



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOAT-SINK LITIGATION

CIVIL ACTION NO.: 11-C-5000000
(Honorable John A. Hutchison)

THIS DOCUMENT APPLIES TO:

Spotloe, Sandra v. Arkema Inc et al.
Fridley, Mickey D. v. Arkema Inc et al.

Civil Action No. 11-C-5010003
Civil Action No. 11-C-5310001

**PROPOSED ORDER ON PATRIOT MINING COMPANY, INC.'S AND HUNTER
RIDGE COAL COMPANY'S MOTION TO DISMISS COMPLAINTS FOR PLAINTIFFS'
FAILURE TO COMPLY WITH SEPTEMBER 28, 2011 DISCOVERY ORDER**

On January 9, 2012, the Court held a hearing on "*Patriot Mining Company, Inc.'s and Hunter Ridge Coal Company's Motion to Dismiss Complaints for Plaintiffs' Failure to Comply with September 28, 2011 Discovery Order*" ("Motion"). After reviewing the Motion, and all related pleadings, and hearing oral argument on the same, the Court hereby **GRANTS** the Motion, in part, and **ORDERS** plaintiffs Spotloe and Fridley to fully answer and respond, without objection, to Patriot Mining Company, Inc.'s and Hunter Ridge Coal Company's discovery within thirty days (30) from the date this Order is entered. The Court finds that any objections to such discovery have been waived by plaintiffs Spotloe and Fridley. The Court further **ORDERS** that failure to fully answer such discovery without objection shall result in plaintiffs' Spotloe and Fridley's claims being dismissed with prejudice. Ms. Heiskell Jones is **ORDERED** to file an Affidavit stating the attorney fees and costs incurred by her clients in connection with the Motion. Plaintiffs' objections are duly noted.

Dated: January 24, 2012

Granted with Amendments Judge John A Hutchison Jan 24, 2012

PREPARED BY:

/s/ Heather Heiskell Jones
Heather Heiskell Jones (WV Bar # 4913)
Matthew D. Haydo (WV Bar # 11114)
SPILMAN THOMAS & BATTLE, PLLC
300 Kanawha Boulevard, East / P.O. Box 273
Charleston, WV 25321
(304) 340-3800 / (304) 340-3801 (*facsimile*)
Email: hheiskell@spilmanlaw.com
Email: mhaydo@spilmanlaw.com

So ORDERED:

ENTERED: January 24, 2012

/S/ John A. Hutchison
HONORABLE JOHN A. HUTCHISON

Granted with Amendments Judge John A Hutchison Jan 24, 2012

This document constitutes a ruling of the court and should be treated as such.

Court Authorizer

Comments:

Original Order amended to state effective date