



AlaFile E-Notice

63-CV-2021-900285.00

Judge: JAMES H. ROBERTS JR.

To: HOLMES JOHN BARKSDALE III
holmej@maynardcooper.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA

WARRIOR MET COAL MINING, LLC V. UNITED MINE WORKERS OF AMERICA INTERNA
63-CV-2021-900285.00

The following matter was FILED on 7/23/2021 11:45:52 AM

Notice Date: 7/23/2021 11:45:52 AM

MAGARIA HAMNER BOBO
CIRCUIT COURT CLERK
TUSCALOOSA COUNTY, ALABAMA
714 GREENSBORO AVENUE
TUSCALOOSA, AL, 35401

205-349-3870
magaria.bobo@alacourt.gov


IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA

WARRIOR MET COAL MINING, LLC,)	
Plaintiff,)	
)	
V.)	Case No.: CV-2021-900285.00
)	
UNITED MINE WORKERS OF)	
AMERICA INTERNATIONAL,)	
DISTRICT 20 UMWA,)	
UMWA LOCAL UNION 2245,)	
UMWA LOCAL 2397 ET AL,)	
Defendants.)	

ORDER

1. The above-styled matter was set for hearing on June 28, 2021 to consider the Plaintiff's Expedited Motion for Defendants to be Held in Contempt that was filed May 20, 2021. After a conference with counsel for Plaintiff and Defendants on May 27, 2021, this Court entered an Order to Show Cause Why Defendants Should Not Be Held in Contempt of Court. In a subsequent hearing with the parties on June 2, 2021, the Court orally scheduled a hearing for June 28, 2021 and ordered that the parties may engage in expedited discovery related to the Plaintiff's motion for contempt. Before the jointly Proposed Findings of Fact filed on June 30, 2021, Defendants have filed no relevant evidence in mitigation of contempt and no written argument on the issues of the Motion for Contempt. On June 21, 2021, Defendants filed a Motion for Continuance of the hearing on the Motion for Contempt. This Court held a hearing on that motion and a status conference on this matter on June 24, 2021, and a subsequent status conference on June 28, 2021. On June 30, 2021, the parties filed with the Court a proposed Findings of Fact upon which, combined with the oral arguments of the parties on June 24 and 28, 2021, the Court relies in entering this Order.

2. The parties have jointly proposed Findings of Fact that establish that the Defendants knowingly and intentionally committed multiple violations of the Court's April 28, 2021 preliminary injunction as amended on June 2, 2021 ("Order"). The Court adopts the proposed Findings of Fact.

3. Based on the proposed Findings of Fact, the Court hereby finds and

adjudges that on May 14, 2021, May 19, 2021, and May 25, 2021, the Defendants knowingly and intentionally, individually and/or collectively engaged in and/or ratified conduct that violated the Court's Order. Specifically, the Court finds that on May 14, 2021 and May 19, 2021, the Defendants individually and/or collectively knowingly and intentionally encouraged, recruited, supported and/or commended their picketers, substantially in excess of the numbers limited and ordered by this Court under paragraphs 1 (k) and (l) of the Court's April 28, 2021 preliminary injunction as amended on June 2, 2021 to congregate, station and remain stationed on the private business entrance of the Plaintiff's Central Mining Office ("CMO") so as to prohibit, prevent and/or at least impede the ingress and egress of any motor vehicles into or out from the parking lot of the CMO. The Court further finds that on May 25, 2021, the Defendants individually and collectively, knowingly and intentionally encouraged, recruited, supported and commended their picketers and demonstrators to march on the road ways leading to the entrances of Number 7 North, and that Defendants' picketers and demonstrators trespassed and then stationed themselves and remained stationed so as to prohibit, prevent and/or at least impede the ingress and egress of any motor vehicles into or out from the parking lot of Number 7 North.

