

- a. Failing to implement the required monitoring, management, and reporting system. *See Stipulation Ex. 2 §§ B & C.*
 - b. Violating the public reporting requirements. *See Stipulation Ex. 2 § B(2).*
 - c. Failing to create and oversee a system for reporting safety compliance issues and to adopt whistleblower protections. *See Stipulation Ex. 2 § D.*
 - d. Failing to fulfill the training-related review, recommendation, and reporting requirements. *See Stipulation Ex. 2 § B(3).*
 - e. Failing to make a good faith effort to reform Massey Energy's corporate governance as intended by and required under the Order and Stipulation. *See Stipulation ¶ 2 & Ex. 2.*
2. Accordingly, the Court will conduct a hearing at which the alleged Contemnners shall have an opportunity to show cause why they should not be held in civil contempt of this Court's June 30, 2008 Agreed Order and Final Judgment on October 24, 2011 and continuing thereafter.
 3. A scheduling conference will be held in this matter on the 5th day of July, 2011 at 2:30 p.m.
 4. Plaintiffs shall serve this Rule and Order along with their Petition for Civil Contempt and supporting documentation on the named Contemnners in accordance with West Virginia Rules of Civil Procedure 4.1 unless counsel for Contemnners agree to accept or waive such service, in which case service can be made on counsel for Contemnners.

It is so ORDERED.

6-13-2011

Date

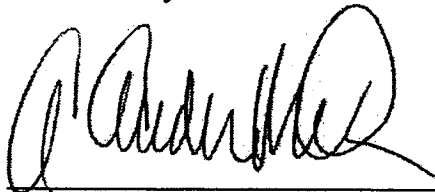
James C. Stucky
Honorable James C. Stucky, Judge

STATE OF WEST VIRGINIA
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY FROM THE RECORDS OF SAID COURT, GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 13th DAY OF July, 2011.
Cathy S. Gatson, CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

J. Anderson, J. Rice, U. Nelson, A. MacQueen

6/14/11
Copies sent to:
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if charges accompanied
by Circuit Clerk

Presented By:



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