

**IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA**THE MARSHALL COUNTY COAL COMPANY, *et al.*

Plaintiffs,

v.

Civil Action No.: 17-C-124

JOHN OLIVER, *et al.*

Judge: Cramer

Defendants.

**AFFIDAVIT OF JOHN KLAYKO**

I, John Klayko, being duly sworn, state as follows:

1. I am over the age of 21.
2. I am the Manager of Information Technology at the Murray Energy Corporation ("Murray Energy") and have worked for Murray Energy since 2001. As part of my job, I am responsible for monitoring, managing, and overseeing the public facing technology of Murray Energy. More specifically, I oversee Murray Energy's phone systems, email systems, and website.
3. I am authorized to submit this Affidavit on behalf of Murray Energy. The facts attested to in this Affidavit are true and correct to the best of my knowledge, information, and belief. I make this Affidavit based on personal knowledge, information provided to me in company documents, and communications with company personnel in the ordinary course of my duties. I offer this Affidavit in support of Murray Energy's Motion for a Preliminary Injunction.
4. Since the June 18, 2017 airing of Defendants' episode of Last Week Tonight with John Oliver (the "Broadcast"), Murray Energy has been inundated with harassing and malicious telephone calls, email messages, and website messages.

5. For example, Murray Energy's website received over 33,000 submissions in a matter of minutes that read "Eat Shit Bob," a reference to a portion of the Broadcast. Consequently, the website had to be taken offline for a substantial period of time.

6. Similarly, Murray Energy employees have received harassing email messages. For example, one Murray Energy executive received multiple email messages that said "Eat SHYT Bob!" Other Murray Energy employees received messages saying "Eat Shit Bob" and "You fucking slime ball!"

7. The following emails are examples of the harassing e-mails that Murray Energy and its employees have received since the Broadcast:

**From:** Chris McNair <[mcnair.chris@gmail.com](mailto:mcnair.chris@gmail.com)>  
**Date:** June 22, 2017 at 9:18:57 PM EDT  
**To:** [rmurray@coalsource.com](mailto:rmurray@coalsource.com)  
**Subject:** RE: Coal News Mag  
  
Eat SHYT Bob!

**From:** kmart1131 <[kmart1131@yahoo.com](mailto:kmart1131@yahoo.com)>  
**Date:** June 22, 2017 at 6:36:21 PM EDT  
**To:** [sales@coalsource.com](mailto:sales@coalsource.com)  
**Subject:** EAT SHIT BOB!!!

**From:** Mike Waite <[waitemw@yahoo.com](mailto:waitemw@yahoo.com)>  
**Date:** June 22, 2017 at 5:12:08 PM EDT  
**To:** "[sales@coalsource.com](mailto:sales@coalsource.com)" <[sales@coalsource.com](mailto:sales@coalsource.com)>  
**Subject:** EAT SHIT BOB!  
**Reply-To:** Mike Waite <[waitemw@yahoo.com](mailto:waitemw@yahoo.com)>  
  
You fucking slime ball!

**From:** Chris Ryan <[Chris@Chris-Ryan.com](mailto:Chris@Chris-Ryan.com)>  
**Date:** June 22, 2017 at 7:44:55 PM EDT  
**To:** [media@coalsource.com](mailto:media@coalsource.com)  
**Subject:** Eat shit hob!

**From:** Bruno Seabra <[brunoseabra@gmail.com](mailto:brunoseabra@gmail.com)>  
**Date:** June 19, 2017 at 10:59:01 PM EDT  
**To:** [rmurray@coalsource.com](mailto:rmurray@coalsource.com)  
**Subject:** EAT SHIT BOB!


**From:** Christopher Campbell <[campbell\\_chris@mc.com](mailto:campbell_chris@mc.com)>  
**Date:** June 22, 2017 at 7:47:24 PM EDT  
**To:** [media@coalsource.com](mailto:media@coalsource.com)  
**Subject:** Eat Shit, Bob. You fat cunt.

8. In addition, as a result of the volume and nature of the harassing telephone calls that Murray Energy has received since the Broadcast, Murray Energy's entire telephone system had to be taken offline on June 23, 2017 to upgrade security.

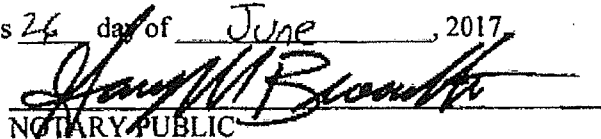
9. Murray Energy employees have been hindered in their job performance due to the substantial time they have been forced to devote to managing this harassment, including being unable to fully and timely responding to customer inquiries and needs. Technology personnel have also been diverted from attending their normal job functions to concentrate on the issues caused by this harassment.

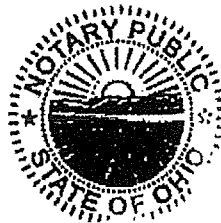
10. Given the relentless attacks that Defendants have encouraged, including on our website, telephones, and emails systems, and the attendant diversion of IT personnel to respond to these attacks, we are gravely concerned that individuals might attempt to infiltrate or harm our electronic network of safety systems, which would pose a risk to human life. Murray Energy hosts sensitive computer networks responsible for monitoring all critical safety aspects relating to the underground mine conditions. These systems monitor, among other things, the quality and composition of breathable air, seismic events, and all other critical aspects that ensure the complete safety of all underground personnel.

**AFFIANT FURTHER SAYETH NAUGHT.**

  
\_\_\_\_\_  
JOHN KLAYKO

SWORN TO AND subscribed before me this 24 day of June, 2017.

  
\_\_\_\_\_  
NOTARY PUBLIC



GARY M. BROADBENT  
Notary Public, State of Ohio  
My Commission Has No Expiration Date