

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

L&D INVESTMENTS, INC., a West Virginia corporation
RICHARD SNOWDEN ANDREWS, JR.,
MARION A. YOUNG TRUST,
CHARLES A. YOUNG,
DAVID L. YOUNG and
LAVINIA YOUNG DAVIS, successors of Marion A. Young,
CHARLES LEE ANDREWS, IV, and
FRANCES L. ANDREWS,
Plaintiffs,

v.

Civil Action No. 13-C-528-2
Judge Thomas A. Bedell

ANTERO RESOURCES CORPORATION,
formerly known as ANTERO RESOURCES
APPALACHIAN CORPORATION, et al
Defendants.

11-2-2020
D. Romano
C. Johns
S. Massie
A. Lawrence
J. Rubenstein
S. Massie
L. Turner
R. Lohrey, II
S. Hill
B. Bailey
B. Blaser
A. Pomeroy
T. Miller
K. Bonds
M. Cash

ORDER REGARDING MOTION FOR RULE 54(b) DETERMINATION

On the 8th day of October, 2020 came the following Parties, all pursuant to notice heretofore given to all represented and/or *pro se* Parties by the Court, of a Status Conference on this date which was conducted virtually. Appearing virtually was Judge Thomas A. Bedell and Plaintiffs¹, by their counsel, David J. Romano, Defendant, Antero², by its counsel, W. Henry Lawrence, and Justin A. Rubenstein, along with Attorney Jamie D. Chapman, in house counsel for Antero, Defendants CNX³ by their counsel, Shaina D. Massie, Defendant Mike Ross, Inc. ("MRI"), by its counsel, Benjamin J. Bailey and Rebecca D. Pomeroy and Defendants CGAS and ECA⁴, by their

¹ L&D Investments, Inc., Richard Snowden Andrews, Jr., Charles A. Young, David L. Young, Lavinia Young Davis, Charles Lee Andrews, IV, and Frances L. Andrews.

² Antero Resources Corporation, formerly known as Antero Resources Appalachian Corporation.

³ CNX Resources Corporation (f/k/a Consol Energy, Inc.) and CNX Gas Company, LLC.

⁴ CGAS Properties, LLC/EnerVest Operating, L.L.C. and Energy Corporation of America/Greylock.

counsel, Katrina N. Bowers and Timothy M. Miller. Also appearing virtually as the representative of Defendant Mike Ross, Inc. [MRI], was its CEO, Mike Ross.

At that time, the Court having reviewed the Pre-Conference Memorandums, inquired of all counsel as to the status of those issues identified in such Memorandums.

Each counsel advised the Court of their positions regarding the outstanding issues in this case at this time. Such statements and the Court's colloquy were placed on the Record.

Thereupon the Court inquired regarding Plaintiffs' Motion for Application of Rule 54(b), and hearing no objection by any Party to the granting of Plaintiffs' Motion, the Court made a finding that the issues regarding Antero's Crossclaim for indemnity from MRI and Antero's request for a credit or setoff from Antero's voluntary lump sum settlement made to Plaintiffs, and related issues decided by the Court in its September 15, 2020 Omnibus Order, were final and ripe for appeal should any Party so desire.

Accordingly, the Court directs the entry of a final judgment regarding its prior Order entered on September 15, 2020, under Rule 54(b) upon an express determination that there is no just reason for delay in the entry of said judgment to permit an appeal therefrom effective with the date of entry of this Order.

The Court further stays enforcement of its prior Order entered on September 15, 2020, insofar and insofar only, requiring payment of the \$4,000,000.00 escrow agreement of Antero and Plaintiffs from Antero's settlement with Plaintiffs, such that the escrowed funds shall not be disbursed until the further order of the Court.

The Clerk is hereby directed to send a certified copy of this Order to the below identified

counsel of record:

David J. Romano, Esquire
Romano Law Office, LC
363 Washington Avenue
Clarksburg, WV 26301

Charles F. Johns, Esquire
Shaina D. Massie, Esquire
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W. Henry Lawrence, Esquire
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Benjamin J. Bailey, Esquire
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Timothy M. Miller, Esquire
Katrina N. Bowers, Esquire
Matthew S. Casto, Esquire
Babst Calland
BB&T Square
300 Summers Street, Suite 1000
Charleston, WV 25301

ENTER: November 2, 2020

Thomas A. Bevell
THOMAS A. BEDELL, JUDGE

Prepared and Submitted for Entry by:

David J. Romano
David J. Romano, Esquire
W.Va. State Bar ID No. 3166
Counsel for Plaintiffs

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STATE OF WEST VIRGINIA,
COUNTY OF HARRISON, TO-WIT:
I, Albert F. Marano, Clerk of the 12th Judicial Circuit and the
15th Family Court Circuit of Harrison County, West Virginia, hereby
certify the following to be a true copy of the ORDER entered in the
above styled action on the 2 day of NOV, 2020
IN TEST MONY WHEREFORE I have hereunto set my hand and affix the
Seal of this Court this 2 day of NOV, 2020
Albert F. Marano
Albert F. Marano
15th Judicial Circuit & 18th Family Court Circuit Clerk
of Harrison County, West Virginia

Agreed for Entry by:

Benjamin J. Bailey, Esquire
W.Va. State Bar ID No. 200
Rebecca D. Pomeroy, Esquire
W.Va. State Bar ID No. 8800
Counsel for Mike Ross, Inc.

Shaina D. Massie
Charles F. Johns, Esquire *by dfr w/permission*
W.Va. State Bar ID No. 5629
Shaina D. Massie, Esquire
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*Counsel for CNX Resources Corporation (fka Consol Energy, Inc.)
& CNX Gas Company, LLC.*

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Katrina N. Bowers, Esquire
W.Va. State Bar ID No. 12337
Matthew S. Casto, Esquire
W.Va. State Bar ID No. 8174
*Counsel for CGAS/EnerVest Operating, L.L.C. and SWN Production Company, LLC and
Energy Corporation of America*