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

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

## RESPONSE TO DEBTORS' FIFTEENTH OMNIBUS OBJECTION TO CLAIMS (REDUNDANT CLAIMS)

Environmental Resources Management Consulting Company, LLC ("ERMC") has received notice of the Fifteenth Omnibus Objection to Claims (the "Objection") filed by Patriot Coal Corporation and its affiliated debtors (the "Debtors") on August 23, 2013. (R. 4527). Through the Objection, the Debtors seek to disallow one of ERMC's claims, GCG No. 3097 and EDMO No. 2044-1. With this claim, ERMC sought \$39,133.10 for professional services rendered. The Debtors object to this claim on the grounds that it is redundant to GCG No. 3098 and EDMO No. 2046-1.

ERMC submits that the claim listed is valid and responds to preserve its rights to recover. In support, ERMC relies upon the invoice documentation submitted with its proof of claim and attached hereto. ERMC has had preliminary conversations with Debtors' counsel in hopes of reaching a resolution, and so ERMC files this response out of an abundance of caution to protect its ability to present its arguments to this Court should no resolution be reached with undersigned counsel authorized on ERMC's behalf. ERMC will supplement this response as necessary.

WHEREFORE, ERMC respectfully requests that this Court:

- (a) allow the Claim in the stated amount of \$39,133.10; and
- (b) grant such other and further relief as is just and proper.

<sup>&</sup>lt;sup>1</sup> There appears to be confusion in the record as to the current stated "value" of the claims in GCG No. 3098 and EDMO No. 2046-1.

Dated: September 17, 2013 Lexington, Kentucky

Respectfully submitted,

DINSMORE & SHOHL LLP

/s/ Ellen Arvin Kennedy, Esq.

Ellen Arvin Kennedy, Esq. (KY# 88347) 250 West Main Street, Suite 1400 Lexington, Kentucky 40507 Telephone: (859) 425-1000

Facsimile: (859) 425-1099

Email: ellen.kennedy@dinsmore.com DSBankruptcy@dinsmore.com

**COUNSEL FOR ENVIRONMENTAL** RESOURCES MANAGEMENT CONSULTING COMPANY, LLC

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served this the 17<sup>th</sup> day of September 2013, electronically in accordance with the method established under this Court's ECF System, upon all parties in the electronic filing system in this bankruptcy proceeding.

/s/ Ellen Arvin Kennedy, Esq.

**COUNSEL FOR ENVIRONMENTAL** RESOURCES MANAGEMENT CONSULTING **COMPANY, LLC** 

01060998





(See instruction #3b)

