

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

In re:  PATRIOT COAL CORPORATION, <i>et al.</i> ,  Debtors.	Chapter 11  Case No. 12-51502 (Jointly Administered)
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**ELEVENTH MONTHLY FEE STATEMENT OF COLE, SCHOTZ,  
MEISEL, FORMAN & LEONARD, P.A., AS CONFLICTS COUNSEL TO  
THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF PATRIOT  
COAL CORPORATION, ET AL., FOR COMPENSATION FOR THE PERIOD  
SEPTEMBER 1, 2013 THROUGH SEPTEMBER 30, 2013**

Name of Applicant:	<u>Cole, Schotz, Meisel, Forman &amp; Leonard, P.A. (“Cole Schotz”)</u>
Authorized to Provide Professional Services to:	<u>The Official Committee of Unsecured Creditors</u>
Effective Date of Retention:	<u>August 16, 2012</u>
Period for which Compensation and Reimbursement is Sought:	<u>September 1, 2013 through September 30, 2013</u>
Total Amount of Compensation for Period:	<u>\$14,439.00</u>
Total Amount of Expenses for Period:	<u>\$ 0.00</u>
80% of Fees Requested for Payment:	<u>\$11,551.20</u>
100% of Expenses Requested for Payment:	<u>\$ 0.00</u>
Total Fees and Expenses Requested for Payment:	<u>\$11,551.20</u>

In accordance with this Court’s *Order to Establish Procedures for Interim Monthly Compensation and Reimbursement of Expenses of Professionals*, dated August 2, 2012 [Docket No. 262] (the “**Interim Compensation Order**”), Cole, Schotz, Meisel, Forman & Leonard, P.A. (“**Cole Schotz**”), conflicts counsel to the Official Committee of Unsecured Creditors (the “**Committee**”) of the above-captioned debtors and debtors-in-possession (collectively, the

“**Debtors**”), hereby submits this Eleventh Monthly Fee Statement (the “**Fee Statement**”), seeking compensation for the period of September 1, 2013 through September 30, 2013 (the “**Eleventh Monthly Period**”). By this Fee Statement, Cole Schotz seeks payment of \$11,551.20, which is comprised of eighty percent (80%) of the total amount of compensation sought for actual and necessary professional services rendered during the Eleventh Monthly Period.

### **Services Rendered**

1. Attached hereto as **Exhibit A** is a summary of the services rendered and compensation sought, broken down by project category, for the Eleventh Monthly Period.

2. Attached hereto as **Exhibit B** is a billing summary of Cole Schotz’s professionals and paralegals by individual, setting forth the (i) name and title of each individual who performed services during the Eleventh Monthly Period, (ii) aggregate time expended by each such individual, (iii) hourly billing rate for each such individual at Cole Schotz’s current billing rates, (iv) the amount of fees for the time expended by each Cole Schotz professional and paralegal, (v) year of bar admission for each attorney, and (vi) area of concentration for each attorney. The blended hourly billing rate of Cole Schotz’s professionals during the Eleventh Monthly Period is approximately \$532.80.

3. Attached hereto as **Exhibit C** is an itemized record of all time records for Cole Schotz professionals for the Eleventh Monthly Period.

### **Total Fees Sought for the Eleventh Monthly Period**

5. The total amounts sought for fees for services rendered for professional services rendered during the Eleventh Monthly Period are as follows:

Total Fees for the Eleventh Monthly Period:	\$14,439.00
<b>TOTAL:</b>	\$14,439.00

6. Pursuant to the Interim Compensation Order, Cole Schotz seeks payment of \$11,551.20 which is equal to (i) 80% of Cole Schotz’s total fees for services rendered during the Eleventh Monthly Period.

