



January 1987

## Index and Table of Cases for Volume 2

Journal of Mineral Law & Policy

Follow this and additional works at: <https://uknowledge.uky.edu/jnrel>

[Right click to open a feedback form in a new tab to let us know how this document benefits you.](#)

---

### Recommended Citation

Journal of Mineral Law & Policy (1987) "Index and Table of Cases for Volume 2," *Journal of Natural Resources & Environmental Law*: Vol. 2 : Iss. 2 , Article 8.

Available at: <https://uknowledge.uky.edu/jnrel/vol2/iss2/8>

This Index is brought to you for free and open access by the Law Journals at UKnowledge. It has been accepted for inclusion in *Journal of Natural Resources & Environmental Law* by an authorized editor of UKnowledge. For more information, please contact [UKnowledge@lsv.uky.edu](mailto:UKnowledge@lsv.uky.edu).

**Index**  
**To Volume 2**  
**JOURNAL OF MINERAL LAW &**  
**POLICY**

**AUTHOR INDEX**

(AN ASTERISK IS USED TO DENOTE ALL STUDENT WORKS.)

**BEARD, W. ROBINSON and MORRIS, SHARON K.**  
Lien Assertions: A Re-awakened Interest in the Mineral Industry

\* **BENDER, JACK C.**  
Implication of a Covenant to Diligently Develop and Mine in Hard Mineral Leases that Provide for Minimum Rents or Royalties

\* **BYRNE, PATRICK G.**  
*Hylin v. United States*: Can the Mine Safety and Health Administration Do No Wrong?

\* **CATINO, ANN M.**  
Is the Abandoned Mine Reclamation Fee Discharged in Bankruptcy?

**COX, PAUL J. and MYRE, THEODORE T., JR.**  
An Overview of the Impact of the Tax Reform Act of 1986 on the Coal, Oil, and Gas Industries

**HUNT, DEAN K. and JONES, DAVID E.**  
Subsidence Regulation Under the Surface Mining Control and Reclamation Act of 1977

\* **KEITH, SHERRY**  
Wheelage and Haulage Trespass: Compensating the Landowner for the Injury Sustained or the Benefit Derived from the Unauthorized Surface Use

\* **MARTIN, EARL F., III**  
Limiting Attorney's Fees in Black Lung Benefits Cases: A Violation of Procedural Due Process?

MATHISON, HARRY L., JR.

Mining Partnerships, A New Perspective on an Old Theory

\* MCNALLY, KIPLEY J.

Taxation of Expenditures Required by the Surface Mining Control and Reclamation Act of 1977 (SMCRA)

MEISBURG, RONALD E.

The Successorship Clause of the National Bituminous Coal Wage Agreement: A Survey of Federal Court Cases

MONTANGE, CHARLES H.

The Federal Uranium Enrichment Program and the Criteria and Full Cost Recovery Requirements of Section 161 of the Atomic Energy Act

\* RAJKOVICH, MARCO M., JR.

Criminal Liability for Engineers under Kentucky's Surface Mining Laws

## TABLE OF CASES

The following table is an alphabetical listing of cases which are analyzed and discussed to the extent of a paragraph or more.

