labor union authorized by law to represent a current employee, in each case solely with respect to any claim based on the payment of wages, salaries and vacation pay arising in the ordinary course of business and previously authorized to be paid by order of the Court, including the first day wage order the Court entered on a final basis on August 2, 2012; **provided, however**, that if the New Debtors provide written notice stating that the New Debtors do not intend to exercise their authority to pay such claim, you shall have until the later of (i) the General Bar Date and (ii) 30 days from the date of service of such written notice, to file a proof of claim;
- (f) a person or entity that holds a claim for which specific deadlines have been fixed by an order of the Court entered on or prior to the applicable Bar Date;
- (g) a person or entity that holds a claim allowable under sections 503(b) and 507(a) of the Bankruptcy Code as an expense of administration (other than any claim allowable under section 503(b)(9) of the Bankruptcy Code);
- (h) a current officer, director or employee of the New Debtors that holds a claim based on indemnification, contribution, or reimbursement;
- (i) a Debtor;
- (j) a person or entity that holds an interest in any New Debtor, which interest is based exclusively upon the ownership of common stock or warrants, rights or options to purchase, sell or subscribe to common stock; **provided, however**, that interest holders who wish to assert claims (as opposed to ownership interests) against the New Debtors (including claims for damages, rescission, reimbursement or contribution) that arise out of or relate to the purchase or sale of an interest must file a proof of claim with respect to such claim on or prior to the applicable Bar Date;
- (k) the Administrative Agent, the Lenders, the L/C Issuers, the Sole Book Manager, the Arrangers, the Syndication Agent and the Co-Documentation Agents (the “**Prepetition Secured Parties**”) under the Amended and Restated Credit Agreement, dated as of May 5, 2010, among the Prepetition Secured Parties and Patriot Coal Corporation, solely with respect to claims asserted pursuant to the *Master Proof of Contingent Secured Claim of Bank of America, N.A., Individually and as Administrative Agent*, and (ii) the Other Prepetition Secured Parties, dated December 11, 2012, filed by the Administrative Agent against each of the Initial Debtors (the “**BofA Master Proof of Claim**”); and
- (l) the Administrative Agents, Arrangers, or any lender party (collectively, the “DIP Creditors”) to the Debtors’ postpetition financing facilities (the “DIP Facilities”), solely with respect to claims arising in connection

therewith, as approved and allowed pursuant to the Final Order (I) Authorizing Debtors (A) to Obtain Postpetition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(c)(1) and 364(e) and (B) to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection to Prepetition Secured Lenders Pursuant to 11 U.S.C. §§ 361, 362, 363 and 364, Final Order (I) Authorizing Debtors (A) to Obtain Postpetition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(c)(1) and 364(e) and (B) to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection to Prepetition Secured Lenders Pursuant to 11 U.S.C. §§ 361, 362, 363 and 364 [ECF No. 275], as amended pursuant to the Supplemental DIP Financing Order Authorizing, Pursuant to 11 U.S.C. §§ 363 and 364, (i) Amendment to the DIP Financing, (ii) Engagement of the First Out DIP Agent in Connection Therewith, (iii) Payment of Fees Related Thereto, and (iv) Waiver of Bankruptcy Rule 6004(h) Stay, entered by the Bankruptcy Court on August 21, 2013 [ECF No. 4498], and as each of the foregoing has been or is hereafter modified, amended, supplemented or extended from time to time during the chapter 11 cases.

## **5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

If you have a claim arising out of the rejection of an executory contract or unexpired lease, you must file a proof of claim by the later of (a) the applicable Bar Date and (b) 30 days after notice by the New Debtors of (i) the entry of an order authorizing rejection to which the claim relates and (ii) the applicable Bar Date (unless the order authorizing such rejection provides otherwise). Notwithstanding the foregoing, a party to an executory contract or unexpired lease that asserts a claim on account of unpaid amounts accrued and outstanding as of the New Debtors' Petition Date pursuant to such executory contract or unexpired lease (other than a rejection damages claim) must file a proof of claim for such amounts on or prior to the applicable Bar Date unless an exception identified in section 4 above applies.

