

01                   EXAMINATION UNDER OATH  
02                                   OF  
03                   PATRICK CALLAWAY  
04  
05  
06    Taken pursuant to Notice by Autumn D.  
07    Furby-Pritt, a Court Reporter and  
08    Notary Public in and for the State of  
09    West Virginia, at Department of  
10    Environmental Protection, 1101 George  
11    Kostas Drive, Logan, West Virginia,  
12    on Thursday, February 16, 2006, at  
13    9:02 a.m.

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

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5

01 A P P E A R A N C E S (continued)  
02  
03 ALSO PRESENT:  
04 TIMOTHY BRADFORD, ESQUIRE  
05 STEVE COX  
06 DENNIS A. BEITER  
07 ANTHONY L. BURKE  
08 C.A. PHILLIPS  
09 EUGENE WHITE

10 JEFFREY WAGGETT

11 BETH SPENCE

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01 I N D E X

02

03 WITNESS: PATRICK CALLAWAY

04 QUESTIONS

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

02   -----

03           MR. FRANCCART:

04           My name's Bill

05   Francart, and I represent Mine

06   Safety & Health

07   Administration, which is an

08   agency of U.S. Department of

09   Labor. And I'm assigned to

10   the Pittsburgh, Pennsylvania

11   Technical Support Office. I'm

12   a member of MSHA's accident

13   investigation team that is

14   charged with investigating the

15   accident that occurred at

16   Aracoma Coal Company,

17 Incorporated, Aracoma Alma  
18 Number One Mine on January  
19 19th, 2006.

20 This is a joint  
21 investigation with MSHA and  
22 the State of West Virginia  
23 participating. And I'll be  
24 asking the questions for MSHA  
25 this morning. Also here

9

01 today, we have a few members  
02 of our investigation team, and  
03 that includes specialists from  
04 all over the country,  
05 different specialties that  
06 they have, they're  
07 investigating. And I'd like  
08 each one of those people to  
09 introduce themselves to you  
10 this morning right now. Den?

11 MR. BEITER:

12 I'm Denny Beiter, I  
13 work for MSHA in the  
14 ventilation, tech support.

15 MR. WAGGETT:

16 Jeff Waggett, MSHA in  
17 Pittsburgh.

18 MR. MURRAY:

19 Kenny Murray, I'm the



20 district manager in Pikeville,  
21 Kentucky.

22 MR. BURKE:

23 Anthony Burke, accident  
24 investigator and inspector  
25 from Whitesburg, Kentucky.

10

01 ATTORNEY BELL:

02 Keith Bell, I'm an  
03 attorney with the Solicitor's  
04 Office.

05 MR. FRANCAERT:

06 Also here today we have  
07 a representative from the  
08 State of West Virginia, and  
09 asking questions for the State  
10 today is Mr. Bill Tucker. Mr.  
11 Tucker will have an opening  
12 statement for you also.

13 MR. TUCKER:

14 Okay. Pat, I have a  
15 brief statement I just need to  
16 read. The West Virginia  
17 Office of Miners' Health,  
18 Safety & Training is  
19 conducting the interview  
20 session jointly with MSHA.  
21 We're in agreement with the

22 procedures outlined by Mr.  
23 Francart. However, I need to  
24 let you know, that the  
25 Director reserves the right,

11

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

08         Again, my name is Bill  
09 Tucker. I'm the assistant  
10 inspector at large out of Oak  
11 Hill, Region Four. I'll let  
12 our other guys introduce  
13 themselves.

14         MR. WHITE:

15         Eugene White with the  
16 Danville office.

17         MR. PHILLIPS:

18         C.A. Phillips, deputy  
19 director of Charleston, West  
20 Virginia.

21         MS. SPENCE:

22         Beth Spence with the  
23 State team.

24         MR. COX:

25 Steve Cox, Region

12

01 Three.

02 MR. FRANCCART:

03 We have been assigned  
04 to conduct an investigation  
05 into the accident that  
06 occurred at the Aracoma Coal  
07 Company, Incorporated, Aracoma  
08 Alma Mine Number One, on  
09 January 19th, 2006, which  
10 involved a belt fire at the  
11 longwall belt while 29 miners  
12 were working underground.

13 This investigation is  
14 being conducted by MSHA and  
15 the State of West Virginia to  
16 gather information to  
17 determine the cause of the  
18 accident and to help prevent  
19 similar accidents from  
20 happening in the future.  
21 These interviews are an  
22 important part of the  
23 investigation. It provides us  
24 a tremendous amount of  
25 information, and it's critical

13

01 to determining how to prevent  
02 these accidents in the future.

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

20       On behalf of the  
21 accident investigation team, I  
22 thank you in advance for your  
23 appearance here. We  
24 appreciate your assistance in  
25 this investigation, and the

14

01 willingness of the miners and  
02 the mine operators to work  
03 with us is critical to our

04 success in making this a safer  
05 place to work.

06 This interview with  
07 Patrick Callaway 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 by the Mine  
12 Safety & Health Administration  
13 into the conditions, events  
14 and circumstances surrounding  
15 the fatalities that occurred  
16 at the Aracoma Alma Mine  
17 Number One, located at Route  
18 17 North, Bandmill Hollow  
19 Road, Stollings, West  
20 Virginia, 25646.

21 This interview is being  
22 conducted at the West Virginia  
23 Department of Environmental  
24 Protection Office in Logan,  
25 West Virginia on February

15

01 16th, 2006. And the current  
02 time is approximately 9:10  
03 a.m.

04 Mr. Callaway, the  
05 interview will begin by asking

06 you a series of questions.  
07 Feel free at any time to  
08 clarify any of your answers  
09 that you give us in response  
10 to the questions. After we  
11 finished asking all the  
12 questions, we'll give you an  
13 opportunity to clarify any  
14 other issues that you would  
15 like to talk about, and  
16 provide us with any other  
17 information you think may be  
18 important to the  
19 investigation.

20 You are permitted to  
21 have a representative with you  
22 during this interview, and you  
23 may consult with your  
24 representative at any time.  
25 You may designate any person

16

01 to be your representative.  
02 Following the questions by  
03 MSHA and the State, your  
04 representative will be given  
05 the opportunity to ask  
06 questions for the purposes of  
07 clarification on areas already  
08 discussed.

09           Your statement is  
10           completely voluntary. You may  
11           refuse to answer any question,  
12           and you may end your interview  
13           at any time if you wish. If  
14           you do not understand a  
15           question, please let us know,  
16           and we can try to clarify that  
17           for you. If you need a break  
18           at any time for any reason,  
19           let us know.

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

17

01           give a confidential statement,  
02           you should advise me before I  
03           begin, so that I can  
04           reschedule your interview so  
05           we can properly consider your  
06           request. And do you want a  
07           confidential interview?

08           MR. CALLAWAY:

09           No, that's okay.

10           MR. FRANCAERT:

11           We do have a court  
12           reporter today, and she's  
13           recording your interview and  
14           will later produce a written  
15           transcript of the interview.  
16           We ask that you state all of  
17           your answers verbally, because  
18           she's not able to record  
19           gestures, such as a nod.

20           MR. CALLAWAY:

21           Okay.

22           MR. FRANCAERT:

23           If you can answer each  
24           question as fully as you can,  
25           including any information

18

01           you've learned from other  
02           people. If part of your  
03           statement is based on  
04           information you've learned  
05           from someone else, please let  
06           us know. And we may not ask  
07           all the questions that we need  
08           to, to learn what you know, so  
09           don't feel limited by  
10           answering just the questions  
11           that we ask.

12           Do you have any  
13           questions about the manner in



14       which this interview will be  
15       conducted?

16             MR. CALLAWAY:

17             No, sir.

18             MR. FRANCCART:

19             Okay.  At this time,  
20       we'll ask the court reporter  
21       to administer the oath.

22       -----  
23       PATRICK CALLAWAY, HAVING FIRST BEEN  
24       DULY SWORN, TESTIFIED AS FOLLOWS:  
25       -----

19

01             ATTORNEY HARDY:

02             Bill, may I identify  
03       myself as the rep?

04             MR. FRANCCART:

05             We will in just a  
06       minute.

07             ATTORNEY HARDY:

08             Okay.

09             MR. FRANCCART:

10             It's on my list.

11             ATTORNEY HARDY:

12             Okay.  Sorry.

13       BY MR. FRANCCART:

14       Q.  Mr. Callaway, please state  
15       your full name, address and telephone

16 number.

17 A. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21 A. C-A-L-L-A-W-A-Y.

22 Q. Thank you. Are you appearing  
23 voluntarily at this interview?

24 A. Yes, sir.

25 Q. Has anyone made any promises

20

01 to you for giving this statement or  
02 offered you any rewards in exchange  
03 for making your statements?

04 A. No, sir.

05 Q. Has anyone threatened you or  
06 warned you not to provide a statement  
07 to us?

08 A. No, sir.

09 Q. Do you understand that you may  
10 refuse to answer any question or  
11 terminate this interview at any time?

12 A. Yes.

13 Q. Do you have a representative  
14 with you?

15 A. Yes.

16 Q. And can you identify that  
17 representative, please?

18 A. Mr. Hardy.

19 Q. Okay. When did you first meet  
20 Mr. Hardy?

21 A. When we started --- shortly  
22 after the accident, when they started  
23 with the company interviews.

24 Q. Okay. And that was based on  
25 the interviews of the results of the

21

01 same accident?

02 A. Yes.

03 Q. And have you been made aware  
04 that Mr. Hardy also represents the  
05 company in this matter, and that  
06 there is a potential for conflict of  
07 interest to arise between yourself  
08 and the company?

09 A. Yes, sir.

10 Q. Okay. And do you want to  
11 proceed with Mr. Hardy as your  
12 representative?

13 A. Yes, sir.

14 ATTORNEY HARDY:

15 Bill, as the miner's  
16 representative, let me just  
17 get my name on the record.

18 It's David J. Hardy, and I'm  
19 with Spilman, Thomas & Battle  
20 Law Firm. And I'm here today

21 entering an appearance as Mr.  
22 Callaway's representative.

23 One other question I  
24 need to ask for the record and  
25 then I'll be quiet. C.A., you

22

01 have a new member of your  
02 State investigative team here  
03 today, Ms. Spence. Has she  
04 been advised as to the ground  
05 rules of the investigation?

06 MR. PHILLIPS:

07 Yes, sir, she has.

08 ATTORNEY HARDY:

09 And that would include  
10 that the interviews are to  
11 remain, at this point,  
12 confidential and not discussed  
13 with the media?

14 MR. PHILLIPS:

15 Yes, sir, that's  
16 correct.

17 ATTORNEY HARDY:

18 Okay. And Ms. Spence,  
19 you understand that?

20 MS. SPENCE:

21 Yes, sir, I do.

22 ATTORNEY HARDY:

23 Okay. That's all I

24 have to say, Bill. I  
25 appreciate it.

23

01 MR. FRANCCART:

02 Thank you.

03 BY MR. FRANCCART:

04 Q. Okay. Pat, how long have you  
05 worked at Aracoma Mine Number One?

06 A. I started as a contractor in  
07 June of '05, and went on with the  
08 company late September, early October  
09 '05.

10 Q. So it's just been a few  
11 months?

12 A. Yes, sir.

13 Q. And what is your current job  
14 classification with the mine?

15 A. Production foreman  
16 underground.

17 Q. Okay. Have you ever conducted  
18 pre-shift, on-shift weekly  
19 examinations of the mine?

20 A. Yes.

21 Q. And what areas of the mine  
22 have you conducted examinations on?

23 A. Three section. Production  
24 boss on Three section.

25 Q. Do you get into the longwall

01 section and Two section at all?

02 A. Not pre-shifting.

03 Q. Okay.

04 A. There is a seal on Two section  
05 that I've fire bossed that seal.

06 Q. Okay. And why is that seal  
07 there?

08 A. They cut into some old works,  
09 and they had to seal the area.

10 Q. Okay. So it wasn't something  
11 that this mine had previously mined,  
12 it was an old --- another mine?

13 A. Right. It was another mine,  
14 yes. I mean, ---.

15 Q. Can you tell us how you  
16 conduct your examinations, what you  
17 do when you do the pre-shift?

18 A. Well, I check oxygen level,  
19 COs and CH4 levels. I check  
20 conditions of the area, the roof, the  
21 rib and all that.

22 Q. Do you make any air readings?

23 A. Yes, sir. I take care of  
24 readings, and calculate them.

25 Q. So you're looking at also air

01 directions when you do that?

02 A. Yes, sir. Yes, sir.

03 Q. Okay. Do you make any records  
04 of those air readings?  
05 A. Yes, sir. I record them in my  
06 notepad when I take them, and then  
07 when I get outside, I record them ---  
08 if I call my pre-shift out, I do it  
09 over the phone, and then I check them  
10 for accuracy. When I get outside I  
11 make sure they recorded them right,  
12 and then I sign my pre-shift.

13 Q. Okay.

14 A. But it gets recorded in a  
15 pre-shift, on-shift.

16 Q. When you do your examination,  
17 do you also examine ventilation  
18 controls?

19 A. Yes, sir. In the face.

20 Q. In the face?

21 A. Yes, sir. And you check your  
22 stopping lines also.

23 Q. Well, what are you looking for  
24 when you examine the stopping lines?

25 A. Well, you check for air leaks

26

01 or holes, or bendings through your  
02 stoppings.

03 Q. And do you compare what you  
04 see underground to any kind of a map?

05 A. I just --- normally, you check  
06 your section map before you go  
07 underground, and the stopping lines  
08 are marked on it. And like, had you  
09 built stoppings the day before, you  
10 make sure they're marked up. And if  
11 they had a man door in them, you make  
12 sure the map's marked for a man door,  
13 so --- the mine map, it'll be marked  
14 correctly. And then at the end of  
15 your shift, you always take your ink  
16 pen and mark up on the mine map all  
17 your cuts and, you know, what the  
18 section looked like when you got done  
19 at the end of the day.

20 Q. So your examinations have been  
21 mainly on Three section. Have you  
22 examined the north mains at all, or  
23 the northeast mains?

24 A. No, sir. No. I work belts,  
25 you know. When I first came on with

27

01 Aracoma, I was belt examiner, but  
02 they were at Eight headgate then.  
03 They hadn't started Nine headgate.  
04 So it was still in the setup process.

05 Q. A long time ago?

06 A. Yeah.

07 Q. Number Three section, do you



08 know if they used belt air at the  
09 section?

10 A. We can use belt air. We have  
11 box check at the feeder to reduce it  
12 down, and it's a minimal amount that  
13 we use. You know, we --- actually,  
14 our intake will come up Number Two  
15 and Number Three entries, and we'd  
16 choke it over to Number Three when it  
17 gets close to the face, and bring it  
18 up Three and split it. And it turns  
19 in One and Seven.

20 Q. If you were doing your  
21 examinations and you would see that  
22 there may be a stopping in this area  
23 that was supposed to be there or  
24 needed to be built, would you report  
25 that as a hazard?

28

01 A. Yes, sir. Yes, sir, you know,  
02 if it was a damaged one or something,  
03 if I had time, I would go ahead and  
04 repair it. And if not, you report it  
05 and it gets repaired on-shift. Or if  
06 it needs built, you know, you report  
07 that it needs built, and the oncoming  
08 shift, they'll build it.

09 Q. Have you had occasions where

10 you've found stoppings that may have  
11 needed to be built?

12 A. Well, you know, when you're  
13 running coal, you're progressing  
14 forward constantly, so you know,  
15 there's times that you'll have one  
16 ready to be built when you come onto  
17 your shift and you build it and take  
18 care of it, keep your stopping lines  
19 caught up, you know.

20 Q. So other than the last open  
21 crosscuts, outby areas, you have not  
22 experienced missing stoppings before?

23 A. No, sir.

24 Q. But damaged stoppings you  
25 have?

29

01 A. Occasionally, somebody will  
02 bump one with a scoop and, you know,  
03 a forklift or something, and they'll  
04 knock a hole in it, and then you got  
05 to get --- send somebody down to fix  
06 it.

07 Q. What about where they run  
08 waterlines through stoppings and  
09 electrical circuits, do you see much  
10 of a problem with sealing those  
11 lines?

