

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

JOHN MARK HICKMAN, et al, plaintiffs

Vs.

Civil Action No. 14-C-133

Judge Ronald E. Wilson

ALLIANCE RESOURCES, GP, LLC, TUNNEL RIDGE,  
LLC, ROBIN ENERGY, INC., AND JESMAR  
ENERGY, INC. Defendants

**ANSWER OF DEFENDANTS ALLIANCE RESOURCES, LLC,  
TUNNEL RIDGE, LLC AND ROBIN ENERGY, INC.**

The Defendants Alliance Resources, LLC, Tunnel Ridge, LLC and Robin Energy, Inc.  
(the "Answering Defendants,"), respond to the Complaint as follows:

**FIRST DEFENSE**

The claims of the plaintiffs are barred by the doctrine of capture.

**SECOND DEFENSE**

The claims of the plaintiffs are barred by the applicable statute(s) of limitations.

**THIRD DEFENSE**

The Court lacks jurisdiction over the subject matter of this case.

**FOURTH DEFENSE**

This Court is not the proper venue for this case.

2015 JUN 19 07:10:14  
CIRCUIT COURT  
OF OHIO COUNTY  
WEST VIRGINIA

### **FIFTH DEFENSE**

The plaintiffs have failed to join indispensable parties to this action, namely lessee(s) of the coalbed methane claimed to be owned by the plaintiffs and lessees of the coalbed methane claimed to be owned by other putative class members.

### **SIXTH DEFENSE**

1. Paragraph (1) of the Complaint is self-referential, to which no response is required, but the Answering Defendants deny the factual allegations of paragraph (1) of the Complaint.
2. The Answering Defendants are without knowledge as to the truth of the allegations contained in paragraph (2) of the Complaint.
3. The Answering Defendants admit the allegations contained in paragraph (3) of the Complaint.
4. The Answering Defendants admit the allegations contained in paragraph (4) of the Complaint.
5. The Answering Defendants admit the allegations contained in paragraph (5) of the Complaint.
6. The Answering Defendants are without knowledge as to the truth of the allegations contained in paragraph (6) of the Complaint.
7. The Answering Defendants are without knowledge as to the truth of the allegations contained in paragraph (7) of the Complaint.
8. The Answering Defendants are without knowledge as to the truth of the allegations contained in paragraph (8) of the complaint.

9. The Answering Defendants are without knowledge as to the truth of the allegations contained in paragraph (9) of the Complaint.
10. The Answering Defendants are without knowledge as to the truth of the allegations contained in paragraph (10) of the Complaint.
11. The Answering Defendants do not know what property is referred to in paragraph (11) of the Complaint and therefore are without knowledge as to the truth of the allegations contained in paragraph (11) of the Complaint.
12. The Answering Defendants deny that Tunnel Ridge, LLC is a subsidiary of Alliance Resources, LLC, but do not know what property is referred to in paragraph (12) of the Complaint and so are without knowledge as to the truth of the remaining allegations of that paragraph.
13. The Answering Defendants deny the allegations contained in paragraph (13) of the Complaint.
14. The Answering Defendants admit that Defendant Jesmar Energy entered into an agreement for the development of coalbed methane wells, and deny the remaining allegations contained in paragraph (14) of the Complaint.
15. The Answering Defendants admit that Robin Energy, Inc. produced coalbed methane gas, and deny the remaining allegations contained in paragraph (15) of the Complaint.
16. The Answering Defendants admit that Robin Energy, Inc. intended to and did produce coalbed methane, but deny the remaining allegations contained in paragraph (16) of the Complaint.

17. The Answering Defendants deny the allegations contained in paragraph (17) of the Complaint.
18. The Answering Defendants deny the allegations contained in paragraph (18) of the Complaint.
19. Paragraph (19) of the Complaint is self-referential, to which no response is required, and deny the factual allegations contained in paragraph (19) of the Complaint.
20. The Answering Defendants deny the allegations contained in paragraph (20) of the Complaint.
21. The Answering Defendants deny the allegations contained in paragraph (21) of the Complaint.
22. The Answering Defendants deny the allegations contained in paragraph (22) of the Complaint.
23. The Answering Defendants deny the allegations contained in paragraph (23) of the Complaint.
24. The Answering Defendants deny the allegations contained in paragraph (24) of the Complaint.
25. In response to Paragraph (25) of the Complaint, the Answering Defendants incorporate by reference their response to paragraphs (1)-(24) of the Complaint.
26. The Answering Defendants deny the allegations contained in paragraph (26) of the Complaint.
27. The Answering Defendants deny the allegations contained in paragraph (27) of the Complaint.

28. The Answering Defendants deny the allegations contained in paragraph (28) of the Complaint.

29. The Answering Defendants deny the allegations contained in paragraph (29) of the Complaint.

30. The Answering Defendants deny the allegations contained in paragraph (30) of the Complaint.

31. The Answering Defendants deny the allegations contained in paragraph (31) of the Complaint.

32. The Answering Defendants deny the allegations contained in paragraph (32) of the Complaint.

Wherefore, the Answering Defendants demand that this action be dismissed, with prejudice, and that they have their costs.

ALLIANCE RESOURCES, GP, LLP, TUNNEL RIDGE, LLC and  
ROBIN ENERGY, INC.

By Counsel

P. Nathan Bowles

Elisabeth Slater (WVSB # 9776)  
Bowles Rice LLP  
511 7<sup>th</sup> Street  
Moundsville, WV 26041  
304-845-1040

P. Nathan Bowles (WV Bar # 424)  
P. Nathan Bowles, PLLC  
1118 Kanawha Blvd., E.  
Charleston, W. Va., 25314  
304-343-5236

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

JOHN MARK HICKMAN, et al, plaintiffs

Vs.

Civil Action No. 14-C-133

Judge Ronald E. Wilson

ALLIANCE RESOURCES, GP, LLC, TUNNEL RIDGE,  
LLC, ROBIN ENERGY, INC., AND JESMAR  
ENERGY, INC. Defendants

**CERTIFICATE OF SERVICE**


I, P. Nathan Bowles, attorney for the defendants Alliance Resource GP, LLC, Tunnel Ridge, LLC and Robin Energy, Inc., do hereby certify that a true and exact copy of the foregoing **"Answer of Defendants Alliance Resource GP, LLC Tunnel Ridge, LLC and Robin Energy, Inc."** was served upon the following counsel by forwarding a true and exact copy thereof in the United States mail, postage prepaid, this 17<sup>th</sup> day of February, 2015, addressed as follows:

James G. Bordas, Esq.  
Jeremy M. McGraw, Esq.  
Bordas & Bordas  
1358 National Road  
Wheeling, WV 26003  
*Counsel for Plaintiffs*

David B. McMahon, Esq.  
1018 Kanawha Blvd. E, Suite 1200  
Charleston, WV 25301  
*Counsel for Plaintiffs*

Karen Kahle, Esq.  
Steptoe & Johnson  
P.O. Box 751  
Wheeling, WV 26004  
*Counsel for Jesmar Energy, Inc.*

Deva A Solomon, Esq.  
Steptoe & Johnson  
1085 Van Voorhis Road, Suite 400  
Morgantown, WV 26507-1616  
*Counsel for Jesmar Energy, Inc.*

  
P. Nathan Bowles (W. Va. Bar # 424)

CIRCUIT COURT  
OF OHIO COUNTY  
WEST VIRGINIA  
FEB 19 2015  
10 14