

October 2, 2012

112 Buck Lane  
Benton, KY 42025

The Honorable Shelley C. Chapman  
One Bowling Green  
Courtroom 621  
New York, New York 1004-1408

Dear Most Honorable Judge Chapman:

I represent my deceased father and my mother for whom I am Power of Attorney. My mother is both physically and mentally incapable of providing input and I will do my best to speak for her and my father as both my parents did throughout the years in overseeing my growth and development, protecting me, and providing for me.

I would like to make this a one page brief communication. And I will do what I can to impose brevity. It is a great challenge.

I am contacting you in regard to the Change of Venue motion filed by the United Mine Workers of American and others on which a hearing was held in your court, from my understanding, on September 11-12, 2012. At that time, I believe that all interested parties were asked to submit briefs by October 5, 2012.

My father worked most of his life for Peabody Coal in various mines in Southern Illinois. When I was a senior in high school, my dad told me in these words, "Son, I will do whatever it takes to see that you never stick your head in that hole." And he did just that.

My father realized not only the physical danger but also the dangers physically that came with a career in mining. He also understood well the ongoing efforts of himself and fellow workers to improve their lot by working hard enough and producing well enough for the company, in his case Peabody Coal, that they would agree to provide health and welfare benefits, including pensions, that were the direct result of their tonnage productions for the company. Without production, these benefits would never have been obtained.

Over the last 30 years of my father's life, I watched the effects of his labor on his body. Increased risks of hypertension, breathing difficulty, related kidney failure, complications of many diseases further impacted by his work history. However, he never complained about hard work. In fact, many days he came home from the mines proud of the fact that he had loaded more coal that day for Peabody than anyone else had been able to do in the history of that mine. He didn't just work for the company, he gave his life, everything he had, to make them successful and to assure he would have health insurance and pension benefits when he needed them

and that when he passed, his surviving spouse (to whom he was married 66 years) would be cared for in an appropriate manner.

Today, my dad who was a strong man, would be shedding tears if he knew that his spouse could be losing her health insurance and the spousal pension benefits (amounting to a little over \$300/month). And for him to know that she might be removed from the skilled care facility where she resides (both physically and mentally disabled) if she loses her health insurance benefits, would be a crushing blow to him. He worked to guarantee the welfare of his family. For his son, it was a guarantee that I would never "stick my head in that hole." For his wife, his assurance was that she would have medical care and minimal income for her lifetime. Imagine being 87 years old, being physically bedfast and mentally afflicted with dementia and Alzheimer Disease, and being ejected from the skilled care facility because the company which guaranteed these benefits in return for what was given them is now looking at defaulting on that guarantee.

I respectfully urge you to honor the requests of the United Mine Workers of America for a Change of Venue as requested. While my mother cannot be present for hearings, I will make every effort to be present and be available during those hearings. However, I am 65 years old, not in the best of health myself, and would be very uncomfortable for my own safety coming to New York. I ask you to consider each of these miners and spouses who will be severely limited in their participation to exercise their will if a Change of Venue is not granted.

Again, thank you for your time in reading my thoughts and allowing me to share my mind and my heart.

If I can answer any further questions you may have, you may reach me at the above address, or by phone at 270-994-5399, my personal cell phone, or by e-mail at [dyahne@mchsi.com](mailto:dyahne@mchsi.com).

Respectfully,

*Dan Yahne*

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