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Counsel to the Official Committee of Unsecured
Creditors of Metro Fuel Oil Corp., *et al.*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:	) Chapter 11
)
	) Case Nos. 12-46913 (ESS)
METRO FUEL OIL CORP., <i>et al.</i>	) 12-46914 (ESS)
	) 12-46915 (ESS)
Debtors.	) 12-46916 (ESS)
	) 12-46917 (ESS)
	) 12-46918 (ESS)
	) 12-46919 (ESS)
	) 12-46920 (ESS)
	) 12-46921 (ESS)
	) 12-46922 (ESS)
)
	) (Jointly Administered Under Case No. 12-46913)

**FIRST SUPPLEMENTAL DECLARATION OF JAMES S. CARR IN SUPPORT OF
APPLICATION OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF
METRO FUEL OIL CORP., *ET AL.*, TO RETAIN AND EMPLOY KELLEY DRYE &
WARREN LLP AS COUNSEL, *NUNC PRO TUNC* TO OCTOBER 4, 2012**

I, JAMES S. CARR, hereby make this declaration pursuant to 28 U.S.C. § 1746
and state as follows:

1. I am an attorney admitted to practice in the states of New York and New
Jersey. I am a partner in the law firm of Kelley Drye & Warren LLP (“Kelley Drye”), which

maintains offices at 101 Park Avenue, New York, New York 10178, and I am the chair of Kelley Drye's Bankruptcy and Restructuring Practice Group.

2. I am familiar with the matters set forth herein and make this declaration in further support of the Application of the Official Committee of Unsecured Creditors (the "Committee") of Metro Fuel Oil Corp., *et al.*, to Retain and Employ Kelley Drye & Warren LLP as Counsel, *nunc pro tunc* to October 4, 2012 [Docket No. 158] (the "Application").

3. As stated in the Application, "Kelley Drye generally adjusts its hourly rates at the beginning of each calendar year to reflect economic conditions." As set forth in the Application, the hourly rates of all Kelley Drye professionals were capped at \$600 for the Debtors' cases through and including December 31, 2012. Yet in accordance with Kelley Drye's annual adjustment of its hourly rates, the firm has assessed its existing hourly rate cap in these cases and has proposed to the Committee a cap increase of \$50 per hour for 2013. The Committee has agreed.

4. Although many of the Kelley Drye professionals currently working on these cases will still have hourly rates in 2013 below the \$650 cap, they may be higher than they were in 2012 as a result of increased tenure and the firm's general annual rate increase. The following are the 2013 hourly rates of the primary attorneys and paralegals currently designated to represent the Committee, taking into consideration the new hourly rate cap and the other applicable rate increases:

- (a) James S. Carr (Partner), \$650/hour (capped for 2013)
- (b) Craig A. Wolfe (Partner), \$650/hour (capped for 2013)
- (c) Kristin Elliott (Associate), \$570/hour
- (d) Jason Alderson (Associate), \$560/hour

(e) Casey Boyle (Associate), \$480/hour

(f) Marie Vicinanza (Paralegal), \$240/hour

I, James S. Carr, declare, under penalty of perjury, that I have read the foregoing and that it is true and correct to the best of my knowledge, information, and belief.

Dated: New York, New York
January 18, 2013

s/ James S. Carr
James S. Carr