

01 EXAMINATION UNDER OATH
02 OF
03 BILLY LEE MAYHORN

04
05
06 Taken pursuant to Notice by Autumn
07 Furby-Pritt, a Court Reporter and
08 Notary Public in and for State of
09 West Virginia, at Holiday Inn
10 Express, 101 George Kostas Drive,
11 Logan, West Virginia, on Friday,
12 February 10, 2006, at 10:50 a.m.

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05 MARNE MITSKOG
06 STEVE COX
07 MICHAEL FINNIE
08 DENNIS A. BEITER
09 RONALD W. STAHLHUT

10 WILLIAM J. FRANCA
11 CHARLES W. POGUE
12 RODNEY BROWN
13 ARLIE A. WEBB
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01 I N D E X

02

03 WITNESS: BILLY LEE MAYHORN

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

02 -----

03 MR. MURRAY:

04 Mr. Mayhorn, my name is
05 Kenny Murray. I represent the
06 Mine Safety and Health
07 Administration, which is an
08 agency of the United States
09 Department of Labor. I'm the
10 team leader of MSHA's accident
11 investigation team that's
12 charged with investigating the
13 accident that occurred at the
14 Aracoma Coal Company,
15 Incorporated, Aracoma Alma
16 Mine Number One on January

17 19th, 2006. This is a joint
18 investigation that MSHA's
19 conducting with the State of
20 West Virginia. I'll be asking
21 the questions today for MSHA.

22 With me here today in
23 the room are other members of
24 MSHA's team. MSHA's team
25 includes various specialists

9

01 throughout the United States
02 and members of the Solicitor's
03 Office in Arlington, Virginia.

04 At this time, I'd like
05 for each of the those team
06 members to introduce
07 themselves to you.

08 MR. FRANCCART:

09 I'm Bill Francart. I'm
10 with MSHA in Pittsburgh.

11 MR. BEITER:

12 Dennis Beiter with MSHA
13 Tech Support.

14 MR. STAHLHUT:

15 Ron Stahlhut, MSHA of
16 Vincennes, Indiana.

17 MR. BURKE:

18 I'm Tony Burke with
19 MSHA Whitesburg, Kentucky.

20 MR. WEBB:
21 Anthony Webb with MSHA
22 in Pikeville, Kentucky.

23 MR. TJERNLUND:
24 Derrick Tjernlund, MSHA
25 Tech Support, Triadelphia.

10

01 ATTORNEY BARISH:
02 Dan Barish, Solicitor's
03 Office, Arlington, Virginia.

04 MR. MURRAY:
05 And I'm from Pikeville,
06 Kentucky. Here with me today
07 representing the State of West
08 Virginia is Mr. Terry Farley
09 and he, too, wants to speak
10 about the West Virginia team
11 members.

12 MR. FARLEY:
13 As Mr. Murray's
14 indicated MSHA and our agency
15 are conducting these
16 interviews in this
17 investigation jointly and are
18 in agreement with the
19 procedures he's going to
20 outline. Also I do need to
21 make it clear that our

22 Director reserves the right if
23 necessary to call or subpoena
24 witnesses or require the
25 production of any record,

11

01 document, photograph or other
02 relevant materials necessary
03 to conduct this investigation.

04 Now again, that aside I'm
05 Terry Farley from our
06 Charleston office and I'll ask
07 the other members of our crew
08 to introduce themselves.

09 MR. TUCKER:

10 Bill Tucker, Region
11 Four in Oak Hill.

12 MR. WHITE:

13 Eugene White, Region
14 Three.

15 MR. COX:

16 Steve Cox, Region
17 Three.

18 MR. FARLEY:

19 Okay.

20 MR. MURRAY:

21 The investigation is
22 being conducted by MSHA and
23 the State of West Virginia to
24 gather information to

25 determine the cause of the

12

01 accident to help prevent this
02 from happening again. These
03 interviews are an important
04 part of the investigation.

05 After the investigation is
06 completed, MSHA will issue a
07 written report detailing the
08 nature and the causes of the
09 accident. MSHA accident
10 reports are made available to
11 the public in the hope that
12 greater awareness about the
13 causes of accidents can reduce
14 their occurrence in the
15 future. Information obtained
16 through witness interviews is
17 frequently included in these
18 reports. Your statement may
19 also be used in other
20 enforcement proceedings.

21 We want to thank you
22 for coming here today, Billy.
23 And we appreciate your
24 assistance in this
25 investigation. The

13

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

06 This interview with
07 Billy Mayhorn is being
08 conducted under Section 103(a)
09 of the Federal Mine Safety &
10 Health Act of 1977 as part of
11 an investigation conducted by
12 the Mine Safety & Health
13 Administration into the
14 conditions, events and
15 circumstances surrounding the
16 fatalities that occurred at
17 the Aracoma Alma Mine Number
18 One located at Route 17 North,
19 Bandmill Hollow Road in
20 Stollings, West Virginia,
21 25646. This interview is
22 being conducted at the Holiday
23 Inn Express in Logan, West
24 Virginia on February 10th,
25 2006 and the current time is

14

01 approximately 10:50 a.m.
02 Eastern Standard time.

03 Mr. Mayhorn, the

04 interview will begin by asking
05 you a series of questions.
06 Feel free at any time to
07 clarify any statements that
08 you make in response to these
09 questions. After we have
10 finished asking the questions,
11 you will also have an
12 opportunity to make a
13 statement of your own and
14 provide us with any additional
15 information that you believe
16 may be important. You're
17 permitted to have a
18 representative with you during
19 this interview and you may
20 consult with your
21 representative at any time.
22 You may designate any person
23 to be your representative.

24 Following the questions
25 by MSHA and the State, this

15

01 representative will be given
02 the opportunity to ask
03 questions for purposes of
04 clarification on areas already
05 discussed. Your statement is

06 completely voluntary. You may
07 refuse to answer any question
08 and you may end your interview
09 at any time. If you don't
10 understand a question, tell me
11 and I will rephrase it. If
12 you need a break, tell me and
13 we'll schedule one.

14 You may request the
15 opportunity to make a
16 confidential statement, which
17 we will withhold from the
18 public to the extent allowed
19 by law. Should you desire to
20 give a confidential statement,
21 you should advise me before I
22 begin your interview so that I
23 can reschedule your interview
24 in order to properly consider
25 your request. Do you request

16

01 a confidential interview?

02 MR. MAYHORN:

03 No.

04 MR. MURRAY:

05 Okay. We have a court
06 reporter today that will
07 interview --- that will record
08 your interview and will then

09 later produce a written
10 transcript. I ask that you
11 state all your answers
12 verbally because she can't
13 record gestures, such as
14 nodding your head. She can't
15 record those either.

16 If any part of your
17 statement is based not on your
18 own firsthand knowledge, but
19 on information that you
20 learned from someone else,
21 please let us know that.

22 Please answer each question as
23 fully as you can, including
24 any information that you
25 learned from someone else. We

17

01 may not ask the right
02 questions to learn the
03 information that you have, so
04 don't feel limited to the
05 precise question that we ask.
06 If you have information about
07 the subject area of a
08 question, please provide us
09 with that information.

10 Do you have any

11 questions about how the
12 interview is going to be
13 conducted?

14 MR. MAYHORN:

15 No.

16 MR. MURRAY:

17 Okay. I'll ask the
18 court reporter to please swear
19 the witness.

20 -----
21 BILLY LEE MAYHORN, HAVING FIRST BEEN
22 DULY SWORN, TESTIFIED AS FOLLOWS:

23 -----
24 BY MR. MURRAY:

25 Q. Thank you, Billy. Billy,

18

01 please state your full name, address
02 and telephone number and then spell
03 your last name for the record,
04 please.

05 A. Billy M --- oh, you want the
06 full name? Billy Lee Mayhorn.
07 What'd you say address?

08 Q. Yeah, address.

09 A. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14 A. Yeah.

15 Q. Okay. And then if you would,
16 please, spell your last name.

17 A. M-A-Y-H-O-R-N.

18 Q. Okay. Are you appearing
19 voluntarily here today?

20 A. Yeah.

21 Q. Has anyone made any promises
22 to you for giving this statement or
23 offered you any rewards in exchange
24 for making this statement?

25 A. No.

19

01 Q. Has anyone threatened you or
02 warned you not to provide this
03 statement?

04 A. No.

05 Q. Do you understand that you may
06 refuse to answer any questions or
07 terminate this interview at any time?

08 A. Yeah.

09 Q. Do you have a representative
10 with you today?

11 A. Yes.

12 Q. And who is that?

13 ATTORNEY HEATH:

14 It's Mark Heath.

15 A. Yeah. Mark. What's your last

16 name?

17 ATTORNEY HEATH:

18 Heath.

19 A. Heath.

20 BY MR. MURRAY:

21 Q. Okay. How long have you known

22 Mr. Heath?

23 A. Just met him this week at the

24 mines.

25 Q. Okay. Have you been aware ---

20

01 made aware that Mr. Heath also

02 represents the company in this

03 matter, that there is a potential for

04 a conflict of interest to arise

05 between yourself and the company?

06 A. Yeah.

07 Q. Do you still want to proceed

08 with Mr. Heath as your ---?

09 A. Yeah.

10 Q. Okay. This relationship that

11 you have with Mr. Heath, did you call

12 him or did he call you?

13 A. We just met at the mine site.

14 Q. And did he approach you about

15 becoming a representative or did you

16 approach him?

17 A. He approached us.

18 Q. And what was their discussion

19 about this being a representative?

20 A. He just told us that if we

21 needed a representative that, you

22 know, he could be there if we wanted

23 him or not. It was our choice.

24 Q. Okay. And you chose to have

25 him here?

21

01 A. Yeah.

02 Q. Okay. Did you have a meeting

03 with Mr. Heath this morning before

04 you come into this room?

05 A. Yes, I did.

06 Q. Was it in a room in this

07 hotel?

08 A. Yeah.

09 Q. Okay. Who was in that room?

10 A. Just me and him.

11 Q. What was discussed in that

12 room?

13 A. I just --- he just told me

14 about how it was set up in here and

15 there's some guys behind us and the

16 guy who was in front of us was going

17 to ask questions.

18 Q. Okay. Did he give you any

19 questions that I might ask you?

20 A. No.

21 Q. Did he tell you about how you
22 may want to answer some different
23 things that I ask you?

24 A. No.

25 Q. Have you been interviewed by

22

01 anybody previous to this day about
02 the events that happened on January
03 19th, 2006?

04 A. What do you mean by
05 interviewed?

06 Q. Has anybody questioned you
07 about the events that happened
08 underground on the 19th, anybody from
09 the company?

10 A. Our company?

11 Q. Yes, sir.

12 A. I'm sure they have.

13 Q. Who would that have been?

14 A. Well, it's been a madhouse up
15 there. To be honest, I wouldn't be
16 consistent in name wise who's, you
17 know, ---.

18 Q. Okay.

19 A. You know, everybody and their
20 mother is going to know, you know,
21 what did you do and what went on.

22 You know, we was all friends so ---

23 but as far as, you know, beating you

24 down or nothing like that, if that's
25 what you're talking about ---.

23

01 Q. No. No. I'm not suggesting
02 that at all. I'm just trying to
03 establish has someone discussed with
04 you in an attempt to gain
05 understanding of what had happened in
06 order to prevent it from happening
07 again.

08 A. Oh, yeah. Yeah.

09 Q. And who would that have been?

10 A. That'd be every one of ---
11 every boss at the mine.

12 Q. Could you name any in
13 particular?

14 A. Pepé Lester, Gary Goff, Terry
15 Shadd, Dusty Dotson. We're all
16 friends, you know what I mean?

17 Q. Absolutely. Absolutely. What
18 about Mr. Heath?

19 A. No.

20 Q. Do you know his partner, David
21 Hardy?

22 A. Yeah. Well, I don't know him,
23 I just met him.

24 Q. Has he asked you any questions
25 about what happened?

01 A. No.

02 Q. Have you talked to anybody
03 that we've already interviewed? And
04 I'll just make it --- you probably
05 don't know who was interviewed, so
06 I'll name some names and tell me if
07 you've talked to these guys in the
08 last two days since Thursday.
09 Randall Crouse?

10 A. Yeah.

11 Q. Since Thursday?

12 A. Yeah. Yeah.

13 Q. Did he talk about the
14 interview at all?

15 A. You ain't gonna get nothing
16 out of that one. No. If you got one
17 sincere, it'd be that one right
18 there.

19 Q. What about Steve Hensley?

20 A. Yeah.

21 Q. Did he tell you anything about
22 the interview?

23 A. Just that it was nerve
24 racking.

25 Q. Did he talk about any of the

01 questions that I might ask you?

