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> Objection Date: November 26, 2012 at 4:00 p.m. (prevailing Eastern Time) Hearing Date (if necessary):December 18, 2012 at 10:00 a.m. (prevailing Eastern Time)

BOWLES RICE LLP 600 Quarrier Street Charleston, West Virginia 25301 Telephone: (304) 347-1100 Facsimile: (304) 343-3058 Julia A. Chincheck Mark B. D'Antoni

Special Counsel for the Debtors and Debtors in Possession

## 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)

# SUMMARY SHEET PURSUANT TO UNITED STATES TRUSTEE GUIDELINES FOR REVIEWING APPLICATIONS FOR <u>COMPENSATION FILED UNDER 11 U.S.C. §§ 330 AND 331</u>

#### FIRST INTERIM APPLICATION

NAME OF APPLICANT: TIME PERIOD:

ROLE IN THE CASE: CURRENT APPLICATION:

**PRIOR APPLICATIONS:** 

Bowles Rice LLP July 9, 2012 through and including September 30, 2012 Special Counsel to the Debtors Total Fees Requested: \$289,722.60 Total Expenses Requested: None None

# I. PARTNER\$2242960-scc Doc 1590 Filed 11/16/12 Entered 11/16/12 22:39:09 Main Document

		Pa 2 of 19			
NAME OF	YEAR	<u> </u>	TOTAL HOURS	HOURLY	TOTAL
PARTNER/COUNSEL	ADMITTED	DEPARTMENT	BILLED	RATE	FEES
CHINCHECK, JULIA A.	1983 - WV	COMMERCIAL & FINANCIAL	123.00	\$250.00	\$30,750.00
D'ANTONI, MARK B.	1987 - WV	ENERGY & REAL ESTATE DEVELOPMENT	157.40	\$235.00	\$36,989.00
DEJARNETT, DAVID A.	1989 - WV	TAX	47.90	\$262.40	\$12,568.96
DOLLISON, CHARLES B.	1990 - WV	ENERGY & REAL ESTATE DEVELOPMENT	3.50	\$266.50	\$932.75
FRAMPTON, PAUL E.	1981 - WV	MASS & TOXIC TORTS	327.75	\$165.00	\$54,078.75
HOGAN, ROBERT	1992 - WV	MASS & TOXIC TORTS	13.70	\$205.00	\$2,808.50
KELSH, JAMES	1994 - WV	COMMERCIAL & FINANCIAL	0.60	\$225.50	\$135.30
LANE, J. THOMAS	1973 - WV	ENERGY & REAL ESTATE DEVELOPMENT	86.40	\$285.00	\$24,624.00
OBLAK, REBECCA	1988 - WV, PA, DC	ENERGY & REAL ESTATE DEVELOPMENT	4.60	\$275.00	\$1,265.00
SCHESSLER, MICHAEL J.	1990 - WV, PA	EMPLOYER LEGAL SERVICES	0.50	\$235.00	\$117.50
SIEGRIST, CAMDEN P.	1984 - WV	COMMERCIAL & FINANCIAL	6.30	\$246.00	\$1,549.80
SMITH, SARAH E.	1977 - WV	BUSINESS LITIGATION	129.00	\$165.00	\$21,285.00
TOTAL PARTNERS AND COUNSEL:			900.65		\$187,104.56

#### **II. ASSOCIATES**

NAME OF	YEAR		TOTAL HOURS	HOURLY	TOTAL
ASSOCIATE	ADMITTED	DEPARTMENT	BILLED	RATE	FEES
BIRCHENOUGH, SARA	2009 - VA, WV	REAL ESTATE	13.20	\$114.80	\$1,515.36
CRISLIP, ANNA	2010 - WV	ENERGY & REAL ESTATE DEVELOPMENT	1.40	\$143.50	\$200.90
FREUND, BRITT	2008 - WV, PA	ENERGY & REAL ESTATE DEVELOPMENT	25.40	\$180.00	\$4,572.00
HANCOCK, THOMAS	2007 - WV	EMPLOYER LEGAL SERVICES	6.50	\$135.00	\$877.50
PEARCY, THOMPSON	2012 - WV	COMMERCIAL & FINANCIAL	0.80	\$114.80	\$91.84
ROSE, HERSCHEL	2011 - WV	ENERGY & REAL ESTATE DEVELOPMENT	96.40	\$118.90	\$11,461.96
THOMAS, BENJAMIN R.	2005 - WV, NC	COMMERCIAL & FINANCIAL	19.60	\$184.50	\$3,616.20
WILKES, CATHERINE	2011 - WV	ТАХ	30.00	\$118.90	\$3,567.00
TOTAL ASSOCIATES:			193.30		\$25,902.76

