

(June 16), Iowa Speedway (Aug. 4) and Kentucky Speedway (Sept. 22). ACCCE had associate sponsorship placement on Whitt's car starting this week at Richmond International Raceway and continuing through the remainder of the season. ACCCE was an associate sponsor on Dale Earnhardt Jr.'s No. 5 Chevrolet in the Nationwide Series race at Talladega Superspeedway on May 5.

Federal Judge Issues Injunction Against Peabody Subsidiary, Supports UMWA Organizing Win

U.S. District Court Judge Patrick Murphy of the Southern District of Illinois issued a ruling granting an injunction sought by the United Mine Workers of America (UMWA) and the National Labor Relations Board (NLRB) ordering Big Ridge Mining, a subsidiary of Peabody Energy, to cease engaging in anti-union threats and reprisals at its Willow Lake mine. Judge Murphy also ordered the company to reinstate a miner the company illegally fired after the UMWA won a May 2011 organizing campaign at the southern Illinois mine.



LETTERS TO THE EDITOR

Dear Steve:

Once again, Murray Energy Corporation ("Murray Energy") and Subsidiary Companies must express our concern about your reporting in *Coal Age Magazine* on matters affecting our Companies. Perhaps, I am being too sensitive, and, in the regard, I tested my sensitivity with that of other executives of our Companies and third parties. They came to the same conclusion that I did.

In your article you left out something very important in our written, prepared statement of March 9, 2012, which you received. That statement is, "Significantly, the agreement reflects the lack of evidence that any conduct by the Company caused the accidents of August 6 or 16, 2007."

All of the parties whom I had review the article came to the conclusion that your title, "Genwal Pleads Guilty Ending Crandall Canyon Investigation", clearly means that Genwal Resources, Inc. was guilty of somehow causing the unfortunate deaths on August 6 and August 16, 2007 at the Crandall Canyon Mine, which you discuss in detail. These misdemeanors, to which we pled guilty to end this drawn out investigation and its effect on our current employees and the families of the victims, had nothing to do with the victims' cause of death. But, again, you left that statement out of your article.

To this day, no one is sure what caused the mountain to collapse at the Crandall Canyon Mine. When I arrived there, within four (4) hours of the accident as I was in Montana, the University of Utah had identified an earthquake, with the epicenter about one and one-half (1 1/2) miles south of the Mine. The University subsequently retracted this statement. No one really knows what happened, but unquestionably, it was a tragic experience for all parties involved, and particularly the families of the victims.

In any event, Steve, we at Murray Energy and Subsidiary Companies have never been given as fair of reporting from you as we believe that we deserve, whether intentional or unintentional. Again, I may be far too sensitive here, but I did check other folks' opinion of your article and the import of your article based on all of the facts, and everyone agreed with me.

Maybe you will consider printing this. You have my permission.

Sincerely,
Murray Energy Corporation
Robert E. Murray
Chairman, President and Chief Executive Officer

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"In the court's view, failure to issue a Section 10(j) injunction in this case will send a clear message to Willow Lake employees that Big Ridge... is too big for the law and not even the NLRB can do anything to help Willow Lake employees," Murphy wrote in his decision.

"Big Ridge's actions have dramatically shifted the status quo between itself and its employees by refusing to bargain with the employees' representative and retaliating against vocal UMWA supporters," Murphy said. "As time passes, Big Ridge's actions diminish UMWA's ability to organize and effectively represent Big Ridge's employees after NLRB issues its final decision."

The UMWA filed for an election last year with more than 93% of employees signed on cards authorizing the union to be their collective bargaining representative. After an intense and illegal anti-union campaign by the company, the union won a close vote in May 2011. The company has refused to recognize the UMWA as the workers' representative even though a NLRB Administrative Law Judge has rejected the company's objections to the outcome of the election.

"Big Ridge's employees are currently suffering significant harm due to the employer's refusal to bargain collectively with their chosen representative, and UMWA's ability to represent the employees' interests in the future will likely suffer irreparable harm in the absence of interim injunctive relief," Murphy said.

Murphy ordered the company to cease:

- Threatening employees with mine closure, job loss or other unspecified reprisals because they support the UMWA;
- Promising employees benefits if they oppose the UMWA;
- Discharging or otherwise discriminating against employees because they support the UMWA or discouraging employees from supporting the UMWA.

Murphy also ordered Big Ridge to offer immediate reinstatement to the fired employee, Wade Waller, a miner with 28 years of experience, seven of them at Willow Lake.

Colorado Supreme Court Decides on the State's Plan to Dump Coal

On April 23, the Colorado Supreme Court decided that lawsuits over the state's plan to force power plants to convert from coal to natural gas can go forward. The Colorado Mining Association scored a victory for coal when the court ruled a lawsuit against the Colorado Public Utilities Commission (CPUC) can proceed.

In 2010, the CPUC ruled that many of the state's coal-fired generating plants would have to be converted to natural gas to bring the state into compliance with Environmental Protection Agency regulations. The CPUC then claimed that opponents had not properly filed their appeals and their cases should have been dismissed.

According to the *Craig Daily Press*, a lawsuit challenging the Colorado Public Utilities Commission's approval of an implementation plan for House Bill 10-1365, also known as the Clean Air, Clean Jobs Act, will be heard in Denver District Court.

What the state Supreme Court actually ruled was to uphold the rights of the Associated Governments of Northwest Colorado (AGNC) to question the validity of an agreement between the PUC and the Public Service Company of Colorado following passage of the bill. PSC is a subsidiary of Xcel Energy, Inc., established in December 2010.

"We are very pleased the Colorado Supreme Court has made clear the AGNC's right to have its day in court," said Mike Sampson Garfield County commissioner and AGNC chairman. "The adverse