



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOAT-SINK LITIGATION

**CIVIL ACTION NO.: 11-C-5000000
(Honorable John A. Hutchison)**

THIS DOCUMENT APPLIES TO ALL CASES

**AGREED ORDER OF DISMISSAL OF EMPLOYER DEFENDANTS' CROSS-CLAIMS
AGAINST CERTAIN MANUFACTURING DEFENDANTS**

Now come Employer Defendants¹, by and through their undersigned Liaison Counsel, and certain Manufacturing Defendants², by and through their undersigned Liaison Counsel, and hereby represent to the Court that Employer Defendants are dismissing, without prejudice, any and all cross-claims, claims and causes of action that Employer Defendants have asserted against Certain Manufacturing Defendants in this consolidated matter.

¹ Employer Defendants are as follows: Allied Chemical Corporation, American Coal Testing, Amherst Coal Company n/k/a Apogee Coal Co. LLC, Arch Coal, Inc., Elkay Mining Company successor and interest to Badger Coal Company, Bandmill Coal Corporation, Beckley Coal Testing Laboratory, Bethenergy Mines, Inc., Bethlehem Steel Corporation, Boone County Coal Corporation, Buffalo Mining Company, Cannelton Industries, Inc., Carbon Fuel Company, Cedar Coal Co., Central Testing, Inc., Clarmaton Coal Co., Cliffs Natural Resources Exploration, Inc., Commercial Coal Testing, LLC, SGS North America, Inc. (Successor by Merger to Commercial Testing and Engineering Co.), Consol Energy, Inc., Consolidation Coal Company, Delta Minerals, Inc., Donaldson Mine Company, Eastern Associated Coal, LLC, Elk Run Coal Co., Elkay Mining Company, as successor to Badger Coal Company, Fork Lick Coal Processors, Inc., Gilbert Coal Testing, Inc., Gilbert Imported Hardwoods, Inc. f/k/a Dash Coal Co., Hawley Coal Corporation, Hobet Mining, LLC, Hunter Ridge Coal Company, Island Creek Coal Company, Kitchehan Pocahontas Mining Corporation, Litwar Processing Coal Company, LLC, Lo-Ming Coal Corp., Marfork Coal Company, Inc., Marrowbone Development Coal Co., Massey Energy Co., National Mines Corporation, New River Coal Co., Noone Associates, Inc., Oneida Coal Co., Patriot Coal Co., Patriot Mining Company, Inc., Peabody Holding Co., Peter White Coal Company, Performance Coal Company, Phoenix Collieries, PinnOak Resources, Pittston Coal Company, Pittston Coal Group, Pittston Coal Sales Corp., Pittston Coal Management Company, Precision Testing Laboratories, Inc., Rawl Sales & Processing Co., Red Ash Sales and Processing, Inc., Red Ash Coal Sales, Inc., Rio Group, Inc., Sewell Coal Company, SGS North America, Inc., Sharples Coal Corporation, Standard Laboratories, Inc., Technical Testing Laboratories, Inc., TraDet, Inc., United States Steel Corporation, U.S. Steel Mining Company, LLC, Valley Camp Coal Company, Virginia Crews Coal Company, Welch Coal Laboratory, Inc., Westmoreland Coal Company, Westmoreland Coal Sales, Wheeling-Pittsburgh Corp., W-P Coal Company, W-P Steel Corporation, Wyoming Analytical Laboratories, Inc. and Zapata Coal Corporation (hereinafter "Employer Defendants").

² Certain Manufacturing Defendants are as follows: The Dow Chemical Company, ICL-IP America Inc. f/k/a Ameribrom, Inc., INEOS Chlor Americas, Inc., Legacy Vulcan Corp., f/k/a Vulcan Materials Company, Occidental Chemical Corporation, individually and as successor to Diamond Shamrock Chemicals Company, PPG Industries, Inc., and Univar USA Inc. (hereinafter "Certain Manufacturing Defendants").

Granted Judge John A Hutchison Apr 27, 2012

Having considered the foregoing, the Court hereby **ORDERS** that any and all cross-claims, claims and causes of action that Employer Defendants have asserted against Certain Manufacturing Defendants are hereby **DISMISSED without prejudice** and stricken from the docket of this Court. Each of the Parties shall bear its respective costs incurred in connection with this consolidated matter.

The Clerk of this Court is directed to mail certified copies of this Agreed Order to all counsel of record in this action.

ENTERED: April ____, 2012.

HONORABLE JOHN A. HUTCHISON
Judge, Circuit Court of Raleigh County, W. Va.

AGREED TO AND PRESENTED BY:

/s/ Michael J. Farrell

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Granted Judge John A Hutchison Apr 27, 2012