

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

**PEOPLES BANK, NATIONAL  
ASSOCIATION,**

**Plaintiff,**

**v.**

**APPALACHIAN MINING AND  
RECLAMATION, LLC, *et al.*,**

**Defendants.**

**Civil Action No. 15-C-807  
Presiding Judge: Tabit  
Resolution Judge: Young**

FILED  
2016 APR 22 PM 2:51  
CLERK

**ORDER**

On a previous day came the plaintiff, Peoples Bank, National Association, and the defendants, Appalachian Mining and Reclamation, L.L.C., *et al.*, by and through their respective counsel, for a hearing on Plaintiff's Revised Motion for Appointment of Special Receiver ("the Motion").

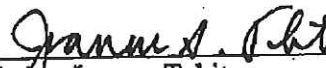
After review of the status of the Motion, the Court finds the same to be premature and, therefore, the Motion is HELD IN ABEYANCE. The Court hereby reschedules the hearing on the Motion to take place April 29, 2016 at 2:30 p.m. The defendants have until and including April 14, 2016 to file a response in opposition to the plaintiff's recently filed memorandum in support of the Motion. The plaintiff shall then have until and including April 21, 2016 to file a reply in support of the Motion.

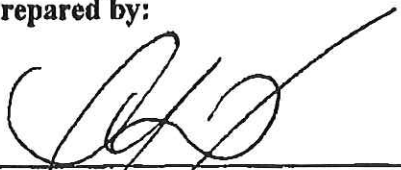
Moreover, the plaintiff shall file an exhibit list and witness disclosure setting forth the names and identities of each witness to be called at the April 29, 2016 hearing as well as a summary of the anticipated testimony of each witness on or before April 14, 2016. The defendants shall file an exhibit list and witness disclosure setting forth the names and identities

of each witness to be called at the April 29, 2016 hearing as well as a summary of the anticipated testimony of each witness on or before **April 21, 2016**.

A copy of this Order shall be issued to counsel of record for all parties to this action.

Entered this 20<sup>th</sup> day of April, 2016.

  
\_\_\_\_\_  
Judge Joanna Tabit  
Business Court Division

**Prepared by:**

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Stephen S. Burchett, Esquire (WV Bar # 9228)  
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**Counsel for:**

*Appalachian Mining and Reclamation, L.L.C.*  
*DJWV2, LLC*  
*Green Coal, LLC*  
*Joint Venture Development, LLC*  
*Producer's Coal, Inc.*  
*Producer's Land, LLC*  
*Redbud Dock, LLC*  
*Southern Marine Services Limited Liability Company*  
*Southern Marine Terminal, LLC*  
*Denise Dawn Johnson, Trustee, and*  
*Dennis Johnson*

**Reviewed and Approved by:**

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*Counsel for Plaintiff Peoples Bank, National Association*

**Reviewed and Approved by:**

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*Counsel for Defendant Mark Pinson*



FILED

2016 APR 22 PM 2:52

April 15, 2016

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order  
4/20/16

1445.0002

Judge Joanna Tabit  
**Kanawha County Judicial Building**  
P.O. Box 2351  
111 Court Street  
Charleston, WV 25301

**RE: Peoples Bank, National Association v. Appalachian Mining and  
Reclamation, LLC, et al**  
**Civil Action No. 15-C-807**  
**Presiding Judge: Tabit**  
**Resolution Judge: Young**  
**Circuit Court of Cabell County, Business Court Division**

Dear Judge Tabit:

Enclosed please find the proposed "Order" pursuant to West Virginia Trial Court Rule 24.01 requesting rescheduling the hearing time from 1:30 p.m. to 2:30 p.m. on April 29, 2016 due to the fact that all parties in this case are also involved in a hearing in Bankruptcy Court the very same day in Huntington, WV, April 29, 2016 at 11:00 a.m. We contacted your Assistant and she stated that the 2:30 time slot was available; however, Plaintiff's Counsel does not want to move the time. Defense Counsel, Mr. Rozinsky, has agreed to continue the hearing to 2:30 p.m. We would like for all parties involved to be able to attend both hearings.

If you agree with the proposed Order, sign and date and submit it to the Clerk of Cabell County for entry. Thank you for your consideration. Please do not hesitate to contact me should you have any questions.

Judge Joanna Tabit  
April 15, 2016  
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Very truly yours,

Melanie A. Kerstetter,  
*Legal Assistant*

Enclosure

cc:

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Stuart McMillan, Esquire  
Daniel J. Cohn, Esquire  
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Judge Joanna Tabit:  
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