



1411 Virginia Street, East • Suite 200  
P.O. Box 3953  
Charleston, West Virginia 25339

Hasler

04/04/2011

US POSTAGE



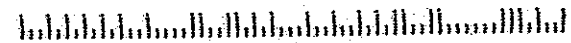
FIRST-CLASS MAIL

\$00.61<sup>0</sup>

ZIP 25301  
011D11610681

**NORMAN PAGE  
CHIEF ACCIDENT INVESTIGATOR  
MINE SAFETY & HEALTH ADMINISTRATION  
1301 AIRPORT ROAD  
ROOM D-200  
BEAVER, WEST VIRGINIA 25813-9426**

258139426



# Shuman, McCuskey & Slicer <sup>PLLC</sup>

*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](http://www.shumanlaw.com)

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

[jmccuskey@shumanlaw.com](mailto:jmccuskey@shumanlaw.com)

John F. McCuskey  
Direct Dial (304)720.8449

April 4, 2011

Norman Page  
Chief Accident Investigator  
Mine Safety & Health Administration  
1301 Airport Road  
Room D-200  
Beaver, West Virginia 25813-9426

**Re: September 10, 2010 MSHA Transcript of Scott Tilley**

Dear Mr. Page:

The United States Department of Justice has furnished me a copy of the MSHA hearing transcript of the testimony of my client, Scott Tilley, for review and preparation of an errata sheet. Although the time for review and correction was limited, my client was able to find and make the corrections as set forth on the enclosed errata sheet. Please append this errata sheet to Mr. Tilley's original hearing transcript and send a copy of the same to each person or entity to whom the transcript was sent prior to Mr. Tilley's review.

I reiterate my previous request to you that the transcript be provided to my client (or to me) for an unfettered thirty (30) day review which will allow my client sufficient time to locate additional transcript errors and necessary corrections.

A copy of this errata sheet is also being provided to Sargent's Court Reporting Service so that, as is the proper procedure, Sargent's may also append this errata sheet to the original copy of the transcript.

Norman Page  
April 4, 2011  
Page 2

Please confirm receipt of the attached errata sheet and that you have caused it to be affixed to all transcript copies in your possession and to others to whom you have transmitted this transcript.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. McCuskey". The signature is fluid and cursive, with the first name "John" being the most prominent.

John F. McCuskey

JFM/mam  
Enclosure

cc: Barry Koerber  
Derek Baxter  
Sargent's Court Reporting Service, Inc.

ERRATA SHEET

I, the undersigned, SCOTT TILLEY, do hereby certify that I have read the foregoing sworn statement taken on Sept 10<sup>th</sup>, 2010 at the West Virginia Mine Academy, and that, to the best of my knowledge, said deposition is true and accurate (with the exception of the following corrections listed below):

PAGE/LINE                      CORRECTION AND REASON FOR CORRECTION

page 22 / Line <sup>16</sup> 25      Replace Answers with:

Although I did not generate any changes to/  
~~the~~ <sup>ventilation/</sup> ~~the~~ projections on the UBB maps, I  
Have on occasion made modifications or placed  
projections on these maps as directed by my  
supervising engineers. Basically, I did the drafting  
on these maps as instructed.

page 24 / Line 13      Replace Answer with:

Although I did not do the Budget planning,  
However, I have done drafting work on ~~the~~ the  
Budget maps under the direction of my super-  
vising Engineers.

