

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

In re:

NEW WEI, INC., *et al.*,¹

Debtors.

Chapter 7

Case No. 15-02741-TOM11

Jointly Administered

Re: Docket No. 3873

**FEE EXAMINER'S FINAL REPORT REGARDING
FIFTEENTH APPLICATION REQUEST OF
DENTONS SIROTE PC**

Direct Fee Review LLC (“DFR”), appointed and employed as the Fee Examiner in the above-captioned bankruptcy proceedings and acting in its capacity regarding the Fifteenth Application Request of Dentons Sirote PC (the “Firm”) for compensation for services rendered and reimbursement of expenses as Counsel for the Interim Chapter 7 Trustee for the compensation period from October 1, 2023 through September 30, 2024 (“Fee Application”) seeking approval of fees in the amount of \$87,306.25 and the reimbursement of expenses in the amount of \$0.00, submits its final report.

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: New WEI, Inc. (f/k/a Walter Energy, Inc.) (9953); Atlantic Development and Capital, LLC (8121); Atlantic Leaseco, LLC (5308); Blue Creek Coal Sales, Inc. (6986); Blue Creek Energy, Inc. (0986); New WEI 7, Inc. (f/k/a J.W. Walter, Inc.) (0648); Jefferson Warrior Railroad Company, Inc. (3200); New WEI 2, LLC (f/k/a Jim Walter Homes, LLC) (4589); New WEI 13, Inc. (f/k/a Jim Walter Resources, Inc.) (1186); Maple Coal Co., LLC (6791); Sloss-Sheffield Steel & Iron Company (4884); SP Machine, Inc. (9945); Taft Coal Sales & Associates, Inc. (8731); Tuscaloosa Resources, Inc. (4869); V Manufacturing Company (9790); New WEI 19, LLC (f/k/a Walter Black Warrior Basin LLC) (5973); New WEI 18, Inc. (f/k/a Walter Coke, Inc.) (9791); New WEI 22, LLC (f/k/a Walter Energy Holdings, LLC) (1596); New WEI 20, LLC (f/k/a Walter Exploration & Production LLC) (5786); New WEI 1, Inc. (f/k/a Walter Home Improvement, Inc.) (1633); New WEI 6 Company (f/k/a Walter Land Company) (7709); New WEI 16, Inc. (f/k/a Walter Minerals, Inc.) (9714); and New WEI 21, LLC (f/k/a Walter Natural Gas, LLC) (1198). The location of the Debtors’ corporate headquarters is 2100 Southbridge Parkway, Suite 650, Birmingham, Alabama 35209.



BACKGROUND

1. In performance of audit procedures and in preparation of this report designed to quantify and present factual data relevant to the requested fees, disbursements and expenses contained herein, DFR reviewed the monthly fee statement and the Application, including each of the billing and expense entries listed in the exhibits to the monthly statements, for compliance with 11 U.S.C. § 330, Rule 2016-1 of the Local Rules of the United States Bankruptcy Court for the Northern District of Alabama (“Local Rules”).
2. DFR did not prepare informal memos related to monthly fee applications of the Firm. We have included our questions and issues in this report. We will include all responses and any recommended resolutions in the final report.

DISCUSSION

3. For the compensation period of October 1, 2023 through September 30, 2024 the Firm submitted fee applications in the amount of \$87,306.25 as actual, reasonable and necessary fees and for expense reimbursement of \$0.00. For the Fee Application period, we identified \$1,207.50 as related to fee application preparation.
4. We deem it generally acceptable to have a maximum of 3% of total time charged in preparing fee applications. For Firms with more limited involvement, we consider an alternative standard of less than \$50,000 in total spent on preparing fee applications. We apply these guidelines on a cumulative basis. We evaluate these charges with consideration to the length of time of the case and the practice experience of the firm. In each application we review every entry for substance and to determine the correct allocation without regard for materiality. We noted that cumulatively through this period the Firm has charged

\$29,385.00 related to fee applications on a cumulative basis and we have calculated that 2.5% of the fees billed related to fee applications on a cumulative basis. We do not have an objection to the amount of fees charged for fee application preparation in this fee application based upon our review and procedures and we deem the amount to be reasonable.

5. We noted the entry listed in Exhibit A, which appears to have been recorded in ¼ hour increment instead of 1/10-hour increment. We requested and the Firm advised us that the appropriate amount of time for this entry was 1.2 hrs.
6. Our procedures applied to the monthly fee applications identified the entries listed in Exhibit B that when recalculated do not equal the amount of the time charged. In the aggregate these represent under-billings. Since the amount of this underbilling exceeds any adjustment that may be required for the matter in the previous paragraph, we do not recommend any change for these entries.
7. All motions shall include complete and detailed activity descriptions; each activity description shall include the type of activity; each activity description shall include the subject matter and shall be sufficiently detailed to allow the Court to determine whether all the time, or any portion thereof, is actual, reasonable, and necessary. Our procedures applied to the monthly fee applications identified entries with descriptions which we consider vague or insufficient or non-substantive. We requested and the Firm agreed to instruct timekeepers to avoid or stop the use of vague activity descriptions such as “work on” and “follow up”.

8. Activity descriptions shall individually identify all meetings and hearings (conferences and conference by telephone), each participant, the subject(s) of the meeting or hearing (conferences and conference by telephone) and the participant's role; including email. Our procedures applied to the monthly fee applications identified entries with descriptions which did not provide such detail. We reviewed entries that did not identify participants. We requested and the Firm confirmed the identity of the participants. Since no adjustment is required, no exhibit has been included.
9. Our review and procedures applied to the fee statement and the Fee Applications, including each of the billing and expense entries listed in the exhibits to the fee statement did not disclose any other material issues or questions.

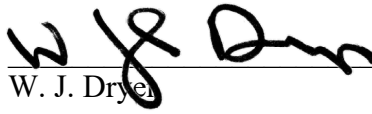
CONCLUSION

10. Regarding the application and the fees and expenses discussed in the previous sections, DFR submits its final report for the Fifteenth Application Request of Dentons Sirote PC for compensation for services rendered and reimbursement of expenses as Counsel for the Interim Chapter 7 Trustee for the compensation period from October 1, 2023 through September 30, 2024 and we recommend the approval of the fees of \$87,306.25 and reimbursement of expenses in the amount of \$0.00.

Respectfully submitted,

**DIRECT FEE REVIEW LLC
FEE EXAMINER**

By:


W. J. Drye

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Exhibit A:

Work on several pleadings, including motion to allow interim distribution, motion to sell remnant assets and motion to allow trustee to file abbreviated final reports.

06/10/24 S. Porterfield 1.25 \$593.75

Exhibit B:

\$47.50	0.10	0.60	12/21/23	S. Porterfield	Exchange emails with Coal Act counsel regarding timing of funding settlements (.30); Two emails to Coal Act counsel regarding payment, W-9 (.30).	0.50	\$237.50
\$95.00 \$142.50	0.20	0.40	08/22/24	S. Porterfield	Email to Roberts regarding filing motions other than remnant assets and likely hearing date (.20); Conference with Roberts regarding same (.20).	0.20	\$95.00