

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

In re:

NEW WEI, INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 7

Case No. 15-02741-TOM11

Jointly Administered

Re: Docket No. 3552

**FEE EXAMINER'S FINAL REPORT REGARDING  
EIGHTH APPLICATION REQUEST OF  
SIROTE & PERMUTT, P.C.**

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 Eighth Application Request of Sirote & Permutt, P.C. (the “Firm”) for compensation for services rendered and reimbursement of expenses as Counsel for the Interim Chapter 7 Trustee for the compensation period from July 1, 2019 through October 31, 2019 (“Fee Application”) seeking approval of fees in the amount of \$86,312.50 and the reimbursement of expenses in the amount of \$2,841.89, submits its final report.

<sup>1</sup> 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 included our questions and issues in an initial report and this final report. We have included all responses and any recommended resolutions in this final report.

## **DISCUSSION**

3. For the compensation period of July 1, 2019 through October 31, 2019 the Firm submitted fee applications in the amount of \$86,312.50 as actual, reasonable and necessary fees and for expense reimbursement of \$2,841.89. For the Fee Application period, we identified \$2,380.00 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. We noted that cumulatively through this period the Firm has charged \$16,285.00 related to fee applications on a cumulative basis and we have calculated that 2.9% 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. Our procedures applied to the monthly fee applications identified entries that when recalculated do not equal the amount of the time charged. In the aggregate these represent under-billings and we do not recommend any change for these entries. Because there is no recommendation for a reduction in fees for these entries, no exhibit has been included.
6. We noted the entry listed in Exhibit A, which appears to have been recorded in  $\frac{1}{4}$  hour increment instead of  $\frac{1}{10}$  hour increment. We requested that the Firm review this entry and adjust it if appropriate. The Firm agreed to correct this entry to 0.2 hours. We recommend that fees be reduced by \$21.25.
7. Also, our procedures applied to the fee application identified the entry listed in Exhibit B, which contains a time charge for travel planning. We requested that the Firm explain why this should not be considered an administrative task or adjust the time charged as appropriate. The Firm agreed to withdraw this component of the entry. We recommend that fees be reduced by \$127.50.
8. 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.

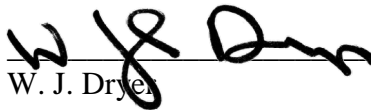
## CONCLUSION

9. Regarding the application and the fees and expenses discussed in the previous sections, DFR submits its final report for the Eighth Application Request of Sirote & Permutt, P.C. for compensation for services rendered and reimbursement of expenses as Counsel for the Interim Chapter 7 Trustee for the compensation period from July 1, 2019 through October 31, 2019 and we recommend the approval of the fees of \$86,163.75 (\$86,312.50 minus \$148.75) and reimbursement of expenses in the amount of \$2,841.89.

Respectfully submitted,

**DIRECT FEE REVIEW LLC**  
**FEE EXAMINER**

By:

  
W. J. Dryer

1000 N. West Street, Suite 1200  
Wilmington, DE 19801  
Telephone: 302.287.0955  
[dfr.wjd@gmail.com](mailto:dfr.wjd@gmail.com)

## **Exhibit A:**

10/24/19	Porterfield, Stephen B.	Conference with Denaburg regarding status of Ditech/Mueller settlement and amounts owed to estate	0.25	\$106.25
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## **Exhibit B:**

08/27/19	Porterfield, Stephen B.	Conference with Mike Hall regarding schedule for meeting with lawyers and board of Cardem (.2); email to MWA regarding same (.2); <b>work on travel logistics (.3)</b> ; exchange several emails with Willis representative regarding same (.4); receipt of email from MWA regarding meetings (.2)	1.30	\$552.50
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