

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**In re:**

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

**Debtors.**

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

**Hearing Date: March 25, 2014  
Hearing Time: 10:00 a.m.  
(CDT)  
Hearing Location: 7 North**

**SUMMARY SHEET PURSUANT TO UNITED STATES TRUSTEE  
GUIDELINES FOR REVIEWING APPLICATIONS FOR COMPENSATION  
FILED UNDER 11 U.S.C. §§ 330 AND 331**

**SECOND INTERIM AND FINAL FEE APPLICATION**

Name of Applicant:	Desai Eggmann Mason LLC
Authorized to Provide Professional Services to:	The Official Salaried Retiree Committee of Patriot Coal
Date of Retention:	January 4, 2013
Period for which Compensation And Reimbursement is Sought:	January 7, 2013 through September 5, 2013
Amount of Compensation sought:	\$11,015.50
Amount paid to date:	\$11,015.50
Expense Reimbursement Sought:	\$48.15
Expense Reimbursement Paid:	\$48.15

This is a:  Monthly  Interim  Final Application

**DESAI EGGMANN MASON LLC SUMMARY OF  
PROFESSIONALS RENDERING SERVICES FROM  
JANUARY 7, 2013 THROUGH SEPTEMBER 5, 2013**

Name of Professional	Hourly Billing Rate	Total Billed Hours	Total Compensation
Robert E. Eggmann	\$325.00	6.5	\$2,112.50
Thomas Riske	\$210.00	33.5	\$7,035.00
Danielle Suberi	\$200.00	0.3	\$60.00
<b>TOTALS</b>		40.3	\$9,207.50

**DESAI EGGMANN MASON LLC SUMMARY OF PARAPROFESSIONALS  
RENDERING SERVICES FROM MAY 1, 2013 THROUGH MAY 31, 2013**

Name of Professional	Position of Applicant	Hourly Billing Rate	Total Billed Hours	Total Compensation
Wendy M Hickey	Paralegal	\$160.00	11.3	\$1,808.00

[INTENTIONALLY LEFT BLANK]

**DESAI EGGMANN MASON LLC SUMMARY OF EXPENSES BY CATEGORY FROM  
MAY 1, 2013 THROUGH SEPTEMBER 5, 2013**

<b>TYPE OF EXPENSE</b>	<b>AMOUNT</b>
<b>COPYING</b>	<b>\$22.40</b>
<b>MILEAGE</b>	<b>\$10.56</b>
<b>PARKING</b>	<b>\$15.19</b>
<b>TOTAL</b>	<b>\$48.15</b>

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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**In re:**

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

**Debtors.**

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

**Re: ECF No. 1919**

**FINAL APPLICATION OF DESAI EGGMANN MASON LLC, COUNSEL TO THE  
OFFICIAL SALARIED RETIREE COMMITTEE OF PATRIOT COAL  
CORPORATION FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT  
OF EXPENSES FOR THE PERIOD JANUARY 7, 2013 THROUGH SEPTEMBER 5,  
2013**

The official Salaried Retiree Committee (the “Retiree Committee”) of Debtors, Patriot Coal, and certain affiliates (collectively, the “Debtors”)<sup>1</sup> hereby submits this Final Application

<sup>1</sup> Affinity Mining Company; Apogee Coal Company, LLC; Appalachia Mine Services, LLC; Beaver Dam Coal Company, LLC; Big Eagle, LLC; Big Eagle Rail, LLC; Black Stallion Coal Company, LLC; Black Walnut Coal Company; Bluegrass Mine Services, LLC; Brook Trout Coal, LLC; Catenary Coal Company, LLC; Central States Coal Reserves of Kentucky, LLC; Charles Coal Company, LLC; Cleaton Coal Company; Coal Clean LLC; Coal Properties, LLC; Coal Reserve Holding Limited Liability Company No. 2; Colony Bay Coal Company; Cook Mountain Coal Company, LLC; Corydon Resources LLC; Coventry Mining Services, LLC; Coyote Coal Company LLC; Cub Branch Coal Company LLC; Dakota LLC; Day LLC; Dixon Mining Company, LLC; Dodge Hill Holding JV, LLC; Dodge Hill Mining Company, LLC; Dodge Hill of Kentucky, LLC; EACC Camps, Inc.; Eastern Associated Coal, LLC; Eastern Coal Company, LLC; Eastern Royalty, LLC; Emerald Processing, L.L.C.; Gateway Eagle Coal Company, LLC; Grand Eagle Mining, LLC; Heritage Coal Company LLC; Highland Mining Company, LLC; Hillside Mining Company; Hobet Mining, LLC; Indian Hill Company LLC; Infinity Coal Sales, LLC; Interior Holdings, LLC; IO Coal LLC; Jarrell’s Branch Coal Company; Jupiter Holdings LLC; Kanawha Eagle Coal, LLC; Kanawha River Ventures I, LLC; Kanawha River Ventures II, LLC; Kanawha River Ventures III, LLC; KE Ventures, LLC; Little Creek LLC; Logan Fork Coal Company; Magnum Coal Company LLC; Magnum Coal Sales LLC; Martinka Coal Company, LLC; Midland Trail Energy LLC; Midwest Coal Resources II, LLC; Mountain View Coal Company, LLC; New Trout Coal Holdings II, LLC; Newtown Energy, Inc.; North Page Coal Corp.; Ohio County Coal Company, LLC; Panther LLC; Patriot Beaver Dam Holdings, LLC; Patriot Coal Company, L.P.; Patriot Coal Corporation; Patriot Coal Sales LLC; Patriot Coal Services LLC; Patriot Leasing Company LLC; Patriot Midwest Holdings, LLC;

for Allowance of Compensation and Reimbursement of Expenses for the Period from January 7, 2013 through September 5, 2013 (the “Application”), pursuant to sections 330 and 331 of title 11 of the United States Bankruptcy Code as amended (the “Bankruptcy Code”); Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and the Order to Establish Procedures for Interim Monthly Compensation and Reimbursement of Professionals dated August 2, 2012 (“Interim Compensation Order”); the Order dated January 7, 2014 regarding the filing of Final Fee Petitions, and the accompanying Procedures Manual for the United States Bankruptcy Court for the Eastern District of Missouri (the “EDMO”).

