

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 7:19cv354
)	
)	
V.)	
)	
SOUTHERN COAL CORPORATION;)	
A & G COAL CORPORATION;)	
JUSTICE COAL OF ALABAMA LLC;)	
BLACK RIVER COAL LLC;)	
CHESTNUT LAND HOLDINGS LLC;)	
DOUBLE BONUS COAL COMPANY;)	
DYNAMIC ENERGY INC.; FOUR)	
STAR RESOURCES LLC; FRONTIER)	
COAL COMPANY, INC.; INFINITY)	
ENERGY INC.; JUSTICE ENERGY)	
COMPANY, INC.; JUSTICE)	
HIGHWALL MINING, INC.;)	
KENTUCKY FUEL CORP.,)	
KEYSTONE SERVICES INDUSTRIES)	
INC.; M & P SERVICES, INC.; NINE)	
MILE MINING COMPANY, INC.;)	
NUFAC MINING COMPANY, INC.;)	
PAY CAR MINING INC.; PREMIUM)	
COAL COMPANY, INC.; S AND H)	
MINING, INC.; SEQUOIA ENERGY,)	
LLC; TAMS MANAGEMENT, INC.;)	
VIRGINIA FUEL CORP.,)	
)	
Defendants.		

COMPLAINT

Plaintiff, United States of America, on behalf of the Secretary of Labor, United States Department of Labor, and Mine Safety and Health Administration (“MSHA”), by and through the United States Attorney for the Western District of Virginia, hereby alleges as follows:

INTRODUCTION

1. This action is brought by the United States of America to collect civil penalties and other amounts owed to the United States under the Mine Safety and Health Act of 1977, as amended, 30 U.S.C. § 801, *et seq.* (“Mine Act”), and the Federal Debt Collection Procedures Act (“FDCPA”), 28 U.S.C. § 3001, *et seq.*, as applicable.

2. Defendants have failed to pay hundreds of monetary penalties for Mine Act violations, totaling \$4,776,370.40, inclusive of penalties and interest, as of May 3, 2019. As a result, the United States seeks “to recover a judgment on [the] debt” that Defendants have long refused to pay. 28 U.S.C. § 3001(a).

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345 because the United States is the plaintiff. The Court also has jurisdiction under Section 110(j) of the Mine Act, 30 U.S.C. § 820(j), and the FDCPA, 28 U.S.C. § 3001(a).

4. Venue is proper in the Western District of Virginia pursuant to 28 U.S.C. §§ 1391(b)(1) and 3001(b).

PARTIES

5. Plaintiff is the United States of America acting pursuant to its authority under the Mine Act and FDCPA to collect debts owed for violations due to unsafe mine conditions under the Mine Act.

6. Southern Coal Corporation (“SCC”) is a Delaware corporation with its principal place of business at 818 North Eisenhower Drive, Beckley, West Virginia. SCC conducts business at 302 South Jefferson Street, Roanoke, Virginia. SCC is the parent company of several of the

defendant mine operators. James C. Justice II, James C. Justice III, and Jillian L. Justice were and/or are the record owners of all the outstanding stock of SCC at the relevant times.

7. Justice Coal of Alabama, LLC (fka Alabama Carbon, LLC) is an Alabama limited liability company with its principal place of business at 818 North Eisenhower Drive, Beckley, West Virginia. Justice Coal of Alabama, LLC operates one mine with delinquent, uncontested MSHA penalties in Jackson County, Alabama.

8. A & G Coal Corporation is a Virginia corporation with its principal place of business at 302 South Jefferson Street, Roanoke, Virginia. A & G Coal Corporation operates eight mines with delinquent, uncontested MSHA penalties in Wise County and Dickenson County, Virginia.

9. Black River Coal, LLC is a Delaware limited liability company, with its principal place of business at 302 South Jefferson Street, Roanoke, Virginia. Black River Coal, LLC operates one mine with delinquent, uncontested MSHA penalties in Tazewell County, Virginia.

10. Chestnut Land Holdings, LLC is a Delaware limited liability company with its principal place of business at 302 South Jefferson Street, Roanoke, Virginia. Chestnut Land Holdings LLC operates one mine with delinquent, uncontested MSHA penalties in McDowell County, West Virginia.

11. Double Bonus Coal Company is a West Virginia corporation with its principal place of business at 216 Lake Drive, Daniels, West Virginia. Double Bonus Coal Company operates one mine with delinquent, uncontested MSHA penalties in Wyoming County, West Virginia.