02 A. Sure didn't.

03 Q. What about Pat Kinser?

04 A. Yeah, I seen him last night,
05 but I spoke to him, but nothing of
06 this matter, nothing. Just we
07 passed.

08 Q. What about Mike Shull?

09 A. No, I ain't talked to him.

10 ATTORNEY HEATH:

11 Kenny, maybe just for
12 the record, mark that they all
13 worked in the same crew last
14 night.

15 MR. MURRAY:

16 Oh, they did?

17 A. Yeah, we was all together last
18 night.

19 BY MR. MURRAY:

20 Q. Okay.

21 A. Except for me and Pat, we ---
22 you know, there's quite a way of
23 difference, but they all stayed
24 together.

25 Q. What about Joe Hunt?

26

01 A. No, he didn't show up.

02 Q. What about Duane Vanover?

03 A. He didn't show up either.

04 Q. Okay. And did you work last

05 night?
06 A. Yeah, I did.
07 Q. What shift did you work last
08 night?
09 A. Second shift.
10 Q. Which would be from what time
11 to what time?
12 A. 4:00 to 12:00.
13 Q. 4:00 to 12:00. What were you
14 doing last night?
15 A. Shoveling belt.
16 Q. Where at?
17 A. I believe it was Number Four
18 belt.
19 Q. At Ara Mines?
20 A. Yeah, at Aracoma.
21 Q. I mean, which belt was it?
22 A. Number Four six-foot longwall
23 belt.
24 Q. Who was your immediate
25 supervisor?

27

01 A. Last night?
02 Q. Yes.
03 A. It'd be Paul Scott and Fred
04 Horton.
05 Q. What work instructions did
06 they give you?
07 A. Oh, what now?

08 Q. Work instructions did they
09 give you?

10 A. Shovel the belt, rid the rig.

11 Q. Was that belt running?

12 A. No.

13 Q. What about after you shoveled
14 and kind of heaped it up on the belt,
15 how would you get any more material
16 on the belt?

17 A. We just moved up and got a
18 decent amount of longwall soot.
19 Where we was at for the drive wasn't
20 that bad so didn't really get to
21 nothing, really stockpile the belt.

22 Q. Did the belt ever run last
23 night?

24 A. No. Well, rephrase that
25 question there. When you say last

01 night, not on our shift they didn't,
02 but as far as third shift, I don't
03 know. When I left, as of what I was
04 here, they didn't run.

05 Q. Okay. I appreciate you
06 clarifying that. Okay. How long
07 have you worked at Aracoma Alma Mine
08 Number One?

09 A. This May will be five years.

10 Q. What's your current job title?

11 A. Miner operator.

12 Q. And what was your job on

13 January 19th, 2006?

14 A. It was miner operator but we

15 was loading pre-blocks. That's what

16 you want to know.

17 Q. Okay. We'll get into that,

18 but your position was actually miner

19 operator?

20 A. Yeah.

21 Q. Okay. And how long have you

22 held that position?

23 A. Probably about two weeks prior

24 to Thanksgiving. Thanksgiving.

25 Q. Okay. Have you held other

29

01 positions at Aracoma?

02 A. Well, yeah.

03 Q. And what were they?

04 A. Roof bolters, scoop, buggy,

05 outby work. That's about it like

06 that.

07 Q. Okay. How many total years

08 mining experience do you have?

09 A. About seven.

10 Q. Okay. These next series of

11 questions are going to be related to

12 January 19th, 2006 in case I don't

13 preface that. What shift were you

14 scheduled to work that day?

15 A. Second shift.

16 Q. What time did second shift

17 start that day?

18 A. 2:30.

19 Q. What time did it end --- was

20 it scheduled to end?

21 A. Scheduled to end?

22 Q. Yeah.

23 A. I believe 12:00 --- or I ain't

24 sure.

25 Q. Okay. That's fine. What time

30

01 did you arrive at the mine that day?

02 A. I don't know. You want

03 approximate time?

04 Q. Yeah, roughly --- just ---.

05 A. Probably about 2:00.

06 Q. Okay. Who was your supervisor

07 on the day of the accident?

08 A. Section boss or the mine

09 foreman?

10 Q. No, your immediate supervisor.

11 A. Mike Plumley.

12 Q. Is that your normal

13 supervisor?

14 A. Yeah.

15 Q. And we'll talk about the cribs
16 and that. What were you assigned to
17 do that day?

18 A. Crib up a fall --- well, not a
19 fall, a place that was starting to
20 show a sign of a little bit of
21 working, just going to crib it up.

22 Q. Where was that location?

23 A. It'd be two breaks outby
24 Number Six of where we were turning
25 down the hill there.

31

01 Q. Okay. We'll go up there in a
02 little bit, we'll maybe kind of find
03 that location specifically ---

04 A. Okay.

05 Q. --- and we'll mark it on the
06 map. And in what area of the mine
07 was it, was it ---?

08 A. Thirty (30) mains.

09 Q. Okay. Northeast mains?

10 A. Yeah.

11 Q. Okay. Had you worked in Two
12 section prior to January 19th?

13 A. Did I work on Two section?

14 Q. Yes.

15 A. Yeah.

16 Q. And when was the last time you
17 would have been in the Two section

18 before the 19th?

19 A. The 18th.

20 Q. Okay. The day before?

21 A. Yeah.

22 Q. Okay. Billy, if you could
23 start from the outside and describe
24 your activities from the time you
25 entered the mine until such time you

32

01 were given the order to evacuate.

02 A. In full detail of ---?

03 Q. Just briefly as you come in
04 the mine, kind of bring me from the
05 outside into the section.

06 A. We all went down to the box
07 cut together. At 2:30 we all loaded
08 up on the manbus, went underground to
09 the section, got up to the section
10 and met the dayshift, had a
11 discussion with them. Our boss told
12 us what --- you know, what he needed
13 of each one of us --- what our job
14 was going to be and we separated. And
15 I went, got the scoop, went to the
16 cribs and just short time, they come
17 with the manbus looking for us. We
18 loaded up on the manbus, went
19 probably 12, 13 breaks, went into

20 smoke, got out, donned the rescuers
21 on, crossed into the four-foot belt,
22 come all the way down to intake.
23 Q. Okay. On your way into the
24 mine, did you travel your normal ---
25 normal travel way, the normal roadway

33

01 that you come in?

02 A. I couldn't be 100 percent
03 sure. I'd say we did. I was
04 sleeping.

05 OFF RECORD DISCUSSION

06 BY MR. MURRAY:

07 Q. Okay. Your normal roadway
08 coming into the mine, would bring you
09 underneath the longwall belt through
10 those equipment doors; ---

11 A. Yeah.

12 Q. --- is that correct?

13 A. Yeah.

14 Q. Okay. Did you ever have any
15 occasion to open one of those doors
16 yourself personally?

17 A. That day or ---.

18 Q. No. Any day.

19 A. Oh, yeah.

20 Q. Are they hard to open?

21 A. No.

22 Q. As you open these doors in

23 this area, which way does the air
24 want to go when the doors open?
25 A. It hits you in the back.

34

01 Q. So it wants to go inby?

02 A. Yeah.

03 Q. Okay. The same thing as you
04 cross under the belt, you enter and
05 exit these --- you just said on the
06 Two section side of the longwall?

07 A. Yeah.

08 Q. The air wants to continue
09 traveling inby toward Two section?

10 A. Yeah.

11 Q. Okay. When you traveled
12 underneath that belt on the 19th as
13 you come into Two section, did you
14 notice anything different?

15 A. No, I didn't notice nothing.

16 Q. Okay. When you come up into
17 the Two section and you get off the
18 manbus, where did you park the bus or
19 where was the bus parked?

20 A. I don't really recall exactly.

21 I know we pulled it down in Three.

22 Maybe a break off the mains down
23 here.

24 Q. Okay. This would probably be

25 a good time to come on up to the

35

01 chair and I'll do the writing, you do
02 the talking. And we're not expecting
03 you to come in and go inch by inch,
04 we'll --- I've got some areas marked
05 on here to kind of help you out with
06 some orientation, and I'll go over
07 those first before we get into it.
08 That may help you kind of make
09 yourself familiar with where we're at
10 and what we're talking about.

11 A. Okay.

12 Q. First of all, we know where
13 the mantrip --- where you guys got
14 out of the mantrip. We know that to
15 be a fact because we've been
16 underground. So it's right here and
17 it hasn't been moved since you guys
18 left it. And then we know where
19 those cribs were set in that --- we
20 know that this area is open and
21 there's cribs on either side of that.
22 We know that. This is where they're
23 at. And we also --- are you familiar
24 with a borehole ---

25 A. Yeah.

36

01 Q. --- that comes into the mine?

02 A. Yeah.

03 Q. There's some water dripping
04 out of it?

05 A. Yeah.

06 Q. That's it right here. Do you
07 know where that's at? Have you been
08 past there?

09 A. Yeah, I know where it's at.

10 Q. Did you ever see the water
11 dripping out from under --- of the
12 roof?

13 A. I don't think it was that far
14 down though. I thought it was the
15 next break below the cribs.

16 Q. Well, it's actually --- the
17 cribs are here and it's one block ---
18 or two blocks actually down from the
19 cribs. And then here's the seal. It
20 looks like about just inby survey
21 station 3265. Are you familiar with
22 those landmarks?

23 A. No, not really.

24 Q. Okay. And then up on the
25 section, here's the Two section,

01 section belt coming off the north
02 mains, where it comes up it's
03 indicated with a brown line.

04 A. Yeah.

05 Q. And it comes up into Two
06 section. And at the end of that belt
07 would be where the section belt piece
08 is at obviously and the feeder would
09 be in front of it. Does that help
10 you out a little bit?

11 A. Yeah.

12 Q. Okay. Now, based on what I've
13 told you, could you point on the map
14 now and tell me where the --- where
15 you parked the mantrip as you come
16 into the section?

17 A. If that's exactly where the
18 tailpiece is at, it wouldn't be that
19 break. It would be probably right
20 here at Six.

21 Q. Right here?

22 A. Yeah.

23 Q. Okay.

24 MR. MURRAY:

25 So what Billy's pointed

38

01 to is actually where the
02 Number Six entry of northeast
03 mains intersects with the
04 Number Three entry of Two
05 section.

06 BY MR. MURRAY:

07 Q. Is that right?
08 A. That's right.
09 Q. Okay. And there's no survey
10 station in there, so I'll just mark
11 an X and I'll say that's the mantrip.
12 Okay. Now, when you got on to the
13 section, your assignment was not go
14 run your continuous miner, but your
15 assignment was to build cribs?
16 A. Yeah.
17 Q. So when you got out of the
18 mantrip, did you go inby to Two
19 section or did you report directly to
20 where you were going to run --- or
21 install these cribs?
22 A. My scoop that I was going to
23 use was sitting right in the break
24 with the manbus.
25 Q. Okay. So your scoop was

39

01 sitting right here?
02 A. Yeah.
03 Q. But the scoop was sitting
04 between the Number Three and Number
05 Four entry of Two section where that
06 crosscut intersects Number Six entry
07 of northeast mains?
08 A. Between Three and Four?

09 Q. Between Three and Four of Two
10 section and that's where the Number
11 Six --- you have Number Six entry of
12 northeast mains intersects that?

13 A. Right.

14 Q. So we'll say scoop. Did you
15 go in anywhere inby toward Two
16 section past that scoop?

17 A. No.

18 Q. Okay. So you grabbed the
19 scoop and then where did you hit?

20 A. The electrician pulled the
21 manbus up, I come around the block.
22 I went --- well, I don't know how to
23 phrase --- I was looking for a track
24 that was supposed to have been
25 bringing three blocks up, and it was

40

01 supposed to be in there, and I
02 couldn't find it, so I helped the
03 scoop man. We moved them probably --
04 - I'd say probably maybe six breaks
05 off and I helped him load most
06 supplies. Then on the way back, I
07 found my crib blocks.

08 Q. Do you know where the crib
09 blocks were at?

10 A. To be exact?

11 Q. No. I mean, just close. Let

12 me back up a minute. You said that
13 the electrician moved the mantrip to
14 where?

15 A. Pulled it straight up in
16 between the --- it would be between
17 Four and Five.

18 Q. Right over here?

19 A. Yeah.

20 Q. Okay. So the electrician
21 moved ---.

22 A. Well, let me take that back.

23 Q. Okay.

24 A. I know that they did move the
25 manbus there, but I'm not 100 percent

41

01 sure that it was Mike Shull that did
02 that. Because every time I think
03 about it --- I know that he was
04 getting --- going to get on it. I
05 can't remember now if it was him and
06 Duane switched out or ---.

