

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

HORIZON VENTURES OF WEST
VIRGINIA, INC.,

Plaintiff,

v.

AMERICAN BITUMINOUS POWER
PARTNERS, L.P. *et al.*,

Defendants.

AND

DEUTSCHE BANK AG, NEW YORK BRANCH,
IN ITS CAPACITY AS AGENT FOR THE BANK
GROUP, WHICH ALSO INCLUDES JP MORGAN
CHASE BANK, N.A.; MERRILL LYNCH CREDIT
PRODUCTS, LLC; BNP PARIBAS; and CREDIT
AGRICOLE CORPORATE AND INVESTMENT
BANK,

Intervenor-Plaintiff,

v.

HORIZON VENTURES OF WEST VIRGINIA,
INC.; AMERICAN BITUMINOUS POWER
PARTNERS, L.P.,

Intervenor-Defendants.

Civil Action No. 13-C-196
Judge James H. Young, Jr.

FILED
2017 JUN 13 PM 3:03
CLERK OF COURT
JAMES H. YOUNG, JR.

ORDER CONTINUING HEARING ON MOTIONS FOR SUMMARY JUDGMENT

On a prior day came the Intervenor-Plaintiff Deutsche Bank AG, New York Branch, in its capacity as Agent for the Bank Group and requested that the Court continue the date for the

hearing on the pending motions for summary judgment, as previously set forth in the Third Amended Scheduling Order dated June 1, 2017.

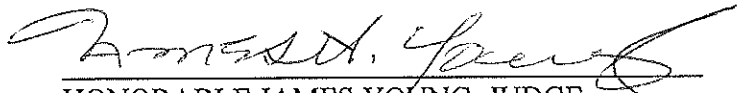
WHEREFORE, for good cause shown, and there being no opposition thereto, the Court does hereby GRANT said motion and ORDERS that the hearing on the pending Motions for Summary Judgment shall be heard on August 22, 2017 at 1:00 p.m. at the Kanawha County Courthouse located at 111 Court Street in Charleston.

Apart from the direction contained herein, the Third Amended Scheduling Order shall otherwise remain in full force and effect unless further modified by order of this Court.

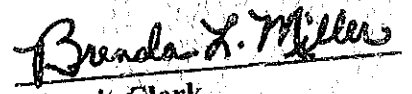
The Clerk is directed to send copies of this Order to all counsel of record.

ENTERED

Aug 9 '17


HONORABLE JAMES YOUNG, JUDGE
Circuit Court of Ohio County, WV
Business Court Division

A copy, Teste:


Circuit Clerk

***Horizon Ventures of West Virginia, Inc. vs. American Bituminous Power Partners, L.P.,
Pleasant Valley Energy Company, American Hydro Power Partners, L.P., Business Court
Case, Civil Action No. 13-C-196, Ohio County***

Judge Mazzone – Janet

Helen – Circuit Clerk's office keeps trial calendars

Resolution Judge:

Honorable James A. Matish

Harrison County Courthouse

301 West Main Street

Clarksburg, WV 26301

Counsel for Plaintiff:

Gregory H. Schillace, Esq.

PO Box 1526

Clarksburg, WV 26302

Phone: 304-624-1000

Email: ghs@schillacelaw.com

Counsel for Defendants:

John McCuskey, Esq.

Roberta F. Green, Esq.

Shuman McCuskey & Slicer PLLC

P. O. Box 3953

Charleston, WV 25339-3953

Phone: 304-345-1400

Email: rgreen@shumanlaw.com

jmccuskey@shumanlaw.com

Counsel for the Bank Groups:

Alexander Macia, Esq.

Spilman Thomas & Battle, PLLC

Post Office Box 273

Charleston, WV 25321-0273

Phone: 304.340.3835

Cell: 304.541.1932

Email: amacia@spilmanlaw.com

Matthew O. Gatewood, Esq.

Sutherland Asbill & Brennan LLP

700 Sixth Street NW

Washington, DC 20001