

0027

STATE OF UTAH  
OFFICE OF THE ATTORNEY GENERAL



7-07

JAN GRAHAM  
ATTORNEY GENERAL

CAROL CLAWSON  
Solicitor General

REED RICHARDS  
Chief Deputy Attorney General

PALMER DEPAULIS  
Chief of Staff

September 20, 1994

TO: Jim Carter

FROM: Tom Mitchell   
Bill Richards

RE: Outside Counsel for Sunnyside Bankruptcy

Based upon our determination to take an active role in the Sunnyside Bankruptcy proceedings, it will be necessary to hire outside counsel in Denver in order that we can be admitted pro hac vice. We suggest that you authorize another \$10,000 for this purpose.

Isj  
TAM94079.MEM



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor  
Ted Stewart  
Executive Director  
James W. Carter  
Division Director

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September 21, 1994

Jan Graham  
Utah Attorney General  
Carol Clawson  
Solicitor General  
236 State Capitol  
Salt Lake City, Utah 84114

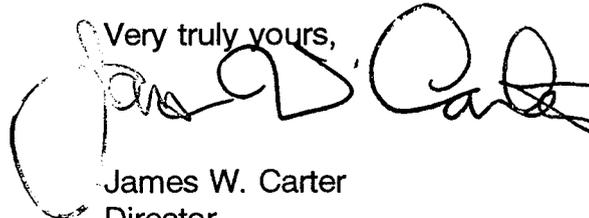
Re: Sunnyside Bankruptcy Outside Counsel

Dear Jan and Carol:

I am authorized to budget another \$10,000 for legal fees for local counsel in the Sunnyside Bankruptcy. It is my understanding that the Attorney General's Office will retain Dennis Bartlett of Weller Friedrich in Denver in order that Tom Mitchell, Bill Richards and Herschel Saperstein may be admitted to practice pro hac vice in the Denver Bankruptcy court.

If more than \$10,000 is required, I will review the budget for additional funds as necessary. It is my understanding that Dennis has agreed to these billing caps.

Very truly yours,



James W. Carter  
Director

lsj  
cc: Tom Mitchell  
Bill Richards  
Carl Roberts

COUNSEL.SUN



GEOFFREY S. RACE  
DAVID K. KERR  
ANDREW J. FRIEDRICH  
J. MARK SMITH  
MARC R. BROUSSEAU  
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**WELLER FRIEDRICH  
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H. GAYLE WELLER  
(1914-1987)  
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**FACSIMILE TRANSMISSION COVER PAGE**

**TO:** Thomas Mitchell, Esq.  
**COMPANY:** Utah Attorney General's Office  
**FAX NUMBER:** 1/801/359-3940  
**FROM:** Dennis J. Bartlett, Esq.  
**RE:** In Re: Sunnyside Coal Corp.  
**MESSAGE:**  
**NUMBER OF PAGES  
INCLUDING THIS COVER:** 5  
**DATE/TIME:** September 20, 1994 at 2:03 pm

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**IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL (303) 322-9100**

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FILE NO: 999-079

FILE NAME: DJBUTAH

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WELLER FRIEDRICH

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September 20, 1994

Thomas Mitchell, Esq.  
Utah Attorney General's Office  
No. 3 Triad, Suite 475  
355 West, North Temple  
Salt Lake City, UT 84180-1204

VIA FACSIMILE & REGULAR MAIL

RE: In re: Sunnyside Coal Corp. case

Dear Attorney Mitchell:

This letter is to follow up on our phone conversation of today's date. We understand that you would like to retain our firm as associate counsel, subject to approval by your office, in the referenced bankruptcy pending in the United States Bankruptcy Court for the District of Colorado. We have run a conflict check and do not perceive any conflicts with our representation of the State of Utah.

My hourly rate for this type of work is \$175 an hour. Associates who work on the file will be billed at the rate of \$125 an hour and paralegals at the rate of \$65 an hour. In addition, expenses are billed as incurred. It is our firm's policy to send any expense in excess of \$250 directly to the client for payment. We bill monthly and our monthly bills provide detailed explanations of the attorneys involved, the work performed, and the expenses incurred.

We understand that you will prepare an agreement for our firm's retention and will provide a draft of that agreement for our review. When an approved agreement is in place we will prepare for your review and approval the pleadings necessary to have you, Mr. Bill Richards, and Mr. Herschel Saperstein admitted *pro hac vice*. Local Bankruptcy Rule 910 (copy enclosed) allows for this type of arrangement but does require we meaningfully participate in the case. However, we do understand that you will be taking the lead in this case.