12. Dynamic Energy, Inc. is a West Virginia corporation with its principal place of business at 216 Lake Drive, Daniels, West Virginia. Dynamic Energy, Inc. operates one mine with delinquent, uncontested MSHA penalties in Wyoming County, West Virginia.

13. Four Star Resources LLC is a Kentucky limited liability company with its principal place of business at 302 South Jefferson Street, Roanoke, Virginia. Four Star Resources LLC operates one mine with delinquent, uncontested MSHA penalties in Harlan County, Kentucky.

14. Frontier Coal Company, Inc. is a West Virginia corporation with its principal place of business at 216 Lake Drive, Daniels, West Virginia. Frontier Coal Company, Inc. operates one mine with delinquent, uncontested MSHA penalties in Wyoming County, West Virginia.

15. Infinity Energy, Inc. is a Kentucky corporation with its principal place of business at 302 South Jefferson Street, Roanoke, Virginia. Infinity Energy, Inc. operates one mine with delinquent, uncontested MSHA penalties in Leslie County, Kentucky.

16. Justice Energy Company is a West Virginia corporation with its principal place of business at 216 Lake Drive, Daniels, West Virginia. Justice Energy Company operates one mine with delinquent, uncontested MSHA penalties in McDowell County, West Virginia.

17. Justice Highwall Mining, Inc. is a West Virginia corporation with its principal place of business at 216 Lake Drive, Daniels, West Virginia. Justice Energy Company operates one mine with delinquent, uncontested MSHA penalties in McDowell County, West Virginia.

18. Kentucky Fuel Corporation is a West Virginia corporation with its principal place of business at 302 South Jefferson Street, Roanoke, Virginia. Kentucky Fuel Corporation operates seven mines with delinquent, uncontested MSHA penalties in Breathitt County, Kentucky; Knott County, Kentucky; McDowell County, West Virginia; and Logan County, West Virginia.

19. Keystone Service Industries Inc. is a West Virginia corporation with its principal place of business at 216 Lake Drive, Daniels, West Virginia. Keystone Service Industries operates one mine with delinquent, uncontested MSHA penalties in McDowell County, West Virginia.

20. M & P Services, Inc. is a West Virginia corporation with its principal place of business at 216 Lake Drive, Daniels, West Virginia. M & P Services, Inc. operates one mine with delinquent, uncontested MSHA penalties in McDowell County, West Virginia.

21. Nine Mile Mining, Inc. is a Virginia corporation with its principal place of business at 302 South Jefferson Street, Roanoke, Virginia. Nine Mile Mining, Inc. operates two mines with delinquent, unpaid MSHA penalties in Lee County, Virginia, and Wise County, Virginia.

22. Nufac Mining Company, Inc. is a Delaware corporation with its principal place of business at 1209 Orange Street, Wilmington, Delaware. Nufac Mining Company, Inc. operates three mines with delinquent, uncontested MSHA penalties in McDowell County and Wyoming County, West Virginia.

23. Pay Car Mining, Inc. is a West Virginia corporation with its principal place of business at 216 Lake Drive, Daniels, West Virginia. Pay Car Mining, Inc. operates two mines with delinquent, uncontested MSHA penalties in McDowell County and Wyoming County, West Virginia.

24. Premium Coal Company, Incorporated is an Alabama corporation with its principal place of business at 302 South Jefferson Street, Roanoke, Virginia. Premium Coal Company, Incorporated operates three mines with delinquent, uncontested MSHA penalties in Anderson County, Tennessee.

25. S and H Mining, Inc. is a Tennessee corporation with its principal place of business at 302 South Jefferson Street, Roanoke, Virginia. S and H Mining Inc. operates one mine with delinquent, uncontested MSHA penalties in Campbell County, Tennessee.

26. Sequoia Energy, LLC is a Kentucky limited liability company with its principal place of business at 302 South Jefferson Street, Roanoke, Virginia. Sequoia Energy, LLC operates two mines with delinquent, uncontested MSHA penalties in Harlan County, Kentucky.

27. Tams Management, Inc. is a West Virginia corporation with its principal place of business at 216 Lake Drive, Daniels, West Virginia. Tams Management, Inc. operates two mines with delinquent, uncontested MSHA penalties in Raleigh County, West Virginia.

