

FILED

**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION**

2021 MAY 18 PM 2:00

CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

HAROLD D. WARD, Director, Division of Mining )  
and Reclamation, West Virginia Department of )  
Environmental Protection, )

Plaintiff, )

v. )

ERP ENVIRONMENTAL FUND, INC., )

Defendant. )

CIVIL ACTION NO. 20-C-282

Judge Christopher C. Wilkes

**ORDER GRANTING MOTION TO WITHDRAW SEPTEMBER 30, 2020 MOTION OF  
RECEIVER FOR CLARIFICATION THAT RECEIVERSHIP ESTATE DOES NOT  
INCLUDE AFFILIATES OF ERP ENVIRONMENTAL FUND, INC. LOCATED  
OUTSIDE OF THE STATE OF WEST VIRGINIA**

This matter came before the Court this 18th day of May, 2021 upon the Special Receiver's Motion to Withdraw September 30, 2020 Motion Of Receiver For Clarification That Receivership Estate Does Not Include Affiliates Of ERP Environmental Fund, Inc. Located Outside Of The State Of West Virginia. The Special Receiver has voluntarily moved this Court to withdraw its September 30, 2020 Motion Of Receiver For Clarification That Receivership Estate Does Not Include Affiliates Of ERP Environmental Fund, Inc. Located Outside Of The State Of West Virginia, and has requested that the Court authorize it to voluntarily withdraw the same.

The motion for clarification now appearing moot, and finding good cause shown, the Court hereby GRANTS said request and said motion. It is hereby ADJUDGED and ORDERED that Special Receiver's Motion to Withdraw September 30, 2020 Motion Of Receiver For


**SCANNED**

1071-156

Clarification That Receivership Estate Does Not Include Affiliates Of ERP Environmental Fund, Inc. Located Outside Of The State Of West Virginia is hereby GRANTED.

The Court directs the Circuit Clerk to distribute attested copies of this order to all counsel of record, and to the Business Court Central Office at West Virginia Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

ENTER: May 18th, 2021

  
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JUDGE CHRISTOPHER C. WILKES  
JUDGE OF THE WEST VIRGINIA  
BUSINESS COURT DIVISION

Date: 5/18/21  
Certified copies sent to:  
☒ counsel of record B. Baile  
☒ parties C. Dine  
☒ other Plence  
(please indicate) B. McCluskey  
By: Thompson  
Bus Ct.  
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Other deliveries accomplished:  
[Signature]  
Deputy Circuit Clerk