

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

BLUESTONE COAL CORPORATION,

Plaintiff,

v.

CIVIL ACTION NO. 1:07-00549

CNX LAND RESOURCES, INC.,
and CONSOL ENERGY, INC.,

Defendants.

MEMORANDUM OPINION AND JUDGMENT ORDER

Pending before the court is defendants' motion to dismiss Count II of plaintiff's complaint (doc. # 217). For the reasons expressed in the court's Memorandum Opinion and Order of November 16, 2007 (doc. # 31), and the Memorandum Opinion and Order of December 13, 2007 (doc. # 45), the motion is GRANTED.

The Clerk is directed to send copies of this Memorandum Opinion and Judgment Order to all counsel of record.

IT IS SO ORDERED this 23rd day of June, 2009.

ENTER:



David A. Faber

Senior United States District Judge