

01 EXAMINATION UNDER OATH
02 OF
03 PATRICK CALLAWAY
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 15, 2006, at
13 10:08 a.m.

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10 BETH SPENCE
11 DENNIS BEITER
12 STEVE COX
13 RONALD STAHLHUT
14 C.A. PHILLIPS
15 CHARLIE POGUE
16 MIKE FINNIE
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01 P R O C E E D I N G S

02 -----

03 MR. FRANCCART:

04 Welcome back, Pat.

05 MR. CALLAWAY:

06 How are you?

07 MR. FRANCCART:

08 Fine. Thanks. And

09 you?

10 MR. CALLAWAY:

11 Okay.

12 MR. FRANCCART:

13 Good. We want to thank

14 you for coming back in to

15 answer a few more questions
16 for us. Of course, I'm Bill
17 Francart. I'm from
18 Pittsburgh, Pennsylvania. I
19 represent MSHA today. And
20 I'll be asking the questions
21 for MSHA. And we have again
22 the same format we had last
23 time, a number of MSHA
24 investigators here with the
25 State investigators. And

8

01 right now we'd like for the
02 State --- or the MSHA
03 investigators to introduce
04 themselves to you and for the
05 record.

06 ATTORNEY BELL:

07 Keith Bell, Pat.
08 Arlington, Virginia.

09 MR. CALLAWAY:

10 Nice to meet you.

11 MR. WEBB:

12 Anthony Webb with MSHA
13 in Pikeville, Kentucky.

14 MR. STAHLHUT:

15 Ron Stahlhut, MSHA,
16 Vincennes, Indiana.

17 MR. POGUE:
18 Charlie Pogue, MSHA,
19 Hunker, Pennsylvania.

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

23 MR. MURRAY:
24 Kenny Murray, MSHA,
25 Pikeville, Kentucky.

9

01 MR. BEITER:
02 Denny Beiter,
03 Triadelphia, West Virginia.

04 MR. BURKE:
05 Tony Burke, MSHA,
06 Whitesburg, Kentucky.

07 MR. FRANCCART:
08 Thank you. And also
09 here today, representing the
10 State of West Virginia, is Mr.
11 Bill Tucker. He'll be asking
12 you questions for the State.
13 And he has an opening
14 statement for you today.

15 MR. TUCKER:
16 I'd just like to thank
17 you for coming back. And the
18 statement we read earlier
19 concerning the Director's

20 right to recall people, this
21 and that, is still in effect.
22 And my name is Bill Tucker
23 again, and I'm with Miners'
24 Health, Safety & Training and
25 work out of the Oak Hill

10

01 office.

02 MR. PHILLIPS:

03 Good morning, Pat. My
04 name is C.A. Phillips. I'm
05 the Deputy Director of Miners'
06 Health, Safety & Training in
07 Charleston, West Virginia.

08 MR. WHITE:

09 Eugene White, District
10 Inspector, Region Three.

11 MR. COX:

12 Steve Cox, Region
13 Three, Danville.

14 MS. SPENCE:

15 Beth Spence with the
16 Governor's Office.

17 MR. FRANCAERT:

18 Pat, this is a
19 continuation of the interview
20 that we conducted under
21 Section 103(a) of the Federal

22 Mine Safety and Health Act of
23 1977 as part of the
24 investigation by MSHA
25 regarding the fatalities that

11

01 occurred on the 19th of
02 January at the Aracoma Alma
03 Mine Number One.

04 This interview is being
05 conducted at the West Virginia
06 Department of Environmental
07 Protection, Division of Mining
08 & Reclamation, in Logan, West
09 Virginia, on March 15th, 2006.

10 The current time is 10:10 a.m.

11 We're not going to go
12 through the complete opening
13 statement, but I will remind
14 you of some of the things we
15 covered the last time, some of
16 the more important points. As
17 a reminder, your statement may
18 be used in other enforcement
19 proceedings. The format is
20 the same as in our last
21 session. You're permitted to
22 have a representative with you
23 during the interview, and you
24 can consult with your

25 representative at any time.

12

01 You may designate any person
02 to be your representative.
03 And again, your representative
04 will be given an opportunity
05 to ask clarifying questions at
06 the end of the questioning by
07 the State and MSHA.

08 Your statement is
09 completely voluntary. You may
10 refuse to answer any question
11 and you may end your interview
12 at any time if you wish. If
13 you do not understand a
14 question, please let us know,
15 and we'll try to rephrase the
16 question so you can clearly
17 understand what our intentions
18 are. If you need a break for
19 any reason, let us know and
20 we'll take a break.

21 As before, we have a
22 court reporter who will be
23 recording your interview and
24 will be producing a written
25 transcript of the interview at

13

01 a later date. Again, we need
02 to have you state all your
03 answers verbally and not shake
04 your head yes or no so we can
05 get the answer on the record.

06 Neither the transcript
07 of the interview nor the
08 contents will be released to
09 the public until an MSHA
10 investigation is completed and
11 the accident report is
12 released or if it's required
13 by court order or if public
14 hearings on the accident are
15 held.

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

20 MR. CALLAWAY:

21 No, sir.

22 MR. FRANCAERT:

23 In that case, we'll ask
24 the court reporter to
25 administer the oath.

14

01 -----
02 PATRICK CALLAWAY, HAVING FIRST BEEN
03 DULY SWORN, TESTIFIED AS FOLLOWS:

04 -----
05 BY MR. FRANCCART:
06 Q. Could you please state your
07 full name for the record?
08 A. Patrick Callaway.
09 Q. Pat, have you moved or changed
10 your phone number since the last time
11 you were here?
12 A. No, sir.
13 Q. Could you just spell your last
14 name for the record?
15 A. C-A-L-L-A-W-A-Y.
16 Q. And are you appearing
17 voluntarily today?
18 A. Yes, sir.
19 Q. Has anyone made any promises
20 to you for giving your statement or
21 offered you any rewards in exchange
22 for making a statement?
23 A. No, sir.
24 Q. Has anyone threatened you or
25 warned you not to provide a
01 statement?
02 A. No, sir.
03 Q. Do you understand that you may
04 refuse to answer any question or
05 terminate this interview at any time?

06 A. Yes, sir.

07 Q. I see you have Mr. Hardy as
08 your representative. Continuing with
09 him as your representative today?

10 A. Yes, sir.

11 Q. And you are aware that there
12 is a potential for a conflict of
13 interest between you and the company
14 as a result of his representation?

15 A. Yes.

16 Q. Okay. Our questions are
17 mainly clarifying today, and we just
18 have some additional questions for
19 you. Just to start things off,
20 though, could you --- and I know
21 we've gone through some of this
22 before, but just refresh our memories
23 and some of the people that weren't
24 here what you did the day of the
25 fire?

16

01 A. Just start off at the fire or
02 ---?

03 Q. How about starting outside,
04 where you started your ---.

05 A. I had to wait a few minutes
06 for everybody --- the day shift to
07 get outside, and then they gave me
08 the road and I went in. And when I

09 got up to the mother drive, the belt
10 was on fire. And Bryan Cabell told
11 me that he needed my fire
12 extinguisher, and I gave it to him.
13 And my ride was kind of stuck in a
14 mud hole and I got it on through the
15 mud and jumped off to go help him
16 fight the fire. And he was finishing
17 up with my fire extinguisher as I got
18 there. And then I looked at Joe Rose
19 and told him to get all the fire
20 extinguishers that he could find.
21 And I went to make sure we had plenty
22 of water on our firefighting line. I
23 went off to Seven head and made sure
24 the valve was open on it. And when I
25 came back toward the mother drive, I

17

01 asked Bryan if he had plenty of
02 water, and he said the smoke had ran
03 him out and now we're evacuating Two
04 Section. And we decided to fight the
05 fire from behind. And by then, Fred
06 Horton had gotten there. And he told
07 me to keep a head count and not let
08 anybody leave me once they made it to
09 us, and he would go see if he could
10 fight the fire from behind. And when

11 he returned, he said he couldn't make
12 it all the way up to it. And we
13 decided to try to seal the air off
14 going to it and make it smother
15 itself out. And we took and went
16 down on the longwall and got some
17 mine curtain and sealed all four
18 entries as best we could with curtain
19 to try to cut the air supply off to
20 the fire. And by then, other people
21 had started coming in from outside,
22 you know, Dusty Dotson and Terry
23 Shadd and them. And Fred told me to
24 take all of the guys off the section
25 and get them outside. And I left and

18

01 we took two rides and took the guys
02 outside.

03 Q. Okay. I'm going to try to get
04 into some of the details to clarify
05 exactly what you did that day, ---

06 A. Okay.

07 Q. --- if you don't mind. So
08 your assignment that day was going to
09 be to go to the longwall tail of the
10 new longwall panel?

11 A. Yeah. I was going to go set
12 props in the tailgate.

13 Q. And you and Joe Rose were on

14 your way there when you stopped at
15 the head ---?

16 A. Right. Yeah. Joe Rose was
17 with me.

18 Q. We've had some conflicting
19 interview information on the
20 condition of the doors at the drive
21 area. When you arrived, were the
22 doors open, closed?

23 A. Bryan Cabell heard me coming
24 and he opened them. I saw him
25 opening them as I was coming up on

19

01 him. As a matter of fact, I even
02 looked at Joe Rose and said, I'll bet
03 you money this is Brandon Conley up
04 here because he always opens the
05 doors. If he hears somebody coming,
06 he'll open the doors for them. And I
07 pulled through the doors, and Bryan
08 told me that they needed my fire
09 extinguisher, and I gave it to him.
10 Went on through the mud, and we
11 closed the doors back to keep the
12 smoke confined to the belt entry.
13 But you know, he opened them when he
14 heard me coming.

15 Q. That was the outby set of

16 doors he opened for you?

17 A. Right. The inby set were

18 never opened.

19 Q. So when you pulled in, you saw

20 that those doors were closed?

21 A. They were closed. As a matter

22 of fact, when I pulled my ride and

23 got it on through the water hole, I

24 pulled it up to the inby doors, you

25 know, and they were never opened. I

20

01 think that ride I had is still

02 sitting in front of the doors up

03 there, burnt.

04 Q. If somebody thought that the

05 doors were open, would there be some

06 reason you would think they could be

07 confused by that?

08 A. I couldn't see why anybody

09 would think they were open, you know.

10 Joe Rose, at one point when we had

11 decided to try to seal the fire from

12 below, we were evacuating the

13 sections and I knew --- see, those

14 doors were in the travelway going to

15 Two Section. And I even crawled

16 under the smoke and tried to start

17 the ride and back it back out of

18 there in case they made it to that

19 point, they could get through. The
20 ride wouldn't start, so I crawled
21 back under the smoke. And when I
22 closed the outby doors, I had Joe ---
23 there was a crack over them. You
24 could see over top of the doors, and
25 I said, if you hear voices or see

21

01 lights over there, tell them to get
02 down and crawl under the smoke, that
03 the good air is over here. And then
04 I also told him if the smoke got too
05 thick for him, to come on out of it.
06 Because if it was too thick over
07 here, it was too thick on the other
08 side. And eventually, he told me it
09 was getting too thick, and I told him
10 to come on out of it and to come to
11 where we were.

12 Q. So when you arrived and went
13 through the doors, somebody closed
14 the doors?

15 A. Yeah. Yeah.

16 Q. Who closed the doors?

17 A. I think I closed them, as best
18 I can remember.

19 Q. Okay. And Bryan opened the
20 doors. What was he doing when you

21 stopped your trip?

22 A. He was on the phone.

23 Q. Do you know who he was talking
24 to?

25 A. I'd be assuming if I told you

22

01 anybody in particular. But when he
02 got off the phone, he told me Fred
03 said not to leave until we got the
04 fire put out.

05 Q. So at the point you arrived,
06 Fred knew that there was a fire in
07 the mother drive area?

08 A. Yeah. And he arrived just
09 shortly thereafter.

10 Q. Do you have any idea how long
11 after you he got there?

12 A. We had already started
13 evacuating Two Section, and that was
14 --- that couldn't have been more than
15 15 minutes when we started evacuating
16 Two Section. And maybe five minutes
17 after, tops, you know, five minutes
18 after we started evacuating Two
19 Section, he arrived, the best I can
20 remember.

21 Q. So you're saying 15 minutes
22 after you arrived, you began to
23 evacuate the sections?

24 A. Not even 15 minutes, I'd say.
25 Fifteen (15) minutes would have been

23

01 a long time. You know, as soon as I
02 got there, they sprayed my fire
03 extinguisher on it, and I sent Joe to
04 go find all he could. I left and
05 went to Seven head to make sure all
06 the water --- that we had plenty of
07 water on our firefighting lines. And
08 when I came back, they were already
09 on their way out with Two Section.
10 And it couldn't have even been five
11 minutes that Fred Horton pulled in,
12 he and Billy Ray Hall.

13 Q. So when you first got there,
14 the longwall belt, was it running or
15 stopped?

16 A. It was stopped.

17 Q. Completely stopped?

18 A. Yes, sir, the best I can
19 remember.

20 Q. And when you went to check the
21 water supply that Bryan directed you
22 to check out, did he tell you what
23 valve to go to?

24 A. I asked him where the valve
25 was at, and he said, you'll have to

01 go outby to get around the smoke. I
02 went --- I moved the flow of the
03 water the way it came in, so I went
04 to Seven head to make sure we had
05 plenty of water there, because it
06 went from Seven head to the mother
07 drive, the firefighting water would.
08 And when I got to Seven head, the
09 valve was caught. And I --- when I
10 tried to turn it on, I just barely
11 grabbed it. And it didn't move, so I
12 grabbed my hammer off my belt and
13 just hit it and knocked it, you know,
14 so that I knew it was fully on. And
15 once I got it to there, there was a
16 fire valve within reaching distance
17 of it, and I just reached and opened
18 it. And I had plenty of water, and I
19 immediately went back to where the
20 fire was at. And I asked Bryan if he
21 had plenty of water, and he told me
22 the smoke had ran him out of there
23 and they were evacuating Two Section.
24 Q. Were you aware of a water
25 valve at the intersection of the

01 longwall belt and Seven Belt that
02 would have shut the water off the

03 fire line on the longwall belt?
04 A. I knew there --- I had never
05 been up around the mother drive since
06 they put that one in, but I knew
07 there should be one there.

08 Q. If Bryan told you you had to
09 go outby to get to the water valve,
10 would you have to go outby to get to
11 that?

12 A. He told me that I was going to
13 have to go outby to get around the
14 smoke.

15 Q. So was there enough smoke that
16 it caused you a problem getting to
17 that location?

18 A. It wasn't --- it was still up
19 high, you know. We were walking in
20 it, but it was --- the thick smoke
21 was still up high. It hadn't gotten
22 down real low yet.

23 Q. Okay. Joe Rose was with you.
24 And would there be some reason Bryan
25 would not have known what he was

26

01 doing when he was fighting the fire?

02 A. Unless he didn't hear me tell
03 Joe to go get all the fire
04 extinguishers he could, you know.

05 That was really --- until I told him
06 to watch for lights or listen at the
07 other doors, that was basically the
08 only instructions that I had given
09 him, other than when we stopped I
10 said, go help Bryan, you know. And
11 then I pulled the ride through the
12 water hole, jumped off and went down
13 there also. But then when that ---
14 the first fire extinguisher didn't
15 put it out, I told Joe to go find all
16 the fire extinguishers he could. And
17 he asked me where they would be, and
18 I said, any oil station, if you see
19 several cans of oil, you know,
20 they'll be a fire extinguisher there
21 or any power center or any belt head,
22 they'll be there. And I even noticed
23 one at --- some more. As I was
24 talking, I said, there's one right
25 there. I see one right there now,

27

01 you know. And Bryan told me to make
02 sure we had plenty of water coming
03 down. And I left them at that point
04 to go check and trace water out.
05 Q. When Joe found the fire
06 extinguishers, did he give them to
07 Bryan or did he give them to you to

08 give to Bryan?

09 A. As best I can remember, he
10 gave them to Bryan. But I'm not
11 sure. You know, it was hectic. And
12 Bryan had told me to go make sure we
13 had plenty of water. And the smoke
14 was getting thick quick, so I
15 immediately went to make sure we had
16 plenty of water.

17 Q. Do you know if Joe fired any
18 extinguishers while he was there?

19 A. The only extinguisher I can
20 say I saw get fired was fired by
21 Bryan Cabell, and that was the one
22 off my ride. I handed it to him.
23 And then once I got my ride through
24 the water, I went straight down to
25 where he was at, and he was finishing

28

01 up. I got within a half break of
02 him, and he was finishing up and it
03 was putting the fire out. But as
04 soon as he stopped with the
05 extinguisher, once it emptied, the
06 fire just immediately lit back. And
07 they come on back up toward me, and
08 that's when I instructed Joe to get
09 every fire extinguisher he could

10 find.

11 Q. Let's go back to when you
12 first went through the doors that
13 Bryan opened for you. What were the
14 --- how would you describe the smoke
15 at the location where you pulled
16 into?

17 A. The belts hung from chains.
18 And the smoke was confined more to
19 the top. It looked more like the
20 belt had shifted and needed trained,
21 and it was just like, you know,
22 against a piece of structure or
23 something and was just hot. You
24 know, the smoke wasn't extremely
25 thick at that point.

29

01 Q. And did the smoke increase in
02 intensity quickly or how would you
03 describe how fast it developed?

04 A. It was getting thick fairly
05 quick. It didn't take me but just a
06 matter of --- just a few minutes to
07 run to Seven Head and back. And by
08 the time I got back, you know, I
09 asked Bryan if they had plenty of
10 water on their firefighting line, and
11 he said, I never did get to try it.
12 The smoke ran us out. And then he

13 said, we're evacuating Two Section.
14 And I said, well, we need to try to
15 get below it because the smoke was
16 coming up the belt entry. I said, we
17 might be able to get below it, and
18 then you can walk right up to it, you
19 know, because the smoke was coming
20 away from the fire. And before I got
21 to do it, Fred pulled in, he and
22 Billy Ray, and that's when he told me
23 to keep a head count and that he and
24 Billy Ray would go try to come up the
25 belt entry and kind of fight it from

30

01 behind. And then when he made it
02 back, I asked him if he could get to
03 it, and he said he could get close
04 enough to see the fire, but he
05 couldn't --- the smoke was rolling
06 --- like rolling off backwards and
07 then headed up, you know.

08 Q. Did Bryan go with Mr. Horton
09 on the inby side?

10 A. As best as I can remember, I
11 don't think so.

12 Q. Do you know what he did at
13 that point?

14 A. I couldn't remember. Fred

15 told me to keep a head count when Two
16 Section had arrived. And once they
17 made it to us, they already knew they
18 had two guys missing, and you know,
19 then it went from a firefighting
20 effort to a firefighting effort and a
21 rescue effort. So we started having
22 to try to figure out ways ---

23 Q. The focus changed all of a
24 sudden?

25 A. --- to contact the two missing

31

01 guys, yeah.

02 Q. So as far as what Joe did
03 after you arrived, you sent him to
04 look for fire extinguishers and to
05 help Bryan, and then you assigned him
06 to watch for people at the door?

