



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOAT SINK LITIGATION

CIVIL ACTION NO. 11-C-5000000

THIS DOCUMENT APPLIES TO:

McNeal, Roy E. Jr. vs. Arkema Inc. et al. CIVIL ACTION NO. 11-C-5200011

AGREED ORDER DISMISSING THE MOTION TO DISMISS OF DEFENDANT,
CARBON FUEL COMPANY

The Defendant, Carbon Fuel Company, by and through its undersigned counsel, and Plaintiff, Roy E. McNeal, Jr., by and through his undersigned counsel, submit this Agreed Order Dismissing The Motion to Dismiss of Defendant, Carbon Fuel Company, as follows:

Defendant, Carbon Fuel Company, filed a Motion to Dismiss on January 26, 2011, in accordance with Rule 4(k) of the West Virginia Rules of Civil Procedure for Plaintiff's failure to serve the Amended Complaint upon Defendant, Carbon Fuel Company.

Subsequently, on or about July 7, 2011, the Defendant, Carbon Fuel Company, was served with the Plaintiff's Amended Complaint.

The Defendant, Carbon Fuel Company, and the Plaintiff, Roy E. McNeal, Jr., agree to dismiss the Motion to Dismiss of Defendant, Carbon Fuel Company.

Therefore, it is hereby **ORDERED** that the Motion to Dismiss of Defendant, Carbon Fuel Company, filed on January 26, 2011, is hereby dismissed with prejudice.

The Court further **ORDERS** that the Clerk provide copies of this Order, after entry, to the undersigned counsel.

Granted Judge John A Hutchison Feb 21, 2012

Entered this _____ day of _____, 2011.

Honorable John A. Hutchison
Lead Presiding Judge, Float-Sink Litigation

Prepared and Approved By:

/s/ Boyd L. Warner

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Approved By:

/s/ Thomas F. Basile

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Counsel for Plaintiff

Granted Judge John A Hutchison Feb 21, 2012

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

Court: WV Raleigh County Circuit Court

Court Authorizer: John A Hutchison

/s/ Judge John A Hutchison