### **Jurisdiction**

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

### **Background**

2. On July 9, 2012, Patriot Coal and substantially all of its wholly owned subsidiaries filed voluntary petitions for reorganization under Chapter 11 of the United States Bankruptcy Code in the Bankruptcy Court for the Southern District of New York. On November 27, 2012, an Order was entered transferring the Chapter 11 proceedings to this Court.

3. On January 8, 2013, DEM caused a Motion To Appoint Official Retiree Committee Pursuant to 11 U.S.C. §1114(d) to be filed on behalf of salaried retiree Harold R. Race and all other similarly situated Non-Union retirees. (Motion to Appoint Retiree

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Patriot Reserve Holdings, LLC; Patriot Trading LLC; PCX Enterprises, Inc.; Pine Ridge Coal Company, LLC; Pond Creek Land Resources, LLC; Pond Fork Processing LLC; Remington Holdings LLC; Remington II LLC; Remington LLC; Rivers Edge Mining, Inc.; Robin Land Company, LLC; Sentry Mining, LLC; Snowberry Land Company; Speed Mining LLC; Sterling Smokeless Coal Company, LLC; TC Sales Company, LLC; The Presidents Energy Company LLC; Thunderhill Coal LLC; Trout Coal Holdings, LLC; Union County Coal Co., LLC; Viper LLC; Weatherby Processing LLC; Wildcat Energy LLC; Wildcat, LLC; Will Scarlet Properties LLC; Winchester LLC; Winifrede Dock Limited Liability Company; Yankeetown Dock, LLC.

Committee)<sup>2</sup> [Docket No. 1919]. Shortly after filing the motion to appoint a retiree committee, Debtors counsel began negotiations with DEM with respect to formation of a retiree committee. By agreement, an Agreed Order requesting formation of an official Retiree Committee was presented to this Court on February 26, 2013 [Docket No. 2818]. This Court entered the Agreed Order on February 27, 2013. [Docket No. 3004]. By and through the office of the U.S. Trustee, seven (7) retirees were selected to serve on the official Retiree Committee. [Docket No. 3007].

4. DEM was retained by the Retiree Committee, *nunc pro tunc* to January 4, 2013. DEM submitted an Application of the Official Salaried Retiree Committee of Patriot Coal Corporation and its Debtor Affiliates for Order Authorizing and Approving the Retention of Desai Eggmann Mason LLC as Counsel [Docket No. 3435] on March 29, 2013. Said Application was granted on April 22, 2013.

5. Pursuant to the Agreed Order entered on February 27, 2013, there was an agreed attorney fees and expenses limit for all of Retiree Committee's legal counsel in the amount of \$250,000.00. [Docket No. 3004]. That fee and expense limit was increased up to \$300,000.00 pursuant to an Order entered by this Court on April 26, 2013. [Docket No. 3859].<sup>3</sup> By the same order, the Retiree Committee was also granted up to an additional \$10,000.00 with respect to set up costs for the creation of a VEBA Trust.

6. Pursuant to the Interim Compensation Order, DEM has filed five (5) monthly fee statements for its fees and expenses incurred in January, February, March, April and May of

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<sup>2</sup> Desai Eggmann Mason was initially retained on January 4, 2013.

<sup>3</sup> These legal fees caps were intended to apply to SCCA and any local counsel as well, thus including amounts petitioned by and paid to the Missouri law firm of Desai Eggmann Mason LLC

2013. [Applications filed as Docket Nos. 4034, 4035, 4036, 4037, and 4163.]

7. DEM has received no payment or promises for payment from any source for services rendered during the Compensation Period. No agreement or understanding exists between DEM and any other person for the sharing of any compensation to be received for services rendered by DEM in these cases.

8. All services for which compensation is requested by DEM pursuant to this Application were performed for or on behalf of the Retiree Committee in this case.

### **Services Rendered**

9. Since being retained in this case, DEM billed a total of \$11,015.50 in fees in connection with its efforts on behalf of the Retiree Committee during the Compensation Period from January 7, 2013 through September 5, 2013. DEM incurred expenses on behalf and by the Retiree Committee in the amount of \$48.15. Through this Final Application, DEM seeks retention of its payment of compensation in the amount of \$11,015.50, earned by DEM during the Compensation Period and \$48.15 representing 100% of the expenses incurred by DEM.

10. DEM has maintained detailed time records of the time spend in the rendition of professional services to the Retiree Committee during the Compensation Period. Attached hereto as EXHIBIT A and incorporated by reference herein is a true and correct copy of the relevant monthly billing statement prepared for the services rendered in these cases by DEM (the "Billing Statement"). The Billing Statement is the same form regularly used by DEM to bill its clients for services rendered and includes the date that the services were rendered, a detailed contemporaneous narrative description of the services provided, the amount of time spent for each service and the designation of the professional who performed the service.

11. Although every effort was made to include all fees and expenses from the Compensation Period in this Application, some fees and expenses from the Compensation Period may not be included in this Application due to delays in processing time and receipt of invoices for expenses or for preparation of this Application subsequent to the Compensation Period. Accordingly, DEM reserves the right to make further applications to the Bankruptcy Court for allowance of fees and expenses not included herein but that relate to the Compensation Period.

