

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI**

In re:

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

Chapter 11

Case No. 12-51502

(Jointly Administered)

**MONTHLY FEE STATEMENT OF STEPTOE & JOHNSON PLLC FOR
PROFESSIONAL SERVICES AND DISBURSEMENTS FOR THE PERIOD OF
JANUARY 1, 2013 THROUGH JANUARY 31, 2013**

| | |
|-----------------------------|---|
| NAME OF APPLICANT: | <u>Steptoe & Johnson PLLC</u> |
| ROLE IN THE CASE: | Special Counsel for the Debtors |
| TIME PERIOD: | January 1, 2013 through and including January 31, 2013 |
| CURRENT APPLICATION: | Total Fees Requested: \$37,192.75 80% of Fees Requested: \$29,754.20 Total Expenses Requested: \$662.66 |

1. In accordance with the *Order To Establish Procedures for Interim Monthly Compensation and Reimbursement of Expenses of Professionals* [ECF No. 262, S.D. NY] (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 January 1, 2013 through and including January 31, 2013 (the “**Fee Statement Period**”).

2. Pursuant to the Interim Compensation Order, Steptoe & Johnson seeks payment of \$30,416.86, 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;
- 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, 21st 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 20th day of February, 2013.

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

| Name of Member / Of Counsel | Title | Hourly Rate | Total Hours | Total Fees |
|--|--------------|--------------------|--------------------|--------------------|
| Bryan R. Cokeley | Member | 235.00 | 3.00 | 705.00 |
| C. David Morrison | Member | \$235.00 | 12.60 | 2,961.00 |
| H. Toney Stroud | Member | \$235.00 | 0.55 | 129.25 |
| Jeffrey K. Phillips | Member | \$220.00 | 46.20 | 10,164.00 |
| Jonathan R. Ellis | Member | \$160.00 | 61.70 | 9872.00 |
| Mark M. McCarthy | Of Counsel | \$205.00 | 7.20 | 1,476.00 |
| Michael D. Mullins | Member | \$205.00 | 0.90 | 184.50 |
| Paul A. Konstanty | Member | \$205.00 | 9.20 | 1,886.00 |
| Vanessa L. Goddard | Of Counsel | \$205.00 | 2.80 | 574.00 |
| W. Henry Lawrence | Member | \$235.00 | 3.30 | 775.50 |
| TOTAL MEMBERS and OF COUNSEL: | | | 147.45 | \$28,727.25 |

II.A. Associates

| Name of Associate | Department | Hourly Rate | Total Hours | Total Fees |
|--------------------------|-------------------|--------------------|--------------------|-------------------|
| Daniel D. Fassio | Labor | \$160.00 | 9.20 | 1,472.00 |
| John "JB" B. McCusky | Labor - MSHA | \$150.00 | 23.90 | 3,585.00 |
| Mark G. Jeffries | Labor | \$160.00 | 1.30 | 208.00 |
| W. James O'Brien | Litigation | \$185.00 | 15.50 | 2,867.50 |
| TOTAL ASSOCIATES: | | | 49.90 | \$8,132.50 |

III.A. Paraprofessionals

| Name of Paraprofessional | Department | Hourly Rate | Total Hours | Total Fees |
|---------------------------------|----------------------|--------------------|--------------------|-------------------|
| Jonhhy Renee Clay | Litigation Paralegal | \$90.00 | 0.20 | 18.00 |
| Natalie N. Williams | Litigation Paralegal | \$90.00 | 3.50 | 315.00 |
| TOTAL PARAPROFESSIONALS: | | | 3.70 | \$ 333.00 |

EXHIBIT B

Expenses

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

| CATEGORY of EXPENSES | AMOUNTS |
|---|------------------|
| Postage, courier and freight | 50.91 |
| Travel | 289.28 |
| Office charges (photocopies, scanning, long distance calls) | 322.47 |
| TOTAL | \$ 662.66 |

EXHIBIT C

Summary of Project Code

SUMMARY OF HOURS AND AMOUNTS BILLED
BY STEPTOE & JOHNSON PLLC

| DESCRIPTION | HOURS | AMOUNT |
|--|-------|---------|
| Labor Matters | 7.10 | 1584.50 |
| Bishop v. Client, <i>et al.</i> | 22.30 | 3958.00 |
| Catenary Train Derailment | 9.40 | 1904.00 |
| Dodge Hill Mining / Labor matters | 2.20 | 419.50 |
| Persinger, <i>et al.</i> v. MSAC & Speed Mining, <i>et al.</i> | 0.40 | 82.00 |
| Lambert, <i>et al.</i> v. MSA, <i>et al.</i> & EACC, <i>et al.</i> | 0.50 | 102.50 |
| Burns v. Patriot Coal, <i>et al.</i> | 2.30 | 540.50 |
| Grand Eagle Mining / Cinda Croft EEOC Charge | 1.00 | 235.00 |
| Bankruptcy Matters | 1.50 | 352.50 |
| Blankenship v. Brody Mining | 14.80 | 2788.00 |
| Dalrymple Black Lung Matter | 0.25 | 58.75 |
| Coen / Sunnyhill – Heritage Workers Compensation Matter | 7.50 | 1546.50 |
| MSHA – General | 2.30 | 345.00 |
| Rivers Edge Mining (MSHA Case #167317) | 0.20 | 32.00 |
| Highland Mining (MSHA Case #171195) | 5.80 | 1276.00 |
| Winchester Mine (MSHA Case #168620) | 1.70 | 272.00 |
| Freedom Mine Accident Investigation (MSHA Case #195018) | 6.50 | 1430.00 |
| Highland Mining (MSHA Case #187706) | 1.30 | 286.00 |
| Highland Mining (MSHA Case #211084) | 2.40 | 528.00 |
| Rivers Edge Mining (MSHA Case #195562) | 0.40 | 64.00 |
| Ohio County Coal (MSHA Case #8501317) | 0.30 | 66.00 |
| Highland 9 Mine (MSHA Case #237915) | 0.30 | 66.00 |
| Highland 9 Mine (MSHA Case #234779) | 1.50 | 330.00 |
| Highland 9 Mine (MSHA Case #231678) | 0.30 | 66.00 |
| Freedom Mine (MSHA Case #247937) | 0.30 | 66.00 |
| Gateway Eagle Mine (MSHA Case #257616) | 0.10 | 16.00 |
| Winchester Mine (MSHA Case #251941) | 2.50 | 389.00 |
| Blue Creek No. 2 Mine (MSHA Case #261206) | 2.70 | 432.00 |
| Winchester Mine (MSHA Case #258124) | 0.50 | 80.00 |
| Winchester Mine (MSHA Case #263742) | 0.60 | 96.00 |
| Highland 9 Mine (MSHA Case #254608) | 0.50 | 110.00 |
| Winchester Mine (MSHA Case #266793) | 0.60 | 96.00 |

| DESCRIPTION | HOURS | AMOUNT |
|---|-------|---------|
| Highland 9 Mine (MSHA Case #260304) | 1.20 | 264.00 |
| Gateway Eagle Mine (MSHA Case #268444) | 10.30 | 1648.00 |
| Highland 9 Mine (MSHA Case #263281) | 1.00 | 220.00 |
| Black Oak Mine (MSHA Case #251458) | 0.10 | 16.00 |
| Blue Creek No. 2 (MSHA Case #274408) | 1.40 | 224.00 |
| Winchester Mine (MSHA Case #275179) | 0.10 | 16.00 |
| Freedom Mine (MSHA Case #256455) | 0.40 | 88.00 |
| Rocklick Prep Plant (MSHA Case #254494) | 0.10 | 16.00 |
| Black Oak Mine (MSHA Case #276491) | 0.20 | 32.00 |
| Harris Prep Plant (MSHA Case #254490) | 0.10 | 16.00 |
| Freedom Mine (MSHA Case #273440) | 0.20 | 44.00 |
| Freedom Mine (MSHA Case #261844) | 0.40 | 88.00 |
| Pruitt Discrimination Case #2 | 0.40 | 88.00 |
| MSHA Contest – Oil Well – Freedom Mine | 0.10 | 22.00 |
| Gateway Eagle Mine (MSHA Case #281814) | 1.50 | 238.00 |
| Dodge Hill Mining – 103(a) Citations | 0.50 | 110.00 |
| Winchester Mine (MSHA Case #283385) | 1.80 | 288.00 |
| Black Oak Mine (MSHA Case #260216) | 0.10 | 16.00 |
| Black Oak Mine (MSHA Case #285374) | 0.10 | 16.00 |
| American Eagle Mine (MSHA Case #286172) | 7.10 | 1136.00 |
| Winchester Mine (MSHA Case #286437) | 0.30 | 48.00 |
| American Eagle Mine (MSHA Case #288468) | 1.70 | 272.00 |
| Federal No. 2 (MSHA Case #288463) | 0.10 | 16.00 |
| Sugar Maple Mine (MSHA Case #291131) | 0.10 | 16.00 |
| Sugar Maple Mine (MSHA Case #285372) | 1.10 | 176.00 |
| American Eagle Mine (MSHA Case #284555) | 2.70 | 432.00 |
| Highland 9 Mine (MSHA Case #282970) | 1.50 | 330.00 |
| Farley Eagle Mine (MSHA Case #291118) | 1.90 | 304.00 |
| Black Oak Mine (MSHA Case #291132) | 0.10 | 16.00 |
| American Eagle Mine (MSHA Case #293996) | 0.90 | 144.00 |
| Farley Eagle Mine (MSHA Case #293993) | 0.20 | 32.00 |
| Federal No. 2 ((MSHA Case #293992) | 0.20 | 32.00 |
| Winchester Mine (MSHA Case #295104) | 0.60 | 96.00 |
| American Eagle Mine (MSHA Case #296858) | 1.30 | 208.00 |