4. The Court further adjudges and decrees that the Defendants' conduct as described in the parties' proposed Findings of Fact and paragraph 3 of this Order constitutes civil contempt ("failing to do something ordered to be done by a court in a civil action") as to the events of May 14, 2021, May 19, 2021, and May 25, 2021, and criminal contempt (it is shown beyond a reasonable doubt that Defendants were "subject to a lawful order of reasonable specificity, that [Defendants] violated that order, and that [Defendants'] violation was willful") as to the events of May 19, 2021 and May 25, 2021, under Alabama law, and such sanctions as are allowed by Alabama law shall be considered and decided by this Court.

5. Plaintiff and Defendants are directed to confer promptly and on or before July 29, 2021 submit a joint report on whether they can stipulate as to the remedies requested to be imposed by the Court for the Defendants' contempt based on the conduct described in paragraph 3 above (including the parties' proposed Findings of Fact) and the Court's conclusions of law in paragraph 4 of this Order. The parties are also directed to provide a stipulated sanction(s) for future violations of the Order, including heightened sanctions for repeated violations, to assist the Court in ensuring a meaningful deterrent to further violations in the future by Defendants and Defendants' picketers. Defendants are hereby advised and warned that any similar proven violations of the Modified Preliminary Injunction Order by any or all Defendants that occur following the entry of this Order will be subject to further and heightened sanctions by the Court.

6. If the parties are unable to stipulate to the sanctions and remedies for the

Defendants' May 14, 19 and 25 violations of the Court's Order, the Court will hold a status conference on July 29, 2021 at 9:00 a.m. to plan how to proceed to make the determination of compensatory, remedial, coercive and/or punitive relief, including but not limited to attorneys' fees. In any such proceeding on remedies and sanctions, the whole scope of admissible evidence would be received and considered by the fact finder *de novo*.

7. In consideration of the Court's conclusions of law in paragraph 4 of this Order, Plaintiff waives the pursuit of any further findings of civil or criminal contempt associated with the incidents of May 14, 19, and 25, 2021 as to any of the individuals acting in concert with or at the behest of the Defendants on those dates, including without limitation the individuals named in the Supplement to Plaintiff's Motion for Defendants to be Held in Contempt and the Second Supplement to Plaintiff's Motion for Defendants to be Held in Contempt, as listed in Exhibit A to the parties' proposed Findings of Fact.

In accordance with this Order, Plaintiff's Expedited Motion for Defendants to be Held in Contempt is hereby GRANTED as set out in this Order, and Defendants' Motion for Continuance is now moot.

DONE this 23rd day of July, 2021.

/s/ JAMES H. ROBERTS JR.
CIRCUIT JUDGE



IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA

**WARRIOR MET COAL MINING,)
LLC f/k/a COAL ACQUISITION)
SUB 2, LLC,)**

Plaintiff,)

v.)

Civil Action No. 63-CV-2021-900285

**THE UNITED MINE WORKERS OF)
AMERICA, INTERNATIONAL)
UNION, DISTRICT 20 OF UMWA,)
LOCAL UNION 2245, LOCAL)
UNION 2397, LOCAL UNION 2368,)
and LOCAL UNION 2427,)**

Defendants.)

[PROPOSED] FINDINGS OF FACTS

Pursuant to Rule 70A of the Alabama Rules of Civil Procedure, the Plaintiff and Defendants submit the following Findings of Fact regarding the Plaintiff’s Motion to Hold the Defendants in Contempt:

FINDINGS OF FACT

1. On April 28, 2021, the Circuit Court entered a Preliminary Injunction, which was modified on June 2, 2021 (together, the “Order”) requiring the six UMWA Defendants and all persons acting at their behest or in concert with them (“Defendants’ picketers”) from:

(k) stationing or remaining or allowing to remain at any entrance to any Warrior property, wherever located, more than five (5) pickets (for clarity five (5) persons who are picketing) in each off road space marked in paint by Warrior (no more than a total of ten (10) pickets at any property entrance, five (5) pickets on each side of the entrance if both sides are marked to permit pickets) at any one time, such pickets to remain off the public roadways and private driveways to Warrior property so as not to block ingress and egress and to separate and to permit all persons and vehicles to enter or leave any Warrior property (any such pickets shall be restricted to

the perimeter of the premises of any Warrior property) and in no event shall enter the premises of any Warrior property; and

(l) stationing or remaining or allowing to remain more than five (5) reserve pickets, or otherwise acting in concert with them, within a minimum distance of one hundred (100) yards from any area being picketed pursuant to subparagraph (k) above.

