

COMMONWEALTH OF KENTUCKY
PIKE CIRCUIT COURT
DIVISION NO. I
CA NO. 10-CI-1290

BERTHA ADKINS, ET AL

PLAINTIFFS

VS.

PLAINTIFFS RESPONSE TO DEFENDANTS
NOTICE OF RULE 34.01 INSPECTION

CAMBRIAN COAL CORPORATION, ET AL

DEFENDANTS

Come the Plaintiffs, by and through counsel, and hereby respond to the Defendants Notice of Rule 34.01 Inspection and state as follows:

In the Notice of Inspection received by the Plaintiffs, the Defendants indicate that they wish to inspect the real property and take samples of designated objects or operations thereon on August 24th, 2011. The Plaintiffs state that they are puzzled by this peculiar request, for the following reasons:

1. Billy Blackburn's home floated entirely away during the flood events described in the complaints, coming to a rest when it encountered some trees approximately 50 yards downstream. What was left of the home has since been hauled away. Nothing remains to be inspected.

2. In notice of inspection, George McCoy and Tammy McCoy Thacker are incorrectly identified as having a residence on Harless Creek; the property in question was located at 996 Jimmie Creek. Further, Tammy Thacker's surname is incorrectly given as McCoy. Flood waters engulfed their residence and the walls and floors of the residence have since been entirely replaced.

3. Bonnie June Thacker's house received substantial flood damage requiring that it be temporarily propped by by stilts to prevent it from tumbling to to the ground. The Plaintiffs understand that the subsequent buyer is in the process of repairing said residence.

4. Earl and Barbara Meadows's mobile home became dislodged from its foundation, requiring that it be temporarily held in place by a rope to prevent it from tumbling to the ground. It was deemed irreparably damaged, and its remnants were eventually hauled away in their entirety; nothing remains to be inspected.

5. Donna Rodriguez's home was engulfed by the flood waters, irreparably damaged, and was eventually hauled away in its entirety. Nothing remains to be inspected.

6. Jimmy and Wilma Oney's home was engulfed by the flood waters, causing some rooms to split off and wash away and some, in which the Oneys remained seated on their sofa, left rotating in place within the floodwaters. The remnants of their home was eventually hauled away. Nothing remains to be inspected.

7. Emma Runyon's home was engulfed by the flood waters, floated downstream, and exploded. The remnants of the home floated away; none could be located to haul away. Nothing remains to be inspected.

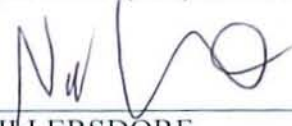
8. Christopher Robinette's home was damaged by the flood water and the remnants sold to Gary Oney and transported from he property. Nothing remains upon the property to be inspected.

Though the Defendants have expressed an intention to enter upon the real property of Billy Blackburn, Earl Meadows, Barbara Meadows, Donna Rodriguez, Jimmy Oney, Wilma Oney, and Emma Runyon, these Plaintiffs are at a loss in terms of providing the Defendants with any objects to inspect. The individuals' residences are, due to the Defendant's unleashing of flood waters upon the community, no longer available to view. Accordingly, it is unclear to the Plaintiffs what objects the Defendants may wish to inspect on August 24, 2011. If it is the intention of the Defendants to enter upon the residences of these Plaintiffs, they may wish to arrive on the scene prepared to engage in some sort of time travel.

If the Defendants wish to view objects connected with the former residences, it is advised that they contact the Kentucky Water Patrol, which holds jurisdiction over the navigable water ways of this Commonwealth, regarding the remains of the structures and their likely locations downstream.

RESPECTFULLY SUBMITTED,

PILLERSDORF, DEROSSETT & LANE
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PRESTONSBURG, KY 41653
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NED PILLERSDORF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice has been duly served by U.S. mail delivery to: **HON. SUSAN MAINES**, Casey, Bailey & Maines, PLLC, 3151 Beaumont Centre Circle, Suite 200, Lexington, KY 40513; **HON. ROBERT JOSEPH PATTON**, Kinner & Patton, 328 E. Court Street, Prestonsburg, KY 41653; **1 ALL PLAINTIFFS**, and the original to: **CLERK**, Pike Circuit Court, P.O. Box 1002, Pikeville, KY 41502; on this the 12th day of August, 2011.

A handwritten signature in black ink, appearing to read "Ned Pillersdorf", is written above a horizontal line.

NED PILLERSDORF