

01 EXAMINATION UNDER OATH
02 OF
03 BRIAN RAY CASERTA
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, March 30, 2006, at 9:50
13 a.m.

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

02

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09

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16

17 ANTHONY WEBB

18 U.S. Department of Labor

19 Mine Safety and Health Administration

20 Coal Mine Safety and Health

21 District 6

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23 Pikeville, KY 41501

24

25

3

01 A P P E A R A N C E S (cont.)

02

03 ALSO PRESENT:

04 DENNIS A. BEITER

05 RONALD W. STAHLHUT
06 CHARLES W. POGUE
07 C.A. PHILLIPS
08 EUGENE WHITE
09 BETH SPENCE
10 DERRICK TJERNLUND

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

02 -----

03 MR. BEITER:

04 Good morning, Mr.

05 Caserta.

06 MR. CASERTA:

07 How you doing?

08 MR. BIETER:

09 Fine thanks. My name
10 is Dennis Beiter. I represent
11 the Mine Safety and Health

12 Administration, which is an
13 Agency of the U.S. Department
14 of Labor. I am a member of
15 MSHA's accident investigation
16 team that's assigned the task
17 of investigating the accident
18 that occurred at the Aracoma
19 Coal Company, Incorporated,
20 Aracoma Alma Mine Number One,
21 on January 19th, 2006.

22 This is a joint
23 investigation that MSHA is
24 conducting with the State of
25 West Virginia. I will be

7

01 asking the questions for MSHA
02 at today's interview. With me
03 here today are other members
04 of MSHA's team and the State's
05 team as well. MSHA's team
06 includes various specialists
07 and members of the Solicitor's
08 Office. And at this time, I
09 ask team member of MSHA's team
10 to identify themselves for the
11 record.

12 MR. STAHLHUT:

13 I'm Ron Stahlhut of
14 MSHA of Vincennes, Indiana.

15 MR. WEBB:
16 I'm Anthony Webb, MSHA,
17 Pikeville, Kentucky.

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

21 ATTORNEY BARISH:
22 I'm Dan Barish,
23 attorney in the Solicitor's
24 Office representing MSHA from
25 Arlington, Virginia.

8

01 MR. TJERNLUND:
02 Derrick Tjernlund, MSHA
03 Tech Support, Triadelphia.

04 MR. BEITER:
05 And I work for MSHA in
06 the Ventilation Division of
07 Tech Support out of
08 Triadelphia, West Virginia.
09 Here with us today
10 representing the State of West
11 Virginia is Mr. Bill Tucker.
12 Mr. Tucker will be asking
13 questions for the State. And
14 at this time, Mr. Tucker would
15 like to introduce the members
16 of his team and he has a

17 statement for you as well.

18 MR. TUCKER:

19 We appreciate you
20 coming in today. I have a
21 statement I need to read for
22 the record. The West Virginia
23 Office of Miners' Health,
24 Safety & Training is
25 conducting this interview

9

01 session jointly with MSHA.
02 We're in agreement with the
03 procedures outlined by Mr.
04 Beiter. However, let me make
05 it clear that the Director
06 reserves the right, if
07 necessary, to call or subpoena
08 witnesses or require the
09 production of any record,
10 document, photograph or other
11 relevant materials necessary
12 to conduct this investigation.
13 Again, my name is Bill Tucker,
14 I'm with Miners' Health,
15 Safety & Training, work out of
16 the Oak Hill office.

17 MR. WHITE:

18 Eugene White, a
19 District Inspector, out of

20 Region Three in Danville.

21 MR. PHILLIPS:

22 Good morning, Brian.

23 My name is C.A. Phillips. I'm

24 the Deputy Director with the

25 Office of Miners' Health,

10

01 Safety & Training in

02 Charleston, West Virginia

03 MS. SPENCE:

04 Beth Spence with the

05 Governor's Office.

06 MR. BEITER:

07 This investigation is

08 being conducted by MSHA and

09 the State of West Virginia to

10 gather information to

11 determine the cause of the

12 accident and to help prevent

13 this from happening in the

14 future. These interviews are

15 a very important part of the

16 investigation. After the

17 investigation is completed,

18 MSHA will issue a written

19 report detailing the nature

20 and cause of the accident.

21 MSHA accident reports are made

22 available to the public in the
23 hope that greater awareness
24 about the causes of accidents
25 can reduce their occurrence in

11

01 the future. Information
02 obtained through witness
03 interviews is often included
04 in these reports. Your
05 statement may also be used in
06 other enforcement proceedings.

07 I would like to thank
08 you in advance for your
09 appearance here today. We
10 appreciate your assistance in
11 this investigation. The
12 willingness of miners and mine
13 operators to work with us is
14 important to making our mines
15 safer.

16 This interview with
17 Brian Caserta is being
18 conducted under Section 103(a)
19 of the Federal Mine Safety &
20 Health Act of 1977 as part of
21 an investigation by the Mine
22 Safety & Health Administration
23 into the conditions, events
24 and circumstances surrounding

25 the fatalities that occurred

12

01 at the Aracoma Alma Mine
02 Number One located at Route 17
03 North, Bandmill Hollow Road,
04 Stollings, West Virginia,
05 25646.

06 This interview is being
07 conducted at the State of West
08 Virginia Department of
09 Environmental Protection
10 Division of Mining and
11 Reclamation at 1101 George
12 Kostas Drive, Logan, West
13 Virginia, 26 --- I'm sorry,
14 25601 on March 30th, 2006.

15 Mr. Caserta, the
16 interview will begin by asking
17 you a series of questions.
18 Please feel free at any time
19 to clarify any statement that
20 you make in response to those
21 questions. After we have
22 finished asking questions, you
23 will also have an opportunity
24 to make a statement of your
25 own and to provide us with any

13

01 other information that you
02 believe may be important.

03 You are permitted to
04 have a representative with you
05 during the interview, and you
06 may consult with your
07 representative at any time.

08 You may designate any person
09 to be your representative.

10 Following the questions by
11 MSHA and the State, this
12 representative will be given
13 the opportunity to ask
14 questions for purposes of
15 clarification on areas that
16 have already been discussed.

17 Your statement is
18 completely voluntary. You may
19 refuse to answer any question
20 and you may end your interview
21 at any time. If you do not
22 understand a question, please
23 tell me and I'll try to
24 rephrase it. If you need a
25 break for any reason, just let

14

01 us know and we'll take a
02 break.

03 MR. CASERTA:

04 Okay.

05 MR. BIETER:

06 You may request the
07 opportunity to make a
08 confidential statement, which
09 we will withhold from the
10 public to the extent allowed
11 by law. Should you desire to
12 give a confidential statement,
13 you should ask --- you should
14 advise me before I begin your
15 interview so that I can
16 reschedule your interview in
17 order to properly consider
18 your request. Do you want to
19 have a confidential interview?

20 MR. CASERTA:

21 No.

22 MR. BEITER:

23 A court reporter will
24 record your interview and will
25 later produce a written

15

01 transcript of that interview.
02 I ask that you state all your
03 answers verbally because the
04 court reporter cannot record
05 your gestures like nodding

06 your head.

07 Neither the transcript
08 of this interview nor the
09 content of this interview will
10 be released to the public or
11 the media until MSHA's final
12 accident investigation report
13 is issued or until required by
14 court order or until a public
15 hearing takes place.

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

22 MR. CASERTA:

23 Okay.

24 MR. BIETER:

25 Please answer each

16

01 question as fully as you can,
02 including any information that
03 you learned from someone else.
04 We may not ask the right
05 questions to learn the
06 information that you have, so
07 please don't feel limited by
08 the precise wording of the

09 questions. If you have
10 information about the subject
11 area of a question, please
12 provide us with all that
13 information. Do you have any
14 questions about the manner in
15 which this interview will be
16 conducted?

17 MR. CASERTA:

18 No.

19 MR. BEITER:

20 Will you please swear
21 or affirm the witness?

22 -----

23 BRIAN CASERTA, HAVING FIRST BEEN DULY
24 SWORN, TESTIFIED AS FOLLOWS:

25 -----

17

01 BY MR. BEITER:

02 Q. Mr. Caserta, please state your
03 full name, address, telephone number,
04 including area code, and please spell
05 your last name for the record.

06 [REDACTED]

[REDACTED]

12 A. Yes.

13 Q. --- area code? Thank you.

14 Are you appearing voluntarily at this
15 interview?

16 A. Yeah.

17 Q. May I call you, Brian?

18 A. Yes.

19 Q. Okay. You can call me Denny.

20 And I'm sure Bill will suffice for

21 Bill.

22 MR. TUCKER:

23 Yes, sir.

24 BY MR. BIETER:

25 Q. Has anyone made any promises

18

01 to you for giving this statement?

02 A. No.

03 Q. Has anybody offered you any
04 rewards in exchange for making this
05 statement?

06 A. No.

07 Q. Has anyone threatened you or
08 warned you not to provide this
09 statement?

10 A. No.

11 Q. Do you understand that you may
12 refuse to answer any question or end
13 this interview at any time?

14 A. Yes.

15 Q. Do you have a representative
16 with you today?

17 A. No.

18 Q. Do you wish to have one?

19 A. No.

20 Q. Do you want to proceed without
21 one?

22 A. Sure.

23 Q. Brian, were you ever
24 interviewed by the company regarding
25 this accident?

19

01 A. No.

02 Q. Did you attend a meeting a
03 local grade school regarding the
04 accident?

05 A. Yes.

06 Q. Could you tell us a little bit
07 about that meeting?

08 A. They was just going over the
09 accident and what happened and stuff
10 like that really. I mean, letting
11 everybody know where we was ---
12 what's going to happen when we get
13 back with the company, trying to keep
14 everybody together and stuff. Saying
15 that things will be, you know,

16 resolved and stuff basically.

17 Q. Was there any discussion about
18 what caused the accident at the
19 interview --- or not the interview,
20 at the meeting at the grade school?

21 A. Not that I can recall. It may
22 have, but it's been a while, I'm not
23 for sure to be honest with you.

24 There may have been some, but I can't
25 say definitely because we was going

20

01 through a lot. I was worried about
02 trying to find another job at that
03 time.

04 Q. I understand. Brian, how long
05 have you worked at Aracoma Alma Mine
06 Number One?

07 A. For about a year.

08 Q. What is your current job
09 title?

10 A. Now it's a shield operator.

11 Q. How long have you held that
12 position?

13 A. Not very long. I would say
14 probably --- probably after the
15 accident is when they finally put me
16 down as it, but I've been doing it
17 for a little while as far as --- I
18 mean, I've been --- you know, they

19 put me on there and started training
20 me. I did utility and that's your
21 first step of getting trained and
22 stuff.

23 Q. Underground utility?

24 A. Yeah.

25 Q. And then from there, you were

21

01 assigned duties as a shield operator
02 prior to receiving that as a title?

03 A. Yeah, just trying to show ---
04 train me as far as that, yes.

05 Q. What other positions did you
06 hold at the Aracoma?

07 A. That's all I've done.

08 Q. That's all?

09 A. Uh-huh (yes).

10 Q. Did you begin your employment
11 with Aracoma as a contractor?

12 A. No, I went through Apollo.

13 Q. You worked initially for
14 Apollo?

15 A. Yes, for probably about two
16 months maybe I'm thinking until I got
17 hired on at the company, maybe a
18 month and a half, I'm not for sure.

19 Q. And is that the time that you
20 started with --- working for Apollo,

21 was that at Aracoma?

