

Presentment Date: November 28, 2012 at 4:00 p.m. (prevailing Eastern Time)

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*Counsel to the Debtors  
and Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In re:**

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

**Debtors.<sup>1</sup>**

**Chapter 11**

**Case No. 12-12900 (SCC)**

**(Jointly Administered)**

**NOTICE OF PRESENTMENT OF AN ORDER  
AUTHORIZING THE PAYMENT FOR CERTAIN SERVICES  
ON A FIXED FEE BASIS TO JACKSON KELLY PLLC**

PLEASE TAKE NOTICE that the Debtors hereby seek entry of an order in the form attached hereto as Exhibit A (the “**Supplemental Order**”) amending the order authorizing the employment and retention of Jackson Kelly PLLC (“**Jackson Kelly**”) as special counsel for the Debtors, dated September 9, 2012 [ECF No. 540] (the “**Original Order**”) to authorize the payment for certain services on a fixed fee basis, in accordance with sections 328(a) and 330 of title 11 of the United States Code (the “**Bankruptcy Code**”), Rule 2014(a) of the Federal Rules

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<sup>1</sup> The Debtors are the entities listed on Schedule 1 attached hereto. The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors’ chapter 11 petitions.

of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Rule 2014-1 of the Local Rules of Bankruptcy Practice and Procedure for the United States Bankruptcy Court for the Southern District of New York (the “**Local Bankruptcy Rules**”).

PLEASE TAKE FURTHER NOTICE that the Supplemental Order authorizes Jackson Kelly to be compensated on a fixed fee basis for certain legislative and lobbying services that Jackson Kelly is already authorized to provide the Debtors pursuant to Paragraph 7(h) of the Original Order.<sup>2</sup> The amount of such fixed compensation is currently set at \$30,000 per year, payable at a rate of \$2,500 per month, as more fully described in the Supplemental Declaration of Michael T. Cimino, a Member of Jackson Kelly, attached hereto as Exhibit B (the “**Cimino Supplemental Declaration**”).

PLEASE TAKE FURTHER NOTICE that, on November 28, 2012 at 4:00 p.m. (prevailing Eastern time), the Debtors will present the Supplemental Order to the Honorable Shelley C. Chapman, United States Bankruptcy Judge at the United States Bankruptcy Court for the Southern District of New York, Courtroom 621, One Bowling Green, New York, New York 10004, for signature, and, if no objections are received by November 28, 2012, at 4:00 p.m. (prevailing Eastern time), the Supplemental Order may be entered upon presentment to the Court with no further notice or opportunity to be heard afforded to any party.

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<sup>2</sup> The Original Order provides that Jackson Kelly would be compensated on an hourly basis for all services.

Dated: New York, New York  
November 21, 2012

By: /s/ Michelle M. McGreal

Marshall S. Huebner

Damian S. Schaible

Brian M. Resnick

Michelle M. McGreal

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New York, New York 10017

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*Counsel to the Debtors  
and Debtors in Possession*

