

01 EXAMINATION UNDER OATH
02 OF
03 EDDIE LAWSON
04
05
06 Taken pursuant to Notice by Autumn D.
07 Furby-Pritt, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Department of
10 Environmental Protection, 1101 George
11 Kostas Drive, Logan, West Virginia,
12 on Wednesday, March 29, 2006 at 5:52
13 p.m.

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01 A P P E A R A N C E S

02
03 WILLIAM TUCKER
04 Assistant Inspector at Large
05 West Virginia Office of
06 Miners' Health, Safety & Training
07 142 Industrial Drive
08 Oak Hill, WV 25901

09
10 DANIEL M. BARISH, ESQUIRE
11 U.S. Department of Labor
12 Office of the Regional Solicitor
13 1100 Wilson Boulevard
14 22nd Floor West
15 Arlington, VA 22119-2247

16
17 ALSO PRESENT:
18 CHARLIE POGUE
19 JOE R. ESTEP
20 DERRICK TJERNLUND
21 DENNIS A. BEITER
22 JEFFREY WAGGETT
23 RONALD W. STAHLHUT
24 MICHAEL FINNIE
25 EUGENE WHITE

3

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01 P R O C E E D I N G S

02 -----

03 MR. POGUE:

04 My name is Charles

05 Pogue. I represent the Mine

06 Safety and Health

07 Administration, which is an

08 agency of the United States

09 Department of Labor. I'm a

10 member of MSHA's accident
11 investigation team that is
12 charged with investigating the
13 accident that occurred at the
14 Aracoma Coal Company, Inc.,
15 Aracoma Alma Mine Number One
16 on January the 19th, 2006.

17 This is a joint
18 investigation that MSHA is
19 conducting with the State of
20 West Virginia. I will be
21 asking the questions for MSHA
22 in today's interview. With me
23 here today are other members
24 of MSHA's team and the State
25 team. MSHA's team includes

6

01 various specialists and
02 members of the Solicitor's
03 Office. At this time, I would
04 like to ask each of the
05 members of the MSHA's team to
06 identify themselves for the
07 record.

08 MR. TJERNLUND:

09 Derrick Tjernlund,
10 MSHA, Tech Support,
11 Triadelphia.

12 MR. BEITER:
13 Denny Beiter,
14 Triadelphia, West Virginia.

15 MR. WAGGETT:
16 Jeff Waggett, MSHA,
17 Hunker, Pennsylvania.

18 MR. STAHLHUT:
19 Ron Stahlhut,
20 Vincennes, Indiana.

21 MR. FINNIE:
22 Mike Finnie, MSHA,
23 Madisonville, Kentucky.

24 MR. POGUE:
25 My name's Charlie

7

01 Pogue, again. And I'm with
02 MSHA out of the Hunker,
03 Pennsylvania office.
04 Here with me today
05 representing the State of West
06 Virginia is Mr. Bill Tucker.
07 Mr. Tucker will be asking the
08 questions for the State. At
09 this time, I would ask Mr.
10 Tucker to introduce the
11 members of his team.

12 MR. TUCKER:
13 Also, I need to read a
14 brief statement for the

15 record. The West Virginia
16 Office of Miners' Health,
17 Safety & Training is
18 conducting this interview
19 session jointly with MSHA.
20 We're in agreement with the
21 procedures outlined by Mr.
22 Pogue.

23 However, let me make it
24 clear that the Director
25 reserves the right, if

8

01 necessary, to call or subpoena
02 witnesses or require the
03 production of any record,
04 document, photograph or other
05 relevant materials necessary
06 to conduct this investigation.

07 We do appreciate you
08 coming in today. And again,
09 my name is Bill Tucker. I'm
10 with Miners' Health, Safety &
11 Training and work out of the
12 Oak Hill office.

13 MR. WHITE:

14 Eugene White, District
15 Inspector, Region Three, out
16 of the Danville office.

17 MR. POGUE:
18 This investigation is
19 being conducted by MSHA and
20 the State of West Virginia to
21 gather information to
22 determine the cause of the
23 accident and to help prevent
24 this from happening in the
25 future. These interviews are

9

01 an important part of our
02 investigation. After the
03 investigation is completed,
04 MSHA will issue a written
05 report detailing the nature
06 and the causes of the
07 accident.

08 MSHA's accident reports
09 are made available to the
10 public in hopes that greater
11 awareness about the cause of
12 the accidents can reduce the
13 occurrence in the future.
14 Information obtained through
15 witness interviews is
16 frequently included in these
17 reports. Your statements may
18 also be used in other
19 enforcement proceedings.

20 I would like to thank
21 you in advance for your
22 appearance here today and also
23 for your patience. We
24 appreciate your assistance in
25 this investigation. The

10

01 willingness of miners, members
02 of mine rescue teams and mine
03 operators to work with us is
04 critical to our success in
05 making the nation's mines
06 safer.

07 This interview with Mr.
08 Eddie Lawson is being
09 conducted under Section 103(a)
10 of the Federal Mine Safety &
11 Health Act of 1977 as part of
12 the investigation by the Mine
13 Safety and Health
14 Administration into the
15 conditions, events and
16 circumstances surrounding the
17 fatalities that occurred at
18 the Aracoma Alma Mine Number
19 One, located on Route 17
20 North, Bandmill Hollow Road,
21 Stollings, West Virginia,

22 25646.

23 This interview is being
24 conducted at the Department of
25 Environmental Protection in

11

01 Logan, West Virginia on March
02 29th, 2006, at 5:53 p.m.

03 Mr. Lawson, can I call
04 you Eddie?

05 MR. LAWSON:

06 Sure.

07 MR. POGUE:

08 The interview will
09 begin by asking you a series
10 of questions. Feel free at
11 any time to clarify any
12 statements that you make in
13 response to our questions.
14 After we have finished asking
15 questions, you will be given
16 an opportunity to make a
17 statement of your own and
18 provide us with other
19 information that you believe
20 may be important.

21 You are permitted to
22 have a representative with you
23 during this interview, and you
24 may consult with your

25 representative at any time.

12

01 You may designate any person
02 to be your representative.
03 Following the questions by
04 MSHA and the State, this
05 representative will be given
06 an opportunity to ask
07 questions for the purpose of
08 clarification on areas already
09 discussed.

10 Your statement is
11 completely voluntary. You may
12 refuse to answer any question,
13 and you may end your interview
14 at any time. If you do not
15 understand a question, tell me
16 and I will rephrase the
17 question. If you need a break
18 for any reason, please let us
19 know.

20 You may request the
21 opportunity to make a
22 confidential statement, which
23 we will withhold from the
24 public to the extent allowable
25 by law. Should you desire to

13

01 give a confidential statement,
02 you should advise me before we
03 begin your interview so that I
04 can reschedule your interview
05 in order to properly consider
06 your request. Would you like
07 to make a --- or have a
08 confidential statement?

09 MR. LAWSON:

10 No.

11 MR. POGUE:

12 The court reporter will
13 record the interview and will
14 later produce a written
15 transcript of the interview.
16 I ask that you state all your
17 answers verbally, because the
18 court reporter cannot record
19 your gestures, like nodding of
20 your head.

21 If any part of your
22 statement is based not on your
23 own firsthand knowledge, but
24 on information that you've
25 learned from someone else,

14

01 please let us know.

02 Please answer each
03 question as fully as you can,

04 including any information that
05 you learned from someone else.
06 We may not ask the right
07 question to learn the
08 information you have, so do
09 not feel limited by the
10 precise question asked. If
11 you have information about the
12 subject area of a question,
13 please provide us with that
14 information.

15 Do you have any
16 questions about the manner in
17 which the interview will be
18 conducted?

19 MR. LAWSON:

20 No, sir.

21 MR. POGUE:

22 Will you please swear
23 in Mr. Lawson?

24 -----

25 EDDIE LAWSON, HAVING FIRST BEEN DULY

15

01 SWORN, TESTIFIED AS FOLLOWS:

02 -----

03 BY MR. POGUE:

04 Q. Are you appearing voluntarily
05 for this interview today?

06 A. Yes, I am.

07 Q. Has anyone made any promises
08 to you for giving this statement or
09 offering you any rewards in exchange
10 for making your statement?

11 A. No, sir.

12 Q. Has anyone threatened you or
13 warned you not to provide this
14 statement?

15 A. No, sir.

16 Q. Do you understand that you may
17 refuse to answer any question or
18 terminate this interview at any time?

19 A. Yes, sir.

20 Q. Do you have a representative
21 with you today?

22 A. Yes, I do.

23 MR. POGUE:

24 Would you introduce
25 yourself, please, and spell

16

01 your last name?

02 MR. ESTEP:

03 Estep, E-S-T-E-P, first
04 name Joe, middle initial R.

05 MR. POGUE:

06 And your title is?

07 MR. ESTEP:

08 I'm the safety manager

09 for Mingo-Logan Coal Company.

10 MR. POGUE:

11 Do you have a telephone

12 number to be contacted?

13 MR. ESTEP:

14 Yes. Work number is

15 369-7507.

16 MR. POGUE:

17 Thank you. Okay.

18 We'll go ahead and start with

19 the questioning and proceed.

20 A. Go ahead.

21 BY MR. POGUE:

22 Q. Who was your employer on

23 January the 19th of 2006?

24 A. Mingo-Logan Coal Company.

25 Q. What is your job title and

17

01 position at that complex?

02 A. I'm the safety technician.

03 Q. How many years have you worked

04 for Mingo-Logan?

05 A. Seven and a half.

06 Q. How many total years of mining

07 experience do you have?

08 A. This June 19th, it will make

09 34.

10 Q. Could you briefly just

11 describe some of your background in
12 mining? Some of the jobs you held
13 and if you're certified?

14 A. I've been underground section
15 electrician, chief electrician for 25
16 years. Longwall supervisor, section
17 supervisor, fire boss, preparation
18 plant electrician for five and a half
19 years. Mine rescue team captain,
20 trainer.

21 Q. How many years ---?

22 A. I've done it all.

23 Q. How many years have you been a
24 captain?

25 A. Four.

18

01 Q. Four years?

02 A. As the captain, yeah.

03 Q. And how many years mine rescue
04 experience do you have?

05 A. This will be my seventh year.

06 Q. Seventh year. Can you briefly
07 describe some of your past
08 experiences with mine rescue, any
09 other mine fires or explosion?

10 A. No other mine fires, no.

11 Q. Okay. Any explosions or
12 any ---?

13 A. No.

14 Q. When were you first notified
15 of the Aracoma Alma Mine Number One
16 fire?

17 A. I received a phone call at my
18 house at 8:46 p.m.

19 Q. And who called your house at
20 that time?

21 A. The dispatcher from my mine,
22 told me that my mine rescue team
23 trainer had called and for me to get
24 ahold of him.

25 Q. Is Mingo-Logan, are they

19

01 associated with Aracoma ---

02 A. No.

03 Q. --- in any way?

04 A. No. Two separate companies.
05 Mingo-Logan is a large coal company,
06 Aracoma's owned by A.T. Massey.

07 Q. Okay. Thank you. What day
08 did you report to Aracoma?

09 A. I immediately left the house
10 and arrived at the Aracoma Mine at
11 9:10 p.m.

12 Q. Did you arrive by yourself or
13 with a ---?

14 A. Yes, I did. I went straight
15 to the mines rather than go to the

16 mine rescue station, which is 55
17 minutes the wrong direction.

18 Q. How about your team, what time
19 did they arrive?

20 A. My team arrived on the
21 property intact, fully equipped at
22 10:55 p.m.

23 Q. When you arrived at the mine
24 property, who did you report to?

25 A. At the time I arrived on the

20

01 property, there were three MSHA
02 inspectors present, Vicki Mullins,
03 Minness Justice and Tim Justice.

04 Q. So you reported to those three
05 individuals?

06 A. Well, they were there. I
07 guess you could technically say, yes,
08 I reported to them. They hadn't
09 established a command center or
10 anything technically at that point.

11 Q. I see.

12 A. There was no other mine rescue
13 team members there from any company.
14 I was the first mine rescue team
15 person on the property.

16 Q. Was there anybody in charge of
17 what was going on at that time that
18 you're aware of?

19 A. Yeah. Minness pretty much was
20 in control of the situation at that
21 time.

22 Q. What about from the company
23 standpoint, was there anybody working
24 with Mr. Justice?

25 A. There were several company

21

01 officials on the surface, but most of
02 the company officials at that time
03 were underground.

04 Q. When you first arrived, did
05 Mr. Justice give you a briefing on
06 what he had --- what he knew of that
07 occurred underground at that time?

08 A. He wasn't exactly sure at that
09 specific time, at 9:10 p.m. Like I
10 said, when I arrived, I went upstairs
11 into what eventually became the
12 command center. They had a table
13 approximately the size of this big
14 table, which had a full-sized mine
15 map on it. About 15 minutes after my
16 arrival, the section foreman, who was
17 on the Number Two section, I think
18 they call it, the section that was
19 involved with the ---

20 Q. Yes.

21 A. --- escape. He arrived in ---
22 I'm going to refer to that as the
23 command center, okay. He arrived in
24 the command center and gave us a
25 briefing as to where the route they

22

01 had traveled on their diesel
02 ride, ---

03 Q. Was anybody ---?

04 A. --- where they had arrived to,
05 where they dismounted their ride,
06 where they donned their SCSRs and the
07 route that him and his crew took to
08 escape down to the --- outby the
09 longwall fire.

10 Q. Can you recall who was in that
11 room at that time, the command
12 center?

13 A. There was Minness, myself, a
14 couple of other guys that worked with
15 the company, for Massey, that I
16 wasn't familiar with at that time.
17 Very few people.

18 Q. What was the --- your first
19 recall of, say, a company official
20 actually taking control of the
21 surface command center or just the
22 surface area of the mine at that
23 time? Was it prior to ---?

24 A. Well, at that time, my biggest
25 concern was getting my team there as

23

01 quickly as possible.

02 Q. Sure.

03 A. The other teams were beginning
04 to show up. The East Kentucky team
05 arrived at 9:40. The Southern West
06 Virginia team arrived at 9:55. Part
07 of Rock Springs' team, their trainer
08 and a couple of their members arrived
09 at around 10:50, the rest of them
10 arrived there at about 10:55, the
11 same exact time my truck came up the
12 hollow onto the property. My mine
13 rescue truck.

14 Q. Sure.

15 A. I didn't spend time upstairs
16 in the command center, my goal was to
17 get my --- to help get these other
18 teams' equipment of their trucks and
19 out of their trailers and get them
20 stationed, get everything staged up
21 so that we could get inside. I
22 wasn't really overly concerned with
23 what was going on upstairs and who
24 had control of the surface situation.

25 When my team got there, we

01 unloaded our equipment as quickly as
02 possible and made arrangements for
03 the volunteer fire department pickup
04 trucks to stage their equipment and
05 take it down into the pit area on
06 pickups, so that's what we did. We
07 got everything loaded onto pickup
08 trucks, they took them down into the
09 pit while we went over and rode the
10 elevator down.

11 We were downstairs in the pit
12 --- at about 11:14, we were actually
13 in the pit that fast. We entered the
14 mines at --- we loaded on the mantrip
15 at 11:35 and entered the mine portal
16 ten minutes behind the first two
17 teams at 11:50 p.m.

18 Q. Prior to going underground,
19 had you been given a briefing, and
20 that would have been on the 19th, if
21 I understand you correctly?

22 A. Yes. We got a real --- just a
23 --- a game plan for the first four
24 teams that were there. There were
25 only four teams on the property at

01 that time.

02 Q. Uh-huh (yes).

03 A. The East Kentucky team, the
04 Southern West Virginia team, both
05 Massey teams. My team, Mingo-Logan
06 and the Rock Springs' team.

07 Q. So there was a total of four
08 teams at that time?

09 A. Four teams there.

10 Q. Did all four teams go
11 underground at that particular time?

12 A. We made a decision --- when I
13 saw we, the decision was made to send
14 the first two teams in, both Massey
15 teams, and reserve Rock Springs and
16 our team ten minutes behind in case
17 they got into distress. It'll be
18 like a backup even though we were
19 going in the mines behind them, just
20 don't put all four teams bumper to
21 bumper to bumper. It wasn't ---.

22 Q. Is that something that they
23 told you at the briefing ---

24 A. Yes.

25 Q. --- how that would be handled?

26

01 A. Yes.

02 Q. At the briefing, do you ---?

03 A. We knew where they were going.

04 In the briefing they staged up where

05 they were going and then we'll
06 rendezvous with them once we got
07 underground.

08 Q. Okay. Did all four teams get
09 the briefing at the same time?

10 A. Yes.

11 Q. Can you recall some other
12 items that were discussed at that
13 briefing, other than --- you
14 indicated that the objective was
15 reviewed prior to going underground.

16 Was there any other items that were
17 discussed at that point with the
18 teams?

19 A. There was a decision on
20 actually who was underground and who
21 wasn't underground at that time. How
22 many people were, in fact,
23 underground, were they accounted for
24 and who, in fact, was missing. It
25 was --- when I first arrived at 9:10

27

01 p.m., there was a little bit of
02 confusion as to who was and who was
03 not underground, and who was coming
04 out and who was not coming out of the
05 mine. Once they got that lined out
06 --- like I said, I didn't --- I
07 didn't stay up in the command center.

08 My concern was to get my team off the
09 truck, get my stuff ready and be
10 ready to go. When we went back for
11 the initial briefing, we entered on
12 the ground. We discussed those
13 things I just mentioned.

