



AZRAEL GANN + FRANZ
ATTORNEYS AT LAW

JONATHAN A. AZRAEL
KEITH S. FRANZ
PAUL J. SCHWAB, III
JUDSON H. LIPOWITZ
SUSAN H. TERLEP
ROBERT GRAHAM FIORE*
JOHN R. SOLTER, JR.

EDWARD AZRAEL (1907-2001)
H. DAVID GANN (1928-1983)

OF COUNSEL
MATTHEW H. AZRAEL
LINDA CARTIER

*ALSO ADMITTED IN DC

Family of Michael Wilt Files Suit Against Tri-Star Mining Operators for Reckless Conduct that Caused Fatal Highwall Collapse

Suit Highlights Multiple Safety Violations

Engineers, Landowner and Safety Training Expert Also Failed Miners

Contact: Keith S. Franz
Azrael, Gann & Franz, LLP
410-821-6800
kfranz@agflaw.com

www.agflaw.com

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Cumberland, MD (April 15, 2010) The family of Michael R. Wilt, age 38, who was crushed beneath 93,000 tons of fallen rock at the Tri-Star Mine in Barton, Maryland has filed a Four Million (\$4,000,000.00) Dollar lawsuit today in the Circuit Court for Allegany County against the operators of the Tri-Star coal mine as well as mining engineers, the safety training expert and the mine's landowner for willful and recklessly unsafe conditions in violation of the law that caused a fatal highwall collapse on April 17, 2007. In doing so the family seeks to establish the role multiple citations that Tri-Star Mining, Inc. received from the U.S. Mine Safety and Health Administration (MSHA) played in the death of their beloved husband and father. Tri-Star consented to a penalty of \$105,000 for six (6) violations related to the mining collapse including those determined by the agency to have "resulted from the mine operator's unwarranted failure and high negligence."

The family is represented by Azrael, Gann & Franz, LLP a Baltimore law firm known for its work advocating for victims' rights. Keith S. Franz, lead counsel for the Wilt family states, "Justice for this family and the entire mining community has not been served in this case. Mine safety is achievable and inexpensive. Why must coal mine operators insist on repeatedly and flagrantly violating reasonable and obvious safety requirements at the peril of their workers? The Wilt family and the mining community at large deserve answers and accountability and with this civil suit that is what they will now get."

101 EAST CHESAPEAKE AVENUE FLOOR FIVE
BALTIMORE, MARYLAND 21286
410.821.6800 FACSIMILE: 410.821.1265

The highwall collapse at Pit 1 of the Tri-Star Mining location in Barton, MD occurred at 10:00 a.m. while Mike Wilt was operating a bulldozer and Dale Jones, age 51, was operating a hydraulic excavator at the bottom of the 275 foot high sheer wall created by years of strip mining at the pit. MSHA determined that inadequate inspection by Tri-Star employees above and on the highwall took place that morning, previous underground mining that was abandoned decades ago and was known to weaken the geological structures was ignored and four (4) straight days of rain coming right after the spring thaw caused highly dangerous conditions. Large cracks in the geology at the top of the wall were seen but overlooked. A dangerously steep spoil bank at the bottom of the pit was created and rocks had been seen falling into the pit the morning of the tragedy. Despite these obvious danger signs, Tri-Star employees assured Mike Wilt and Dale Jones that working at the bottom of the highwall would be safe that fateful morning.

About Azrael, Gann & Franz, LLP

Azrael, Gann & Franz devotes its practice to the area of victims' rights representation with a concentration in complex personal injury litigation, including mining and aviation disasters. The firm has represented victims in many high-profile civil cases throughout the United States, most recently on the Plaintiffs' Executive Committee for the national September 11 Litigation in the United States District Court in New York. On behalf of the firm's clients from the World Trade Center and the Pentagon, Azrael, Gann & Franz achieved historic results. The firm's efforts have helped expand Maryland's Wrongful Death Statute. Members of the firm provide substantial *pro bono* assistance to victims' advocacy groups including the National Center for Victims of Crime, the Maryland Crime Victim Resource Center and Bereaved Parents of the U.S.A. Keith Franz and Judson Lipowitz, partners of the firm, are regarded as leading legal authorities on victims' rights and lecture frequently on the subject throughout the region.