

Attorney for Debtor(s) (name & address):  
 Craig V Gabbert, Jr & Barbara D Holmes  
 Harwell, Howard Hyne Gabbert & Manner  
 315 Deaderick St, Ste 1800  
 Nashville TN 37238  
 (615) 256-0500

Joel M Walker & Philip J Uher  
 Buchanan Ingerson PC  
 301 Grant St, 20th Flr  
 Pittsburgh PA 15219-1410  
 (412) 562-8800

Case number: 392 00979-KL3-11  
 JOINTLY ADMINISTERED

Date filed: January 24, 2002

Information and case progression to include documents is available at our web site: <http://www.tnmb.uscourts.gov>

**UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE**

**Notice of  
 Chapter 11 Bankruptcy Case, Meeting of Creditors & Deadlines**

**See Reverse Side for Important Explanations.**

A Chapter 11 Bankruptcy Case concerning the debtors listed below was filed on January 24, 2002. You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. **Note: The staff of the bankruptcy clerk's office cannot give legal advice.**

Debtor(s) (name):  
**PEN HOLDINGS, INC**

**PEN COAL CORPORATION**  
 dba Fork Creek Mining Company (registered in WV)  
 dba Levisa Fork Mining Company (registered in VA)

**THE ELK HORN COAL CORPORATION**

**RIVER MARINE TERMINALS, INC**

**PEN LAND COMPANY**

**MARINE TERMINALS, INCORPORATED**

Debtor(s) address:  
**5110 MARYLAND WAY, THIRD FLOOR**  
**BRENTWOOD TN 37027**

Case number:  
**302-00979-KL3-11**

**302-00980-KL3-11**

**302-00981-KL3-11**

**302-00982-KL3-11**

**302-00983-KL3-11**

**302-00984-KL3-11**

**JOINTLY ADMINISTERED UNDER CASE NO. 302-00979-KL3-11**

Documents to be filed with the clerk shall comply with the order of Joint Administration (document #19)

Federal ID Number:  
 302-00979 - EIN 62-0852576  
 302-00980 - EIN 62-1281044  
 302-00981 - EIN 55-0163764  
 302-00982 - EIN 62-1338883  
 302-00983 - EIN 54-2040561  
 302-00984 - EIN 43-1100331

**COPIES:** Anyone wishing to obtain copies of the petitions and pleadings may contact Summit Copy Service, 219 5<sup>th</sup> Ave No, Nashville Tn 37219; Ph No. (615) 251-0070

**Meeting of Creditors:**

**Date:** Friday, MARCH 1, 2002    **Time:** 12:30 P.M.    **Location:** Rm 100, Customs House, 701 Broadway, Nashville TN 37203

**Creditors May Not Take Certain Actions**

The filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized.

**DEADLINES:**

**Deadlines for filing proofs of claim have not been established and will be noticed at a later date.**

Address of the Bankruptcy Clerk's Office:  
 P.O. Box 24890  
 Nashville, Tennessee 37202-0489090  
 615/736-5584

For the Court:  
 Lloyd C. Ray, Jr., Clerk  
 United States Bankruptcy Court

Hours Open: 8:00 a.m. until 4:00 p.m., Monday through Friday

Date: January 28, 2002

A list of creditors is not available at this time.

## EXPLANATIONS

Filing of Chapter 11 Bankruptcy Case	A bankruptcy case under chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan and you might have the opportunity to vote on the plan. You will be sent a notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.
Creditors May Not Take Certain Actions	Prohibited collections actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor, repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>In an individual or joint case, the debtor(s) (both spouses in joint case) or in a corporate/partnership case, the debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Proof of Claim	You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is <i>not</i> listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you file a Proof of Claim or you are sent further notice about your claim. If your claim is not listed at all or if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim against the debtor in the bankruptcy case. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. The court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice.
Exempt Property	Individual and joint debtors are permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side. This does not apply to corporation or partnership debtors.
Discharge of Debts	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141(d). A discharge means that you may never try to collect the debt from the debtor except as provided in the plan. <b>For Chapter 11 Individual or Joint Debtors:</b> If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a)(2), (4), (6) or (15), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that Deadline. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 1141(d)(3), you must file a complaint with the required fee in the bankruptcy clerk's office not later than the first date set for the hearing on confirmation of the plan. You will be sent another notice informing you of that date.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed exempt, at the bankruptcy clerk's office.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.
— Refer to Other Side for Important Deadlines and Notices —	

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

IN RE: )