14 Q. Okay. At that briefing, did
15 they tell you what your objective
16 would be underground?

17 A. Yes.

18 Q. Could you tell us what that
19 was, please? We'll go to the mine
20 maps later, this is just kind of a
21 general ---.

22 A. It was basically the first two
23 teams were going to go in, and they
24 were supposed to go to the bleeder
25 system, which parallels the top of

28

01 the longwall panel that they were
02 mining.

03 Q. Would be in what they call the
04 Four Right area of the mine?

05 A. I'd have to look and see for
06 sure to give you a definite.

07 Q. This ---.

08 A. Yeah, that there. That area.

09 Q. Okay. That would be the Four

10 Right area.

11 A. The first two --- one of their
12 teams was to proceed across that area
13 to a set of airlock doors which set
14 on an angle on the tail side on the
15 return side. The other team was to
16 stay at what was going to be
17 established as a fresh air base on
18 the mains, and then we were to
19 rendezvous with that team at the
20 fresh air base. We were originally
21 told that we would be relieving out
22 that team at the fresh air base, that
23 that they would proceed onto the fire
24 area with the Rock Springs team.

25 Q. That would be the first ---

29

01 A. That was the original game
02 plan.

03 Q. --- air base? That would have
04 been the first fresh air base?

05 A. Yeah. That was the original
06 game plan.

07 Q. At that meeting, were you
08 given any mine maps?

09 A. Yes, sir.

10 Q. And were they explained to you
11 in detail?

12 A. Reasonably so.

13 Q. Do you know if the mine maps
14 had any escapeways marked on them or
15 anything?

16 A. The maps that we were given,
17 no.

18 Q. Did anybody kind of say, well,
19 in the event of an emergency, this
20 would be your escape out of the mine,
21 what entries to travel or how the
22 escapeways were marked underground?

23 A. No.

24 Q. Do you think that should have
25 been part of your briefing maybe

30

01 prior to going in in the event that
02 an emergency would have occurred?

03 A. Do I think it should have
04 been?

05 Q. Yes.

06 A. I think it should have been,
07 but I knew where the escapeways were,
08 because when I was in the room in the
09 very beginning on that large scale
10 map on this table, ---

11 Q. Sure.

12 A. --- they were marked. And I
13 studied them very carefully ---

14 Q. Good.

15 A. --- before I ever left the
16 room. I wasn't going in a mine I
17 didn't know how to get out of.

18 Q. Would this have been your
19 first time in that Aracoma Mine?

20 A. Yes.

21 Q. In that briefing, did they
22 discuss any direction of ventilation
23 or how the mine was being ventilated
24 in general?

25 A. Very vaguely. All we knew

31

01 that the --- that we were going to be
02 riding diesel equipment in, and that
03 was intake air course, that the air
04 would be to our back and we could
05 ride diesel equipment into there
06 without being in any contaminated
07 areas from the smoke from the
08 longwall fire.

09 Q. Did the map that you
10 personally took underground, or your
11 team, did it have ventilation
12 controls marked on it, such as
13 stoppings, overcasts?

14 A. Sure.

15 Q. Okay. During the course of
16 your exploration underground, do you
17 find that the maps were accurate in

18 the illustration of stoppings in
19 overcasts and other ventilation
20 controls? Do you think it's
21 important to have an accurate map
22 when you go underground, during a
23 recovery --- rescue/recovery
24 operation?

25 A. Yes.

32

01 Q. What about survey stations, do
02 you have any problems with the survey
03 stations marked on the maps?

04 A. Did I have any problems?

05 Q. Yeah, with them being
06 accurate?

07 A. Yes.

08 Q. And would you say that's
09 another important ---

10 A. Yes.

11 Q. --- item that the map should
12 have accurate survey stations on
13 them? At your briefing that you had,
14 did you get an opportunity to ask
15 questions that may have been a
16 concern of yours prior to going in?

17 A. They asked us if we had any
18 questions, but I didn't have any.

19 Q. The briefing that you had on

20 the surface, did anybody cover any
21 ventilation changes that had already
22 been made prior to you going
23 underground?

24 A. No.

25 Q. Eddie, I think it's time we

33

01 can go to the mine maps up here and
02 just kind of outline with the markers
03 your routes of travel and anything
04 that we can indicate by going over
05 the maps.

06 MR. POGUE:

07 The first map here,
08 which is Exhibit A Lawson,
09 that shows the entire mine
10 from the box cut into the
11 Number Two section.

12 (Lawson Exhibit A
13 marked for
14 identification.)

15 A. Uh-huh (yes).

16 BY MR. POGUE:

17 Q. So we'll just go ahead and
18 start, and you can start by signing
19 and dating the first map up there.

20 WITNESS COMPLIES

21 BY MR. POGUE:

22 Q. Down here's your box cut, and

23 this would be the Four Right area ---

24 A. Uh-huh (yes).

25 Q. --- north mains?

34

01 A. Right.

02 Q. Northeast mains, Number Two

03 section.

04 A. Right.

05 Q. The brown lines indicate the

06 belt lines in the mine. This is the

07 Number Seven belt, this is mother

08 belt, this is your drive area. This

09 is your 48-inch belt right here.

10 A. Yes.

11 Q. And again, this is your

12 72-inch belt.

13 A. That's right.

14 Q. Okay. From the time you left

15 the surface at the box cut, could you

16 just go ahead and kind of work

17 yourself up through the mine and

18 indicate the area approximate where

19 the first fresh air base would have

20 been, and we'll just take it step by

21 step all the way through, and we'll

22 just ask questions as we go.

23 A. Okay. Like I said, we staged

24 up in the box cut, four teams, the

25 first two teams being the two Massey

35

01 teams, the Southern team and Eastern
02 Kentucky team.

03 Q. Could you just ---?

04 A. They advanced in the mine ten
05 minutes before we did. Our objective
06 was for those two teams to arrive
07 right here.

08 Q. Okay. Could you just indicate
09 by initials or something what two
10 teams you're talking about, and we'll
11 just go ahead and say that that's on
12 the 19th.

13 A. We'll call it the East
14 Kentucky.

15 Q. That's fine. That's good.

16 A. And then Southern West
17 Virginia teams. They went in ---
18 entered the mine first. They were
19 the first.

20 Q. And that would have been on
21 1/19?

22 A. Right.

23 Q. And if you could just indicate
24 that for me on the map, and
25 approximate time.

36

01 WITNESS COMPLIES

02 BY MR. POGUE:

03 Q. All right. And just take us
04 right up to the area where your first
05 staging area was, or your first fresh
06 air base.

07 A. They entered the mine about
08 11:40, approximately 11:40, ten
09 minutes later we entered the mines
10 with the Rock Springs team.

11 Q. Okay.

12 A. Document it here, too?

13 Q. Yes. Any more information you
14 can give us, the easier this report's
15 going to be to write.

16 A. This is part of the second
17 unit. We entered at ---.

18 Q. 11:50 p.m.

19 A. The objective in the briefing
20 outside was that these two teams, the
21 Massey teams, would go here. They
22 had the Southern West Virginia team
23 establish a fresh air base. And the
24 East Kentucky team advanced across
25 this to this location. These airlock

37

01 doors. See, these airlock doors ---

02 Q. Yes.

03 A. --- right there on that

04 diagonal.

05 Q. Okay.

06 A. That location right there.

07 Q. All right. And we're looking
08 at the Four Right entries of survey
09 station 2741, maybe we can draw a
10 line from that airlock door just
11 saying that East Kentucky advanced to
12 that point?

13 WITNESS COMPLIES

14 A. Right to survey station 2741,
15 the air quality was good.

16 BY MR. POGUE:

17 Q. Okay. Do you know what route
18 they traveled to get to there ---?

19 A. No, I don't. I know that it
20 was --- according to what they told
21 us when we arrived here, it was just
22 fresh air all the way over, no
23 problems.

24 Q. Okay. Would that have been
25 their furthest point of travel?

38

01 A. They got to the airlock doors
02 on this angle cut, they went through
03 the doors, and when they opened the
04 second door, encountered heavy, thick
05 smoke. That's the report that they
06 gave --- their captain gave to me at

07 his fresh air base.

08 Q. Can you indicate that here,

09 heavy dark smoke, black smoke,

10 whatever color it is?

11 WITNESSES COMPLIES

12 A. This is smoke.

13 BY MR. POGUE:

14 Q. This is what, Rock Springs?

15 A. No, that was East Kentucky

16 team.

17 Q. East Kentucky. Can you put

18 that on there?

19 WITNESS COMPLIES

20 BY MR. POGUE:

21 Q. All right. And from there ---

22 you guys are back here at the fresh

23 air base; right?

24 A. By the time we arrived here,

25 the East Kentucky team had done ---

39

01 went to here and came back to here,

02 and they were staged up here with the

03 Southern West Virginia, the Massey

04 teams. Both teams were standing

05 right here.

06 Q. Could you indicate the fresh

07 air base?

08 A. Well, we called it the fresh

09 air base, but there wasn't really
10 anything there.

11 Q. Okay. At Number One? Would
12 that be fresh air base Number One?
13 So after this first team retreated
14 back to fresh air base One in the
15 north mains, what was the next
16 movement that you guys made? All
17 four teams are there now?

18 A. We arrived here. There were
19 four teams here along with the ---
20 some inspectors, MSHA Inspector Cook
21 and State Inspector Wright. We had a
22 discussion here as to what we thought
23 our next move should be. I wanted to
24 stick with the original plan of
25 running the phone line over here and

40

01 establishing a fresh air base at this
02 point.

03 Q. Okay.

04 A. That was my --- I wanted to do
05 that, because in a briefing outside
06 the section foreman, when he came out
07 and told us that he thought that Mr.
08 Bragg had, in fact, retreated back
09 into the mines.

10 Q. Okay.

11 A. That was part of his statement

12 to us.

13 Q. Did you have communications at
14 this fresh air base?

15 A. Yes. There was a telephone
16 here. I don't know exactly where it
17 was, I didn't go to it. But there
18 was a phone there where they had ---
19 were talking to people on the
20 surface.

21 Q. To the command center?

22 A. Yes.

23 Q. And your --- where was your

24 guidance coming from at this point?

25 Was it still coming from the command

41

01 center?

02 A. At this point, there was a
03 Massey employee, an Aracoma employee
04 there --- I don't know what his first
05 name --- Robinson.

06 Q. Johnny?

07 A. Johnny Robinson. He was here
08 with these two teams when we arrived.

09 Q. Did he go in with the two

10 teams, or do you know what his

11 transportation to get in there was?

12 Was he already in there, do you

13 recall?

14 A. I did not see him boarding
15 equipment and go in with those two
16 teams, no.

17 Q. Okay. Who was that State
18 inspector again that was ---?

19 A. Wright. Clarence Wright. Is
20 he State or federal?

21 Q. There's a Mack Wright that's a
22 federal.

23 A. Mack Wright.

24 Q. And so is Jerry Cook.

25 A. Jerry Cook is --- I know Jerry

42

01 Cook. I must have wrote his name
02 down wrong. It might be --- was it
03 Dishmon?

04 Q. That's it.

05 A. All right. I'll tell you, a
06 lot of people there that day, I might
07 have wrote the wrong name down. I
08 know his first name was Clarence,
09 because I talked to him all night
10 long.

11 Q. When this East Kentucky team
12 went back up into the Four Right
13 area, did they indicate what
14 direction the airflow was?

15 A. No. The only thing they told
16 us here was that they were in fresh

17 air, to take this wall immediately
18 over there. They were in fresh air
19 until they went through this diagonal
20 doors.

21 Q. Okay. Did they indicate what
22 CO concentrations were?

23 A. No.

24 Q. And did they indicate, they
25 just stayed in one entry to travel

43

01 back to that location?

02 A. Yes, sir. Fire face
03 exploration, they had not donned
04 their apparatuses.

05 Q. At the briefing, did they tell
06 you anything about the air direction
07 back here in Four Right?

08 A. No. They did tell us that the
09 air would be coming this way on the
10 return side of the longwall panel,
11 that air would be coming here.

12 Q. All right.

13 A. They showed us that it came
14 through a series of returns here. It
15 appeared to me on the map, on the big
16 table that the air, in fact, went
17 this way and made a loop around and
18 came this way, hanged it here, I'm

19 not exactly sure, maybe went out this
20 panel right here at Three tailgate,
21 and went out to the other fan.

22 Q. Okay.

23 A. Am I correct?

24 Q. Yes, you are. One question

25 while we're talking about this Four

44

01 Right area. You indicated earlier
02 that East Kentucky, the first sign of
03 smoke was when they went through the
04 second airlock doors?

05 A. That's what they told us.

06 Q. Okay. Do you recall who the
07 team captain was of the Sydney team
08 or the East Kentucky team? Was it
09 Charlie Conn?

10 A. Charlie Conn was there, and
11 Jimmy Riddick was there.

12 Q. Do you recall which team
13 captains they were?

14 A. Charlie Conn is the East
15 Kentucky. And I don't know who the
16 captain is of the Southern team.

17 Q. All right.

18 A. I know a couple of their team
19 members, because I've talked to them
20 at contests and things going on ---.

21 Q. Sure. Okay. Eddie, I think

22 we all have an understanding that all
23 four teams are back here at the fresh
24 air base Number One. So when did you
25 guys --- what was the command

45

01 center's instructions at that point?

02 Where were you to go, or what was
03 your objective at that point?

04 A. We were there about 30 minutes
05 waiting to get instructions. During
06 the 30 minutes, we talked among
07 ourselves, reviewed the map. Our
08 initial instructions when we left
09 down here and what we thought had
10 happened was that Mr. Bragg and Mr.
11 Hatfield had possibly come back and
12 came up the Ten gate --- Ten headgate
13 entry and was trying to escape from
14 this map. That's what we thought.

15 We thought maybe if they had
16 encountered smoke here, they may have
17 turned and tried to outrun in it. In
18 fact, stayed in the fresh air until
19 they got to this point here and
20 encountered this return, you know,
21 smoke ---.

22 Q. Sure.

23 A. That's what we thought they

24 might have done.

25 Q. Okay. From this fresh air

46

01 base Number One, where did you go

02 then? What was your next move inby?

03 A. We came to what they called

04 numbers for the belt head area. I'm

05 not sure of the exact location, right

06 in here. They want to go up to six

07 belt head. We stopped all four

08 vehicles right here. There was a

09 pager, a silver mine pager there, but

10 it did not work. The handset was

11 tore up on it. So we installed

12 another phone that we had brought in

13 on a ride, and it didn't work either.

14 It was tore up also.

15 Q. Where did that phone come

16 from?

17 A. We took it in on --- not us.

18 One of the other teams had it on

19 their ride.

20 Q. Is that something the company

21 provided you with?

22 A. I don't know if it was just on

23 the ride, or the company gave it to

24 them to take in. Anyway, we ended

25 up getting another phone. Where they

47

01 got it from, I'm not sure. But while
02 we were here trying to establish
03 communications of what they referred
04 to as the Number Six belt head.

05 Q. Yeah.

06 A. While we were here, the two
07 Kentucky teams came up to this point
08 right here, and --- let's see. Let's
09 see, I made --- I'm sorry, I'm wrong,
10 I believe.

11 Q. That's all right.

12 A. The Six belt is in this area.

13 Q. And you're indicating where
14 Exhibit A Lawson ---?

15 A. We came up to here, somewhere
16 in this area. I don't know the exact
17 location of where it was.

18 Q. The map indicates Six head.

19 A. And so we established phone
20 communications at Six head. While we
21 were there, the two Massey teams
22 walked up this intake air course to
23 these two airlock doors that's right
24 there.

25 Q. Is that something the command

48

01 center told you to do, or ---?

02 A. They had instruction to walk

03 up --- they had handheld
04 walkie-talkies and I could hear them
05 talking back and forth. We did not
06 have --- my team did not have walkie-
07 talkies. The MSHA inspectors had
08 them, and both the Massey teams had
09 handheld walkie-talkies.

10 Q. So you guys are, at this point
11 here, probably what 1,000 feet outby?

12 A. Yeah, outby.

13 Q. And you have no communication
14 with the teams inby?

15 A. My team did not. The teams
16 inby did have communications back to
17 this point, though, with handheld
18 walkie-talkies.

19 Q. Oh, okay. So you got two
20 teams inby, two teams outby, ---

21 A. Right.

22 Q. --- and you're communicating
23 with handheld?

24 A. Yeah.

25 Q. Okay.

49

01 A. And then they're talking to
02 outby with the phone that they
03 finally got working right here.

04 Q. All right.

05 A. These two teams, when I

06 appeared to these airlock doors what
07 exactly they did there, I'm not sure,
08 but from what I can gather, just
09 listening to communications, what you
10 hear, ---

11 Q. Sure.

12 A. --- everybody's close in
13 proximity that when they open these
14 doors, they didn't encounter heavy
15 smoke.

16 Q. Could you indicate the two
17 mine rescue teams that hit heavy
18 smoke in that area?

19 WITNESS COMPLIES

20 BY MR. POGUE:

21 Q. Do you know if they took
22 anemometer or air readings?

23 A. No, sir, I don't.

24 Q. Any air direction in that
25 area?

50

01 A. Well, I can tell you from ---
02 for a definite fact is, where we were
03 at, air was moving inby.

04 Q. Okay. What about in this
05 cut-through here?

06 A. I did not go in the
07 cut-through personally, I couldn't

08 tell you.