| DESCRIPTION | HOURS | AMOUNT |
|--|---------------|--------------------|
| Peerless Rachel Mine (MSHA Case #298098) | 1.10 | 172.00 |
| Black Oak Mine (MSHA Case #288475) | 3.40 | 544.00 |
| Dodge Hill Mine #1 (MSHA Case #291263) | 2.70 | 594.00 |
| Campbells Creek #10 (MSHA Case #299492) | 2.00 | 301.00 |
| Black Oak Mine (MSHA Case #302493) | 0.20 | 32.00 |
| Sugar Maple Mine (MSHA Case #302491) | 1.30 | 204.00 |
| Peerless Rachel Mine (MSHA Case #300803) | 2.40 | 368.00 |
| Eagle Mine (MSHA Case #300794) | 7.60 | 1168.00 |
| Camp 9 Prep Plant (MSHA Case #295409) | 0.10 | 22.00 |
| Dodge Hill Mine #1 (MSHA Case #294648) | 0.30 | 66.00 |
| Dodge Hill Mine #1 (MSHA Case #299605) | 0.30 | 66.00 |
| Highland 9 Mine (MSHA Case #300098) | 0.20 | 44.00 |
| Freedom Mine (MSHA Case #284667) | 0.10 | 22.00 |
| Coalburg No. 1 Mine (MSHA Case #300799) | 1.70 | 256.00 |
| Eagle No. 1 Mine (MSHA Case #303942) | 3.60 | 554.00 |
| Winchester Mine (MSHA Case #303681) | 5.70 | 887.00 |
| Section 105 Discrimination / John Cambron | 16.80 | 3696.00 |
| Freedom Mine (MSHA Case #290515) | 0.50 | 110.00 |
| Sugar Maple Mine (MSHA Case #303681) | 2.80 | 448.00 |
| Black Oak Mine (MSHA Case #305640) | 5.30 | 812.00 |
| Sugar Maple Mine (MSHA Case #305637) | 2.00 | 310.00 |
| Campbells Creek #10 Mine (MSHA Case #302485) | 0.40 | 61.00 |
| Highland 9 Mine (MSHA Case #289040) | 0.30 | 66.00 |
| Rocklick Prep Plant (MSHA Case #285361) | 0.40 | 64.00 |
| TOTAL HOURS and COMPENSATION REQUESTED: | 201.05 | \$37,192.75 |

EXHIBIT D

Time Records

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|---|--------------------|--------------|---|
| LABOR MATTERS | | | |
| 01/14/13 | C Morrison | .10 | Telephone conference with Erin Magee re: her efforts to obtain copies of our records in the Hall case |
| 01/14/13 | C Morrison | .10 | Draft e-mail to and review e-mail from Erin Magee re: information to provide her from the Hall file |
| 01/14/13 | C Morrison | .20 | Review protective order in the Hall case to see what we can produce and letter to Erin Magee re: same |
| 01/21/13 | B Cokeley | .20 | Review scenario for WARN Act issues |
| 01/22/13 | C Morrison | .20 | Telephone conference with client re: issue of whether to provide pay rate and other such information to lawyers for current and former employees |
| 01/22/13 | B Cokeley | .50 | Confer with Mr. Waller re: potential WARN Act situation |
| 01/22/13 | B Cokeley | .90 | Legal research on WARN issue |
| 01/22/13 | V Goddard | .30 | Research Black Oak WARN issues |
| 01/24/13 | C Morrison | .50 | Review file on Jamie Stanley |
| 01/24/13 | C Morrison | .20 | Telephone conference with client re: Jamie Stanley issue |
| 01/24/13 | B Cokeley | .90 | Telephone conference with Mr. Waller re: WARN Act issues and related research |
| 01/24/13 | V Goddard | 1.40 | Research WARN issues for Black Oak; confer with E. Waller and B. Cokeley regarding analysis of WARN issues |
| 01/28/13 | B Cokeley | .50 | Legal research on WARN Act issue and report to Mr. Waller |
| 01/28/13 | V Goddard | 1.10 | Research regarding whether notice to November Black Oak employees of permanent layoff would satisfy WARN obligations; message to E. Waller regarding the same |
| TOTAL HOURS: | | 7.10 | |
| BISHOP, KERRLIE E. & ALFREDA V. CLIENT, ET AL. | | | |
| 01/02/13 | W Lawrence | .50 | Review and revise responses |
| 01/02/13 | W Lawrence | .30 | Calls to Jamie O'Brien re: response |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|-----------|-------------|-------|---|
| 01/02/13 | W O'Brien | .60 | Review chart from co-defendants' counsel related to waivers of water replacement |
| 01/02/13 | W O'Brien | 1.30 | Review file and list of waivers received and needed from co-defendants' counsel; draft emails to co-defendants' counsel requesting copies of same |
| 01/02/13 | W O'Brien | .10 | Call from client regarding draft motion to enforce settlement and response to Plaintiffs' motion |
| 01/02/13 | W O'Brien | 3.40 | Work on motion to enforce settlement and response in opposition to Plaintiffs' motion to enforce settlement; confer with Hank Lawrence regarding same |
| 01/03/13 | W Lawrence | .40 | Conference call with Jonathan Martin and Jamie O'Brien |
| 01/03/13 | W Lawrence | .10 | Review and revise response |
| 01/03/13 | W Lawrence | .10 | Calls with Jamie O'Brien |
| 01/03/13 | W O'Brien | .20 | Emails with Jonathan Martin and Jeremy Shook regarding response to Plaintiffs' motion to enforce settlement and Defendants' motion to enforce settlement |
| 01/03/13 | W O'Brien | .10 | Call from Jeremy Shook regarding Defendants' response to Plaintiffs' motion to enforce settlement |
| 01/03/13 | W O'Brien | .40 | Calls with Jonathan Martin and Hank Lawrence regarding response to motion given bankruptcy stay |
| 01/03/13 | W O'Brien | 2.30 | Work on response to motion to enforce stay with pending bankruptcy proceedings |
| 01/04/13 | W Lawrence | .70 | Review and revise response |
| 01/04/13 | W Lawrence | .10 | Emails to and from Jonathan Martin and Jamie O'Brien |
| 01/04/13 | N Williams | 1.50 | Prepare original Waivers of Water Replacement for recording |
| 01/04/13 | N Williams | 1.50 | Compile status lien information into Preter settlement chart |
| 01/04/13 | W O'Brien | 2.10 | Work on finalizing and serving Patriot Defendants' Response in Opposition to Plaintiffs' Motion to Enforce Settlement; emails with client and co-counsel regarding same |

