

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

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

**Chapter 11
Case No. 12-51502-659
(Jointly Administered)**

Re: ECF No. 1919

**FIRST MONTHLY APPLICATION OF DESAI EGGMANN MASON LLC, COUNSEL
TO THE OFFICIAL SALARIED RETIREE COMMITTEE OF PATRIOT COAL
CORPORATION AND ITS DEBTOR AFFILIATES FOR ALLOWANCE OF
COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR THE PERIOD
FROM JANUARY 1, 2013 THROUGH JANUARY 31, 2013.**

| | |
|---|---|
| Name of Applicant: | Desai Eggmann Mason, LLC |
| Authorized to Provide Professional Services to: | The Official Salaried Retiree Committee of Patriot Coal |
| Date of Retention: | January 4, 2013 |
| Period for which Compensation And Reimbursement is Sought: | January 7, 2013 through January 31, 2013 |
| Amount of Compensation sought as Actual, Reasonable and Necessary: | \$1,704.00 representing 80% of \$2,130.00 in fees incurred this period |
| Amount of Expense Reimbursement Sought as Actual, Reasonable and Necessary: | \$0 |

This is a: Monthly Interim Final Application

**DESAI EGGMANN MASON LLC SUMMARY OF
PROFESSIONALS RENDERING SERVICES FROM
JANUARY 1, 2013 THROUGH JANUARY 31, 2013**

| Name of Professional | Hourly Billing Rate | Total Billed Hours | Total Compensation |
|----------------------|---------------------|--------------------|--------------------|
| Robert E. Eggmann | \$325.00 | 0.6 | \$195.00 |
| Thomas Riske | \$210.00 | 8.3 | \$1,743.00 |
| TOTALS | | 8.9 | \$1,938.00 |

**DESAI EGGMANN MASON LLC SUMMARY OF PARAPROFESSIONALS
RENDERING SERVICES FROM JANUARY 1, 2013 THROUGH JANUARY 31, 2013**

| Name of Professional | Position of Applicant | Hourly Billing Rate | Total Billed Hours | Total Compensation |
|----------------------|-----------------------|---------------------|--------------------|--------------------|
| Wendy M Hickey | Paralegal | \$160.00 | 1.2 | \$192.00 |

[INTENTIONALLY LEFT BLANK]

**DESAI EGGMANN MASON LLC SUMMARY OF EXPENSES BY CATEGORY FROM
JANUARY 1, 2013 THROUGH JANUARY 31, 2013**

| TYPE OF EXPENSE | AMOUNT |
|-----------------|---------------|
| | |
| TOTAL | \$0.00 |

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EASTERN DISTRICT OF MISSOURI
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TO THE OFFICIAL SALARIED RETIREE COMMITTEE OF PATRIOT COAL
CORPORATION FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT
OF EXPENSES FOR THE PERIOD
JANUARY 1, 2013 THROUGH JANUARY 31, 2013**

The official Salaried Retiree Committee (the "Retiree Committee") of Debtors, Patriot Coal, and certain affiliates (collectively, the "Debtors")¹ hereby hereby submits this First