09 Q. The teams that reported came
10 back, they called out?

11 A. They walked back to us. We
12 did not go there and actually pick
13 them. They actually, in fact, walked
14 back to the rides.

15 Q. Okay. And you guys have
16 ridden to this point right here, Six
17 entry?

18 A. Yes.

19 Q. The 30 minutes that you talked
20 about earlier, waiting back here at
21 the fresh air base, is that after the
22 East Kentucky team and others had
23 gotten back to the fresh air base?

24 A. Yes, sir. All four teams
25 loaded up.

51

01 Q. Do you have any sense of what
02 time maybe this was right here that
03 the East Kentucky team advanced to
04 the angle cut-through?

05 A. Given travel time from here to
06 there, approximately 20 minutes. The
07 30-minute delay that we had here in
08 addition to that, travel time to
09 here, another 15 minutes or so, about
10 a 20, 25-minute delay here trying to

11 get a phone established while these
12 two teams went up and back. What
13 time was it here?

14 Q. Yeah. If you could give us
15 a ---.

16 A. Add it up.

17 Q. What time did you go in,
18 11:55; is that what ---?

19 A. So I'm going to say 12:55 to
20 here. 1:30 here. The time we left
21 there, probably 1:50 by the time we
22 arrived up there.

23 Q. Just indicate here on the map
24 approximately 1:30. And if you have
25 a --- exactly what time you would

52

01 have been at the fresh air base One.

02 A. What time I think I arrived
03 there approximately?

04 Q. Yeah.

05 A. I'm going to say 2:00 p.m. ---
06 I'm sorry, 12:00 p.m., or 12:00
07 midnight.

08 Q. Okay. Put 12:00 midnight
09 there.

10 WITNESS COMPLIES

11 BY MR. POGUE:

12 Q. And maybe about the time you

13 get to Six entry.

14 A. There?

15 Q. Well, this is Six here.

16 A. Probably 12:45.

17 Q. Yeah. You can use

18 approximate, unless you know exact

19 time.

20 WITNESS COMPLIES

21 BY MR. POGUE:

22 Q. Okay. So the East Kentucky

23 team and the Southern ---

24 A. West Virginia.

25 Q. --- West Virginia team, they

53

01 reported back to Six headgate, then

02 what did you guys do? Did you get

03 more instructions in the command

04 center at that time?

05 A. Yes.

06 Q. Do you want to let us --- tell

07 us what those instructions were?

08 A. We had --- they wanted all

09 four teams to advance up all of the

10 roadway and come to just outby this

11 gas well area. This large block

12 right there is the gas well.

13 Q. Okay. Do you know that

14 location, or did they give you a

15 survey station to report to therein?

16 A. They had maps.
17 Q. Can you mark on this map where
18 that location might have been?
19 A. Where we were going to?
20 Q. Yes. And I'll tell you what,
21 I have a map down here from the
22 command center that has a lot of
23 information on it.
24 A. Let me find my doors and stuff
25 over here. Door, door. I'm going to

54

01 make a guess and say approximately
02 ---.

03 Q. I got a bigger map here of the
04 area. You can use it.

05 A. This is where those doors was
06 at.

07 Q. Well, as soon as we get to
08 there, we can look at this map.

09 A. I'm going to say right in this
10 general area right there.

11 Q. In that general area.

12 MR. POGUE:

13 Okay. Eddie has ---.

14 A. This would be Right.

15 BY MR. POGUE:

16 Q. All right. We'll just go
17 ahead and put a dot there and go

18 ahead and sign and date this map.

19 MR. POGUE:

20 We have ---.

21 A. And we established that as

22 fresh air base Two.

23 BY MR. POGUE:

24 Q. All right. Will you come to

25 this Exhibit B Lawson map, indicate

55

01 that same notation, and we'll just

02 start on this map and we'll work

03 through the area, because it's a

04 little bit bigger. The survey

05 station's a little bit easier to

06 identify. Could you also sign and

07 date this map, please?

08 WITNESS COMPLIES

09 (Lawson Exhibit B

10 marked for

11 identification.)

12 A. 30th?

13 BY MR. POGUE:

14 Q. The 29th. You can sign this,

15 too, and date it. Anywhere. Eddie,

16 before you left the surface, did

17 anybody ask about the status of the

18 power underground, or did anybody

19 from the company indicate what their

20 power ---?

21 A. Yes. They said the power was
22 knocked.

23 Q. And that was at the briefing
24 prior to going underground?

25 A. Yes, sir.

56

01 Q. And did they say it was
02 removed from the box cut inby?

03 A. They said the power was
04 knocked.

05 Q. Okay. All right. All right.
06 Let's go ahead and start with fresh
07 air base Eight here and proceed ---.

08 A. No, that map was telling
09 us ---.

10 Q. I prefer that you come to this
11 one. If you feel comfortable with
12 it.

13 A. That's fine.

14 Q. All right.

15 A. Okay. All four teams arrived
16 in this general area right here.

17 Q. All right. Could you indicate
18 fresh air base, all four teams? Just
19 put it right there.

20 WITNESS COMPLIES

21 BY MR. POGUE:

22 Q. And that would be --- we're

23 still using the initial four teams
24 that we left the box cut with. All
25 right. What was your route of travel

57

01 at that point? What was your
02 objective at that point?

03 A. At that point, Mr. Robinson,
04 who was with us --- there was a
05 telephone there. I want to say it
06 was like down in --- down in this
07 entry, just hanging there in the
08 crosscut.

09 Q. Could you indicate that on the
10 map, please?

11 WITNESS COMPLIES

12 BY MR. POGUE:

13 Q. Do you have a time that you
14 might have been here at this Number
15 Eight?

16 A. I'm going to say we arrived
17 there somewhere around 1:10, 1:05 to
18 1:10.

19 Q. And that would have been on
20 the 20th?

21 A. Correct.

22 Q. Just for the record, and for
23 my purpose too, how did you jump from
24 fresh air base Number One to fresh
25 air base Eight?

01 A. I have no clue. That's what
02 they said to call it.

03 Q. Okay. All right. Okay. Go
04 ahead and start from the fresh air
05 base Number Eight and kind of fill in
06 the --- what you guys did from that
07 point, what your objective was.

08 A. Mr. Robinson wanted both of
09 the Massey teams to encircle this gas
10 well area, and I'm not sure, so I
11 won't definitely say which team went
12 which direction. At that time, we
13 were getting our stuff --- they
14 arrived right in front of us, because
15 their rides were in front of us.

16 Q. Okay.

17 A. By the time we got up there,
18 getting our stuff off the rides and
19 getting our equipment ready, we knew
20 we were close to the fire. They was
21 telling us the fire was right over in
22 this area where we had this gas well.

23 Q. Okay.

24 A. He sent one of the Massey
25 teams this way and one this way,

01 encircled this gas well. Their

02 objective was to work their way down
03 through here and come to these two
04 doors right here.

05 Q. Okay. Could you indicate that
06 with a different color felt marker?

07 A. What do you want me to
08 indicate?

09 Q. Just say from the fresh air
10 base, do you know how they got over
11 to here?

12 A. They were to --- their
13 instruction was to encircle this gas
14 well. One to go this way, and one
15 was trying to work around this way
16 and arrived together here at these
17 doors.

18 Q. Okay. Just go ahead and draw
19 one line through that area to
20 indicate that the two Massey teams
21 were instructed to encircle that
22 area. And maybe just put two Massey
23 teams right in there, I guess.

24 WITNESS COMPLIES

25 BY MR. POGUE:

60

01 Q. Okay. And then you also said
02 that once they had completed the
03 exploration around the gas well, then
04 which way were they to go then?

05 A. They had to come to here and
06 try to link up at these double doors.

07 MR. POGUE:

08 Okay. On Exhibit B
09 Lawson, Eddie is indicating
10 that the two Massey teams,
11 once they completed the
12 exploration around the gas
13 well, then they headed in a
14 south direction to survey
15 station 3204, headed in an
16 east direction to survey
17 station 3238 to the double set
18 of doors to the mother drive
19 or longwall belt.

20 BY MR. POGUE:

21 Q. Do you know if they went
22 through the doors at that time?

23 A. We could hear their
24 communications on the handheld
25 walkie-talkies, and we could hear

61

01 exactly what they were saying.

02 Q. Okay.

03 A. They were saying that there
04 was intense smoke, very visible
05 flames when they opened the airlock
06 doors.

07 Q. So then they --- they
08 continued traveling in an east
09 direction in the Number Eight entry
10 to the belt entry?
11 A. They couldn't get into the
12 belt entry. They got to the doors.
13 Q. And then they could see ---
14 from the doors, they could see --- is
15 that what you ---?
16 A. Uh-huh (yes).
17 Q. Then at this point here, when
18 they made the exploration around the
19 gas well into the doors, had they
20 donned their apparatuses at that
21 point?
22 A. Not yet. They was still in
23 fresh air.
24 Q. Okay. Do you know what
25 direction they went once they had

62

01 opened that second door up and looked
02 through and saw the ---?
03 A. They came back to where we
04 were.
05 Q. All right. And then what?
06 A. Then what?
07 Q. Yeah. What was their next ---
08 what was their next move at that
09 point that you're aware of?

10 A. At that time, they were trying
11 to figure out exactly what they
12 needed to do to get water.

13 Q. Is that something the command
14 center told them to do, or is that
15 something they took upon themselves?

16 A. There wasn't any water on any
17 valves anywhere in that area that we
18 could get water to come out. I say
19 we, anybody couldn't get any water to
20 come out. They were trying --- there
21 were some valves ---

22 Q. Is that something they ---?

23 A. --- there were some
24 waterlines, but they couldn't get any
25 water ---.

63

01 Q. Is that something they
02 communicated to you or is that
03 something that you ---?

04 A. That was just something we
05 could hear through communications,
06 because when the walkie-talkies are
07 going off in this room, you can hear
08 what's going on on the
09 walkie-talkies.

10 Q. Sure. And was that --- was
11 that something after they returned to

12 the fresh air base and went back out,
13 or is that something that --- in
14 their course of their exploration
15 around the gas well, and ---?

16 A. In the course of their
17 exploration around the gas well.

18 Q. Okay.

19 A. The ---.

20 Q. Did they ever --- did they
21 ever continue traveling in the
22 72-inch belt entry from the gas well
23 inby in the east direction to survey
24 station 3240?

25 A. Not that I'm aware of.

64

01 Q. Okay. Do you know what they
02 did after they determined they
03 couldn't find the water? What
04 happened with their teams then at
05 that point?

06 A. I can explain it to you, but
07 I'd have to start at a different
08 direction to get there. I can tell
09 you what we were doing, and then I
10 can tell you as we were doing what we
11 were doing what they were doing.

12 Q. Okay. So at that point,
13 you're not necessarily a backup at
14 the fresh air base, ---

15 A. No.

16 Q. --- that you've been assigned
17 to do something?

18 A. That game plan's just been
19 cancelled.

20 Q. All right.

21 A. At that point, I pulled my
22 team over into this crosscut and we
23 had a talk as to whether or not we
24 were willing to break every rule.
25 I'm going to be honest with you. Go

65

01 inby a mine fire to look for two
02 guys. We had a discussion as to
03 whether we were willing to do that.

04 MR. POGUE:

05 Okay. Eddie's
06 indicating that they left the
07 fresh air base location just
08 north of survey --- just south
09 of survey station 2236 and
10 went to survey station 2156
11 and walked into the crosscut
12 at that point and had to be --
13 -.

14 BY MR. POGUE:

15 Q. We'll get back to what your
16 discussion was there, Eddie, because

17 I got some questions here I want to
18 get caught up on.

19 A. If you don't mind, can I use
20 the restroom?

21 Q. You sure can.

22 MR. POGUE:

23 We'll take a break.

24 A. Take about a five-minute
25 break.

66

01 SHORT BREAK TAKEN

02 BY MR. POGUE:

03 Q. Okay. Eddie, let's just back
04 up here a little bit. Initially I
05 asked you about the power underground
06 and you indicated that the power had
07 been knocked.

08 A. Correct.

09 Q. Do you recall who told you
10 that at the briefing?

11 A. No, sir.

12 Q. Was it --- you can't recall?
13 Was it a company official, or was it
14 --- or who it was?

15 A. No, sir.

16 Q. Okay. When they indicated it
17 was knocked, did they mean the power
18 to all underground areas from the box
19 cut inby was off?

20 A. That's the way I interpreted

21 it to be.

22 Q. What did you find once you got

23 underground?

24 A. Get my blue pen. Can I back

25 up once?

67

01 Q. You sure can.

02 A. There was something I left

03 out. It probably might be important

04 to you.

05 Q. Okay.

06 A. About fresh air base Number

07 Nine.

08 Q. Okay.

09 A. They were to establish fresh

10 air base Number Nine at this location

11 right there. Those --- the two

12 Massey teams were. And they did.

13 Q. Okay. So could you illustrate

14 that by just drawing a line out and

15 marking that?

16 WITNESS COMPLIES

17 BY MR. POGUE:

18 Q. And Eddie, I do have this map

19 from the command center here that we

20 can make an exhibit. You can refer

21 to that and come to this map, or

22 however you want to do it. Would you
23 want me to do that as far as Exhibit
24 C?

25 (Lawson Exhibit C

68

01 marked for
02 identification.)

03 A. I'll tell you as close as I
04 can remember. And if I need to walk
05 over there, I'll go over there.

06 BY MR. POGUE:

07 Q. Okay. So they established
08 fresh air base Number Nine. Let's
09 get back to this power.

10 A. Okay.

11 Q. When you got underground, were
12 there any indications that the mine
13 was still --- still had electrical
14 power underground, to your knowledge?

15 A. Yes.

16 Q. How did you see that, or how
17 did you know that?

18 A. When we were in fresh air base
19 Ten one of the Massey teams, you
20 could hear them on the walkie-talkies
21 talking to --- trying to relay
22 information to the command center
23 that the power was, in fact, not
24 knocked, that there was still power

25 on this 48-inch belt line at the belt

69

01 head area, that all the lights and

02 everything was still on down there.

03 Q. Okay. Could you indicate up

04 here that --- do you know what Massey

05 team that was ---

06 A. No.

07 Q. --- that relayed that? Okay.

08 Just indicate Massey team indicated

09 power still on at belt drive, 48-inch

10 belt drive.

11 BY MR. POGUE:

12 Q. And was that on the 20th?

13 A. Yes, sir.

14 Q. Any approximate times?

15 A. I'm going to say approximately

16 at 1:40.

17 Q. Okay. And that was

18 information that was relayed by the

19 handheld ---

20 A. Yes.

21 Q. --- communication system?

22 A. Yes, sir.

23 Q. And they were calling back to

24 the command center with this

25 information concerning the power?

70

01 A. They were relaying information
02 by handheld walkie-talkies back to
03 this fresh air base, ---
04 Q. Fresh air base ---.
05 A. --- where we relayed to the
06 command center.
07 Q. Okay. And then was that
08 information sent outside, relayed
09 outside?
10 A. I wasn't at that location at
11 that time. I couldn't possibly tell
12 you. I was up beyond there. I just
13 could hear what was being said.
14 Q. When did the Massey teams go
15 back here?
16 A. Like I said, I was way up
17 there. I don't know. I can't
18 elaborate. I don't know.
19 Q. Well, how did you get up there
20 from back here? Can you fill us in
21 on that information?
22 A. No, I can't. I'm going to
23 say ---.
24 Q. Well, the last I have you, you
25 were back here at the fresh air base

71

01 Number Eight. There's two teams back
02 there, your team and who else?
03 A. Rock Springs.

04 Q. Rock Springs.

05 A. Okay. We had our map, the
06 Massey teams were in this area. We
07 had team discussion, myself with my
08 team, about where we thought the two
09 missing miners might be, what would
10 be our best option of finding them
11 and helping them. That was our goal,
12 our goal.

13 Q. Okay.

14 A. We made a decision that we
15 would. I said break the mine rescue
16 rules and go inby the fire. We made
17 the decision that we would do that up
18 until such time as we encounter any
19 methane gas, any indication of
20 methane gas would be a total
21 withdrawal situation regardless of
22 circumstances.

23 Like I said, we were stationed
24 up here, I personally went to this
25 telephone. I talked to the command

72

01 center. Who, I'm not sure. I
02 informed them that our team, the
03 Mingo-Logan team, and we also had
04 discussions here with the Rock
05 Springs team, their captain, their

06 team members. They were in on the
07 same plane as we were. They were
08 willing to go, too. We were going to
09 go through this door, get on this
10 48-inch belt line, and we were going
11 to travel this belt line up to and
12 try to find the area where the
13 section foreman had indicated that he
14 had left the mantrip. That was our
15 goal. So
16 we ---.

17 Q. Was the command center
18 instructions that you travel the
19 48-inch belt at that time?

20 A. Yes, because it was fresh air.
21 It was a different air split.

22 Q. And then you had your meeting
23 to discuss if you were willing to go
24 inby the fire area?

25 A. We had our meeting first. We

73

01 determined that we were willing to do
02 that, and we called outside. Nobody
03 forced us or asked us or told us to
04 do that.

05 Q. All right.

06 A. We wanted to do that in order
07 to try to rescue the two missing
08 miners.

09 Q. All right. Can you indicate
10 on the map here the direction of
11 travel to the 48-inch belt and just
12 hold up there one second? Go ahead,
13 put the --- indicate here the
14 stopping at the 48-inch belt.

