

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

JOHN MARK HICKMAN, CECIL
LEE HICKMAN, LAWRENCE GRANT HICKMAN,
and CAROL SUE CRISWELL, individually and on
behalf of a class of similarly-situated persons

Plaintiffs.

v.

CIVIL ACTION NO. 14-C-133
JUDGE WILSON

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

Defendants.

CIRCUIT COURT
OF OHIO COUNTY
JUN 16 19 07 10 13

ANSWER OF JESMAR ENERGY, INC.

First Defense

The Complaint fails to state a claim against this Defendant upon which relief can be granted.

Second Defense

1. This Defendant denies any fault or wrongdoing in relation to the subject matter of the Complaint, and is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in the paragraph numbered 1 of the Complaint.

2. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the paragraph numbered 2 of the Complaint.

3 – 5. Upon information and belief, this Defendant admits the allegations in the paragraphs numbered 3, 4 and 5 of the Complaint.

6. This Defendant admits it is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, and denies the remainder of the allegations in the paragraph numbered 6 of the Complaint.

7. Upon information and belief, this Defendant admits the allegations in the paragraph numbered 7 of the Complaint.

8 – 12. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the paragraphs numbered 8, 9, 10, 11 and 12 of the Complaint.

13. Upon information and belief, this Defendant denies the allegations in the paragraph numbered 13 of the Complaint.

14. This Defendant admits it entered into contractual agreements with, among others, one of the Defendants relating to coalbed methane production wells, and denies the remainder of allegations as stated in the paragraph numbered 14 of the Complaint.

15-16. This Defendant admits it was previously involved in production of coalbed methane with, among others, one of the Defendants, and denies the remainder of allegations as stated in the paragraphs numbered 15 and 16 of the Complaint.

17. – 18. This Defendant denies the allegations in the paragraphs numbered 17 and 18 of the Complaint.

THE PROPOSED CLASS

19. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the paragraph numbered 19 of the Complaint.

20. – 24. This Defendant denies the allegations in the paragraphs numbered 20, 21, 22, 23 and 24 of the Complaint.

TRESPASS AND CONVERSION OF MINERALS

(Class and Individual Claim)

25. In response to the paragraph numbered 25 of the Complaint, this Defendant repeats and reasserts each and every answer and other defense to the paragraphs numbered 1 - 24 of the Complaint as if completely set forth herein.

26 – 32. This Defendant denies the allegations in the paragraphs numbered 26, 27, 28, 29, 30, 31 and 32 of the Complaint.

Relief Sought

This Defendant denies that Plaintiffs are entitled to the relief sought in their Complaint.

This Defendant denies each and every allegation of the Complaint not hereinbefore specifically admitted.

Third Defense

Plaintiffs' claims may be barred in whole or in part by the doctrines of estoppel and/or equitable estoppel.

Fourth Defense

Plaintiffs' claims may be barred in whole or in part by the doctrines of waiver, accord and satisfaction, and consent.

Fifth Defense

Plaintiffs' claims may be barred by the doctrine of unclean hands.

Sixth Defense

Plaintiff may have failed to join all necessary and indispensable parties, pursuant to Rule 19 of the W. Va. Rules of Civil Procedure, including but not limited to all owners and/or lessees of the subject coalbed methane which was allegedly converted.

Seventh Defense

This action is not appropriate for class certification as it fails to meet the requirements of Rule 23 of the W. Va. Rules of Civil Procedure.

Eighth Defense

Plaintiffs may have failed to exhaust administrative remedies.

Ninth Defense

This Court may lack subject matter jurisdiction and/or venue.

Tenth Defense

The Complaint may be barred by the applicable statute of limitations.

Eleventh Defense


This Defendant reserves the right to withdraw any of the above defenses and to seek leave to assert any other defenses as discovery may warrant.

WHEREFORE, Defendant Jesmar Energy, Inc. respectfully requests that judgment be entered in its favor and against Plaintiffs, and that it be further awarded its costs and expenses and all other relief that this Court deems appropriate.

Respectfully submitted this 17th day of February, 2015.

JESMAR ENERGY, INC.

By Counsel


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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of February, 2015, I served an exact and true copy of the foregoing *Answer of Jesmar Energy, Inc.* on all counsel of record by first class United States Mail, postage prepaid, in envelopes addressed as follows:

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