

David J. O'Bryan
14264 W. 230 N.
Linton, Indiana 47441

To the Honorable Shelley C. Chapman:

I am David J. O'Bryan, a coalminer retired from Peabody Coal Company since 1999. I worked for Peabody for 26 $\frac{3}{4}$ years.

In 1973, I was injured at the coal mine while working for Peabody and shattered my nose, injured my face and put out my left eye. Several years of plastic surgery followed, and I have had a plastic left eye since then. I missed at least 1 $\frac{1}{2}$ years work total and received \$10,500 for the loss, plus \$1,186. mileage to Doctor's visits.

I have never worked for another coal company other than Peabody. I am now 62 years old, a diabetic, taking the necessary medication, have neuropathy in my feet and suffer from back problems which resulted in treatments in Indianapolis last November and December. My wife just turned 62 and takes blood pressure medication and cholesterol medication, as well as blood thinner. We rely on the insurance from Peabody and feel that I earned it. We were told it was vested after 20 years of service. Please make sure they honor their commitments. Thank you for taking the time to read this letter.

Respectfully yours,

David J. O'Bryan

David J. Brown
1110 W. 10th St.
Lawrence, Kansas 66044

Attorney for Plaintiff

Plaintiff's Motion for Summary Judgment

Case No. 12-12900

Filed October 12, 2012

Plaintiff, David J. Brown, moves for summary judgment on the following issues:

1. Plaintiff is entitled to summary judgment on the issue of liability.

2. Plaintiff is entitled to summary judgment on the issue of damages.

Plaintiff's Motion for Summary Judgment

Respectfully,
David J. Brown

Attorney for Plaintiff

David J. Brown

Plaintiff's Motion for Summary Judgment

D. B. Boyer
14264 W. 230th.
Linton, Ia. 47441

OCT 12 2012

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

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