

IN THE CIRCUIT COURT OF LINCOLN COUNTY, WEST VIRGINIA

LITIGATION INVOLVING CASES
ALLEGING NUISANCE AND
DAMAGE FROM OVERWEIGHT
TRUCKS

CIVIL ACTION NO. 04-C-187
JUDGE JAY M. HOKE

Denver Mitchell, et al.,

Plaintiffs,

v.

Mingo County C.A. No. 04-C-88

Delbarton Mining Company, et al.,

Defendants.

**ORDER DISMISSING
CLASS ACTION ALLEGATIONS**

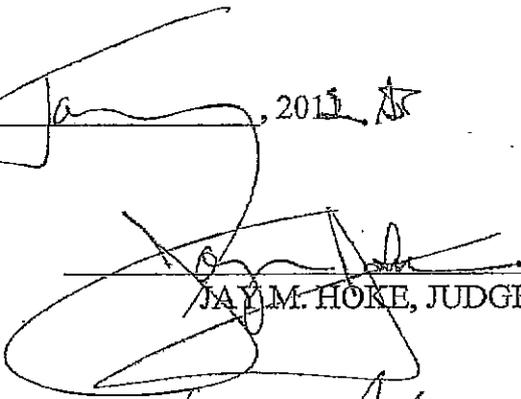
This day came the Plaintiffs, by counsel, and moved the Court to dismiss the class action allegations and class action claims for relief contained in that **Regional Complaint for Nuisance and Damage for Overweight Trucks** filed originally in the Circuit Court of Mingo County, West Virginia, and styled *Denver Mitchell, et al. v. Delbarton Mining Company, et al.*, Civil Action No. 04-C-88.

It appearing to the Court proper so to do, it is hereby **ORDERED** that Plaintiffs' class action allegations and class action claims for relief be, and the same hereby are, **DISMISSED** from that civil action originally styled *Denver Mitchell, et al. v. Delbarton Mining Company, et al.*, Civil Action No. 04-C-88.

It is **ORDERED** that the Clerk serve a certified copy of this Order upon all counsel of record.

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ENTERED: This 4th day of Jan, 2011

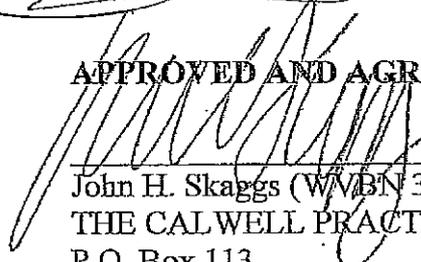


JAY M. HOKE, JUDGE

PREPARED BY:

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A. W. [unclear] Clerk