07 Q. I guess it's not really
08 important who moved it.

09 A. Okay. I just ---.

10 Q. But it was moved?

11 A. Yeah. It was moved.

12 Q. And was it taken off the
13 section?

14 A. No.

15 Q. And how far back was it moved?

16 A. Just one break here.

17 Q. Okay. So in there?

18 A. Yeah.

19 Q. Okay. So someone on the crew

20 moved the mantrip in an outby

21 direction and parked it outby survey

22 station 4228?

23 A. Yeah.

24 Q. Right here? Is that --- that

25 shows the mantrip being moved just

42

01 one break outby. Okay. Now, you've

02 taken your scoop to get supplies and

03 then can you show me just roughly

04 where those crib blocks were?

05 A. I'd say probably guessing,

06 between three to four breaks outby

07 off between here.

08 Q. Okay. In this area here?

09 A. I would say somewhere through

10 there.

11 Q. Okay. We'll just go like this

12 in the crib, in the area of survey

13 station 4177 of the Number Five

14 entry?

15 A. Well, they would be between

16 here sort of.

17 Q. In here?

18 A. Yeah.

19 Q. Okay. And cribs are located

20 between ---

21 A. Four and Five.

22 Q. --- between Four and Five

23 entries of northeast mains and that

24 would be between survey station 4176

25 and 4177?

43

01 A. Yeah.

02 Q. Does that make more sense?

03 A. Yeah.

04 Q. Okay. And if you could, point

05 out the area that you were going to

06 take those cribs to, to install them?

07 A. Where I was going to take them

08 to?

09 Q. Yes, sir. The bad roof that

10 you described.

11 A. I ain't exactly sure. It'd be

12 close, probably through there, I'd

13 say. I wasn't by the break or so ---

14 maybe away from it, but I was going

15 to come in to Six and be at our

16 backside. We don't deal with Five

17 and Four Right, we would come over to

18 Six and put it in the break there,

19 which would be Five Right, you know,
20 finishing up Five Right.

21 Q. Right here? On which side?

22 A. That would be close.

23 Q. Which side of the stopping?

24 A. On Six side.

25 Q. Well, how were you going to

44

01 get the cribs over into ---?

02 A. Come down the ramp.

03 Q. You were going to load the

04 cribs on the scoop, take them up into

05 ---.

06 A. Then come down, go straight.

07 Q. How would you get in here

08 where the stoppings are isolated?

09 A. Well, I just --- I come down

10 through the section here.

11 Q. So you were going to load the

12 cribs on a scoop, come up to where

13 the last --- inby the last permanent

14 control of the Right return for Two

15 section ---

16 A. Yeah.

17 Q. --- and then tram the scoop

18 outby to survey station 4164 of the

19 Number Six entry of northeast mains

20 to install the cribs in the return

21 side of the stopping?

22 A. Yeah.

23 Q. Okay. Okay. Had you --- what
24 process or what piece of --- at what
25 part of your work cycle were you in

45

01 whenever they come and told you that
02 they it was time to go? Had you
03 loaded any of these cribs yet?

04 A. Yeah, I got a bucketful of
05 them.

06 Q. But you were still up in here?

07 A. Yeah.

08 Q. Okay. So you were --- you
09 were at the area where the cribs were
10 being stored ---

11 A. Yeah.

12 Q. --- when you received the
13 notification that it was --- that you
14 were to go out of the mine?

15 A. Yeah.

16 Q. And who told you that?

17 A. I believe it'd be Steve
18 Hensley, I heard first. He was
19 hollering for us, so we come down out
20 of the break and he was telling us
21 what was going on. Our boss Plumley
22 was finishing and pulling us off it.

23 Q. And where were these guys at

24 whenever they were hollering for you?

25 A. I'd say probably two breaks

46

01 back.

02 Q. In the mantrip?

03 A. Yeah.

04 Q. They had already started out

05 of the section?

06 A. Yeah. Our boss knowed where I

07 was going to be at. He knowed I was

08 going to be outby. And they brung

09 the manbus up to there and --- Steve

10 did and Plumley was --- our boss, was

11 walking. He was in Four I believe,

12 started to walk down and he heard us

13 so he come down that way. But he

14 knowed where we was at, that's why he

15 was coming in that direction.

16 Q. All right. Did you have to

17 walk up to the mantrip or did the

18 mantrip come down to you?

19 A. I had to walk up to it.

20 Q. Okay. So when you walked up

21 to the mantrip, it was still where?

22 A. It was probably about up

23 through here.

24 Q. It was starting ---?

25 A. Yeah.

47

01 Q. Was the rest of the crew on
02 it?
03 A. Yeah.
04 Q. Okay. Let me ask you this.
05 It looks like by what I see here,
06 your work location in the area that
07 we indicated was the furthest outby
08 the Two section of the whole crew?
09 A. Yeah.
10 Q. Was anybody in further outby
11 you?
12 A. Not to my knowledge, but ---.
13 Q. And when I say outby I mean,
14 between the Two section and the
15 longwall.
16 A. As far as I know?
17 Q. Yeah.
18 A. No. I don't know.
19 Q. Okay. So if there would have
20 been any indication that smoke or
21 anything like that, you guys would
22 have been the first ones to be able
23 to detect it?
24 A. Being we was the only ones
25 there, yeah.

48

01 Q. I mean, it would have come to
02 you before it would have come to the

03 section?

04 A. Oh, yeah.

05 Q. Okay. Did you smell anything?

06 A. Yeah.

07 Q. Before you were notified to

08 leave?

09 A. Yeah.

10 Q. So before Mr. Plumley had come

11 down to tell you guys you were going

12 to leave, you had already had some

13 kind of indication that something was

14 wrong?

15 A. Yeah. Me and another guy that

16 was there, I asked him, I said do you

17 --- I asked him did he smell

18 anything. He said no. I said, well,

19 I swear I smell something. Then the

20 belts went off. We heard them come

21 around with the manbus.

22 Q. What did you smell?

23 A. It smelled like smoke to me.

24 Q. Okay. Did you see anything?

25 A. Uh-uh (no). Didn't see no

49

01 sign of smoke.

02 MR. FARLEY:

03 I'm sorry. Go ahead.

04 BY MR. MURRAY:

05 Q. Okay. How long did you smell

06 this before you were notified by Mr.

07 Plumley that it was time to go?

08 A. Within that minute.

09 Q. Within a minute?

10 A. Yeah, it all happened at one

11 time.

12 Q. Boom, boom?

13 A. Yeah.

14 Q. Did you have any indication or

15 any thoughts about thinking about

16 going up and telling Mr. Plumley

17 before he told you that there may be

18 something wrong?

19 A. No.

20 Q. Okay.

21 A. Because one of us smelled and

22 one of us didn't, you know.

23 Q. Yeah. Okay. That's fine. Do

24 you have any idea what time that was?

25 A. No, not a clue.

50

01 Q. Okay. Did you hear any alarms

02 going off?

03 A. No.

04 Q. Did you have a detector with

05 you by any chance, any kind of gas

06 detector?

07 A. Yeah, I'm sure I had mine for

08 the miner.

09 Q. What does it detect? What

10 kind of detection?

11 A. Just methane.

12 Q. Just methane?

13 A. Yeah.

14 Q. Okay. Does Mr. Plumley carry

15 a detector?

16 A. Yeah.

17 Q. Is it the same as yours?

18 A. No. What's that called?

19 Something Four?

20 Q. B-4 12?

21 A. No.

22 MR. FARLEY:

23 Explorer.

24 BY MR. MURRAY:

25 Q. Explorer 4?

01 A. Yeah.

02 Q. Explorer 4?

03 A. Yeah. I believe --- I ain't

04 swearing but I believe that's what he

05 has.

06 Q. Does it detect CO?

07 A. Yeah.

08 Q. Was his detector going off

09 whenever he came down to get you?

10 A. No.

11 Q. Where did you first smell that
12 smoke, was it whenever you get off
13 the mantrip or was this while you
14 were working or ---?

15 A. It was while we was working.

16 Q. So when you trammed from here,
17 where you found the scoop at the
18 beginning of the shift, to where you
19 actually --- I guess you helped load
20 some supplies first?

21 A. We was farther down outby than
22 that. I come back.

23 Q. Whenever you were further
24 outby, did you smell it down here?

25 A. No.

52

01 Q. You didn't really smell it
02 until you come back to ---?

03 A. Yeah, when I got --- I got off
04 the scoop and was walking, trying to
05 find the crib blocks because they
06 said they was there and I couldn't
07 find them so I got off and was
08 walking and I found them. So I
09 walked back and got my scoop, go to
10 it.

11 Q. Okay.

12 A. Then that's when I smelled it.

13 Q. Okay. We've established that
14 these cribs were located between
15 Number Four and Number Five entry?

16 A. Yeah.

17 Q. And Mr. Plumley was in the
18 Number Four entry coming down, but
19 the mantrip was coming down the
20 Number Five entry?

21 A. Yeah. Well, he --- like the
22 manbus was parked there and he was
23 like he would be in Four Right when
24 we come down and hollered and he
25 knowed it was us so he come back down

53

01 around. So I'm assuming he was
02 coming up there to look for us
03 because he knowed the cribs was up
04 that way. But he come out of Four
05 Right when he heard us.

06 Q. Okay. Which way was the
07 manbus going?

08 A. Outby.

09 Q. In Number Five entry?

10 A. Yeah.

11 Q. Okay. So from where it was
12 parked --- I'm going to show some
13 arrows in red heading in an outby
14 direction and down toward where you
15 guys were at.

16 A. Right.
17 Q. When you got on the manbus,
18 where did you sit?
19 A. It'd be on the operator's
20 side.
21 Q. On the operator's side?
22 A. It'd be on the left side
23 facing from the back.
24 Q. You were like looking toward
25 the rib sitting in one of the side

54

01 seats?
02 A. Yeah.
03 Q. Who was sitting with you?
04 A. Sitting would be --- Elvis
05 would be to my right, Ellery
06 Hatfield, and my uncle, Elmer
07 Mayhorn, on the left.
08 Q. And you were in that
09 compartment closest to the front?
10 A. Yeah.
11 Q. Okay. Whenever the mantrip
12 got to you guys, was everybody else
13 on the bus?
14 A. Everybody but our boss. He
15 was like --- like I said, he was in
16 Four Right. And Steve stopped and
17 Steve was hollering and we come out

18 of the break and Plumley came over.

19 Q. And who were you working with
20 down there?

21 A. I believe it was --- his
22 name's Gary Baisden, I believe. I
23 think that's his name.

24 Q. Anybody else?

25 A. No.

55

01 Q. So you and Gary were on the
02 crib project?

03 A. Yeah.

04 Q. Okay. And did you and Gary
05 get on the mantrip at the same time?

06 A. Yeah.

07 Q. Why did they tell you that
08 they were going to leave the mine?

09 A. They said they had a fire on
10 the mother drive belt. And they said
11 for us to come on down, come on
12 outside.

13 Q. And who told you that?

14 A. Steve and Plumley.

15 Q. Okay. Did they tell you how
16 you were going to get out of the
17 mine?

18 A. Yeah.

19 Q. What did they say?

20 A. They said we was going down to

21 the cribs, which I know where it was
22 at, and they said two breaks below it
23 was the man door, and everybody was
24 going --- Steve said and --- how
25 Steve's word was, he said if we run

56

01 into smoke, that's where we're going,
02 but we was going to go as far as we
03 could, but everybody knowed and they
04 said where we stop then we'll go to
05 the four-foot belt. But that was the
06 main plan was to the cribs, through
07 that if we had any smoke whatsoever.

08 Q. I know you've been through
09 several training classes in different
10 things, you talk about escapeways and
11 different things of that nature.

12 Would you expect your primary
13 escapeway to be smoke free and clear
14 air from the section all the way to
15 the surface?

16 A. Yeah, we would.

17 Q. Then why do you think the
18 conversation had to take place that
19 there was an anticipation that it may
20 not be smoke free?

21 A. Because of that mother drive
22 and the doors set up there, and the

23 mother drive they said was on fire.

24 Q. But would you expect for smoke

25 or fire or dust or anything that was

57

01 inside that belt entry at the mother

02 drive to travel out into the primary

03 escapeway and to contaminate it?

04 A. It shouldn't, but anywhere you

05 got a door there's no way you're

06 going to seal it perfect, so you

07 would assume --- you know there's

08 something going to come through there

09 regardless what kind of doors you got

10 in there, to my belief.

11 Q. So you think the doors were

12 the issue in Mr. Plumley's mind on

13 why he anticipated that it may be

14 smoke free?

