

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

**PETER D. DOCHINEZ,** )  
**BLACK DIAMOND ENERGY, INC.** )  
and **BLACK DIAMOND ENERGY** )  
**OF DELAWARE, INC.,** )

Plaintiffs, )

v. )

**MITCHELL RESOURCES, LLC,** )

Defendant. )

2:11cv984  
**Electronic Filing**

**ORDER OF COURT**

AND NOW, this 23<sup>rd</sup> day of September, 2013, for the reasons set forth in the opinion filed on this date, IT IS ORDERED that [37] plaintiffs' motion to enforce settlement be, and the same hereby is, granted. Robert W. Mitchell in his capacity as an officer of Mitchell Resources, LLC, is deemed to have executed [37-4] the Settlement Agreement attached to the foregoing Motion as Exhibit "C" and [37-8] the documents attached to the forgoing Motion as Group Exhibit "G" as of this date and Mitchell Resources, LLC, is hereby deemed to be legally bound by the Settlement Agreement and those documents;

IT FURTHER IS ORDERED that without undue delay Mitchell Resources, LLC, shall take all necessary steps to become the Registered Operator of the Gas Wells, including posting any appropriate bonds and executing [37-9] the documents attached to the foregoing Motion as Group Exhibit "H"; and

IT FURTHER IS ORDERED that Mitchell Resources, LLC, shall forthwith pay the sum of Two Million Dollars (\$2,000,000.00) to Black Diamond Energy, Inc. and execute the Note attached to the foregoing Motion as Exhibit "I," whereupon Black Diamond Energy, Inc., and Black Diamond Energy of Delaware, Inc., for themselves and as Managing General Partners of the BDE Entities shall execute the conveyance documents attached to the foregoing Motion as

Group Exhibit "J". All dates for subsequent payments are deemed to have been adjusted to reflect this date as the date of execution of the Settlement Agreement.

s/ David Stewart Cercone  
David Stewart Cercone  
United States District Judge

cc: Michael Kaminski, Esquire  
Albert Zangrilli, Esquire  
Michael Yukevich, Esquire

*(Via CM/ECF Electronic Mail)*