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TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|------------------|--------------------|--------------|---|
| 01/07/13 | W Lawrence | .30 | Emails to and from Jonathan Martin re: stay; review supplemental motion on bankruptcy stay |
| 01/07/13 | W O'Brien | .50 | Finalize and serve Exhibit A to Patriot Defendants' Response in Opposition to Plaintiffs' motion to enforce settlement |
| 01/07/13 | W O'Brien | .20 | Review supplement from Plaintiffs to their motion to enforce settlement agreement |
| 01/07/13 | W O'Brien | .20 | Email to client copy of filing and Plaintiffs' supplement to motion to enforce settlement |
| 01/08/13 | W Lawrence | .30 | Emails to and from counsel on insurance carriers and response; call from Jeremy Shook |
| 01/08/13 | W O'Brien | .20 | Emails with co-counsel regarding insurer notice on defense of Plaintiffs' motion to enforce settlement |
| 01/09/13 | W Lawrence | .30 | Emails on hearing and reply to carriers |
| 01/09/13 | W O'Brien | .60 | Draft email to insurers' counsel regarding claims for indemnity for Plaintiffs' motion to enforce settlement; emails with co-counsel regarding same |
| 01/10/13 | W Lawrence | .10 | Email to Roger Decanio on hearing postponement |
| 01/10/13 | W Lawrence | .10 | Emails on response to request |
| 01/10/13 | W O'Brien | .20 | Calls with bankruptcy counsel regarding Plaintiffs' request to cancel hearing on motion to enforce settlement |
| 01/10/13 | W O'Brien | .10 | Emails with co-counsel regarding status of hearing on January 15, 2013 |
| 01/14/13 | W O'Brien | .20 | Call to court to confirm cancellation of hearing; calls with co-counsel and email from Plaintiffs' counsel regarding same |
| 01/15/13 | N Williams | .50 | Review deeds to confirm waivers from all property owners |
| 01/15/13 | W O'Brien | .10 | Email to client notice of cancellation of hearing on Plaintiffs' motion to enforce settlement |
| 01/15/13 | W O'Brien | 1.90 | Review Waivers of Water Replacement from Plaintiffs to confirm completion for recording |
| 01/15/13 | W O'Brien | .60 | Draft letter to client outlining collection of Waivers of Water Replacement from Plaintiffs and transmitting originals for recording |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|------------------|--------------------|--------------|---|
| 01/16/13 | W O'Brien | .10 | Emails with client regarding dates of settlement and approval of same |
| 01/22/13 | W O'Brien | .10 | Review filing by third-party defendants of proposed dismissal order |
| TOTAL HOURS: | | 22.30 | |

CATENARY TRAIN DERAILMENT

| | | | |
|--------------|-------------|------|--|
| 01/28/13 | P Konstanty | 4.50 | Begin review of investigative file materials in preparation for strategy discussion with client |
| 01/28/13 | J Clay | .20 | Communicate in firm regarding discussions as to resolution of matter |
| 01/29/13 | P Konstanty | 1.00 | Review of Federal Railroad Administration Track Safety Standards Compliance Manual in further preparation for strategy session with client |
| 01/31/13 | P Konstanty | 3.70 | Continue review of investigative materials in preparation for strategy session with client |
| TOTAL HOURS: | | 9.40 | |

DODGE HILL MINING COMPANY / LABOR MATTERS

| | | | |
|--------------|------------|------|---|
| 01/29/13 | C Morrison | .20 | Telephone call with client re: KY unemployment cases |
| 01/29/13 | C Morrison | .20 | Confer with Mark Jeffries re: filing a response to the claims |
| 01/29/13 | M Jeffries | .10 | Review documents provided by client re: unemployment compensation claim in Kentucky |
| 01/30/13 | C Morrison | .50 | Draft letters on unemployment compensation claims |
| 01/30/13 | M Jeffries | 1.20 | Call to G. Choate re: investigations of employees now claiming unemployment; draft letter to KY Division of Unemployment Insurance re: same |
| TOTAL HOURS: | | 2.20 | |

PERSINGER, et al. V. MSAC & SPEED MINING, et al.

| | | | |
|----------|-----------|-----|---|
| 01/11/13 | M Mullins | .10 | Correspondence from plaintiff regarding potential dismissal of matter |
| 01/14/13 | M Mullins | .10 | Receive and review proposed dismissal order submitted by plaintiff |
| 01/14/13 | M Mullins | .10 | Correspondence to in-house counsel for client advising of status of case, pending dismissal |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|-----------|-------------|-------|---|
| 01/22/13 | M Mullins | .10 | Receive and review agreed dismissal order from co-defendant |

TOTAL HOURS: 0.40

LAMBERT, et al. v. MSA, et al. & EEAC, et al.

| | | | |
|----------|-----------|-----|--|
| 01/28/13 | M Mullins | .10 | Receive and review motion to dismiss |
| 01/28/13 | M Mullins | .10 | Letter to plaintiff requesting plaintiff cause dismissal to be entered |
| 01/29/13 | M Mullins | .10 | Correspondence to and from MSA's counsel regarding dismissal of all claims |
| 01/29/13 | M Mullins | .10 | Call to MSA to discuss dismissal of all claims |
| 01/31/13 | M Mullins | .10 | Receive and review correspondence from MSA to Judge requesting dismissal of lawsuit as it pertains to my client without payment being made by my client for the same |

TOTAL HOURS: 0.50

BURNS v. PATRIOT COAL, et al.

| | | | |
|----------|------------|-----|--|
| 01/02/13 | C Morrison | .20 | Telephone conference with client re: Burns' reapplication for employment |
| 01/04/13 | C Morrison | .30 | Telephone conference with clients re: the application of Ernie Burns |
| 01/04/13 | C Morrison | .20 | Draft memo to the file summarizing the information received and advice given in the conference call with the clients |
| 01/07/13 | C Morrison | .10 | Draft e-mail to client re: hiring issue and review his response |
| 01/09/13 | C Morrison | .30 | Telephone conference with Mark Atkinson re: lifting the stay and e-mail to client re: same |
| 01/09/13 | C Morrison | .30 | Telephone conference with clients re: opening in the mine accountant position |
| 01/09/13 | C Morrison | .20 | Draft e-mail to client re: confirming information received and advice given |
| 01/17/13 | C Morrison | .70 | Review materials from Kent Hartzog re: hiring Decision |

TOTAL HOURS: 2.30

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|---|--------------------|--------------|--|
| GRAND EAGLE MINING / CINDA CROFT EEOC CHARGE | | | |
| 01/03/13 | C Morrison | .20 | Telephone conference with Lauren Berger re: settlement of case |
| 01/07/13 | C Morrison | .20 | Review letter from attorney Berger and e-mail to client re: settlement offer |
| 01/08/13 | C Morrison | .10 | Draft letter to attorney Berger re: settlement offer |
| 01/16/13 | C Morrison | .20 | Review e-mail from Attorney Berger and e-mail to her re: settlement of this case, and e-mail to client re: same |
| 01/17/13 | C Morrison | .10 | Review second e-mail from attorney Berger re: the apportionment of the checks and respond |
| 01/17/13 | C Morrison | .10 | Review e-mail from attorney Berger re: her FEIN and whether we would be willing to apportion the checks, and respond |
| 01/17/13 | C Morrison | .10 | Draft e-mail to client re: communications with attorney Berger and review client's response |
| TOTAL HOURS: | | 1.00 | |
| BANKRUPTCY MATTERS | | | |
| 01/08/13 | C Morrison | 1.50 | Work on reviewing obligations to do a biannual review of conflicts required by the bankruptcy court, conduct the review and advise the clients of the review |
| TOTAL HOURS: | | 1.50 | |
| BLANKENSHIP v. BRODY MINING, LLC | | | |
| 01/02/13 | C Morrison | .20 | Telephone conference with client re: assuming the defense of this case |
| 01/02/13 | C Morrison | .50 | Review order and draft agreed order of substitution of counsel along with the cover letter to Erwin Conrad |
| 01/03/13 | C Morrison | .10 | Review letter from Erwin Conrad re: this case |
| 01/03/13 | C Morrison | .10 | Review Scheduling Order and note on calendar the hearing date set |
| 01/04/13 | D Fassio | .80 | Review complaint and correspondence received regarding case |
| 01/09/13 | C Morrison | .10 | Review order appointing discovery commissioner |
| 01/16/13 | C Morrison | 1.50 | Review file received from attorney Conrad |
| 01/16/13 | C Morrison | .10 | Draft e-mail to client recommending doing an offer of judgment |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|--------------|-------------|-------|--|
| 01/16/13 | D Fassio | .80 | Review file materials for information regarding pay owed in preparation for drafting offer of judgment |
| 01/16/13 | D Fassio | .50 | Research case law regarding necessity of explicit statement that res judicata and collateral estoppel must be mentioned in offer of judgment |
| 01/17/13 | C Morrison | .50 | Review file in preparation for next week's hearing |
| 01/17/13 | C Morrison | .20 | Telephone conference with Dan Fassio re: the offer of judgment and the hearing next week |
| 01/17/13 | C Morrison | .10 | Telephone conference with client re: serving the offer of judgment |
| 01/17/13 | C Morrison | .50 | Draft (revise) offer of judgment |
| 01/17/13 | C Morrison | .60 | Review the issue of whether to tender checks to the plaintiff rather than draft a Rule 68 motion |
| 01/17/13 | D Fassio | 1.10 | Draft and revise offer of judgment |
| 01/22/13 | C Morrison | .20 | Review agreed order re: postponing the status conference and send same back to Todd Bailess |
| 01/22/13 | C Morrison | .20 | Draft offer of judgment and email to client re: same |
| 01/22/13 | C Morrison | .30 | Telephone conference with client three times re: the offer of judgment |
| 01/22/13 | C Morrison | .20 | Work on revisions to the offer of judgment |
| 01/22/13 | D Fassio | 2.10 | Review motions to dismiss and compel discovery responses and prepare outline of arguments for hearing |
| 01/29/13 | C Morrison | .20 | Telephone conference with Jonathan Marshall re: offer of judgment |
| 01/31/13 | D Fassio | 1.80 | Draft memorandum regarding discovery dispute |
| 01/31/13 | D Fassio | .50 | Review discovery, motions to dismiss, in preparation for drafting memo regarding discovery dispute |
| 01/31/13 | D Fassio | .40 | Review Judge Goodwin's order in White v. Ally and prepare summary |
| 01/31/13 | D Fassio | 1.20 | Review case law regarding class certification |
| TOTAL HOURS: | | 14.80 | |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
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DALRYMPLE BLACK LUNG MATTER

