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PEGGY BUCKI

IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA

THE MARSHALL COUNTY COAL COMPANY, THE MARION COUNTY COAL COMPANY, THE MONONGALIA COUNTY COAL COMPANY, THE HARRISON COUNTY COAL COMPANY, THE OHIO COUNTY COAL COMPANY, MURRAY ENERGY CORPORATION, AND ROBERT E. MURRAY,

Plaintiffs,

v.

Civil Action No.: 17-C-124

Judge: Cramer

JOHN OLIVER, CHARLES WILSON, PARTIALLY IMPORTANT PRODUCTIONS, LLC, HOME BOX OFFICE, INC., TIME WARNER, INC., and DOES 1 through 10.

Defendants.

COMPLAINT

1. On June 18, 2017, Defendants executed a meticulously planned attempt to assassinate the character and reputation of Mr. Robert E. Murray and his companies, including Murray Energy Corporation and those in West Virginia, on a world stage. They did so for their personal financial gain by knowingly broadcasting false, injurious, and defamatory comments to HBO's approximately 134 million paying subscribers, while also knowing that their malicious broadcast would be repeated to countless more individuals through various outlets (including other media owned by certain Defendants).

2. They did this to a man who needs a lung transplant, a man who does not expect to live to see the end of this case. They attacked him in a forum in which he had no opportunity to defend himself, and so he has brought this suit to try to set the record straight.

3. This callous, vicious, and false attack upon Mr. Murray and his companies was Defendants' most recent attempt to advance their biases against the coal industry and their disdain for the coal-related policies of the Trump Administration.

4. In carrying out their self-serving attack on Mr. Murray and his companies, however, Defendants ignored facts in their possession that directly contradict the false and defamatory statements about Mr. Murray and his companies that they improperly passed off as truths to the nation and throughout the world.

5. Worse yet, Defendants employed techniques designed solely to harass and embarrass Plaintiffs, including Mr. Murray, a seventy-seven year-old citizen in ill health and dependent on an oxygen tank for survival, who, despite the foregoing, continuously devotes his life, including by working seven days each week, to save the jobs and better the lives of the thousands of coal miners that he employs in West Virginia and elsewhere. Defendants childishly demeaned and disparaged Mr. Murray and his companies, made jokes about Mr. Murray's age, health, and appearance, made light of a tragic mining incident, broadcasted false statements, and incited television and internet viewers to do harm to Mr. Murray and his companies, all before a worldwide audience—including the thousands of people that work for and do business with Mr. Murray and his companies in West Virginia. In fact, medical doctors have informed Mr. Murray that he should stop working because the stress is shortening his life. Mr. Murray must, however, continue working because of all those individuals who rely on him. But nothing has ever stressed him more than this vicious and untruthful attack.

6. The Plaintiffs require intervention from this Court to prevent further injury at the hands of Defendants' harassment and blatant and purposeful disregard for the truth, the stress of

which has caused Mr. Murray significant emotional and physical distress and damage, and this fact is readily apparent on him. Mr. Murray depends on continuous oxygen supply.

PARTIES

Mr. Murray and the Other Plaintiffs

7. Mr. Murray is the Founder, Chairman, President, and Chief Executive Officer of Plaintiff Murray Energy Corporation. He also serves as the President, Chief Executive Officer, and sole Director of each of the other Plaintiffs. Mr. Murray is a resident of Ohio.

8. In order to provide for his family, Mr. Murray began working as a coal miner at a very young age. He labored arduously underground for sixteen years of his life, and later used his life savings and mortgaged nearly everything he owned to purchase his first coal mine. Mr. Murray continued his work underground by visiting his miners virtually every month until July 22, 2016, when he was diagnosed with Idiopathic Pulmonary Fibrosis, a progressive fatal disease requiring intense medical care, a potential lung transplant, continuous oxygen, and culminating in a significantly reduced life expectancy from diagnosis.

9. Over the last thirty years, Mr. Murray has built Murray Energy and its operating entities into the largest underground coal mining company in the United States and the largest coal miner in West Virginia. Along the way, he also built a strong reputation as one of the staunchest defenders and most ardent champions of the United States coal industry and America itself.

