

**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 FOR LEAVE TO FILE RESPONSE TO MOTION FOR
SUMMARY JUDGMENT OUT OF TIME**

This matter came before the Court upon Petitioner and Third-Party Defendants, Frasure Creek Mining, LLC, Deep Water Resources, LLC, and New Trinity Coal, Inc.'s Motion for Leave to File Response to Motion for Summary Judgment Out of Time.

Having considered the pending motion, the Court finds good cause exists to allow Petitioner and Third-Party Defendants leave to file their Response to Counterclaim Plaintiffs and Third-Party Plaintiffs, Pocahontas Land, LLC, and Pocahontas Surface Interests, LLC's Motion for Summary Judgment, their Response to the pending Motion for Leave to File an Amended

Counterclaim and Third-Party Complaint, For Declaratory Relief, Order of Attachment, And Confirmation of Arbitration Award, and their Response to the pending Motion for Default, in excess of the expedited briefing schedule sought by Pocahontas and ordered by this Court by prior order.

Finding good cause shown, the Court hereby GRANTS said motion. It is hereby ORDERED that counsel for Petitioner and Third-Party Defendants shall file written responses and proposed orders by **within forty-five (45) days of the entry of this order**, and serve copies of the same on the moving party. The moving party shall thereafter have 10 days to file a rebuttal memorandum, if desired.

The Court will hold a hearing on the aforementioned motion on July 19, 2022 at 1:00 p.m. via Microsoft Teams. A Microsoft Teams meeting invitation will be sent to counsel of record for said hearing. The hearing currently set for May 3, 2022 is hereby CANCELLED.

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.

It is so ORDERED this 27th day of April 2022.

4-27-22
date of entry



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