**Prior Payments for Services**

12. Since the commencement of these Chapter 11 Cases, DEM has provided the appropriate Notice Parties with Monthly Fee Statements for each month for which compensation was sought pursuant to the Interim Compensation Order. In the First Interim Compensation Period, DEM provided the following monthly fee statements:

- a. For January 7, 2013 through January 31, 2013, fees of \$2,130.00 and expenses of \$0 (the "**January Fee Statement**") [Docket No. 4034];
- b. For February 1, 2013 through February 28, 2013, fees of \$1,490.00 and expenses of \$10.19 (the "**February Fee Statement**") [Docket No. 4035];
- c. For March 1, 2013 through March 31, 2013, fees of \$3,458.00 and expenses of \$0.00 (the "**March Fee Statement**") [Docket No. 4036];
- d. For April 1, 2013 through April 30, 2013, fees of \$2,682.50 and expenses of \$15.56 (the "**April Fee Statement**") [Docket No. 4037];
- e. For May 1, 2013 through May 13, 2013, fees of \$536.00 and expenses of \$22.40 (the "**May Fee Statement**") [Docket No. 4163];

13. DEM has no invoices to submit with respect to May but has time incurred in June, July and September 2013 in the amount of \$719.00. In accordance with the Interim

Compensation Order, DEM sought and received payment for 80% of its fees and 100% of its expenses incurred, pursuant to the January, February, March April and May Fee Statements filed with the Court. DEM was paid 100% of its expenses in the total amount of \$48.15.

16. Pursuant to this Application, DEM requests that the Court enter an order allowing DEM, on an interim and final basis, fees in an aggregate amount of \$11,015.50 and reimbursement of actual and necessary expenses of \$48.15 incurred during the First Interim Fee Period and through September 2013.

#### **ACTUAL AND NECESSARY EXPENSES OF DEM**

17. As set forth in **Exhibit A** hereto, DEM disbursed \$48.15 for expenses during the First Interim Fee Period. The actual expenses incurred were necessary, reasonable, and justified under the circumstances.

#### **INFORMATION REQUIRED BY LOCAL RULES**

18. Local Bankruptcy Rule 2016-1(b) requires that all professional fee applications analyze the twelve factors (the "Johnson Factors") for allowance of compensation set forth in *Johnson v. Georgia highway Express*, 388 F.2d 714 (5th Cir. 1974).

19. The Johnson Factors are as follows:

- a. *The time and labor required.* DEM has described in detail the time spent and has included a description of the tasks performed.
- b. *The novelty and difficulty of the questions.* These cases involve novel and/or difficult issues of law and fact arising from, among other things, the interplay of various bankruptcy laws, factual investigation into decades of welfare benefit plan documents, understanding nearly one dozen different health care plans, labor matters (including the current proceedings pursuant to 11 U.S.C.

§§ 1113 and 1114), and possible third party obligations to the affected retirees at issue.

- c. The skill required to perform legal services properly. DEM believes that it demonstrated the skill levels necessary for the vigorous representation of the Retiree Committee's interest in this case.
- d. The preclusion of employment due to acceptance of the case. Engagement in this matter had a preclusive effect on other opportunities.
- e. The customary fee. The rates charged by DEM in this case are commensurate with the rates it charges similar clients in similar matters.
- f. Whether the fee is fixed or contingent. The fees requested herein are not based on a fixed fee or contingent fee basis.
- g. Time limitations imposed by the client or the circumstances. These cases pose the normal time pressures inherent in any large and complex chapter 11 case.
- h. The amount involved and the results obtained. DEM asserts that that the fees requested are appropriate for the nature of the services provided, the size and complexity of these cases, and the scope of advice and professionals services required to assist the Retiree Committee in the performance of its duties.
- i. The experience, reputation and ability of the attorneys. DEM is an experienced and nationally known firm with respect to its representation of retiree committees and Chapter 11 bankruptcy cases. DEM is also known for its ability to retiree committees in creating replacement welfare benefit plans to address the loss of same by the affected retirees.
- j. The undesirability of the case. This factor does not apply here.

k. The nature and length of the professional relationship with the client. The

Retiree Committee selected DEM on January 7, 2013. 1. Awards in similar cases. The fees requested in this case are in line with awards made in other comparable chapter 11 cases. **THE REQUESTED COMPENSATION SHOULD BE ALLOWED**

20. Section 331 of the Bankruptcy Code provides for interim compensation on of professionals and incorporates the substantive standards of 11 U.S.C. § 330 to govern the Court's award of such compensation. See 11 U.S.C. § 331. Section 330 provides that a court may award a professional employed under 11 U.S.C § 328 "reasonable compensation for actual, necessary services rendered ... and reimbursement for actual, necessary expenses." See 11 U.S.C. § 330(a)(1). Section 330 also sets forth the criteria for the award of such compensation and reimbursement:

In determining the amount of reasonable compensation to be awarded . . . , the court should consider the nature, the extent, and the value of such services, taking into account all relevant factors, including —

- (A) the time spent on such services;
- (B) the rates charged for such services;
- (C) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this title;
- (D) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed;
- (E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and

(F) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title.

11 U.S.C. § 330(a)(3).

21. Here, DEM respectfully submits that the services for which it seeks compensation in this Interim Application were, at the time rendered, believed to be necessary for, beneficial to, and in the best interests of, the Retiree Committee. During the First Interim Fee Period, DEM petitioned to have a Retiree Committee recognized by the Court, DEM negotiated an agreement with Debtors for a Retiree Committee to be formed, DEM assisted in the education of the Retiree Committee about the applicable bankruptcy laws at issue, DEM engaged in substantial discovery with debtors and third parties to obtain and review welfare plan documents covering dozens of welfare plans and historical documents over a 50 year timespan, DEM engaged in negotiations with Debtors to retain benefits while actively preparing for litigation under Section 1114 of the Bankruptcy Code, DEM negotiated a resolution that provided a substantial recovery to provide continuing health care welfare benefits, and DEM has assisted in the creation of a VEBA trust to effectuate same. The services rendered by DEM were consistently performed in a timely manner commensurate with the complexity, importance, and nature of the issues involved.

22. There is no agreement of any nature as to the sharing of any compensation to be paid to DEM, other than sharing among the partners and regular associates of DEM. Compensation previously paid to DEM has not been shared with any person other than the partners and regular associates of DEM.

**NOTICE**

23. Notice of this Application has been provided in accordance with the Interim Compensation Order. Because of the nature of the relief requested, the Retiree Committee

submits that such notice is sufficient and that no further notice of the relief requested in the Application need be given to any party.

**CONCLUSION**

WHEREFORE, Desai Eggmann Mason LLC respectfully requests that the Court enter an order (i) awarding DEM the interim and final allowance of (a) fees for the period of January 7, 2013 through September 5, 2013 in the aggregate amount of \$11,015.50 and (b) the reimbursement for actual and necessary expenses incurred by DEM during said period in the amount of \$48.15; (ii) authorizing and directing the Debtors to pay DEM all unpaid amounts for the First Interim Fee Period; and (iii) granting such other relief as is just and proper.

DATED: January 31, 2014

**OFFICIAL COMMITTEE OF SALARIED RETIREES**

*/s/ Thomas H. Riske*

By: \_\_\_\_\_

Robert E. Eggmann, Bar #37374  
Thomas H. Riske, Bar #61838  
DESAI EGGMANN MASON LLC  
7733 Forsyth Boulevard, Suite 2075  
St. Louis, MO 63105  
314-881-0800 (Telephone)  
314-881-0820 (Fax)  
[reggmann@demlawllc.com](mailto:reggmann@demlawllc.com)  
[triske@demlawllc.com](mailto:triske@demlawllc.com)

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**In re:**

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

**Debtors.**

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

**Re: ECF No. 1919**

**FINAL APPLICATION  
OF DESAI EGGMANN MASON LLC**

**EXHIBIT A**



7733 FORSYTH BOULEVARD, SUITE 2075  
 CLAYTON, MO 63105  
 PHONE 314-881-0800 FAX 314-881-0820  
 45-2755144

**Invoice**

Invoice submitted to:  
 Jon D. Cohen, Esq.  
 55 West Monroe Street  
 Ste 1200  
 Chicago IL 60603

Invoice Date May 01, 2013  
 Client Matter No. 30328-001

Previous Balance	\$0.00
New Payments/Credits	\$0.00
Total New Fees	\$2,130.00
Total New Expenses	\$0.00
Interest	\$0.00
Total New Charges	\$2,130.00
<b>Balance Due</b>	<b>\$2,130.00</b>

**Invoice Past Due After 30 Days**  
 Invoices 30 days past due may be charged interest at 1.0% per month (12.68% APR)  
 Payments received after invoice date will appear on next invoice  
 Please include Client Matter No. with payment or inquiry  
 Additional forms of payment accepted: Wire Transfers

Please detach and return this section with payment to ensure account is properly credited

Jon D. Cohen, Esq.  
 Client Matter No. Official Non-UnionRetiree Comm

Invoice No. 12389  
 Invoice Date May 01, 2013  
 Check No. \_\_\_\_\_

 **DESAI  
 EGGMANN  
 MASON LLC**  
 7733 Forsyth Blvd., Suite 2075  
 Clayton, MO 63105

Previous Balance	\$0.00
Payments/Credits	\$0.00
New Charges	\$2,130.00
Balance Due	\$2,130.00
Payment amount	\$ _____

For questions concerning your bill please call 314-881-0807

INVOICE DETAIL

Official Non-UnionRetiree Comm

**Professional Services:**

<u>Time</u>		<u>Hours</u>	<u>Amount</u>
1/7/2013 TR	Miscellaneous research on sections 1114 and treatment and strategies for retiree committees.	5.00	1,050.00
1/8/2013 TR	Emails with J. Cohen and Robert Eggmann regarding motion to hearing issues.	0.10	21.00
REE	Call with L. about committee	0.30	97.50
WMH	Prepare and file Entry of Appearance for R. Eggmann for Harold Racer; prepare and file Entry of Appearance for T. Riske for Harold Racer; file Motion to Appoint Official Retiree Committee Pursuant to 11 U.S.C. Section 1114(d); file Notice of Hearing; revise and file Motion to Appear Pro Hac Vice for Scott Schreiber	1.20	192.00
1/9/2013 REE	Call with C. about Motion to appoint committee.	0.30	97.50
TR	Strategic conferences with Robert Eggmann regarding hearing and United States Trustee; Telephone conference with court regarding same.	0.30	63.00
TR	Telephone conference and emails with J. Cohen and conferences with Robert Eggmann regarding same.	0.40	84.00
TR	Received Telephone conference with J. Cohen regarding debtor responses and committee status email with Robert Eggmann.	0.20	42.00
1/11/2013 TR	Receipt and Review motion to appoint 1114 committee and documents from J. Cohen review order EOA and emails with Robert Eggmann.	1.50	315.00
TR	Receipt and Review notice of adjournment and deadlines and calendar same.	0.20	42.00
1/15/2013 TR	Review and revise filings of debtor creditors and interested parties and scheduling.	0.30	63.00
1/16/2013 TR	Received Telephone conference from Michael Barron regarding committee. and emails with J. Cowen regarding same.	0.20	42.00
1/28/2013 TR	Emails with John Cohen regarding hearing.	0.10	21.00
<b>SUBTOTAL:</b>		[ 10.10	2,130.00]
<b>Total Professional Services Rendered</b>		10.10	<b>\$2,130.00</b>
<b>Balance Due</b>			<b>\$2,130.00</b>



