

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

WESTMORELAND COAL COMPANY,
et al.,¹

Debtors.

Chapter 11

Case No. 18-35672 (DRJ)

Jointly Administered

**MONTHLY FEE STATEMENT OF COLE SCHOTZ P.C. FOR COMPENSATION FOR
SERVICES AND REIMBURSEMENT OF EXPENSES AS COUNSEL TO THE
OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR THE PERIOD FROM
MARCH 1, 2019 THROUGH MARCH 31, 2019 AS IT RELATES TO WMLP DEBTORS**

Pursuant to the Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals [Docket No. 495] entered by the Court on November 14, 2018 (the “Interim Compensation Order”), Cole Schotz P.C. (“Cole Schotz”), attorneys for the Official Committee of Unsecured Creditors (the “Committee”), submits this monthly statement of services rendered and expenses incurred in this case for the period from March 1, 2019 through March 31, 2019 (the “Statement Period”) as they relate to the WMLP Debtors.

I. Itemization of Services Rendered by Cole Schotz:

A. The following is a list of individuals and their respective titles that provided services during the Statement Period. It includes information regarding their respective billing

¹ Due to the large number of debtors in these chapter 11 cases, which are jointly administered, a complete list of the debtors and the last four digits of their tax identification, registration, or like numbers is not provided herein. A complete list of such information may be obtained on the website of the proposed claims and noticing agent in these chapter 11 cases at www.donlinrecano.com/westmoreland. Westmoreland Coal Company’s service address for the purposes of these chapter 11 cases is 9540 South Maroon Circle, Suite 300, Englewood, Colorado 80112.

rates and the total number of hours spent by each individual providing services during the Statement Period for which Cole Schotz seeks compensation.

SUMMARY

Name	Position / Dept.	State of Bar Admission / Year	Hours	Hourly Rate²	Total Compensation
Michael D. Warner	Member/ Bankruptcy & Restructuring	Texas/1995 California/1984	2.5	\$810.00	\$2,025.00
Felice Yudkin	Member/ Bankruptcy & Restructuring	New Jersey/2005 New York/2006	10.4	\$545.00	\$5,668.00
Benjamin L. Wallen	Associate/ Bankruptcy & Restructuring	Texas/2015	29.8	\$310.00	\$9,238.00
Frances Pisano	Paralegal / Bankruptcy & Restructuring	n/a	2.8	\$295.00	\$826.00
Kerri L. LaBrada	Paralegal / Bankruptcy & Restructuring	n/a	5.9	\$255.00	\$1,504.50
Total			51.4		\$19,261.00
Less WLB Amounts					(\$3,682.00)
WMLP Total:					\$15,579.00

B. The time records of Cole Schotz consisting of a daily breakdown of the time spent by each person on each day, and detail as to the disbursements incurred, are attached as **Exhibit A** to this Statement.

II. Itemization of Services Rendered and Disbursements Incurred By Category

The following itemization presents the services rendered by Cole Schotz by Task Categories, and provides a summary of disbursements incurred by category of disbursement.

1. **Services Rendered**

The following services were rendered in the following Task Categories:

² This rate is Cole Schotz P.C.'s regular hourly rate for legal services. All hourly rates are adjusted by Cole Schotz P.C. on a periodic basis. The last adjustment occurred on September 1, 2018.

Task Category	Hours	Fees Earned
Asset Disposition	23.2	\$8,508.00
Case Administration	.3	\$76.50
Employment and Fee Applications	15.9	\$6,416.50
Meetings and Communications with Creditors	3.6	\$1,656.50
Non-Working Travel	8.4	\$2,604.00
Total	51.4	\$19,261.00
Less WLB Amounts		(\$3,682.00)
WMLP Total:		\$15,579.00

A detailed itemization of the services rendered in each of the above Task Categories is set forth in Exhibit A.

