

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

JAMES RIVER EQUIPMENT VIRGINIA, LLC,

Plaintiff,

UNITED STATES OF AMERICA,

Intervenor Plaintiff,

v.

Civil Action No. 5:13-cv-28160

JUSTICE ENERGY COMPANY, INC.,

Defendant.

JOINT STATUS REPORT OF THE PARTIES

The parties have reached a proposed agreement regarding a payment plan to pay the civil contempt sanction involved in this case. A proposed order which embodies that proposed agreement is being submitted to the Court for approval.

Respectfully submitted,

**UNITED STATES OF AMERICA,
Intervenor,**

**MICHAEL B. STUART
United States Attorney**

s/Fred B. Westfall, Jr.

Fred B. Westfall, Jr. (WV State Bar No. 3992)

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*Counsel for Intervenor United States of
America*

**JUSTICE ENERGY COMPANY, INC.,
Defendant,**

s/Andrew L. Ellis

Andrew L. Ellis (W.Va. State Bar No. 10618)

John F. Hussell, IV (W.Va. State Bar No. 6610)

John D. Wooton (W.Va. State Bar No. 10512)

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P. O. Box 3971

Charleston, WV 25339

Counsel for Defendant Justice Energy

Company, Inc. and Bluestone Resources, Inc.

CERTIFICATE OF SERVICE

I, Fred B. Westfall, Jr., Assistant United States Attorney for the Southern District of West Virginia, hereby certify that on June 6, 2019, I electronically filed the foregoing **JOINT STATUS REPORT OF THE PARTIES** with the Clerk of the Court using the CM/ECF system which will send notification to the following CM/ECF participants:

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Civil Action No. 5:13-cv-28160

JUSTICE ENERGY COMPANY, INC.,

Defendant.

ORDER

In accordance with this Court's Order entered on May 30, 2019 (ECF No. 124), counsel for Justice Energy Company, Inc., and counsel for the United States of America ("United States") have come before the Court and proposed the following agreement in satisfaction and resolution of the civil contempt sanction of \$1,230,000.00 assessed by the Court against Justice Energy Company, Inc. (ECF No. 67). The parties have proposed the following agreement to the Court:

1. Bluestone Resources, Inc., shall pay the civil contempt sanction of \$1,230,000.00 assessed against Justice Energy Company, Inc., in the following installment payments to be paid on or before the following dates:

- A. June 17, 2019: \$410,000.00
- B. September 16, 2019: \$410,000.00
- C. November 15, 2019: \$410,000.00

2. The installment payments shall be paid to the United States by electronic funds transfer (“EFT”) in accordance with instructions to be furnished by counsel for the United States to counsel for Justice Energy Company, Inc.

3. The United States shall inform the Court that it has withdrawn Intervenor United States of America’s Motion To Impose Liability On The Alter Egos Of Defendant Justice Energy Company, Inc. (ECF No. 125), without prejudice. The parties agree that the United States shall have the right to refile this motion should Justice Energy Company, Inc., and Bluestone Resources, Inc., not perform their obligations under this proposed agreement.

4. The installment payments by Bluestone Resources, Inc., pursuant to this proposed agreement, shall not be considered as an admission of liability by Bluestone Resources, Inc., or its directors, shareholders, subsidiary companies, and related companies. However, Bluestone Resources, Inc., is legally obligated to make the installment payments on behalf of Justice Energy Company, Inc., as set forth in this proposed agreement.

5. After all of the installment payments have been paid and the funds from those installment payments have been received by the United States to the satisfaction of the Court, this civil action shall be dismissed with prejudice, with each party paying its own attorney’s fees and costs.

6. The Court shall retain jurisdiction in this civil action over any disputes which may arise regarding the performance of the proposed agreement.

After considering the proposed agreement presented by counsel for the parties, it is hereby ORDERED:

1. The proposed agreement presented to the Court by counsel for Justice Energy Company, Inc., and counsel for the United States, as set forth above is hereby APPROVED and is embodied in the terms of this Order.

2. Bluestone Resources, Inc., shall pay the civil contempt sanction of \$1,230,000.00 assessed against Justice Energy Company, Inc., in the following installment payments to be paid on or before the following dates:

- A. June 17, 2019: \$410,000.00
- B. September 16, 2019: \$410,000.00
- C. November 15, 2019: \$410,000.00

3. The installment payments shall be paid to the United States by electronic funds transfer (“EFT”) in accordance with instructions to be furnished by counsel for the United States to counsel for Justice Energy Company, Inc.

4. The United States has informed the Court that it has withdrawn Intervenor United States of America’s Motion To Impose Liability On The Alter Egos Of Defendant Justice Energy Company, Inc. (ECF No. 125), without prejudice, as part of this agreement. Since the motion has been withdrawn without prejudice, the Court denies the motion as moot. However, the United States shall have the right to refile this motion should Justice Energy Company, Inc., and Bluestone Resources, Inc., not perform their obligations under this agreement.

5. The installment payments by Bluestone Resources, Inc., pursuant to this agreement, shall not be considered as an admission of liability by Bluestone Resources, Inc., or its directors, shareholders, subsidiary companies, and related companies. However, Bluestone Resources, Inc., is legally obligated to make the installment payments on behalf of Justice

Energy Company, Inc., as set forth in this Order which contains the agreement between the parties.

6. The parties shall inform the Court when all of the installment payments have been paid and the funds from those installment payments have been received by the United States. When that has occurred, counsel for Justice Energy Company, Inc., and counsel for the United States shall tender to the Court for its consideration a proposed order dismissing this civil action with prejudice, with each party paying its own attorney's fees and costs.

7. The Court shall retain jurisdiction in this civil action over any disputes which may arise regarding the performance of the agreement set forth in this Order.

ENTER: This ____ day of _____, 2019.

IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA

PRESENTED AND APPROVED FOR ENTRY BY:

**JUSTICE ENERGY COMPANY, INC.,
Defendant,**

s/Andrew L. Ellis

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John F. Hussell, IV (WV Bar No. 6610)
John D. (Jody) Wooton, Jr. (WV Bar No. 10512)
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and Bluestone Resources, Inc.

**UNITED STATES OF AMERICA,
Intervenor-Plaintiff,**

**MICHAEL B. STUART
United States Attorney**

s/Fred B. Westfall, Jr.

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