

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**In re:**

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

**Chapter 11  
Case No. 12-51502-659  
Jointly Administered**

**MOTION TO WITHDRAW AS COUNSEL  
FOR ALPHA ENGINEERING SERVICES, INC.**

Now comes James W. Lane, Jr. (Lane) counsel of record for Alpha Engineering Services, Inc. (Alpha), and pursuant to Local Rule 2091, respectfully moves the Court to withdraw as counsel, and in support asserts the following:

1. Lane is counsel of record for Alpha. Alpha is an engineering firm in Beckley, West Virginia, and Alpha has performed engineering work for three mine sites for which it has claims for prepetition services. Alpha has filed proofs of claim against Patriot Coal Corporation and other debtors asserting mechanic's lien claims against the respective coal mines, pursuant to the West Virginia mechanic's lien statute.

2. Lane recently joined the law firm Flaherty Sensabaugh Bonasso, PLLC (FSB). FSB represents the Debtors in workplace injury lawsuits and claims pending in West Virginia.

3. Lane's continued representation of Alpha would create a direct conflict of interest under Rule 1.7 of the West Virginia Rules of Professional Conduct because Lane's continued representation of Alpha with respect to its claims against Patriot would be directly adverse to Patriot, a client of Lane's new firm. Patriot has declined to consent to Lane's continued representation of Alpha. Rule 1.7 provides that a lawyer

“shall not” represent a client under these circumstances.

4. Lane has explained to Alpha that he must withdraw as counsel under the circumstances. Steven L. Thomas, at attorney in Charleston, West Virginia, together with his firm, Kay Casto & Chaney, PLLC, have agreed with Alpha to be substituted in place of Lane as counsel for Alpha in this case.

5. Pending in this case is the Debtors’ Fifteenth Omnibus Objection to redundant proofs of claim, which objects a proof of claim that Alpha filed against Patriot Coal Corporation as a redundant claim. Alpha filed a response to the Objection. A hearing is presently scheduled on the matter for October 22, 2013 at 10:00 a.m.

Wherefore, James W. Lane, Jr. respectfully requests that the Court authorize Lane to withdraw as counsel.

**James W. Lane, Jr.,  
counsel for Alpha Engineering Services,  
Inc.**

/s/ James W. Lane, Jr.  
James W. Lane, Jr. (#6483)  
Flaherty Sensabaugh Bonasso PLLC  
P.O. Box 3843  
200 Capitol Street  
Charleston, West Virginia 25338-3843  
(304) 205-6373  
Fax: (304)345-0260  
[jlane@fsblaw.com](mailto:jlane@fsblaw.com)

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In re: Chapter 11  
PATRIOT COAL CORPORATION, et al., Case No.: 12-51502-659 (KSS)  
Debtors. Jointly Administered

CERTIFICATE OF SERVICE

On October 4, 2013, I served a true and correct copy of the Motion to Withdraw as Counsel For Alpha Engineering Services by causing the same to be electronically served in accordance with the method established under this Court's CM/ECF Administrative Procedures, and was also served in accordance with the Order Establishing Certain Notice, Case Management And Administrative Procedures [Docket No. 1386] by causing true and correct copies to be enclosed securely in separate postage pre-paid envelopes and delivered by United States mail to those parties and/or counsel listed below:

(a) Counsel to the Debtors:

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

(b) Conflicts counsel to the Debtors:

Curtis, Mallet-Prevost, Colt & Mosle LLP, 101 Park Avenue, New York,  
NY 10178, Attn: Steven J. Reisman and Michael A. Cohen

(c) The Office of the United States Trustee for the Eastern District of Missouri,  
USBC Eastern District of Missouri, Thomas F. Eagleton US Courthouse,  
111 S. 10<sup>th</sup> Street, Suite 6-353, St. Louis, MO 63102  
Attn: Leonora S. Long, Esq.

(d) Counsel for the Official Committee of Unsecured Creditors:

Kramer Levin Naftalis & Frankel LLC, 1177 Avenue of the Americas,  
New York, NY 10036, Attn: Adam C. Rogoff, Esq.

Kramer Levin Naftalis & Frankel LLC, 1177 Avenue of the Americas,  
New York, NY 10036, Attn: Thomas Moers Mayer, Esq.

Kramer Levin Naftalis & Frankel LLC, 1177 Avenue of the Americas,  
New York, NY 10036, Attn: Bradley O'Neil, Esq.

Kramer Levin Naftalis & Frankel LLC, 1177 Avenue of the Americas,  
New York, NY 10036, Attn: Robert T. Schmidt, Esq.

- (e) The Debtors' authorized claims and noticing agent:

GCG, Inc.  
Claims and Noticing Agent for Patriot Coal Corporation  
190 S LaSalle St, Suite 1520  
Chicago, IL 60603  
Attn: Elizabeth Vrato

- (f) Counsel for the administrative agents for the Debtors' proposed  
postpetition lenders:

Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, NY 10153,  
Attn: Marcia Goldstein

Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, NY 10153,  
Attn: Joseph Smolinsky

Willkie Farr & Gallagher LLP, 787 Seventh Avenue, New York, NY  
10019  
Attn: Margot B. Schonholtz

Willkie Farr & Gallagher LLP, 787 Seventh Avenue, New York, NY  
10019  
Attn: Ana Alfonso

/s/ James W. Lane, Jr.  
James W. Lane, Jr. (#6483)  
Flaherty Sensabaugh Bonasso PLLC

P.O. Box 3843  
200 Capitol Street  
Charleston, West Virginia 25338-3843  
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Fax: (304)345-0260  
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**ORDER AUTHORIZING COUNSEL  
FOR ALPHA ENGINEERING SERVICES, INC.  
TO WITHDRAW**

On this day the Court considered the Motion of James W. Lane, Jr., counsel of record for Alpha Engineering Services, Inc., pursuant to Local Rule 2091, to withdraw as counsel, and finding good cause exists to do so, it is **ORDERED** that James W. Lane, Jr. is hereby authorized to file a Notice of Withdrawal as counsel for Alpha Engineering Services, Inc., and Alpha shall have ten (10) days thereafter for its substituted counsel to file a notice of appearance.

Dated: \_\_\_\_\_

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Honorable Kathy Surratt-States  
UNITED STATES BANKRUPTCY JUDGE

/s/ James W. Lane, Jr.  
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Flaherty Sensabaugh Bonasso PLLC  
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