In addition, the conduct that is stipulated herein is in whole or in part in violation of Paragraph 1, subparagraphs (c), (e), (g), and (h) of the Order.

2. Promptly after entry of the Order, Defendants delivered copies of the Order to every picketing station established by Defendants for the strike. In addition, Warrior laminated enlarged copies of the Order and posted it at every company entrance near the picket stations.

3. On May 4, 2021, UMWA Vice President of District 20 Larry Spencer (“Spencer”) (the highest ranking UMWA official residing in Alabama), made the following statements at a rally of Defendants’ picketers, including members, retirees and supporters at Tannehill State Park ¹:

Y’all, it’s time to let them know now. You know, we got an injunction put on us. Quick. The thing that’s confusing is that even the state troopers said they don’t understand it. The state troopers have been out there and they said hey look, y’all are policing your own people. We don’t understand why you have an injunction on you. The sheriff has told us, both sheriffs don’t understand it. But we got that injunction and we’re fighting that because you got a right to have a peaceful picket. You got a right to walk that picket line. You got a right to call a scab a scab. You got a, and I’m not going to use the words that the state trooper used, but you’ve got a right to mf ‘em if you want to. These people not playing fair guys. We can’t keep up with where they’re taking these scabs in at. We got twelve picket lines out there right now and we probably need, probably twenty. So look, this thing is going to continue to ramp up. We’re not going to slow down. It don’t matter how bad our voices get or how tired we get. We’re going to

¹ The excerpted quotes, speeches and/or statements below have been derived from videos with audio and the transcribed contents of the speeches are confirmed by Defendants’ 30(b)(6) witnesses who were there and/or have watched the videos while under oath.

continue to fight to the end and one thing that you got to remember, we're going to be there one day longer than they can stand us.

4. On May 12, 2021, International Union UMWA President Cecil Roberts ("Roberts"), made the following statements to Defendants' picketers, including members, retirees and supporters at Tannehill State Park :

We stand in solidarity. I want you to do one thing for me. I want someone to get up here on these [inaudible] starting right now. Grab a hold of the person beside you. Hold your arm up in solidarity and we are one. We are one. We are one. We are one. We are one. We are one. We are one. UMWA, UMWA, UMWA, UMWA. That's all of you. Stay right where you are. Shhh. Here's what we know. I'm going to tell you just how it is for a second. You know, I've been through so many of these fights. So many of these battles, I look at people that I've known for fifty years, sixty years. I look at people that I've been to jail with here. I've been in a jail in West Virginia, Virginia, Ohio, Pennsylvania, Kentucky, Washington DC, Missouri, Indiana and Illinois. Not one time for a crime. It's all for working class people, to make this world better and equal justice under the law. I want to report to you a couple of things that I brought with me, she's going to kill me for making this such a tight circle, but this is what it is in these coal fields, we love each other here. I spoke, I've been a tv evangelist this week. Not only did we agree to just give fifty thousand more dollars down here to help out wherever it needs to be, I spoke to the president of the AFLCIO, and he says, without asking, I've got \$25,000 for that strike down in Alabama. Eleven million workers are standing with you tonight. Eleven million workers of the AFLCIO. I spoke to the president of the Kentucky AFLCIO, who I've been to jail with, by the way, Bill Undergan. He says Cecil, I want you to stay on, I want you to join this Zoom meeting and the board of the AFLCIO executive counsel in Kentucky voted to send twenty-five hundred dollars down here to this strike and this strike is just a few days—a few weeks old. This strike has got the strength. We cannot win this strike just in Alabama, we've got to win this strike across this country. You know we keep talking about somebody's got to make a stand, if you want somebody make a stand for you or with you, get a UMWA member to stand with you and they'll show you how to do it. I've heard from the president, the national president of the teachers' union, Brandy Wineberger, the second largest union in the country. She said I sent you money and there's more to come. What do you want? I'm getting calls. My job here is to spread this strike. To talk about this strike, and I want to tell you, how you going to win this strike? You got something they don't have. We've got something they don't have. We've got votes and they

ain't got no votes and we've got to turn those votes into victories here. We've got to put thousands of people in front of them. Now I've got you a little assignment for next Wednesday. I want this crowd to double by next Wednesday and that's not hard.

