

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In re:**

**PATRIOT COAL CORPORATION, *et al.*,**

**Debtors.**

**Chapter 11**

**Case No. 12-12900 (SCC)**

**(Jointly Administered)**

**MONTHLY FEE STATEMENT OF STEPTOE & JOHNSON PLLC FOR  
PROFESSIONAL SERVICES AND DISBURSEMENTS FOR THE PERIOD OF  
OCTOBER 1, 2012 THROUGH OCTOBER 31, 2012**

<b>NAME OF APPLICANT:</b>	<b><u>Step toe &amp; Johnson PLLC</u></b>
<b>ROLE IN THE CASE:</b>	Special Counsel for the Debtors
<b>TIME PERIOD:</b>	October 1, 2012 through and including October 31, 2012
<b>CURRENT APPLICATION:</b>	Total Fees Requested: \$61,963.25 80% of Fees Requested: \$49,570.60 Total Expenses Requested: \$1,491.88

1. In accordance with the *Order To Establish Procedures for Interim Monthly Compensation and Reimbursement of Expenses of Professionals* [ECF No. 262] (the “**Interim Compensation Order**”), Steptoe & Johnson PLLC (“**Steptoe & Johnson**”), counsel to the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”), hereby submits its Monthly Statement for Professional Services and Disbursements (the “**Fee Statement**”) for the period of October 1, 2012 through and including October 31, 2012 (the “**Fee Statement Period**”).

2. Pursuant to the Interim Compensation Order, Steptoe & Johnson seeks payment of \$51,062.48, representing (a) 80% of Steptoe & Johnson’s fees for services rendered and (b) 100% of actual and necessary expenses incurred.

3. Attached hereto as “Exhibit A” is a listing of Steptoe & Johnson’s professionals and paraprofessionals (collectively, the “**Steptoe & Johnson Professionals**”), including the hourly rate for each Steptoe & Johnson Professional who rendered services to the Debtors in connection with these chapter 11 cases during the Fee Statement Period and the title, aggregate hours worked and the amount of fees billed by each Steptoe & Johnson Professional.

4. Attached hereto as “Exhibit B” is a schedule specifying the categories of actual and necessary expenses for which Steptoe & Johnson is seeking reimbursement and the total amount for each such expense category.

5. Attached hereto as “Exhibit C” is a summary of the number of hours and amounts billed by Steptoe & Johnson during the Fee Statement Period, organized by matter categories. Such services included:

- General labor and employment advice;
- General bonding advice;
- Administrative litigation in front of the Mine Safety and Health Administration;
- Employment litigation;
- Federal administrative litigation in front of the National Labor Relations Board and the Equal Employment Opportunity Commission;
- State administrative litigation in front of the West Virginia State Human Rights Commission.

6. Attached as “Exhibit D” are the time records of Steptoe & Johnson, which provide a daily summary of the time spent by each Steptoe & Johnson Professional during the Fee Statement Period by matter category.

**NOTICE**

7. Consistent with the procedures described in the Interim Compensation Order, the Debtors will serve this Fee Statement, by hand or overnight delivery, on (i) the Debtors, Patriot Coal Corporation, 12312 Olive Boulevard, Suite 400, St. Louis, Missouri 63141, Attn.: Jacquelyn A. Jones, (ii) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21<sup>st</sup> Floor, New York, New York 10004, Attn.: Elisabetta G. Gasparini and Paul K. Schwartzberg, (iii) attorneys for the administrative agent for the Debtors' postpetition lenders, (a) Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, New York 10153, Attn.: Marcia Goldstein and Joseph Smolinsky, and (b) Willkie Farr & Gallagher LLP, 787 Seventh Avenue, New York, New York 10019, Attn.: Margot B. Schonholtz and Ana Alfonso, and (iv) proposed counsel to the official committee of unsecured creditors, Kramer Levin Naftalis & Frankel LLP, 1177 Avenue of the Americas, New York, New York 10036, Attn.: Adam C. Rogoff, Esq. and Gregory G. Plotko, Esq..

8. WHEREFORE, the Debtors respectfully request that the Court grant the relief requested herein and such other and further relief as is just and proper.

Dated this 14th day of November, 2012.

By: /s/ C. David Morrison  
C. David Morrison

STEPTOE & JOHNSON PLLC  
400 White Oaks Boulevard  
Bridgeport, WV 26330-4500  
Telephone: (304) 933-8113  
Facsimile: (304) 933-8776

*Special Counsel for the Debtors*

# **EXHIBIT A**

## **Professionals and Rates**

**I.A. Members / Of Counsel**

<b>Name of Member / Of Counsel</b>	<b>Title</b>	<b>Hourly Rate</b>	<b>Total Hours</b>	<b>Total Fees</b>
Armando Benincasa	Member	\$205.00	19.0	\$3,895.00
Bryan R. Cokeley	Member	\$235.00	1.50	\$352.50
C. David Morrison	Member	\$235.00	16.25	\$3,818.75
Christopher Slaughter	Member	\$205.00	0.80	\$164.00
David E. Dick	Member	\$235.00	0.40	\$94.00
Jeffrey K. Phillips	Member	\$220.00	68.60	\$15,092.00
Melanie A. Norris	Of Counsel	\$180.00	0.20	\$36.00
Michael D. Mullins	Member	\$205.00	0.50	\$102.50
Michael B. Stuart	Member	\$205.00	8.60	\$1,763.00
Peter J. Raupp	Of Counsel	\$143.00	6.00	\$858.00
Randall C. Light	Member	\$235.00	1.20	\$282.00
Robert L. Bailey	Of Counsel	\$190.00	59.30	\$11,267.00
Vanessa L. Goddard	Of Counsel	\$205.00	0.70	\$143.50
W. Henry Lawrence	Member	\$235.00	1.10	\$258.50
<b>TOTAL MEMBERS and OF COUNSEL:</b>			<b>184.15</b>	<b>\$38,126.75</b>

**II.A. Associates**

<b>Name of Associate</b>	<b>Department</b>	<b>Hourly Rate</b>	<b>Total Hours</b>	<b>Total Fees</b>
Jonathan R. Ellis	Labor	\$160.00	104.60	\$16,736.00
John "JB" B. McCusky	Labor - MSHA	\$143.00	31.50	\$4,725.00
Mark G. Jeffries	Labor	\$160.00	6.20	\$992.00
W. James O'Brien	Litigation	\$185.00	6.70	\$1,239.50
<b>TOTAL ASSOCIATES:</b>			<b>149.0</b>	<b>\$23,692.50</b>

**III.A. Paraprofessionals**

<b>Name of Paraprofessional</b>	<b>Department</b>	<b>Hourly Rate</b>	<b>Total Hours</b>	<b>Total Fees</b>
Jessica N. Preast	Litigation Paralegal	\$90.00	1.50	\$135.00
M. Leann Smith	Labor Paralegal	\$90.00	0.10	\$9.00
<b>TOTAL PARAPROFESSIONALS:</b>			<b>1.60</b>	<b>\$144.00</b>

# **EXHIBIT B**

## **Expenses**

ACTUAL AND NECESSARY EXPENSES INCURRED BY  
STEP TOE & JOHNSON PLLC ON BEHALF OF THE DEBTORS

<b>CATEGORY of EXPENSES</b>	<b>AMOUNTS</b>
Computer research	\$244.19
Duplication	\$53.00
Postage, courier and freight	\$85.00
Outside document retrieval	\$606.50
Travel	\$250.86
Office charges	\$242.08
Meals	\$10.25
<b>TOTAL</b>	<b>\$1,491.88</b>