80% of Total Fees for the Eleventh Monthly Period:	\$11,551.20
<b>TOTAL:</b>	\$11,551.20

**Notice and Objection Procedures**

7. No trustee or examiner has been appointed in these Chapter 11 Cases. Pursuant to the Interim Compensation Order, notice of this Fee Statement has been served upon: (i) the Debtors, Patriot Coal Corporation, 12312 Olive Boulevard, Suite 400, St. Louis, Missouri 63141, Attn: Jacquelyn A. Jones, (ii) Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, New York 10017, Attn: Marshall S. Huebner and Brian M. Resnick, (iii) the Office of the United States Trustee for the Eastern District of Missouri, 111 S. 10<sup>th</sup> Street, Suite 6353, St. Louis, Missouri 63102, Attn: Leonora S. Long and Paul A. Randolph, (iv) attorneys for the administrative agent for the Debtors’ post-petition lenders, (a) Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, New York 10153, Attn: Marcia Goldstein and Joseph Smolinsky, and (b) Wilkie Farr & Gallagher LLP, 787 Eleventh Avenue, New York, New York 10019, Attn: Margot B. Schonholtz and Ana Alfonso, and (v) counsel for 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., and (vi)

the Debtors' local counsel, Bryan Cave LLP, 211 N. Broadway, Suite 3600, St. Louis, Missouri 63102, Attn: Brian C. Walsh, Esq. and Lloyd A. Palans, Esq., (collectively, the "**Notice Parties**"). Cole Schotz submits that no other or further notice need to be provided.

8. Pursuant to the Interim Compensation Order, objections to this Fee Statement, if any, must be in writing, filed with the Court and served upon the Notice Parties, including Cole Schotz, by no later than November 5, 2013 (the "**Review Deadline**"), setting forth the nature of the objection and the specific amount of fees at issue.

9. If no objections to the Fee Statement are received on or before the Review Deadline, the Debtors will pay Cole Schotz (i) 80% of its total fees for services rendered during the Eleventh Monthly Period.

10. To the extent an objection to the Fee Statement is received on or before the Review Deadline, the Debtors will withhold payment of that portion of the Fee Statement to which the objection is directed and will promptly pay the remainder of the fees in the percentages set forth above. To the extent such objection is not resolved, it shall be preserved and scheduled for consideration at the next interim fee application hearing.

Dated: October 21, 2013

**COLE, SCHOTZ, MEISEL, FORMAN &  
LEONARD, P.A.**

By: /s/ Michael D. Warner

Michael D. Warner, Esq.  
301 Commerce Street, Ste 1700  
Fort Worth, Texas 76102  
Telephone: (817) 810-5250  
Facsimile: (817) 810-5255

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

**EXHIBIT A**

Summary of Time by Category

<b>Matter Number</b>	<b>Description</b>	<b>Hours</b>	<b>Fees</b>
NY01	CSMF&L Fee Application	6.4	\$1,790.50
NY05	Case Administration	20.7	\$12,648.50
	<b>TOTAL</b>	<b>27.1</b>	<b>\$14,439.00</b>

**EXHIBIT B**

Summary of Professionals

<b>Name of Professional Person</b>	<b>Date of Bar Admission</b>	<b>Position with Cole Schotz and Number of Years in that Position</b>	<b>Hourly Billing Rate</b>	<b>Total Billed Hours</b>	<b>Total Compensation</b>
Stuart Komrower	1984	Member (since 1994)	\$645	18.4	\$11,868.00
Roger M. Iorio	2002	Member (since 2010)	\$405	2.2	\$891.00
Jill Bienstock	2008	Associate (since 2008)	\$295	4.0	\$1,180.00
Kerri L. LaBrada	N/A	Paralegal (since 2010)	\$200	2.5	\$500.00
<b>TOTAL</b>				<b>27.1</b>	<b>\$14,439.00</b>



**EXHIBIT C**

Cole Schotz Invoice



301 COMMERCE STREET  
SUITE 1700  
FORT WORTH, TX 76102  
817.810.5250 817.810.5255 FAX  
FEDERAL ID# 22-2113414

PATRIOT COAL - CREDITORS COMMITTEE  
ATTN: STEVE CIMALORE  
WILMINGTON TRUST COMPANY  
RODNEY SQUARE NORTH  
1100 NORTH MARKET STREET  
WILMINGTON, DE 19890