2. Disbursements Incurred

The disbursements incurred by Cole Schotz for this Statement are as follows:

Expense Category	Total Expenses
Court Fees	\$3.60
Depositions Transcript	\$1,750.12
Travel – Air Fare	\$464.04
Travel – Car Service	\$392.54
Travel – Lodge	\$1,935.07
Total	\$4,545.37
Less WLB Amounts	(\$2,340.59)
WMLP Total:	\$2,204.78

3. Accordingly, the amount of compensation and expenses payable for this Statement Period is **\$14,667.98**, which is calculated as follows:

Total Fees for Services Rendered During Statement Period	\$15,579.00
Twenty Percent (20%) Holdback	- \$3,115.80
Fees Minus Holdback	\$12,463.20
Costs (100%)	+ \$2,204.78
TOTAL	\$14,667.98

WHEREFORE, pursuant to the Interim Compensation Order, Cole Schotz requests payment of compensation for the WMLP Debtors in the amount of (i) \$12,463.20 (80% of \$15,579.00) on account of actual, reasonable and necessary professional services rendered to the

Committee by Cole Schotz and (ii) reimbursement of actual and necessary costs and expenses in the amount of \$2,204.78 incurred on behalf of the Committee by Cole Schotz.

Dated: April 22, 2019

Respectfully submitted,

By: /s/ Michael D. Warner

Michael D. Warner (TX Bar No. 00792304)

Cole Schotz P.C.

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Unsecured Creditors*

EXHIBIT A



301 Commerce Street
 Suite 1700
 Fort Worth, TX 76102
 817.810.5250 817.810.5255 fax
 FEDERAL ID# 22-2113414
 —
 New Jersey
 —
 New York
 —
 Delaware
 —
 Maryland
 —
 Florida

WESTMORELAND COAL COMPANY, ET. AL

Re: Client/Matter No. 58697-0001
OFFICIAL COMMITTEE OF UNSECURED CREDITORS

Invoice No. 833710
 April 4, 2019

FOR PROFESSIONAL SERVICES RENDERED THROUGH MARCH 31, 2019

<u>DATE</u>	<u>NARRATIVE</u>	<u>INITIALS</u>	<u>HOURS</u>	<u>AMOUNT</u>	
Asset Disposition			23.20	\$8,508.00	
03/22/19	REVIEW MEMO FROM LEAD COUNSEL AND COMPLAINT RE KEMMERER SALE.	MDW	0.90	729.00	WMLP
03/23/19	CALL WITH MR. WARNER AND LEAD COUNSEL RE: 3/24 DEPOSITIONS.	BLW	0.40	124.00	WMLP
03/23/19	REVIEW EMAILS RE ADVERSARY REGARDING SALE OF KEMMEMER MINE	FRY	0.30	163.50	WMLP
03/23/19	COMMUNICATION FROM AND TO LEAD COUNSEL RE DEPOSITIONS RE KEMMERRER MINE ON 3/24.	MDW	0.30	243.00	WMLP
03/23/19	CONF. CALL WITH LEAD COUNSEL RE KIMMERER MINE SALE TRANSACTION DISCOVERY ON 3/24.	MDW	0.60	486.00	WMLP
03/24/19	ATTEND MICHELETTI AND STEIN DEPOSITIONS.	BLW	7.80	2,418.00	WMLP
03/24/19	PREPARE AND EFILE JOINDER OF CREDITOR COMMITTEE IN ADVERSARY CASE 19-3369; DOWNLOAD FILED COPY AND CIRCULATE TO ATTORNEYS	FP	0.30	88.50	WMLP
03/24/19	REVIEW AND COORDINATE FILING OF JOINDER IN ADVERSARY PROCEEDING.	BLW	0.30	93.00	WMLP
03/25/19	ATTEND KEMMERER RELATED TRO HEARING.	BLW	9.30	2,883.00	WMLP
03/25/19	STRATEGY DISCUSSION WITH ATTORNEY BW RE RESULTS OF DISCOVERY ISSUES FROM 3/24 RE KEMERMER MINE.	MDW	0.70	567.00	WMLP
03/26/19	ATTEND TRO HEARING.	BLW	2.30	713.00	WMLP
Case Administration			0.30	\$76.50	
03/15/19	REVIEW FILINGS AND DOCKET DATES	KLL	0.30	76.50	WMLP
Employment and Fee Applications			15.90	\$6,416.50	
03/05/19	REVIEW AND REVISE INVOICE FOR EXHIBIT TO MONTHLY FEE STATEMENT	KLL	0.40	102.00	Joint
03/05/19	FINALIZE AND FILE JEFFERIES FIRST MONTHLY FEE STATEMENT	KLL	0.40	102.00	Joint
03/05/19	SET UP SERVICE ON JEFFERIES FIRST MONTHLY FEE STATEMENT	KLL	0.10	25.50	Joint