15 A. Yeah.

16 Q. This is the 72-inch belt that

17 comes --- this black line that

18 --- it's indicated coming from the

19 north main over toward the longwall

20 and that it intersects with the black

21 line --- or I'm sorry, the brown line

22 coming out of the longwall section

23 and this is where the longwall coal

24 would transfer onto the 72-inch belt?

25 A. Yeah.

01 Q. And right inby that transfer
02 point on this map, at least, there's
03 indicated a stopping?

04 A. Yeah.

05 Q. Do you know if that stopping
06 was in on January 19th, 2006?

07 A. Uh-uh (no). No.

08 Q. You don't know if it was or
09 isn't or ---?

10 A. It ain't.

11 Q. It's not in?

12 A. No.

13 Q. Would that be a reason that
14 the smoke from this mother drive
15 could have migrated out into the
16 primary escapeway?

17 A. Oh, yeah. There's another
18 intake, so it might.

19 Q. Well, why do you think it
20 wasn't in? Because when you ---.

21 A. Do you want me to show you?

22 Q. Yeah, go ahead.

23 A. That travel road when we come
24 up and come around, you could see
25 there and see if it's a curtain. You

01 can see the curtain move so ---.

02 Q. We're around 4G?

03 A. I ain't going to say the whole
04 stoppings gone or just what, but I
05 know there had to be part of it at
06 least missing because the curtain
07 moves.

08 Q. So let me understanding this,
09 when you come through the equipment
10 doors, at the longwall belt, the area
11 that would be just inby the tailpiece
12 of the 72-inch belt wasn't isolated
13 from the primary escapeway with the
14 permanent ventilation control?

15 A. To my knowledge, it wouldn't
16 be, but I know that there was a
17 stopping there for a fact because I
18 was on the crew that built it. We
19 was the one that isolated that whole
20 belt off, our crew did. So I know
21 that it was put there, but between
22 then and now, something happened to
23 it.

24 Q. Do you think Mr. Plumley knew
25 that?

60

01 A. I don't --- I don't know. I
02 couldn't say whether he did or not.

03 Q. Do you think that affected his
04 decision making process that

05 particular night?

06 A. Kind of seemed like it did.

07 Q. You think he may have

08 anticipated that since that stopping

09 wasn't in and the location of that

10 known fire, that that smoke could

11 have migrated out into the primary

12 escapeway, therefore, that would have

13 prevented travel past that point?

14 A. Yeah. I like to think that he

15 was smart enough to think that, you

16 know, to get to that four-foot belt.

17 Q. Is it your understanding that

18 belt conveyors in this coal mine

19 should be isolated with permanent

20 ventilation controls?

21 A. All of them or ---?

22 Q. Well, the belt lines itself,

23 the belt conveyors themselves, should

24 be isolated from the primary

25 escapeway ---

61

01 A. Oh, yeah.

02 Q. --- with permanent ventilation

03 controls? Is a loose check curtain a

04 primary --- or a permanent

05 ventilation control?

06 A. No.

07 Q. Is a loose check intended to
08 be airtight?
09 A. Is it what now?
10 Q. Is it intended to be airtight,
11 a loose check?
12 A. I don't believe.
13 Q. Could smoke migrate through a
14 loose check ---
15 A. Oh, yeah.
16 Q. --- and come out into the
17 primary escapeway and contaminate it?
18 A. Yeah.
19 Q. When did you find out that
20 this stopping wasn't in?
21 A. To be exact, I ain't sure. I
22 put this in --- I do a lot of
23 doubling back.
24 Q. Yes.
25 A. And I run their diesel

62

01 equipment, tractors, so I'm --- when
02 I come through there a lot, I can
03 visually see that, through it pretty
04 good.
05 Q. Right.
06 A. And I've noticed it then, when
07 I'm running tractor to see the
08 curtain up there.
09 Q. I see. Did you ever --- let

10 me back up. Are you aware that
11 there's a construction project going
12 on in this area where they're
13 installing belt structure in
14 anticipation of extending the 72-inch
15 belt?

16 A. Yeah.

17 Q. Have you ever worked on that
18 construction project?

19 A. Oh, yeah.

20 Q. You have personally?

21 A. Not on that project. I
22 thought you meant on the belt project
23 itself, yeah.

24 Q. Yeah, that's what I'm talking
25 about, the installation of this belt

63

01 structure?

02 A. No, I hadn't worked on that
03 one, no.

04 Q. Who does that?

05 A. As far as boss wise or guys?

06 Q. Both. You can start with the
07 boss.

08 A. Chris Hernley (phonetic) I
09 believe his name was or Hernen
10 (phonetic) or I'm not sure what his
11 last name is. And as far as the

12 workers, I ain't got a clue who they
13 are. They change so much back and
14 forth because nobody can handle that
15 structure, you know, it's too much
16 for them.

17 Q. Yeah. Well, we talked about
18 down here, you were waiting on some
19 cribs to come in or different things
20 and some supply tractors and
21 different things. How do they bring
22 this structure in for this belt, this
23 belt project? How do they bring it
24 in the mine?

25 A. Diesel tractors and flat cars.

64

01 Q. Load it onto rubber tired flat
02 cars?

03 A. Yeah.

04 Q. Then you described it as being
05 pretty heavy.

06 A. Oh, yeah.

07 Q. How do they get it from the
08 rubber tired flat car to the area
09 which it's going to be installed?

10 A. That, you got me. I don't
11 know that. I never seen --- never
12 hardly ever seen them working on it
13 because that --- you know. I don't
14 know to be honest with you.

15 Q. Let me compare it to something
16 that we've already talked about. Up
17 here when you talked about you wanted
18 to install some cribs and a return
19 air course; okay? We know that the
20 return air course is separated by a
21 permanent ventilation control from
22 the intake.

23 A. Yeah.

24 Q. So it wouldn't be prudent to
25 take these cribs and knock this

65

01 stopping out, this permanent
02 ventilation control between the
03 intake and the return.

04 A. No.

05 Q. And then bring the cribs in
06 and just let the air come in and
07 short circuit in to the return.

08 A. It wouldn't do that anyways up
09 there because you can't get a scoop
10 up.

11 Q. Okay. So what you've
12 described to me on your project on
13 the 19th requires you to take cribs
14 into an area that was permanently
15 isolated by a permanent ventilation
16 control from one air course to

17 another, you described that you had
18 to travel up the north mains into the
19 Two section and inby the last
20 permanent ventilation control through
21 a crosscut and then you had to
22 retrace that same path in a different
23 entry which is now on the opposite
24 side of this permanent ventilation
25 control and travel back so you can

66

01 access this area?

02 A. I didn't quite follow exactly
03 what you said, but what I was --- all
04 I done was follow the intake straight
05 down to my last --- where my last
06 stopping was, cross into the return,
07 go straight down to the fire.

08 Q. You said it a lot better than
09 I did.

10 A. Okay.

11 Q. That's what I was trying to
12 say though. You did that as opposed
13 to just arbitrarily knocking the
14 stopping out somewhere and taking
15 those blocks back in and short
16 circuit the intake air into the
17 return?

18 A. Yeah.

19 Q. You followed a --- it would

20 have been easier though to knock this
21 stopping out and just come right in
22 here, wouldn't it?
23 A. Not on that hill to be honest
24 with you.
25 Q. But it's less tram?

67

01 A. Oh, yeah, it's less tram, but
02 it wouldn't --- it'd be a whole lot
03 more work.
04 Q. Yeah.
05 A. That's a ---.
06 Q. But less distance?
07 A. Yeah, shorter distance. Yeah.
08 Q. Yeah. Because the shortest
09 distance between two points is a
10 straight line?
11 A. Yeah.
12 Q. And you didn't go in a
13 straight line?
14 A. No.
15 Q. You had to go into the
16 section, then you had to make a
17 right-hand turn and go into to Two
18 section, you had to make another
19 right-hand turn and go over to Four
20 entry, you had to make another
21 right-hand turn and go out Four entry

22 and then you had to make a left-hand
23 turn and go out the return?

24 A. If I would have made it that
25 far.

68

01 Q. If you would have made it that
02 far. All that, ---

03 A. Just for cribs.

04 Q. --- and you could almost ---
05 it was only --- you could probably
06 throw a crib from where you found
07 them stored to where you were going
08 to set it?

09 A. Yes.

10 Q. But you traveled for, geez, 1,
11 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
12 13, 14, 15, 16, 17, 18 --- 17. You
13 traveled 17 blocks ---.

14 A. Just to get there.

15 Q. --- just to get there when in
16 reality if you had a crow and you
17 said --- you put it in flight, the
18 crow would only have to fly one, two,
19 three blocks? A difference of 14
20 blocks?

21 A. Yeah.

22 Q. But you had to do that because
23 you know that you couldn't interrupt
24 the ventilation?

25 A. Right.

69

01 Q. Right?

02 A. Right.

03 Q. And that's good mining. Down

04 here, we're working on a belt

05 project. And I'm not sure if these

06 stoppings that are shown on this map

07 are all in or not. But it seems to

08 me that I traveled this intake and I

09 could look to my right and I could

10 see belt structure.

11 A. Yeah.

12 Q. Is that right?

13 A. Yeah.

14 Q. You travel the mine more than

15 I do. I was in there a few days. If

16 you're traveling up into Two section

17 in your diesel mantrip, can you look

18 to your right and see belt structure

19 that's installed with no belt on it?

20 A. Well, it depends on where

21 you're coming in at. If you're

22 coming in through the doors ---

23 Q. Through the double doors?

24 A. --- it would be to the left.

25 Q. Well, okay.

70

01 A. But when you come up here, our
02 travelway comes up, then you'd be
03 looking to it on the right.

04 Q. Okay. In any event you're in
05 the intake air course, and you're
06 looking either left or right, ---

07 A. Yeah.

08 Q. --- and you're seeing belt
09 structures that's installed. And you
10 don't have to look through a door,
11 through a ventilation control,
12 because there's nothing in that
13 crosscut.

14 A. No.

15 Q. You can see the belt
16 structure?

17 A. Right.

18 Q. And then you tell me in your
19 course of your travel, you look down
20 at that tailpiece, that 72-inch
21 tailpiece and all you see at best
22 case is a little check flapping and
23 there's no permanent ventilation
24 control there?

25 A. Right.

71

01 Q. So if you tie all that in that
02 we just talked about, you've got a
03 72-inch belt conveyor right here that

04 isn't separated from your primary
05 escapeway?

06 A. Exactly.

07 Q. Is that not right?

08 A. That's right.

09 Q. Well, that kind of tells me

10 that if I was making some decisions

11 at that mantrip, and I know how this

12 area is ventilated, that I, too,

13 wouldn't have the confidence that

14 this primary escapeway would have

15 been smoke free.

16 A. That's the way I figured it,

17 too.

18 Q. So just so I understand

19 correctly, this 72-inch belt that

20 we've been talking about, obviously

21 the map is wrong because it shows a

22 permanent stopping there. Is this

23 the location where you're talking

24 about the check?

25 A. Yeah. Yeah. Yeah.

72

01 Q. So what I want to do is, the

02 tailpiece for the 72-inch belt would

03 be just inby survey station 3249.

04 A. What? You see ---.

05 Q. Your circuit ---?

06 A. Is this your double doors
07 here?
08 Q. Yes. And here's the belt and
09 here's the tailpiece.
10 A. No, I was thinking --- I'm
11 thinking it's one more break back
12 from --- because you've got your
13 power boxes up here between your
14 double doors.
15 Q. Yeah, here's the double doors.
16 A. Right.
17 Q. And you think here's the power
18 boxes?
19 A. Yeah, there's two boxes right
20 there.
21 Q. Okay. I'm going to mark
22 those. There's a power box here and
23 a power box here. And just for the
24 sake of --- for the description of
25 that, this is Number Six. It would
73
01 be to the right of Number Six entry,
02 just to the right of survey station
03 3266. And those would be power
04 boxes. And that would be between the
05 double doors?
06 A. Right.
07 Q. And you come through this door
08 and you look and you see the power

09 box?

10 A. Yeah.

11 Q. And you go through this door

12 and continue on?

13 A. Yeah. Yeah, I believe you're

14 right, I believe that tailpiece is

15 --- I believe is right there.

16 Q. You're going to have to trust

17 me on this, it is.

18 A. Okay.

19 Q. And this is where the --- this

20 map is --- as far as the belt line,

21 the indication of the belt lines,

22 where we're showing with the brown

23 lines, this is where the belt lines

24 are in reality underground.

25 A. Okay.

74

01 Q. The longwall belt at the

02 Number One entry of the mine headgate

03 longwall section and it comes out to

04 this point and it dumps onto the

05 72-inch belt at survey station 3249.