## PCX0215107977 Modified B 10 (GCG) (12-11) UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK You may only check one Debtor box. If you have a claim against multiple Debtors listed below you must complete a separate proof of claim form for each Name of Debtor: Case No. Name of Debtor: Case No. Name of Debtor: Case No. ☐ Affinity Mining Company 12-12936 ☐ Patriot Coal Sales LLC 12-12969 12-12902 ☐ Eastern Royalty, LLC ☐ Patriot Coal Services LLC 12-12970 12-12971 ☐ Apogee Coal Company, LLC ☐ Emerald Processing, L.L.C. 12-12903 12-12937 ☐ Patriot Leasing Company LLC ☐ Appalachia Mine Services, LLC 12-12904 ☐ Gateway Eagle Coal Company, LLC 12-12938 ☐ Beaver Dam Coal Company, LLC Grand Eagle Mining, LLC 12-12905 12-12939 ☐ Patriot Midwest Holdings, LLC 12-12972 Big Eagle, LLC Heritage Coal Company LLC Highland Mining Company, LLC ☐ Patriot Reserve Holdings, LLC 12-12973 12-12906 12-12940 ☐ Big Eagle Rail, LLC ☐ Patriot Trading LLC 12-12974 12-12941 12-12907 12-12899 ☐ Black Stallion Coal Company, LLC 12-12908 ☐ Hillside Mining Company 12-12942 □ PCX Enterprises, Inc. ☐ Pine Ridge Coal Company, LLC☐ Pond Creek Land Resources, LLC☐ ☐ Black Walnut Coal Company 12-12909 ☐ Hobet Mining, LLC 12-12943 12-12975 ☐ Bluegrass Mine Services, LLC 12-12910 ☐ Indian Hill Company LLC 12-12944 12-12976 ☐ Brook Trout Coal, LLC ☐ Catenary Coal Company, LLC ☐ Infinity Coal Sales, LLC ☐ Interior Holdings, LLC Pond Fork Processing LLC 12-12977 12-12911 12-12945 12-12946 ☐ Remington Holdings LLC 12-12978 12-12913 Remington II LLC Remington LLC 12-12947 12-12979 ☐ Central States Coal Reserves of ☐ IO Coal LLC Kentucky, LLC ☐ Charles Coal Company, LLC 12-12914 ☐ Jarrell's Branch Coal Company 12-12948 12-12980 ☐ Rivers Edge Mining, Inc. ☐ Robin Land Company, LLC ☐ Sentry Mining, LLC 12-12916 ☐ Jupiter Holdings LLC 12-12949 12-12981 ☐ Kanawha Eagle Coal, LLC☐ Kanawha River Ventures I, LLC☐ ☐ Cleaton Coal Company ☐ Coal Clean LLC 12-12917 12-12950 12-12982 12-12918 12-12951 12-12983 ☐ Snowberry Land Company ☐ Speed Mining LLC 12-12952 ☐ Coal Properties, LLC ☐ Kanawha River Ventures II, LLC 12-12984 12-12919 ☐ Coal Reserve Holding Limited ☐ Kanawha River Ventures III, LLC 12-12953 12-12985 Liability Company No. 2 12-12920 ☐ KE Ventures, LLC 12-12954 ☐ Sterling Smokeless Coal Company, LLC TC Sales Company, LLC Colony Bay Coal Company Cook Mountain Coal 12-12921 ☐ Little Creek LLC 12-12955 12-12986 ☐ Logan Fork Coal Company 12-12956 12-12957 12-12987 ☐ Magnum Coal Company LLC ☐ The Presidents Energy 12-12922 Company, LLC ☐ Magnum Coal Sales LLC ☐ Corydon Resources LLC 12-12923 12-12958 Company LLC 12-12988 ☐ Coventry Mining Services, LLC 12-12924 ☐ Martinka Coal Company, LLC 12-12959 ☐ Thunderhill Coal LLC 12-12989 ☐ Midland Trail Energy LLC 12-12925 12-12960 Trout Coal Holdings, LLC 12-12990 ☐ Coyote Coal Company LLC ☐ Midwest Coal Resources II, LLC ☐ Union County Coal Co., LLC ☐ Cub Branch Coal Company LLC 12-12926 12-12961 12-12991 12-12992 Dakota LLC 12-12927 ☐ Mountain View Coal Company, LLC12-12962 ☐ Viper LLC ☐ New Trout Coal Holdings II, LLC ☐ Weatherby Processing LLC 12-12993 Day LLC 12-12928 12-12963 ☐ Dixon Mining Company, LLC ☐ Dodge Hill Holding IV, LLC ☐ Dodge Hill Mining Company, LLC 12-12929 ☐ Newtown Energy, Inc. 12-12964 ☐ Wildcat Energy LLC 12-12994 12-12930 ☐ North Page Coal Corp. ☐ Wildcat, LLC 12-12995 12-12965 ☐ Will Scarlet Properties LLC 12-12966 12-12931 ☐ Ohio County Coal Company, LLC 12-12996 ☐ Panther LLC ☐ Winchester LLC ☐ Dodge Hill of Kentucky, LLC 12-12932 12-12967 12-12997 ☐ Winifrede Dock Limited Liability ☐ Patriot Beaver Dam Holdings, LLC EACC Camps, Inc. 12-12933 12-12898 ☐ Eastern Associated Coal, LLC 12-12934 ☐ Patriot Coal Company, L.P. 12-12968 12-12998 Company ☐ Eastern Coal Company, LLC 12-12935 ☐ Patriot Coal Corporation 12-12900 ☐ Yankeetown Dock, LLC 12-12999 NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503. PROOF OF CLAIM Name of Creditor (the person or other entity to whom the Debtor owes money Your Claim Is Scheduled As Follows: ☐ Check this box to indicate that this or property): ENVIRONMENTAL RESOURCE MANAGEMENT CONSULTING, LLC claim amends a previously filed claim. Name and address where notices should be sent: Court Claim Number: Environmental Resource Management Consulting, LLC c/o Ellen Arvin Kennedy, Esq. Dinsmore & Shohl LLP 250 West Main Street, Suite 1400 (If known) Lexington, KY 40504 Original Telephone number: (859) 425-1000 Claim E-mail: ellen.kennedy@dinsmore.com Filed on: Name and address where payment should be sent (if different from above): ☐ Check this box if you are aware that If an amount is identified above, you have a anyone clsc has filed a proof of claim claim scheduled by the Debtor as shown. (This scheduled amount of your claim may be an relating to this claim. Attach copy of amendment to a previously scheduled amount.) statement giving particulars. Telephone number: If you agree with the amount and priority of your claim as scheduled by the Debtor and you E-mail: have no other claim against the Debtor, you do not need to file this proof of claim form, EX-CEPT AS FOLLOWS: If the amount shown is listed as DISPUTED, UNLIQUIDATED, or Amount of Claim as of Date Case Filed (July 9, 2012): \$ 39,133.10 (See instruction #1) If all or part of the claim is secured, complete item 4. CONTINGENT, a proof of claim MUST be filed in order to receive any distribution in If all or part of the claim is entitled to priority, complete item 5. respect of your claim. If you have already filed ☐ Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. a proof of claim in accordance with the attached Attach a statement that itemizes interest or charges. instructions, you need not file again. 2. Basis for Claim: Professional Services (See Purchase Order attached hereto.) (See instruction #2) 3. Last four digits of any number by which creditor identifies Debtor: 3a. Debtor may have scheduled 3b. Uniform Claim Identifier (optional):

account as:

