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Outgoing
C/015/0025

From: Dana Dean
To: efinley@efinley.com
Date: 12/15/2008 10:24 AM
Subject: Fwd: RE: cw mining permit
Attachments: Fwd: RE: cw mining permit

From: Dana Dean
To: mark.reynolds@hiawathacoal.com
CC: Steve Alder
Date: 12/15/2008 10:12 AM
Subject: Fwd: RE: cw mining permit

Mark,

We have been informed by Chris Jones, of Prince Yeates, council to the Trustee that: "...the Trustee is and will oppose the transfer of any permits to Hiawatha."

They feel that the July contempt order issued in the bankruptcy case specifically invalidates and voids the transfer of operating authority for the mine to Hiawatha, and as such, CW Mining remains the operator.

Our attorney, Steve Alder, is asking for clarification of what Mr. Jones is relying on to say that the transfer was invalidated, our understanding to date has been that it was held in abeyence.

In any case, the fact that the Trustee is opposing the transfer, and that we still have not received assurance of bond coverage for the Bear Canyon Mine in the name of Hiawatha Coal Company, the Division is put in a difficult position. We will advise you as soon as possible, no later than tomorrow of our course of action, which could include a Cessation Order for the Bear Canyon Mine.

Please feel free to contact me to discuss this situation.

Dana Dean, P.E.
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