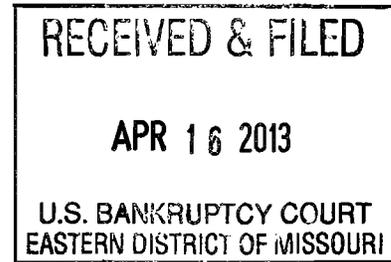


April 12, 2013

To: 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



Dear Honorable Kathy A. Surratt-States:

This correspondence is in reference to the Peabody Energy/Arch Minerals & Patriot Coal Company vs. the United Mine Workers of America case that will soon be before you. Unfortunately, some corporations within this great Nation we live in have figured out a way to manipulate the bankruptcy laws in order to increase their profits at the expense and sacrifice of their employees. I know this for a fact through the experience my fellow coal miners and I have with a coal company who filed a “fake” bankruptcy in 2004. And I do emphasize the word “fake”. Even though we were some of the highest producing coal miners, (tons per day/per coal miner), in the United States we still lost our jobs due to corporate greed. (See attachment). But my experience with bankruptcy is not why I am writing you.

The reason I am writing you is to strongly express my objections to what Peabody Energy and Arch Minerals are doing to their employees by means of Patriot Coal. There is no doubt the lawyers representing Peabody/Arch and Patriot Coal have dotted all of the i’s and crossed all their t’s in an attempt to make this law suit appear “legally” right. Whereas, the “letter” of the law may be present here, but the “spirit” of the law is absent in this case. I believe in order to have a written letter of the law, there needs to be a spirit and a reason which causes a law to be written to begin with. By “spirit” I mean, the honorable thing to do, fairness with real honest meaning, with ethical and moral values based on righteous core principles for a law to be written. In other words, the spirit of the law supersedes and is the initiation of the letter of the law. And the letter of the law is not meant to create victims, but rather to serve as protection for individuals from becoming victims.

By no bend of the imagination do I present myself to you as a well-educated person who is a legal expert, because I am not. With that being said, even a person like me can easily comprehend and recognize what is going on here. It is blatantly obvious, this case is nothing more than a greed driven corporate shell game to avoid and sidestep financial obligations by manipulating the bankruptcy laws. Please note that “greed” is considered as one of the seven deadly sins known to mankind. The legacy cost for the retirees from Peabody Energy and Arch Minerals, particularly health care benefits, is clearly the responsibility of those two companies. They mutually agreed to cover these legacy costs, no exceptions. Peabody Energy and Arch Minerals are not the parties who are in dire financial straits and are filing for relief by declaring bankruptcy. From what I understand, from a financial standpoint they are doing relatively well. The company that is filing for bankruptcy is Patriot Coal, which was created by Peabody Energy in order to absorb the legacy cost of Peabody Energy, but also took the legacy cost of Arch Minerals at a later date; a picture perfect scheme for Patriot Coal to fall into financial disaster. Was this coincidental? I, like many know this was intentional in order for Peabody Energy and Arch Minerals to attempt to shed their legacy costs. To reinforce this belief, it has been publicly stated the

reason why Peabody Energy and Arch Minerals established spin-off companies was to purge themselves of their obligations to their retirees. They openly admit it. It is a financial deception. What these three coal companies are attempting to do can be summed up in one word devious.

What is so humiliating and corrupting about this whole fiasco is; two multi-million dollar corporations have collaborated and have secluded and separated out the weakest in our society to devastate them. They have isolated and attacked the elderly who are on fixed incomes, the sick and the disabled. Furthermore; the 22,000 individuals who are going to suffer the most are the former employees of Peabody Energy and Arch Minerals. **I would classify it as "corporate cannibalism"**. Driven by greed these two corporations are going to consume the livelihoods, wealth and health of their former employees when they take away and cart off with their health care benefits. The very people, the backbone of their corporations, who made them successful in business, are going to be cast to the wayside. Greed has no shame.

