



IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

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

CIVIL ACTION NO. 10-C-5000

THIS DOCUMENT APPLIES TO ALL CASES

ORDER APPROVING SETTLEMENT

On July 27, 2011, plaintiffs in the Mingo County Coal Slurry Litigation (“Plaintiffs”) and defendants Alpha Appalachia Holdings, Inc., formerly known as Massey Energy Company and Rawl Sales & Processing Co. (“Defendants”) entered into a Confidential Settlement Agreement and Release of all claims in the Mingo County Coal Slurry Litigation.

On September 29, 2011, the Court held a hearing regarding the proposed settlement agreement during which Plaintiffs’ counsel described and placed the proposed settlement on the record; Defendants’ counsel confirmed the description of the proposed settlement on the record; the Court heard any objections to the proposed settlement; the Court received the reports/answers of guardians *ad litem* appointed to represent the interests of minor plaintiffs, incarcerated plaintiffs, missing plaintiffs, and incompetent plaintiffs; and the Court heard the proffer/testimony of the guardians *ad litem*.

The Court has scheduled another hearing on December 16, 2011, to hear from any guardian *ad litem* who did not submit a report or answer for their respective minor plaintiff(s) at the September 29, 2011, hearing; to hear from any guardian *ad litem* who submitted a supplemental report or answer for their respective minor plaintiff(s) after the September 29, 2011 hearing; to hear from guardians *ad litem* for certain minor plaintiffs whose cases were tentatively settled in 2009, but whose settlements were not approved;

and to hear Plaintiffs' omnibus petition for Court approval of wrongful death settlements pursuant to West Virginia Code § 55-7-7. (Transaction ID# 41084534)

Subject to further rulings to be made by the Court after the hearing on December 16, 2011, the Court **FINDS** and **ORDERS** that the amount of the proposed settlement agreed to by Plaintiffs and Defendants on July 27, 2011, is fair, just and reasonable under the circumstances, and therefore, the settlement is **APPROVED**. It is further **ORDERED** that the settlement proceeds specified in the July 27, 2011, Confidential Settlement Agreement and Release shall be deposited within thirty (30) calendar days from the entry of this Order into an interest bearing trust account selected by Plaintiffs' counsel.

It is so **ORDERED**.

ENTER: December 7, 2011

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