(See instruction #3a)

(See instruction #3)

Modified B 10 (GCG) (12-11)

2

4.	Check the appro	(See instruction #4) priate box if the claim is see edacted documents, and pro-			Amount of arrearage and oth filed, included in secured claim	er charges, as of the time case was m, if any:
	Nature of prop	erty or right of setoff:	☐ Real Estate ☐ Other	☐ Equipment		\$
	Describe:				Basis for perfection:	***************************************
	Value of Proper	rty: \$			Amount of Secured Claim:	\$
	Annual Interes (when case was	t Rate% filed)	6 □ Fixed or	☐ Variable	Amount Unsecured:	\$
5.		m Entitled to Priority und te the amount. (See instruc		any part of the clai	m falls into one of the following cat	egories, check the box specifying the
		port obligations under 07 (a)(1)(A) or (a)(1)(B).	☐ Wages, salaries, or co \$11,725*) carned with the case was filed or t	hin 180 days before he Debtor's	☐ Contributions to an employee be plan – 11 U.S.C. § 507 (a)(5).	\$
	purchase, leas or services for	* of deposits toward c, or rental of property personal, family, or	business ceased, which 11 U.S.C. § 507 (a)(4)	).	Other - Specify applicable paragof 11 U.S.C. § 507 (a)().	graph
	household use	- 11 U.S.C. § 507 (a)(7).	☐ Taxes or penalties ow units – 11 U.S.C. § 50			
	*Amounts are su	bject to adjustment on 4/1/1	3 and every 3 years there	after with respect to	cases commenced on or after the date	of adjustment.
6.	before July 9, 2		ment of the above case, is			ods received by the Debtor within 20 days rdinary course of the Debtor's business.
7.	Credits. The am	ount of all payments on this	claim has been credited f	or the purpose of ma	king this proof of claim. (See instruct	tion #7)
8.	accounts, contra		and security agreements.	If the claim is secur	ed, box 4 has been completed, and r	invoices, itemized statements of running redacted copies of documents providing
	DO NOT SEND	ORIGINAL DOCUMENTS	S. ATTACHED DOCUME	ENTS MAY BE DES	TROYED AFTER SCANNING.	
	If the documents	are not available, please ex	plain:			
9.	Signature: (See Check the appro					
0	l am the creditor	☐ I am the creditor's auth (Attach copy of power		I am the trustee, or that authorized agent. (Se		a guarantor, surety, indorser, or other btor. (See Bankruptcy Rule 3005.)
	I declare under p Print Name:	Ellen Arvin Ke	nnedy		rrect to the best of my knowledge, inf	ormation, and reasonable belief.
	Title:	Counsel for Environment	al Reso∉rce Managemo	ent Consulting, LLC	am Ani-	Keren 12-13-12
	Company:	Address and telephone num	ber (if different from noti	cc address above):	(Signature)	(Datc)
Tele	phone number:		c-mail:			
	Per	nalty for presenting fraudule	nt claim: Fine of up to \$5	500,000 or imprisonn	nent for up to 5 years, or both. 18 U.S	S.C. §§ 152 and 3571.
		1.6	INSTRUCTION	NS FOR PROOF O	F CLAIM FORM	

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the Debtor, exceptions to these general rules may apply. The attorneys for the Debtor and its Court-appointed claims agent, GCG, Inc. ("GCG"), are not authorized to provide you, and are not providing you, with any legal advice.

PLEASE SEND YOUR ORIGINAL, COMPLETED CLAIM FORM AS FOLLOWS: IF BY FIRST CLASS MAIL: Patriot Coal Claims Processing Center, c/o GCG, P.O. Box 9898, Dublin, Ohio 43017-5798. IF BY HAND DELIVERY OR OVERNIGHT MAIL: Patriot Coal Claims Processing Center, c/o GCG, 5151 Blazer Parkway, Suite A, Dublin, Ohio 43017. ANY PROOF OF CLAIM SUBMITTED BY FACSIMILE OR EMAIL WILL NOT BE ACCEPTED.

THE GENERAL BAR DATE IS DECEMBER 14, 2012 AT 5:00 P.M. (PREVAILING EASTERN TIME) AND THE GOVERNMENTAL BAR DATE IS JANUARY 21, 2013 AT 5:00 P.M. (PREVAILING EASTERN TIME)

ENVIRONMENTAL RESOURCES MANAGEMENT CONSULTING COMPANY, LLC

Client Invoice Aging

Date basis: Invoice date Sort order: Client

Includes finance charges Limit projects by: No limit Includes all activity types Unpaid Invoices Only

Wednesday, December 12, 2012

M R Aging as of: 10/31/2012

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