28. Virginia Fuel Corporation is a Delaware corporation with its principal place of business at 302 South Jefferson Street, Roanoke, Virginia. Virginia Fuel Corporation operates six mines with delinquent, uncontested MSHA penalties in Harlan County, Kentucky; Lee County, Virginia; Dickenson County, Virginia; and Wise County, Virginia.

FACTS

29. Under the Mine Act, an “operator means any owner, lessee, or other person who operates, controls, or supervises a coal or other mine or any designated independent contractor performing services or construction at such mine.” 30 U.S.C. § 802.

30. When the operator is a corporate entity, the operator must provide MSHA with various information, including identifying the individual controller of the operator. 30 C.F.R. § 41.11(d). Any changes to the required information, including a controller change, must be reported to MSHA within 30 days of the change. *Id.* § 41.12.

31. The controllers of the defendant operators are currently James C. Justice II, James C. Justice III, and Jillian Justice.

32. Between May 3, 2014, and May 3, 2019, MSHA issued at least 2,297 citations to Defendants for violations of the Mine Act. MSHA assessed civil penalties for each violation pursuant to the Mine Act, totaling at least \$3,954,984.37. *See* Treasury Decl., Ex. 1; MSHA Decl., Ex. 2.

33. Defendants failed to pay the proposed penalties or notify MSHA that it contested the assessed civil penalties and request a hearing. Defendants were informed that the assessments would become a final order if they failed to contest the assessments by operation of law under Section 105(a) of the Mine Act, 30 U.S.C. § 815(a), and that the final order would be enforced under the provisions of the Mine Act. The citations and penalties are, therefore, final orders within the meaning of Section 105(a) of the Mine Act, 30 U.S.C. § 815(a).

34. The various civil penalties became delinquent thirty days after the final order of the Federal Mine Safety and Health Review Commission under Section 105(a) and (d) of the Mine Act, 30 U.S.C. § 815(a) & (d). MSHA sent two demand letters to Defendants and when unable to collect the respective debt for at least 100 days, MSHA forwarded \$2,393,236.97 to the Department of Treasury (“Treasury”) for collection under the FDCPA.

35. Treasury sent a written demand for each delinquent debt upon MSHA’s referral of each debt to Treasury for collection. Treasury attempted to collect these debts, including hiring third-party debt collectors and placing Defendants in the Treasury Offset Program. Despite these collection attempts by Treasury, Defendants still failed to pay the assessed penalty, and Treasury referred the debts to the Department of Justice for collection.

36. After referral to the Department of Justice for collection, the United States Attorney’s Office for the Western District of Virginia made a written demand for the delinquent debts on Defendants on September 5, 2018. Defendants still have failed to pay the outstanding

debt. Interest and additional penalties have been assessed in accordance with 30 U.S.C. § 820(j), 31 U.S.C. §§ 3711(g) and 3717(e), and 28 U.S.C. § 527.

37. MSHA's referral of many of the debts to the Treasury for collection subjected the penalties to additional fees. For the civil penalties identified in Paragraph 32, Defendants owe an additional \$821,386.03 in unpaid fees.

38. The amounts described in Paragraphs 32 and 37, totaling \$3,214,623.00, are due and owing to the United States and have not been paid. *See* Treasury Decl., Ex. 1.

39. Additionally, final orders have been issued against Defendants for an additional 806 violations that MSHA has not referred to Treasury for collection, totaling \$1,561,747.40, which is past due and owing to the United States but has not been paid. *See* MSHA Decl., Ex. 2.

40. As the operators of the mines for which the citations and penalties described above were issued, Defendants are liable for the unpaid civil penalties pursuant to Sections 110(a) and 110(j) of the Mine Act, 30 U.S.C. §§ 820(a) & 820(j).

PRAYER FOR RELIEF

The United States of America respectfully requests the following relief:

1. A Judgment against Defendant for the principal amount of unpaid civil penalties and administrative costs owed to the United States for Mine Act violations, in an amount not less than \$4,776,370.40;
2. A Judgment against Defendants for interest on the principal amount of the unpaid civil penalties at the rate of 8% per annum authorized by Section 110(j) of the Mine Act, 30 U.S.C. § 820(j), plus interest accruing after May 3, 2019;
3. A Judgment against Defendants for the 10% surcharge authorized by the FDCPA, 28 U.S.C. § 3011(a);

4. An order enjoining Defendants from violating, failing, or refusing to comply with an order or decision under the Mine Act, and enjoining them from failing or refusing to comply with any order or decision, including a civil penalty assessment order, that is issued under the Mine Act; and
5. Any other appropriate relief.

