

# EXHIBIT J

8/28/2019

Two Men Identified, Tower Related Fatalities Increasing In Kansas

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By *WIBW, Ariana Cohen* | Posted: Tue 11:48 AM, Mar 25, 2014 | Updated: Mon 1:56 PM, Aug 17, 2015

**BLAINE, Kan. (WIBW)** The two workers who died after two communications towers collapsed near Blaine Tuesday have been identified and the Federal Occupational and Health Administration is involved in the investigation.

Pottawatomie County Sheriff Greg Riat has identified the men as 25-year-old Seth Garner of Saint Peters, Missouri and 38-year-old Martin Powers of Saint Charles, Missouri.

They died Tuesday while working at the 250 foot level of the telecommunication tower that collapsed. Riat said Powers died at the scene and Garner at a local hospital.

13 News has learned the two men had worked for Wireless Horizon of Saint Louis for less than five months. Wireless Horizon is a subcontractor working for the Union Pacific Railroad.

The two men were dismantling an old tower which was right next to a new tower when the accident happened, destroying both towers.

Michael Moon, Acting Director for OSHA (Occupational Safety and Health Administration), says there were 13 tower related fatalities last year and 4 so far this year.

"They are in a very high risk job. In 2013, we were more than double in the number of fatalities for tower related incidents than we were in 2011 and 2012 combined," said Moon.

This isn't the first time Wireless Horizon employees have been killed. According to [http://www.wirelessestimator.com/breaking\\_news.cfm](http://www.wirelessestimator.com/breaking_news.cfm), in 2005, an Illinois technician was killed after falling 120 feet. Wireless Horizon was fined \$1,500.

And in West Virginia, five people have died on or around cell phone towers in the past eight months.

Their deaths are attributed to towers collapsing and equipment failures, according to <http://www.wvgazette.com>, a West Virginia online newspaper.

"There isn't a specific cause that we can say but they are all preventable, should be preventable, if employers would just simply take a few extra moments and a few extra precautions to check and see what they are doing," said Moon.

Moon told 13 News they had investigators on site Wednesday near highway 16 and Rock Creek Road where the incident happened. He said the investigation could take up to 6 months. Violations could mean a fine anywhere from \$7,000-\$70,000.

[https://www.wibw.com/home/headlines/Two-Kansas-Towers-Reported-Down-Possible-Injuries-252268221.html?hpt=us\\_bn9](https://www.wibw.com/home/headlines/Two-Kansas-Towers-Reported-Down-Possible-Injuries-252268221.html?hpt=us_bn9)