Objection Deadline: February 8, 2014 at 4:00 p.m. (prevailing Central Time)

Thompson Coburn LLP One US Bank Plaza, Suite 2700 St. Louis, Missouri 63101 Telephone: 314-552-6079 Facsimile: 314-552-7079

Special Counsel to the Debtors and Debtors in Possession

David A. Warfield

### UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MISSOURI

In re:

Chapter 11

PATRIOT COAL CORPORATION, et al.,

Case No. 12-51502

(Jointly Administered)

Debtors.

# MONTHLY FEE STATEMENT OF THOMPSON COBURN LLP FOR PROFESSIONAL SERVICES AND DISBURSEMENTS FOR THE PERIOD DECEMBER 1, 2013 THROUGH AND INCLUDING DECEMBER 31, 2013

**NAME OF APPLICATION:** Thompson Coburn LLP ("Thompson Coburn")

**ROLE IN CASE:** Special Counsel to the Debtors and Debtors in Possession

**DATE OF RETENTION:** Order entered September 10, 2012 Authorizing Retention

of Thompson Coburn Nunc Pro Tunc to July 9, 2012

(Docket No. 538)

**TIME PERIOD:** December 1 through and including December 31, 2013

CURRENT APPLICATION: Total Fees Requested: \$18,333.45

80% of Fees Requested: \$14,666.76 Total Expenses Requested: \$11,546.97 Total Fees and Expenses Requested: \$26,213.73

<sup>&</sup>lt;sup>1</sup> This amount reflects a 10% discount of Thompson Coburn's standard rates provided to the Debtors.

**PRIOR APPLICATION(S):** Interim Fee Applications filed November 15, 2012, April 15, 2013 and September 5, 2013.

- 1. In accordance with the *Order to Establish Procedures for Interim Monthly Compensation and Reimbursement of Expenses of Professionals* [Docket No. 262] (the "Interim Compensation Order"), Thompson Coburn LLP ("Thompson Coburn"), special counsel to the above-captioned debtors and debtors in possession (collectively, the "Debtors"), hereby submits its Initial Monthly Fee Statement for Professional Services and Disbursements (the "Fee Statement") for the period of December 1, 2013 through and including December 31, 2013 (the Fee Statement Period").
- 2. Pursuant to the Interim Compensation Order, Thompson Coburn seeks payment of \$26,213.73,<sup>2</sup> representing 80% of Thompson Coburn's fees for services rendered plus expenses.
- 3. Attached hereto as **Exhibit A** is a listing of Thompson Coburn professionals and paraprofessionals (collectively, the "**Thompson Coburn Professionals**"), including the hourly rate for each Thompson Coburn 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 Thompson Coburn Professional.
- 4. Attached hereto as **Exhibit B** is a summary of the number of hours and amounts billed by Thompson Coburn during the Fee Statement Period, organized by matter. Such services included:
  - Prosecuting ongoing litigation matters currently pending in the
     United States District Court for the Southern District of West

<sup>&</sup>lt;sup>2</sup> This amount reflects a ten percent discount to Thompson Coburn's customary hourly rates.

- Virginia styled *Patriot Coal Sales LLC v. Bridgehouse Commodities Trading Limited, et al.*, case no. 2:12-cv-03653 and *Patriot Coal Sales LLC v. Keystone Industries, LLC*, case no. 2:12-cv-01808; and
- Preparing documents and rendering advice related to these proceedings.
- 5. Attached hereto as **Exhibit C** are the time records of Thompson Coburn, which provide a daily summary of the time spent by each Thompson Coburn Professional during the Fee Statement Period by matter.

#### Notice

6. Consistent with the procedures described in the Interim Compensation Order, Thompson Coburn 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. 10<sup>th</sup> 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) Willkie 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, Thompson Coburn respectfully requests that the Court grant the relief sought herein and for such other and further relief as is just and proper.