10. As a coal miner himself for his entire life, Mr. Murray is and has been unwavering in his insistence upon safe working conditions and the pursuit of policies and practices that promote and reward safety above all else. Mr. Murray is listed by the Mine Safety

and Health Administration as the "Current Controller" for all of the mines owned by the Plaintiffs, and, as such, the public equates the mining business of each Plaintiff with Mr. Murray.

11. Plaintiff The Marshall County Coal Company owns and operates the Marshall County Coal Mine, which is located in Marshall County, West Virginia. The operation of that coal mine in West Virginia is The Marshall County Coal Company's primary business. The Marshall County Coal Company is incorporated under the laws of Delaware.

12. Plaintiff The Marion County Coal Company owns and operates the Marion County Coal Mine, which is located in Marion County, West Virginia. The operation of that coal mine in West Virginia is The Marion County Coal Company's primary business. The Marion County Coal Company is incorporated under the laws of Delaware.

13. Plaintiff The Monongalia County Coal Company owns and operates the Monongalia County Coal Mine, which is located in Monongalia County, West Virginia. The operation of that coal mine in West Virginia is The Monongalia County Coal Company's primary business. The Monongalia County Coal Company is incorporated under the laws of Delaware.

14. Plaintiff The Harrison County Coal Company owns and operates the Harrison County Coal Mine, which is located in Harrison County, West Virginia. The operation of that coal mine in West Virginia is The Harrison County Coal Company's primary business. The Harrison County Coal Company is incorporated under the laws of Delaware.

15. Plaintiff The Ohio County Coal Company owns and operates the Ohio County Coal Mine, which is located in Ohio County, West Virginia. The operation of that coal mine in West Virginia is The Ohio County Coal Company's primary business. The Ohio County Coal Company is incorporated under the laws of Ohio.

16. Plaintiffs The Marshall County Coal Company, The Marion County Coal Company, The Monongalia County Coal Company, The Harrison County Coal Company, and The Ohio County Coal Company (the "Coal Company Plaintiffs") are owned by Plaintiff Murray Energy Corporation (the "Parent Company Plaintiff"). The Parent Company Plaintiff is a corporation incorporated under the laws of the State of Ohio. Its principal office (and the principal office of each of the Coal Company Plaintiffs) is located at 46226 National Road, St. Clairsville, Belmont County, Ohio 43950, seven miles west of Wheeling, West Virginia. The Coal Company Plaintiffs, along with their corporate affiliates, and the Parent Company Plaintiff, comprise an organization that is known as "Murray Energy."

17. Mr. Murray's businesses employ over 5,400 people in three countries, and six states, including over 2,800 employees in the State of West Virginia. Studies show that, for every one coal mining job provided by Mr. Murray's businesses, up to eleven secondary jobs are provided in the communities where the mines are located, meaning that Murray Energy is responsible for the creation of up to 30,800 jobs in the State of West Virginia.

Defendants

18. Defendants are persons and organizations fundamentally opposed to any revitalization of the coal industry, having described coal as "environmentally catastrophic." Defendant Home Box Office, Inc. is owned by Defendant Time Warner, Inc., which is widely reported as a top ten donor of Hillary Clinton, as tracked by the Center for Responsive Politics at OpenSecrets.org. As a presidential candidate, Mrs. Clinton's agenda was to "put a lotta coal miners and coal companies outta business."

19. Defendants' broadcasts have vigorously supported and advanced Mrs. Clinton's agenda.

20. When Defendants made Mr. Murray and the other Plaintiffs aware that they intended to advance their anti-coal agenda by, among other things, broadcasting injurious, false, and defamatory statements to millions of people on June 18, 2017, Mr. Murray and the other Plaintiffs, at Defendants' invitation (believed to have been extended under the guise of responsible and ethical journalism), transmitted—prior to the June 18, 2017 broadcast—information and facts directly contrary to the injurious, false, and defamatory statements that Defendants threatened to broadcast.

21. But instead of reporting on the facts, including those facts which Defendants secured through their (what turned out to be) disingenuous outreach to Mr. Murray and his companies before the June 18, 2017 broadcast, Defendants ignored them and "doubled-down" on their character assassination of Mr. Murray and the business reputation of his companies, ending their recorded broadcast with the phrases "Eat Shit, Bob" and "Kiss my ass, Bob."

22. Defendant Home Box Office, Inc. ("HBO") is a corporation organized under the laws of Delaware with its principal place of business in New York, New York. HBO is a pay-TV network. On information and belief, hundreds of thousands of households in West Virginia are among HBO's 134 million subscribers.

23. Defendant John Oliver is an individual who hosts, writes for, and is the executive producer of a show, "Last Week Tonight with John Oliver," that is broadcast weekly on HBO. On information and belief, Defendant Oliver is a foreign national residing in New York, New York. On information and belief, together with Defendant Wilson, Defendant Partially Important Productions, and other persons and entities, Does 1-10, whose identities are presently unknown to Plaintiffs, Defendant Oliver wrote the script for the June 18, 2017 episode of Last Week Tonight.

24. Defendant Charles Wilson is the Senior News Producer for Last Week Tonight with John Oliver. On information and belief, Defendant Wilson is a resident of New York, New York. On information and belief, together with Defendant Oliver, Defendant Partially Important Productions, and other persons and entities, Does 1-10, whose identities are presently unknown to Plaintiffs, Defendant Wilson wrote the script for the June 18, 2017 episode of Last Week Tonight.

25. Defendant Partially Important Productions, LLC ("Defendant Partially Important") is the production company for HBO's program Last Week Tonight with John Oliver. On information and belief, Defendant Partially Important is a limited liability company organized under the laws of Delaware with its principal place of business in New York, New York. On information and belief, together with Defendant Oliver, Defendant Wilson, and other persons and entities, Does 1-10, whose identities are presently unknown to Plaintiffs, Defendant Partially Important wrote the script for the June 18, 2017 episode of Last Week Tonight.

26. Defendant Time Warner, Inc. ("Time Warner") is a corporation organized under the laws of Delaware with its principal place of business in New York, New York. Time Warner owns Defendant HBO. Upon information and belief, Time Warner knew of the statements made by Defendants, was made aware of all facts prior to the broadcast that showed their falsity, and, as the owner of HBO, approved the decision to permit Defendants HBO, Partially Important, Wilson, and Oliver to make the known false statements in the broadcast.

27. Other persons and entities, Does 1-10, whose identities are presently unknown to Plaintiffs, participated in the events alleged herein which give rise to the claims asserted by the Plaintiffs.

VENUE

28. Venue lies in this Court pursuant to W. Va. Code § 56-1-1 subsections (1) and (2) because the causes of action arose in this county and Defendant HBO does business in this county.

GENERAL ALLEGATIONS

29. On June 18, 2017, Defendant HBO initially broadcasted an episode of "Last Week Tonight with John Oliver." Defendant Oliver hosted, wrote, and produced the show.

30. Before the June 18, 2017 broadcast, Defendants made Mr. Murray and Murray Energy aware (under the guise of responsible and ethical journalism) that they intended to discuss in an upcoming broadcast "the decline of jobs in the coal industry, the political criticism of President Obama's 'war on coal,' the recent regulatory rollback by the Trump administration, and the prospect going forward of a revival of coal jobs." They specifically referenced Plaintiffs' mining operations in West Virginia, stating they intended to "mention other pressures on coal jobs outside of regulation—including … the competition that Appalachian coal has faced."

31. When Defendants contacted Murray Energy, Mr. Murray and his companies were under the false impression that Defendants would use this supplied information to accurately and responsibly broadcast the facts and circumstances regarding the topics of the upcoming broadcast.

32. Mr. Murray and the other Plaintiffs warned Defendants—prior to the June 18, 2017 broadcast—that their sources of information and the information itself were "outdated, and were false and defamatory when they were made, and remain so. You recklessly rely exclusively on previously discredited media reports." At Defendants' invitation, Plaintiffs

provided detailed information and facts directly contrary to the injurious, false, and defaming statements that Defendants threatened to broadcast. Plaintiffs demanded that Defendants "cease and desist from any effort to defame, harass, or otherwise injure Mr. Murray or Murray Energy."

33. One subject that Defendants notified Mr. Murray and his companies that they intended to discuss was the collapse of and subsequent rescue efforts at the Crandall Canyon Mine, operated by Genwal Resources, Inc.

34. To ensure accurate reporting, and given the sensitivity surrounding these tragic events, which resulted in the loss of nine lives and injuries to several others, Mr. Murray and Murray Energy provided summaries of and citations to reports evidencing that the mine collapse was in fact triggered by what is commonly understood as an earthquake. Among other things, Mr. Murray and Murray Energy provided Defendants with the following facts and information:

a. When Mr. Murray first learned of the initial collapse, he was in Montana and rushed to the Mine, arriving within four hours of the accident.

b. Mr. Murray then spent the next twenty-eight days at the Mine, directing rescue efforts, personally attending to the families tragically affected by the collapse, and directing the recovery efforts.

c. Although Mr. Murray was understandably unable to satisfy all of the expectations of the public and the family members of the trapped miners, he and his team worked around the clock to try and rescue the miners, and showed honesty, sincerity, and compassion every day in his communications and dealings with the families and the public. Mr. Murray held frequent meetings, several times every day, and provided for every possible need for all members of the trapped miners' families.

d. Everyone tried their hardest to rescue the trapped miners. Over $45 million and over four hundred people were committed to the rescue efforts because, as Mr. Murray then stated, "there is no price on a human life."

e. The Federal Mine Safety and Health Administration's report regarding the collapse (the "MSHA Report") contained multiple concessions that a sudden change in stresses due to a "slip along a joint" or "joint slip in the overburden," which is very similar to the United States Geological Survey's definition of an "earthquake" (i.e., "both sudden slip on a fault, and the resulting ground shaking and radiated seismic energy caused by the slip"), "could have been a factor in triggering the collapse" and was one of the "likely candidates" for triggering the collapse, but MSHA and its "experts" chose not to analyze the seismic data of the triggering event and instead focused on the secondary collapse, which was a disservice to the lost miners, their families and the truth.

f. Studies have shown that the Mine collapse was a seismic event originating in the Joe's Valley Fault Zone. More specifically, these studies indicated that the triggering event for the seismic disturbance, which was not consistent with normal mining-induced seismicity resulting in the collapse, occurred on a subsidiary fault parallel to the Joe's Valley Fault. This is a more technical manner of stating that the collapse was caused by what many would characterize as an earthquake.

g. When Mr. Murray arrived at the Mine, the University of Utah was broadcasting that an earthquake had occurred, with an epicenter 4.7 miles from the Crandall Canyon Mine.

h. The major Joe's Valley Fault was nearby the Mine.

i. Mr. Murray and his companies referred Defendants to the following publicly available studies indicating that the collapse was initiated by a seismic event akin to an earthquake that originated in the Joe's Valley Fault Zone near the Mine: A. Kubacki, T., K. Koper, K.L. Pankow and M.K. McCarter (2014), Changes in mining induced seismicity before and after the 2007 Crandall Canyon Mine Collapse, *J. Geophys. Res.*, doi: 10.1002/2014JB011037 (stating that "Lineations apparent in the newly detected events have strikes similar to those of known vertical joints in the mine region, which may have played a role in the collapse" and "[a]t Crandall Canyon, however, there is a notable spatial gap in seismicity between the western event clusters and the seismicity to the east.").

ii. Appendix S to the MSHA Report, titled "Back-Analysis of the Crandall Canyon Mine Using the LaModel Program," Keith A. Heasley, Ph.D., P.E. West Virginia University (stating (i) "[t]his [particular] analysis indicates that a sudden change in stresses due to slip along a joint in the roof certainly could have been a factor in triggering the collapse seen on August 6th"; (ii) the USGS defines an "earthquake" as "both sudden slip on a fault, and the resulting ground shaking and radiated seismic energy caused by the slip"; and (iii) "[f]rom the modeling, it was not clear exactly what triggered the August collapse. . . . Likely candidates include: . . . a joint slip in the overburden....."

iii. "Seismological Report on the 6 Aug 2007 Crandall Canyon Mine Collapse in Utah," University of Utah Dept. of Geology and Geophysics (relied upon by MSHA) (stating (i) this report was relied on by the Federal Mine Safety and Health Administration, but they said it was not determinative; (ii) in a discussion of the source

mechanism, "the first motion data alone do not provide definitive results because normal-faulting mechanisms can also be fit to the data"; and (iii) concluding that "*most* [but not all] of the seismic wave energy in this event was generated by the mine collapse and not by a naturally occurring earthquake."

iv. The University of Utah also relocated the epicenter of the initial seismic event to the western edge of the mine, close to the Joe's Valley Fault Zone.

