

**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
MAY 1, 2013 THROUGH MAY 31, 2013**

NAME OF APPLICANT:	<u>Steptoe & Johnson PLLC</u>
ROLE IN THE CASE:	Special Counsel for the Debtors
TIME PERIOD:	May 1, 2013 through and including May 31, 2013
CURRENT APPLICATION:	Total Fees Requested: \$47,626.80 80% of Fees Requested: \$38,101.44 Total Expenses Requested: \$ 982.96

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 May 1, 2013 through and including May 31, 2013 (the “**Fee Statement Period**”).

2. Pursuant to the Interim Compensation Order, Steptoe & Johnson seeks payment of \$39,084.40, 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 tax advice;
- Administrative litigation in front of the Mine Safety and Health Administration;
- Employment litigation;
- Federal administrative litigation in front of 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 Eastern District of Missouri, 111 South 10th Street, Suite 6.353, St. Louis, MO 63102, Attn.: Leonora S. Long and Paul A. Randolph, (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) 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 June, 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
C. David Morrison	Member	235.00	2.20	517.00
Craig A. Griffith	Of Counsel	205.00	45.20	9266.00
David E. Dick	Member	235.00	1.10	258.50
Jeffrey K. Phillips	Member	220.00	48.70	10714.00
Jonathan R. Ellis	Member	160.00	81.20	12992.00
L. Frederick Williams, Jr.	Member	235.00	13.30	3125.50
Michael D. Mullins	Member	205.00	0.60	123.00
Paul A. Konstanty	Member	205.00	0.10	20.50
Peter J. Raupp	Member	143.00	2.00	286.00
Rodney L. Bean	Member	235.00	0.30	70.50
Robert L. Bailey	Of Counsel	190.00	14.60	2774.00
Russell D. Jessee	Member	235.00	0.60	141.00
Thomas S. Kleeh	Member	235.00	0.50	117.50
W. Henry Lawrence	Member	235.00	3.10	728.50
TOTAL MEMBERS and OF COUNSEL:			213.50	\$41,134.00

II.A. Associates

Name of Associate	Department	Hourly Rate	Total Hours	Total Fees
Daniel D. Fassio	Labor	160.00	20.70	3312.00
Lauren M. Palmer	Litigation – MSHA	143.00	2.10	300.30
Mark G. Jeffries	Labor	160.00	0.90	144.00
W. James O’Brien	Litigation	185.00	6.70	1239.50
W. James O’Brien	Litigation - MSHA	\$150.00	8.90	1335.00
TOTAL ASSOCIATES:			39.30	\$6,330.80

III.A. Paraprofessionals

Name of Paraprofessional	Department	Hourly Rate	Total Hours	Total Fees
Fern Medley-Forsythe	Labor	90.00	1.80	162.00
TOTAL PARAPROFESSIONALS:			1.80	162.00

EXHIBIT B

Expenses

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

CATEGORY of EXPENSES	AMOUNTS
Office charges (photocopies, scanning, long distance calls, etc.)	141.05
Postage, courier and freight	66.79
Meals	35.57
Travel	739.55
TOTAL	\$ 982.96

EXHIBIT C

Summary of Project Code

SUMMARY OF HOURS AND AMOUNTS BILLED
BY STEPTOE & JOHNSON PLLC

DESCRIPTION	HOURS	AMOUNT
Kopperston Water Suit	0.30	70.50
Labor Matters	3.40	799.00
Bishop v. Client, et al.	9.50	1897.50
Catenary Train Derailment	0.10	20.50
Sales & Severance Tax Audit	31.70	6702.50
Logan v. Speed Mining, <i>et al.</i>	6.40	1024.00
Research & Development Tax Credit Appeal	26.80	5689.00
Blankenship v. Brody Mining	16.30	2497.00
Qualls EEOC Charge	1.10	191.00
MSHA – General	4.00	604.30
Highland Mining (MSHA Case #171195)	1.80	396.00
Winchester Mine (MSHA Case #168620)	0.20	32.00
Freedom Mine Accident Investigation (MSHA Case #195018)	0.30	66.00
Grand Eagle Mining (MSHA Case #218390)	0.30	66.00
Winchester Mine (MSHA Case #251941)	4.10	656.00
Highland Mining (MSHA Case #260304)	0.80	176.00
Highland Mine (MSHA Case #263281)	1.30	286.00
Blue Creek No. 2 (MSHA Case #274408)	0.90	144.00
Winchester Mine (MSHA Case #275179)	0.90	144.00
Winchester Mine (MSHA Case #272361)	1.70	272.00
Highland Mining (MSHA Case #274746)	2.30	506.00
Campbell’s Creek Mine (MSHA Case #274403)	2.00	320.00
Gateway Eagle Mine (MSHA Case #281814)	0.40	64.00
Winchester Mine (MSHA Case #283385)	1.20	192.00
Federal No. 2 (MSHA Case #288463)	8.00	1219.00
Winchester Mine (MSHA Case #292179)	0.10	16.00
Campbells Creek No. 7 (MSHA Case #294266)	3.30	528.00
American Eagle Mine (MSHA Case #293996)	0.50	80.00
Jarvis Discrimination Suit	0.20	44.00
Federal No. 2 ((MSHA Case #293992)	6.90	1076.00
American Eagle Mine (MSHA Case #296858)	0.50	80.00
Peerless Rachel Mine (MSHA Case #298098)	0.10	16.00

