



*State of West Virginia*  
Earl Ray Tomblin, Governor

WV Office of Miners' Health, Safety & Training  
C. A. Phillips, Acting Director  
1615 Washington Street East • Charleston, West Virginia • 25311-2126  
Telephone 304-558-1425 • Fax 304-558-1282  
[www.wvm-safety.org](http://www.wvm-safety.org)

**IN THE MATTER OF:**

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

**SUBPOENA**

**TO:** Mark Bolen  
% John F. McCuskey, Esq.

**(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 January 6, 2011 at 10:00 a.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 22<sup>nd</sup> day of December 2010.

**(b) (7)(C)**

C.A. Phillips, Acting Director

• Region One • 14 Commerce Dr., Suite 1 - Westover, West Virginia 26501 • Telephone 304-285-3268 • Fax 304-285-3275  
• Region Two • 891 Stewart St. - Welch, West Virginia 24801-2311 • Telephone 304-436-8421 • Fax 304-436-2100  
• Region Three • 137 Peach Court, Suite 2 - Danville, West Virginia 25053 • Telephone 304-369-7823 • Fax 304-369-7825  
• Region Four • 550 Industrial Dr. - Oak Hill, West Virginia 25901-9714 • Telephone 304-469-8100 • Fax 304-469-4

EXHIBIT

PENGAD 800-431-6988



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APRIL 5, 2010 MINE EXPLOSION  
AT UPPER BIG BRANCH MINE.

ACCEPTANCE OF SERVICE

TO: John F. McCuskey, Esq.

(b) (7)(C)

As evidenced by my signature hereto, I am authorized to accept service of the Office of Miners' Health, Safety & Training subpoena in the above-styled matter and hereby acknowledge receipt of said subpoena and that said subpoena has the same force and effect as if personally served on my client Mark Bolen.

(b) (7)(C)

16-22-10

Date

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