Respectfully submitted,

THOMAS T. CULLEN
United States Attorney

/s/ Krista Consiglio Frith
Assistant United States Attorney
Virginia Bar No. 89088
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EXHIBIT 1

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No.
)	
)	
V.)	
)	
SOUTHERN COAL CORPORATION;)	
A & G COAL CORPORATION;)	
ALABAMA CARBON LLC; JUSTICE)	
COAL OF ALABAMA LLC; BLACK)	
RIVER COAL LLC; CHESTNUT)	
LAND HOLDINGS LLC; DOUBLE)	
BONUS COAL COMPANY;)	
DYNAMIC ENERGY INC.; FOUR)	
STAR RESOURCES LLC; FRONTIER)	
COAL COMPANY, INC.; INFINITY)	
ENERGY INC.; JUSTICE ENERGY)	
COMPANY, INC.; KENTUCKY FUEL)	
CORP., KEYSTONE SERVICES)	
INDUSTRIES INC.; M&P SERVICES,)	
INC.; NINE MILE MINING)	
COMPANY, INC.; NUFAC MINING)	
COMPANY, INC.; PAY CAR MINING)	
INC.; PREMIUM COAL COMPANY,)	
INC.; S&H MINING, INC.; SEQUOIA)	
ENERGY; TAMS MANAGEMENT,)	
INC.; VIRGINIA FUEL CORP.,)	
)	
Defendants.)	

I, Anita M. Triantafilledes, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

Case 7:19-cv-00354-GEC Document 1-1 Filed 05/07/19 Page 2 of 4 Pageid#: 11

and review of the records for Defendants A&G Coal Corporation, Alabama Carbon LLC, Justice Coal of Alabama LLC, Black River Coal LLC, Chestnut Land Holdings LLC, Double Bonus Coal Company, Dynamic Energy Inc., Four Star Resources LLC, Frontier Coal Company, Inc., Infinity Energy Inc., Justice Energy Company, Inc., Kentucky Fuel Corp., Keystone Services Industries Inc., M&P Services, Inc., Nine Mile Mining Company, Inc., Nufac Mining Company, Inc. Pay Car Mining, Inc., Premium Coal Company, Inc., S&H Mining, Inc., Sequoia Energy, Tams Management, Inc., and Virginia Fuel Corp. (collectively, “Defendants”).

2. Federal agencies refer delinquent nontax debts to DMS for collection. At the time of referral, and at each agency update, agencies are required to certify to DMS that the debts they refer are delinquent, valid, legally enforceable in the amount stated, and that any required due process has been given.
3. After a debt is referred to DMS by a creditor agency, such as the Department of Labor, Mine Safety and Health Administration (“MSHA”), DMS uses a number of collection tools, to attempt to collect the debt. These tools may include: demand letter(s); phone contact and/or correspondence with the debtor; referral to the Treasury Offset Program (TOP) to reduce any eligible federal or state payments that the debtor may receive; referral to private collection agencies (PCAs), which are under contract with DMS; and referral to the Department of Justice for enforced collection through litigation.
4. DMS charges creditor agencies fees to cover the cost of collection. DMS is authorized to charge these fees pursuant to 31 U.S.C. § 3711(g)(6); *see also* 31 C.F.R. § 285.12(j); 31 C.F.R. § 901.1(f). DMS fees are 30% for any debts that are less than two years delinquent, based on the default date provided by the creditor agency, and 32% for debts

that are over two years delinquent. The fee is computed as 30% or 32% of the principal, plus interest, penalty, and administrative costs of the referred debt.¹

5. In addition, the Department of Justice has authority to charge a 3% fee pursuant to 28 U.S.C. § 527 legislative note.
6. Creditor agencies, such as MSHA, are generally required to pass on all debt collection costs to the debtor. 31 U.S.C. § 3717(e)(1); *see also* 31 C.F.R. § 901.9(c), (f). Costs to the creditor agency include fees charged to the creditor agency. *See id.*
7. The amount owed by Defendants as of May 3, 2019, is \$3,214,623.00.
8. The amount owed is comprised of:

Principal: \$2,393,236.97

Fiscal Service and DOJ fees: \$821,386.03

TOTAL: \$3,214,623.00

DATED this 6th day of May, 2019.