#### III. LAW CLERKS

NAME OF		TOTAL HOURS	HOURLY	TOTAL
LAW CLERK	DEPARTMENT	BILLED	RATE	FEES
EDWARDS, CHRISTOPHER	ADMINISTRATIVE DEPARTMENT	15.50	\$115.00	\$1,782.50
MARGOLIN, ELIZABETH	ADMINISTRATIVE DEPARTMENT	9.60	\$94.30	\$905.28
TOTAL LAW CLERK		25.10		\$2,687.78

#### **IV. PARAPROFESSIONALS**

NAME OF		TOTAL HOURS	HOURLY	TOTAL
PARAPROFESSIONAL	DEPARTMENT	BILLED	RATE	FEES
CHESTNUT, KIMBERLY D.	MASS & TOXIC TORTS	290.90	\$70.00	\$20,363.00
HARRISON, KRISTEN	ENERGY & REAL ESTATE DEVELOPMENT	0.80	\$100.00	\$80.00
HARRISON, TINA	MASS & TOXIC TORTS	51.90	\$70.00	\$3,633.00
LESTER, SHANNON	ENERGY & REAL ESTATE DEVELOPMENT	81.90	\$70.00	\$5,733.00
SMITH, TINA A.	MASS & TOXIC TORTS	17.90	\$70.00	\$1,253.00
TAYLOR, DEBRA	MASS & TOXIC TORTS	239.70	\$70.00	\$16,779.00
VANCE, UTE	MASS & TOXIC TORTS	251.90	\$70.00	\$17,633.00
TOTAL PARAPROFESSIONALS:		935.00		\$65,474.00

#### V. ADMINISTRATIVE

NAME OF		TOTAL HOURS	HOURLY	TOTAL
ADMINISTRATIVE STAFF	DEPARTMENT	BILLED	RATE	FEES
BRAWLEY, LEIGH	MASS & TOXIC TORTS	86.00	\$70.00	\$6,020.00
HUTCHINSON, SANDRA K.	MASS & TOXIC TORTS	17.80	\$70.00	\$1,246.00
ROTRUCK, ROBIN	ENERGY & REAL ESTATE DEVELOPMENT	10.30	\$125.00	\$1,287.50
TOTAL ADMINISTRATIVE STAFF:		114.10		\$8,553.50

\$289,722.60

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A,

	ATTORNEY	TOTAL ATTORNEY	TOTAL ATTORNEY
	BLENDED RATE	HOURS BILLED	FEES
PARTNERS/COUNSEL	207.74	900.65	\$187,104.56
ASSOCIATES	134.00	193.30	\$25,902.76
TOTAL	194.71	1,093.95	\$213,007.32

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PROJECT CATEGORY	DESCRIPTION Black Lung	<u>HOURS</u> 1,516.75	<u>AMOUNT</u> \$150,683.75
2	Commercial	418.60	\$87,841.79
3	Energy & Real Estate	211.30	\$47,002.06
4	Litigation	6.60	\$1,642.50
5	Safety and Health	14.90	\$2,552.50
	TOTAL HOURS AND COMPENSATION REQUESTED:	2,168.15	\$289,722.60

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Objection Date: November 26, 2012 at 4:00 p.m. (prevailing Eastern Time) Hearing Date (if necessary):December 18, 2012 at 10:00 a.m. (prevailing Eastern Time)

BOWLES RICE LLP 600 Quarrier Street Charleston, West Virginia 25301 Telephone: (304) 347-1100 Facsimile: (304) 343-3058 Julia A. Chincheck Mark B. D'Antoni

Special Counsel for the Debtors and Debtors in Possession

# UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:

# PATRIOT COAL CORPORATION, et al.,

Chapter 11

Case No. 12-12900 (scc)

Debtors.

(Jointly Administered)

# FIRST INTERIM APPLICATION OF BOWLES RICE LLP FOR ALLOWANCE OF COMPENSATION

# TO THE HONORABLE SHELLEY C. CHAPMAN, UNITED STATES BANKRUPTCY JUDGE:

Bowles Rice LLP f/k/a Bowles Rice McDavid Graff & Love LLP ("Bowles Rice"), special counsel to Patriot Coal Corporation and its subsidiaries that are debtors and debtors in possession in these proceedings (collectively, the "Debtors"), for its first interim application (the "Application"), pursuant to sections 330(a) and 331 of title 11 of the United States Code (the "Bankruptcy Code") and Rule 2016 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), for allowance of compensation for professional services performed by Bowles Rice during the period commencing

July 9, 2012 through and including September 30, 2012 (the "**Compensation Period**"), respectfully represents:

#### PRELIMINARY STATEMENT

1. Debtors retained Bowles Rice as special counsel to continue providing advice and representation in black lung, health and safety and other litigation, as well as commercial, energy and real estate matters.

2. As special counsel, it has been necessary for Bowles Rice to expend time, energy, and resources to help the Debtors address the various and complex issues that arise in the operation of the Debtors' West Virginia facilities.

3. Bowles Rice has tried to be as efficient as possible to minimize cost to the Debtors' estates.

4. As described in further detail herein, Bowles Rice's efforts to advise and represent the Debtors during the Compensation Period have benefitted the Debtors. Among other things, (a) Bowles Rice assisted the Debtors through local counsel opinions required by the post-petition financing in these cases, and (b) Bowles Rice represented the Debtors in black lung benefit and health and safety claims by the Debtors' employees. Bowles Rice's fees for professional services are reasonable under applicable standards. For all of these reasons, Bowles Rice requests that the Court grant this application and allow the compensation for professional services described herein.

#### **BACKGROUND**

5. On July 9, 2012 (the "Petition Date"), each Debtor commenced with this Court a voluntary case under chapter 11 the Bankruptcy Code. The Debtors are

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authorized to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

6. Debtors retained Bowles Rice pursuant to this Court's Order

Authorizing the Employment and Retention of Bowles Rice McDavid Graff & Love LLP

as Special Counsel for the Debtors Nunc Pro Tunc to the Petition Date [ECF No. 539]

(the "Bowles Rice Employment Order") to render professional services in connection

with (collectively the "Authorized Representation"):

(a) to provide advice, representation and preparation of necessary documentation and to make all necessary filings regarding (i) coal and other property acquisitions, financings and other transactions and (ii) regulatory requirements involving coal properties and operations;

(b) to defend and provide advice, representation and the preparation of necessary documentation regarding various litigation matters, including Federal Black Lung, mining safety matters and bankruptcy matters where the Debtors are creditors of the bankrupt party or parties in interest in the bankruptcy case; and

(c) to provide advice, representation and the preparation of necessary documentation regarding issues under local and state law relating to corporate and commercial matters.

7. On July 18, 2012, the Office of the United States Trustee for the

Southern District of New York (the "**U.S. Trustee**") appointed the Creditors' Committee pursuant to sections 1102(a) and 1102(b) of the Bankruptcy Code. No trustee or examiner has been appointed in the Debtors' chapter 11 cases.

8. This Court has subject matter jurisdiction to consider and determine this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

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#### SUMMARY OF REQUESTED PROFESSIONAL COMPENSATION

9. This Application has been prepared in accordance with (a) the Amended Guidelines for Fees and Disbursements for Professionals in Southern District of New York Bankruptcy Cases adopted by the Court on November 25, 2009 (the "Local Guidelines"), (b) the United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330 adopted on January 30, 1996 (the "UST Guidelines"), and (c) the Order to Establish Procedures for Interim Monthly Compensation and Reimbursement of Expenses of Professionals entered by the Court [ECF No. 262] (the "Interim Compensation Order" and, collectively with the Local Guidelines and the UST Guidelines, the "Guidelines").