35. Mr. Murray and his companies warned Defendants to cease and desist from a broadcast of defamatory comments or any misguided attempt at humor regarding the tragic mine collapse and loss of life, which Plaintiffs believed would be cruel and heartless. Intentionally and in obvious retaliation for this humanitarian request, Defendant Oliver boldly announced "[a]s we have been explicitly told to cease and desist, let us do neither of those things, and let's talk about Bob Murray."

36. Plaintiffs also warned Defendants that broadcast of the republication of the previously published malicious false statements upon which Defendants relied, "will severely harm the reputation of Mr. Murray and Murray Energy, which is obvious defamation and cast them in a false light before the public." Plaintiffs demanded a second time that Defendants "cease and desist from any effort to defame, harass, or otherwise injure Mr. Murray or Murray Energy."

37. In the ensuing broadcast, Defendants deliberately omitted the facts Plaintiffs provided regarding the Crandall Canyon Mine incident. There was no mention of the efforts Mr. Murray personally made to save the trapped miners. Defendant Oliver did not tell his audience that Mr. Murray arrived at the Crandall Canyon Mine in Utah within four hours of the collapse. Nor did Defendant Oliver say anything about the twenty-eight straight days Mr. Murray then

spent on that mountain overseeing the massive rescue efforts, and administering to the families. Nor did he mention that Mr. Murray personally led the rescue efforts when rescue workers were injured and killed in a subsequent event ten days after the initial seismic event, in fact pulling rescue workers from the debris and attending to their injuries with his own hands and administering to them.

38. Instead, presumably to boost ratings, line their pockets with profits, and advance the show's anti-coal agenda, Defendant Oliver intentionally, falsely, and outrageously conveyed that Mr. Murray has no evidence to support his statements that an earthquake caused the tragedy that took the lives of Murray Energy miners during the course of their work for the organization.

39. Rather than fairly characterizing the evidence that he had in his possession on the subject, Defendant Oliver instead quoted an out-of-context snippet from a single report stating that there was "no evidence that a naturally occurring earthquake caused the collapse." Because Defendant Oliver omitted any mention of the other reports he was aware of that evidenced that an earthquake caused the collapse, as Mr. Murray correctly stated following the collapse, Defendant Oliver's presentation intentionally and falsely implied that there is no such evidence.

40. In fact, however, even the report Defendant Oliver selectively referenced out of context itself (i.e., the MSHA report) contains evidence—as Plaintiffs pointed out prior to the June 18, 2017 broadcast—that an earthquake or earthquake-like event triggered the Mine collapse. Moreover, Defendant Oliver quoted from the sweeping executive summary of the MSHA report, which obviously and grossly overstated the actual conclusions contained in the MSHA report, which Defendants easily would have seen upon a cursory review of the actual MSHA report. But again, Defendants obviously were not interested in the truth, as they

intentionally ignored the facts pointed out in advance by Plaintiffs and did not conduct a reasonable inquiry prior to that or thereafter.

41. Worse still, as discussed, Defendant Oliver's Senior News Producer, Defendant Wilson, obtained from Plaintiffs detailed information evidencing that an earthquake or earthquake-like event did trigger and cause the Crandall Canyon Mine collapse. Defendants intentionally and with malice disregarded this information and ignored the parts of the MSHA report that undermined and cast doubt upon Mr. Oliver's statements in an effort to further damage Mr. Murray's reputation. They also did this despite knowing that determinations of causation are vastly complex and can take years before a reliable conclusion can be reached.

42. Defendants also aired a clip of congressional testimony of a relative of a former employee of Murray Energy that appeared to be dissatisfied with Mr. Murray's handling of the Crandall Canyon Mine collapse, when upon information and belief the statements of that employee were not his own, but were instead scripted by adverse counsel in a lawsuit against Murray Energy and given to the employee to further the agenda of such counsel and their clients.

43. Then, Defendant Oliver reinforced the impression he gave his audience (that Mr. Murray lied about the cause of the mine collapse and had no evidence to support his position) with other thinly veiled implications that Mr. Murray is a liar in general.