NEW JERSEY  
NEW YORK  
DELAWARE  
MARYLAND

Re: **Client/Matter No. 51175-0001**  
**OFFICIAL COMMITTEE OF CREDITORS**

Invoice No. 726891  
October 14, 2013

FOR PROFESSIONAL SERVICES RENDERED THROUGH SEPTEMBER 30, 2013

<u>DATE</u>	<u>NARRATIVE</u>	<u>INITIALS</u>	<u>HOURS</u>	<u>AMOUNT</u>
<b>CSMF&amp;L FEE APPLICATION</b>			<b>6.40</b>	<b>\$1,790.50</b>
09/03/13	REVIEW AND REVISE FEE APPLICATION FOR COLE SCHOTZ	JBB	1.20	354.00
09/03/13	TELEPHONE CONFERENCE WITH K. LABRADA RE: REVISIONS TO FEE APPLICATION AND EXHIBITS	JBB	0.20	59.00
09/03/13	FURTHER REVIEW AND REVISE SECOND INTERIM FEE APPLICATION FOR COLE SCHOTZ AND REVISE EXHIBITS	JBB	1.40	413.00
09/03/13	TELEPHONE CALL WITH J. BIENSTOCK RE SECOND INTERIM FEE APPLICATION AND REVISIONS THERETO	KLL	0.20	40.00
09/03/13	REVIEW EDITS TO SECOND INTERIM FEE APPLICATION; EMAILS	SK	0.40	258.00
09/03/13	REVISIONS TO INTERIM FEE APPLICATION AND EXHIBITS THERETO; RETRIEVE PREVIOUS FILED INTERIM FEE APPLICATIONS FOR REFERENCE	KLL	1.80	360.00
09/04/13	FINALIZE INTERIM FEE APPLICATION	JBB	0.60	177.00
09/04/13	CORRESPONDENCE WITH K. LABRADA RE: INTERIM FEE APPLICATION AND FILING ISSUES	JBB	0.10	29.50
09/04/13	FINALIZE THE INTERIM FEE APPLICATION; EMAILS TO LOCAL COUNSEL RE FILING OF SAME; EMAILS TO EPIQ ON SERVICE OF SAME	KLL	0.50	100.00
<b>CASE ADMINISTRATION</b>			<b>20.70</b>	<b>\$12,648.50</b>
09/03/13	TELEPHONE CALL WITH LENDER'S COUNSEL RE: STIPULATION	RMI	0.40	162.00
09/03/13	REVIEW DRAFT OF REORGANIZATION PLAN WITH COMMITTEE COUNSEL'S COMMENTS; ASSESS PLAN INTERPLAY WITH LIEN REVIEW AND VALIDATION ISSUES	SK	1.00	645.00
09/03/13	CORRESPONDENCE FROM BOFA'S COUNSEL RE BK'S STIPULATION	SK	0.20	129.00

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09/04/13	TELEPHONE TO KRAMER LEVIN, STEPHEN BLANK; DISCUSS PLAN ISSUES AND IMPACT ON LIEN - CLAIM REVIEW	SK	0.20	129.00
09/04/13	TELEPHONE TO PENELOPE JENSEN OF WILLKIE FARR, BOFA'S COUNSEL RE STIPULATION AND PLAN STATUS	SK	0.20	129.00
09/04/13	CORRESPONDENCE FROM S. BLANK RE PRESERVATION OF BANKRUPTCY INVESTIGATION CLAIMS	SK	0.20	129.00
09/06/13	REVIEW PLEADINGS SIXTH STIPULATION EXTENDING TIME FOR CHALLENGE TO SECURED LENDERS' CLAIMS AND PREPARE NOTICE OF LIEN AVOIDANCE	SK	0.60	387.00
09/06/13	REVIEW REORG./ARRANGEMENT; REVIEW OF CHAPTER 11 PLAN; ASSESS FINANCING; PRESERVATION OF CLAIMS	SK	0.80	516.00
09/10/13	REVIEW DRAFT STIPULATION AND CONFERENCE WITH S. KOMROWER RE: REVISIONS TO SAME	RMI	0.30	121.50
09/10/13	CONFERENCE WITH R. IORIO; DISCUSS REMAINING LIEN ISSUES, STIPULATION	SK	0.20	129.00
09/10/13	CONFERENCE CALL WITH S. BLAND, G. PLOTKO OF KRAMER LEVIN; DISCUSS PLAN AND DISCLOSURE STATEMENT ISSUES	SK	0.20	129.00
09/10/13	TRACK CHANGES REVISIONS TO SIXTH FINAL FINANCING ORDER STIPULATION; COMPARE TO PRIOR DRAFT; COVERING EMAIL EXPLANATIONS TO BOFA'S COUNSEL	SK	1.40	903.00
09/11/13	REVISE SIXTH STIPULATION WITH LENDERS	SK	0.30	193.50
09/11/13	TELEPHONE TO ADVERSARY P. JENSEN; FOLLOW UP NEGOTIATION OF PARAGRAPH 3 OF PROPOSED SIXTH EXTENSION STIPULATION; NOTES AND EMAIL RE SAME	SK	0.30	193.50
09/11/13	CONFERENCE WITH P. JENSEN OF WILLKIE FARR; DISCUSS STIPULATION REVISIONS	SK	0.20	129.00
09/12/13	VARIOUS CORRESPONDENCE WITH S. KOMROWER AND WILLKIE RE: SIXTH STIPULATION	JBB	0.20	59.00
09/12/13	CALL BACK PENELOPE JENSEN, BOFA; DISCUSS PARAGRAPH 3 OF 6TH STIPULATION; REVIEW LANGUAGE OF PRIOR STIPULATIONS AND FOLLOW UP CALL	SK	0.50	322.50
09/12/13	WORK ON 6TH STIPULATION WITH BOFA; EMAILS RE EXECUTION AND ARRANGEMENTS FOR FILING; COORDINATE WITH ASSOCIATE	SK	0.30	193.50
09/12/13	REVIEW REVISED STIPULATION	RMI	0.20	81.00
09/12/13	REVIEW OF STIPULATION AND CORRESPONDENCE WITH S. SCHISLER RE: SAME	JBB	0.20	59.00
09/12/13	TELEPHONE CALL TO LOCAL COUNSEL A. SCHISLER RE: SIXTH STIPULATION	JBB	0.10	29.50

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09/13/13	CORRESPONDENCE FROM ATTORNEY/CO-COUNSEL S. BLANK RE: RECENT FILINGS; PEABODY ACTION; REVIEW PEABODY FILINGS AND DOCUMENTS (CURSORY)	SK	0.50	322.50
09/17/13	DRAFT INSERT FOR DISCLOSURE STATEMENT PERTAINING TO SECURED CREDITOR LIEN AND CLAIM REVIEW AS CONFLICTS COUNSEL	SK	1.50	967.50
09/18/13	REVIEW EMAILS FROM KRAMER LEVIN RE NEW DEBTOR FILINGS; STATUS OF VARIOUS MATTERS	SK	0.30	193.50
09/18/13	REVIEW LIEN MEMORANDUM RE: REVIEW OF COLLATERAL PERFECTION FOR POTENTIAL NEW DEBTOR ENTITIES	RMI	0.40	162.00
09/18/13	REVIEW LIEN / RELEASE PROVISIONS	SK	0.50	322.50
09/18/13	REVISE DISCLOSURE STATEMENT INSERT ON LIEN REVIEW; REVIEW COURT DOCKET, SEVERAL PRIOR STIPULATIONS	SK	1.80	1,161.00
09/18/13	CORRESPONDENCE TO G. PLOTKO AND S. BLANK WITH DISCLOSURE STATEMENT WRITE-UP AND QUESTIONS	SK	0.20	129.00
09/19/13	REVIEW EMAILS RE TERM SHEET AND PLAN ISSUES	SK	0.20	129.00
09/19/13	EMAIL FROM D. TOBIN RE: COAL RESERVES AND REVIEW STIPULATION RE: SAME	RMI	0.30	121.50
09/19/13	CORRESPONDENCE TO S. BLANK, KRAMER LEVIN, RE LIEN REVIEW FOR TWO NEW DEBTOR FILINGS EXPECTED	SK	0.30	193.50
09/19/13	TELEPHONE FROM KRAMER LEVIN; DISCUSS PLAN AND LIEN ISSUES AND SECOND FOLLOW UP CALL	SK	0.20	129.00
09/19/13	CORRESPONDENCE TO STEPHEN BLANK; PER REQUEST, TRANSMIT AND EXPLAIN REAL ESTATE INTERESTS REMAINING ISSUES LIST	SK	0.20	129.00
09/20/13	REVIEW FINDINGS ON PATRIOT COAL VENTURES, PRIOR COMMITTEE REPORTS, MEMOS	SK	0.60	387.00
09/20/13	EMAIL EXCHANGE WITH D. TOBIN	RMI	0.20	81.00
09/20/13	ATTEND TO KRAMER LEVIN INQUIRIES RE MET V. THERMAL COLE FOR ANALYSIS OF POTENTIALLY UNPERFECTED REAL PROPERTY INTEREST EMAILS AND CONFERENCES RE SAME	SK	0.50	322.50
09/23/13	REVIEW FILE RE: COAL MINE LOCATIONS AND EMAIL TO D. TOBIN RE: SAME	RMI	0.40	162.00
09/23/13	REVIEW NEW CASE FILING INFORMATION (Brody Mining/Patriot Ventures)	SK	0.30	193.50
09/23/13	CONFERENCE WITH R. IORIO RE SEARCHES FOR NEW DEBTORS; REVIEW EMAILS, FILE MATERIALS	SK	0.30	193.50
09/24/13	CONFERENCE WITH R. IORIO RE LIENS STATUS	SK	0.20	129.00
09/24/13	REVIEW PATRIOT JOINT VENTURE AND OTHER CASE FILINGS	SK	0.30	193.50

