

01                   EXAMINATION UNDER OATH  
02                                   OF  
03                   JOHN SCOTT  
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 on  
12    Wednesday, March 22, 2006, at 1:02  
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

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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 KENNETH A. MURRAY

18 District Manager

19 U.S. Department of Labor

20 Mine Safety and Health Administration

21 Coal Mine Safety and Health,

22 District 6

23 100 Fae Ramsey Lane

24 Pikeville, KY 41501

25

3

01 A P P E A R A N C E S (continued)

02

03 ALSO PRESENT:

04 Dennis A. Beiter

05 William J. Francart

06 C.A. Phillips

07 Eugene White

08 Beth Spence

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01 I N D E X

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03 WITNESS: JOHN SCOTT

04 QUESTIONS

05 by Mr. Pogue 16 - 71

06 CERTIFICATE 75

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01	EXHIBIT PAGE		
02			PAGE
03	NUMBER	DESCRIPTION	IDENTIFIED
04			
05	A	Command Center	
06		Table Map	30
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01                   P R O C E E D I N G S

02           -----

03           MR. POGUE:

04           My name is Charlie  
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 questions for MSHA in  
22 today's interview. With me  
23 here today are other members  
24 of the MSHA team and the State  
25 team. MSHA's team include

7

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 MSHA's team to  
06 identify themselves for the  
07 record.

08 ATTORNEY BARISH:

09 Hi. My name is Dan  
10 Barish. I'm with the attorney  
11 in the Solicitor's Office  
12 representing MSHA in  
13 Arlington, Virginia.

14 MR. BEITER:

15 Denny Beiter,  
16 Triadelphia, West Virginia.

17 MR. MURRAY:

18 Kenny Murray,  
19 Pikeville, Kentucky.

20 MR. FRANCCART:

21 Bill Francart,  
22 Pittsburgh, Pennsylvania

23 MR. POGUE:

24 My name's Charlie  
25 Pogue, and I'm with MSHA out

8

01 of Hunker, Pennsylvania. Here  
02 with me today representing the  
03 State of West Virginia is Mr.  
04 Bill Tucker. Mr. Tucker will  
05 be asking the questions for  
06 the State. At this time I  
07 would ask Mr. Tucker to  
08 introduce the members of the  
09 State's team who are here  
10 today.

11 MR. TUCKER:

12 Also, I have a brief  
13 statement I need to read for  
14 the record. The West Virginia  
15 Office of Miners' Health,  
16 Safety & Training is

17 conducting this interview  
18 session jointly with MSHA.  
19 We're in agreement with the  
20 procedures outlined by Mr.  
21 Pogue. However, let me make  
22 it clear that the Director  
23 reserves the right, if  
24 necessary, to call or subpoena  
25 witnesses or require the

9

01 production of any record,  
02 document, photograph or other  
03 relevant materials necessary  
04 to conduct this investigation.

05       Again, my name's Bill  
06 Tucker. I'm the assistant  
07 inspector at large out of the  
08 Oak Hill office for Miners'  
09 Health, Safety & Training.

10       MR. PHILLIPS:

11       Good afternoon, John.  
12 My name is C.A. Phillips,  
13 deputy director of Miners'  
14 Health, Safety & Training in  
15 Charleston, West Virginia.

16       MR. WHITE:

17       Eugene White, district  
18 inspector, Region Three,  
19 Danville.



20 MS. SPENCE:  
21 Beth Spence with the  
22 Governor's Office.

23 MR. POGUE:  
24 This investigation is  
25 being conducted by MSHA and

10

01 the State of West Virginia to  
02 gather information to  
03 determine the cause of the  
04 accident and to help prevent  
05 this from happening in the  
06 future. These interviews are  
07 an important part of the  
08 investigation. After the  
09 investigation is completed,  
10 MSHA will issue a written  
11 report detailing the nature  
12 and causes of the accident.

13 MSHA's accident reports  
14 are made available to the  
15 public in the hope that  
16 greater awareness about the  
17 causes of the accidents can  
18 reduce their occurrence in the  
19 future. Information obtained  
20 through witness interviews is  
21 frequently included in these

22 reports. Your statement may  
23 also be used in other  
24 enforcement proceedings.

25 I would like to thank

11

01 you in advance for your  
02 appearance here today. We  
03 appreciate your assistance in  
04 the investigation. The  
05 willingness of miners, mine  
06 rescue team members and mine  
07 operators to work with us is  
08 critical to our success in  
09 making the nation's mines  
10 safer.

11 This interview with Mr.  
12 John Scott is being conducted  
13 under Section 103(a) of the  
14 Federal Mine Safety and Health  
15 Act of 1977 as part of an  
16 investigation by the Mine  
17 Safety and Health  
18 Administration into the  
19 conditions, events and  
20 circumstances surrounding the  
21 fatalities that occurred at  
22 the Aracoma Alma Mine Number  
23 One, located on Route 17  
24 North, Bandmill Hollow Road,

25 Stollings, West Virginia,

12

01 25646.

02 This interview is being  
03 conducted at the Department of  
04 Environmental Protection in  
05 Logan, West Virginia on March  
06 the 22nd, 2006 at five minutes  
07 after 1:00.

08 Mr. Scott, this  
09 interview will begin by asking  
10 you a series of questions.  
11 Feel free at any time to  
12 clarify any statement that you  
13 make in response to the  
14 questions. After we have  
15 finished asking the questions,  
16 you will have an opportunity  
17 to make a statement of your  
18 own and provide us with any  
19 additional information you  
20 believe is 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.

13

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 clarifying any area 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 me  
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

14

01 give a confidential statement,  
02 you should advise me now  
03 before I begin your interview

04 so that I can reschedule your  
05 interview in order to properly  
06 consider your request. Do you  
07 request a ---?

08 MR. SCOTT:

09 No.

10 MR. POGUE:

11 A court reporter will  
12 record your interview and will  
13 later produce a written  
14 transcript of the interview.

15 I ask that you state all your  
16 answers verbally, because the  
17 court reporter cannot record  
18 your gestures, like nodding of  
19 your head.

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

15

01 Please answer each  
02 question as fully as you can,  
03 including any information that  
04 you learned from someone else.  
05 We may not ask the right

06 question to learn the  
07 information you have, so do  
08 not feel --- do not feel  
09 limited by the precise  
10 questions asked. If you have  
11 any 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 this interview will be  
18 conducted?

19 MR. SCOTT:

20 No.

21 MR. POGUE:

22 Will you please swear

23 Mr. Scott in.

24 -----

25 JOHN SCOTT, HAVING FIRST BEEN DULY

16

01 SWORN, TESTIFIED AS FOLLOWS:

02 -----

03 BY MR. POGUE:

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

06 A. Yes, sir.

07 Q. Has anyone made any promises  
08 to you for giving a statement or

09 offering any reward in exchange for  
10 making a statement?