7733 FORSYTH BOULEVARD, SUITE 2075  
 CLAYTON, MO 63105  
 PHONE 314-881-0800 FAX 314-881-0820  
 45-2755144

**Invoice**

Invoice submitted to:  
 Jon D. Cohen, Esq.  
 55 West Monroe Street  
 Ste 1200  
 Chicago IL 60603

Invoice Date May 01, 2013  
 Client Matter No. 30328-001

Previous Balance	\$2,130.00
New Payments/Credits	\$0.00
Total New Fees	\$1,490.00
Total New Expenses	\$10.19
Interest	\$0.00
Total New Charges	\$1,500.19
<b>Balance Due</b>	<b>\$3,630.19</b>

**Invoice Past Due After 30 Days**  
 Invoices 30 days past due may be charged interest at 1.0% per month (12.68% APR)  
 Payments received after invoice date will appear on next invoice  
 Please include Client Matter No. with payment or inquiry  
 Additional forms of payment accepted: Wire Transfers

Please detach and return this section with payment to ensure account is properly credited

Jon D. Cohen, Esq.  
 Client Matter No. Official Non-UnionRetiree Comm

Invoice No. 12390  
 Invoice Date May 01, 2013  
 Check No. \_\_\_\_\_

DESAI  
 EGGMANN  
 MASON LLC  
 7733 Forsyth Blvd., Suite 2075  
 Clayton, MO 63105

Previous Balance	\$2,130.00
Payments/Credits	\$0.00
New Charges	\$1,500.19
Balance Due	\$3,630.19
Payment amount	\$ _____

For questions concerning your bill please call 314-881-0807

**INVOICE DETAIL**

Official Non-UnionRetiree Comm

**Professional Services:**

<u>Time</u>	<u>Hours</u>	<u>Amount</u>
2/1/2013 TR    Receipt and Review amended notice regarding motion to appoint.	0.20	42.00
2/5/2013 TR    Received Telephone conference from Retirees and emails with J. Cowen.	0.20	42.00
2/11/2013 TR    Receipt and Review documents from retiree and Telephone conference with J. Cohen regarding status and scheduling for case updates and conferences with Robert Eggmann regarding same.	0.40	84.00
2/13/2013 TR    Emails with J. Cohen regarding pro hac and conferences with Wendy Hickey and review motion and order.	0.20	42.00
WMH    Prepare for filing and file Motion to Appear Pro Hac Vice for Jon Cohen; prepare and submit proposed Order	0.30	48.00
2/21/2013 REE    Emails with Jon Cohen about 2/26/2013 hearings.	0.40	130.00
2/22/2013 TR    Receipt and Review of unsecured committee in support of non-union retiree committee.	0.30	63.00
REE    Emails with Tom Cohen about hearing.	0.30	97.50
2/23/2013 REE    Emails with J. Cohen about 2-20-13 hearing.	0.40	130.00
2/25/2013 TR    Telephone conference with J. Cowen regarding status and hearing and conferences with Robert Eggmann regarding same.	0.40	84.00
TR    Receipt and Review order directing appointment of Non Union Retiree Committee.	0.30	63.00
REE    Emails with Jon Cohen about mediation.	0.30	97.50
2/26/2013 TR    Reviewed file, travel, meeting with J. Cohen and counsel for bankruptcy parties and attend status hearings and hearing to appoint Non-Union Committee.	2.70	567.00

**SUBTOTAL:** [ 6.40 1,490.00]

**Total Professional Services Rendered** 6.40 \$1,490.00

**Expenses:**

<u>Expense</u>	
2/26/2013 Mileage Eastern District of Missouri	5.19

**INVOICE DETAIL**

Official Non-UnionRetiree Comm

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Amount

2/26/2013 Parking

5.00

**SUBTOTAL:**

[ 10.19]

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Total New Charges  
Previous Balance

\$1,500.19  
\$2,130.00

**Balance Due**

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**\$3,630.19**

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DESAI  
EGGMANN  
MASON LLC  
7733 FORSYTH BOULEVARD, SUITE 2075  
CLAYTON, MO 63105  
PHONE 314-881-0800 FAX 314-881-0820  
45-2755144

**Invoice**

Invoice submitted to:  
Jon D. Cohen, Esq.  
55 West Monroe Street  
Ste 1200  
Chicago IL 60603

Invoice Date May 01, 2013  
Client Matter No. 30328-001

Previous Balance	\$3,630.19
New Payments/Credits	\$0.00
Total New Fees	\$3,458.00
Total New Expenses	\$0.00
Interest	\$0.00
Total New Charges	\$3,458.00
<b>Balance Due</b>	<b>\$7,088.19</b>

**Invoice Past Due After 30 Days**  
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Please include Client Matter No. with payment or inquiry  
Additional forms of payment accepted: Wire Transfers

Please detach and return this section with payment to ensure account is properly credited

Jon D. Cohen, Esq.  
Client Matter No. Official Non-Union Retiree Comm

Invoice No. 12391  
Invoice Date May 01, 2013  
Check No. \_\_\_\_\_

 DESAI  
EGGMANN  
MASON LLC  
7733 Forsyth Blvd., Suite 2075  
Clayton, MO 63105

Previous Balance	\$3,630.19
Payments/Credits	\$0.00
New Charges	\$3,458.00
Balance Due	\$7,088.19
Payment amount	\$ _____

