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

In re:

Chapter 11

PATRIOT COAL CORPORATION, et al.,

Debtors.

Case No. 12-51502 (Jointly Administered)

#### TWELFTH MONTHLY FEE STATEMENT OF COLE, SCHOTZ, MEISEL, FORMAN & LEONARD, P.A., AS CONFLICTS COUNSEL TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF PATRIOT COAL CORPORATION, <u>ET AL</u>., FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR THE PERIOD OCTOBER 1, 2013 THROUGH OCTOBER 31, 2013

Name of Applicant:	Cole, Schotz, Meisel, Forman & Leonard, P.A. ("Cole Schotz")
Authorized to Provide Professional Services to:	<u>The Official Committee of Unsecured</u> <u>Creditors</u>
Effective Date of Retention:	<u>August 16, 2012</u>
Period for which Compensation and Reimbursement is Sought:	October 1, 2013 through October 31, 2013
Total Amount of Compensation for Period:	<u>\$8,578.50</u>
Total Amount of Expenses for Period:	<u>\$ 49.45</u>
80% of Fees Requested for Payment:	<u>\$6,862.80</u>
100% of Expenses Requested for Payment:	<u>\$ 49.45</u>
Total Fees and Expenses Requested for Payment:	<u>\$6,912.25</u>

In accordance with this Court's Order to Establish Procedures for Interim Monthly Compensation and Reimbursement of Expenses of Professionals, dated August 2, 2012 [Docket No. 262] (the "Interim Compensation Order"), Cole, Schotz, Meisel, Forman & Leonard, P.A. ("Cole Schotz"), conflicts counsel to the Official Committee of Unsecured Creditors (the "Committee") of the above-captioned debtors and debtors-in-possession (collectively, the

# Case 12-51502 Doc 5021 Filed 11/20/13 Entered 11/20/13 13:06:35 Main Document Pg 2 of 18

"Debtors"), hereby submits this Twelfth Monthly Fee Statement (the "Fee Statement"), seeking compensation and reimbursement of expenses for the period of October 1, 2013 through October 31, 2013 (the "Twelfth Monthly Period"). By this Fee Statement, Cole Schotz seeks payment of \$6,862.80, which is comprised of eighty percent (80%) of the total amount of compensation sought for actual and necessary professional services rendered during the Twelfth Monthly Period, and reimbursement of \$49.45, which is equal to one hundred percent (100%) of its actual and necessary expenses incurred in connection with such services.

#### Services Rendered and Expenses Incurred

1. Attached hereto as <u>Exhibit A</u> is a summary of the services rendered and compensation sought, broken down by project category, for the Twelfth Monthly Period.

2. Attached hereto as **Exhibit B** is a billing summary of Cole Schotz's professionals and paralegals by individual, setting forth the (i) name and title of each individual who performed services during the Twelfth Monthly Period, (ii) aggregate time expended by each such individual, (iii) hourly billing rate for each such individual at Cole Schotz's current billing rates, (iv) the amount of fees for the time expended by each Cole Schotz professional and paralegal, (v) year of bar admission for each attorney, and (vi) area of concentration for each attorney. The blended hourly billing rate of Cole Schotz's professionals during the Twelfth Monthly Period is approximately \$579.63.

3. Attached hereto as <u>Exhibit C</u> is a summary of reimbursements sought by Cole Schotz for expenses for the Twelfth Monthly Period incurred in connection with the performance of professional services, broken down by expense type.

4. Attached hereto as <u>Exhibit D</u> is an itemized record of all time records for Cole Schotz professionals and all expenses for the Twelfth Monthly Period.

2

# Case 12-51502 Doc 5021 Filed 11/20/13 Entered 11/20/13 13:06:35 Main Document Pg 3 of 18

#### **Total Fees and Expenses Sought for the Twelfth Monthly Period**

5. The total amounts sought for fees for services rendered and reimbursement of expenses incurred for professional services rendered during the Twelfth Monthly Period are as follows:

Total Fees for the Twelfth Monthly Period:	\$8,578.50
Total Expenses for the Twelfth Monthly Period:	\$49.45
TOTAL:	\$8,627.95

6. Pursuant to the Interim Compensation Order, Cole Schotz seeks payment of \$6,862.80 which is equal to (i) 80% of Cole Schotz's total fees for services rendered during the Twelfth Monthly Period and (ii) 100% of the total expenses incurred during the Twelfth Monthly Period.