10. Bowles Rice has not requested previously any compensation from the Court for professional services or reimbursement of expenses.

11. In accordance with the Interim Compensation Order, Bowles Rice filed a monthly fee statement covering the period from the Petition Date through August 31, 2012 [ECF No. 1452], and a monthly fee statement covering the period from September 1, 2012, to September 30, 2012 [ECF No.1472].

12. By this Application, Bowles Rice seeks allowance in full of interim compensation for professional services rendered to the Debtors during the Compensation Period, in the aggregate amount of \$289,722.60<sup>1</sup>. During the

<sup>&</sup>lt;sup>1</sup>In its monthly fee statements, Bowles Rice sought reimbursement of its actual and necessary expenses in the amount of \$10,394.20 incurred in connection with legal services rendered to and on behalf of the Debtors. Bowles Rice withdraws its request for reimbursement of expenses for the Compensation Period at this time and reserves the right to request reimbursement of such expenses in a future application.

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Compensation Period, Bowles Rice attorneys and paraprofessionals expended a total of 2,168.15 hours for which compensation is sought.

13. As of the filing of this Application, Bowles Rice has not received any payments of fees or expenses for the Compensation Period.

14. During the Compensation Period, other than pursuant to the Interim Compensation Order, Bowles Rice has received no payment and no promises of payment from any source for services rendered or to be rendered in any capacity whatsoever in connection with the matters covered by this Application. There is no agreement or understanding between Bowles Rice and any other person, other than partners of the firm, for the sharing of compensation to be received for services rendered in these cases.

15. The fees charged by Bowles Rice in these cases are billed in accordance with its agreed-upon billing rates and procedures in effect during the Compensation Period. The rates charged by Bowles Rice for the services rendered in these chapter 11 cases do not (and will not) exceed the rates Bowles Rice customarily charges for services rendered in comparable matters. Such fees are reasonable based on the customary compensation charged by comparably-skilled practitioners in comparable assignments in a competitive national legal market.

16. Prior to the filing of this Application, Bowles Rice filed with the Court and served on the Debtors, the U.S. Trustee, counsel to the Creditors' Committee, and counsel to the Debtors' post-petition lenders monthly fee statements setting forth Bowles Rice's fees for professional services rendered and expenses incurred beginning on the Petition Date through September 30, 2012.

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17. Pursuant to the UST Guidelines, annexed to the U.S. Trustee summary section preceding this Application is a schedule setting forth all Bowles Rice professionals and paraprofessionals who have performed services in these chapter 11 cases during the Compensation Period, the capacities in which each such individual is employed by Bowles Rice, the department in which each individual practices, the hourly billing rate charged by Bowles Rice for services performed by such individual for the Debtors, the year in which each professional was first licensed to practice law, and the aggregate number of hours expended in this matter and fees billed therefor.

18. Pursuant to the Local Guidelines, a certification regarding compliance with the same is annexed hereto as <u>Exhibit A</u>.

19. Pursuant to the UST Guidelines, annexed hereto as <u>Exhibit B</u> is a summary of the number of hours and amounts billed by Bowles Rice during the Compensation Period, organized by project categories.

20. Bowles Rice maintains computerized records of the time spent by all Bowles Rice attorneys and paraprofessionals in connection with the Debtors' chapter 11 cases.<sup>2</sup>

21. To the extent that time or disbursement charges for services rendered or expenses incurred relate to the Compensation Period, but were not processed prior to the preparation of this Application, Bowles Rice reserves the right to request compensation for such services and reimbursement of such expenses in a future application.

<sup>&</sup>lt;sup>2</sup> Detailed time records were filed with Bowles Rice's monthly fee statements. Copies of these records will be made available to other parties in interest upon reasonable request.

#### SUMMARY OF SERVICES

22. In the initial three months of these chapter 11 cases, Bowles Rice was required to render professional services to assist the Debtors in dealing with various issues typically faced by coal operators. Recitation of each and every item of professional services performed by Bowles Rice during the Compensation Period would be extremely burdensome. Hence, the following summary highlights the major areas to which Bowles Rice devoted time and attention during the Compensation Period. This summary is organized in accordance with Bowles Rice's internal system of project categories. Exhibit B provides a breakdown of the time devoted and fees allocable to each project category.