06 And if you look at that intersection

07 just inby survey station 3249 would

08 be the tailpiece of the 72-inch belt.

09 A. I was thinking that when I

10 looked through the power boxes I

11 remember seeing --- you could see the
12 belt there, so I was thinking it
13 might be just structure there. In
14 other words, that tailpiece probably
15 is ---.

16 Q. That structure would be in
17 this entry right here because it's
18 going to be a continuation of this.

19 A. I just --- I'm thinking about
20 how we ventilated. Between the
21 double doors, we've got a stopping
22 here and it's here, how did this
23 stopping --- that's what I'm trying
24 to figure out, how did the stopping
25 get that far back because we were the

75

01 ones that built it. So I was trying
02 to think if that tailpiece was back
03 there, too. Because we made a
04 perfect seal around the back that we
05 built. And where you overcast that,
06 between the double doors is a
07 stopping where the power box is at
08 and you come up, they had a stopping
09 there and there, about like what you
10 got marked there. So they made it
11 like that and it should have been
12 near that line, that's why I was
13 thinking the tailpiece was done.

14 Q. The tailpiece is here.

15 A. Okay. So then --- well, maybe
16 it --- like you said, the tailpiece
17 is there, the stopping should have
18 been one more back.

19 Q. You think there's a stopping
20 here?

21 A. Yeah, that's where I was
22 thinking that the stopping was.

23 Q. I'll mark it right at 3266,
24 just inby survey station 3266.

25 A. This is what I'm thinking. I

76

01 ain't saying 100 sure, but I'm going
02 to tell you, that's what I was
03 thinking was done there and there.

04 Q. Where is the checkings you
05 seen flapping?

06 A. Be right there.

07 Q. Right here?

08 A. Yeah.

09 Q. I thought it was the stopping?

10 A. That's what I said, I don't
11 know --- I can't say that the
12 stopping ain't behind the curtain but
13 I know the curtain --- that's why I
14 say, I believe if it is there partial
15 --- I ain't never walked up and

16 looked at it, ---

17 Q. Okay.

18 A. --- maybe they've knocked it
19 out, you know, make a box check out
20 of the --- you know, the six-foot
21 structure that they're putting
22 through it, but I know that curtain
23 does move.

24 Q. So this is the curtain you're
25 talking about?

77

01 A. Right.

02 Q. So we don't know if there's a
03 stopping, but we know that there's a
04 curtain?

05 A. Right. Yeah.

06 Q. Okay. I'm going to remove the
07 stopping for now and I'll show it as
08 a curtain. And you know that the
09 structure comes through here?

10 A. Right.

11 Q. And the structure would go
12 through the curtain?

13 A. Right. Let me get back there
14 and see.

15 Q. Okay. This is the second
16 door, ---

17 A. No, I'm coming here so I can
18 see what I'm doing.

19 Q. That's a new structure entry.
20 A. Right. This would be the ---
21 I believe I'm wrong. See, we built
22 --- not we, they. From this line
23 here that double doors that supposed
24 to be sealing the six-foot going that
25 way. And this was not here. Well, I

78

01 know we built a stopping there.
02 Don't think I've lied --- I've lied
03 to you.
04 Q. No.
05 A. I got mixed up. Okay. Down
06 here is where we had it blocked off,
07 they did. And that's where I was
08 seeing the curtain when I come down
09 the roadway from being one break in
10 off the roadway. That's why I kept
11 looking. I said, no, that's too
12 short of a roadway. I traveled
13 farther than that.

14 Q. Okay.
15 A. But still how is everything
16 moving, you know what I mean?
17 There's something --- something moves
18 somewheres for the curtain, because
19 that curtain --- when you come down
20 the roadway, you come down, that

21 curtain was sometimes --- you could
22 see it standing out.

23 Q. Okay. Where would that be?

24 A. It would be ---.

25 Q. This is the belt entry?

79

01 A. Right. That's your cribs
02 there so it should be --- right
03 through there is where it should be.

04 Q. Right there?

05 A. Yeah, somewhere through there.

06 Q. Okay. I'm going to show the
07 curtain in the 72-inch belt entry
08 just inby survey station 3309. And
09 I'm going to remove it from back at
10 the power boxes. You want to talk
11 about this intersection at all? What
12 we ---.

13 A. Well, I know that --- like I
14 said, well, that --- we had that
15 stoppined off back ---.

16 Q. Where was the stopping?

17 A. One was in between the double
18 doors.

19 Q. One was in between the double
20 doors just in front of the power
21 boxes?

22 A. Yeah. They was in front of
23 the power boxes. And then we put one

24 there behind where the tailpiece is
25 at, which is what I thought was this

80

01 break. I'm still pretty sure it's
02 right, it was that break.

03 Q. So the one in the belt entry,
04 just inby 3266?

05 A. Yeah. And the rest of it I
06 might ---I'm thinking that's how we
07 did that.

08 Q. Okay. When was that done, do
09 you have any idea? Was there belt
10 structure through here when you built
11 this stopping?

12 A. No. Uh-uh (no). No.

13 Q. The belt structure hadn't been
14 put through there yet?

15 A. No, nothing had been.

16 Q. So the belt structure hadn't
17 extended down to this point yet?

18 A. No.

19 Q. Was it past where the
20 tailpiece was?

21 A. What?

22 Q. The belt structure? Was there
23 any structure installed?

24 A. No, there was no structure.

25 None.

01 Q. Okay. Do you have any idea

02 when that could have been?

03 A. What, when we built the

04 stoppings?

05 Q. Yes.

06 A. It's been a long time. If I

07 ain't mistaken, it was Nine was

08 --- I'm not so sure, but I think when

09 we started the Ten.

10 Q. When you started?

11 A. The Nine belt and Ten. I

12 believe.

13 Q. You drove Ten all the way

14 down?

15 A. Yeah. It was long --- it's

16 been --- they've been there for a

17 while. For a long time, I know that

18 for sure. To give you exact time

19 ---.

20 Q. Before Thanksgiving?

21 A. Oh, Lord, yeah. Oh, yeah.

22 Q. Was it summertime?

23 A. I'd say right there

24 somewheres.

25 Q. In your mind, these were built

01 when you were mining --- how far do

02 you think you got from the Ten

03 headgate? Do you have any idea of
04 the to try to compare these two, to
05 give the time?

06 A. No, I can't give you that
07 time. I honestly couldn't. I can
08 just tell you they've been there for
09 a while, that's all I know. I can't
10 --- maybe it will don on me in a
11 minute. Ask me a couple more
12 questions or something, maybe I'll --
13 ---.

14 Q. But you think it was before
15 Thanksgiving, just ---.

16 A. Oh, I know definitely, it was
17 before Thanksgiving.

18 Q. Okay. Do you know who helped
19 you build those?

20 A. It was our crew and Paul
21 Scott's crew.

22 Q. Whose crew?

23 A. Paul Scott.

24 Q. Paul Scott?

25 A. Yeah.

83

01 Q. Where's that crew work?

02 A. At Two section.

03 Q. On Two?

04 A. Yeah. We're the ones that

05 swing the two production shifts.
06 Q. Oh, okay. So you guys --- the
07 Two section crew mined Ten headgate?
08 A. Yeah.
09 Q. And then finished it and then
10 went into Two section?
11 A. Yeah. They mined everything
12 on top.
13 Q. Okay. So these at some point
14 in time were built while you were up
15 in the Two section?
16 A. Yeah.
17 Q. And there was no structure in
18 there yet?
19 A. No.
20 Q. When they put the structure
21 through, do you think they could have
22 maintained that stopping and
23 installed the structure, too?
24 A. Yeah, you could have left ---
25 just set it back. I mean, it ain't

84

01 running so I don't know why --- don't
02 know why it had to be, you know.
03 Q. Could you have taken that
04 structure through a permanent
05 stopping as you extend the 72-inch
06 belt structure?
07 A. I guess you could put a box

08 check right there, but you'd still be
09 sealed off from the stopping, the
10 double doors here. That really
11 wouldn't have effect at that time.
12 To me that really don't have no
13 effect as long as your stopping's
14 there between your double doors.

15 Q. Do you know if there was a box
16 check down here

17 A. No, I don't know if they are
18 or not. That's why I'm saying, maybe
19 that is what's down there that causes
20 the curtain to move, you know what
21 I'm saying, so I ain't 100 percent.
22 But I know we built a permanent
23 stopping.

24 Q. Right.

25 A. I know that.

85

01 Q. If there was a box check back
02 here and this was pretty well tight,
03 do you think that would --- that
04 check would move?

05 A. Yeah.

06 Q. Where would the air come from?

07 A. What do you mean, where would
08 it ---? Come straight from the
09 intake.

10 Q. If this --- if the belt were
11 separated, would this check still
12 move?
13 A. No.
14 Q. Okay. We got off a little bit
15 and was kind of --- let's continue
16 out of the section for a minute. You
17 guys, --- your mantrip along with the
18 section crew came to pick you all up?
19 A. Yeah.
20 Q. And then show me how you got
21 to this point here, where we know the
22 mantrip was?
23 A. That's exactly where the
24 manbus was at. We traveled this
25 entry and then it goes to the --- go
86
01 down and that's the break we come up.
02 As soon as we made the turn is where
03 we stopped.
04 Q. Okay. So you traveled outby
05 in the Number Five entry all the way
06 to survey station 3547, okay. At the
07 3547, you made a right-hand turn to
08 go up through the Number Four entry.
09 A. Right.
10 Q. And that's where the manbus
11 ended, where it was parked?
12 A. Yeah.

13 Q. And that's the Number Four
14 entry at survey station 3546; right?
15 A. If you say it is. If that's
16 where it's sitting at?
17 Q. Yeah, it is.
18 A. Okay.
19 Q. You can trust me on that.
20 A. All right.
21 Q. We physically went to that
22 location underground. Okay. Tell me
23 about the conditions in this Number
24 Five entry as you traveled out to
25 this --- before you made the turn.

87

01 Did you smell any smoke as you
02 traveled? Well, you said you smelled
03 smoke before you got on the mantrip.
04 A. You just visually start seeing
05 just enough to see the smoke probably
06 after we passed Ten headgate.
07 Q. You could see smoke after Ten
08 headgate?
09 A. Real light smoke, yeah.
10 Q. Right in here?
11 A. I'd say somewhere up in there.
12 Q. Okay. Right around survey
13 station 3608 of the Number Five entry
14 of northeast mains. Now, you have

15 visual smoke. Cold you describe it?

16 A. Like?

17 Q. What color it was? Thick or

18 thin or ---?

19 A. No, it was thin at that time,

20 you know, you could still see and we

21 was still talking and wasn't having

22 no problems with it.

23 Q. What color was it?

24 A. I don't know.

25 Q. Let me ask you a hypothetical

88

01 situation. Let's say at this entry,

02 --- and I don't know if it just does

03 or it doesn't, but let's say this

04 entry had green reflectors in it,

05 could you see the reflectors?

06 A. Yeah.

07 Q. With this, you could still see

08 the reflectors?

09 A. Yeah.

10 Q. Okay. How about when you

11 turned up into here, tell me that,

12 tell me the difference.

13 A. Well, when you turned up

14 through there, you could still see.

15 Right where the manbus is sitting on

16 the corner itself is where it pretty

17 well got so thick and so dark being

18 the manbus was stopped and we got
19 out. So where it's sitting at right
20 now, caddy-corner like that, that is
21 all the driver could visually see, so
22 we got out.

23 Q. Okay. So how about here,
24 visibility was what? How far could
25 you see? Could you see ---?

89

01 A. I could see --- well, you know
02 the manbus, the ones that's sitting
03 up there, ---

04 Q. Uh-huh (yes).

05 A. --- you could see Steve get
06 off that was driving, you know, it
07 wasn't plain, you know what I mean?
08 I could still --- I knew who he was.
09 So 10, 12 foot, something like that.

10 Q. How about when you're standing
11 in the entry here?

12 A. That's what I'm talking about.

13 Q. So about 10 or 12-foot
14 visibility?

15 A. Yeah. At the time of --- we
16 stopped to get out.

17 Q. Let me use the same scenario,
18 let's --- for the sake of the
19 question, let's assume that there are

20 green reflectors hung in this entry,
21 could you see them in this --- with
22 the amount of smoke that you had?
23 A. When we first stopped?
24 Q. Yes.
25 A. Yeah, I'd say at that time you

90

01 could.
02 Q. At what point would you be
03 able not to see them?
04 A. I'm getting --- just in a few
05 minutes it blacked out.
06 Q. Okay. And then this is you
07 standing in the same location ---
08 A. Yeah.
09 Q. --- because you're not
10 traveling?
11 A. No, we was probably in the
12 middle of that block, because we
13 started --- after everybody got off,
14 we started walking.
15 Q. Okay. So it quickly changed
16 from 10 feet to 12 foot to how many
17 feet?
18 A. To almost no visual, just
19 probably three or four foot.
20 Q. Okay. Could you have seen the
21 reflectors then?
22 A. Maybe. I'd say if a man was

23 looking for something like that, I
24 guess you could probably.