DESCRIPTION	HOURS	AMOUNT
Dodge Hill Mine #1 (MSHA Case #291263)	0.20	44.00
Campbells Creek Mine (MSHA Case #299492)	1.00	160.00
Black Oak Mine (MSHA Case #302493)	0.80	128.00
Winchester Mine (MSHA Case #300547)	0.60	96.00
Sugar Maple Mine (MSHA Case #302491)	0.60	96.00
Eagle Mine (MSHA Case #300794)	1.20	192.00
Camp 9 Prep Plant (MSHA Case #295409)	0.20	44.00
Dodge Hill Mine #1 (MSHA Case #294648)	2.00	440.00
Dodge Hill Mine #1 (MSHA Case #299605)	0.30	66.00
Highland 9 Mine (MSHA Case #300098)	2.40	528.00
Coalburg No. 1 Mine (MSHA Case #300799)	0.80	128.00
Winchester Mine (MSHA Case #303681)	0.30	48.00
Sugar Maple Mine (MSHA Case #301677)	2.10	336.00
Sugar Maple Mine (MSHA Case #303681)	2.00	320.00
Highland 9 Mine (MSHA Case #289040)	2.20	484.00
Eagle Mine (MSHA Case #306750)	0.10	16.00
Black Oak Mine (MSHA Case #308070)	0.90	144.00
Winchester Mine (MSHA Case #308985)	2.20	352.00
Winchester Mine (MSHA Case #306579)	1.70	272.00
MSHA & WVOMHS&T Investigation / Five Mile Plant	36.70	6050.00
Highland Mine (MSHA Case #308615)	4.40	968.00
Dodge Hill Mine (MSHA Case #302632)	0.40	88.00
Sugar Maple Mine (MSHA Case #307007)	1.80	288.00
Highland 105(c) Case	29.00	6380.00
Blue Creek No. 1 (MSHA Case #310934)	1.40	224.00
Winchester Mine (MSHA Case #311653)	1.00	160.00
Peerless Rachel Mine (MSHA Case #311865)	0.70	112.00
NLRB Case 06-CA-102820	0.30	70.50
Winchester Mine – Contest 107(a) Order	15.10	2714.00
Highland Mine (MSHA Case #315841)	0.60	132.00
Campbell’s Creek No. 10 (MSHA Case #315344)	2.20	352.00
Peerless Rachel Mine (MSHA Case #303951)	1.30	208.00
Gateway Eagle Mine (MSHA Case #317918)	0.40	64.00
Wells Preparation Plant (MSHA Case #316615)	0.30	48.00

DESCRIPTION	HOURS	AMOUNT
TOTAL HOURS and COMPENSATION REQUESTED:	254.60	\$47,626.80

EXHIBIT D

Time Records

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
KOPPERSTON WATER SUIT			
05/15/13	W Lawrence	.30	Reports to counsel on WVDEP
TOTAL HOURS:		0.30	

LABOR MATTERS

05/01/13	D Dick	1.10	Email from client of draft FMLA second opinion on an employee; revise same and email to client; several emails from and to client regarding employee (who has intermittent FMLA leave) for violation of the call in policy
05/07/13	C Morrison	.20	Telephone conference with client re: bankruptcy hearing and response
05/07/13	C Morrison	.30	Telephone conference with clients re: a hiring issue
05/07/13	C Morrison	.10	Draft memo to the file summarizing the information received and advice given
05/10/13	C Morrison	.20	Review e-mails from client re: drug testing issue
05/10/13	C Morrison	.30	Telephone conference with client re: drug testing rule
05/10/13	C Morrison	.20	Review materials from client re: reinstatement of employee from workers' compensation leave
05/10/13	C Morrison	.20	Telephone conference with client re: reinstating employee from workers' compensation leave
05/10/13	T Kleeh	.20	Telephone conference with client regarding drug testing protocol issues
05/17/13	C Morrison	.10	Draft e-mail to client re: telephone call with the attorney for an employee
05/17/13	C Morrison	.20	Telephone conference with attorney for an employer about a religious issue
05/23/13	T Kleeh	.30	E-mails with client regarding FMLA issue, options
TOTAL HOURS:		3.40	

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

05/04/13	W Lawrence	.50	Letters and emails to counsel on Bankruptcy stay
05/06/13	W Lawrence	.50	Calls with counsel on Medicare liens
05/06/13	W O'Brien	1.50	Draft letter to Plaintiffs' counsel regarding