**SCHEDULE 1**  
(Debtor Entities)

1. Affinity Mining Company
2. Apogee Coal Company, LLC
3. Appalachia Mine Services, LLC
4. Beaver Dam Coal Company, LLC
5. Big Eagle, LLC
6. Big Eagle Rail, LLC
7. Black Stallion Coal Company, LLC
8. Black Walnut Coal Company
9. Bluegrass Mine Services, LLC
10. Brook Trout Coal, LLC
11. Catenary Coal Company, LLC
12. Central States Coal Reserves of Kentucky, LLC
13. Charles Coal Company, LLC
14. Cleaton Coal Company
15. Coal Clean LLC
16. Coal Properties, LLC
17. Coal Reserve Holding Limited Liability Company No. 2
18. Colony Bay Coal Company
19. Cook Mountain Coal Company, LLC
20. Corydon Resources LLC
21. Coventry Mining Services, LLC
22. Coyote Coal Company LLC
23. Cub Branch Coal Company LLC
24. Dakota LLC
25. Day LLC
26. Dixon Mining Company, LLC
27. Dodge Hill Holding JV, LLC
28. Dodge Hill Mining Company, LLC
29. Dodge Hill of Kentucky, LLC
30. EACC Camps, Inc.
31. Eastern Associated Coal, LLC
32. Eastern Coal Company, LLC
33. Eastern Royalty, LLC
34. Emerald Processing, L.L.C.
35. Gateway Eagle Coal Company, LLC
36. Grand Eagle Mining, LLC
37. Heritage Coal Company LLC
38. Highland Mining Company, LLC
39. Hillside Mining Company
40. Hobet Mining, LLC
41. Indian Hill Company LLC
42. Infinity Coal Sales, LLC
43. Interior Holdings, LLC
44. IO Coal LLC
45. Jarrell's Branch Coal Company
46. Jupiter Holdings LLC
47. Kanawha Eagle Coal, LLC
48. Kanawha River Ventures I, LLC
49. Kanawha River Ventures II, LLC
50. Kanawha River Ventures III, LLC
51. KE Ventures, LLC
52. Little Creek LLC
53. Logan Fork Coal Company
54. Magnum Coal Company LLC
55. Magnum Coal Sales LLC
56. Martinka Coal Company, LLC
57. Midland Trail Energy LLC
58. Midwest Coal Resources II, LLC
59. Mountain View Coal Company, LLC
60. New Trout Coal Holdings II, LLC
61. Newtown Energy, Inc.
62. North Page Coal Corp.
63. Ohio County Coal Company, LLC
64. Panther LLC
65. Patriot Beaver Dam Holdings, LLC
66. Patriot Coal Company, L.P.
67. Patriot Coal Corporation
68. Patriot Coal Sales LLC
69. Patriot Coal Services LLC
70. Patriot Leasing Company LLC
71. Patriot Midwest Holdings, LLC
72. Patriot Reserve Holdings, LLC
73. Patriot Trading LLC
74. PCX Enterprises, Inc.
75. Pine Ridge Coal Company, LLC
76. Pond Creek Land Resources, LLC
77. Pond Fork Processing LLC
78. Remington Holdings LLC
79. Remington II LLC
80. Remington LLC
81. Rivers Edge Mining, Inc.
82. Robin Land Company, LLC
83. Sentry Mining, LLC
84. Snowberry Land Company
85. Speed Mining LLC
86. Sterling Smokeless Coal Company, LLC
87. TC Sales Company, LLC
88. The Presidents Energy Company LLC
89. Thunderhill Coal LLC
90. Trout Coal Holdings, LLC
91. Union County Coal Co., LLC
92. Viper LLC
93. Weatherby Processing LLC
94. Wildcat Energy LLC
95. Wildcat, LLC
96. Will Scarlet Properties LLC
97. Winchester LLC
98. Winifrede Dock Limited Liability Company
99. Yankeetown Dock, LLC

## **Exhibit A**

**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)**

**ORDER AUTHORIZING THE PAYMENT FOR CERTAIN SERVICES  
ON A FIXED FEE BASIS TO JACKSON KELLY PLLC**

Upon the notice of presentment of an order amending the order authorizing the employment and retention of Jackson Kelly PLLC (“**Jackson Kelly**”) as special counsel for the Debtors, dated September 9, 2012 [ECF No. 540] (the “**Original Order**”) to authorize the payment for certain services on a fixed fee basis, dated November 21, 2012 (the “**Notice of Presentment**”); and due and proper notice of the requested amendment having been provided, and it appearing that no other or further notice need be provided; and the relief requested in the Notice of Presentment being in the best interests of the Debtors and their respective estates and creditors; and this Court having reviewed the Notice of Presentment; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the relief requested in the Notice of Presentment is hereby granted; and it is further

ORDERED that the Original Order shall remain in full force and effect, except as amended below; and it is further

ORDERED that the Debtors are authorized to compensate Jackson Kelly on a fixed fee basis for the following services, which were generally authorized under paragraph 7(h) of the Original Order:

(a) representing the Debtors before the West Virginia Legislature and its committees; and

(b) interfacing on behalf of the Debtors with the Governor of West Virginia, his Chief of Staff and other elected and appointed officers in relation to the administrative matters affecting the Debtors;

and it is further

ORDERED that Jackson Kelly shall continue to file fee applications for interim and final allowance of compensation and reimbursement of expenses pursuant to the Fee Guidelines (as defined in the Original Order) and any applicable orders of the Court, with allowance of such compensation subject to the Court's review for reasonableness; and it is further