07 A. Yeah.

08 Q. And that door was the most
09 outby door on the double doors; is
10 that right?

11 A. Yes. As best I can remember,
12 it was the out --- it was the most
13 outby doors. And I told him to watch
14 for lights or voices on the doors
15 inby the belt entry. If they made it
16 that far, they could get down and
17 crawl under the smoke because I had

18 already done it. You know, you had
19 to crawl through that water hole and
20 everything, but I had already crawled
21 through, so I knew the smoke wasn't
22 so thick that you couldn't crawl
23 under it yet, because I did it
24 without a rescuer.

25 Q. Did Bryan Cabell put his SCSR

32

01 on at any time?

02 A. I never saw him with it on,
03 the best I can remember.

04 Q. What about Joe Rose?

05 A. Now, Joe, when he hollered and
06 told me the smoke was getting too
07 thick, I told him to get out of it.
08 If it was too thick for him, it was
09 too thick for them. When he came out
10 of the smoke, he had his rescuer
11 uncapped and hanging around his neck,
12 but it wasn't activated. I don't
13 know that --- I don't think that he
14 ever activated it, but he did have it
15 --- he had it donned, all except
16 putting the goggles on, his
17 mouthpiece and activating it.

18 Q. When he put it on --- are you
19 trained to activate it when you put

20 it on?

21 A. You're --- yeah, you're
22 trained to activate it. But you
23 know, if you put it on here because
24 you know you're going to get in smoke
25 down the road, an hour tops is as

33

01 long as it's going to last. You're
02 not going to activate it until you
03 actually have to.

04 Q. How do you activate the
05 rescuer that you use?

06 A. You pull --- it has a lever on
07 the bottom. You pull a string ---
08 there's a cable, you know, and it
09 pulls the lever and activates the
10 oxygen supply.

11 Q. So it's not automatically
12 activated when you open the case?

13 A. No, sir.

14 Q. For the evacuation of Two
15 Section, who actually made the call
16 to Two Section?

17 A. If I gave you a name, it would
18 be an assumption. Because when I
19 came back from turning the water,
20 making sure we had plenty of water on
21 our firefighting line, Bryan told me
22 that --- I said, have you got plenty

23 of water. And he said, I didn't get
24 to that point. The smoke ran us out,
25 he said, and we're evacuating Two

34

01 Section. So you know, I wasn't there
02 when the call was made.

03 Q. So you didn't see either Joe
04 Rose or Bryan Cabell make a call to
05 evacuate anyone?

06 A. No, sir. No, the call had
07 already been made when I got back.

08 Q. Did you see smoke outby the
09 double doors at any time after you
10 left the immediate area?

11 A. Nothing major, like I --- say
12 the crack I had Bryan --- or Joe
13 watching for the guys over, you could
14 see a little smoke coming out it, you
15 know. But as far as it being so
16 thick that you couldn't stand to get
17 in it or --- it never got that bad.

18 Q. Could you describe how that
19 smoke was coming out? Was it a
20 constant flow? Was it puffing out?
21 Can you tell ---?

22 A. It was, more or less, just a
23 puff, you know. It was coming out of
24 just a small opening, you know. The

25 doors, when you closed the doors,

35

01 there was an air gap over them you
02 could see through, and it was just
03 --- you know, it was puffing out of
04 it. Joe told me, when he got to me,
05 that he had panicked, you know. He
06 said, I panicked. I didn't know what
07 to do. He said he was putting his
08 rescuer on when I hollered for him,
09 which I couldn't see why anybody
10 would panic, because from where he
11 was at, the smoke wasn't that thick
12 where he was at, and he could also
13 see my light and anybody else's light
14 that would have been over in the area
15 we were going to break outby.

16 Q. When you were up on Seven
17 Belt, did you notice any smoke on
18 Seven Belt?

19 A. No, sir, none at all.

20 Q. You were mainly outby at the
21 head on Seven Belt?

22 A. I was at Seven Head, yes, sir.

23 Q. And you walked back down and
24 you walked back to the double doors?

25 A. Yeah. But I didn't walk the

36

01 belt entry. I went to come down and

02 went through a man door, shortcut.

03 Q. You came through the overcast
04 door; is that right?

05 A. Two Section came through the
06 overcast door. I came down the
07 neutral and went through the man door
08 on the mother drive belt entry. I
09 crossed over into it and came back
10 down the intake.

11 Q. Okay.

12 A. I was over on the six-foot
13 belt when I crossed over and went
14 over toward the mother drive.

15 Q. So you didn't go through the
16 overcast doors at all while you were
17 up there?

18 A. I can't remember going through
19 them. The Two Section had come
20 through them, but you know, they came
21 their four-foot belt and went through
22 their overcast doors. And when they
23 stepped through them, they were in
24 the intake, you know.

25 Q. Did you see them come through

37

01 those doors or did they tell you
02 that's where they came through?

03 A. They told us that's where they

04 came through. You couldn't see that
05 overcast from where we were at. And
06 once they got there, they told us the
07 route they had taken.

08 Q. And the fire extinguisher you
09 gave Bryan Cabell, that was the first
10 one that was used?

11 A. As far as I know. That's the
12 first one I saw used.

13 Q. When you first got to the
14 drive, would you describe the smoke
15 as smoke, haze, dust? What
16 appearance did it have?

17 A. I could tell it was smoke.
18 Like I said, it was still up high.
19 You know, the belts are hung where
20 you can drive a ride under them. And
21 it had --- it wasn't even below the
22 belts yet. It was still up against
23 the top. It looked like --- like I
24 said, it looked like the belt had
25 shifted and needed trained and was

38

01 rubbing a piece of structure and
02 gotten hot. You know, the smoke
03 wasn't extremely thick at that point.

04 Q. Are you aware of where the CO
05 sensors are located or were located
06 near the drive?

07 A. No, sir. I had never --- I
08 can't recall ever being up around
09 that mother drive at Nine Headgate.
10 I was at Eight Headgate, but you
11 know, it had already been dismantled.
12 And as far as I can remember, I was
13 never around Nine Headgate's mother
14 drive.

15 Q. I'm wondering how high those
16 sensors would have been installed in
17 the entry. Would they have been high
18 enough that they would have been in
19 that smoke initially?

20 A. It would have took a few
21 minutes to make it to them. You
22 know, the smoke would naturally have
23 went to the top, and it had to fill
24 that area down to the belts and where
25 the sensors would be.

39

01 Q. As far as the sensor
02 locations, are they typically chest
03 level or head level or --- do you
04 know?

05 A. I don't know. You know, the
06 electricians install all that with
07 the belt when they set up a belt
08 head, and it's installed by them.

09 Q. So when you first arrived, you
10 saw smoke. Did you see flames at
11 that point?

12 A. Not until I got off my ride
13 and went down to where the storage
14 unit was at, then I could see the
15 flames. But I made it to within a
16 half break of it. Bryan was
17 finishing up with the fire
18 extinguisher. And as soon as he
19 stopped, you know, as soon as the
20 fire extinguisher emptied, the flames
21 re-ignited.

22 Q. So the phone that Bryan was on
23 when you first got there, could you
24 see the flames from that location?

25 A. No, sir, I couldn't. You

40

01 know, I was on the outer end of it,
02 you know, my driver's side of my
03 ride. The passenger side was closer
04 to the fire than the driver's side.
05 But I didn't see any flames until I
06 got off the ride and started walking
07 because it kind of slopes. And as
08 soon as I started over, I could see
09 where the flames were at. And once I
10 made it within a half break of it, we
11 started coming out to look for more

12 extinguishers.

13 Q. If you were at that phone,
14 would you have a better vantage point
15 to see flames, do you think, than if
16 you were driving your trip?

17 A. Maybe. You'd be standing up
18 as compared to sitting down. So you
19 know, your eye level would be higher
20 and you could see further over the
21 embankment.

22 Q. So when you first got out of
23 your trip and stood up and looked
24 down the entry, did you see flames at
25 that point?

41

01 A. Well, when I got out of my
02 trip, I had pulled it under the belt.
03 And I had to walk back to the other
04 side of the belt to start down the
05 walkway side.

06 Q. Just before you started down
07 the belt, though, did you notice
08 flames at that point?

09 A. I didn't notice. I was in a
10 hurry and headed down to where they
11 were at.

12 Q. You weren't sightseeing then?

13 A. No, sir.

14 Q. You don't know how many fire
15 extinguishers were used before you
16 got to the drive?
17 A. No, sir. You know, I know
18 mine was used on it when --- that was
19 the first one used after I arrived.
20 Q. Had you been through that
21 drive area on previous days?
22 A. Just through the travelway.
23 Q. Just driving through?
24 A. Yes, sir.
25 Q. Did you notice any fire hoses

42

01 strung out along the longwall belt
02 when you drove through there?
03 A. No, sir.
04 Q. So when you first got there,
05 you saw the smoke, and it was moving
06 in what direction in the longwall
07 entry?
08 A. It was moving toward the head
09 drive.
10 Q. It was coming outby from the
11 longwall section?
12 A. Yes, sir.
13 Q. Is that normally the way that
14 the air flows in that entry?
15 A. I think so.
16 Q. Do you do any examinations and

17 take air readings as part of those
18 examinations?

19 A. Not on belts.

20 Q. How about on your section?

21 A. On my section I do.

22 Q. And could you tell us where on
23 your section you take your air
24 readings?

25 A. I take one at the last left

43

01 --- we run split air last open break
02 left side, last open break right
03 side, when I called my report out.

