

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

In re MASSEY ENERGY CO. SECURITIES ) Civil Action No. 5:10-cv-00689-ICB  
LITIGATION )  
 ) CLASS ACTION  
\_\_\_\_\_)  
This Document Relates To: ) The Honorable Irene C. Berger  
 )  
ALL ACTIONS. )  
\_\_\_\_\_)

**MOTION FOR FINAL APPROVAL OF PROPOSED  
CLASS ACTION SETTLEMENT, PLAN OF ALLOCATION,  
AND FINAL CLASS CERTIFICATION**

The Commonwealth of Massachusetts Pension Reserves Investment Trust (“Lead Plaintiff” or “Massachusetts PRIT”) Fund and named plaintiff David Wagner (collectively, “Plaintiffs”), through counsel, hereby move this Court before the Honorable Irene C. Berger, for orders pursuant to Rule 23 of the Federal Rules of Civil Procedure granting final approval of the proposed Settlement, certifying the Settlement Class for settlement purposes only, and approving the Plan of Allocation.

In support of the motion, Plaintiffs submit and are filing herewith: a Memorandum of Law in Support of Motion for Final Approval of Proposed Class Action Settlement, Plan of Allocation, and Final Certification, dated April 30, 2014; and the Joint Declaration of Joel H. Bernstein and Jack Reise in Support of Motion for Final Approval of Proposed Class Action Settlement and Plan of Allocation and Co-Lead Counsel’s Motion for Award of Attorneys’ Fees and Payment of Litigation Expenses, with annexed exhibits. Proposed orders will be submitted with Lead Plaintiff’s reply submission on or before May 28, 2014, after the deadlines for requesting exclusion and objecting have passed.

Dated: April 30, 2014

By: /s/Joel H. Bernstein  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 30, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

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