UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

Ramaco Resources, LLC v. Federal Insurance Company; Ace American Insurance Company

Ramaco Resources · No. 2:19-cv-00703 · Decided December 30, 2025

SUMMARY

The United States District Court for the Southern District of West Virginia ruled on Ramaco Resources' motion to exclude the expert testimony of John L. Weiss. The court denied the motion insofar as Weiss was qualified to opine on the availability of financing and independent contractors for the Eight Kay Mine, but granted it as to his opinion that Ramaco suffered no economic loss because the mine's development was merely deferred.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
WRITING FOR THE COURT	John T. Copenhaver, Jr.
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	December 30, 2025
DOCKET	2:19-cv-00703
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Evidence 702 to exclude the expert testimony and opinions of John L. Weiss concerning financing and contracting options for development of the Eight Kay Mine and the alleged deferral of economic loss.
STANDARD OF REVIEW	The court applied the admissibility standard under Federal Rule of Evidence 702, requiring expert testimony to be relevant and supported by a reliable foundation. Reliability is evaluated flexibly, with the district court possessing broad latitude in determining both how to assess reliability and whether the testimony is ultimately reliable.
PRECEDENTIAL VALUE	Unknown

TOPICS

expert testimony · daubert standard · evidence · commercial litigation · insurance

PRACTICE AREAS

evidence | insurance litigation | commercial litigation | mining law

QUESTIONS PRESENTED

1. Whether Weiss's opinions that Ramaco could have obtained financing for the Eight Kay Mine and could have hired an independent mining contractor were relevant and supported by a reliable foundation under Federal Rule of Evidence 702.
2. Whether Weiss's opinion that Ramaco suffered no economic loss because development of the Eight Kay Mine was merely deferred was admissible under Federal Rule of Evidence 702.

HOLDINGS

1. Weiss's opinions that a broad range of industry participants could have financed the Eight Kay Mine and that Ramaco could have hired an independent underground mining contractor were relevant and rested on a reliable foundation based on his extensive coal-mining and industry experience.
2. Weiss's opinion that Ramaco suffered no economic loss because the Eight Kay Mine had merely been deferred was inadmissible to the extent it assumed that Ramaco suffered no loss from not opening the mine in 2019.

KEY QUOTATIONS

> *"Neither Rule 702 nor case law establish a mechanistic test for determining the reliability of an expert's proffered testimony."* (at 274)

> *"the test of reliability is flexible"* (at 274)

> *"the law grants a district court the same broad latitude when it decides how to determine reliability as it enjoys in respect to its ultimate reliability determination."* (at 274)

> *"a broad mix of industry participants would have regarded Plaintiff and the planned development of the Eight Kay Mine as a compelling investment target."* (at 10)

> *"Plaintiff had the option of utilizing an underground coal mining contractor to minimize the initial development cost of the Eight Kay Mine."* (at 10)

FACTUAL BACKGROUND

John L. Weiss, defendants' coal-mining expert, opined that Ramaco could have obtained financing to develop the Eight Kay Mine and could have hired an independent underground mining contractor to reduce initial development costs. Weiss also opined that Ramaco's claimed lost cash flow was merely deferred because Ramaco continued to own the coal reserves and planned to open the mine in the future. The court found that Weiss's industry-experience opinions regarding potential financiers and contractors were adequately supported, but that his no-economic-loss opinion was inconsistent with the possibility that Ramaco missed historically high metallurgical-coal prices before a future mine opening.

PROCEDURAL HISTORY

Ramaco Resources, LLC filed a motion to exclude the testimony of defendants' expert, John L. Weiss. Federal Insurance Company and Ace American Insurance Company opposed the motion, and Ramaco filed a reply. The district court denied the motion as to Weiss's opinions that Ramaco could have obtained financing or hired an independent contractor, but granted it as to the opinion that Ramaco suffered no economic loss because development of the mine was merely deferred.

DISPOSITION

other

CASES CITED

- United States v. McLean, 715 F.3d 129, 144 (4th Cir. 2013)
- Coleman v. Union Carbide Corp., No. 2:11-0366, 2013 WL 5491855, at *17 (S.D.W. Va. Sept. 30, 2013)
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 597 (1993)
- Coleman v. Union Carbide Corp., 2013 WL 5461855, at *17
- United States v. Wilson, 484 F.3d 267, 274 (4th Cir. 2007)
- Kumho Tire Co. v. Carmichael, 526 U.S. 137, 141-42 (1999)