

FLOYD CIRCUIT COURT.

KENDAL MOORE & C.,

PLAINTIFFS.

VS.

AFFIDAVIT.

PENNAGRADE OIL & GAS COMPANY & C.,

DEFENDANTS.

The defendants, PennaGrade Oil & Gas Company and Louisville Gas & Electric Company, say that they are not ready for the trial of this case at this term of the Court, and for cause assigns that heretofore and at the time required by law, the defendant, PennaGrade Oil & Gas Company, filed its petition and bond for removal of this cause to the District Court of the United States for the Eastern District of Kentucky, and thereupon and in due time filed transfer of the record in said proceeding in said District Court of the United States for the Eastern District of Kentucky. That thereafter, motion to remand said cause was entered for and on behalf of the plaintiff, and said proceeding was pending before said District Court for the Eastern District of Kentucky until a reasonably short time ago, at which time the Judge of the said District Court of the United States entered an order remanding said cause to the Floyd Circuit Court of the State of Kentucky. That the defendants, or their counsel, have only learned of the entry of said order remanding said cause within the past week, and within ^{the next} ~~a few~~ days after advice of the entry of said order they filed motion in the United States District Court for the Eastern District of Kentucky for the Court

HARKINS & HARKINS
ATTORNEYS AND COUNSELLORS
PRESTONSBURG, KY.