22 A. Yes, it was at Aracoma the
23 whole time.

24 Q. And when you said you started
25 for Aracoma about a year ago, was

22

01 that --- does that include your time
02 as a contractor working for Apollo?

03 A. I think I've been there for
04 --- no, I'd say altogether maybe a
05 year.

06 Q. Altogether a year?

07 A. Yeah, probably.

08 Q. Have you worked at any other
09 mines?

10 A. No. This is the first mine.

11 Q. Is your full extent of your
12 underground mining experience from
13 Aracoma?

14 A. Yes.

15 Q. Do you hold any state or
16 federal mine examination
17 certifications?

18 A. No.

19 Q. Any qualifications as far as
20 electrical or gas testing?

21 A. No.

22 Q. What job capacity were you
23 performing or were you in in January

24 of 2006?

25 A. What do you mean? Are you

23

01 saying what was I doing?

02 Q. Yes.

03 A. Basically longwall utility as

04 far as, you know, keeping the air and

05 stuff up and keeping the section and

06 stuff clean and stuff like that.

07 Q. What shift do you normally

08 work?

09 A. Usually we work a four day on,

10 two day off schedule and rotate it

11 for first and second.

12 Q. First and second being

13 dayshift

14 A. Uh-huh (yes).

15 Q. -- and afternoon shift?

16 A. Yes.

17 Q. For dayshift, first shift, is

18 that the first shift?

19 A. Uh-huh (yes).

20 Q. What is your normal work

21 hours?

22 A. I think it was from 7:00 to

23 about 4:00, I think. I'm not for

24 sure, they've changed everything

25 around so much now.

01 Q. And when you worked second
02 shift, afternoon shift, what were
03 your hours then?

04 A. It would be about -- I don't
05 remember what it was. I guess we
06 would come in from 4:00 to about
07 12:00, something like that.

08 Q. Are both of those production
09 shifts?

10 A. Yeah.

11 Q. Do you hot seat?

12 A. What's that?

13 Q. Do you hot seat, change out at
14 the face between days and seconds?

15 A. No. We basically had our own
16 ride up there.

17 Q. I guess I wasn't clear. If
18 you're on dayshift and you're
19 producing coal, do you continue to
20 produce coal until afternoon shift
21 arrives?

22 A. Right.

23 Q. And they relieve you at the
24 face?

25 A. Yes.

01 Q. So there's a continuation of
02 coal production ---

03 A. Yes.

04 Q. --- at shift changes?

05 A. Uh-huh (yes).

06 Q. When you're working dayshift,
07 is midnight shift the production
08 shift?

09 A. No. Usually they --- I mean,
10 what they do is, they're like a
11 maintenance crew. I don't know much
12 about them because I've never worked
13 with them.

14 Q. When you come in at the
15 beginning of dayshift, is coal ever
16 being produced by the midnight
17 maintenance crew?

18 A. It has before, yes.

19 Q. What are your duties as shield
20 operator?

21 A. As a shield operator now?

22 Q. No. I guess back up. Can you
23 refresh my memory as to what your job
24 title was --- the job you were
25 performing ---?

26

01 A. Longwall utility.

02 Q. Longwall ---.

03 A. What did I do?

04 Q. Yes.

05 A. Basically, you know, I'd come
06 in and the boss would tell me exactly
07 what to do. And, you know, I'd ---
08 first thing I would do is to check
09 the air on the section, then I would
10 check my Heintzmanns down the face.
11 Basically I get everything cleaned up
12 and moved ahead of everything, you
13 know, keep everything ahead. And
14 after that, I would, you know, check
15 with them to see what else they
16 needed done.

17 Q. Okay. Who did you work for?
18 Who was your immediate supervisor?

19 A. Ed Ellis would be, which he
20 doesn't work there now.

21 Q. Was Ed a section foreman?

22 A. Yes. I actually worked under
23 --- when I was with the company, I
24 worked for three of the main bosses,
25 you know, because they rotated, so I

27

01 worked with the other two, which was
02 Anthony Gibson and --- I can't think
03 of what the other one's name was.

04 Q. On January 19th, 2006, what
05 shift did you work?

06 A. Dayshift. The day of the
07 accident?

08 Q. Yes.

09 A. Yes.

10 Q. And the 18th as well, did you
11 work dayshift on the day prior to the
12 accident?

13 A. Beforehand you're saying?

14 Q. Yes, the day before the
15 accident.

16 A. I'm thinking so. I'm not for
17 sure. I'd have to look at my
18 schedule to see.

19 Q. If you would have --- if you
20 would not have worked, would that
21 have been because that was your
22 rotation day?

23 A. I think we did because that
24 was our last day. We would have been
25 on second shift the next, you know,

28

01 ---.

02 Q. The 20th?

03 A. Right.

04 Q. Would have been on second?

05 A. Well, we would have had two
06 days off and then we come back and
07 then we would have been on second.

08 Q. So the 19th would have been
09 your last of the four days that you

10 worked on dayshift?

11 A. I think so. I'm not for sure.

12 Yeah.

13 Q. Okay. That's fine. When you
14 said you'd checked the air, what do
15 you mean by that? I mean, I guess
16 take us through what you'd to check
17 the air.

18 A. By hanging curtains up and
19 just direct the air to the face to
20 make sure that they got --- and the
21 boss would take the air readings. I
22 don't do anything like that. But
23 basically that's what I did.

24 Q. What curtains would you hang?

25 A. What do you mean?

29

01 Q. We've got a map over here.
02 This is a map that just shows the
03 longwall face ---

04 A. Uh-huh (yes).

05 Q. --- and the belt, and actually
06 the longwall face was actually at the
07 17 and half crosscut, thereabouts.

08 A. Well, I would hang one across
09 the belt, the track, the intake and
10 the neutral, which would direct it
11 all to the face.

12 Q. Okay. So you normally ---

13 kind of draw a little line here ---
14 A. Okay.
15 Q. --- about where the --- do you
16 mind coming up?
17 A. If you want me to, yeah. I
18 don't know if I could tell you on the
19 map or not. I'm not too good at it.
20 Q. That's all right. We'll take
21 some time to kind of like help you
22 get oriented. Say that's where the
23 face is.
24 A. Uh-huh (yes).
25 Q. It's approximately there.

30

01 A. Okay.
02 Q. This is the belt entry, your
03 blue line is --- I mean, brown line
04 is.
05 A. Okay. That's your what now?
06 Q. The belt.
07 A. Okay.
08 Q. And then the stage loader
09 would be right in this area here.
10 And then this over here would be your
11 intake coming in.
12 A. Right.
13 Q. Okay. And then over here
14 would be where you come through these

15 doors through your cut-through.

16 A. Uh-huh (yes).

17 Q. And this is the neutral

18 entries over in here, common with

19 belt.

20 A. Okay. You would always have a

21 curtain being hung wherever

22 you're ---

23 Q. Behind the --- at on the

24 corner of the face on the headgate?

25 A. On your main end of your ---

31

01 yeah.

02 Q. Okay. So if I drew a curtain

03 like right here ----

04 A. Uh-huh (yes).

05 Q. --- that'd be like where

06 you're going ---?

07 A. You would have to hook it to

08 your first shield, that back of the

09 shield.

10 Q. From the rear up against the

11 pillar ---

12 A. Yes.

13 Q. --- over to Number One shield,

14 so that would be kind of like right

15 here?

16 A. Yes.

17 Q. All right. So that'd be one

18 of them you could hang?

19 A. Uh-huh (yes). You wouldn't
20 have much here because of your
21 shields.

22 Q. Right.

23 A. Sometimes you wouldn't have
24 much so you would just have to put a
25 small curtain there most of the time.

32

01 You would hang it here and here and
02 here. Now, if you was loose in
03 there, sometimes they ---.

04 Q. Across here?

05 A. Yes.

06 Q. And across here?

07 A. Yes.

08 Q. Across here?

09 A. Your belt track ---.

10 Q. Is that correct?

11 A. Yes, sir.

12 Q. Okay. And that separates,
13 what, your intake air coming in?

14 A. This goes in your intake,
15 yeah. Your air would come down and
16 go straight across to the face.

17 Q. And what did it do? Did that
18 --- did those curtains keep that from
19 just going into the gob

20 right-of-way, is that what that does?
21 A. Yeah. And they would actually
22 --- a lot of times --- most of the
23 time, if they was losing air, the
24 boss would have me hang it from
25 probably down to --- past the stagger

33

01 shield on your longwall, which would
02 be down to about shield, I'm going to
03 say, maybe 15.

04 Q. Okay.

05 A. So we would hang an additional
06 curtain down on your shields at the
07 top of your CIU boxes. And you would
08 hang it there and then you your
09 shields would be staggered a little
10 bit. And then the rest of it would
11 --- it would automatically direct it
12 down towards the rest of the face.
13 Even though that is the face, it
14 would just help push it toward the
15 face.

16 Q. If the gob was a little bit
17 loose behind the shields on the
18 headgate?

19 A. Right.

20 Q. And how many shields did you
21 say was down to the stagger from the
22 headgate?

23 A. I think there's four.

24 Q. Just four shields?

25 A. I'm not for sure. I'm

34

01 thinking there's four or six.

02 Q. Okay. Just a rough 20 feet or

03 so?

04 A. Yeah. Because I'm not real

05 familiar with it.

06 Q. And these controls I'm

07 describing here shortly here, where

08 they're located at, this would just

09 be like a typical --- set of typical

10 location of where you put them; is

11 that correct?

12 A. Yes.

13 Q. We're not necessarily saying

14 that this is where they were on the

15 18th or 19th. We're just saying

16 typically that's where they're at?

17 A. Yeah. They supposed to.

18 Actually there was a fall ---.

19 Q. Yeah, let me --- can we just

20 --- I want to describe this first ---

21 A. Okay.

22 Q. --- and then we'll have you

23 draw in another color for that.

24 A. Okay.

25 Q. I just wanted to make sure the

35

01 record's clear.

02 A. Okay.

03 Q. Okay.

04 (Caserta Exhibit A

05 marked for

06 identification.)

07 MR. BIETER:

08 So we have indicated on

09 map Exhibit A Caserta, the

10 Number One entry of Nine

11 headgate between 17 and 18

12 crosscut. I have indicated

13 where the approximate location

14 of the face is between the

15 headgate and the tailgate.

16 And I've indicated where Brian

17 had pointed to on the map of

18 where a curtain is hung from

19 the rib of a pillar to Number

20 One shield as you enter into

21 the longwall face. And that's

22 a little black line that --- a

23 little curly Q that signifies

24 a curtain in the Number One

25 entry between 17 and 18

36

01 crosscut. Also Brian has

02 indicated that typically
03 curtains are hung across the
04 other three entries in the
05 headgate as well, entry Two,
06 entry Three, entry Four, and
07 those would be in a position
08 that would separate the intake
09 air from the gob across those
10 entries.

11 BY MR. BIETER:

12 Q. Is that correct, Brian?

13 A. Sure.

14 MR. BIETER:

15 And on this map of ---
16 indicated Number Two entry
17 between spad 3345 and 3351
18 there's a curtain. Number
19 Three entry between 3349 and
20 3352 there's a curtain. And
21 then that same block of coal
22 over in Number Four entry,
23 there would be a curtain as
24 well and there's --- I don't
25 indicate by spad numbers

37

01 because there's no spad
02 numbers in the inby or the
03 outby intersections. And

04 those are indicated in black
05 marker.