W0001899.W75

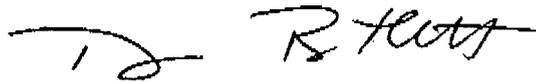
Thomas Mitchell, Esq.  
September 20, 1994  
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We certainly appreciate the opportunity to be of service and to work with you in this matter. Our firm has extensive experience in mine reclamation issues, particularly in the bankruptcy context, as we were extensively involved in those type of issues in the bankruptcy case you may have heard of, CF&I Steel.

Please call if there are any problems regarding the terms of our retention as generally outlined above.

Yours very truly,

WELLER FRIEDRICH, LLC



Dennis J. Bartlett

DJB/cs  
Enclosure

W0001899.WP5

## Local Bankruptcy Rule 910

### Attorneys

(a) Practice: An attorney admitted to practice, and who remains in good standing, with the United States District Court for the District of Colorado is qualified to practice in this bankruptcy court, subject to the following:

(1) Attorney Address Registry: The Clerk shall maintain a registry of all attorneys who practice before this court containing the name, current address, phone number and Colorado attorney registration number (if applicable). Each attorney who has not previously done so shall file with the Clerk, at or before the attorney's first entry of appearance in a case in this court, an Entry of Registry Address. The address shown for any attorney on the registry will constitute the official mailing address for the attorney for all purposes and in all cases and proceedings in this court, and documents served on the attorney at such address will be presumed to have been properly served.

(2) Changes to the Attorney Address Registry: The requirements of Fed.R.B.P. 9010(b) notwithstanding, it shall be the responsibility of each attorney to file with the Clerk a Notice of Change of Registry Address. If the address change affects all cases in which the attorney has entered an appearance, then this fact shall be stated in the Notice. In the event the address change only pertains to a limited number of cases in which the attorney has entered an appearance, then only those cases affected by the change shall be specified in the Notice, and the provisions of subsection (e) of this Rule applies with respect to withdrawal of counsel in the remaining cases. This notice is required for automation purposes and will not appear as a separate case or proceeding docket entry.

(3) Notice of Change of Address in Each Specific Case or Proceeding: In addition, pursuant to Fed.R.B.P. 9010(b), the attorney shall file and serve a separate notice of change of address in each pending case or proceeding in which the attorney has previously entered an appearance.

(b) Pro Hac Vice: An attorney who is a member in good standing of the bar in any other state or of any other court of the United States, but not authorized to appear in this court, may, upon motion for admission to practice pro hac vice, participate in the conduct of a particular case in this court. Unless otherwise ordered by the judge to whom the case is assigned, the motion shall be allowed only if the attorney associates with an active member in good standing of the bar of the United States District Court for the District of Colorado, who shall meaningfully participate in the preparation and trial of the case. The resident attorney shall sign the first pleading filed. Any notice, pleading, or other paper may be served on the resident attorney with the same effect as if personally served on the non-resident attorney within the state.

(c) Representation of a Corporation, Partnership, or Other Unincorporated Organization: No corporation, partnership, or other unincorporated organization shall file a petition under Title 11, U.S.C., or otherwise appear, unless it is represented by an attorney authorized to practice in the United States District Court for the District of Colorado. The attorney representing such an entity shall sign the petition.

(d) Entry of Appearance: Attorneys who file a general entry of appearance in a case shall be placed on the creditors mailing matrix for the case as a party in interest and shall only receive copies of notices, orders, and other documents to which parties in interest may be entitled pursuant to Fed.R.B.P. 2002.

(e) Withdrawal of Appearance: An attorney who has appeared in a case may seek to withdraw on motion showing good cause. Withdrawal shall be effective only on court order entered after service of the notice of withdrawal on all counsel of record and on the withdrawing attorney's client. A motion to withdraw must specify the reasons for withdrawal unless that would violate the canons of professional ethics. Notice to the attorney's client must include the warning that the client personally is responsible for complying with all court orders and time limitations established by any applicable Rules. Where the withdrawing attorney's client is a corporation, partnership, or other legal entity, the notice shall state that such entity cannot appear without counsel admitted to practice before this court, and absent prompt appearance of substitute counsel, pleadings, motions and other papers may be stricken, and default judgment or other sanctions may be imposed against the entity. This Rule applies to substitute counsel.