

**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.

BRIEFING ORDER

IT APPEARING that Respondents, Counterclaim Plaintiffs and Third-Party Plaintiffs, Pocahontas Land, LLC, and Pocahontas Surface Interests, LLC, by counsel, have filed a *Motion for Default*, it is ORDERED pursuant to Rule 22 of the West Virginia Trial Court Rules as follows:

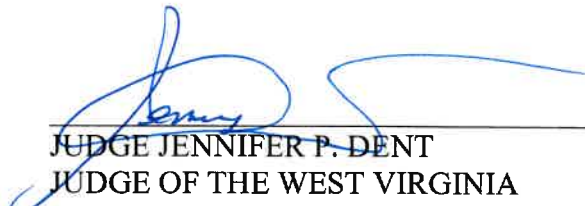
That movant will provide a proposed order (if not already done) and serve a copy upon all non-moving parties. Non-moving parties shall file written responses and proposed orders by **April 25, 2022**, and serve copies of the same on the moving party. The Court will hold a hearing

on the aforementioned motion on Tuesday, May 3, 2022 at 10:00 a.m. via Microsoft Teams. A Microsoft Teams meeting invitation will be sent to counsel of record for said hearing.

All original proposed orders and copies of motions and/or memoranda shall be sent directly to the Judge via Alison.Burke@courtswv.gov with a courtesy copy to Carol.Miller@courtswv.gov, Business.Court@courtswv.gov, and Tessa.Bowers@courtswv.gov. Copies of the proposed orders and the original motions and memoranda shall be filed with the Clerk of the Circuit Court. Recognizing that Fayette County is now an efilings jurisdiction, the parties are directed to continue to send courtesy copies to the email addresses listed above.

The Clerk shall enter the foregoing and forward attested copies hereof to all counsel, to any *pro se* parties of record, and to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

April 18, 2022
date of entry


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