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AT ABINGDON, VA
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SEP 13 2018

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

NATIONAL LABOR RELATIONS BOARD,)
)
Petitioner,)
)
)
v.)
)
COBALT COAL, LTD.,)
WESTCHESTER COAL LP,)
COBALT COAL CORP. MINING, INC.,)
)
Respondents.)

Case No. 1:17-mc-18

ORDER COMPELLING DISCOVERY

This Court having reviewed the National Labor Relations Board's Motion for an Order Compelling Production of Documents and supporting papers, and there being no response thereto, and good cause having been shown, it is ORDERED that the Motion is granted.

IT IS FURTHER ORDERED that within 14 days of the date of issuance of this Order, Respondent Cobalt Coal, Ltd. shall produce all documents responsive to requests 5, 10, 11, and 13 of the National Labor Relations Board's First Request for Production, and to all paragraphs of the National Labor Relations Board's Second Request for Production.

IT IS FURTHER ORDERED that upon the further motion of the National Labor Relations Board, if this Court determines that there has been a failure by Cobalt Coal, Ltd. to fully comply with the provisions of the preceding paragraph,

this Court shall impose additional sanctions upon Cobalt Coal, Ltd. necessary to cure the effect of its noncompliance, including but not limited to: directing particular matters to be taken as established for purposes of any subsequent action; prohibiting Cobalt Coal, Ltd. from supporting or opposing particular claims or defenses, or from introducing designated matters in evidence; or issuing any other just order.

IT IS FURTHER ORDERED that costs and attorney's fees are granted to the National Labor Relations Board.

IT IS FURTHER ORDERED that within 14 days of the issuance of this order, the National Labor Relations Board shall submit to the Court a certified statement of the costs and reasonable expenses, including attorney's fees, incurred by the Board as a result of Cobalt Coal, Ltd.'s noncompliance with its discovery obligations. Within 14 days of the Board's submission, Cobalt Coal, Ltd. shall submit a brief in opposition to any of the costs claimed by the Board; failure to submit a specific opposition to any claimed cost or expense shall constitute an admission that the claimed cost or expense is appropriately awarded. The Board may, but is not required to, file a rebuttal brief within 7 days responding to Cobalt's brief in opposition.

ENTER: September 13, 2018



James P. Jones
UNITED STATES DISTRICT JUDGE