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09/24/13	REVIEW PLEADING APPLICABLE TO NEW DEBTOR ENTITIES; REVIEW MOTIONS AND SCHEDULES FOR BRODY MINING	SK	0.70	451.50
09/24/13	CORRESPONDENCE TO CO-COUNSEL AT KRAMER LEVIN; REQUEST GUIDANCE ON PERFECTION OF TWO NEW DEBTORS' ASSETS, PLAN ISSUES	SK	0.20	129.00
09/25/13	CORRESPONDENCE TO KRAMER LEVIN; RECEIVE DIRECTIVE RE ADDITIONAL LIEN REVIEW WORK REGARDING TWO NEW DEBTORS; EMAILS EXCHANGED	SK	0.20	129.00
09/26/13	CORRESPONDENCE FROM KRAMER LEVIN; EMAILS EXCHANGED RE SCOPE OF FURTHER WORK	SK	0.20	129.00
09/26/13	TELEPHONE FROM GREG P. AND S. BLANK; DISCUSS DIP DOCUMENTS, LEGAL ANALYSIS AND VALUATION AS JUSTIFICATION FOR BANK RELEASES IN PLAN; DISCUSS FINAL REPORT TO COMMITTEE	SK	0.20	129.00
09/27/13	REVIEW PRIOR STIPULATION AND EXHIBITS, COMMITTEE REPORTS	SK	0.60	387.00
09/27/13	CORRESPONDENCE TO CO-COUNSEL; EXCHANGES RE ONGOING ISSUES	SK	0.20	129.00
09/27/13	CORRESPONDENCE FROM S. BLANK RE LIEN ISSUES AND VALUATION; EMAIL STRING WITH HOULIHAN LOKEY, VALUE ANALYSIS, REVIEW DIP ORDER PROVISIONS, MECHANICS	SK	0.70	451.50
09/27/13	REVIEW NOTES/REPORTS RE LIEN ISSUES, SCOPE OF PERFECTION	SK	0.50	322.50

TOTAL HOURS 27.10

PROFESSIONAL SERVICES: \$ 14,439.00

<u>TIMEKEEPER</u>	<u>STAFF LEVEL</u>	<u>HOURS</u>	<u>RATE</u>	<u>AMOUNT</u>
STUART KOMROWER	MEMBER	18.40	645.00	11,868.00
ROGER M. IORIO	MEMBER	2.20	405.00	891.00
JILL BIENSTOCK	ASSOCIATE	4.00	295.00	1,180.00
KERRI L. LABRADA	PARALEGAL	2.50	200.00	500.00



COURT PLAZA NORTH  
25 MAIN STREET  
P.O. BOX 800  
HACKENSACK, NJ 07602-0800  
201.489.3000 201.489.1536 FAX  
FEDERAL ID# 22-2113414

—  
NEW YORK  
—  
DELAWARE  
—  
MARYLAND  
—  
TEXAS

PATRIOT COAL - CREDITORS COMMITTEE  
ATTN: STEVE CIMALORE  
WILMINGTON TRUST COMPANY  
RODNEY SQUARE NORTH  
1100 NORTH MARKET STREET  
WILMINGTON, DE 19890

**REMITTANCE PAGE**

FOR PROFESSIONAL SERVICES RENDERED

**Re: Client/Matter No. 51175-0001**  
**OFFICIAL COMMITTEE OF CREDITORS**

Invoice No. 726891  
October 14, 2013

**PLEASE RETURN THIS COPY WITH YOUR PAYMENT**

TOTAL SERVICES:

\$ 14,439.00