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
			disclosure of information to bankruptcy counsel; review file for same
05/07/13	W Lawrence	.30	Emails to counsel on Medicare liens
05/07/13	W O'Brien	.50	Finalize and send letter to Plaintiffs' counsel regarding disclosures to bankruptcy counsel; emails with all parties regarding same
05/08/13	W Lawrence	.30	Emails with counsel on Medicare liens
05/08/13	W O'Brien	.40	Emails with Plaintiffs' counsel for final reports and action items completion; review file and attachments regarding same
05/09/13	W Lawrence	.30	Emails and calls to counsel on Medicare
05/09/13	W O'Brien	.20	Emails regarding completion and satisfaction of Plaintiffs' Medicare and Medicaid liens
05/09/13	W O'Brien	.20	Review letter with settlement information
05/10/13	W Lawrence	.30	Emails and letter from counsel re: Medicare
05/17/13	W O'Brien	2.00	Review documents from Plaintiffs and update summary chart of same
05/17/13	W O'Brien	1.20	Draft letter to Plaintiffs' counsel with update of action items to complete settlement
05/20/13	W Lawrence	.30	Review letter to opposing counsel re: settlement completion
05/20/13	W O'Brien	.60	Finalize and send letter to Plaintiffs' counsel regarding acknowledgment of documents received and updated list of items to complete settlement; emails with Plaintiffs' counsel regarding same
05/21/13	W Lawrence	.30	Emails from and to opposing counsel re: lift stay issues
05/21/13	W O'Brien	.10	Review emails with Plaintiffs' counsel regarding bankruptcy stay and settlement action items
TOTAL HOURS:		9.50	
CATENARY TRAIN DERAILMENT			
05/20/13	P Konstanty	.10	Telephone call from and to AIG re: status of derailment matters
TOTAL HOURS:		0.10	

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TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
SALES & SEVERANCE TAX AUDIT			
05/02/13	L Williams, J	2.00	Review of bankruptcy law rules relating to the appeal;
05/07/13	L Williams, J	.40	Telephone conference with client regarding possible settlement of audit (0.2); Telephone conference with Tax Department attorney regarding possible settlement (0.2)
05/08/13	L Williams, J	.30	Participation in status conference before the Office of Tax Appeals
05/09/13	C Griffith	3.50	Research bankruptcy provisions regarding priority of claims, research bankruptcy case law regarding treatment of gross receipts based taxes and excise taxes, draft memo regarding same
05/10/13	C Griffith	6.40	Research bankruptcy provisions regarding priority of claims, research bankruptcy case law regarding treatment of gross receipts based taxes and excise taxes, draft memo regarding same
05/20/13	C Griffith	1.30	Draft breakdown of the audit in order to determine the amount that remains in controversy
05/21/13	C Griffith	7.70	Review WV State Tax Department audit; identify disputed issues; draft spreadsheet in anticipation of meeting with the Tax Department to discuss issues
05/22/13	L Williams, J	.50	Review of file in preparation for settlement conference with Tax Department
05/22/13	C Griffith	4.60	Review WV State Tax Department audit; identify disputed issues and issues to potentially concede; draft spreadsheet in anticipation of meeting with the Tax Department to discuss issues
05/23/13	L Williams, J	1.60	Review of file in preparation for Tax Department meeting
05/23/13	C Griffith	1.40	Draft spreadsheet in anticipation of negotiations with the Tax Department regarding the assessment
05/24/13	L Williams, J	2.00	Review of information in preparation for meeting with Tax Department regarding severance and sales tax assessments (1.0); Meeting with Tax Department legal counsel regarding various assessments (1.0)
TOTAL HOURS:		31.70	

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
LOGAN v. SPEED MINING, et al.			
05/03/13	D Fassio	.20	Draft e-mails regarding gathering of discovery information to client
05/16/13	D Fassio	1.10	Travel to and from Speed Mining
05/16/13	D Fassio	2.60	Meet with client representatives about gathering discovery information
05/16/13	D Fassio	1.10	Review documents received from client meeting
05/16/13	D Fassio	.30	Prepare for meeting with client representatives regarding discovery requests
05/17/13	D Fassio	1.10	Begin drafting discovery responses
TOTAL HOURS:		6.40	
RESEARCH & DEVELOPMENT TAX CREDIT APPEAL			
05/14/13	C Griffith	2.30	Review draft presentation prepared by KPMG in anticipation of meeting with the WV State Tax Department; provide comments on same
05/15/13	C Griffith	4.50	Review draft presentation prepared by KPMG in anticipation of meeting with the WV State Tax Department; provide comments on same
05/22/13	L Williams, J	.50	Review of powerpoint presentation in preparation for meeting with Tax Department;
05/24/13	L Williams, J	3.50	Review of research and development tax credit application (1.0); Research regarding qualification for tax credit (1.1); Telephone conference with accountants regarding meeting with Tax Department and needed actions (.5); Preparation of Tax Department presentation (0.9)
05/24/13	C Griffith	1.00	Review proposed changes to KPMG draft of presentation for West Virginia State Tax Department; telephone call regarding same
05/28/13	C Griffith	3.00	Review consent decree from United States District Court for the Southern District of West Virginia regarding selenium discharge; compile checklist of facts to develop for negotiations with Tax Department and for eventual Office of Tax Appeals proceeding
05/29/13	C Griffith	4.70	Reviewing consent decrees and opinions by the United States District Court of the Southern District of West Virginia regarding selenium discharge; drafting outline of pertinent law and factual issues regarding the Tax Department's denial of Patriot's Research and Development Tax Credit application

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
05/30/13	C Griffith	4.80	Reviewing consent decrees and opinions by the United States District Court of the Southern District of West Virginia regarding selenium discharge; drafting outline of pertinent law and factual issues regarding the Tax Department's denial of Patriot's Research and Development Tax Credit application
05/31/13	L Williams, J	2.50	Review of file in preparation for conference with Tax Department officials; Preparation of arguments for meeting
TOTAL HOURS:		26.80	

