

**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)**

**DECLARATION AND DISCLOSURE STATEMENT OF CHRISTOPHER D.  
PENCE, ON BEHALF OF HARDY PENCE PLLC**

Christopher D. Pence, declares and says:


1. I am a Member of Hardy Pence PLLC, located at 500 Lee Street, East, Suite 701, Charleston, West Virginia 25301 (the “**Firm**”).
2. Patriot Coal Corporation and its subsidiaries that are debtors and debtors in possession in the above referenced proceedings (collectively, the “**Debtors**”) have requested that the Firm provide legal services to the Debtors, and the Firm has consented to provide those services.
3. The Firm may have performed services in the past and may perform services in the future, in matters unrelated to these chapter 11 cases, for persons that are claimants or other parties in interest in the Debtors’ chapter 11 cases. The Firm does not perform services for any such person in connection with these chapter 11 cases.
4. Neither I nor any partner or associate of the Firm, insofar as I have been able to ascertain, holds or represents any interest adverse to the Debtors or their estates with respect to the matters on which the Firm is to be employed.

5. Neither I nor any partner or associate of the Firm has agreed to share or will share any portion of the compensation to be received from the Debtors with any person other than partners and associates of the Firm.

6. The Debtors owe the Firm \$0.00 for prepetition services.

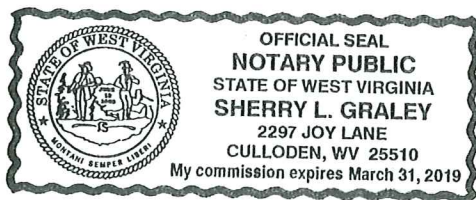
7. The Firm is conducting further inquiries regarding its retention by any creditors of the Debtors, and upon conclusion of that inquiry, or at any time during the period of its employment, if the Firm should discover any facts bearing on the matter described herein, the Firm will supplement the information contained in this Declaration.

8. 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 Declaration was executed on November 26, 2012.

  
Christopher D. Pence

Taken, subscribed and sworn to before me, the undersigned authority, this 26<sup>th</sup> day of November, 2012.

My commission expires March 31, 2019.



  
NOTARY PUBLIC

Patriot Coal Corporation, et al.  
Chapter 11 Case No. 12-12900 (SCC)

RETENTION QUESTIONNAIRE

TO BE COMPLETED BY PROFESSIONALS EMPLOYED BY PATRIOT COAL CORPORATION, *et al.* (the “Debtors”)

DO NOT FILE THIS QUESTIONNAIRE WITH THE COURT.  
RETURN IT FOR FILING BY THE DEBTORS TO:

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

All questions **must** be answered. Please use “none,” “not applicable,” or “N/A,” as appropriate. If more space is needed, please complete on a separate page and attach.

1. Name and address of firm:

Hardy Pence PLLC  
500 Lee Street, East, Suite 701  
Charleston, West Virginia 25301  
Date of retention: December 1, 2012

2. Brief description of services to be provided:

Litigation and safety matters.

3. Arrangements for compensation (hourly, contingent, etc.)

Hourly

(a) Range of hourly rates (if applicable): \$110 - \$255

(b) Estimated average monthly compensation based on prepetition retention (if firm was employed prepetition):

Although Hardy Pence PLLC was not employed prepetition, we expect our monthly compensation to average \$10,000.

Prepetition claims against any of the Debtors held by the firm:

Amount of claim: \$ N/A

Date claim arose: N/A

Source of claim: N/A

Prepetition claims against any of the Debtors held individually by any of the firm's attorneys:

Name: David J. Hardy and Christopher D. Pence as members of  
Betts Hardy & Rodgers PLLC

Status: Claim to be Filed

Amount of claim: \$88,054.92

Date claim arose: February 1, 2012 through July 8, 2012

Source of claim: Attorneys' fee and expenses incurred in representation of certain debtors.

Stock of any of the Debtors currently held by the firm:

Kind of shares: N/A

No. of shares: N/A

Stock of any of the Debtors currently held individually by any of the firm's attorneys: None.

Name: N/A

Status: N/A

Kind of shares: N/A

No. of shares: N/A

4. Disclose the nature and provide a brief description of any interest adverse to the Debtors or to their estates for the matters on which the firm is to be employed.

None known at this time.

Name of individual completing this form.

Christopher D. Pence