15 WITNESS COMPLIES

16 BY MR. POGUE:

17 Q. Has the power been removed
18 from the belt at this time, the
19 48-inch ---?

20 A. Not at that time, not.

21 Q. Okay. So the mine's still
22 energized?

23 A. Yeah.

24 Q. All right.

25 A. At that time right there it

74

01 was.

02 Q. Okay. Johnny Robinson, is he
03 leading you guys underground at this
04 point? Is he with you guys as you
05 leave the fresh air base and go up to
06 the 48-inch belt entry?

07 A. At that point in time, no. He
08 had left that area and went down here
09 to around --- somewhere in this area.

10 I don't know his exact location, but

11 he was in this area.

12 Q. Did he have an apparatus with
13 him?

14 A. Not that I saw.

15 Q. Did anybody go with him, or
16 was he by himself?

17 A. He was intermingled with the
18 two Massey teams.

19 Q. And at this time, they're
20 still down in here.

21 A. Yeah.

22 Q. And you guys are getting ready
23 to get in the 48-inch. All right.
24 How were you going to move down this
25 48-inch belt? How was your ---?

75

01 A. Very slowly.

02 Q. I understand.

03 A. I'm not being smart, but that
04 --- very cautiously.

05 Q. Okay. Were both teams going
06 to travel together, or ---?

07 A. Yes. Yes, within reasonable
08 distance. Reasonable --- you can
09 see.

10 Q. So one --- like your team
11 would --- was your team the lead
12 team?

13 A. Yes.

14 Q. And the Rock Springs team
15 followed you up?

16 A. Yes.

17 Q. Were they 500 feet outby, do
18 you know, or what ---?

19 A. I would say 300.

20 Q. And you were traveling with
21 handheld communications?

22 A. They had handheld
23 communications, we did not. We did
24 have a silver mine phone, however,
25 that was --- Rock Springs came up

76

01 with it somewhere off of one of the
02 rides. There were four diesel rides,
03 and there were silver mine phones on
04 them.

05 Q. So you had the --- you had the
06 twist wire phone and they had the
07 handheld?

08 A. Uh-huh (yes).

09 Q. Does that seem to be reversed
10 to you?

11 A. No, not at that point in time
12 it didn't. I didn't see anything
13 wrong with it, because at that point
14 in time when we went through the door
15 and got on the 48-inch belt line, we

16 were in crystal clear air. Air
17 readings right there were excellent.
18 Visibility was good.

19 Q. Do you know approximately what
20 time this was you got in this belt
21 entry, the 48-inch belt and started
22 your advance?

23 A. I'm going to say about 1:30.

24 Q. Could you indicate just ---
25 draw a line out here, 1:30.

77

01 WITNESS COMPLIES

02 BY MR. POGUE:

03 Q. Okay. At this time, do you
04 know that the power's still on --- or
05 still on the 48-inch?

06 A. I don't know.

07 Q. Okay. So what was your first
08 exploration in this belt entry, how
09 far before you stopped and put the
10 communications up for ---?

11 A. As we begin to travel up the
12 belt line there was --- we
13 encountered a silver phone, silver
14 line in this general area, I'm not
15 exactly sure.

16 Q. Could you just draw a circle
17 around that area and say possible
18 phone location? Just circle right in

19 there.

20 WITNESS COMPLIES

21 MR. POGUE:

22 And Eddie is indicating
23 at survey station 3243 in the
24 belt entry and the 48-inch
25 belt entry heading east they

78

01 run across their first phone
02 installation.

03 BY MR. POGUE:

04 Q. You know, earlier, Eddie, you
05 were talking about some waterlines in
06 this general area right in here.

07 A. Uh-huh (yes).

08 Q. Were they hard lines or were
09 they fire hose, or ---?

10 A. Hard plastic line.

11 Q. Did you actually see them, ---

12 A. Yeah.

13 Q. --- I mean, that first night?

14 A. Well, there were some --- I
15 was not in this area here.

16 Q. Okay.

17 A. I was on the belt line.

18 Q. Okay.

19 A. I went from here to the belt
20 line and then through here with this

21 whole area in here, was separated
22 with this stopping line. I was not
23 in that area.

24 Q. Did you indicate earlier that
25 over the handheld communications, you

79

01 were able to determine that
02 waterlines, because of the
03 communications ---?

04 A. There were waterlines along
05 this beltline. I'm going to --- I'm
06 in this area, this area, that
07 appeared to me that they extended
08 through this stopping line.

09 Q. Is that something that had
10 been there for awhile?

11 A. Yeah.

12 Q. It wasn't something that was
13 just installed?

14 A. No, it had been there for
15 awhile.

16 Q. Could you indicate waterlines
17 extended through those three
18 crosscuts?

19 A. I'm not sure which one it was.

20 Q. Okay.

21 A. I didn't document that part as
22 to where the exact --- I'm going to
23 say that it was here maybe.

24 Q. Okay. And just indicate up
25 here waterline, any kind of

80

01 four-inch, six-inch hard plastic?

02 A. It looked like about six
03 inches.

04 Q. Do you know of any fire hoses
05 or anything being connected to that?

06 A. I didn't see any.

07 Q. Okay. Go ahead and fill us in
08 on your next move.

09 A. Okay. I proceeded on the belt
10 line. I'm going to refer to that map
11 now.

12 Q. Okay.

13 A. We established fresh air base
14 Ten. Is that a fresh air base? Is
15 that what that's supposed to be?

16 Q. Yes. Usually they indicate
17 with a circle and a number.

18 A. Well, I don't see it there
19 then. There's a fresh air base in
20 that area right there. What is this?

21 Q. That would be a --- probably a
22 --- I'm going say it's Number Ten
23 here.

24 A. I can tell you that it was
25 right there. It's what we referred

01 to on my notes and my team as fresh
02 air base Ten right there, which is
03 One, Two, Three outby the sealed
04 area.

05 MR. POGUE:

06 Okay. Eddie's
07 indicating on Exhibit C Lawson
08 that there is a survey station
09 3314 in the 48-inch belt entry
10 that they established a fresh
11 air base.

12 BY MR. POGUE:

13 Q. Did you install a phone or was
14 it there?

15 A. With the phone we had, we
16 placed it right there.

17 Q. Okay. At that point, are you
18 encountering any smoke or any CO?

19 A. Yes.

20 Q. All right. Can you --- is
21 that your first sign of smoke?

22 A. We had 35 parts per million CO
23 at that point right there, and it was
24 just leakage that was coming through
25 these stoppings onto this belt line.

01 The air was going up this belt line.
02 The air direction was inby.

03 Q. Could you indicate that for me
04 on the map there, just the air
05 direction?

06 WITNESS COMPLIES

07 A. I think I said there was some
08 leakage through these. As we
09 progressed, once we passed this area
10 right here, we started to get into
11 small amounts of smoke. And when we
12 finally got to here, it was actually
13 starting to get a little ---.

14 BY MR. POGUE:

15 Q. Could you indicate like that's
16 maybe someway that --- from this
17 stopping at the door that light
18 smoke, could appear light smoke from
19 the direction of the smoke coming
20 through those stoppings?

21 WITNESS COMPLIES

22 BY MR. POGUE:

23 Q. And did you feel pretty
24 confident that that smoke that you're
25 seeing in that belt entry at this

83

01 point is kind of moving through the
02 stopping line separating the belt
03 entry from the Number Five entry?

04 A. Yes.

05 Q. Okay. All right. And at the
06 fresh air base Ten then, what did you
07 guys do?

08 A. Once we got the phone
09 installed, we contacted the command
10 center, we told them we were at fresh
11 air base Ten. By the time we got the
12 phone hooked up and everything, the
13 Rock Springs team arrived at that
14 location right behind us, from
15 this ---.

16 Q. Any times?

17 A. They were just three breaks
18 behind us anyway, the two teams
19 there.

20 Q. Do you have ---.

21 A. And the decision was made to
22 make Mingo-Logan a backup team and
23 let Rock Springs explore for the
24 mantrip.

25 Q. Okay.

84

01 A. So the Rock Springs team ---
02 we stayed at that location, the Rock
03 Springs team advanced on inby up the
04 48-inch belt line, and they were
05 trying to find the location that had
06 been described by the section foreman
07 as to the area where he thought that

08 he had left the mantrip, which would
09 be --- let's see. You come around a
10 curve. That right there. That was
11 their goal, was to get to here.

12 Q. Do you know how they were
13 going to travel that?

14 A. They were going to continue up
15 the belt line until they got in the
16 approximate area and try to find a
17 man door and go through the man door.

18 Q. Can you indicate their travel
19 and team that did that?

20 WITNESS COMPLIES

21 BY MR. POGUE:

22 Q. And how did they get over to
23 the location ---?

24 A. I wasn't with them. I do know
25 that they got over in there, because

85

01 they had lots of difficulty,
02 according to what we could hear on
03 the handheld walkie-talkies.

04 Q. Okay.

05 A. Visibility was very bad. They
06 did not find ---.

07 Q. One foot, maybe two foot did
08 they indicate?

09 A. They couldn't find the

10 mantrip. They walked by it twice.

11 Q. Okay. Did they call back to

12 the fresh air base where you were at

13 at that time, ---

14 A. Yes.

15 Q. --- or did they come back to

16 the fresh air base?

17 A. They were calling --- they

18 were relaying information back to

19 here, which was being relayed to the

20 command center.

21 Q. What was the next instruction

22 for the command center?

23 A. They asked us, my team if we

24 would advance up to this area and

25 explore --- go through here and

86

01 explore some of this area over in

02 here around this sealed area where

03 they had cut into old works.

04 Q. Okay.

05 A. And just in case these guys

06 had got disoriented and ended up over

07 in this area. So we came --- my team

08 went under apparatus, because we were

09 already in 35 parts per million, and

10 we didn't want to take any chances.

11 Q. Okay.

12 A. We advanced to here, over

13 here, and I personally went to this
14 seal, came back. We explored all
15 this area around the back side of the
16 stopping line up into this entry and
17 back. We traveled back the same
18 route we were in, came back. We
19 could not find anything in this whole
20 area. That whole process didn't take
21 20 minutes.

22 Q. Could you indicate with your
23 marker the entries you traveled in,
24 the areas you visited and then
25 indicate up here that it was your

87

01 Mingo-Logan team that did that
02 exploration?

03 A. We advanced two breaks up to
04 here. And without handheld
05 communications, we weren't willing to
06 risk it any farther.

07 Q. All right.

08 A. So we returned back.

09 Q. These ventilation controls
10 that are indicated on this mine map,
11 did you find those to be in place
12 back in there?

13 A. Not all of them.

14 Q. Can you indicate by circle

15 which ones were missing?

16 A. They were documented on our

17 map, our map man was with us. He

18 documented them on this map. From

19 memory, I can't possibly recall, but

20 I do know that they were not all

21 intact.

22 Q. Okay. The map that you're

23 indicating your map man had, do you

24 know what ---?

25 A. This map's very similar to

88

01 this one. It was given to us when we

02 went underground.

03 Q. Do you know what happened to

04 that map?

05 A. It was given back to the

06 debriefing officer the next morning

07 when we returned to the surface.

08 Q. And do you recall who that

09 person may have been?

10 A. No. There was so many people

11 around that table downstairs that you

12 couldn't have named them all if you

13 had a tape recorder.

14 Q. Did you sign and date that

15 map, or did anybody indicate it was

16 --- that you can recall?

17 A. No, I don't recall we were

18 asked to sign and date it.
19 Q. Okay. After you came back out
20 of this area --- well, before we came
21 out of this area, do you have a sense
22 for what direction the air was
23 moving?
24 A. It was almost stagnant. It
25 was not moving over in that area that

89

01 I could tell.
02 Q. Could you say maybe no
03 movement, or a little movement?
04 A. Very, very little.
05 Q. Do you know where you guys
06 went through --- which stopping?
07 A. We didn't go through a
08 stopping.
09 Q. Okay. It was just open?
10 A. This is an open entry right
11 here right off the belt line that
12 they show was a sealed area where
13 they put in old works.
14 Q. All right. So then what did
15 you guys do at that point?
16 A. Returned back to the
17 telephone. At that time I felt
18 wasted. I just didn't want to sit
19 there with five men, I wanted to find

20 the two guys. I wanted to explore
21 ---. We killed about an hour here
22 waiting as a backup team to the Rock
23 Springs team. After we explored
24 this, like I said, it only took about
25 20 minutes or so, we spent about

90

01 another hour waiting. The Rock
02 Springs team returned back to the
03 belt line and informed them that they
04 were back on the belt line, and they
05 had found the ride. They had found
06 the ride.

07 Q. Do you know how far inby they
08 went on their exploration?

09 A. They went up to where --- we
10 were informed outside in the briefing
11 that we thought the ride was, which
12 was --- actually was not correct in
13 the brief. It was about two
14 crosscuts off from where they
15 actually found it.

16 Q. All right. Could you indicate
17 with marker their route of travel?
18 Do you happen to know that, Eddie?

19 A. No. I don't know their exact
20 --- I know --- like they said, they
21 went up the belt line across through
22 a door over into the smoke filled

23 area. They looked for the mantrip
24 ride, they finally found it, and they
25 couldn't find anything else so they

91

01 returned back to the belt line.

02 Q. Okay. Do you know where the
03 ride was located?

04 A. I never was at that location,
05 never personally saw it.

06 Q. Rock Springs did find the
07 location of the ride. Did they find
08 any other evidence that those guys
09 had traveled out through that area?

10 A. Not that I'm aware of.

11 Q. Okay.

12 A. They returned back to our
13 location.

14 Q. So everybody's back at the
15 fresh air base Ten now?

16 A. Right.

17 Q. And do you have an idea of
18 what time that was?

19 A. I'm going to say two hours
20 after we arrived, after we
21 established fresh air base Ten, about
22 two to two and a half hours after we
23 established that fresh air base.

24 Q. Okay.

25 A. It's how long it took us to do

92

01 that little area there around the
02 seals and then to go do what they do.

03 Q. And the waiting?

04 A. And the waiting.

05 Q. Did anybody indicate to you
06 why you were waiting so much, or what
07 the delay was? Did you get a sense
08 for what it was, what the delay was?

09 A. I can only give an opinion.
10 You're not here for opinions, are
11 you?

12 Q. Well, if ---.

13 A. You can imagine what's going
14 on on the surface.

15 Q. Yes.

16 A. Try to establish a command
17 center and you get tech support in
18 and get the trucks in, get the other
19 teams in. People were showing up,
20 the media's piling up. I think it's
21 probably a little bit more hectic
22 outside than it was underground at
23 that time. I mean, in all reality.
24 I think we're all coal miners here.

25 Q. Sure. We've all been there.

93

01 A. I expected delays.

02 Q. Sure. Okay. From that fresh
03 air base Ten, both teams were back
04 there then. What was your next move
05 then?

06 A. Okay. At about that time ---
07 what did you say his last name was?
08 Clarence's last name?

09 Q. Dishmon.

10 A. Okay. He --- there was a man
11 door here, by the way, at this fresh
12 air base.

13 Q. Do you want to indicate that?

14 WITNESS COMPLIES

15 BY MR. POGUE:

16 Q. Was it open or closed?

17 A. It was closed.

18 Q. Do you recall the condition of
19 these stoppings up through here?

20 A. They were leaking.

21 Q. Blocks out of them? Large
22 openings, more than ---?

23 A. Not large openings, no, but
24 there was --- there was leakage,
25 enough to get 35 parts per million on

94

01 all that smoke in the building.

02 Q. You could actually see the
03 smoke rolling through those openings

04 in the permanent stoppings?
05 A. You could see smoke coming
06 through some of them. Little, little
07 amounts, nothing major.
08 Q. All right.
09 A. Yes, there was leakage.
10 Q. Okay. How about backing up
11 for us, Eddie, and just telling us
12 where you guys went from there
13 and ---.
14 A. At that point in time when
15 Rock Springs came back and ---
16 Clarence, for some reason, came into
17 this intersection, and then came back
18 and reported that he had found 2.5
19 percent methane gas. And at that
20 point, he got on the silver phone
21 himself, personally talked to the
22 command center and told them that he
23 had found 2.5 percent methane gas.
24 MR. POGUE:
25 Okay. Eddie's

95

01 indicating from the 48-inch
02 belt entry at survey station
03 3314, which is the Number Ten
04 fresh air base, they ---
05 Clarence went through the door
06 to survey station 3307 where

07 he found the methane. Then he
08 reported back and called out
09 to the command center.

10 BY MR. POGUE:

11 Q. What was the next action,
12 Eddie?

13 A. I talked to the captain of the
14 Rock Springs team and a couple of
15 their gas men and asked them, had
16 they detected any methane whatsoever
17 in that same entry on the inby, this
18 area, and they said no. So my first
19 instinct was to withdraw my team
20 immediately. Since no other person
21 with a handheld detector had detected
22 any methane whatsoever, we thought
23 there might be a possibility just had
24 an instrument malfunction. So I took
25 my personal instrument and an

96

01 instrument from my gas man, and his
02 instrument, and him and I, only him
03 and I went back through the door and
04 into this instruction. Visibility
05 here was horrible, but you could see
06 each other in a distance for about
07 three or four feet. And we took gas
08 readings there, all three

09 instruments. And at that time all
10 three instruments registered 0.0
11 methane.

12 Q. Okay.

13 A. 300 parts per million CO.

14 Q. Could you indicate in the
15 margin up here heavy smoke in the
16 Number Five entry?

17 A. How about if it just goes
18 straight down?

19 Q. That's fine.

20 WITNESS COMPLIES

21 BY MR. POGUE:

22 Q. Continue on.

23 A. All right. Him and I went
24 back through the door, back to fresh
25 air base. At that time, Rock Springs

97

01 team, they were tired. My team went
02 under apparatus again, and we went
03 right back through the same door. We
04 first proceeded inby three crosscuts.
05 One, Two, Three. We turned right
06 into this intersection, and we come
07 back to this location, and we went
08 outby three breaks. We stopped right
09 here. And then we turned and went
10 back to that intersection and came
11 right back to there. We seemed to

12 have made a square circle right in
13 that proximity right there.

14 Q. Pretty heavy smoke in that
15 area?

16 A. Yes. And the heat was --- as
17 farther we came --- we would have
18 came farther this way, but the heat
19 was getting very intense.

20 Q. Could you indicate your route
21 of travel with your marker and also
22 indicate in heavy smoke?

23 WITNESS COMPLIES

24 A. That's the route of travel.

25 BY MR. POGUE:

98

01 Q. That information was sent, or
02 relayed to the command center at that
03 point, ---

04 A. Yes.

05 Q. --- once you got back?

06 A. Uh-huh (yes).

07 Q. And continue on with your ---.

08 A. Our gas readings in there
09 continuously through that whole route
10 of travel was 0.0 methane.

11 Q. CO? Any ---?

12 A. CO levels were over 300,
13 300-plus. One of my gas man's

14 instruments might have been starting
15 to malfunction. His CO levels were
16 getting down around 200, 260. When
17 we went this way, naturally the worse
18 the visibility and more intense the
19 heat.

20 Q. Okay.

21 A. Not that there was that much
22 of a difference between here and
23 here.

24 Q. Right. It's just hot and
25 smoky, heavy smoke.

99

01 A. And by then it was getting
02 late in the morning. It was about
03 four o'clock by then. And that's got
04 us to --- those teams were arriving
05 on the surface, and I don't know what
06 all was going on on the surface.
07 They asked us to return back to the
08 fresh air base, and then we'd stay
09 here for a little while, probably
10 another 45 minutes.

11 Q. Stop right there. Can you
12 indicate 4:00 a.m. here?

13 A. I'm estimating that.

14 Q. That's all right.

15 A. That's strictly an estimate.

16 Q. That's fine. Just put

17 approximately on your times. We can
18 live with that.

19 WITNESS COMPLIES

20 BY MR. POGUE:

21 Q. Okay. Okay. Now, you're
22 heading in an outby direction?

23 A. We stayed there --- we
24 actually stayed there for about
25 another hour or so. Just sat at the

100

01 fresh air base. There was not a
02 whole lot of communications with the
03 command center. I don't know what
04 the delay is.

05 Q. Could you do me a favor? Just
06 indicate --- put a 45 up here.

07 A. A 45?

08 Q. A 45 degrees.

09 WITNESS COMPLIES

10 BY MR. POGUE:

11 Q. Continue on.

12 A. And then at that point in
13 time, we returned back down the belt
14 line to

15 --- we came back through the same
16 door that we went through and came
17 back to this fresh air base Number
18 Eight, where we stayed for probably

19 an hour and a half waiting on other
20 teams to come in.

21 Q. Was that the extent of your
22 exploration that night?

23 A. The first night. A wasted
24 shift.

25 Q. Is Mr. Robinson with you now,

101

01 Johnny Robinson?

02 A. He's still present.

03 Q. With you? With your team?

04 A. No. No, he's pretty much
05 right now working with the two Massey
06 teams.

07 Q. And earlier, the last time we
08 had talked with the Massey team, they
09 were back here at the belt drive for
10 the 48-inch belt; is that correct?

11 A. The last that I actually heard
12 communications with them is when they
13 realized that this belt was still
14 energized.

15 Q. And when was it --- exactly
16 when was it whenever you heard that
17 they were --- that they had found the
18 power still on? Do you recall that
19 time frame there?

20 A. That right there, about 1:40
21 a.m., they realized that the power

22 was on.

23 Q. And you guys were already up

24 in this area?

25 A. Yeah. We were already

102

01 involved in trying to establish fresh

02 air base Ten.

03 Q. And how did you realize that

04 they had found the power on if you

05 guys would have been here?

06 A. We could hear them on the

07 handhelds.

08 Q. Okay.

09 A. Oh, and the lights were on

10 down there, so the power's not off.

11 Q. Did you see any indication of

12 power being on down there?

13 A. No, there's no power ---

14 anything to indicate power on the

15 belt line.

16 Q. So you went back to the

17 surface that night?

18 A. We came back to the staging

19 area right there at fresh air base

20 Eight. We waited there, it seemed

21 like forever for other teams to come

22 in. And then the long process, the

23 ride outside. We didn't arrive back

24 on the surface through all that
25 transition until ---.

103

01 Q. Indicate right here, back on
02 the surface at some time.

03 A. About 10:30.

04 Q. Circle 10:30 on 1/20.

05 WITNESS COMPLIES

06 BY MR. POGUE:

07 Q. Okay. At that point, were you
08 given a --- did anybody offer to
09 debrief you guys?

10 A. We were debriefed.

11 Q. Up in the command center?

12 A. Downstairs.

13 Q. In the box cut?

14 A. No, on the big table in the
15 bathhouse.

16 Q. Do you know who ---?

17 A. Like I said, no. There was
18 probably 25 or 30 guys around the
19 table. I couldn't honestly and truly
20 --- I didn't know them all, like I
21 don't know all of you.

22 Q. Sure.

23 A. And by then, there were many
24 MSHA and State officials there that
25 I'm not familiar with.

104

01 Q. So you --- and again, your map
02 was turned in, but you don't know who
03 the individual was that you gave the
04 map to, but it was somebody in the
05 command center at that debriefing?

06 A. The only two people from my
07 team that were actually involved with
08 the debriefing was myself and my map
09 man.

10 Q. Okay. Good.

11 A. My whole team was not there.
12 I wouldn't let them go. You guys, if
13 they want to ask you questions, we'll
14 bring you in, but stand over there
15 and let me and the map man show them
16 what we had and where it was at.

17 Q. I don't think I asked ---.

18 A. Keep it simple.

19 Q. I don't think I asked you
20 earlier, but what kind of apparatuses
21 did you guys have?

22 A. BG-4s.

23 Q. BG-4s. Did you see --- do you
24 know Frank Foster?

25 A. Uh-huh (yes).

105

01 Q. Was he underground with Johnny
02 Robinson, or was he with ---?

03 A. I didn't see Frank Foster that
04 night, personally.

05 Q. Okay. All right. Let's use a
06 red marker now for day two
07 underground or your second day at the
08 mine. When did you get back to the
09 mine?

10 A. I live close to the mine, so I
11 went home. The rest of our guys,
12 some of them went home, some of them
13 went to the motel. We arrived
14 back ---.

15 Q. How about this, Eddie. Can
16 you put like right here, a back to
17 mine, whatever the date was and the
18 time, and just make a ledger right
19 here and just keep track of those
20 times that ---?

21 WITNESS COMPLIES

22 BY MR. POGUE:

23 Q. And if you got the time that
24 you went underground, the time you
25 got your briefing, any of those times

106

01 just go ahead and --- just put them
02 in order here. It'll be easier for
03 us when we write the report.

04 A. We arrived back in the mines
05 at 6:00 p.m. that evening. Sorry.

06 Q. That's all right. This would
07 be the 20th?
08 A. Still the 20th.
09 Q. Okay. All right. I'm not
10 sure exactly how many days you were
11 underground, but of all the days that
12 you went underground, were you given
13 a briefing prior to going
14 underground?
15 A. Yes.
16 Q. Were you given a mine map to
17 take underground?
18 A. No.
19 Q. How about on the 20th, were
20 you given a mine map?
21 A. On day two?
22 Q. Yes, on day two.
23 A. On day two, we entered the
24 mines with the Southern West Virginia
25 Massey team.

107

01 Q. Could you indicate that
02 someplace on the map here, just ---?
03 WITNESS COMPLIES
04 BY MR. POGUE:
05 Q. And were you guys working
06 together, like one would explore and
07 the other would be your backup?

08 A. Backup. Yes, that's true.

09 Q. Okay. And again, are you
10 advancing with handheld radios?

11 A. Right. And we did have radios
12 that night.

13 Q. What was your objective that
14 second night for your two teams?

15 A. Our objective that night was
16 to see if we could continue on up
17 this 48-inch belt line, which I'm
18 going to refer to it as shifts. The
19 shift that came on that morning had
20 established additional fresh air
21 bases up through here. Our goal was
22 to try to get to one of the double
23 doors, down here, the double doors.
24 And this would be it; am I correct?

25 Q. Can you indicate on this map

108

01 those double doors there?

02 A. Our goal was to continue up
03 this 48-inch belt line to try to get
04 over into this area, to try to get to
05 these double doors and explore this
06 whole entire area right in through
07 here.

08 Q. Okay. Let me ---.

09 A. And open these doors and see
10 which way air would flow. That was

11 our goal.

12 Q. And you were working off of
13 the belt entry at that time in the
14 fresh air base?

15 A. Right. That was our goal and
16 the Massey team's goal.

17 Q. Do you have indication --- or
18 can you recall where that fresh air
19 base was?

20 A. This is survey station --- it
21 says here 3611, 3601 --- let's see.
22 Go over to the power center right
23 through the double door --- right
24 there. Fresh air base 13.

25 MR. POGUE:

109

01 Okay. Eddie's
02 indicating on Exhibit C that
03 the fresh air base Number 13
04 just south of survey station
05 3006 was where they reported
06 to on the second night.

07 A. That's it. Yeah, right there.

08 MR. POGUE:

09 He's pointing to
10 crosscut outby survey station
11 3605.

12 A. Right here. Right there at

13 the door. Right there, yeah.

14 BY MR. POGUE:

15 Q. Okay. Just go ahead and

16 circle that.

17 A. I didn't say that that's where

18 it was at.

19 Q. Go ahead and circle that,

20 we'll call it fresh air base 13.

21 Indicate your travel in red to that

22 point, and then go ahead and indicate

23 your travel through the entries to

24 the point where you arrived at the

25 double doors.

110

01 WITNESS COMPLIES

02 A. We didn't make it there.

03 BY MR. POGUE:

04 Q. Okay. Go ahead and indicate

05 the areas that you explored inby the

06 fresh air base or whatever you did

07 that night.

08 WITNESS COMPLIES

09 BY MR. POGUE:

10 Q. Are both teams at the fresh

11 air base?

12 A. No, that's not accurate.

13 Q. What's not accurate about it?

14 A. The doors aren't where they're

15 supposed to be.

16 Q. Can you indicate --- which
17 doors are you referring to?
18 A. This one.
19 Q. Can you circle that and just
20 say door not ---?
21 A. Let me make sure. Let me get
22 my bearings straight. It's not
23 there.
24 Q. Okay. Can you indicate which
25 stopping the door would have been in?

111

01 A. Right there.
02 Q. Okay. Can you mark that just
03 however you want to ---?
04 WITNESS COMPLIES
05 BY MR. POGUE:
06 Q. That's good. Can you indicate
07 your travel from the fresh air base
08 down to that location?
09 WITNESS COMPLIES
10 BY MR. POGUE:
11 Q. All right. And where did you
12 go from there?
13 A. To the door.
14 Q. Did you go through the door?
15 A. Sure. By the power center and
16 through the door.
17 Q. Can you indicate the power ---

18 the location of the power center?

19 WITNESS COMPLIES

20 BY MR. POGUE:

21 Q. Was that something that

22 somebody told you was there ---

23 A. No.

24 Q. --- at the briefing?

25 A. No.

112

01 Q. Was that de-energized?

02 A. Oh, yeah. There was no high

03 voltage on it.

04 Q. Okay. So you went through the

05 door into ---

06 A. Went through this entry?

07 Q. --- the Number Eight entry?

08 Well, this is Seven here. If you

09 want, you can mark this Eight, Seven,

10 Six, Five, Four, Three, Two.

11 WITNESS COMPLIES

12 A. Yeah, we went in the Number

13 Seven entry.

14 BY MR. POGUE:

15 Q. All right. Can you indicate

16 with your marker, the travel you ---?

17 WITNESS COMPLIES

18 BY MR. POGUE:

19 Q. Where did you stop at?

20 A. Our goal when we left the

21 fresh air base was to try to find
22 spad number --- we were trying to
23 find these two spads, 3609 and 3611,
24 that was our goal.

25 Q. Did you find them?

113

01 A. Well, leading up to before we
02 went through there, there was some
03 things that happened that you need to
04 know.

05 Q. Okay. Go ahead and tell me
06 those things I need to know.

07 A. While we were at fresh air
08 base 13 waiting, when we staged up,
09 we got a call from the fresh air base
10 --- or from out by fresh air base,
11 I'm not sure which one, it was
12 somewhere down here in this area,
13 either Eight or Nine, and the command
14 center telling us that they were
15 going to make ventilation changes
16 here, and that was going to increase
17 the amount of air on this 48-inch
18 belt line and we could expect to see
19 a significant increase in the amount
20 of air coming up this 48-inch belt
21 line. I had already walked across
22 the belt and opened this door, and

23 just visual effects, I knew ---
24 whether we had a team in here, in
25 this area exploring the belt ---.

114

01 Q. Is that your team or is
02 that ---?

03 A. No. There was already a team
04 in there. I knew that this area was
05 --- their briefing officer was ---
06 actually had this door with a
07 handheld walkie-talkie so he could
08 communicate with them. I don't
09 recall which team it was. The
10 command center and these fresh air
11 base people were going to make a
12 ventilation change somewhere here. I
13 don't know what they did, I wasn't
14 there. They was going to
15 significantly increase the airflow on
16 this belt.

17 We talked to them and asked
18 them, you know, what was the intent,
19 what was going on, and they said they
20 wanted to try to make some changes
21 that would put more air in these
22 entries, and take some air off of the
23 fire area. That's just the way they
24 explained things. They said that we
25 had botched --- that we had check

01 curtains that were supposedly hung
02 across Number Two, Three and Four
03 entry, which would have been the belt
04 entry outby us in this area right in
05 here. They were not there. They
06 were mistaken.

07 These curtains, in fact, were
08 not hung here at the location they
09 said, that they were closer to where
10 we were at.

11 Q. Did anybody go back and look
12 at those curtains?

13 A. I did. I actually walked down
14 there to make sure I was correct to
15 walk back, and I told them that I was
16 correct.

17 Q. Okay. Can you indicate on the
18 mine map those ---?

19 A. The curtains were basically
20 somewhere right like in this area.
21 And they weren't really what you'd
22 call tight or anything. They were
23 hung.

24 Q. Was there any pressure ---?

25 A. I wanted to move them.

01 Q. Was there any pressure on

02 them?

03 A. Not really. Not as

04 significant.

05 Q. Could you get a sense for air

06 direction?

07 A. Yeah, you could get a sense

08 for air direction. It was still

09 blowing inby.

10 Q. Could you indicate that, just

11 put an arrow.

12 WITNESS COMPLIES

13 A. That's the fresh air base that

14 I moved. I wanted to move to this

15 location right here. I wanted to

16 hang them here, here, here, and I

17 wanted to open that door to put fresh

18 air into this area and flush it. Get

19 the smoke out of there. They agreed.

20 About 30 minutes to get an agreement,

21 but they agreed. So we moved these

22 curtains and then moved them down

23 here.

24 BY MR. POGUE:

25 Q. Okay. Can you indicate where

117

01 you moved them to, approximate time

02 of that? And we'll call this Number

03 One location here. We'll call this

04 Two location.

05 WITNESS COMPLIES

06 BY MR. POGUE:

07 Q. Does it bother you if I talk
08 to you while you're writing?

09 A. Well, I mean, my wife used to
10 do it, that's why I divorced her.

11 Q. That's on the record now. Do
12 you know who installed these checks,
13 which team?

14 A. No. No.

15 Q. Was this something they told
16 you in the fresh air base, or was
17 this something they told you after
18 you got underground?

19 A. When we got underground we
20 realized what --- I don't know why
21 they were there.

22 Q. Okay.

23 A. Or who put them there, someone
24 on the previous shift. But anyway,
25 we moved into here, we asked

118

01 permission to open the door. I went
02 back to the phone and talked to them.
03 And I told them I felt like that not
04 only if we just opened the door, but
05 if they would allow me to remove part
06 or some of this stopping, that it

07 would flush this fresh air into here.
08 In the meantime, while we're hanging
09 these three, while we're in the
10 process of hanging them, hanging
11 these curtains, we did notice a very
12 significant increase in airflow. So
13 much that we actually took crib
14 blocks and nailed them onto the
15 bottom of these curtains here on the
16 belt line to weigh them down. There
17 was a very significant increase in
18 there coming up through there.

19 I asked them, can I remove
20 more of this and just simply open the
21 door, put more fresh air in here and
22 sweep this out. They asked me, did I
23 really think it would work, I said
24 let me do it. I said take out what
25 you think will benefit us, use your

119

01 own judgment. So I took the whole
02 stopping out.