12 A. No, sir. They seal around

13     them when they build the stoppings,  
14     and then as the section progresses,  
15     we'll come back and remove --- you  
16     know, that's part of when you build  
17     your --- they'll do usually a two  
18     break move.  So you have two intake  
19     stoppings to build to separate the  
20     belt from the intake immediately when  
21     you come in.  And you always go back,  
22     and there'll be a hole where a  
23     waterline came through, and a miner  
24     came --- a line went through the  
25     stopping, you go back and repair

30

01     those two little holes before you get  
02     your coal.

03     Q.  Have you been interviewed by  
04     the company as to what you saw the  
05     day of the accident?

06     A.  Just by the lawyers.  As far  
07     as company representatives, you know,  
08     we had a meeting, but we hadn't had a  
09     formal interview, other than with the  
10     lawyers.  They told us --- you know,  
11     we went in and interviewed with them.

12     Q.  Did your supervisor ask you  
13     any questions about what happened  
14     that day?

15 A. Actually, my supervisors came  
16 up there. He was up there before ---  
17 you know, I was there before him, but  
18 before it all ended, he was up there  
19 helping with it.

20 Q. Who was your supervisor?

21 A. Dusty Dotson.

22 Q. And what's his position?

23 A. General mine foreman.

24 Q. Were you advised by the  
25 lawyers for the company that MSHA may

31

01 be contacting you to be interviewed  
02 for this accident investigation?

03 A. Yes, sir, I believe so.

04 Q. Did they tell you any  
05 questions that may be asked?

06 A. No, sir.

07 Q. Are you aware of any meetings  
08 that were held by the company at a  
09 local grade school to discuss the  
10 accident?

11 A. I didn't go, I was working.  
12 They had a meeting, but I didn't know  
13 it was to discuss the accident. It  
14 was to meet with the employees that  
15 wasn't getting to work at the time,  
16 to my understanding. That, you know,  
17 they were letting them know where

18 everything stood and what they needed  
19 to do about work.

20 Q. Were you called to be notified  
21 about that?

22 A. No, sir, I was working. I was  
23 called --- I was called and told to  
24 be at that meeting, but the main  
25 office didn't know that I was working

32

01 every day. And when I got to work, I  
02 asked the superintendent about it,  
03 and he said you don't need to go to  
04 that, you're working every day. He  
05 said, I told them not to call you  
06 because of your salary. So I didn't  
07 have to attend that meeting. I was  
08 at work when I had it.

09 Q. Okay.

10 A. It was only for people that  
11 were on an as-needed basis.

12 Q. Okay. As far as the  
13 examinations were --- you did have  
14 pipes and cables going through the  
15 stoppings. If you would see a  
16 location that may not be completely  
17 sealed, would you report that as a  
18 hazardous condition, or would you  
19 just go ahead and fix it yourself?

20 A. I'd fix it myself as long as I  
21 had time, you know. If I was in a  
22 rush, you know, and maybe running a  
23 few minutes behind, or didn't --- if  
24 it was something that was going to  
25 take more time than I had to repair,

33

01 I would report it as a hazardous  
02 condition, and then the oncoming  
03 shift would take care of it. But you  
04 know, if it's something minor, I  
05 always just go ahead and fix it  
06 myself, and then on my pre-shift I'll  
07 write repaired. You know, I found a  
08 hole in the stopping and repaired.

09 Q. So you'd do it all in one  
10 shot, to report it and corrective  
11 action done at once?

12 A. Right. Exactly.

13 Q. But if you didn't have time,  
14 then you would record it and somebody  
15 else ---

16 A. Right.

17 Q. --- would come behind you?

18 A. Record it and let them know,  
19 whoever's down behind you, you let  
20 them know you got a damaged stopping,  
21 and they need to repair it.

22 Q. When you examined that seal up

23 at the northeast mains that is sealed  
24 off from the abandoned area, do you  
25 have to cross through the belt, the

34

01 48-inch belt in there?

02 A. There's a place that you can,  
03 but I never did. When I was fire  
04 bossing that seal, I was down there  
05 building stoppings and routing the  
06 air around toward that seal so it was  
07 --- the way it was, it had fresh air  
08 coming across it, and it wasn't  
09 bending to the return, so we were  
10 having to fire boss it every shift.  
11 And you know, if it dumped into the  
12 return, it could be done weekly.

13 And I had started --- we were  
14 short-handed, and they took my crew  
15 and split them up and filled other  
16 positions, and just --- they shut  
17 Three section down for one shift, you  
18 know. And they had me doing outby  
19 work, building seals, taking care of  
20 violations and all that. When I was  
21 up there building the stoppings and  
22 rerouting the air to get it to dump  
23 into the return is when I was fire  
24 bossing the seal. But other than

25 that, that's the only fire bossing

35

01 I'd ever done up around Two section  
02 and worked, you know, on Nine  
03 headgate.

04 Q. And when you traveled to that  
05 seal, what route would you take?

06 A. I came up the --- well, I  
07 would go to Two section, and as far  
08 as getting actually to the seal,  
09 you'd go up to Two section and travel  
10 down their return. And there was a  
11 stopping that separated --- sent air  
12 to an overcast, you know. And it was  
13 a daily thing, too. You'd knock the  
14 stopping and go through it and build  
15 it back and do your work, you know.  
16 And then you'd take care of it that  
17 evening. You always had to make sure  
18 you had it built back, but when you  
19 left there, you know. But I had  
20 finished that probably two weeks  
21 before the accident.

22 Q. I know this is going to be  
23 tough on you, but we're going to ask  
24 you to come to the map, if you don't  
25 mind.

36

01 A. Okay.



02 Q. And if you can mark how you  
03 traveled and mark that stopping you  
04 had to knock to get into that area,  
05 and ---

06 A. Okay.

07 Q. --- whatever color you'd like  
08 to use for that.

09 A. Now, this stopping I'm  
10 referring to here, it had --- you  
11 know, when the accident happened, it  
12 had been built back --- been  
13 plastered and everything for probably  
14 two weeks before the accident. But  
15 you'd come up your roadway and go  
16 across the face of Two section and  
17 come back down the return, and this  
18 stopping right here was the one that  
19 you had to go through.

20 Q. Okay.

21 A. And then I'd come on down, and  
22 the seal's down in this area.

23 Q. Okay.

24 A. See, I came down and I had to  
25 pick up air off the belt to bring it

37

01 over to ventilate this seal and took  
02 it up, and then you can see there's a  
03 few stoppings right here. And I

04 repaired any that were down, and I  
05 built a few up to here to keep --- to  
06 bring it up this entry and isolate it  
07 off the belt area. And then when I  
08 built this stopping back, we left a  
09 bleeder hole in it so that it could  
10 --- it would come up and then just  
11 dump into the Two section return  
12 there. And that will get fire bossed  
13 second shift. It would be done  
14 weekly then.

15 Q. Let me just ---.

16 A. Now, like I said, this was out  
17 completely, probably two weeks before  
18 the accident.

19 Q. This stopping, every day you  
20 would have to knock blocks out  
21 and ---

22 A. Yeah.

23 Q. --- enter here, and ---.

24 A. I rebuilt it on a daily basis.  
25 They told me not to come out of

38

01 there, of the evenings, unless I  
02 rebuilt that, you know.

03 Q. Was there no access down here  
04 to come into this area?

05 A. Well, as far as just access,  
06 you could come through a man door,

07 which was the man door, I think, that  
08 --- you know, we came through when we  
09 evacuated the section. It was a man  
10 door --- it's coming down here and go  
11 under the belt, to go and fire boss  
12 this seal, you know. But you  
13 couldn't get any supplies or anything  
14 like that over here to work with.  
15 You just had the man door to come  
16 through.

17 Q. So this was also construction,  
18 not just examinations that were done?

19 A. Right. Right. I was down  
20 here doing construction, but since I  
21 was already down there, and I'm  
22 certified, I would go ahead and fire  
23 boss this seal to save the section  
24 boss from having to come all the way  
25 down to it.

39

01 Q. That's a lot of work every day  
02 to have to knock a stopping.

03 A. Yeah, yeah. But if --- you  
04 know, that was just probably three  
05 days of work, when we're done in  
06 there, you know.

07 Q. Okay.

08 A. And I'd come in the evenings

09 and knock the stoppings and put it  
10 back and go down and do my work. And  
11 then, you know, whenever I'd come  
12 back out that night I would build it  
13 back in.

14 Q. This stopping you would have  
15 to build after you entered the area?

16 A. Right. But I wasn't  
17 completely knocking the stopping, I  
18 was just knocking it enough to get  
19 through, so I could go here with my  
20 supplies and work. You know, I  
21 didn't completely --- I didn't knock  
22 the stopping completely every day.  
23 I'd probably knock it a scoop width  
24 and go through, you know.

25 Q. We'll trace it down.

40

01 MR. FRANCCART:

02 For the record, we'll  
03 identify, this stopping's  
04 marked in blue, and it's to  
05 the east side of spad number  
06 3632 in the next block. I've  
07 written on the map, stopping  
08 knock access seal to label  
09 that location.

10 BY MR. FRANCCART:

11 Q. Now as far as tearing up or

12 knocking that stopping, what exactly  
13 did you have to do to do that  
14 physically?

15 A. I would take a scoop bucket  
16 and knock some blocks loose and then  
17 lay them to the side, and travel  
18 through there. And then when I came  
19 back out that night, I would make  
20 sure I had it built back every night,  
21 you know.

22 Q. Did you ever reseal the  
23 sealant, the joints of the blocks?

24 A. When I completed I made sure  
25 it was all resealed, and I left ---

41

01 as you can see, like their return was  
02 facing it from the section side,  
03 their return went off left-handed  
04 looking at the stopping. So in the  
05 top left corner, I left my bleeder  
06 hole so that the air off the seal  
07 would --- you know, it would be  
08 pulling it the direction the air was  
09 flowing.

10 Q. You mean, put that hole in  
11 there to regulate that flow. Did  
12 anybody tell you how much air to put  
13 through that opening?

14 A. I had to have 50-plus linear  
15 feet at the seal. So you know, once  
16 I left my bleeder hole, I went back  
17 down and took my reading, and if I  
18 didn't have 50-plus, I had to make a  
19 bigger bleeder hole.

20 Q. Would you ever break blocks  
21 when you knocked this stopping with  
22 the scoop?

23 A. No, sir.

24 Q. Were they solid block?

25 A. What I had --- they're solid

42

01 block, yeah. And I had extra block  
02 right there at the stopping, new  
03 block, you know, that was left over  
04 from when it was originally built.  
05 So if I had one that I needed to  
06 replace or something, I had brand new  
07 blocks laying there waiting to be  
08 used.

09 Q. When you would knock that  
10 stopping, would that cause any  
11 disruption of airflow anywhere in the  
12 mine, do you think?

13 A. Well, it possibly could on Two  
14 section's return, you know. It might  
15 let it bleed down toward the seal,  
16 but as soon as I knocked it, I'd

17     reseal it behind me, you know. So  
18     it'd just be a matter of minutes that  
19     it was open.

20     Q. I'm just a little confused  
21     about why you would open it for just  
22     a few minutes, though, because you're  
23     taking supplies in there, too?

24     A. Yeah. I took them down as I  
25     was ---.

43

01     Q. You had them in your scoop?

02     A. Yeah. I'd take them down as I  
03     went.

04     Q. You would knock the stopping  
05     while you had the supplies in the  
06     bucket?

07     A. I'd push them out --- before I  
08     got to the stopping, I'd push them  
09     out and get them like where I can  
10     scoop them back up against the corner  
11     of the rib, and I'd knock my stopping  
12     and move everything, scoop them back  
13     up and come through and then reseal  
14     it behind me. I mean, at night when  
15     I came out, naturally my bucket would  
16     be empty, you know, I'd just come  
17     back through. And once I got my  
18     scoop through, I'd build it back.

19 Which at night, when I came through,  
20 they had already shutdown, quit  
21 running coal, because hoot owl were  
22 in there, you know.

23 And then on the dayshift, most  
24 of the times they wouldn't be running  
25 coal, because I'd shut them down when

44

01 I came across the section with my  
02 supplies. They would have to back up  
03 and let me through. So I'd shut them  
04 down when I'd go down. Usually, I'd  
05 have my stopping knocked and have it  
06 sealed back before they got back in  
07 the coal.

08 Q. How was this seal ventilated  
09 prior to your construction, do you  
10 know?

11 A. It was --- the air came off  
12 the belt line, you know, and it was  
13 getting fresh air ventilation. And  
14 it wasn't dumping into the return, so  
15 it had to be pre-shifted, you know,  
16 every shift. And that's why they  
17 sent me down to reroute the air and  
18 take care of it, so that it wouldn't  
19 dump into the return instead of  
20 having section air coming across it.

21 Q. So it was basically just to



22 change the examination requirements  
23 for that seal, that ---?  
24 A. Yeah. We re-routed the air,  
25 and you know, and that way it made it

45

01 legal to examine it weekly instead of  
02 every shift.

03 Q. When you would knock that  
04 stopping --- let me go back just one  
05 step. That was a full stopping that  
06 you were knocking ---?

07 A. It was a full stopping, but I  
08 only knocked a portion of it, even  
09 though I didn't knock the whole  
10 stopping to ---.

11 Q. There's a hole in the corner  
12 now.

13 A. Yes, it has a bleeder hole now  
14 to let the air off that seal bleed  
15 into the return.

16 Q. Was there a hole in that  
17 stopping when you knocked it every  
18 day?

19 A. No, sir.

20 Q. So it was all stopping?

21 A. Right. Yeah, it was always  
22 stopping every day. The only time I  
23 left a hole in it was once I had

24 completed my stopping line, you know,  
25 coming up toward the section up

46

01 along, you know, the belt line to  
02 separate that stopping there, I  
03 established a return, basically, was  
04 all I did so that the air would come  
05 off the belt and ventilate the seal.  
06 And then there was a couple other  
07 places there that had to be  
08 ventilated, like where they had ---  
09 when they were mining, you know, we  
10 had a couple places across the face  
11 that had to be ventilated. I  
12 ventilated them also and brought the  
13 air up and around and brought it up  
14 that top entry and bled it over into  
15 the return --- to Two section's  
16 return.

17 Q. Okay. Let's go ahead to  
18 January 19th. As far as your  
19 assignment for that day, what did you  
20 do on the 19th?

21 A. I was headed up to Nine  
22 tailgate. I was going to set props  
23 on the longwall's tail end. I never  
24 made it up to there, but I was on my  
25 way up to there. And I had a fellow

47

01 that was working for me that day, Joe  
02 Rose was with me. And you had to  
03 come through by the mother drive.  
04 They have double doors there, you  
05 know, and a set of airlocks that you  
06 came through.

07 As I was approaching the  
08 doors, Bryan Cabell opened them for  
09 me when he heard me coming. And I  
10 pulled up, and he was on the phone.  
11 And there was a mudhole right there  
12 close to the phone. The phone was  
13 right next to the road. And I was  
14 about to get stuck in that mudhole,  
15 and I made it up to where he was at,  
16 and it was smoky. He said, Pat, I  
17 need your fire extinguisher, and I  
18 just flipped it loose and handed it  
19 to him. And he said Fred said for  
20 you not to leave until we get this  
21 put out. Which naturally, you know,  
22 --- excuse me, I wouldn't have  
23 anyway. But I had Joe with me, and I  
24 told Joe to go help Bryan, and I went  
25 ahead and got my ride through the

48

01 mud, you know.

02 And I jumped off to run down

03 and help him. And I got probably  
04 within half break of the fire, and he  
05 was finishing up with the fire  
06 extinguisher on it. And as soon as  
07 he stopped spraying, it just lit  
08 back, like --- you know, instantly.  
09 I looked at Joe and told him to go  
10 find us every fire extinguisher he  
11 could get his hands on. And he said  
12 where would they be, and I told him,  
13 any belt head, any power centers, any  
14 oil storage station. And about the  
15 time I was telling him all this, I  
16 saw an oil storage place up toward  
17 the mother drive, and I said right  
18 there's one where that oil's at, go  
19 ahead and get it and get it to Bryan.

20 And Bryan hollered at me and  
21 told me, go make sure we have plenty  
22 of water on our firefighting line,  
23 you know. And I run up and went  
24 through a man door and went over to  
25 Seven head. And there was a

49

01 four-inch waterline, a blue waterline  
02 that had fire taps on it, and it  
03 supplied water to the fire  
04 suppression on Seven head. And the  
05 valve was cocked, you know, it wasn't

06 completely off or it wasn't  
07 completely on, it was like it was ---  
08 looked halfway open. And I just  
09 tried to jerk it, and it wouldn't  
10 move, so I immediately pulled my  
11 hammer out and knocked it to where I  
12 knew it was completely on. And then  
13 there was a fire tap just a few feet  
14 away from that valve. And once I  
15 knocked it on, I reached to grab the  
16 valve --- the lever on the fire tap  
17 to make sure I had plenty of water  
18 there, because had I not had water at  
19 that valve, I was going to have to go  
20 outby to find out where I was losing  
21 water, but I had plenty of water.

