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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

2004 NOV 19 AM 6: 22

U.S. BANKRUPTCY COURT
MIDDLE DISTRICT OF TN.

-----X		
In re:	:	
	:	
JAMES RIVER COAL COMPANY,	:	Chapter 11
<i>et al.</i> ,	:	Case No. 303-04095
	:	
	:	Jointly Administered
Reorganized Debtors.	:	Judge Harrison
-----X		

**ORDER ON OMNIBUS OBJECTION PURSUANT TO
11 U.S.C. §§502(b) AND 365 TO CERTAIN CLAIMS
RELATED TO ASSUMED LEASES OR CONTRACTS**

Upon the omnibus objection dated September 1, 2004 (Docket No. 867, the "Objection"),¹ of the above-captioned Reorganized Debtors, to certain claims as more fully described in the Objection; and the deadline for responding to the Objection having passed; and there having been no responses to the Objection timely filed and served; and it appearing that the relief requested is in the best interest of the Reorganized Debtors, their estate, creditors and other parties in interest; all parties in interest having been heard or having had the opportunity to be heard, it appearing that good and sufficient notice of the Objection having been given and a reasonable opportunity to respond to, or be heard regarding, the relief requested in the Objection has been afforded to any entity known to have an interest in the Claim, and no other or further notice of the Objection or of the entry of this Order need be provided; and upon the entire record herein; and good and sufficient cause appearing therefor,

IT IS ORDERED, ADJUDGED, AND DECREED:

1. The Reorganized Debtors' Objection is hereby SUSTAINED.

¹ Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Objection.

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2. Each Cure Claim identified on the Exhibit attached hereto is DISALLOWED to the extent that it exceeds the "Maximum Allowed Amount" contained in the final column of the Exhibit attached hereto. If the "Maximum Allowed amount" is identified as "0.00," the Claim is DISALLOWED in its entirety.²

3. The rights of the Reorganized Debtors and/or Liquidating Trustee to object to any of the Claims on any other ground is hereby preserved.

/s/Marian F. Harrison

3 2004

Hon. Marian F. Harrison
United States Bankruptcy Judge

APPROVED FOR ENTRY:

/s/ Gene L. Humphreys
Paul G. Jennings
Gene L. Humphreys
BASS, BERRY & SIMS PLC
315 Deaderick Street, Suite 2700
Nashville, TN 37238-0002
Tel: (615) 742-6200
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Attorneys for Reorganized Debtors

A copy of this order shall be mailed in accordance with
Fed. R. Bankr. P. 2002, LR 0013-1 and 0013-3 by:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Debtor or Dr's Atty | <input type="checkbox"/> Atty for Movant |
| <input type="checkbox"/> Trustee or Cr's Atty | _____ |
| Clerk's Office only | |
| <input type="checkbox"/> Chief Deputy | <input type="checkbox"/> Debtor and Dr's Atty |
| <input type="checkbox"/> Financial Clerk | <input type="checkbox"/> Trustee &/or Tr's Atty |
| <input type="checkbox"/> Judgment Book | <input type="checkbox"/> Movant &/or Mvt's Atty |
| <input type="checkbox"/> Adversary Case | <input type="checkbox"/> All parties to agreed order |
| <input type="checkbox"/> UST | <input type="checkbox"/> All parties in cert of svc |
| _____ | <input type="checkbox"/> All creditors |

² One or more of the Claimants listed on Exhibit A may have elected the "cash option" on the ballot voting on confirmation of the Plan (hereinafter, a "Convenience Claimant"). All Convenience Claimants' Claims have been fully satisfied by payment pursuant to the terms of the confirmed Plan. Thus, the fact that a Convenience Claimant is listed on Exhibit A does not entitle that Convenience Claimant to any further distribution from the Reorganized Debtors' bankruptcy estates, even if the "maximum allowable amount" is higher than the Convenience Claim. In addition, the fact that a Convenience Claimant is listed on Exhibit A does not affect the distribution already received by the Convenience Claimant.

**EXHIBIT A
Cure Claims**

CLAIMANT	CLAIM NUMBER(S)	CLAIM DATE	TOTAL CLAIM(S) AMOUNT	MAXIMUM ALLOWABLE AMOUNT
CASE CREDIT CORPORATION	26	4/21/2003	11,599.32	1,099.98
MARLIN LEASING CORP.	31	5/12/2003	1,784.59	148.79
PECK, MARJORIE, AND ROBERT AND DONALD PORTER	1238	8/25/2004	15,425.52	15,000.00
PITNEY BOWES CREDIT CORPORATION	27, 41, 83, 104, 137	10/30/2003	43,747.21	3,126.48
THACKER, OTTO	1178, 1179	10/17/2003	4,410,116.09	2,218.11
VERIZON CREDIT INC	248	5/30/2003	11,774.98	806.51
WAGNER, PHILIP W.	584, 800	10/14/2003	426.49	0.00
WELLS FARGO FINANCIAL LEASING, INC.	48	5/19/2003	1,575.65	0.00

EXHIBIT A