11 A. No.

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

15 A. No.

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

19 A. Yes, sir.

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

22 A. No.

23 Q. Do you wish to have a  
24 representative with you today?

25 A. No.

17

01 Q. Okay. We'll proceed with the  
02 questioning. Who is your employer?

03 A. Office of Miners' Health,  
04 Safety & Training.

05 Q. How many years of mining  
06 experience do you have?

07 A. I started in 1975. So through  
08 this year, I guess 31 years.

09 Q. Okay. Thank you. What office  
10 are you assigned to at the

11 office ---?

12 A. The Fairmont office.

13 Q. The Fairmont office?

14 A. Uh-huh (yes).

15 Q. What is your position?

16 A. Electrical inspector.

17 Q. Have you always been an

18 electrical inspector for the State of

19 West Virginia?

20 A. No. I've been an electrical

21 inspector since 2000. I was first

22 employed by the State in 1993 as a

23 district inspector in the Welch

24 office, and I transferred ---

25 actually, it was to Buckhannon in

18

01 2000, and then they combined that

02 office with Fairmont in about 2001,

03 2002, sometime.

04 Q. What about your prior mining

05 experience and the positions you held

06 prior to joining the State of West

07 Virginia?

08 A. Mostly been in maintenance. I

09 worked for U.S. Steel back in '75. I

10 got in their maintenance program and

11 became a certified electrician. And

12 basically did section electrician

13 troubleshooter. Later on I worked



14 for Massey as a fire boss, chief  
15 electrician, maintenance foreman.  
16 It's basically been all pretty much  
17 in maintenance.

18 Q. Have you ever worked at the  
19 Aracoma ---

20 A. No.

21 Q. --- Alma Mine Number One?

22 A. No. I worked for Massey from  
23 1978 until 19 --- it was a subsidiary  
24 of Massey. It was Virginia Crews  
25 Coal Company, and that was up until

19

01 about 1991, I guess was the last time  
02 I worked for them.

03 Q. Prior to January 19th, 2006,  
04 did you have any mine rescue  
05 experience?

06 A. Yes.

07 Q. Could you briefly describe  
08 that?

09 A. I've been on the State Mine  
10 Rescue Team since 2000. I worked on  
11 the --- some of the recovery work at  
12 Loveridge. That was back in --- when  
13 they had the jet engine up there.  
14 That was probably, what, 2002, maybe.  
15 And then also worked a lot down at

16 Pin Oak or Pinnacle doing a recovery,  
17 that mine's mine rescue. And then,  
18 also, I was involved with the deal at  
19 Sago.

20 Q. Okay. Thank you. Who  
21 notified you of the Aracoma Mine  
22 fire?

23 A. I was actually working at Sago  
24 at the time on afternoon shift, and I  
25 think I received a call from Barry

20

01 Fletcher. He's one of the State Mine  
02 Rescue Team members also. And I  
03 think he had been contacted by --- I  
04 don't know for sure, probably Mike  
05 Rutledge or somebody on our team.

06 Q. That's fine.

07 A. I was at the mine site before  
08 our truck was and all of our  
09 equipment. And Barry called and said  
10 to get everything together.

11 Q. Okay. Do you recall what day  
12 that was?

13 A. It was on --- I think it was  
14 on Thursday.

15 Q. Approximate time?

16 A. I'm thinking somewhere around  
17 nine o'clock. Nine o'clock in the  
18 --- 9:00 p.m.

19 Q. 9:00 p.m.?

20 A. Uh-huh (yes). I'm not 100  
21 percent on the time, but somewhere  
22 around, probably between --- probably  
23 between 8:30 and 9:30, so I'm going  
24 to say nine o'clock, 9:00 p.m.

25 Q. The truck that you previously

21

01 referred to, did you bring it down to  
02 the Aracoma Mine with the mine rescue  
03 gear?

04 A. I didn't drive it, but I came  
05 down. Barry Fletcher drove the truck  
06 down.

07 Q. And did you come to the mine  
08 with the truck, all one time?

09 A. Yes. Yes, sir.

10 Q. Do you remember what time you  
11 got at the mine?

12 A. I'm thinking it was about  
13 around --- around 1:00 a.m. It would  
14 have been on Friday morning.

15 Q. Do you remember who you  
16 reported to once you got here to the  
17 mine?

18 A. I don't really remember  
19 reporting to anybody. We basically  
20 just started setting the truck up,

21 hooking it up, getting it set up.  
22 Hooked electricity up to the truck.  
23 We started getting all of our ---  
24 unpacking everything, getting our  
25 machines and stuff ready.

22

01 Q. What kind of machines do you  
02 have?

03 A. BG-4s.

04 Q. What type of communication do  
05 you normally take underground? Sound  
06 power?

07 A. FM radios. Some Motorola  
08 permissible.

09 Q. What days were you at Aracoma?

10 A. We got down here sometime  
11 around 1:00 a.m. on Friday morning,  
12 and basically, I didn't leave Aracoma  
13 until sometime Friday --- Saturday  
14 night, like when we actually brought  
15 the bodies out. That's when we came  
16 out, on Saturday.

17 Q. So you were underground two  
18 days?

19 A. Well, ---.

20 Q. Two separate days.

21 A. I was underground two separate  
22 days. I was there at the mines the  
23 whole time. Well, with the exception

24 of --- I take that back. I went to a  
25 motel for four, five hours, I think,

23

01 on late Friday night to early  
02 Saturday morning or something like  
03 that.

04 Q. Okay.

05 A. Sometime Saturday morning. I  
06 went --- I stayed at the mine --- I  
07 got to the mines about one o'clock on  
08 Friday, and I didn't leave until  
09 sometime Saturday morning. I did go  
10 to a motel for four or five hours,  
11 came back, and as soon as I got back  
12 to the mines, sometime around noon on  
13 Saturday, they said get your stuff,  
14 we got to go. We got a team ready to  
15 go.

16 Q. Who was telling you that,  
17 John?

18 A. That was Mike Rutledge.

19 Q. And Mike Relich ---?

20 A. Rutledge (corrects  
21 pronunciation).

22 Q. Rutledge. What's his title?

23 A. I guess he would be considered  
24 the team trainer for the State.

25 Q. On that day or subsequent

01 days, were you given a briefing prior  
02 to going underground?

03 A. The first day, which I went  
04 under sometime Friday afternoon, we  
05 did have a briefing down in the pit.

06 Q. By the pit ---.

07 A. Down in the ---.

08 Q. The box cut?

09 A. Box cut.

10 Q. Okay.

11 A. But now, on Saturday,  
12 basically I didn't have --- receive a  
13 briefing. When I got to the mines,  
14 they said hurry up and get your  
15 machine ready, get dressed. There's  
16 a team ready to go. So I got my  
17 stuff, got down into the box cut and  
18 they wereready to go.