)  
PEN HOLDINGS, INC., )  
PEN COLA CORPORATION, )  
THE ELK HORN COAL CORPORATION )  
RIVER MARINE TERMINALS, INC., )  
PEN LAND COMPANY, and )  
MARINE TERMINALS INCORPORATED )

)  
DEBTORS IN POSSESSION. )

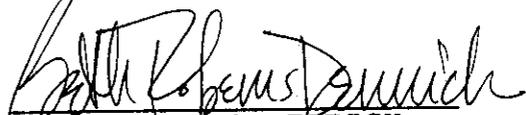
BK NO 02-00979-KL3-11  
(JOINTLY ADMINISTERED)

NOTICE OF MEETING OF CREDITORS

The U.S. Trustee, Region 8, has scheduled the § 341(a) meetings of creditors in the above-referenced related cases for Friday, March 1, 2002, to be held in Room 100, located on the first floor of the U.S. Customs House, 701 Broadway, Nashville, Tennessee 37203. The meetings of creditors will be consolidated for the most efficient and effective use of time and resources for the creditors, the debtors and the U.S. Trustee.

All creditors are invited, but not required, to attend. The U.S. Trustee will begin the meeting promptly at 12:30 p.m. (CST). Creditors will have an opportunity to question the representative of the Debtors under oath. The meeting will be adjourned at the end of questioning, but no later than 4:30 p.m.

If another meeting of creditors is deemed necessary, the announcement of the date, time and location for the continued meeting will be made at the March 1 meeting and will be available on the Court's Website after March 4. Copies of the taped record of the meetings will be available upon submission of a written request together with four blank 90-minute cassette tapes to the Office of the U.S. Trustee at the address below.



BETH ROBERTS DERRICK  
ASSISTANT U.S. TRUSTEE  
701 Broadway, Suite 318  
Nashville, TN 37203  
(615) 736-2254



SUBMITTED BY:

HARWELL HOWARD HYNE  
GABBERT & MANNER, P.C.

By: 

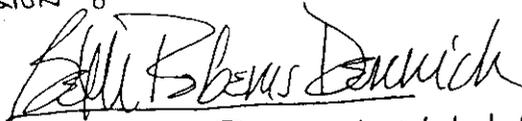
Craig V. Gabbert, Jr.  
Barbara D. Holmes  
315 Deaderick Street, Suite 1800  
Nashville, Tennessee 37238  
Telephone (615) 256-0500  
Facsimile (615) 251-1058  
[cvg@h3gm.com](mailto:cvg@h3gm.com)  
[bdh@h3gm.com](mailto:bdh@h3gm.com)

and

Joel M. Walker, Esquire  
Philip J. Uher, Esquire  
BUCHANAN INGERSOLL  
PROFESSIONAL CORPORATION  
One Oxford Centre, 20th Floor  
301 Grant Street  
Pittsburgh, PA 15219  
(412) 562-8800 - Telephone  
(412) 562-1041 - Facsimile  
[walkerjm@bipc.com](mailto:walkerjm@bipc.com)  
[uherpi@bipc.com](mailto:uherpi@bipc.com)

Counsel for the Debtors

ELLEN VERGOS, US TRUSTEE  
REGION 8

By:   
Beth Roberts Derrick, Assistant U.S. Trustee  
318 Customs House, 701 Broadway  
Nashville TN 37203  
(615) 936-2254

A copy of this order shall be mailed in accordance with  
Fed. R. Bankr. P. 2002, LBR 9013-1 and 9013-3 by:

- |                                                         |                                          |
|---------------------------------------------------------|------------------------------------------|
| <input checked="" type="checkbox"/> Debtor or Dr's Atty | <input type="checkbox"/> Atty for Movant |
| <input type="checkbox"/> Trustee or Tr's Atty           | <input type="checkbox"/> _____           |

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"/> _____           | <input type="checkbox"/> All creditors               |

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

IN RE: )  
 )  
PEN HOLDINGS, INC., et al., ) Jointly Administered Under  
 ) Case No. 302-00979  
 ) Chapter 11 RECEIVED FOR ENTRY  
Debtors. ) Judge Lundin

JAN 30 2002

BY Sharon Howard  
CLERK

**ORDER GRANTING EMERGENCY MOTION TO LIMIT SUBSEQUENT NOTICE,**  
**TO APPOINT OUTSIDE COPY SERVICE,**  
**AND REGARDING THE FILING AND SERVICE OF PLEADINGS**

