

SO ORDERED

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Oct 09, 2013

Kathy A. Surratt - States

KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

In re:

PATRIOT COAL CORPORATION, *et al.*,

Chapter 11

Case No. 12-51502-659

Debtors.

Jointly Administered

**AMENDED MOTION FOR AUTHORITY TO WITHDRAW AS COUNSEL
AND TO SUBSTITUTE AS COUNSEL FOR ALPHA ENGINEERING SERVICES, INC.**

Now comes Alpha Engineering Services, Inc. (Alpha) and hereby seeks authority of the Court for James W. Lane, Jr. (Lane) to withdraw as counsel of record for Alpha Engineering Services, Inc. (Alpha), and for Steven L. Thomas and Kay Casto & Chaney PLLC to be substituted as counsel for Alpha, and in support asserts the following:

1. Lane is counsel of record for Alpha. Alpha is an engineering firm in Beckley, West Virginia, and Alpha has performed engineering work for three mine sites for which it has claims for prepetition services. Alpha has filed proofs of claim against Patriot Coal Corporation and other debtors asserting mechanic's lien claims against the respective coal mines, pursuant to the West Virginia mechanic's lien statute.

2. Lane recently joined the law firm Flaherty Sensabaugh Bonasso, PLLC (FSB). FSB represents the Debtors in workplace injury lawsuits and claims pending in West Virginia. Lane's continued representation of Alpha would create a direct conflict of interest under Rule 1.7 of the West Virginia Rules of Professional Conduct and Patriot has declined to consent to Lane's continued representation of Alpha. Rule 1.7 provides that a lawyer "shall not" represent a client under these circumstances.

3. Lane has explained to Alpha that he must withdraw as counsel under the circumstances. Steven L. Thomas, at attorney in Charleston, West Virginia, together with his

firm, Kay Casto & Chaney, PLLC, have agreed with Alpha to be substituted in place of Lane as counsel for Alpha in this case.

4. Pending in this case is the Debtors' Fifteenth Omnibus Objection to redundant proofs of claim, which objects a proof of claim that Alpha filed against Patriot Coal Corporation as a redundant claim. Alpha filed a response to the Objection. A hearing is presently scheduled on the matter for October 22, 2013 at 10:00 a.m.

Wherefore, Alpha respectfully requests that the Court authorize Lane to withdraw as counsel and for Steven L. Thomas and Kay, Casto & Chaney PLLC to be substituted as counsel for Alpha Engineering Services, Inc.

Alpha Engineering Services, Inc.

By former and substituted counsel

/s/ Steven L. Thomas

Steven L. Thomas (WVBar #3738)
Kay Casto & Chaney PLLC
1500 Chase Tower
707 Virginia Street, East
Charleston, West Virginia 25301
(304) 345-8900; Fax: (304)345-8909
sthomas@kaycasto.com

/s/ James W. Lane, Jr.

James W. Lane, Jr. (WVBar #6483)
Flaherty Sensabaugh Bonasso PLLC
P.O. Box 3843
200 Capitol Street
Charleston, West Virginia 25338-3843
(304) 205-6373; Fax: (304)345-0260
jlane@fsblaw.com

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CERTIFICATE OF SERVICE

On October 9, 2013, I served a true and correct copy of the Amended Motion For Authority To Withdraw As Counsel And To Substitute As Counsel For Alpha Engineering Services, Inc. by causing the same to be electronically served in accordance with the method established under this Court's CM/ECF Administrative Procedures, by causing true and correct copies to be enclosed securely in separate postage pre-paid envelopes and delivered by United States mail to those parties and/or counsel listed below:

(a) Counsel to the Debtors:

Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, NY 10017, Attn: Marshall S. Huebner and Brian M. Resnick, and

(b) Conflicts counsel to the Debtors:

Curtis, Mallet-Prevost, Colt & Mosle LLP, 101 Park Avenue, New York, NY 10178, Attn: Steven J. Reisman and Michael A. Cohen

(c) The Office of the United States Trustee for the Eastern District of Missouri

USBC Eastern District of Missouri, Thomas F. Eagleton US Courthouse, 111 S. 10th Street, Suite 6-353, St. Louis, MO 63102
Attn: Leonora S. Long, Esq.

(d) Counsel for the Official Committee of Unsecured Creditors:

Kramer Levin Naftalis & Frankel LLC, 1177 Avenue of the Americas,
New York, NY 10036,
Attn: Adam C. Rogoff, Esq.

Kramer Levin Naftalis & Frankel LLC, 1177 Avenue of the Americas, New York, NY 10036,
Attn: Thomas Moers Mayer, Esq.

Kramer Levin Naftalis & Frankel LLC, 1177 Avenue of the Americas, New York, NY 10036,
Attn: Bradley O'Neil, Esq.

Kramer Levin Naftalis & Frankel LLC, 1177 Avenue of the Americas, New York, NY
10036, Attn: Robert T. Schmidt, Esq.

- (e) The Debtors' authorized claims and noticing agent:

GCG, Inc.
Claims and Noticing Agent for Patriot Coal Corporation
190 S LaSalle St, Suite 1520
Chicago, IL 60603
Attn: Elizabeth Vrato

- (f) Counsel for the administrative agents for the Debtors' proposed post-petition lenders:

Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, NY 10153,
Attn: Marcia Goldstein

Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, NY 10153,
Attn: Joseph Smolinsky

Willkie Farr & Gallagher LLP, 787 Seventh Avenue, New York, NY 10019
Attn: Margot B. Schonholtz

Willkie Farr & Gallagher LLP, 787 Seventh Avenue, New York, NY 10019
Attn: Ana Alfonso

/s/Steven L. Thomas
Steven L. Thomas, WVSB #3738
Kay Casto & Chaney, PLLC
P.O. Box 2031
Charleston, West Virginia 25327
(304) 345-8900; (304) 345-8909
Counsel for Alpha Engineering Services, Inc.