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| 01/10/13 | H Stroud | .25 | Review notice of hearing; call to K. Fink regarding litigation |
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| TOTAL HOURS: | | 0.25 | |
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COEN / SUNNYHILL - HERITAGE WC MATTER

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| 01/10/13 | H Stroud | .30 | Review form from DOL; discuss claim with K. Fink; email to K. Fink |
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| 01/10/13 | M McCarthy | .30 | File Employer Representative form with the BWC |
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| 01/14/13 | M McCarthy | .30 | Review and edit R-1 and file with BWC |
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| 01/15/13 | M McCarthy | .10 | Call Kathy Fink at FGSC regarding Coen hearing |
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| 01/21/13 | M McCarthy | .50 | Review Industrial Commission file, call Kathy Fink at FGSC regarding IC hearing |
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| 01/22/13 | M McCarthy | 1.00 | Review workers compensation file and correspond with Toney and Larry Boggess regarding Coen IC hearing |
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| 01/24/13 | M McCarthy | 3.50 | Prepare for and attend Industrial Commission hearing in Logan, Ohio |
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| 01/29/13 | M McCarthy | .50 | Correspond with Kathy Fink at FGSC regarding Coen wc claim, review wc file, correspond to Larry Boggess |
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| 01/30/13 | M McCarthy | 1.00 | Correspond with Larry Boggess regarding Coen, correspond with Kathy at FGSC regarding medical payments |
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| TOTAL HOURS: | | 7.50 | |
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MSHA - GENERAL

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| 01/02/13 | J McCuskey | 2.10 | Final revisions to Quarterly Status Reports |
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| 01/23/13 | J McCuskey | .20 | Searching for a copy of the petition for WEVA 2012-1578, case #000293996 |
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| TOTAL HOURS: | | 2.30 | |
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RIVERS EDGE MINING - MSHA CASE #167317

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| 01/30/13 | J Ellis | .20 | Receive and review proposed settlement |
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Documents

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| TOTAL HOURS: | | 0.20 | |
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TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|---|--------------------|--------------|--|
| HIGHLAND MINING - KENT 2009-491 MSHA CASE #171195 | | | |
| 01/16/13 | J Phillips | 3.20 | Draft settlement proposals in KENT 2009-490 and KENT 2009-491 |
| 01/21/13 | J Phillips | .90 | Attention to settlement negotiations in KENT 2009-490 and KENT 2009-491 |
| 01/31/13 | J Phillips | 1.70 | Draft settlement proposals in KENT 2009-490 and KENT 2009-491 |
| TOTAL HOURS: | | 5.80 | |
| WINCHESTER MINE - WEVA 2009-508/509 - MSHA CASE #168620 | | | |
| 01/07/13 | J Ellis | .20 | Receive and review notice of hearing and order to file pre-hearing report |
| 01/23/13 | J Ellis | .70 | Draft settlement proposal to Amos Pressler on WEVA 2009-508; call with client re: status of negotiations |
| 01/31/13 | J Ellis | .80 | Emails with attorney Presler re: settlement negotiations on WEVA 2009-508; email to client re: status of settlement negotiations on WEVA 2009-508; emails with Alena Amundson re: settlement negotiations on WEVA 2009-509 |
| TOTAL HOURS: | | 1.70 | |
| FREEDOM MINE ACCIDENT INVESTIGATION - MSHA CASE #195018 KENT 2009-1519 | | | |
| 01/02/13 | J Phillips | 2.30 | Work on settlement negotiations; emails from CLR Bob Gray with additional citations to be included in global settlement proposal; review and substantial revisions to Motion to Approve Global Settlement |
| 01/03/13 | J Phillips | .40 | Revise "motion to approve global settlement agreement" |
| 01/09/13 | J Phillips | .60 | Further revisions to Motion to Approve Global Settlement; teleconference with CLR Bob Gray re: settlement terms |
| 01/23/13 | J Phillips | 2.30 | Work on settlement negotiations and revisions to joint motion to approve global settlement |
| 01/24/13 | J Phillips | .90 | Attention to global settlement negotiations for the Freedom mine |
| TOTAL HOURS: | | 6.50 | |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|---|-------------|-------|--|
| HIGHLAND MINING - KENT 2009-1241 - MSHA CASE #187706 | | | |
| 01/31/13 | J Phillips | 1.30 | Email from FMSHR with ruling of Judge Priscilla Rae; evaluate appeal options; draft email to client summarizing decision and appeal recommendation |
| TOTAL HOURS: | | 1.30 | |
| HIGHLAND MINING - KENT 2010-732 MSHA Case #211084 | | | |
| 01/23/13 | J Phillips | 1.20 | Email from ALJ Priscilla Rae's law clerk with notice of hearing; draft settlement proposal |
| 01/26/13 | J Phillips | .10 | Draft email to solicitor A. Wyatt re: settlement |
| 01/28/13 | J Phillips | .40 | Work on settlement negotiations |
| 01/30/13 | J Phillips | .40 | Work on settlement negotiations; emails from and to solicitor A. Wyatt re: citations to be tried |
| 01/31/13 | J Phillips | .30 | Email from atty. A. Wyatt with amended exhibits and amended witness list |
| TOTAL HOURS: | | 2.40 | |
| RIVERS EDGE MINING - WEVA 2010-13 & 14 (MSHA CASE #195562) | | | |
| 01/10/13 | J Ellis | .20 | Emails with Brittany Smith and Nadia Hafeez re: settlement documents |
| 01/30/13 | J Ellis | .20 | Receive and review proposed settlement Documents |
| TOTAL HOURS: | | 0.40 | |
| OHIO COUNTY COAL - KENT 2011-573-R - MSHA CASE #8501317 | | | |
| 01/15/13 | J Phillips | .30 | Work on settlement negotiations; draft letter to law clerk Paul Veneziano re: negotiations |
| TOTAL HOURS: | | 0.30 | |
| HIGHLAND 9 MINE - KENT 2011-296/297 - MSHA CASE #237915 | | | |
| 01/11/13 | J Phillips | .10 | Letter from ALJ William Moran with decision approving partial settlement; draft email to client re: payment terms |
| 01/31/13 | J Phillips | .20 | Letter from Judge William Moran with amended decision approving settlement; draft email to client re: amended decision's terms |
| TOTAL HOURS: | | 0.30 | |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|---|-------------|-------|---|
| HIGHLAND 9 MINE - KENT 2011-97 - MSHA CASE #234779 | | | |
| 01/09/13 | J Phillips | .30 | Letter from ALJ William Moran with decision approving partial settlement; analyze terms; draft email to client re: payment terms |
| 01/30/13 | J Phillips | 1.20 | Review decision from ALJ William Moran; draft email to client summarizing decision and appeal options |
| TOTAL HOURS: | | 1.40 | |
| HIGHLAND 9 MINE - KENT 2010-1632 - MSHA #231678 (Highland Mining) | | | |
| 01/09/13 | J Phillips | .30 | Letter from Judge William Moran with decision approving partial settlement; analyze terms; draft email to client re: payment needs |
| TOTAL HOURS: | | 0.30 | |
| FREEDOM MINE - KENT 2011-746/747 - MSHA CASE #247937 | | | |
| 01/15/13 | J Phillips | .30 | Work on settlement negotiations; draft letter to law clerk Paul Veneziano re: negotiations |
| TOTAL HOURS: | | 0.30 | |
| GATEWAY EAGLE MINE - WEVA 2011-2100 - MSHA CASE #257616 | | | |
| 01/23/13 | J Ellis | .10 | Email from attorney Doug White re: status of settlement order |
| TOTAL HOURS: | | 0.10 | |
| WINCHESTER MINE - WEVA 2011-1686 - MSHA #251941 (Remington LLC) | | | |
| 01/03/13 | J Ellis | .10 | Email from Eric Johnson re: settlement position |
| 01/10/13 | J Ellis | .20 | Emails with attorney Eric Johnson re: status conference call with Judge Moran |
| 01/11/13 | J Ellis | 1.10 | Draft settlement proposal |
| 01/11/13 | J McCuskey | 1.10 | Finalizing and revising settlement proposal |
| TOTAL HOURS: | | 2.50 | |
| BLUE CREEK NO. 2 MINE - WEVA 2011-2211 - MSHA #261206 (Midland Trail Energy) | | | |
| 01/03/13 | J Ellis | 1.40 | Emails with attorney Anh LyJordan re: settlement negotiations; attention to settlement negotiations |
| 01/04/13 | J Ellis | .90 | Call with client re: settlement negotiations; attention to settlement negotiations; emails with attorney Ahn LyJordan re: settlement negotiations |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|--|-------------|-------|---|
| 01/07/13 | J Ellis | .40 | Attention to settlement negotiations; emails with attorney Ahn LyJordan re: settlement negotiations; email from Judge Simonton re: settlement |
| TOTAL HOURS: | | 2.70 | |
| WINCHESTER MINE - WEVA 2011-2152 - MSHA #258124 | | | |
| 01/03/13 | J Ellis | .10 | Email from Steve Spitzer re: settlement of case |
| 01/10/13 | J Ellis | .20 | Receive and review proposed settlement documents |
| 01/14/13 | J Ellis | .10 | Email from attorney Eric Johnson re: status of settlement documents |
| 01/28/13 | J Ellis | .10 | Email from Amanda Spencer re: filing settlement Documents |
| TOTAL HOURS: | | 0.50 | |
| WINCHESTER MINE - WEVA 2011-2418 - MSHA #263742 (Remington LLC) | | | |
| 01/09/13 | J Ellis | .20 | Receive and review proposed settlement documents |
| 01/10/13 | J Ellis | .10 | Email from Amanda Spencer re: filing of proposed settlement documents |
| 01/23/13 | J Ellis | .30 | Receive and review order approving settlement; email to client re: citation modifications |
| TOTAL HOURS: | | 0.60 | |
| HIGHLAND 9 MINE - KENT 2011-1164/1165 - MSHA CASE #254608 | | | |
| 01/11/13 | J Phillips | .50 | Letter from ALJ William Moran with decision approving partial settlement in KENT 2011-1164 and KENT 2011-1165; analyze terms of decisions; draft email to client outlining payment requirements |
| TOTAL HOURS: | | 0.50 | |
| WINCHESTER MINE - WEVA 2012-26 MSHA 266793 (Remington, LLC) | | | |
| 01/09/13 | J Ellis | .20 | Receive and review proposed settlement documents |
| 01/10/13 | J Ellis | .10 | Email from Amanda Spencer re: filing of proposed settlement documents |
| 01/23/13 | J Ellis | .30 | Receive and review order approving settlement; email to client re: citation modifications |
| TOTAL HOURS: | | 0.60 | |

