

COMMONWEALTH OF KENTUCKY
PIKE CIRCUIT COURT
DIVISION NO. II
ACTION NO. 13-CI- 7066

JONES, WALTERS, TURNER & SHELTON, PLLC

PLAINTIFF

VS.

COMPLAINT

KENTUCKY FUEL CORPORATION;
A & G COAL CORPORATION;
VIRGINIA FUEL CORPORATION;
INFINITY ENERGY, INC.;
SEQUOIA ENERGY, LLC;
FOUR STAR RESOURCES, LLC and
JAMES C. JUSTICE COMPANIES, INC.

FILED
ANNA G. PINSON
SEP 26 2013
PIKE CIRCUIT DISTRICT COURT
BY: *[Signature]* D.C.

DEFENDANTS

Comes the Plaintiff, Jones, Walters, Turner & Shelton, PLLC, by and through counsel, and for its Complaint herein, states as follows:

INTRODUCTION

1. This is a collection action alleging that the above-named Defendants have failed to pay the Plaintiff for legal work performed on their behalf.

JURISDICTION AND VENUE

2. This Court has jurisdiction and venue is proper as the amount in controversy exceeds the jurisdictional limits of the Court and the alleged agreement to retain the Plaintiff as legal counsel was discussed, negotiated and/or consummated in Pikeville, Pike County, Kentucky.

PARTIES

3. The Plaintiff, Jones, Waller, Turner & Shelton, PLLC ("JWTS") is a Kentucky professional limited liability company which provides legal services to the public. JWTS's

EXHIBIT
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main office is located at 208 Second Street, Pikeville, Kentucky 41501.

4. The Defendant, Kentucky Fuel Corporation ("KFC") is a foreign corporation authorized to conduct business within the Commonwealth of Kentucky. KFC's registered agent for service of process is CT CORPORATION SYSTEM, 306 West Main Street, Suite 512, Frankfort, KY 40601.

5. The Defendant, A & G Coal Corporation ("A & G") is a foreign corporation authorized to conduct business within the Commonwealth of Kentucky. A & G's registered agent for service of process is CT CORPORATION SYSTEM, 306 West Main Street, Suite 512, Frankfort, KY 40601.

6. The Defendant, Virginia Fuel Corporation ("VFC") is a foreign corporation authorized to conduct business within the Commonwealth of Kentucky. VFC's registered agent for service of process is CT CORPORATION SYSTEM, 306 West Main Street, Suite 512, Frankfort, KY 40601.

7. The Defendant, James C. Justice Companies, Inc. ("JJC") is a foreign corporation authorized to conduct business within the Commonwealth of Kentucky. JJC's registered agent for service of process is CT CORPORATION SYSTEM, 306 West Main Street, Suite 512, Frankfort, KY 40601.

8. The Defendant, Infinity Energy, Inc. ("Infinity") is a Kentucky corporation authorized to conduct business within the Commonwealth of Kentucky. Infinity's registered agent for service of process is CT CORPORATION SYSTEM, 306 West Main Street, Suite 512, Frankfort, KY 40601.

9. The Defendant, Sequoia Energy, LLC ("Sequoia") is a Kentucky limited liability company authorized to conduct business within the Commonwealth of Kentucky. Sequoia's registered agent for service of process is CT CORPORATION SYSTEM, 306

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West Main Street, Suite 512, Frankfort, KY 40601.

10. The Defendant, Four Star Resources, LLC ("FSR") is a Kentucky limited liability company authorized to conduct business within the Commonwealth of Kentucky. FSR's registered agent for service of process is CT CORPORATION SYSTEM, 306 West Main Street, Suite 512, Frankfort, KY 40601.

STATEMENT OF FACTS

11. Upon information and belief, JJC is the ultimate parent corporation and/or ultimate managing member of KFC, A & G, VFC, FSR, Infinity and Sequoia (collectively, "The Justice Operating Companies").

12. The Justice Operating Companies are all involved in the coal mining industry in the Commonwealth of Kentucky and have in the past and/or are currently mining, processing and selling coal in at least the following counties in Kentucky: Pike, Floyd, Knott, Magoffin, Letcher, Harlan, Breathitt and Leslie.

13. Since April 1, 2013, JWTS has provided legal services to The Justice Operating Companies on various civil and administrative legal matters relating to their involvement in the coal mining business within the Commonwealth of Kentucky.

14. The legal services were provided by JWTS after discussions with JJC representatives who assured JWTS that it would be promptly paid for providing legal services to The Justice Operating Companies and after receiving purchase order numbers from JJC representatives. In reliance upon the representations of the JJC representatives, JWTS provided the subject legal services.

15. As of the date of the filing of this Complaint, JWTS has provided legal services to the Defendants, which remain unpaid, in the total amount of \$85,220.23. True and accurate copies of legal bills previously submitted to the Defendants reflecting the

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above-referenced outstanding balance are attached hereto and made a part hereof as Exhibit A.

16. Members of JWTS have discussed this outstanding balance for legal services provided to the Defendants with representatives of the Defendants on numerous occasions; however, the Defendants have refused to pay the outstanding balance owed to JWTS.

17. The actions of the Defendants in failing to pay for the legal services provided by JWTS are unlawful and are in breach of the agreement of the parties.

18. The Defendants obtained a valuable benefit from the actions and efforts of JWTS in providing valuable and necessary legal services such that the failure of the Defendants to pay JWTS for those legal services is unlawful.

WHEREFORE, JWTS prays as follows:

1. That the Court enter a judgment against the Defendants in the amount of \$85,220.23 plus interest, both pre-judgment and post-judgment, at the maximum legal rate.
2. For its costs herein expended, including a reasonable attorney fee.
3. For all other proper relief.

Respectfully submitted,

Whitney L. Lucas

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