

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

PEOPLES BANK, NATIONAL ASSOCIATION
Plaintiff,

vs.

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

**APPALACHIAN MINING AND RECLAMATION,
L.L.C., a Kentucky limited liability company,
DJWV2, LLC, a West Virginia limited liability company,
GREEN COAL, LLC, a Kentucky limited liability company,
JOINT VENTURE DEVELOPMENT, LLC, a Kentucky
limited liability company,
PRODUCER'S COAL, INC., a Kentucky corporation
formerly known as Producer's Dock, Inc.,
PRODUCER'S LAND, LLC, a Kentucky limited liability
company,
REDBUD DOCK, LLC, a Kentucky limited liability
company,
SOUTHERN MARINE SERVICES LIMITED
LIABILITY COMPANY, a Kentucky limited liability
company,
SOUTHERN MARINE TERMINAL. LLC, a Kentucky
limited liability company,
DENISE DAWN JOHNSON, Trustee of the Denise
Johnson Real Estate Trust,
DENNIS JOHNSON, a West Virginia resident, and
MARK PINSON, a West Virginia resident,
Defendants.**

2016 JUL 11 AM 9:22
J.E. HOOD
CIRCUIT COURT
CABELL CO. WV

FILED

ORDER FOLLOWING JULY 7, 2016 HEARING

On a previous day, the Court received the Special Receiver's request to withdraw from his appointment as well as People Bank's Motion to Reconsider. The Court held a telephonic scheduling conference on July 7, 2016, in order to set the motions for oral argument and to clarify the scope of testimony that would be permitted during the hearing. All parties appeared telephonically by and through counsel.

The aforementioned motions were set for hearing on **August 15, 2016, at 1:00 p.m.** in

the Presiding Judge's courtroom in the Kanawha County Judicial Building, 111 Court Street, Charleston, WV 25301. In doing so, the Court also **GRANTED** the Defendants' request to appear in person for the hearing on the Motion to Reconsider and the Receiver's Motion to Withdraw. Additionally, the Court clarified that, while it may consider testimony from the Special Receiver, if necessary, the time set aside for the hearing was limited and would not be sufficient to substitute as a fact-finding procedure. The Court advised the parties that the deposition of Mr. Zatezalo should be conducted as scheduled if any discovery was needed in order to prepare for the hearing.

The Court set a briefing schedule as follows. Response memoranda in opposition to the motions are due on or before **August 1, 2016**. Reply memorandum to opposition briefs must be submitted on or before **August 8, 2016**. The parties are also directed to submit proposed orders setting forth the substantive duties of the receiver on or before **August 8, 2016**.

The Clerk of the Circuit Court of Cabell County, West Virginia, is directed to forward an attested copy of this Order to the Resolution Judge, the Honorable James H. Young, Jr., at the Wayne County Courthouse, P.O. Box 68, Wayne, West Virginia 25570; the Business Court Division Central Office at the Berkeley County Judicial Center, 380 W. South Street, Suite 2100, Martinsburg, West Virginia, 25401; and all counsel of record.

ENTER this 8th day of July, 2016.

STATE OF WEST VIRGINIA
COUNTY OF CABELL

I, JEFFREY E. HOOD, CLERK OF THE CIRCUIT COURT FOR THE COUNTY AND STATE AFORESAID DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY FROM THE RECORDS OF SAID COURT ENTERED ON JUL 11 2016

GIVEN UNDER MY HAND AND SEAL OF SAID COURT

THIS

JUL 11 2016
CLERK
CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

Joanna V. Tabit
JOANNA TABIT, JUDGE
BUSINESS COURT DIVISION