Adams Construction Co. v. Bentley, 335 S.W.2d 912 (Ky. 1960).....	200-201
Adkins v. Carol Mining Co., 136 S.W.2d 32 (Ky. 1940) .....	141-142, 153-154
Amax Coal Co. v. NLRB, 614 F.2d 872 (3d Cir. 1980) .....	297-198, 306-308
Amherst Coal Co. v. United States, 295 F. Supp. 421 (W.D.W.Va. 1969), <i>aff'd</i> , 1971-1 U.S.T.C. 9223 (4th Cir. 1971).....	181-183, 185
Archer v. Mountain Fuel Supply Co., 642 P.2d 943 (Idaho 1982).....	232-233
Bently v. Brossard, 94 P. 736 (Utah 1908) .....	323
Berchelmann v. Western Co., 363 S.W.2d 875 (Tex. Civ. App. 1962).....	223-224
Bigheart Pipeline Corp. v. United States, 600 F. Supp. 50 (N.D. Okla. 1984) .....	143-144
Blue v. United States, 138 F.2d 351 (6th Cir. 1943) .....	370-371, 372
Board of Regents v. Roth, 408 U.S. 564 (1972) .....	384
Chapman v. Millemon, 361 N.E.2d 1385 (Ill. 1977).....	337
Campbell & Summerhays, Inc. v. Greene, 381 S.W.2d 450 (Ky. 1964).....	327-328
Central Contractor's Serv., Inc. v. Ohio County Stone Co., 255 S.W.2d 17 (Ky. 1952).....	135, 151-153
Cleghorn v. Dallas Power and Light Co., 611 S.W.2d 893 (Tex. Civ. App. 1981), <i>rev'd</i> , 623 S.W.2d 310 (Tex. 1981) .....	235-236, 238
Commonwealth v. J.V. Jellico Coal Co., 12 S.W.2d 698 (Ky. 1928).....	140
Continental Supply Co. v. Sandy River Oil Co.'s Receiver, 291 S.W. 49 (Ky. 1927).....	156-157
Delehite v. United States, 346 U.S. 15 (1953) .....	398-399, 406
DeCamp v. Bullard, 54 N.E. 26 (N.Y. 1899) .....	203-205
Denise Coal Co. v. Commissioner, 29 T.C. 528 (1957), <i>aff'd in part, reversed in part</i> , 271 F.2d 930 (3rd Cir. 1959) .....	188-190, 195

Devine v. Cleland, 616 F.2d 1080 (9th Cir. 1980).....	384
District 6, UMWA v. North American Coal Corp, No. C-2-79-242 (S.D. Ohio Mar 21, 1980) .....	302-304
Dulin v. West, 528 P.2d 411 (Colo. Ct. App. 1974) ...	231-232
Edwards v. Lee's Adm'r, 96 S.W.2d 1028 (Ky. 1936) .....	205, 212-213, 216, 220-222
Frontier Exploration Inc. v. Blocker Exploration Co., 709 P.2d 39 (Colo. Ct. App. 1985).....	325-326
Ginn v. Almy, 99 N.E. 276 (Mass. 1912).....	350
Hambly v. Trott, 98 Eng. Rep. 1136 (K.B. 1776).....	214-215
Harris v. Young, 131 N.E. 670 (Ill. 1921).....	336-337
H. G. Fenton Material Co. v. Commissioner, 74 T.C. 584 (1980).....	166-171
Higginbottom v. Thiele Kaolin Co., 304 S.E.2d 365 (Ga. 1983) .....	228, 233-234, 235, 239
Hysin v. United States, 715 F.2d 1206 (7th Cir. 1983), <i>vacated and remanded</i> , 469 U.S. 807 (1985), <i>rev'd</i> , 755 F.2d 551 (7th Cir. 1985) (per curium)...	392-393, 395-397, 406-408, 410-411
Iafolla v. Douglas Pocahontas Coal Corp., 250 S.E.2d 128 (W. Va. 1978).....	228, 234-235
Indian Towing v. United States, 350 U.S. 61 (1955) ...	399-400
International Union, UMWA v. Eastover Mining Co., 603 F. Supp. 1038 (W.D. Va. 1985) .....	298-303
International Union, UMWA v. Eastover Mining Co., No. 83-0209-B (W.D. Va. Aug. 21, 1986) (Supp. Memorandum opinion and order Nov. 17, 1986 and Jun. 14, 1987) .....	315, 316-318
Ionno V. Glen-Gery Corp., 443 N.E.2d 504 (Ohio 1983) ...	234
In re James E. King, 19 Bankr. 936 (Bankr. E.D. Tenn. 1982) .....	255-257
In re: Permanent Surface Mining Regulation Litig., Civ. No. 79-1144 (D.D.C. February 26, 1980) .....	67-68, 106-110, 115
In re: Permanent Surface Mining Regulation Litig., Civ. No. 79-1144 (D.D.C. February 26, 1985) .....	110-113, 125-12
Kentucky Mountain Coal Co. v. Hacker, 412 S.W.2d 581 (Ky. 1967).....	199-200
Keystone Bituminous Coal Assoc. v. DeBenedictus, 581 F. Supp. 511 (W.D. Pa. 1984).....	85-88, 113-114
Kinne v. Duncan, 43 N.E.2d 425 (Ill. 1942) .....	337
L.E. Cooke Corp. v. Hayes, 549 S.W.2d 837 (Ky. Ct. App. 1977).....	236, 240

