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December 10, 2010

Via E-Mail And First-Class Mail

Barry Koerber
Assistant Attorney General
1615 Washington Street East
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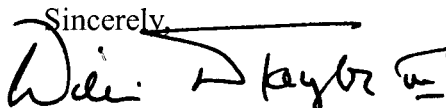
C.A. Phillips
Acting Director
W.Va. Office of Miners' Health, Safety & Training
1615 Washington Street East
Charleston, West Virginia 25311

Gentlemen:

I write on behalf of my client, Donald Blankenship. Your office issued a subpoena on behalf of the State of West Virginia Office of Miners' Health, Safety and Training (OMHST), seeking Mr. Blankenship's testimony on December 14, 2010, in connection with the April 5, 2010 accident at the Upper Big Branch Mine. The subpoena advised that representatives of the Mine Safety and Health Administration and the Governor's Independent Investigation team would participate.

Upon our advice, Mr. Blankenship will decline to appear on the basis of his constitutional rights, including his privilege under the Fifth Amendment.

Thank you for your attention and courtesy in this matter.

Sincerely,

William W. Taylor, III