04 Then, you know, any other time, if
05 I'm not sure if I got enough air in
06 the face or something like that, I
07 will take one behind a curtain. Or
08 I've even --- for my own

09 satisfaction, I've taken air readings
10 in the main intake and then I take it
11 in each return to see if I was
12 getting air loss before it made to
13 the last open, you know. Because
14 your total of both returns should
15 equal your main intake, if you're not
16 losing any air.

17 Q. Do you subtract the air going
18 out on the belt from that when you do

19 that calculation?

20 A. On my section, it travels ---

21 no, I take that back. When it comes

22 up the intake and we keep a curtain

23 hung, keep it checked off, you know,

24 you're going to get some loss. But

25 to be exactly precise, I'd have to

44

01 take a reading everywhere and add

02 those totals up. The only way I

03 would do that was if I was having a

04 major air problem, you know. I mean,

05 if you were losing that much air,

06 you've got a curtain torn down or

07 something and you're going to find it

08 before you even have to take an air

09 reading to see where your air is

10 going.

11 Q. Do you have any idea what kind

12 of airflow you have on the belt going

13 outby?

14 A. I always --- any time I done

15 it on a belt --- like when I worked

16 belts, I had to have 50-plus. And

17 I'd take my anemometer and read it.

18 And once it reached 50, that was

19 sufficient. And I would just --- you

20 know, I'd shut my anemometer off

21 after I got sufficient air and when I

22 called my report out that air was
23 50-plus, you know, proper air
24 movement, 50-plus.

25 Q. On your anemometer, do you

45

01 have any idea how low it's calibrated
02 as far as your conversion factors for
03 correction of the readings?

04 A. Mine's electronic.

05 Q. You have an electronic one?

06 A. Yes, sir.

07 Q. Is that the 2001?

08 A. Yeah.

09 Q. Little red one?

10 A. Yeah. I don't think they'll
11 read below 30. I don't know that for
12 a fact, but I'm thinking they won't
13 read below 30 LFM.

14 Q. How often do you change the
15 impellers in that anemometer?

16 A. I've never had to change them
17 in mine. I've only had mine since
18 October. But I've never had to
19 change them in mine. Mine's never
20 given me any problems. Naturally, if
21 it did, I'd just tell them I need a
22 new anemometer, you know. I wouldn't
23 change the impellers in it. I'd just

24 go and tell the purchasing agent I
25 needed a new anemometer.

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01 Q. Do they know you can just
02 change the impellers on those?

03 A. I'd say they probably do.

04 Q. It's a lot cheaper?

05 A. Yeah.

06 Q. Try to save you some money.

07 A. Yeah. But by the time you buy
08 the impellers and pay somebody to put
09 them in and ---.

10 Q. They're pretty easy to pop in.
11 You just got that anemometer in
12 October. What did you use before
13 that time?

14 A. I used --- I borrowed one. We
15 had one when I was working belts. We
16 had one we kept in the belt box. And
17 matter of fact, there was two of them
18 in there. There was a mechanical one
19 and an electronic one in the belt
20 box. And then when you get ready to
21 do your fire run, you know, your fire
22 boss run, you'd go get your tools out
23 and take your readings.

24 Q. The mechanical one, did you
25 ever compare that to the electronic

47

01 one to see how they compared?

02 A. No, sir. I never trusted it

03 about being accurate.

04 Q. Which one?

05 A. The mechanical one.

06 Q. Why?

07 A. It was in a toolbox here on

08 --- had it been mine and I knew, you

09 know, that it was well taken care of

10 and wasn't getting mistreated and so

11 forth, I would have trusted it. But

12 it was in everybody's hands, every

13 beltman's hands that was doing belt

14 examinations. And you never know how

15 somebody is treating something. It

16 might --- they might have been

17 throwing it in the toolbox instead of

18 placing it in it.

19 Q. It's not that you knew there

20 was something wrong, you just ---

21 A. Right.

22 Q. --- rather not ---?

23 A. I didn't know there was

24 anything wrong with it, but I just

25 --- I trusted electronics better than

01 the mechanical when it came down to

02 having to depend on something

03 everyone was using.

04 Q. I can understand that. It's

05 kind of like packing your own

06 parachute type of ---?

07 A. Yeah.

08 Q. The electronic anemometer,

09 does it have correction factors on

10 it?

11 A. As far as I know, it

12 calibrates itself.

13 Q. Now, the quantities that you

14 measure for your section, you record

15 those in a book?

16 A. In the, yeah, pre-shift,

17 on-shift.

18 Q. And how would you label them

19 in the book? Are they last open

20 readings or ---?

21 A. Yeah, left last open break and

22 right last open break.

23 Q. Have you ever conducted belt

24 exams without having an anemometer?

25 A. No, sir.

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01 Q. Have you ever ---?

02 A. I always go get my anemometer

03 out of my box and do my exams.

04 Q. Have you ever had to use

05 chemical smoke to measure air

06 velocities?

07 A. Not on belts. I had a mine
08 inspector on the section one time,
09 and he used it to check for airflow.
10 But I've never used it.

11 Q. He used that in the belt
12 entry?

13 A. No, sir. It was in --- up in
14 the face. That was after I started
15 section bossing.

16 MR. FRANCCART:

17 Bill, I'm going to let
18 you go ahead and ask some
19 questions.

20 MR. TUCKER:

21 Thank you,
22 Bill.

23 BY MR. TUCKER:

24 Q. I may be bouncing around a
25 little bit on you, Pat, so just have

50

01 patience with me. What time did you
02 start inside on the 19th?

03 A. I wouldn't know exactly.
04 Probably around 4:00, shortly after
05 4:00, maybe 4:30. You know, when I
06 called for the road, the dispatcher
07 told me that he had men coming out

08 and I'd have to wait for them. And I
09 backed over just straight out from
10 the drift so they could clear and
11 waited on everybody to get out.
12 There was, I think, two trips and a
13 tractor coming out. Once everybody
14 cleared, I called him back and asked
15 him if I could have the road.

16 Q. Okay. Say if you went in
17 around 4:30 or close thereby, what
18 time do you think that would put you
19 arriving at the mother drive?

20 A. Probably shortly after 5:00.

21 It was a pretty long drive to the
22 mother drive.

23 Q. Okay. What did Bryan tell you
24 when you first arrived, when you
25 first pulled up, the first contact

51

01 you had with Bryan?

02 A. The best I can remember, he
03 said, Pat, I need your fire
04 extinguisher. And I --- I could
05 reach it from where --- from the
06 operator's seat, and I just reached
07 and flipped the latch on it and
08 handed it out to him and told Joe to
09 go help him.

10 Q. Did he say anything about a

11 fire? You mentioned earlier, you
12 said --- I think you said something
13 about he had a fire.

14 A. He told me that he had a belt
15 fire and --- as I was getting ready
16 for the trip through the water, he
17 said, Fred said tell you not to leave
18 until we get it put out. But
19 naturally, I wouldn't, you know.

20 Q. Right.

21 A. And I pulled it through and
22 jumped off the ride and started
23 walking down there, and that's --- I
24 got within a half break and he
25 finished up with it, and it

52

01 re-ignited. And they started toward
02 me at that point, he and Joe did, and
03 I told Joe to go find us every fire
04 extinguisher he could get. And then
05 Bryan told me he needed me to make
06 sure we had plenty of water on our
07 firefighting line.

08 Q. Do you know why he would have
09 said anything about that, make
10 reference to make sure you've got
11 plenty of water, if there would be
12 any reason he'd think that you

13 wouldn't have enough water?

14 A. No, sir, other than, you know,
15 just that would be the next step in
16 your process was if you couldn't get
17 it with that fire extinguisher, to
18 hook the fire hose up and, you know,
19 you want to be ready when you get
20 there.

21 Q. Right. Did you ever hand
22 Bryan another fire extinguisher after
23 you took the one off your mantrip and
24 gave him that initial fire
25 extinguisher?

53

01 A. I might have handed him one
02 more, maybe. That's the best I can
03 remember. When I pointed the one out
04 at the oil station to Joe Rose, he
05 --- it's possible he handed it to me
06 and I reached it to Bryan, because
07 Bryan was telling me to go check the
08 firefighting lines. And you know, I
09 can't remember that for sure.

10 Q. Right. So Joe went and got it
11 and then he may have handed it to
12 you, ---

13 A. It's possible he handed it to
14 me and I handed it to Bryan.

15 Q. --- one way or the other?

16 A. Because I had already told him
17 to get every one he could find.
18 Q. So at that point, Joe left to
19 go look for other fire extinguishers?
20 A. He asked me where they'd be,
21 yeah, and I told them they would be
22 at any oil station, you know, any
23 power center, any belt head.
24 Q. Did you see him leave to go
25 look for them or did you leave first?

54

01 A. Well, Bryan was telling me to
02 go --- to check the water, and I
03 left.
04 Q. When you came back, did you
05 ever see Joe use a fire extinguisher?
06 A. I never saw --- the only fire
07 extinguisher I saw used was the one
08 --- mine off my ride that ---
09 Q. The very first one?
10 A. --- Bryan expelled, yes. When
11 I got back, Bryan told me the smoke
12 had gotten too thick and ran him out
13 of there, and they were evacuating
14 Two Section.
15 Q. Did you ever have instructions
16 to look for fire hose? You mentioned
17 you went to check on --- see if you

18 had plenty of water.
19 A. I don't recall being told to
20 look for fire hose. But once he told
21 me that smoke ran him out of there,
22 my thoughts went to how to extinguish
23 the fire. If we can't fight it from
24 here, how can we get to it, you know?
25 And my next thoughts were, since the

55

01 air is coming this way, if we can
02 circle around and come in from
03 behind, you might be in good air.
04 You could just walk up to it, you
05 know. And I mentioned that. And I
06 said, we need to try to get behind it
07 and fight it from behind. We might
08 even be able to walk up to it. And
09 before we went to do it, Fred and
10 Billy Ray showed up. And Fred said,
11 I'll go do it. You keep a head count
12 for me. He said, anybody that makes
13 it to you, you write their name down
14 and don't let them leave you after
15 they get here.