5. All six named Defendants, The United Mine Workers of America ("UMWA"), International Union, District 20 of the UMWA, UMWA Local Union 2245, UMWA Local Union 2397, UMWA Local Union 2368, and UMWA Local Union 2427 (collectively "Defendants"), had knowledge of the terms of the Order including but not limited to paragraphs 1(k) and 1(l) as of the date each of the two versions of the Order was entered.

6. International Union UMWA has been providing strike benefits of \$350 per week to striking and/or picketing employees for the duration of the strike, contributing money for picket signs, UMWA T-shirts, two tents and water and ice, and raising money from outside sources to support and fund additional benefits for striking employees and their families while they strike and picket.

7. In the early morning of May 14, 2021, Defendants' picketers (approximately 40 picketers) picketed at the entrance to Plaintiff's Central Mining Office ("CMO") four times in excess of the numbers allowed under subparagraph (k) and (l) of the Order. The officers of UMWA District 20 were not involved in the planning of this specific violation.

8. On May 14, 2021, Defendants' picketers, including UMWA members and supporters, stationed themselves across the roadway and/or, some sitting in chairs, in the private entrance of the CMO in a manner that any and all motor vehicles' ingress and egress into the parking lot of the CMO was impeded.

9. On May 14, 2021 Defendants' picketers remained stationed at times across the roadway and/or also in the private entrance of the CMO, some in chairs, for approximately one and one-half hours and then left the CMO's drive way and the locations across the roadway.

10. In the early morning of May 19, 2021, Defendants' picketers gathered to block the entrance to Plaintiff's Central Mining Office ("CMO") (approximately 60 picketers) substantially in excess of the numbers allowed under subparagraph (k) and (l) of the Order. Spencer was not aware of the picketing activity until informed of it the morning of May 19, 2021. When Spencer arrived at the scene of the May 19 violation of the Order at the CMO he participated in the violation by sitting on the ground in the middle of the CMO entrance with other of Defendants' picketers.

11. On May 19, Defendants' picketers stationed themselves at times across the roadway and/or also in the private entrance of the CMO in a manner that impeded any and all motor vehicles' ingress and egress into the parking lot of the CMO.

12. On May 19, Defendants' picketers remained stationed to block the private entrance of the CMO for approximately one and one-half hours and then left the CMO's entrance.

13. On the evening of May 19, 2021, at a rally of Defendants' picketers and other UMWA supporters held at Tannehill State Park, UMWA President Roberts said the following:

So I'm not giving away any secrets here, but I do want to do something. I, and if you don't want to be recognized, I understand that, but let's face it, the cops asked every one of you what your names were. So that tells me that the police know who you are. I am so very proud and I know that's going to get us in trouble for me to saying that. I'm not supposed to say that. But listen to me, you're not going to win this strike sitting at the house. You just can't win this strike sitting at the house. So all of those who were up at the mines this morning and sat down in the road, come on up here and be recognized cause I'm extremely proud of you. That's exactly right. This is exactly right, right here. I want them to stay here for just a minute. We

have another group here that Larry, I don't know how to identify them but we had people sitting in the road before them a day or two ago, so Larry get them up here.

14. On May 19 at a UMWA rally held at Tannehill State Park , UMWA Vice President Spencer invited Defendants' members who picketed at the CMO on May 14, who thereby violated the Order on May 14, to come forward and be recognized saying: "All of the guys that sat down on the first time, you come up." And those Defendants' picketers who were present at the May 19 rally came forward to receive recognition from UMWA President Roberts for their obstructive conduct at the CMO on May 14 and May 19 in violation of the Order.

