



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**

**THIRD 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. See “Order Regarding Mediation of Individual Settlement Agreements” (TID# 40484849).

On November 3, 2011, the Resolution Judges ordered counsel and corporate representatives of Massey, and counsel and corporate representatives of **any Insurers who have not executed their individual settlement agreements with Massey** to 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. “Second Order Regarding Mediation of Individual Settlement Agreements” (TID# 40724362) (“Second Order”)

As required by the Second Order, on November 15, 2011, counsel for Massey identified: (1) the Insurers that finalized the terms of their individual settlement agreements with Massey, but the parties have not completed execution of the settlement agreements; and (2) the Insurers that have been unable to finalize their individual settlement agreements with Massey, and there are remaining disputes regarding the agreements. See Transaction ID# 40900884.

Counsel and corporate representatives of Massey and counsel and corporate representatives of any Insurer that did not execute its individual settlement agreement with Massey by November 15, 2011, are hereby **ORDERED** to either serve the Resolution Judges and the Mass Litigation Manager with a copy of their fully executed individual settlement agreement by **no later than 12:00 noon on Friday, November 18, 2011**, or appear in person at 9:00 a.m. on Tuesday, November 22, 2011, at Embassy Suites, in Charleston, West Virginia, to explain to the Resolution Judges why their individual settlement agreements were not executed by November 15, 2011. Parties shall serve the Resolution Judges and the Mass Litigation Manager as additional recipients, using the “serve only private” feature of LexisNexis File & Serve.

Counsel and corporate representatives of Massey and counsel and corporate representatives of the Insurers that have not been able to finalize their individual settlement agreements with Massey are hereby **ORDERED** to either serve the Resolution Judges and the Mass Litigation Manager with a copy of their fully executed individual settlement agreement by **no later than 12:00 noon on Friday, November 18, 2011**, or appear in person for mediation at 9:00 a.m. on Tuesday, November 22, 2011, at Embassy Suites, in Charleston, West Virginia, and bring four (4) copies of the following items to

the mediation: (1) the individual settlement agreements in dispute, with the area(s) of dispute highlighted; and (2) any legal authority that supports the parties' respective positions regarding the areas of dispute with relevant language highlighted.

It is so **ORDERED**.

ENTER: November 16, 2011

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