03 Q. Could you indicate that on ---
04 the stopping you removed?

05 A. I remember the stopping, yes,
06 I do.

07 Q. And at that --- you can just
08 put command center orders or
09 something like that.

10 A. Okay. Okay. In orders, they
11 told me to use my own judgment.

12 Q. Okay. That's fine. Could you
13 put okay, command center? I'll know
14 what you mean.

15 WITNESS COMPLIES

16 BY MR. POGUE:

17 Q. Did they indicate what they
18 had done outby to increase that
19 airflow?

20 A. No.

21 Q. Did you ever get a chance at
22 any time during the recovery or ---?

23 A. I don't know exactly what they
24 did there, no. And when I got
25 outside for the debriefing that next

120

01 morning, I was so tired, I really
02 wasn't interested.

03 Q. Okay. All right. So at the
04 point where you removed the stopping
05 just north of 3565, between the
06 Number Four and Number Five entry,
07 what was your next move?

08 A. Then prior to removing this
09 stopping, just simply opening the
10 door, taking one step through,
11 visibility was virtually zero. You

12 couldn't see anything. After
13 removing the stopping, approximately
14 20 minutes, you could walk barefaced
15 into this intersection and walk up to
16 this next intersection barefaced. It
17 swept that smoke out of this entry,
18 and 75 percent over into this
19 crosscut and was beginning to remove
20 that smoke out of the Number Six
21 entry. It was starting to clear it
22 out, very, very quickly.

23 Q. Uh-huh (yes).

24 A. There was still some smoke
25 kind of filtered through that, but it

121

01 was just grabbing it like a vacuum
02 and taking it with it.

03 Q. Did the command center ---
04 while you were in by the fire
05 location, had they been giving you
06 any kind of updates on what the
07 status of the fire was, if it was
08 under control, if it was out?

09 A. No.

10 Q. Did you have any feel what the
11 status of the fire was, as far as
12 being out or being under control,
13 or ---?

14 A. Only what we were hearing

15 outside before we went in from other
16 teams and people talking, just ---
17 but you don't go by rumors, you
18 just ---.

19 Q. Yeah. Did the command center
20 give you any information at the
21 briefing?

22 A. No, not as to the status of
23 the fire.

24 Q. Okay.

25 A. Just that they were still ---

122

01 teams were fighting the fire. That
02 they were putting foam on the fire,
03 add water on the fire. They had
04 teams on the fire.

05 Q. Okay.

06 A. You could see even when you
07 pulled in here --- this is as far as
08 we were taking the rides, and we're
09 getting off here, you can see a
10 turnout here on the ribs, and you
11 knew that people were over there
12 fighting the fire.

13 Q. Okay. Can you just indicate
14 with the red marker up here the
15 mantrip station with approximate time
16 that you got on there that day?

17 WITNESS COMPLIES

18 BY MR. POGUE:

19 Q. Okay.

20 A. To tell you, I did not
21 document the time that we arrived
22 there. I'm sorry.

23 Q. That's all right.

24 A. For some reason I just didn't
25 write it down.

123

01 Q. Okay. Well, let's go ahead
02 and come back up into this area of
03 the mine, now that vent change has
04 been made and you felt the increase
05 of air in the belt entry. What did
06 you guys do then?

07 A. Returned back at the fresh air
08 base 13 after we removed the
09 stopping. I went back to here.

10 Q. Can you indicate your
11 exploration up here?

12 A. We stayed on the belt line.

13 Q. You didn't go down in here?

14 A. No. We stayed on the belt
15 line. Went right back up to that
16 fresh air base 13.

17 Q. All right.

18 A. At that time, they asked us
19 would we try to go over and explore

20 this area here, find these two spads,
21 and when we found these two spads,
22 the command center wanted CO readings
23 at 3609 and 3611.

24 Q. Okay. Did you get those?

25 A. We had handheld walkie-

124

01 talkies, and we stationed every ---
02 an officer at this door.

03 Q. Okay.

04 A. My team came through, like I
05 showed you, the direction of travel
06 by the power center through the door,
07 we came here, and we located the
08 spad.

09 Q. All right.

10 A. All right. We got our
11 readings there, but the minute we
12 came through here, we could not reach
13 our tail captain. For some reason we
14 couldn't communicate anything. We
15 lost communication through ---. We
16 were confident that we knew where we
17 were and we were a short distance
18 from the fresh air base, and we came
19 on and we located this spad, still
20 couldn't reach them. I made a
21 decision that we needed to at least

22 try to explore the area.

23 We knew we had a spad outby,
24 and we wanted to try to find it, but
25 we came down and found this spad on

125

01 down to this break, three breaks
02 outby to there, and then returned
03 back to this location, came back to
04 here on our 72-inch belt line, which
05 we weren't aware it was there. We
06 were never briefed or told that there
07 was, in fact, a 72-inch belt line on
08 this entry. It was never mentioned
09 to us. We found it --- although, we
10 were lost when we found it. What's
11 this? You know, we found a 72-inch
12 belt line right there.

13 We came down the belt line
14 three breaks from this spad, One,
15 Two, Three, because we had already
16 been over here, so we knew what was
17 there. We came back. We proceeded
18 to go inby two breaks to there, and
19 about the time we were going to come
20 over here to these airlock doors, we
21 heard another team down here at this
22 door, so we came back to this
23 location right there. That was the
24 --- one of the Massey teams that came

25 to that location behind us. But the

126

01 whole time that we were inby this
02 door, we had no communications,
03 because their walkie-talkies just
04 simply wouldn't work.

05 Q. All right. Can you go ahead
06 with your marker and indicate those
07 routes of travel? And if you have
08 any concentrations in these two
09 areas, and also mark this location as
10 the Massey team arrived.

11 WITNESS COMPLIES

12 A. That's as far as I went. Each
13 one of these were over return cribs.
14 Visibility was terrible in there.
15 You couldn't see nothing.

16 BY MR. POGUE:

17 Q. Could you indicate that heavy
18 smoke? Any concentrations?

19 WITNESS COMPLIES

20 A. 380 parts per million at 3609.

21 BY MR. POGUE:

22 Q. Okay. Could you write that
23 for us?

24 WITNESS COMPLIES

25 A. And the same reading at 3610.

127

01 BY MR. POGUE:

02 Q. All right. Okay. And the

03 Massey is here. Do you have a feel

04 for who they were?

05 A. Well, our initial goal, they

06 wanted us to hang check curtains.

07 When we left the fresh air base, our

08 goal was to go over and explore this

09 area, take some curtain --- they said

10 there was some curtain left in this

11 entry. We didn't find it. We took

12 it with us. They wanted us to make

13 check curtains at 3609 and 3611

14 outby, here and here. They wanted us

15 to do that. We did not hang them,

16 because I could not ---.

17 Our instructions were to go

18 there, find those two spads, take

19 readings, relay the readings back to

20 the fresh air base, take curtain with

21 us, stand by, if they wanted us to

22 hang curtains there, they would tell

23 us, we would have the curtain, we

24 would hang it. The intent was to

25 slow the smoke down going that way.

128

01 Q. Okay.

02 A. To slow it down.

03 Q. All right.

04 A. We never did hang the curtains
05 at that time. We decided that --- we
06 were told to hang the curtains here.
07 When the Massey team came through,
08 they said they want ya'll to go ahead
09 and hang the curtains. So we hung
10 this curtain at 3609, and they came
11 on over and hung this one.

12 Q. Could you indicate this check
13 curtain was hung by you all?

14 A. This one?

15 Q. Yes.

16 WITNESS COMPLIES

17 A. And this one.

18 BY MR. POGUE:

19 Q. What type of gas detectors do
20 you guys have?

21 A. We use the Solaris.

22 Q. Do you have any problems with
23 them?

24 A. No. None.

25 Q. Did you have any problems with

129

01 your apparatuses in this area?

02 A. Yes, I did. I had an
03 apparatus malfunction as soon as I
04 went through this door. Right in
05 that very first intersection I had to

06 return back through the door.

07 Q. Did you find out what the
08 malfunction was?

09 A. I took it off, threw it on the
10 ground, took my briefing officer's
11 and made him stand at the door, left
12 him there.

13 Q. Did you ever find out what was
14 wrong with your apparatus?

15 A. We're not sure. When we got
16 outside, we gave it to the
17 representative and they RZ'd it and
18 said they couldn't find anything.
19 But it lost 700 pounds of oxygen in
20 less than 30 seconds. I wouldn't
21 wear it.

22 Q. Do you guys fit your own
23 apparatuses, or ---?

24 A. Yes, we do.

25 Q. All right. Continue on with

130

01 your work.

02 A. At that point, we return back
03 to the fresh air base. Let's see.

04 Q. That would be fresh air base
05 13?

06 A. Thirteen (13).

07 Q. Any idea what time it is,
08 Eddie?

09 A. It's getting real late in the
10 morning --- or it's getting real late
11 in night now. Very, very late.

12 Q. Is it into the 21st yet, or is
13 it ---?

14 A. At that point in time, yes, it
15 is.

16 Q. Okay.

17 A. Yeah, that's over into late in
18 the ---.

19 Q. Maybe what we'll do then is
20 just indicate you returned to the
21 fresh air base, and this would be
22 the ---. And list the date now.

23 WITNESS COMPLIES

24 A. It actually will be the ---

25 BY MR. POGUE:

131

01 Q. 21st?

02 A. --- 21st, yeah.

03 Q. Approximate time?

04 A. It's a guess.

05 Q. How about after midnight? Are
06 both teams back at the fresh air
07 base?

08 A. Yeah. Yeah, everyone was back
09 to the fresh air base at that point
10 in time.

11 Q. Okay.

12 A. One --- no, I told you wrong
13 there. That's not correct. We
14 returned back to the fresh air base,
15 the Massey team proceeded to continue
16 up this entry where the 72-inch belt
17 line structure had been installed.
18 No rubber belt on it, just structure.
19 They proceeded on up in there where
20 they located the main line belt drive
21 and stuck with this position they had
22 there. We could hear them talking on
23 the two-ways.

24 Q. Could you indicate with the
25 purple marker, that furthest point of

132

01 travel, just for the record?

02 A. Their what now?

03 Q. Their furthest point of
04 travel.

05 A. I couldn't. I'm not sure.

06 Q. Okay.

07 A. All I know is that they
08 located the main line belt drive in
09 this entry. Is it on this map? It
10 was somewhere in this area. I don't
11 see nothing in here. Those were all
12 ---. Anyway, they did encounter a
13 main line belt drive in that area,

14 Well, that's what they told us, in
15 the belt drive entry. That's the
16 information that I got from them.
17 And there was also a belt drive on
18 this 48-inch up here that we didn't
19 know about.

20 Q. Okay.

21 A. The main line belt drive,
22 which we found.

23 Q. Is the Southern team still
24 with you, with your mine rescue team?

25 A. Yeah.

133

01 Q. And that would be the --- what
02 were they doing? Were they with you
03 at the time that you guys were down
04 in this area installing the checks?

05 A. They're the team that came
06 through behind us and came around and
07 hung this curtain here, and then
08 continued to explore this area up
09 through here.

10 Q. Was Southern a Massey team?

11 A. Yeah.

12 Q. Oh, okay.

13 A. They're the team that went in
14 with us.

15 Q. All right. Okay.

16 A. Anyway, they explored some of
17 this area up in through here, and
18 they ---
19 Q. I'll tell you what. Just ---.
20 A. --- they actually did make it
21 here to the doors, and they actually
22 did open the doors, and air did ---
23 with what we had done down here by
24 knocking this stopping, hanging these
25 checks, knocking this stopping,

134

01 flushing this area when they opened
02 these doors, it just shot ---
03 Q. Short-circuited and went down
04 to the ---?
05 A. --- massive air down through
06 there, according to what this --- and
07 just really took off.
08 Q. Did you go to those ---
09 A. No.
10 Q. --- set of doors?
11 A. No. We came to right here.
12 We never actually turned and walked
13 over to the doors.
14 Q. Okay. Did they --- was this
15 communicated over the radios?
16 A. Radios.
17 Q. All right. And they said that
18 the air was moving inby ---

19 A. The air was going ---
20 Q. --- at the set of double
21 doors?
22 A. --- that way.
23 Q. Could you just mark that up
24 for me, indicating that the --- did
25 they indicate any other entries, what

135

01 the air direction was?
02 A. No. They did say when they
03 opened the doors that air rushed
04 inby.
05 Q. Why don't you mark there ---
06 do it with the purple then, if you
07 didn't already.
08 WITNESS COMPLIES
09 BY MR. POGUE:
10 Q. Did they leave them doors
11 open? Was that their instruction?
12 A. I couldn't answer that.
13 Q. Do you know if they found both
14 doors closed when they got there,
15 or ---?
16 A. I can only tell you what I
17 heard on the radio.
18 Q. Okay.
19 A. What I heard on the radio, I
20 think they found this door open, this

21 door was closed. When they opened
22 this door, air rushed in, so I
23 believe they shut it back.

24 Q. Did they advance up into Ten
25 headgate entries?

136

01 A. Not that I'm aware of.

02 Q. You said earlier they did
03 travel in the Number Seven entry
04 inby?

05 A. Yeah. Uh-huh (yes).

06 Q. Could you just circle that
07 area and just indicate Massey?

08 WITNESS COMPLIES

09 A. One of the reasons that we
10 wanted to try to get into this area
11 right here is because we were told
12 outside that the mine rescue team
13 that's explored the face areas, which
14 is Harvey's team, did not get to
15 explore this final corner for
16 whatever reasons. I think they may
17 have had apparatus malfunctions.
18 That's what we had heard.

19 BY MR. POGUE:

20 Q. Whose team explored the faces?

21 A. We were told that Harvey
22 Farrell's team did.

23 Q. Okay.

24 A. And that they got all the
25 faces made, but they didn't get this

137

01 last little corner area right in
02 here. Maybe down behind this
03 stopping.

04 Q. When did they ---?

05 A. That was one of them able to
06 get to that.

07 Q. When did he get into this area
08 up in here, ---

09 A. Sometime ---

10 Q. --- Harvey Farrell's team?

11 A. --- during the day.

12 Q. Prior to you guys getting
13 there?

14 A. Not on our shift. That was
15 done before we even went underground.

16 Q. All right. Go ahead and
17 continue.

18 A. We came back to the fresh air
19 base, and then ---.

20 Q. Fresh air base 13?

21 A. Yeah. We stayed there
22 approximately about an hour, and then
23 we went back under apparatus, come
24 back through the door and went to
25 spad number 3629 right there, 3629,

01 which had 380 parts per million right
02 there. So then what air was moving
03 through here was trying to go this
04 way, but from this area on through
05 here, it was still very smoky. It
06 wasn't clearing it out up in here.

07 Q. Can you indicate ---?

08 A. It was doing what they wanted
09 it to do. It was coming here and
10 going that way.

11 Q. Can you indicate with your
12 marker that you traveled to the ---
13 that point and what your CO reading
14 was?

15 WITNESS COMPLIES

16 A. The only reason that we went
17 back the second time was just to see
18 what the effects of doing this work
19 down here, the part right here and
20 painting these checks and tearing
21 this door out in the stopping, I was
22 just trying to see how much of a ---

23 BY MR. POGUE:

24 Q. Flushing?

25 A. --- a flushing effect it was

01 having. And it was doing quite well.
02 By that time, Number Five and Number

03 Six entry visibility was very well.

04 I mean, you could see good, quite

05 well.

06 Q. Any idea what time it is now?

07 A. It's time to go home. That's

08 all we did that night. We loaded our

09 stuff up and proceeded to bring all

10 of our equipment back in this belt

11 line, which was a challenge, because

12 there were cribs and stuff all along

13 this belt line, and you couldn't walk

14 until you get up on the belt and drag

15 your stuff and get back off, get back

16 on the belt and drag your stuff and

17 get back off. So it took quite a

18 while just to get back down to here.

19 Q. Well, which side of the belt

20 were you trying to go down, the tight

21 side or the wide side?

22 A. The walkway side.

23 Q. The walkway side. And all of

24 your team members had to actually put

25 their equipment on the belt, climb on

140

01 the belt to get through the area?

02 A. There was some bad rib --- I'm

03 not exactly --- I'm not sure of the

04 exact location. It was somewhere

05 along this area there was some bad
06 rib. They had built some large cribs
07 and you had to get up on the belt to
08 go around the cribs. This crib here.

09 Q. I appreciate that information.

10 That's good. Okay. So then you guys
11 walked out the 48-inch belt?

12 A. Uh-huh (yes).

13 Q. Where did you go to then?

14 A. Came back to here, the staging
15 area during the whole time, this area
16 here. Number Eight fresh air base
17 was a staging area where teams were
18 being brought in, dropped off,
19 unloaded their equipment, other teams
20 load up and leave the mine.

21 Q. Any idea what time you got
22 back there?

23 A. No, I don't.

24 Q. Any time --- how about
25 outside, any idea of what time you

141

01 got outside?

02 A. I really couldn't tell you. I
03 know we were there about a grand
04 total of 12 and a half hours the
05 second night.

06 Q. From 6:00 p.m. ---.

07 A. From the time we arrived, we

08 were there about 12 and a half hours.

