

**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-NINTH
OMNIBUS OBJECTION TO CLAIMS
(Black Lung Benefit Act Claims / Not Discharged)**

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-Ninth 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 have not been discharged, will be paid in full (to the extent they are determined to be valid in non-bankruptcy proceedings) by the Reorganized Debtors or a claims administrator on the Reorganized Debtors’ behalf, and thus are not properly payable by the Debtors’ bankruptcy estates. The treatment of the Claims is specified in the Fourth Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code [Dkt. No. 5139] (the “Plan”) and the Amended Order Confirming Debtors’ Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code [ECF No. 5169] (the

“Confirmation Order”). The Reorganized 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 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, because the enforceability of the Claims is governed by the Plan and the Confirmation Order.¹ Because the

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.

Debtors' bankruptcy estates are not liable for the Claims, the Claims should be disallowed, without prejudice to the claimants' rights to recover in non-bankruptcy proceedings.

12. Each of the claims arises under the Federal Mine Safety and Health Act of 1977, also known as the Black Lung Benefit Act, 30 U.S.C. §§ 901-944 (the "BLBA").

13. In an order dated August 2, 2012 [Dkt. No. 253], the Court modified the automatic stay to permit claimants to pursue Workers' Compensation Claims, a term defined in the associated motion to include claims under the BLBA, and authorized the Debtors to honor their obligations on such claims. The Debtors addressed BLBA obligations in the ordinary course following the entry of that order, and the Reorganized Debtors have continued to do so since emerging from Chapter 11.

14. Section 11.4(g) of the Plan provides that "Nothing in the Plan or the Confirmation Order, or any documents incorporated by reference herein, ... limits or in any way affects (i) the liability of the Debtors, the Reorganized Debtors, or any third party to successful claimants or the [Department of Labor] under the BLBA" This language is repeated in Paragraph 72 of the Confirmation Order.

15. Each of the claimants thus has full recourse to the appropriate Reorganized Debtors with respect to any valid claim under the BLBA. It is not appropriate for the claimants also to recover from the Debtors' bankruptcy estates at the expense of other creditors.

16. In the alternative, the Reorganized Debtors request that the Court estimate the Claims, pursuant to Section 502(c) of the Bankruptcy Code, at \$0.00 for purposes of allowance, because fixing or liquidating the Claims would unduly delay the administration of these bankruptcy cases, and no basis exists for any argument that the appropriate Reorganized Debtors will not pay obligations to the claimants as and when they come due.

WHEREFORE, the Reorganized Debtors respectfully request that this Court:

- (a) disallow the Claims, without prejudice to the claimants' rights to recover in non-bankruptcy proceedings;
- (b) in the alternative, estimate the Claims at \$0.00 for purposes of allowance; and
- (c) grant such other and further relief as is just and proper.

Dated: February 12, 2014
St. Louis, Missouri

Respectfully submitted,
BRYAN CAVE LLP

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Local Counsel to the Reorganized Debtors

-and-

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Exhibit A - Black Lung 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	CARL R. EPLING JR. 51 EPLING LANE HEWETT, WV 25108 Date Filed: 11/27/12 ED MO Date Filed: 02/25/13 Debtor: PATRIOT COAL CORPORATION	883	1252-1	Unsecured: \$52,715.10*
2	CARMON D. BURNS PO BOX 422 VAN, WV 25206 Date Filed: 11/15/12 ED MO Date Filed: 02/25/13 Debtor: PINE RIDGE COAL COMPANY, LLC	620	1231-1	Secured: Unliquidated Priority: Unliquidated Unsecured: Unliquidated
3	HENRY JEFFREY CHAPMAN/LINDA MARIE SMOOT C/O ANNE M. DAVIS 36 S. WABASH AVENUE; SUITE 1310 CHICAGO, IL 60603 Date Filed: 12/13/12 ED MO Date Filed: 02/28/13 Debtor: HERITAGE COAL COMPANY LLC	2241	3625-1	Unsecured: \$3,800.00*
4	JOHN RUBY C/O THOMAS JOHNSON 36 S WABASH AVE STE 1310 CHICAGO, IL 60603 Date Filed: 12/13/12 ED MO Date Filed: 02/28/13 Debtor: PATRIOT COAL CORPORATION	2243	3642-1	Unsecured: \$22,000.00*
5	JOHN RUBY JOHNSON JONES SNELLING GILBERT & DAVIS ATTN THOMAS JOHNSON 36 S. WABASH AVENUE STE 1310 CHICAGO, IL 60614 Date Filed: 12/13/12 ED MO Date Filed: 02/28/13 Debtor: PATRIOT COAL COMPANY, L.P.	2242	3641-1	Unsecured: \$22,000.00*
6	LAW OFFICE OF ROGER D FORMAN PO BOX 213 BUCKEYE, WV 24924 Date Filed: 11/30/12 ED MO Date Filed: 02/25/13 Debtor: EASTERN ASSOCIATED COAL, LLC	994	661-1	Unsecured: \$20,000.00*