80% of Total Fees for the Twelfth Monthly Period:	\$6,862.80
100% of Total Expenses for the Twelfth Monthly Period:	\$49.45
TOTAL:	\$6,912.25

#### **Notice and Objection Procedures**

7. No trustee or examiner has been appointed in these Chapter 11 Cases. Pursuant to the Interim Compensation Order, notice of this Fee Statement has been served upon: (i) the Debtors, Patriot Coal Corporation, 12312 Olive Boulevard, Suite 400, St. Louis, Missouri 63141, Attn: Jacquelyn A. Jones, (ii) Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, New York 10017, Attn: Marshall S. Huebner and Brian M. Resnick, (iii) the Office of the United States Trustee for the Eastern District of Missouri, 111 S. 10<sup>th</sup> Street, Suite 6353, St. Louis,

## Case 12-51502 Doc 5021 Filed 11/20/13 Entered 11/20/13 13:06:35 Main Document Pg 4 of 18

Missouri 63102, Attn: Leonora S. Long and Paul A. Randolph, (iv) attorneys for the administrative agent for the Debtors' post-petition lenders, (a) Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, New York 10153, Attn: Marcia Goldstein and Joseph Smolinsky, and (b) Wilkie Farr & Gallagher LLP, 787 Twelfth Avenue, New York, New York 10019, Attn: Margot B. Schonholtz and Ana Alfonso, and (v) counsel for 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., and (vi) the Debtors' local counsel, Bryan Cave LLP, 211 N. Broadway, Suite 3600, St. Louis, Missouri 63102, Attn: Brian C. Walsh, Esq. and Lloyd A. Palans, Esq., (collectively, the "<u>Notice</u> <u>Parties</u>"). Cole Schotz submits that no other or further notice need to be provided.

8. Pursuant to the Interim Compensation Order, objections to this Fee Statement, if any, must be in writing, filed with the Court and served upon the Notice Parties, including Cole Schotz, by no later than December 5, 2013 (the "<u>Review Deadline</u>"), setting forth the nature of the objection and the specific amount of fees or expenses at issue.

9. If no objections to the Fee Statement are received on or before the Review Deadline, the Debtors will pay Cole Schotz (i) 80% of its total fees for services rendered during the Twelfth Monthly Period and (ii) 100% of the total expenses incurred during the Twelfth Monthly Period.

10. To the extent an objection to the Fee Statement is received on or before the Review Deadline, the Debtors will withhold payment of that portion of the Fee Statement to which the objection is directed and will promptly pay the remainder of the fees and expenses in the percentages set forth above. To the extent such objection is not resolved, it shall be preserved and scheduled for consideration at the next interim fee application hearing.

4

Dated: October 20, 2013

# COLE, SCHOTZ, MEISEL, FORMAN & LEONARD, P.A.

By: <u>/s/ Michael D. Warner</u> Michael D. Warner, Esq. 301 Commerce Street, Ste 1700 Fort Worth, Texas 76102 Telephone: (817) 810-5250 Facsimile: (817) 810-5255

Conflicts Counsel for The Official Committee of Unsecured Creditors for Patriot Coal Corporation, <u>et al</u>. Case 12-51502 Doc 5021 Filed 11/20/13 Entered 11/20/13 13:06:35 Main Document Pg 6 of 18

## EXHIBIT A

Summary of Time by Category

# Case 12-51502 Doc 5021 Filed 11/20/13 Entered 11/20/13 13:06:35 Main Document Pg 7 of 18

Matter Number	Description	Hours	Fees
NY01	CSMF&L Fee Application	3.3	\$931.00
NY05	Case Administration	5.0	\$3,325.00
NY12	Meetings of Creditors	2.5	\$1,662.50
NY13	Plan & Disclosure Statement	4.0	\$2,660.00
	TOTAL	14.8	\$8,578.50

Case 12-51502 Doc 5021 Filed 11/20/13 Entered 11/20/13 13:06:35 Main Document Pg 8 of 18

## EXHIBIT B

Summary of Professionals

# Case 12-51502 Doc 5021 Filed 11/20/13 Entered 11/20/13 13:06:35 Main Document Pg 9 of 18

Name of Professional Person	Date of Bar Admission	Position with Cole Schotz and Number of Years in that Position	Hourly Billing Rate	Total Billed Hours	Total Compensation
Stuart Komrower	1984	Member (since 1994)	\$665	11.7	\$7,780.50
Jill Bienstock	2008	Associate (since 2008)	\$330	1.3	\$429.00
Kerri L. LaBrada	N/A	Paralegal (since 2010)	\$205	1.8	\$369.00
	TOTAL			14.8	\$8,578.50

Case 12-51502 Doc 5021 Filed 11/20/13 Entered 11/20/13 13:06:35 Main Document Pg 10 of 18

## EXHIBIT C

Summary of Expenses

# Case 12-51502 Doc 5021 Filed 11/20/13 Entered 11/20/13 13:06:35 Main Document Pg 11 of 18

Expense Category	Service Provider (if applicable)	Total Expenses
Pacer		\$36.90
Photocopying		\$11.40
Telephone Charges		\$1.15
Total		\$49.45

Case 12-51502 Doc 5021 Filed 11/20/13 Entered 11/20/13 13:06:35 Main Document Pg 12 of 18

## EXHIBIT D

Cole Schotz Invoice

## Case 12-51502 Doc 5021 Filed 11/20/13 Entered 11/20/13 13:06:35 Main Document Pg 13 of 18



COLE, SCHOTZ, MEISEL, FORMAN & LEONARD, P.A. Attorneys at Law A Professional Corporation

PATRIOT COAL - CREDITORS COMMITTEE ATTN: STEVE CIMALORE WILMINGTON TRUST COMPANY RODNEY SQUARE NORTH 1100 NORTH MARKET STREET WILMINGTON, DE 19890 301 COMMERCE STREET SUITE 1700 FORT WORTH, TX 76102 817.810.5250 817.810.5255 FAX FEDERAL ID# 22-2113414 — NEW JERSEY — NEW YORK — DELAWARE —

MARYLAND

Re:Client/Matter No. 51175-0001<br/>OFFICIAL COMMITTEE OF CREDITORSInvoice No. 729283<br/>November 14, 2013

FOR PROFESSIONAL SERVICES RENDERED THROUGH OCTOBER 31, 2013

<u>DATE</u>	NARRATIVE	INITIALS	HOURS	<u>AMOUNT</u>
CSMF	&L FEE APPLICATION		3.30	\$931.00
10/10/13	ADDRESS UPCOMING INTERIM FEE APPLICATION	JBB	0.20	66.00
10/14/13	REVIEW OF DOCKET RE: UPCOMING DEADLINE TO OBJECT TO INTERIM FEE APPLICATIONS	JBB	0.10	33.00
10/15/13	CORRESPONDENCE WITH K. LABRADA RE: SUPPLEMENTAL DISCLOSURE FOR RETENTION APPLICATION RE: NEW DEBTORS	JBB	0.10	33.00
10/15/13	REVIEW OF DOCKET RE: INTERIM FEE APPLICATION OBJECTIONS AND CORRESPONDENCE WITH S. KOMROWER RE: SAME	JBB	0.10	33.00
10/16/13	VARIOUS CORRESPONDENCE WITH S. KOMROWER AND K. LABRADA RE: SUPPLEMENTAL DISCLOSURE FOR RETENTION	JBB	0.20	66.00
10/21/13	CORRESPONDENCE WITH K. LABRADA AND S. KOMROWER RE: THIRD INTERIM FEE APPLICATION	JBB	0.10	33.00
10/21/13	PREPARE SUPPLEMENTAL DECLARATION RE EMPLOYMENT FEE APPLICATION AND CONFLICT CHECK RE NEW DEBTORS	KLL	1.30	266.50
10/24/13	REVIEW AND REVISE SUPPLEMENTAL DECLARATION RE: ADDITIONAL NEW DEBTORS	JBB	0.30	99.00
10/24/13	REVIEW EMAIL RE SUPP DECLARATION FROM J. BIENSTOCK; CIRCULATE SAME TO S. KOMROWER AND M. WARNER	KLL	0.20	41.00
10/24/13	REVIEW SUPPLEMENTAL WARNER AFFIDAVIT OF DISCLOSURE; RETENTION	SK	0.20	133.00
10/29/13	CONFERENCE WITH S. KOMROWER RE: HEARING ON INTERIM FEE APPLICATIONS	JBB	0.10	33.00
10/29/13	CORRESPONDENCE WITH K. LABRADA RE: SUPPLEMENTAL DISCLOSURE FOR WARNER	JBB	0.10	33.00
10/30/13	FOLLOW UP WITH MDW RE DECLARATION FOR EMPLOYMENT APP	KLL	0.30	61.50