For questions concerning your bill please call 314-881-0807

**INVOICE DETAIL**

Official Non-UnionRetiree Comm

**Professional Services:**

<u>Time</u>		<u>Hours</u>	<u>Amount</u>
3/7/2013	TR Receipt and Review notice of appointment of committee.	0.10	21.00
3/13/2013	TR Telephone conference with S. DeGrosse regarding committee and discovery issues and emails with same.	0.40	84.00
	REE Review 2004 Exam pleadings. Revise email to S. Cousins.	0.70	227.50
3/14/2013	TR Received Telephone conference with S. Cousins and emails with Robert Eggmann.	0.10	21.00
	TR Receipt and Review emails from S. Derousse regarding Peabody and response.	0.20	42.00
	TR Receipt and Review multiple filings regarding benefits.	0.30	63.00
	TR Strategic conferences with Robert Eggmann regarding discovery.	0.20	42.00
	REE Emails about Peabody discovery(.5) Calls with P. Wilson and S. Cousins about same (.5) Calls with Shelly DeRouse about same (.3).	1.30	422.50
3/15/2013	TR Received Telephone conference with S. Cousins and emails with S. Drouse and Robert Eggmann.	0.40	84.00
3/18/2013	TR Multiple emails with J. cohen regarding administration and 2004 and Telephone conference with court regarding same.	0.40	84.00
	TR Telephone conference with S. Cousins regarding Peabody.	0.30	63.00
	TR Emails with S. DeGrouse and J. Cohen regarding Peabody.	0.20	42.00
	TR Emails with S. DeGrouse and review Motion for 2004 examination.	0.50	105.00
	WMH Revise and file Motion for 2004 Exam of Debtors	0.40	64.00
3/19/2013	TR Receipt and Review objection of Peabody to 2004 examination and emails S. Degrouse.	0.40	84.00
	TR Emails with J. Cohen and Robert Eggmann regarding Peabody and prepare letter to same.	0.90	189.00
	TR Receipt and Review application to employ and affidavit and emails with J. Cohen and Robert Eggmann.	0.70	147.00
	TR Receipt and Review Motion to File under seal.	0.20	42.00
	WMH Submit proposed Order on Motion for 2004 Exam of Debtor	0.20	32.00

**INVOICE DETAIL**

Official Non-Union Retiree Comm

		<u>Hours</u>	<u>Amount</u>
3/20/2013	TR Telephone conference with S. Cousins, P. Wilson, and J. Cohen regarding Peabody discovery issues.	1.40	294.00
	TR Various emails with S. Cousins and J. Cohen regarding Peabody.	0.30	63.00
	TR Telephone conference with Correspondence to regarding 2004 exam.	0.10	21.00
	TR Strategic conferences with Wendy Hickey regarding filings.	0.20	42.00
	WMH Revise Application to Employ Stahl Cowen Crowley Addis as Counsel	0.30	48.00
	WMH Prepare Application to Employ Desai Eggmann Mason as Counsel; prepare Declaration of R. Eggmann	0.50	80.00
3/21/2013	TR Revisions to application to employ DEM and affidavit.	0.40	84.00
	TR Emails with S. Cousins regarding Peabody.	0.20	42.00
	TR Review applications to employ and related declarations; conferences with Wendy Hickey.	0.40	84.00
	TR Revisions to application to employ.	0.20	42.00
3/22/2013	TR Telephone conference with and Correspondence to regarding Peabody 2004 exam.	0.10	21.00
	TR Emails with J. Cohen regarding administration items and applications to employ.	0.20	42.00
3/26/2013	TR Emails with J. Cohen and conferences with Wendy Hickey regarding hearings.	0.30	63.00
	TR Strategic conferences with Robert Eggmann regarding status and conference with Danielle Suberi regarding affidavit.	0.30	63.00
	WMH Prepare Notice of Hearing on Application to Employ Desai Eggmann Mason as Counsel; prepare Notice of Hearing on Application to Employ Stahl, Cowen, Crowley Addis as Counsel; prepare Certificate of Service; Revise Application to Employ Desai Eggmann Mason as Counsel; revise Declaration of R. Eggmann	1.50	240.00
3/27/2013	DS Review and make changes to application to employ and order.	0.30	60.00
3/28/2013	TR Receipt and Review to applications to employ affidavits.	0.40	84.00
3/29/2013	WMH Revise and file Application to Employ Desai Eggmann Mason as Counsel for Salaried Retiree Committee; revise and file Notice of Hearing on Application to Employ Desai Eggmann Mason; revise and file Notice of Hearing on Application to Employ Stahl Cowen Crowley Addis as Counsel for Salaried Retiree Committee; revise and file Certificate of Service for Application to Employ Desai Eggmann Mason, Notice of Hearing on Application to Employ Desai Eggmann Mason, Notice of Hearing for Application to Employ Stahl Cowen Crowley Addis	0.60	96.00

**INVOICE DETAIL**

**Official Non-UnionRetiree Comm**

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	<u>Hours</u>	<u>Amount</u>
3/29/2013 REE Emails with L. Long about declaration.	0.40	130.00
<b>SUBTOTAL:</b>	[ 16.00	3,458.00]
<b>Total Professional Services Rendered</b>	16.00	\$3,458.00
<b>Previous Balance</b>		<u>\$3,630.19</u>
<b>Balance Due</b>		<u>\$7,088.19</u>

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7733 FORSYTH BOULEVARD, SUITE 2075  
 CLAYTON, MO 63105  
 PHONE 314-881-0800 FAX 314-881-0820  
 45-2755144

**Invoice**

Invoice submitted to:  
 Jon D. Cohen, Esq.  
 55 West Monroe Street  
 Ste 1200  
 Chicago IL 60603

Invoice Date May 01, 2013  
 Client Matter No. 30328-001

Previous Balance	\$7,088.19
New Payments/Credits	\$0.00
Total New Fees	\$2,682.50
Total New Expenses	\$15.56
Interest	\$0.00
Total New Charges	\$2,698.06
<b>Balance Due</b>	<b>\$9,786.25</b>

**Invoice Past Due After 30 Days**

Invoices 30 days past due may be charged interest at 1.0% per month (12.68% APR)  
 Payments received after invoice date will appear on next invoice  
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 Additional forms of payment accepted: Wire Transfers

Please detach and return this section with payment to ensure account is properly credited