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Re: OFFICIAL COMMITTEE OF UNSECURED CREDITORS
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03/06/19	MULTIPLE EMAILS RE: FEE APPLICATION	FRY	0.20	109.00	Joint
03/06/19	MAKE REVISIONS TO EXHIBIT A (ALLOCATIONS) TO COLE SCHOTZ MONTHLY FEE STATEMENT (FEBRUARY)	KLL	0.80	204.00	Joint
03/06/19	REVISE COLE SCHOTZ FIRST INTERIM FEE APPLICATION	KLL	0.40	102.00	Joint
03/06/19	RETRIEVE ALL MONTHLY FEE STATEMENTS FOR REVISIONS TO ALLOCATIONS FOR F. YUDKIN	KLL	0.40	102.00	Joint
03/06/19	CALL WITH F. YUDKIN AND K. LABRADA RE: PREPARATION AND FILING OF FEE APPLICATIONS	FP	0.10	29.50	Joint
03/06/19	CONTINUED WORK ON FIRST INTERIM FEE APPLICATION	FRY	0.60	327.00	Joint
03/06/19	WORK ON FEBRUARY MONTHLY FEE STATEMENT	FRY	0.50	272.50	Joint
03/06/19	ADDRESS ISSUES RE: FEE ALLOCATION	FRY	0.90	490.50	Joint
03/07/19	FINALIZE FEE ALLOCATION	FRY	0.70	381.50	Joint
03/07/19	REVISE FIRST INTERIM FEE APPLICATION	FRY	0.60	327.00	Joint
03/11/19	PREPARE AND EFILE MORRISON & FOERSTER 4TH MONTHLY FEE STATEMENT; DOWNLOAD AND PREPARE FOR SERVICE; EMAIL TO DONLIN WITH INSTRUCTIONS FOR SERVICE	FP	0.30	88.50	Joint
03/11/19	DRAFT EXHIBITS TO FIRST INTERIM FEE APPLICATION	FRY	0.40	218.00	Joint
03/12/19	REVIEW FEE APPLICATION DOCUMENTS AND EMAIL RE: FILING STATUS	FP	0.10	29.50	Joint
03/12/19	FINALIZE FEE APPLICATION (.6); CONFER WITH A. KISSNER RE FEE APPLICATION (.2)	FRY	0.80	436.00	Joint
03/13/19	CONFER WITH A. KISSNER RE FILING OF FEE APPLICATIONS	FRY	0.20	109.00	Joint
03/14/19	DOWNLOAD FILED COPIES OF COLE SCHOTZ, MOFO AND JEFFERIES FIRST INTERIM FEE APPLICATIONS; PREPARE AND SEND TO DONLIN FOR SERVICE	FP	0.30	88.50	Joint
03/14/19	EMAIL RE JEFFRIES FEE APPLICATION	FRY	0.20	109.00	Joint
03/14/19	REVIEW JEFFRIES AND MOFO FEE APPLICATIONS FOR FILING	FRY	0.40	218.00	Joint
03/14/19	REVIEW COLE SCHOTZ, MOFO AND JEFFERIES FIRST INTERIM FEE APPLICATION AND EXHIBITS IN PREPARATION FOR FILING	FP	0.20	59.00	Joint
03/14/19	REVISE AND CONFORM COLE SCHOTZ, MOFO AND JEFFERIES FIRST INTERIM FEE APPLICATIONS; COMBINE WITH EXHIBITS IN PREPARATION FOR FILING	FP	1.00	295.00	Joint
03/14/19	EFILE FIRST INTERIM FEE APPLICATIONS OF COLE SCHOTZ, MOFO AND JEFFERIES WITH EXHIBITS	FP	0.50	147.50	Joint
03/15/19	PREPARE COLE SCHOTZ FEBRUARY MONTHLY FEE STATEMENT	KLL	0.70	178.50	Joint
03/15/19	FINALIZE AND FILE NOTICE OF REIMBURSEMENT FOR COMMITTEE MEMBERS EXPENSES	KLL	0.40	102.00	Joint

