

Second Judicial Circuit

FROM THE CHAMBERS OF
JEFFREY D. CRAMER
Judge



MARSHALL COUNTY COURTHOUSE
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Marshall, Putnam, Tyler Counties

February 21, 2018

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RE: Marshall County Coal Co., et al. v.
John Oliver, et al.
Marshall County Case No. 17-C-124

Counsel:

After thorough and careful consideration of the Defendants' Motions for Dismissal, the Plaintiffs' Response and the Defendants' Reply to the same, as well as all arguments in support of and opposition to the Motion, I find the arguments set forth in the Defendants' Motion to Dismiss for Failure to State a Claim and Reply well-founded, appropriate in this matter and will grant the same.

The Court adopts, with little exception, Defendants' arguments in support of their Motion regarding all issues addressed in the same. The

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remaining Motion to Dismiss for Lack of Personal Jurisdiction is therefore moot.

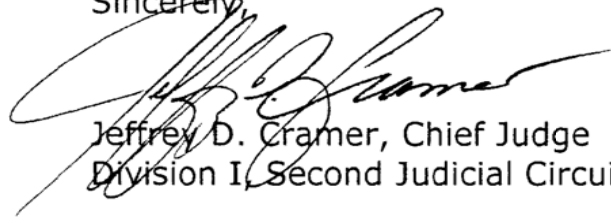
This correspondence serves to resolve the pending Motions and is dispositive of all issues within this matter.

As the prevailing party, Counsel for the Defendants shall prepare and forward a proposed Order, including findings of fact and conclusions of law supporting the Court's ruling. The same shall be forwarded within 20 days via email in Microsoft Word format to the Court at Jeffrey.Cramer@courtswv.gov for the Court's editing, if necessary, and entry.

Within said Order, Defendants' Counsel is further instructed to note and save all exceptions and objections to the Court's ruling on behalf of the Third-Party Plaintiffs, and dismiss with prejudice this matter from the Court's docket.

Thanking you for your consideration, I remain

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey D. Cramer", is written over the typed name and title.

Jeffrey D. Cramer, Chief Judge
Division I, Second Judicial Circuit

cc: Marshall County Circuit Clerk ✓
File - Case #17-C-124