16 Q. Did you have in your mind how
17 you would have gotten water had you
18 come in from the backside or where
19 you would have gotten hose to use or
20 --- had you all talked about that?

21 A. My thoughts at that point was
22 to take fire extinguishers and bring
23 them up with us.

24 Q. It was still to use fire
25 extinguishers and not water?

56

01 A. Right. Yes, sir.

02 Q. Did you have any discussion,
03 other than that initial conversation
04 you just told us about with Fred
05 Horton, about finding a water source
06 and getting fire hose and applying it
07 to the fire?

08 A. Other than --- when I was
09 getting ready to leave, we had
10 already hung curtain in the entries
11 to try to shut the air off to it and
12 make it smother itself out, and Fred
13 told me to take Mike Plumley and the
14 hourly guys and get them outside. As
15 I was getting ready to leave, Bob
16 Massey told me to stop down at the
17 pump that pumps water to Two Section,
18 he said, stop down there at the miner
19 section's pump and de-energize it
20 because the water was coming down
21 like a creek. It had already burned
22 the waterlines into it at the mother

23 drive head, see, and that
24 firefighting --- the four-inch
25 firefighting line that went over and

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01 branched off their water supply.
02 Once it burned in Two, it was coming
03 out full force. And he said, I think
04 it's already burned them in Two.
05 Stop down and cut their water off.
06 If we need water to fight with, we
07 can get it from the longwall, from
08 their water supply, because they're
09 on two different water supplies.

10 Q. Did you ever see Joe Rose on
11 the phone?

12 A. I'm thinking that Bryan had
13 him --- when I got back and he said,
14 we're evacuating Two Section, I'm
15 thinking Joe was on the phone,
16 yelling for Two Section to tell them
17 they needed to come off.

18 Q. Did you hear a conversation
19 along those lines or do you just
20 think that he was on the phone,
21 that's what he would have been doing,
22 or --- did you hear anything that Joe
23 was saying?

24 A. No, sir.

25 Q. And you've probably already

01 answered this, but when you first
02 pulled up and Bryan told you he had a
03 fire and he asked you for your fire
04 extinguisher, did you see flames or
05 what did you see yourself at that
06 point?

07 A. Well, I saw the smoke, you
08 know, as he was opening the doors. I
09 thought it was Brandon. He's the guy
10 that works on the belts. When the
11 doors started coming open, I looked
12 at Joe and said, I guarantee you
13 that's Brandon Conley. Any time he
14 hears a ride coming, he'll open the
15 doors for you. Well, Bryan opened
16 the doors when he heard me coming and
17 went straight back to the phone. And
18 I pulled up to him and he said, I
19 need your fire extinguisher. And I
20 handed it to him, pulled my ride on
21 through and shut the doors and went
22 just straight down. But as far as
23 --- the first time I can recall
24 seeing flames was when I started down
25 to him. You know, I was getting down

01 to where they were at.

02 Q. What color was the smoke when
03 you got there?
04 A. It was dark gray to black.
05 You know, it was ---.
06 Q. Just to talk about Joe Rose a
07 little bit, his involvement there at
08 the doors, I understand you gave him
09 instruction to wait at the outby door
10 to see if he saw any signs of anybody
11 coming toward that area ---
12 A. Right.
13 Q. --- to where he could give
14 them direction.
15 A. Yeah.
16 Q. Did you leave at that point?
17 Or what was your involvement with Joe
18 ---?
19 A. Once I told him to do that, I
20 went back to converse with Bryan
21 about sealing the outby and all of
22 Four maybe, even walking up, you know
23 --- at that point, I was still
24 thinking we might be able to walk up
25 --- just walk up to it and put it
60
01 out, you know. And we were talking
02 about how we could get to it. And
03 Fred pulled in, and I told Fred what
04 was up, you know, where we stood, my

05 thoughts on what we needed to do.
06 And he told me to keep a head count.
07 He said, as the guys get here, you
08 keep a head count. Don't let them
09 leave you. He said, I'll take Billy
10 Ray and we'll go check and see if we
11 can get to it.

12 Q. So where you was going to take
13 a head count at and from where Bryan
14 was out at, how far apart was that?
15 How much distance was between where
16 you was at and where Bryan was at ---
17 or Joe's at at the door?

18 A. It was a break. You know, he
19 could see my light from where he was
20 at. And eventually he yelled at me
21 and told me the smoke was getting too
22 thick for him, and I said, well, come
23 on out of there. If it's too thick
24 for you on this side, it's too thick
25 for them on the other side. And it

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01 was, the best I can recall, a matter
02 of seconds from the time he came out
03 that I saw lights coming from up
04 toward where the Two Section's
05 overcast would be for their four-foot
06 belt.

07 Q. So at that point, when you
08 ---?
09 A. I said, you know --- we were
10 like, here they come now.
11 Q. So when you put Bryan --- I
12 keep calling him Bryan. When you put
13 Joe there at the door, Two Section
14 hadn't came off yet?
15 A. They were on their way off.
16 And we already knew they were getting
17 evacuated and they were on their way
18 off. And the smoke was, you know,
19 confined to the belt entry. And I
20 knew if they made it to those man
21 doors, my ride had them blocked. I
22 had already tried to crawl under the
23 smoke and it wouldn't start. And
24 that's why I told him to watch
25 through the smoke and if he saw

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01 lights or heard voices, tell them
02 that they could crawl under that
03 smoke and good air was over here.
04 Q. At that point, did you know
05 anybody was missing?
06 A. No, sir, not when I told him
07 to watch for them. I didn't know
08 they were missing until they arrived,
09 you know, and they said they had lost

10 two men, and that as soon as they
11 went through --- the belt wasn't on
12 --- the smoke wasn't on their belt
13 yet, on the four-foot belt, because
14 it, you know, had to go up to come
15 back around. Leakage was all you
16 could have gotten and through
17 stoppings it would have been on their
18 belt but without it going to their
19 section and coming back down the belt
20 entry. And they said they went
21 through the man door and they were in
22 good air as soon as they made it over
23 to the four-foot belt. And they did
24 a head count and realized they had
25 two men missing. And they jumped

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01 back through the man door and yelled
02 for them and got no response.

03 Q. So Fred Horton and Billy Ray
04 had gotten to the fire area before
05 Two Section crew got there?

06 A. It was roughly --- yeah, they
07 got there before them, but it was all
08 --- a real close proximity in time
09 right there.

10 Q. Did Fred know when he came
11 that anybody was missing?

12 A. Not until after he got there.
13 Q. I mean, when he first arrived
14 and you talked to him and he said he
15 was going to go see if he could fight
16 the fire from the other side, did he
17 know at that point that anybody was
18 missing?

19 A. No, sir.

20 Q. Okay. And how did you know
21 that they were on their way off Two
22 Section?

23 A. Bryan had already told me they
24 were evacuating Two Section.

25 Q. Bryan told you that Two

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01 Section ---?

02 A. Yeah. When I got back ---
03 when I got back from Seven Head, I
04 said, have you got plenty of water.
05 And he said, I never made it to that
06 point. The smoke ran us out and
07 we're evacuating Two Section.

08 Q. Did Bryan ever say anything to
09 you about having trouble with water,
10 about any water problems?

11 A. Not that I can recall.

12 Q. He didn't say anything about
13 not having water?

14 A. No, sir. Just whenever he

15 instructed me to go check the water.
16 And he said, make sure we've got
17 plenty of water on this firefighting
18 line. And he went down with
19 extinguishers.

20 Q. Do you know who was
21 evacuating? Was it the dispatcher or
22 management?

23 A. I don't know who made the
24 call. I just know when I came back
25 Bryan told me that the smoke had ran

65

01 them out and they were evacuating Two
02 Section.

03 Q. Do you know where Joe Rose
04 went after the Two Section crew
05 members met you in the travelway?
06 Did he ever --- at that point, once
07 he realized miners was missing, did
08 he ever go back to the doors in the
09 travelway?

10 A. Not that I can recall.
11 Because once they made it to us ---
12 upper management were arriving, you
13 know, just every few minutes. And
14 once they made it to us, it went
15 from, you know, some people were
16 trying to find the guys and others

17 were trying to extinguish the fire.

18 Q. How are you sure that Joe

19 didn't use his rescuer? Did you see

20 the plug still in the mouthpiece or

21 you just assumed ---?

22 A. He just had it hanging off of

23 him. I didn't notice the plug in the

24 mouthpiece or anything. And he said

25 he panicked out and then he couldn't

66

01 get the caps off, and he had to beat

02 it off a rib to get the caps off and

03 put it on.

04 Q. So that would lead you to

05 believe he was in smoke when he was

06 trying to do that?

07 A. He said --- yeah. He hollered

08 at me and told me the smoke was

09 getting too thick. And I told him to

10 come on out of there. I said, just

11 come over here where we're at. If

12 it's too thick for you, it's too

13 thick for them.

14 Q. And at that point, where did

15 you see smoke from where you were at?

16 At that point, how much smoke did you

17 see?

18 A. All I could see was what was

19 puffing over the doors that I had

20 told him to watch over, ---

21 Q. So you could ---?

22 A. --- you know, what was ---

23 just what was puffing through the

24 cracks.

25 Q. So you could clearly see Joe

67

01 from where he was at? Visibility was

02 okay ---?

