

**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: March 25, 2014

Hearing Time: 10:00 a.m. Central

Location: Courtroom 7-N, St. Louis

**REORGANIZED DEBTORS' TWENTY-EIGHTH
OMNIBUS OBJECTION TO CLAIMS
(Asbestos Claims / Insufficiently Documented)**

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

Relief Requested

1. By this Objection, the Reorganized Debtors object to certain claims listed on Exhibit A attached hereto (the "Claims") because the Claims do not establish any legal basis for liability by the Debtors or otherwise include sufficient documentation to permit the Debtors to ascertain the validity of the Claims. The Reorganized Debtors request entry of an order, pursuant to Section 502 of the Bankruptcy Code and Fed. R. Bankr. P. 3007, modifying or disallowing the Claims.

2. **Parties receiving this Objection should locate their names on the attached exhibits.** Any response to this Objection should include, among other things, (i) an appropriate

caption, including the title and date of this Objection; (ii) the name of the claimant, both the EDMO and GCG claim numbers of the claim that the Reorganized Debtors are seeking to disallow, and a description of the basis for the amount claimed; (iii) a concise statement setting forth the reasons why the Court should not sustain this Objection, including, but not limited to, the specific factual and legal bases upon which the claimant relies in opposing this Objection; (iv) copies of any documentation and other evidence which the claimant will rely upon in opposing this Objection at a hearing; and (v) the name, address, telephone number and facsimile number of a person authorized to reconcile, settle or otherwise resolve the claim on the claimant's behalf. A claimant that cannot timely provide such documentation and other evidence should provide a detailed explanation as to why it is not possible to timely provide such documentation and other evidence.

Jurisdiction

3. This Court has jurisdiction over this Objection under 28 U.S.C. § 1334. Venue of this proceeding is proper pursuant to 28 U.S.C. § 1409. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

4. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

Background

5. Ninety-nine of the 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 (the "Petition Date").

6. On December 19, 2012, these Debtors' cases were transferred to the United States Bankruptcy Court for the Eastern District of Missouri [Dkt. No. 1789].

7. The bar date for filing proofs of claim against these Debtors was December 14, 2012 [Dkt. No. 1388].

8. On March 1, 2013, the Court entered its Order Establishing Procedures for Claims Objections [Dkt. No. 3021].

9. Debtors Brody Mining, LLC and Patriot Ventures LLC filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code on September 23, 2013 in this Court. The bar date for filing proofs of claim against these Debtors was October 24, 2013.

10. On December 17, 2013, the Court confirmed the Debtors' Fourth Amended Plan of Reorganization (the "Plan") [Dkt. No. 5169]. The Effective Date occurred on December 18, 2013.

Objection and Argument

11. The Debtors object to the Claims identified on Exhibit A, incorporated herein by reference, because they do not establish any legal basis for liability by the Debtors or otherwise include sufficient documentation to permit the Debtors to ascertain the validity of such Claims.¹

12. Each of the Claims has been filed against Patriot Coal Corporation ("Patriot Coal"). Each Claim is supported only by a Limited Power of Attorney authorizing counsel to act on behalf of the claimant, except that the claim of Donnie Coleman also is supported by a copy

¹ 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.

of an order from the Circuit Court of Madison County, Illinois (the “Madison County Court”), appointing him as Special Administrator of the Estate of Hazel Coleman.

13. Prior to the Petition Date, each of the claimants had filed asbestos-related litigation in the Madison County Court against dozens of defendants, including certain of the Debtors, but not Patriot Coal. Each claimant dismissed the Debtor defendants from his or her case without prejudice in October 2012.

14. Neither the Claims nor the underlying litigation in the Madison County Court identify any basis for liability of Patriot Coal to the claimants. Moreover, even if the Claims were deemed to have been filed against the Debtors that were parties to the claimants’ pre-petition litigation, they still would be insufficient. The allegations of the claimants in their pleadings in the Madison County Court are vague and asserted jointly against dozens of defendants, such that the Reorganized Debtors cannot reasonably be expected to marshal evidence demonstrating the invalidity of the Claims.

15. A proof of claim that is executed and filed in accordance with the Federal Rules of Bankruptcy Procedure ordinarily is prima facie evidence of the validity and amount of the claim. Fed. R. Bankr. P. 3001(f). Nevertheless, a proof of claim that, on its face, provides “absolutely no legal basis for liability by the Debtor” is appropriately disallowed. *In re AFY, Inc.*, 463 B.R. 483 (B.A.P. 8th Cir. 2012). Because the Claims do not state cognizable claims against Patriot Coal or the other Debtors, they should be disallowed.²

² This Court has the authority to *disallow* the Claims, notwithstanding the statutory limitation on the Court’s power to *liquidate* personal-injury claims. *See, e.g., In re U.S. Lines, Inc.*, 262 B.R. 223, 233-34 (S.D.N.Y. 2001) (claims filed after bar date); *In re Archdiocese of Milwaukee*, 490 B.R. 575, 578 (Bankr. E.D. Wis. 2013) (claim barred by limitations); *In re Standard Insulations, Inc.*, 138 B.R. 947, 951, 954 (Bankr. W.D. Mo. 1992) (asbestos claims that failed to identify sufficient basis for debtor’s liability), *abrogated on other grounds by Pioneer Investment Services Co. v. Brunswick Associates L.P.*, 507 U.S. 380 (1993).

WHEREFORE, the Reorganized Debtors respectfully request that this Court:

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

Dated: February 7, 2014
St. Louis, Missouri

Respectfully submitted,
BRYAN CAVE LLP

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-and-

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Exhibit A - Insufficient Documentation 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	DONNIE COLEMAN C/O GORI, JULIAN & ASSOCIATES ATTN RANDY GORI 156 NORTH MAIN STREET EDWARDSVILLE, IL 62025 Date Filed: 11/14/12 ED MO Date Filed: 02/27/13 Debtor: PATRIOT COAL CORPORATION	570	3078-1	Unsecured: Unliquidated
2	JOE C. DRAKE C/O GORI, JULIAN & ASSOCIATES ATTN MATTHEW MORRIS 156 NORTH MAIN STREET EDWARDSVILLE, IL 62025 Date Filed: 11/14/12 ED MO Date Filed: 02/27/13 Debtor: PATRIOT COAL CORPORATION	571	3079-1	Unsecured: Unliquidated
3	TOMMY AND RUTH ANN DICKERSON C/O GORI, JULIAN & ASSOCIATES ATTN RANDY GORI 156 NORTH MAIN STREET EDWARDSVILLE, IL 62025 Date Filed: 11/14/12 ED MO Date Filed: 02/27/13 Debtor: PATRIOT COAL CORPORATION	569	3087-1	Unsecured: Unliquidated

* Denotes an unliquidated component.