44. Specifically, in reference to Mr. Murray's denial of an absurd story that Mr. Murray claimed a squirrel told him he should operate his own mines, Defendant Oliver stated "You know what, I actually believe Murray on that one" and "Even by your standard, that would be a pretty ridiculous thing to say." This implied that Mr. Murray lied about other, more important matters, such as the cause of the mine collapse, and that he treated the affected families with "honesty, sincerity and compassion."

45. As if mocking the tragic mine collapse that took the lives of six miners and three rescuers and insinuating that Mr. Murray was a liar were not sufficient, Defendants also falsely insinuated that Plaintiffs and Mr. Murray disregarded the well-being of their employees.

46. For example, Defendant Oliver stated during the broadcast that Mr. Murray and Murray Energy "appear to be on the same side as black lung" and that their position regarding a coal dust regulation was the equivalent of rooting for bees to kill a child.

47. Defendants' characterization of Mr. Murray and Murray Energy as villainous, however, is itself vile and baseless. Substantial evidence establishes that the regulation at issue has no health benefits. Murray Energy relied on highly credible third party expert review of the regulations for the basis of its litigation.

48. And with the statement that "Murray…illustrates the divide that can exist between a coal company's interests and those of its workers," particularly in the highly slanted context of the overall broadcast, Defendants falsely imply that Murray Energy sacrifices safety for profits. Defendants create this false impression by willfully avoiding facts demonstrating Murray Energy's true safety record.

49. Defendants also falsely broadcasted that Mr. Murray and the other Plaintiffs implemented bonus policies that sacrificed the health and safety of their employees. Never did Defendants broadcast that these bonus programs were at all times predicated on safety compliance *and* performance measures. Defendants omitted that the very title of the bonus program was the "*Safety* and Production Bonus Plan." Defendants failed to state that employees found violating safety standards would face automatic disqualification from receiving bonuses under the program. Defendants knew these facts before the broadcast aired, and, in spite of them, broadcasted that this bonus program sacrificed safety and health standards.

50. Defendant Oliver also failed to mention, despite having the information, that Mr. Murray has pioneered Emergency Response and Fire Suppression Training in the coal industry. Nor did Defendant Oliver mention the facts in his possession that Mr. Murray has fought for retiree medical and pension benefits for coal miners that never even worked in his company.

51. Instead, Defendants continued their ruthless character assassination and attack on Plaintiffs' business reputations by describing Mr. Murray as someone who "looks like a geriatric Dr. Evil" and arranging for a staff member to dress up in a squirrel costume and deliver the message "Eat Shit, Bob!" to Mr. Murray.

52. If that were not enough, after the live taping, Defendant Oliver exclaimed to the audience that having someone in a squirrel costume tell Mr. Murray to "Eat Shit" was a "dream come true."

53. Even worse, toward the end of the broadcast, Defendant Oliver confirmed that Defendants intentionally expanded their attack against Mr. Murray and the Plaintiffs as retaliation for Plaintiffs' good faith efforts to ensure the accuracy of the broadcast. Defendant Oliver stated "Bob Murray, I didn't really plan for so much of this piece to be about you, but you kind of forced my hand on that one."

54. Unfortunately, with their false and malicious presentation Defendants succeeded in villainizing Plaintiffs and inciting injury to Plaintiffs. Following Defendants' lead, for several days after the June 18, 2017 broadcast, Murray Energy's website was hacked and inundated with the message incited by Defendants: "Eat Shit Bob." Not only has the broadcast of these false statements caused injury to Plaintiffs reputation and property (through the website inundation), but these false and disparaging statements have interfered with and harmed and will continue to interfere with and harm Plaintiffs' relationships with their employees, their vendors, and their

customers. Indeed, Plaintiffs have already received numerous harassing telephone calls echoing Defendants' false and defamatory statements.

55. Since the initial broadcast by HBO on June 18, 2017, which was viewed by at least 2.5 million people, as of the date of this Complaint, the broadcast has been viewed over 4.2 million times on YouTube, over 1.2 million times on Facebook (with over 29,000 likes), and an unknown number of additional times by people who have viewed the broadcast on streaming applications such as HBO Go and/or other rebroadcasts. The number of people that view Defendants' false and malicious broadcast grows every day.

