

COLE, SCHOTZ, MEISEL,  
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Michael D. Warner, Esq. (Admitted *Pro Hac Vice*)

*Conflicts Counsel for the Official Committee  
of Unsecured Creditors of Patriot Coal Corporation, et al.*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

PATRIOT COAL CORPORATION, *et al.*,  
  
Debtors.

Chapter 11

Case No. 12-12900 (SCC)

(Jointly Administered)

**AFFIDAVIT OF MICHAEL D. WARNER  
REGARDING NOTICE OF CHANGE OF HOURLY RATES  
OF COLE, SCHOTZ, MEISEL, FORMAN & LEONARD, P.A.**

I, MICHAEL D. WARNER, being duly sworn, state the following under penalty of perjury:

1. I am a Member of the law firm of Cole, Schotz, Meisel, Forman & Leonard, P.A. ("Cole Schotz" or the "Firm"). I am a member in good standing of the Bars of the States of Texas and California, and I am admitted to practice before the United States District Court for the Northern, Eastern, Southern and Western Districts of Texas and the United States District Court for the Central, Eastern and Northern District of California. In addition, I am admitted to practice before the Fifth and Ninth Circuit Courts of Appeals and the United States Supreme Court. There are no disciplinary proceedings pending against me.

2. Pursuant to the *Order Authorizing and Approving the Official Committee of Unsecured Creditors' of Patriot Coal Corporation, et al. to Employ and Retain Cole, Schotz, Meisel, Forman & Leonard, P.A. as Conflicts Counsel Effective August 16, 2012* (the "Cole Schotz Retention Order") entered September 10, 2012 [Docket No.536], I hereby file this notice of a change in the hourly rates of certain Cole Schotz attorneys and paralegals. Effective October 1, 2012, certain attorneys and paralegals hourly rates for matter related to the above-referenced chapter 11 cases increased as follows:<sup>1</sup>

| <b>Attorney/Paraprofessional</b> | <b>Hourly Rate as of Commencement Date</b> | <b>Hourly Rate Effective October 1, 2012</b> |
|----------------------------------|--|--|
| Michael D. Warner (Member)       | \$620                                      | \$650  |
| Stuart Komrower (Member)         | \$625                                      | \$645  |
| David M. Bass (Member)           | \$595                                      | \$610  |
| Roger M. Iorio (Member)          | \$395                                      | \$405  |
| Robyn A. Pellegrino (Associate)  | \$385                                      | \$400  |
| Wylie D. Van Ness (Associate)    | \$305                                      | \$330  |
| Jill B. Bienstock (Associate)    | \$275                                      | \$295  |
| Kerri LaBrada (Paralegal)        | \$185                                      | \$200  |
| Kim Calkin (McEllen) (Paralegal) | \$185                                      | \$190  |

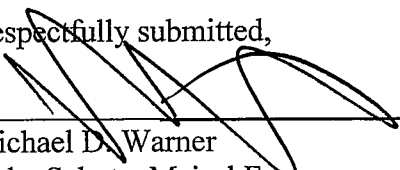
3. The rate increases are in accordance with Cole Schotz's policies and are a result of attorneys' and paralegals' annual advance in seniority. The aforementioned listing includes only those professionals who have worked on this matter. Rate increases occurred in all of Cole Schotz's departments and are effective for all of Cole Schotz's clients.

4. Pursuant to the Order to Establish Procedures for Interim Monthly Compensation and Reimbursement of Expenses of Professionals, entered August 2, 2012, [Docket No. 262] (the "Interim Compensation Order"), Cole Schotz will continue to disclose the billing rate of each partner, associate, and paraprofessional providing services to the Debtors on a monthly basis in each Monthly Application (as defined in the Interim Compensation Order).

<sup>1</sup> The attorneys and paralegals listed in the chart are limited to individuals who have billed to the above-referenced chapter 11 cases since the commencement of the chapter 11 cases.

Dated: November 19, 2012

Respectfully submitted,

  
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Michael D. Warner  
Cole, Schotz, Meisel Forman  
& Leonard, P.A.

Sworn to before me this 19<sup>th</sup> day of  
November, 2012.

  
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NOTARY PUBLIC