Respectfully Submitted,

THOMPSON COBURN LLP

Dated: January 24, 2014 St. Louis, Missouri By: David A. Warfield

David A. Warfield Roman P. Wuller

THOMPSON COBURN LLP

One U.S. Bank Plaza St. Louis, Missouri 63101 Telephone: 314-552-6000 Facsimile: 314-552-7000

Email: <u>dwarfield@thompsoncoburn.com</u> <u>rwuller@thompsoncoburn.com</u>

Special Counsel to the Debtors and Debtors in Possession

#### In Re: PATRIOT COAL CORPORATION, et al. Chapter 11 Case No. 12-51502

# SUMMARY OF HOURS BILLED BY PROFESSIONALS FOR THE PERIOD OF DECEMBER 1, 2013 THROUGH AND INCLUDING DECEMBER 31, 2013

Name	Title	Rate	Hours	Amount
David Mangian	Associate, Business Litigation	\$260	1.9	\$494.00
Mark Mattingly	Partner, Business Litigation	\$345	44.7	\$15,421.50
Roman Wuller Partner, Business Litigation		\$495	9.0	\$4,455.00
		Totals:	55.6	\$20,370.50
Total with 10% discount applied			\$18,333.45	

#### In Re: PATRIOT COAL CORPORATION, et al. Chapter 11 Case No. 12-51502

# SUMMARY OF HOURS BILLED BY MATTER FOR THE PERIOD OF DECEMBER 1, 2013 THROUGH AND INCLUDING DECEMBER 31, 2013

#### **All Matters**

Matter Name	Hours	Fees <sup>1</sup>	Expenses	Total Fees and Expenses
Bankruptcy	11.4	\$3,715.20	\$88.36	\$3,803.56
Bridgehouse	43.9	\$14,511.60	\$11,458.61	\$25,970.21
Keystone Industries	.3	\$106.65	\$0.00	\$106.65
Totals:	55.6	\$18,333.45	\$11,546.97	\$29,880.42

#### **Bankruptcy**

Name	Title	Rate	Hours	<b>Total Fees</b>
Mark Mattingly	Partner, Business Litigation	\$345	10.1	\$3,484.50
Roman Wuller	Partner, Business Litigation	\$495	1.3	\$643.50
	Totals:		11.4	\$4,128.00
	Total with 10% discount:			\$3,715.20

#### **Bridgehouse**

Name	Title	Hours	<b>Total Fees</b>	
David Mangian	Associate, Business Litigation	\$260	1.9	\$494.00
Mark Mattingly	Partner, Business Litigation	\$345	34.4	\$11,868.00
Roman Wuller	Partner, Business Litigation	\$495	7.6	\$3,762.00
	Totals:		43.9	\$16,124.00
	Total with 10% discount:			\$14,511.60

<sup>&</sup>lt;sup>1</sup> The "Fees" column reflects the 10% discount from Thompson Coburn's standard rates provided to Debtors.

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### **Keystone Industries**

Name	Title	Rate	Hours	<b>Total Fees</b>
Mark Mattingly	Partner, Business Litigation	\$345	.2	\$69.00
Roman Wuller	Partner, Business Litigation	\$495	.1	\$49.50
	Totals:		.3	\$118.50
	Total with 10% discount:			\$106.65



January 23, 2014 Invoice #3023134 P.O. Box 18379M St. Louis, Missouri 63195

**ACH Instructions:** 

Account Name: Thompson Coburn LLP Bank: U.S. Bank ABA/Routing Number: 021052053

ABA/Routing Number: 021052055 Account Number: 25657335 Please reference invoice number(s).

**Direct Correspondence To:** 

314-552-6000

AccountsReceivable@ThompsonCoburn.com

TIN 43-0666662

Patriot Coal Corporation Attn: Joe Bean 12312 Olive Boulevard Suite 400 St. Louis, Missouri 63141

### For Legal Services Rendered in Connection With:

Bankruptcy
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TC File: 48538 / 105927

12/09/13	R. Wuller	0.40	Telephone call from E. Waller re contract with Trafigua (.2); instructions to M. Mattingly re same (.1); review emails from E. Waller re same (.1)
12/09/13	M. Mattingly	4.70	Review and analyze contract documents for proposed sale (2.2); discuss proposed documents with C. Damba (.2); discuss proposed documents with E. Waller (0.1); discuss analysis and documents with R. Wuller (.2); work on long term rail contract (2.0)
12/10/13	M. Mattingly	2.50	Work on long term rail contract
12/11/13	M. Mattingly	2.50	Work on long term rail contract
12/19/13	R. Wuller	0.90	Review court order as it pertains to fees and expenses (.2); email from M. Mattingly re same (.1); finalize judgment (.2); review defendant's proposed changes to same (.2); conference with M. Mattingly re same (.2)
12/20/13	M. Mattingly	0.40	Review monthly fee statement prior to filing of same
Total Hou	rs		11.40

Amount For Services

\$4,128.00

Invoice

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January 23, 2014 Invoice #3023134