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03/18/19	DRAFT MONTHLY FEE STATEMENT	FRY	0.40	218.00	Joint
03/19/19	ADDRESS ISSUE RE FEBRUARY MONTHLY FEE STATEMENT ALLOCATION	FRY	0.40	218.00	Joint
03/19/19	REVIEW EXPENSES AND ALLOCATE - FEBRUARY 2019	KLL	0.40	102.00	Joint
03/19/19	CONFER WITH A. KISSNER RE FINAL FEE APPLICATIONS	FRY	0.20	109.00	Joint
03/20/19	ADDRESS FEE ALLOCATION ISSUES	FRY	0.20	109.00	Joint
03/20/19	PULL ADDITIONAL INFORMATION RE ALLOCATIONS	KLL	0.50	127.50	Joint
03/20/19	FINALIZE AND FILE NOTICE OF REIMBURSEMENT ON COMMITTEE MEMBERS EXPENSES	KLL	0.40	102.00	Joint
03/20/19	EMAIL RE REIMBURSEMENT OF COMMITTEE MEMBER EXPENSES	FRY	0.20	109.00	Joint
03/21/19	FINALIZE ALLOCATION ISSUES	FRY	0.30	163.50	Joint
03/21/19	FINALIZE AND FILE COLE SCHOTZ MONTHLY FEE STATEMENT - FEBRUARY 2019	KLL	0.40	102.00	Joint
03/22/19	CALL WITH K. LABRADA RE SECOND INTERIM AND FINAL FEE APPLICATION	FRY	0.20	109.00	Joint
03/22/19	CALL RE FEE STATEMENTS AND FEE APPLICATIONS	FRY	0.20	109.00	Joint
03/27/19	EMAIL WITH K. LABRADA RE FINAL FEE APPLICATION	FRY	0.20	109.00	Joint
03/29/19	FILE MORRISON FOERSTER MONTHLY FEE STATEMENT - FEBRUARY 2019	KLL	0.30	76.50	Joint
Meetings and Communications with Creditors			3.60	\$1,656.50	
03/06/19	PARTICIPATE IN WEEKLY PROFESSIONALS CALL	FRY	0.20	109.00	Joint
03/06/19	PARTICIPATE IN WEEKLY COMMITTEE CALL	FRY	0.20	109.00	Joint
03/13/19	COMMITTEE PROFESSIONALS CALL.	BLW	0.20	62.00	Joint
03/13/19	REVIEW AGENDA FOR WEEKLY COMMITTEE CALL	FRY	0.20	109.00	Joint
03/13/19	ATTEND PROFESSIONAL WEEKLY CALL	FRY	0.20	109.00	Joint
03/13/19	ATTEND WEEKLY COMMITTEE CALL	FRY	0.20	109.00	Joint
03/20/19	WEEKLY COMMITTEE CALL.	BLW	0.40	124.00	WMLP
03/20/19	PARTICIPATE IN WEEKLY COMMITTEE CALL	FRY	0.40	218.00	WMLP
03/27/19	WEEKLY COMMITTEE CALL.	BLW	0.40	124.00	WMLP
03/27/19	REVIEW AGENDA FOR WEEKLY COMMITTEE CALL	FRY	0.20	109.00	WMLP
03/27/19	ATTEND PROFESSIONALS ONLY CALL (.3); FOLLOW-UP CALL WITH COMMITTEE (.4)	FRY	0.70	381.50	WMLP
03/27/19	COMMITTEE PROFESSIONALS CALL.	BLW	0.30	93.00	WMLP
Non-Working Travel			8.40	\$2,604.00	

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03/24/19	TRAVEL TO HOUSTON TO ATTEND DEPOSITIONS AND TRO HEARING.	BLW	4.10	1,271.00	WMLP
03/26/19	RETURN TRAVEL FROM HOUSTON RE: TRO HEARING.	BLW	4.30	1,333.00	WMLP
		TOTAL HOURS	51.40		
	PROFESSIONAL SERVICES:			\$ 19,261.50	