## **6. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE APPLICABLE BAR DATE**

ANY HOLDER OF A CLAIM THAT IS NOT EXCEPTED FROM THE REQUIREMENTS OF THE BAR DATE ORDER, AS DESCRIBED IN SECTION 4 ABOVE, AND THAT FAILS TO TIMELY FILE A PROOF OF CLAIM IN THE APPROPRIATE FORM WILL BE FOREVER BARRED, ESTOPPED AND ENJOINED FROM ASSERTING SUCH CLAIM AGAINST THE NEW DEBTORS, THEIR SUCCESSORS, THEIR CHAPTER 11 ESTATES AND THEIR RESPECTIVE PROPERTY OR FILING A PROOF OF CLAIM WITH RESPECT TO SUCH CLAIM, FROM VOTING ON ANY PLAN OF REORGANIZATION FILED IN THESE CASES AND FROM PARTICIPATING IN ANY DISTRIBUTION IN THE NEW DEBTORS' CASES ON ACCOUNT OF SUCH CLAIM OR RECEIVING FURTHER NOTICES REGARDING SUCH CLAIM.

## 7. THE NEW DEBTORS' SCHEDULES AND ACCESS THERETO

You may be listed as the holder of a claim against one or more of the New Debtors in the New Debtors' Schedules.

To determine if and how you are listed on the Schedules, please refer to the descriptions set forth on the enclosed Proof of Claim Form(s) regarding the nature, amount, and status of your claim(s). If you received post-petition payments from the New Debtors (as authorized by the Court) on account of your claim(s), the enclosed Proof of Claim Form(s) will reflect the net amount of your claim(s). If the New Debtors believe that you hold claims against more than one New Debtor, you will receive multiple Proof of Claim Forms, each of which will reflect the nature and amount of your claim against one New Debtor, as listed on the Schedules.

If you rely on the New Debtors' Schedules, it is your responsibility to determine that your claim is accurately listed on the Schedules. However, you may rely on the enclosed Proof of Claim Form, which lists your claim as scheduled, identifies the New Debtor against which it is scheduled and specifies whether the claim is disputed, contingent or unliquidated.

**As set forth above, if you agree with the nature, amount and status of your claim as listed on the New Debtors' Schedules, and if you do not dispute that your claim is against only the specified New Debtor, and if your claim is not described as "disputed," "contingent," or "unliquidated," you need not file a proof of claim.** Otherwise, or if you decide to file a proof of claim, you must do so prior to the applicable Bar Date in accordance with the procedures set forth in this Notice.

Copies of the New Debtors' Schedules are available for inspection on the Court's internet website at [www.ecf.moeb.uscourts.gov](http://www.ecf.moeb.uscourts.gov) and on the independent website maintained by the Debtors, [www.PatriotCaseInformation.com](http://www.PatriotCaseInformation.com). A login and password to the Court's Public Access to Electronic Court Records ("PACER") are required to access [www.ecf.moeb.uscourts.gov](http://www.ecf.moeb.uscourts.gov) and can be obtained through the PACER Service Center at [www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov). Copies of the Schedules may also be examined between the hours of 8:30 a.m. and 4:30 p.m. (prevailing Central time), Monday through Friday, at the Office of the Clerk of the Bankruptcy Court, Thomas F. Eagleton U.S. Courthouse, 111 South Tenth Street, St. Louis, Missouri 63102.

## 8. RESERVATION OF RIGHTS

The New Debtors reserve their right to object to any proof of claim, whether filed or scheduled, on any grounds. The New Debtors reserve their right to dispute or to assert offsets or defenses to any claim reflected on the Schedules or any amendments thereto, as to amount, liability, classification or otherwise, and to subsequently designate any claim as disputed, contingent, unliquidated or undetermined.