# **EXHIBIT C**

## **Summary of Project Code**

SUMMARY OF HOURS AND AMOUNTS BILLED  
BY STEPTOE & JOHNSON PLLC

DESCRIPTION	HOURS	AMOUNT
General Environmental	1.70	399.50
Labor Matters	11.25	2,538.75
Bishop v. Client, <i>et al.</i>	7.40	1,389.50
Southern Land Co., <i>et al.</i> v. McClure Logging v. Hobet Mining	0.30	61.50
Hall v. Remington, LLC	3.00	705.00
Lambert, <i>et al.</i> v. MSA, <i>et al.</i> and EACC, <i>et al.</i>	0.20	41.00
Apogee Coal Co. / Buckner NLRB Charge	0.40	94.00
Burns v. Patriot Coal, <i>et al.</i>	0.10	23.50
West Virginia Bonding Advice	29.10	5,793.00
Grand Eagle Mining / Cinda Croft EEOC Charge	8.40	1,569.00
Justice v. Gateway Eagle Coal Co.	2.70	634.50
MSHA – General	3.40	519.00
Black Oak Mine (MSHA Case #166218 & 169086)	2.00	320.00
Harris No. 1 Mine (MSHA Case #169061)	0.20	32.00
Harris No. 1 Mine (MSHA Case #166203)	0.20	32.00
Harris No. 1 Mine (MSHA Case #172226)	0.40	64.00
Winchester Mine (MSHA Case #168620)	0.50	80.00
Black Oak Mine (MSHA Case #172201)	2.80	448.00
Freedom Mine Accident Investigation (MSHA Case #195018)	3.20	704.00
Highland Mining (MSHA Case #196588)	0.90	198.00
Harris No. 1 Mine (MSHA Case #195547)	2.70	432.00
Federal No. 2 Mine (MSHA Case #205518)	0.20	36.00
Highland Mining (MSHA Case #187706)	42.10	8,482.00
Highland Mining (MSHA Case #211084)	2.40	528.00
Grand Eagle Mining (MSHA Case #218390)	0.40	88.00
Rivers Edge Mining (MSHA Case #199003)	0.10	16.00
Highland 9 Mine (MSHA Case #225463)	0.50	110.00
Highland 9 Mine (MSHA Case #249029)	0.70	154.00
Highland 9 Mine (MSHA Case #243492)	63.30	12,465.00
Highland 9 Mine (MSHA Case #231678)	2.80	616.00
Highland 9 Mine (MSHA Case #246300)	0.90	198.00
Freedom Mine (MSHA Case #247937)	0.50	110.00

<b>DESCRIPTION</b>	<b>HOURS</b>	<b>AMOUNT</b>
Winchester Mine (MSHA Case #241281)	1.00	160.00
Winchester Mine (MSHA Case #243940)	0.40	64.00
Winchester Mine (MSHA Case #232171)	25.40	4,050.00
Winchester Mine (MSHA Case #249360)	0.50	80.00
Winchester Mine (MSHA Case #238402)	22.50	3,586.00
Winchester Mine (MSHA Case #225862)	0.70	112.00
Rivers Edge Mine (MSHA Case #256838)	1.10	176.00
Gateway Eagle Mine (MSHA Case #257616)	0.20	32.00
Blue Creek No. 2 Mine (MSHA Case #261206)	0.20	32.00
Winchester Mine (MSHA Case #258124)	1.40	224.00
Blue Creek No. 1 Mine (MSHA Case #257372)	0.30	48.00
Winchester Mine (MSHA Case #263742)	0.40	64.00
Campbell's Creek No. 7 (MSHA Case #266017)	0.20	32.00
Campbell's Creek No. 7 (MSHA Case #268738)	0.40	64.00
Winchester Mine (MSHA Case #266793)	1.20	192.00
Highland 9 Mine (MSHA Case #257718)	0.90	198.00
Highland 9 Mine (MSHA Case #260304)	3.10	682.00
Winchester Mine (MSHA Case #269491)	2.90	451.00
Gateway Eagle Mine (MSHA Case #268444)	2.20	352.00
Highland 9 Mine (MSHA Case #263281)	0.10	22.00
Blue Creek No. 2 Mine (MSHA Case #274408)	0.10	16.00
Black Oak Mine (MSHA Case #248970)	0.50	80.00
Gateway Eagle Mine (MSHA Case #271372)	1.00	160.00
Black Oak Mine (MSHA Case #270870)	0.10	16.00
Winchester Mine (MSHA Case #275179)	1.30	208.00
Highland 9 Mine (MSHA Case #274746)	0.10	22.00
Freedom Mine (MSHA Case #256455)	2.80	616.00
Highland 9 Mine (MSHA Case #269081)	0.20	44.00
Winchester Mine (MSHA Case #278090)	0.20	32.00
Campbell's Creek No. 7 Mine (MSHA Case #280072)	0.10	16.00
MSHA Contest – Oil Well – Freedom Mine	1.10	242.00
Gateway Eagle Mine (MSHA Case #281814)	0.10	16.00
Black Oak Mine (MSHA Case #266265)	0.40	64.00
Black Oak Mine (MSHA Case #285374)	1.70	272.00

<b>DESCRIPTION</b>	<b>HOURS</b>	<b>AMOUNT</b>
American Eagle Mine (MSHA Case #286172)	4.50	720.00
Winchester Mine (MSHA Case #286437)	0.90	144.00
American Eagle Mine (MSHA Case #288468)	0.80	128.00
Federal No. 2 Mine (MSHA Case #288463)	16.50	2,520.00
Sugar Maple Mine (MSHA Case #291131)	1.10	176.00
Sugar Maple Mine (MSHA Case #285372)	1.30	208.00
Campbell's Creek No. 10 Mine (MSHA Case #291127)	0.50	80.00
Sugar Maple Mine (MSHA Case #288473)	0.40	64.00
American Eagle Mine (MSHA Case #284555)	6.50	1,033.00
Winchester Mine (MSHA Case #292179)	1.40	224.00
Dodge Hill Immediate Notification	0.40	88.00
Farley Eagle Mine (MSHA Case #291118)	1.10	176.00
Black Oak Mine (MSHA Case #291132)	0.70	112.00
Campbell's Creek No. 7 Mine (MSHA Case #294266)	0.20	32.00
American Eagle Mine (MSHA Case #293996)	7.60	1,161.00
Jarvis Discrimination Suit	0.20	44.00
Farley Eagle Mine (MSHA Case #293993)	0.60	96.00
Federal No. 2 Mine (MSHA Case #293992)	1.10	176.00
Dodge Hill Continuous Miner Citations	8.50	1,751.00
Freedom Mine Notice of Contest (MSHA Case #296918)	0.20	44.00
Winchester Mine (MSHA Case #295104)	0.90	144.00
American Eagle Mine (MSHA Case #296858)	7.90	1,214.00
Dodge Hill Mine No. 1 (MSHA Case #288592)	0.30	66.00
Peerless Rachel Mine (MSHA Case #298098)	1.60	256.00
<b>TOTAL HOURS and COMPENSATION REQUESTED:</b>	<b>334.75</b>	<b>\$61,963.25</b>