56. The above statements by Defendants are defamatory (the "Defamatory Statements") and reflect discredit upon the methods by which Plaintiffs do business.

57. On information and belief, all Defendants acted jointly in writing and producing the June 18, 2017 episode of Last Week Tonight with John Oliver, as well as the episodes referenced above regarding Hillary Clinton. On information and belief, all Defendants received the information provided through the correspondence from Murray Energy's in-house counsel, which is referenced above. On information and belief, all Defendants shared the same reaction to the correspondence from Murray Energy's in-house counsel and acted with the same motives and intent with respect to the June 18, 2017 episode of Last Week Tonight with John Oliver.

COUNT I
DEFAMATION

58. Plaintiffs restate and reallege all of the other paragraphs of this Complaint as if fully set forth herein.

59. Upon information and belief, Defendants caused the Defamatory Statements to be published with knowledge of the falsity of those statements or with reckless disregard as to the falsity of those statements.

60. The Defamatory Statements are defamatory *per se* in that, on their face, they reflect upon Plaintiffs' reputation and character in a manner that: (1) injured Plaintiffs' reputation and subject Plaintiffs to public hatred, ridicule, shame, or disgrace; and (2) adversely affected Plaintiffs' trades or businesses. In the alternative, the Defamatory Statements are defamatory *per quod* in that they are capable of being interpreted as reflecting upon Plaintiffs' reputation or character in a manner that: (1) injured Plaintiffs' reputation or expose them to public hatred, ridicule, shame, or disgrace; and (2) adversely affected Plaintiffs' trades or businesses.

61. The Defamatory Statements were published and continue to be published with malice and without any lawful privilege or basis.

62. Publication of the Defamatory Statements will cause Plaintiffs to encounter more difficulty in securing performance surety bonds from lenders to support their businesses and Plaintiffs may have to collateralize them at higher levels, and publication of the Defamatory Statements already has caused Plaintiffs harm in this regard by damaging their reputations with such lenders.

63. Publication of the Defamatory Statements will cause lenders to be less willing to engage in financing transactions with Plaintiffs, thereby preventing them from gaining access to capital needed to operate their businesses or making it more difficult and expensive for them to obtain such capital, and publication of the Defamatory Statements already has caused Plaintiffs harm in this regard by damaging their reputations with such lenders.

64. Publication of the Defamatory Statements will cause Plaintiffs to encounter difficulty in having effective discussions with public officials, including regulatory agencies, regarding matters of concern to Plaintiffs' businesses, and publication of the Defamatory

Statements already has caused Plaintiffs harm in this regard by damaging their reputations with such public officials and agencies.

65. Publication of the Defamatory Statements will cause Plaintiffs to suffer a loss of business opportunities and loss of potential or existing customers for their businesses, and publication of the Defamatory Statements already has caused Plaintiffs harm in this regard by damaging their reputations with such potential and existing customers.

66. Publication of the Defamatory Statements will cause Plaintiffs to suffer a loss of business opportunities and loss of potential or existing vendors, and publication of the Defamatory Statements already has caused Plaintiffs harm in this regard by damaging their reputations with such potential and existing vendors.

67. Publication of the Defamatory Statements will cause Plaintiffs to suffer a loss of business opportunities by making it more difficult to attract talented employees, and publication of the Defamatory Statements already has caused Plaintiffs harm in this regard by damaging their reputations with such potential employees.

68. Publication of the Defamatory Statements has caused and will continue to cause damage to Plaintiffs' reputation, good will, and good standing in their communities and industry.

COUNT II
FALSE LIGHT INVASION OF PRIVACY

69. Plaintiffs restate and reallege all of the other paragraphs of this Complaint as if fully set forth herein.

70. The Defamatory Statements constitute false light invasion of privacy in that the Defamatory Statements have subjected Plaintiffs to unreasonable and highly objectionable publicity by attributing to them characteristics, conduct, or beliefs that are false, thereby placing them in a false light before the public.

71. The false light in which Plaintiffs have been placed due to publication of the Defamatory Statements would be highly offensive to a reasonable person.

72. Defendants had knowledge of the falsity of the Defamatory Statements or acted in reckless disregard as to the falsity of the Defamatory Statements and the false light in which Plaintiffs would be placed.

