



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOAT-SINK LITIGATION

CIVIL ACTION NO.: 11-C-500000
(Honorable John A. Hutchison)

THIS DOCUMENT APPLIES TO ALL CASES

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

Now come Employer Defendants¹, by and through their undersigned Liaison Counsel, and Third-Party Manufacturing Defendants², by and through their undersigned 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 Third-Party Manufacturing Defendants in this consolidated matter.

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 Third-Party 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.

¹ Employer Defendants are as follows: Allied Chemical Corporation, Arch Coal, Inc., Elkay Mining Company successor and interest to Badger Coal Company, Arkema, Inc., Bandmill Coal Corporation, Buffalo Mining Company, Carbon Fuel Company, Cedar 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, Elk Run Coal Co., Elkay Mining Company, Gilbert Coal Testing, Inc., Gilbert Imported Hardwoods, Inc. f/k/a Dash Coal Co., Hunter Ridge Coal Company f/k/a Anker Energy Corporation, Island Creek Coal Company, Kitchekan Fuel Corp., Litwar Processing Coal Company, LLC, Lo-Ming Coal Corp., Marfork Coal Company, Inc., Alpha Appalachia Holdings, Inc., f/k/a Massey Energy Co., Noone Associates, Inc., Oneida Coal Co., Patriot Mining Company, Inc., Peabody Holding Co., Performance Coal Company, PinnOak Resources, Pittston Coal Company, Pittston Coal Group, Pittston Coal Sales Corp., Pittston Coal Management Company, Powellton Coal Company, Precision Testing Laboratories, Inc., Rawl Sales & Processing Co., Red Ash Sales and Processing, Inc., n/d/a Red Ash Sales Company, Inc., Red Ash Coal Sales, Inc., SGS North America, Inc., Sharples Coal Corporation, Sharples Mining Company, Standard Laboratories, Inc., United States Steel Corporation, U.S. Steel Mining Company, LLC, Valley Camp Coal Company, Virginia Crews Coal Company, Westmoreland Coal Company, and Westmoreland Coal Sales (hereinafter "Employer Defendants").

² Third-Party Manufacturing Defendants are as follows: Albemarle Corporation and Morre-Tec Industries, Inc. (hereinafter "Third-Party Manufacturing Defendants").

Granted
Judge Hutchison, John A Aug 31 2012 10:13AM

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

ENTERED: August ____, 2012.

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

AGREED TO AND PRESENTED BY:

s/ Elizabeth L. Taylor
ANDREW B. COOKE (WVSB # 6564)
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***Counsel for Third-Party Defendant,
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***Counsel for Third-Party Defendant,
Morre-Tec Industries, Inc.***

This document constitutes a ruling of the court and should be treated as such.

File & Serve
Transaction ID: 46032362

/s/ Judge Hutchison, John A