

KENTUCKY DARBY, LLC
DARBY NO. 1
FILE NO. 18355-1
FATAL ACCIDENT REPORT

REPORT ADDENDUM 12/1/2006

Pages six and 10 of the Accident Report issued on November 30, 2006 have been revised.

The underlined portions of the text contain the revisions.

Page Six:

“MSHA verbally declined the request for an interview, but advised DNR that Mr. Sturgill would reply to a written set of questions. DNR prepared a list of questions for Mr. Sturgill and forwarded them to MSHA. A response to the questions was received on November 30, 2006.”

Page 10:

“James Philpot told investigators that Amon Brock had to get something done because a federal inspector, Stanley Sturgill, would be back at the mine on Monday.” According to the information received from MSHA, Sturgill denied that he had any conversation with Brock about the seals and he denied asking anyone to remove or alter roof straps that intersected the return seals. Furthermore, Sturgill had not yet been in the area of the seals during his inspection.