

Shuman, McCuskey & Slicer PLLC
Attorneys at Law

1411 Virginia Street, East
Suite 200
P.O. Box 3953
Charleston, West Virginia 25339
Telephone 304.345.1400
Facsimile 304.343.1826

www.shumanlaw.com

1445 Stewartstown Road, Suite 200
Morgantown, West Virginia 26505
Telephone 304.291.2702
Facsimile 304.291.2840

jmccuskey@shumanlaw.com

John F. McCuskey
Direct Dial (304)720.8449

April 13, 2011

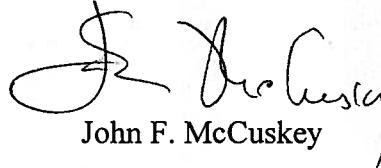
Barry Koerber, Esq.
Asst. Attorney General
WV Attorney General's Office
1615 Washington Street East
Charleston, WV 25311

Re: March 29, 2011 Interview of Kevin Medley

Dear Barry:

I have enclosed the deposition Errata Sheet reflecting those corrections and clarifications that resulted from Kevin Medley's review of the transcript of his UBB interview transcript of March 29, 2011 which testimony was taken by Johnny Jackson & Associates. I ask that you append the Errata Sheet to the original transcript and please notify me to confirm that the Errata Sheet and this letter are so appended. I also ask that you provide the Errata Sheet to each person who has been provided a copy of the transcript prior to your receipt of the Errata Sheet. Confirmation of the recipients of the Errata Sheet would also be appreciated.

Sincerely,



John F. McCuskey

JFM/mam
Enclosure

cc: Kevin Medley
Matthew N. Babington

WEST VIRGINIA
MINE SAFETY AND HEALTH ADMINISTRATION

IN THE MATTER OF:

THE INVESTIGATION OF THE APRIL 5, 2010 MINE EXPLOSION
AT UPPER BIG BRANCH MINE

ERRATA SHEET

I, KEVIN W. MEDLEY, have read the foregoing pages of my deposition given on MARCH 29, 2011, and wish to make the following, if any, amendments, additions, deletions, or corrections:

PAGE NUMBER	LINE NUMBER	CHANGE AND REASON FOR CHANGE
<u>31</u>	<u>13-16</u>	<u>My understanding of the question was that between 1:30 and 2:00 it was reasonable that they would have mined "point 2" (2) passes rather than "two" (2) passes. I believe that it would be reasonable that they would have mined 2 passes during this half hour period but I do not believe it is reasonable that they would have mined 2 passes.</u>
<u>35</u>	<u>17</u>	<u>The more accurate response would have been "I Don't remember."</u>
<u>100</u>	<u>18</u>	<u>For the Purpose of clarification, when I said "yes" I was voicing my understanding of the hypothetical being posed as opposed to affirming any set of facts that may have existed.</u> <u>Kevin W. Medley</u> KEVIN W. MEDLEY

STATE OF West Virginia

COUNTY OF Kanawha

The foregoing was subscribed and sworn to before me this 8th day of April, 2011. My Commission

Expires: Dec. 14, 2016

Carolyn R. Wise
Notary Public