BLANKENSHIP v. BRODY MINING, LLC

05/03/13	C Morrison	.10	Review e-mail from opposing counsel and e-mail to him re: extension to file expert disclosures
05/03/13	C Morrison	.10	Draft e-mail to client re: gathering of documents to respond to discovery
05/06/13	D Fassio	.30	Communicate with client regarding upcoming meeting regarding class discovery
05/07/13	D Fassio	1.10	Review materials received from previous counsel and client in preparation for trip to Wells Complex
05/08/13	D Fassio	2.60	Travel to and from Wells Complex to work on class discovery issues
05/08/13	D Fassio	5.60	Review personnel files and coordinate recovery of payment information for class discovery production
05/16/13	D Fassio	.20	Communicate with client regarding status of gathering data for discovery
05/21/13	D Fassio	.40	Communicate with client regarding discovery data pull and obtaining data
05/23/13	F Medley-Fors	.30	Compile cumulative earnings detail reports for review, in preparation for production in discovery
05/29/13	D Fassio	4.10	Review data on payments to separated employees received from client in preparation for document production
05/29/13	F Medley-Fors	1.50	Compile payroll data for answer to Interrogatory No. 1 to be included as exhibit in discovery production
TOTAL HOURS:		16.30	

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
QUALLS EEOC CHARGE			
05/29/13	C Morrison	.20	Review two e-mails from EEOC investigator and respond; e-mail to Mark Jeffries re: same
05/30/13	M Jeffries	.80	Research file for information requested by EEOC
05/31/13	M Jeffries	.10	Call to G. Choate re: documents requested by EEOC
TOTAL HOURS:		1.10	
MSHA - GENERAL			
05/01/13	J Ellis	.10	Email to MSHA CLR re: settlement conference on Patriot dockets
05/07/13	J Ellis	.50	Emails with MSHA re: unanswered dockets; call with MSHA CLR re: settlement conference
05/20/13	J Ellis	.60	Emails with MSHA re: reopening MSHA Case #000313257; work on motion to reopen
05/20/13	L Palmer	.60	Draft Motion to Reopen
05/21/13	J Ellis	.30	Draft motion to reopen MSHA case #000313257
05/21/13	L Palmer	1.20	Draft Motion to Reopen
05/22/13	L Palmer	.30	Revise Motion to Reopen
05/29/13	J Ellis	.10	Receive and review letter from FMSHRC re: docket number (WEVA 2013-944) for motion to reopen MSHA case #000313257
05/31/13	J Ellis	.30	Draft email to MSHA CLR re: settlement conference
TOTAL HOURS:		4.00	
HIGHLAND MINING - KENT 2009-491, 492 - MSHA CASE #171195			
05/03/13	J Phillips	.80	Review and revise settlement documents
05/06/13	J Phillips	.40	Receive, review and revise settlement documents concerning KENT 2009-491; draft email to solicitor Wyatt re: revision to order
05/16/13	J Phillips	.30	Letter from ALJ Moran with decision approving settlement; draft comprehensive email to client outlining payment terms
05/17/13	J Phillips	.30	Letter from ALJ Moran with decision approving settlement; draft email to client outlining payment plan in KENT 2009-491
TOTAL HOURS:		1.80	

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
WINCHESTER MINE - WEVA 2009-508/509 - MSHA CASE #168620			
05/30/13	J Ellis	.20	Receive and review proposed settlement documents on WEVA 2009-508; email from attorney Pressler to Judge Barbour re: filing settlement Documents
TOTAL HOURS:		0.20	
FREEDOM MINE ACCIDENT INVESTIGATION - KENT 2009-1519- MSHA CASE #195018			
05/05/13	J Phillips	.30	Letter from ALJ McCarthy with amended decision approving settlement; draft email to clients setting forth payment obligations
TOTAL HOURS:		0.30	
GRAND EAGLE MINING - KENT 2010-1124- MSHA CASE #218390			
05/15/13	J Phillips	.30	Engage in settlement negotiations
TOTAL HOURS:		0.30	
WINCHESTER MINE - WEVA 2011-1686 - MSHA #251941			
05/01/13	J Ellis	1.30	Work on discovery responses
05/08/13	J Ellis	.30	Email from MSHA attorney to Judge Moran re: status conference; email to client re: discovery responses
05/09/13	J Ellis	.10	Email to Judge Moran re: status conference call
05/13/13	J Ellis	1.80	Call with client re: discovery responses and settlement counterproposal; draft discovery responses; draft settlement counterproposal; emails with opposing counsel re: settlement negotiations
05/16/13	J Ellis	.10	Email to client re: information needed for discovery responses
05/20/13	J Ellis	.20	Emails with client re: discovery responses
05/23/13	J Ellis	.20	Emails with MSHA attorney re: extension to respond to discovery requests and settlement negotiations
05/27/13	J Ellis	.10	Email to client re: discovery responses
TOTAL HOURS:		4.10	
HIGHLAND 9 MINE - KENT 2011-1359/1360- MSHA #260304			
05/16/13	J Phillips	.60	Letter from solicitor Motzny with written discovery requests; draft response to request for production of documents
05/17/13	J Phillips	.20	Revise response to requests for production of

