

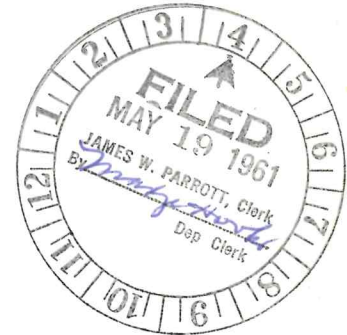
IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION

JOHN L. LEWIS and JOSEPHINE ROCHE, :
as Trustees of the UNITED MINE :
WORKERS OF AMERICA WELFARE AND :
RETIREMENT FUND :

v. :

CIVIL ACTION NO. 3431

JAMES M. PENNINGTON, RALPH E. :
PHILLIPS and BURSE PHILLIPS, :
individually, and trading as :
PHILLIPS BROTHERS COAL COMPANY :



VERDICT FORM NO. 2

1. Did the cross-defendant, UMW, engage in a combination or conspiracy so as to unreasonably restrain trade or monopolize or attempt to monopolize commerce among the several states outside and beyond the exemption created by the antitrust statutes to a labor organization, as alleged by cross-plaintiff, Phillips Brothers Coal Company?

Yes ; No . (Check one.)

(If your answer to Question 1 is "No", the remaining questions need not be answered.)

2. If your answer to Question 1 is "Yes", was cross-plaintiff, Phillips Brothers Coal Company, damaged in its business or property as a direct and proximate result of the conspiracy? Yes ;

No . (Check one.)

(If your answer to Question 2 is "No", you need not answer Question 3.)

3. We find in favor of cross-plaintiff, Phillips Brothers Coal Company, and fix its damages in the amount of \$ 90,000.00.

Wayne H. Hauke
Foreman