09 Q. So it's like 6:00 a.m. in the
10 morning now?

11 A. It's daylight.

12 Q. Could you indicate that?

13 A. Daylight?

14 Q. Well, daylight, approximately
15 6:00 a.m. on the 21st?

16 WITNESS COMPLIES

17 BY MR. POGUE:

18 Q. Okay. I'll take that red
19 marker off of you and give you a
20 brown for day three. When you got
21 out ---?

22 A. Day three is going to be easy.

23 Q. Is it?

24 A. Yeah. Day three we stayed on
25 the surface as a backup team. We

142

01 were scheduled to go underground, but
02 --- like I said, there were other
03 teams there that had not yet even
04 been underground, and they felt like
05 they wanted them to go inside. And
06 we were --- we wanted to go, but they
07 said, no, you guys have been under
08 there two consecutive days for ---

09 Q. Okay.

10 A. --- long periods of time.
11 Take a break.
12 Q. All right.
13 A. So we put our stuff down in
14 the staging area downstairs, ready to
15 go, and we stayed down there about
16 four or five hours, and then finally
17 I think the Red Cross brought some
18 cots back upstairs. They said you
19 guys go upstairs and sleep. If we
20 need you, we'll come and get you.
21 Q. Now, this is on the, what, the
22 22nd?
23 A. This is on Saturday night. We
24 stayed there all night Saturday
25 night, and left Sunday morning.

143

01 Q. Okay. So let's indicate
02 here ---.
03 A. The first night we were there
04 was Thursday night, the night of the
05 fire. The second time we were there,
06 I just described to you.
07 Q. Right.
08 A. The third night we were there,
09 which was Sunday night, we stayed
10 outside.
11 Q. All right. And that would
12 have been the ---?

13 A. The fourth night we were
14 there, which was --- am I right?
15 Thursday night, Friday night,
16 Saturday night, Sunday night, I'm
17 sorry. Thursday night was the fire,
18 Friday night was this, Saturday night
19 was when we stayed outside, and
20 Sunday night we go back underground
21 for while.

22 Q. Could you indicate here the
23 21st, spent the night outside as a
24 backup?

25 WITNESS COMPLIES

144

01 BY MR. POGUE:

02 Q. Did they officially tell you
03 you were a backup team that night?

04 A. Yes.

05 Q. Okay.

06 A. That's where we were staged up
07 down in the pit all night, our
08 equipment and everything was set
09 forth in the box cut.

10 Q. Is that where you guys slept?

11 A. No, we actually went upstairs
12 in the bathhouse. They brought cots.
13 It was kind of late at night when
14 they brought the cots down and got

15 them set up, maybe one or two o'clock
16 in the morning when we went up and
17 stretched out.

18 Q. All right.

19 A. We went home and turned back
20 to the mines Sunday evening.

21 Q. On the 22nd?

22 A. Right.

23 Q. Let me give you another one.

24 A. We're running out of colors.

25 Q. Then we'll start all over

145

01 again. Okay. This would be Sunday
02 night, the 22nd; right?

03 A. Okay. Now, number four, we
04 arrive at the mines at 1:30 p.m.

05 Q. Day four.

06 MR. POGUE:

07 Eddie, we need to take
08 a break a second.

09 A. Okay.

10 SHORT BREAK TAKEN

11 MR. POGUE:

12 Okay. Eddie's going to
13 indicate on Exhibit A Lawson
14 some more information
15 concerning the dates.

16 A. This is Thursday?

17 BY MR. POGUE:

18 Q. Correct.
19 A. 1/19/06 is Thursday evening?
20 Q. Correct.
21 A. Okay.
22 Q. This is 1/20.
23 A. That is?
24 Q. Friday.
25 A. Friday evening.

146

01 Q. This is Saturday.
02 A. No. Yeah, you're right.
03 That's Saturday morning.
04 Q. Right. Saturday morning.
05 Okay. Then down here on Sunday, the
06 22nd. That's where you're on
07 standby. And then you arrive back
08 here on Sunday evening ---
09 A. Right.
10 Q. --- or afternoon?
11 A. That's right.
12 Q. Okay.
13 A. Now you want to take a break;
14 is that what you said?
15 Q. Not necessarily, unless you
16 want to.
17 A. Oh, I thought you said you
18 wanted to take a break.
19 Q. No, we're okay. Well, we took

20 the break, and we're just going to
21 get back on the record. All right.
22 Let's start with Sunday evening ---
23 or afternoon at 1:30 p.m.

24 A. Okay.

25 Q. Did you go underground that

147

01 day?

02 A. Yes.

03 Q. Were you given a briefing on
04 that day?

05 A. Yes.

06 Q. A mine map?

07 A. No.

08 Q. Okay. How about indicating
09 that, no mine map.

10 WITNESS COMPLIES

11 BY MR. POGUE:

12 Q. In the briefing, did they tell
13 you what job you would be ---

14 A. Yes.

15 Q. --- performing underground ---

16 A. Yes.

17 Q. --- at that time?

18 A. Yes.

19 Q. Can you tell us what that ---?

20 A. They told us that we would be
21 on hot spot check, that the fire was
22 extinguished, that the top was

23 extremely bad, to use caution, that
24 there would be two teams, that we
25 were going to go in --- that some of

148

01 the teams had already been released
02 to go back to their homes or
03 whatever. That we were going to go
04 in and that we would patrol the area
05 along the longwall belt and what they
06 call the mother drive discharge area
07 on the 72-inch belt line, patrol this
08 one break right here that had burned
09 on this crossover 72-inch belt line
10 up to this tailpiece area to this
11 intersection where this power center
12 was sitting.

13 Q. Okay.

14 A. Patrol this ---.

15 Q. Before you go any further ---

16 I hate to keep interrupting you. But
17 you said a second team went in with
18 you on this date?

19 A. Uh-huh (yes).

20 Q. Can you indicate who they are,
21 do you recall?

22 A. I'm not sure who the other
23 team was that went in.

24 Q. Do you remember the team

25 captain or somebody ---

149

01 A. No.

02 Q. --- you worked with that
03 evening?

04 A. No, not exactly. I didn't
05 talk to ---.

06 Q. Did you report to the staging
07 area?

08 A. Yes.

09 Q. Okay. Can you give me a
10 staging area on the 22nd, approximate
11 time?

12 WITNESS COMPLIES

13 BY MR. POGUE:

14 Q. And you said at the briefing
15 they talked about the Cairns Arus, a
16 heating instrument.

17 A. We arrived here about 2:30
18 p.m.

19 Q. Okay. Could you ---?

20 WITNESS COMPLIES

21 BY MR. POGUE:

22 Q. And you had indicated that you
23 were to patrol the fire area, which
24 is the mother belt and also the
25 72-inch belt?

150

01 A. Right.

02 Q. Can you indicate with your
03 marker that area that you were to ---
04 not explore, but just monitor that
05 evening?

06 A. What actually --- what I
07 actually covered?

08 Q. Yeah. Yeah, that would be
09 fine. Try to stay away from our
10 survey stations, and ventilation
11 controls.

12 WITNESS COMPLIES

13 A. Straight down here. This area
14 overtop. With heat sensors that we
15 had from the Logan Fire Department.

16 BY MR. POGUE:

17 Q. Cairns Arus? Did you have any
18 type of heat guns other than Cairns
19 Arus, something that you can point
20 at?

21 A. Well, that's what we had was
22 the string --- yeah.

23 Q. All right. And the fire hose
24 and the waterlines to supply the
25 water to this fire area, had they

151

01 already been laid prior to you
02 getting there?

03 A. Yes. There was actually water

04 on and running on a couple hot spots
05 when we arrived.

06 Q. Did you guys --- and I say you
07 guys, your team, or the team that
08 went in with you, did you knock any
09 holes in any ventilation controls?

10 A. No.

11 Q. Hang any curtains?

12 A. No.

13 Q. And you indicated as the area
14 that you monitored that evening to
15 start at survey station 3239 in the
16 Number Seven entry, which would be
17 the 72-inch belt, that you would
18 monitor that area all the way into
19 survey station 3326 in an east
20 direction, and also the mother belt
21 from the mother belt discharge roller
22 inby to the longwall face to survey
23 station 3282. And was this an area
24 where you had to potentially be
25 putting water on and monitoring for

152

01 hot spots, or ---?

02 A. When we arrived there were
03 some hot spots. There was one hot
04 spot along this rib here, they had
05 water on. They had water
06 continuously spraying on the

07 discharge rollers. There was some
08 steel piping that they had installed.

09 Let's see, here's the doors.

10 Q. Sure.

11 A. There's the doors.

12 Q. Were those doors closed when
13 you got when you got up in that area?

14 A. Yes, they were.

15 Q. Okay.

16 A. There was major water in here
17 from all the firefighting
18 efforts ---.

19 Q. Could you just indicate a
20 little bit of water, make a circle
21 there?

22 WITNESS COMPLIES

23 BY MR. POGUE:

24 Q. And we know the doors --- this
25 set of doors was closed. What about

153

01 this set, did you happen to ---?

02 A. They were open.

03 Q. Okay. Can you indicate these
04 two doors down here, what position
05 they were in?

06 A. Uh-huh (yes). Well, I know
07 this door was open.

08 Q. That's fine.

09 A. I can't say, I did not go to
10 that location.

11 Q. All right. That's fine. Go
12 ahead and just draw yourself there.

13 WITNESS COMPLIES

14 BY MR. POGUE:

15 Q. Can you sense where --- the
16 direction of airflow through there?

17 A. Through that door, this door?

18 Q. Well, in any one of these
19 entries in this area.

20 A. At that time, no, not in a
21 direct sense.

22 Q. Okay. How about the
23 waterlines? I know you talked a
24 little bit earlier about the
25 waterlines. Do you know where the

154

01 waterlines came over to your ---?

02 A. No. I do now.

03 Q. Okay. Could you indicate on
04 the mine map where those waterlines
05 would run?

06 A. They had --- in here on the
07 48-inch belt line, and they had tied
08 in and done some plumbing work and
09 brought the waterlines over this way.

10 Q. Okay. Can you just indicate
11 waterline --- is it a rigid four-inch

12 line, three-inch line, collapsible

13 line?

14 A. No. It's hard plastic. What

15 you can see leaving the belt

16 line ---.

17 Q. Okay. Could you just indicate

18 that for me? I'll tell you what,

19 let's mark it with this green pen and

20 label it mortar line.

21 WITNESS COMPLIES

22 BY MR. POGUE:

23 Q. Okay. What about the foam

24 generator, do you recall the location

25 of it?

155

01 A. Yes. Right here.

02 Q. All right. And also, can go

03 to this command center map if you

04 want.

05 A. The foam generator, right

06 there.

07 Q. Just go ahead and give me a

08 foam generator.

09 A. One break in by the mother

10 drive.

11 Q. Was there a hole in that

12 stopping, too?

13 A. There was for the foam crew.

14 Q. How big of a hole?

15 A. Big enough to walk through. I
16 walked through it several times.

17 Q. Get a feel for it, maybe six
18 by six hole, five by five?

19 A. Five by four. Five foot in
20 width, four foot high.

21 Q. Could you just indicate that
22 foam generator opening?

23 WITNESS COMPLIES

24 BY MR. POGUE:

25 Q. What about this stopping south

156

01 of survey station 2236, was it
02 intact?

03 A. No. It had a hole in it.

04 Q. A good size hole? Four by
05 two?

06 A. Three by four.

07 Q. Could you indicate that for
08 me, please?

09 A. There's one directly in front
10 of the mother drive discharge, is
11 that the one you want?

12 Q. That's right. That's correct.
13 What about this stopping right here
14 with the door? Any information on
15 that?

16 A. It was there.

17 Q. As a stopping with a door, can
18 you remember?

19 A. Yes. I'm sure that it was.

20 Q. Okay. What about these
21 stoppings here that are inby 3266?

22 A. Not there.

23 Q. Can you circle that and
24 indicate missing?

25 WITNESS COMPLIES

157

01 BY MR. POGUE:

02 Q. How about the stopping just
03 inby --- just north of 3332?

04 A. Not there.

05 Q. Can you indicate that on the
06 mine map for me?

07 WITNESS COMPLIES

08 BY MR. POGUE:

09 Q. How about the stopping with
10 the door in it just north of survey
11 station 3323? If you can't
12 recall ---.

13 A. To the best of my knowledge,
14 as I walked this belt entry, and I
15 walked to the location where they
16 found the body, other than the
17 stopping straight in front of the
18 mother drive, which had the hole in

19 it, the next stopping, which they had
20 removed some to put the foam machine,
21 these stoppings here were not intact.
22 They weren't even there.

23 Q. Okay. Could you indicate that
24 with the marker?

25 A. To the best of my knowledge,

158

01 they weren't there.

02 Q. Okay. Well, how about
03 circling those three and draw a line
04 and say to the best of your
05 knowledge.

06 A. I may be wrong, but ---.

07 WITNESS COMPLIES

08 BY MR. POGUE:

09 Q. At any one of those locations
10 where you're indicating your stopping
11 was missing, or to the best of your
12 knowledge the stopping was missing,
13 or you say was present; is that what
14 it is?

15 A. Not present.

16 Q. Oh, not present, okay. Do you
17 recall any blocks laying on the mine
18 floor?

19 A. No.

20 Q. Okay. Any indication that
21 they had been recently removed?

22 A. No.

23 Q. Did you explore any areas inby
24 where you've indicated on this map?

25 A. No.

159

01 Q. Nothing in the Nine ---

02 A. No.

03 Q. --- tailgate?

04 A. No.

05 Q. Do you think the command
06 center knew that these stoppings were
07 out before ---?

08 A. I can't answer that. I have
09 no knowledge.

10 Q. Did they relay that
11 information to you ---

12 A. No.

13 Q. --- before you went
14 underground?

15 A. No.

16 Q. So as far as you knew, when
17 you left the surface, these six
18 stoppings that you're indicating
19 missing were not present, but
20 according to your map, they were
21 there?

22 A. Yes.

23 Q. Okay. Let's go in an outby

24 direction over this 72-inch belt
25 line, and you're also indicating that

160

01 you traveled through that area?

02 A. That one break, that block ---

03 Q. Right.

04 A. --- we were patrolling for hot
05 spots.

06 Q. Okay. When you walked down
07 through this area and you retreated
08 back, did you walk right back this
09 same entry?

10 A. Yes, sir.

11 Q. When you go to 3266, was there
12 any type of a ventilation control
13 across the entry?

14 A. No.

15 Q. When you were at this
16 location, could you see the tail
17 roller of the Number Seven belt?

18 A. Could I see it?

19 Q. Yes.

20 A. Yes, but I wouldn't go there.

21 Q. But you could see the roller?

22 A. Yes.

23 Q. This map indicates a stopping
24 at that tail roller. Do you recall
25 seeing a stopping at that ---?

161

01 A. Not there.

02 Q. Okay. Can you, with your
03 marker, indicate that --- circle it
04 just like the same manner you did.

05 WITNESS COMPLIES

06 BY MR. POGUE:

07 Q. But you never did physically
08 walk through it, you just looked ---?

09 A. I thought it was too bad, and
10 it had only one row of screw jacks in
11 there, and I wouldn't put myself or
12 my team in that area.

13 Q. Good call. Okay. You
14 indicate that on the mother belt or
15 the longwall that you got a black
16 line going down the tight side of the
17 belt. Did you travel the tight side
18 of the belt?

19 A. Both sides. Both ribs.

20 Q. They're both ---?

21 A. Every bearing, every roller,
22 everything on it.

23 Q. Okay.

24 A. I personally put the gun on
25 everything on it looking for a hot

01 spot.

02 Q. Did you find any hot spots on

03 that tight side?

04 A. We found a couple little ones,
05 though --- like I said, when we
06 arrived there was on this rib that
07 they had water spraying on it. I
08 guess you can call that inby rib.
09 They had water spraying on it. We
10 found --- that's where the diesel
11 ride was on fire, right here on this
12 --- also on the inby rib we found one
13 small hot spot right there, and we
14 charted it out a little bit, put some
15 water on it. After just 30 minutes
16 letting it run on it, when I went
17 back and checked it, there wasn't
18 anything. But we still had water run
19 off of it for a couple hours just to
20 be on the safe side.

21 Q. Was the diesel ride, was it
22 still on fire, was it ---?

23 A. No. Everything was completed
24 extinguished at this time.

25 Q. Okay. All right.

163

01 A. We weren't fighting fire, we
02 were just hot spot patrol.

03 Q. Okay. And you indicated that
04 you traveled on that tight side all
05 the way down to survey 3282, I think

06 it is.

07 A. Well, ---.

08 Q. Just --- go ahead.

09 A. Let me put it to you this way.

10 We were just all over the place in
11 there. It's just a melted down mess.

12 Q. Okay.

13 A. I mean, I didn't actually
14 crawl overtop of this diesel ride
15 that was here, you know, and walk
16 around it. As you can see over
17 there, the door opened, you could see
18 the self-rescuer and stuff laying
19 back in there. I didn't go over in
20 that area, I didn't want to
21 contaminate anything that was going
22 on. I avoided that area. We were
23 just all over this whole area, both
24 sides. I might stand up on melted
25 down belt structures. There's a

164

01 1,000 feet of lapped up belt laying
02 there where they had just made a belt
03 move on the longwall. I'm going to
04 say 1,000 feet of lapped up belt
05 laying there.

06 Q. Could you indicate that for

07 us?

08 A. Where the belt was?
09 Q. Yeah, where that belt ---.
10 A. I have to think that through
11 now. Where was it? Let me see. The
12 drive motors were right there.
13 That's a tight, you had to get down
14 and crawl under them.
15 Q. You're right.
16 A. The diesel ride was right
17 there.
18 Q. That's correct.
19 A. Your takeup was actually from
20 here to there. So I want to say that
21 that 1,000 foot of belt was right
22 there. Right in that area. I'm just
23 assuming that that's ---.
24 Q. Can you just indicate that?
25 A. Sure.