**A holder of a possible claim against the New Debtors should consult an attorney regarding matters in connection with this Notice, such as whether the holder should file a proof of claim.**

Dated: \_\_\_\_\_, 2013  
St. Louis, Missouri

**BY ORDER OF THE COURT**

BRYAN CAVE LLP  
211 N. Broadway, Suite 3600  
St. Louis, MO 63102

and

DAVIS POLK & WARDWELL LLP  
450 Lexington Avenue  
New York, New York 10017

*Counsel to the New Debtors*

# **Exhibit C**

## **Publication Notice**

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**In re:**

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

**Debtors.**

**Chapter 11**

**Case No. 12-51502-659**

**(Jointly Administered)**

**NOTICE OF DEADLINES FOR FILING PROOFS OF CLAIM AGAINST BRODY  
MINING, LLC AND PATRIOT VENTURES LLC**

TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST BRODY MINING, LLC  
AND/OR PATRIOT VENTURES LLC:

On \_\_\_\_\_, 2013, the United States Bankruptcy Court for the Eastern District of Missouri entered an order (the “**Bar Date Order**”) establishing (i) **October 24, 2013 at 4:00 p.m.** (prevailing Central time) (the “**General Bar Date**”) as the last date and time for each person or entity (including individuals, partnerships, joint ventures, corporations, estates, and trusts), other than any governmental units (as defined in section 101(27) of title 11 of the United States Code (the “**Bankruptcy Code**”) (“**Governmental Units**”), to file a proof of claim against Brody Mining, LLC and/or Patriot Ventures LLC (together, the “**New Debtors**”); and (ii) **March 24, 2013 at 4:00 p.m.** (prevailing Central Time) as the last date and time for each Governmental Unit to file a proof of claim based on prepetition claims against the New Debtors (the “**Governmental Bar Date**” and, together with the General Bar Date, the “**Bar Dates**”).

The Bar Dates and the procedures set forth below for filing proofs of claim apply to all claims against the New Debtors that arose on or prior to September 23, 2013, the date on which the New Debtors commenced cases under chapter 11 of the Bankruptcy Code (the “**New Debtors’ Petition Date**”), including claims under section 503(b)(9) of the Bankruptcy Code, except for those holders of the claims listed in section 4 below that are specifically excluded from the Bar Dates filing requirement.

The Patriot Coal Claims Processing Center can be contacted at 1-877-600-6531 (if calling from within the United States) or 336-542-5677 (if calling from outside the United States) if you have any questions about this Notice.

**1. WHO MUST FILE A PROOF OF CLAIM**

You **MUST** file a proof of claim to vote on a chapter 11 plan filed by the New Debtors or to share in distributions from the New Debtors’ bankruptcy estates if you have a claim that arose

on or prior to the Petition Date (including a claim under section 503(b)(9) of the Bankruptcy Code), and it is not one of the types of claims described in section 4 below. Claims based on acts or omissions of the New Debtors that occurred prior to the New Debtors' Petition Date must be filed on or prior to the applicable Bar Date, even if such claims are not now fixed, liquidated or certain or did not mature or become fixed, liquidated or certain prior to the New Debtors' Petition Date.

Under section 101(5) of the Bankruptcy Code and as used in this Notice, the word "**claim**" means any: (a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

This Notice is being sent to many persons and entities that have had some relationship with or have done business with the New Debtors but may not have an unpaid claim against the New Debtors. The fact that you have received this Notice does not mean that you have a claim or that the New Debtors or the Court believes that you have a claim against the New Debtors.

