

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

ABINGDON DIVISION

LEVISA COAL COMPANY, et al.,

Plaintiffs,

v.

CONSOLIDATED COAL COMPANY, et al.,

Defendants.

Specific Questions to the Jury:

1. State the number of years over which it would be reasonable to depreciate the gathering and compression capital assets for purposes of calculating deductions from the royalty payments.

Answer: 30 years.

2. State the number of years over which it would be reasonable to depreciate the capital assets of Cardinal States Gathering Company, (the "transportation" line), for purposes of calculating deductions from the royalty payments.

Answer: 40 years.

3. Do you find that the defendants should be able to charge a reasonable percentage as a cost of capital/interest on undepreciated capital?

Answer: No.

4. If your answer to question 3 is "yes", state the percentage which should be applied.

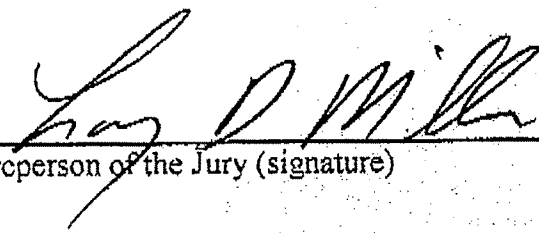
Answer: _____.

5. Do you find that under the terms of the leases, the defendants can charge each of the plaintiffs as a deduction the license taxes paid to Buchanan County.

Answer: No.
(yes or no)

6. Under the Levisa lease, do you find that the parties to the lease intended to exclude capital costs?

Answer: Yes.
(yes or no)



Forperson of the Jury (signature)

11-5-99

VERDICT FORM:

We the Jury find our verdict in favor of the plaintiffs and against the Defendants,
and fix their damages as follows:

Pocahontas Gas Partnership

Plaintiffs:

Coal Mountain	\$ <u>3,063,919</u>
Hugh MacRae	\$ <u>1,777,667</u>
Buckhorn Coal	\$ <u>217,273</u>
Hurt McGuire	\$ <u>32,041</u>
Frank's Estate Lease	\$ <u>93,486</u>
Carl Metcalf Lease	\$ <u>81,743</u>
Buchanan Coal Company	\$ <u>55,536</u>
Georgia Pacific	\$ <u>162,390</u>
C.L. Ritter	\$ <u>88,425</u>
Sayer Pocahontas	\$ <u>26,988</u>
Yukon Pocahontas	\$ <u>244,994</u>
James McGuire	\$ <u>5,014</u>

Against Defendants

Pocahontas Gas Partnership, and its partners
Conoco, Inc., and
Consolidation Coal Company

Larry D. Miller

11-5-99

Foreperson of the Jury (signature)

We the Jury find our verdict in favor of the plaintiffs and against the Defendants,
and fix their damages as follows:

Buchanan Production Company / Oakwood Gathering:

Plaintiffs:

Ritter Lumber	\$ <u>106,669</u>
Hurt McGuire Land Trust	\$ <u>112,972</u>
James McGuire Land Trust	\$ <u>100,193</u>
Yukon Pocahontas Coal	\$ <u>1,685,344</u>
Buchanan Coal Company	\$ <u>388,233</u>
Sawyer Pocahontas	\$ <u>187,120</u>
Buchanan Realty Company	\$ <u>62,794</u>
Georgia Pacific (Owner No. 324062)	\$ <u>30,351</u>
Georgia Pacific (Owner No. 324080)	\$ <u>1,217,654</u>
Coal Mountain	\$ <u>4,656</u>
Buckhorn Coal Company	\$ <u>3,675</u>
All Levisa Owners	\$ <u>930,670</u>

Against Defendants
Buchanan Production Company, and its Partners,
Appalachian Methane, Inc., and Appalachian Operators, Inc.

Lawrence D. Miller 11-5-99
Foreperson of the Jury (signature)