73. Publication of the Defamatory Statements has caused and will continue to cause Plaintiffs and members of Mr. Murray's family to suffer great mental anguish and emotional distress.

74. Publication of the Defamatory Statements will cause Plaintiffs to encounter more difficulty in securing performance surety bonds from lenders to support their businesses and Plaintiffs may have to collateralize them at higher levels.

75. Publication of the Defamatory Statements will cause lenders to be less willing to engage in financing transactions with Plaintiffs, thereby preventing them from gaining access to capital needed to operate their businesses or making it more difficult and expensive for them to obtain such capital.

76. Publication of the Defamatory Statements will cause Plaintiffs to encounter difficulty in having effective discussions with public officials, including regulatory agencies, regarding matters of concern to Plaintiffs' businesses.

77. Publication of the Defamatory Statements will cause Plaintiffs to suffer a loss of business opportunities and loss of potential or existing customers for their businesses.

78. Publication of the Defamatory Statements will cause Plaintiffs to suffer a loss of business opportunities and loss of potential or existing vendors.

79. Publication of the Defamatory Statements has caused and will continue to cause damage to Plaintiffs' reputation and good standing in their community and industry.

COUNT III
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

80. Plaintiffs restate and reallege all of the other paragraphs of this Complaint as if fully set forth herein.

81. Defendants' conduct in publishing the Defamatory Statements to millions of people worldwide and thereby viciously, falsely, and purposefully attacking Mr. Murray, his appearance, his companies, and his life-long dedication to the coal industry was atrocious, intolerable, and so extreme and outrageous as to exceed the bounds of decency.

82. Defendants' conduct has caused severe emotional distress and physical damage to Mr. Murray.

83. Defendants intentionally inflicted emotional distress upon Mr. Murray, or acted recklessly when it was certain or substantially certain that emotional distress and physical damage would result from their outrageous conduct.

84. Defendants have broadcast the show "Last Week Tonight with John Oliver" since April 27, 2014, and in that time the show has developed a loyal fan base, averaging millions of viewers each week.

85. In the past, upon information and belief, fans of the show have acted upon the biased and inflammatory comments made by Defendants to attack, harass, and injure subjects of the show.

86. Indeed, in the days following the June 18, 2017, episode, on two separate occasions, Murray Energy's website received over 30,000 spam messages within a 20-minute window in an effort to "crash" the site. A third, potentially more damaging attack, received from

multiple sources, forced Murray Energy to take its website down on the morning of June 20, 2017, to implement new, increased security measures.

87. Additionally, as discussed above, Murray Energy has received numerous harassing telephone calls since Defendants aired their outrageous broadcast, including from callers whose only message was the one they heard Defendants repeatedly utter on June 18, 2017: "Eat Shit, Bob."

88. Since the date of the broadcast, and due to the stress and physical damage caused by the malicious and defamatory conduct of Defendants, and resulting misconduct of others incited by Defendants' conduct, Mr. Murray's health has significantly worsened, likely further reducing his already limited life expectancy due to his Idiopathic Pulmonary Fibrosis.

89. No reasonable person could be expected to endure the emotional distress and physical damage that Mr. Murray has suffered as a result of Defendants' conduct.

WHEREFORE, Plaintiffs respectfully request, as to all Counts:

1. Judgment for general damages in favor of Plaintiffs and against Defendants in an amount in to be determined at trial;
2. Judgment for special damages in favor of Plaintiffs and against Defendants in an amount to be determined at trial;
3. Judgment for punitive damages in favor of Plaintiffs and against Defendants in an amount to be determined at trial;
4. An award to Plaintiffs of attorneys' fees and costs of suit;

5. A permanent injunction prohibiting rebroadcast of the Defamatory Statements and requiring the removal of the Defamatory Statements from public access; and

6. Such other and further relief as the Court deems just and proper.

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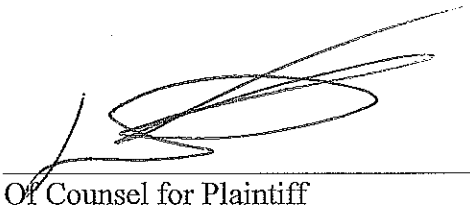
PLAINTIFFS DEMAND A TRIAL BY JURY IN THIS ACTION.

Dated: June 21, 2017

Respectfully submitted,



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