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(May 15, 2008) Harman Mining Company and its President, Hugh M. Caperton, today announced that Theodore B. Olson, a partner with Gibson, Dunn & Crutcher in Washington, D.C., has agreed to represent Harman in appellate proceedings before the Supreme Court of the United States. The principal issue that Harman will ask the High Court to hear is whether Harman was denied its constitutional rights by West Virginia Supreme Court Justice Brent Benjamin's refusal to step down from Massey's appeal of a \$50 million jury verdict despite being the beneficiary of over \$3.5 million in campaign spending after the verdict by Massey CEO Don Blankenship. Justice Benjamin twice cast the deciding vote to throw out the jury's verdict and to instead absolve Massey of liability arising out of fraud and improper business interference. Justice Benjamin also played an important role in the proceeding by hand picking judges to hear the appeal after Chief Justice Elliott "Spike" Maynard and Justice Larry Starcher disqualified themselves.

"This is a case that needs to be heard by the Supreme Court," Olson stated. "The improper appearance created by money in judicial elections is one of the most important issues facing our judicial system today. A line needs to be drawn somewhere to prevent a judge from hearing cases involving a person who has made massive campaign contributions to benefit the judge. We certainly believe that, in this case, acting Chief Justice Benjamin crossed that line."

Mr. Olson is one of the nation's premier appellate and United States Supreme Court advocates. He has argued 49 cases in the Supreme Court, including the case of Bush v. Gore stemming from the 2000 Presidential Election, and he has prevailed in over 75% of those arguments. Mr. Olson is the former Solicitor General of the United States and has served as private counsel to two Presidents, Ronald W. Reagan and George W. Bush.

Mr. Olson successfully argued the case of Aetna Insurance Co. v. Lavoie, 475 U.S. 813 (1986), the leading United States Supreme Court decision regarding the Constitution's requirement that judges with a personal interest in the outcome of litigation step aside from handling that case.

Attached is Mr. Olson's biographical profile.