15. President Roberts' May 19 speech continued with the following statements, among others, to the crowd of Defendants' picketers about his plans for all the Defendants which might, and subsequently did, violate the Order:

Now brothers and sisters this is a great turnout. Particularly since we are not paying anybody tonight. Just an observation. But we know, we know, there's a number of people—I know they are on the picket line, I understand. But it's going to take every single one of us to win. Every one of us! So here's what's gonna happen. Before we come back next Wednesday, this strike is gonna take another step forward. There's gonna be more protests! It is my plan that when I come back here on Wednesday I will not be able to say that I've never been to jail in Alabama. Now let me speak to your hearts as well as your minds here for a moment. This is not without risk. And let me explain that to you. A federal judge can do whatever he wants to us. Did you know that? He can say if I lay my injunction I'm gonna lock you up. I'm gonna fine you. I'm gonna fine the union. We go into—or I do—with my eyes wide open. I've been down this road. My wife is almost in tears. She said, "Are you doing this again?" But she stands by me tonight. She's coming back with me next week.

Strikers, we need a bigger tent here. What do I mean by that? We need to make room here. Where our families feel comfortable coming here. Where our families feel comfortable that they're not going to get caught up in some kind of violence. Where our families feel comfortable that daddy's coming home. And if dad gets arrested, it's for non-violence. The one thing I can tell you. If there's enough of us doing non-violence, we can do anything we want!

16. On the same evening of May 19, 2021, Spencer made the following statements at a UMWA rally at Tannehill State Park to the group of Defendants' picketers, including members, retirees and supporters who had gathered:

We got, we got some things planned so yawl don't get too anxious yet cause we do have some things planned. Just give us a little bit more time. Alright, this morning, this morning you shut down the place again. You started off walking till I got there and the policeman was saying uh there ain't no problem, they just walking, everything's good. And then when I turned around, everybody was sitting in the street. And I said hmm this might be a problem. But you know what, you did what you needed to do. Alright. You know, you know, we debated for a few minutes on how we was going to handle that and I thought it was best served for me to sit down too. Now, now you know, I don't know if yawl realize it or not, but you know, we still got to face a judge sooner or later. But we're not scared and we're not going to get scared.

17. During the May 19 rally of Defendants' picketers, including UMWA members, retirees and supporters held at Tannehill State Park, Spencer said the following:

But I want to talk about some of the picket line and stuff. Look guys, again—and I'm not scolding you—I'm just letting you know that they've got cameras that are unreal. And they are seeing you when you pour a drink in your cup or whatever. So, please be careful out there, please. Now, all that does is give the Judge more reason to put a stricter order on us. We're probably going to get a stricter one before it's over with because, you know, we are tired of all this stuff. I am, are y'all? So, we've got some stuff planned for next week and I'm asking y'all—I'm asking you—don't shut anything down again right now because y'all are stretching us so thin that we can't plan what we've got to plan. And I promise you, when this thing comes about, you're going to enjoy it.... Now we do plan to take care of some different situations and we're going to do it in time and President Roberts has already told you we're planning a march. Now, again, I'm not going to put out there exactly when it is going to happen, but when you get that phone call, you need to come and be there. We need 300, 400, 500, 1,000. And I assure you if we do that, Warrior Met's getting scared.

18. In the afternoon of May 25, 2021, approximately 250 to 300 hundred of Defendants' picketers and supporters marched towards and far into the entrance to the Plaintiff's Number 7 North Mine substantially in excess of the numbers allowed under subparagraphs (k) and (l) of the

Order. All of the Defendants' 30(b)(6) witnesses confirmed that the May 25 mass gathering was a joint and collectively planned UMWA event with the knowledge that when carried out, it would violate the Order.

19. On May 25, Defendants' picketers, including members, officers and/or supporters, in excess of 250, trespassed and also stationed themselves on both public roadways and private entrances leading to the guard station at Number 7 North in a manner that any and all vehicles' ingress and egress into the parking lot of the Number 7 North mine was blocked and impeded for at least two (2) hours.