19 Q. Do you recall who gave that  
20 briefing in the box cut? Was it a  
21 company official?

22 A. I would assume, but I don't  
23 really know.

24 Q. Did he have a map down there  
25 to review what had taken place to

01 this point?

02 A. On the first day I think there

03 was a map. Like I said, the second  
04 day, I wasn't --- the team may have  
05 had a briefing, but I wasn't in on it  
06 on the second day.

07 Q. Okay. Did they have a map on  
08 the second day that you recall?

09 A. I can't --- I can't remember.

10 Q. Okay. At this briefing, were  
11 you given the location of the fire  
12 underground?

13 A. I can't be 100 percent, but I  
14 think we were. There wasn't a whole  
15 lot of information that we got  
16 period. It was kind of --- details  
17 were hard to come by. They just  
18 didn't --- nobody wasn't saying a  
19 whole lot.

20 Q. I see. Well, did you have an  
21 opportunity to ask any questions, or  
22 was it that much in a hurry to get  
23 underground, that ---?

24 A. They was pretty much in a  
25 hurry.

26

01 Q. Pretty much in a hurry. Did  
02 they tell you what your objectives  
03 would be during the course of being  
04 underground during the recovery

05 operation?

06 A. Yes, but the second day, as  
07 soon as we got underground they  
08 changed.

09 Q. Okay. We'll talk about that  
10 maybe a little bit later then.

11 A. Okay.

12 Q. Do you recall which teams you  
13 were traveling with at that point on  
14 the first day?

15 A. The first day, I traveled with  
16 Pocahontas Mine Rescue Team. And the  
17 second day, I don't know what that  
18 --- it was Brad Justice --- I'm not  
19 sure what their team --- it was the  
20 team they had for --- I guess that  
21 the mines had on contract or  
22 something that was their ---.

23 Q. Would it have been Southern  
24 Coalfield?

25 A. I think it was Southern. I

27

01 think, that's correct.

02 Q. Do you feel on either day that  
03 the briefing that you received was  
04 sufficient in light of the events and  
05 conditions that were occurring  
06 underground?

07 A. Well, like I said, the second



08 day, I can't say, because I wasn't  
09 involved in the briefing on the  
10 second day. But the first day, no,  
11 not really. There wasn't a whole lot  
12 of information. They really --- it  
13 was almost like everybody was in a  
14 hurry to get you underground and  
15 worry about it later.

16 Q. Yeah, we all have hindsight on  
17 things. If you had an opportunity to  
18 do it again in that situation, would  
19 you change that, do you think?

20 A. I think so. I don't know if  
21 it was just, everybody was trying to  
22 maybe learn off mistakes that had  
23 maybe happened at previous events.  
24 And they said, well, we're going to  
25 try to do this a little different. I

28

01 don't know for sure, but --- this is  
02 just speculation.

03 Q. Sure.

04 A. But I think they were ---. To  
05 me, the teams just didn't have enough  
06 information from what I saw.

07 Q. Did you ever get an  
08 opportunity to look at the map that  
09 they gave the briefing on?

10 A. Yeah. Yes.

11 Q. Can you recall any discussions  
12 that you had about the mine map once  
13 you got underground, about the  
14 accuracy of the map? Survey  
15 stations, ventilation controls, any  
16 of those items present a problem for  
17 you during exploration?

18 A. Yes. On the second day, there  
19 was a lot of --- there were some  
20 ventilation controls that were on the  
21 map, that was supposed to be an  
22 up-to-date map, and the controls were  
23 not there.

24 Q. Do you think it's important to  
25 have an accurate map when you go

29

01 underground in these types of  
02 situations?

03 A. Yes, sir.

04 Q. Why do you think it's  
05 important?

06 A. Well, you need to know where  
07 you are as a rescue person. And then  
08 it also gives you an idea --- you  
09 don't want to get yourself in a  
10 dangerous situation, especially ---  
11 if you knew the mines and you worked  
12 there, and you're there as a rescue

13 team person, it may be a little  
14 different, but the first time I'd  
15 ever been in the mines and probably  
16 most of those team members, and you  
17 have to depend on a map to know where  
18 you are, how you can get out, what  
19 you're looking for. There's all kinds  
20 of reasons to have an accurate map.  
21 Q. Can you recall if the map that  
22 you were given your briefing on prior  
23 to going underground had the  
24 escapeways marked on it, primary and  
25 alternate escapeway?

30

01 A. I can't say for sure.

02 Q. Was there any discussion about  
03 escapeways, how you guys could have  
04 got out in the event something would  
05 happen, and you had to exit the mine  
06 in a hurry?

07 A. Not to my knowledge.

08 Q. Let's go to our wall map. And  
09 we'll go through the exploration and  
10 the travel that you made on the 20th.  
11 And we'll use a felt marker to  
12 indicate your travel, and we'll see  
13 where we go with that.

14 MR. POGUE:

15           Okay. Right now we're  
16           standing in front of Exhibit  
17           A, which is Exhibit A Scott,  
18           which is a map of the north  
19           mains and the northeast mains  
20           entries.

21           (Scott Exhibit A marked  
22           for identification.)

23           MR. TUCKER:

24           Can we go off record?

25           OFF RECORD DISCUSSION

31

01           BY MR. POGUE:

02           Q. All right. John, let's go  
03           ahead and talk about your first night  
04           that you went underground from the  
05           box cut. Once you have your  
06           assignment and you traveled  
07           underground, where did you go from  
08           that point?

09           A. We traveled up this fresh air  
10           base.

11           Q. In the northeast mains?

12           A. Yes, sir.

13           Q. Did you come by mantrip  
14           ride ---

15           A. Yes, sir.

16           Q. --- up the north mains ---

17           A. Yes.

18 Q. --- to the northeast mains?

19 A. Yes.

20 Q. Okay. And the first location  
21 that you actually stopped at was at  
22 what location?

23 A. I don't --- I'm trying to  
24 think. We had to get off and walk  
25 across a belt and walk up to the

32

01 fresh air base.

02 Q. This is your 72-inch belt  
03 entry right here, which would be  
04 Number Seven entry.

05 A. Right.

06 Q. And up here is your 48-inch  
07 belt, that would be Number Four entry  
08 in the northeast mains.

09 A. Okay. This makes it hard to  
10 remember. They had several fresh air  
11 bases, which was unusual, but ---.

12 Q. Sure. Just approximate  
13 locations where you may have gotten  
14 out.

15 A. I'm trying to remember. I'm  
16 trying to think --- I'm thinking the  
17 mantrip stopped down here somewhere,  
18 and we had to cross over, I think,  
19 which we left the mantrip, came

20 up ---.

