



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOAT-SINK LITIGATION

**Civil Action No. 11-C-5000000
Hon. John A. Hutchison**

THIS DOCUMENT APPLIES TO ALL CASES

STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

On a prior day, the Defendants named in the above-referenced matters met and conferred regarding the fact that there are voluminous potential cross-claims for contribution and implied indemnification, to the extent applicable. Upon consideration, the Parties do hereby STIPULATE and AGREE as follows:

1. There are voluminous potential cross-claims for contribution and/or implied indemnification by and among the numerous defendants in each of the above-referenced matters.
2. In an effort to expedite the litigation and relieve the Court files from voluminous pleadings on these issues, the Defendants, by and through their respective counsel as set forth by the signature affixed to the Appendix attached hereto, agree that all Defendants are deemed to have asserted cross-claims for contribution and/or implied indemnification, to the extent applicable, and said cross-claims are deemed denied and all available and applicable affirmative defenses have been asserted thereto.
3. To the extent that any party has asserted a cross-claim for contribution and/or implied indemnity prior to the date of the execution of this STIPULATION, said cross-claims are deemed to be denied and all available and applicable affirmative defenses have been asserted by each and every party whose representative or attorney has executed this STIPULATION on its behalf and no response shall be required by said party to such cross-claim for contribution and/or implied indemnity.

Granted Judge John A Hutchison Jul 10, 2012

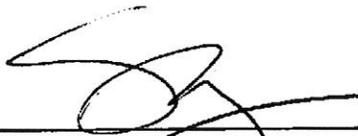
4. Any and all cross-claims for express indemnification between and/or among any Defendants not predicated on contribution or implied indemnity are hereby excepted from this STIPULATION.

5. Except as otherwise provided herein, or further Ordered by any of the Courts in the above-referenced matters, this STIPULATION shall apply to all current and any future parties that agree to this STIPULATION as reflected by the signature of their counsel reflected on the Appendix attached to this STIPULATION.

6. The Parties may execute this agreement in part, or counterpart, by having their representative or attorney execute their name on the Appendix Form attached to this STIPULATION.

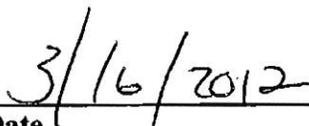
IT IS SO STIPULATED.

PREPARED AND STIPULATED TO BY:



David K. Hendrickson, Esquire (#1678)
Stephen E. Hastings, Esquire (#9065)
HENDRICKSON & LONG, PLLC
P.O. Box 11070
Charleston, West Virginia 25339
(304) 346-5500
(304) 346-5515 (fax)
daveh@handl.com
shastings@handl.com
Counsel for Occidental Chemical Corporation
and Diamond Shamrock Chemical Company

Date


3/16/2012

Granted Judge John A Hutchison Jul 10, 2012

APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: Arkema, Inc

Paul L. De-
Counsel for Defendant

7/30/11
Date

Granted Judge John A Hutchison Jul 10, 2012

APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: **OCCIDENTAL CHEMICAL CORPORATION**
 DIAMOND SHAMROCK CHEMICALS COMPANY



Stephen E. Hastings, Esquire
Counsel for Occidental Chemical Corporation
and Diamond Shamrock Chemicals Company

2-9-2011

Date

Granted Judge John A. Hutchison Jul 10, 2012

**APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION**

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: The Dow Chemical Company

Annelle J. Marshall
Attorney at Law & Counsel, P.A.C.
Counsel for The Dow Chemical Company

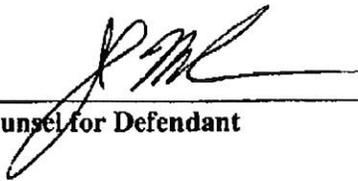
February 9, 2011
Date

Granted Judge John A. Hutchison Jul 10, 2012

**APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION**

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: INEOS Chlor Americas, Inc.



Counsel for Defendant

8/30/11
Date

Granted Judge John A Hutchison Jul 10, 2012

**APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION**

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: Seagay Valero Corp.

Annelle S. Campbell
Allen Andrew S. Thomas, Atty. Gen.
Counsel for Seagay Valero Corp.

February 9, 2011
Date

Granted Judge John A Hutchison Jul 10, 2012

APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: PLG Industries, Inc.


Counsel for PLG Industries, Inc.

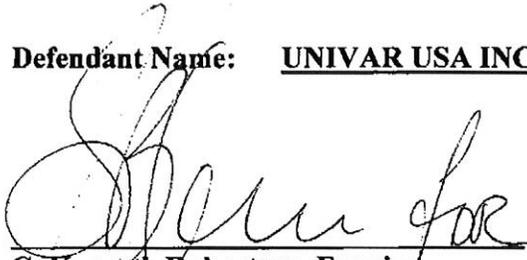
2/9/11
Date

Granted Judge John A Hutchison Jul 10, 2012

**APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION**

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: UNIVAR USA INC.