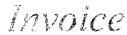
Page 2

### Patriot Coal Corporation

For Cash Out	lays:	·	•
12/20/13	For overnight delivery service TO: Patriot Coal Corporation, 12312 O Louis, MO 63141; VENDOR: Fed Corp. INVOICE#: 251068155, DA Tracking #: 797478877540, Shipm	live Blvd Ste 400, St eral Express ATE: 12/26/2013,	\$10.84
12/20/13	For overnight delivery service TO: Davis Polk & Wardwell, LLP, 450 York, NY 10017; VENDOR: Fede Corp. INVOICE#: 251068155, DA Tracking #: 797478886111, Shipm	Lexington Ave, New oral Express ATE: 12/26/2013,	\$16.23
12/20/13	For overnight delivery service TO: Office of United States Trustee, 11 Louis, MO 63102; VENDOR: Fed Corp. INVOICE#: 251068155, DA Tracking #: 797478896010, Shipm	Attn Lenora S Long, 1 S 10th St Ste 6 353, St eral Express ATE: 12/26/2013,	\$10.84
12/20/13	For overnight delivery service TO: Wilkie Farr & Gallagher LLP, 787 NY 10019; VENDOR: Federal Ex 251068155, DATE: 12/26/2013, T 797478903037, Shipment Date: 12	7th Ave, New York, press Corp. INVOICE#: racking #:	\$16.23
12/20/13	For overnight delivery service TO: Kramer Levin Naftalis & Franke, Americas, New York City, NY 10 Express Corp. INVOICE#: 251068 12/26/2013, Tracking #: 79747891 12/20/2013	Adam C Rogoff, 1177 Avenue Of The 036; VENDOR: Federal 8155, DATE:	\$16.23
12/20/13	For overnight delivery service TO: Weil, Gotshal & Manges LLP, 767 City, NY 10153; VENDOR: Feder Corp. INVOICE#: 251068155, DA Tracking #: 797478920280, Shipm	7 5th Ave, New York ral Express ATE: 12/26/2013,	\$16.23
	For reproduction charges	22 @ \$0.08	\$1.76

Amount For Cash Outlays

\$88.36



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Patriot Coal Corporation

#### TIME SUMMARY BY TIMEKEEPER

	Hours	Billed	Bill
Timekeeper	Worked	Per Hour	Amount
M. Mattingly	10.10	\$345.00	\$3,484.50
R. Wuller	1.30	\$495.00	\$643.50
Total All Timekeepers	11.40	\$362.11	\$4,128.00

For Services Less 10% Discount	\$4,128.00 -412.80
Amount For Services Amount For Cash Outlays	3,715.20 88.36

TOTAL DUE	\$3,803.56



Suite 400

Bridgehouse

January 23, 2014 Invoice #3023994

> **Patriot Coal Corporation** Attn: Jackie Jones 12312 Olive Boulevard

St. Louis, Missouri 63141

P.O. Box 18379M St. Louis, Missouri 63195

**ACH Instructions:** 

Account Name: Thompson Coburn LLP Bank: U.S. Bank ABA/Routing Number: 021052053 Account Number: 25657335 Please reference invoice number(s).

**Direct Correspondence To:** 

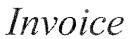
314-552-6000

AccountsReceivable@ThompsonCoburn.com

TIN 43-0666662

#### For Legal Services Rendered in Connection With:

TC File:	48538 / 102962		
12/01/13	R. Wuller	0.20	Review additional comments to motion to enforce settlement and memorandum in support from J. Jones
12/01/13	D. Mangian	1.60	Review memorandum in support of second motion to enforce settlement agreement
12/02/13	R. Wuller	1.10	Review proposed changes to B. Bennent affidavit and brief (.2); conference with M. Mattingly re same (.2); review email from G. Bowles re failure to pay (.2); telephone conference with J. Jones and M. Mattingly re same (.2); revise email to G. Bowles re failure to pay (.1); revise motion to expedite hearing on motion to enforce settlement (.1); report from M. Mattingly and local counsel re same (.1)
12/02/13	M. Mattingly	6.90	Draft, revise and finalize documents re second motion to enforce parties' settlement agreement, including motion, memorandum, declaration of R. Bennett, exhibits and motion for expedited hearing (5.3); multiple calls with J. Jones re motion and related documents and strategy (.3); emails with client and opposing counsel re settlement hearing (.8); discuss motion strategy with R. Wuller and H. Jernigan (.5)
12/03/13	R. Wuller	0.60	Review emails from G. Bowles re settlement issues (.2) conference with M. Mattingly re same (.2) instructions to M. Mattingly re court hearing (.2)
12/03/13	M. Mattingly	3.30	Work on settlement including multiple communications with J. Jones, H. Jernigan and opposing counsel re settlement, timing of payment and hearing date on motion to enforce settlement
12/04/13	R. Wuller	0.40	Review emails to and from G. Bowles re hearing and status of compliance (.2); telephone call to M. Mattingly re same (.2)



