

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

BERTHA ADKINS, ET AL

PLAINTIFFS

VS.                   **MOTION TO FILE THIRD AMENDED COMPLAINT**

CAMBRIAN COAL CORPORATION, ET AL

DEFENDANTS

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Come the Plaintiffs, Bertha Adkins, et al, by and through counsel, and hereby ask that the attached Third Amended Complaint be filed. In support of this motion, the Plaintiffs have added and deleted certain Plaintiffs, who were all harmed in the same manner as other Plaintiffs. The following named parties seek to be joined as Plaintiffs to this litigation: Beverly Adkins, Elster Morton, Hollie Hawkins and Jason Hawkins.

The Third Amended Complaint also references the fact that since the incidents described in the original complaints, the Defendant, Cambrian, has been cited on at least six subsequent occasions for other mining violations, which the Plaintiffs contend continues their practice of acting in deliberate and reckless disregard of the rights of the Plaintiffs.

WHEREFORE, an appropriate order is sought allowing the filing of the attached Third Amended Complaint.

RESPECTFULLY SUBMITTED,

PILLERSDORF, DEROSSETT, AND LANE  
124 WEST COURT STREET  
PRESTONSBURG, KENTUCKY 41653  
Telephone No.: 606-886-6090  
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NED PILLERSDORF

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion 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; and the original to: **CLERK**, Pike Circuit Court, P.O. Box 1002, Pikeville, KY 41502, on this the 21<sup>st</sup> day of February, 2011.



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