

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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NATIONAL FUEL GAS COMPANY,

Plaintiff,

v.

**ORDER**  
08-CV-52S

NEW MOUNTAIN VANTAGE GP, L.L.C.,  
NEW MOUNTAIN VANTAGE L.P.,  
NEW MOUNTAIN VANTAGE (CALIFORNIA) L.P.,  
NEW MOUNTAIN VANTAGE (TEXAS) L.P.,  
NEW MOUNTAIN VANTAGE ADVISORS, L.L.P.,  
NMV SPECIAL HOLDINGS, LLC,  
NEW MOUNTAIN VANTAGE HOLDCO LTD,  
STEVEN B. KLINSKY,  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM,  
F. FOX BENTON, III,  
DAVID M. DIDOMENICO,  
FREDERIC V. SALERNO,  
INNISFREE M&A INCORPORATED,  
NEW MOUNTAIN VANTAGE (CAYMAN) LTD,

Defendants.

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Plaintiff commenced this action on January 18, 2008, by filing a Complaint, a Motion for a Temporary Restraining Order and Preliminary Injunction, and an Application for an Expedited Hearing. (Docket Nos. 1, 3, and 4). Upon the showing made by Plaintiff in its Motion for a Temporary Restraining Order and Preliminary Injunction, together with all supporting papers, including the Complaint, the Application for an Expedited Hearing, the Affidavit of Allison P. Gioia, Esq., the Affidavit of Patricia J. Paul, the Affidavit of Lynn Blair, the Affidavit of Brian C. Freier, and the accompanying Memorandum of Law, this Court will GRANT Plaintiff's Application for an Expedited Hearing.

IT HEREBY IS ORDERED, that Plaintiff's Application for an Expedited Hearing (Docket No. 4) is GRANTED.

FURTHER, that Plaintiff shall serve a copy of this Order and all papers filed in this action upon all Defendants by personal service or overnight mail by January 24, 2008, at 5:00 P.M.

FURTHER, that Defendants shall file a response to Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction by January 28, 2008, at 5:00 P.M.

FURTHER, that counsel for the parties shall appear on January 30, 2008, at 11:00 A.M. for a status conference on Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction.

SO ORDERED.

Dated: January 23, 2008  
Buffalo, NY

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge