



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: FLOOD LITIGATION

MC FLOOD 7/8/2001

THIS DOCUMENT APPLIES TO ALL CASES

WHEREAS, a hearing to determine the fairness and reasonableness of Plaintiffs' proposed confidential settlements with the Defendant Companies, generally known as the Consol Companies, and with Defendants Horizon/AEI, Inc., and related Defendants is scheduled for August 4, 2009 at 10:00 a.m. in the Courtroom of the Honorable John A. Hutchison, Judge Stephens and Judge Hutchison presiding.

WHEREAS, to adequately prepare for the hearing, the Court entered an Order dated June 23, 2009, requiring Plaintiffs' counsel to provide the Court with information relevant to making a final determination on the fairness and reasonableness of the proposed settlements.

WHEREAS, although it appears that Plaintiffs' counsel substantially complied with the Order, counsel failed to provide certain information, specifically, counsel failed to provide a detailed accounting of the costs and expenses as requested on page 3, paragraph 4 of the Order.

NOW THEREFORE, the Court **ORDERS** that, no later than **July 29, 2009**, counsel for the Plaintiffs shall provide Judge Hutchison and Judge Stephens a detailed, line-by-line breakdown listing all costs and expenses incurred in the process of prosecuting the Plaintiffs' claims and negotiating the settlements with the Defendants named above. Counsel shall identify each individual item, service, expenditure, or any other such fee for which counsel incurred an expense throughout the process of resolving the claims against the Defendants named above; and the date or approximate date such expense was incurred.

ENTER: July 24, 2009

/s/ John A. Hutchison
Lead Presiding Judge, Flood Litigation

/s/ Booker T. Stephens
Lead Resolution Judge, Flood Litigation