

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In Re: )  
 )  
PATRIOT COAL CORPORATION, et. al. ) Case No. 12-51502-659  
 ) Judge Kathy A. Surratt-States  
 ) Chapter 11  
 Debtors. )  
 )  
PATRIOT COAL CORPORATION, ) **Adversary No. 13-4067-659**  
HERITAGE COAL COMPANY, LLC, ) **PUBLISHED**  
 )  
 Plaintiffs, )  
 )  
 -v- )  
 )  
PEABODY HOLDING COMPANY, LLC, and )  
PEABODY ENERGY CORPORATION, )  
 )  
 Defendants. )

**ORDER**


The matters before the Court are the Complaint filed by Debtors Patriot Coal Corporation, *et al.*, Notice and Plaintiffs' Motion for Summary Judgment, Defendants' Motion to Dismiss, Defendants' Opposition to Plaintiffs' Motion for Summary Judgment and Plaintiffs' Opposition to Defendants' Motion to Dismiss. For the reason set forth in this Court's Findings of Fact and Conclusions of Law entered separately,

**IT IS ORDERED THAT** Plaintiffs' Motion for Summary Judgment on Count I - Declaratory Judgment (Declaration of Rights Under the NBCWA Liabilities Assumption Agreement) is **DENIED**; and

**IT IS FURTHER ORDERED THAT** summary judgment is **GRANTED sua sponte** as to Defendants and judgment on the Complaint is entered in favor of Defendants and against Plaintiffs; and the relief requested in Plaintiffs' Complaint is **DENIED** in that Plaintiffs' request that this Court declare that Peabody Holding's obligations with respect to the healthcare benefits owed to the

Assumed Retirees will not be affected by modification of the benefits of retirees of Heritage or Eastern Associated under Section 1114 is **DENIED**; and

**IT IS FURTHER ORDERED THAT** Defendants' Motion to Dismiss is **DENIED AS MOOT**; and this is the final judgment and order of the Bankruptcy Court in this case.

  
KATHY A. SURRATT-STATES  
Chief United States Bankruptcy Judge

DATED: May 29, 2013  
St. Louis, Missouri

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