21 MR. POGUE:

22 John is indicating at  
23 survey station 2844 they  
24 crossed --- the mantrip car  
25 stopped at that point.

33

01 BY MR. POGUE:

02 Q. And where did you go from  
03 there, John? Can you tell? Did you  
04 travel inby to the drive itself,  
05 or ---?

06 A. No. We --- let's see. We  
07 walked up --- we crossed the belt and  
08 walked up by a belt. I assume, it's  
09 this ---.

10 Q. Was it the 72-inch belt, or  
11 was it the 48-inch?

12 A. I think it was the 48-inch  
13 belt ---

14 Q. Okay.

15 A. --- that we traveled up, and  
16 then we worked our way inby this  
17 area, probably ---.

18 Q. And this area that you're  
19 referring to is the Number Four entry  
20 of the 48-inch belt heading in the  
21 east direction inby ---

22 A. Yes.

23 Q. --- towards Two Section?

24 A. Yes.

25 Q. Okay.

34

01 A. I'm thinking that we went up  
02 to just about, probably --- maybe  
03 across from where the --- close to  
04 where the mantrip was. It was in  
05 adjacent entries up to that ---.

06 Q. In the belt entry?

07 A. Let me think. I'm thinking we  
08 traveled an adjacent entry. I think  
09 it was --- see, this --- I never did  
10 actually go over to the mantrip  
11 itself, but some of the team members  
12 did.

13 Q. If you recall, did they open a  
14 door to get to the mantrip, or did it  
15 seem like they just walked in by in  
16 the entry that you were in?

17 A. I think they went through the  
18 door.

19 Q. So maybe the 48-inch belt and  
20 walked over towards the mantrip at  
21 that point?

22 A. I think so. Yes.

23 Q. Could you indicate just an  
24 approximate area where you may have

25 stopped as your furthest point of

35

01 travel? We can do that on the other  
02 map. Maybe it'll be a little clearer  
03 for you, John.

04 A. I'm trying to think, because  
05 there was a place --- different  
06 places up there had a lot of bunch of  
07 crib blocks and some real bad top.

08 MR. POGUE:

09 John has moved over to  
10 Exhibit B, which is the mine  
11 map of the northeast and the  
12 north mains area of the mine.

13 (Scott Exhibit B marked  
14 for identification.)

15 A. I'm thinking it was --- I  
16 can't be 100 percent.

17 BY MR. POGUE:

18 Q. That's fine.

19 A. But I'm thinking it was  
20 somewhere in this area probably ---  
21 probably up in here.

22 Q. All right. Just put a mark  
23 there and just draw out to the  
24 furthest point of travel and on the  
25 day that you would have been there-.

36

01 A. That would have been ---



02 Q. The 20th.

03 A. --- the 20th.

04 Q. Just put furthest point of  
05 travel.

06 WITNESS COMPLIES

07 BY MR. POGUE:

08 Q. Since we're writing on this  
09 map, just go ahead and put your  
10 signature and today's date, which is  
11 the 22nd.

12 WITNESS COMPLIES

13 BY MR. POGUE:

14 Q. Okay. Then once you'd  
15 traveled up this 48-inch belt, what  
16 was your assignment at that point, do  
17 you recall?

18 A. We were basically looking for  
19 --- looking for those two guys.

20 Q. The two victims.

21 A. The two victims. We weren't  
22 supposed to be fighting any fire, we  
23 just basically tried to tie stuff  
24 together and just basically --- there  
25 was still quite a bit of smoke in

37

01 places.

02 Q. Light smoke, heavy smoke up  
03 through the belt entry?

04 A. Light smoke.

05 Q. Did you have your apparatuses  
06 donned at that point of exploration?  
07 Were you bare-faced?

08 A. We were bare-faced to a point,  
09 then we come down through here to go  
10 through --- to look at some of these,  
11 we'd go through some of these doors,  
12 or some of these stoppings with the  
13 --- with our apparatus.

14 Q. Checking for the ---?

15 A. Checking for the constituents.

16 Q. Do you recall any readings  
17 that you got over in the Number Five  
18 entry, where you went through the  
19 doors between Four and Five?

20 A. We were getting high CO  
21 readings.

22 Q. When you talk about we, John,  
23 are you ---?

24 A. The team I was with.

25 Q. Which team were you with

01 again?

02 A. That day I was Pocahontas Mine  
03 Rescue Team.

04 Q. Was there anybody from Aracoma  
05 Mine with you guys as you explored up  
06 through there, or as you traveled up

07 through that part of the mine?

08 A. Not that I recall on that day.

09 There was on the second day, but not  
10 that day.

11 Q. On this first day, at your  
12 furthest point of travel, was that a  
13 fresh air base that you had there?

14 A. No. Our fresh air base --- I  
15 can't remember the exact number now,  
16 but it was ---.

17 Q. Outby?

18 A. We moved it --- yeah. We  
19 moved it up some, and then they  
20 decided to move it back, and --- but  
21 yeah, it was --- we moved it up.

22 Q. Did they have a mine phone at  
23 that location, at the fresh air base?

24 Do you recall?

25 A. Yes, sir.

39

01 Q. And how were you guys  
02 communicating with the fresh air  
03 base?

04 A. Well, they forgot --- they  
05 forgot to send the batteries in for  
06 the phones, I mean for the radios, so  
07 we basically took a --- we were  
08 carrying a mine phone, a ---

09 Q. Black and white ---?

10 A. --- black and white twist wire  
11 for communication.

12 Q. Okay. You arrived at your  
13 furthest point of travel, then what  
14 occurred to --- what was your next  
15 assignment?

16 A. I believe by the time we  
17 worked our way up through here, it  
18 was just --- there was several other  
19 teams in there at the same time.

20 Q. Was there a reason why you ---

21 A. Why we stopped?

22 Q. --- left that area or  
23 retreated from that area? Did you  
24 get any instructions from the command  
25 center over the mine phones to

40

01 retreat?

02 A. I can't remember now for sure.

03 Q. What did you do --- after you  
04 got here, what was your next step?

05 Did you retreat, or travel to  
06 adjacent entries, go back to the  
07 fresh air bases, go outside, or ---?

08 A. We were basically --- as we  
09 were coming up through here, we were  
10 basically spreading out and checking  
11 adjacent entries where we could as we

12 came up. I think it was time for the  
13 teams to change out or something.

14 They told us to come on back out.

15 Q. On the 20th or the second day  
16 that you were in the mine, did you  
17 travel in the Nine gate entries, or  
18 the Ten gate entries?

19 A. No, sir. We were initially  
20 told outside that we were going to  
21 come up to --- I think it was up here  
22 at the section.

23 Q. Had it been already explored  
24 at that point, or ---?

25 A. Well, they told us that we

41

01 were going to go up and make a run  
02 for the face.

