

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

AUG 1 1966

JOHN L. LEWIS AND JOSEPHINE ROCHE,
As Trustees of THE UNITED MINE
WORKERS OF AMERICA WELFARE AND
RETIREMENT FUND
HENRY G. SCHMIDT, TRUSTEE

v.

JAMES M. PENNINGTON,
RALPH E. PHILLIPS and
BURCE PHILLIPS, Individually and
t/a PHILLIPS BROTHERS COAL
COMPANY, a partnership, and
LILLIAN GOAD PHILLIPS

v.

UNITED MINE WORKERS OF AMERICA

CIVIL ACTION NO. 3431'

HARRY P. STANSBERRY, Individually
and t/a STANSBERRY COAL COMPANY

v.

UNITED MINE WORKERS OF AMERICA

CIVIL ACTION NO. 3432

JESSE C. FESLER and NOLA FESLER,
Individually and trading as
FESLER COAL COMPANY

v.

UNITED MINE WORKERS OF AMERICA

CIVIL ACTION NO. 3433

U. R. ARNOLD and MRS. U. R. ARNOLD,
Individually and trading as
ARNOLD STRIP MINING COMPANY, a
partnership
THE ARNOLD COAL COMPANY, INC.

v.

UNITED MINE WORKERS OF AMERICA

CIVIL ACTION NO. 3446

Filed 1st day of Aug 1966
Ent'd Civil Order Bk 37 p 211
KARL D. SAULPAW, JR., CLERK
By E. J. [Signature] Dep. Clerk

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TENNCO, INCORPORATED

v.

UNITED MINE WORKERS OF AMERICA, and
UNITED MINE WORKERS OF AMERICA,
DISTRICT 19

CIVIL ACTION NO. 3493

E. C. McPHERSON, Individually and
t/a E. C. McPHERSON COAL COMPANY,
M. W. NORQUEST and E. C. McPHERSON,
Individually and t/a McPHERSON
COAL COMPANY

v.

UNITED MINE WORKERS OF AMERICA

CIVIL ACTION NO. 3591

DEAN COAL COMPANY, a
corporation

v.

UNITED MINE WORKERS OF AMERICA

CIVIL ACTION NO. 4463

W. R. PARTON, d/b/a
W. R. PARTON COAL COMPANY

v.

UNITED MINE WORKERS OF AMERICA

CIVIL ACTION NO. 4988

FINAL JUDGMENT

The above entitled actions came on to be heard by the Court, sitting without a jury, and the Court having considered of the evidence and the briefs and arguments of counsel and for the reasons stated in its Memorandum setting forth findings of fact and conclusions of law filed herein, is of the opinion that James M. Pennington, et al, t/a Phillips Brothers Coal Company, Harry P. Stansberry, t/a Stansberry Coal Company, Jesse C. Fesler, et al, t/a Fesler Coal Company, U. R. Arnold, et al, t/a Arnold Strip Mining Company, Arnold Coal Company, Inc., Tennco, Incorporated,

W. R. Parton, t/a W. R. Parton Coal Company, E. C. McPherson, t/a E. C. McPherson Coal Company, E. C. McPherson, et al, t/a McPherson Coal Company, and Dean Coal Company, a corporation, and each of them, have failed to establish their alleged causes of action against the United Mine Workers of America under the Sherman Act and Clayton Act.

It is accordingly

ORDERED, ADJUDGED AND DECREED that the causes of action alleged and asserted herein under the Sherman Act and Clayton Act by James M. Pennington, et al, t/a Phillips Brothers Coal Company, Harry P. Stansberry, t/a Stansberry Coal Company, Jesse C. Fesler, et al, t/a Fesler Coal Company, U. R. Arnold, et al, t/a Arnold Strip Mining Company, Arnold Coal Company, Inc., Tennco, Incorporated, W. R. Parton, t/a W. R. Parton Coal Company, E. C. McPherson, t/a E. C. McPherson Coal Company, E. C. McPherson, et al, T/a McPherson Coal Company, and Dean Coal Company, a corporation, be, and they hereby are, dismissed with prejudice, and each of said parties take nothing by their respective actions under Federal law.

The Court is of the further opinion, for the reasons set forth in its said Memorandum filed herein, that W. R. Parton, t/a Parton Coal Company, and Dean Coal Company, a corporation have established their alleged causes of action for violation of the law of Tennessee and that W. R. Parton, t/a Parton Coal Company, is entitled to have and recover of United Mine Workers of America compensatory damages in the sum of One Hundred Ten Thousand Dollars (\$110,000.00) and punitive damages in the additional sum of Fifty Thousand Dollars (\$50,000.00), or a total of One Hundred Sixty Thousand Dollars (\$160,000.00); and that Dean Coal Company is entitled to have and recover of United Mine Workers of America compensatory damages in the amount of One Hundred One Thousand Seven Hundred Eighty-seven and 41/100 Dollars (\$101,787.41) and punitive damages in the amount of Fifty Thousand Dollars (\$50,000.00)

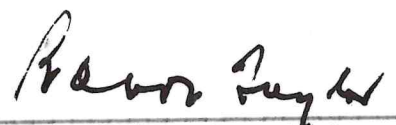
or a total amount of One Hundred Fifty-One Thousand Seven Hundred Eighty-Seven and 41/100 Dollars (\$151,787.41).

It is accordingly ORDERED, ADJUDGED AND DECREED that W. R. Parton, t/a Parton Coal Company, have and recover of the United Mine Workers of America the aforesaid total sum of One Hundred Sixty Thousand Dollars (\$160,000.00) and Dean Coal Company have and recover of the United Mine Workers of America the aforesaid total sum of One Hundred Fifty-One Thousand Seven Hundred Eighty-Seven and 41/100 Dollars (\$151,787.41); and that each of said plaintiffs recover of the defendant interest on the amounts of their respective judgments at the rate of Six Percent (6%) per annum from the date of the entry hereof until paid.

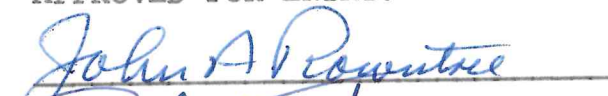
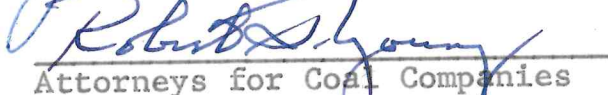
It is FURTHER ORDERED, ADJUDGED AND DECREED that the costs of the consolidated cases are taxed against the United Mine Workers of America.


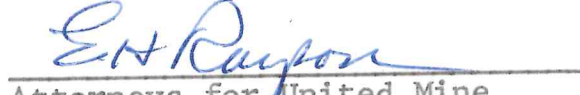
For the foregoing judgments for damages and costs, execution will issue if necessary.

E N T E R:


District Judge

APPROVED FOR ENTRY:



Attorneys for Coal Companies



Attorneys for United Mine
Workers of America