(a) Black Lung Issues (Project Category 1)

The total number of hours billed for this project category was 1,516.75. The total fees related to this project category were \$150,683.75.

Bowles Rice provided services in connection with federal black lung claims asserted by former employees. Under this project category, Bowles Rice represented the Debtors in federal black lung litigation filed before the United States Department of Labor and before the applicable federal Circuit Courts of Appeals.

#### (b) <u>Commercial Issues (Project Category 2)</u>

The total number of hours billed for this project category was 418.60. The total fees related to this project category were \$87,841.79.

Bowles Rice provided services in connection with the Debtors' business operations. Under this project category, Bowles Rice delivered special counsel opinions concerning West Virginia and Virginia debtor entities and laws in connection with the Debtors' post-petition financing. Additionally, Bowles Rice incurred fees in (i) determining its eligibility and applying to be approved as special counsel to the Debtors, and (ii) preparing its fee statements.

(c) Energy and Real Estate Issues (Project Category 3)

The total number of hours billed for this project category was 211.30. The total fees related to this project category were \$47,002.06.

4887067.1

Bowles Rice provided services in connection with energy and real estate matters. Under this project category, Bowles Rice (i) advised the Debtors about West Virginia mechanic's lien laws, (ii) represented the Debtors in the sale of certain surface properties, and (iii) reviewed and analyzed a possible settlement of existing litigation.

#### (d) <u>Litigation Matters (Project Category 4)</u>

The total number of hours billed for this project category was 6.60. The total fees related to this project category were \$1,642.50.

Bowles Rice represented the Debtors in litigation unrelated to black lung and health and safety matters. In this project category, Bowles Rice represented Eastern Associated Coal LLC, one of the Debtors, in a West Virginia bankruptcy case filed by a former contract miner and certain related entities.

(e) <u>Health and Safety Issues (Project Category 5)</u>

The total number of hours billed for this project category was 14.90. The total fees related to this project category were \$2,552.50.

Bowles Rice represented the Debtors in connection with MSHA issues. Under this project category, Bowles Rice defended the Debtors against health and/or safety violations issued to particular mine(s).

#### THE REQUESTED COMPENSATION SHOULD BE ALLOWED

23. Section 331 of the Bankruptcy Code provides for compensation of professionals and incorporates the substantive standards of section 330 to govern the Court's award of such compensation. 11 U.S.C. § 331. Section 330 provides that a court may award a professional employed under section 327 of the Bankruptcy Code "reasonable compensation for actual, necessary services rendered . . . and reimbursement for actual, necessary expenses." Id. § 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  $\ldots$ , the court shall 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.

#### <u>Id</u>. § 330(a)(3).

24. In the instant case, Bowles Rice respectfully submits that the services for which it seeks compensation in this Application were necessary for and beneficial to the Debtors' estates and their rehabilitation and reorganization effort. Such services were in the best interests of the Debtors' estates and creditors. Bowles Rice further submits that the compensation requested herein is reasonable in light of the nature, extent, and value of such services to the Debtors, their estates, and all parties in interest.

25. Whenever possible, Bowles Rice sought to minimize the costs of its services to the Debtors by utilizing talented junior attorneys and paraprofessionals to handle more routine aspects of case administration. A small group of the same Bowles Rice attorneys was utilized for the vast majority of the work in these cases to minimize the costs of intra-Bowles Rice communication and education about the Debtors' circumstances.

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26. In sum, approval of the compensation for professional services sought herein is warranted.

#### **CONCLUSION**

WHEREFORE Bowles Rice respectfully requests: (i) an allowance of compensation for professional services rendered during the Compensation Period in the amount of \$289,722.60; (ii) authorization for the Debtors to pay to Bowles Rice that portion of the compensation amount not yet paid; (iii) that the allowance of such compensation for professional services rendered be without prejudice to Bowles Rice's right to seek additional compensation for services performed and expenses incurred during the Compensation Period that were not processed at the time of this Application; and (iv) such other and further relief as is just.

