

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

NED COMER, ET AL.	§	
	§	
v.	§	Civil Action No. 1:05-CV-436-LG-RHW
	§	
MURPHY OIL USA, INC., ET AL.	§	DEFENDANTS

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

THIS CAUSE CAME BEFORE THE COURT for hearing of the Motion to Dismiss [146] filed on June 30, 2006, by Defendants, Alliance Resource Partners, L.P., Alpha Natural Resources, Inc., Arch Coal, Inc., CONSOL Energy Inc., Foundation Coal Holdings, Inc., International Coal Group, Inc., Massey Energy Company, Natural Resource Partners L.P., Peabody Energy Corporation, and Westmoreland Coal Company, and joined by Defendants, Allegheny Energy Corp., Entergy Corp., and Reliant Energy Corp. A hearing was conducted on August 30, 2007, at which counsel for Plaintiffs and Defendants appeared. For the reasons stated into the record at hearing, the Court finds that Plaintiffs do not have standing to assert claims against Defendants and that Plaintiffs' claims are non-justiciable pursuant to the political question doctrine. Defendants' Motion to Dismiss is therefore granted. Furthermore, due to the lack of standing, the Court finds that Plaintiffs' claims against all defendants should be dismissed *sua sponte*.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion to Dismiss [146] filed by Defendants, Alliance Resource Partners, L.P., Alpha Natural Resources, Inc., Arch Coal, Inc., CONSOL Energy Inc., Foundation Coal Holdings, Inc., International Coal Group, Inc., Massey Energy Company, Natural Resource Partners L.P., Peabody Energy Corporation, and

Westmoreland Coal Company, and joined by Defendants, Allegheny Energy Corp., Entergy Corp., and Reliant Energy Corp., is **GRANTED**. Plaintiffs' claims against these defendants are hereby **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiffs' claims against all other defendants are *sua sponte* **DISMISSED WITH PREJUDICE** for lack of standing.

IT IS FURTHER ORDERED AND ADJUDGED that all remaining pending motions are hereby rendered **MOOT**.

SO ORDERED AND ADJUDGED this the 30th day of August, 2007.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE