

**In the Circuit Court of Pleasants County, West Virginia**

**BB LAND, LLC AND JB  
EXPLORATION 1, LLC,**  
Plaintiff,

v.

Case No. CC-37-2018-C-2  
Judge Michael Lorensen

**BLACKROCK ENTERPRISES, LLC,  
MICHAEL L. BENEDUM,**  
Defendants

**DAY ORDER FROM NOVEMBER 15, 2024 HEARING**

CAME the parties, in a status conference on November 15, 2024, commencing at 1:00 p.m. via Microsoft Teams.

Geoffrey Bracken, Esq., Vi T. Tran, Esq., and Joseph G. Nogay, Esq., appeared for Plaintiffs BB Land, LLC and JB Exploration 1, LLC, and Brian R. Swiger, Esq. and John A. Budig, Esq. appeared for Defendants, Blackrock Enterprises, LLC and Michael L. Benedum. Conference was had as to the status of this case upon remand from the West Virginia Supreme Court of Appeals.

1. Counsel for Plaintiff averred their position is that the Court should first determine whether a mining partnership exists, see what discovery, if any, is needed, and that the remedies and damages should be decided by the Court.
2. Counsel for Defendants averred there would be new, related cases filed which counsel would move for consolidation into the instant civil action, regarding claims of washout and minimization of damages that Defendants allege to have occurred at a time after the conclusion of the trial in this matter.
3. Counsel for Defendants also averred that the parties wish to mediate. Counsel for Plaintiffs confirmed that both parties are amenable to mediation. Discussion was had

regarding the use of a private mediator and/or Resolution Judge Wilkes.

4. After an inquiry by the Court, the parties concluded that 60-90 days for any mediation would suffice, and if mediation is not successful, the parties will come back on for scheduling before the undersigned on February 18, 2025 at 1:00 p.m. via Teams.
5. Counsel proffered they had no other matters to take up today.
6. The hearing was then adjourned.

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: November 18, 2024

**/s/ Michael Lorensen**  
Circuit Court Judge  
3rd 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/](http://www.courtswv.gov/e-file/) for more details.