03 Q. And that would have been your  
04 --- the initial exploration of the  
05 area?

06 A. Right.

07 Q. But you never did do that?

08 A. No. By the time we got in to  
09 the fresh air base, they stopped us  
10 down here where the --- let's see. I  
11 think we got to right here, and they  
12 changed --- they changed the --- this  
13 would be fresh air base.

14 Q. Indicate it on the map, fresh  
15 air base.

16 WITNESS COMPLIES

17 A. Fresh air base, second day.

18 BY MR. POGUE:

19 Q. Were you still in the first  
20 day?

21 A. Basically --- well, first ---  
22 basically, that was it on the first  
23 day.

24 Q. Okay.

25 A. We got to that point and we

42

01 came out.

02 Q. All right.

03 A. This is on the afternoon ---

04 let me see. That would have been

05 Saturday, the 21st. We came outside

06 Friday probably about three o'clock.

07 Well, it would have been 3:00 a.m. on

08 Saturday morning is when we got out.

09 Q. All right. Before we get into

10 the second day, let's go back to

11 Exhibit B here. This is your belt

12 entry for the longwall.

13 A. Right.

14 Q. Okay. And this is your

15 tailgate entry for your longwall.

16 And I had already asked you if you've

17 done any traveling into the Nine gate  
18 or the Ten gate area. And your  
19 answer to that was?

20 A. No.

21 Q. Okay. Did you hear about  
22 anybody being in that area previously  
23 on either day, where maybe they were  
24 setting timbers or changing any  
25 ventilations controls, or doing any

43

01 exploration in that area?

02 A. No. The only thing that I  
03 believe we --- that I had heard about  
04 these entries was a possibility that  
05 one of the victims was real familiar  
06 with these areas, and that they might  
07 have thought that he may have went  
08 down Nine gate --- Nine or Ten.

09 Q. Did you, either day, change  
10 any position of any of the  
11 ventilation controls, either in the  
12 Nine tailgate or the Ten tailgate  
13 entries?

14 A. No.

15 Q. Okay. At the completion of  
16 your shift on the 20th, you returned  
17 to the box cut?

18 A. Yes.

19 Q. Went up the elevator. Did you  
20 have a debriefing at that point, once  
21 you got outside?

22 A. No. No.

23 Q. Do you know if the team had a  
24 debriefing in general, if they went  
25 upstairs to the command center, or

44

01 what transpired at that point?

02 A. I can't be sure.

03 Q. Okay. Do you know what  
04 happened to the map that you had, or  
05 the map that was used on that first  
06 day? Do you know if it was turned in  
07 to the command center or taken from  
08 the mine property?

09 A. I would assume it would be  
10 turned in to the command center, but  
11 I can't say for sure. You couldn't  
12 --- well, you couldn't get in or out  
13 of the command center. I mean, it  
14 was locked down.

15 Q. All right. Let's go to the  
16 second day.

17 MR. POGUE:

18 John, is looking at  
19 Exhibit A Scott, and that's  
20 the command center table map.

21 BY MR. POGUE:



22 Q. Go ahead, John, and take us  
23 from the box cut into the mine.

24 A. Now, on the second day,  
25 basically I got back to the mines

45

01 probably 15 minutes 'til 12:00 --- 15  
02 minutes 'til noon. And I was told,  
03 get your stuff. They're ready to go.

04 Q. This is the second day ---

05 A. The second day.

06 Q. --- you're rushed again?

07 A. Right. So I didn't actually  
08 get in on a briefing. I got my  
09 equipment, got down in the box cut.  
10 Went there, rode the elevator down,  
11 walked up and there was --- that's  
12 when I got with the Southern  
13 Coalfield's team. And they were  
14 ready to go. We loaded up their  
15 mantrip.

16 Q. Had they already been given a  
17 briefing?

18 A. I would assume they had,  
19 because they said that we were going  
20 to go up, and go all the way up here  
21 to make a mad dash for the face area,  
22 because they thought they may be up  
23 here.

24 Q. That would be the face area in  
25 Two Section?

46

01 A. Correct. By the time we got  
02 to this --- I think we came to this  
03 fresh air base --- is that fresh air  
04 base Eight? Is that what that is?  
05 Or Ten. That's fresh air base Ten.

06 Q. Uh-huh (yes).

07 A. We got to fresh air base  
08 Number Ten ---.

09 Q. John, they want to take a  
10 break right now.

11 SHORT BREAK TAKEN

12 BY MR. POGUE:

13 Q. Okay. John, let's start out  
14 with the second day. You indicated  
15 that you were assigned to go under on  
16 the 22nd, which would have been  
17 Saturday?

18 A. Yes.

19 Q. And what was your assignment  
20 at that point?

21 A. Well, when we left the  
22 surface, they said we were going to  
23 go to Ten headgate, and they had been  
24 --- I think, previously teams had  
25 been going up in this area, but they

47

01 hadn't made it all the way down. And  
02 we were going to, supposedly, try to  
03 cover this whole area, because they  
04 had sort of thought that those guys  
05 were probably familiar with this area  
06 and may have tried to come this way.

07 When we got to fresh air base  
08 Number Ten, they told us to change  
09 --- our plans had changed, and they  
10 already had a team up in here doing  
11 this work that we were supposed to be  
12 going to do.

13 Q. And that was up in Ten gate?

14 A. That was in Ten headgate,  
15 yeah.

16 Q. So you never did go to Ten  
17 headgate?

18 A. No.

19 Q. Even though initially you were  
20 assigned ---?

21 A. Initially we were assigned.

22 Q. Okay.

23 A. And sometime, though, between  
24 the time we left the surface and got  
25 to the fresh air base, that's when

48

01 our assignment had changed.

02 Q. Okay. And you went to fresh

03 air base Number Ten again?

04 A. That's correct.

05 Q. Okay. From that point, take

06 us on through the remainder of the

07 shift.

08 A. Okay. Basically, what they

09 told us --- now, there was a guy from

10 --- there was an employee with us.

11 Q. From Aracoma?

12 A. Yes.

13 Q. Do you remember his name?

14 A. Oh, man. No, I don't. But

15 there was an employee. Anyway, they

16 told us to basically spread out and

17 make this area, which would have been

18 probably entries Five through Nine,

19 work our way up inby, because

20 previously this area had been, I

21 understand, pretty thick smoke.

22 Q. Okay.

23 A. And at this time, the smoke

24 had pretty much cleared out. And we

25 could --- visibility was a lot

49

01 better. So they were thinking that

02 maybe something had got overlooked on

03 previous attempts. So basically, we

04 were instructed to tie all this

05 together as we came up through this

06 area.

07 Q. Do you know why the smoke had

08 cleared out of that area?

09 A. Well, there had been other

10 teams putting water and foam on the

11 fire.

12 Q. Do you recall the direction of

13 the air in those entries? Any one in

14 particular.

15 A. No, I don't.

16 Q. From the fresh air base, can

17 you show with your marker your route

18 of travel that you had on that

19 exploration inby the fresh air base?