06 BY MR. BIETER:

07 Q. Okay. Brian, you started to
08 talk about a roof fault that had
09 occurring over in headgate?

10 A. Yes.

11 Q. And did that make you have to
12 change the curtains?

13 A. Yeah, we had to change them.

14 Q. Do you remember ---?

15 A. I'm not for sure, it's been so
16 long, the way we did it because the
17 bosses helped do it. And it was ---
18 I couldn't -- I couldn't even touch
19 on the way ---.

20 Q. That's all right. That's all
21 right. But that was --- was the fall
22 outby the face?

23 A. Yes. Any time it had to be
24 redirected like that because I wasn't
25 real familiar --- you know, I did

38

01 what I could and stuff. But any time
02 I had a question, I'd go and ask the
03 boss. He would come and help me with
04 it.

05 Q. Okay. Did you work on
06 dayshift on the 18th of January, the

07 day before the accident?

08 A. Yes, I did.

09 Q. Do you recall if a State
10 inspector was on your section that
11 day and the wall was shut down to
12 address an issue regarding the
13 ventilation on that section?

14 A. Yes, there was.

15 Q. Did you have any involvement
16 with correcting the conditions that
17 ---?

18 A. That's what I was talking
19 about where the boss --- you know,
20 they come in and helped us situate
21 there. Even they did, you know.

22 Q. Who was directing you?

23 A. Ed Ellis and Rod Morrison.

24 Q. Rod was in there was well

25 A. I think so. I'm not for sure.

39

01 I don't want to say definitely
02 because it's been a while and I can't
03 remember. I'm pretty sure he was up
04 there. He usually is.

05 Q. Okay. Do you recall why there
06 had to be a --- why the air, the
07 ventilation was being addressed that
08 day?

09 A. I think they was low on air
10 that day and then they wanted to get
11 it checked and they wanted to get it
12 fixed so I guess that's what they
13 did.

14 Q. By low on air, do you mean,
15 low on air, the air flow reaching the
16 longwall face or directly to the
17 longwall face?

18 A. As far as --- I guess. I
19 mean, I can't say definitely because
20 I don't do the air readings or
21 anything.

22 Q. All right.

23 A. I can tell you is I went out
24 to change the air. That's just
25 hearsay I guess, that's the reason

40

01 why.

02 Q. That's okay. Did anybody
03 indicate to you what their reason
04 was?

05 A. I think they did say it was
06 the reason. I can't say definite,
07 but ---.

08 Q. And that was why?

09 A. I'm pretty sure because it was
10 low on air.

11 Q. Low on air?

12 A. They wasn't getting the right

13 --- the proper amount of air.

14 Q. Okay. Did anybody discuss

15 about direction of air being an

16 issue, direction of air in the belt

17 entries, belt entries and adjacent

18 entries, the common?

19 A. No, not that I know of.

20 Q. Okay. Do you know about how

21 long it took to get the air turned

22 around --- or get the air adjusted, I

23 should say. Not turned around.

24 A. It seems like it took maybe a

25 couple hours to get things situated

41

01 because --- I don't know. It was ---

02 oh, I know one reason we was having

03 problems finding curtains and stuff

04 because it wasn't brought in.

05 Q. Do you know what was done by

06 anybody else who was not working on

07 the section? I mean, was there

08 anybody else in the mine involved

09 with checking things or closing doors

10 or making adjustments besides just

11 members on the crew who worked on

12 these curtains that you were waiting

13 on?

14 A. Not that I know of.
15 Q. Not that you know of. Okay.
16 Did you hear any discussions about
17 it?
18 A. No. All I know is I was told
19 to fix it and I did the best I could.
20 Yes, it got fixed.
21 Q. Okay. Did your boss ever have
22 you make some changes before because
23 he indicated to you that there was
24 low air readings?
25 A. Yes, we have done it before.

42

01 Q. How often did that occur?
02 A. The time I was there, I'm not
03 for sure, but I'm going to say a
04 couple. Any time, you know, he took
05 an air reading and it wasn't right,
06 he would try to make it right, yeah.
07 Q. How long have you worked on
08 Nine headgate longwall?
09 A. I've been up on the longwall
10 since I started pretty much. I think
11 I started in on belts for a little
12 while but maybe no more than three or
13 four days or something like that.
14 Q. Were you --- I'm not --- I
15 don't recall when they actually
16 started mining Nine longwall panel.

17 Were you here when they first
18 started?

19 A. What ---? No. Oh, on this
20 panel here?

21 Q. On this panel.

22 A. Yes. Yes.

23 Q. Did you also work on Eight?

24 A. Yes, I worked on Eight, too.

25 Q. Did you work on any one before

43

01 that, before Eight?

02 A. No.

03 Q. Okay. So you were --- you
04 worked on this Nine panel since it
05 first started up until the day of the
06 accident?

07 A. Right.

08 Q. Okay. Are you aware of
09 tailgate difficulties in maintaining
10 the roof conditions in the tailgate?

11 A. As far as it falling in and
12 stuff?

13 Q. Yeah.

14 A. Yeah, I was aware there was no
15 escapeway there.

16 Q. Okay.

17 A. They had a meeting, you know,
18 prior to that, that there wasn't and

19 what we needed to do if something was
20 to happen.

21 Q. Prior to that being ---?

22 A. I'm pretty sure. Yeah, about
23 --- I'm not positive though.

24 Q. How often were you aware that
25 the tailgate was blocked--- or not

44

01 necessarily blocked but immediate
02 egress was not possible?

03 A. I'm going to say at the time,
04 they had it cocked for a little while
05 and it just failed toward the end.
06 Sometimes they'd catch it and they
07 --- you know, would lose it again. I
08 don't know much about it, but ---.

09 Q. When you walk the shields, do
10 you walk to the face?

11 A. Yes.

12 Q. Do you ever get to the
13 tailgate side of it?

14 A. What do you mean, to the end?

15 Q. Yeah.

16 A. No.

17 Q. Do you ever look into the
18 tailgate entry off the --- off the
19 face?

20 A. Yes, I have.

21 Q. Do you ever see any standing

22 supports?

23 A. Yes, I have.

24 Q. What kind of supports?

25 A. They had Heintzmanns at the

45

01 time, I'm pretty sure and they did
02 have some cribs out there. They'd
03 have cribs so far down and then had
04 like a little bit of Heintzmanns,
05 then they had cribs.

06 Q. Was there ever a time ---?

07 A. It might have been mixed, I'm
08 not for sure. I mean, I never paid
09 no attention to it. I was just
10 worried about going home.

11 Q. Was there ever a time that you
12 looked off into the tailgate entry
13 and didn't see any wood or any
14 standing supports?

15 A. No. There was always
16 something up there as far as I
17 remember.

18 Q. Always has been. Now, who
19 sets those?

20 A. I'm not for sure if third
21 shift sets them or who does it. I've
22 heard that they've shut it down
23 before to make, you know, even our

24 section do it, but I probably wasn't
25 there that day because I don't recall

46

01 doing that.

02 Q. Did you ever see anybody over
03 there working?

04 A. No, not that I remember.

05 Q. Anybody ever come across the
06 face to drop off the tailgate side
07 instead of walking in the tailgate?

08 A. When there was supportings
09 there?

10 Q. Yeah.

11 A. Like I say, they probably
12 have.

13 Q. Was the tailgate blockage a
14 frequent occurrence?

15 A. It's according on the
16 situation, you know. It's in --- I
17 mean, it has happened before, but
18 this panel's been a really good
19 panel.

20 Q. A good one?

21 A. Yeah.

22 Q. As far as being able to stay
23 open?

24 A. Yeah, pretty much.

25 Q. Was Eight panel worse than

47

01 what this one is?

02 A. Certain times it was. I mean,
03 they all get bad from time to time, I
04 guess. I'm not too familiar with how
05 it works and stuff.

06 Q. Who else was your supervisor
07 besides Ed Ellis?

08 A. The main coordinator you're
09 saying?

10 Q. No. Your immediate
11 supervisor. Was there ever --- did
12 you ever work for anybody else as in
13 a supervisor?

14 A. Dave Runyon was the other one
15 I was trying to think of. And
16 Anthony Gibson.

17 Q. Anthony --- oh, yeah, you did
18 tell me that.

19 A. Yeah.

20 Q. I forgot, yes. What other
21 duties do you --- well, let's go
22 through a couple questions here. Has
23 anyone ever reviewed the -- are you
24 aware that each mine has a
25 ventilation plan that gets approved?

48

01 A. I guess. I'm not for sure.
02 Q. Not sure, okay. Has anyone

03 ever reviewed with your crew what the
04 ventilation requirements are, what's
05 in the ventilation plan?

06 A. What are you saying? I mean,
07 I don't understand the question.

08 Q. How much air will you have to
09 have, what the velocities are.

10 A. They may have mentioned it,
11 but where I do not do any of that, I
12 really didn't pay it no mind, I just
13 hang the curtain and they check the
14 readings and stuff on there.

15 Q. Are there any additional
16 requirements that you have to have if
17 the tailgate's blocked?

18 A. I don't know.

19 Q. Any additional SCSRs, any ---?

20 A. I don't guess. I mean, ---.

21 Q. Anything that you've been made
22 aware of, I guess is the question?

23 A. No.

24 Q. No? No, you've not been made
25 aware of anything additional?

49

01 A. No.

02 Q. Is that what ---?

03 A. Yeah.

04 Q. Yeah. When do --- the water
05 sprays and water pressure, when does

06 that get checked on the longwall?
07 A. They're supposed to do it on
08 third shift I guess when they come in
09 and stuff. As soon as they start the
10 shift and stuff.
11 Q. Do you do that?
12 A. Do I do it?
13 Q. Yes.
14 A. No. That's a --- I guess
15 that's the operator's part to do it
16 and ---.
17 Q. Shear operator?
18 A. Yeah.
19 Q. Have you ever seen them do it?
20 A. Yeah.
21 Q. Every day?
22 A. Yeah.
23 Q. Have you seen them every day?
24 A. Yeah, they always make sure
25 because it benefits them.

50

01 Q. Did you ever see anyone
02 cleaning sprays?
03 A. Yes, I have. On third shift
04 when we come in and stuff they've
05 done it and seen them --- they always
06 check it like when they're changing
07 bits and stuff on the shearer, they

08 always clean and check and change
09 them pretty much every time I've been
10 there.

11 Q. Are you aware that there's
12 methane monitors on the face
13 equipment?

14 A. Yes.

15 Q. Do you know where those
16 monitors are located?

17 A. Yes. I think there's one
18 toward --- past the stagger shield on
19 the head and then there's one toward
20 the middle of the longwall and then
21 one toward the end. I couldn't tell
22 you exactly.

23 Q. Do you know if they ever have
24 trouble with them?

25 A. Yeah, they have problems with

51

01 them. That's --- they have to shut
02 them down to fix them.

03 Q. Do you know what kind of
04 problems they've encountered
05 typically?

06 A. Not really. I just know
07 basically that's just break time for
08 me so I let them worry about that.

09 Q. Catch a breath?

10 A. Yeah.

11 Q. Do you know if ---?

12 A. Unless it's serious, you know,
13 and they want you to evacuate or
14 whatever if they get too bad or
15 something. We've never had nothing
16 like that as far as I know.