22 So I ran back over to where  
23 the double doors were, which we had  
24 them shut. You know, he opened them  
25 and let me in, and we closed them

50

01 back. And when I came through, he  
02 and Joe were up there. And he had  
03 instructed Joe to get ahold of Two  
04 section to tell them that there was  
05 smoke coming their way, they needed  
06 to get off the section. And I asked  
07 him, I said, did that help your

08 water, have you got plenty of water  
09 down there, and he said, it smoked us  
10 out before I could get it all, get  
11 everything hooked up, you know.

12 And I said, well, we need to  
13 try to fight this from the bottom.  
14 We need to go down lower, because  
15 smoke's coming up the belt entry. If  
16 we can get below it, you don't know,  
17 we might have fresh air right up to  
18 the fire, you know. And before we  
19 got to that, Fred Horton showed up.  
20 He and Billy Ray Hall showed up. And  
21 he told me to stay there. He said, I  
22 want you to stay here, he said I'll  
23 go down and do that. And he said,  
24 you stay here, I want you to keep a  
25 headcount. As these guys come off

51

01 the section, you keep a headcount.  
02 And once you write their name down on  
03 your tablet, don't let them leave  
04 you.

05 And when the guys came off Two  
06 section, they already knew they had  
07 two fellows missing. And they said,  
08 as soon as they came through the man  
09 door on the four-foot belt, they  
10 realized they weren't with them, and

11 they jumped back through and yelled  
12 their names and nobody replied, and  
13 they came on out. So we, in turn,  
14 started doing what we could do, you  
15 know, with what we had to find them  
16 and get the fire put out. But Fred  
17 came back and said he couldn't get to  
18 the fire, because the smoke was  
19 rolling back. He said he got close  
20 enough to see it, but he couldn't get  
21 close enough to fight it. And by  
22 then, Dusty Dotson and Terry Shadd  
23 had shown up, and Bob Massey was  
24 there, you know.

25 The officials outside had

52

01 started coming in. And I said, well,  
02 if we can't get to it to fight it, we  
03 need to get below it and try to find  
04 some block and build stoppings, or  
05 block the air off, and maybe it'll  
06 smother itself out. And we couldn't  
07 find block and we ran down on the  
08 longwall, and we got some rolls of  
09 curtain and come up and hung curtain  
10 in every entry to smother the air  
11 down to it.

12 And after we finished that up,

13 Fred Horton told me to take Mike  
14 Plumley, which was the section boss.  
15 He said take Plumley --- you and  
16 Plumley take all of the hourly guys  
17 and get them outside. At that point,  
18 we already had rescue teams on the  
19 way and, you know, we knew that it  
20 was beyond their control. And he  
21 said I want you to take the hourly  
22 guys, you and Plumley take the hourly  
23 guys and get them outside, you know.  
24 He said keep your headcount going. So  
25 I took them all --- we had some

53

01 rescuers --- extra rescuers we had  
02 gotten from the longwall and some  
03 fire extinguishers, and I took them  
04 and laid them where the rolls of  
05 curtain that were left after we built  
06 the curtains. I laid the  
07 extinguishers and rescuers with the  
08 curtain and yelled up and told them  
09 where they were at in the event they  
10 needed them. And then we went to the  
11 rides, and I took a headcount as  
12 everybody got on the ride. And Bob  
13 Massey had told me, because the fire  
14 had already burnt the waterlines in  
15 Two, going to the Two section, and he



16 told me on my way out, to stop down  
17 and de-energize the pumps going to  
18 Two section but leave the water on  
19 the longwall, that way if they needed  
20 water to fight the fire they could  
21 get water off the longwall, you know,  
22 because it was on two separate  
23 circuits.

24 And he said this here is going  
25 up to the miners' section. He said

54

01 --- and it was running down so bad,  
02 you know, when we were hanging our  
03 curtains we were having to fight  
04 water, trying to pull our curtains  
05 back down, so we --- he said that's  
06 going to do us no good anyway, it's  
07 burnt the lines in Two.

08 And I took a headcount, and  
09 when I stopped down to de-energize  
10 the pump, Billy Ray had already ---  
11 he's the electrician, he had already  
12 --- he was on his way --- working his  
13 way out, just de-energizing  
14 everything that needed it, you know.  
15 And he had already done it, but I got  
16 off and made sure that the pump  
17 wasn't running. And when I got

18 outside I took another headcount, and  
19 they told us, you know, to stay  
20 around. And by the time we --- it  
21 didn't seem like just a few minutes  
22 until the rescue team started  
23 arriving once we got outside.

24 And you know, time goes by  
25 fast in a situation like that, but it

55

01 didn't seem like we fought the fire,  
02 maybe 15 minutes until it smoked  
03 Bryan and Joe out. And when we ---  
04 once we got smoked out, I had Joe ---  
05 you could see over through a hole  
06 over the double doors, over toward  
07 --- you know, because that was the  
08 roadway up to Two section, and we had  
09 the doors closed off to keep the  
10 smoke confined to the belt entry.

11 And I told Joe to watch through that  
12 hole, and I said, if you see lights  
13 over there or you hear voices over  
14 there, you tell those guys the good  
15 air is over here, that they could  
16 crawl under that smoke. I had  
17 crawled under it, you know, trying to  
18 figure a way to get to fight the  
19 fire. But I said tell the guys they  
20 could get down and crawl under the

21 smoke and the good air's over here,  
22 they'd be in good shape.

23 And I said if it gets too  
24 thick for you, it's too thick for  
25 them, and you come on out of there.

56

01 And he ended up --- he said he  
02 panicked out, you know, but he had  
03 his rescuer on, and he could actually  
04 --- if he had looked, he could have  
05 saw me from where he was at, you  
06 know. But he said he panicked and he  
07 hollered and told me the smoke was  
08 getting too thick for him, and I  
09 said, well, come on out, you know.  
10 If it's too thick for you over here,  
11 it's definitely too thick for them  
12 over there. And about the time I  
13 pulled him out, those guys came  
14 walking up the intake. You know,  
15 when they come down the four-foot  
16 belt and stepped through the man door  
17 in the overcast, they were in the  
18 intake, you know, in fresh air. But  
19 the guys from Two section came  
20 walking out, and that's when they got  
21 there, they told us they had two guys  
22 missing.

23 Q. And when you came out with the  
24 crew, did you ever go back  
25 underground that day?

57

01 A. No, sir.

02 Q. Would you mind coming back up  
03 to the map again? We'll go through a  
04 couple things to clarify on the map.  
05 Do you know what time you were  
06 traveling into the area?

07 A. I started at four o'clock that  
08 day, and I had to wait outside  
09 because I had --- the dayshift were  
10 coming out and had a tractor coming  
11 out. It was roughly probably five  
12 o'clock before I left outside to  
13 start underground.

14 Q. Okay. And you were traveling  
15 in north mains toward the longwall  
16 section?

17 A. Yes.

18 Q. Could you mark on there your  
19 route of travel for us in the red pen  
20 for us?

21 A. Coming up the roadway, which I  
22 believe --- you could start up here.  
23 It's right here. Let me figure out  
24 where I'm at.

25 Q. If you want to go back to

01 where you seen double doors, you can,  
02 too. I know it's confusing on a map.  
03 A. When I came --- say, I was  
04 coming through right here. And  
05 that's when Bryan heard me coming,  
06 because he opened the doors for me to  
07 let me through. And he was on the  
08 phone right here. And there was a  
09 mudhole here. That's the mudhole I  
10 was about to get stuck in. And once  
11 I told Joe to go down and help him, I  
12 went ahead, because, you know, you're  
13 thinking that Joe brought a fire  
14 extinguisher, and it's out and fix it  
15 and running it. So I went ahead and  
16 pulled my ride over next to these  
17 doors here and parked it. And then I  
18 jumped off and ran down to where they  
19 were.

20 But we traveled --- actually,  
21 my route of travel, that's, you know,  
22 your roadway, and I was actually  
23 going over to where --- I was going  
24 to leave my ride right along in here  
25 and walk down to here to do my work,

01 you know. But when I got to here,

02 the smoke was coming up the belt line  
03 and we was still fighting the fire, I  
04 never did make it over to there that  
05 day.

06 MR. FRANCCART:

07 And for the record, his  
08 work area would have been in  
09 Nine tailgate that day.

10 BY MR. FRANCCART:

11 Q. And you parked your jeep  
12 between the two sets of airlock  
13 doors?

14 A. Right. Yeah.

15 Q. Okay. I'm going to mark that  
16 location in blue here. And also mark  
17 the mudhole, and the phone. This is  
18 the phone you said that Bryan was on  
19 when you got there?

20 A. Bryan was on that phone, yeah.  
21 He heard me coming and he opened the  
22 doors, and he was on the phone with,  
23 I suppose Fred, because when I handed  
24 him the fire extinguisher and he  
25 walked off to go use it, he said Fred

60

01 said to tell you not to leave until  
02 we get this fire put out. I said  
03 okay, you know.

04 Q. By Fred, you mean Fred Horton?

05 A. Fred Horton.

06 Q. He was on the phone with Fred  
07 Horton?

08 A. Yes, I believe.

09 Q. Okay. So when you pulled your  
10 trip up to this door, was this door  
11 closed?

12 A. Yes, sir.

13 Q. So the inby airlock doors  
14 closed?

15 A. As a matter of fact, I pulled  
16 it up and it was --- the doors would  
17 have been lucky to open, you know,  
18 from where I parked my trip. They  
19 opened toward it, and had the trip  
20 been sitting there, you wouldn't have  
21 gotten them open. They were closed.  
22 I parked the trip, and we closed  
23 these back, and continued to fight  
24 the fire.

25 Q. So the outby set of airlock

01 doors were closed as well as the inby  
02 set?

03 A. Right. Yes, we were trying to  
04 keep the smoke from going to the belt  
05 entry.

06 Q. Do you know exactly where the

07 fire was?

08 A. Like I said, I got to within  
09 probably a half break of it, and my  
10 guess would be maybe right here.

11 Q. Can you mark that on the map  
12 also, please?

13 A. That's a guess.

14 Q. And we'll label that possible.  
15 And you say when you pointed to the  
16 doors, this area was filled with  
17 smoke between the doors?

18 A. Well, it wasn't exactly  
19 filled, but the smoke was --- it was  
20 up high. You know, it hadn't gotten  
21 that thick, and it was still up, I'd  
22 say level with the belts. You know,  
23 you could still walk around in there,  
24 and you didn't have any problems.  
25 But like I said, it seemed like we

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01 fought the fire for 15 minutes until  
02 the smoke got so thick. I started  
03 down there to it, and when I saw the  
04 extinguisher didn't put it out, I  
05 told Joe to find us every one he  
06 could find, and then Bryan yelled at  
07 me and told me to make sure we have  
08 plenty of water coming down the  
09 firefighting lines.



10           And I went back over through  
11           the man door and came out the Seven  
12           head. And that's when I found the  
13           valve was cocked, and I took my  
14           hammer and knocked it until I knew it  
15           was completely on. And I checked to  
16           make sure I had plenty of water right  
17           there at it, you know. And as soon  
18           as I did that, I left Seven head and  
19           came back over to here, and I said,  
20           did that help, have you got plenty of  
21           water. And he said, I didn't make it  
22           that far, the smoke ran us out of  
23           there. And he had Joe go to the  
24           phone and tell Two section to come  
25           off it, they had smoke coming their

63

01           way. And then they hollered at the  
02           longwall and told them to come out  
03           also, and that's when we decided to  
04           try to come down here and get through  
05           to fight the fire from behind.

06           Q. Now, who determined that smoke  
07           was traveling toward the Number Two  
08           section?

09           A. I guess Bryan did, you know,  
10           because when I got back from making  
11           sure we had plenty of water, he had

12 told Joe to holler at them and tell  
13 them that we had a belt fire, and  
14 probably was going to get some smoke.  
15 We had an overcast, let me see,  
16 probably here. But I noticed there  
17 was an overcast and the smoke looked  
18 like it was circulating, you know, as  
19 it went over it. And you could see  
20 it circled and pulled back through a  
21 leak, you know. We had a small leak  
22 here and there, and it looked like it  
23 was pulling some into their fresh air  
24 going up.

25 Q. So you had airflow from the

64

01 longwall belt into --- through an  
02 overcast into their intake?

03 A. Well, it was --- actually, it  
04 was going over the overcast to the  
05 return, the air was, you know. But  
06 where it was so smoky, we had a few  
07 small leaks, and it looked like the  
08 smoke, as it went over, it was  
09 pulling some down through the leaks  
10 and putting it into their fresh air  
11 supply.

12 Q. Do you remember which overcast  
13 that would have been?

14 A. I can't remember it. You

15 know, it was during --- after we got  
16 smoked out and we was trying to  
17 figure a way to find those two guys,  
18 plus extinguish the fire.

19 Q. Now, the fire extinguisher you  
20 gave to Bryan Cabell, was that the  
21 first fire extinguisher used on the  
22 fire, do you know?

23 A. As far as I know.

24 Q. And did he describe to you  
25 what the fire looked like when it

65

01 first started?

02 A. He told me he was walking his  
03 belts, and he said he walked by and  
04 it was smoking. And he went up to  
05 the head drive and turned the belt  
06 off and walked back down to see what  
07 was making it heat up. And when he  
08 walked back down there, it had  
09 ignited. And he went back up to the  
10 phone to yell at Fred and tell him he  
11 needed some fire extinguishers, you  
12 know. And that's when I pulled in,  
13 as he was on the phone with Fred. I  
14 pulled in, and he said I need your  
15 fire extinguisher. And I immediately  
16 --- it's over in the middle, and I

17 just reached back and flipped the  
18 latch and handed it out to him. And  
19 I looked at Joe and said help him,  
20 you know. I'll be right there to  
21 help him. And I pulled on through  
22 the mudhole and got out and started  
23 down there. And as I got probably  
24 within a half break of it, I could  
25 see the fire. And he was finishing

66

01 up with the fire extinguisher, and  
02 then as soon as he stopped, it  
03 re-ignited. You know, what it  
04 reminded me of was if somebody would  
05 try to blow a gasoline fire out with  
06 a --- you know, how you would blow it  
07 out, and as soon as you stopped  
08 blowing, it ---. I assumed that it  
09 was a heat flame, because when you  
10 put a fire extinguisher even on a  
11 grease fire, you know, you cover that  
12 grease so it's going to go out, but  
13 as soon as the extinguisher stopped,  
14 it relit.

15 Q. This water valve at Seven  
16 head, do you know exactly where that  
17 was on the map?

18 A. This would be --- Seven head  
19 would be here. So I went through a

20 man door and I was there, you know,  
21 fairly quick. I ran there, and I was  
22 pretty tired, but the water come up  
23 and it fed the fire suppression right  
24 here, and then I could see it going  
25 over those overcasts out toward the

67

01 mother drive. And it wasn't  
02 completely off, it was half cocked,  
03 you know. And where there's so much  
04 pressure on those waterlines, you  
05 can't hardly turn them by hand. I  
06 gave it a push, and it didn't turn,  
07 and I keep my hammer in my belt, and  
08 I just grabbed my hammer and started  
09 hitting it, and knocked it to where  
10 it was completely on.

11 And within reaching distance,  
12 there was a fire tap right there.  
13 And I pulled that fire valve to make  
14 sure I had plenty of water on that  
15 line, you know. I had already  
16 looked, and I saw that it was feeding  
17 the fire suppression at Seven head.  
18 And it went across --- the four-inch  
19 line went across these overcasts  
20 toward the mother drive. And I  
21 automatically assumed that was, you

22 know, your firefighting line for the  
23 mother drive also, because it had the  
24 fire taps in it, and it fed the fire  
25 suppression here. And as soon as I

68

01 saw I had plenty of water here, I ran  
02 back over here and I asked Bryan if  
03 he had plenty down there, and he said  
04 that the smoke ran me out before I  
05 could get hooked up. And that's when  
06 we decided to fight it from behind.

07 Q. Could you mark the water valve  
08 on here that you opened up? And I'm  
09 going to mark that as fire valve.  
10 And that's at the intersection of  
11 Seven belt and Six belt.

12 ATTORNEY HARDY:

13 Bill, for the sake of  
14 clarity, it's a waterline  
15 valve, it's not a fire valve.

16 A. It was a cutoff valve on the  
17 waterline, but you know, within  
18 reaching distance, it had a  
19 firefighting valve in line. And once  
20 I made sure that this was completely  
21 on, I reached up to the fire valve  
22 and pulled the lever on it to make  
23 sure I had pressure.

24 BY MR. FRANCCART:

25 Q. So which way did you come out

69

01 after you found that the fire  
02 couldn't be extinguished? What was  
03 your route of travel?

04 A. Once Fred sent us out, we  
05 would come back out the roadway.  
06 See, this was all good air. You  
07 know, the smoke was confined, so  
08 there from the door, and it was  
09 bleeding through and going up onto  
10 Two section. But once they told us  
11 to get the guys outside, we was going  
12 up that roadway, and it was all good  
13 air, you know. We made sure that  
14 everybody had a good rescuer, because  
15 we already got the extra rescuers off  
16 the longwall. And whenever I did my  
17 headcount, because the guys from Two  
18 section had to use their rescuers, I  
19 made sure everybody had a good  
20 rescuer with them before they got on  
21 the manbus. And the ones that were  
22 left over, I had a fellow help me  
23 carry them, then we carried them up  
24 and put them with the fire  
25 extinguishers and the curtain. And I

70

01 yelled up the hill and told Fred that  
02 I laid those --- everything right  
03 there with that curtain in case they  
04 needed it. And I went back to the  
05 mantrip and we started outside.

06 Q. So did you ever go back to  
07 your motor here to try to bring it  
08 out?

09 A. Well, at one point, once we  
10 told them to get off the section ---  
11 see, this was their roadway. They'd  
12 be coming through that door, and I  
13 got down and crawled through that  
14 mudhole and over to the right under  
15 the smoke. And I was just going to  
16 start it up, put it in reverse and  
17 bring it through there, you know, as  
18 best I could. And I jumped on it,  
19 and it wouldn't start. When it  
20 wouldn't start, I just went ahead and  
21 got back off and was crawling under  
22 the smoke, and Bryan yelled at me,  
23 and told me get out of that smoke  
24 before I got killed. And I just went  
25 ahead and crawled back over, and you

71

01 know ---. The conversation continued  
02 about how the smoke --- make the fire  
03 smother itself out since we couldn't



04 get to it to extinguish it.

05 Q. When you were in this area,

06 did you don an SCSR at all?

07 A. I never donned one. I never

08 needed one. You know, I was in smoke

09 a couple times, but I could always

10 --- it was never so thick that it was

11 all the way to the ground. I could

12 always, at least, get down and crawl

13 under the smoke. But I had my

14 rescuer right there with me had I

15 needed it, you know. I could have

16 donned it.

17 Now, the gentleman that I left

18 watching over the doors, he didn't

19 completely don his, but he said he

20 panicked out when that smoke started

21 getting so thick. He had taken his

22 apart and had it hanging around his

23 neck, but he didn't --- he never

24 turned the oxygen on, and put his

25 mouthpiece in. He had it ready. And

72

01 he yelled at me, and then he said,

02 Pat, this smoke's getting too thick

03 over here. I said, well, if it's too

04 thick for you, it's too thick for

05 them, come on out of there and come

06 back over with us.

07 Q. Did you travel out of here  
08 with anybody, or did you come out  
09 yourself?

10 A. When we came --- when we left,  
11 we had two --- two 13-man mantrips.  
12 And we brought two trips loaded with  
13 men, and loaded with --- you know, I  
14 had --- even the graterman came up  
15 and brought some chain ratchets up,  
16 you know, and I had him with me. But  
17 the guys from the section and Bryan  
18 and Joe, the gentleman that was  
19 working for me that day was with us,  
20 and the longwall guys, the crew off  
21 the longwall, we had them with us,  
22 they came out with us.

23 Q. And where did you board the  
24 mantrip?

25 A. We went back down below the

73

01 fire to try to fight it from behind,  
02 and we put our curtains across these  
03 entries, probably at the cut-through,  
04 I would say, because we were back  
05 down this way, and Fred had moved us  
06 some rides down. When Fred told me  
07 to get the guys and get them out, I  
08 said, well, are we walking out, and

09 he said, no, I've already got you two  
10 rides sitting down here waiting. He  
11 said just go on down and get your  
12 headcount again and then board the  
13 trips and head out. And as I was  
14 getting ready to leave, that's when  
15 Bob Massey stopped me and told me to  
16 stop down here and turn the water off  
17 going to Two section, because it was  
18 then rendered useless. And he said  
19 if they needed water to fight the  
20 fire, that they'd get on the fire  
21 valves and move to the longwall.  
22 Q. So your evacuation was from  
23 the inby side of the mother drive and  
24 the longwall headgate. You didn't  
25 come back on the outby side ---?

74

01 A. No, sir. When we left, see,  
02 we --- I'm guessing on this, it was  
03 hectic. But we were below the fire,  
04 and the rides, we went on down to get  
05 to them so, you know, looking at the  
06 map. Fred had the rides down here  
07 for us.

08 Q. Down at the cut-through?

09 A. Right. And we went through  
10 the cut-through and then went back

11 over and got on the roadway, and we  
12 went out. Because we went out, we  
13 just traveled the roadway just the  
14 same as we always do. But the  
15 roadway is your secondary escapeway,  
16 so it's all labeled with reflectors  
17 and --- you know, the intake's the  
18 primary escapeway, but you'd have to  
19 walk through it to get out. But like  
20 I said, you know, from --- as the  
21 fire --- just from this side of those  
22 doors out, it was good air.

23 Q. Okay. And do you have any  
24 idea what time you arrived at these  
25 doors?

75

01 A. A rough estimation, probably  
02 around 5:30. You know, I had to wait  
03 on those crews to get out before the  
04 dispatcher would give me the road to  
05 go in. I remember looking at my  
06 watch, and I hadn't started  
07 underground yet, and it was already  
08 4:35, and I sat there for a little  
09 bit after that. Because I looked  
10 down at my watch, you know, and I saw  
11 that it was 4:35, and I was like,  
12 boy, I wish they'd hurry, I got work  
13 to do.

14 Q. Your watch keep pretty good  
15 time?  
16 A. Yeah. It's a different watch  
17 than this one.  
18 Q. It's pretty accurate, though?  
19 A. Yeah. Yeah. I keep it set by  
20 the time clock at work.  
21 Q. If you could for us, Pat, mark  
22 your escape route with a black marker  
23 for us?  
24 A. From the fire area?  
25 Q. Is that where you escaped  
76  
01 from, or evacuated from?  
02 A. Well, when we evacuated, like  
03 I said, Fred told me he had the rides  
04 moved down here waiting for us, and  
05 had them probably parked over here,  
06 you know.  
07 Q. Okay.  
08 A. But like I said, at that point  
09 things were so hectic that things are  
10 pretty much a blur, but we had went  
11 outby the fire and I built --- put  
12 curtains across all four entries.  
13 Q. Can you mark those curtains  
14 for us?  
15 A. This is a rough guess, also.

16 Q. Sure.

17 A. But probably just roughly

18 maybe ---. That was, like I said, a

19 rough guess, because everything was

20 so hectic that ---.

21 Q. Oh, we can understand. Sure.

22 A. At that point, you had a fire

23 out of control and two of your

24 buddies, you couldn't find.

25 Q. So you put curtains across

77

01 every entry in the headgate ---

02 A. Yes, sir.

03 Q. --- somewhere between the

04 cut-through and the fire?

05 A. Yes, sir.

06 Q. And we've marked them on the

07 map here between crosscuts Five and

08 Six across the entries, and labeled

09 them as curtains. And I'm going to

10 also mark on here your --- do you

11 call them manbuses, or mantrips?

12 A. Yes, sir. Yes, sir.

13 Q. We'll label that location.

14 That's down at the intersection of

15 the headgate and the cut-through.

16 Okay. So you left this section

17 through the cut-through; is that

18 right?

19 A. Yes, sir.

20 Q. Came through the double doors  
21 at the cut-through. Could you mark  
22 that on there for us?

23 A. Okay. I'm not seeing the open  
24 path. These are the main doors;  
25 right?

78

01 Q. Well, I'm not sure.

02 A. Okay.

03 Q. But we have you in the north  
04 mains now, so from there you  
05 continued outby?

06 A. Yeah. We ended up --- you  
07 know, we got back over into your main  
08 travelway, and then continued  
09 outside.

10 Q. Do you see there's a problem  
11 with your route here, you can't see  
12 where you would travel through there?

13 A. Right. I don't see an open  
14 line of travel. There's doors marked  
15 here and here, but it looks like it  
16 should be man doors, according to the  
17 way they're marked. See how your  
18 doors are marked here, just a D.

19 Q. Yeah.

20 A. Well, these are showing a

21 stopping at the D, so that should be  
22 the man door.

23 Q. Right. So the map's not  
24 exactly the way it was at the time  
25 you were in there you're saying?

79

01 It's just a different type of door  
02 that would be there?

03 A. Yeah. See, that's a man door,  
04 according to the symbol. There  
05 should be another regular double door  
06 out here, so you can come under.  
07 Maybe they're showing overcast right  
08 here where you might have had to come  
09 up and over and down. You know, this  
10 is not my normal work area. Once we  
11 headed out, I followed another bus  
12 out, you know.

13 Q. So they knew the way ---?

14 A. Right.

15 Q. Did you ride the trip out?

16 A. Yeah, one of them.

17 Q. Let me just mark on here then  
18 your exit route. And the red arrow  
19 is what I'm marking as your arrival  
20 route.

21 A. Right.

22 Q. Now, when you first got in  
23 here, could you tell which air



24 direction you had on the belt from  
25 the mother drive?

80

01 A. The smoke was traveling toward  
02 the mother drive head. You know, the  
03 fire was down here, and it was  
04 covered up by the doors, up toward  
05 the --- up this way. Because once he  
06 got smoked out, when I came back to  
07 turn the water on, and I came over, I  
08 asked if he had plenty of water, he  
09 said I got smoked out, and we're  
10 evacuating Two section. And I said,  
11 well, we can try to get below the  
12 fire and maybe, you know, where the  
13 smoke's headed this way, I think you  
14 might be able to walk right up to it  
15 from behind. And Fred arrived before  
16 we made it down to there. And he  
17 said --- he told me --- you know, he  
18 said we've already got men coming off  
19 the section on the longwall, I want  
20 you to keep headcount, and I'll go  
21 see what I can do with the fire.

22 Q. Did you ever get up around the  
23 Seven tail at all to this area?

24 A. No, sir.

25 Q. Have you ever traveled in that

01 area?

02 A. I don't remember ever going  
03 through there, other than the time  
04 --- you know, just driving through.

05 Q. When you drove through this  
06 travelway, did you ever have occasion  
07 to look off to your right where  
08 they're installing a 72-inch belt?

09 A. No, sir. I know we came up  
10 and then where they had their setup  
11 coming through, they left, you know,  
12 one section of the belt structure  
13 out, so you can drive through and get  
14 on up to Two section. But it was out  
15 here in the roadway where they had  
16 their setup. You know, they had  
17 already had their structure hung  
18 coming up this way, and they left one  
19 joint of it out so you could still  
20 get to Two section and travel. But I  
21 never paid any attention as far as  
22 off right-hand.

23 Q. What about off to the left?

24 A. Not really. I always watched  
25 for that opening in the structure,

01 because you might've turned and  
02 passed it, you know, to go up and get

03 on your roadway to go to the section.

04 Q. Now, you know that Bryan  
05 applied the fire extinguisher. Was  
06 there never water applied then,  
07 because he was chased out?

08 A. As far as I know --- you know,  
09 I never saw water applied. Once I  
10 sent Joe to find all the fire  
11 extinguishers that he could, he ---  
12 immediately I said right there's one  
13 now. He immediately gave it to  
14 Bryan, and Bryan said I need you to  
15 go make sure that we got plenty of  
16 water on this two-inch line. And you  
17 know, I knew it came from this way,  
18 so I ran over and went through a man  
19 door and headed over to Seven head,  
20 and I found that cutoff valve. And  
21 it looked like it was cocked, you  
22 know, and I just grabbed my hammer  
23 and knocked it to where it was on.  
24 And I reached up, and grabbed the  
25 firefighting valve to make sure I had

83

01 full flow. As soon as I cocked it,  
02 it started spraying water, a lot.

03 Q. You said a two-inch line.

04 Where was the two-inch line?

05 A. The two-inch line, that came  
06 down from the mother drive.  
07 Q. Onto the longwall?  
08 A. Right. Yeah. Your mother  
09 drive head was right here, and I  
10 suppose --- see, it was four-inch  
11 line coming out over this way, and I  
12 suppose they reduced it down at the  
13 head, and had the firefighting line  
14 coming down the belt line, two-inch.  
15 Q. Okay. Just for the record,  
16 then, you're saying you had a  
17 four-inch line on the Number Seven  
18 belt, and a two-inch line in the  
19 mother drive?  
20 A. Right.  
21 Q. Okay. Go ahead and sit back  
22 down, we'll take a little break here  
23 from standing. Let's go back to the  
24 issue on the smoke traveling to the  
25 section, if you don't mind. You said

84

01 that Bryan told you that smoke was  
02 headed toward the section?  
03 A. Well, when I got back, he said  
04 they were evacuating Two section  
05 because of the fire. And once, you  
06 know, they called up there and told  
07 them that they had a belt fire, they

08 need to get off the section, and they  
09 were probably going to hit smoke on  
10 their way out, to go ahead and be  
11 prepared for it.

12 Q. Do you know if they were told  
13 what way to come out?

14 A. They came down their travelway  
15 as far as they could. And from what  
16 they've said --- now, this is just  
17 --- you know, I wasn't up there, I  
18 don't know. But the boss --- before  
19 they ever left the section, the boss  
20 put a plan together of we're going to  
21 do this, you know. He knew where  
22 that man door was at, because he went  
23 through it to fire boss that seal so  
24 much. And he said once we make it,  
25 we're going to go as far as we can,

85

01 and you know, if and when we hit the  
02 smoke, we're going to don our  
03 rescuers and we're going to go to  
04 this man door, and we're going to get  
05 over onto the four-foot belt. And  
06 that was just --- you know, not far  
07 at all until they could go through an  
08 overcast and be in the intake,  
09 because they knew they would be in

10 good air. Actually, once they went  
11 through the man door over onto the  
12 four-foot belt, they were in good  
13 air.

14 Q. Do you know what the pressure  
15 differential was between the belt and  
16 the intake that would suspect them to  
17 have smoke in the intake escapeway?  
18 Was there a leakage from the belt in  
19 there, or ---? You mentioned before  
20 there may have been some leakage  
21 through an overcast, but to fill an  
22 entire escapeway with smoke, why  
23 would they suspect that would happen?

24 A. Well, as far as I know, he  
25 just told them we had a belt fire,

86

01 they need to get off the section, and  
02 they could possibly hit some smoke,  
03 because we had a belt fire.

04 MR. FRANCCART:

05 Bill, do you want to  
06 give me a break and go ahead  
07 and ask some questions?

08 MR. TUCKER:

09 Okay.

10 MR. FRANCCART:

11 Do you need a break, by  
12 the way?

13 A. No, I'm okay.

14 BY MR. TUCKER:

15 Q. All right. Pat, I'll  
16 apologize before I start, because I'm  
17 going to be bouncing around a good  
18 bit.

19 A. Okay.

20 Q. And try to hit on some things  
21 here. So I appreciate your patience  
22 with me, okay.

23 A. Okay.

24 Q. When you first arrived there  
25 at the doors, and you said that Bryan

87

01 had opened the doors for you, do you  
02 remember if the belt was running when  
03 you first arrived?

04 A. It was shut off.

05 Q. Okay. When you went and  
06 checked on the water --- when you  
07 first got there, if you could just go  
08 through slowly again what you did  
09 when you first got there, up to the  
10 point that you went and checked on  
11 the water.

12 A. Okay. I came through, and he  
13 was at the phone, which is right by  
14 the roadway. He said I need your

15 fire extinguisher, and I jerked it  
16 off. And then he said Fred said for  
17 you not to leave until we get this  
18 out. And I said, okay, and I told  
19 Joe, I said, go ahead and jump off  
20 and help him, I'm going to pull this  
21 ride on through this mud. I pulled  
22 through and jumped off and headed  
23 down toward the fire. And I could  
24 see the fire from where I was at, but  
25 I never got exactly up to it, you

88

01 know. I was probably within a half a  
02 break of it, and he had --- was  
03 finishing up with the fire  
04 extinguisher. And as soon as he  
05 stopped spraying, it lit back.

06 And they started back up out  
07 of there to get another fire  
08 extinguisher, and that's when I  
09 instructed Joe to find me every fire  
10 extinguisher that he could find.

11 Bryan told me to go make sure we had  
12 plenty of water on that two-inch  
13 line.

14 Q. So basically, after they  
15 extinguished one fire extinguisher,  
16 they ---

17 A. Right.



18 Q. --- used it up, ---

19 A. Yeah.

20 Q. --- then you left to go check  
21 on the water at that point?

22 A. Yeah. You know, the areas I  
23 could see immediately that should  
24 have a fire extinguisher, I pointed  
25 Joe in that direction. And by then

89

01 Bryan had told me to make sure we had  
02 plenty of water coming down that  
03 two-inch line. And I went to Seven  
04 head to make sure we had plenty of  
05 water there, and then --- you know.

06 Q. Right. Any estimate on the  
07 amount of time that you were gone,  
08 you know, that it took you to go and  
09 work on the water valve and get back?

10 A. Just a rough guess, from the  
11 time I pulled in until the time we  
12 had called Two --- or he had  
13 instructed him to call Two section  
14 and evacuate, it didn't seem like it  
15 was 15 minutes total, you know. But  
16 you know how it is when you're in an  
17 emergency situation.

18 Q. Right.

19 A. The time's the last thing on

20 your mind.

21 Q. Right.

22 A. But it didn't seem like it was  
23 15 minutes from the time that I  
24 pulled in until we were evacuating.

25 Q. Okay. But the time, as far as

90

01 it took you to leave the fire scene  
02 to go and check on the ---

03 A. Right.

04 Q. --- water valve and get back  
05 to the fire scene, what would you  
06 estimate that to be?

07 A. Probably between five and ten  
08 minutes.

09 Q. From the time you left to the  
10 --- you know, when you left the  
11 condition of the smoke, from the time  
12 you left and got back, how had that  
13 changed?

14 A. It had changed enough that  
15 when I got back, they were back up to  
16 where the doors were, and I said, did  
17 that --- have you got plenty of  
18 water. And he said, I never made it  
19 that far, the smoke put me out of  
20 there. And it was so thick then,  
21 that you couldn't walk. You know,  
22 how --- I didn't say it before, that

23 we was --- you could walk in it, it  
24 was all up close to the roof, by then  
25 it was to the point that I had to get

91

01 down and crawl under it.

02 Q. Right. So when you came, you  
03 said that Bryan was on the phone  
04 talking to Fred Horton?

05 A. Right.

06 Q. And then they had worked on  
07 the fire some, and then you said he  
08 told Joe Rose to call the section?

09 A. Yeah.

10 Q. Did you hear that  
11 conversation?

12 A. I didn't hear that  
13 conversation. When I got back, you  
14 know, I asked him if he had plenty of  
15 water, and he said I couldn't make it  
16 to that point, the smoke ran me out  
17 of there. He said I've got Joe on  
18 the phone now, telling Two section to  
19 evacuate, that we got a belt fire.

20 Q. Okay. And anytime during all  
21 this taking place, I doubt that you  
22 did, but do you recall ever looking  
23 at your watch?

24 A. No, sir.

25 Q. Right. I understand.

92

01 A. That was the last thing on my  
02 mind.

03 Q. Right. I fully understand.

04 As far as you could tell on the fire,  
05 and you said you got, what, a half a  
06 break from the fire?

07 A. Half a break.

08 Q. In your mind, what do you  
09 think was burning?

10 A. If I was going to guess, it  
11 looked like a bearing had gotten hot  
12 and the grease lit, you know. Just a  
13 rough guess from past experience and  
14 all that, you know. It just looked  
15 like a bearing had gotten hot and the  
16 grease lit.

17 Q. While you were there, could  
18 you ever see a change in the fire as  
19 far as --- I mean, when you first get  
20 there, you think that it's a bearing,  
21 did you see a change in the fire as  
22 to what was burning during the time  
23 that you actually saw the fire?

24 A. I probably didn't look at the  
25 fire, not even ten seconds. You

93

01 know, like I said, I pulled the ride

02 through to get it out of that  
03 mudhole, and at that time, I'm  
04 thinking, well, you know, you  
05 probably got a bearing fire or  
06 something, run down here and blow a  
07 fire extinguisher on it and call the  
08 electricians to come up there and fix  
09 it, and then you'd get back to the  
10 coal here in a few hours.

11 But I jumped off the ride and  
12 headed down, and as I was --- like I  
13 said, I got within a half break of  
14 him, he was finishing up with the  
15 extinguisher. And as soon as he  
16 stopped spraying, it lit right back,  
17 just instantaneously. And they went  
18 ahead, and he and Joe started back up  
19 toward me. So when they did, I  
20 turned and started back up, you know,  
21 to get more extinguishers.

22 Q. Right. When you saw the  
23 flames, as far as the location, was  
24 it --- what area --- was it next to  
25 the bottom, next to the roof, or ---

94

01 the flames that you saw?

02 A. They were closer to the  
03 bottom.

04 Q. Closer to the bottom?  
05 A. Yeah. There was a drive  
06 roller --- you know, they were close  
07 to a drive roller there. That's what  
08 made me think probably a bearing.  
09 Q. Okay. There's a couple things  
10 that I was going to ask you to mark  
11 on the map.  
12 A. Okay.  
13 Q. If you wouldn't mind.  
14 A. Okay.  
15 Q. Okay. If you could come  
16 up ---.  
17 A. Okay. What color do you want  
18 me to use?  
19 Q. You can pick it out. We're  
20 going to sort through these in a  
21 second. If you could mark the  
22 location you feel like the fire was  
23 burning.  
24 A. I have it marked. That's a  
25 rough guess, but I have it marked.

95

01 Q. Okay. No, that's good.  
02 That's saving me from writing  
03 anything on there. You mentioned  
04 about you had extra curtain and fire  
05 extinguishers and rescuers. And you  
06 had left those when you went to take

07 the crew out.

08 A. Yeah.

09 Q. Were those here by the  
10 temporary curtains that you know?

11 A. Well, they were probably a  
12 break outby, you know, is where I  
13 left them, because the guys that  
14 stayed underground, part of them were  
15 here, up here around the curtains.

16 And I ran back up the hill, close  
17 enough for them to hear me, and I  
18 hollered and told them that I had  
19 left the rescuers and fire  
20 extinguishers down here where the  
21 curtain's at. They knew where they  
22 left the curtain, and I took it to  
23 where they would know that exact  
24 location if they needed it.

25 Q. You had mentioned that you had

96

01 Joe stationed to where he was looking  
02 through an opening that you had over  
03 the door.

04 A. Right.

05 Q. Could you point out where you  
06 had him wait, when he was actually  
07 looking for a light from somebody  
08 coming out?

09 A. This door here.

10 Q. Do we need to mark that? Do  
11 you want that marked? If you're  
12 happy with it there. We covered up  
13 the spad number.

14 MR. TUCKER:

15 He's indicated that the  
16 position that he had put Joe  
17 Rhodes in to observe if he saw  
18 a light of any of the workers  
19 coming out the travelway, it's  
20 between the first set of doors  
21 in the travelway on the inby  
22 door. I'll just mark this as  
23 Joe Rose.

24 BY MR. TUCKER:

25 Q. Okay. And at that point, was

97

01 it your thinking that they were going  
02 to possibly come all the way out  
03 their ---

04 A. Right.

05 Q. --- travelway?

06 A. I had it right sitting here  
07 with these doors blocked. And I told  
08 him that in the event that they made  
09 it that far, you know, they were  
10 going to be able to open the doors  
11 enough to get through them, but they



12 were blocked. And if he saw lights  
13 or heard voices over there to holler  
14 at them and tell them to get down and  
15 crawl under that smoke, and they  
16 would be in the good air. Because  
17 you know, like I said, I was assuming  
18 that the smoke wasn't actually  
19 getting thrown directly into their  
20 intake that deep, and they would  
21 probably be able to drive down to  
22 here.

23 Q. Okay.

24 A. But then, if they made it that  
25 far on the manbus, once they open

98

01 those doors, enough to even look  
02 through, they could see they were  
03 blocked.

04 Q. Did you have your detector  
05 with you at that time? Had you  
06 turned your detector on?

07 A. My starter?

08 Q. Yes.

09 A. Yes, sir. I keep it on at all  
10 times when I'm underground.

11 Q. What do you carry?

12 A. A 270.

13 Q. Was it alarming?

14 A. It never alarmed on anything,  
15 not even the whole time I was --- you  
16 know, but like I said, after it  
17 finally got thick --- you know, if I  
18 drew a breath of smoke, I would get  
19 down and start crawling. But it was  
20 in my pocket, and it never alarmed on  
21 oxygen deficiency or COs or anything  
22 the entire time I was there.

23 Q. Okay.

24 A. And even like when we was  
25 building these curtains, it seemed

99

01 like the smoke was trying to thicken  
02 a little, you know. Bleeding back  
03 down. And occasionally, I had it  
04 setting on the --- on my oxygen, and  
05 I'd pull it out occasionally to see  
06 anything was changing on it, and it  
07 was always at 20.8 every time I  
08 looked at it.

09 Q. Okay. You mentioned that Joe  
10 had called the section, that Bryan  
11 had Joe call the section.

12 A. Right.

13 Q. Are you aware of anyone else  
14 calling the section in addition to  
15 Joe?

16 A. I'm not aware of it.

17 Q. Okay. When you first arrived  
18 and you saw the fire, how high would  
19 you estimate the fire to be? I  
20 believe it was a fire at the time  
21 that you first got there.

22 A. It wasn't real tall, it was,  
23 you know, maybe a two-foot flame. It  
24 looked like it was starting to flame  
25 out, you know. And as soon as he

100

01 stopped extinguishing it, as soon as  
02 he expelled his extinguisher, and  
03 stopped spraying, it lit right back  
04 up. That was leaned me toward a heat  
05 fire, because there was no  
06 electricity there to re-ignite it.  
07 That just made me assume it was heat.

08 Q. Unless I missed something, I  
09 don't think I got anymore map  
10 questions, so we can sit down. And I  
11 understand that you had said that to  
12 the best of your knowledge, you never  
13 saw the fire suppression activated on  
14 the ---?

15 A. No, sir. No, sir, but like I  
16 said, maybe ten seconds total at the  
17 actual fire scene, you know, as soon  
18 as I went down, we'd come back up

19 looking for more fire extinguishers.  
20 Bryan instructed me to go make sure  
21 we had plenty of water coming to that  
22 two-inch line. And that's when I  
23 went over and went through a man door  
24 and headed down to Seven head to make  
25 sure we had plenty at Seven head,

101

01 because it fed in that direction.  
02 Q. As far as the heat in the area  
03 from when you first got there, did  
04 you notice any heat --- or up to the  
05 time that you left, could you tell a  
06 change in the heat, or --- what would  
07 you say about the heat that you  
08 experienced?

09 A. When I got within a half a  
10 break of the fire, I could feel, you  
11 know, a heat change. It wasn't like  
12 --- that it was so extreme that it  
13 was going to burn me or anything, but  
14 I could feel a heat change when I was  
15 within a half break of it. But other  
16 than that, I never was in any heat  
17 until --- you know, up to the point  
18 that I went outside.

19 Q. Had you been in the mother  
20 drive area recently? When was the  
21 last time you was in that area?

22 A. I don't know that I had ever  
23 been in the actual mother drive area  
24 the entire time that it ran. I went  
25 through the travelway, which went

102

01 under --- excuse me, under the mother  
02 drive belt, you know. But other than  
03 the travelway right there in that  
04 area, that's probably the extent for  
05 me.

06 Q. Okay. Did ya'll ever discuss  
07 finding any additional fire hose, or  
08 were you mainly concentrating on fire  
09 extinguishers?

10 A. Like I said, we were looking  
11 for more fire extinguishers. I had  
12 Joe doing that, and Bryan sent me for  
13 the water, and then when I came back,  
14 the smoke had ran them out, and at  
15 that point I just told him we need to  
16 try to get behind it and see how  
17 close we can come to it from behind,  
18 and maybe we can --- you know, you  
19 might be able to walk right up to it,  
20 you never know, because the way the  
21 air is flowing. Which when Fred went  
22 to it, and he came back, he said he  
23 could get to it --- within a break he

24 said he could see the fire, but he  
25 couldn't get close enough to fight

103

01 it, because the smoke was rolling  
02 back off --- you know, it was rolling  
03 out and moving up.

04 Q. Okay. Did you notice if the  
05 guarding was down, or --- when he was  
06 spraying his fire extinguisher, how  
07 was he spraying it to attack the  
08 fire? What position was ---?

09 A. He was sweeping the fire, but  
10 I didn't notice, you know, if he had  
11 taken the guard off or anything. I  
12 didn't get --- I wasn't there that  
13 long.

14 Q. Was he standing up spraying  
15 it, ---

16 A. Yes.

17 Q. --- or was he on his knees?

18 A. He was standing up spraying  
19 it. I did notice that he was using a  
20 sweeping motion, because, you  
21 know ---.

22 Q. You're not sure about the  
23 guarding, if it was ever pulled  
24 back ---?

25 A. No, sir, I'm not sure about

104

01 the guarding.

02 Q. Do you have any knowledge of  
03 any previous problems with the  
04 carriage on that unit?

05 A. No, sir.

06 Q. Or that belt head area, any  
07 problems?

08 A. No, sir. I'm sure the beltmen  
09 had to train that belt quite often,  
10 because I've worked belts before, and  
11 you know, on a longwall, every time  
12 they worked it at the headgate, it's  
13 apt to walk off one way or another,  
14 and a lot of times you'll have to  
15 train it just a little bit every time  
16 they moved their --- at the headgate.

17 Q. You mentioned about when you  
18 were hanging those curtains that  
19 there was water in there. I didn't  
20 quite understand if the water was  
21 spraying, or --- where's that water  
22 coming from?

23 A. No, it was running --- it was  
24 coming from up toward the fire, which  
25 there was already a lot of water that

105

01 ran down that belt line right there.

02 But this was --- you know, a large

03 amount of water. It appeared that it  
04 had burnt the waterlines in Two  
05 already. And you know, you was  
06 getting your direct full flow.

07 Q. Do you have any idea what time  
08 that you and the crew installed those  
09 curtains across the ---?

10 A. I don't have ---.

11 Q. Do you have any idea what time  
12 you started outside? What time you  
13 got outside?

14 A. I'm not sure. To be truthful  
15 with you, I don't even know what time  
16 we got outside. If I was going to  
17 guess, I'd say probably maybe nine  
18 o'clock or so, you know. I don't  
19 have a clue, though. That was just  
20 --- you know, we just did all we  
21 could for it, and once we ran out of  
22 options, they had --- like, the  
23 superintendent was underground, the  
24 chief electricians and the mine  
25 foremen and all that, so Fred just

106

01 sent us out. He said, I want you and  
02 Plumley to take these hourly men and  
03 get them outside, we'll stay in here.

04 Q. Do you recall the names of the  
05 people who came in, or that you saw



06 in the fire area from the time that  
07 you got there until you left? If you  
08 can just go through the ---?  
09 A. Well, the guys from Two  
10 section, you know, that made it down  
11 there. And then Fred Horton and  
12 Billy Ray Hall were there. Bob  
13 Massey, Dusty Dotson and Terry Shadd.  
14 I was told that Pepé Lester and Ed  
15 Ellis were in there, but they had  
16 went down to try to come up Ten  
17 headgate and get up toward Two  
18 section with a ride to see if they  
19 could locate the two missing men. I  
20 never actually saw them, you know,  
21 but I heard comments made that they  
22 were trying to get in there to find  
23 those two guys. And then later on  
24 they said they got smoked out before  
25 they could get up there.

107

01 Q. Anybody else that you know  
02 that came in after the initial group,  
03 as far as the men underground, the  
04 people that came from outside  
05 underground?  
06 A. That's all I can remember.  
07 Q. Okay.

08 A. Which Fred Horton and Bill Ray  
09 Hall were already underground, they  
10 just wasn't up in that area, you  
11 know.

