

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

In re:)
)
WALTER ENERGY, INC., et al) Chapter 11
)
Debtors.) Case No. 15-02741-TOM11
)
) Jointly Administered

MOTION TO AMEND OR ALTER ORDER (A) (I) APPROVING CONTINUED USE OF THE DEBTORS’ EXISTING CASH MANAGEMENT SYSTEM; (II) AUTHORIZING USE OF EXISTING BANK ACCOUNTS AND CHECKS; (III) WAIVING THE REQUIREMENTS OF 11 U.S.C. 345(b); (IV) GRANTING ADMINISTRATIVE EXPENSE STATUS TO CERTAIN POSTPETITION INTERCOMPANY CLAIMS; AND (V) AUTHORIZING THE CONTINUATION OF CERTAIN INTERCOMPANY TRANSACTIONS; AND (B) GRANTING RELATED RELIEF (DOC # 60)

COMES NOW, Comerica Bank, a Texas banking association, (“Comerica”), by and through its undersigned counsel, and pursuant to Rules 59(e) and 60 of the Federal Rules of Civil Procedure as made applicable by Rules 9023 and 9024 of the Federal Rules of Bankruptcy Procedure, requests the entry of an order altering, amending or vacating the Order (A)(I) Approving Continued Use of Debtors’ Existing Cash Management System; (II) Authorizing Use of Existing Bank Accounts and Checks; (III) Waiving the Requirements of 11 U.S.C. 345(b); (IV) Granting Administrative Expense Status to Certain Post-Petition Intercompany Claims; and (V) Authorizing Continuation of Certain Intercompany Transactions; and (B) Granting Related Relief (Doc # 38) (the “Order”). In support of this motion, Comerica states as follows:

1. On July 15, 2015, The Debtors’ filed their Motion for an Order (A)(I) Approving Continued Use of the Debtors’ Existing Cash Management System, (II) Authorizing Use of Existing Bank Accounts and Checks, (III) Waiving the Requirements of 11 U.S.C. §345(b), (IV) Granting Administrative Expense Status to Certain Post Petition Intercompany Claims, and (V) Authorizing the Continuation of Certain Intercompany Transactions; and (B) Granting Related Relief (Doc #38) (the “Motion”).



2. On July 15, 2015, the Court entered the Order approving the Motion (Doc #60).

3. Comerica was not present at the hearing.

4. Comerica provides the Debtors with a custody account providing access to online money market mutual funds (“Custodial Account Agreement”) allowing the Debtors a portal investment opportunity to manage risk.

5. The Debtors routinely ask Comerica to transfer funds under the Custodial Account Agreement as an integral part of daily cash management contemplated by the Order.

6. The Order inadvertently fails to mention the Custodial Account Agreement or otherwise provide Comerica with the authority to continue to maintain, operate and make transfers for the Debtors in the ordinary course and without interruption, as provided in the MoneyMarket Trader Agreement dated January 6, 2009.

WHEREFORE, Comerica asks this Court to modify the Order:

- i. adding Comerica to the list of the Debtors’ banking relationships specifically identified in paragraph 5 of the Order;
- ii. providing Comerica with the same authorities and protections afforded to JPMorgan, BofA, Regions, BB&T, and Scotia; and,
- iii. amending Exhibit “C” to the Motion to identify the “Type of Account” with Comerica as a Custody Account and Investment Portal.

Respectfully submitted this 29th day of July, 2015

/s/ Jesse S. Vogtle, Jr.

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been filed and delivered via filing on the Court's CM/ECP system to (i) the Office of the Bankruptcy Administrator for the Northern District of Alabama; (ii) counsel to the administrative agent for the Debtors' prepetition secured credit facility; (iii) the indenture trustee for each of the Debtors' outstanding bond issuances; (iv) counsel to the steering committee of first lien debt holders; (v) the Internal Revenue Service; (vi) the Securities and Exchange Commission; (vii) the U.S. Environmental Protection Agency; (viii) the U.S. Attorney for the Northern District of Alabama; (ix) counsel to the UMWA; (x) the USW; (xi) the holders of the fifty (50) largest unsecured claims against the Debtors, on a consolidated basis; (xii) the financial institutions where the Bank Accounts are maintained; and (xiii) all persons and entities that have filed a request for service of filings in these Chapter 11 Cases pursuant to Bankruptcy Rule 2002 on the 29th day of July 2015.

/s/ Jesse S. Vogtle, Jr.

OF COUNSEL