

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

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

Chapter 11

Case No. 12-51502
(Jointly Administered)

**FIRST SUPPLEMENTAL DECLARATION OF MICHAEL D.
WARNER, ESQ. IN SUPPORT OF THE APPLICATION TO EMPLOY
COLE, SCHOTZ, MEISEL, FORMAN & LEONARD, P.A., AS COUNSEL
FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS**

I, MICHAEL D. WARNER, ESQ., pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge, information and belief:

1. I am an attorney at law and in good standing to practice in the States of Texas and California, and as of February 22, 2013, I am admitted *pro hac vice* to the bar of the Eastern District of Missouri (Order Granting *Motion for Admission Pro Hac Vice* [Docket No. 2898]). I am a Member of the law firm of Cole, Schotz, Meisel, Forman & Leonard, P.A. (“Cole Schotz”), and I am duly authorized to make this first supplemental declaration (“First Supplemental Declaration”) on behalf of Cole Schotz.

2. This First Supplemental Declaration is submitted in support of the *Application of the Official Committee of Unsecured Creditors of Patriot Coal Corporation, et al. for Order Authorizing and Approving the Employment and Retention of Cole, Schotz, Meisel, Forman & Leonard, P.A. as its Conflicts Counsel, Effective August 16, 2012* (the “Cole Schotz Retention Application”) [Docket No. 442], filed in the above-captioned chapter 11 cases (the “Chapter 11 Cases”) and in furtherance of Cole Schotz’s ongoing disclosure obligations under Rule 2014 of the Federal Rules of Bankruptcy Procedure and pursuant 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 [Docket No. 536] authorizing the employment of Cole Schotz as conflicts counsel for the Official Committee of Unsecured Creditors (the “Committee”) of the above captioned debtors and debtors in possession (collectively the “Debtors”). This First Supplemental Declaration supplements the *Declaration of Michael D. Warner, Esq. in Support of the Application of the Official Committee of Unsecured Creditors of Patriot Coal Corporation, et al., for order Authorizing and Approving the Employment and Retention of Cole, Schotz, Meisel, Forman & Leonard, P.A. as its Conflicts Counsel, Effective August 16, 2012* [Docket No. 442, Exhibit A] (the “Prior Declaration”) which was submitted in support of the Cole Schotz Retention Application.

3. Unless otherwise stated in this First Supplemental Declaration, the facts set forth are personally known to me and, if called as a witness, I could and would testify thereto.

4. On September 23, 2013, Brody Mining, LLC and Patriot Ventures LLC (the “New Debtors”) each filed voluntary petitions for relief pursuant to Chapter 11 of the Bankruptcy Code and on September 26, 2013, the Court granted the Debtors’ Motion for Joint Administration of Brody Mining, LLC, Case No. 13-48727 [Docket No. 16] and Patriot Ventures LLC, Case No. 13-48728 [Docket No. 16] with Lead Case No. 12-51502.

5. Given the New Debtors’ Chapter 11 cases, Cole Schotz conducted a search, using the procedures described in the Prior Declaration dated August 28, 2012, of its conflicts database using the names provided by the Debtors of the principal parties in interest in the New Debtors’ Chapter 11 Cases, which are listed on Exhibit A hereto.

6. The search described above revealed no connections requiring disclosure.

7. Based upon the foregoing, insofar as I have been able to ascertain after diligent inquiry, I continue to believe that Cole Schotz does not hold or represent an interest adverse to the Committee, the Debtors, the New Debtors, or their estates in the matters upon which Cole Schotz is employed, and Cole Schotz remains “disinterested” as such term is defined in section 101(14) of title 11 of the United States Code.

8. To the extent that any information disclosed herein requires subsequent amendment or modification upon Cole Schotz’s completion of further analysis or if any new, material, relevant facts or relationships are discovered, one or more supplemental declarations on behalf of Cole Schotz will be submitted to the Court reflecting such amended or modified information.

I hereby certify that the above statements made by me are true and accurate. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: October 31, 2013

/s/ Michael D. Warner
Michael D. Warner

EXHIBIT A

Principal Parties in Interest

New Debtors

Brody Mining, LLC
Patriot Ventures LLC

Officers and Directors

Charles A. Ebetino, Jr.
Jacquelyn A. Jones
Robert L. Mead

Subsidiaries

Rhino Eastern JV Holding Company LLC
WWMV JV Holding Company LLC

Former Officers, Directors, and Affiliates

Joseph W. Bean
The Brody Trust
Anthony Cline
Clayton Cline
John E. Lushefski
Danny Robinette
Brian Rowe
Mark N. Schroeder

Secured Creditors

Bank of America, N.A.
Citibank, N.A.

Largest Unsecured Creditors

Analabs, Inc.
Industrial Design Products, Inc.
Mine Safety & Health Administration
United Bank, Inc.
Wilmington Trust Company

Former Joint-Venture Parties

American Patriot Mining, LLC
Ralph L. Ballard, III
Shawn P. George
Andrew A. Payne, III
James K.T. Payne
Rhino Eastern LLC
Rhino Energy WV LLC
RWMV, LLC
White Stallion Coal LLC
WWMV, LLC

Significant Taxing Authorities

Internal Revenue Service
State of West Virginia

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