Signature Anita M. Triantafilledes Digitally signed by Anita M. Triantafilledes
Date: 2019.05.06 18:36:30 -04'00'

Anita M. Triantafilledes
Manager, Litigation Policy & Management Branch
Bureau of the Fiscal Service, Debt Management Service
Department of the Treasury

¹ When a collection on a federal nontax debt results from offset of payments through TOP, DMS charges the creditor agency the TOP fee of \$17.00 per offset, and does not charge the 30% or 32% fee.

² The 1994 Appropriation Act (PL. 103-121) authorized DOJ to retain up to 3% of all amounts collected as the result of its civil debt collection litigation activities. Because the DOJ fee is based on amounts collected, the DOJ Fee is calculated by adding principal, interest, administrative costs (including Fiscal Service's fee), penalties and then dividing by .97 and multiplying by .03.

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SOUTHERN COAL CORPORATION;
A & G COAL CORPORATION;
BANDY COAL LLC; BLACK RIVER
COAL LLC; BLUESTONE COAL
CORPORATION; CHESTNUT LAND
HOLDINGS LLC; DOUBLE BONUS
COAL COMPANY; FRONTIER COAL
COMPANY INC; JUSTICE ENERGY
COMPANY INC; JUSTICE
HIGHWALL MINING INC;
KENTUCKY FUEL CORPORATION;
KEYSTONE SERVICE INDUSTRIES
INC; NINE MILE MINING INC;
NUFAC MINING COMPANY INC;
PAY CAR MINING INC; PREMIUM
COAL COMPANY INC; TAMS
MANAGEMENT INC; VIRGINIA
FUEL CORPORATION, INC.; S AND
H MINING, INC.; SEQUOIA
ENERGY; TAMS MANAGEMENT,
INC.; VIRGINIA FUELS CORP.,

Defendants.

Declaration of Thomas Charboneau

Case No.

DECLARATION

I, Thomas Charboneau, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the Director of the Office of Assessments, Mine Safety and Health Administration (MSHA), U.S. Department of Labor, in Arlington, Virginia. The Office of Assessments collects civil monetary penalties for violations of the Federal Mine Safety

and Health Act of 1977, as amended, 30 U.S.C. § 801 *et seq.* (Mine Act) and of mine safety and health standards issued under the Mine Act. The Office of Assessments administers all activities for the proposal of the dollar amounts of civil penalties and the administrative processing of all civil penalty assessments that become final orders of the Federal Mine Safety and Health Review Commission (FMSHRC) as well as associated cash and debt management activities. These activities include collecting and accounting for all delinquent civil penalties.

2. In the course of my duties, I have access to certain computer records of the Office of Assessments and MSHA. I oversaw a search of the records within my custody and control in connection with the citations for safety and health violations issued by MSHA, and civil monetary penalties assessed by FMSHRC, at the mines listed in the attached spreadsheet.

3. As reflected in the attached charts, MSHA proposed civil monetary penalties since May 3, 2014, for no fewer than:

a. 118 violations at mines operated by A & G Coal Corporation, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$544,532.97.

b. 3 violations at mines operated by Bandy Coal LLC, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$407.00.

c. 11 violations at mines operated by Black River Coal LLC, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$86,041.00.

d. 10 violations at mines operated by Bluestone Coal Corporation, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$2,167.00.

e. 2 violations at mines operated by Chestnut Land Holdings LLC, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$411.53.

f. 19 violations at mines operated by Double Bonus Coal Company, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$97,103.00.

g. 39 violations at mines operated by Frontier Coal Company Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$11,684.31.

h. 36 violations at mines operated by Justice Energy Company Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$14,561.15.

i. 16 violations at mines operated by Justice Highwall Mining Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$4,075.42.

j. 12 violations at mines operated by Kentucky Fuel Corporation, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$63,378.42.

k. 7 violations at mines operated by Keystone Service Industries Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$849.92.

l. 9 violations at mines operated by Nine Mile Mining Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$11,465.78.

m. 111 violations at mines operated by Nufac Mining Company Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$25,543.09.

n. 354 violations at mines operated by Pay Car Mining Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$663,669.70.

o. 4 violations at mines operated by Premium Coal Company Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$455.86.

p. 45 violations at mines operated by Tams Management Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$31,419.69.

q. 10 violations at mines operated by Virginia Fuels Corporation, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$3,981.56.