## **2. WHAT TO FILE**

The New Debtors are enclosing a proof of claim form or forms for use in these cases (the "**Proof of Claim Form**"). If your claim is listed on the New Debtors' schedules of assets and liabilities and/or schedules of executory contracts and unexpired leases (collectively, the "**Schedules**")<sup>1</sup> by the New Debtors, the Proof of Claim Form(s) also set forth the amount of your claim as scheduled by the New Debtors, the specific New Debtor against which the claim is scheduled and whether the claim is scheduled as disputed, contingent or unliquidated. You will receive a different Proof of Claim Form for each claim scheduled in your name by the New Debtors. You may use the Proof of Claim Form(s) provided by the New Debtors to file your claim. Additional copies of the Proof of Claim Form may be obtained at [www.PatriotCaseInformation.com](http://www.PatriotCaseInformation.com) or by calling the Patriot Coal Claims Processing Center at 1-877-600-6531 (if calling from within the United States) or 336-542-5677 (if calling from outside the United States).

Each filed proof of claim must conform substantially to the Proof of Claim Form. Each proof of claim must be **signed** by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. Each proof of claim must be written in English and be denominated in United States currency. **You should attach to each completed proof of claim any documents on which the claim is based (if voluminous, attach a summary) or an explanation as to why the documents are not available.**

**If your proof of claim contains confidential information, you may file a redacted proof of claim, and may redact any documents attached thereto. A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain**

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<sup>1</sup> The New Debtors filed their Schedules on September 23, 2013.

**information. A creditor must show only the last four digits of any social security, individual's tax identification, or financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.**

Any holder of a claim against more than one Debtor must file a separate proof of claim with respect to each such Debtor and all holders of claims must identify on their proof of claim the specific Debtor against which their claim is asserted.

### **3. WHEN AND WHERE TO FILE**

Except as provided for herein, all proofs of claim must be filed so as to be actually received (i) if you are not a Governmental Unit, on or prior to **October 24, 2013 at 4:00 p.m.** (prevailing Central Time) and (ii) if you are a Governmental Unit, on or prior to **March 24, 2014 at 4:00 p.m.** (prevailing Central Time), in each case at the following address:

**If by First-Class Mail:**

Patriot Coal Claims Processing Center,  
c/o GCG  
P.O. Box 9898  
Dublin, Ohio 43017-5798

**OR**

**If by Overnight of Hand Delivery:**

Patriot Coal Claims Processing Center,  
c/o GCG  
5151 Blazer Parkway, Suite A  
Dublin, Ohio 43017

Proofs of claim will be deemed timely filed only if **actually received** at or prior to 4:00 p.m. (prevailing Central time) on the applicable Bar Date. Proofs of claim may **not** be delivered by facsimile, telecopy or email.

### **4. WHO NEED NOT FILE A PROOF OF CLAIM**

You do not need to file a proof of claim on or prior to the Bar Dates if you are:

- (a) a person or entity that has **already** properly filed a proof of claim against the applicable New Debtor or New Debtors with the Clerk of the Bankruptcy Court for the Eastern District of Missouri or the Patriot Claims Processing Center, in a form substantially similar to the Proof of Claim Form;
- (b) a person or entity whose claim is listed on the Schedules, **provided** that (i) the claim is **not** scheduled as "disputed," "contingent" or "unliquidated," (ii) the claimant agrees with the amount, nature and priority of the claim as set forth in the Schedules **and** (iii) the claimant agrees that the claim is an obligation of the specific New Debtor against which the claim is listed on the Schedules;
- (c) a person or entity that holds a claim that has been allowed by an order of the Court entered on or prior to the applicable Bar Date;
- (d) a person or entity whose claim has been paid in full by the New Debtors;