17 Q. Have you ever had times when
18 you had gas on the face and had to
19 shut down?

20 A. It seems like we have, yeah.

21 Q. You have?

22 A. Seems like it.

23 Q. Where --- do you know what
24 sensor was activated to cause that?

25 A. No.

52

01 Q. Okay. Do you go by the
02 headgate at all ---

03 A. In the headgate?

04 Q. --- in your travels?

05 A. Yes, sir.

06 Q. Is there a visual display that
07 indicates what the methane
08 concentration is at different sensors
09 on the headgate area?

10 A. I'm not for sure. I couldn't
11 tell you. I never really took time
12 to look at it.

13 Q. Have you ever seen anyone
14 taking an air reading along the face
15 ---
16 A. Yes.
17 Q. --- with an anemometer?
18 A. Uh-huh (yes).
19 Q. How about in the headgate
20 itself?
21 A. Yes, I have.
22 Q. Who would that be?
23 A. That would usually be the
24 bosses most of the time or them over
25 that.

53

01 Q. Okay. Do you know where he
02 takes them?
03 A. Not really.
04 Q. You talked about --- you said
05 on the 18th there, you recall
06 assisting in hanging curtains to ---
07 as part of a process to help find ---
08 or help improve the amount of
09 ventilation at the longwall?
10 A. Yes.
11 Q. And you said that there was
12 other times when your supervisor had
13 indicated to you that you need
14 additional airflow?
15 A. Uh-huh (yes).

16 Q. Do you recall being informed
17 as to why the airflow had decreased
18 during those times, any of those
19 times?

20 A. No, not for sure. If they
21 have, I can't remember. They may
22 have. I don't know about --- most of
23 the time, I'd say no.

24 Q. Have you ever been asked to
25 call out to talk to somebody that

54

01 wasn't on a section and find out why
02 there was a problem with the air?

03 A. No. Usually if I had a
04 problem, I would go straight to the
05 boss and let him know because, you
06 know, that's the first job I had up
07 there and I didn't know a whole lot
08 about it. So I was being trained and
09 then if I wasn't for sure about
10 something, I'd go to somebody that
11 would know something about it.

12 Q. Did you work with somebody ---
13 you know, the two of you perform the
14 same tasks?

15 A. Yeah, they would have --- you
16 know, sometimes if there was another
17 black hat or something on the

18 section, if he didn't quit or a red
19 hat, you know.

20 Q. Is there a lot of turnover of
21 employees at the mine?

22 A. A lot of turnovers? As far as
23 quitting and stuff?

24 Q. Well, as far as a lot of
25 people with not a lot of years

55

01 employment at that operation. Did
02 that seem to be something that you
03 noticed, a lot of people were there
04 for a very short period of time.

05 A. There was some people there,
06 you know, that would quit and just
07 couldn't --- you know, I guess didn't
08 like the mining industry as far as I
09 don't know if they just didn't like
10 the mines or what. I don't know but
11 I guess that's in every mines,
12 everybody wants to switch jobs and
13 find the most money and go to a
14 better job, something closer to home
15 or something.

16 Q. Did you ever see your foreman
17 go off into the tailgate entry, off
18 the face?

19 A. I'm not for sure. They may
20 have, yeah.

21 Q. Do you recall or you don't
22 recall?

23 A. It seems like, yeah, they may
24 have before.

25 Q. Do you know what the purpose

56

01 was for him to go over there?

02 A. Maybe to check on air or
03 something. I couldn't tell you.

04 Q. Do you recall if the lights on
05 the face equipment ever went off when
06 there were methane monitor problems?

07 A. Yeah. Usually everything
08 would shut off.

09 Q. Did you ever notice if the
10 lights on the face were still on when
11 they had methane monitor problems?

12 A. The lights on the face were
13 still on?

14 Q. The face equipment, the lights
15 on the shields?

16 A. They may have, I'm not for
17 sure.

18 Q. You're not sure?

19 A. No.

20 Q. Okay. Do you know how many
21 sources of water you have for the
22 longwall?

23 A. No. I don't know nothing
24 about those things.

25 Q. Do you know where your water

57

01 for your longwall face equipment
02 comes in?

03 A. You're talking about from the
04 mule train which would ---

05 Q. Yeah.

06 A. --- I mean, is what they ---
07 yeah.

08 Q. We can start with that, that
09 would be good.

10 A. I guess that's where it come
11 from. As far as where they would get
12 the water? No, I have no idea.

13 Q. Okay. Do you ever get
14 involved with extending waterline to
15 the mule train ---

16 A. No.

17 Q. --- from the outside?

18 A. No, I haven't.

19 Q. Okay. Are you aware that
20 there's fire taps for use in fighting
21 fire provided near the longwall face?

22 A. Where would these be located?

23 Q. In the belt entry.

24 A. In the belt entry?

25 Q. Uh-huh (yes).

01 A. I'm sure they are. As far as
02 me being aware of it, they may have
03 told us but, you know, at the time I
04 probably didn't think nothing of it.

05 Now, I want to know all I can know.

06 Q. That's good. When in doubt,
07 ask.

08 A. Uh-huh (yes).

09 Q. Have you worked on the
10 longwall since the accident?

11 A. No. Yes, I have. I had to go
12 up and help --- on the longwall face
13 exactly?

14 Q. Anywhere in the area.

15 A. We had to go up and recover a
16 ---.

17 Q. We can sit down now ---

18 A. Okay.

19 Q. --- instead of standing here.

20 Probably thought we was going to
21 finish the interview standing up.

22 A. We had to go up and set some
23 Heintzmanns and things like that.

24 Q. In the headgate?

25 A. No. Yeah. I don't know if it

01 was in the headgate or not. I'm not

02 for sure where it was. Just up in
03 certain places wherever they told us
04 to put them.

05 Q. Are the Heintzmanns those wood
06 posts?

07 A. No, they're metal.

08 Q. Metal posts?

09 A. Uh-huh (yes).

10 Q. Okay. Do you know if you
11 worked -- well I guess before I get
12 over into that. Do you know if
13 there's a waterline that exists in
14 the longwall belt entry for
15 firefighting purposes --- to supply
16 water for firefighting?

17 A. No. I'm not aware of it, no.

18 I'm sure they are, I mean. But I
19 never asked.

20 Q. You said you're sure there are
21 --- are you sure there are because
22 you seen it or you just assume that
23 there is?

24 A. Well, I've maybe seen it
25 before but never paid no attention to

60

01 it because I never worked on that
02 part, you know.

03 Q. You say you may have seen it
04 before. Do you recall seeing it

05 before or you just ---?
06 A. I couldn't tell you.
07 Q. Okay. So if it was there, you
08 wouldn't have noticed it --- you
09 might have noticed it, you might not
10 have? If it wasn't there, you might
11 have ---
12 A. Right.
13 Q. --- you might not have.
14 A. Right.
15 Q. Okay. So you're not
16 indicating one way or the other
17 whether there is one there or not; is
18 that correct?
19 A. Right.
20 Q. Okay. Don't let me
21 mischaracterize what you're saying.
22 A. No, that's okay.
23 Q. Is that a correct
24 interpretation of what you said
25 A. Uh-huh (yes).

61

01 Q. Okay. Do you ever get
02 involved with removing waterline from
03 the longwall?
04 A. As far as taking it completely
05 out ---
06 Q. Yeah.

07 A. --- and moving it?
08 Q. Yeah.
09 A. We have before come in on
10 third shift --- well, come in on our
11 shift and third shift may have not
12 have made the move in time and we've
13 helped them before, yeah.
14 Q. With waterline?
15 A. Yes, it seems like we have.
16 Q. And what waterline would that
17 be?
18 A. I guess it's the main line.
19 I'm not real familiar with it, but I
20 guess it's the main line that goes to
21 the wall, I guess. I'm not for sure.
22 I don't know much about that.
23 Q. Was it plastic pipe?
24 A. Yeah, the blue ---.
25 Q. Like four-inch?

62

01 A. Do you know what I'm talking
02 about ---?
03 Q. Four to six?
04 A. I would say --- I would say
05 probably about eight inch.
06 Q. Eight inch?
07 A. Yeah.
08 Q. What about two-inch yellow,
09 ever see any two-inch yellow?

10 A. No, I've never seen that.

11 Q. Never seen any?

12 A. I don't think so.

13 Q. All right. And that

14 eight-inch blue, was that line that

15 was going to your mule train?

16 A. Yes.

17 Q. Okay. I guess that's the

18 waterline I was talking about before

19 that comes in and provides water to

20 the mule train ---

21 A. Okay. Was that ---?

22 Q. --- then comes back?

23 A. Yes, we have then.

24 Q. Okay. For that?

25 A. Okay.

63

01 Q. With the two-inch yellow or

02 two-inch in the belt entry, do you

03 recall any two-inch in the belt entry

04 that you removed ---

05 A. No.

06 Q. --- or installed?

07 A. No, not that I know of. When

08 we come in and did it, I think maybe

09 we've probably only had to do it

10 twice. It's just when they couldn't

11 get the move completely in or

12 something.

13 Q. Have you ever had --- not had
14 water on the longwall face and have
15 you ever not had water on a
16 production shift?

17 A. Not that I know of. Can't
18 hardly run without water.
19 Everything's run off of water to my
20 understanding.

21 Q. Do you know if there is any
22 fire valves --- do you know what a
23 fire valve is?

24 A. No.

25 Q. There's a --- in your water

64

01 supply that comes towards the
02 longwall face, ---.

03 A. Okay. Your valve that shuts
04 it on and off?

05 Q. No.

06 A. No?

07 Q. No. That would be like an
08 inline valve.

09 A. Okay.

10 Q. Like a spigot --- turns the
11 spigot on, turns the spigot off.

12 A. Uh-huh (yes).

13 Q. Okay. A fire valve would be
14 like a T in the line and there'd be

15 an on/off valve ---
16 A. Yes, I have seen one of those.
17 Q. --- like a T that sticks out.
18 A. But I've never messed with
19 them.
20 Q. Okay. And on that valve
21 there's a threaded coupler that is
22 adapted for your fire hose where you
23 can put the fire hose and fight a
24 fire using the fire hose. Okay. Do
25 you recall seeing any of those on the

65

01 monorail system? You know what I'm
02 talking about, the monorail system
03 that has your waterline and loop back
04 and forth on?

05 A. I'm not for sure, to be honest
06 with you.

07 Q. Okay. Do you know ---?

08 A. I couldn't tell you one way or
09 the other.

10 Q. All right. Do you know where
11 the fire hose is stored for the
12 longwall crew --- for the longwall
13 section?

14 A. No.

15 Q. Have you ever seen that S-1
16 sled?

17 A. Yes, I usually pull. That's
18 one of the sleds that I usually keep,
19 pull it down.

20 Q. Okay. You might want to look
21 at it, because I think there's a lot
22 of --- I think the S-1 is like the
23 safety sled.

24 A. Right.

25 Q. I'm not sure exactly ---.

66

01 A. It probably has all that stuff
02 in it.

03 Q. Yeah, it does. Yeah. It
04 probably wouldn't be a bad idea to
05 look it over when you get a chance
06 and get familiar with what's all on
07 it. It's something that you might
08 need to know sometime. But I think
09 that when I was up there, I think
10 that's what they told me.

11 A. Well, they did go over it with
12 us at retraining and stuff. As far
13 as prior to that, I'm saying I
14 wouldn't have --- you know, I don't
15 know if I would have known.

16 Q. Okay. Is that retraining
17 after the accident?

18 A. Yes.

19 Q. Okay.

20 A. They had us set up for the
21 retraining actually before the
22 accident. They had to delay it.
23 Q. The training was scheduled ---
24 A. Yes.
25 Q. --- prior to the accident ---

67

01 A. Yeah.
02 Q. --- to occur sometime after
03 the accident?
04 A. Yes.
05 Q. But because of the accident,
06 it didn't get done ---
07 A. Right.
08 Q. --- until later; is that
09 correct?
10 A. Right.
11 Q. Okay. Have you ever
12 participated in fire drills?
13 A. No.
14 Q. Never?
15 A. No.
16 Q. Have you ever had safety
17 meetings?
18 A. Yes.
19 Q. On the section?
20 A. Yes, we have, beginning of the
21 shift.

22 Q. Does your supervisor lead
23 those?

24 A. Yes.

25 Q. How often do you have those?

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01 A. I couldn't tell you how many.
02 I know we had them but as far as ---
03 was never on it, I couldn't tell you.

04 Q. That's all right.

05 A. Any time I guess, you know, we
06 went out, he would always try to tell
07 us something, you know, to let us
08 know to be safe and stuff out there.

09 Q. Do you ever have a safety talk
10 when you had the tailgate blocked?

11 A. Yes.

12 Q. Was the safety talk ever
13 centered around discussion about the
14 tailgate being blocked?

15 A. Yes, it was.

16 Q. In that discussion concerning
17 tailgate blockage, was anything
18 discussed about different things that
19 you might do that you wouldn't
20 normally do?

21 A. Probably, yes.

22 Q. Probably meaning, ---

23 A. Yes.

24 Q. --- you think that ---? Yes?

25 A. Yeah.

69

01 Q. Okay. Did any of those safety
02 talks discuss what you would do in
03 the event of an emergency?

04 A. Yes.

05 Q. How to get out of the mine?

06 A. They may have told us how to
07 get out of the mines, yeah. As far
08 as maybe walking it, no.

09 Q. Okay. Were you told what
10 color your --- I guess, were you told
11 that there was a primary escapeway?

12 A. Primary and secondary.

13 Q. And a secondary? Where were
14 you told the secondary was located?

15 A. I'm thinking maybe in the
16 belt, I'm not for sure at the time.
17 Where they've redirected everything,
18 it's messed up right now.

19 Q. What might be different now
20 than what it was?

21 A. Yeah, it's hard for me to
22 remember how it actually was.

23 Q. How it was then?

24 A. Yeah.

25 Q. Okay. Did they tell you ---?

70

01 A. I know usually --- I think the
02 primary was your way in, I'm
03 thinking.

04 Q. Okay.

05 A. When you went in, you went
06 over and then you went up the intake.
07 When you went over, you went to
08 Number One Fourway, crossed over
09 through two sets of doors and then
10 you went up in your primary intake
11 air. And then your secondary would
12 be on the right, on your other side
13 of it.

14 Q. Okay. Have you ever seen a
15 copy of escapeways on a map?

16 A. I may have seen them, but
17 didn't know much about them

18 Q. Do you know if there's an
19 escapeway map on your section?

20 A. There may be, I'm not for
21 sure. As far as now, probably, yes.
22 I don't know if there was before then
23 or not. There probably was, but I
24 never pay much attention to it until
25 this.

71

01 Q. Have you had an opportunity to
02 get familiar with what those
03 escapeways are ---

04 A. Yes.

05 Q. --- now?

06 A. Uh-huh (yes). Learned them,
07 yes.

08 Q. Okay. It's a good thing to
09 keep current with it.

10 A. Uh-huh (yes).

11 Q. And to check the map
12 periodically just to make sure that
13 you're familiar with any changes that
14 might have been made. And just so
15 you know in case you have to go to
16 other areas of the mine to work.

17 A. Right.

18 Q. Because I'm sure that there's
19 times when ---

20 A. See, I've never ---.

21 Q. --- it might come up and you
22 have to go somewhere else.

23 A. Most of the time I would go
24 straight to the section, you know,
25 and that's basically the only place I

01 knew in the mines.

02 Q. Yeah.

03 A. You knew your own section,
04 that's pretty much the way it was.

05 Q. Uh-huh (yes). Have you ever

06 traveled out of the mine in the
07 escapeway?
08 A. Yes.
09 Q. Walked it?
10 A. As far as walk it completely
11 out? No.
12 Q. How about just travel it
13 completely out?
14 A. We have now. Traveled it all
15 the way out? Yes. As far as going
16 out to where you go in the portal,
17 yes.
18 Q. When you say you traveled it
19 out but you didn't walk it out, could
20 you ride it out all the way?
21 A. I would say yes. I think ---
22 not your primary, but like I say, I'm
23 kind of confused to the way it was
24 then and the way it is now.
25 Q. Uh-huh (yes).

73

01 A. So I'm not real sure about it.
02 Q. Okay. It would be good if you
03 had some time to talk with someone
04 and become thoroughly familiar with
05 them, because you do have two
06 separate escapeways.
07 A. Are you talking about now?
08 Q. Yes.

09 A. Oh, yeah, I'm ---.

10 Q. You are now?

11 A. You can walk it all the way

12 out. I thought you was talking about

13 before the accident.

14 Q. Okay.

15 A. Yes, we have been walked out.

16 Q. Okay. I misunderstood what

17 you're saying.

18 A. Okay.

19 Q. I thought you was still fuzzy

20 about what to do.

21 A. No.

22 Q. Okay. That's my fault.

23 A. Yes, they took us and walked

24 us completely out of the mines and

25 stuff from our section. As they're

01 going to take us up on all the other

02 sections and walk us out, too, after

03 they all get released and everything

04 is situated.

05 Q. That's good. During any of

06 these safety talks that you had on

07 the section, did you ever hear what

08 roles individuals on your section had

09 in the event of an emergency, in the

10 event of a fire, like you as longwall

11 utility was responsible to do such
12 and such and headgate operator was
13 responsible for such and such,
14 something else? Did you ever hear
15 anything like that?

16 A. No, I didn't.

17 Q. Okay. Have you heard that
18 since?

19 A. Yes.

20 Q. Okay. When a tailgate entry's
21 blocked --- well, let me back up.
22 When they're mining coal --- are you
23 ever on the face when they're mining
24 coal?

25 A. Yes.

75

01 Q. Do they cut in both directions
02 from head to tail and then from tail
03 to head?

04 A. Yeah, they go from head to
05 tail and then back up again.

06 Q. Cutting coal in both
07 directions?

08 A. Uh-huh (yes).

09 Q. Do you know if the --- when
10 the tailgate entry's blocked, if they
11 do something different?

12 A. Not that I know of.

13 Q. Do they --- excuse me. I'm

14 sorry. Do they ever just mine in one
15 direction?

16 A. Not that I know of.

17 Q. They always cut in both
18 directions?

19 A. Unless --- okay, I know what
20 you're saying now. If there's
21 something wrong with --- you know, if
22 the top gets bad or something or the
23 line gets behind, as they call it,
24 and the line ain't staying the way
25 it's supposed to be, they would have

76

01 to do wedges maybe or something like
02 that there to straighten the line
03 back out.

04 Q. When you're talking about the
05 line, you mean the --- straightness
06 of the face?

07 A. Yes.

08 Q. And if it gets out of
09 alignment, they have to make shorter
10 cuts in portions of it to straighten
11 out, is that what you're talking
12 about?

13 A. Maybe. I'm not real familiar
14 with that, you know, because I didn't
15 work much on stuff like that.

16 Q. That's all right. I guess
17 what I was --- that wasn't really
18 what I was asking.
19 A. Okay.
20 Q. What I was asking is, is
21 normally --- say the face was always
22 in a line?
23 A. Yes.
24 Q. And we're not talking about
25 the unusual times when it might get

77

01 out of alignment and you have to
02 address that, but when normal
03 production cycle is, you're mining
04 from head to tail and from tail to
05 head.
06 A. Yes.
07 Q. Cutting coal in both
08 directions, coal is being mined and
09 ---
10 A. Yes, sir.
11 Q. --- and being cut?
12 A. Uh-huh (yes).
13 Q. Is there --- when the
14 tailgate's blocked, do they continue
15 to mine in both directions, cutting
16 coal in both directions?
17 A. Sure. As far as I know.
18 Q. Okay. You know that because

19 you've seen that or know that because
20 you just assume that they do?

21 A. I guess I've seen it, yeah.

22 I've been up there when it's
23 happened.

24 Q. Was there a section foreman on
25 the section when that was occurring?

78

01 A. Uh-huh (yes).

02 Q. Would he have been aware that
03 that was the case?

04 A. I'm sure.

05 Q. Okay. Do you know if there
06 was any instructions to do other than
07 that?

08 A. No. I'm not for sure.

09 Q. As a shield man, do you know
10 where the shield operators would
11 stand on the shield line? Would they
12 be inby or outby the shearer or both?

13 A. You're talking about the
14 shield operators?

15 Q. Yes.

16 A. You might want to ask me
17 again, I didn't understand the
18 question.

19 Q. Where does the shield operator
20 position himself on the face with

21 respect to the shearer? The shield
22 operator respect to the shearer?
23 A. Well, they would usually be
24 --- I'm not for sure how it works. I
25 have to think about it for a minute.

79

01 Q. That's all right. You take a
02 minute.

03 A. When he'd go toward the tail?

04 Q. Yes.

05 A. I guess they would be in front
06 of the shearer and when he'd go back
07 toward the head, he would be behind
08 the shearer.

09 Q. Do you know how far downwind
10 he'd be when he was behind the
11 shearer?

12 A. No, I do not. Usually right
13 with the shearer I'd say.

14 Q. Okay.

15 A. Unless they was having
16 problems with, you know, their
17 shields or something.

18 Q. Have you ever worn an
19 airstream helmet as a shield man?

20 A. No.

21 Q. Are you required to travel
22 inby the shearer downwind of the
23 shearer during your duties as a

24 longwall utility person?

25 A. Yes, I have.

80

01 Q. Do you have to work down there

02 for periods of time?

03 A. I have before, yes.

04 Q. While they were cutting coal?

05 A. Yes.

06 Q. Upwind of you?

07 A. Yes.

08 Q. Have you ever been on the face

09 when the tailgate was blocked?

10 A. Yes.

11 Q. Have you ever been near the

12 tailgate where you could see the

13 tailgate at that time?

14 A. As far as it being blocked?

15 Q. Uh-huh (yes).

16 A. Yes.

17 Q. Have you ever been down there

18 when the shearer cuts out on the

19 tailgate?

20 A. Yes.

21 Q. Have you ever been down there

22 when the shearer cuts out at the

23 tailgate when there's a roof fall

24 that blocks that tailgate?

25 A. Yes, I have.

01 Q. Could you describe what you
02 would see as far as, you know, the
03 dust and the air? I mean, if the
04 entry's wide open, the air is just
05 going to go off the face into the
06 tailgate entry?

07 A. Uh-huh (yes).

08 Q. Right? Is that correct?

09 A. Oh, are you talking about when
10 it's blocked?

11 Q. When it's blocked and you
12 know, ---?

13 A. I'm not for sure if I've
14 actually been --- I'd say I have, but
15 I can't say definite. You know if I
16 have been down there before or not.