Cas	se 12-51502 COOLESOSCHOFIEG MERSELS, FORMAN & ALEO	ARD6BA.	Main Do	cument
	Pg 14 of 18 FFICIAL COMMITTEE OF CREDITORS ient/Matter No. 51175-0001			e No. 729283 ber 14, 2013 Page 2
CASE	ADMINISTRATION		5.00	\$3,325.00
10/01/13	CORRESPONDENCE TO S. BLANK; RESPONSE RE FURTHER ACTION RELATIVE TO LIEN REVIEW, COLLATERAL PRESERVATION, DISPOSITION OF CHALLENGE DEADLINE	SK	0.50	332.50
10/04/13	CORRESPONDENCE FROM S. BLANK; REQUEST FOR PRESENTATION DURING COMMITTEE CALL ON 10/7; EMAILS EXCHANGED RE RECOMMENDATION	SK	0.30	199.50
10/04/13	REVIEW STIPULATIONS WITH BOFA; EMAILS; FINAL DIP ORDER; COLLATERAL CARVE-OUT EXHIBITS; PRIOR REPORTS TO COMMITTEE TO PREPARE FOR COMMITTEE CONFERENCE CALL PRESENTATION PER KRAMER LEVIN'S REQUEST	SK	1.50	997.50
10/04/13	EMAILS WITH G. PLOTKO AND S. BLANK; FOLLOW UP NOTES	SK	0.30	199.50
10/04/13	REVIEW AGENDA FOR COMMITTEE CONFERENCE CALL, ATTACHMENTS	SK	0.30	199.50
10/07/13	CORRESPONDENCE TO G. PLOTKO AND S. BLANK IN RESPONSE TO CALL AND EMAILS; REVIEW COMMITTEE CALL TALKING POINTS EMAIL; REVIEW MATERIALS FOR CALL	SK	0.90	598.50
10/07/13	CONFERENCE WITH R. IORIO RE COLLATERAL ISSUES	SK	0.20	133.00
10/07/13	TELEPHONE TO ADVERSARY P. JENSEN; DISCUSS FURTHER STIPULATION WITH BOFA TIMING	SK	0.20	133.00
10/28/13	CORRESPONDENCE FROM WILLKIE FARR RE EXTENSION STIPULATION	SK	0.20	133.00
10/28/13	CORRESPONDENCE FROM KRAMER LEVIN; FOLLOW UP AND COMMITTEE CALL / AGENDA	SK	0.20	133.00
10/29/13	REVIEW EMAILS, STATUS FOR COMMITTEE CALL AND FOLLOW UP	SK	0.40	266.00
MEET	INGS OF CREDITORS		2.50	\$1,662.50
10/01/13	REVIEW COMMITTEE EMAILS, FILING STATUS	SK	0.30	199.50