# **EXHIBIT D**

## **Time Records**

**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
<b>GENERAL ENVIRONMENTAL</b>			
10/15/12	W Lawrence	.50	Call from client; review deed
10/19/12	R Light	.50	Confer with W. H. Lawrence; review e-mails and deed
10/22/12	R Light	.70	Review e-mail; call to Al Moore's office; call from Al Moore; review notes
TOTAL HOURS:		1.70	
<b>LABOR MATTERS</b>			
09/26/12	C Morrison	.25	Review e-mail from client re: employee with a DUI offense and respond to it
10/01/12	C Morrison	1.00	Review file on employee and draft proposed discharge letter for client
10/01/12	C Morrison	.30	Work on issue of employee making a claim for a WPCA violation, including sending e-mail to other labor & employment lawyers
10/01/12	C Morrison	.20	Draft e-mail to client re: taking security measures in the event that a decision is made to discharge an employee
10/01/12	M Jeffries	.80	Legal research on mailbox rule and effective date of discharge when preceded by suspension in WV WPCA cases
10/02/12	C Morrison	.30	Telephone conference with client re: discharge of an employee
10/05/12	B Cokeley	.50	Telephone conference with client re: WARN issues
10/05/12	B Cokeley	.30	Legal research on WARN
10/05/12	B Cokeley	.40	Memo to client re: WARN issues
10/10/12	C Morrison	.10	Review e-mail from client and respond to him re: whether to return a call from a hospital inquiring about health insurance on an employee
10/11/12	C Morrison	.20	Telephone conference with client re: whether an employee who is no longer receiving workers' compensation benefits may be discharged
10/11/12	C Morrison	.10	Telephone conference with client again re: employee who was off of work receiving TTD benefits

**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
10/15/12	C Morrison	.20	Review e-mail from client and e-mail to him re: employee discharged for current drug use
10/15/12	C Morrison	.20	Telephone conference with client re: the discharge at issue
10/15/12	C Morrison	.20	Telephone conference with client representatives re: the discharge issue
10/15/12	C Morrison	.50	Telephone conference with client representatives re: the discharge issue
10/15/12	C Morrison	.70	Draft proposed letter to employee's wife
10/15/12	C Morrison	.10	Review e-mail from client re: an employee
10/15/12	C Morrison	.20	Review e-mail from client re: employee at issue
10/16/12	C Morrison	.30	Review e-mail from client ; e-mail to him re: the response from the wife of an employee
10/16/12	C Morrison	.20	Telephone conference with client representatives re: employee at issue
10/16/12	C Morrison	.20	Telephone conference with client re: employee at issue
10/16/12	C Morrison	.50	Draft proposed letter to the wife of the employee at issue
10/24/12	C Morrison	.20	Draft e-mail to client re: meeting with attorney Simmons
10/26/12	C Slaughter	.80	Review and comment on proposed Kentucky severance agreement per CDM
10/28/12	C Morrison	.50	Review severance agreement and make language change recommendations
10/28/12	C Morrison	1.00	Review federal statutes and draft lengthy e-mail to client re: additional language that may be needed in the release
10/30/12	B Cokeley	.30	Confer with client and attorney Goddard re: WARN Act issues
10/30/12	V Goddard	.70	Review WARN notices and email client with suggested changes
TOTAL HOURS:		11.25	

**BISHOP, KERRLIE E. & ALFREDA V. CLIENT, ET AL.**

10/02/12	W Lawrence	.20	Emails on bankruptcy issues and input
10/03/12	W Lawrence	.20	Emails to and from client representatives re: Backruptcy filing

**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
10/03/12	W O'Brien	.10	Email to client regarding tracking settlement action items
10/03/12	W O'Brien	.30	Emails with H. Lawrence and client regarding email from Plaintiffs' counsel seeking payment for Garretson services
10/03/12	W O'Brien	1.00	Review file for action items to be completed
10/05/12	W Lawrence	.20	Confer with J. O'Brien and review emails on remaining steps in settlement
10/05/12	W O'Brien	.30	Call with attorney for Massey Defendants regarding status of settlement and remainder of issues to complete
10/05/12	W O'Brien	1.00	Review file and draft letter to Plaintiffs' counsel for remaining action items
10/09/12	W O'Brien	.40	Letter to Plaintiffs' counsel with list of remaining items
10/11/12	W O'Brien	.40	Letter to Plaintiffs' counsel detailing remaining items
10/12/12	W O'Brien	.30	Finalize and send letter to client with action items
10/18/12	W O'Brien	.20	Call and emails with Plaintiffs' counsel regarding completion of action items and collection of Plaintiffs' documents; confer with paralegal regarding collection and compilation of same
10/19/12	W O'Brien	.30	Call with Plaintiffs' counsel regarding status of documents and action items; work on coordinating pick up and review of same
10/19/12	W O'Brien	.20	Review scans of documents from Plaintiffs' counsel
10/22/12	M Smith	.10	Obtain copy of docket sheet for civil action number 08-C-260
10/22/12	W O'Brien	2.00	Review settlement documents from Plaintiffs' counsel for sufficiency and completeness; call to Plaintiffs' counsel to obtain electronic copy of same
10/24/12	W O'Brien	.20	Call to Plaintiffs' counsel to follow up on documents not included in latest batch; review file for same
TOTAL HOURS:		7.40	

**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
<b>SOUTHERN LAND CO., ET AL. V. MCCLURE LOGGING V. HOBET MINING</b>			
10/03/12	M Mullins	.10	Receive and review joint motion by remaining parties in case to suspend scheduling order until bankruptcy resolved
10/18/12	M Mullins	.10	Multiple correspondence from co-defendant's counsel regarding motion to continue
10/25/12	M Mullins	.10	Receive an review correspondence
TOTAL HOURS:		0.30	

**HALL, RONNIE V. REMINGTON, LLC**

10/11/12	C Morrison	.20	Review e-mail from attorney Deaver and order entered by the Bankruptcy Court
10/11/12	C Morrison	.20	Draft letter to client re: lifting the bankruptcy stay in order to pay the settlement of this case
10/11/12	C Morrison	.10	Draft e-mail to Chartis adjuster re: lifting of the stay for the insurer to pay the settlement proceeds
10/11/12	C Morrison	.20	Review e-mail from opposing counsel and e-mail to him and Chartis adjuster re: settlement check
10/11/12	C Morrison	.80	Draft motion to lift stay to pay settlement proceeds
10/14/12	C Morrison	.20	Review e-mail from Chartis representative re: need for a W-9, respond to her and e-mail to opposing counsel re: same
10/15/12	C Morrison	.10	Review e-mail from opposing counsel and the W-9 form he provided
10/15/12	C Morrison	.10	Draft e-mail to Chartis representative re: the W-9 form of Rist Law Offices
10/15/12	C Morrison	.10	Review e-mail from the Court re: lifting the automatic stay
10/15/12	C Morrison	.10	Review e-mail from the Court re: motion to lift automatic stay
10/16/12	C Morrison	.10	Draft e-mail to Chartis representative re: the date we will get the settlement check
10/17/12	C Morrison	.10	Review order of the court lifting the stay
10/17/12	C Morrison	.20	Review e-mail from opposing counsel and e-mail to him re: the payment of the settlement

**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
10/17/12	C Morrison	.10	Draft e-mail to opposing counsel re: the settlement check
10/23/12	C Morrison	.20	Review e-mail exchanges re: obtaining the check and send e-mail to Chartis re: same
10/26/12	C Morrison	.20	Review three e-mails from opposing counsel re: production of the settlement check and e-mail to him re: same
TOTAL HOURS:		3.00	

**LAMBERT, JILL, ET AL. V. MSA, ET AL. & EACC, ET AL.**

10/05/12	M Mullins	.10	Review and revise discovery requests to plaintiff
10/09/12	M Mullins	.10	Receive and review proposed agreed order of dismissal from defendant American Optical
TOTAL HOURS:		0.20	

**APOGEE COAL CO. / BUCKNER NLRB CHARGE**

10/01/12	D Dick	.40	Review of dismissal letters to charging parties from NLRB RD, and letter to one charging party acknowledging his withdrawal of the charge;  email to client representatives re: same
TOTAL HOURS:		0.40	

**BURNS, ERNIE V. PATRIOT COAL, ET AL.**

10/13/12	C Morrison	.10	Draft letter to opposing counsel re: the issue of whether they will agree to permit defendant Neal to be dismissed from this case
TOTAL HOURS:		0.10	