¹ Affinity Mining Company; Apogee Coal Company, LLC; Appalachia Mine Services, LLC; Beaver Dam Coal Company, LLC; Big Eagle, LLC; Big Eagle Rail, LLC; Black Stallion Coal Company, LLC; Black Walnut Coal Company; Bluegrass Mine Services, LLC; Brook Trout Coal, LLC; Catenary Coal Company, LLC; Central States Coal Reserves of Kentucky, LLC; Charles Coal Company, LLC; Cleaton Coal Company; Coal Clean LLC; Coal Properties, LLC; Coal Reserve Holding Limited Liability Company No. 2; Colony Bay Coal Company; Cook Mountain Coal Company, LLC; Corydon Resources LLC; Coventry Mining Services, LLC; Coyote Coal Company LLC; Cub Branch Coal Company LLC; Dakota LLC; Day LLC; Dixon Mining Company, LLC; Dodge Hill Holding JV, LLC; Dodge Hill Mining Company, LLC; Dodge Hill of Kentucky, LLC; EACC Camps, Inc.; Eastern Associated Coal, LLC; Eastern Coal Company, LLC; Eastern Royalty, LLC; Emerald Processing, L.L.C.; Gateway Eagle Coal Company, LLC; Grand Eagle Mining, LLC; Heritage Coal Company LLC; Highland Mining Company, LLC; Hillside Mining Company; Hobet Mining, LLC; Indian Hill Company LLC; Infinity Coal Sales, LLC; Interior Holdings, LLC; IO Coal LLC; Jarrell's Branch Coal Company; Jupiter Holdings LLC; Kanawha Eagle Coal, LLC; Kanawha River Ventures I, LLC; Kanawha River Ventures II, LLC; Kanawha River Ventures III, LLC; KE Ventures, LLC; Little Creek LLC; Logan Fork Coal Company; Magnum Coal Company LLC; Magnum Coal Sales LLC; Martinka Coal Company, LLC; Midland Trail Energy LLC; Midwest Coal Resources II, LLC; Mountain View Coal Company, LLC; New Trout Coal Holdings II, LLC; Newtown Energy, Inc.; North Page Coal Corp.; Ohio County Coal Company, LLC; Panther LLC; Patriot Beaver Dam Holdings, LLC; Patriot Coal Company, L.P.; Patriot Coal Corporation; Patriot Coal

Monthly Application for Allowance of Compensation and Reimbursement of Expenses for the Period from January 1, 2013 through January 31, 2013 (the "Application"), pursuant to sections 330 and 331 of title 11 of the United States Bankruptcy Code as amended (the "Bankruptcy Code"); Rule 2016 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and the Order to Establish Procedures for Interim Monthly Compensation and Reimbursement of Professionals dated August 2, 2012 ("Interim Compensation Order").

1. By this Application, DEM seeks interim allowance and payment of fees for legal services rendered in the amount of \$1,740.00 (representing 80% of total fees in the amount of \$2,130.00 earned during the relevant period) for the period from January 1, 2013 through January 31, 2013 (the "Compensation Period"). DEM reserves the right to submit expenses incurred during the Compensation Period that were not processed prior to the filing of this Application and may be included in further monthly or interim fee applications. In support thereof, DEM respectfully represents the following:

Jurisdiction

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

Background

Sales LLC; Patriot Coal Services LLC; Patriot Leasing Company LLC; Patriot Midwest Holdings, LLC; Patriot Reserve Holdings, LLC; Patriot Trading LLC; PCX Enterprises, Inc.; Pine Ridge Coal Company, LLC; Pond Creek Land Resources, LLC; Pond Fork Processing LLC; Remington Holdings LLC; Remington II LLC; Remington LLC; Rivers Edge Mining, Inc.; Robin Land Company, LLC; Sentry Mining, LLC; Snowberry Land Company; Speed Mining LLC; Sterling Smokeless Coal Company, LLC; TC Sales Company, LLC; The Presidents Energy Company LLC; Thunderhill Coal LLC; Trout Coal Holdings, LLC; Union County Coal Co., LLC; Viper LLC; Weatherby Processing LLC; Wildcat Energy LLC; Wildcat, LLC; Will Scarlet Properties LLC; Winchester LLC; Winifrede Dock Limited Liability Company; Yankeetown Dock, LLC.

3. On July 9, 2012, Patriot Coal and substantially all of its wholly owned subsidiaries filed voluntary petitions for reorganization under Chapter 11 of the United States Bankruptcy Code in the Bankruptcy Court for the Southern District of New York. On November 27, 2012, an Order was entered transferring the Chapter 11 proceedings to this Court.

4. On or about December 17, 2012, Debtors sent a mass mailing to approximately nine hundred salaried (i.e. non-union) retiree households informing said retirees that Debtors would be seeking to unilaterally terminate their retiree benefits.

5. On January 8, 2013, DEM caused a Motion To Appoint Official Retiree Committee Pursuant to 11 U.S.C. §1114(d) to be filed on behalf of salaried retiree Harold R. Race and all other similarly situated Non-Union retirees. (Motion to Appoint Retiree Committee)² [Docket No. 1919]. Shortly after filing the motion to appoint a retiree committee, Debtors counsel began negotiations with DEM with respect to formation of a retiree committee. By agreement, an Agreed Order requesting formation of an official Retiree Committee was presented to this Court on February 26, 2013 [Docket No. 2818]. This Court entered the Agreed Order on February 27, 2013. [Docket No. 3004]. By and through the office of the U.S. Trustee, seven (7) retirees were selected to serve on the official Retiree Committee. [Docket No. 3007].