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TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|---|--------------------|--------------|---|
| HIGHLAND 9 MINE - KENT 2011-1359/1360- MSHA #260304 (Highland Mining) | | | |
| 01/05/13 | J Phillips | .70 | Draft settlement proposal in KENT 2011-1360 |
| 01/08/13 | J Phillips | .50 | Prepare for and attend status teleconference with ALJ Jacqueline Bullock and solicitor Tom Motzny |
| TOTAL HOURS: | | 1.20 | |
| GATEWAY EAGLE MINE - WEVA 2012-125 - MSHA #268444 (Gateway Eagle Coal) | | | |
| 01/02/13 | J Ellis | .80 | Attention to settlement negotiations |
| 01/08/13 | J Ellis | .20 | Emails with attorney Karen Barefield re: discovery issues |
| 01/10/13 | J Ellis | 1.60 | Emails with attorney Karen Barefield re: settlement negotiations; email to client re: status of settlement negotiations; attention to settlement negotiations |
| 01/11/13 | J Ellis | 2.40 | Conference call with client re: settlement negotiations and hearing preparation; emails with attorney Karen Barefield re: settlement negotiations; attention to settlement negotiations |
| 01/14/13 | J Ellis | .20 | Emails with Karen Barefield re: settlement negotiations |
| 01/15/13 | J Ellis | .20 | Emails with attorney Karen Barefield re: discovery issues |
| 01/16/13 | J Ellis | 1.40 | Emails with attorney Karen Barefield re: settlement negotiations; receive and review photographs from client of relevant areas; supplement discovery responses with photographs |
| 01/22/13 | J Ellis | 1.80 | Attention to settlement negotiations; work on discovery responses |
| 01/23/13 | J Ellis | .30 | Emails with attorney Karen Barefield re: settlement negotiations and discovery issues |
| 01/24/13 | J Ellis | .20 | Emails with attorney Karen Barefield re: settlement negotiations |
| 01/25/13 | J Ellis | .40 | Emails with attorney Karen Barefield re: settlement negotiations; attention to settlement negotiations |
| 01/31/13 | J Ellis | .80 | Attention to settlement negotiations; emails with attorney Karen Barefield re: settlement negotiations |
| TOTAL HOURS: | | 10.30 | |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|--|--------------------|--------------|--|
| HIGHLAND 9 MINE - KENT 2011-1483 - MSHA CASE #263281 | | | |
| 01/08/13 | J Phillips | .40 | Draft settlement proposal |
| 01/24/13 | J Phillips | .30 | Attention to settlement negotiations |
| 01/26/13 | J Phillips | .30 | Emails from solicitor T. Motzny re: settlement; revise settlement proposal |
| TOTAL HOURS: | | 1.00 | |
| BLACK OAK MINE - WEVA 2011-1610 - MSHA CASE #251458 | | | |
| 01/09/13 | J Ellis | .10 | Receive and review order approving settlement; email to client re: payment order |
| TOTAL HOURS: | | 0.10 | |
| BLUE CREEK NO. 2 MINE - WEVA 2012-486 - MSHA CASE #274408 | | | |
| 01/18/13 | J Ellis | .30 | Emails from Danielle Larrimore and Elaine Abdoveis re: pre-hearing deadlines; email from Elaine Abdoveis re: settlement negotiations; emails with Judge Simonton re: extension of pre-hearing deadline |
| 01/24/13 | J Ellis | 1.10 | Receive and review MSHA's settlement proposal; work on counterproposal |
| TOTAL HOURS: | | 1.40 | |
| WINCHESTER MINE - WEVA 2012-534 & 533 - MSHA #275179 (Remington) | | | |
| 01/23/13 | J Ellis | .10 | Email to Ahn LyJordan re: settlement negotiation on WEVA 2012-533 |
| TOTAL HOURS: | | 0.10 | |
| FREEDOM MINE - KENT 2011-1213 - MSHA #256455 (Ohio County Coal) | | | |
| 01/15/13 | J Phillips | .40 | Prepare for and attend ALJ teleconference |
| TOTAL HOURS: | | 0.40 | |
| ROCKLICK PREP PLANT - WEVA 2011-1845 - MSHA CASE #254494 | | | |
| 01/09/13 | J Ellis | .10 | Receive and review order approving settlement; email to client re: payment order |
| TOTAL HOURS: | | 0.10 | |
| BLACK OAK MINE - WEVA 2012-626 - MSHA #276491 (Eastern Associated Coal) | | | |
| 01/09/13 | J Ellis | .20 | Receive and review order approving settlement; draft email to client re: payment order |
| TOTAL HOURS: | | 0.20 | |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
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| HARRIS PREP PLANT - WEVA 2011-1844 - MSHA CASE #254490 | | | |
| 01/09/13 | J Ellis | .10 | Receive and review order approving settlement; email to client re: payment order |
| TOTAL HOURS: | | 0.10 | |
| FREEDOM MINE - KENT 2012-656 - MSHA CASE #273440 | | | |
| 01/09/13 | J Phillips | .20 | Letter from FMSHRC with order concerning reopening of penalty assessments; draft email to client re: order |
| TOTAL HOURS: | | 0.20 | |
| FREEDOM MINE - KENT 2011-1478 - MSHA CASE #261844 | | | |
| 01/15/13 | J Phillips | .30 | Work on settlement negotiations; draft letter to law clerk Paul Venziano re: status of negotiations |
| 01/17/13 | J Phillips | .10 | Email from Judge Paz's law clerk re: extension of reporting deadline |
| TOTAL HOURS: | | 0.40 | |
| PRUITT DISCRIMINATION CASE #2 | | | |
| 01/21/13 | J Phillips | .40 | Letter from Jay Mattos with response to FOIA request; draft email to client with findings of MSHA that claimant's 105(c) complaint is Baseless |
| TOTAL HOURS: | | 0.40 | |
| MSHA CONTEST - OIL WELL - FREEDOM MINE | | | |
| 01/31/13 | J Phillips | .10 | Letter from Chief R. Lesnick with assignment to ALJ Thomas McCarthy |
| TOTAL HOURS: | | 0.10 | |
| GATEWAY EAGLE MINE - WEVA 2012-939 - MSHA #281814 (Eastern Associated Coal) | | | |
| 01/09/13 | J Ellis | .40 | Work on settlement proposal |
| 01/10/13 | J Ellis | .70 | Work on settlement proposal |
| 01/11/13 | J Ellis | .20 | Emails with attorney James McClammer re: settlement negotiations |
| 01/22/13 | J McCuskey | .20 | Finalizing and reviewing settlement proposal |
| TOTAL HOURS: | | 1.50 | |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|---|--------------------|--------------|---|
| DODGE HILL MINE NO. 1 / 103(a) CITATIONS | | | |
| 01/21/13 | J Phillips | .50 | Review file materials concerning investigation of section 103(a) matter; draft answer to petition in KENT 2013-261; draft written discovery requests |
| TOTAL HOURS: | | 0.50 | |
| WINCHESTER MINE - WEVA 2012-997 - MSHA CASE #283385 | | | |
| 01/03/13 | J Ellis | .50 | Draft answer to WEVA 2012-998 |
| 01/11/13 | J Ellis | 1.30 | Receive and review information from client on citations contained in WEVA 2012-998; work on settlement proposal |
| TOTAL HOURS: | | 1.80 | |
| BLACK OAK MINE - WEVA 2011-2219 - MSHA CASE #260216 | | | |
| 01/09/13 | J Ellis | .10 | Receive and review order approving settlement; email to client re: payment order |
| TOTAL HOURS: | | 0.10 | |
| BLACK OAK MINE - WEVA 2012-1130 - MSHA #285374 (Eastern Associated Coal) | | | |
| 01/28/13 | J Ellis | .10 | Email from Kim Southern re: filing of settlement documents |
