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October 29, 2013

BY FIRST CLASS MAIL & FACSIMILE (740) 338-3405

Gary M. Broadbent, Esq.
Media Director and Assistant General Counsel
Murray Energy Corporation
46226 National Road
St. Clairsville, OH 43950

Re: "Yes, Virginia, There is a Santa Clause - Campaign Cash"

Dear Mr. Broadbent:

This firm represents Public Affairs Television, Inc., producers of the television series, *Moyers and Company*, and the website, BillMoyers.com. I am responding to your letter of October 23 sent on behalf of Murray Energy Corporation (MEC) and its principal, Robert E. Murray.

Your letter refers to three statements in the article found at BillMoyers.com entitled "Yes, Virginia, There is a Santa Claus – Campaign Cash":

(1) "[Gubernatorial Candidate Ken Cuccinelli's] donor list includes considerable checks from ... big coal, including Murray Energy Corporation.."

(2) "[Murray Energy Corporation] has often been fined for endangering the health and safety of its miners."

(3) "Last year, [the boss of Murray Energy Company]..., Bob Murray, was discovered insisting that employees contribute time and money to his favorite anti-regulatory candidates, including Mitt Romney—or else."

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Although your letter asserts that these statements are "absolutely false," seemingly irrefutable evidence shows the contrary, including without limitation the following:

(1) The Virginia Public Access Project reported that Mr. Cuccinelli's campaign organization identified MEC as a contributor of \$80,000.

(2) Companies identified at the MEC website as part of its "Coal Operations," including subsidiaries of those companies, have been fined repeatedly for health and safety violations. For example, a recent news release by the U.S. Department of Labor confirmed that Genwal Resources and Andalex Resources, Inc. (owned by UtahAmerican Energy Inc., identified by MEC as part of its "Coal Operations"), agreed last year with the federal Mine Safety and Health Administration to pay nearly \$950,000 in civil penalties; in addition, Genwal pled guilty in federal court to two criminal misdemeanors for willful violation of mandatory health and safety standards, and agreed to pay a \$500,000 fine. According to a May 5, 2013 article published by the Cleveland Plain Dealer and available online, MEC was fined by federal regulators nearly \$90,000 for safety violations found at its Powhatan Mine No. 6 in 2012; MEC paid more than \$102,000 in 2012 for violations at its Century Mine; and other citations were issued in 2011, 2012 and 2013.

(3) A memo entitled "Interoffice Correspondence" dated March 7, 2012 signed by Mr. Murray documents his insistence that employees contribute time and money to anti-regulatory candidates named by him. Moreover, Mr. Murray asserts in this memo that "every salaried employee who does not support" these efforts, has "insulted" him and others; and it is accompanied by an "attached list of employees," whom Mr. Murray does "not recall ever seeing" at the fundraisers in question. The threat of negative consequences implied by the memo (including use of the word "insult" by Mr. Murray and a list of employees who may have delivered that insult by failing to comply) is hardly subtle. I also refer you to the October 4, 2012 article by Alec MacGillis entitled "Coal Miner's Donor," published by *The New Republic* and still available online. It cites direct sources who confirm "that those who do not give are at risk of being demoted or missing out on bonuses..."

The three statements are therefore demonstrably true and, as I am sure you know, were the statements to be found libelous, truth is an absolute defense.

Even if all the sources were wrong and the statements not true, they were believed to be true at the time of publication and are still believed to be true, based on ample corroboration that is not limited by the examples given above; this affords them full protection under the First Amendment. In the unlikely event your clients can demonstrate these statements to be false, as opposed to merely contending as much, please do so.

Gary M. Broadbent, Esq.

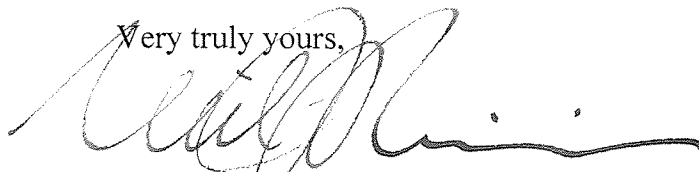
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Assertions of falsehood and threats of litigation are not taken lightly by my client. To the extent the article is inaccurate, my client would wish to correct it. To the extent your assertions and threats are merely attempts to stifle accurate reporting, my client will vigorously defend its rights under law and hold your clients fully accountable.

Nothing in this letter should be construed as a limitation of any right, remedy, or defense, all of which are expressly reserved.

Very truly yours,

A handwritten signature in black ink, appearing to read "Neil J. Rosini", written over the typed name below.

Neil J. Rosini

cc: Public Affairs Television, Inc.

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