6. DEM was retained by the Retiree Committee, *nunc pro tunc* to January 4, 2013. DEM submitted an Application of the Official Salaried Retiree Committee of Patriot Coal Corporation and its Debtor Affiliates for Order Authorizing and Approving the Retention of Desai Eggmann Mason LLC as Counsel [Docket No. 3435] on March 29, 2013. Said Application was granted on April 22, 2013.

7. DEM has received no payment or promises for payment from any source for services rendered during the Compensation Period. No agreement or understanding exists

² Desai Eggmann Mason LLC was initially retained on January 4, 2013.

between DEM and any other person for the sharing of any compensation to be received for services rendered by DEM in these cases.

8. All services for which compensation is requested by DEM pursuant to this Application were performed for or on behalf of the Retiree Committee in this case. This is DEM's first monthly application.

Services Rendered

9. DEM billed a total of \$2,130.00 in fees in connection with its efforts on behalf of the Retiree Committee during the Compensation Period. DEM incurred no expenses. By this Application, DEM seeks: payment of compensation in the amount of \$1,740.00 representing 80% of the compensation earned by DEM during the Compensation Period.

10. DEM has maintained detailed time records of the time spend in the rendition of professional services to the Retiree Committee during the Compensation Period. Attached hereto as EXHIBIT A and incorporated by reference herein is a true and correct copy of the relevant monthly billing statement prepared for the services rendered in these cases by DEM (the "Billing Statement"). The Billing Statement is the same form regularly used by DEM to bill its clients for services rendered and includes the date that the services were rendered, a detailed contemporaneous narrative description of the services provided, the amount of time spent for each service and the designation of the professional who performed the service.

11. Although every effort was made to include all fees and expenses from the Compensation Period in this Application, some fees and expenses from the Compensation Period may not be included in this Application due to delays in processing time and receipt of invoices for expenses or for preparation of this Application subsequent to the Compensation Period.

Accordingly, DEM reserves the right to make further applications to the Bankruptcy Court for allowance of fees and expenses not included herein but that relate to the Compensation Period.

Prior Payments for Services

12. DEM has contemporaneously filed for other monthly requests for compensation in this case, but has not yet received any requested compensation or reimbursement of expenses.

Notice

13. Consistent with the procedures described in the Interim Compensation Order, DEM 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, Esq., (ii) attorneys for the Debtors, Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, New York 10017, Attn: Marshall S. Huebner, Esq. and Brian M. Resnick, Esq., (iii) the Office of the United States Trustee for the Eastern District of Missouri, Thomas F. Eagleton U.S. Courthouse, 111 S. 10th Street, Room 6353, St. Louis, Missouri 63102, Attn: Leonora S. Long, Esq. (iv) 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, Esq. and Joseph Smolinsky, Esq., and (b) Wilkie Farr & Gallagher LLP, 787 Seventh Avenue, New York, New York 10019, Attn: Margot B. Schonholtz, Esq. and Ana Alfonso, Esq., and (v) 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.

WHEREFORE, DEM respectfully requests interim allowance and payment of \$1,740.00 (representing 80% of the Compensation earned by DEM during the Compensation Period), and such other and further relief as may be appropriate under the circumstances of these cases.

