

John Phelps
2929 Old Hartford Road
Owensboro, KY 42303

October 9, 2012

The Honorable Shelley C. Chapman
One Bowling Green
Courtroom 621
New York, New York 10004-1408

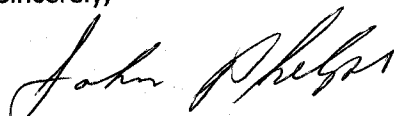
Dear Madam:

I am a retiree of twenty-two and a half years service (employed twenty-five years) with Peabody Coal Company surface mines. In 1975, I was injured at work which resulted in three back surgeries and total disability in 1997. I, also, have nerve damage that continues to worsen and my last back surgery in 2000 was a fusion of 3, 4, and 5 L Lumbar.

In 2003 I had open heart surgery, a five artery by-pass. I have other medical conditions that require several medications and have to be monitored regularly by doctors. In addition, my wife is sixty-nine years old and is covered under my plan. She has had two total knee replacements and has other medical conditions that require several medications and she has to be monitored regularly by doctors.

All of these medical conditions and our ages rules out either one of us returning to the workforce. During my years of service in the employment of Peabody Coal, my compensation included my retirement and my medical. If Peabody is allowed to drop this obligation to me, we will have no choice but to become a burden on the taxpayers.

Sincerely,

A handwritten signature in cursive script that reads "John Phelps". The signature is written in black ink and is positioned above the printed name.

John Phelps