**WEST VIRGINIA BONDING ADVICE**

10/01/12	A Benincasa	6.50	Review bonds and review case law and statutes regarding bond coverage; e-mails to and from New York counsel and Mike Stuart
10/01/12	M Stuart	4.90	Review of surety bonds as provided by A. McCallister; review of WV Code provisions regarding requirement for bond positing for reclamation; telephone conference with A. Starr, A. McCallister, A, Benicasa regarding surety bonds
10/01/12	J Preat	1.00	Telephone call to and from WV DEP requesting copies of Bond; confer with counsel regarding Bonds and FOIA requests
10/02/12	A Benincasa	4.50	Review bonds; meet with Mike Stuart, Bob

**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
			Pollitt and Art Standish regarding West Virginia reclamation rule and statute and applicability to bond and bankruptcy; conference call with Drew McCalistar and New York counsel
10/02/12	J Preast	.50	Prepare electronic copies of documents and forward to counsel for review; receipt and review of invoices; forward invoices for payment
10/04/12	A Benincasa	2.00	Review new documents supplied by WVDEP; discuss bonding issues with Mike Stuart
10/05/12	M Stuart	1.50	Review of bonding documents related to reclamation and Magnum Coal
10/08/12	A Benincasa	.50	E-mails to and from client regarding status of bond review; e-mails to and from WVDEP regarding prior FOIA request
10/08/12	M Stuart	2.20	Review of reclamation bonds for Magnum properties
10/09/12	A Benincasa	4.50	Review bonds held by Arch Coal held in favor of Patriot Coal operations; e-mails and phone calls to and from Mike Stuart regarding findings; e-mail to the client.
10/12/12	A Benincasa	1.00	Review notes; e-mails to and from client New York Bankruptcy counsel regarding review of remainder of bond files
TOTAL HOURS:		29.10	

**GRAND EAGLE MINING / CINDA CROFT EEOC CHARGE**

10/03/12	C Morrison	.20	Review file materials and draft memo to associate Jeffries re: same
10/03/12	M Jeffries	.30	Initial review of documents provided by client
10/03/12	M Jeffries	.50	Calls to client, Kentucky Commission on Human Rights, and EEOC for further factual and procedural development
10/04/12	M Jeffries	.10	Call from opposing counsel re: status of case
10/04/12	M Jeffries	.30	Call to EEOC re: status of case
10/05/12	C Morrison	.50	Review EEOC charge and work on response
10/05/12	M Jeffries	.10	Review EEOC complaint
10/08/12	M Jeffries	.40	Call to R. Lam to investigate facts behind complaint
10/09/12	M Jeffries	.10	Call from EEOC re: status of charge

**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
10/12/12	M Jeffries	.10	Call to client re: fact investigation in EEOC complaint
10/15/12	M Jeffries	.30	Call to client re: fact investigation in EEOC complaint
10/16/12	C Morrison	.70	Draft position statement
10/16/12	M Jeffries	.50	Calls to client re: fact investigation in EEOC complaint
10/16/12	M Jeffries	1.40	Draft Position Statement
10/16/12	M Jeffries	.20	Contact client re: job descriptions of McClintock and Schneider
10/16/12	M Jeffries	.30	Review position descriptions and performance evaluations provided by client
10/17/12	C Morrison	.50	Draft (revise) position statement
10/17/12	C Morrison	.10	Review e-mail from client re: draft position statement
10/17/12	M Jeffries	.80	Revise position statement
10/19/12	C Morrison	1.00	Draft (revise) position statement to the EEOC
TOTAL HOURS:		8.40	

**JUSTICE, MARSHALL V. GATEWAY EAGLE COAL CO.**

10/22/12	C Morrison	.20	Review e-mail from client and letter from attorney Simmons
10/22/12	C Morrison	.50	Review file on this matter
10/22/12	C Morrison	.30	Telephone conference with attorney Simmons re: issues raised
10/22/12	C Morrison	.10	Telephone conference with attorney Simmons re: scheduling a meeting
10/22/12	C Morrison	.20	Review e-mail from attorney Simmons, respond to it, review reply and respond to it
10/22/12	C Morrison	.10	Draft e-mail to client attaching copy of some file materials
10/23/12	C Morrison	1.00	Review file and meet with attorney Simmons re: the issues raised by his letter
10/27/12	C Morrison	.30	Review information provided by client and letter to attorney Simmons
TOTAL HOURS:		2.70	

**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
<b>MSHA - GENERAL</b>			
10/24/12	J McCuskey	2.50	Research regarding petitions for modification of trailing cables for reference to creating a new petition
10/27/12	J Ellis	.50	Research on 101(c) petition for modification on trailing cable length
10/29/12	J Ellis	.20	Email to client re: research on 101(c) petition
10/31/12	J Ellis	.20	Receive petition for WEVA 2012-1192 from MSHA
TOTAL HOURS:		3.40	
<b>BLACK OAK MINE - MSHA CASES #000166218 &amp; #000169086 (Eastern Associated Coal LLC)</b>			
10/02/12	J Ellis	1.30	Emails with attorney Allen re: settlement negotiations on WEVA 2009-230; draft email to client with evaluation and settlement proposal spreadsheet for WEVA 2009-230
10/15/12	J Ellis	.70	Emails with opposing counsel re: settlement negotiations; attention to settlement negotiations
TOTAL HOURS:		2.00	
<b>HARRIS NO. 1 - MSHA Case #000169061 WEVA 2009-408</b>			
10/31/12	J Ellis	.20	Receive order and notice of settlement conference; draft email to Judge Weisberger's law clerk re: settlement of dockets listed in Judge's order
TOTAL HOURS:		0.20	
<b>HARRIS NO. 1 - MSHA CASE #000166203 WEVA 2009-222 - 228 (Eastern Associated Coal LLC)</b>			
10/01/12	J Ellis	.20	Email to client re: orders approving settlement of WEVA 2009-223, 224, 225, 226, 227, 228
TOTAL HOURS:		0.20	
<b>HARRIS NO. 1 - MSHA CASE #000172226 WEVA 2009-729</b>			
10/02/12	J Ellis	.20	Emails with attorney Shah re: status of settlement order regarding order 6619614 (WEVA 2009-584) which was settled in conjunction with WEVA 2009-729
10/03/12	J Ellis	.20	Email to client re: status of partial settlement order on citation #6619614
TOTAL HOURS:		0.40	

**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
<b>WINCHESTER - MSHA CASE #000168620 WEVA 2009-508/509 (Eastern Associated Coal LLC)</b>			
10/05/12	J Ellis	.30	Draft settlement proposal; call with judge's law clerk re: case status
10/31/12	J Ellis	.20	Email to client re: examination records needed
TOTAL HOURS:		0.50	
<b>BLACK OAK - MSHA CASE #000172201 WEVA 2009-594 &amp; 595 (Eastern Associated Coal LLC)</b>			
10/02/12	J Ellis	1.70	Emails with attorney Allen re: settlement negotiations on WEVA 2009-594 and 595; draft email to client with evaluation and settlement proposal spreadsheet for WEVA 2009-594 and 595
10/04/12	J Ellis	.10	Email from client re: potential settlement
10/05/12	J Ellis	.20	Emails with opposing counsel re: settlement negotiations
10/08/12	J Ellis	.60	Attention to settlement negotiations
10/17/12	J Ellis	.20	Emails with opposing counsel re: final settlement
TOTAL HOURS:		2.80	
<b>FREEDOM MINE ACCIDENT INVESTIGATION - MSHA CASE #195018 KENT 2009-1519</b>			
10/01/12	J Phillips	.40	Attention to settlement negotiations
10/02/12	J Phillips	.30	Attention to global settlement negotiations for Freedom cases
10/23/12	J Phillips	.70	Work on settlement negotiations
10/24/12	J Phillips	1.40	Work on settlement negotiations
10/30/12	J Phillips	.40	Attention to global settlement negotiations
TOTAL HOURS:		3.20	
<b>HIGHLAND MINING - KENT 2009-1582 MSHA 196588</b>			
10/10/12	J Phillips	.90	Email from Judge Rae with decision and ruling in KENT 2009-1582/1583; summarize decision in email to clients
TOTAL HOURS:		0.90	
<b>HARRIS NO. 1 - MSHA CASE #000195547 WEVA 2010-11 &amp; 2010-12</b>			
10/01/12	J Ellis	1.40	Work on settlement proposal; review roof control plan diagrams; attention to settlement negotiations