4. All the violations and penalties referred to in ¶ 3 became final orders within the meaning of §§ 105(a) & (d) of the Mine Act. 30 U.S.C. §§ 815(a) & (d).

5. The amounts described in ¶ 3 are past due and owing to the United States and have not been paid.

6. Statutory pre-judgment interest has accrued on the amounts described in ¶ 3 in the amount of not less than \$1,561,747.40 for no less than 806 violations as of April 30, 2019.

7. The violations and amounts described above are in addition to those that have been referred to the Department of Treasury for collection.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed in Arlington, DATED this 3rd day of May, 2019



THOMAS CHARBONEAU
Director
Office of Assessments
Mine Safety and Health Administration

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt				
Violator ID	Violator Name	Number of Cases	Number of Violations	Total of Owed
P21141	A & G Coal Corporation	14	118	\$544,532.97
0132995	Bandy Coal LLC	1	3	\$407.00
0121130	Black River Coal LLC	1	11	\$86,041.00
P02030	Bluestone Coal Corporation	1	10	\$2,167.00
0118409	Chestnut Land Holdings LLC	2	2	\$411.53
0053059	Double Bonus Coal Company	1	19	\$97,103.00
0083104	Frontier Coal Company Inc	3	39	\$11,684.31
0089765	Justice Energy Company Inc	5	36	\$14,561.15
0051938	Justice Highway Mining Inc	4	16	\$4,075.42
0059863	Kentucky Fuel Corporation	6	12	\$63,378.42
P18954	Keystone Service Industries Inc	4	7	\$849.92
0099325	Nine Mile Mining Inc	7	9	\$11,465.78
0095328	Nufac Mining Company Inc	13	111	\$25,543.09
0074803	Pay Car Mining Inc	12	354	\$663,669.70
P02174	Premium Coal Company Inc	2	4	\$455.86
0108546	Tams Management Inc	12	45	\$31,419.69
0112288	Virginia Fuels Corporation	7	10	\$3,981.56
Totals		95 Cases	806 Violations	\$1,561,747.40

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000399126	P21141	A & G Coal Corporation	4407160	000399126	7	\$82,234.00
000422235	P21141	A & G Coal Corporation	4406992	000422235	19	\$60,893.00
000428879	P21141	A & G Coal Corporation	4406992	000428879	19	\$89,094.46
000431971	P21141	A & G Coal Corporation	4406992	000431971	3	\$22,813.00
000433849	P21141	A & G Coal Corporation	4406992	000433849	5	\$6,646.00
000438545	P21141	A & G Coal Corporation	4406992	000438545	3	\$40,251.00
000441115	P21141	A & G Coal Corporation	4407228	000441115	3	\$368.63
000443396	P21141	A & G Coal Corporation	4407228	000443396	2	\$235.04
000484998	P21141	A & G Coal Corporation	4407160	000484998	1	\$270.00
000346270	P21141	A&G Coal Corporation	4404534	000346270	2	\$8,952.57
000346286	P21141	A&G Coal Corporation	4404534	000346286	4	\$30,694.56
000352768	P21141	A&G Coal Corporation	4404534	000352768	1	\$9,941.35
000353549	P21141	A&G Coal Corporation	4404534	000353549	47	\$138,466.86
000353996	P21141	A&G Coal Corporation	4404534	000353996	2	\$53,672.50
Totals					118 Violations	\$544,532.97

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000367941	0132995	Bandy Coal, LLC	4406859	000367941	3	\$407.00
Totals			1 Mine	1 Case	3 Violations	\$407.00

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000389543	0121130	Black River Coal, LLC	4406859	000389543	11	\$86,041.00
Totals			1 Mine	1 Case	11 Violations	\$86,041.00

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt					
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).
000486935	P02030	Bluestone Coal Corporation	4603404	000486935	10
Totals			1 Mine	1 Case	10 Violations
					\$2,167.00
					\$2,167.00

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000441545	0118409	Chestnut Land Holdings, LLC	4602380	000441545	1	\$117.53
000481760	0118409	Chestnut Land Holdings, LLC	4602380	000481760	1	\$294.00
Totals			1 Mine	2 Cases	2 Violations	\$411.53