03 A. Yeah, I could see the

04 reflectors on his coveralls and his

05 light. And he told me he just

06 panicked, you know. He said, I

07 panicked out. And then even worse,

08 when he couldn't get the caps off his

09 rescuer. He said he started

10 panicking even worse. And he yelled

11 at me and said, the smoke is getting

12 too thick. I said, well come on out

13 of there.

14 Q. Do you recall, after you got

15 outside that night, if you and Joe

16 had any conversation about what had

17 happened?

18 A. I can't recall. I talked to

19 so many people. As soon as we got

20 outside where I --- I had the head

21 count list. We went to the

22 dispatcher's office. And we were
23 only in there just a matter of
24 minutes and they called down from the
25 office and told me to come upstairs

68

01 so I could --- they already had a
02 list compiled of everybody that was
03 checked in and they wanted me to come
04 up and take my list and check off
05 people that we knew for sure had made
06 it outside.

07 Q. Do you have any knowledge if
08 the longwall crew was told to
09 evacuate?

10 A. Yeah. I can't remember who
11 said it, but at one point, after we
12 started evacuating Two Section, I can
13 remember hearing somebody say, we
14 need to call the longwall and tell
15 them to come on off, too, you know.
16 And the smoke wasn't going toward
17 them, but we needed all the help we
18 could get in getting the fire
19 extinguished. But the Two Section
20 hadn't made it to us even before we
21 started evacuating the longwall also.

22 Q. So you heard somebody say, we
23 need to call them?

24 A. Right.

25 Q. Do you have any knowledge if

69

01 they were able to do that?

02 A. No, sir. I mean, you know, I

03 had things I was doing and ---.

04 Q. I understand. And you don't

05 know who that was?

06 A. No, sir, I can't recall.

07 Q. Do you have any idea if you

08 had water and had been able to use

09 water, if you would have been able to

10 put the fire out?

11 A. No, sir. I was never actually

12 that close to the fire. I could see

13 flames and I could see smoke, but I

14 was probably, at closest, a half

15 break from it. You know, as I was

16 arriving, Bryan was finishing up with

17 my fire extinguisher. And as soon as

18 he stopped spraying, I saw the flames

19 re-ignite. And they started back up

20 toward me, he and Joe did, and that's

21 when I told Joe to find us every fire

22 extinguisher he could find.

23 Q. So it sounds like the focus at

24 that point was on fire extinguishers

25 and more so than water or ---?

70

01 A. Right. Right. My focus was
02 on fire extinguishers. And then when
03 I told him that, Bryan said, Pat, I
04 need you to make sure we've got
05 plenty of water on our firefighting
06 line. And I asked him, you know,
07 which way they had their valves ran
08 or where the valve would be to ---
09 you know, and he said, you'll have to
10 go through a man door and go outby to
11 stay out of this smoke. So I went
12 through a man door. And the quickest
13 route I could think was to go to
14 Seven Head and make --- because I
15 knew it would go from Seven Head to
16 the mother drive, to make sure I had
17 plenty of air. And that's when I
18 found the valve half-cocked and
19 knocked it on and made sure I had
20 plenty on that firefighting hose.
21 And I went back to Bryan and I said,
22 have you got plenty of water? And he
23 said, we never made it to that point.
24 The smoke ran us out.

25 Q. Bryan told you that he never

71

01 made it to the point of trying water?

02 A. Right. They were using fire
03 extinguishers. And the smoke got so

04 thick they couldn't stay in it, and
05 it put them out of it.

06 Q. Did you ever see him try to
07 hook up a water hose to an outlet?

08 A. No, sir. I never went back
09 down. You know, he was already out
10 once I got back from checking the
11 water. And once he told me the smoke
12 was too thick down in there, I said,
13 well, we need to try to get in by and
14 come back to see if we can fight it
15 from behind.

16 Q. Do you know where Bryan Cabell
17 was at when Joe was watching the
18 doors?

19 A. No, sir.

20 Q. I guess what's on my mind,
21 Pat, is that basically through
22 testimony we've been told that Bryan
23 actually tried water, to use water,
24 and he did not have water. And you
25 said that Bryan told you that he

72

01 never got to that point, that he
02 never tried water, that they got ran
03 out.

04 Q. Well, he might have tried
05 maybe even before I got there. I

06 don't know, you know. All I know is
07 once the first fire extinguisher was
08 put on it, I told Joe to find us all
09 we could find. And he told me to
10 make sure we had plenty of water on
11 the firefighting line. And I went to
12 check, and then when I came back ---
13 after I knew I had plenty going to
14 the mother drive, I came back, I
15 said, have you got plenty of water?
16 And he said, he never got the chance
17 to try it. But you know, as far as
18 --- before I got there he might have
19 tried or while I was gone even, you
20 know, but he said the smoke ran him
21 out. So I was --- I took it that
22 after he told me to go make sure he
23 had plenty of water, he never got ---
24 the smoke ran him out before he got a
25 chance to try it after I had went to

73

01 check the valves.

02 Q. Okay. Did you used to examine
03 the belts as a contractor ---

04 A. Yes.

05 Q. --- at Aracoma? Do you
06 remember what type of detector that
07 you carried at that point?

08 A. Like my multi-gas spotter?

09 Q. Yes.

10 A. I would carry a 270 or an
11 Explorer 4.

12 Q. Did you ever have any trouble
13 getting a detector?

14 A. I never did.

15 Q. Okay.

16 A. No. You know --- now, the guy
17 that handed out lights, which I got
18 my own personal light. But the guy
19 that handed out lights, he would lay
20 out --- they were only methane
21 spotters, though, for the pen men and
22 miner men, you know. He had --- but
23 all --- they weren't multi-gas. They
24 just checked for methane. And I
25 never even went to him.

74

01 Q. You had your own protector you
02 carried all the time?

03 A. I'd get one upstairs out of
04 the offices upstairs, which they kept
05 270s up there. And then down in the
06 dispatcher's office they had the
07 Explorer 4s. And if I couldn't find
08 one --- I liked 270s better than the
09 Explorer 4. If I couldn't find a 270
10 upstairs, I'd just go downstairs and

11 get an Explorer 4 out of the
12 dispatcher's office.

13 Q. If you were to have a major
14 vent change at the mines, who's the
15 one person that you think would be
16 --- that would oversee that, would be
17 in charge of that?

18 A. I've never made any major vent
19 changes. But if I was in a position
20 that I had to make one, I'd contact
21 Pepe Lester. He's superintendent,
22 you know. And I'd contact him and
23 tell him I needed to make one and
24 why.

25 Q. So as far as knowing the mine

75

01 ventilation overall, you think Pepe
02 probably knows it as well as anybody?

03 A. In my opinion, he should, you
04 know. He's superintendent. You
05 know, my thoughts on it are, you
06 know, to be truthful with you, if he
07 don't know it well enough to run the
08 mines, they need to get somebody that
09 can, you know. That's just my
10 thought, not toward Pepe but toward
11 any superintendent.

12 Q. Right. I understand.

13 A. Or like me, if I can't handle

14 section bossing, they need to --- you
15 need to put somebody in there that
16 can, you know.

17 Q. Right.

18 MR. TUCKER:

19 Okay, Pat. Thank you.

20 That's all I have right now.

21 Bill?

22 MR. FRANCCART:

23 Pat, we need to take

24 about a five-minute break.

25 A. Okay.

76

01 SHORT BREAK TAKEN

02 BY MR. FRANCCART:

03 Q. Pat, I have a few clarifying

04 questions, then I'll give it back to

05 Bill. You talked about the fire

06 extinguisher you got from an oil

07 station?

08 A. Uh-huh (yes).

09 Q. Where was that oil station

10 located?

11 A. It was close to where the

12 phone was at. It was just a --- like

13 a temporary place to put some

14 hydraulic oil and stuff. But we came

15 back up the belt entry and I was

16 explaining to Joe where he could find
17 some, and I looked over and I saw a
18 few cans of hydraulic oil and stuff
19 sitting there. And I said, there's
20 one right there. There's one now,
21 you know. And then I said, you know,
22 just any power center you see or
23 anything like this, you know, or any
24 piece of equipment, but power
25 centers, belt heads, oil stations,

77

01 just, you know, anything like that's
02 going to have at least one fire
03 extinguisher.

04 Q. So that oil station was in the
05 crosscut between the travelway and
06 the entry to the north of that
07 travelway; is that about where it
08 was?

09 A. It was as I was coming through
10 the travelway to come under the
11 mother drive belt, it would have been
12 on my left. It was toward the head
13 drive.

14 Q. You talked about where you
15 took your air readings on the
16 section, and you took them in the
17 last open crosscut. But then you
18 said you took extra quantities

19 sometimes in the intake?

20 A. Yeah.

21 Q. Can you describe where that
22 was in relation to the last open?

23 A. I would take it at the power
24 center. On my section, the intake
25 comes up --- it comes up --- the

78

01 power entry's in Number Three, and it
02 comes up Two and Three. And we took
03 it over to Three when it goes close
04 to the section, to send it up one
05 entry, and then it splits and goes
06 left and right. And just, you know,
07 out of curiosity, at times --- I
08 don't even do it on a regular basis,
09 mostly if I get caught up and I'm
10 wanting to make sure everything is up
11 to par, you know, and I've got a few
12 minutes to spare, I'll take an air
13 reading at the power center, which is
14 in line with the feeder. And you
15 know, even on a fresh move, you've
16 got one open line past your feeder.
17 Or if you're about ready to move,
18 you'll have --- if they're going to
19 move tonight, you're going to have
20 work on the third open line past the

21 feeder, you know. And you'll build
22 your stoppings up as you go. But I'd
23 take my reading at the power center
24 and then do my left return and right
25 return and then total them and see

79

01 how close it came to the power center
02 reading.