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### Patriot Coal Corporation

12/04/13	M. Mattingly	2.50	Work on settlement including multiple communications with J. Jones, R. Wuller, H. Jernigan and opposing counsel (1.0); draft and revise proposed judgment against A. Ruhan and Bridgehouse Capital (1.5)
12/05/13	R. Wuller	0.90	Telephone calls to and from M. Mattingly re hearing and proposed order (.4); review emails from client and M. Mattingly re same (.2); review H. Jernigan's changes to proposed order (.1); review brief filed by defendants (.2)
12/05/13	M. Mattingly	7.50	Draft emails to R. Wuller, J. Jones and H. Jernigan re hearing strategy; discuss hearing strategy with R. Wuller; review and revise proposed judgment; travel to hearing in West Virginia
12/05/13	D. Mangian	0.30	Research re federal post-judgment interest rate; prepare insert re specific performance for judgment; review draft final judgment
12/06/13	R. Wuller	0.60	Telephone call to M. Mattingly re hearing (.3); review emails re hearing (.2); review documents received from defendants (.1)
12/06/13	M. Mattingly	8.50	Review and revise proposed judgment (.4); prepare for hearing on second motion to enforce the parties' settlement (1.1); attend hearing on motion to enforce the parties' settlement (.8); discuss results of hearing with J. Jones (.2); travel from hearing (6.0)
12/10/13	R. Wuller	0.20	Conference with M. Mattingly re status (.1); review and revise draft judgment
12/10/13	M. Mattingly	0.20	Review insurer update from D. Dilley (.1); emails with opposing counsel re settlement (.1)
12/11/13	R. Wuller	0.90	Review issues relating to judgment and filing a law suit against Ruhan if payment is not made (.7); conference with M. Mattingly re same (.2)
12/11/13	M. Mattingly	1.90	Discuss propose judgment with R. Wuller (.2); discuss legal issues re proposed judgment with J. Erwin (.5); work on proposed judgment and revise same (1.0); email to H. Jernigan re proposed judgment (.1); emails with J. Jones re settlement (.1)
12/12/13	R. Wuller	0.90	Work on judgment (.6); conference with M. Mattingly re research re same (.3)
12/12/13	M. Mattingly	0.60	Revise proposed judgment and discuss same with R. Wuller (.3); emails with J. Jones and others re settlement (.1); discuss settlement issues with J. Jones (.2)
12/13/13	R. Wuller	0.30	Review G. Bowles update (.1); instructions to M. Mattingly re judgment (.2)
12/16/13	R. Wuller	0.20	Instructions to and report from M. Mattingly re status
12/17/13	M. Mattingly	0.40	Discuss settlement status with J. Jones (.2); review emails re Qatar Litigation and discuss same with R. Wuller (.2)

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### **Patriot Coal Corporation**

12/18/13	R. Wuller	0.60	Emails from and to M. Mattingly and local counsel re strategy (.2); review email from G. Bowles re status (.1); conference with M. Mattingly re same (.2); review emails from client re same (.1)		
12/18/13	M. Mattingly	0.40	Draft emails to opposing counsel re status of settlement payment (.2); emails with J. Jones and H. Jernigan re settlement (.2)		
12/19/13	M. Mattingly	2.20	Draft and revise cover notice to proposed J. Jones and H. Jernigan re proposed judg discuss judgment with J. Jones (.1); discuss judgment with R. Wuller (.2); email with (.1); emails with opposing counsel re prosame (.3); conference with court re filing	gment and notice re same (.2); ass notice and proposed D. Dilley re Qatar Litigation posed judgment and filing of	
12/20/13	R. Wuller	0.30	Review defendants response to proposed judgment (.2); conference with M. Mattingly re same (.1)		
12/23/13	R. Wuller	0.20	Emails to and from J. Bean and J. Jones re status and inquiry to purchase judgment		
12/26/13	R. Wuller	0.10	Review email from G. Bowles re status a re same	nd instructions to M. Mattingly	
12/30/13	R. Wuller	0.10	Review email from J. Jones and letter fro Litigation	m defendant's counsel re Qatar	
Total Hour	rs ·			43.90	
Amount Fo	or Services			\$16,124.00	
For Cash C	Outlays:				
expert S. Schwartz; VENDOR: Energy Ventures Analysis,			\$9,600.00		
12/16/13	For travel ex November 3	Inc.; INVOICE#: 2013_1_11262013; DATE: 11/26/2013 For travel expenses in Charleston, West Virginia on November 3, 2013 and November 5, 2013; VENDOR: Mattingly, Mark A.; INVOICE#: AG0322651; DATE: 11/4/2013			
12/16/13				\$7.90	
12/16/13	For travel ex	For travel expenses in Charleston, West Virginia on		\$33.00	