| TOTAL HOURS: | | 0.10 | |
| AMERICAN EAGLE MINE - WEVA 2012-1131 - MSHA #286172 | | | |
| 01/11/13 | J Ellis | .70 | Draft discovery responses |
| 01/14/13 | J Ellis | 3.40 | Emails with attorney Alan Kelly re: settlement negotiations; attention to settlement negotiations; work on discovery responses |
| 01/17/13 | J Ellis | .40 | Call with client re: discovery responses |
| 01/25/13 | J Ellis | 2.60 | Receive and review photographs from MSHA; receive and review settlement counterproposal; attention to settlement negotiations; work on settlement counterproposal |
| TOTAL HOURS: | | 7.10 | |
| WINCHESTER MINE - WEVA 2012-1141/1142 - MSHA #286437 (Remington LLC) | | | |
| 01/04/13 | J Ellis | .20 | Emails with CLR re: settlement documents on WEVA 2012-1142 |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|--|-------------|-------|---|
| 01/28/13 | J Ellis | .10 | Emails from Kim Southern re: filing of settlement documents |
| TOTAL HOURS: | | 0.30 | |
| AMERICAN EAGLE MINE - WEVA 2012-1286/1287 - MSHA #288468 (Speed Mining) | | | |
| 01/03/13 | J Ellis | .20 | Email from CLR re: pre-hearing deadlines; email from CLR to Judge Steele re: pre-hearing order |
| 01/30/13 | J Ellis | .20 | Emails with Matt Babbington re: settlement negotiations on WEVA 2012-1286 |
| 01/30/13 | J Ellis | .20 | Emails from Linda Hrovatic and Judge Steele re: extension to pre-hearing order deadlines |
| 01/31/13 | J Ellis | 1.10 | Receive and review settlement proposal from MSHA on WEVA 2012-1286; work on counterproposal |
| TOTAL HOURS: | | 1.70 | |
| FEDERAL NO. 2 MINE - WEVA 2012-1195/1196 - MSHA #288463 (Eastern Associated Coal) | | | |
| 01/02/13 | J Ellis | .10 | Draft email to client re: order of assignment and pre-hearing order |
| TOTAL HOURS: | | 0.10 | |
| SUGAR MAPLE MINE - WEVA 2012-1370 - MSHA #291131 | | | |
| 01/28/13 | J Ellis | .10 | Email from Kim Southern re: filing of settlement documents |
| TOTAL HOURS: | | 0.10 | |
| SUGAR MAPLE MINE - WEVA 2012-1087 - MSHA CASE #285372 | | | |
| 01/03/13 | J Ellis | .50 | Draft email to client re: status update on settlement negotiations |
| 01/07/13 | J Ellis | .20 | Email from client re: status of settlement negotiations; email to CLR re: settlement negotiations |
| 01/09/13 | J Ellis | .20 | Receive and review proposed settlement documents |
| 01/14/13 | J Ellis | .10 | Email from CLR to Judge Zielinski re: settlement of docket |
| 01/28/13 | J Ellis | .10 | Email from Kim Southern re: filing of settlement documents |
| TOTAL HOURS: | | 1.10 | |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|--|-------------|-------|---|
| AMERICAN EAGLE MINE - WEVA 2012-999 - MSHA #284555 (Speed Mining) | | | |
| 01/14/13 | J Ellis | .20 | Email from attorney Ben Chaykin re: status of discovery responses; emails with client re: discovery responses |
| 01/17/13 | J Ellis | .30 | Call with client re: discovery responses |
| 01/21/13 | J Ellis | .70 | Work on discovery responses; email to attorney Ben Chaykin re: discovery responses |
| 01/22/13 | J Ellis | .20 | Emails with attorney Ben Chaykin re: MSHA's discovery responses |
| 01/24/13 | J Ellis | 1.30 | Receive and review MSHA's discovery responses |
| TOTAL HOURS: | | 2.70 | |
| HIGHLAND 9 MINE - KENT 2012-872 - MSHA CASE #282970 | | | |
| 01/31/13 | J Phillips | 1.50 | Review inspector notes; draft settlement proposal |
| TOTAL HOURS: | | 1.50 | |
| FARLEY EAGLE MINE - WEVA 2012-1452 - MSHA CASE #291118 | | | |
| 01/02/13 | J Ellis | .10 | Email from CLR Kelly Accord re: pre-hearing conference dates |
| 01/11/13 | J Ellis | 1.20 | Draft settlement proposal |
| 01/15/13 | J Ellis | .60 | Receive and review settlement counterproposal from MSHA; work on counterproposal |
| TOTAL HOURS: | | 1.90 | |
| BLACK OAK MINE - WEVA 2012-1455 - MSHA CASE #291132 | | | |
| 01/28/13 | J Ellis | .10 | Email from Kim Southern re: filing of settlement documents |
| TOTAL HOURS: | | 0.10 | |
| AMERICAN EAGLE MINE - WEVA 2012-1579 - MSHA CASE #293996 | | | |
| 01/15/13 | J Ellis | .20 | Emails with CLR re: settlement negotiations on WEVA 2012-1579 |
| 01/16/13 | J Ellis | .10 | Email from CLR re: status of settlement negotiations on WEVA 2012-1579 |
| 01/24/13 | J Ellis | .10 | Email to client re: petition in WEVA 2012-1578 received from FMSHRC |
| 01/25/13 | J Ellis | .50 | Draft answer to WEVA 2012-1578 |
| TOTAL HOURS: | | 0.90 | |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|--|--------------------|--------------|--|
| FARLEY EAGLE MINE - WEVA 2012-1577 - MSHA #293993 (Gateway Eagle Coal) | | | |
| 01/08/13 | J Ellis | .10 | Email from Kelly Accord re: extension of pre-hearing order deadlines |
| 01/11/13 | J Ellis | .10 | Email from Kelly Accord re: request to extend pre-hearing deadline; email from Maggie Palmer re: extension of pre-hearing deadline |
| TOTAL HOURS: | | 0.20 | |
| FEDERAL NO. 2 MINE - WEVA 2012-1575 & 1576 - MSHA #293992 (Eastern Associated Coal) | | | |
| 01/02/13 | J Ellis | .20 | Receive and review MSHA's counterproposal on WEVA 2012-1575 |
| TOTAL HOURS: | | 0.20 | |
| WINCHESTER MINE - WEVA 2012-1661 - MSHA CASE #295104 | | | |
| 01/15/13 | J Ellis | .10 | Emails with CLR re: settlement negotiations |
| 01/15/13 | J Ellis | .20 | Email from CLR re: status of settlement negotiations; email to client re: negotiations |
| 01/25/13 | J Ellis | .10 | Emails with CLR re: inspector's notes |
| 01/30/13 | J Ellis | .20 | Emails from Linda Hrovatic and Judge Moran re: extension to pre-hearing order deadlines |
| TOTAL HOURS: | | 0.60 | |
| AMERICAN EAGLE MINE - WEVA 2012-1662 - MSHA #296858 (Speed Mining) | | | |
| 01/15/13 | J Ellis | .20 | Emails with CLR re: settlement negotiations |
| 01/16/13 | J Ellis | .10 | Email from CLR re: status of settlement negotiations |
| 01/25/13 | J Ellis | .80 | Work on settlement counterproposal |
| 01/30/13 | J Ellis | .20 | Emails from Linda Hrovatic and Judge Steele re: extension to pre-hearing order deadlines |
| TOTAL HOURS: | | 0.90 | |
| DODGE HILL MINE NO. 1 - KENT 2012-1152 - MSHA #288592 | | | |
| 12/11/12 | J Phillips | .20 | Draft MSHA quarterly case status report |
| TOTAL HOURS: | | 0.20 | |
| PEERLESS RACHEL MINE - WEVA 2012-1727 - MSHA CASE #298098 | | | |
| 01/22/13 | J McCuskey | .30 | Revising and reviewing settlement proposal |
| 01/23/13 | J McCuskey | .10 | Reviewing and revising settlement proposal |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|------------------|--------------------|--------------|--|
| 01/29/13 | J Ellis | .70 | Emails with attorney Caroline Hong re: pre-hearing deadline; work on settlement proposal |
| TOTAL HOURS: | | 1.10 | |

