

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

FRASURE CREEK MINING, LLC,
a West Virginia limited liability company,

Petitioner and Counterclaim Defendant,

vs.

Civil Action No.: 20-C-142
Presiding: Judge Dent
Resolution: Judge Nines

POLCAHONTAS LAND, LLC,
a Virginia limited liability company,
POCAHONTAS SURFACE INTERESTS, LLC,
a Virginia limited liability company,

Respondents, Counterclaim Plaintiffs and
Third-Party Plaintiffs,

vs.

DEEP WATER RESOURCES, LLC,
a West Virginia limited liability company, and
NEW TRINITY COAL, INC.,

Third-Party Defendants.

ORDER GRANTING MOTION TO WITHDRAW
AND STAY PROCEEDINGS

This matter comes before the Court this 21st day of January 2022, pursuant to a Motion to Withdraw and Stay Proceedings filed by counsel for Plaintiff and Counterclaim Defendant Frasure Creek Mining LLC and Third-Party Defendants Deep Water Resources, LLC and New Trinity Coal, Inc.

After a review of the Motion to Withdraw and Stay Proceedings and the reasons stated therein, and after reviewing the Response to Motion to Withdraw and Stay Proceedings of Pocahontas Land, LLC and Pocahontas Surface Interests, LLC, the Court

deems it appropriate for counsel for Plaintiff and Counterclaim Defendant Frasure Creek Mining LLC and Third-Party Defendants Deep Water Resources, LLC and New Trinity Coal, Inc. to withdraw as counsel in this litigation; therefore, the Motion to Withdraw and Stay Proceedings is GRANTED.

R. Scott Long, David F. Nelson, and Stephen E. Hastings, and the law firm of Hendrickson & Long, PLLC are permitted to withdraw as counsel of record for the Plaintiff and Counterclaim Defendant Frasure Creek Mining LLC and Third-Party Defendants Deep Water Resources, LLC and New Trinity Coal, Inc., and are relieved of any and all further duties and responsibilities for that party in this matter.

All further pleadings, motions, notices, correspondence, and other documents shall be served directly on Plaintiff and Counterclaim Defendant Frasure Creek Mining LLC, and Third-Party Defendants Deep Water Resources, LLC and New Trinity Coal, Inc., whose last-known contact information is as follows: c/o Pranav Agarwal, P.O. Box 100, Oak Hill, West Virginia 25901.

The Court recognizes that Plaintiff and Counterclaim Defendant Frasure Creek Mining LLC, and Third-Party Defendants Deep Water Resources, LLC and New Trinity Coal, Inc. are corporate entity parties, which now have no counsel of record in this civil action. Pursuant to W.Va. Code §30-2-4, requiring a business entity be represented by legal counsel licensed in the State of West Virginia to appear in circuit court, the Court ORDERS this matter STAYED for sixty (60) days while Plaintiff and Counterclaim Defendant Frasure Creek Mining LLC, and Third-Party Defendants Deep Water Resources, LLC and New Trinity Coal, Inc. obtain legal counsel licensed in the State of West Virginia to represent them in this action. If no counsel appears of record for

Plaintiff and Counterclaim Defendant Frasure Creek Mining LLC, and Third-Party Defendants Deep Water Resources, LLC and New Trinity Coal, Inc. within sixty (60) days of entry of this order, default judgment may be entered against them.

Further, the Court ORDERS that the dispositive motions hearing set for, if needed, March 16, 2022 at 10:30 a.m. in Judge Dent's Courtroom in Greenbrier County¹ is hereby CANCELLED.

It is hereby ADJUDGED and ORDERED that counsel for Plaintiff and Counterclaim Defendant Frasure Creek Mining LLC, and Third-Party Defendants Deep Water Resources, LLC and New Trinity Coal, Inc.'s Motion to Withdraw and Stay Proceedings is hereby GRANTED.

The parties' exceptions to all adverse rulings are noted.

The Clerk shall enter this order as of the date hereinabove written and shall send attested copies to all counsel of record at the addresses on file, as well as Plaintiff and Counterclaim Defendant Frasure Creek Mining LLC, and Third-Party Defendants Deep Water Resources, LLC and New Trinity Coal, Inc. at the following address: c/o Pranav Agarwal, P.O. Box 100, Oak Hill, West Virginia 25901.

Enter: 1/21/22

January 24, 2022



JUDGE JENNIFER P. DENT
JUDGE OF THE WEST VIRGINIA
BUSINESS COURT DIVISION

¹ See Order entered 12/1/21.