

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

**DICKENSON-RUSSELL COAL
COMPANY, LLC,**)

Plaintiff,)

v.)

**INTERNATIONAL UNION, UNITED
MINE WORKERS OF AMERICA, ET
AL.,**)

Defendants.)

Case No. 2:11CV00023

JUDGMENT

By: James P. Jones
United States District Judge

For the reasons stated in the Opinion accompanying this Judgment, it is **ADJUDGED AND ORDERED** as follows:

1. The Motion for Summary Judgment by Dickenson-Russell Coal Company, LLC, (ECF No. 23) is DENIED;
2. The Motion for Summary Judgment by Defendants and Counterclaimants (ECF No. 26) is GRANTED;
3. Judgment is entered in favor of the Defendants and Counterclaimants, the arbitrator’s Award and Supplemental Award are enforced, and Dickenson-Russell Coal Company, LLC, is hereby directed to forthwith comply therewith;

4. Dickenson-Russell Coal Company, LLC, is directed to pay interest at the annual rate of six percent on the amount of back pay owed to grievant Robert Gilbert in accord with the arbitrator's Supplemental Award, until paid; and
5. In the event that Defendants and Counterclaimants file a motion seeking attorneys' fees in accord with Federal Rule of Civil Procedure 54(d)(2), Dickenson-Russell Coal Company, LLC, may file a response thereto within 7 days of service. If such a response is timely filed, Defendants and Counterclaimants may reply within 7 days of service.

ENTER: January 3, 2012

/s/ James P. Jones
United States District Judge