12 Q. Okay.

13 A. Bryan got in contact with them  
14 on the mine phone and told them they  
15 needed to come up.

16 Q. You mentioned about the water  
17 that was running down the longwall  
18 section to where you were hanging the  
19 curtains.

20 A. Yeah.

21 Q. Did you say that usually water  
22 runs down through that area? Have  
23 you been in that area before?

24 A. Just traveling. You know, on  
25 the roadway, you had a little bit of

108

01 water, like that mudhole. You know,  
02 you had water feeding that mudhole  
03 that I almost got stuck in.

04 Q. Right. But I'm talking about  
05 in the area where you hung the  
06 curtains.

07 A. I never was down in there.  
08 You know, it was uphill --- the  
09 roadway was uphill from it, and you  
10 had just a slight string --- you

11 know, the longwall uses so much  
12 water, the longwall belt's  
13 continuously wet.

14 Q. Right. So you've never fire  
15 bossed that longwall belt?

16 A. No, sir, not --- Nine  
17 headgate, I hadn't.

18 Q. You may have already answered  
19 this, but where were you when you  
20 first saw the Two section crew when  
21 you first ---?

22 A. I was --- where the double  
23 doors are at, we were in the intake  
24 entry right there. They came walking  
25 down the hill. They had come down

109

01 their four-foot belt and come through  
02 a man door and walked down to where  
03 we were at.

04 Q. Okay. Is that around the  
05 overcast there in the intake?

06 A. Yeah.

07 Q. That overcast there by the  
08 doors, is that where you talked  
09 about?

10 A. Yeah, they came through a man  
11 door in the overcast when they came  
12 down their belt line, you know, when

13 it went through the overcast. The  
14 belt goes over the overcast, and then  
15 there's a man door under it, and you  
16 can just step right through.

17 Actually, you know, if you're walking  
18 your belt, there's a man door on  
19 either side of it. You come out this  
20 one, walk through and go in that one.

21 Q. That's where you first saw the  
22 Two section?

23 A. They came walking up the ---  
24 or actually, they were walking  
25 downhill when I saw them, but they

110

01 came down walking down the intake,  
02 you know. I never saw them come  
03 through the overcast. It was out of  
04 sight.

05 Q. You know what I'm going to ask  
06 you to do; right? Can you just mark  
07 where you first saw the Two section  
08 crew, where you were at when you  
09 first saw them?

10 A. I can't remember if I was here  
11 or here. But you know, I was right  
12 in here where your doors are at. And  
13 they had come through a man door up  
14 here on the belt, possibly right here  
15 and walked down and come over to

16 where we were.

17 Q. So you think they went out by  
18 the fire area and then were coming  
19 back up ---

20 A. Right.

21 Q. --- the hallway?

22 A. Coming back to meet us, to  
23 where they knew --- they had already  
24 told them they had a belt fire on the  
25 mother drive, that they were coming

111

01 over to the mother drive.

02 Q. So if you could just mark  
03 where you were at when you first saw  
04 them, roughly, to the best of your  
05 memory.

06 A. Probably --- I was probably  
07 right here, I think. As best as I  
08 can remember ---.

09 Q. Here's the double doors.

10 A. No. I think I was in here,  
11 right here where 3238 is, beyond this  
12 door. We had these doors closed  
13 because I had already gotten Joe out  
14 of there, because the smoke got too  
15 thick for him. And then they came  
16 walking down, I think down here.

17 MR. TUCKER:

18           So Pat's showing on the  
19   map just outby 3238 survey  
20   station where he was located  
21   when he first noticed the Two  
22   section crew. We'll mark this  
23   one out. He put it there  
24   first. Do you want to do  
25   that?

112

01   A. Just leave it. Go back to my  
02   seat?

03   BY MR. TUCKER:

04   Q. Yes, sir. I'm just about  
05   finished. If I understand right,  
06   when you went to Seven head  
07   concerning the valve, you hit the  
08   valve with your hammer and then you  
09   opened the fire valve; ----

10   A. Right.

11   Q. --- correct?

12   A. Right. I never checked my  
13   water pressure prior, but I just  
14   noticed that the valve didn't look  
15   like it was fully open, and I went  
16   ahead and knocked it fully open. And  
17   then I checked to make sure I had my  
18   volume there. Had I not, I would  
19   have headed outby. But once I saw  
20   that it was there, I headed back

21 toward the mother drive to check and  
22 see how much they had on their  
23 two-inch line.

24 Q. Have you ever experienced a  
25 fire at this operation prior to

113

01 January 19th ---

02 A. No, sir.

03 Q. --- of any kind?

04 A. No, sir.

05 Q. I think you've mentioned  
06 something maybe about past  
07 experience. Was that at another  
08 location?

09 A. Yeah, just during my mining  
10 career, you know. But I've never had  
11 a fire at this mine, but on other  
12 jobs you'd have a little bearing  
13 catch fire or something, you know.

14 Maybe a little grease fire, and you'd  
15 grab a fire extinguisher and put it  
16 out and tell the electrician they  
17 need to fix it.

18 Q. Okay. Have you ever been  
19 called about a CO alarm alert? Has  
20 anybody ever called you at this mine  
21 about an alert on the CO alarm  
22 system?

23 A. No, sir, not that I can  
24 recall. You're meaning like the belt  
25 computer showing that there's an

114

01 excess of CO ---

02 Q. Yes, sir.

03 A. --- on a certain belt or  
04 anything? Not that I can recall.

05 MR. TUCKER:

06 That's all I have at  
07 this time. Thank you.

08 MR. FRANCCART:

09 Pat, do you need a  
10 break, or do you want to  
11 continue?

12 A. Yeah, let me take a little  
13 break and stretch my legs.

14 MR. FRANCCART:

15 We appreciate you ---.

16 SHORT BREAK TAKEN

17 BY MR. FRANCCART:

18 Q. Pat, a little more about the  
19 CO system and the evacuation orders.

20 Who did the evacuation, where did it  
21 come from?

22 A. That I'm not exactly sure of.

23 Like I said, when the smoke had  
24 gotten too thick and I come back and  
25 asked Bryan if he had plenty of



01 water, he said the smoke had gotten  
02 too thick and then ran them out of  
03 there, and they were evacuating Two  
04 section. But I don't know who  
05 actually made the call to do it.

06 Q. Do you know if anybody talked  
07 to anybody about CO alarms on the CO  
08 system prior to evacuation?

09 A. No, sir, I don't. From the  
10 time that I got there, for just those  
11 few minutes, you know, we expelled  
12 the first fire extinguisher. From  
13 then, just that few minutes from then  
14 on, and by --- I was going off by  
15 myself, making sure we had plenty of  
16 water coming over to there. You  
17 know, so I wasn't around a phone or  
18 even anybody else. I was by myself.  
19 I went over and went through a man  
20 door and went out to Seven head and  
21 started tracing my water, because I  
22 knew, you know, that the firefighting  
23 water came by there.

24 And I knew if I had water  
25 there, it was going to the mother

01 drive, and if I didn't have it there,

02 I needed to head back outby and see  
03 if somebody had turned the valve off  
04 or something. But once I had  
05 determined that I had plenty of  
06 water, I headed straight back over to  
07 where the fire area was, and asked  
08 --- as soon as I got there, I asked  
09 Bryan if he had plenty of water on  
10 his two-inch line, and that's when he  
11 said that he didn't make it that far,  
12 the smoke had gotten too thick.

13 You know, as far as the COs, I  
14 never heard anybody say anything on  
15 them, but now once I got outside, and  
16 I did it just for my sake, I went  
17 over to the belt computer when I got  
18 in the dispatcher's office. And I  
19 looked at the monitor --- and you  
20 know, from right there all the way up  
21 through Two section, every CO monitor  
22 on it was alarming from right there  
23 where the fire was at, all the way up  
24 to Two section belts, because --- you  
25 know, that --- I did it to see if I

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01 thought my buddies stood a chance,  
02 and when I saw the levels of the COs  
03 that it was reading, my only hope for  
04 them was that they had barricaded in

05 a good place.

06 Q. What kind of levels did you  
07 see on the CO?

08 A. I didn't see anything below  
09 100.

10 Q. Do you know what the  
11 measurement range is?

12 A. The actual reading? I don't  
13 have a clue. And I don't know if it  
14 was reading in parts per million or  
15 what the 100 and something was, you  
16 know, but I do know that every number  
17 --- every monitor I looked at was  
18 above 100. And it discouraged me,  
19 because I just felt like no matter  
20 what, it was reading in the --- 100  
21 would be a high reading.

22 Q. Did you go straight to the CO  
23 station when you came out from  
24 underground?

25 A. No, sir, I didn't go straight

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01 to it, but when I came out from  
02 underground, I went straight to the  
03 dispatcher's office. I wasn't in  
04 there probably --- I'd say, I wasn't  
05 in there ten minutes, and --- he's  
06 the loading man. He had been

07 upstairs compiling a list of  
08 everybody that was tagged in, and he  
09 come downstairs, because he knew I  
10 had the headcount. And he came  
11 downstairs and got me and said you  
12 need to come up here in the office,  
13 we already got a list started and you  
14 need to check off everybody you've  
15 brought out with you.

16 Q. And who was the dispatcher on  
17 your shift?

18 A. George Kline (phonetic). Oh,  
19 the dispatcher, I'm sorry. It should  
20 have been Mike Brown.

21 Q. Mike Brown?

22 A. Yes, sir.

23 Q. Have you been trained on what  
24 the CO system does and how it works,  
25 and how they notify you if there's a

119

01 fire?

02 A. As far as the computer goes,  
03 no. You know, I know that it --- the  
04 dispatcher monitors everything, and  
05 if the belt's alarmed, and it was on  
06 CO, he'd holler at his beltman,  
07 whoever is working the belts in that  
08 area, he'd get him on the phone and  
09 say you got a CO going off at such

10 and such head, and in turn, the  
11 beltman goes to where it's alarming  
12 to see what the problem is.

13 Q. Okay. Do you know who the  
14 mine foreman is on the afternoon  
15 shift?

16 A. Fred Horton.

17 Q. Fred Horton is the mine  
18 foreman?

19 A. He's general mine foreman,  
20 evening shift.

21 Q. Are you aware of any fires  
22 that occurred on December 23rd in  
23 that same area?

24 A. No, sir.

25 Q. Did you hear any radio

120

01 broadcasts with interviews of people  
02 who may have reported that?

03 A. No, sir. The only interview  
04 that I knew anything about, and I  
05 didn't see it, I just heard people  
06 talking about it, it was Joe Rose had  
07 gave a TV interview to one of the TV  
08 stations, and they said that he had  
09 went on there and told some lies and  
10 made some speculations. And when I  
11 got home from work that night, I got

12 on the internet to see if I could  
13 find the interview, you know, because  
14 I knew he was working for me that  
15 night, and he was with me from the  
16 time we started underground until we  
17 got back outside. And I wanted to  
18 see what he said. But you know, as  
19 far as me telling you anything that  
20 he said in the interview, I don't  
21 know, I didn't hear the interview,  
22 all I know is what people said. And  
23 it would be he said, she said stuff,  
24 you know.

25 Q. Did you happen to find

121

01 anything on the internet that night?

02 A. Just other than --- no  
03 interviews, just other than the  
04 reports, you know, that CNN had had,  
05 and you could read what they had  
06 reported, and miners still missing,  
07 and the fire is still blazing, you  
08 know. Just whatever the --- as the  
09 directors and the governor would come  
10 down and update them down at the  
11 mouth and whatever they had updated  
12 them with, is all you could get on  
13 the internet.

14 Q. Were there any other fires

15 that you know of on the belts?  
16 A. I don't know of any. But like  
17 I said, I've been, you know,  
18 production foreman, and I haven't had  
19 any problems out at my belts. On  
20 Three section, my crew does a pretty  
21 good job of hanging them level, and  
22 they're not about to spill or --- you  
23 know, usually they're --- a lot of  
24 times, when they put their move in,  
25 whoever it is on dayshift, you'll

122

01 have to drain their belt for them,  
02 because they didn't fire it up and  
03 drain it. But usually, that's a  
04 given, you know, when they put a move  
05 in, as soon as you fire your belts  
06 up, and you lift up the load and make  
07 sure it's going to run right. But as  
08 far as any major problems, we haven't  
09 had any.

10 Q. If there would be a fire on  
11 your belt on another shift, you would  
12 certainly know about it?

13 A. Yeah, most likely, you know.

14 If it was on my belt, I'd hear about  
15 it.

16 Q. Okay. Can you tell us exactly

17 which belts you're responsible for?  
18 A. Well, whenever I was  
19 production boss, we had beltmen, you  
20 know. So basically, as far as belts  
21 went, I took care of the tailpiece at  
22 the section, at the feeder. You  
23 know, I kept it cleaned and made sure  
24 it was drained right. And I've  
25 watched the splices as they came

123

01 through on the section belt itself.  
02 But anything beyond that, it's the  
03 beltman's responsibility, you know.

04 Q. Okay. We're going to go back  
05 and clarify a few things now, so  
06 everybody's on the same page, if you  
07 don't mind.

08 A. Okay.

09 Q. When you were up there at the  
10 mother drive, was there anybody that  
11 told you they didn't have water at  
12 the drive?

13 A. No. Nobody told me we didn't  
14 have water. When we blew the first  
15 fire extinguisher and we went and  
16 started looking for more, which we  
17 came up with three or four just, you  
18 know, quickly. And as Bryan was  
19 getting ready to go down and try to



20 use the fire extinguishers, he  
21 hollered back at me and said I need  
22 you to make sure we've got plenty of  
23 water on this two-inch line. And you  
24 know, that's when I left and went to  
25 Seven head to make sure. And when I

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01 went over to Seven head, I found that  
02 cutoff valve, and it was like --- it  
03 looked like it was in a half  
04 position, half on, half off, you  
05 know.

06 And I did grab it with my arm  
07 and try to pull it, and had it not  
08 had any pressure at all on it, it  
09 should have fell, more or less fell  
10 open, and I couldn't pull it easy, so  
11 I reached down on my belt and got my  
12 hammer and beat it, and knocked it to  
13 where it was fully on, you know. And  
14 as soon as I did that, I saw this  
15 fire valve that was within reaching  
16 distance. And I just reached up and  
17 jerked it open, and it had more than  
18 enough water to fight a fire on it.  
19 And I just turned it back off and  
20 went straight back toward the fire.  
21 And when I got back was when I looked

22 at Bryan and asked him if he had  
23 plenty of water, and he said, I  
24 didn't make it that far, the smoke  
25 ran me out of there. He even had,

125

01 you know, three or four brand new  
02 fire extinguishers still. That it  
03 smoked him out too quick. And he  
04 didn't even get to use all his fire  
05 extinguishers.

06 Q. Did Bryan say anything about  
07 attempting to use the water before he  
08 used the fire extinguishers?

09 A. I can't recall him saying  
10 anything. See, now, when I pulled in  
11 --- as best as I can understand when  
12 I pulled in, he had just found this  
13 fire. He told me he came walking up  
14 his belt and it was smoking, and he  
15 went up to the head drive and turned  
16 it off and walked back down to see  
17 what was causing it to smoke, and it  
18 had ignited, you know. And he went  
19 back up to the phone to let Fred know  
20 that he had a belt fire and he needed  
21 some fire extinguishers up there.

22 And I pulled in, and you know,  
23 I had one on my ride. He knew I  
24 would. As soon as I pulled up, he

25 said I need your fire extinguisher,

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01 and I just reached over and flipped  
02 the latch on it and jerked it out and  
03 handed it to him and told Joe to go  
04 help him. And I pulled the ride on  
05 through that waterhole, and jumped  
06 off and went to help him.

07 Q. And I know I asked you before  
08 about your fire extinguisher being  
09 the first one that he used. Are you  
10 sure there was no other extinguisher  
11 prior to yours?

12 A. I'm not positive. I'm not  
13 positive.

14 Q. Which side of the belt was the  
15 fire on, the tight side or the wide  
16 side?

17 A. It was on the walkway side.

18 Q. On the walkway side?

19 A. Yeah. But it was starting to  
20 flame out, you know, from what I  
21 could tell.

22 Q. So it had flames on both sides  
23 of the belt?

24 A. Well, it was just starting to  
25 branch out, you know. Like, as soon

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01 as he finished with these fire  
02 extinguishers, when it re-ignited it,  
03 it flamed out, you know.