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt					
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).
000334457	0053059	Double Bonus Coal Company	4609020	000334457	19
Total			1 Mine	1 Case	19 Violations
					Sum of Owed
					\$97,103.00
					\$97,103.00

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000439719	0083104	Frontier Coal Company, Inc.	4609227	000439719	36	\$11,077.31
000444491	0083104	Frontier Coal Company, Inc.	4609227	000444491	2	\$472.00
000484065	0083104	Frontier Coal Company, Inc.	4609227	000484065	1	\$135.00
Totals			1 Mine	3 Cases	39 Violations	\$11,684.31

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000468428	0089765	Justice Energy Company Inc	4606578	000468428	9	\$2,137.00
000472562	0089765	Justice Energy Company Inc	4606578	000472562	1	\$118.00
000478875	0089765	Justice Energy Company Inc	4606578	000478875	13	\$3,807.15
000484558	0089765	Justice Energy Company Inc	4606578	000484558	1	\$121.00
000486477	0089765	Justice Energy Company Inc	4606578	000486477	12	\$8,378.00
Totals			1 Mine	5 Cases	36 Violations	\$14,561.15

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000479251	0051938	Justice Highwall Mining Inc.	4609239	000479251	2	\$241.42
000483611	0051938	Justice Highwall Mining Inc.	4609239	000483611	2	\$392.00
000485010	0051938	Justice Highwall Mining Inc.	4609239	000485010	5	\$1,118.00
000487182	0051938	Justice Highwall Mining Inc.	4609239	000487182	7	\$2,324.00
Totals			1 Mine	4 Cases	16 Violations	\$4,075.42

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000379788	0059863	Kentucky Fuel Corporation	1519758	000379788	2	\$62,175.42
000445918	0059863	Kentucky Fuel Corporation	1513254	000445918	3	\$348.00
000479535	0059863	Kentucky Fuel Corporation	1517021	000479535	1	\$133.70
000481461	0059863	Kentucky Fuel Corporation	1517021	000481461	1	\$118.65
000481463	0059863	Kentucky Fuel Corporation	1517894	000481463	1	\$118.65
000485055	0059863	Kentucky Fuel Corporation	1517021	000485055	4	\$484.00
Totals			4 Mines	6 Cases	12 Violations	\$63,378.42

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000441119	P18954	Keystone Service Industries, Inc.	4603444	000441119	2	\$236.92
000473125	P18954	Keystone Service Industries, Inc.	4603444	000473125	2	\$236.00
000483596	P18954	Keystone Service Industries, Inc.	4603444	000483596	1	\$135.00
000485003	P18954	Keystone Service Industries, Inc.	4603444	000485003	2	\$242.00
Totals			1 Mine	4 Cases	7 Violations	\$849.92

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000321500	0099325	Nine Mile Mining, Inc.	4407252	000321500	1	\$6,627.21
000332225	0099325	Nine Mile Mining, Inc.	4407252	000332225	3	\$1,507.47
000336003	0099325	Nine Mile Mining, Inc.	4407252	000336003	1	\$2,756.81
000347822	0099325	Nine Mile Mining, Inc.	4407252	000347822	1	\$177.26
000371713	0099325	Nine Mile Mining, Inc.	4407252	000371713	1	\$156.65
000478868	0099325	Nine Mile Mining, Inc.	4407252	000478868	1	\$119.38
000484549	0099325	Nine Mile Mining, Inc.	4407252	000484549	1	\$121.00
Totals			1 Mine	7 Cases	9 Violations	\$11,465.78

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000477459	0095328	Nufac Mining Company Inc	4609316	000477459	1	\$118.00
000481243	0095328	Nufac Mining Company Inc	4609316	000481243	1	\$250.00
000482941	0095328	Nufac Mining Company Inc	4609316	000482941	2	\$242.00
000486952	0095328	Nufac Mining Company Inc	4609316	000486952	1	\$121.00
000454366	0095328	Nufac Mining Company, Inc	4608786	000454366	30	\$257.82
000456604	0095328	Nufac Mining Company, Inc	4608786	000456604	25	\$6,738.00
000472962	0095328	Nufac Mining Company, Inc	4608786	000472962	5	\$1,458.00
000477447	0095328	Nufac Mining Company, Inc	4608786	000477447	4	\$472.00
000479242	0095328	Nufac Mining Company, Inc	4608786	000479242	13	\$1,568.45
000482934	0095328	Nufac Mining Company, Inc	4608786	000482934	2	\$242.00
000484891	0095328	Nufac Mining Company, Inc	4608786	000484891	12	\$3,223.00
000486942	0095328	Nufac Mining Company, Inc	4608786	000486942	14	\$10,694.00
000440464	0095328	Nufac Mining Company, Inc	4608769	000440464	1	\$158.82
Totals					111 Violations	\$25,543.09
			3 Mines	13 Cases		

