

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

601 NEW JERSEY AVENUE, NW  
SUITE 9500  
WASHINGTON, DC 20001

October 25, 2005

MARK POLLOCK

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v.

Docket No. WEST 2003-182-DM

KENNECOTT UTAH COPPER CORP.

BEFORE: Duffy, Chairman; Jordan, Suboleski, and Young, Commissioners

ORDER

BY THE COMMISSION:

On May 19, 2005, the Commission issued an order directing the formally appointed personal representative of Mark Pollock, deceased, to file within 120 days an amended motion to substitute himself in the place of Pollock in this proceeding. On September 22, 2005, having not received a motion to substitute, the Commission issued an order directing counsel for Pollock to show good cause for the failure of a personal representative of Pollock to file the motion and to do so within 30 days of the date of the order. The order stated that, absent a showing of good cause, this proceeding would be dismissed. The order was sent by certified mail and, according to the return receipt, it was delivered to Pollock's counsel on September 26, 2005.

Having received no response to the order, we hereby dismiss this proceeding.

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Michael F. Duffy, Chairman

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Mary Lu Jordan, Commissioner

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Stanley C. Suboleski, Commissioner

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Michael G. Young, Commissioner

Distribution (by certified mail)

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