Martin Luther King once said, "*Whatever affects one directly, affects all indirectly.*" Those very words ring true here. If these coal companies are successful in hoodwinking the Court, the health care system that we now know will be forever dismantled. **There will be a cascade of corporations spinning off satellite companies destined for bankruptcy in order to purge legacy costs.** It will spread like an uncontrollable pandemic. This case is not limited to the 22,000 former employees of Peabody Energy and Arch Minerals. This case includes every working person in this Country who receives some type of health care coverage through their employer. This is one point of, "...*affects all indirectly,*" that needs to be considered when you render your decision.

Here is another point that needs to be considered, what about the health care industry as a whole? What is going to happen to the health care industry when people stop getting health care because they have no health care coverage? As you well know, adequate health care is expensive. I am sure the CEO's of Peabody Energy and Arch Minerals have health care benefits included in their employment benefit package. And these are individuals who make several hundred thousands of dollars a year if not millions of dollars a year when the perks, bonuses and golden parachutes are included. While the wealthiest people among us find it necessary to have health care coverage, wouldn't this also apply to the less fortunate? Who among us can afford to pay out of pocket for adequate health care? Practically none of us can. If the ill cannot afford to go to a primary medical clinic or to a hospital they are not going to go. This is going to remove money from the health care system as a whole. For an example, take the State of West Virginia where I live that has a population of less than two million people. During year of 2011, the United Mine Workers of America spent \$204,815,895 for health care expense just in the State of West Virginia alone. If that much money is removed out of the health care system in this State we can expect rural primary health care clinics to close, hospital scaling back and a spike in the unemployment rate in the health care industry. And it does not stop there; the adverse and undesirable ripple effect will be inclusive to all patients seeking medical help in this State. It will not be limited just to those who are directly affiliated with Patriot Coal. Once again, another point to consider how this case, "...*affects all indirectly,*" if these corporations are successful in their bid to swindle their former employees out of their health care benefits.

Last and certainly not least, consider the moral values associated with; "*Whatever affects one directly.*" I am referring to the 22,000 retirees and their families who will become the initial direct victims of this financial scam. Without health care this law suit is literally going to mean either life or

death for many. That is an unquestionable, undisputable fact. Have we, as a society, as a Country; stooped so low to allow corporations to intentionally manipulate, twist and bend the bankruptcy laws just to increase their profits off of victim's lives? If Peabody Energy and Arch Minerals are allowed to do this, soon many other corporations will follow simply because it will become a "legal" way to increase corporate profits. This will escalated from 22,000 victims to hundreds of thousands of victims in this Country. Without health care, thousands of citizens will spiral downward into a black abyss of financial loss. They will have to endure months and years of agonizing pain and suffering associated with diseases and medical disorders they cannot afford to treat because they do not have health care benefits. It will create many hardships upon the families of these victims. Is this morally right? Are these the sacrifices that have to be made by many just so corporations can increase their profit?

Have you ever seen a coal miner who is a victim of black lung disease? If you have not, it is an incurable progressive disease. It is caused by breathing coal dust into the lungs. It is a disease where one can only treat the symptoms, not cure the problem. The body has to labor just to breathe until it slowly smothers to death. Each day is just a little bit worse than the day before. And in its final stages the victims becomes bedfast until they fight to take their final gasp for air. It is a horrible disease and a terrible sight to witness a coal miner who suffers from black lung. It is retirees like this who worked for Peabody Energy and Arch Mineral that desperately need health care benefits. They will not be able to afford to pay out of pocket for breathing treatments or oxygen in order to ease their misery. The irony here, these coal miners sacrifice their health in order for the company they once worked for to become profitable. But due to greed, now these companies do not want to share their wealth with the very ones who made it for them. These corporations consider human life as an expendable item; they consider these men as broken tools, just to be thrown away.

Your Honor, due to the magnitude of this particular law suit the eyes of this Nation are upon you. The health and welfare of thousands of families will hinge upon your decision. I am not in the position to offer any type of legal advice. But, I wish to make a suggestion to you. If you find yourself during the course of this trial meditating between what is right or wrong, what evidence have moral values from those which do not, simply do this. Pray. Seek and follow the guidance of Divine Intervention because, He is the King of Justice.

