

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

**ALEX ENERGY, INC., d/b/a EDWIGHT  
MINING COMPANY, a West Virginia  
corporation, INDEPENDENCE COAL  
COMPANY, INC., a West Virginia corporation,  
and MARFORK COAL COMPANY, INC., a  
West Virginia corporation,**

**Plaintiffs,**

v.

CIVIL ACTION NO. \_\_\_\_\_

**ANTRIM LAURA CASKEY, GLEN COLLINS,  
JAMES GERARD MCGUINNESS, RORY MCILMOIL,  
MICHAEL LEE ROSELLE, and CHAD STEVENS,**

**Defendants.**


**NOTICE OF MOTION FOR TEMPORARY RESTRAINING ORDER**

**TO THE ABOVE-NAMED DEFENDANTS:**

You are hereby notified that Plaintiffs, Alex Energy, Inc., d/b/a Edwight Mining Company, Independence Coal Company, Inc., and Marfork Coal Company, Inc. will move the Circuit Court of Raleigh County for a Temporary Restraining Order against the above-named Defendants. Such motion will be made at said court, before the Honorable \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, at \_\_\_\_\_ .m., at which time you may appear and show cause, if any you can, why said motion should not be granted.

**ALEX ENERGY, INC., d/b/a EDWIGHT  
MINING COMPANY,  
INDEPENDENCE COAL COMPANY,  
MARFORK COAL COMPANY,**

**BY: SPILMAN THOMAS & BATTLE, PLLC**

  
\_\_\_\_\_  
Niall A. Paul (WV Bar No. 5622)  
Samuel M. Brock (WV Bar No. 9216)  
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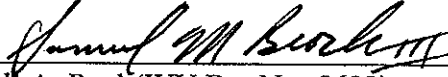
**MOTION FOR TEMPORARY RESTRAINING ORDER**

Plaintiffs, Alex Energy, Inc., d/b/a Edwight Mining Company, Independence Coal Company, Inc., and Marfork Coal Company, Inc. (collectively referred to as "Plaintiffs"), move this Court on the Verified Complaint and Affidavit Filed herein for a temporary restraining order restraining the above-named Defendants in accordance with the prayer of said Verified Complaint upon the grounds that immediate and irreparable injury, loss, and damage will result to said Plaintiffs if a temporary restraining order is not granted, as more fully appears from said Verified Complaint.

Dated: February 27, 2009

ALEX ENERGY, INC., d/b/a EDWIGHT  
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INDEPENDENCE COAL COMPANY, INC.,  
MARFORK COAL COMPANY, INC.,

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