20. On May 25, Defendants' members and supporters, in excess of 250, trespassed and then remained stationed in both public roadways and private entrances leading to the guard station at Number 7 North for approximately three (3) hours.

21. During the massive gathering of May 25, 2021, President Roberts was present and leading the Defendants' picketers and, using a loud speaker said: "We have people, eleven people that are going to get arrested. Come up here and sit down. I think the police are on the way. Come up here and sit down."

22. On May 25, 2021, President Roberts made the following statements to the Defendants' picketers, including members, demonstrators and supporters assembled at the entrance to Number 7 North mine:

If we go in there and tear something up, they're going to come in here with their cameras, they're going to shoot somebody, they're going to send somebody to prison for the next 20 years. We've make our point here. I won't wait a while because I am really disappointed that the police ain't coming to arrest me. So brothers and sisters, we're going to give them a few more minutes, then we're going back and the next time let's [inaudible]

the point... Calm down, listen to me. There ain't nobody in there mining coal right now apparently. There's no coal on the ground. There's no coal that we can find up in the air. We got something flying around here looking. We can't find a train of coal. We counted 15 people on the bus today, and I will say one thing, this has been tough. This has been tough and we haven't had to do here in 40 years, but trust me, you are winning this strike. We will stay out here. We will stay out here one day longer than they can stand. We going to get that billion dollars that they took out of your pockets and we're going put it back in your pockets. And we're going to spend it in these communities and build these communities and stop people up in New York and Chicago. We are the people and the people have made a stand. This is a government of the people, by the people and for the people. And right now, we are exercising the greatest freedom we have and that is the freedom to protest for rights

23. In the course of the May 25 violation of the Order, as planned in advance by the six Defendants together, eleven individuals who were officers, employees and/or supporters of the International, District and the locals, including Roberts, Spencer, and the presidents of three of the four local union Defendants, were arrested by the Sheriff's deputies of Tuscaloosa County and taken to jail until the next day. These arrests were part of the Defendants' plans in violation of the Order.

24. Defendants' picketers and demonstrators who are individually named in the Supplement to Plaintiff's Motion for Defendants to be Held in Contempt and the Second Supplement to Plaintiff's Motion for Defendants to be Held in Contempt, as listed in Exhibit A hereto, were present and participated with Defendants in one or more of the incidents of May 14, 19, and/or 25, 2021, as more fully described above.

25. The Defendants' conduct described above on May 14, 19, and 25, 2021 violated at least paragraphs 1 (c), (e), (g), (k) and (l) of the Court's April 28, 2021 preliminary injunction as amended on June 2, 2021.

26. The Defendants had knowledge that the conduct they planned and carried out on May 14, 19, and 25 violated at least paragraphs 1 (c), (e), (g), (k) and (l) of the Court's April 28, 2021 preliminary injunction as amended on June 2, 2021.

Warrior Met Coal Mining, LLC

/s/ David M. Smith

David M. Smith
John B. Holmes, III
Matthew W. Stiles
W. Brock Phillips
MAYNARD, COOPER & GALE, P.C.
1901 Sixth Avenue North, Suite 1700
Birmingham, AL 35203
Email: dsmith@maynardcooper.com
jholmes@maynardcooper.com
mstiles@maynardcooper.com
bphillips@maynardcooper.com

The United Mine Workers of America, International
Union, District 20 of UMWA

/s/ George N. Davies

Glen M. Conner
George N. Davies
Richard P. Rouco
QUIN, CONNOR, WEAVER, DAVIES
& ROUCO, LLCP
2 – 20th Street North, Suite 930
Birmingham, AL 35203
gconnor@qcwdr.com
gdavies@qcwdr.com
rrouco@qcwdr.com

Local Union 2245, Local Union 2368,
Local Union 2427, Local Union 2397

/s/ Jason C. Neff

Jason C. Neff
Law Office of Jason C. Neff
2610 6th Street, Suite B
Tuscaloosa, AL 35401