25 Q. Could you see to walk as you

91

01 were walking down?

02 A. Well, you could see the rib
03 and putting your hand on it. You
04 could barely see the outline, you
05 know, once your light was shining on
06 with your hand going down the rib,
07 that's about what you have.

08 Q. Okay. What was the
09 conversation whenever you got to this
10 intersection and Steve stopped the
11 bus and ---?

12 A. Steve said everybody get off,
13 this is as far as I can see to drive.
14 And me, Elvis and Blue exit the
15 manbus on down the left side. Steve
16 was on the left side. Everybody, we
17 started toward the outby way, just
18 got a few feet, maybe 10 feet at the
19 most, and the other guys from the
20 right side of the manbus started
21 hollering, well, we're going to don
22 our rescuers, so we donned ours at
23 the same time with them.

24 Q. So you were about 12 feet from

25 the bus when you donned yours, is

92

01 that what ---?

02 A. I'm thinking somewhere ---

03 Q. Okay.

04 A. --- in that area. We was

05 within that block.

06 Q. Okay. So you started walking

07 a little bit without it on?

08 A. Yeah.

09 Q. And then you decided that you

10 better put it on?

11 A. Yeah.

12 Q. Okay. Did you have any

13 problem personally putting yours on?

14 A. Oh, yeah.

15 Q. You did?

16 A. Yeah.

17 Q. What was the problem?

18 A. Panic.

19 Q. I mean, did you have any

20 problem with the actual SCSR?

21 A. Yeah, they have it stuffed in

22 a pouch, and you had problems trying

23 to get it out of there.

24 Q. Okay. How about after you got

25 it out?

93

01 A. I had problems trying to find

02 that tag where you jerk it. I had a
03 little bit of problems trying to get
04 ahold of that and jerk it to pop the
05 tags off of it. Then I lost my
06 goggles, couldn't find them. I
07 wasn't worried about them anyway so.

08 Q. Were you able to get it out,
09 you know, to pop the top --- to pop
10 the seal with your hands or did you
11 have to use ---?

12 A. Yeah.

13 Q. --- use Channellocks or
14 anything?

15 A. No, I used my hand.

16 Q. And you talked about your
17 goggles. Tell me about that.

18 A. I ain't got a clue where they
19 went to.

20 Q. Okay. They fell out in the
21 open?

22 A. Oh, yeah. When I --- when I
23 got ahold of that, I jerked it as
24 hard as I could jerk anything, caps,
25 lids and all fell.

94

01 Q. Did you hear anybody else
02 having problems?

03 A. Yeah.

04 Q. Who was that?

05 A. Ellery Hatfield.

06 Q. He was having problems with

07 his self-rescuer?

08 A. Yeah.

09 Q. Do you know if he ever got it

10 on?

11 A. To be honest with you, no. I

12 assumed that he did because what he

13 had said and I was against him. Me

14 and him was dead against each other

15 and he went from, you know, cussing

16 there a little bit to he shut up and

17 I knowed he was still with me so

18 that's why I assumed that he had it

19 on.

20 Q. When's the last time you saw

21 him? Where were you at?

22 A. Standing there. Well, when we

23 was walking, because I couldn't even

24 see him. By that time, we was

25 donning our rescuers on, I couldn't

95

01 see him.

02 Q. Were your eyes burning?

03 A. No, mine didn't.

04 Q. Did you have any like safety

05 glasses or any kind of protection

06 over your eyes?

07 A. Not at that time, no.

08 Q. When was the last time you saw

09 Mr. Bragg?

10 A. When we first got on the

11 manbus back up here.

12 Q. Do you have any idea how Mr.

13 Bragg got separated from the group up

14 here at the mantrip?

15 A. Just what I've heard.

16 Q. What did you hear?

17 A. I heard when we stopped, he

18 bailed out and that was it. He was

19 going on a dead run.

20 Q. In which direction, do you

21 know?

22 A. Toward the fire.

23 Q. Toward the fire?

24 A. Yeah. Now, I didn't see it.

25 That's just what I hear.

96

01 Q. Yeah. I appreciate you

02 clarifying that. What about Mr.

03 Hatfield, do you have any idea how he

04 got separated from the group?

05 A. No, sir, not at all really.

06 Q. So once you got your self

07 rescuers on, take me to the --- take

08 me out of the mine then.

09 A. They just --- come down, get
10 your crew, stay up in the next break,
11 go through the man door.

12 Q. So you traveled outby in the
13 Number Four entry, through the
14 intersection with the crib.

15 A. Yeah.

16 Q. And then you made a right-hand
17 turn. And do you know which way that
18 door opens?

19 A. It'd be out toward the --- to
20 the pressure --- to the pressure
21 side.

22 Q. You'd have to pull it open
23 then?

24 A. Yeah.

25 Q. And when you pull it open,

97

01 does it --- does the smoke want to go
02 into the belt or does the fresh air
03 want to come out towards you?

04 A. Well, I know what it should do
05 but as far as what happened then, I
06 don't have --- when that door come
07 open, we went through it, you
08 panicked up, you wasn't paying
09 attention to nothing like that. But
10 I know which way it should, you know
11 what I'm saying?

12 Q. When you got into the belt

13 line, was the air clear?

14 A. Yeah. When we got in there,

15 it was.

16 Q. Okay. Was Mr. Hatfield

17 walking with you at all in this area

18 between the mantrip and that door?

19 A. Yes.

20 Q. When you made the right-hand

21 turn ---?

22 A. Not a clue.

23 Q. At what time were you able to

24 take your self-rescuer out of your

25 mouth?

98

01 A. When I hit the four-foot belt.

02 Q. So right inside this door, you

03 were able to ---?

04 A. Yeah.

05 Q. Okay. At what time did the

06 group realize that Mr. Hatfield and

07 Mr. Bragg were missing?

08 A. When we went through the man

09 door, I was going to holler --- when

10 I opened the man door, I hollered it

11 was clear. And everybody come

12 through the man doors, some went

13 under the belt, some went over the

14 belt. As soon as we got to the other
15 side --- me and Elvis, or Ellery, as
16 we know him there, me and him is best
17 friends. I mean, we've been together
18 12 and a half years, so that was the
19 first person I looked for. I turned
20 around and I said where's Elvis. And
21 then everybody started hollering, you
22 know, we don't see him. And they
23 said, where's Bragg. So me and Mike
24 Plumley and Steve Hensley go back
25 into the smoke.

99

01 Q. Come back through the door?

02 A. Yeah, come back through the
03 door. And I go toward the fire.

04 Q. You come through the door in
05 the Number Four entry and made a
06 right-hand turn going toward the
07 survey station 3233.

08 A. Right.

09 Q. How far did you go in?

10 A. Not very far.

11 Q. Okay.

12 A. I'll be honest with you, I
13 didn't ---.

14 Q. How thick was the smoke then?

15 A. No visual.

16 Q. Okay. Now it's zero

17 visibility?

18 A. Yeah.

19 Q. Are you hollering or ---?

20 A. Yeah.

21 Q. Do you have your ---?

22 A. Take it out of my mouth,

23 hollering, put it back in my mouth,

24 at the same time, we listen. Plumley

25 and Steve, they cut back toward the

100

01 manbus doing the same thing.

02 Q. How much time do you think you

03 were in this area before you went

04 back in to the belt line?

05 A. When I was hollering at them?

06 Q. Yes.

07 A. I don't know. Maybe two

08 minutes, three, something. Maybe.

09 Probably two minutes, something like

10 that. It wasn't real long.

11 Q. When you all were walking

12 toward that door, did you have ahold

13 of each other physically?

14 A. Yeah. Well, no. I did 'til I

15 got to the man door, then when we

16 turned that corner, you know, it was

17 --- everybody --- the one's that was

18 with, we knowed where we was at and

19 they pulled up around that man door,
20 that stop.

21 Q. Do you know who was in front
22 of you?

23 A. At the time of going there, I
24 didn't, but when I got to the corner
25 of that break where the man door's

101

01 at, I run into Pat Kinser because he
02 fell. I didn't know --- I couldn't
03 even see him in front of me. I
04 didn't know he was there.

05 Q. Do you know who was behind
06 you?

07 A. When?

08 Q. When you were walking?

09 A. You mean, directly behind me?

10 Q. Yeah, as you were walking in
11 from the mantrip to the door?

12 A. Steve Hensley.

13 Q. He was behind you?

14 A. Yeah.

15 Q. Okay. Let's continue out
16 then. We're now inside the belt
17 line. Can you hear everybody? Are
18 the alarms going off on the detector?

19 A. No.

20 Q. Any alarms on the belt line
21 that you hear?

22 A. No.

23 Q. So you're traveling outby on
24 the 48-inch belt. Okay. Take me out
25 to wherever, first north mains,

102

01 there's a cut in the longwall.

02 A. It would be one of these two
03 breaks here.

04 Q. Okay. You traveled the
05 48-inch belt all the way to that?

06 A. Yeah.

07 Q. Which one do you think it was
08 that you came out?

09 A. To be honest with you, I'm not
10 sure. As panicked as I was, I wasn't
11 sure when I come through the man door
12 to be honest with you.

13 Q. I understand. It's one of
14 these two?

15 A. Yeah.

16 Q. Okay. When you get out into
17 the intake on the north mains, then
18 what happened?

19 A. We all --- let's see, just for
20 rest stayed in the breaker for a few
21 minutes and everything there I would
22 --- mainly just sat there and tried
23 to regroup ourselves. Plumley and

24 Steve and Joe Hunt went back --- come
25 back up to the four-foot belt to see

103

01 if maybe Elvis and Bragg had crossed
02 over and was making their way down
03 there. They said that they didn't see
04 nothing or anything like that.

05 Q. Did they notice anything
06 different on the four-foot belt at
07 that time than what they witnessed as
08 you guys traveled out?

09 A. What I've heard them say, that
10 it was smoked up.

11 Q. Which was different than?

12 A. Oh, yeah. Well, on our way
13 traveling out, it started getting
14 about like it was when we was coming
15 through here, it was starting to see
16 some.

17 Q. Did you wear your self rescuer
18 in your mouth as you traveled out to
19 the 48-inch belt?

20 A. The further I got down, I
21 started sticking it in my mouth.

22 Q. Where did you go after you got
23 outside the doors?

24 A. I believe we come straight ---
25 I ain't for sure. I believe we seen

104

01 some lights on the longwall come
02 through the cut-through. And we went
03 down and met with them. I'm thinking
04 that's how we did it.

05 Q. Well, take --- we'll go
06 straight down north mains ---

07 A. Yeah.

08 Q. --- to where the longwall
09 cut-through comes out into ---
10 intersects with north mains. Okay.

11 Then what?

12 A. That's the first cut-through.
13 We met up with a couple --- well,
14 with all the longwall staff.

15 Q. Longwall crew?

16 A. Yeah. And Terry Shadd, Dusty
17 Dotson, I'm thinking there's somebody
18 else, but I'm not for sure, come up
19 the hill and met us right there.

20 Q. Okay. They were coming from
21 the outby area coming towards you in
22 north mains?

23 A. Right. And I remember --- I
24 don't now where they come from but I
25 remember Fred Horton and Billy Hollis

105

01 (phonetic), but I don't have a clue
02 where they come from. And Bryan

03 Cabell.

04 Q. Bryan Cabell?

05 A. Yeah, and Pat Calloway.

06 Q. Are these all foremen?

07 A. I ain't sure what Bryan is. I

08 ain't got a clue what that one is.

09 But Billy Hollis, chief electrician

10 of second shift.

11 Q. These guys were the ones that

12 were coming?

13 A. No, that's what I said, I

14 don't know where ---.

15 Q. Oh, I see. Okay.

16 A. Now, Terry Shadd come up the

17 hill but as soon as we left, when we

18 come down there, they just appeared

19 there. I don't know if they was in

20 this cut-through or I'm not sure

21 where they come from.

22 Q. Okay.

23 A. I was panicked bad. I don't

24 know.

25 Q. Okay. Where do we go next?

106

01 A. We come through the

02 cut-through up to the longwall side.

03 Q. Which entry of the

04 cut-through? Did you have to go

05 through these doors or one of the

06 other ---?

07 A. Through the doors, yes.

08 Q. Through the middle entry of

09 the cut-through?