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
			documents in KENT 2011-1360
TOTAL HOURS:		0.80	
HIGHLAND 9 MINE - KENT 2011-1483 - MSHA #263281			
05/16/13	J Phillips	.70	Letter from solicitor Motzny with written discovery requests; draft response to request for production of documents
05/17/13	J Phillips	.20	Revise response to request for production of documents
05/24/13	J Phillips	.40	Email from client with permissibility records and belt examination records
TOTAL HOURS:		1.30	
BLUE CREEK NO. 2 MINE - WEVA 2012-486 - MSHA CASE #274408			
05/03/13	J Ellis	.20	Receive and review proposed settlement documents
05/13/13	J Ellis	.10	Letter from attorney Abdoveis re: filing settlement documents
05/14/13	J Ellis	.10	Email from Judge Simonton's law clerk re: additional information needed in proposed settlement order
05/16/13	J Ellis	.20	Receive and review amended proposed settlement order
05/29/13	J Ellis	.30	Receive and review order approving settlement; draft email to client re: citation modifications
TOTAL HOURS:		0.90	
WINCHESTER MINE - WEVA 2012-534 & 533 - MSHA #275179			
05/10/13	J Ellis	.90	Attention to settlement negotiations with attorney McClammer on WEVA 2012-534
TOTAL HOURS:		0.90	
WINCHESTER MINE - WEVA 2012-466 - MSHA #272361			
05/10/13	J Ellis	1.70	Attention to settlement negotiations
TOTAL HOURS:		1.70	
HIGHLAND 9 MINE - KENT 2012-442 - MSHA #274746			
05/15/13	J Phillips	1.20	Engage in settlement negotiations; draft settlement proposal

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
05/17/13	J Phillips	.60	Work on settlement proposal
05/20/13	J Phillips	.50	Engage in settlement negotiations
TOTAL HOURS:		2.30	

CAMPBELL'S CREEK #7 MINE - WEVA 2012-593 - MSHA #274403

05/10/13	J Ellis	1.40	Attention to settlement negotiations; work on settlement counterproposal
05/21/13	J Ellis	.60	Work on settlement counterproposal
TOTAL HOURS:		2.00	

GATEWAY EAGLE MINE - WEVA 2012-939 - MSHA #281814 (Eastern Associated Coal)

05/14/13	J Ellis	.20	Receive and review proposed settlement documents
05/20/13	J Ellis	.20	Receive and review order approving settlement; draft email to client re: settlement order
TOTAL HOURS:		0.40	

WINCHESTER MINE - WEVA 2012-997/998 - MSHA CASE #283385

05/10/13	J Ellis	.10	Receive and review attorney Farley's entry of appearance in WEVA 2012-998
05/29/13	J Ellis	1.10	Work on settlement proposal on WEVA 2012-998
TOTAL HOURS:		1.20	

FEDERAL NO. 2 MINE - WEVA 2012-1195/1196 - MSHA #288463 (Eastern Associated Coal)

05/01/13	W O'Brien	.30	Draft privilege log
05/01/13	W O'Brien	5.10	Work on responses to interrogatories and requests for production; calls and emails with client regarding same
05/01/13	J Ellis	.40	Work on discovery responses on WEVA 2012-1195
05/02/13	W O'Brien	.70	Finalize responses to interrogatories and requests for production; email same to client for approval
05/02/13	J Ellis	1.10	Work on discovery responses on WEVA 2012-1195
05/03/13	J Ellis	.40	Work on discovery responses on WEVA 2012-1195
TOTAL HOURS:		8.00	

WINCHESTER MINE - WEVA 2012-1473 - MSHA CASE #292179

05/09/13	J Ellis	.10	Email from MSHA CLR re: reassignment of docket
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TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
TOTAL HOURS:		0.10	
CAMPBELL'S CREEK NO 7 MINE - WEVA 2012-1581 - MSHA #294266			
05/07/13	J Ellis	.20	Email to MSHA CLR re: settlement negotiations
05/08/13	J Ellis	.20	Email from MSHA CLR re: settlement counterproposal
05/14/13	J Ellis	.50	Attention to settlement negotiations
05/15/13	J Ellis	.20	Email to MSHA CLR re: settlement negotiations
05/21/13	J Ellis	.40	Work on settlement counterproposal
05/27/13	J Ellis	.40	Attention to settlement negotiations
05/31/13	J Ellis	1.40	Attention to settlement negotiations; emails with client re: status of settlement negotiations
TOTAL HOURS:		3.30	
AMERICAN EAGLE MINE - WEVA 2012-1579 - MSHA CASE #293996			
05/17/13	J Ellis	.20	Calls and emails with MSHA attorney re: revisions to settlement documents on WEVA 2012-1578
05/21/13	J Ellis	.20	Emails with MSHA attorney re: settlement documents on WEVA 2012-1578
05/23/13	J Ellis	.10	Email from MSHA attorney re: filing of settlement documents in WEVA 2012-1578
TOTAL HOURS:		0.50	
JARVIS DISCRIMINATION SUIT / MADI-CD-2012-19			
05/24/13	J Phillips	.20	Receive and review settlement documents from solicitor Friary
TOTAL HOURS:		0.20	
FEDERAL NO. 2 MINE - WEVA 2012-1575 & 1576 - MSHA #293992 (Eastern Associated Coal)			
05/01/13	W O'Brien	1.80	Work on responses to interrogatories and requests for production; calls and emails with client regarding same
05/01/13	W O'Brien	.30	Draft privilege log
05/01/13	J Ellis	.60	Email from attorney Shah re: counterproposal on WEVA 2012-1576; work on discovery responses on WEVA 2012-1575
05/02/13	W O'Brien	.70	Finalize responses to interrogatories and

