

1 A. I would say that's probably true.

2 Q. And, Mr. Murray, your company, specifically the
3 Ohio Valley Coal Company, possesses certain mining rights
4 beneath an area known as the Dysart Woods; is that correct?

5 A. That's correct.

6 Q. And are those rights something that you acquired
7 from North American Coal?

8 A. Some of the mining rights were acquired in the
9 acquisition of the NACCO Mining Company -- I never
10 purchased anything of North American Coal -- and Ohio
11 Valley Coal, and some were acquired from the old Y & O Coal
12 Company, and American Engineer Corporation, another one of
13 our companies.

14 Q. Mr. Kister has been known to you for a while, is
15 that right, before this incident took place?

16 A. I have known of him. I do not know him.

17 Q. And you have known of Mr. Kister for several
18 years; is that correct?

19 A. Yes.

20 Q. And throughout that time he has been engaged in
21 various activities opposed to the mining of coal beneath
22 Dysart Woods; is that correct?

23 A. Yes. But nobody has ever proposed to mine the
24 coal under Dysart Woods nor did we have a permit to mine
25 under Dysart Woods. That's never been decided, whether