Jon D. Cohen, Esq.  
 Client Matter No. Official Non-Union Retiree Comm

Invoice No. 12392  
 Invoice Date May 01, 2013  
 Check No. \_\_\_\_\_

 DESAI  
 EGGMANN  
 MASON LLC  
 7733 Forsyth Blvd., Suite 2075  
 Clayton, MO 63105

Previous Balance	\$7,088.19
Payments/Credits	\$0.00
New Charges	\$2,698.06
Balance Due	\$9,786.25
Payment amount	\$ _____

For questions concerning your bill please call 314-881-0807

**INVOICE DETAIL**

Official Non-Union Retiree Comm

**Professional Services:**

<u>Time</u>		<u>Hours</u>	<u>Amount</u>
4/1/2013 TR	Emails with Robert Eggmann regarding United States Trustee Issues.	0.20	42.00
4/2/2013 TR	Emails with J. Cohen and participate in telephonic hearing.	0.60	126.00
4/3/2013 TR	Receipt and Review Debtor's Motion to modify and terminate non-vested and benefits for non-union retirees.	0.70	147.00
REE	Email to J. Cohen about press (.3) Review Motion to terminate benefits. (.7).	1.00	325.00
4/4/2013 TR	Receipt and Review deposition schedules and emails Robert Eggmann.	0.20	42.00
4/5/2013 TR	Receipt and Review three fee applications and emails from J. Cohen regarding same.	0.30	63.00
4/10/2013 TR	Telephone conference with J. Cohen and emails with Wendy Hickey regarding administration.	0.30	63.00
4/11/2013 TR	Emails with Wendy Hickey and Robert Eggmann regarding fee applications.	0.20	42.00
WMH	File First Monthly Fee Statement for Stahl, Cowen, Crowley, Addis LLC; File Second Monthly Fee Statement Sthal, Cowen, Crowley, Addis LLC; file Third Monthly Fee Statement for Stahl, Cowen, Crowley, Addis LLC	0.40	64.00
4/15/2013 TR	Strategic conference with Robert Eggmann regarding fee applications.	0.20	42.00
REE	Work on Objection to 363 Motion.	0.80	260.00
4/16/2013 TR	Receipt and Review voluminous emails and documents and pleadings from J. Cohen and review same, update format, and coordinate filing of same.	1.30	273.00
WMH	Prepare Exhibit Summary for Objection to Motion Authorizing Modification and Termination of Certain Non-Vested Benefits for Non-Union Retiree Benefit Participants	0.30	48.00
WMH	File Objection to Motion Authorizing Modification and Termination of Certain Non-Vested Benefits for Non-Union Retiree Benefit Participants; file Motion for Leave to Exceed Page Limitation	0.30	48.00
4/19/2013 TR	Emails with correspondence to J. Cohen regarding orders.	0.30	63.00
4/20/2013 TR	Receipt and Review various emails and draft pleadings from J. Cohen and emails with J. Cohen and Robert Eggmann.	0.50	105.00
4/21/2013 REE	Emails with J. Cohen about hearing and orders.	0.30	97.50

**INVOICE DETAIL**

Official Non-UnionRetiree Comm

Page 3

		<u>Hours</u>	<u>Amount</u>
4/22/2013	TR Various emails with Wendy Hickey and Robert Eggmann regarding administration and filings.	0.30	63.00
	TR Emails with J. Cohen.	0.10	21.00
	TR Telephone conference with J. Cohen regarding Retiree committee and settlement and conferences with Nancy Neske regarding invoices.	0.30	63.00
	TR Review declaration and order and strategic conferences with Wendy Hickey regarding orders.	0.20	42.00
	WMH File Declaration of No Objection regarding Docket No. 3359; submit proposed Order on Application to Employ Stahl, Cowen, Crowley, Addis.	0.30	48.00
	WMH Prepare and file Declaration of No Objection regarding Docket No. 3435; prepare and submit Order on Application to Employ Desai Eggmann Mason LLC	0.70	112.00
4/23/2013	TR Reviewed file meet with J. Cohen and attend hearing on Motion to terminate.	2.00	420.00
4/26/2013	TR Receipt and Review order regarding Motion to terminate non-union benefits.	0.30	63.00
<b>SUBTOTAL:</b>		[ 12.10	2,682.50]
<b>Total Professional Services Rendered</b>		12.10	\$2,682.50
<b><u>Expenses:</u></b>			
<b><u>Expense</u></b>			
	4/23/2013 Mileage		10.56
	Parking		5.00
<b>SUBTOTAL:</b>		[	15.56]
<b>Total New Charges</b>			<b>\$2,698.06</b>
<b>Previous Balance</b>			<b>\$7,088.19</b>
<b>Balance Due</b>			<b>\$9,786.25</b>



7733 FORSYTH BOULEVARD, SUITE 2075  
 CLAYTON, MO 63105  
 PHONE 314-881-0800 FAX 314-881-0820  
 45-2755144

**Invoice**

Invoice submitted to:  
 Jon D. Cohen, Esq.  
 55 West Monroe Street  
 Ste 1200  
 Chicago IL 60603

Invoice Date June 01, 2013  
 Client Matter No. 30328-001

Previous Balance	\$9,786.25
New Payments/Credits	\$0.00
Total New Fees	\$536.00
Total New Expenses	\$22.40
Interest	\$0.00
Total New Charges	\$558.40
<b>Balance Due</b>	<b>\$10,344.65</b>

**Invoice Past Due After 30 Days**

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 Additional forms of payment accepted: Wire Transfers

Please detach and return this section with payment to ensure account is properly credited

Jon D. Cohen, Esq.  
 Client Matter No. Official Non-UnionRetiree Comm

Invoice No. 12552  
 Invoice Date June 01, 2013  
 Check No. \_\_\_\_\_

 **DESAI EGGMANN MASON LLC**  
 7733 Forsyth Blvd., Suite 2075  
 Clayton, MO 63105

Previous Balance	\$9,786.25
Payments/Credits	\$0.00
New Charges	\$558.40
<b>Balance Due</b>	<b>\$10,344.65</b>
Payment amount	\$ _____

