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CLERK, US BANKRUPTCY COURT
EASTERN DISTRICT
ST. LOUIS, MISSOURI - MR

The Honorable Kathy A. Surratt-States

Re: Case No. 12-51502

Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, 4th Floor
St. Louis, MO 63102

The Honorable Kathy A. Surratt-States:

Good Morning Judge, as I realize every morning is a good morning to be alive. I, like most Americans struggle with the challenges life throws at them. However, I am blessed to be an American and live in the Greatest Country in the world. I have had a unique life that requires a positive attitude in which to hope for the future of my family.

Thank you for giving me the opportunity to tell my story. I am a 60 year old retired coal miner who has only worked for Peabody Coal Company at one Mine, Baldwin Underground in Marissa, IL.

Graduating from high school in 1970, I enlisted in the USMC on my 18th birthday in STL. With a draft number of 300, I felt my calling was to fight in Vietnam and serve my Country. Even though I did not see the action I had envisioned, I just did as an enlisted man - what I was told. November 7, 1973 I started to work for Peabody Coal Company. I loved the work and the challenges that mining coal presented. The benefits were that I could provide for my mother and help pay her back for the years and struggles in our life. I married my wife Angie in 1981 and have been blessed with three daughters Kayla, Danielle and Rebecca.

On June 5, 1984 (age 31) I received a letter from The Department of Health & Human Services stating I had stage one of Coalworker' Pneumoconiosis with a Letter to Exercise an Option to Transfer to a less dusty job. On that day it seems my world had stopped as I envisioned what health and death problems would follow. You cannot imagine how many times I read and re-read that letter wishing for a different outcome. My mom, wife and daughter needed me to be there for them and support. However, facts are what facts are; I had Black Lung at age 31. At the Baldwin Mine that I worked, this letter from the Federal Government gave me the option to transfer and Peabody Coal Company responded to this request in order of seniority number at the Mine site when a less dusty job became available to bid. On February 10, 1987 (age 34) I used my Letter to request a less dusty job on the surface, out of the dust. At this stage of my life I had two daughters ages 3 & 1 and was working above ground out of the dust. I was a blessed man who was still alive and providing for my mom and family. Then on April 2, 1991 (age 38) Peabody Coal Company had a job realignment of employees, changed my classification Back underground as a Shuttle Car Operator. One of the dustiest classifications in the Mine! I was in complete confusion on how a Coal Company could do this knowing I had Black Lung.

Then I realized I was just a liability to Peabody Coal Company and they did not care about me, my family or my life. I research all I could on the letter of the law on Black Lung and discovered the Part 90 Coal Miner laws and how they should be enforced. This was before the internet day and research was limited and hard to find. I never felt so alone since my training days in the Marine Corps getting ready for Vietnam. However, those days did not kill me and I was determined not to allow Peabody Coal Company to succeed in their attempt either. Peabody Coal Company had a good reputation full of awards and mottos that enriched Safety and Production. All the magazines, publications and contracts were highlighting their goals as a fantastic company to work within the community.

On October 10, 1991 with help from the Department of Labor, Mr. Ron Schell, I became a Part 90 Miner. I had to educate myself in what my rights were. After years of letters and meetings with Federal Mine Inspectors I felt I was making progress into the life of a Part 90 Coal Miner. I actually won a BCOA-UMWA Grievance I wrote under 30CFR Part90 with Peabody Coal Company signing off on May 27, 1993. It stated "all aspects of Part 90 regulations will be complied with. This agreement will remain in effect as long as Mr. Sturgis is a Part 90 Miner at Baldwin Mine." Seemed like a good day to me. What I did not know then was Peabody Coal Company (the only BCOA operator I ever worked for 20 ¼ years) would close the Mine in January 1994. Technicalities again! My determination to hold Peabody Coal Company responsible for their legal commitments and obligations is never ending.

My story goes on and on like many Coal Miners and their families who have had promises given to them from Peabody Coal Company. This is where I am asking you for help in holding Peabody Coal Company responsible. An Honorable company would not create a corporate calculated disaster on working families. A natural disaster is tough enough to deal with and we've seen too many of those lately. Any American Company should be held accountable for their obligations to the workers who have made them and the shareholders profit. Peabody Coal Company should be no exception. A corporate calculated disaster and greed should be seen as predictable as the actuary predicting when to close a coal mine to maximize profit. Peabody Coal Company has the lawyers and accountants to know what they are doing. When a company operates from the profit and greed angle, they need to be held accountable. I can only hope and pray that someone is you. I realize you'll get many pieces of paper placed in front of you for this trial to judge on. Even though "They" say we are a paperless society please rule to help the workers and people before we become a people less society where corporation can rule the way they wish, not the way they agreed to operate and provide for their workers and families.

As a Federal Judge you have the opportunity to be a hero for the UMWA Families that need one to continue to survive this battle. When I was growing up I liked the Lone Ranger Hi Yo Silver – who led the fight for law and order and Superman – Truth, Justice and the American Way! I pray you are that Federal Judge who helps to restore those principles and values in our lives.

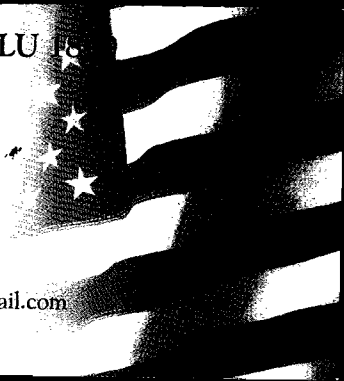
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