



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.
Case No. 06-C-520 MNG Insurance Coverage Action**

**SECOND ORDER REGARDING MEDIATION OF
INDIVIDUAL SETTLEMENT AGREEMENTS**

On October 21, 2011, Lead Resolution Judge Derek C. Swope and Resolution Judge Alan D. Moats required all individual settlement agreements between Third-Party Plaintiffs, Rawl Sales & Processing Co. and Massey Energy Company (collectively, "Massey"), and the Third-Party Defendant Insurance Companies (collectively, "Insurers") resulting from mediation of the Mingo County Coal Slurry Litigation on July 25-27, 2011, to be executed by no later than November 15, 2011. If any individual settlement agreements are not executed by November 15, the Resolution Judges advised the parties they will conduct mediation of any disputes regarding those agreements on November 22, 2011.

Massey and its Insurers shall electronically serve the Resolution Judges and Mass Litigation Manager Kimberley R. Fields with a letter confirming that all of the individual settlement agreements between Massey and its Insurers have been executed by **no later than 5:00 p.m. on November 15, 2011**. If any individual settlement agreements have not been executed by November 15, 2011, the letter from Massey and its Insurers shall identify those Insurers whose counsel and corporate representatives will be participating in mediation with Massey's counsel and corporate representatives on November 22, 2011. Massey and its Insurers will be required to pay any costs associated with the

mediation scheduled on November 22, 2011, including any cancellation fees, if the parties resolve their disputes by November 15, 2011, but fail to advise the Resolution Judges and the Mass Litigation Manager, or if the parties resolve their disputes between November 15, 2011, and November 22, 2011.

Counsel and corporate representatives of Massey, and counsel and corporate representatives of any Insurers who have not executed their individual settlement agreements with Massey must appear in person to participate in mediation of any disputes regarding their individual settlement agreements at **9:00 a.m. on November 22, 2011, at Embassy Suites, in Charleston, West Virginia, and continuing from day to day thereafter.**

It is so **ORDERED.**

ENTER: November 4, 2011

/s/ Derek C. Swope
Lead Resolution Judge,
Mingo County Coal Slurry Litigation