

In the Circuit Court of Marion County, West Virginia

**American Bituminous Power
Partners, LP,**
Plaintiff,

v.

Case No. CC-24-2018-C-130
Judge Michael Lorensen

**Horizon Ventures of West Virginia,
Inc.,**
Defendant

Bench Trial Order Day Three: October 12, 2023

On the 12th day of October, 2023, this matter came on before the Court for a bench trial. By prior agreement of the parties, the Court conducted the bench trial in Berkeley County, West Virginia. The Plaintiff, American Bituminous Partners, L.P., was present by its counsel Roberta F. Green, Esq. and John F. McCuskey, Esq., and by its representative, Steve Friend, and Defendant, Horizon Ventures of West Virginia, Inc., was present by its counsel Mark A. Kepple, Esq. and Joseph G. Nogay, Esq. and by its representative, Stanley Sears.

1. The Court heard closing arguments from Ms. Green and Mr. Kepple. Thereafter, the Court her rebuttal argument from Ms. Green.
2. The Court directed that counsel submit proposed Orders, with findings of fact and conclusions of law, to be submitted by Friday, October 20, 2023.

The Court directs the Circuit Clerk to distribute attested copies of this order to all counsel of record, and to the Business Court Central Office at West Virginia Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

ENTER: October 16, 2023

/s/ Michael Lorensen

Circuit Court Judge

16th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.