

NEW LAWSUIT FILED OVER 2007 UTAH MINE DISASTER

*Three miners
and three rescuers
were killed*

By PAUL FOY
AP Business Writer

SALT LAKE CITY (AP) — Six U.S. insurance companies and Lloyd's of London are suing for reimbursement of millions of dollars for equipment abandoned inside a Utah mine that collapsed in 2007, killing six miners and three rescuers.

The suit was filed Thursday in Utah's 3rd District Court by Intermountain Power Agency's insurers against the mine operator, Pepper Pike, Ohio-based Murray Energy Corp., its Utah affiliates and a Colorado engineering company.

The IPA is half-owner of the Crandall Canyon mine but left the operations to its partner Murray Energy, which was blamed by federal regulators for the biggest collapse in U.S. mining history.

Within seconds on Aug. 6, 2007, a level section of the mine as large as 63 football fields collapsed, bringing down hundreds of coal pillars and trapping six men who are still entombed nearly half a mile underground. Ten days later, another collapse killed two rescuers and a federal inspector. Six others on the rescue team were left grievously injured.

Thursday's lawsuit contains no dollar figures or new allegations, but blames Murray Energy for the disaster in central Utah by repeating the findings of an investigation by the federal Mine Safety and Health Administration. The suit demands that Murray Energy pay for abandoned equipment left inside the shuttered mine.

Murray Energy released a statement to *The Associated Press* calling the insurers' claims "completely baseless" and adding, "The company will vigorously defend against the lawsuit."

The insurers say they reimbursed IPA for the lost equipment and want their money back. The lawsuit provides no accounting of the equipment, but a lawyer involved in the disaster litigation said the equipment was worth millions of dollars.

Thursday's lawsuit over Crandall Canyon does not deal with payments Murray Energy and its insurers made last year to family members of the dead miners or rescuers. Terms of the settlement were never disclosed, but lawyers on both sides have said it exceeded the more than \$20 million paid to families of 27 victims of a 1984 fire at the closed Wilberg mine in the same Utah coal district.

Federal prosecutors are still looking at possible criminal charges for the retreat mining operations that led to the Crandall Canyon disaster. MSHA

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TELLURIDE DAILY PLANET

ORBIT

THE SECOND FRONT PAGE
JUNE 27, 2010

Sunday Focus:

Business & Real Estate

Planet Picks

1. The Wine Festival wraps up this morning with a Sunday brunch at Town Park at 10:30 a.m.
2. Your weekly chance to unwind is Monday at noon with free yoga in Elks Park.
3. The Telluride Plein Air festival starts on Monday with plein air artists from all over gathering in Telluride to paint outside. Visit telluridepleinair.com for more information.



Elkstone 21 unveiled its highly anticipated condominiums on Thursday. Mountain Village's newest development is set to be complete toward the end of the summer. Shown here is the interior of one of the condos. [Photo by Melissa Plantz]

REAL ESTATE

Welcome home

Elkstone 21 debuts nearly finished condos

By KATHRINE WARREN
Staff Reporter

Privacy with a sense of community. Breathtaking mountain views in a luxurious setting. Fine finishes with an acute attention to detail. Twenty-one unique floor plans priced anywhere from \$1.49 million to \$7.59 million.

Despite the two toughest years our economy has seen in recent memory, Mountain Village's newest high-end condominium development, Elkstone 21, is near completion and is ready for the market to come to them.

"We looked pretty smart in the beginning, we looked pretty dumb in the middle and we're looking smarter every day because the market's improving," said developer Mark Kline.

Kline and his business partner Mitch Ely (both of Austin, Texas) purchased the land, adjacent to the entrance of Mountain Village, in April of 2007. They have endured one of the country's worst recessions in years, coming out on top with a high-quality product.

"There's nothing like it in Mountain Village," said Elkstone's Director of Marketing Christy Van Schyndel. "Our developers made some really smart choices and we're really

secure."

Construction on the project began in August 2007 and the developers expect to get a certificate of occupation later this summer. They have seven units completed and have 14 more to finish this summer.

Elkstone showed off a few of its units on Thursday during a grand opening party to introduce the development to the community.

Van Schyndel said they have had a lot of interested buyers, but they can't close on any sales until they have their certificate of occupancy.

"Most people who I showed loved it, but they wanted to see a finished project," Van Schyndel said.

Van Schyndel and Ely were confident that they would start finding buyers because they have a product that will attract an affluent demographic.

"Our buyer demographic is second, third and fourth homebuyers," Ely said at Elkstone's party on Thursday.

"We're letting the market come to us," Van Schyndel said. "We have a really good product,

yes, times are hard, but we feel the market's coming back and our type of customer will appreciate our value and quality."

Van Schyndel said they also priced the majority of their units to suit people's needs.

"We have 14 units that are in what we refer to as the sweet spot — between \$1.5 and \$3 million — which is a more comfortable price for most people," she said.

There are three one-bedroom units, five two-bedroom units, eight three-bedroom units and

five four-bedroom units.

The 21-unit development will include a courtyard with two large hot tubs, indoor lounge areas, a wine cellar, a fitness center, on-site concierge, heated parking and ski storage in each

"We will have amenities to make people feel comfortable, but it's not a full-fledged hotel, which makes it reasonable, but private and elegant"

CHRISTY VAN SCHYNDEL
Elkstone's Director of Marketing

unit.

"We will have amenities to make people feel comfortable, but it's not a full-fledged hotel, which makes it reasonable, but private and elegant," Van Schyndel said.

"We're trying to promote community here," Ely said.

SOLIS: BETTER SAFETY NEEDED FOR OIL SPILL WORKERS

'We are not saying go out of business. Do your job better. Make an investment in your employees.'

By IVAN MORENO
Associated Press Writer

DENVER (AP) — Labor Secretary Hilda Solis on Friday lambasted BP PLC and coal mining company Massey Energy for their recent disasters, saying they need to enact better safety measures and not make a profit "at the expense of killing" their employees.

"We are not saying go out of business. Do your job better. Make an investment in your employees. We want you to make a profit but not at the expense of killing your employees," Solis said at a conference of the National Association of Latino Elected and Appointed Officials.

She said workers cleaning up BP's oil spill on the beaches of the Gulf of Mexico include minorities who often don't have the interpretation services they need to understand how to handle contaminants.

Solis said the workers, some of whom she visited recently, are a "vulnerable population" that needs to be protected and that her office is directing BP to give them proper training in their spoken languages.

"What I heard overwhelmingly was that there were no interpreters that could provide them with information on how they could go about understanding what safety measures that OSHA (the Occupational Safety and Health Administration) is requiring them to take so they could be certified to be part of the cleanup," Solis said.

She said the workers are often minorities, including African-Americans, Asians, Mexicans and Central Americans who work in 109-degree weather while wearing plastic coveralls.