17 Q. Okay.

18 A. When it's being actually
19 blocked? I think we have though, I'm
20 pretty sure.

21 Q. Oh, I'm sure if it's been
22 blocked that at some point, they had
23 a cut-out. But I guess the
24 question ---

25 A. Right.

01 Q. --- if you observed it and if
02 you could describe anything about it?

03 A. Yes.

04 Q. Could you describe anything
05 about it that you saw, visually,
06 yourself?

07 A. Just about it. I don't know
08 how to explain it. Just ---

09 Q. Pretty dusty?

10 A. --- a lot of rock. Yeah, very
11 dusty.

12 Q. Does the rock kind of fall
13 back into the face?

14 A. Yes, I would wear a respirator
15 most of the time, I would.

16 Q. And you were still up --- you
17 were on the intake side of the
18 shearer?

19 A. Yes.

20 Q. And the rock dust would ---
21 why would you need a respirator?

22 A. I would just wear one just
23 because of the dust, itself.

24 Q. The dust rolls back into the
25 intake air?

83

01 A. I would wear one no matter
02 what.

03 Q. Okay.

04 A. Even if the air was good just

05 to make sure I don't get none in my
06 lungs, you know.

07 Q. That's a good thing. Was it
08 dustier though when the tailgate was
09 blocked and you were cutting out ---

10 A. Oh, yeah.

11 Q. --- into the tailgate? And
12 did it --- did the dust roll back on
13 the headgate side of the shearer as
14 well?

15 A. Yeah.

16 Q. Does my question make sense to
17 you?

18 A. On the headgate, you're
19 talking about pushing back out? No,
20 I've never seen it that bad.

21 Q. No. On the tailgate, okay,
22 and you're cutting out into the
23 tailgate, ---

24 A. Uh-huh (yes).

25 Q. --- but you got a roof fall on

84

01 the tailgate and you're grinding up
02 all that rock as you're cutting out.
03 And is the air sufficient that the
04 dusts is being carried off the face
05 ---?

06 A. Sometimes. Sometimes not.

07 Q. I guess that was my question.

08 Does it --- does it seem that the ---
09 or would you know or be aware that
10 the roof fall restricts the air on
11 the face?

12 A. I don't --- you might want to
13 ask that again.

14 Q. That tailgate --- sometimes
15 the tailgate might only be bad top,
16 you can't get off of it because it's
17 unsafe for travel.

18 A. Uh-huh (yes).

19 Q. Sometimes it --- but it's
20 still open. Sometimes it maybe fell
21 in but just kind of potted out, ---

22 A. Uh-huh (yes).

23 Q. --- you know, and you still
24 may be able to see over the top of
25 the rock, but ---.

85

01 A. Yeah, there's been many a
02 times you could see that.

03 Q. But you couldn't travel there
04 safely, but you could see over it,
05 air could still go over it.

06 A. Yeah.

07 Q. But then there might be other
08 times when the tailgate was blocked
09 to the point that you ---

10 A. You couldn't see nothing.
11 Q. --- you have a wall of rock
12 there.
13 A. Yeah.
14 Q. Did ---?
15 A. There's been times but not
16 many. As far as it being falling on
17 solid you're saying?
18 Q. Yeah.
19 A. As far as I can recall,
20 there's been a few times, yeah.
21 Q. Does that ---?
22 A. As far as usually it would
23 fall in, you could still see out to
24 the entry a little bit, you know.
25 Q. Over the top of the edge of
86
01 the rock?
02 A. It varied, you know. It's
03 just according to how bad it got.
04 Q. Overtop of the edge of the
05 rock?
06 A. Yes.
07 Q. Okay. Did it affect the
08 airflow on the face?
09 A. Oh, I'm sure. Probably, I'd
10 say.
11 Q. Did you ever have to --- did
12 the airflow ever get affected enough

13 that you had to make changes to
14 increase the airflow because of that
15 tailgate blockage?

16 A. That's what I was talking
17 about earlier. Yeah, we have. But
18 as far as what we did --- just as far
19 as going out, I guess, and checking
20 and stuff, I don't know.

21 Q. So those times when you told
22 me that your foreman at other times
23 had told you that it wasn't enough
24 air, that was because the tailgate
25 was blocked?

87

01 A. I guess. You know, I'm not
02 for sure.

03 Q. Okay. Do you know if on the
04 day that --- on the 18th of January
05 when you had to make changes in
06 there, do you know if that was
07 because the air on the face was
08 altered because of the tailgate being
09 blocked?

10 A. No, not that I know of.

11 Q. Do you know ---?

12 A. Oh, you're saying as far as
13 the air being bad on the face that
14 day?

15 Q. Yeah.

16 A. I would say it probably was,
17 maybe. I don't know.

18 Q. Do you recall if a tailgate
19 was blocked ---

20 A. Was it blocked that day?

21 Q. --- by wall? Yeah, was it
22 blocked period.

23 A. I'm pretty sure it was blocked
24 that day, yes.

25 Q. Do you recall how bad --- how

88

01 severely it was blocked?

02 A. Not really.

03 Q. Okay.

04 A. You know, it's ---.

05 Q. Do you recall if you could see
06 over it?

07 A. Maybe. It may have been fell
08 in solid, I'm not for sure.

09 Q. Okay.

10 A. A good possibility it was, I'm
11 not ---.

12 Q. Have you been back on the face
13 since the accident to the tailgate
14 side?

15 A. Yes, we was. And you asked me
16 that earlier and I told you no, but I
17 think we went up there one time to

18 build cribs to catch the top, you

19 know, ---

20 Q. Where again?

21 A. --- where it's going to set

22 for a while. On the shields and

23 stuff.

24 Q. On the shields?

25 A. Yeah.

89

01 Q. Okay. Did you happen to make

02 it all the way down to the tail?

03 A. No. It was just toward the

04 head. We didn't probably get no more

05 than probably 40 shields, if we went

06 that far, maybe about 20.

07 Q. Let's go back to those methane

08 monitors, you said sometimes that you

09 have problems with them and that. Do

10 you know if there was ever times that

11 you had problems with them that they

12 weren't able to correct?

13 A. I'm not for sure about stuff

14 like that.

15 Q. I believe you told us that

16 there were times or there may have

17 been times when the face was shut

18 down because of methane, did you say?

19 Did you say that?

20 A. I'm pretty sure there was.

21 Q. Do you recall what those
22 levels of methane were?

23 A. No.

24 Q. Do you recall where the
25 methane was located?

90

01 A. No.

02 Q. Do you recall who found it?

03 A. Just I'd say the electricians
04 or the boss, I'm not for sure, you
05 know.

06 Q. All right. Did you ever hear
07 of anybody making adjustments
08 improperly to enable production to
09 continue when there were problems
10 with the methane monitors?

11 A. I'm not for sure.

12 Q. Who moves the power boxes on
13 the longwall, the mule train?

14 A. The mule train?

15 Q. Uh-huh (yes).

16 A. Usually it would be third
17 crew.

18 Q. Third shift?

19 A. Uh-huh (yes).

20 Q. Do you ever assist in moving
21 power?

22 A. I don't think so. We may have

23 but I'm not for sure. Usually they
24 usually do all that. I think the
25 guys on the section may have done it

91

01 before, but I don't think I've been
02 on it.

03 Q. Have you ever been a shield
04 operator on a face?

05 A. Yes. Training?

06 Q. Yes.

07 A. Not as far as doing it by
08 myself, no.

09 Q. You accompanied another
10 individual?

11 A. Yes.

12 Q. And he was instructing you?

13 A. Yes.

14 Q. When you did that and you or
15 your partner --- person who was
16 training you operated the shield from
17 the adjacent shield controls?

18 A. With the CIU boxes is what
19 you're saying?

20 Q. Yes.

21 A. Yes. If they worked.

22 Q. And if the shields ---?

23 A. If they didn't, then we would
24 have to do it manually.

25 Q. Okay.

92

01 A. Which is called spool valving.

02 Q. Yes. Say it again.

03 A. Spool valving it, and you

04 would have to spool valve it.

05 Q. Okay. In any of your safety

06 talks or your retraining or your

07 initial training, did anyone ever

08 talk to you about the dangers of

09 silica dust?

10 A. No. If they did ---.

11 Q. Do you know what silica dust

12 is?

13 A. Well, I'm not for sure, they

14 may have. Like I said, I never

15 touched on a lot of that stuff,

16 didn't worry about it until --- up to

17 this.

18 Q. When you're cutting a lot of

19 rock and that, there's different

20 types of dust, it's not coal dust,

21 it's something --- a different type

22 of dust and at times there might be

23 silica contained in those rocks and

24 there's just different types of

25 hazards I guess you might say

93

01 associated, lung problems that can

02 arise because of silica.

03 A. Uh-huh (yes).

04 Q. Have you worked in the

05 tailgate entries at all since this

06 wall started?

07 A. It seems like, yes, I have.

08 Q. Have you seen ---?

09 A. Building cribs and stuff?

10 Q. Yes.

11 A. Yes.

12 Q. On the normal work shift or

13 --- on the normal work shift, on a

14 normal production shift?

15 A. Yes.

16 Q. Do you know how --- how did

17 you get into there?

18 A. As far as getting there?

19 Q. Yeah.

20 A. Oh, I couldn't tell you.

21 Q. Well, did you walk across the

22 face and then get into the tailgate

23 entry?

24 A. We have before, yes.

25 Q. Did you --- if the tailgate

01 was blocked or if there was some

02 other reason you didn't go across the

03 face and into the tailgate entry, did

04 you get into the tailgate entry by
05 going through --- you know where old
06 Three section is?

07 A. Uh-huh (yes).

08 Q. Did you ever go through old
09 Three section and walk down the gob
10 --- you know, beside the gob? You
11 know what I mean by the gob?

12 A. Oh, where old Three? No, I'm
13 not for sure where it's at.

14 Q. Old Three section's in the
15 back end. It's called Four Right on
16 this map but it's also --- it's
17 called old Three section as well.

18 This is your headgate, ----

19 A. Yes.

20 Q. --- longwall face, tailgate.

21 A. Uh-huh (yes).

22 Q. Okay. Did you ever come
23 across the back behind the wall and
24 then come down this way?

25 A. Yes, it seems like we have.

95

01 Q. Did you drive down there?

02 A. On occasions, yeah.

03 Q. Did you have --- what did you
04 drive in?

05 A. A hauler.

06 Q. Is this after the longwall had

07 began mining?

08 A. Yes.

09 Q. And you drove down through ---
10 down this old --- used to be a track
11 entry I guess?

12 A. Yes.

13 Q. And then you'd go through some
14 doors. Did you have to pass through
15 the doors?

16 A. Yes, I would say.

17 Q. And then you went on down?
18 You went on down outby?

19 A. Yes.

20 Q. And what did you say --- what
21 kind of equipment did you use?

22 A. A hauler or a scoop. I'm
23 pretty sure most of the time we used
24 the hauler.

25 Q. And is a hauler a permissible
01 piece of equipment, do you know?

02 A. I'm not for sure. I guess.

03 Q. Is it a battery hauler?

04 A. Yes.

05 Q. And I was pointing to this
06 other map that's going to be Exhibit
07 B Caserta.
08 (Caserta Exhibit B

09 marked for
10 identification.)
11 BY MR. BEITER:
12 Q. And Exhibit B Caserta is just
13 a map that shows a larger portion of
14 the mine. And what I was indicating
15 here is on Four Right on this map ---
16 and Brian, you correct me if I'm
17 wrong. You said that when you
18 traveled into the tailgate entry it's
19 to work on setting the supports,
20 cribs or timbers or whatever? I
21 don't recall what you said exactly,
22 timbers, cribs?
23 A. Uh-huh (yes).
24 Q. You would travel at times into
25 Four Right, down the track entry ---

97

01 A. Uh-huh (yes).
02 Q. --- and near the tailgate,
03 Nine tailgate, you would travel
04 through equipment doors, scoop doors;
05 is that correct?
06 A. Uh-huh (yes).
07 Q. And then travel outby Nine
08 tailgate to where, outby the face?
09 A. Yes.
10 Q. And you would use a
11 battery-powered hauler or a battery

12 scoop ---

13 A. Uh-huh (yes).

14 Q. --- to get to --- travel back?

15 Was material already there?

16 A. Was material ---?

17 Q. Cribs or whatever you were

18 using for supports, was it already

19 there so basically you just used that

20 equipment to get there and once you

21 got there, the material was already

22 there or did you bring in yourself?