20 WITNESS COMPLIES

21 BY MR. POGUE:

22 Q. And John, I mistakenly

23 identified Saturday as the ---

24 A. The 22nd.

25 Q. --- the 22nd. It was the

50

01 21st.

02 A. 21st. I think, initially we

03 traveled up Number --- probably

04 Number Six entry.

05 Q. You yourself traveled up, or

06 the team traveled?

07 A. The team. Well, we kind of

08 split up into two or three-man teams.

09 Q. Okay.

10 A. And we would go up and stay in  
11 communication with each other and  
12 spread out and go over into adjacent  
13 entries, Four and Five and Seven and  
14 Eight, and just worked --- we worked  
15 our way inby.

16 Q. Okay. Do you know how far  
17 inby you went at that point?

18 A. Well, we actually ---.

19 Q. Would it be better off going  
20 over to the other map?

21 A. Yeah.

22 Q. That's a little bit clearer.

23 A. Well, we actually made our way  
24 up to --- well, the first victim was  
25 found at spad station --- next to

51

01 spad station 3317.

02 Q. And who was that, John? Was  
03 that Mr. Hatfield or Mr. Bragg?

04 A. That was Mr. Bragg.

05 Q. Okay. Could you describe the  
06 position of the body at that point?  
07 Direction of head, feet.

08 A. Mr. Bragg's head was --- well,  
09 he was --- I guess, a semi-fetal  
10 position. His head was facing toward

11 Number Six, and his feet was towards  
12 Number Seven entry.

13 Q. Do you have any dimensions as  
14 to his location?

15 A. Yes. Okay. Mr. Bragg was ---  
16 according to the map --- there was a  
17 permanent stopping on the map that  
18 was not there.

19 Q. Could you circle that and  
20 indicate missing if it was missing?

21 A. This stopping, close to ---  
22 between Six and Seven entries, close  
23 to spad station 3317, that stopping  
24 was not there. It indicated on the  
25 map --- the map showed a permanent

52

01 stopping, and the stopping was not  
02 there.

03 Q. Okay.

04 A. Okay. Mr. Bragg, basically  
05 his head was from this --- from the  
06 imaginary rib line in Number Six down  
07 to where his position was, it was 49  
08 feet to his head. In other words, 49  
09 feet from Six to Seven.

10 Q. Maybe in the margin someplace  
11 if you could just draw a picture of  
12 that crosscut and draw the victim in

13 the position that he was in.  
14 A. He was just in this position  
15 here. I'll just put a little square  
16 here. I'm not an artist by any  
17 means, but ---.  
18 Q. Put another square here down  
19 by the entry.  
20 A. That's better. And that would  
21 be Number Seven. This will be Number  
22 Seven. This will be Number Six. And  
23 the other one will be --- there will  
24 be three Sevens over here. Okay. So  
25 now, basically Mr. Bragg was --- he

53

01 was 49 feet from here.  
02 Mr. Bragg's body was located  
03 49 feet from this imaginary rib line  
04 from Number Six to his head, and ---  
05 let's see. 102 inches, I think.  
06 Okay. That's 102 inches here. He  
07 was located inby along this rib, 102  
08 inches to his feet and 94 inches to  
09 his head. It was 80 inches high in  
10 that intersection, and the crosscut  
11 rib was 20-foot seven inches across.  
12 Mr. Bragg was wearing an SCSR.  
13 Q. Did he have his neck strap on  
14 and his belly strap? Was his nose  
15 clip in place?



16 A. Yes. Goggles. Had his  
17 goggles on.

18 Q. Is there anything else you  
19 could tell about his location at that  
20 point when you found him?

21 A. He had like a hooded  
22 sweatshirt on, and he had the hood up  
23 over his head, like he may have been  
24 in some heat and he was trying to  
25 shield himself.

54

01 Q. Did you remove the victim at  
02 that time?

03 A. No.

04 Q. Was his mouthpiece in his  
05 mouth ---

06 A. Yes.

07 Q. --- when you found him?

08 A. Yes. He had the SCSR in.

09 Q. So what did you do after you  
10 got your measurements?

11 A. Well, initially when we found  
12 him, we took just very minimal  
13 measurements, and then we reported to  
14 the fresh air base. And then  
15 basically we were told to just hold  
16 up, don't do anything else. And then  
17 it was later on after the fact that

18 we went back and did some --- when I  
19 say we, I went back with Frank  
20 Thomas, Bill Tucker and a Massey  
21 employee. We went back and did these  
22 more precise measurements.

23 Q. Do you recall a person from  
24 Aracoma by the name of --- that  
25 worked for Massey, he wasn't assigned

55

01 to the Aracoma Mine, but he was  
02 there, by the name of Mr. John  
03 Robertson? Does that name ---?

04 A. I think that's who --- well, I  
05 probably assumed that he was an  
06 employee of the mine, but I think  
07 after the fact I heard him --- he  
08 worked for Massey, but not at that  
09 particular mine. But yes, he was  
10 there.

11 Q. Okay. So what did you go to  
12 the body the second time for,  
13 anything particular?

14 A. We took some more precise  
15 measurements the second time.

16 Q. Okay.

17 A. Because initially the first  
18 time we basically identified the  
19 body, reported to the fresh air base,  
20 and then we were basically told to

21 just hold up.

22 Q. Had the body been found prior  
23 to your getting to it, to the victim?

24 A. No.

25 Q. So you initially found the

56

01 body ---

02 A. Correct.

03 Q. --- and took the measurements?

04 A. Well, not these precise  
05 measurements here, but the body  
06 hadn't been moved, because we stayed  
07 there, basically. Somebody stayed  
08 with the body.

09 Q. Okay.

10 A. So the body hadn't been ---  
11 nothing had been compromised.

12 Q. Did you cover the body at that  
13 time?

14 A. No. We did later on, but not  
15 at this ---.

16 Q. Okay. Let's go ahead and  
17 proceed to later on in the shift.  
18 What else did you do once you found  
19 this body and identified it? What  
20 was your next move?

21 A. That's when we started --- I  
22 think --- I was kind of under the

23 impression nobody thought that these  
24 guys were in this location. So they  
25 said, well, start looking around to

57

01 see if you can find Mr. Hatfield. So  
02 we proceeded to explore, and I'm  
03 thinking --- I think it was --- well,  
04 we found a meal bucket, like a coat,  
05 maybe a hammer or something.

06 Q. Could you just maybe circle  
07 that area where you may have found  
08 these personal items, and indicate  
09 what day you found them on?

10 WITNESS COMPLIES

11 A. I'm thinking it was in this  
12 area up through here. And that would  
13 have been on the, I guess the 21st.  
14 Saturday.