ORDERED that ten business days' notice must be provided by Jackson Kelly to the Debtors, the United States Trustee and any official committee prior to any increase in the rate set forth in the Declaration of Michael T. Cimino, a Member of Jackson Kelly, filed in support of the Notice of Presentment and attached to the Notice of Presentment as Exhibit B, and such notice must be filed with the Court; and it is further

ORDERED that the Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: New York, New York

\_\_\_\_\_, 2012

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THE HONORABLE SHELLEY C. CHAPMAN  
UNITED STATES BANKRUPTCY JUDGE



## **Exhibit B**

JACKSON KELLY PLLC  
500 Lee Street, East; Suite 1600 (25301)  
Post Office Box 553  
Charleston, West Virginia 25322  
Telephone: (304) 340-1299  
Facsimile: (304) 340-1050  
Michael T. Cimino  
William F. Dobbs, Jr.

*Proposed Special Counsel to the Debtors  
and Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In re:**

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

**Debtors.<sup>1</sup>**

**Chapter 11**

**Case No. 12-12900 (SCC)**

**(Jointly Administered)**

**SUPPLEMENTAL DECLARATION OF MICHAEL T. CIMINO AND  
DISCLOSURE STATEMENT OF JACKSON KELLY PLLC  
IN SUPPORT OF THE DEBTORS' REQUEST FOR  
AN ORDER AUTHORIZING THE PAYMENT OF CERTAIN SERVICES  
ON A FIXED FEE BASIS TO JACKSON KELLY PLLC**

Michael T. Cimino declares as follows:

1. I am a Member of Jackson Kelly PLLC (“**Jackson Kelly**”), a law firm with its principal office at Charleston, West Virginia, and other offices in Clarksburg, West Virginia, Martinsburg, West Virginia, Morgantown, West Virginia, Wheeling, West Virginia, Denver, Colorado, Evansville, Indiana, Indianapolis, Indiana, Lexington, Kentucky, Canton, Ohio, Pittsburgh, Pennsylvania, and Washington, D.C.

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<sup>1</sup> The Debtors are the entities listed on Schedule 1 attached to the Notice of Presentment. The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors' chapter 11 petitions.

2. Jackson Kelly has been retained by the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) as special counsel under section 327(e) of title 11 of the United States Code (the “**Bankruptcy Code**”) in the above-captioned chapter 11 cases.

3. I submit this supplemental declaration (the “**Supplemental Declaration**”) under rules 2014(a) and 2016(b) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) in connection with the notice of presentment of an order amending the order approving Jackson Kelly’s retention dated September 9, 2012 [ECF No. 540] (the “**Original Order**”) to authorize the payment of certain services on a fixed fee basis, dated November 21, 2012. Unless otherwise stated in this Supplemental Declaration, I have personal knowledge of the facts set forth herein.

4. Jackson Kelly has represented and would continue to represent the Debtors before the West Virginia Legislature and its committees and interfaces on behalf of the Debtors with the Governor of West Virginia, his Chief of State, and other elected and appointed officials in relation to administrative matters affecting the Debtors, on a fixed fee basis in the amount of \$30,000 per year, payable at the rate of \$2,500 per month.

5. In addition, I hereby make the following supplemental disclosure regarding Jackson Kelly’s connections to the Debtors:

(a) Jackson Kelly represents employees of the Debtors at the Debtors’ request. Jackson Kelly often represents employees of the Debtors who have been assessed penalties under Section 110(c) of the Mine Safety and Health Act, or its state law counterparts. Currently, Jackson Kelly represents two such individuals, at the Debtor’s expense, who have been indemnified by the Debtors, and, accordingly, Jackson Kelly’s

representation of these employees is not in conflict with Jackson Kelly's separate representation of the Debtors in other matters.

6. The foregoing constitutes the supplemental statement of Michael T. Cimino pursuant to sections 327(e), 329 and 504 of the Bankruptcy Code and Bankruptcy Rules 2014(a) and 2016(b).

7. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this Supplemental Declaration was executed on November 21, 2012.

/s/ Michael T. Cimino  
Michael T. Cimino, Member  
Jackson Kelly PLLC