DATED: May 21, 2013

OFFICIAL COMMITTEE OF SALARIED RETIREES

/s/ Thomas H. Riske

By: _____

Robert E. Eggmann, Bar #37374
Thomas H. Riske, Bar #61838
DESAI EGGMANN MASON LLC
7733 Forsyth Boulevard, Suite 2075
St. Louis, MO 63105
314-881-0800 (Telephone)
314-881-0820 (Fax)
reggmann@demlawllc.com
triske@demlawllc.com

**UNITED STATES BANKRUPTCY COURT
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EASTERN DIVISION**

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

**Chapter 11
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**FIRST MONTHLY APPLICATION
OF DESAI EGGMANN MASON LLC**

EXHIBIT A



 DESAI EGGMANN DEMASON LLC
 7733 FORSYTH BOULEVARD, SUITE 2075
 CLAYTON, MO 63105
 PHONE 314-881-0800 FAX 314-881-0820
 45-2755144

Invoice

Invoice submitted to:
 Jon D. Cohen, Esq.
 55 West Monroe Street
 Ste 1200
 Chicago IL 60603

Invoice Date May 01, 2013
 Client Matter No. 30328-001

| | |
|-------------------------|-------------------|
| Previous Balance | \$0.00 |
| New Payments/Credits | \$0.00 |
| Total New Fees | \$2,130.00 |
| Total New Expenses | \$0.00 |
| Interest | \$0.00 |
| Total New Charges | \$2,130.00 |
| Balance Due | \$2,130.00 |

Invoice Past Due After 30 Days
 Invoices 30 days past due may be charged interest at 1.0% per month (12.68% APR)
 Payments received after invoice date will appear on next invoice
 Please include Client Matter No. with payment or inquiry
 Additional forms of payment accepted: Wire Transfers

Please detach and return this section with payment to ensure account is properly credited

Jon D. Cohen, Esq.
 Client Matter No. Official Non-Union Retiree Comm

Invoice No. 12389
 Invoice Date May 01, 2013
 Check No. _____



 DESAI EGGMANN DEMASON LLC
 7733 Forsyth Blvd., Suite 2075
 Clayton, MO 63105

| | |
|--------------------|-------------------|
| Previous Balance | \$0.00 |
| Payments/Credits | \$0.00 |
| New Charges | \$2,130.00 |
| Balance Due | \$2,130.00 |
| Payment amount | \$ _____ |

For questions concerning your bill please call 314-881-0807

Official Non-Union Retiree Comm

Professional Services:

| <u>Time</u> | | <u>Hours</u> | <u>Amount</u> |
|---|--|--------------|-------------------|
| 1/7/2013 TR | Miscellaneous research on sections 1114 and treatment and strategies for retiree committees. | 5.00 | 1,050.00 |
| 1/8/2013 TR | Emails with J. Cohen and Robert Eggmann regarding motion to hearing issues. | 0.10 | 21.00 |
| REE | Call with L. about committee | 0.30 | 97.50 |
| WMH | Prepare and file Entry of Appearance for R. Eggmann for Harold Racer; prepare and file Entry of Appearance for T. Riske for Harold Racer; file Motion to Appoint Official Retiree Committee Pursuant to 11 U.S.C. Section 1114(d); file Notice of Hearing; revise and file Motion to Appear Pro Hac Vice for Scott Schreiber | 1.20 | 192.00 |
| 1/9/2013 REE | Call with C. about Motion to appoint committee. | 0.30 | 97.50 |
| TR | Strategic conferences with Robert Eggmann regarding hearing and United States Trustee; Telephone conference with court regarding same. | 0.30 | 63.00 |
| TR | Telephone conference and emails with J. Cohen and conferences with Robert Eggmann regarding same. | 0.40 | 84.00 |
| TR | Received Telephone conference with J. Cohen regarding debtor responses and committee status email with Robert Eggmann. | 0.20 | 42.00 |
| 1/11/2013 TR | Receipt and Review motion to appoint 1114 committee and documents from J. Cohen review order EOA and emails with Robert Eggmann. | 1.50 | 315.00 |
| TR | Receipt and Review notice of adjournment and deadlines and calendar same. | 0.20 | 42.00 |
| 1/15/2013 TR | Review and revise filings of debtor creditors and interested parties and scheduling. | 0.30 | 63.00 |
| 1/16/2013 TR | Received Telephone conference from Michael Barron regarding committee. and emails with J. Cowen regarding same. | 0.20 | 42.00 |
| 1/28/2013 TR | Emails with John Cohen regarding hearing. | 0.10 | 21.00 |
| SUBTOTAL: | | [10.10 | 2,130.00] |
| Total Professional Services Rendered | | 10.10 | \$2,130.00 |
| Balance Due | | | \$2,130.00 |