

PEABODY ENERGY CORP  
Form 8-K  
December 14, 2016

**UNITED STATES**  
**SECURITIES AND EXCHANGE COMMISSION**  
**WASHINGTON, D.C. 20549**

**Form 8-K**

**CURRENT REPORT**  
**PURSUANT TO SECTION 13 OR 15(d) OF**  
**THE SECURITIES EXCHANGE ACT OF 1934**

**Date of Report (Date of earliest event reported): December 14, 2016**

**PEABODY ENERGY CORPORATION**  
**(Exact name of registrant as specified in its charter)**

**Delaware**  
**(State or Other Jurisdiction**  
**of Incorporation)**

**1-16463**  
**(Commission**  
**File Number)**

**13-4004153**  
**(I.R.S. Employer**  
**Identification No.)**

**701 Market Street, St. Louis, Missouri**  
**(Address of Principal Executive Offices)**

**63101-1826**  
**(ZIP Code)**

**Registrant's telephone number, including area code: (314) 342-3400**

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)

Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)

Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))

Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

## **Item 1.01 Entry into a Material Definitive Agreement**

### ***Background***

As previously disclosed, on April 13, 2016 (the *Petition Date* ), Peabody Energy Corporation, a Delaware corporation (the *Company* ) and a majority of the *Company* 's wholly owned domestic subsidiaries, as well as one international subsidiary in Gibraltar (collectively with the *Company*, the *Debtors* ), filed voluntary petitions under Chapter 11 of Title 11 of the U.S. Code in the United States Bankruptcy Court for the Eastern District of Missouri (the *Bankruptcy Court* ). The *Debtors* Chapter 11 cases (collectively, the *Chapter 11 Cases* ) are being jointly administered under the caption *In re Peabody Energy Corporation, et al.*, Case No. 16-42529.

In addition, as previously disclosed, on May 18, 2016, the *Bankruptcy Court* entered an order (the *DIP Final Order* ) approving that certain Superpriority Secured Debtor-in-Possession Credit Agreement (as amended from time to time, the *DIP Credit Agreement* ), dated April 18, 2016, between the *Company*, as borrower, Citibank, N.A., as administrative agent and the lender parties thereto on a final basis.

### ***Amendment to DIP Credit Agreement and DIP Final Order***

On December 14, 2016, the *Bankruptcy Court* approved a stipulation (the *Stipulation* ) filed by the *Company* relating to (i) an amendment to the *DIP Credit Agreement* (the *DIP Amendment* ) and (ii) an amendment to the *DIP Final Order*. The *DIP Amendment* removes any deadline in the *DIP Credit Agreement* by which the *Debtors* must file with the *Bankruptcy Court* a plan of reorganization or disclosure statement with respect thereto. The *Stipulation* amends the *Final DIP Order* to extend the Adequate Protection Milestones (as defined in the *DIP Final Order*) related to the *Debtors* continued use of Cash Collateral (as defined in the *DIP Final Order*), including an extension of the date on which the *Debtors* must file a plan of reorganization and related disclosure statement to December 21, 2016. As a result, the *Company* is required to file with the *Bankruptcy Court* a plan of reorganization and disclosure statement with respect thereto by December 21, 2016.

The foregoing description of the *DIP Amendment* is qualified in its entirety by reference to Amendment No. 6 to Superpriority Secured Debtor-In-Possession Credit Agreement, by and among the *Company*, Peabody Global Funding, LLC and certain *Debtors* parties thereto as guarantors, the lenders party thereto and Citibank, N.A., as administrative agent, which is filed as Exhibit 10.1 hereto and is incorporated herein by reference.

## **Item 9.01 Financial Statements and Exhibits**

(d) Exhibits.

<b>Exhibit Number</b>	<b>Description</b>
10.1	Amendment No. 6 to Superpriority Secured Debtor-In-Possession Credit Agreement, by and among Peabody Energy Corporation, Peabody Global Funding, LLC and certain <i>Debtors</i> parties thereto as guarantors, the lenders party thereto and Citibank, N.A., as administrative agent.

**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

**PEABODY ENERGY CORPORATION**

*December 14, 2016*

By: /s/ A. Verona Dorch

Name: A. Verona Dorch

Title: Chief Legal Officer

**EXHIBIT INDEX**

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10.1	Amendment No. 6 to Superpriority Secured Debtor-In-Possession Credit Agreement, by and among Peabody Energy Corporation, Peabody Global Funding, LLC and certain Debtors parties thereto as guarantors, the lenders party thereto and Citibank, N.A., as administrative agent.