G. Kenneth Robertson, Esquire
Counsel for Univar USA Inc.

2-9-11
Date

Granted Judge John A Hutchison Jul 10, 2012

APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: ALBERMARLE CORPORATION

ANDREW B COOKE
Andrew B Cooke
Counsel for ALBERMARLE CORPORATION

2/9/2011
Date

Granted Judge John A Hutchison Jul 10, 2012

**APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION**

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: Interstate Chemical Company, Inc.



Edward A. Miller, Esquire (8678)
Marshall, Dennehey, Warner,
Coleman & Goggin, P.C.
U.S. Steel Tower, Suite 2900
600 Grant Street
Pittsburgh, PA 15219
412-803-1140
FAX 412-803-1188
eamiller@mdwgc.com

JUNE 16, 2011

Date

Counsel for Defendant,
Interstate Chemical Company, Inc.

Granted Judge John A Hutchison Jul 10, 2012

APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: Morre-Tec Industries, Inc.

Susan L. Longman
Counsel for Defendant

9/1/2011
Date

Granted Judge John A Hutchison Jul 10, 2012

APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: **Preiser Scientific, Inc.**



Webster J. Arceneaux, III (W. Va. Bar No. 155)
Martin J. Glasser (W. Va. Bar No. 1396)
Valerie H. Raupp (W. Va. Bar No. 10476)
P. Zachary Stewart (W. Va. Bar No. 11418)
P. O. Box 1746
Charleston, West Virginia 25326
(304)345-2000
(304)343-7999 facsimile
Counsel for Preiser Scientific, Inc.

September 2, 2011

Date

Granted Judge John A Hutchison Jul 10, 2012

APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: PR. Macchem, inc

[Signature]
Counsel for Defendant

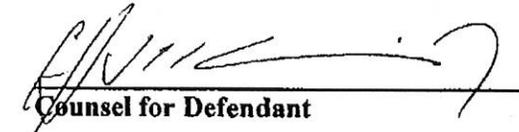
August 31, 2011
Date

Granted Judge John A Hutchison Jul 10, 2012

**APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION**

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: Allied Chemical Corp.


Counsel for Defendant

Date 6/16/11

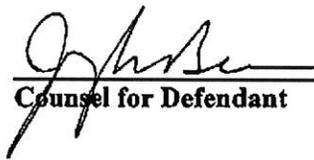
Clifford F. Kinney, Jr. (WaBar #6220)

Granted Judge John A. Hutchison Jul 10, 2012

**APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION**

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: Amherst Coal Company now Apogee Coal Company, LLC



Counsel for Defendant

6/18/12

Date

Granted Judge John A Hutchison Jul 10, 2012

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOAT-SINK LITIGATION

CIVIL ACTION NO.: 11-C-5000000

THIS DOCUMENT APPLIES TO:

Fridley, Mickey D. vs Arkema Inc et al
Spotloe, Sandra vs Arkema Inc et al

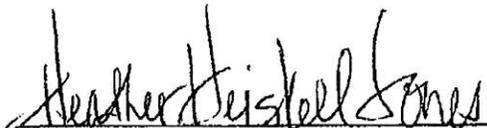
Civil Action No. 11-C-5310001
Civil Action No. 11-C-5010003

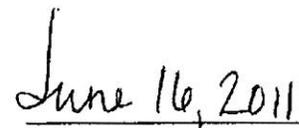
APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendant(s), by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: PATRIOT MINING COMPANY, INC.
(incorrectly named as "Patriot Coal Co.")

HUNTER RIDGE COAL COMPANY f/k/a ANKER ENERGY
CORPORATION (incorrectly named as "Anker Energy Corporation")


Heather Heiskell Jones, Esq. (WV Bar # 4913)
Matthew D. Haydo, Esq. (WV Bar # 11114)
300 Kanawha Boulevard, East
P.O. Box 273
Charleston, WV 25321-0273
*Counsel for Patriot Mining Company, Inc.
& Hunter Ridge Coal Company f/k/a
Anker Energy Corporation*


Date

Granted Judge John A Hutchison Jul 10, 2012

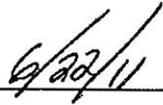
APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendants, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendants Name:

- Westmoreland Coal Company**
- Westmoreland Coal Sales Company**
- Virginia Crews Coal Company**
- Litwar Processing Company, LLC**
- Rawl Sales & Processing Co.**
- Marfork Coal Company, Inc.**
- Bandmill Coal Corporation**
- Arch Coal, Inc.**
- Buffalo Mining Company**
- Elkay Mining Company**
- Elkay Mining Company, as successor to Badger Coal Company**
- Pittston Coal Company**
- Pittston Coal Group, Inc.**
- Pittston Coal Sales Corp.**
- Cedar Coal Company**
- Performance Coal Company**
- Elk Run Coal Company, Inc.**
- Alpha Appalachia Holdings, Inc., f/k/a Massey Energy Company**


Counsel for Defendants

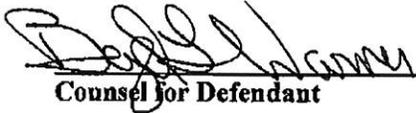

Date

Granted Judge John A Hutchison Jul 10, 2012

APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: Carbon Fuel Company


Robert J. Wadman
Counsel for Defendant

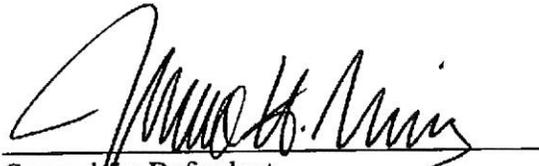
6-20-11
Date

Granted Judge John A Hutchison Jul 10, 2012

APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: Island Creek Coal Company
Consolidation Coal Company
Powellton Coal Company
Consol Energy, Inc.
Cliffs Natural Resources Exploration
PinnOak Resources



Counsel for Defendant

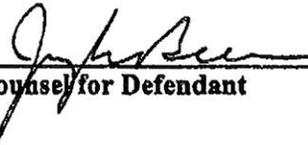
6-21-11
Date

Granted Judge John A Hutchison Jul 10, 2012

**APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION**

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: Eastern Associated Coal, LLC



Counsel for Defendant

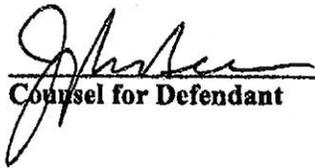
6/16/11
Date

Granted Judge John A Hutchison Jul 10, 2012

APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: Hobet Mining, LLC



Counsel for Defendant

6/16/11

Date

Granted Judge John A Hutchison Jul 10, 2012

APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: Naone Associates, Inc.


Counsel for Defendant Jerrel K. Horne 6/16/11
WV State Bar No. Date
10130

Granted Judge John A Hutchison Jul 10, 2012

APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: Oneida Coal Company

J. A. Hutchison
Counsel for Defendant

June 16, 2011
Date

Granted Judge John A Hutchison Jul 10, 2012

APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: Peabody Holding Company, Inc.



Counsel for Defendant

6/16/11

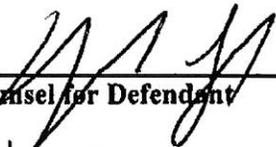
Date

Granted Judge John A Hutchison Jul 10, 2012

**APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION**

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: Red Ash Sales and Processing, Inc., nka Red Ash Sales Company, Inc.


Counsel for Defendant

6-16-11
Date

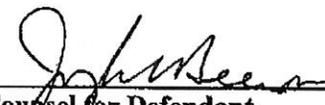
Michael S. Schulz (#6092)
Dinsmore & Shohl, LLP
900 Lee Street, Suite 600
Charleston, WV 25339
(304) 357-0900

Granted Judge John A Hutchison Jul 10, 2012

APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: Sharples Mining Company



Counsel for Defendant

8/30/11

Date

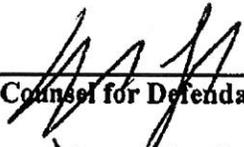
Granted Judge John A. Hutchison Jul 10, 2012

**APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION**

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

U.S. Steel Mining Company, LLC

Defendant Name: United States Steel Corporation


Counsel for Defendant

6.16.11
Date

Michael S. Schutz (#6092)
Dinsmore & Shohl, LLP
900 Lee Street, Suite 600
Charleston, WV 25339
(304) 357-0900

Granted Judge John A. Hutchison Jul 10, 2012

**APPENDIX TO
STIPULATION REGARDING CONTRIBUTION AND IMPLIED INDEMNIFICATION**

By executing this STIPULATION and APPENDIX, the following Defendant, by and through its counsel, does hereby agree to be bound by this STIPULATION.

Defendant Name: COMMERCIAL COAL TESTING, LLC
PRECISION TESTING LABORATORIES, INC.



Rebecca Donnellan-Pomeroy, Esquire
Bailey & Glasser
Counsel for Defendants



Date

Granted Judge John A. Hutchison Jul 10, 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