

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

IN RE: SHIRLEY LYNN STANLEY, ET AL. V. RAWL SALES & PROCESSING, ET AL., MINGO COUNTY CIVIL ACTION NO. 08-C-69

WHEREAS, by Supreme Court Administrative Order entered on March 31, 2010, the Motion to Refer filed in the above-styled case was granted with respect to all cases identified in the Order; and

WHEREAS, by letter dated April 27, 2010, the Honorable Alan D. Moats, Chair of the Mass Litigation Panel, advised the Chief Justice that additional civil actions were omitted from the March 31, 2010, Administrative Order, that other civil actions included in the Order may have been dismissed prior to entry of the Order, and that counsel for the parties had conferred, but were unable to reach full agreement regarding omitted and previously dismissed civil actions that should be included in the referral to the Panel; and

WHEREAS, Judge Moats has requested an amended order including the language set forth below be entered to resolve this matter; and

WHEREAS, upon review thereof, the Chief Justice has determined that the request made by Judge Moats is warranted;

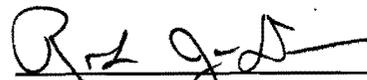
UPON CONSIDERATION THEREOF, IT IS HEREBY ORDERED, that all civil actions pending or subsequently filed in the Circuit Court of Mingo County, West Virginia, against Defendants Rawl Sales and Processing Co. and Massey Energy Company arising from allegations that Defendants caused personal injury and/or property damage by storing coal slurry in underground mine workings and in an above-ground impoundment thereby contaminating Plaintiffs' well water, including any third-party actions for declaratory relief, compensatory and punitive damages based on allegations of insurance coverage, indemnification and duty to defend are referred to the Mass Litigation Panel; and

IT IS FURTHER ORDERED, that a copy of this ORDER be transmitted to the Mass Litigation Panel, the Mass Litigation Manager, the Administrative Director of the Courts, and the Clerk of the Circuit Court of Mingo County, who is to provide copies of the same to all parties of record or their counsel; and

IT IS FURTHER ORDERED, that the Clerk of the Circuit Court of Mingo County, need take no action to remove or otherwise transfer these matters until direction is received in writing from a member of the Mass Litigation Panel, and/or the Chief Justice of the Supreme Court of Appeals; and

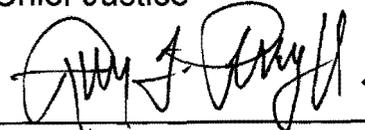
IT IS FURTHER ORDERED, that all proceedings be conducted as provided by law.

ENTERED: APRIL 28, 2010



ROBIN JEAN DAVIS

Chief Justice



Attest:

Rory L. Perry, II, Clerk

Supreme Court of Appeals