23 A. No. Material sometimes was

24 brought in.

25 Q. Once you were there?

98

01 A. Yes.

02 Q. Did they bring material in the

03 same way that you traveled?

04 A. I'm not for sure. Yeah, I'm

05 sure they did.

06 Q. Do you know if --- do you ever

07 travel in that way and find those

08 doors open at the back end, those

09 scoop doors, equipment doors?

10 A. I'm not for sure. I can't

11 recall.

12 Q. Do you recall if you had to

13 open them and close them as you went

14 through that ---?

15 A. Yes, you always had to open

16 them ---

17 Q. You had to?

18 A. --- and close them.

19 Q. Do you know how many doors

20 there were?

21 A. No.

22 Q. No? Okay. It might have been

23 a while back.

24 A. Yeah.

25 Q. Okay. Did you ever come into

99

01 the tailgate --- I mean, the wall's

02 out there a pretty good ways now;

03 right? I mean, it's out there

04 several thousand feet; is that

05 correct?

06 A. Uh-huh (yes).

07 Q. Did you ever --- did you ever

08 come in from the top end, from the

09 northeast mains, into Nine tailgate

10 and come down this way?

11 A. It seems like we have a couple

12 times. I'm not for sure.

13 Q. Okay. Because now there's a

14 roof fall over here that blocks your

15 route of travel from the back to the

16 front.

17 A. Right.

18 Q. A fall now?

19 A. Right.

20 Q. And do you know if, you know,
21 where --- which way you would have
22 traveled in from the front end of
23 Nine tailgate?

24 A. I'm not for sure.

25 Q. You don't recall, that's okay.

100

01 A. It's big mines.

02 Q. That's okay. It was before
03 the --- it was before the accident?

04 A. Uh-huh (yes).

05 Q. So do you recall ever
06 traveling --- maybe not the route you
07 took, but do you recall traveling
08 from northeast mains into Nine
09 tailgate from the top of the hill up
10 there.

11 A. I don't think so. I'm not for
12 sure though, we may have.

13 Q. Okay.

14 A. Like I said, there's a lot of
15 ways you can go in that mines, and
16 it's really confusing. Whole
17 different world.

18 Q. That's okay. Do you know how

19 many people rode with you on that
20 hauler?
21 A. Usually we would walk in, but
22 there was occasions that we did
23 drive, if water and stuff was bad or
24 something.
25 Q. Walk in from where?

101

01 A. You're talking about from ---
02 going all the way back.
03 Q. You just said you'd walk in.
04 A. Yeah.
05 Q. From where? From the back to
06 the face you mean?
07 A. Yeah.
08 Q. Or from the Four Right, old
09 Three section, ---
10 A. Yeah.
11 Q. --- up the Nine tailgate to
12 where you were setting cribs?
13 A. Uh-huh (yes).
14 Q. You'd walk that distance
15 sometimes?
16 A. Uh-huh (yes).
17 Q. And why would that be?
18 A. We just had to walk it to get
19 up to where we was going to work.
20 Q. I mean, is that because there
21 was no ride transportation or is that

22 because there was ride transportation

23 but you couldn't get through there

24 because of water or ---?

25 A. I'm not for sure. Probably

102

01 water or something like that in

02 there.

03 Q. Do you know if there was any

04 pumps back there?

05 A. Yeah, there was pumps on

06 occasions.

07 Q. Did you have a pump back

08 there?

09 A. I think so. I'm not for sure

10 about that.

11 Q. Was it a submersible pump?

12 A. I wouldn't know what you're

13 taking ---.

14 Q. Is it an electric pump?

15 A. I don't know much about their

16 pumps, I don't work with them.

17 Q. That's all right. Do you ever

18 hear air pumps? I don't know if you

19 have air pumps or not?

20 A. I don't know nothing about

21 none of them really.

22 Q. Okay.

23 A. I hardly ever mess with them.

24 Q. That's all right. You said
25 sometimes you used a scoop?

103

01 A. I'm thinking on occasions we
02 may have, I'm not definite.

03 Q. How did --- how many people
04 would have traveled with you on a
05 scoop?

06 A. I'm not for sure, to be honest
07 with you.

08 Q. All right. That's fine. Do
09 you know what color the --- in
10 January, prior to the accident, did
11 you know what color the secondary
12 escapeways were marked with, what
13 type of reflectors? Did you know
14 that there were reflectors marking
15 escapeways?

16 A. Yes.

17 Q. Did you know what color the
18 secondary was?

19 A. I'm pretty sure that --- all I
20 know is on your way in the mines, I'm
21 pretty sure it's green --- or I mean,
22 its amber going in and its green
23 coming out. I'm thinking is what it
24 is.

25 Q. Is that what it is today?

104

01 A. Yes, I think so.

02 Q. Okay. Your secondary
03 escapeway, they're amber; okay?

04 A. Okay.

05 Q. And they're going to be amber
06 looking in the direction that you
07 travel out?

08 A. They probably are then.

09 Q. Okay. And your primary, do
10 you know what color those are?

11 A. Green.

12 Q. They're green. And they're
13 --- both sets of those, the ones that
14 I have seen were like red on the back
15 of them, so if you're going the wrong
16 direction, both of them are going to
17 look red. And if that's the same ---
18 you need to check if you're not sure.

19 A. Okay.

20 Q. Okay? But from what I
21 understand is, you're right the amber
22 is your secondary, the green your
23 primary. Please check.

24 A. Okay.

25 Q. Did you ever work on belts?

01 A. Started ---.

02 Q. I think you said four days?

03 A. No. I've worked on belts for
04 several when I first started in, and
05 starting now I'm going to be on belts
06 for a little while, yeah, until it
07 gets started back out.

08 Q. After the accident you're
09 talking?

10 A. Yes. They're training me as
11 far as ---.

12 Q. To be a beltman?

13 A. Not a beltman. As far as
14 helping them I guess, just helping
15 the bosses or the belt guy that's on
16 the section, or on their belts.

17 Q. Uh-huh (yes). Prior to the
18 accident, did you ever work on the
19 longwall belt?

20 A. Not that I know of.

21 Q. Did you ever have to change
22 out bad rollers or anything as part
23 --- as a longwall utility man?

24 A. They --- I think they have
25 changed them out before, yeah, but

106

01 I'm not for sure about anything like
02 that.

03 Q. Have you done it?

04 A. Have I done it?

05 Q. Yes.

06 A. No.

07 Q. Have you ever had to work out
08 around the longwall mother drive
09 prior to the accident?

10 A. Maybe around it, but yeah, on
11 occasions we probably have.

12 Q. What would you have been
13 doing, do you recall?

14 A. I couldn't tell you.

15 Q. Okay. Do you know who ---
16 have you ever heard of something
17 called a Mine Emergency Evacuation
18 Firefighting Plan?

19 A. Yes, I've heard of it.

20 Q. Pardon me?

21 A. Yes, I've heard of it.

22 Q. Did you hear of it prior to
23 January 19th?

24 A. As far as how to get in and
25 out, they may have but I'm not for

107

01 sure.

02 Q. Okay.

03 A. Like I said, I didn't ---.

04 Q. That's all right. Do you
05 know, on your shift, a person
06 designated as a responsible person?
07 Have you ever heard of that term?

08 A. No.

09 Q. Have you heard of it since the
10 accident?

11 A. What are you saying?

12 Q. In the Mine Firefighting
13 Evacuation --- Mine Emergency
14 Evacuation Firefighting Plan, it
15 identifies an individual or multiple
16 individuals on each working shift,
17 not necessarily by name, but by title
18 and/or by name.

19 A. Yeah, it seems like they have
20 went over it with us.

21 Q. Okay.

22 A. They went over so much, I
23 couldn't ---.

24 Q. After the accident?

25 A. Uh-huh (yes).

108

01 Q. How about prior to the
02 accident?

03 A. I don't know if they have or
04 not, to be honest with you.

05 Q. It might seem like they have
06 gone over quite a bit with you.

07 A. Uh-huh (yes).

08 Q. And there is a lot to know.

09 A. Yeah.

10 Q. And there's a lot that you can

11 forget.

12 A. Yes.

13 Q. And you know, if you ever
14 think you need to --- that you've
15 forgotten, don't hesitate to ask
16 somebody.

17 A. That's one thing they say to
18 --- and they're supposed to go back
19 over it with --- you know, if we have
20 any problems and stuff, going over it
21 with us in the mines and stuff,
22 checking everything out.

23 Q. That's good. Do you know
24 there's a CO system in the mine? Are
25 you aware of that?

109

01 A. No.

02 Q. Prior to the accident?

03 A. What do you mean CO?

04 Q. Carbon monoxide.

05 A. Oh, yeah, I'm sure there are.
06 I don't know much about them though.

07 Q. Did you know that there was
08 one in the mine prior to the
09 accident?

10 A. And what is it?

11 Q. Prior to the accident, did you
12 know that there was one in the mine?

13 It's an electronic system ---

14 A. Yes.

15 Q. --- that monitors ---

16 A. You're talking about that

17 little box?

18 Q. Yeah. It monitors the carbon

19 monoxide concentrations in the belt

20 entry.

21 A. Yes.

22 Q. For fire detection purposes.

23 A. Uh-huh (yes).

24 Q. Did you know about that?

25 A. Yes.

110

01 Q. Had you ever received any

02 training on it?

03 A. Yeah, they train us in the

04 retraining and stuff.

05 Q. Prior to the accident?

06 A. Yeah. No, not prior to the

07 accident.

08 Q. Had you received any training

09 about it prior to the accident?

10 A. No.

11 Q. Had you received any training

12 about what actions are to be taken if

13 you have an alarm of the system prior

14 to the accident?

15 A. They may have, but I can't

16 remember. Like I said, ---

17 Q. That's okay.

18 A. I'm not for sure about

19 anything.

20 Q. Okay. Do you know where those

21 sensors are located underground?

22 A. No.

23 Q. Do you know where they're

24 located on the longwall section?

25 A. No.

111

01 Q. Do you know if there's an

02 alarm on the longwall section? Do

03 you know now if there's an alarm on

04 the longwall section?

05 A. I'm not for sure, they may

06 have told us.

07 Q. Okay. Well, ---.

08 A. I'm sure they'll go over it

09 with us when we get back up there,

10 I'd say or they may have done told

11 us, I don't know.

12 Q. Well, as the longwall utility

13 man, you probably spent a lot of time

14 passing back and forth from the face

15 to the outby ---

16 A. Uh-huh (yes).

17 Q. --- I'm assuming. Is that

18 true?