**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
10/04/12	J Ellis	.20	Emails with client re: settlement negotiations
10/09/12	J Ellis	.60	Attention to settlement negotiations on WEVA 2010-11
10/18/12	J Ellis	.50	Receive and review proposed settlement documents on WEVA 2010-11; emails with client re: additional information to be included in settlement order for Judge Rae
TOTAL HOURS:		2.70	

**FEDERAL MINE #2 - WEVA 2010-412 MSHA Case #205518**

10/15/12	M Norris	.20	Call and email from client approving settlement on behalf of Federal No. 2 and email to Patriot's in-house attorney re: same
TOTAL HOURS:		0.20	

**HIGHLAND MINING - KENT 2009-1241 - MSHA 187706 (Patriot Coal)**

10/01/12	J Phillips	1.50	Draft post-hearing memorandum
10/02/12	J Phillips	2.40	Draft post-hearing memorandum
10/04/12	J Phillips	.70	Draft post-hearing memorandum
10/04/12	J Phillips	3.60	Draft post-hearing memorandum
10/04/12	R Bailey	2.00	Draft post-trial statement
10/05/12	J Phillips	2.00	Draft post-trial memorandum
10/05/12	R Bailey	8.00	Draft post-trial statement
10/08/12	R Bailey	8.00	Draft post-trial statement
10/09/12	R Bailey	8.00	Draft post-trial statement
10/10/12	J Phillips	3.00	Work on post-trial memorandum
10/11/12	J Phillips	2.90	Work on post-trial memorandum; Review lengthy joint motion for approval of partial settlement; email to solicitor E. Friary re: joint motion
TOTAL HOURS:		42.10	

**HIGHLAND MINING - KENT 2010-732 (MSHA Case #211084)**

10/29/12	J Phillips	2.40	Draft disclosure of witnesses; draft email to client re: witnesses, meeting and trial; draft letter to client outlining citations to be tried; attention to settlement negotiations
TOTAL HOURS:		2.40	

**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
<b>GRAND EAGLE MINING - KENT 2010-1124 (MSHA Case #218390)</b>			
10/02/12	J Phillips	.10	Email from solicitor Paige Bernick re: counsel of record
10/18/12	J Phillips	.10	Email from and to solicitor P. Bernick re: settlement
10/24/12	J Phillips	.20	Draft settlement proposal
TOTAL HOURS:		0.40	
<b>RIVERS EDGE MINING - WEVA 2010-147 -MSHA 000199003 (Patriot Coal)</b>			
10/05/12	J Ellis	.10	Email from Nadia Hafeez filing settlement documents in WEVA 2010-147
TOTAL HOURS:		0.10	
<b>HIGHLAND 9 MINE - KENT 2010-1359/1360 - MSHA #225463 (Highland Mining)</b>			
10/01/12	J Phillips	.50	Work on settlement negotiations
TOTAL HOURS:		0.50	
<b>HIGHLAND 9 MINE - KENT 2011-805 - MSHA #249029 (Highland Mining)</b>			
10/18/12	J Phillips	.50	Review and revise settlement documents (four errors from solicitor)
10/19/12	J Phillips	.20	Review the revised settlement documents; draft email to solicitor E. Friary re: settlement
TOTAL HOURS:		0.70	
<b>HIGHLAND 9 MINE - KENT 2011-544/545 - MSHA #243492 (Highland Mining)</b>			
10/01/12	J Phillips	.50	Attention to settlement negotiations
10/05/12	J Phillips	.80	Letter from solicitor Rachel Levinson with answers to written discovery requests; attention to settlement negotiations
10/05/12	J Phillips	1.80	Prepare for trial; attention to settlement negotiations
10/08/12	J Phillips	10.70	Prepare for trial; travel to Henderson, Kentucky for witness interviews and trial; interview witnesses
10/08/12	P Raupp	6.00	Researching issues related to significant and substantial violations, high negligence, and vacation of citations for trial
10/09/12	J Phillips	9.50	Prepare for trial; attend trial in Henderson, Kentucky; travel to Lexington, Kentucky

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**TIME DETAIL REPORT**

Work Date	Time-keeper	Hours	Narrative
10/16/12	R Bailey	3.80	Draft post-trial brief
10/17/12	R Bailey	3.80	Draft post-trial brief
10/18/12	R Bailey	.50	Draft post-trial memorandum
10/24/12	R Bailey	7.20	Draft post-trial statement
10/29/12	R Bailey	3.00	Draft post-hearing brief
10/30/12	J Phillips	.70	Work on post-hearing memorandum
10/30/12	R Bailey	7.50	Draft post-hearing brief
10/31/12	R Bailey	7.50	Draft post-hearing brief
TOTAL HOURS:		63.30	

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**HIGHLAND 9 MINE - KENT 2010-1632 - MSHA #231678 (Highland Mining)**

10/08/12	J Phillips	.80	Prepare witness for his trial testimony
10/09/12	J Phillips	2.00	Attend last day of trial in KENT 2010-1632 with testimony of witness and inspector
TOTAL HOURS:		2.80	

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**HIGHLAND 9 MINE - KENT 2011-699/700 - MSHA #246300 (Highland Mining)**

10/01/12	J Phillips	.50	Attention to settlement negotiations; teleconferences with client representatives re: settlement terms
10/18/12	J Phillips	.40	Review settlement documents
TOTAL HOURS:		0.90	

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**FREEDOM MINE - KENT 2011-746/747 - MSHA #247937 (Ohio County Coal Company)**

10/02/12	J Phillips	.10	Letter from Judge Alan Paez in KENT 2011-747 re: pre-hearing reports
10/24/12	J Phillips	.40	Work on settlement negotiations
TOTAL HOURS:		0.50	

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**WINCHESTER MINE - WEVA 2011-762 - MSHA #241281 (Remington LLC)**

10/04/12	J Ellis	.20	Receive and review notice of hearing
10/10/12	J Ellis	.40	Emails with client re: potential settlement
10/10/12	J Ellis	.20	Work on client evaluation
10/11/12	J Ellis	.20	Review proposed settlement documents

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**TIME DETAIL REPORT**

Work Date	Time-keeper	Hours	Narrative
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TOTAL HOURS:		1.00	
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**WINCHESTER MINE - WEVA 2011-908 - MSHA #243940 (Remington LLC)**

10/10/12	J Ellis	.20	Work on client evaluation
10/11/12	J Ellis	.20	Review proposed settlement documents

TOTAL HOURS:		0.40	
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**WINCHESTER MINE - WEVA 2011-196 - MSHA #232171 (Remington LLC)**