This matter came before the Court upon the Debtors' Emergency Motion to Limit Subsequent Notice, To Appoint Outside Copy Service, and Regarding the Filing and Service of Pleadings. The Court finds that proper and adequate notice of the motion was given and that no further notice is required and that the relief requested in the motion is well-founded and in the best interests of the Debtors, their estates and creditors and should be granted, it is therefore

ORDERED that the Motion is hereby granted; it is further

ORDERED that the parties to whom notice shall be provided is hereby limited to the following list, subject to amendment on the terms set forth herein and by further order of this Court: (1) the Debtors; (2) counsel for the Debtors; (3) the Office of the U.S. Trustee; (4) those entities on each Debtor's list of twenty (20) largest unsecured creditors, provided that if a committee is appointed in any case, the 20 largest unsecured creditors for that case shall automatically be removed from this notice list; (5) members of any one or more official committees upon appointment by the U.S. Trustee; (6) counsel for any official committee if and when such counsel is retained; (7) the Internal Revenue Service; (8) the U.S. Attorney; (9) the Securities and Exchange Commission; (10)

counsel for the secured creditors; (11) counsel, creditors and other interested parties who have heretofore or shall hereafter file a request to receive notice under Rule 2002(g) or (i) of the Federal Rules of Bankruptcy Procedure; and (11) each party having a particularized interest in the subject matter of the motion or application being noticed (All of these entities are collectively referred to hereinafter as the "Limited Mailing Matrix"); it is further

ORDERED that notice will not be limited for entities entitled to notice under Rule 2002(j) or for motions or orders relating to any of the following: a plan of reorganization, dismissal or conversion of any of these cases, requests for the appointment of a trustee, or deadlines for filing claims; and it is further

ORDERED that the Debtors may retain Summit Copy Service of Nashville, L.L.C. ("Summit"), whose address is 219 5<sup>th</sup> Avenue North, Nashville, Tennessee 37219; whose phone number is (615) 251-0070, and whose facsimile number is (615) 251-0071, as their outside copy service from whom creditors and parties in interest may obtain copies of pleadings in these cases, and the Debtors may refer any person requesting any copies to Summit; it is further

ORDERED that every party filing any pleading or notice in these jointly administered cases shall serve each party on the Limited Mailing Matrix (unless the Bankruptcy Rules or Local Bankruptcy Rules permit more limited notice) and shall also submit to the Office of the Clerk of the Court an extra copy of each such filing for use by Summit; it is further

~~ORDERED that the Debtors and the Bankruptcy Court Clerk may implement such other procedures as are necessary and appropriate to efficiently administer this case pursuant to 28 U.S.C. § 156(c), and it is further~~

*or a summary*

ORDERED that copies of this Order shall be mailed to all creditors and other parties in interest simultaneously with mailing of the notice of the commencement of these cases.

IT IS SO ORDERED this \_\_\_\_ day of January, 2002.

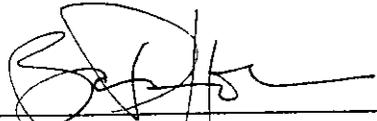
*Keith M. Lundin*

Keith M. Lundin  
United States Bankruptcy Judge

JAN 30 2002

SUBMITTED FOR ENTRY:

HARWELL HOWARD HYNE  
GABBERT & MANNER, P.C.

By: 

Craig V. Gabbert, Jr.  
Barbara D. Holmes  
315 Deaderick Street, Suite 1800  
Nashville, Tennessee 37238  
Telephone (615) 256-0500  
Facsimile (615) 251-1058  
cvg@h3gm.com  
bdh@h3gm.com

and

Joel M. Walker, Esquire  
Philip J. Uher, Esquire  
BUCHANAN INGERSOLL  
PROFESSIONAL CORPORATION  
One Oxford Centre, 20th Floor  
301 Grant Street  
Pittsburgh, PA 15219  
(412) 562-8800 - Telephone  
(412) 562-1041 - Facsimile  
walkerjm@bipc.com  
uherpj@bipc.com

COUNSEL FOR DEBTORS

A copy of this order shall be mailed in accordance with Fed. R. Bankr. P. 2002, LBR 9013-1 and 9013-3 by:

- Debtor or Dr's Atty
- Trustee or Tr's Atty
- Atty for Movant

Clerk's Office only:

- Chief Deputy
- Financial Clerk
- Judgment Book
- Adversary Case
- UST
- Debtor and Dr's Atty
- Trustee &/or Tr's Atty
- Movant &/or Mvt's Atty
- All parties to agreed order
- All parties in cert of svc
- All creditors