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FOR ENTRY

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

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BANKRUPTCY COURT  
MIDDLE DISTRICT OF TN.

-----X  
In re: :  
: :  
JAMES RIVER COAL COMPANY, : Chapter 11  
*et al.*, : Case No. 303-04095  
: :  
: : Jointly Administered  
Reorganized Debtors. : Judge Harrison  
-----X

**ORDER ON OMNIBUS OBJECTION TO  
CERTAIN CLAIMS FOR RETIREE BENEFITS**

Upon the omnibus objection dated September 1, 2004 (Docket No. 872, the "Objection"),<sup>1</sup> of the above-captioned Reorganized Debtors, to certain claims as more fully described in the Objection; and the deadline for responding to the Objection having passed; and there having been no responses to the Objection timely filed and served; and it appearing that the relief requested is in the best interest of the Reorganized Debtors, their estate, creditors and other parties in interest; all parties in interest having been heard or having had the opportunity to be heard, it appearing that good and sufficient notice of the Objection having been given and a reasonable opportunity to respond to, or be heard regarding, the relief requested in the Objection has been afforded to any entity known to have an interest in the Claim, and no other or further notice of the Objection or of the entry of this Order need be provided; and upon the entire record herein; and good and sufficient cause appearing therefor,

IT IS ORDERED, ADJUDGED AND DECREED:

1. The Reorganized Debtors' Objection is SUSTAINED.

<sup>1</sup> Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Objection.

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2. Each Claim identified on the Exhibit attached hereto is DISALLOWED in its entirety.<sup>2</sup>

3. The rights of the Reorganized Debtors and/or the Liquidating Trustee to object to any of the Claims on any other ground is hereby preserved.

/s/Marian F. Harrison NOV 18 2004

Hon. Marian F. Harrison  
United States Bankruptcy Judge

APPROVED FOR ENTRY:

/s/ Gene L. Humphreys  
Paul G. Jennings  
Gene L. Humphreys  
BASS, BERRY & SIMS PLC  
315 Deaderick Street, Suite 2700  
Nashville, TN 37238-0002  
Tel: (615) 742-6200  
Fax: (615) 742-6293

Attorneys for Reorganized Debtors

A copy of this order shall be mailed in accordance with  
Fed. R. Bankr. P. 2002, LBR 9013-1 and 9013-3 by:

Debtor or Dr's Atty      Atty for Movant  
 Trustee or Tr's Atty

Clerk  
 Financial Clerk  
 Judgment Clerk  
 Adversary Clerk  
 UST  
 Debtor and Dr's Atty  
 Trustee or Tr's Atty  
 Atty for Movant  
All parties to be read order  
All parties to be read order  
All creditors

<sup>2</sup> One or more of the Claimants listed on Exhibit A may have elected the "cash option" on the ballot voting on confirmation of the Plan (hereinafter, a "Convenience Claimant"). All Convenience Claimants' Claims have been fully satisfied by payment pursuant to the terms of the confirmed Plan. Thus, the fact that a Convenience Claimant is listed on Exhibit A does not entitle that Convenience Claimant to any further distribution from the Reorganized Debtors' bankruptcy estates, even if the "maximum allowable amount" is higher than the Convenience Claim. In addition, the fact that a Convenience Claimant is listed on Exhibit A does not affect the distribution already received by the Convenience Claimant.

**EXHIBIT A**  
**Retiree Benefits**

CLAIMANT	CLAIM NUMBER(S)	CLAIM DATE	CLAIM AMOUNT
CARROLL, LOIS J.	239	10/14/2003	181.08
CHARLES, FRED	541	10/27/2003	52,000.00
CHARLES, JR., JULIUS	540	10/27/2003	30,000.00
COMPTON, GRANT	471	10/24/2003	631.89
DOTSON, RICHARD R.	536	10/27/2003	150,000.00
DOTSON, SADIE S.	1140	11/19/2003	534.80
FOSTER, KENNETH R.	1084	11/17/2003	262,059.00
HALL, MARGARET C.	237	10/14/2003	169.40
HENSLEY, TIMOTHY	710	11/10/2003	11,056.98
HIGGINBOTHAM, RAY	1079	11/17/2003	46,376.82
HOLLIS, ROBERT W.	671, 672	11/7/2003	UNKNOWN
HYDEN, JOE T	1128, 1129	11/17/2003	344,836.80
JOSEPH, DEBORAH L.	396	10/20/2003	52.26
JUSTICE, JED	318	10/14/2003	167.50
KEENE, DAVID O.	913	11/14/2003	108,000.00
LYON, BILL	527	10/27/2003	423,331.00
MAYNARD, JR., JOHN B.	679	11/10/2003	920.59
MAYO, ROYCE	533	10/27/2003	136,848.60
MORRIS, JOSEPH T.	1205	12/24/2003	580.62
PENNINGTON, DANNY	377, 1238	10/20/2003	UNKNOWN
PENNINGTON, LEEROY	456	10/21/2003	8,368.57
RICE, KENNETH E	1144, 1145	11/19/2003	320,090.40
SAWYER, CHARLES E.	236	10/14/2003	142,026.00
SEIBER, LEON	312	10/14/2003	80.36
VARNEY, JOE E.	759	11/6/2003	680.00
WITT, DAVID W.	453	10/20/2003	71.36
YOUNG, JUDITH	675	11/10/2003	5,175.72

EXHIBIT A