#### 10/07/13 COMMITTEE STATUS CALL; PRESENTATION RE LIEN REVIEW SK 1.50 997.50 STATUS 10/29/13 COMMITTEE CONFERENCE CALL FOR VOTE TO ALLOW CHALLENGE SK 0.30 199.50 **DEADLINE TO PASS - PRESENTATION** 10/29/13 CORRESPONDENCE TO ADVERSARY ANA ALFONSO - BOFA COUNSEL SK 0.20 133.00 RE COMMITTEE'S POSITION ON CHALLENGE DEADLINE 10/29/13 CONFERENCE WITH R. IORIO; DISCUSSION OF FINAL LIEN ISSUES SK 0.20 133.00 **PLAN & DISCLOSURE STATEMENT** 4.00 \$2,660.00 10/07/13 CORRESPONDENCE TO G. PLOTKO RE LANGUAGE OF DISCLOSURE SK 0.20 133.00 STATEMENT 10/09/13 REVIEW EMAILS RE PLAN, TERM SHEETS SK 0.30 199.50

Cas	se 12-51502 0	E E OSCH OFTE AMERSEI	13, F <b>GRMAN 181/126</b> / Pg 15 of 18	ONARD6BA	• Main Doc	ument
	FFICIAL COMMITTEE ient/Matter No. 5117	E OF CREDITORS	g 13 01 10			lo. 729283 r 14, 2013 Page 3
10/09/13	STATEMENT LANG	e from G. Plotko with E Uage to cover committ ND draft response ema	EE'S LIEN	SK	0.50	332.50
10/09/13		JT, FEE ALLOWANCE STIPU RELEASE SECTIONS	LATION AND REVIEW	SK	0.50	332.50
10/09/13	Correspondence Language; Follo	e to G. Plotko re modif W up	ICATION TO	SK	0.20	133.00
10/11/13	Correspondence Plan Issues	E TO ATTORNEY/CO-COUN	Sel greg plotko re:	SK	0.20	133.00
10/14/13	CONFERENCE (10/ AND CARVE OUT S	11) with G. Plotko; disc Cope Issue	CUSS PLAN RELEASES	SK	0.20	133.00
10/18/13		ROM KRAMER LEVIN; REVII WORK AND PLAN (VARIOU		A- SK	0.80	532.00
10/24/13	CORRESPONDENCI FOR PLAN STATUS	E FROM COMMITTEE COUN	SEL; EMAILS; REVIEW	SK	0.20	133.00
10/25/13	REVIEW DISCLOSU BOFA	JRE STATEMENT DATES; ST	TPULATIONS WITH	SK	0.40	266.00
10/28/13		ADVERSARY ANA ALFONSO EXTENSION OF TIME TO C		SK	0.20	133.00
10/28/13		E TO GREG PLOTKO; CONF SION STIPULATION AND EM		SK F	0.30	199.50
				TOTAL HOURS	14.80	
	PROFESSIONAL SE	RVICES:			\$	8,578.50
<u>TIMEKEE</u>	PER	STAFF LEVEL	HOURS	RATE	MOUNT	
STUART K	OMROWER	MEMBER	11.70	665.00	7,780.50	
JILL BIEN		ASSOCIATE	1.30	330.00	429.00	
KERRI L. I	_ABRADA	PARALEGAL	1.80	205.00	369.00	

Case 12-51502 CODE 5,05CHOFTIZ; MIBESELL3, FORMAN 181/2E/ON ARD6 B.3. Main Document Pg 16 of 18

OFFICIAL COMMITTEE OF CREDITORS Re: Client/Matter No. 51175-0001

Invoice No. 729283 November 14, 2013 Page 4

#### COSTS ADVANCED

<u>DATE</u>	DESCRIPTION	AMOUNT
09/03/13	PHOTOCOPYING / PRINTING / SCANNING	3.40
09/03/13	PHOTOCOPYING / PRINTING / SCANNING	4.60
09/03/13	COPY OF OFFICIAL DOCUMENTS	3.00
09/03/13	COPY OF OFFICIAL DOCUMENTS	3.00
09/03/13	COPY OF OFFICIAL DOCUMENTS	3.00
09/03/13	COPY OF OFFICIAL DOCUMENTS	3.00
09/03/13	COPY OF OFFICIAL DOCUMENTS	3.00
09/04/13	TELEPHONE TOLL CHARGE	0.10
09/04/13	TELEPHONE TOLL CHARGE	0.20
09/11/13	TELEPHONE TOLL CHARGE	0.50
09/12/13	TELEPHONE TOLL CHARGE	0.10
09/17/13	COPY OF OFFICIAL DOCUMENTS	0.10
09/17/13	COPY OF OFFICIAL DOCUMENTS	0.10
09/17/13	COPY OF OFFICIAL DOCUMENTS	3.00
09/17/13	COPY OF OFFICIAL DOCUMENTS	0.40
09/17/13	COPY OF OFFICIAL DOCUMENTS	3.00
09/17/13	COPY OF OFFICIAL DOCUMENTS	3.00
09/19/13	TELEPHONE TOLL CHARGE	0.05
09/19/13	COPY OF OFFICIAL DOCUMENTS	0.10
09/19/13	COPY OF OFFICIAL DOCUMENTS	0.50
09/19/13	COPY OF OFFICIAL DOCUMENTS	1.70
09/20/13	COPY OF OFFICIAL DOCUMENTS	3.00
09/20/13	COPY OF OFFICIAL DOCUMENTS	0.40
09/20/13	COPY OF OFFICIAL DOCUMENTS	1.60
09/20/13	COPY OF OFFICIAL DOCUMENTS	0.20
09/20/13	COPY OF OFFICIAL DOCUMENTS	0.10
09/20/13	COPY OF OFFICIAL DOCUMENTS	0.20
09/20/13	COPY OF OFFICIAL DOCUMENTS	0.20
09/20/13	COPY OF OFFICIAL DOCUMENTS	0.20
09/20/13	COPY OF OFFICIAL DOCUMENTS	0.20
09/20/13	COPY OF OFFICIAL DOCUMENTS	0.20
09/20/13	COPY OF OFFICIAL DOCUMENTS	0.80
09/20/13	COPY OF OFFICIAL DOCUMENTS	1.90
09/20/13	COPY OF OFFICIAL DOCUMENTS	0.20
09/20/13	COPY OF OFFICIAL DOCUMENTS	0.30
09/20/13	COPY OF OFFICIAL DOCUMENTS	0.20

Case 12-51502 CODE 5,05CHOFTIZ; MIBESELL3, FORMAN 181/2E/ON ARD6 B.3. Main Document Pg 17 of 18

OFFICIAL COMMITTEE OF CREDITORS Re: Client/Matter No. 51175-0001

Invoice No. 729283 November 14, 2013 Page 5

DATE	DESCRIPTION	AMOUNT
09/20/13	COPY OF OFFICIAL DOCUMENTS	0.20
09/20/13	COPY OF OFFICIAL DOCUMENTS	0.10
10/07/13	PHOTOCOPYING / PRINTING / SCANNING	3.40
10/07/13	TELEPHONE TOLL CHARGE	0.05
10/07/13	TELEPHONE TOLL CHARGE	0.05
10/07/13	TELEPHONE TOLL CHARGE	0.05
10/07/13	TELEPHONE TOLL CHARGE	0.05
	TOTAL COSTS ADVANCED:	<u>\$ 49.45</u>

TOTAL SERVICES AND COSTS:
---------------------------

<u>\$ 8,627.95</u>

Case 12-51502 Doc 5021 Filed 11/20/13 Entered 11/20/13 13:06:35 Main Document Pg 18 of 18



PATRIOT COAL - CREDITORS COMMITTEE ATTN: STEVE CIMALORE WILMINGTON TRUST COMPANY RODNEY SQUARE NORTH 1100 NORTH MARKET STREET WILMINGTON, DE 19890 COURT PLAZA NORTH 25 MAIN STREET P.O. BOX 800 HACKENSACK, NJ 07602-0800 201.489.3000 201.489.1536 FAX FEDERAL ID# 22-2113414

**New York** 

Delaware

Maryland —

TEXAS

## REMITTANCE PAGE

FOR PROFESSIONAL SERVICES RENDERED

Re: Client/Matter No. 51175-0001 OFFICIAL COMMITTEE OF CREDITORS Invoice No. 729283 November 14, 2013

### PLEASE RETURN THIS COPY WITH YOUR PAYMENT

TOTAL SERVICES AND COSTS:

<u>\$ 8,627.95</u>