



IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

IN RE: MINGO COUNTY
COAL SLURRY LITIGATION

CIVIL ACTION NO. 10-C-5000

THIS DOCUMENT APPLIES TO ALL CASES

SECOND ORDER GOVERNING MEDIATION

WHEREAS, on November 3, 2010, the Resolution Judges conducted a pre-mediation conference call with Lead Counsel and Liaison Counsel to discuss any outstanding issues related to the mediation of the Mingo County Coal Slurry Litigation scheduled for November 15-17, 2010;

WHEREAS, each individual plaintiff (age 18 and older), or their lawfully appointed personal representative, is required to attend the mediation in person, sign in, and provide proof of identification.

NOW THEREFORE, it is ORDERED that Lead and Liaison Counsel for plaintiffs shall file and serve on all counsel of record, the Resolution Judges, and the Mass Litigation Manager all documentation substantiating the lawful appointment of any personal representative participating on behalf of any plaintiff in the November 15-17, 2010, mediation of the Mingo County Coal Slurry Litigation by no later than **November 8, 2010**.

It is further ORDERED that Lead and Liaison Counsel for plaintiffs shall work with Lead and Liaison Counsel for defendants to prepare a revised Plaintiff Sign In Sheet, which shall be delivered to the Mass Litigation Manager by no later than **9:00 a.m. on November 10, 2010**. The revised Plaintiff Sign In Sheet shall state in the appropriate fields: (1) the name of any lawfully appointed personal representative participating in the mediation on behalf of a plaintiff; (2) the reason the personal representative is

participating in the mediation on behalf of such plaintiff; and (3) whether documentation substantiating the lawful appointment of such personal representative was filed.

ENTER: November 4, 2010

/s/ Derek C. Swope
Lead Resolution Judge,
Mingo County Coal Slurry Litigation