Sincerely,



Dwight Siemiaczko
29 Hunters Field Lane
Hansford, WV 25103
Telephone: (304) 595-3325

Attachment: United Mine Workers of America International President Cecil Roberts Blasts Today's Decision by a Federal Bankruptcy Judge to Strip Horizon Natural Resources Miners of Their Contracts and Health Care Benefits

August 9, 2004

United Mine Workers of America International President Cecil Roberts Blasts Today's Decision by a Federal Bankruptcy Judge to Strip Horizon Natural Resources Miners of Their Contracts and Health Care Benefits

United Mine Workers of America (UMWA) International President Cecil Roberts today blasted an Aug. 6 (released this morning) decision by William Howard, a federal bankruptcy court judge in Lexington, Ky., to grant a request by Horizon Natural Resources to void its contracts with the union and cancel health care benefits for thousands of active and retired miners.

"What a complete and utter travesty of justice," fumed Roberts. "If this decision doesn't cause America's working families to start looking around at who is running this country—and which direction we are headed—then I fear for our nation." He continued, "These workers did absolutely nothing wrong. They worked hard, did what was expected and accepted lower wages for the promise of health care, but look where that got them. They've been left high and dry. No health care and no job rights. It is past time for working people to start fighting back and joining together to reform the nation's extremely biased bankruptcy and labor laws. As I've said often in the past several months, the UMWA stands ready to help lead this fight."

Phil Hepp, L.U. 9055 president at Horizon's Old Ben cleaning plant in Illinois, said he and his co-workers are livid about the decision.

"We thought this company would treat us right," explained Hepp. "Then they go and hide under the shield of America's bankruptcy laws and screw the workers. Are we angry about that? Damn right we are. Most of us are in our late 50s. Where are we going to turn for health care?"

L.U. 8843 member Dwight Siemiaczko, who works at Horizon's Cannelton mine near Charleston, W.Va., seconded Hepp's comments, saying, "These bankruptcy laws are completely out of hand. I'm hopeful that what is happening to us will spark a national movement to reform America's bankruptcy laws. Working people across the nation must join this fight."

Roberts said the UMWA will appeal Judge Howard's decision to the U.S. District Court in Lexington.

"I promised every Horizon worker that the UMWA would explore every legal avenue available," said Roberts. "At first, to prevent this injustice, but now to rectify it."

Prior to the judge's decision, thousands of UMWA Horizon workers and their supporters rallied twice—June 30 and July 20—outside the federal bankruptcy court in Lexington. Roberts, who testified in front of the judge at a July 20 hearing—passionately trying to explain the economic hardship an adverse decision would cause—thought if the UMWA could put a human face on the issue by rallying outside the courthouse, that maybe the judge would do the right thing.

"The UMWA understood what bankruptcy courts are doing to workers throughout the country," said Roberts. "We witnessed it firsthand last year when Bethlehem Steel abandoned its retirees in bankruptcy court. We thought if we could personalize the issue and make the judge hear our calls, that maybe he might rule in our favor. Sadly, our actions did not end up changing his mind, but I applaud everyone who came to the rallies for their dedication and willingness to fight for what is right. Trust me, this fight is not over yet."

The UMWA estimates that some 800 active Horizon workers and more than 2,300 Horizon retirees will be immediately impacted by Judge Howard's decision.

Roberts noted that nearly half of Horizon's retirees are covered by the Coal Act, a federal statute designed to protect health care for miners who retired prior to October 1, 1994.

"Now that the judge has ruled that Horizon is no longer obligated to provide Coal Act benefits, the UMWA 1992 Benefit Fund should step in to continue providing lifetime health benefits to our eligible retirees. The benefits of those Horizon miners who retired—or were still working—after October 1, 1994, will not be terminated until the sale of properties is complete and the bankruptcy plan is confirmed, which at the earliest would be August 31."

Przyt Siemiaczko Sr.
29 Hunters Field Lane
Hansford, WV 25103

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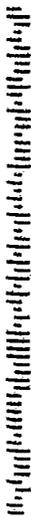
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