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
			requests for production; email same to client for approval
05/02/13	J Ellis	1.20	Work on discovery responses on WEVA 2012-1575
05/03/13	J Ellis	.30	Work on discovery responses on WEVA 2012-1575
05/07/13	J Ellis	1.10	Email from attorney Shah requesting supplementation of discovery responses; research work product issues
05/13/13	J Ellis	.20	Emails with client and opposing counsel re: supplemental discovery responses
05/16/13	J Ellis	.20	Emails with client re: examination records for supplemental discovery responses
05/30/13	J Ellis	.50	Draft supplemental discovery responses on WEVA 2012-1575
TOTAL HOURS:		6.90	
AMERICAN EAGLE MINE - WEVA 2012-1662 - MSHA #296858			
05/08/13	J Ellis	.20	Email to MSHA CLR re: status of case assignment
05/29/13	J Ellis	.20	Receive and review revised proposed settlement documents
05/31/13	J Ellis	.10	Email from MSHA CLR re: filing settlement documents
TOTAL HOURS:		0.50	
PEERLESS RACHEL MINE - WEVA 2012-1727 - MSHA CASE #298098			
05/03/13	J Ellis	.10	Email to client re: settlement order
TOTAL HOURS:		0.10	
DODGE HILL MINE #1 - KENT 2012-1265 - MSHA #291263			
05/24/13	J Phillips	.20	Engage in settlement negotiations
TOTAL HOURS:		0.20	
CAMPBELLS CREEK #10 - WEVA 2013-38 - MSHA #299492 (Gateway Eagle Coal)			
05/27/13	J Ellis	.80	Attention to settlement negotiations
05/30/13	J Ellis	.20	Receive and review order of assignment and pre-hearing order
TOTAL HOURS:		1.00	

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
BLACK OAK MINE - WEVA 2013-90 - MSHA #302493			
05/28/13	J Ellis	.80	Prepare for settlement conference
TOTAL HOURS:		0.80	
WINCHESTER MINE - WEVA 2013-86 - MSHA #300547 (Remington)			
05/27/13	J Ellis	.60	Work on settlement proposal
TOTAL HOURS:		0.60	
SUGAR MAPLE MINE - WEVA 2013-114 - MSHA #302491 (Gateway Eagle Coal)			
05/16/13	J Ellis	.40	Attention to settlement negotiations on WEVA 2013-113
05/21/13	J Ellis	.20	Emails with Judge Zielinski's law clerk and MSHA CLR regarding status of settlement documents
TOTAL HOURS:		0.60	
EAGLE MINE - WEVA 2013-82 - MSHA #300794 (Newtown Energy)			
05/30/13	J Ellis	1.20	Prepare for settlement conference with MSHA CLR
TOTAL HOURS:		1.20	
CAMP 9 PREP PLANT - KENT 2012-1437 - MSHA #295409 (Heritage Coal)			
05/13/13	J Phillips	.20	Letter from ALJ Miller with order approving settlement; draft email to client outlining payment requirements
TOTAL HOURS:		0.20	
DODGE HILL MINE #1 - KENT 2012-1408 - MSHA #294648 (Highland Mining)			
05/28/13	J Phillips	1.50	Review inspector notes; draft settlement proposal
05/29/13	J Phillips	.50	Work on settlement proposal
TOTAL HOURS:		2.00	
DODGE HILL MINE #1 - KENT 2013-13 - MSHA #299605			
05/14/13	J Phillips	.10	Email from attorney Baker re: ALJ conference call
05/24/13	J Phillips	.20	Engage in settlement negotiations
TOTAL HOURS:		0.30	
HIGHLAND 9 MINE - KENT 2013-14 - MSHA CASE #300098			
05/11/13	J Phillips	.10	Emails from and to solicitor Allen and law

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
			clerk re: hearing
05/13/13	J Phillips	1.00	Engage in settlement negotiations; draft settlement proposal
05/14/13	J Phillips	.10	Email from law clerk re: ALJ conference call
05/28/13	J Phillips	1.20	Engage in settlement negotiations; draft settlement proposal; prepare for and attend ALJ conference call
TOTAL HOURS:		2.40	
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COALBURG NO. 1 MINE - WEVA 2013-83 - MSHA #300799 (Newtown Energy)			
05/27/13	J Ellis	.80	Prepare for settlement conference
TOTAL HOURS:		0.80	
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WINCHESTER MINE - WEVA 2013-230 - MSHA #303681			
05/29/13	J Ellis	.30	Receive and review order approving settlement; draft email to client re: citation modifications
TOTAL HOURS:		0.30	
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SUGAR MAPLE MINE - WEVA 2013-85 - MSHA #301677 (Gateway Eagle Coal)			
05/16/13	J Ellis	2.10	Attention to case strategy; work on settlement Proposal
TOTAL HOURS:		2.10	
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SUGAR MAPLE MINE - WEVA 2013-117 - MSHA #303681 (Gateway Eagle Coal)			
05/16/13	J Ellis	1.80	Attention to case strategy; review flagrant violation case law; work on settlement proposal (pro-rata split with WEVA 2013-357)
05/17/13	J Ellis	.20	Emails with Judge Bulluck's law clerk and opposing counsel re: extension of pre-hearing deadlines on this case and related Sugar Maple dockets due to pending 110(c) investigation
TOTAL HOURS:		2.00	
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HIGHLAND 9 MINE - KENT 2012-1170 - MSHA CASE #289040			
05/13/13	J Phillips	.60	Emails from and to solicitor Allen re: evidentiary hearing; review citations; draft email to client re: defenses
05/21/13	J Phillips	.10	Email from ALJ Moran re: evidentiary hearing
05/28/13	J Phillips	.80	Review inspector notes; draft settlement

