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## **Federal judge hands down preliminary injunction against Rosebud Mining Co. in Pennsylvania**

**ARLINGTON, Va.** – The U.S. Department of Labor’s Mine Safety and Health Administration today announced that a federal judge with the U.S. District Court for the Western District of Pennsylvania has issued a preliminary injunction against Rosebud Mining Co. In a federal lawsuit filed on Dec. 30, 2010, MSHA claimed that personnel at the company’s Mine 78 in Somerset County, Pa., and Tracy Lynne Mine in Armstrong County, Pa., provided advance notice of federal inspectors’ arrival, which violates Section 103(a) of the Federal Mine Safety and Health Act of 1977.

During special impact inspections conducted Aug. 12 and Nov. 4, 2010, mine personnel were warned against giving advance notice that an inspection party was present on mine property. MSHA personnel immediately captured the phone systems at both operations to assure compliance. However, those instructions were ignored at both operations.

“Mine employees understand that advance notification is illegal,” said Solicitor of Labor M. Patricia Smith. “The fact that workers at these two mines were cautioned against warning their colleagues underground of the presence of federal inspectors, yet did so anyway, shows a total disregard for the law.”

A preliminary injunction hearing was held on Jan. 7. On Jan. 10, Judge Kim R. Gibson issued an order enjoining Rosebud Mining Co. from giving advance notice to any person working underground at these mines that a federal mine inspector is on site.

The judge also noted that the court will hold a status conference on this matter at intervals of approximately 60 days to ensure that the injunction is being enforced. The initial status conference is scheduled for March 1, 2011.

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