



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.wvminesafety.org

IN THE MATTER OF:

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

SUBPOENA

TO: Shane McPherson

(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 March 9, 2011 at 8:00 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 28th day of February, 2011.

(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 26053 • Telephone 304-369-7823 • Fax 304-369-7826
• Region Four • 550 Industrial Dr. - Oak Hill, West Virginia 25901-9714 • Telephone 304-469-8100 • Fax 304-469-4059

EXHIBIT

McPherson 1

PENGAD 800-851-5889

STATE OF WEST VIRGINIA

Earl Ray Tomblin, Governor

WV Office of Miners' Health, Safety & Training

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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 1st day of March, 2011. I personally served Shane McPherson, with a Subpoena at (b) (7)(C)

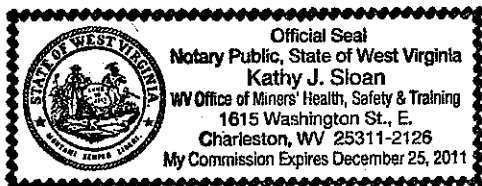
Further your affiant says not.

(b) (7)(C)

Robert J. MacDonald

Taken, subscribed and sworn to by **Robert J. MacDonald**, this the 4th day of March, 2011.

My commission expires: December 25, 2011



(b) (7)(C)