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
			proposal
05/29/13	J Phillips	.50	Work on settlement proposal
05/30/13	J Phillips	.20	Engage in settlement negotiations
TOTAL HOURS:		2.20	
EAGLE MINE - WEVA 2013-366 - MSHA #306750 (Newtown Energy)			
05/01/13	J Ellis	.10	Email from MSHA attorney re: transfer of case
TOTAL HOURS:		0.10	
BLACK OAK MINE - WEVA 2013-404 - MSHA #308070			
05/30/13	J Ellis	.90	Prepare for settlement conference with MSHA CLR
TOTAL HOURS:		0.90	
WINCHESTER MINE - WEVA 2013-447 - MSHA CASE #308985			
05/30/13	J Ellis	2.20	Prepare for settlement conference with MSHA CLR
TOTAL HOURS:		2.20	
WINCHESTER MINE - WEVA 2013-371 - MSHA CASE #306579			
05/29/13	J Ellis	1.70	Prepare for settlement conference
TOTAL HOURS:		1.70	
MSHA & WVOMHS&T INVESTIGATION OF FIVE MILE PLANT ACCIDENT (Patriot Coal)			
05/01/13	J Ellis	.20	Emails with estate's counsel re: inspection of press
05/06/13	J Ellis	3.80	Prepare for and attend site inspection with counsel for the estate and an expert retained by the estate; email from MSHA re: questions for Constellation Technology; emails from client re: modification to restart B press
05/07/13	M Mullins	.30	Work on issues pertaining to present discovery requests
05/07/13	M Mullins	.10	Correspondence from general counsel regarding MSHA issues
05/07/13	R Bailey	1.00	Research cross- and third-party claims and defenses
05/07/13	R Jessee	.60	Initially analyze subrogation, indemnification, and warranty issues
05/07/13	J Ellis	3.10	Receive and review additional information from

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
			Constellation Technology; calls and emails with Constellation Technology re: chain of custody form; call with client re: indemnity and subrogation issues; review documents relating to press installation and attention to subrogation issues; emails with estate's counsel re: additional site inspection
05/07/13	P Raupp	1.00	Work on subrogation issues
05/08/13	J Ellis	1.70	Receive and review revised Constellation Technology report; emails from client re: production of revised report; emails with estate's counsel re: site inspection
05/15/13	J Ellis	2.30	Prepare for and attend site inspection with estate's counsel and representative
05/16/13	J Ellis	.80	Call with client re: state NOV's; prepare for meeting with WVOMHST re: NOV's
05/20/13	J Ellis	1.40	Emails with client re: state NOV's; review revised Constellation report; prepare for meeting with WVOMHST
05/21/13	J Ellis	.70	Emails and calls with client re: proposed repairs to A press and state NOV's
05/22/13	J Ellis	.40	Emails with client re: site inspection issues
05/23/13	J Ellis	2.70	Prepare for meeting with WVOMHST re: NOV's
05/24/13	J Ellis	3.20	Prepare for meeting with WVOMHST re: NOV's
05/26/13	R Bailey	1.70	Prepare for conference with WVOMHST on NOV's
05/27/13	R Bailey	1.40	Prepare for conference with WVOMHST on NOV's
05/27/13	J Ellis	1.80	Prepare for meeting with WVOMHST re: NOV's
05/28/13	M Mullins	.20	Review WVOMHST orders regarding accident
05/28/13	J Ellis	6.20	Meet with WVOMHST in Oak Hill re: discussion of NOV's; draft email to client re: WVOMHST meeting; receive and review modifications of NOV's; calls and emails with client re: NOV modifications
05/30/13	J Ellis	2.10	Emails and calls with client re: informal document requests relating to the press; draft notice of potential litigation to Conn-Weld
TOTAL HOURS:		36.70	