- (e) a current employee of the New Debtors, or a labor union authorized by law to represent a current employee, in each case solely with respect to any claim based on the payment of wages, salaries and vacation pay arising in the ordinary course of business and previously authorized to be paid by order of the Court, including the first day wage order the Court entered on a final basis on August 2, 2012; **provided, however**, that if the New Debtors provide written notice stating that the New Debtors do not intend to exercise their authority to pay such claim, you shall have until the later of (i) the General Bar Date and (ii) 30 days from the date of service of such written notice, to file a proof of claim;
- (f) a person or entity that holds a claim for which specific deadlines have been fixed by an order of the Court entered on or prior to the applicable Bar Date;
- (g) a person or entity that holds a claim allowable under sections 503(b) and 507(a) of the Bankruptcy Code as an expense of administration (other than any claim allowable under section 503(b)(9) of the Bankruptcy Code);
- (h) a current officer, director or employee of the New Debtors that holds a claim based on indemnification, contribution, or reimbursement;
- (i) a Debtor;
- (j) a person or entity that holds an interest in any New Debtor, which interest is based exclusively upon the ownership of common stock or warrants, rights or options to purchase, sell or subscribe to common stock; **provided, however**, that interest holders who wish to assert claims (as opposed to ownership interests) against the New Debtors (including claims for damages, rescission, reimbursement or contribution) that arise out of or relate to the purchase or sale of an interest must file a proof of claim with respect to such claim on or prior to the applicable Bar Date;
- (k) the Administrative Agent, the Lenders, the L/C Issuers, the Sole Book Manager, the Arrangers, the Syndication Agent and the Co-Documentation Agents (the “**Prepetition Secured Parties**”) under the Amended and Restated Credit Agreement, dated as of May 5, 2010, among the Prepetition Secured Parties and Patriot Coal Corporation, solely with respect to claims asserted pursuant to the *Master Proof of Contingent Secured Claim of Bank of America, N.A., Individually and as Administrative Agent*, and (ii) the Other Prepetition Secured Parties, dated December 11, 2012, filed by the Administrative Agent against each of the Initial Debtors (the “**BofA Master Proof of Claim**”); and
- (l) the Administrative Agents, Arrangers, or any lender party (collectively, the “DIP Creditors”) to the Debtors’ postpetition financing facilities (the “DIP Facilities”), solely with respect to claims arising in connection

therewith, as approved and allowed pursuant to the Final Order (I) Authorizing Debtors (A) to Obtain Postpetition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(c)(1) and 364(e) and (B) to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection to Prepetition Secured Lenders Pursuant to 11 U.S.C. §§ 361, 362, 363 and 364, Final Order (I) Authorizing Debtors (A) to Obtain Postpetition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(c)(1) and 364(e) and (B) to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection to Prepetition Secured Lenders Pursuant to 11 U.S.C. §§ 361, 362, 363 and 364 [ECF No. 275], as amended pursuant to the Supplemental DIP Financing Order Authorizing, Pursuant to 11 U.S.C. §§ 363 and 364, (i) Amendment to the DIP Financing, (ii) Engagement of the First Out DIP Agent in Connection Therewith, (iii) Payment of Fees Related Thereto, and (iv) Waiver of Bankruptcy Rule 6004(h) Stay, entered by the Bankruptcy Court on August 21, 2013 [ECF No. 4498], and as each of the foregoing has been or is hereafter modified, amended, supplemented or extended from time to time during the chapter 11 cases.

## **5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

If you have a claim arising out of the rejection of an executory contract or unexpired lease, you must file a proof of claim by the later of (a) the applicable Bar Date and (b) 30 days after notice by the New Debtors of (i) the entry of an order authorizing rejection to which the claim relates and (ii) the applicable Bar Date (unless the order authorizing such rejection provides otherwise). Notwithstanding the foregoing, a party to an executory contract or unexpired lease that asserts a claim on account of unpaid amounts accrued and outstanding as of the New Debtors' Petition Date pursuant to such executory contract or unexpired lease (other than a rejection damages claim) must file a proof of claim for such amounts on or prior to the applicable Bar Date unless an exception identified in section 4 above applies.