10/02/12	J Ellis	1.10	Receive and review inspectors' notes
10/03/12	J Ellis	1.30	Attention to settlement negotiations
10/04/12	J Ellis	.90	Attention to settlement negotiations with opposing counsel
10/04/12	J McCuskey	1.40	Drafting and revising responses to written discovery
10/05/12	J Ellis	.30	Email from Judge Moran re: pre-hearing exchange deadline; emails with opposing counsel re: depositions
10/08/12	J Ellis	3.20	Draft email to client re: additional information needed for discovery responses; work on discovery responses
10/09/12	J Ellis	.10	Email to opposing counsel re: settlement negotiations
10/10/12	J Ellis	.70	Work on client evaluation
10/11/12	J Ellis	4.10	Receive and review settlement proposal from MSHA; work on discovery responses
10/12/12	J Ellis	1.80	Draft discovery responses
10/12/12	J Ellis	.20	Emails with Judge Moran re: pre-hearing disclosures
10/15/12	J Ellis	3.30	Receive and review Secretary of Labor's pre-hearing report; draft Respondent's pre-hearing report; attention to settlement negotiations with opposing counsel; prepare for hearing
10/17/12	J Ellis	3.60	Call with client re: settlement negotiations; draft settlement evaluation email to client representatives; emails with opposing counsel re: settlement negotiations and discovery issues; attention to settlement negotiations
10/18/12	J Ellis	1.60	Emails with client re: settlement negotiations; review prior history information from MSHA data

**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
			retrieval site; emails with opposing counsel re: settlement negotiations on citation 8114590
10/19/12	J Ellis	1.80	Calls and emails with opposing counsel re: settlement negotiations; emails with client re: potential settlement; attention to settlement negotiations
TOTAL HOURS:		25.40	
<b>WINCHESTER MINE - WEVA 2011-1338 - MSHA #249360 (Remington LLC)</b>			
10/19/12	J Ellis	.50	Attention to settlement negotiations
TOTAL HOURS:		0.50	
<b>WINCHESTER MINE - WEVA 2011-564 - MSHA #238402 (Remington LLC)</b>			
10/02/12	J Ellis	1.70	Emails with client re: information needed for discovery responses; work on client evaluation letter
10/03/12	J Ellis	1.30	Attention to settlement negotiations
10/04/12	J Ellis	.20	Emails with opposing counsel and Judge Moran re: pre-hearing disclosure deadlines
10/04/12	J McCuskey	1.40	Drafting and revising responses to written discovery
10/05/12	J Ellis	2.90	Call from client re: discovery responses; draft discovery responses
10/08/12	J Ellis	1.10	Receive and review Secretary of Labor's discovery responses
10/09/12	J Ellis	.20	Receive and review hearing order
10/10/12	J Ellis	.60	Work on client evaluation
10/11/12	J Ellis	3.60	Receive and review settlement proposal from MSHA; draft counterproposal; emails with opposing counsel re: depositions; work on discovery responses
10/12/12	J Ellis	1.30	Draft discovery responses
10/15/12	J Ellis	4.10	Receive and review Secretary of Labor's pre-hearing report; draft Respondent's pre-hearing report; attention to settlement negotiations with opposing counsel re: settlement negotiations; prepare for hearing
10/17/12	J Ellis	2.30	Call with client re: settlement negotiations; draft settlement evaluation email to client representatives; emails with opposing counsel re: settlement negotiations and discovery

**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
			issues; attention to settlement negotiations
10/19/12	J Ellis	1.80	Calls and emails with opposing counsel re: settlement negotiations; emails with client re: potential settlement; attention to settlement negotiations
TOTAL HOURS:		22.50	
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<b>WINCHESTER MINE - WEVA 2010-1556 - MSHA #225862 (Remington LLC)</b>			
10/10/12	J Ellis	.30	Work on client evaluation
10/11/12	J Ellis	.20	Review proposed settlement documents
10/31/12	J Ellis	.20	Draft email to opposing counsel re: settlement Documents
TOTAL HOURS:		0.70	
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<b>RIVERS EDGE MINE - WEVA 2011-2034 - MSHA #256838 (Rivers Edge Mining)</b>			
10/04/12	J Ellis	.20	Emails with client re: settlement negotiations
10/09/12	J Ellis	.90	Attention to settlement negotiations; emails with Judge's law clerk re: case settlement
TOTAL HOURS:		1.10	
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<b>GATEWAY EAGLE MINE - WEVA 2011-2100 - MSHA #257616</b>			
10/08/12	J Ellis	.10	Email from opposing counsel re: information to be included in settlement documents
10/18/12	J Ellis	.10	Emails from opposing counsel re: settlement Documents
TOTAL HOURS:		0.20	
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<b>BLUE CREEK NO. 2 MINE - WEVA 2011-2211 - MSHA #261206 (Midland Trail Energy)</b>			
10/29/12	J Ellis	.20	Receive and review notice of hearing
TOTAL HOURS:		0.20	
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<b>WINCHESTER MINE - WEVA 2011-2152 - MSHA #258124</b>			
10/10/12	J Ellis	.10	Draft email to opposing counsel re: status of settlement negotiations
10/11/12	J Ellis	.60	Receive and review MSHA's settlement proposal; draft response to MSHA's proposal
10/12/12	J Ellis	.20	Emails with opposing counsel re: settlement negotiations

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**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
10/19/12	J Ellis	.50	Attention to settlement negotiations
TOTAL HOURS:		1.40	
<b>BLUE CREEK NO. 1 MINE - WEVA 2011-2038 - MSHA #257372</b>			
10/29/12	J Ellis	.30	Receive and review order approving settlement; draft email to client re: settlement terms
TOTAL HOURS:		0.30	
<b>WINCHESTER MINE - WEVA 2011-2418 - MSHA #263742 (Remington LLC)</b>			
10/19/12	J Ellis	.40	Attention to settlement negotiations
TOTAL HOURS:		0.40	
<b>CAMPBELL'S CREEK NO. 7 - WEVA 2011-2526 - MSHA #266017</b>			
10/23/12	J Ellis	.20	Receive and review dismissal order; draft email to client re: dismissal order
TOTAL HOURS:		0.20	
<b>CAMPBELL'S CREEK NO. 7 - WEVA 2012-86/87 - MSHA #268738</b>			
10/23/12	J Ellis	.40	Receive and review order approving settlement of WEVA 2012-87; draft email to client outlining citation modifications on WEVA 2012-87
TOTAL HOURS:		0.40	
<b>WINCHESTER MINE - WEVA 2012-26 MSHA 266793 (Remington, LLC)</b>			
10/10/12	J Ellis	.10	Emails with opposing counsel re: status of settlement negotiations
10/16/12	J Ellis	.40	Emails with opposing counsel and Judge Simonton re: status update
10/19/12	J Ellis	.40	Attention to settlement negotiations
10/25/12	J Ellis	.20	Receive and review notice of hearing
10/31/12	J Ellis	.10	Email to client re: examination records needed
TOTAL HOURS:		1.20	
<b>HIGHLAND 9 MINE - KENT 2011-1296/1297- MSHA #257718 (Highland Mining)</b>			
10/10/12	J Phillips	.10	Emails from and to Judge P. Rae's law clerk re: settlement documents
10/11/12	J Phillips	.80	Emails from and to solicitor A. Wyatt re: settlement terms; teleconference with client

## TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
			re: settlement
TOTAL HOURS:		0.90	
<b>HIGHLAND 9 MINE - KENT 2011-1359/1360- MSHA #260304 (Highland Mining)</b>			
10/02/12	J Phillips	.10	Email from Judge J. Bulluck re: extension of time
10/10/12	J Phillips	1.80	Draft settlement proposal
10/12/12	J Phillips	.30	Work on settlement proposal
10/18/12	J Phillips	.10	Email from solicitor Motzny with change of counsel
10/24/12	J Phillips	.70	Draft settlement proposal
10/29/12	J Phillips	.10	Draft email to solicitor Motzny with settlement Proposal
TOTAL HOURS:		3.10	
<b>WINCHESTER MINE - WEVA 2012-194 - MSHA #269491 (Remington, LLC)</b>			
10/12/12	J McCuskey	1.30	Drafting settlement proposal WEVA 2012-194
10/19/12	J Ellis	.20	Receive and review order of assignment and pre-hearing order
10/23/12	J Ellis	1.40	Draft settlement proposal
TOTAL HOURS:		2.90	
<b>GATEWAY EAGLE MINE - WEVA 2012-125 - MSHA #268444 (Gateway Eagle Coal)</b>			
10/01/12	J Ellis	.20	Receive and review prehearing order
10/15/12	J Ellis	.20	Emails with Ms. Barefield re: discovery responses
10/16/12	J Ellis	1.80	Attention to settlement negotiations; email from opposing counsel re: discovery requests and pre-hearing order
TOTAL HOURS:		2.20	
<b>HIGHLAND 9 MINE - KENT 2011-1483 - MSHA #263281 (Highland Mining)</b>			
10/02/12	J Phillips	.10	Email from solicitor Motzny re: notice of appearance as counsel
TOTAL HOURS:		0.10	
<b>BLUE CREEK NO. 2 DEEP MINE - WEVA 2012-486 - MSHA #274408</b>			
10/02/12	J Ellis	.10	Email from opposing counsel re: settlement

