

# Exhibit 1

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**From:** Jeffrey S. Pope  
**Sent:** Tuesday, July 25, 2017 11:56 AM  
**To:** Shannon Anderson  
**Cc:** Carri Svec; Isaac Sutphin; Thomas Sansonetti  
**Subject:** Exhibit A to Findings of Fact

Shannon,

We have reviewed the findings and conclusions you submitted yesterday, including Exhibit A. Exhibit A is an expert report submitted far beyond the expert designation deadline, after the close of evidence, and in a manner that precludes a response. It also attempts to rebut known issues, namely that the permit committed to an MSHA ground control plan as part of addressing subsidence. Simply put, it is improper.

We request that you withdraw Exhibit A and revise your findings to delete any reference to Exhibit A, which appears to be just paragraph 104. We are happy to stipulate to you filing a revised findings that delete Exhibit A and any references. We ask that you do this by 5pm today.

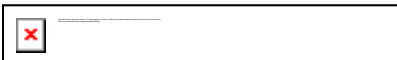
If you elect to do nothing, then we will file a motion to strike. I am emailing you in the hopes we can avoid having to file that motion.

Please let me know what you intend to do.

Thank you,

Jeff

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