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P.O. Box 3953  
Charleston, West Virginia 25339

Hasler

03/30/2011

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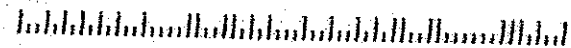
\$00.44<sup>0</sup>



ZIP 25301  
011D11610681

NORMAN PAGE  
CHIEF ACCIDENT INVESTIGATOR  
MINE SAFETY & HEALTH ADMINISTRATION  
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ROOM D-200  
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March 30, 2011

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

**Re: September 15, 2010 MSHA Transcript of Heath Lilly**

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, Heath Lilly, 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. Lilly'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. Lilly's review.

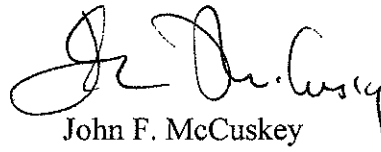
I reiterate my previous request to you that the transcript be provided to my client (or to me) for an unfettered thirty (30) day review which will allow my client sufficient time to locate additional transcript errors and necessary corrections.

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  
March 30, 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,



John F. McCuskey

JFM/mam  
Enclosure

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

## ERRATA SHEET

I, the undersigned, HEATH LILLY, do hereby certify that I have read the foregoing sworn statement taken on Sept 15, 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
Pg 18/5	Change seismic centers to sizing centers
Pg 20/3-4	"based plans" needs changed to base Plans This mistake needs change in multiple places
Pg 43/18	are you "elated" should be related
Pg 39/15-16	"you have these additional panels to the retreat mine and back" This makes no sense! Should say, Additional panels can be driven up attached to subsequent panel and Retreat mined back
Pg 40/2	"Mines" should be mined
Pg 41/6	"the methane" should say the mine
Pg 39-40/24-5	BAD wording should replace with this block The punch-out down after additional panels have been connected, Send air into the last panel and back out at the mouth of each previous panel. The air would be evacuated at the mouth of the last panel, split in the gob and travel back down

PAGE/LINE

CORRECTION AND REASON FOR CORRECTION

The previous panels to Evaluation points at their mouths. This would cause the air in this bleeder system along with any methane that could have built up to be circulated back through the entire mine rather than exiting the mine at this punchout.  
 Pg 68/19 end should be and

Please note that I was not given adequate time to adequately and completely review this transcript to fully correct for many grammatical, spelling, and text errors made by the reporter

HEATH LILLY

*Heath Lilly*

Subscribed and sworn to before me this 30<sup>th</sup> day of March, 2011.

*Melody A. McCormick*  
 Notary Public

My Commission Expires:

