

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

601 New Jersey Avenue, N.W., Suite 9500
Washington, D.C. 20001-2021
Telephone: (202) 434-9958
Fax: (202) 434-9949

March 7, 2012

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEVA 2011-1934 et al. ¹
Petitioner,	:	A.C. No. 46-08436-255115-02
	:	
v.	:	
	:	
PERFORMANCE COAL COMPANY,	:	
Respondent.	:	Upper Big Branch Mine-South
	:	
SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No.
Petitioner,	:	A.C. No.
	:	
v.	:	
	:	
NUMEROUS FORMER MASSEY MINES ²	:	
And their successors.	:	Mine:

ORDER LIFTING STAY
ORDER GRANTING MOTION FOR WITHDRAWAL OF CONTESTS
ORDER TO PAY

Appearances: Derek Baxter, Dana Ferguson, Office of the Solicitor, U.S. Department of Labor,
for the Secretary of Labor.

David Hardy, Christopher Pence, Eric Silkwood, Guthrie & Thomas, PLLC, for the
Respondent.

Before: Judge Margaret A. Miller and Chief Judge Robert J. Lesnick

¹ Numerous other Performance Coal Company dockets are addressed by this order. The affected dockets are listed in the attached exhibits and specifically exhibit 5.

² The mines, along with the docket numbers addressed by this order, are listed in the attached exhibits. Although this order refers to Performance mines, it is intended to dispose of all the subject citations and orders contained in the exhibits.