## **6. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE APPLICABLE BAR DATE**

ANY HOLDER OF A CLAIM THAT IS NOT EXCEPTED FROM THE REQUIREMENTS OF THE BAR DATE ORDER, AS DESCRIBED IN SECTION 4 ABOVE, AND THAT FAILS TO TIMELY FILE A PROOF OF CLAIM IN THE APPROPRIATE FORM WILL BE FOREVER BARRED, ESTOPPED AND ENJOINED FROM ASSERTING SUCH CLAIM AGAINST THE NEW DEBTORS, THEIR SUCCESSORS, THEIR CHAPTER 11 ESTATES AND THEIR RESPECTIVE PROPERTY OR FILING A PROOF OF CLAIM WITH RESPECT TO SUCH CLAIM, FROM VOTING ON ANY PLAN OF REORGANIZATION FILED IN THESE CASES AND FROM PARTICIPATING IN ANY DISTRIBUTION IN THE NEW DEBTORS' CASES ON ACCOUNT OF SUCH CLAIM OR RECEIVING FURTHER NOTICES REGARDING SUCH CLAIM.

## 7. THE NEW DEBTORS' SCHEDULES AND ACCESS THERETO

You may be listed as the holder of a claim against one or more of the New Debtors in the New Debtors' Schedules.

To determine if and how you are listed on the Schedules, please refer to the descriptions set forth on the enclosed Proof of Claim Form(s) regarding the nature, amount, and status of your claim(s). If you received post-petition payments from the New Debtors (as authorized by the Court) on account of your claim(s), the enclosed Proof of Claim Form(s) will reflect the net amount of your claim(s). If the New Debtors believe that you hold claims against more than one New Debtor, you will receive multiple Proof of Claim Forms, each of which will reflect the nature and amount of your claim against one New Debtor, as listed on the Schedules.

If you rely on the New Debtors' Schedules, it is your responsibility to determine that your claim is accurately listed on the Schedules. However, you may rely on the enclosed Proof of Claim Form, which lists your claim as scheduled, identifies the New Debtor against which it is scheduled and specifies whether the claim is disputed, contingent or unliquidated.

**As set forth above, if you agree with the nature, amount and status of your claim as listed on the New Debtors' Schedules, and if you do not dispute that your claim is against only the specified New Debtor, and if your claim is not described as "disputed," "contingent," or "unliquidated," you need not file a proof of claim.** Otherwise, or if you decide to file a proof of claim, you must do so prior to the applicable Bar Date in accordance with the procedures set forth in this Notice.

Copies of the New Debtors' Schedules are available for inspection on the Court's internet website at [www.ecf.moeb.uscourts.gov](http://www.ecf.moeb.uscourts.gov) and on the independent website maintained by the Debtors, [www.PatriotCaseInformation.com](http://www.PatriotCaseInformation.com). A login and password to the Court's Public Access to Electronic Court Records ("PACER") are required to access [www.ecf.moeb.uscourts.gov](http://www.ecf.moeb.uscourts.gov) and can be obtained through the PACER Service Center at [www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov). Copies of the Schedules may also be examined between the hours of 8:30 a.m. and 4:30 p.m. (prevailing Central time), Monday through Friday, at the Office of the Clerk of the Bankruptcy Court, Thomas F. Eagleton U.S. Courthouse, 111 South Tenth Street, St. Louis, Missouri 63102.

## 8. RESERVATION OF RIGHTS

The New Debtors reserve their right to object to any proof of claim, whether filed or scheduled, on any grounds. The New Debtors reserve their right to dispute or to assert offsets or defenses to any claim reflected on the Schedules or any amendments thereto, as to amount, liability, classification or otherwise, and to subsequently designate any claim as disputed, contingent, unliquidated or undetermined.

**A holder of a possible claim against the New Debtors should consult an attorney regarding matters in connection with this Notice, such as whether the holder should file a proof of claim.**

Dated: \_\_\_\_\_, 2013  
St. Louis, Missouri

**BY ORDER OF THE COURT**

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