



Troubled Company Reporter

## MOUNTAIN EXPRESS: Committee Taps McDermott Will & Emery as Counsel

The official committee of unsecured creditors of Mountain Express Oil Company and affiliates seeks approval from the U.S. Bankruptcy Court for the Southern District of Texas to hire McDermott Will & Emery LLP as its counsel.

The firm will render these services:

(a) advise the committee with respect to its rights, powers, and duties in these Chapter 11 cases;

(b) participate in in-person and telephonic meetings of the committee and subcommittees formed thereby, if any;

(c) assist and advise the committee in its meetings and negotiations with the Debtors and other parties in interest regarding the Chapter 11 cases;



(d) assist the committee in analyzing claims asserted against, and interests in, the Debtors, and in negotiating with the holders of such claims and interests and bringing, or participating in, objections or estimation proceedings with respect to such claims and interests;

(e) assist the committee in analyzing the Debtors' assets and liabilities;

(f) assist the committee in its investigation of the acts, conduct, assets, liabilities, management and financial condition of the Debtors, the Debtors' historic and ongoing operations of their businesses, and the desirability of the continuation of any portion of those operations, and any other matters relevant to the Chapter 11 cases or to the formation of a plan;

(g) assist the committee in its analysis of, and negotiations with the Debtors or any third party related to, financing, asset disposition transactions, and compromises of controversies, review and determine the Debtors' rights and obligations under leases and executory contracts, and assist, advise, and represent the

committee in any manner relevant to the assumption and rejection of executory contracts and unexpired leases;

Your account



(h) assist the committee in its analysis of, and negotiations with, the Debtors or any third party related to, the formulation, confirmation, and implementation of a Chapter 11 plan(s) and all documentation related thereto (including the disclosure statement);

(i) assist, advise, and represent the committee in understanding its powers and its duties under the Bankruptcy Code and the Bankruptcy Rules and in performing other services;

(j) assist and advise the committee with respect to communications with the general creditor body regarding significant matters in the Chapter 11 cases;

(k) respond to inquiries from individual creditors as to the status of, and developments in, the Chapter 11 cases;

(l) represent the committee at hearings and other proceedings before the court and other courts or tribunals, as appropriate;



(m) review and analyze complaints, motions, applications, orders, and other pleadings filed with the court, and advise the committee with respect to formulating positions with respect, and filing responses, thereto;

(n) assist the committee in its review and analysis of, and negotiations with the Debtors and their non-Debtor affiliates related to, intercompany claims and transactions;

(o) review and analyze third party analyses and reports prepared in connection with the Debtors' potential claims and causes of action, advise the committee with respect to formulating positions thereon, and perform such other diligence and independent analysis as may be requested by the committee;

(p) advise the committee with respect to applicable federal and state regulatory issues, as such issues may arise in the Chapter 11 cases;

(q) assist the committee in preparing pleadings and applications, and pursuing or participating in adversary

proceedings, contested matters, and administrative proceedings as may be necessary or appropriate in furtherance of the committee's duties;

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(r) take all necessary or appropriate actions as may be required in connection with the administration of the Debtors' estates; and

(s) perform such other legal services as may be necessary or as may be requested by the committee in accordance with the committee's powers and duties as set forth in the Bankruptcy Code.

The hourly rates of the firm's counsel and staff are as follows:

Partners and Senior Counsel \$1,300 - \$2,590

Associates \$725 - \$1,250

Paraprofessionals \$150 - \$1,415

In addition, the firm will seek reimbursement for expenses incurred.

The firm also provided the following in response to the request for additional information set forth in D.1 of the Appendix B

Guidelines:

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Question: Did you agree to any variations from, or alternatives to, your standard or customary billing arrangements for this engagement?

Answer: Yes, all billing rates are being discounted by 15 percent.

Question: Do any of the professionals included in this engagement vary their rate based on the geographic location of the bankruptcy case?

Answer: No.

Question: If you represented the client in the 12 months prepetition, disclose your billing rates and material financial terms for the prepetition engagement, including any adjustments for the 12 months prepetition. If your billing rates and material financial terms have changed post-petition, explain the difference and the reasons for the difference.

Answer: McDermott did not represent the committee in the 12 months prepetition. McDermott has represented official committees of unsecured creditors in other bankruptcy cases during the 12 months preceding the petition date.

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Question: Has your client approved your prospective budget and staffing plan and, if so, for what budget period?

Answer: The committee and McDermott expect to develop a prospective budget and staffing plan, recognizing that in the course of large chapter 11 cases, complex and unexpected issues may arise that may in turn result in unforeseeable fees and expenses.

Charles Gibbs, Esq., a partner at McDermott Will & Emery, disclosed in a court filing that the firm is a "disinterested person" as that term is defined in Section 101(14) of the Bankruptcy Code.

The firm can be reached through:

Charles R. Gibbs, Esq.

McDermott Will & Emery LLP

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Your account

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## About Mountain Express Oil Company

Mountain Express Oil Company operates in the fuel distribution and retail convenience industry. As one of the largest fuel distributors in the American South, the company and its affiliates serve 828 fueling centers and 27 travel centers across 27 states.

Mountain Express Oil Company and its affiliates sought protection under Chapter 11 of the U.S. Bankruptcy Code (Bankr. S.D. Texas Lead Case No. 23-90147) on March 18, 2023. In the petition signed by its chief restructuring officer, Michael Healy, Mountain Express Oil Company disclosed \$100 million to \$500 million in both assets and liabilities.

Judge David R. Jones oversees the cases.

Pachulski Stang Ziehl & Jones, LLP represents the Debtors as bankruptcy counsel. The Debtors also tapped Raymond James Financial, Inc. as investment banker and FTI Consulting, Inc. as



financial advisor. Michael Healy, senior managing director at FTI, serves as the Debtors' chief restructuring officer. Kurtzman Carson Consultants, LLC is the claims, noticing and solicitation agent and administrative advisor.

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The U.S. Trustee for Region 7 appointed an official committee to represent unsecured creditors in the Debtors' Chapter 11 cases. The committee is represented by Marcus Helt, Esq.

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