19 A. Uh-huh (yes).

20 Q. You might be someone who would
21 be in that area if an alarm activated
22 there, and there is an alarm near the
23 longwall face in the headgate entry.

24 A. Uh-huh (yes).

25 Q. Okay. So it might be

112

01 worthwhile for you to get familiar
02 with where that's located at.

03 A. Okay.

04 Q. When a tailgate gets pretty
05 nasty where the face is on the
06 tailgate side, where it gets pretty
07 nasty --- I guess pretty nasty
08 meaning --- you know what I'm talking
09 about? You know when the top
10 deteriorates?

11 A Uh-huh (yes).

12 Q. Does anybody have to go out
13 through there when it's bad?

14 A. I'm not for sure, they may
15 have before. I'm not definite about
16 it.

17 Q. Have you ever seen anybody
18 travel through unsupported top in the
19 tailgate to get off the face?

20 A. I'd say they probably have

21 before, yeah. I'm not for sure, but
22 I'd say it's happened, yeah.
23 Q. Would your supervisor had been
24 aware of it?
25 A. I guess. I don't know.

113

01 Q. Does it happen often?
02 A. What, that going on? I'd say
03 it probably has, yeah.
04 Q. Do you know if it was
05 unsupported or did it just appear to
06 be bad?
07 A. You can look at it sometimes
08 and see if it's bad or not, yeah.
09 It's a chance everybody takes when
10 they look at it theirselves, if they
11 decide to do it.
12 Q. How many people could ---?

13 MR. BEITER:

14 Take a break, please.

15 OFF RECORD DISCUSSION

16 BY MR. BEITER:

17 Q. Brian, is there anything that
18 we've discussed so far that you would
19 like to clarify in your comments?
20 A. Yeah. I think you was asking
21 me some kind of a question about
22 unsupported top or something like

23 that there. Could you --- maybe you
24 was asking me if I've been under
25 unsupported top or anybody or

114

01 whatever?

02 Q. Yeah.

03 A. I'm not for sure exactly what
04 you mean by unsupported top, because
05 I'm just not real sure about, you
06 know, --- on that part. I'm not for
07 sure if I went under it or not, you
08 know, to be honest with you. I know
09 I maybe said I did.

10 Q. I don't recall you saying that
11 you did.

12 A. Yeah. I don't know. I'd have
13 to hear that question again to ---.

14 Q. Does that go for other people
15 as well that you're not sure whether
16 or not it was or was not?

17 A. No, I'm not sure on anything
18 like that.

19 Q. I understand. Is there
20 anything else you wanted to clarify?

21 A. No, I don't guess.

22 Q. Do you want to continue?

23 A. Yeah, if you want. Go ahead
24 and --- you know, if you want to ask
25 a couple more questions, it'd be

01 fine.

02 Q. Appreciate that, Brian. Did
03 you work on the 19th of January, on
04 dayshift?

05 A. Yes.

06 Q. Could you tell us --- just
07 kind of go through the day and tell
08 us if there's anything that was
09 unusual that occurred during the day.

10 A. I'm not sure, anything that I
11 know of.

12 Q. Anything stand out?

13 A. No.

14 Q. Did you hear any discussions
15 about any difficulties with the
16 mother drive?

17 A. No. They did say they did
18 have belt problems or something, but
19 as far as what belt or anything, I'm
20 not for sure. It seems like I did
21 hear them say they did have some kind
22 of belt problems.

23 Q. And by problems, do you mean
24 the belts just weren't operating?

25 A. No. I couldn't tell you what

01 it was. They just hollered it out,

02 you know, the belts was down for
03 maybe a little while or something.
04 I'm not for sure how long it was or
05 what it was about it, you know.
06 Q. Uh-huh (yes). Did Carl White
07 drive out --- do you know Carl White?
08 A. Yeah, I know Carl.
09 Q. He's a beltman on ---?
10 A. Uh-huh (yes).
11 Q. Did he ride out with you that
12 day?
13 A. No. I don't know. He may
14 have or may --- I don't know. I
15 can't remember. It's been a while.
16 Q. And I guess the way you're ---
17 what do you got like a 14-man hauler,
18 the way those are ---
19 A. I'm not for sure ---
20 Q. --- you don't see ---.
21 A. --- if he did or not.
22 Q. You might not even see anybody
23 that sets in it?
24 A. Right.
25 Q. Yeah, because of the way the
01 seats are?
02 A. Right.
03 Q. Like I've rode in them, too,
04 and sometimes you don't know who's on

05 the other side of the bus.

06 A. Uh-huh (yes).

07 Q. Do you know anything about the

08 direction of airflow in that belt

09 entry?

10 A. No. I don't know nothing

11 about it.

12 Q. Do you know anything about any

13 CO sensor alarms that might have

14 occurred that day, the 19th?

15 A. No.

16 Q. What time did you get out of

17 the mine?

18 A. I'm not for sure, but the

19 accident happened probably ---

20 whatever time the accident was called

21 in, I usually --- it takes me about

22 an hour to get home, and it happened

23 about an hour after I got out of the

24 mines. I think we got out at maybe

25 four o'clock that day. I'm not for

01 sure.

02 Q. Were you at home, when you

03 first heard about the accident?

04 A. Yes.

05 Q. Was it that day that you heard

06 about it?

07 A. Yes.

08 Q. Did you have any involvement
09 at the mine during the recovery,
10 rescue operation?

11 A. No.

12 Q. Is there anything you'd like
13 to add about the accident, anything
14 you know about it?

15 A. No.

16 Q. Anything you might have heard
17 about it?

18 A. I've heard --- I don't like to
19 repeat hearsay.

20 MR. BEITER:

21 Bill, do you have any
22 questions?

23 MR. TUCKER:

24 Just a couple.

25 BY MR. TUCKER:

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01 Q. Brian, you mentioned that you
02 worked as utility. Have you ever
03 been like outby in the belt entry and
04 had to rock dust or anything in the
05 belt entry that you can remember?

06 A. No, not that I can remember.

07 Q. Okay. Other than at your
08 annual retraining that you had with
09 --- the demonstration that you had

10 with your SCSR at annual retraining,
11 do you recall at the mines ever
12 receiving specific training, a
13 demonstration of donning an SCSR at
14 the mines?

15 A. No, I've never seen it.

16 Before the accident?

17 Q. Right. Before the accident or
18 other than annual retraining. Or
19 before the accident.

20 A. Actually I'm not for sure, to
21 be honest with you. I'll say no, but
22 I'm not for sure. They may have. I
23 can't remember.

24 Q. Okay. I know you work hanging
25 the curtains on the section and

120

01 across all the entries. Have you
02 ever noticed a sign directing ---
03 which would direct people to the
04 escapeway up on the section?

05 A. Never paid much attention to
06 it.

07 Q. That they would like move back
08 at the beginning of the escapeway?

09 A. I'm not for sure.

10 Q. Okay. You have mentioned
11 about shields, sometimes you would

12 have to manually move a shield as a
13 shield operator.

14 A. Uh-huh (yes).

15 Q. Have you ever --- what's
16 probably the most, say, at a time on
17 the longwall face that you can
18 recall, or if you can recall a
19 number, that you've had to where the
20 --- you couldn't move it by the
21 adjacent shield and you'd have to
22 manually move that shield?

23 A. I'm not really for sure, to be
24 honest with you. As far as all of
25 them working and stuff? You're

121

01 talking about ---?

02 Q. Yeah, I know that happens at
03 times ---

04 A. Yeah.

05 Q. --- that you have to manually
06 do it.

07 A. Usually they would --- as soon
08 as it would, you know, --- they had
09 problems, they would try to fix them

10 Q. Do you have more than two in a
11 row or is that usually like an
12 isolated situation?

13 A. There's been occasions there's
14 been more, sure. As far as them

15 fixing them and stuff, maybe shutting
16 down and fixing them, they've done
17 that.

18 Q. Right. Okay.

19 MR. TUCKER:

20 All right. Brian, I
21 appreciate it. Thank you.

22 A. Thank you.

23 BY MR. BEITER:

24 Q. Brian, do you have any other
25 --- any other statements you wanted

122

01 to make?

02 A. Other than all the stuff that
03 we went over, ---

04 Q. Yeah.

05 A. --- I hope I've, you know,
06 helped you and stuff with what I've
07 told you. I'm not real sure about
08 anything, to be honest with you.

09 It's been a long time since this has
10 all happened.

11 Q. I'm sure there's been a lot go
12 through your mind since then.

13 A. Yeah, there's a lot that's
14 going on and --- I mean, I try to do,
15 --- you know, tell you the most I can
16 about it. As far as being sure about

17 anything --- I'm not, I guess, I'm
18 definitely sure about anything. As
19 far as some of the direct questions,
20 maybe yes, no.

21 Q. Okay. That's fine, Brian.

22 MR. BEITER:

23 Brian, on behalf of
24 MSHA, I wish to thank you for
25 appearing here today and for

123

01 answering our questions and
02 for sharing your information
03 about the mine. Your
04 cooperation is very important
05 to us as we work to determine
06 what caused the accident. Is
07 there anything that we didn't
08 ask you that you believe we
09 should have?

10 A. No. I think you all covered
11 just about everything.

12 MR. BEITER:

13 Brian, we ask that you
14 don't discuss this interview
15 today with any person who
16 might have already been
17 interviewed or with anybody
18 who might be asked to give a
19 statement in the future. And

20 the reason that we ask this is
21 we try to obtain everyone's
22 independent memory of the
23 events surrounding the
24 accident.
25 A. Right.

124

01 MR. BEITER:
02 And that's the reason
03 we ask you not to talk with
04 anybody else about it. After
05 questioning other witnesses
06 and obtaining additional
07 information, if it's
08 necessary, we might ask you
09 back for additional questions.
10 And at that time, you have the
11 same rights that you had this
12 time. It's voluntary and if
13 you wish to participate, then
14 you do it. If you don't wish
15 to, then you don't have to.
16 If at some later point
17 you have additional
18 information that you remember
19 regarding the accident that
20 you'd like to provide us,
21 please contact Ken Murray.

22 Ken Murray is the District
23 Manager for MSHA in Pikeville,
24 Kentucky and he's also the
25 lead investigator for this

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01 accident investigation team
02 from MSHA. And his staff
03 assistant, Anthony Webb who
04 works for him in Pikeville,
05 Kentucky as well have given me
06 these cards to give you.
07 They're just contact cards
08 that have the phone numbers.
09 If there's something that you
10 remember that we haven't asked
11 you that you feel is important
12 for us to know, if you could
13 contact them, that would be
14 appreciated.

15 Brian, the Mine Act
16 provides certain protection
17 for individuals who
18 participate in accident
19 investigations. If at any
20 time you believe that you've
21 been treated unfairly because
22 of your cooperation in this
23 investigation, please
24 immediately contact Mr. Murray

25 or Mr. Webb. And Brian,

126

01 again, thank you very much for
02 coming in and speaking with
03 us. Bill?

04 MR. TUCKER:

05 I, too, would like to
06 thank you on behalf of Miners'
07 Health, Safety & Training,
08 Brian, for taking the time to
09 come in and talk to us today.
10 Here's one of my cards. And
11 the State also offers
12 protection against
13 discrimination against miners.
14 And here's a card for C.A.
15 Phillips. He's Deputy
16 Director out of our Charleston
17 office. And if you need us
18 for anything, feel free to
19 call.

20 * * * * *

21 EXAMINATION CONCLUDED AT 11:49 A.M.

22 * * * * *

23

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25