



IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

**IN RE: MINGO COUNTY COAL
SLURRY LITIGATION**

CIVIL ACTION NO.: 10-C-5000

THIS DOCUMENT APPLIES TO:

**Rawl Sales & Processing Co., et al.
v.
AIG Casualty Company, et al.**

**Civil Action No.: 06-C-520 MNG
Insurance Coverage Action**

**ORDER DISMISSING CLAIMS AGAINST THIRD-PARTY DEFENDANTS
LEXINGTON INSURANCE COMPANY, NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA, INSURANCE COMPANY OF THE STATE OF
PENNSYLVANIA, GRANITE STATE INSURANCE COMPANY, CHARTIS
PROPERTY CASUALTY COMPANY F/K/A AIG CASUALTY COMPANY F/K/A
BIRMINGHAM FIRE INS. COMPANY AND AIU INSURANCE COMPANY**

The Court hereby dismisses, with prejudice, all claims brought by Third-Party Plaintiffs Rawl Sales & Processing Co. and Massey Energy Company, n/k/a Alpha Appalachia Holdings, Inc. (collectively "Massey"), in its Second Amended Third-Party Complaint against Lexington Insurance Company, National Union Fire Insurance Company of Pittsburgh, PA, Insurance Company of The State of Pennsylvania, Granite State Insurance Company, Chartis Property Casualty Company f/k/a AIG Casualty Company f/k/a Birmingham Fire Ins. Company, and AIU Insurance Company (collectively "Chartis"), on the grounds that such claims have been settled, compromised and resolved.

It is **ORDERED** that any and all Counterclaims and/or Cross-Claims filed by Chartis in this action against Massey and/or any other party, are dismissed with prejudice.

It is further **ORDERED** that any and all cross-claims filed by any other Third-Party Defendant against Chartis are dismissed with prejudice.

Accordingly, it is **ORDERED** that the claims referenced above are dismissed with prejudice. Each party will bear its own attorneys' fees and costs.

This Order was submitted pursuant to West Virginia Trial Court Rule 24.01. Having received no objections or exceptions, it is so **ORDERED**.

ENTERED: March 28, 2014.

/s/ James P. Mazzone
Lead Presiding Judge,
Mingo County Coal Slurry Litigation

Prepared for entry by:

/s/ David E. Schumacher
David E. Schumacher (WV Bar # 3304)
BAILEY & WYANT, PLLC
500 Virginia Street, East, Suite 600
Post Office Box 3710
Charleston, West Virginia 25337-3710
T: (304) 345-4222
F: (304) 343-3133

Counsel for Lexington Insurance Company, National Union Fire Insurance Company of Pittsburgh, PA, The Insurance Company of The State of Pennsylvania, Granite State Insurance Company, Chartis Property Casualty f/k/a AIG Casualty Company, f/k/a Birmingham Fire Ins. Company and AIU Insurance Company.