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TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
			Negotiations
TOTAL HOURS:		0.10	
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<b>BLACK OAK MINE - WEVA 2011-1462 - MSHA #248970 (Eastern Associated Coal LLC)</b>			
10/02/12	J Ellis	.10	Email from Josh Shaw re: filed settlement documents
10/16/12	J Ellis	.10	Email from Judge's law clerk re: settlement documents
10/23/12	J Ellis	.30	Receive and review order approving settlement; draft email to client outlining citation modifications
TOTAL HOURS:		0.50	
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<b>GATEWAY EAGLE MINE - WEVA 2012-360 - MSHA #271372</b>			
10/01/12	J Ellis	.20	Draft settlement counterproposal
10/02/12	J Ellis	.10	Emails with opposing counsel re: settlement
10/05/12	J Ellis	.10	Email from opposing counsel re: approval of settlement
10/22/12	J Ellis	.20	Receive and review pre-hearing order; email to Judge Harner re: settlement of case
10/23/12	J Ellis	.20	Receive and review proposed settlement documents
10/29/12	J Ellis	.20	Receive and review order approving settlement; draft email to client re: settlement order
TOTAL HOURS:		1.00	
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<b>BLACK OAK MINE - WEVA 2012-348 - MSHA #270870 (Eastern Associated Coal LLC)</b>			
10/02/12	J Ellis	.10	Email from Josh Shaw re: filed settlement Documents
TOTAL HOURS:		0.10	
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<b>WINCHESTER MINE - WEVA 2012-534 &amp; 533 - MSHA #275179 (Remington)</b>			
10/10/12	J Ellis	.10	Email to opposing counsel on WEVA 2012-534 re: settlement negotiations
10/11/12	J Ellis	.10	Email from opposing counsel re: settlement negotiations
10/12/12	J Ellis	.30	Receive and review MSHA's counterproposal on WEVA 2012-534

## TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
10/15/12	J Ellis	.80	Draft settlement counterproposal to MSHA on WEVA 2012-534
TOTAL HOURS:		1.30	
<b>HIGHLAND 9 MINE - KENT 2012-442 - MSHA #274746 (Highland Mining)</b>			
10/02/12	J Phillips	.10	Email from solicitor Motzny re: appearance as counsel of record
TOTAL HOURS:		0.10	
<b>FREEDOM MINE - KENT 2011-1213 - MSHA #256455 (Ohio County Coal)</b>			
10/22/12	J Phillips	.10	Emails from and to solicitor M. Lawson re: settlement
10/30/12	J Phillips	2.70	Letter from solicitor M. Lawson with Secretary's Pre-Hearing Statement; teleconference with client re: defensive strategy and witnesses; draft Respondent's Pre-Hearing Statement
TOTAL HOURS:		2.80	
<b>HIGHLAND #9 MINE - KENT 2012-160/161 - MSHA #269081 (Highland Mining)</b>			
10/30/12	J Phillips	.20	Letter from Chief Judge Lesnick re: decision approving settlement; draft email to client re: settlement terms and order to pay
TOTAL HOURS:		0.20	
<b>WINCHESTER MINE - WEVA 2012-682/683 - MSHA #278090 (Remington)</b>			
10/25/12	J Ellis	.20	Emails from and to FMSHRC clerk re: proposed order approving settlement of WEVA 2012-683
TOTAL HOURS:		0.20	
<b>CAMPBELL'S CREEK NO. 7 - WEVA 2012-759/760 - MSHA #280072</b>			
10/23/12	J Ellis	.10	Email to CLR re: settlement documents
TOTAL HOURS:		0.10	
<b>MSHA CONTEST - OIL WELL - FREEDOM MINE (Ohio County Coal)</b>			
10/30/12	J Phillips	1.10	Letter from MSHA with response to FIOA request for hazard complaints; draft letter to client re: response to FOIA request
TOTAL HOURS:		1.10	
<b>GATEWAY EAGLE MINE - WEVA 2012-939 - MSHA #281814 (Eastern Associated Coal)</b>			
10/01/12	J Ellis	.10	Receive and review entry of appearance of new

## TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
			Counsel
TOTAL HOURS:		0.10	
<b>BLACK OAK MINE - WEVA 2012-22 - MSHA #266265 (Eastern Associated Coal)</b>			
10/02/12	J Ellis	.10	Email from Josh Shaw re: filed settlement documents
10/23/12	J Ellis	.30	Receive and review order approving settlement; draft email to client outlining citation modifications
TOTAL HOURS:		0.40	
<b>BLACK OAK MINE - WEVA 2012-1130 - MSHA #285374 (Eastern Associated Coal)</b>			
10/31/12	J Ellis	1.70	Draft settlement proposal; email to CLR re: settlement proposal
TOTAL HOURS:		1.70	
<b>AMERICAN EAGLE MINE - WEVA 2012-1131 - MSHA #286172</b>			
10/19/12	J Ellis	3.80	Work on discovery responses
10/30/12	J Ellis	.60	Email to opposing counsel re: discovery responses; attention to settlement negotiations
10/31/12	J Ellis	.10	Email from opposing counsel re: extension of discovery response deadline
TOTAL HOURS:		4.50	
<b>WINCHESTER MINE - WEVA 2012-1141/1142 - MSHA #286437 (Remington LLC)</b>			
10/10/12	J Ellis	.40	Work on client evaluation on WEVA 2012-1141
10/17/12	J Ellis	.50	Draft settlement evaluation emails to client representatives on WEVA 2012-1141
TOTAL HOURS:		0.90	
<b>AMERICAN EAGLE MINE - WEVA 2012-1286/1287 - MSHA #288468 (Speed Mining)</b>			
10/01/12	J Ellis	.10	Receive and review attorney M. Babbington's entry of appearance
10/16/12	J Ellis	.70	Attention to settlement negotiations on WEVA 2012-1287
TOTAL HOURS:		0.80	
<b>FEDERAL NO. 2 MINE - WEVA 2012-1195/1196 - MSHA #288463 (Eastern Associated Coal)</b>			
10/02/12	J McCuskey	4.50	Reviewing case law regarding cited regulations