10 A. Yeah.

11 Q. Coming toward the longwall?

12 You get into the longwall section,

13 we'll assume that they're numbered

14 the same as your section, left to

15 right, One, Two, Three and Four.

16 A. Right.

17 Q. Okay. Which entry did you

18 travel in the longwall?

19 A. Three.

20 Q. Which direction did you go?

21 A. Down.

22 Q. Toward the face?

23 A. Yeah.

24 Q. Okay. So once you come into

25 the longwall section, Nine headgate

107

01 longwall section, you traveled the

02 Number Three entry on the inby

03 direction up toward the longwall

04 face?

05 A. Some of us. Our crew ---

06 basically our crew did, some went up

07 to see if they could --- some went up

08 to see if they could come in behind
09 the fire, see if they can --- I know
10 they went --- took a bunch of rolls
11 of curtain to see if they could get
12 --- try to smother it down or that
13 nature what they was doing, but I
14 know they had curtain with them. We
15 went down to the wall, the longwall,
16 and got all of their extra rescuers
17 and brung them down there.

18 Q. Where did you have to go to
19 get those?

20 A. One was on the head side. I
21 don't know where they --- you know,
22 some of them went on through the
23 shields. I don't know where they
24 went to get them.

25 Q. How about you, did you have to

108

01 go on the longwall face?

02 A. Yeah, I went down to it, to
03 the --- I guess it's the head side.

04 Q. Where the belt's at?

05 A. Yeah. You were on longwall
06 belt?

07 Q. Okay. Did you go on longwall
08 face where the pan line's at?

09 A. Where the gate shields was, I
10 was right there.

11 Q. Okay. You were in that
12 intersection where the coal coming
13 off the longwall face would meet the
14 rubber conveyor to go out of the
15 mine?

16 A. Yeah.

17 Q. Okay. And what did you see or
18 smell up there?

19 A. It was clear. It was clear
20 when we first got there and we was
21 getting rescuers and we was waiting
22 for the others. They went somewheres
23 to get some more rescuers. And I
24 don't know if it was from them
25 hanging curtain and might have

109

01 changed something around, but you
02 could start smelling smoke while we
03 was down there on the face. So
04 that's what --- we got what we had
05 and then come on up out of there.
06 But as far as visually, we never seen
07 it.

08 Q. Did you have your self-rescuer
09 on at that point?

10 A. Yeah, I did then. That's what
11 we went down there for.

12 Q. But did you have it in your

13 mouth?

14 A. No. Uh-uh (no). No, we had
15 it on the side.

16 Q. Do you know where they were
17 hanging those checks?

18 A. No, ain't got a clue.

19 Q. Okay. After you retrieved the
20 self-rescuers, tell me --- take me
21 out.

22 A. We come back up the same point
23 of travel there.

24 Q. You just reversed your steps?

25 A. Yeah. Come back out through

110

01 the cut-through and they told us to
02 get on the --- I believe we'd be in
03 Four. Told us to get on the manbus
04 and they took us all the way out.

05 Q. You rode the manbus to the
06 outside?

07 A. Right.

08 Q. Okay. That's a nice job.
09 Anything else you want to tell me
10 about the map while we're here?

11 A. I don't guess.

12 Q. Do you remember who the guys
13 were up in this area that tried to
14 take those curtains down to ---
15 taking those rolls of curtain down?

16 A. Taking it up there?
17 Q. Yes.
18 A. That was --- I believe was
19 Terry, Dusty, maybe --- I believe
20 Steve Hensley was up there with them.
21 I believe that might be it. It was
22 just a couple that went.
23 Q. When you were up on the
24 longwall face, did you notice if the
25 lights were on in the face? Did they

111

01 have the lights that are on the ---?
02 A. Yeah, I know what you're
03 talking about.
04 Q. On the shields?
05 A. I'm not for sure.
06 Q. Did they discuss why they were
07 going to hang the curtains as opposed
08 as to try to go down and start to
09 apply water or fight the fire
10 directly?
11 A. Well, no. At that point, I
12 didn't know exactly where --- what
13 they was doing. I know they told us
14 to go down and get the rescuers, and
15 when we was coming up, they was
16 telling us that's what they went to
17 do. We would hear the water coming

18 down the hill and they told us that
19 it had melted the waterline in Two.

20 Q. Which entry did you hear the
21 water coming down?

22 A. It was in Three.

23 Q. There was water in Number
24 Three entry?

25 A. No, I never seen it, but you

112

01 could hear it. It might have been
02 coming down Three. It might have
03 been coming down Four. I ain't sure,
04 but --- you know, everything being in
05 --- but you could hear the water
06 itself.

07 Q. When you guys traveled from
08 this cut-through up to the longwall
09 face, did you have to walk through
10 any check curtains or stoppings or
11 anything or were you able to come
12 straight down?

13 A. Just your double doors right
14 there, and there was one curtain down
15 around there. I ain't much on the
16 longwall. Those curtains were a
17 break or so before you got like to
18 the headgate or somewhere or right at
19 the headgate or something. I didn't
20 walk through a curtain.

21 Q. You had to go through that
22 curtain?

23 A. Yeah.

24 Q. Okay. Right before you got to
25 where the self-rescuers were?

113

01 A. Yeah.

02 Q. Back up on this 48-inch belt,
03 do you know where they encountered
04 smoke when they went back to look or
05 where you encountered smoke whenever
06 you were walking out?

07 A. When we was walking out, it
08 wasn't very far, probably five or six
09 breaks from after we turned to come
10 to the man door and into it, we
11 didn't go very far when we started
12 --- you start seeing the smoke coming
13 to the stoppings. And they say where
14 it breaks started coming through
15 pretty good, you could easily see it,
16 all over the belt, that's it.

17 Q. Was this on your trip out?

18 A. Yeah.

19 Q. When the whole crew was
20 together?

21 A. Yeah, everybody, you know,
22 except for the two that ---.

23 Q. Yes. I think that's good for
24 the map. I appreciate that. That's
25 a nice job, Billy. Billy, do you

114

01 know what caused the fire?

02 A. No.

03 Q. Have you ever heard anybody
04 discuss what may have caused the
05 fire?

06 A. They said when it first
07 happened, I heard them say that the
08 dolly ripped and the belt rubbed the
09 bearing caused a grease fire in the
10 bearing which caught the belt on
11 fire. And then I've heard that they
12 said the dolly wasn't ripped and
13 that's everything I've heard right
14 there.

15 Q. When you say dolly, what do
16 you mean by that?

17 A. Well, we --- the carriage or
18 the takeup for the belt

19 Q. It's a part of the belt
20 system, ---

21 A. Yeah.

22 Q. --- the dolly? When you guys
23 are walking out the 48-inch belt, did
24 you see any lights on at the head, at
25 the head of the 48-inch belt that you

01 can remember at the drive?
02 A. No, I never seen --- I don't
03 remember seeing anything.
04 Q. Are there lights at the drive?
05 A. I assume there are. But as
06 far as knowing for sure, no, I don't
07 know for sure.
08 Q. When you guys left the Two
09 section on a mantrip to come down to
10 this point here, was Steve driving
11 any faster than normal or was he ---?
12 A. Just your normal speed.
13 Q. Do you know who the mine
14 foreman was at the mine, the general
15 mine foreman that's in charge of the
16 whole mine?
17 A. What, on second shift?
18 Q. No. The guy that's in charge
19 of the whole mine, the general mine
20 foreman?
21 A. I know they got about 20 of
22 them at that place I guess. I
23 believe, I guess Gary Goff is, I
24 ain't sure. Pepé Lester, I ain't
25 sure.

01 Q. Who's the mine foreman on your

02 shift?

03 A. It'd be Fred Horton.

04 Q. Fred Horton? What about

05 dayshift or the opposite shift, the

06 opposite production shift?

07 A. That'd be --- I ain't sure if

08 it'd be Terry Shadd or Dusty. I

09 ain't sure which one. I ain't for

10 sure with them two. Well, I know one

11 --- Terry is supposed to be over our

12 miner section. So I don't know if

13 that means he's over all that on

14 dayshift or what, because he's

15 straight dayshift. And I know Fred's

16 straight second shift mine foreman.

17 Dusty, I don't --- some say Dusty's

18 over Terry and some say Terry's over

19 Dusty. I ain't for sure how.

20 Anybody that wears a white hat, they

21 give you a boss.

22 Q. Those guys that you just

23 described, are they in charge of the

24 entire shift, the entire mine on that

25 particular shift?

117

01 A. No, not the entire mine. I

02 know Terry ain't. Terry's supposed

03 --- like I said, he's just supposed

04 to be over our section.

05 Q. Who would be --- if you're
06 looking for a guy like on afternoon
07 shift or for dayshift or whatever,
08 who would be the guy that would be in
09 charge of the entire shift?

10 A. Of the whole mine?

11 Q. Yes.

12 A. I guess it would Pepé I guess
13 or Gary, I ain't sure. But I swear
14 there's so many of them up there. I
15 never seen a place like that.

16 Q. When's the last time you
17 participated in a fire drill?

18 A. Just a couple days right
19 before it.

20 Q. Tell me a little bit about
21 that fire drill.

22 A. Mainly our boss went over with
23 us and coming out through --- we come
24 down to --- it'd be a Three way as we
25 call it, I don't know if you know

118

01 what I'm talking about.

02 Q. Yes.

03 A. Okay. From there, then we got
04 off and exited and walked the intake
05 to where the fan stuff's at, up at
06 the casting outside that way.

07 Q. How did you get to the Three
08 way?
09 A. What do you mean?
10 Q. How did you get there from Two
11 section to the Three way, how did you
12 get to that point?
13 A. We rode a manbus to the
14 intake.
15 Q. Okay. Your normal roadway
16 that you traveled?
17 A. Yeah.
18 Q. Is the normal roadway also the
19 primary escapeway in its entire
20 length?
21 A. I guess it will be 'til you
22 got to your belt. I ain't for sure.
23 No, I guess Four would be all the way
24 down to go around your mother drive
25 to the overcast, then you would be
01 back in your roadway. That'd be ---
02 around the mother drive would be the
03 only point that you would have to get
04 off a manbus and walk.
05 Q. Okay. Did you guys do that or
06 did you stay on the manbus?
07 A. We stayed on it.
08 Q. Okay. Do you have an
09 escapeway map up on the Two section?

10 A. I don't know.
11 Q. You don't know?
12 A. No.
13 Q. Is there an escapeway map
14 outside?
15 A. Not sure of that either. I
16 don't know. I don't fool around
17 upstairs, I get my clothes on and go.
18 I don't know. I don't know.
19 Q. What about the waiting area
20 where you guys congregate before you
21 go into the mine?
22 A. Yeah, there's a map there on
23 the table, yeah. It's the outby.
24 Q. Tell me where the outby map's
25 at.

120

01 A. Right there in the lamphouse,
02 or in the congregation room, whatever
03 --- but downstairs on a big table.
04 Q. Is that the table with the
05 Plexiglass overtop of it?
06 A. Yeah.
07 Q. Did you have to go to the
08 hospital when you got out of the
09 mine?
10 A. No.
11 Q. Knowing everything that we

12 just talked about and knowing what
13 you know about the coal mine, what do
14 you think could have been done to
15 prevent this accident?

16 A. I don't know how it started.
17 I don't know what caused the fire to
18 give you any solution to it. I don't
19 know.

20 Q. Okay. Let's say after the
21 fire started, when the fire started,
22 we didn't have any fatalities. How
23 could we have prevented the fact that
24 two miners lost their lives as a
25 result of the fire?

121

01 A. My opinion, something could
02 have been done about that air going
03 through that mother drive. That
04 should have been --- I don't know if
05 them double doors are --- to me, I
06 don't care what kind of doors you
07 got, it ain't --- to me it ain't very
08 good and then something between them
09 doors to let the air get up there,
10 there's something wrong in there
11 somewheres.

12 Q. Okay.

13 BY MR. FARLEY:

14 Q. Billy, I've got a handful of

15 things. I'm probably bouncing
16 around, so just bear with me. When
17 you start your shift, your actual
18 starting time is 2:30?

19 A. Right.

20 Q. Now, does that commence in the
21 waiting room at the bathhouse or down
22 in the box cut?

23 A. Down in the box cut.

24 Q. Okay. We've been talking a
25 lot about this stopping here at the

122

01 Number Seven tail and we've also
02 talked about passing through these
03 double doors here. Now, the stopping
04 that would be --- we have talked
05 about that might have been here to
06 the left between the second set of
07 doors.

