

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION

MOUNTAIN STATE CARBON, LLC,

Plaintiff,

CIVIL ACTION NO.: 08-C-360

v.

JUDGE: CHRISTOPHER WILKES

BLUESTONE COAL CORPORATION and
BLUESTONE COAL SALES CORPORATION,

Defendants and Third-Party
Plaintiffs,

v.

SEVERSTAL DEARBORN, INC., SNA CARBON,
LLC, SEVERSTAL U.S. HOLDINGS, LLC and
OAO SEVERSTAL,

Third-Party Defendants.

CIRCUIT COURT
OF OHIO COUNTY
2014 APR 3 PM 12 42
BRENDA L. MILLER

DISMISSAL ORDER

NOW COME the Plaintiff and Third-Party Defendants, by counsel, Robert J. Marino, Esquire, Frederick W. Bode, III, Esquire, Melissa M. Barr, Esquire, and as well come the Defendants and Third-Party Plaintiffs, by counsel, Barry D. Hunter, Esquire, Medrith Lee Norman, Esquire, and Jared Tully, Esquire;

And the parties, having advised the Court that a settlement has been reached, jointly move this Honorable Court to dismiss the above-captioned matter, with prejudice.

There being no objections and the Court perceiving none, it is hereby **ADJUDGED** and **ORDERED** that this cause of action, including all claims asserted in this Ohio County Case (08-C-360), including any and all counterclaims and third-party claims, and including the claims asserted in the Raleigh County case (08-C-999-B), which were transferred and

consolidated into this Ohio County Case, be dismissed with prejudice and with each party to bear their/its own attorney's fees and expenses, and stricken from the active docket of this Court.

The Clerk of the Circuit Court of Ohio County is Ordered to forward attested copies of this *Dismissal Order* to all counsel of record in this matter.

All of which is, accordingly, **ORDERED**.

Entered this 3 day of April, 2014.



Honorable Christopher Wilkes, Judge

A copy, Teste:



Circuit Clerk

Prepared by:



Melissa M. Barr

Robert J. Marino, Esquire (WV #6347)

Frederick W. Bode, III, Esquire (Admitted *pro hac vice*)

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*Counsel for Mountain State Carbon, LLC,
Severstal Dearborn, LLC, SNA Carbon, LLC,
Severstal U.S. Holdings, LLC, and OAO Severstal*

Approved by:

Barry D. Hunter w/ permission 4/1/14

Barry D. Hunter, Esquire (Admitted *pro hac vice*)

Medrith Lee Norman, Esquire (Admitted *pro hac vice*) to MMB

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*Counsel for Bluestone Coal Corporation
and Bluestone Coal Sales Corporation*