Dated: Charleston, West Virginia November 16, 2012

> By: /s/ Julia A. Chincheck Julia A. Chincheck Mark B. D'Antoni

BOWLES RICE LLP 600 Quarrier Street Charleston, West Virginia 25301 Telephone: (304) 347-1100 Facsimile: (304) 343-3058 Julia A. Chincheck Mark B. D'Antoni

Special Counsel for the Debtors and Debtors in Possession

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# **INDEX OF EXHIBITS**

Exhibit A	Julia A. Chincheck's Certification
Exhibit B	Summary of Hours and Amounts Billed by Project Category

4 6

# **EXHIBIT A**

BOWLES RICE LLP 600 Quarrier Street Charleston, West Virginia 25301 Telephone: (304) 347-1100 Facsimile: (304) 343-3058 Julia A. Chincheck Mark B. D'Antoni

Special Counsel for the Debtors and Debtors in Possession

# UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:

### PATRIOT COAL CORPORATION, et al.,

Chapter 11

Case No. 12-12900 (SCC)

**Debtors.** 

(Jointly Administered)

## CERTIFICATION UNDER UNITED STATES TRUSTEE GUIDELINES IN RESPECT OF FIRST INTERIM APPLICATION OF BOWLES RICE LLP FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES

I, Julia A. Chincheck, hereby certify that:

I am a partner with the applicant firm, Bowles Rice LLP ("Bowles Rice"), with responsibility for Patriot Coal Corporation and its subsidiaries that are debtors and debtors in possession in these proceedings (collectively, the "Debtors") with respect to compliance with the Amended Guidelines for Fees and Disbursements for Professionals in Southern District of New York Bankruptcy Cases adopted by the Court on November 25, 2009 (the "Local Guidelines"), the United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. §

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330, adopted on January 30, 1996 (the "UST Guidelines"), and the Order to Establish Procedures for Interim Monthly Compensation and Reimbursement of Expenses of Professionals entered by the Court [ECF No. 262] (the "Interim Compensation Order" and, collectively with the Local Guidelines and UST Guidelines, the "Guidelines").

This certification is made in respect of Bowles Rice's application, dated November 16, 2012 (the "Application"), for compensation and reimbursement of expenses for the period commencing July 9, 2012 through and including September 30, 2012 (the "Compensation Period") in accordance with the Local Guidelines.

In respect of section A.1 of the Local Guidelines, I certify that:

a. I have read the Application;

b. to the best of my knowledge, information and belief formed after reasonable inquiry, the fees sought fall within the Guidelines;

c. the fees sought are billed at rates not exceeding those customarily charged by Bowles Rice and generally accepted by Bowles Rice's clients.

In respect of section A.2 of the Local Guidelines and as required by the Interim Compensation Order, I certify that Bowles Rice has complied with those provisions requiring it to provide the Debtors, counsel for the statutory committee of unsecured creditors appointed in these cases, and United States Trustee for the Southern District of New York, on a monthly basis, a statement of Bowles Rice's fees and expenses accrued during the previous month.

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Although the Debtors have not reviewed this Application, they have reviewed Bowles Rice's monthly statements of fees and expenses, to which there have been no objections, and approved the amounts requested.

In respect of section A.3 of the Local Guidelines, I certify that the Debtors, counsel for the statutory committee of unsecured creditors, and the United States Trustee for the Southern District of New York are each being provided with a copy of the Application.

Dated: Charleston, West Virginia November 16, 2012

> By: /s/ Julia A. Chincheck Julia A. Chincheck

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Special Counsel for the Debtors and Debtors in Possession

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# EXHIBIT B

# SUMMARY OF HOURS AND AMOUNTS BILLED DURING THE COMPENSATION PERIOD BY BOWLES RICE LLP, ORGANIZED BY INTERNAL PROJECT CATEGORY

PROJECT CATEGORY	DESCRIPTION	HOURS	AMOUNT
1.	Black Lung Issues	1,516.75	\$150,683.75
2.	Commercial	418.60	87,841.79
3.	Energy & Real Estate	211.30	47,002.06
4.	Litigation	6.60	1,642.50
5.	Safety and Health	14.90	2,552.50
	Total Hours and Compensation Requested:	2,168.15	\$289,722.60