15 BY MR. POGUE:

16 Q. Saturday, correct.

17 A. And I'm thinking not long  
18 after we found those that we received  
19 the word from the fresh air base that  
20 the other victim had been found by  
21 another team, and basically for us to  
22 stop our explorations and just hold  
23 up.

24 Q. Okay.

25 ATTORNEY BARISH:

01           Hey, John, could you  
02       draw a line from your location  
03       at survey station 3317 down to  
04       your drawing here?

05       A.   Yeah.

06       WITNESS COMPLIES

07       BY MR. POGUE:

08       Q.   Okay.  Do you know the route  
09       of travel that you made to go back  
10       out in an outby direction of the  
11       northeast mains?

12       A.   I think --- I'm pretty sure we  
13       traveled back down Six and Seven back  
14       out.

15       Q.   Do you recall --- were you in  
16       this Number Seven entry, the 72-inch  
17       beltline?  Is that the route of  
18       travel you used to come out?  Do you  
19       recall the belt structure being in  
20       there?

21       A.   Well, we had come --- we had  
22       looked down through there some prior  
23       to being notified that the other  
24       victim had been found.

25       Q.   Okay.

01       A.   But we normally --- I think

02 that Number Six is what we traveled  
03 out.

04 Q. All right. How about just  
05 indicating from the line from this  
06 area and what route you used to go  
07 over to the location of the second  
08 victim. Or if you don't know it,  
09 don't mark it.

10 A. I don't know for sure, because  
11 we went back and then I'm thinking  
12 --- I think we come --- I can't be  
13 100 percent, but I think we come  
14 through here, out this way. Let's  
15 see. I think we cut through here,  
16 but I'm not 100 percent. Because I  
17 was basically following somebody  
18 else. And I'm not sure that the team  
19 that did find this other victim ---.

20 Q. Do you recall the position of  
21 this door right here, whether it was  
22 open or closed?

23 A. I don't know.

24 Q. So when did you --- did you  
25 arrive at the second victim's

60

01 location?

02 A. Yes. And we basically --- I'm  
03 saying we, I went there also with  
04 Bill Tucker, and Frank Thomas and Mr.

05 Robinson, is that ---

06 Q. Robertson.

07 A. --- from Massey.

08 Q. Okay. Could you provide us  
09 with a drawing similar to what you've  
10 made here to indicate Mr. Hatfield's  
11 position, there, please?

12 WITNESS COMPLIES

13 BY MR. POGUE:

14 Q. Where did you find Mr.  
15 Hatfield?

16 A. Okay. He was ---.

17 Q. You can use the survey station  
18 to indicate ---.

19 A. He was actually between the  
20 Number Eight and Number Nine entry in  
21 the crosscut, inby spad station 3267.

22 Q. Okay. That's fine.

23 A. It was somewhere --- that was  
24 --- it was 47 to the head, 44 feet to  
25 his feet. Okay. Maybe from this

61

01 way. Okay. He was located in a  
02 fetal position with his head facing  
03 towards the number --- that would be  
04 the Number Eight entry. It was from  
05 the imaginary rib line, it was 44  
06 foot eight inches to his feet, and it

07 was 47 feet eight inches to his head.

08 Q. And those measurements were

09 taken from the imaginary line of the

10 rib; ---

11 A. Yes.

12 Q. --- is that correct?

13 A. Yes, sir.

14 Q. And that was Mr. Hatfield?

15 A. Mr. Hatfield. That's correct.

16 Mr. Hatfield did not have an SCSR on.

17 He did not have a hard hat on. He

18 was laying kind of face down against

19 the rib. He was hold his cap light

20 in his hand. I'm trying to remember

21 --- I can't remember which hand, but

22 he did have a cap light in his hand.

23 The crosscut that he was in was 18-

24 feet four inches wide, and it was

25 eight feet four inches high.

62

01 Q. Let's go back to Mr. Bragg.

02 How far from the corner of Number

03 Four to his head?

04 A. Okay. He was located --- it

05 was 117 inches from the corner of

06 Number Four down to his head.

07 Q. Could you indicate that on the

08 drawing right there?

09 A. Well, I called that Number



10 Four, but that was actually Number  
11 Six.  
12 Q. Okay. That's fine.  
13 A. It might have been Number  
14 Seven, from here to his head. That  
15 was 117 inches. So that had been ---  
16 yeah.  
17 Q. Okay. Let's go back to Mr.  
18 Hatfield's location. Could you put  
19 some type of mark on the map to  
20 indicate his location, please?  
21 WITNESS COMPLIES  
22 BY MR. POGUE:  
23 Q. And draw from there down to  
24 his ---.  
25 WITNESS COMPLIES

63

01 BY MR. POGUE:  
02 Q. This was --- what entry is  
03 this here?  
04 A. That's the Number Nine entry.  
05 Q. When you went down to take  
06 your measurements of Mr. Hatfield,  
07 was there any water at Number Nine  
08 entry? Had water accumulated in that  
09 entry, do you remember, against the  
10 solid rib?  
11 A. I think --- yes, I think there

12 was water and muck and ---.

13 Q. Do remember how deep it was?

14 A. I think it was pretty deep,  
15 but I didn't take a measurement of  
16 it.

17 Q. Are you sure about this route  
18 of travel that you indicated here  
19 from survey station 3234? Are you  
20 sure that you traveled this  
21 direction?

22 A. No.

23 Q. We'll just leave that like it  
24 is.

25 A. Yeah, but I really --- I can't

64

01 be sure.

02 Q. Okay.

03 A. Because I was --- that was the  
04 first time I had been in that area,  
05 and I was basically following  
06 somebody else, so ---.

07 Q. Is there anything else you can  
08 tell us about the mine map at this  
09 point? Are there any ventilation  
10 controls that you can recall?

11 A. Well, to the best of my  
12 remembrance, most of these controls  
13 up --- these controls up here, they  
14 would actually be between Number Six

15 and Number Seven, were not there.  
16 Because we basically --- exploring  
17 this area, we basically went down in  
18 these areas, and there was no  
19 ventilation controls, no stoppings  
20 there.

21 Q. Do you have anything in  
22 reference to those stoppings or those  
23 ventilation controls on your mine map  
24 or in your notes?

25 A. The only ones I can be sure of

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01 is there's one that was adjacent ---  
02 that was supposed to be adjacent to  
03 where Mr. Bragg was. It was  
04 definitely not there. And the one  
05 going outby and the one inby. I do  
06 know for sure that those weren't  
07 there, because we kind of --- after  
08 we found Mr. Bragg, we kind of did a  
09 real concentrated search right in  
10 that vicinity just to see ---.

11 Q. So you know for sure that the  
12 stoppings inby and outby were  
13 missing?

14 A. Right.

15 Q. Okay. You can go ahead, if  
16 you want to circle those locations

17 and indicate they were missing.

