



For Immediate Release

WEST VIRGINIA SUPREME COURT OF APPEALS DENIES REQUEST FOR APPEAL BY MASSEY ENERGY COMPANY

WHEELING, W.Va., May 23, 2008 – Esmark Incorporated (NASDAQ: ESMK) (the “Company”) confirmed today that the West Virginia Supreme Court of Appeals has denied the request of Massey Energy Company and its subsidiary Central West Virginia Energy Company (“CWVEC”) for appeal from the Brooke County, West Virginia judgment entered against them in favor of the Company’s subsidiary Wheeling-Pittsburgh Steel Corporation (“Wheeling-Pittsburgh”) and its coke plant joint venture and co-plaintiff Mountain State Carbon, LLC. The \$219.85 million judgment was entered against Massey and CWVEC July 2, 2007 for the failure to deliver significant quantities of metallurgical coal and certain related misrepresentations. The judgment continues to earn interest and is presently worth approximately \$260 million. Esmark Chairman and Chief Executive Officer James P. Bouchard stated, “With this decision, Wheeling-Pittsburgh is now another step closer to recovering the substantial monetary damages it sustained in recent years due to no fault of its own. The Company is very pleased with this result.”

This press release contains forward-looking statements within the meaning of Section 21E of the Securities Exchange Act of 1934, as amended. These forward-looking statements are based on current expectations and assumptions that are subject to risks and uncertainties that could cause actual results to differ materially. These risks and uncertainties include, but are not limited to (i) the unexpected cost of further litigation including costs of recovery, (ii) the results of litigation are inherently uncertain and (iii) certain other risks and uncertainties detailed in the reports and filings with the SEC by the Company, which identify important risk factors that could cause actual results to differ from those contained in the forward-looking statements. In addition, any forward-looking statements represent the Company's views only as of today and should not be relied upon as representing views as of any subsequent date. While the Company may elect to update forward-looking statements from time to time, it specifically disclaims any obligation to do so.

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About Esmark Incorporated

Esmark Incorporated is a vertically integrated steel producer and distributor, combining steel production capabilities through both blast furnace and electric arc furnace technologies with the just-in-time delivery of value-added steel products to a broad customer base concentrated in the Ohio Valley and Midwest regions. Currently headquartered in Wheeling, WV, the Company is a producer of carbon flat-rolled products for the construction, container, appliance, converter/processor, steel service center, automotive and other markets. The company's products include various sheet products such as hot rolled, cold rolled, hot dipped galvanized, electro-galvanized, black plate and electrolytic tinplate. More information about Esmark can be found at www.esmark.com.

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