



**IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA**

**IN RE: MINGO COUNTY  
COAL SLURRY LITIGATION**

**CIVIL ACTION NO. 10-C-5000**

**ORDER REQUIRING FUND STATEMENT FROM ADMINISTRATOR  
AND TRUSTEE OF QUALIFIED SETTLEMENT FUND**

On April 19, 2012, the Court entered an *Order Setting Forth Settlement Terms, Confirming Release By All Plaintiffs of All Mingo County Coal Slurry Litigation Claims Against All Defendants, and Dismissing The Mingo County Coal Slurry Litigation as to All Defendants with Prejudice* (“Settlement Order”). Page 15 of the Settlement Order provides that:

Upon request, the Fund Administrator will prepare and deliver Fund Statements (“Statements”) to counsel for the plaintiffs, counsel for the defendants Rawl Sales & Processing Co. and Massey Energy Company, and/or the Court. The Statements shall include without limitation, a statement of receipts, investment earnings and disbursement. The Fund Administrator shall provide the Statement no later than ten (10) business days following receipt of a written request.

By order entered *nunc pro tunc* to August 23, 2011, the Court appointed A. Andrew MacQueen, III Administrator and Trustee of the Qualified Settlement Fund for the Mingo County Coal Slurry Litigation, Civil Action Number 10-C-5000. *Order Appointing Administrator and Trustee of Qualified Settlement Fund* (Transaction ID 40123178). As set forth in paragraph 9 of the Court’s Order, “[t]he powers, duties, and obligations of the Administrator will be set forth in the trust documents and in the Final Order entered by the Court.”

The Mingo County Coal Slurry Litigation has been resolved and dismissal orders have been entered in most, if not all of the cases, therefore, the Court **FINDS** it appropriate to obtain a Statement from the Administrator and Trustee of the Qualified Settlement Fund. Accordingly, the Fund Administrator is **ORDERED** to file under seal and e-serve only private Lead Presiding Judge James P. Mazzone, Presiding Judge John A. Hutchison, Presiding Judge Jay M. Hoke,

Mass Litigation Manager Kimberley R. Fields, and counsel of record with a Statement of the Qualified Settlement Fund **no later than January 15, 2016**. The Fund Statement shall include, without limitation, a statement of receipts, investment earnings and all disbursements, from the inception of the Qualified Settlement Fund through December 31, 2015. The Statement shall also contain the names and amounts of any plaintiffs whose settlement checks were returned or who did not cash their settlement checks, as well as any further information the Fund Administrator feels the Court should be made aware of regarding the settlement proceeds distributed in this litigation.

Plaintiffs' Liaison Counsel is **ORDERED** to immediately provide a copy of this Order to A. Andrew MacQueen, III. Plaintiffs' Liaison Counsel is further **ORDERED** to work with the Fund Administrator to electronically file under seal and e-serve only private the Statement prepared by the Fund Administrator via File & Serve*Xpress*.

It is so **ORDERED**.

ENTER: November 6, 2015.

/s/ James P. Mazzone  
Lead Presiding Judge  
Mingo County Coal Slurry Litigation