

FILED
FOR ENTRY

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

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U.S. BANKRUPTCY COURT
MIDDLE DISTRICT OF TN.

-----X	
In re:	:
	:
JAMES RIVER COAL COMPANY,	:
<i>et al.</i> ,	:
	:
	:
Reorganized Debtors.	:
-----X	

Chapter 11
Case No. 303-04095
Jointly Administered
Judge Harrison

**ORDER ON OMNIBUS OBJECTION PURSUANT TO 11 U.S.C. §502(b)
TO PENDING LITIGATION CLAIMS**

Upon the omnibus objection dated September 1, 2004 (Docket No. 869, the "Objection"),¹ 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.

¹ 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 shall be DISALLOWED in its entirety.²

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.

NOV 18 2004

/s/Marian F. Harrison

Hon. Marian F. Harrison
United States Bankruptcy Judge

APPROVED FOR ENTRY:

/s/ Gene L. Humphreys
Paul G. Jennings
Gene L. Humphreys
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Attorneys for Reorganized Debtors

A copy of this order shall be mailed in accordance with
Fed. R. Bankr. P. 2002, LBR 0013-1 and 9013-3 by:

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

Clerk's Office only:
 Chief Clerk
 Financial Clerk
 Judgment Book
 Adversary Case
 UST
 Debtor and Dr's Atty
 Trustee and Tr's Atty
 Movant and Mvt's Atty
 All parties to agreed order
 All parties in cert of swr
 All creditors

² 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
Litigation Claims

CLAIMANT	CLAIM NUMBER(S)	CLAIM DATE	CLAIMED AMOUNT
ASHER, COY	637	11/4/2003	0.00
BEVINS, ERMEL & ELOISE	91, 491	6/20/2003	85,920.47
BOSTIC, BILL & PEGGY	70, 492	6/9/2003	10,000.00
BROCK, GARY	915	11/14/2003	100,000.00
DAY, DENNIS	442	10/17/2003	0.00
GRAHAM, PAT	1203	1/8/2004	750,000.00
HUBBARD, TINSLEY	617	11/3/2003	0.00
HUNT, HERMAN	1212	1/8/2004	72,500.00
KIRK TRUCKING	315	10/14/2003	21,611.57
LOWE, EMOGENE	73, 495	6/11/2003	86,800.00
MCINTOSH, HOWARD	917	11/14/2003	1,000,000.00
SPARKS, BOBBY J	633	11/3/2003	unknown