IN THE MATTER OF:

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

TO:    David Shears
(b) (7)(C)

You are hereby COMMANDED, pursuant to W. Va. Code Section 22A-2-66(d), to appear and give testimony regarding the above referenced investigation on February 23, 2011 at 3:00 p.m. in classroom 121 at the Mine Academy located at 1301 Airport Road, Beaver, West Virginia 25813. The West Virginia Office of Miners’ Health, Safety and Training, the Mine Safety and Health Administration, and the Governor’s Independent Investigation Team will participate in the interview.

Given under my hand this 16th day of February, 2011.

(b) (7)(C)

C.A. Phillips, Acting Director
STATE OF WEST VIRGINIA
Earl Ray Tomblin, Governor

WV Office of Miners' Health, Safety & Training
C.A. Phillips, Acting Director

AFFIDAVIT OF SERVICE

IN THE MATTER OF:

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

STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA, to-wit:

I, Robert J. MacDonald, being first duly sworn, do testify and aver as follows:

1. That I am a credible person over the age of 21 years.

2. That on the 19th day of February, 2011, I personally served David L. Shears, with a Subpoena at (b) (7)(C)

Further your affiant says not. (b) (7)(C)

Robert J. MacDonald

Taken, subscribed and sworn to by Robert J. MacDonald, this the 22 day of February, 2011.

My commission expires:

(b) (7)(C)