<u>TIMEKEEPER</u>	<u>STAFF LEVEL</u>	<u>HOURS</u>	<u>RATE</u>	<u>AMOUNT</u>
MICHAEL D. WARNER	MEMBER	2.50	810.00	2,025.00
FELICE R. YUDKIN	MEMBER	10.40	545.00	5,668.00
BENJAMIN L. WALLEN	ASSOCIATE	29.80	310.00	9,238.00
FRANCES PISANO	PARALEGAL	2.80	295.00	826.00
KERRI L. LABRADA	PARALEGAL	5.90	255.00	1,504.50

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ACTIVITY CODE SUMMARY

<u>DESCRIPTION</u>	<u>HOURS</u>	<u>RATE</u>	<u>AMOUNT</u>
Asset Disposition	0.30	295.00	88.50
Asset Disposition	20.10	310.00	6,231.00
Asset Disposition	0.30	545.00	163.50
Asset Disposition	2.50	810.00	2,025.00
<i>Total For Asset Disposition</i>	<i>23.20</i>	<i>295.00</i>	<i>8,508.00</i>
Case Administration	0.30	255.00	76.50
<i>Total For Case Administration</i>	<i>0.30</i>	<i>255.00</i>	<i>76.50</i>
Employment and Fee Applications	5.60	255.00	1,428.00
Employment and Fee Applications	2.50	295.00	737.50
Employment and Fee Applications	7.80	545.00	4,251.00
<i>Total For Employment and Fee Applications</i>	<i>15.90</i>	<i>255.00</i>	<i>6,416.50</i>
Meetings and Communications with Creditors	1.30	310.00	403.00
Meetings and Communications with Creditors	2.30	545.00	1,253.50
<i>Total For Meetings and Communications with Creditors</i>	<i>3.60</i>	<i>310.00</i>	<i>1,656.50</i>
Non-Working Travel	8.40	310.00	2,604.00
<i>Total For Non-Working Travel</i>	<i>8.40</i>	<i>310.00</i>	<i>2,604.00</i>

COSTS ADVANCED

<u>DATE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
12/17/18	TRAVEL - LODGING - MICHAEL D. WARNER	297.43 ^{WLB}
01/15/19	TRAVEL - CAR SERVICE - MICHAEL D. WARNER	46.00 ^{Joint}
01/16/19	TRAVEL - CAR SERVICE - MICHAEL D. WARNER	78.00 ^{Joint}
01/31/19	TRAVEL - CAR SERVICE - MICHAEL D. WARNER	48.00 ^{WLB}
02/02/19	COURT FEES	1.20 ^{Joint}
02/03/19	TRAVEL - CAR SERVICE - MICHAEL D. WARNER	48.00 ^{WMLP}
02/03/19	TRAVEL - LODGING - MICHAEL D. WARNER	320.38 ^{WMLP}
02/03/19	COURT FEES	0.90 ^{Joint}
02/04/19	TRAVEL - CAR SERVICE - MICHAEL D. WARNER	48.00 ^{WMLP}
02/13/19	TRAVEL - LODGING - MICHAEL D. WARNER	996.88 ^{WLB}
02/22/19	COURT FEES	0.40 ^{Joint}

COLE SCHOTZ P.C.

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<u>DATE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	
02/22/19	COURT FEES	0.70	Joint
02/22/19	COURT FEES	0.40	Joint
02/27/19	TRAVEL - CAR SERVICE - MICHAEL D. WARNER	124.54	WLB
02/27/19	TRAVEL - LODGING - MICHAEL D. WARNER	320.38	WLB
02/27/19	TRAVEL - AIR FARE - DFW>HOU	242.65	WLB
02/28/19	TRAVEL - AIR FARE - IAH>DFW	221.39	WLB
03/26/19	DEPOSITIONS TRANSCRIPT - LEXITAS	839.90	WMLP
03/26/19	DEPOSITIONS TRANSCRIPT - LEXITAS	910.22	WMLP
TOTAL COSTS ADVANCED:		\$ 4,545.37	
TOTAL SERVICES AND COSTS:		\$ 23,806.87	
PRIOR BALANCE:		\$ 177,006.96	
TOTAL DUE:		<u>\$ 200,813.83</u>	