165

01 Q. Use a black marker.
02 WITNESS COMPLIES
03 A. I'm just going to put stored
04 belt line. I used the term 1,000
05 foot, there may have only been 500
06 feet. I don't know how many feet was
07 there. There was just a stack of
08 belt right there.
09 BY MR. POGUE:
10 Q. All right. Was it burnt, tore

11 or anything?

12 A. Surprisingly, I checked it,
13 because I didn't want it to end up
14 --- it was smoldering the next day
15 inside, so I tried to move it. It
16 was frayed pretty bad all around the
17 ends. The top two or three layers
18 were burnt.

19 Q. Was it on the mine floor, or
20 was it on a cart?

21 A. On the mine floor.

22 Q. Okay.

23 A. I'm just going to put stored
24 belt, okay.

25 Q. Yeah, mine floor. The map

166

01 indicates a regulator right here. Do
02 you recall seeing that regulator?

03 A. No.

04 Q. Could you draw a circle around
05 that and indicate it's missing?

06 WITNESS COMPLIES

07 A. They burn up. It wasn't
08 there.

09 BY MR. POGUE:

10 Q. Okay. Any indications of it
11 ever being there?

12 A. I don't think.

13 Q. Anything along this tight side
14 that kind of stood out in your memory
15 that you can recall, like any kind of
16 belt shavings, or anything that ---?

17 A. No. Everything in there ---
18 you can imagine the destruction of
19 the fire, everything was just
20 totaled, melted down.

21 Q. Let me back you up. As you're
22 walking in an outby direction in this
23 belt entry here, Number Seven entry,
24 when you went by this opening, did
25 you look to the south of survey

167

01 station 3266?

02 A. Sure. They had a power center
03 sitting there.

04 Q. Can you indicate that power
05 center on the map? Do you remember
06 what color it was, anything like
07 that?

08 A. What the color was?

09 Q. Yeah, like a yellow, a red?

10 A. Yeah, it was burnt brown.

11 Q. Burnt brown power center.

12 A. Burnt.

13 Q. Okay. How about a ventilation
14 control, was there a stopping in
15 there?

16 A. No.

17 Q. Did you see anything else in
18 that entry that indicated maybe a
19 stopping had been installed there
20 prior, maybe some --- go ahead?

21 A. To let you understand, one of
22 the reasons I did not go in here,
23 this top, from this mother drive
24 discharge roller up through and
25 passed the tailpiece on the 72-inch

168

01 drive, and those two, this
02 intersection right here was bad top.
03 It was very bad top. There had been
04 a single set of jacks installed on a
05 curve motion --- let me make little
06 small dots.

07 Q. That's fine. Indicate where
08 the roof supports ---.

09 A. They had installed a single
10 row of screw-type jacks,
11 approximately ---.

12 Q. Is that what they call
13 Heintzmann jack?

14 A. Yes.

15 Q. Okay.

16 A. At that right there. I didn't
17 feel that a single row of jacks were

18 safe enough for me to even go down
19 here and place the heat sensing
20 indicators and stuff on that
21 tailpiece. I wouldn't put myself in
22 there or my team. I would not even
23 walk pass them over to the power
24 center. Provisionally within the
25 power center, I could see that there

169

01 was no evidence of any fires, smoke,
02 that it had cooled down. With the
03 gun, I could hold it toward it, and
04 it didn't indicate any temperature
05 rise whatsoever, no.

06 Q. How about this, Eddie, after
07 you left this area and ventured down
08 in the mother belt entry, you came
09 back to the drive area you were
10 walking in the 72-inch belt. How far
11 outby did you go in that belt?

12 A. Just to here.

13 Q. Okay. So your walkway --- you
14 changed the walkway from there ---
15 what was your route of travel? Let
16 me put it to you this way. Were you
17 in this area right here around this
18 overcast, at 3199? Do you recall
19 traveling through that area?

20 A. We traveled trough this door

21 and over this overcast. We traveled
22 in this area right in here. No, I
23 was not right there. We stayed
24 pretty much primarily right here,
25 where we were supposed to, right in

170

01 that area.

02 Q. Okay. Is there anything else
03 you can tell us about this area that
04 you think we need to know?

05 A. Other than what my visual
06 exams were, I was pretty careful of
07 my team members' safety in there.
08 The top was extremely bad. It had
09 strained the roof.

10 Q. Uh-huh (yes).

11 A. I staged two of my men here in
12 this crosscut, two here, two here,
13 and I would patrol, myself. I would
14 check on these guys, take one guy up
15 with me, a different guy each time,
16 I'd take them with me.

17 Q. Did you guys have any radios
18 or anything?

19 A. Yes. We had handheld radios.
20 We communicated with each other. I
21 didn't want them just wandering
22 around aimlessly and getting hurt and

23 covered up. The top was extremely
24 bad in here, in this area here. I
25 did come out into this roadway here

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01 several times throughout the course
02 of the night as we traveled up here,
03 there where the foam machine was.
04 There was a telephone in this entry,
05 at that time somebody had installed
06 that night.

07 Q. Was that overcast there?

08 A. No.

09 Q. Can you circle that, say
10 missing?

11 WITNESS COMPLIES

12 BY MR. POGUE:

13 Q. What about the overcast, do
14 you recall that being there?

15 A. No.

16 Q. Can you circle that?

17 WITNESS COMPLIES

18 A. So the top was actually so
19 bad, we ordered jacks.

20 BY MR. POGUE:

21 Q. Let me ask you this question.

22 At your briefing prior to going in
23 the mine, was there ever any
24 discussion of what Massey officials
25 had done underground prior to you

01 going under the first evening, as far
02 as changing any kind of ventilation
03 or opening any doors or removing
04 stoppings, or ---?

05 A. No.

06 Q. Any discussion whatsoever of
07 what they did underground ---

08 A. No.

09 Q. --- in a way of a briefing?

10 A. No.

11 Q. When you got into this area,
12 that first night, was there anything
13 that looked like it had been changed
14 to maybe --- by somebody trying to
15 take firefighting precautions or
16 anything?

17 A. Not that I noticed from this
18 location right here, no.

19 Q. Okay. Anybody indicate any of
20 that to you?

21 A. No.

22 Q. Okay. All right. Go ahead
23 and continue.

24 A. Other than the fact that we
25 --- well, we continued to take ---

01 our instructions were to patrol this

02 area, continue to take CO, methane
03 and oxygen readings for our time over
04 there. And we stayed there for four
05 hours and then we went over on the
06 48-inch belt line and staged up
07 before our break and then we went
08 back. We were just relieving each
09 other out.

10 Q. And that was you and who else,
11 what other team?

12 A. I'm not sure what team it was.

13 Q. Okay. That's right, you did
14 mention that.

15 A. But in my notes here --- I
16 just got my readings that I took on
17 lines --- you know, what the constant
18 readings were as far as CO, CH-4 and
19 O2 readings for the entire night.

20 The different times that I took them,
21 we were to call out to the fresh ---
22 or to the command center every hour
23 on the hour with the readings, which
24 I do. And at no time did I ever take
25 any CO or methane, and my oxygen

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01 levels stayed pretty constant between
02 20.7 and 20.8 for the entire night.
03 Never anything above that or below to
04 the beginning of 4:05 p.m. lasting up

05 until 8:50 p.m. on our first watch.
06 I didn't even bother to document them
07 on our second go-around because there
08 weren't any major changes. That was
09 just a relative repeat of the first
10 instance.

11 So I ordered jacks. I counted
12 up the number of jacks that I thought
13 we needed more to make it safe for
14 mine rescue teams to be in that area,
15 called out to the fresh air base and
16 told them what I needed, they said
17 they'd get them in there. That's
18 about the extent of it.

19 Q. Hey, Eddie, did we sign this
20 map ---

21 A. No, sir.

22 Q. --- and date it? Could you do
23 that, please?

24 WITNESS COMPLIES

25 MR. TUCKER:

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01 Let's take a break.

02 MR. POGUE:

03 Okay.

04 SHORT BREAK TAKEN

05 BY MR. POGUE:

06 Q. The only thing you did was you

07 referred to it during your testimony,
08 so if you don't want to sign it,
09 there's not a problem.

10 A. I don't have a problem with
11 signing the map. Like you said, just
12 to verify that it was available to me
13 to review if I wanted to. Not that I
14 verify everything on it's correct.

15 Q. That's right.

16 A. I have no idea.

17 Q. That's right. And let's
18 really get --- put it down here.
19 You're not up in this area.

20 MR. TUCKER:

21 Do we have to be on
22 record to do that? Okay. Go
23 ahead.

24 WITNESS COMPLIES

25 BY MR. POGUE:

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01 Q. Is there anything else you can
02 mark on the maps for us, Eddie, at
03 this time?

04 A. I don't know.

05 Q. Anything that you would like
06 to tell us about the maps that ---?

07 A. No. I have nothing you
08 probably don't already know.

09 MR. POGUE:

10 Bill, do you have any
11 questions with the maps before
12 Eddie sits down?
13 MR. TUCKER:
14 Yeah, just a couple.
15 BY MR. TUCKER:
16 Q. This might make it easier. If
17 I understand right, when you got to
18 the location at the fresh air base
19 One, the teams that already came back
20 from being up in Four Right, ---
21 A. That's correct.
22 Q. --- did you hear any
23 discussion at all about closing any
24 doors up here, doing anything to the
25 ventilation at all while they were up

01 here?
02 A. No. Just that they did enter
03 through the two doors that were on
04 the diagonal cut and that they
05 encountered smoke.
06 Q. Okay. If I understood you
07 right earlier when you was talking
08 about being in the area of the double
09 doors on the travelway at the mother
10 drive belt, you mentioned the diesel
11 mantrip that you looked across from

12 it. Did you say that you saw a
13 rescuer there ---?

14 A. It appeared to be a mine belt
15 or something that appeared to be over
16 in there. We didn't go over in
17 there, didn't want to go ---.

18 Q. Would it have been just still
19 in the travelway but like on the
20 other side of the door that you said
21 was open? Would it have been between
22 the doors?

23 A. Yes, sir.

24 Q. You're not sure what it was
25 that appeared ---?

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01 A. No. It just appeared to a
02 miner's belt or --- basically
03 something that you could see just
04 from being in this intersection.

05 Q. Okay. If you would just
06 identify just what you thought it
07 was, just mark down there between the
08 dots you drew between the inby set of
09 double doors on the travelway.

10 WITNESS COMPLIES

11 BY MR. TUCKER:

12 Q. Is there anything else that
13 you saw there or what --- how did you
14 describe what you did see?

15 A. Just that open door.
16 Q. And if possible, ---.
17 A. And it appeared that, you
18 know, the top was getting bad back in
19 that area from the heat.
20 Q. And you thought that you seen
21 a miner's belt? Did it appear to
22 have a self-rescuer on it?
23 A. I couldn't really tell from
24 the distance, and I wasn't going to
25 go over in there.

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01 Q. I got you.
02 A. I wasn't going to disturb any
03 type of area. And also, the top was
04 bad, and I wasn't going to expose
05 myself to the unsafe route.

06 MR. TUCKER:

07 Okay. Thank you.

08 MR. POGUE:

09 Go ahead and sit down,
10 Eddie.

11 MR. POGUE:

12 Eddie, I have a closing
13 statement here I'm going to
14 read to you. And we want you
15 to --- Bill indicates he has
16 one more question.

17 BY MR. TUCKER:

18 Q. I was just going to ask you
19 your thoughts of --- I know you came
20 by the fire area a few times, and as
21 far as the firefighting activities at
22 the fire area, was you involved in
23 that, or do you have any ideas or
24 comments?

25 A. No. We were never involved in

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01 the actual fighting of the fire. Our
02 job was exploration and rescue and
03 recovery.

04 MR. TUCKER:

05 Okay. Thank you.

06 MR. POGUE:

07 On behalf of MSHA, I
08 thank you for appearing here
09 today and answering our
10 questions and sharing your
11 information about the mine.
12 Your cooperation is very
13 important to us as we work
14 towards determining the cause
15 of the accident.

16 If you wish, you may go
17 back over any answers that
18 you've given during the
19 interview, and you may also

20 make a closing statement
21 covering any additional points
22 that you believe should be
23 raised. Do you have any
24 statement that you would like
25 to make or any additional

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01 points that you'd like to
02 raise, Eddie?

03 A. I don't want to raise any
04 additional points. Just --- I've
05 told you the information the best as
06 I can remember and with what very
07 limited notes I took. I wish I had
08 taken some more notes, but under the
09 circumstances, I didn't. But you
10 live and learn.

11 MR. POGUE:

12 Well, Eddie, we think
13 you did an excellent job in
14 your information you provided
15 us, and --- you did a good
16 job.

17 A. Thank you.

18 MR. POGUE:

19 Do you have any
20 questions for clarification at
21 this point?

22 MR. ESTEP:

23 Yes. Just to clarify.

24 BY MR. ESTEP:

25 Q. Eddie, the map that you signed

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01 is just to acknowledge that you was
02 informed this is the map that was in
03 the command center.

04 A. Okay. Yeah, I understand
05 that.

06 MR. POGUE:

07 Okay. Good.

08 BY MR. ESTEP:

09 Q. Number Two, when you entered
10 the mine on Thursday night, was you
11 informed to have --- any people was
12 underground, or did you know how many
13 people was underground?

14 A. No.

15 Q. That night, you said you run
16 into --- you were asked if you seen
17 Johnny Robinson underground. And the
18 question was asked, did he have an
19 apparatus, and you said no. Do you
20 know if there was an apparatus that
21 could have been brought in or was
22 available for him if he needed one?

23 A. I can't answer that. There
24 may or may not have been. I don't

25 know.

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01 MR. POGUE:

02 Okay. Eddie, just for
03 clarification and for the
04 record, the map that you
05 signed and dated that is
06 Exhibit C Lawson, is the map
07 that you just referred to?

08 A. Right.

09 MR. POGUE:

10 And you're just
11 acknowledging the fact that
12 you did refer to that map.

13 A. Sure.

14 MR. POGUE:

15 Okay. We ask that you
16 not discuss your interview
17 today with any person who may
18 have already been interviewed
19 or who may be asked to be
20 given a statement in the
21 future. This will ensure that
22 we obtain everyone's
23 independent memory of the
24 events surrounding the
25 accident.

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01 After questioning other
02 witnesses and obtaining
03 additional information, we may
04 be asking you back for further
05 questioning. If at some point
06 later on you have additional
07 information regarding the
08 accident that you would like
09 to provide us with, please
10 contact Mr. Kenny Murray,
11 who's our lead accident
12 investigator, and also his
13 staff assistant, Anthony Webb.

14 And those are two of their
15 business cards right there.

16 The Mine Act provides
17 certain protections for
18 individuals who participate in
19 accident investigations. If
20 at any time, you believe that
21 you've been treated unfairly
22 because of your cooperation in
23 this investigation, please
24 immediately contact Mr. Murray
25 or Mr. Webb. Bill also has a

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01 closing statement he'd like to
02 read to you at this time, Ed.

03 MR. TUCKER:

04 Just on behalf of
05 Miners' Health, Safety &
06 Training, I, too, would like
07 to thank you all for coming in
08 today and sharing your
09 information with us. And if
10 you have any additional
11 information or thoughts, we'd
12 appreciate it if you'd give us
13 a call. And there's my card.
14 You can contact me. And this
15 is C.A. Phillips' card. He's
16 our Deputy Director out of our
17 Charleston office.

18 MR. ESTEP:

19 Will he have the
20 opportunity to review his
21 transcript to clarify any
22 statements that he's given
23 tonight?

24 MR. POGUE:

25 No, not at this time.

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01 MR. ESTEP:

02 But legally he does,
03 provided by the State's ---.

04 MR. POGUE:

05 Our Counsel is back

06 here, and you can ask him that
07 question.

08 ATTORNEY BARISH:

09 Let me just explain for
10 the record, we're not
11 releasing these transcripts
12 until our investigation is
13 closed and we issue our
14 report. And so I think what
15 you might be referring to is
16 like for a deposition, ---

17 MR. ESTEP:

18 Yes.

19 ATTORNEY BARISH:

20 --- which is different.
21 This is not a deposition. In
22 a deposition in a court case,
23 then the witness has the right
24 to review their transcript.
25 But that does not apply here.

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01 This is just an internal
02 investigation. So no witness
03 has that opportunity. It's
04 not just Mr. Lawson, it's
05 the ---.

06 MR. ESTEP:

07 But just for the
08 general record, I think he

09 does have the right, and then
10 we'll just see if there's
11 anything that we feel like he
12 may need to have that
13 opportunity.

14 ATTORNEY BARISH:

15 Okay. And just to make
16 sure you're aware. You can
17 request --- you can send a
18 letter to Kenny Murray
19 requesting a copy of the
20 transcript, and then when our
21 investigation is closed and we
22 issue a report, then we can
23 provide a copy to you.

24 MR. ESTEP:

25 Okay.

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01 ATTORNEY BARISH:

02 Thanks.

03 MR. POGUE:

04 Any other comments or
05 questions?

06 MR. TUCKER:

07 No, I'm good.

08 MR. POGUE:

09 We're off the record.

10 * * * * *

11 EXAMINATION CONCLUDED AT 8:34 P.M.

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