November 3, 2013 and November 5, 2013; VENDOR: Mattingly, Mark A.; INVOICE#: AG0322652; DATE:



11/4/2013

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### **Patriot Coal Corporation**

### For Cash Outlays:

12/20/13	For airfare for M. Mattingly to Charlesto	\$848.60	
	November 4, 2013; ticket 7261979656		
12/23/13	For arbitration/mediation services render	ed rendered	\$687.00
	August 6, 2013 through October 2, 2013		
	O'Dell Law Mediation PLLC; INVOICE	#:	
	13_055_DEC62013; DATE: 12/6/2013		
	For reproduction charges	214 @ \$0.08	\$17.12

#### **Amount For Cash Outlays**

\$11,458.61

#### TIME SUMMARY BY TIMEKEEPER

	Hours	Billed	Bill
Timek <b>ee</b> per	Worked	Per Hour	Amount
D. Mangian	1.90	\$260.00	\$494.00
M. Mattingly	34.40	\$345.00	\$11,868.00
R. Wuller	7.60	\$495.00	\$3,762.00
Total All Timekeepers	43.90	\$367.29	\$16,124.00

For Services Less 10% Discount	\$16,124.00 -1,612.40
Amount For Services Amount For Cash Outlays	14,511.60 11,458.61

TOTAL DUE	 \$25,970.21





January 23, 2014

Direct Correspondence To:
One US Bank Plaza
St. Louis, Missouri 63101-1693
314-552-6000
AccountsReceivable@ThompsonCoburn.com

Patriot Coal Corporation Attn: Jackie Jones 12312 Olive Boulevard Suite 400 St. Louis, Missouri 63141

TIN 43-0666662

### **REMITTANCE COPY**

# PAYMENT DUE UPON RECEIPT PLEASE REFERENCE INVOICE NUMBER WITH YOUR PAYMENT

Invoice # 3023994

\$25,970.21

#### Please remit this copy with your check to:

Thompson Coburn LLP P.O. Box 18379M St. Louis, MO 63195

#### **ACH Instructions:**

Account Name: Thompson Coburn LLP

Bank: U.S. Bank

ABA/Routing Number: 021052053

Account Number: 25657335

Please reference invoice number(s) with ACH or send an e-mail with the information to

AccountsReceivable@ThompsonCoburn.com

#### FOR WIRE TRANSFER INSTRUCTIONS PLEASE CONTACT

AccountsReceivable@ThompsonCoburn.com

#### Case 12-51502 Doc 5267 Filed 01/25/14 Entered 01/25/14 12:16:04 Main Document Pg 16 of 16

THOMPSON COBURNLE

January 23, 2014 nvoice #3023133

Remit To: P.O. Box 18379M St. Louis, Missouri 63195

**ACH Instructions:** 

Account Name: Thompson Coburn LLP Bank: U.S. Bank ABA/Routing Number: 021052053 Account Number: 25657335 Please reference invoice number(s).

Direct Correspondence To:

314-552-6000

AccountsReceivable@ThompsonCoburn.com

TIN 43-0666662

**Patriot Coal Corporation** Attn: Jackie Jones 12312 Olive Boulevard Suite 400 St. Louis, Missouri 63141

For Legal Services Rendered in Connection With:

**Keystone Industries** 

ГС File: 48538 / 104514

R. Wuller 12/03/13

0.10

Review court order re stay

M. Mattingly 12/03/13

0.20

Review stay order and forward same to J. Jones

**Total Hours** 

**Amount For Services** 

0.30

\$118.50

#### TIME SUMMARY BY TIMEKEEPER

	Hours	Billed	Bill
Timekeeper	Worked	Per Hour	Amount
M. Mattingly	0.20	\$345.00	\$69.00
R. Wuller	0.10	\$495.00	\$49.50
Total All Timekeepers	0.30	\$395.00	\$118.50

For Services Less 10% Discount \$118.50 -11.85

**Amount For Services** 

106.65

**TOTAL DUE** 

\$106.65