03 Q. Are those extra ---?

04 A. That basically lets you know
05 if you're getting an air loss and how
06 much it is.

07 Q. The extra readings you talk
08 about, are those readings you would
09 include in the record book or are
10 those just in your notes?

11 A. Those are just something to
12 satisfy me, you know, make sure my
13 stoppings are all sealed off good.
14 And if I have any line curtain hung,
15 you know, stuff like that, to make
16 sure it's all effective.

17 Q. Do you ever remember doing
18 that --- taking those extra readings
19 and learning that there was an
20 imbalance somewhere, that you had a
21 problem, or did they match up most of
22 the time?

23 A. Most times they matched up.

24 One time I had 50,000 at the power
25 center. And I went up in my left

80

01 side last open break, and it wouldn't
02 even turn an anemometer. And I
03 walked back down and a buggy had torn
04 the fly patch down at the feeder, and
05 it was just coming up Number Three
06 and going straight across the feeder
07 and bleeding back out off right-
08 handed and I hung my fly patch back
09 up, and then it put my air back out.

10 Q. When you first got to the
11 mother drive the day of the fire,
12 Bryan Cabell was on the phone. Do
13 you know what he was talking about on
14 the phone at that point?

15 A. I didn't hear anything he
16 said. When I pulled up to him, he
17 said, I need your fire extinguisher.
18 And I jumped off and handed it to
19 him. And as he was going to use it,
20 he said, Fred said tell you not to
21 leave until we get this fire put out.
22 So I automatically assumed that he
23 was on the phone with Fred. But
24 that, you know, was an assumption.

25 Q. Did he ever mention anything

01 about needing a chain ratchet at that
02 point?

03 A. No, sir, not to me.

04 Q. So at that point you
05 understood that there was flames?

06 A. Yeah. You know, I understood
07 there was a fire. But in my mind I
08 was thinking it was just a hot
09 bearing or something jumped out and
10 put it out lickety-split and fix the
11 problem and you're back into coal,
12 you know. But it didn't turn out to
13 be that way.

14 Q. We talked about evacuation of
15 Two Section. Somebody had apparently
16 called them to contact them to
17 evacuate.

18 A. Yeah.

19 Q. Did you ever hear confirmation
20 that they were actually contacted on
21 the mine phone?

22 A. I can't recall hearing
23 confirmation, you know, but I was
24 leaning more toward the firefighting
25 efforts, you know. Bryan told me

01 that they had started evacuating Two
02 Section, and my thoughts went

03 straight back to how we were going to
04 put this fire out.

05 Q. Can you tell us how long it
06 took you to leave the drive to go
07 turn that water valve and then come
08 back?

09 A. Rough guess, not more than ten
10 minutes.

11 Q. About ten minutes?

12 A. About ten minutes.

13 Q. So in that time, calls could
14 have been made and you wouldn't have
15 ---

16 A. Right.

17 Q. --- known about it?

18 A. Right. In that time --- it
19 couldn't have been more than, say,
20 three minutes from the time I pulled
21 in until I headed to go check the
22 water. And then when I came back,
23 the call had already been made to
24 evacuate Two Section.

25 Q. Thank you. That clears a lot

83

01 of things up for us. What about the
02 longwall section? Do you know ---
03 were they called at the same time,
04 Two Section?

05 A. I don't know that they were
06 called at the same time. I can
07 recall hearing somebody say we might
08 as well get the longwall section up
09 here also, so --- I don't know, you
10 know, who even said it. I can just
11 remember hearing somebody say it.

12 Q. We're going to have an Exhibit
13 One Callaway I'm going to show you.
14 (Callaway Exhibit One
15 marked for
16 identification.)

17 BY MR. FRANCAERT:

18 Q. It's a diagram the audience
19 has drawn for you to clarify in their
20 minds what you meant by the valves
21 being half open. If you could look
22 at what they've drawn. Could you
23 give us an indication ---?

24 A. That --- the stopping would be
25 off.

84

01 Q. That's off?

02 A. That's off. I'd say right
03 here, this bottom one is closer, you
04 know, to half open. It's --- at a
05 90-degree, it's off.

06 Q. Okay.

07 A. And then when it's straight in

08 line with your water line, it's on.
09 And it was between --- you know, it
10 was between --- it was --- if I was
11 going to say a rough guess, you know,
12 as compared to either in line or a
13 90, I would say 45, you know. It
14 didn't look like it was off, but it
15 didn't look fully on. So I just ---
16 when I tried to move it ---.

17 Q. Could you just mark the top
18 one as being off, if you don't mind?

19 WITNESS COMPLIES

20 BY MR. FRANCAERT:

21 Q. And you've put a check mark
22 next to the one that would be half
23 open?

24 A. Right.

25 Q. Okay. That's all we need.

85

01 A. But when I grabbed it by hand
02 and tried to turn it, I knew, you
03 know, that it had water pressure on
04 it or it would have just --- you
05 could have just took your fingers and
06 turned it had there not been any
07 pressure on it. And when I couldn't
08 just easily turn it, I just grabbed
09 my hammer. I was in a hurry, you

10 know. I just grabbed my hammer. I
11 wasn't wasting any time. I knocked
12 it to the fully on position. And I
13 saw the firefighting --- the fire
14 tap, and I grabbed it and opened it
15 up and it shot water everywhere. I
16 turned it back off and headed
17 straight back toward where the fire
18 was at.

19 Q. When you first got to the
20 drive and you saw the smoke, did
21 evacuation of the sections ever cross
22 your mind at that point?

23 A. Not immediately.

24 Q. And why was that?

25 A. You know, I was --- the smoke

86

01 wasn't that thick. And my frame of
02 mind was it was just a little bearing
03 fire or something. We were going to
04 jump off and throw a fire
05 extinguisher on it, and it will be
06 out, you know. But then when one
07 extinguisher didn't do it, the call
08 was made while I was gone to evacuate
09 them because the smoke was getting
10 thick so quick.

11 Q. So you've seen bearing fires
12 before act the same way?

13 A. Not at this mine. I've never
14 saw a fire at this mine. But you
15 know, I was a mechanic and a welder
16 on the strip for several years. I've
17 saw bearings catch fire. A lot of
18 times you can blow them out, you
19 know, but ---.

20 Q. That was on the surface?

21 A. Yeah.

22 Q. You've never seen a fire
23 underground other than this one?

24 A. No, sir.

25 Q. Has anyone in Massey ever

87

01 instructed you to evacuate when
02 there's smoke seen?

03 A. Not that I can recall. You
04 know, with --- naturally, if you have
05 smoke, you're going to immediately
06 report it, you know, that you've got
07 excessive smoke, and then you're
08 going to start extinguishing efforts.

09 Q. If you drove into this area
10 and Bryan hadn't been there and you
11 saw this smoke, would you have
12 evacuated people yourself at that
13 point or would you have not evacuated
14 and investigated the fire first?

15 A. I probably --- if the smoke
16 wasn't extremely thick at that point,
17 I would have went down and saw the
18 root of it. And then once I saw I
19 couldn't do anything with it, I would
20 have immediately called Two Section
21 and told them to get off.

22 Q. That would be your personal
23 decision and not something that
24 Massey has instructed you on doing in
25 the past?

88

01 A. That would be my personal ---
02 yeah, you know, that ---.

03 Q. Do you think the smoke ---?

04 A. They --- S-1 is their
05 priority, you know. And I know that
06 if I felt it was in the best interest
07 of everybody's safety to evacuate an
08 area and I went ahead and did it, I
09 know nobody there is going to say
10 anything to me for it, you know.

11 They might say, why did you evacuate
12 them? And I'd say, well, I felt it
13 was in the best interest for
14 everybody's safety. And they would
15 have said, okay, good answer, you
16 know.

17 Q. So in safety, it's better to

18 ask for forgiveness than permission,
19 as the saying goes?
20 A. Well, yeah. You know, safety
21 first. And if I feel it was safer to
22 get them off the section, I would
23 have done it, you know. I wouldn't
24 have asked permission to do it, which
25 you know, they have me --- I'm a

89

01 section boss. Even though I wasn't
02 on my section that day, I would have
03 went ahead and done it. And then if
04 they said anything to me, you know, I
05 would have said, well, I feel that's
06 what you pay me for, you know, that's
07 why you send me in there, is to make
08 decisions. And I would have took it
09 upon myself to do it.

10 Q. And the fire on the 19th, when
11 do you think that the conditions
12 presented an imminent danger?

13 A. At the point that the smoke
14 got so thick they couldn't fight the
15 fire. You know, that's when I would
16 have felt that it was --- because if
17 you can't get to the fire to fight
18 it, it's not going to put itself out.
19 You know, naturally, it's time to get

20 more people there. Even if you knew
21 there was no harm going their way,
22 you need more men. You know, you can
23 use the help. And I would have ---
24 if nothing else, you know, if for no
25 other reason, I would have called and

90

01 said, you guys need to get down here
02 and help me. I got a fire I can't
03 get out.

04 Q. I'm trying to think. Was the
05 smoke at that point before or after
06 there was flaming that you saw?

07 A. As soon as I pulled in, when
08 Bryan opened the doors, I could see
09 smoke up next to the roof, you know.
10 But it wasn't even so thick that it
11 had gotten below the belt structure
12 yet. And you know, he told me he
13 needed my fire extinguisher. I
14 parked my ride and went down to it,
15 and I saw the flames. When he quit
16 with the extinguisher, it re-ignited.
17 They immediately started coming
18 toward me. And that's when I told
19 Joe to get us every fire extinguisher
20 he could find. And Bryan told me to
21 make sure that I had plenty of water
22 coming down the firefighting line.

