

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

**Department of Environmental  
Protection,**  
Plaintiff,

v.

Case No. CC-55-2023-C-23  
Judge Micheal Cochrane

**Pinn MC Wind Down Co., LLC, f/k/a  
Pinnacle Mining Company, LLC,**  
Defendant

**Order**

This matter came on for hearing on February 27, 2024. Upon consideration of the Plaintiff's January 29, 2024 Motion for Preliminary Injunction (the "Motion"), the Defendant Pinn MC Wind Down Co., LLC, f/k/a Pinnacle Mining Company, LLC's Response and Motion for Preliminary Injunction against Third-Party Defendant Bluestone Resources, Inc. and Bluestone Resources, Inc.'s Motion for a Briefing Schedule and Hearing on Pinn MC Wind Down Co.'s Motion for Preliminary Injunction, and upon the record of this matter and of the hearing held on February 27, 2024, the Court hereby ORDERS as follows:

1. Pinn MC Wind Down Co., LLC; Bluestone Resources, Inc.; and Alpha Metallurgical Resources, Inc. (collectively, the "Coal Mining Parties") shall take immediate action to secure the Sulfur Branch Exhaust, the No. 4 Intake shaft, the 9 Haulage intake shaft, and the Eight (8) Haulage intake shaft (collectively, the "Mine Shafts") by erecting, repairing, and/or locking fencing at each of the four sites around the Mine Shafts.
2. The Coal Mining Parties shall share the costs of securing the Mine

Shafts equally, pending further Order of this Court regarding their respective responsibility for the securing and sealing of the Mine Shafts.

3. On March 13, 2024 at 1:30 p.m., all of the parties shall convene at the Wyoming County Courthouse for a conference to discuss this matter and attempt to (a) reach a resolution as to which of the Coal Mining Parties is responsible for the sealing of each of the Mine Shafts, (b) determine the estimated cost for sealing each of the Mine Shafts in accordance with the applicable permit, and (c) apportion the cost for sealing each of the Mine Shafts in accordance with the applicable permit as among the Coal Mining Parties.

4. The Court hereby takes the Plaintiff's Motion for Preliminary Injunction under advisement.

5. The Court shall conduct a status conference on the parties' efforts to resolve this matter, including the pending motions of Pinn MC Wind Down Co., LLC and Bluestone Resources, Inc., on April 2, 2024 at 2:30 p.m. at the Wyoming County Courthouse, 100 Main and Bank Streets, Pineville, WV 24874, with the parties authorized to participate by video, if they so choose.

6. Alpha Metallurgical Resources, Inc. agrees with the form of the Order, but notes its objection to the substance of the Order. Pursuant to West Virginia Trial Court Rule 24.01(d), agreement to the form of the Order shall not affect a party's right to appeal the substance of the Order.

**/s/ Derek C. Swope**  
Circuit Court Judge  
27th 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.