08 A. Right.

09 Q. I assume if it had been there,
10 you could have looked to your left
11 and see it when you pass through
12 there?

13 A. Right.

14 Q. Okay. Did you notice at any
15 point when it was missing, if it was
16 ever there to start with?

17 A. Oh, yeah, they was there.
18 Matter of fact, the bottom row is
19 still there and the block is stacked
20 on the rib.
21 Q. Okay. Did you happen --- can
22 you tell me when you noticed that it
23 was no longer there?
24 A. I couldn't give you no exact
25 time. It's been, I'd say, easily a

123

01 month.
02 Q. Before or ---
03 A. I'd say easily.
04 Q. --- January 19th?
05 A. Yeah.
06 Q. Okay. Good enough. Now, if I
07 got you right, you're a miner
08 operator on section usually?
09 A. Yeah.
10 Q. How's your water pressure on
11 that section usually?
12 A. What do you mean how --- it's
13 good.
14 Q. Is it good?
15 A. Oh, yeah. Yeah.
16 Q. Always pretty good?
17 A. Yeah.
18 Q. Okay. You weren't running the
19 miner on the 19th though?

20 A. No.

21 Q. Okay. Also I want to make
22 sure I understood you correctly.
23 After you guys got over into that
24 48-inch belt entry when you went
25 through that door, after you parked

124

01 the mantrip and went through the
02 smoke, and you passed down that
03 48-inch belt, if I understood you
04 correctly, you did encounter a little
05 bit of smoke as you went down that
06 belt; is that correct?

07 A. Right.

08 Q. Okay. Have you ever been
09 trained in what to do in the event of
10 the CO monitoring system alerts and
11 alarms when they go off?

12 A. No.

13 Q. Since you've been working
14 here, have you ever been told to ---?

15 A. Well, wait, what do you mean
16 by trained? Are you talking about
17 rescuers or ---?

18 Q. No. The CO monitoring system
19 in the mine.

20 A. What's on the belt lines or
21 something?

22 Q. Yes.

23 A. No. Uh-uh (no). I ain't

24 never ---.

25 Q. Okay. Now, since you've been

125

01 working here, especially up on Two

02 section, have you ever had to

03 evacuate the mine because of a fire

04 or a CO monitor alarm?

05 A. No.

06 Q. Are you aware of any other

07 fires that have happened at this

08 mine?

09 A. None that I know of.

10 Q. Okay. Did you work the week

11 before Christmas in '05? Christmas

12 was on a Sunday.

13 A. I believe I got hurt on

14 December the 22nd.

15 Q. Okay.

16 A. So I was off on comp then.

17 Q. So you didn't work the 23rd?

18 A. Or no, December 9th. I ain't

19 sure, 9th and 22nd. I ain't sure.

20 Q. Okay. So you were off

21 somewhere along there?

22 A. Yeah.

23 Q. Okay. Do you know anything

24 about a fire that might have occurred

25 on December 23rd?

126

01 A. No.

02 Q. Okay. Back to when you
03 evacuated. When you got down here to
04 the cut-through, ---

05 A. Yeah.

06 Q. --- and you talked to some
07 people about what had been going on,
08 do you remember who told you that the
09 waterline had melted?

10 A. It might have been Steve
11 Hensley. I won't say no 100 percent
12 sure like that, but it --- I don't
13 know. Because I remember now, I
14 remember some more people coming off
15 that hill now. So I ain't for sure
16 who it might have been because we all
17 pretty well --- a bunch of us met
18 again almost the same place, same
19 time.

20 Q. Okay. Now, after you went
21 into --- went through the cut-through
22 and up towards the longwall to get
23 those rescuers, where was the
24 longwall crew then?

25 A. I was with some of them then.

127

01 Q. Okay. Now, back to your
02 injury in December. What happened to
03 you?

04 A. I got smacked on the head by a
05 rock cutting the mother drive out.
06 Cutting for a mother drive that
07 caught on fire.

08 Q. Cutting through, for this
09 mother drive?

10 A. No. For ---.

11 Q. Oh, ---

12 A. Yeah.

13 Q. --- I know the location.
14 Okay. A piece of rock fell and hit
15 you in the head?

16 A. Yeah.

17 Q. How long were you off?

18 A. I come back the Wednesday
19 before that.

20 Q. Okay.

21 A. That was about, what, six
22 days, seven days, back to work.

23 Q. You had a concussion or what?

24 A. Yeah, whiplash, memory loss.
25 It was a pretty good size rock.

128

01 Q. You're still here?

02 A. Yeah. Shouldn't be by the
03 sounds of it, but I am.

04 MR. FARLEY:
05 Thank you.
06 BY MR. MURRAY:
07 Q. Billy, just a few more to
08 clarify this. When you come through
09 this door, okay, could you look up
10 here and see those belt boxes?
11 A. Right. Ain't no stopping
12 there.
13 Q. Okay. I got confused then
14 because I got a stopping in there.
15 A. Okay.
16 Q. You can see the belt boxes?
17 A. Right.
18 Q. Okay. So I'm going to remove
19 that stopping.
20 A. Right.
21 Q. And what about this stopping,
22 do you know if it's still in?
23 A. No, I ain't real sure.
24 Q. When they extended that
25 structure by there ---.
01 A. I don't know if it is or not.
02 That's what I'm telling you, but I
03 ain't for sure.
04 Q. Okay. They had to modify it
05 in some way to get the structure

06 through?
07 A. Yeah. Right.
08 Q. Okay.
09 A. I've never physically got off
10 and walked and seen it myself, you
11 know what I'm saying?
12 Q. How long has that stopping
13 been out again?
14 A. That one there?
15 Q. At the boxes.
16 A. To be exact, I ain't sure, but
17 like I said, I know for a month at
18 the least it's been out.
19 Q. Okay. I'm sorry. I got a
20 little ---.
21 A. I got my ownself confused.
22 Q. No, you didn't.
23 A. Oh, yeah.
24 Q. It was me. I'm good at that.
25 A. Oh, I'm very good at it.

130

01 Q. Hey, on a normal day up in the
02 Two section, forget about the 19th,
03 before the 19th, from the 18th back,
04 have you ever had occasion to smell
05 smoke or hot belt rollers or hot ---
06 or rubber or anything like that?
07 A. No.
08 Q. This accident you talked about

09 on the 19th or whenever it was, what
10 happened to you?
11 A. To me?
12 Q. Yes.
13 A. I was just in between shifts,
14 I got up and greased my miner,
15 checking it and stuff and a load ---
16 they said, I don't know. But I take
17 it even down to the greasing part,
18 they told me I was seen by buggy men
19 that I was doing this because I lost
20 --- I don't remember what happened
21 that day. Don't even remember
22 getting out of bed that morning. I
23 just had what my buggy man told me
24 that I done.
25 Q. What did he tell you?

131

01 A. He said that I greased --- I
02 checked my miner and greased around
03 it and stuff, said I walked around it
04 for a few minutes because I believe
05 he said --- I don't remember now if
06 he said his --- there was something
07 down, if his buggy was down or
08 something there and whenever got back
09 and going there, I had come down and
10 he said that I loaded one buggy,

11 loaded him one time and he went back
12 to the filler. We was in line where
13 it's at and he said when he looked
14 back, he said he thought that I was
15 moving my cable, you know what I
16 mean? And when he come up down
17 there, I wasn't moving my cable, I
18 had a rock on top of me.

19 Q. So you were hit with a rock
20 from the roof?

21 A. Yeah.

22 Q. In the head?

23 A. Yeah.

24 Q. Did it knock you unconscious?

25 A. Yeah.

132

01 Q. Were you hospitalized?

02 A. No. I was took to the
03 hospital, not hospitalized.

04 Q. Did you have --- did that
05 cause you to lose work?

06 A. Yeah.

07 Q. How many days?

08 A. It was the 19th or 21st and I
09 come back to the week before the fire
10 was on a Wednesday. I believe like
11 maybe the 11th or 12th of January,
12 something like that.

13 Q. So almost a month or three

14 weeks?
15 A. Yeah.
16 Q. Okay. How are you doing now?
17 A. Still got neck --- headaches
18 but nothing I can't live with.
19 Q. So you were treated at the
20 hospital and released ---
21 A. Yeah.
22 Q. --- that same day?
23 A. Yeah.
24 Q. But advised not to go back to
25 work? You were under doctor's care

133

01 ---
02 A. Yeah.
03 Q. --- for three weeks? And the
04 doctor, his advice to you was not to
05 work?
06 A. Right.
07 Q. Okay. After the mine fire,
08 were you made aware of a meeting that
09 they were going to have at the local
10 grade school the company was going to
11 support?
12 A. Yeah.
13 Q. How were you made aware of
14 that?
15 A. It was by phone call.

16 Q. Who called you?

17 A. I don't remember.

18 Q. Somebody from the company?

19 A. Yeah, from the office, I

20 believe. Yeah, yeah, I believe it

21 was the Logan County Mine Service.

22 Q. What did they tell you?

23 A. Exact I believe it was Friday

24 maybe or something like that, at a

25 certain time, that they would like to

134

01 see everybody come down for a meeting

02 that was going to tell us how it ---

03 they was going to pay us and if we

04 needed counseling, you know, just on

05 and on a few things like that. I

06 can't remember exactly everything,

07 you know.

08 Q. Do you remember where the

09 meeting was scheduled?

10 A. When or where?

11 Q. Or where.

12 A. I believe Holden Grade School,

13 they said, I believe.

14 Q. Holden?

15 A. I believe that's where they

16 had it.

17 Q. And do you remember when? If

18 the fire was on the 19th, do you

19 remember when the meeting would have
20 been?

21 A. It would be not that week.

22 It'd be the Friday afterwards, I
23 believe.

24 Q. Did you go?

25 A. No.

135

01 Q. Do you know anybody that went?

02 A. Not right off.

03 Q. Do you know what was
04 discussed? Did anybody tell you
05 about it?

06 A. Uh-uh (no).

07 Q. Is there anything else that
08 you need to tell us regarding what
09 happened that we have failed to ask
10 you?

11 A. No. To be honest with you,
12 no.

13 Q. Okay. Billy, if I could get
14 you to come up and sign and date the
15 map that what we've put on the map is
16 what you've told me to the best of
17 your ability and to the best of my
18 ability I recorded this. Anywhere
19 you want.

20 WITNESS COMPLIES

21 MR. MURRAY:
22 And for the record,
23 we'll identify this exhibit as
24 Exhibit A B., as in boy,
25 Mayhorn.

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01 (B. Mayhorn Exhibit A
02 marked for
03 identification.)

04 ATTORNEY HEATH:
05 And he would like a
06 copy of this transcript. I
07 don't know whether you want to
08 put that on the record.

09 MR. MURRAY:
10 Okay. Well, you
11 understand as long as the
12 investigation's open, we'll
13 hold those transcripts?
14 A. Yeah.

15 MR. MURRAY:
16 Okay. Billy, we really
17 appreciate you coming in here
18 today. Your answers have been
19 very forthcoming, very helpful
20 to what we're trying to
21 accomplish as far as finding
22 out what happened and to
23 prevent these types of

24 accidents from happening in
25 the future.

137

01 A. Oh, yeah.

02 MR. MURRAY:

03 If you wish, you may go
04 back now over any answer
05 you've given us during this
06 interview and if you want to
07 add anything or clarify
08 anything that you're thinking
09 of right now, you can ---
10 we'll give you that
11 opportunity now if you would
12 like.

13 A. I guess I'm all right with it.

14 MR. MURRAY:

15 We would ask that you
16 not discuss your interview
17 today with any person who may
18 have already been interviewed
19 or who may be asked to come in
20 in the future for --- to give
21 us a statement. This will
22 ensure that each individual
23 gives us his own independent
24 thoughts of what happened.

25 And after questioning

01 other witnesses and obtaining
02 additional information and the
03 investigation expands, we may
04 ask you to come on back in
05 just to help us out with some
06 more questions. And we
07 appreciate your cooperation in
08 that. If at some later point,
09 you have additional
10 information, if you leave here
11 today and on the way home you
12 think of something or you want
13 to clarify, something that you
14 weren't comfortable with, you
15 can go ahead and call either
16 me or the gentleman to contact
17 would be Mr. Anthony Webb and
18 give us that information.
19 Here's our cards.

20 The Mine Act provides
21 certain protection for
22 individuals who participate in
23 accident investigations. If
24 at any time you believe that
25 you've been treated unfairly

01 because of your cooperation in
02 this investigation, we really

03 want to know, so you call us
04 immediately at those numbers.

05 MR. FARLEY:

06 The State law provides
07 the same protection.

08 OFF RECORD DISCUSSION

09 MR. MURRAY:

10 Billy, we appreciate
11 it. Thanks.

12 * * * * *

13 EXAMINATION CONCLUDED AT 12:43 A.M.

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