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Contact: Joanna Hawkins Leni Uddyback-Fortson  
Phone: 215-861-5101 215-861-5102  
Email: [hawkins.joanna@dol.gov](mailto:hawkins.joanna@dol.gov)  
[uddyback-fortson.lenore@dol.gov](mailto:uddyback-fortson.lenore@dol.gov)

## **Court grants MSHA request for preliminary injunction against anthracite mine operator in Lykens, Pa.**

**ARLINGTON, Va.** – A federal judge with the U.S. District Court for the Middle District of Pennsylvania has issued a preliminary injunction ordering Darryl Koperna, doing business as S&M Coal Co., to stop mining at the Buck Mountain Slope Mine in Lykens, Pa., due to Koperna’s violation of a closure order previously issued by the U.S. Department of Labor’s Mine Safety and Health Administration.

MSHA issued the closure order as a result of S&M’s continued failure to purchase and install a wireless tracking and communication system as required by its emergency response plan as well as the Mine Improvement and New Emergency Response Act of 2006. A wireless tracking and communication system would provide a means to easily locate miners and enable them to communicate with rescuers and each other in an emergency situation.

“S&M’s refusal to comply with this order as well as the requirements of the MINER Act threaten the safety of workers at this mine, and must be halted immediately,” said Joseph A. Main, assistant secretary for mine safety and health. “This preliminary injunction sends a very clear message: Mine operators who disregard the law will be held accountable.”

The preliminary injunction orders S&M to stop mining activities until it has complied with its emergency response plan and the MINER Act. Specifically, it prohibits S&M from permitting any person, except persons whose presence is necessary to install the wireless tracking and communication system, to enter any portion of the mine until the closure order has been terminated, modified or withdrawn; operating the mine until a complete inspection of the mine has been conducted, and any cited violations have been abated and terminated; and violating any closure order issued by MSHA in the future.

The judge also denied a cross-motion for preliminary injunction filed by S&M, which had requested that the closure order be vacated, among other relief.

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