23 Q. Would a smoky roller or a
24 roller that caught fire, would that
25 be a hazard that you would report as

91

01 a hazard in an examination?

02 A. Yeah. If I had a bad roller,
03 I would report it, you know,
04 definitely. I wasn't working belts
05 when I've done it, but I have right
06 on the way to the section and could
07 smell a hot roller, and I would get
08 off the ride and go drop the roller,
09 put it on the ground, you know. Like
10 a bottom roller, I'd just drop it and
11 put it on the ground and then I'd
12 tell the beltman he had a roller he
13 needed to replace.

14 Q. Do you know, did they get on
15 the repair pretty much the same day
16 that you reported that?

17 A. Normally, yeah, they --- you
18 know, they do their dead work on the
19 hoot owl, and just about every night
20 you'll see them with roller loaded up
21 to take in.

22 Q. Have you ever seen that
23 rollers weren't replaced the day that
24 you reported it?

25 A. Not that I can recall.

92

01 Q. When you first saw the smoke
02 coming off the fire, could you tell
03 if it was going toward Number Two
04 Section at that point?

05 A. No, sir. I could just tell
06 that it was going up the belt entry.

07 Q. It was going inby on Seven
08 Belt --- or inby on the longwall
09 belt?

10 A. Yeah. It was going toward the
11 mother drive. But you had overcasts
12 on up, you know.

13 Q. You never got up to the tail
14 of Seven Belt to see where the
15 smoking was going in that direction?

16 A. No, sir. No, sir. I just
17 went to the head. And like I said,
18 when I was at Seven Head, the smoke
19 hadn't made it over to there. It was
20 just as clear there as it is in this
21 room.

22 MR. FRANCAART:

23 Bill, do you have some
24 questions?

25 MR. TUCKER:

93

01 I just have a couple

02 more.

03 BY MR. TUCKER:

04 Q. When you were on Seven Belt,
05 did you ever look back down and see
06 the longwall head where it dumps onto
07 Seven Belt?

08 A. No, sir. No, sir. You have
09 some overcasts out that way. The
10 most I did, as far as looking toward
11 the longwall belt was once I got my
12 water on and made sure I had water on
13 that firefighting valve, it went
14 through a four-inch line. And I
15 noticed that that four-inch line fed
16 the fire suppression on Seven Head
17 and it went on out and went over the
18 overcast toward the mother drive.
19 And I automatically assumed that ---
20 you know, that was going to be the
21 firefighting line for the mother
22 drive.

23 Q. Okay. When Bill had asked you
24 about the smoke, the direction of
25 smoke from the fire, could you tell

94

01 us again which way the smoke was
02 going? Was it going through the
03 doors or was it going up over the

04 head roller or ---?

05 A. It was going toward the head
06 drive. You know, the doors --- we
07 kept the doors closed, unless we were
08 going through them, you know. When
09 Bryan heard me coming, he opened the
10 doors. And when I jumped off the
11 ride, I closed them back and headed
12 down that way. And we kept them
13 closed, you know, unless we were
14 going back and forth through them.
15 We would open them, walk through
16 them, then close them back behind us.
17 And the smoke --- we were trying to
18 keep it confined directly to the belt
19 entry as much as possible, you know.
20 If nothing else, even to get the CO
21 so high in that belt entry, it would
22 have smothered the fire out, you
23 know. Because once they couldn't get
24 it put out, that was --- my thoughts
25 immediately went to, you know, once

01 they decided that we couldn't get to
02 it to fight it, my thoughts
03 immediately went to let's make it
04 extinguish itself. You know, if we
05 cut the air off to it and there's no
06 oxygen, you can't have fire without

07 oxygen.

08 Q. When you came back from Seven
09 Belt, did you ever see Bryan on the
10 phone after that?

11 A. I can't recall seeing him on
12 the phone, you know. But here again,
13 it was an emergency situation.

14 Q. Right. I understand.

15 A. I had my mind on what I was
16 going to do, you know.

17 Q. Are you aware if that phone
18 ever quit working?

19 A. No, sir.

20 Q. Do you recall if Joe Rose ever
21 asked you about Two Section?

22 A. I can't remember him saying
23 anything about it, you know, other
24 than I told him to watch for him. I
25 said, watch for those guys, you know,

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01 because you can look --- with that
02 door shut, there was an opening at
03 the top of it, and he could stand
04 there and look through that opening
05 and see over to the next set. And I
06 said, if you see lights through that
07 smoke or you hear voices over there,
08 tell them to get down and crawl under

09 that smoke, that the good air is over
10 here.

11 Q. While Joe was there at those
12 doors looking, would he have opened
13 the doors to see if he could see
14 better or see anybody coming? Would
15 he have opened the outby door or ---
16 do you know?

17 A. I don't know that he did, but
18 he might have. You know, he might
19 have. If I said yes or no, it would
20 be an opinionated answer.

21 Q. Right.

22 A. And I don't know that he did
23 and I don't know that he didn't.

24 Q. Right.

25 A. I just know I told him to

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01 watch.

02 Q. I'm just thinking if you're at
03 the outby door, it would be hard to
04 see through ---

05 A. Right.

06 Q. --- actually three sets of
07 doors.

08 A. Right. Yeah. It was more a
09 two set thing, because they would
10 have opened the third set, you know.
11 Once they got to there, the third set

12 they would have opened. And my ride
13 had them blocked from getting
14 through. And that's when he would
15 have been able to either hear their
16 voices saying the road was blocked or
17 he could see their lights through the
18 smoke. And that's --- you know, I
19 said, if you see lights or hear
20 voices over there, tell them to get
21 down and crawl under that smoke. The
22 good air is over here.

23 Q. Have you ever participated in
24 a fire drill at Aracoma?

25 A. Just other than, you know,

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01 walking your escapeways and stuff.

02 We do that.

03 Q. Have you ever had any type of
04 demonstration of --- give a for
05 instance, that we have a fire here on
06 the miner or shuttle car ---?

07 A. You're trained on using fire
08 extinguishers and, you know --- and
09 everybody, you got a list of what
10 everybody's job is in the event of a
11 fire, you know. Just like the
12 section boss would have the
13 troubleshooter, to de-energize the

14 equipment and knock the power and the
15 miner men are fighting fire, you
16 know, and your buggy men are getting
17 the firefighting supplies up to them
18 and stretching fire hoses. You know,
19 every --- we have a list of
20 everybody's job to do in the event of
21 a fire on the section.

22 Q. Okay. So you consider that a
23 fire drill? Is that something you go
24 over with your crew ---

25 A. Yeah, they know ---.

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01 Q. --- at certain intervals?

02 A. Yeah. You go over it with
03 them and tell them, you know, what
04 their job is. And then nine times
05 out of ten, they're like, F you, I'm
06 going to be running, you know, you
07 can put it out.

08 MR. TUCKER:

09 Okay. Thank you, Pat.

10 BY MR. FRANCAERT:

11 Q. Pat, just a couple of real
12 quick questions for you. Do you
13 think that the time that it would
14 take for Two Section to travel outby
15 the fire had any impact on what time
16 the section was told to evacuate?

17 A. I don't know. I just know,
18 you know, once the smoke --- once we
19 saw we wasn't going to be able to get
20 it under control, we immediately
21 would tell them to do it. Once ---
22 you know, I wasn't gone --- I
23 couldn't have been gone five minutes.
24 When I got back, they had already
25 made the call to evacuate the

100

01 section.

02 Q. And one last question. Before
03 Nine Longwall started production,
04 when Nine Headgate was finished in
05 development, ---

06 A. Right.

07 Q. --- do you know who
08 coordinated or changed the
09 ventilation to set up production for
10 the longwall?

11 A. No, sir.

12 MR. FRANCCART:

13 Thank you. Mr. Hardy,
14 any questions?

15 ATTORNEY HARDY:

16 None.

17 MR. FRANCCART:

18 Pat, do you have

19 anything else you'd like to
20 add to today's proceedings?

21 A. Not that I can think of.

22 MR. FRANCCART:

23 Any questions you'd
24 like to go over again to
25 expand on any answers?

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01 A. No, sir.

02 MR. FRANCCART:

03 We do ask again that
04 you don't discuss your
05 interview today or your
06 previous interview with anyone
07 who may have already been
08 interviewed or may be asked to
09 give a statement in the
10 future. And that, again, is
11 to assure that we get an
12 unbiased view of what
13 happened. And there is a
14 possibility that we may ask
15 you back for additional
16 questions.

17 If at some later point
18 you have additional
19 information that you would
20 like to share with us or the
21 investigation team, we have a

22 copy of Mr. Murray and Mr.
23 Webb's business cards here
24 with their contact numbers, if
25 you'd like to take those with

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01 you.

02 A. Okay.

03 MR. FRANCCART:

04 And the Mine Act does
05 provide certain protections
06 for individuals who
07 participate in accident
08 investigations. And if at any
09 time you believe you've been
10 treated unfairly because of
11 your participation here,
12 please contact Mr. Murray or
13 Mr. Webb.

14 A. Okay.

15 MR. FRANCCART:

16 And Bill, do you have a
17 closing statement also?

18 A. I already have these cards.

19 MR. FRANCCART:

20 Okay. Thanks.

21 MR. TUCKER:

22 Just also on behalf of
23 the State, I'd like to thank

24 you for coming back to answer
25 some more questions for us,

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01 Pat.

02 A. You're welcome.

03 MR. TUCKER:

04 That's all I have.

05 * * * * *

06 EXAMINATION AT 11:53 A.M.

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