04 Q. Was it like a burst of flames,  
05 igniting gases ---?

06 A. No, sir, it wasn't like an  
07 ignition or an explosion, it was just  
08 like flamed back up, you know. It  
09 didn't do it with energy, it just lit  
10 the flames and lit right back up.

11 Q. Okay. The fire --- the Number  
12 Two section was evacuated, was  
13 anybody called on the longwall  
14 section?

15 A. Yeah. Yeah, they were called  
16 just almost immediately after Two  
17 section was told to come off the  
18 section. We called and told the  
19 longwall that their mother drive belt  
20 was on fire and they needed to come  
21 on up, you know.

22 Q. What's it mean when the belts  
23 are shut down at the mine; is that a  
24 signal for anything that you know of?

25 A. As a boss, when your belt goes

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01 off, you immediately go to the phone  
02 and holler for a dispatcher and say,  
03 well, what's wrong with the belts,

04 why ain't my belt running, you know.  
05 And he's got a computer screen there,  
06 and he can look, and he can say,  
07 well, it's off at such and such head  
08 on a gob switch or it's off, you  
09 know, on this or that, or the  
10 beltman's got it off on the tail  
11 switch, you know. He must be  
12 shoveling this or that, it's off on  
13 the manual switch.

14 Q. So they can control the belts  
15 from outside to shut them off if they  
16 wanted ---?

17 A. Yeah. If they absolutely, you  
18 know, had to, they could shut your  
19 belt off, and then when you come to  
20 the phone and say what's wrong with  
21 my belt, he can say I turned it off  
22 because, you know.

23 Q. Has that happened to you in  
24 the past?

25 A. No. It's normally me going to

129

01 the phone and saying, why ain't my  
02 belt running, you know.

03 Q. Do you know if that's occurred  
04 to anybody else, if they try to  
05 contact the section?

06 A. Well, I think --- you know,  
07 maybe one guy's wife was pregnant,  
08 and I think they shut the section  
09 belts off to get their attention and  
10 tell him that his wife was on the way  
11 to the hospital, or little things  
12 like that. But as far as a major  
13 emergency or anything, they've never  
14 shut them off.

15 Q. That's a good reason.

16 A. Yeah, that's good enough of a  
17 reason, but I mean a mine emergency.

18 Q. How did you know to go to  
19 Seven head to check the water supply?

20 A. I just --- from my knowledge  
21 of the way the waters should flow,  
22 you know. I knew that the water came  
23 up the belt line from outside, so it  
24 would go from Six head to Seven head,  
25 and then branch off over to the

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01 mother drive, because that's the way  
02 your belt travel was. You know, in  
03 the longwall --- the longwall itself  
04 has their own supply of water. You  
05 know, they're on a different circuit  
06 of water. That's how we could cut  
07 the water off to the miners section  
08 and still have water to fight a fire

09 in case we needed it. And when he  
10 told me to make sure I had plenty of  
11 water on the two-inch line, I  
12 immediately --- Seven head ain't that  
13 far away, and the smoke was rolling  
14 up the mother drive belt entry, so  
15 just for safety sake, I went to Seven  
16 head to check my water there. Once I  
17 established that I had plenty of  
18 water there, I went back toward the  
19 mother drive, and that's when he had  
20 told me that he had got smoked out.

21 Q. Okay. Well, the Number Two  
22 section waterline, you mentioned that  
23 that had burned through. Is that  
24 what you said earlier?

25 A. We assumed --- you know, when

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01 I was leaving to take the men  
02 outside, we was getting such a large  
03 amount of water flowing down the belt  
04 line, that Bob Massey, who's the  
05 chief electrician, he said, Pat, we  
06 need to stop down there at their  
07 pressure pump and turn the water off  
08 to the miners section, but leave the  
09 water running to the longwall in case  
10 we need water to fight this fire, we

11 can get it off the longwall's water  
12 supply.

13 Q. Do you know what time ---?

14 A. He said I think this  
15 waterline's burnt in Two, where we  
16 wouldn't be getting this much water  
17 running down this belt line.

18 Q. Do you know what time you shut  
19 those pumps off?

20 A. I don't have a clue. I was  
21 just on my way outside.

22 ATTORNEY HARDY:

23 Bill, just for  
24 clarification, he said that  
25 when he got there, Billy Ray

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01 Hall had already turned it  
02 off.

03 A. Yes, sir. That is right.

04 BY MR. FRANCAERT:

05 Q. Oh, you didn't shut the pumps  
06 off.

07 A. I didn't shut the pump off,  
08 Bill Ray Hall --- I mentioned that  
09 earlier. He was already working his  
10 way outside powering down things that  
11 we knew for sure we wouldn't need  
12 power off of, you know. And  
13 actually, the ride in front of me



14 stopped and picked him to give him a  
15 ride down to the next power center,  
16 and I pulled up, and I didn't know he  
17 had done that. I didn't even see him  
18 get on that ride, you know. When  
19 they stopped and pulled out, and when  
20 I got up there, I stopped and got off  
21 and went over and the pump was  
22 already de-energized.

23 Q. Now, the Number Two section  
24 waterline, did it travel through that  
25 belt on the Number Seven belt?

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01 A. It runs along your belt line,  
02 you know. It goes up your belt entry  
03 and it had crossed what it did when  
04 it crossed over, like at the  
05 overcast, you know. It had burned in  
06 Two. Probably your firefighting  
07 line, see, comes off that same  
08 pressure pump, and it comes down the  
09 mother drive entry, you know, your  
10 firefighting line does. And it had  
11 done burn it in two and it was also  
12 coming off the same pump that they  
13 wanted de-energized.

14 Q. So the Two section waterline  
15 comes up the Seven belt, crosses over

16 the northeast mains and gets back on  
17 the 48-inch belt?  
18 A. It Ts off right there. It  
19 comes up your six-foot belt, see, and  
20 then Seven head there, it Ts off and  
21 goes over and feeds your fire  
22 suppression and stuff for your mother  
23 drive, and then it will go on up and  
24 it goes up the four-foot belt, the  
25 actual main waterline does, but see,

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01 where you T off right here, and it  
02 burnt these waterlines in two over  
03 here on the mother drive, you were  
04 still getting their water, you know.

05 Q. Okay. At the beginning of  
06 your shift, did you refuel your trip?

07 Do you know if the tank was fueled?

08 A. It was fueled. It was fueled.

09 Q. Okay. You didn't shut off any  
10 water pumps at all?

11 A. No, sir. I just stopped and  
12 checked the one that they had  
13 instructed me to turn off, and it was  
14 already off.

15 Q. Now, when you went to the  
16 Number Seven head, did you walk up  
17 the intake, or did you happen to go  
18 up the belt?

19 A. I went through a man door and  
20 went like through the intake, in the  
21 neutral and then went through another  
22 man door over onto the six-foot belt  
23 and then just had to walk a couple  
24 breaks up to Seven head.

25 Q. Okay. Did you happen to

135

01 notice what air direction you had on  
02 that Number Seven belt?

03 A. No, sir. No, I didn't know.

04 I was ---.

05 Q. Did you see any smoke in

06 Number Seven belt at all?

07 A. No, sir. No, sir, at that  
08 point, there was no smoke at all, but  
09 you know, at that point the fire  
10 hadn't got completely out of hand  
11 neither. We were still fighting it,  
12 you know. We still had plenty of  
13 hopes of getting it put out when I  
14 headed in that direction.

15 Q. We're going to ask you to come  
16 to the map one more time.

17 A. Okay.

18 Q. And we have to do that anyway  
19 to have you sign the map, so it's not  
20 so bad. Before we forget, we'll have

21 you sign it first and if you don't  
22 mind using another color. Let's use  
23 a green marker. Can you mark where  
24 the waterlines travel along the belts  
25 and across the northeast mains?

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01 A. I can try. Okay. They came  
02 up --- this would be your six-foot  
03 belt, so they're traveling up, say,  
04 this way and then T off and came  
05 across these other paths. Now, all I  
06 noticed right here was the four-inch  
07 firefighting line, but it T'd off Two  
08 section's waterline, you know. It  
09 T'd off and come up to a cutoff valve  
10 and then it had a couple firefighting  
11 valves right there around Seven head,  
12 and it also T'd off again and  
13 supplied for the fire suppression at  
14 Seven head. And then it come on  
15 over, went across these overcasts and  
16 traveled on down to the mother drive.

17 Q. Can you just draw a line the  
18 whole way down? Thank you.

19 A. And I never was up to here,  
20 but as it came down the mother drive,  
21 it was a two-inch line when it made  
22 it to here, so apparently when they  
23 tapped into it up here, they reduced

24 it from four to two, because it was  
25 four-inch coming out this way. And

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01 like I said, I never made it up to  
02 there, but I do know it was a yellow  
03 two-inch waterline down here.

04 Q. So it's a two-inch waterline  
05 in the mother belt entry?

06 A. Right. Yeah, it's a four-inch  
07 in the Seven belt entry.

08 Q. Can you show us how the ---?

09 A. Do you want me to mark it?

10 Q. Yeah, if you could, that would  
11 be great.

12 MR. FRANCCART:

13 Pat's marking the line,  
14 that's four-inch and two-inch  
15 diameter.

16 BY MR. FRANCCART:

17 Q. And you mentioned before about  
18 the Two section line crossing up here  
19 somewhere?

20 A. What I was getting at, I  
21 probably misworded it. See, it T'd  
22 off. Their main waterline went up  
23 and will travel up their four-foot  
24 belt, their section line's here. But  
25 it Ts off right here and supplies the

01 fire suppression for Seven belt and  
02 the mother drive. They got their  
03 water off Two section's water for  
04 that. And then the longwall, they  
05 had their separate waterline for  
06 that.

07 Q. You're saying the fire  
08 suppression for the mother belt came  
09 off Number Two section though?

10 A. Well, they come off their  
11 water supply, you know. It T'd off  
12 their water supply and supplied fire  
13 suppression for Seven head and the  
14 mother drive.

15 Q. So there was no waterline that  
16 connected across northeast mains?

17 A. Not that I know of. I'm not  
18 --- you know, I couldn't answer  
19 either way on that, because like I  
20 said, I never did work the belts or  
21 anything up here after they started  
22 in that headgate. I did when --- at  
23 the main headgate, but it's up here,  
24 you know. I don't know exactly what  
25 setup that had for this.

01 Q. One last thing while you're  
02 here at the map. Could you just draw

03 a line from Joe Rose's name to the  
04 location where you stationed him?

05 WITNESS COMPLIES

06 BY MR. FRANCAERT:

07 Q. Thank you.

08 ATTORNEY HARDY:

09 Can I ask a clarifying  
10 question while you're up here?

11 On the Number Two section  
12 waterline tap, did it run up  
13 to the 48 belt and follow the  
14 48-inch belt all the way to  
15 the section? I wasn't clear  
16 on that.

17 A. Yes, sir, as far as I know.  
18 See, it Ts off right here at Seven  
19 head, okay, and it goes on up to  
20 supply water to the belt for Two  
21 section. And as far as I know, it  
22 goes all the way up Two section at  
23 the belt entry.

24 ATTORNEY HARDY:

25 Okay. Ts off at the

140

01 Seven head ---

02 A. Yeah.

03 ATTORNEY HARDY:

04 --- and it goes ---?

05 A. And it goes on up --- this  
06 would be Two section's Number One  
07 head, four-foot head.

08 ATTORNEY HARDY:

09 Okay. At spad number  
10 2236?

11 A. Yeah.

12 ATTORNEY HARDY:

13 Or is that an eight?

14 MR. FRANCCART:

15 It's a six.

16 ATTORNEY HARDY:

17 Okay. It goes to spad  
18 2236 ---?

19 A. Right here's 2236. Oh, yeah,  
20 they got a line drawn to it.

21 ATTORNEY HARDY:

22 Okay. Then it follows  
23 the 48-inch belt all the way  
24 up to Number Two section?

25 A. As far as I know.

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01 ATTORNEY HARDY:

02 As far as you know?

03 A. Yes, sir.

04 ATTORNEY HARDY:

05 Okay. Thank you, Bill.

06 MR. MURRAY:

07 And just to clarify,



08 there are a number of 2236s on  
09 this map, so you really need  
10 to identify that by the  
11 intersection to the belt  
12 instead of the spad number.

13 A. Okay.

14 MR. MURRAY:

15 You're going to see  
16 that 2236 a number of times on  
17 this map. There's one right  
18 down here.

19 A. Here's another.

20 MR. MURRAY:

21 Okay. Thanks, Pat.

22 A. Yes, sir.

23 BY MR. FRANCCART:

24 Q. As far as the water supplied  
25 to the mother drive, would any of

142

01 that water be coming off the pump  
02 that supplied the longwall on the  
03 section?

04 A. As far as I know, it doesn't.  
05 You know, if I said yes or no, either  
06 way, it would just be a guess. But  
07 as far as I know, the longwall has  
08 their own separate water supply  
09 altogether.

10 Q. Okay. As far as the  
11 evacuation of the Number Two section  
12 goes, there was a fire on the  
13 longwall belt before they were  
14 evacuated, of course. That would  
15 have to happen?

16 A. Right.

17 Q. Now, was that fire --- you  
18 said it was still controllable at  
19 that point in time, you could  
20 extinguish it?

21 A. When I went to check on the  
22 water, we thought we could still  
23 control it. But once I made sure I  
24 had plenty of water going that way  
25 and went back to ask Bryan if he had

143

01 plenty of water, he said the smoke  
02 ran me out of there and we're  
03 evacuating Two section.

04 Q. Okay. Who is responsible for  
05 calling for evacuation, if there is a  
06 fire on the belt, do you know?

07 A. Not exactly, but --- you know,  
08 I would say the mine foreman, you  
09 know.

10 Q. Earlier we talked about the CO  
11 system, and you said if the  
12 dispatcher would get an alarm, he

13 would take some action ---

14 A. Yes.

15 Q. --- to notify people?

16 A. Yes, sir.

17 Q. Would he be the person

18 responsible for ordering an

19 evacuation, or would he report that

20 to the mine foreman, you know?

21 A. He would --- as far as

22 evacuation goes, I would say he

23 wouldn't be responsible for an

24 evacuation. He would have to --- you

25 know, someone underground would make

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01 that call, because when he's outside,

02 all he's looking at is that he has a

03 CO going off on an alarm. He don't

04 know if it's --- it might have went

05 to ground and followed it out.

06 Electrically, you know, the belt may

07 be running perfect and no smoke at

08 all as far as he can see. But once

09 he gets ahold of his beltman, and his

10 beltman would go to --- if you had

11 the fire, then it would go from there

12 to belt. And you know, I'd say the

13 beltman would call an evacuation

14 before dispatcher.

15 Q. So of all the people at the  
16 drive, none of you were responsible  
17 for ordering the evacuation, but you  
18 went ahead and called them to let  
19 them know there was a fire?

20 A. I never did use the phone.

21 Q. Bryan called?

22 A. But Bryan had gotten ahold of  
23 Fred, you know, and then when I got  
24 back, the decision had already been  
25 made to evacuate. I don't know who

145

01 made the decision.

02 Q. But the decision was made  
03 after conversation with Fred, who's  
04 the mine foreman?

05 A. Yeah.

06 Q. But that decision was made  
07 after the fire was discovered and you  
08 already attempted to extinguish it?

09 A. Right. Yeah. Yeah, once we  
10 saw it wasn't going to be able to be  
11 put out quickly, we decided to go  
12 ahead and get them off the section  
13 for safety's sake. Or you know, that  
14 was the call on it. I didn't make  
15 the call, or I wasn't included in it,  
16 but that was the call on it, was to  
17 go ahead and get them off the

18 section.

19 Q. Sure. And just to

20 clarify ---.

21 A. Well, you know, you don't want

22 to wait until the last minute.

23 Q. Right. Right. The call that

24 Bryan made, was that outside, or was

25 that to somebody underground? You

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01 said Fred was underground.

02 A. Fred was underground, and as

03 far --- he was already on the phone

04 with Fred when I pulled up to him,

05 you know. So as far as I know, he

06 hollered for Fred on the phone

07 whenever he discovered it.

08 Q. But he was on the phone when

09 you arrived at the scene ---?