18 WITNESS COMPLIES

19 A. Now, I don't think those were  
20 there, but I can't sit here and say  
21 for sure. But I do know we had  
22 concentrated in this little vicinity  
23 right here around Mr. Bragg.

24 BY MR. POGUE:

25 Q. Do you know for a fact that

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01 you did or you did not travel in this  
02 Number Seven entry in an outby  
03 direction towards survey station  
04 3266?

05 A. We did travel that after we  
06 found Mr. Bragg. There were dump  
07 structure up through here.

08 Q. Do you remember any  
09 ventilation controls being installed  
10 across that entry?

11 A. No.

12 Q. What about this stopping that  
13 is indicated on your map just inby  
14 survey station 3949 in the east  
15 direction in the Number Seven entry,  
16 do you recall that stopping being in  
17 there?

18 A. I don't recall, but I can't  
19 say for sure.

20 Q. That's fine.

21 A. I do know that we worked our  
22 way back down to here looking, like I  
23 said, after we found Mr. Bragg.

24 Q. That's fine. John, before we  
25 sit down, could you sign and date

67

01 this map for me, please?

02 WITNESS COMPLIES

03 BY MR. POGUE:

04 Q. Let's sit down, John. I think  
05 we completed our work on the maps.  
06 John, will you step back to the map a  
07 second, please?

08 A. Okay.

09 Q. We're looking at Exhibit B  
10 Scott, the mine map of the northeast  
11 mains where you previously indicated  
12 that the three stoppings were out.

13 Are you absolutely sure that they  
14 were out? I know you indicated the  
15 location where Mr. Bragg was found,  
16 that stopping was out. Are you sure  
17 about these two stoppings that were  
18 on an inby and outby location?

19 A. To be 100 percent sure, I do  
20 know we traveled through here, and  
21 could look over --- we were

22 traveling, but I couldn't be 100  
23 percent, without doubt I definitely  
24 know that where the victim was, there  
25 was no stopping there.

68

01 Q. Okay.

02 A. And I'm almost certain, but  
03 like I said, I ---.

04 Q. Well, that's fine.

05 A. You know, I can't be 100  
06 percent.

07 Q. That's fine. As you traveled  
08 outby on the Number Seven entry  
09 towards survey station 3332, and  
10 traveling outby to survey station  
11 3266, what can you tell us about  
12 those three stoppings there? Do you  
13 know for a fact that they were in or  
14 out, or partially in?

15 A. I don't think they were in,  
16 but now, to be --- I can't say 100  
17 percent for sure.

18 Q. Earlier I asked you about  
19 traveling in this Number Seven entry.  
20 Was there a belt structure in that  
21 entry?

22 A. Yes.

23 Q. Do you know exactly where it  
24 was at? I mean, was there any breaks

25 in the structure, or was it

69

01 continuous?

02 A. Well, I do know there was a

03 belt structure adjacent to where Mr.

04 Bragg was found.

05 Q. Okay. Number Seven entry?

06 A. Yes. I don't know how --- I

07 don't know how far in back down this

08 way. It was just structures, there

09 was no belt, but there was a

10 structure there.

11 Q. You can't recall any breaks on

12 that structure?

13 A. No.

14 Q. Okay. Good enough. Let's sit

15 down. At the completion of your

16 second day of exploration work in

17 finding the victims, were you

18 debriefed on the outside of the mine?

19 A. No.

20 Q. Do you recall if the team was

21 debriefed?

22 A. I'm certain that the captain

23 was, but I ---.

24 Q. You did not accompany ---

25 A. No.

70

01 Q. --- the team at that point?

02 A. No.

03 Q. Do you know where the  
04 debriefing may have been held?

05 A. I would assume in the command  
06 center, but you couldn't even hardly  
07 go upstairs. I mean, they had that  
08 place nailed shut. I mean, you  
09 couldn't get up or down the steps, or  
10 in or out.

11 Q. Did you accompany the bodies  
12 to the outside, to the box cut?

13 A. Yes. Well, that --- yes.

14 Q. When you got outside in the  
15 box cut, can you kind of just briefly  
16 give us an idea of what transpired at  
17 that point? Was there somebody  
18 waiting from the company to be with  
19 the victims?

20 A. Well, there was company  
21 employees, fellow employees, company  
22 officials. I was actually later told  
23 that there was family members there  
24 also. I don't --- I didn't know that  
25 at the time, but the whole bottom

71

01 area was filled up. There was people  
02 everywhere.

03 Q. Were there ambulances there or



04 anything to transfer the bodies to  
05 a ---?  
06 A. No, not when we got out.  
07 Q. And once you got outside, was  
08 it like you went --- you left the box  
09 cut, went up the elevator? Is that  
10 pretty much what happened then?  
11 A. Yes. Uh-huh (yes).

12 MR. POGUE:  
13 Bill, do you have any  
14 questions? I'm going to read  
15 a closing statement to you,  
16 John, and we'll proceed.

17 A. Okay.

18 MR. POGUE:  
19 On behalf of MSHA, I  
20 want to thank you for your  
21 appearance here today and  
22 answering our questions and  
23 sharing your information about  
24 the mine. Your cooperation is  
25 very important to us as we

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01 work to determine the cause of  
02 the accident.

03 If you wish, you may  
04 now go back over any answers  
05 that you have given during the

06 interview, and you may also  
07 make a closing statement  
08 covering any additional points  
09 you believe should be raised.  
10 Do you have any of those, or  
11 would you like to make a  
12 statement concerning any phase  
13 of the recovery, rescue and  
14 recovery operation?

15 A. No.

16 MR. POGUE:

17 We ask that you not  
18 discuss your interview today  
19 with any person who may have  
20 already been interviewed or  
21 who may be asked to give an  
22 interview in the future. This  
23 will ensure that we obtain  
24 everyone's independent memory  
25 of the events surrounding the

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01 accident.

02 After questioning other  
03 witnesses and obtaining  
04 additional information, we may  
05 be asking you back for further  
06 questioning. If at some later  
07 point you have additional  
08 information regarding the

09 accident that you would like  
10 to provide us, please contact  
11 Mr. Kenny Murray, who's our  
12 lead accident investigator, or  
13 his staff assistant, Anthony  
14 Webb. I have two business  
15 cards here for those two  
16 gentlemen.

17 Again, we appreciate  
18 you coming today and giving us  
19 the information that you have,  
20 John. And I'd just like to  
21 thank you again for  
22 participating in the  
23 investigation. Bill, do you  
24 have anything that you'd like  
25 to ---?

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01 MR. TUCKER:  
02 I'd just like to take  
03 the opportunity to personally  
04 thank you, John, for the hard  
05 work that you do and the  
06 dedication that you have as a  
07 member of Miners' Health,  
08 Safety & Training's Mine  
09 Rescue Team. I appreciate you  
10 coming down today.

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SWORN STATEMENT CONCLUDED

AT 2:33 P.M.

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