- Local Union 7113, UMWA v. Allied Corp., 765 F.2d 412 (4th Cir. 1985) ..... 298, 312-315
- Lone Star Steel Co. v. NLRB, 639 F.2d 545 (10th Cir. 1980) ..... 309-312
- Long Island Lighting Co. v. Bokum Resources Corp., 40 Bankr. 274 (Bankr. D.N.M. 1983) ..... 326, 329-330, 334
- Mathews v. Eldridge, 242 U.S. 319 (1976) ... 377-378, 385, 386
- McClelland v. Commissioner, 83 T.C. 958 (1984) ..... 183-185, 186
- McGregor v. Heritage, 631 P.2d 1355 (Ore. 1981)..... 150
- National Cable Television Assn. v. United States, 415 U.S. 336 (1974)..... 250-251, 253, 255
- New Jersey v. Anderson, 203 U.S. 483 (1906) ..... 246
- NLRB v. Burns Int'l Detective Agency, Inc., 406 U.S. 272 (1972)..... 296
- Noonan v. Pardee, 50 A. 255 (Pa. 1901) ..... 82
- Ohio River Collieries v. Commissioner, 77 T.C. 1369 (1981) ..... 189-191
- Olwell v. Nye & Nissen Co., 173 P.2d 652 (Wash. 1946) ..... 217-218
- Outram v. Paintsville, 294 S.W. 1067 (Ky. 1927) ..... 334, 335
- Pennsylvania Coal Co. v. Mahon, 260 U.S. 933 (1922) ..... 65-66, 85-88
- Phillips v. Homfray, 24 Ch.D. 439 (1883)..... 213-215, 217
- Pritchard Petroleum Co. v. Farmers Co-op Oil & Supply Co., 190 P.2d 55 (Mont. 1947) ..... 202-205
- Quality Excelsior Coal Co. v. Reeves, 177 S.W.2d 728 (Ark. 1944)..... 207-208
- Raven Red Ash Coal Co. v. Ball, 39 S.E.2d 231 (Va. 1946) ..... 216
- Russel and E.D.S. Energy Dev. Serv., Inc. v. French & Assoc., Inc., 709 S.W.2d 312 (Tex. Ct. App. 1986)..... 324, 325
- Sedima, S.P.R.L. v. Imrex Co., 105 S.Ct. 3275 (1985) ..... 371, 372
- Smith v. Rampy, 198 S.W. 592 (Tex. Ct. App. 1946) . 330-332
- Spangler v. Comer Lumber & Supply Co., 439 S.W.2d 792 (Ark. 1969)..... 326-327
- Stephens v. Allen, 237 S.W.2d 72 (Ky. 1951) ..... 320, 325, 327, 339
- Tennessee Valley Auth. v. Hill, 437 U.S. 153 (1978) ..... 42

Triple Elkhorn Mining Co. v. Anderson, 646 S.W.2d 725 (Ky. 1983).....	212, 221
UMWA, Int'l. Union v. U.S. Steel Mining Company Inc., 636 F. Supp. 151 (C.D. Utah 1986), <i>appeal docketed</i> , No. 85-1795 (10th Cir. May 29, 1986) .....	304-306
United States v. Hall, 98 U.S. 343 (1878) .....	376
United States v. Pearlstein, 576 F.2d 531 (3d Cir. 1978) .....	370, 372
United States v. River Coal Co., 748 F.2d 1103 (6th Cir. 1984) .....	224-346, 250-253
United States v. S.A. Empresa de Viacao Aerea Rio Grandense (Varig Airlines), 467 U.S. 797 (1984), <i>rev'g</i> 692 F.2d 1205 (9th Cir. 1982) .....	391, 401-404, 408-410
United States v. White, 124 F.2d 181 (2d Cir. 1941).....	351
Walters v. National Ass'n of Radiation Survivors, 105 S.Ct. 3180 (1985) .....	375, 378-381, 385-386
Weir v. Jarecki Mfg. Co., 72 S.W.2d 450 (Ky. 1934)..	154-156
Welch v. Helvering, 290 U.S. 111 (1933) .....	162
Western Nuclear v. Huffman, No. 84-C-2315 (D. Colo. Sept. 30, 1985) .....	33, 35
Wheeler v. Tackett, 339 S.W.2d 646 (Ky. 1960).....	201
Whitwham v. Westminster Brymbo Coal and Coke Co., 2 Ch. 538 (1896).....	206-207