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

PEOPLES BANK, NATIONAL ASSOCIATION

Plaintiff,

vs.

**APPALACHIAN MINING AND RECLAMATION,
L.L.C., et al.,**

Defendants.

FILED
AUG 24 PM 4:01
CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

Civil Action No. 15-C-807

Presiding Judge: Tabit

Resolution Judge: Young

ORDER SCHEDULING HEARING ON MOTION TO VACATE

This matter comes before the Court pursuant to the Motion of Dennis Ray Johnson, II and the Receivership Companies to Vacate Order Appointing Zachary B. Burkons as Successor Special Receiver and Motion for Expedited Hearing. Based on the Movants' proffer, the Court finds good cause to quickly set the matter for oral argument.


ACCORDINGLY, the Court hereby **GRANTS** the Motion for an Expedited Hearing and **ORDERS** that a hearing on the Motion to Vacate the Order Appointing Zachary B. Burkons will be held on Wednesday, **August 31, 2016**, at **3:00 p.m.** in the Courtroom of the undersigned in Kanawha County, West Virginia. The Plaintiff and Mr. Burkons are each permitted to file a response, if desired, by 4 p.m. on Friday, August 26, 2016. Defendant may file a rebuttal by noon on Tuesday, August 30, 2016. Courtesy copies of all filings should be e-mailed to the Court at Joanna.Tabit@courtswv.gov and Claire.Watson@courtswv.gov.

The Clerk of the Circuit Court of Cabell County, West Virginia, is directed to forward an attested copy of this Order to the Business Court Division Central Office at the Berkeley County Judicial Center, 380 W. South Street, Suite 2100, Martinsburg, West Virginia, 25401; and all

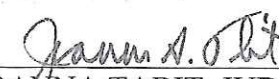
STATE OF WEST VIRGINIA
COUNTY OF CABELL

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 AUG 26 2016 GIVEN UNDER MY HAND AND SEAL OF SAID COURT

THIS

 CLERK
CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

ENTER this 24th day of August, 2016.


JOANNA TABIT, JUDGE
BUSINESS COURT DIVISION