

Big Coal Residents File Massive Lawsuit Against Coal Operators

January 1, 2009/Coalvalleynews.com/ A list of plaintiffs spanning four pages filed a massive civil suit against nine area coal operations in Boone County Circuit Court. The complaint, filed by attorney John Sutter, Roger Decanio and John Mitchell, Sr. allege the companies were responsible for numerous civil offenses against the families.

The suit was filed against Massey Energy, Omar Mining Co., Independence Coal Co., Elk Run Company, Inc., Black Castle Mining, Peabody Energy, Pine Ridge Coal, Federal Coal and a John Doe corporation.

The plaintiffs are described as “residents and former residents of Seth and Prenter, who have taken their water supply from a drilled well.” The complaint continued, “as a result of the actions of the defendants’ mining operations, the plaintiff’s water was contaminated, thereby injuring them, their property and also resulting in and/or contributing to their deaths.”

The document also alleged specific acts by the companies. “Massey Energy Co. managed, oversaw, planned, conducted, participated in, allowed and profited from the negligent, dangerous, hazardous and or ultra hazardous and/or ultra hazardous mining operations of its subsidiary defendants Omar Mining, Independence Coal, Elk Run Coal and Black Castle Mining Co., in and around Seth and Prenter.”

The document also charged that Federal Coal Company, Inc., “owns most, if not all, of the lands upon which the defendants conduct coal mining operations. Defendant Federal Coal Co. managed, oversaw, planned, conducted, participate in, allowed and profited from the negligent, dangerous, hazardous and/or ultra hazardous mining operations of its subsidiary defendants in and around Seth and Prenter.”

“The defendants have and/or are currently maintaining impoundments and injecting coal slurry into the ground in and around Seth and Prenter.” The suit claims the companies are conducting underground mining operations around these injection sites and have conducted blasting operations. “The impoundments, underground coal mining and surface operations ‘destabilized various strata overlaying the aquifers and have contaminated aquifers, which supply water to the wells from which the residents of Seth and Prenter draw water.”

The attorneys stated in the complaint their intentions to prove that operations conducted by these companies have “rendered the plaintiffs’ property value worthless, caused carcinogens, diseases, maladies and injuries from which the plaintiffs suffer and makes reasonably necessary the need for the plaintiffs to undergo periodic medical monitoring to screen for the health threats these carcinogens represent.”

The plaintiffs’ case also asks the court to order the companies provide emergency drinking water and replace their water supplies. In addition, they demand compensation for damage to their property rights and for personal injury.