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**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
			and drafting settlement proposal on WEVA 2012-1195
10/03/12	J McCuskey	6.90	Drafting settlement proposal on WEVA 2012-1196
10/09/12	J Ellis	.10	Receive and review notice of appearance from K. Shah
10/10/12	J McCuskey	.60	Work on settlement proposal
10/11/12	J Ellis	.10	Email from opposing counsel re: settlement negotiations
10/25/12	J Ellis	2.20	Work on settlement proposals
10/31/12	J Ellis	2.10	Work on settlement proposal for WEVA 2012-1196; review case law on validity of safeguards
TOTAL HOURS:		16.50	
<b>SUGAR MAPLE MINE - WEVA 2012-1370 - MSHA #291131 (Gateway Eagle Coal)</b>			
10/11/12	J Ellis	1.10	Receive and review MSHA's counterproposal; attention to settlement negotiations
TOTAL HOURS:		1.10	
<b>SUGAR MAPLE MINE - WEVA 2012-1087 - MSHA #285372</b>			
10/09/12	J Ellis	1.30	Attention to settlement negotiations
TOTAL HOURS:		1.30	
<b>CAMPBELL'S CREEK NO. 10 MINE - WEVA 2012-1366 - MSHA #291127 (Gateway Eagle Coal)</b>			
10/11/12	J Ellis	.30	Receive and review proposed settlement documents
10/12/12	J Ellis	.10	Email from CLR re: settlement documents
10/31/12	J Ellis	.10	Email from MSHA filing proposed settlement Documents
TOTAL HOURS:		0.50	
<b>SUGAR MAPLE MINE - WEVA 2012-1216 - MSHA #288473 (Gateway Eagle Coal)</b>			
10/09/12	J Ellis	.30	Receive and review proposed settlement documents; emails with CLR re: settlement documents
10/31/12	J Ellis	.10	Email from MSHA filing proposed settlement Documents
TOTAL HOURS:		0.40	
<b>AMERICAN EAGLE MINE - WEVA 2012-999 - MSHA #284555</b>			
10/09/12	J Ellis	.60	Draft settlement proposal to opposing counsel

**TIME DETAIL REPORT**

<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
10/09/12	J McCuskey	.70	Drafting settlement proposal 2012-999
10/10/12	J Ellis	.30	Emails with opposing counsel re: settlement negotiations and extensions to respond to discovery requests
10/26/12	J Ellis	2.10	Emails with opposing counsel re: discovery responses; draft discovery requests to MSHA; work on discovery responses
10/27/12	J Ellis	2.80	Work on discovery responses
TOTAL HOURS:		6.50	
<b>WINCHESTER MINE - WEVA 2012-1473 - MSHA #292179 (Remington LLC)</b>			
10/04/12	J Ellis	.30	Attention to settlement negotiations
10/08/12	J Ellis	.70	Work on settlement counterproposal; attention to settlement negotiations
10/10/12	J Ellis	.40	Emails with CLR re: settlement negotiations; attention to settlement negotiations
TOTAL HOURS:		1.40	
<b>DODGE HILL IMMEDIATE NOTIFICATION (Dodge Hill Mining)</b>			
10/10/12	J Phillips	.30	Letter from Judge R. Lesnick re: stay of proceedings and case number assignment; draft email to client representatives re: case strategy
10/29/12	J Phillips	.10	Emails from and to client re: results of special investigation
TOTAL HOURS:		0.40	
<b>FARLEY EAGLE MINE - WEVA 2012-1452 - MSHA #291118</b>			
10/09/12	J Ellis	1.10	Work on settlement proposal
TOTAL HOURS:		1.10	
<b>BLACK OAK MINE - WEVA 2012-1455 - MSHA #291132 (Eastern Associated Coal)</b>			
10/09/12	J Ellis	.70	Work on settlement proposal to CLR
TOTAL HOURS:		0.70	

## TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
<b>CAMPBELL'S CREEK NO 7 MINE - WEVA 2012-1581 - MSHA #294266 (Midland Trail Energy)</b>			
10/31/12	J Ellis	.20	Draft email to client re: rebuttals
TOTAL HOURS:		0.20	
<b>AMERICAN EAGLE MINE - WEVA 2012-1579 - MSHA #293996 (Speed Mining)</b>			
10/09/12	J Ellis	.80	Work on settlement proposal
10/09/12	J McCuskey	4.40	Drafting settlement proposal
10/09/12	J McCuskey	1.10	Research regarding case law 75.220(a)(1)
10/10/12	J Ellis	1.30	Review inspector notes; draft settlement Proposal
TOTAL HOURS:		7.60	
<b>JARVIS, JOHN GARY DISCRIMINATION SUIT / MADI-CD-2012-19 (Grand Eagle Mining)</b>			
10/11/12	J Phillips	.20	Email from client with UMWA grievance form; teleconference with client re: step three meeting (withdrawal of grievance)
TOTAL HOURS:		0.20	
<b>FARLEY EAGLE MINE - WEVA 2012-1577 - MSHA #293993 (Gateway Eagle Coal)</b>			
10/31/12	J Ellis	.60	Work on settlement proposal
TOTAL HOURS:		0.60	
<b>FEDERAL NO. 2 MINE - WEVA 2012-1575 &amp; 1576 - MSHA #293992 (Eastern Associated Coal)</b>			
10/09/12	J Ellis	.10	Receive and review notice of appearance from K. Shah
10/11/12	J Ellis	.10	Email from opposing counsel re: settlement negotiations
10/19/12	J Ellis	.90	Work on settlement proposals
TOTAL HOURS:		1.10	
<b>DODGE HILL CONTINUOUS MINER CITATIONS (Dodge Hill Mining)</b>			
10/02/12	J Phillips	4.40	Legal research re: 30 CFR section 332 and expedited hearing; Draft notice of contest and motion for expedited hearing; teleconferences with client re: split air, facts and circumstances of citation, and defenses
10/02/12	J McCuskey	1.70	Research regarding level of proof needed to win a motion for expedited hearing.
10/03/12	J Phillips	1.20	Finalize notice of contest and motion for expedited hearing; teleconferences with client

## TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
			representatives re: notice and motion
10/04/12	J Phillips	.70	Lengthy teleconference with client representatives re: ventilation plan modifications, contest of citation and expedited hearing
10/19/12	J Phillips	.10	Letter from Chief ALJ Lesnick with KENT assignment; draft email to client re: KENT 2013-42-R
10/23/12	J Phillips	.10	Letter from Chief Judge Lesnick with order of assignment; draft email to client re: Judge Kenneth Andrews
10/26/12	J Phillips	.20	Letter from solicitor B. Mauk with answer to notice of contest; draft email to client representatives re: solicitor Mauk
10/30/12	J Phillips	.10	Teleconference with client re: cessation of special investigation concerning continuous miners
TOTAL HOURS:		8.50	
<b>FREEDOM MINE / OHIO COUNTY COAL / NOTICE OF CONTEST - 296918 (Patriot Coal)</b>			
10/10/12	J Phillips	.20	Letter from docket clerk Sandra Farrow re: motion to reopen penalty assessments; draft email to client representatives re: case status
TOTAL HOURS:		0.20	
<b>WINCHESTER MINE - WEVA 2012-1661 - MSHA #295104 (Remington)</b>			
10/02/12	J Ellis	.70	Draft settlement proposal
10/04/12	J Ellis	.20	Email from CLR re: settlement counter-proposal
TOTAL HOURS:		0.90	
<b>AMERICAN EAGLE MINE - WEVA 2012-1662 - MSHA #296858 (Speed Mining)</b>			
10/09/12	J Ellis	.20	Emails with CLR re: settlement negotiations
10/12/12	J McCuskey	5.00	Reviewing case law regarding citing regulations and drafting settlement proposal
10/18/12	J Ellis	2.70	Draft settlement proposal
TOTAL HOURS:		7.90	
<b>DODGE HILL MINE NO. 1 - KENT 2012-1152 - MSHA #288592</b>			
10/10/12	J Phillips	.30	Draft answer to petition; draft written discovery requests
TOTAL HOURS:		0.30	

**TIME DETAIL REPORT**

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<b>Work Date</b>	<b>Time-keeper</b>	<b>Hours</b>	<b>Narrative</b>
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<b>PEERLESS RACHEL MINE - WEVA 2012-1727 - MSHA #298098</b>			
10/25/12	J Ellis	1.60	Draft answer to Petition; review citations and other information from client
TOTAL HOURS:		1.60	