BLACK OAK MINE - WEVA 2012-1192 - MSHA CASE #288475

| | | | |
|--------------|---------|------|--|
| 01/09/13 | J Ellis | 1.20 | Receive and review pre-hearing order; draft email to client re: pre-hearing order deadlines; work on settlement proposal; review inspector's notes |
| 01/11/13 | J Ellis | .90 | Call with client to discuss citations contained in WEVA 2012-1192; draft settlement proposal |
| 01/14/13 | J Ellis | .10 | Email from CLR re: settlement negotiations |
| 01/15/13 | J Ellis | .80 | Receive and review settlement counterproposal from MSHA; emails with client re: potential settlement |
| 01/16/13 | J Ellis | .20 | Emails with CLR re: settlement |
| 01/28/13 | J Ellis | .20 | Receive and review proposed settlement documents |
| TOTAL HOURS: | | 3.40 | |

DODGE HILL MINE #1 - KENT 2012-1265 - MSHA #291263

| | | | |
|--------------|------------|------|--|
| 01/02/13 | J Phillips | 1.70 | Email from solicitor Sean Allen with inspector notes; email from solicitor S. Allen re: extension of time to report to ALJ; draft email to client re: defensive documentation; email from client with belt book entries and defensive documentation; draft settlement proposal |
| 01/08/13 | J Phillips | .10 | Email from attorney advisor Moshe Marvit re: extension for settlement negotiations |
| 01/24/13 | J Phillips | .40 | Attention to settlement negotiations |
| 01/30/13 | J Phillips | .50 | Attention to settlement negotiations |
| TOTAL HOURS: | | 2.70 | |

CAMPBELLS CREEK #10 - WEVA 2013-38 - MSHA CASE #299492

| | | | |
|--------------|------------|------|---|
| 01/09/13 | J Ellis | .10 | Emails with CLR re: settlement negotiations |
| 01/22/13 | J McCuskey | .30 | Draft settlement proposal |
| 01/23/13 | J McCuskey | 1.60 | Draft settlement proposal |
| TOTAL HOURS: | | 2.00 | |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|---|-------------|-------|--|
| BLACK OAK MINE - WEVA 2013-90 - MSHA CASE #302493 | | | |
| 01/08/13 | J Ellis | .10 | Email to CLR re: settlement negotiations |
| 01/09/13 | J Ellis | .10 | Emails with CLR re: settlement negotiations |
| TOTAL HOURS: | | 0.20 | |
| SUGAR MAPLE MINE - WEVA 2013-114 - MSHA #302491 (Gateway Eagle Coal) | | | |
| 01/03/13 | J Ellis | .50 | Draft Answer to WEVA 2013-114 |
| 01/10/13 | J Ellis | .40 | Draft answer to WEVA 2013-113 |
| 01/22/13 | J McCuskey | .40 | Draft settlement proposal |
| TOTAL HOURS: | | 1.30 | |
| PEERLESS RACHEL MINE - WEVA 2013-84 - MSHA CASE #300803 | | | |
| 01/09/13 | J Ellis | .10 | Emails with CLR re: settlement negotiations |
| 01/21/13 | J McCuskey | .70 | Draft settlement proposal |
| 01/22/13 | J McCuskey | .90 | Draft settlement proposal |
| 01/24/13 | J Ellis | .70 | Work on settlement proposal |
| TOTAL HOURS: | | 2.40 | |
| EAGLE MINE - WEVA 2013-82 - MSHA CASE #300794 | | | |
| 01/08/13 | J Ellis | .10 | Email to CLR re: settlement negotiations |
| 01/09/13 | J Ellis | .10 | Emails with CLR re: settlement negotiations |
| 01/21/13 | J Ellis | 2.60 | Work on settlement proposal |
| 01/21/13 | J McCuskey | 3.70 | Review case law and draft settlement proposal |
| 01/22/13 | J McCuskey | 1.10 | Further case law research and revising settlement proposal |
| TOTAL HOURS: | | 7.60 | |
| CAMP 9 PREP PLANT - KENT 2012-1437 - MSHA #295409 (Heritage Coal) | | | |
| 01/08/13 | J Phillips | .10 | Letter from Chief Lesnick with assignment to ALJ Margaret Miller; draft email to client re: ALJ Miller |
| TOTAL HOURS: | | 0.10 | |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|---|-------------|-------|---|
| DODGE HILL MINE #1 - KENT 2012-1408 - MSHA #294648 (Highland Mining) | | | |
| 01/02/13 | J Phillips | .10 | Email from solicitor Sean Allen re: discovery dispute |
| 01/21/13 | J Phillips | .20 | Multiple emails from solicitor Sean Allen with responses to written discovery requests |
| TOTAL HOURS: | | 0.30 | |
| DODGE HILL MINE #1 - KENT 2013-13 - MSHA #299605 | | | |
| 01/08/13 | J Phillips | .10 | Letter from Chief Lesnick with assignment to ALJ Kenneth Andrews |
| 01/23/13 | J Phillips | .10 | Emails from and to solicitor Sean Allen re: discovery needs |
| 01/24/13 | J Phillips | .10 | Email from ALJ Kenneth Andrews re: extension of time for settlement negotiations |
| TOTAL HOURS: | | 0.30 | |
| HIGHLAND 9 MINE - KENT 2013-14 - MSHA CASE #300098 | | | |
| 01/08/13 | J Phillips | .20 | Letter from Chief Lesnick with ALJ assignment of Jacqueline Bulluck; draft letter to client re: Judge Bulluck |
| TOTAL HOURS: | | 0.20 | |
| FREEDOM MINE - KENT 2012-980 - MSHA CASE #284667 | | | |
| 01/26/13 | J Phillips | .10 | Letter from Chief Judge Lesnick with assignment to ALJ Zane Gill |
| TOTAL HOURS: | | 0.10 | |
| COALBURG NO. 1 MINE - WEVA 2013-83 - MSHA CASE #300799 | | | |
| 01/09/13 | J Ellis | .10 | Emails with CLR re: settlement negotiations |
| 01/20/13 | J McCuskey | 1.50 | Review case law and draft settlement proposal |
| 01/23/13 | J McCuskey | .10 | Reviewing and revising settlement proposal |
| TOTAL HOURS: | | 1.70 | |
| EAGLE NO. 1 MINE - WEVA 2013-227 - MSHA CASE #303942 | | | |
| 01/08/13 | J Ellis | .10 | Email to CLR re: settlement negotiations |
| 01/09/13 | J Ellis | .10 | Emails with CLR re: settlement negotiations |
| 01/21/13 | J McCuskey | 1.50 | Review case law and draft settlement proposal |
| 01/22/13 | J McCuskey | .40 | Reviewing and revising settlement proposal |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|------------------|--------------------|--------------|---|
| 01/23/13 | J McCuskey | .30 | Reviewing and revising settlement proposals |
| 01/24/13 | J Ellis | 1.20 | Work on settlement proposal |
| TOTAL HOURS: | | 3.60 | |