For questions concerning your bill please call 314-881-0807

**INVOICE DETAIL**

Official Non-UnionRetiree Comm

Page 2

**Professional Services:**

<u>Time</u>	<u>Hours</u>	<u>Amount</u>
5/13/2013 WMH File Monthly Fee Statement for Stahl Cowen Crowley Addis LLC for April 1 through April 30, 2013	0.20	32.00
5/21/2013 TR Review fee applications and emails with Robert Eggmann and Jennifer Lee.	0.50	105.00
TR Emails with C. Robertson and Robert Eggmann regarding fee applications.	0.20	42.00
WMH Revise and file Monthly Fee Statements for January 2013, February 2013, and March 2013 for Desai Eggmann Mason LLC	1.20	192.00
WMH Prepare and file Monthly Fee Statement for April 2013 for Desai Eggmann Mason LLC	0.90	144.00
5/22/2013 TR Emails with C. Robertson regarding fees.	0.10	21.00
<b>SUBTOTAL:</b>	<b>[ 3.10</b>	<b>536.00]</b>
<b>Total Professional Services Rendered</b>	<b>3.10</b>	<b>\$536.00</b>

**Expenses:**

**Expense**

3/31/2013 Carmody Macdonald	22.40
<b>SUBTOTAL:</b>	<b>[ 22.40]</b>

<b>Total New Charges</b>	<b>\$558.40</b>
<b>Previous Balance</b>	<b>\$9,786.25</b>
<b>Balance Due</b>	<b>\$10,344.65</b>



7733 FORSYTH BOULEVARD, SUITE 2075  
 CLAYTON, MO 63105  
 PHONE 314-881-0800 FAX 314-881-0820  
 45-2755144

**Invoice**

Invoice submitted to:  
 Jon D. Cohen, Esq.  
 55 West Monroe Street  
 Ste 1200  
 Chicago IL 60603

Invoice Date September 01, 2013  
 Client Matter No. 30328-001

Previous Balance	<b>\$10,344.65</b>
New Payments/Credits	\$0.00
Total New Fees	\$545.00
Total New Expenses	\$0.00
Interest	\$0.00
Total New Charges	\$545.00
<b>Balance Due</b>	<b>\$10,889.65</b>

**Invoice Past Due After 30 Days**

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Jon D. Cohen, Esq.

Client Matter No. Official Non-Union Retiree Comm

Invoice No. 12796  
 Invoice Date September 01, 2013  
 Check No. \_\_\_\_\_

**DESAI EGGMANN MASON LLC**  
 7733 Forsyth Blvd., Suite 2075  
 Clayton, MO 63105

Previous Balance	\$10,344.65
Payments/Credits	\$0.00
New Charges	\$545.00
<b>Balance Due</b>	<b>\$10,889.65</b>
Payment amount	\$ _____

For questions concerning your bill please call 314-881-0807

**Professional Services:**

<u>Time</u>	<u>Hours</u>	<u>Amount</u>
6/18/2013 WMH Prepare and file Fifth Monthly Fee Statement for Desai Eggmann Mason	0.80	128.00
7/25/2013 WMH Prepare and file Withdrawal of Motion for 2004 Exam	0.30	48.00
7/29/2013 TR Email communication with J. Cohen and review Motion for VEBA.	0.40	84.00
TR Telephone conferences with J. Cohen regarding motion and fee applications; conference with W. Hickey regarding same.	0.30	63.00
7/30/2013 WMH Prepare Certificate of Service for Motion to Approve VEBA Trust and to Take Possession of Funds	0.30	48.00
WMH File Motion to Approve VEBA Trust and to Take Possession of Funds; file Certificate of Service	0.30	48.00
TR Read and review email communications and pleadings and exhibits from J. Cohen; email communication with J. Cohen and W. Hickey.	0.30	63.00
TR Email communications with J. Cohen; review certificate of service; email communication to J. Cohen.	0.30	63.00
<b>SUBTOTAL:</b>	[ 3.00	545.00]
<b>Total Professional Services Rendered</b>	<u>3.00</u>	<u>\$545.00</u>
<b>Previous Balance</b>		<u>\$10,344.65</u>
<b>Balance Due</b>		<u><u>\$10,889.65</u></u>



7733 FORSYTH BOULEVARD, SUITE 2075  
 CLAYTON, MO 63105  
 PHONE 314-881-0800 FAX 314-881-0820  
 45-2755144

**Invoice**

Invoice submitted to:  
 Jon D. Cohen, Esq.  
 55 West Monroe Street  
 Ste 1200  
 Chicago IL 60603

Invoice Date                      October 01, 2013  
 Client Matter No.                30328-001

Previous Balance	<b>\$10,889.65</b>
New Payments/Credits	\$0.00
Total New Fees	\$174.00
Total New Expenses	\$0.00
Interest	\$0.00
Total New Charges	\$174.00
<b>Balance Due</b>	<b>\$11,063.65</b>

**Invoice Past Due After 30 Days**

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Jon D. Cohen, Esq.

Client Matter No. Official Non-UnionRetiree Comm

Invoice No.                      13039  
 Invoice Date                    October 01, 2013  
 Check No.                      \_\_\_\_\_

**DESAI EGGMANN MASON LLC**  
 7733 Forsyth Blvd., Suite 2075  
 Clayton, MO 63105

Previous Balance	\$10,889.65
Payments/Credits	\$0.00
New Charges	\$174.00
<b>Balance Due</b>	<b>\$11,063.65</b>
Payment amount	\$ _____

For questions concerning your bill please call 314-881-0807