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000291172	0074803	Pay Car Mining Inc	4608884	000291172	5	\$37,359.99
000440180	0074803	Pay Car Mining Inc	4609389	000440180	1	\$156.79
000444989	0074803	Pay Car Mining Inc	4608884	000444989	5	\$955.00
000459785	0074803	Pay Car Mining Inc	4608884	000459785	9	\$2,154.00
000470446	0074803	Pay Car Mining Inc	4608884	000470446	4	\$1,348.00
000472376	0074803	Pay Car Mining Inc	4608884	000472376	17	\$48,226.00
000474594	0074803	Pay Car Mining Inc	4608884	000474594	69	\$103,409.04
000476873	0074803	Pay Car Mining Inc	4608884	000476873	9	\$22,037.88
000478672	0074803	Pay Car Mining Inc	4608884	000478672	93	\$204,555.00
000482529	0074803	Pay Car Mining Inc	4608884	000482529	63	\$106,094.00
000484392	0074803	Pay Car Mining Inc	4608884	000484392	46	\$83,549.00
000486293	0074803	Pay Car Mining Inc	4608884	000486293	33	\$53,825.00
Totals					354 Violations	\$663,669.70

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000366443	P02174	Premium Coal Company Inc	4002467	000366443	1	\$100.00
000479012	P02174	Premium Coal Company Inc	4002467	000479012	3	\$355.86
Totals			1 Mine	2 Cases	4 Violations	\$455.86

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000321510	0108546	Tams Management, Inc	4608716	000321510	7	\$6,680.15
000329653	0108546	Tams Management, Inc	4608716	000329653	2	\$5,216.26
000336016	0108546	Tams Management, Inc	4608716	000336016	4	\$1,082.53
000338777	0108546	Tams Management, Inc	4608716	000338777	3	\$3,176.53
000341183	0108546	Tams Management, Inc	4608716	000341183	2	\$2,192.57
000394454	0108546	Tams Management, Inc	4608716	000394454	8	\$4,640.20
000426361	0108546	Tams Management, Inc	4608716	000426361	13	\$1,809.40
000440886	0108546	Tams Management, Inc	4604734	000440886	1	\$117.53
000443210	0108546	Tams Management, Inc	4604734	000443210	1	\$117.52
000445593	0108546	Tams Management, Inc	4604734	000445593	1	\$116.00
000445598	0108546	Tams Management, Inc	4608716	000445598	1	\$6,029.00
000487353	0108546	Tams Management, Inc	4604734	000487353	2	\$242.00
Totals				12 Cases	45 Violations	\$31,419.69

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000384180	0112288	Virginia Fuels Corporation	4406947	000384180	1	\$686.91
000405561	0112288	Virginia Fuels Corporation	4407275	000405561	1	\$103.95
000445831	0112288	Virginia Fuels Corporation	4407275	000445831	1	\$116.00
000366459	0112288	Virginia Fuels Corporation	4406230	000366459	1	\$224.00
000399119	0112288	Virginia Fuels Corporation	4406230	000399119	2	\$212.70
000445821	0112288	Virginia Fuels Corporation	4406230	000445821	1	\$116.00
000445830	0112288	Virginia Fuels Corporation	4407253	000445830	3	\$2,522.00
Totals			4 Mines	7 Cases	10 Violations	\$3,981.56

CIVIL COVER SHEET

7:19cv354

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Krista Frith
United States Attorneys Office
310 1st St. Rm 906, Roanoke, VA 24011

DEFENDANTS

County of Residence of First Listed Defendant Roanoke
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

30 U.S.C. 801 and 28 U.S.C. 3001

Brief description of cause:

Suit to enforce collection of civil penalties and interest against the defendants for failure to pay Mine Act violations.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

4,776,370.40

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/07/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/Krista Consiglio Frith

FOR OFFICE USE ONLY

RECEIPT #

Case 7:19-cv-00354-GEC

Document 1-3

Filed 05/07/19 Page 1 of 1 PageID#: 38