10 A. Yeah. When I pulled in, he

11 was already on the phone. He was

12 standing there on the phone, and I

13 was --- my ride was trying to get

14 stuck in that mud, and I was having

15 to back up and hit it at a different

16 angles, and once I made it up to him,

17 he said, Pat, I need your fire

18 extinguisher now. It was just a

19 matter of seconds during all that,

20 but I threw him my fire extinguisher,  
21 and he immediately went to the fire.  
22 Q. You mentioned that Bryan told  
23 you that the smoke was rolling back  
24 on him. Was that because the air  
25 direction was changing, or was that

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01 --- the smoke rolled back because the  
02 fire was just bellowing out?

03 A. Well, Fred was the one that  
04 said he couldn't --- when he went  
05 below the fire and came back up to  
06 try to fight it from behind, because  
07 the air was flowing up the belt  
08 entry, when he came back, I asked him  
09 if he did any good with it, and he  
10 said that the smoke was rolling ---  
11 you know, he said I got --- I could  
12 see the fire, but I couldn't get  
13 close enough to fight it because the  
14 way the smoke was rolling off of it.  
15 So you know, I'd be assuming anything  
16 other than what he told me.

17 Q. Was the evacuation order given  
18 after Fred got there on the section,  
19 or was it before?

20 A. It was before he got up there,  
21 yeah. The evacuation had already  
22 been called.

23           ATTORNEY HARDY:  
24           Yeah, I think for  
25           clarification, he's made that

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01           clear two different times in  
02           the interview. That's the  
03           third time that's been asked.

04           MR. FRANCAERT:  
05           I'm sorry, but I wasn't  
06           sure.

07           ATTORNEY HARDY:  
08           He was asked twice.

09           MR. FRANCAERT:  
10           I don't know that I  
11           related that to Fred, so ---.

12           ATTORNEY HARDY:  
13           Yeah, Fred wasn't ---  
14           when he got there, Cabell was  
15           on the phone. Fred's not  
16           there at that time.

17           MR. FRANCAERT:  
18           Right. But the  
19           evacuation, I wanted to put  
20           that in reference to Fred's  
21           arrival on the section,  
22           because Fred didn't order the  
23           evacuation, it was Bryan that  
24           called the section; is that

25 right?

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01 A. Yeah. Yeah, Bryan had Joe  
02 call up and tell them to get off, we  
03 had a belt fire.

04 MR. FRANCAERT:

05 Bill, you got some  
06 more?

07 MR. TUCKER:

08 Yes. Just a few.

09 BY MR. TUCKER:

10 Q. Okay. Going back to the pump  
11 and the water situation going to the  
12 longwall section, with the pumps that  
13 were de-energized, would the longwall  
14 section still have water?

15 A. Yes, sir. Yes, sir. They're  
16 on a completely different --- the way  
17 it's setup, if you were coming in,  
18 the longwall pressure pump would be  
19 in a break on your left, Two  
20 section's pressure pump is on --- in  
21 a break on your right. They're on  
22 two completely different systems.

23 Q. So did you hear any  
24 discussion, or was there an effort  
25 made to use water from the longwall

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01 section to fight the fire?



02 A. At the time they had --- they  
03 sent us outside, I never heard  
04 anything, or you know, I don't know  
05 of any attempts to. But I do know  
06 when Bob Massey told me to turn the  
07 water off to the miners' section, he  
08 said leave the water on to the  
09 longwall section, and --- you know,  
10 in the event that we can get in there  
11 to it, we can get water off the  
12 longwall.

13 Q. So when Fred said he wasn't  
14 able to get to the fire, do you know  
15 if his intention was to get close  
16 enough to use a fire extinguisher or  
17 water?

18 A. I don't know what his  
19 intentions were. When he came back  
20 and told us that, you know, I said,  
21 well, we need to try to cut the air  
22 off to it and make it smother itself  
23 out, because it was smoking so bad, I  
24 felt that if we could cut the air off  
25 good enough, that it wouldn't be no

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01 time that it smothered itself out,  
02 because the COs would take over.

03 Q. Okay. So time wise, one more

04 time --- and we probably asked this  
05 --- I know we've hit on it a lot, but  
06 from the time that the fire started,  
07 what would be your best guess of how  
08 long it took for the fire to be out  
09 of control to the point that we would  
10 evacuate Two section?

11 A. Like I said before, it --- you  
12 know, time probably flies in a  
13 situation like that, but from the  
14 time I arrived until the time we  
15 evacuated --- started to evacuate, it  
16 didn't seem like it could have been  
17 no more than 15 minutes, you know.  
18 We immediately started firefighting  
19 efforts, and once we saw that the  
20 smoke was getting thick quick, we  
21 decided that --- you know, be safe  
22 about it.

23 Q. Okay.

24 A. Even if you do get it under  
25 control, you got men there to help,

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01 and you know, they're not in harm's  
02 way if they're right there in the  
03 good air with you.

04 Q. Right. Just to bounce back to  
05 the belts for just a second. When  
06 you pre-shift the belts, say, if

07 you're running coal on your section,  
08 who pre-shifts your belt?  
09 A. The beltman.  
10 Q. So you're not responsible from  
11 the tailpiece outby?  
12 A. Well, my section belt ---  
13 normally, the beltman takes care of  
14 it all outby. Right there at the end  
15 we were getting shorthanded, and like  
16 on my section, I would pre-shift my  
17 belts down to where they dumped onto  
18 the six-foot belt. And then the  
19 beltman pre-shifted the six-foot  
20 belt. I was taking care of my belts  
21 and my roadways, so --- you know,  
22 like when I --- my closest to eight  
23 o'clock face check, after that, when  
24 it got eight o'clock, because the way  
25 the time frame worked on shift

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01 changes any time after 8:00, I could  
02 do my belts and my roadways. And I'd  
03 walk down my belt and fire boss it  
04 and walk back up my roadway and fire  
05 boss it on the way back up.  
06 Q. Okay. When you were a  
07 contractor as a beltman, do you  
08 remember what belts you were

09 responsible for, or that you took  
10 care of during that time?  
11 A. Well, you know, that was last  
12 summer, back last summer and fall, we  
13 hadn't started Nine headgate yet, it  
14 was still in the setup process. We  
15 had Eight headgate going, and  
16 probably for the first maybe month or  
17 so, I was there. I was what you  
18 would call upper beltman, and you  
19 took care of --- from Five head up.  
20 At that time we had Five head, Six  
21 head, the mother drive, and you took  
22 care of Two section, but they just  
23 had three belt heads at that time,  
24 you know. They were driving off for  
25 Ten headgate at that time.

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01 Q. Right.

02 A. The Nine headgate was already  
03 drove up, and the setup crew was  
04 getting everything setup for the  
05 wall, and they were still up in ---  
06 it would be up on the upper left side  
07 on the big map, on Eight headgate.  
08 And I took care of those belts, but  
09 that was only for about a little over  
10 a month, maybe, and then they put me  
11 on the bottom belts, which is from

12 Four tail out to the stacker belt at  
13 Rum Creek.

14 Q. Right. And what contractor  
15 did you work for?

16 A. Apollo.

17 Q. Apollo?

18 A. Or Universal. They go by a  
19 couple different names, but ---.

20 Q. I got two more. Has anybody  
21 ever told you not to say fire when  
22 you're communicating on the telephone  
23 underground?

24 A. No, sir. No, sir. I've never  
25 been instructed in any way to

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01 influence what I say on the phone.  
02 You know, as a matter of fact, if I'm  
03 mad, you would be liable to hear a  
04 few things you'd rather not hear.

05 Q. All right. Here's a key  
06 question. What do you think could be  
07 done to prevent a reoccurrence of  
08 this accident?

09 A. Without knowing the actual  
10 cause of the fire, I wouldn't know  
11 where to begin, you know. After the  
12 investigation's complete and they  
13 determined exactly what probably

14 caused the fire, then you can ask me  
15 that question, and I'm sure I would  
16 have a ton of ideas on how to prevent  
17 a reoccurrence. But at this point,  
18 you know, we don't even know what  
19 caused it.

20 Q. Right.

21 A. And like I said, it didn't  
22 seem like maybe, at tops a 15-minute  
23 time frame from the time I arrived  
24 and started fighting the fire until  
25 we started evacuating. So I couldn't

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01 even say evacuate quicker. You know,  
02 because as soon as we realized that  
03 it wasn't going to be just a fire  
04 that you could jump out and put it  
05 out like that, we started evacuating  
06 the men.

07 Q. Right.

08 A. And then it --- you know, it  
09 wasn't but just a matter of minutes  
10 after that that the call was made to  
11 call rescue team.

12 MR. TUCKER:

13 Okay. Pat, I sure do  
14 appreciate your patience.

15 A. No problem.

16 MR. TUCKER:

17 Thank you.

18 BY MR. FRANCCART:

19 Q. We have just one more question

20 I want to clarify in question.

21 A. Okay.

22 Q. First, the call that you

23 weren't supposed to get about the

24 meeting at the school, do you know

25 who called you?

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01 A. Somebody from Logan County

02 Mine Services. You know, they were

03 calling --- actually, they had a list

04 of all the employees, and apparently

05 they didn't know I was a salary man,

06 because the salary men were working

07 and everybody else was on more or

08 less a call-in basis, because, you

09 know, we couldn't --- we were very,

10 very limited as to what we could do.

11 And they had a meeting to tell the

12 guys what they needed to do about

13 work, you know, which in turn, they

14 ended up having them show up every

15 day. And they would keep who they

16 needed to keep and send the rest

17 home, and they paid everybody their

18 eight hours for being there.

19           But see, I was getting ready  
20           for work. If she would have called  
21           ten minutes later to tell me I needed  
22           to be at that meeting, I would have  
23           already been gone. And when I  
24           answered the phone, she said they're  
25           having a meeting at Holden Elementary

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01           today, at seven o'clock and you need  
02           to be there, I said, well, I got to  
03           work. I'm on my way to work now.  
04           She said, well, you need to talk to  
05           Pepé about it when you get there.  
06           And when I got to work, I went  
07           upstairs, I said, Pepé, I just got a  
08           phone call about being in a meeting  
09           at seven o'clock, and then that's  
10           when he said, you don't need to go to  
11           that. He said, I told them not to  
12           put you on that list because you're  
13           salary. He said, that's for the guys  
14           that are going to be on a need to  
15           know, or as-needed basis. And he  
16           said that's all that meeting will be  
17           about, is to let them know what they  
18           need to do about work every day.  
19           Q. Okay. And you don't know her  
20           name?  
21           A. I can't remember who it was.



22 Q. And one last clarifying  
23 question. The two-inch longwall  
24 waterline that came off the fire  
25 suppression, ---

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01 A. Yes, sir.

02 Q. --- that was T'd off of the  
03 four-inch line on Number Seven belt?

04 A. Yes, sir. As far as I know,  
05 it T'd off at the mother drive, you  
06 know, because it was four-inch going  
07 --- I never did go up to the mother  
08 drive head, but it was a four-inch  
09 line going from Seven head across the  
10 overcast over toward the mother  
11 drive. And you know, it had a ---  
12 might have been reduced down  
13 somewhere between the mother drive  
14 and down there, and my guess would be  
15 that it was reduced right there ---  
16 when they T'd it, they reduced it  
17 down to two-inch, because it wasn't  
18 going to be feeding nothing but your  
19 firefighting valves. See, all the  
20 way up there before it was feeding  
21 the firefighting valves plus fire  
22 suppression, you know. And then once  
23 it got down to there, they ran two

24 separate lines, I would assume. You  
25 know, that's just an assumption, but

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01 you had your fire valve lines were on  
02 the ground two-inch, and then your  
03 fire suppression line ran along the  
04 belt structure.

05 MR. FRANCCART:

06 Mr. Hardy, do you have  
07 any clarifying questions?

08 ATTORNEY HARDY:

09 Yes.

10 BY ATTORNEY HARDY:

11 Q. There's one thing, Pat, that  
12 needs to be clarified. When you  
13 arrived up there, and had your first  
14 contact with Cabell, were you under  
15 the impression at that point that he  
16 had talked to Fred on the mine phone?

17 A. Well, he was on the phone when  
18 I pulled up --- he heard me coming  
19 and opened the doors and went back to  
20 the phone, and he was on the phone.  
21 And he was talking as I was trying to  
22 get through the mud, and he said, I  
23 need your fire extinguisher, and I  
24 handed it to him. And as he was  
25 walking --- he hung the phone up and

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01 started walking off to go fight it,  
02 and he looked over at me and said  
03 Fred said for you not to leave until  
04 we get this fire put out. So you  
05 know, that pretty much let me know  
06 that he was on the phone with Fred.

07 Q. Was the evacuation decision  
08 made at that point in time?

09 A. No, sir. It was made while I  
10 was going to make sure we had plenty  
11 of water coming to our fire  
12 suppression and our firefighting  
13 lines.

14 Q. Okay.

15 A. When I came back, you know,  
16 the smoke had ran them out away from  
17 the fire, and they had already  
18 decided to start evacuating.

19 Q. Okay. Were you there when the  
20 decision to evacuate was made?

21 A. Not the actual decision, but  
22 they were on the phone calling Two  
23 section when I pulled in, you know  
24 --- or when I got back to the double  
25 doors, I asked Bryan, I said, did it

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01 --- have you got plenty of water, and  
02 he said the smoke ran us out of

03 there. He said we're evacuating Two  
04 section right now.

05 Q. Okay. So it was sometime when  
06 you were gone?

07 A. Right. Sometime while I was  
08 gone to make sure that we had  
09 sufficient water.

10 ATTORNEY HARDY:

11 Okay. That's all the  
12 questions I have.

13 MR. FRANCAERT:

14 Bill?

15 MR. TUCKER:

16 Finished.

17 MR. FRANCAERT:

18 Pat, thank you so much  
19 for your patience, first of  
20 all.

21 A. No problem.

22 MR. FRANCAERT:

23 On behalf of MSHA, I  
24 thank you for appearing here  
25 today and answering all of our

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01 questions and sharing  
02 information you had on the  
03 accident that happened at the  
04 mine. Your cooperation's very  
05 important to us as we work to

06 determine what the cause of  
07 this accident was.

08 If you'd like to now,  
09 you can go over anything else  
10 you've already told us, or if  
11 there's anything else you  
12 forgot that you would like to  
13 cover, we'll give you a chance  
14 to do that.

15 A. As far as I know, we've pretty  
16 much taken care of it.

17 MR. FRANCCART:

18 Okay. We ask that you  
19 not discuss this interview  
20 with anybody else, because we  
21 may call them in to have  
22 interviews ---.

23 A. Exactly. Right.

24 MR. FRANCCART:

25 Do you understand how

164

01 that works?

02 A. That's one thing I can add,  
03 too. All the guys that have  
04 previously been interviewed, there's  
05 been absolutely no conversation as to  
06 what was talked about or anything,  
07 you know. And I've even heard people

08 that didn't have anything to do with  
09 it, what did they ask you, I can't  
10 tell you because they told me not to  
11 say anything, you know. They've been  
12 really good about that.

13 MR. FRANCCART:

14 That's very important.

15 A. Yeah.

16 MR. FRANCCART:

17 Because we do want an  
18 unbiased ---.

19 A. Right. Exactly.

20 MR. FRANCCART:

21 And after questioning  
22 other witnesses and we obtain  
23 other information, we may ask  
24 you to come back. We don't  
25 know that we'll need to or

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01 not, but that's always a  
02 possibility. At some later  
03 point you think you have other  
04 information you may have  
05 forgotten, or you come to  
06 remember it later on, Mr.  
07 Kenny Murray, who is our chief  
08 accident investigator on this  
09 investigation, you can give  
10 him a call and talk to him.

11 And if he's not in his office,  
12 Mr. Anthony Webb ---  
13 unfortunately, he's not here  
14 today, but you can call that  
15 same number and ask for him,  
16 and he can take the  
17 information. Do you have a  
18 card for Anthony? Anthony is  
19 his staff assistant, and he's  
20 on the investigation team  
21 also.

22 The Mine Act does  
23 provide certain protection for  
24 individuals who participate in  
25 accident investigations, and

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01 if any time you believe that  
02 you're treated unfairly  
03 because of your cooperation  
04 here today, please let Mr.  
05 Murray know immediately. And  
06 again, thank you so much for  
07 your help.

08 MR. TUCKER:

09 We offer those same  
10 protections, Pat, through the  
11 State. And here's my card,  
12 and Eugene White. He's our

13 lead investigator.

14 A. All right. Thank you.

15 MR. TUCKER:

16 If you need to get

17 ahold of us.

18 \* \* \* \* \*

19 SWORN STATEMENT

20 CONCLUDED AT 11:50 A.M.

21 \* \* \* \* \*

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25