Exhibit A - Black Lung 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	PLUMMER LAW OFFICES 404 NORTH DOUGLAS STREET PO BOX 80 SHELBYVILLE, IL 62565 Date Filed: 12/14/12 ED MO Date Filed: 02/28/13 Debtor: HERITAGE COAL COMPANY LLC	3089	3722-1	Unsecured: \$90,000.00*
8	PLUMMER LAW OFFICES 404 N DOUGLAS ST PO BOX 80 SHELBYVILLE, IL 62565 Date Filed: 12/14/12 ED MO Date Filed: 02/27/13 Debtor: PATRIOT MIDWEST HOLDINGS, LLC	3090	2020-1	Unsecured: \$20,000.00*
9	QUANG T JONES WIDOW OF CHARLES E JONES 421 S VINE ST HARRISBURG, IL 62946 Date Filed: 12/10/12 ED MO Date Filed: 02/25/13 Debtor: PATRIOT MIDWEST HOLDINGS, LLC	1463	917-1	Unsecured: \$14,874.80
10	QUANG T. JONES 421 S VINE STREET HARRISBURG, IL 62946 Date Filed: 12/10/12 ED MO Date Filed: 02/25/13 Debtor: HERITAGE COAL COMPANY LLC	1462	1301-1	Unsecured: \$15,014.40
11	SIDNEY K. JARRELL BOX 135 NAOMA, WV 25140 Date Filed: 11/07/12 ED MO Date Filed: 02/25/13 Debtor: EASTERN ASSOCIATED COAL, LLC	417	1239-1	Unsecured: Unliquidated
12	THOMAS JOHNSON ANNE DAVIS JOHNSON JONES SNELLING 36 S. WABASH AVE STE 1310 CHICAGO, IL 60603 Date Filed: 12/13/12 ED MO Date Filed: 02/28/13 Debtor: PATRIOT COAL CORPORATION	2244	3637-1	Unsecured: \$60,000.00*

Exhibit A - Black Lung 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			CLAIM AMOUNT
	NAME	GCG CLAIM NO.	ED MO CLAIM NO.	
13	THOMAS JOHNSON/ANNE DAVIS JOHNSON JONES SNELLING 36 S WABASH AVE STE 1310 CHICAGO, IL 60603 Date Filed: 12/13/12 ED MO Date Filed: 02/28/13 Debtor: PATRIOT COAL COMPANY, L.P.	2245	3638-1	Unsecured: \$60,000.00*
14	THOMAS JOHNSON/ANNE DAVIS/JOHNSON JONES SNELLING THOMAS E. JOHNSON/ANNE MEGAN DAVIS C/O JOHNSON JONES SNELLING GILBERT & DAV 36 S WABASH AVE STE 1310 CHICAGO, IL 60603 Date Filed: 12/13/12 ED MO Date Filed: 02/28/13 Debtor: HERITAGE COAL COMPANY LLC	2246	3623-1	Unsecured: \$200,000.00*
15	WILLIAM A. PERSINGER JR 181 FOX VIEW LANE BOB WHITE, WV 25028 Date Filed: 11/27/12 ED MO Date Filed: 02/25/13 Debtor: PATRIOT COAL CORPORATION	882	1242-1	Unsecured: \$28,461.90*

* Denotes an unliquidated component.