WINCHESTER MINE - WEVA 2013-230 - MSHA CASE #303681

| | | | |
|--------------|------------|------|--|
| 01/09/13 | J Ellis | .10 | Emails with CLR re: settlement negotiations |
| 01/10/13 | J Ellis | .50 | Work on settlement proposal |
| 01/14/13 | J Ellis | .40 | Work on settlement proposal |
| 01/18/13 | J McCuskey | 2.20 | Researching cited regulations, drafting and revising settlement proposal |
| 01/23/13 | J Ellis | 1.90 | Emails with CLR re: settlement negotiations and inspectors' notes; review inspectors' notes; draft settlement proposal |
| 01/23/13 | J McCuskey | .30 | Reviewing and revising settlement proposal |
| 01/24/13 | J Ellis | .30 | Receive and review order of assignment and pre-hearing order; draft email to client re: pre-hearing deadlines |
| TOTAL HOURS: | | 5.70 | |

SECTION 105 DISCRIMINATION / JOHN CAMBRON - MADI-CD-2013-5

| | | | |
|----------|------------|------|--|
| 01/09/13 | J Phillips | .70 | Review personnel file and accident reports related to John Cambron; draft letter to MSHA special investigator responding to section 105(c) document requests |
| 01/10/13 | J Phillips | .40 | Teleconference with client re: visit from special investigator Curtis Hardison and available discovery records; work on production of information to MSHA |
| 01/11/13 | J Phillips | .20 | Email from client re: requested interviews; draft letter to special investigator C. Hardison re: interviews of witnesses |
| 01/12/13 | J Phillips | .10 | Email from client re: witness interviews; draft letter to investigator Curt Hardison re: interviews |
| 01/14/13 | J Phillips | 1.00 | Work on collection and dissemination of section 105(c) documents requested by MSHA special investigator |
| 01/15/13 | J Phillips | .30 | Defend Highland in section 105(c) investigation |

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|------------------|--------------------|--------------|--|
| 01/16/13 | J Phillips | .30 | Outline letter to special investigator Curtis Hardison explaining John Cambron's claim lacks merit |
| 01/21/13 | J Phillips | .50 | Attention to preparation session and interviews of witnesses |
| 01/23/13 | J Phillips | .30 | Teleconference with client re: non-reporting of accident citation related to claimant John Cambron issued today |
| 01/24/13 | J Phillips | 1.70 | Prepare for meetings and interviews of witnesses; legal research re: section 105(c) claims; review 7000-1 form concerning John Cambron claim |
| 01/25/13 | J Phillips | 10.60 | Meet with witnesses to prepare for interviews; attend witness interviews (inclement weather affected travel) |
| 01/26/13 | J Phillips | .70 | Draft email to client representatives summarizing the interviews of the 105(c) witnesses |
| TOTAL HOURS: | | 16.80 | |

FREEDOM MINE - KENT 2012-1292 - MSHA CASE #290515

| | | | |
|--------------|------------|------|---|
| 01/10/13 | J Phillips | .50 | Letter from Chief Lesnick with order to show cause; emails from and to client re: show cause order; draft answer and written discovery requests |
| TOTAL HOURS: | | 0.50 | |

SUGAR MAPLE MINE - WEVA 2013-117 - MSHA CASE #303681

| | | | |
|--------------|---------|------|---|
| 01/10/13 | J Ellis | .50 | Draft answer to WEVA 2013-117 |
| 01/16/13 | J Ellis | 2.30 | Work on settlement proposal; research effect of foreman ignoring company policy |
| TOTAL HOURS: | | 2.80 | |

BLACK OAK MINE - WEVA 2013-299 - MSHA CASE #305640

| | | | |
|----------|------------|------|---|
| 01/08/13 | J Ellis | .10 | Email to CLR re: settlement negotiations |
| 01/09/13 | J Ellis | .10 | Emails with CLR re: settlement negotiations |
| 01/10/13 | J Ellis | .50 | Draft answer |
| 01/10/13 | J Ellis | .30 | Work on settlement proposal |
| 01/16/13 | J McCuskey | 2.90 | Drafting settlement proposal |
| 01/18/13 | J McCuskey | .40 | Revising settlement proposal |

J

TIME DETAIL REPORT

| Work Date | Time-keeper | Hours | Narrative |
|------------------|--------------------|--------------|--|
| 01/23/13 | J McCuskey | .30 | Revising and reviewing settlement proposal |
| 01/28/13 | J Ellis | .70 | Work on settlement counterproposal |
| TOTAL HOURS: | | 5.30 | |

SUGAR MAPLE MINE - WEVA 2013-316 & 317 - MSHA CASE #305637

| | | | |
|--------------|------------|------|--|
| 01/08/13 | J Ellis | .10 | Email to CLR re: settlement negotiations |
| 01/09/13 | J Ellis | .10 | Emails with CLR re: settlement negotiations |
| 01/10/13 | J Ellis | .80 | Draft Answers to Petitions WEVA 2013-316 and WEVA 2013-317 |
| 01/22/13 | J McCuskey | 1.00 | Drafting settlement proposals in both dockets |
| TOTAL HOURS: | | 2.00 | |

CAMPBELLS CREEK #10 MINE - WEVA 2013-111 - MSHA CASE #302485

| | | | |
|--------------|------------|------|---|
| 01/09/13 | J Ellis | .10 | Emails with CLR re: settlement negotiations |
| 01/22/13 | J McCuskey | .30 | Draft settlement proposal |
| TOTAL HOURS: | | 0.40 | |

HIGHLAND 9 MINE - KENT 2012-1170 - MSHA CASE #289040

| | | | |
|--------------|------------|------|--|
| 01/24/13 | J Phillips | .30 | Draft answer to petition; draft written discovery requests |
| TOTAL HOURS: | | 0.30 | |

ROCKLICK PREP PLANT - WEVA 2012-1161 - MSHA CASE #285361

| | | | |
|--------------|---------|------|--------------|
| 01/31/13 | J Ellis | .40 | Draft answer |
| TOTAL HOURS: | | 0.40 | |