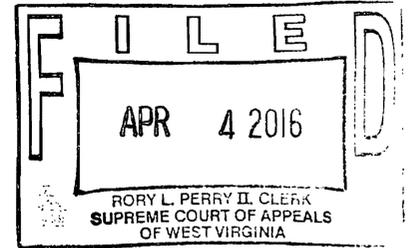


IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

DOCKET NO. 15-1040



CONSOL ENERGY INC.,

Defendant Below, Petitioner,

v.

MICHAEL HUMMEL, ET AL.,

Plaintiff Below, Respondents.

**NOTICE OF WITHDRAWAL OF FOOTNOTE 1
OF REPLY BRIEF OF PETITIONER**

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Petitioner CONSOL Energy Inc. notifies the Court that it withdraws footnote 1 of its reply brief, in which it requested that the Court strike the response brief of Respondents for failure to comply with this Court's scheduling order. Respondents notified Petitioner of the circumstances regarding the filing and Petitioner acknowledges that the brief was timely filed.

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April 2016, true and accurate copies of the foregoing "Notice of Withdrawal of Footnote 1 of Reply Brief of Petitioner" were deposited in the U.S. mail contained in postage paid envelopes addressed to counsel of record as follows:

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