HIGHLAND 9 MINE - KENT 2013-319 - MSHA #308615

05/23/13 J Phillips 3.20 Review inspector notes; draft settlement

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
			proposal
05/24/13	J Phillips	.10	Email from solicitor Bernick re: settlement
05/28/13	J Phillips	1.10	Work on settlement proposal
TOTAL HOURS:		4.40	
DODGE HILL #1 MINE - KENT 2013-175 - MSHA CASE #302632			
05/14/13	J Phillips	.40	Prepare for and attend ALJ conference call
TOTAL HOURS:		0.40	
SUGAR MAPLE MINE - WEVA 2013-357 - MSHA# 307007			
05/16/13	J Ellis	1.80	Attention to case strategy; review flagrant violation case law; work on settlement proposal (pro-rata split with WEVA 2013-117)
TOTAL HOURS:		1.80	
HIGHLAND 105(C) CASE- MADI-CD-2013-11			
05/01/13	J Phillips	1.00	Prepare for MSHA interviews; work on issues related to temporary reinstatement of claimant
05/02/13	J Phillips	9.70	Travel to Henderson, Kentucky from Lexington, Kentucky and meet with witnesses to prepare them for interviews with MSHA
05/03/13	J Phillips	10.30	Emails from and to MSHA investigator re: additional records requests; attend witness interviews by MSHA; travel to Lexington, KY from Waverly, KY
05/06/13	J Phillips	.10	Draft status letter to clients re: MSHA interviews and economic reinstatement
05/09/13	J Phillips	1.80	Multiple teleconferences with client representatives re: temporary economic reinstatement and interview results; draft agreement regarding temporary economic reinstatement
05/11/13	J Phillips	.10	Emails from and to client re: temporary reinstatement pay
05/14/13	J Phillips	.30	Email with client re: agreement concerning economic reinstatement; revise economic reinstatement agreement
05/23/13	J Phillips	1.00	Teleconference with client representative re: last chance agreement violation by witness; email from client with discrimination complaint; letter from solicitor Belton re: initiation of claim; draft answer to

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
			discrimination complaint; draft last chance letter of employment
05/24/13	J Phillips	2.70	Draft interrogatories, requests for admission, requests for production of documents, notice of appearance and work on last chance letter of employment; work on answer to discrimination complaint; emails from and to client representatives re: pleadings
05/28/13	J Phillips	.80	Revise answer to complaint and "last chance letter of employment"
05/29/13	J Phillips	.30	Teleconferences with client re: payment due to claimant; teleconference with solicitor Belton re: requirements during temporary reinstatement
05/30/13	J Phillips	.10	Emails from and to solicitor Belton re: discovery
05/31/13	J Phillips	.80	Engage in settlement negotiations
TOTAL HOURS:		29.00	
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BLUE CREEK NO. 1 DEEP - WEVA 2013-503 MSHA #310934			
05/30/13	J Ellis	1.40	Prepare for settlement conference with MSHA CLR
TOTAL HOURS:		1.40	
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WINCHESTER MINE - WEVA 2013-541 - MSHA CASE #311653			
05/29/13	J Ellis	1.00	Prepare for settlement conference with MSHA CLR
TOTAL HOURS:		1.00	
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PEERLESS RACHEL MINE - WEVA 2013-561 - MSHA CASE #311865			
05/29/13	J Ellis	.70	Prepare for settlement conference with MSHA CLR
TOTAL HOURS:		0.70	
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NLRB CASE 06-CA-102820			
05/15/13	R Bean	.20	Telephone conference with NLRB investigator regarding status of investigation
05/15/13	R Bean	.10	Communication to client regarding conference with NLRB investigator and filing of position statement
TOTAL HOURS:		0.30	
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WINCHESTER MINE / CONTEST 107(A) ORDER #8156842			
05/01/13	R Bailey	1.20	Draft memorandum re: recourse against a rogue inspector

TIME DETAIL REPORT

Work Date	Time-keeper	Hours	Narrative
05/01/13	J Ellis	.60	Work on memo to client re: challenges to government action
05/02/13	R Bailey	2.30	Draft memorandum re: recourse against a rogue inspector
05/02/13	J Ellis	1.60	Work on memo regarding possible legal actions in relation to 107(a) order; emails with client re: possible challenges to 107(a) order and policy on inspectors inspecting their prior employers
05/02/13	P Raupp	1.00	Work on preparing notice of contest
05/03/13	R Bailey	6.70	Draft memorandum re: recourse against a rogue inspector
05/06/13	J Ellis	.60	Work on memo to client re: possible recourse for retaliatory inspections
05/07/13	J Ellis	.80	Work on memo to client re: recourse against governmental misconduct
05/08/13	R Bailey	.30	Draft memorandum re: recourse against a rogue inspector
TOTAL HOURS:		15.10	
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MINE HIGHLAND 9 - KENT 2013-618 - #315841			
05/09/13	J Phillips	.50	Review rebuttal information; review 30 CFR 50.10(b); draft answer to petition; draft written discovery requests
05/20/13	J Phillips	.10	Emails from and to solicitor Morholt re: written discovery needs
TOTAL HOURS:		0.60	
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CAMPBELL'S CREEK NO. 10 - WEVA 2013-740/741 - MSHA #315344			
05/20/13	J Ellis	.80	Review petition and draft answer to WEVA 2013-740; review petition and draft answer to WEVA 2013-741
05/31/13	J Ellis	1.40	Prepare for settlement conference with MSHA CLR
TOTAL HOURS:		2.20	
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PEERLESS RACHEL MINE - WEVA 2013-224 - MSHA #303951			
05/13/13	J Ellis	.60	Receive order to show cause; emails with client re: petition; email to MSHA requesting copy of petition
05/15/13	J Ellis	.20	Emails from MSHA and SOL re: assignment of WEVA 2013-224

TIME DETAIL REPORT

Work Date	Time- keeper	Hours	Narrative
05/20/13	J Ellis	.50	Review petition and draft answer
TOTAL HOURS:		1.30	

GATEWAY EAGLE MINE - WEVA 2013-812 - MSHA# 317918

05/20/13	J Ellis	.40	Review petition and draft answer
TOTAL HOURS:		0.40	

WELLS PREPARATION PLANT - WEVA 2013-780 - MSHA #316615 (Eastern Associated Coal)

05/29/13	J Ellis	.30	Review petition and draft answer
TOTAL HOURS:		0.30	
