

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

IN RE: MOTION TO REFER TO THE MASS LITIGATION PANEL THE PROCEEDING STYLED MELISSA LESTER, ET AL., PLAINTIFF V. ALPHA NATURAL RESOURCES SERVICES, A VIRGINIA CORPORATION, ET AL., DEFENDANTS, MINGO COUNTY CASE NO. 09-C-311

WHEREAS, pursuant to Rule 26.06 of the West Virginia Trial Court Rules, the Chief Justice has received a motion filed in the Circuit Court of Mingo County, West Virginia, to refer the above-styled proceeding and the other cases referenced in said motion to the Mass Litigation Panel; and

WHEREAS, the Motion appears to be in substantial compliance with Rule 26.06 of the West Virginia Trial Court Rules; and

WHEREAS, the time for litigants, attorneys and affected judges to respond has expired, and the Chief Justice has reviewed the motion and responses thereto; and

WHEREAS, the Chief Justice has determined that such motion requires a hearing to receive evidence and to entertain arguments relative to the issue of whether these cases should be referred to the Mass Litigation Panel;

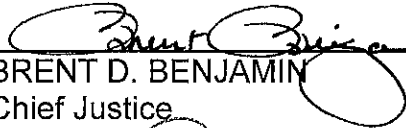
IT IS NOW, THEREFORE, ORDERED, that the Mass Litigation Panel or a designated member thereof conduct a hearing to receive evidence and entertain arguments by the parties or any judge, and to submit findings of fact and a recommendation to the Chief Justice; and

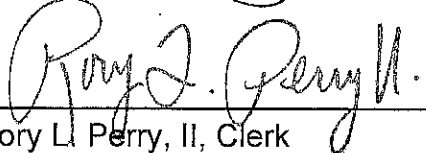
IT IS FURTHER ORDERED, that a copy of this order be transmitted to all counsel for the parties from whom the Chief Justice has received pleadings addressing this motion; to the Honorable Alan D. Moats, Chair of the Mass Litigation Panel; to the Honorable Michael Thornsby, Judge of the Thirtieth Judicial Circuit; to the Mass Litigation Manager; and to the Circuit Clerk of Mingo County; and

IT IS FURTHER ORDERED, that the Circuit Clerk record this Order in the Office of said Clerk and provide copies of the same to all parties of record or their counsel; and

IT IS FURTHER ORDERED, that all proceedings be conducted as provided by law.

ENTERED THIS 8<sup>th</sup> DAY OF DECEMBER, 2009

  
BRENT D. BENJAMIN  
Chief Justice

Attest:   
Rory L. Perry, II, Clerk  
Supreme Court of Appeals