

01                   EXAMINATION UNDER OATH  
02                                   OF  
03                   BRANDON ULYSSES CONLEY  
04  
05       Taken pursuant to Notice by Autumn D.  
06       Furby-Pritt, a Court Reporter and  
07       Notary Public in and for the State of  
08       West Virginia, at Department of  
09       Environmental Protection, 1101 George  
10       Kostas Drive, Logan, West Virginia,  
11       on Thursday, February 9, 2006, at  
12       6:46 p.m.

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

02

03 ALSO PRESENT:

04 TIMOTHY BRADFORD, ESQUIRE

05 MARNE MITSKOG

06 STEVE COX

07 MICHAEL FINNIE  
08 DENNIS A. BEITER  
09 RONALD W. STAHLHUT  
10 WILLIAM J. FRANCCART  
11 CHARLES W. POGUE  
12 RODNEY BROWN  
13 ARLIE A. WEBB  
14 ANTHONY L. BURKE  
15 C.A. PHILLIPS  
16 EUGENE WHITE  
17  
18  
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01 I N D E X

02

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

02 -----

03 MR. WEBB:

04 Mr. Conley, my name's  
05 Anthony Webb and I represent  
06 the Mine Safety & Health  
07 Administration, which is an  
08 agency of the United States  
09 Department of Labor. I'm a  
10 member of MSHA's investigation  
11 team that's charged with  
12 investigating the accident  
13 that happened at Aracoma Coal  
14 Company, Incorporated, Aracoma

15 Alma Mine Number One on  
16 January 19th of 2006. This is  
17 a joint investigation that  
18 MSHA's conducting with the  
19 State of West Virginia. I'll  
20 be asking the questions for  
21 MSHA in today's interview.

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

8

01 specialists and members of the  
02 Solicitor's Office. At this  
03 time, I would like to ask each  
04 of the members of MSHA's team  
05 to identify themselves for the  
06 record. And we'll start right  
07 here.

08 MR. FINNIE

09 Michael Finnie, MSHA,  
10 Madisonville, Kentucky.

11 MR. FRANCCART:

12 I'm Bill Francart. I'm  
13 with MSHA in Pittsburgh,  
14 Pennsylvania.

15 MR. MURRAY:

16 I'm Kenny Murray from

17 MSHA, Pikeville, Kentucky.

18 ATTORNEY MITSKOG:

19 Marne Mitskog with the  
20 Solicitor's Office.

21 MR. WAGGETT:

22 Jeff Waggett with MSHA,  
23 Pittsburgh.

24 MR. BELL:

25 Keith Bell, Solicitor's

9

01 Office, Washington, DC.

02 ATTORNEY BARISH:

03 Dan Barish, the  
04 Solicitor's Office.

05 MR. WEBB:

06 Here with me today  
07 representing the State of West  
08 Virginia is Mr. Terry Farley.  
09 Mr. Farley will be asking the  
10 questions for the State. At  
11 this time, I would ask Mr.  
12 Farley to give any  
13 introductory statements he  
14 needs to and then he can  
15 identify the members of the  
16 State's team.

17 MR. FARLEY:

18 As Mr. Webb said, the  
19 Office of Miners' Health,



20 Safety & Training and MSHA are  
21 conducting this investigation  
22 jointly. And I need to point  
23 out that we are in agreement  
24 with the procedures that he's  
25 outlined and will outline

10

01 later. Also I need to make it  
02 clear that our Director  
03 reserves the right if  
04 necessary to call or subpoena  
05 witnesses or require  
06 production of any record,  
07 document, photograph or other  
08 relevant materials necessary  
09 to conduct this investigation.  
10 Again, I'm Terry Farley.

11 MR. TUCKER:

12 Bill Tucker, I work out  
13 of the Oak Hill Office, Region  
14 Four.

15 MR. PHILLIPS:

16 C.A. Phillips, I'm  
17 Deputy Director with Miners'  
18 Health, Safety & Training in  
19 Charleston.

20 MR. WHITE:

21 Eugene White, Alabama.

22 ATTORNEY BRADFORD:

23 I'm Tim Bradford, I'm  
24 the attorney in Charleston.

25 MR. COX:

11

01 Steve Cox, Region  
02 Three, Danville.

03 MR. WEBB:

04 Mr. Conley, we've been  
05 assigned to conduct an  
06 investigation into the  
07 accident that occurred at the  
08 Aracoma Coal Company,  
09 Incorporated, Aracoma Alma  
10 Mine Number One on January  
11 19th, 2006, which involved a  
12 belt fire at the longwall  
13 belt. 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 this from happening in the  
20 future. These interviews are  
21 an important part of the  
22 investigation. After the  
23 investigation is completed,  
24 MSHA will issue a written

25 report detailing the nature

12

01 and causes of the accident.  
02 MSHA accident reports are made  
03 available to the public in the  
04 hope that greater awareness  
05 about the causes of accidents  
06 can reduce their occurrence in  
07 the future. Information  
08 obtained through witness  
09 interviews is frequently  
10 included in these reports.  
11 And your statement may also be  
12 used in other enforcement  
13 proceedings.

14 I want to thank you in  
15 advance for your appearance  
16 here. We appreciate your  
17 assistance in the  
18 investigation. It's the  
19 willingness of miners and mine  
20 operators to work with us  
21 that's critical to our success  
22 in making the nation's mines  
23 safer.

24 This interview with  
25 Brandon Conley is being

13

01 conducted under Section 103(a)  
02 of the Federal Mine Safety &  
03 Health Act of 1977 as part of  
04 an investigation by the Mine  
05 Safety & Health Administration  
06 into the conditions, events  
07 and circumstances surrounding  
08 the fatalities that occurred  
09 at the Aracoma Alma Mine  
10 Number One located at Route 17  
11 North, Bandmill Hollow Road,  
12 Stollings, West Virginia,  
13 25646. This interview is  
14 being conducted at the West  
15 Virginia Department of  
16 Environmental Protection  
17 Office in Logan, West Virginia  
18 on February 9th, 2006 at 6:54  
19 p.m. Eastern Standard Time.

20 Mr. Conley, the  
21 interview will begin by asking  
22 you a series of questions.  
23 Feel free at any time to  
24 clarify any statements that  
25 you make in response to the

14

01 questions. After we have  
02 finished asking the questions,  
03 you will also have an

04 opportunity to make a  
05 statement of your own and  
06 provide us with any other  
07 information that you believe  
08 may be important. You are  
09 permitted to have a  
10 representative with you during  
11 this interview and you can  
12 consult with your  
13 representative at any time.  
14 You may designate any person  
15 to be your representative.

16       Following the questions  
17 by MSHA and the State, this  
18 representative will be given  
19 the opportunity to ask  
20 questions for the purposes of  
21 clarification on areas already  
22 addressed. Your statement is  
23 entirely voluntary. You may  
24 refuse to answer any question  
25 and you may end your interview

15

01 at any time. If you do not  
02 understand a question, tell me  
03 and I will rephrase it. If  
04 you need a break for any  
05 reason, please let me know.

06           You may request the  
07           opportunity to make a  
08           confidential statement, which  
09           we'll withhold from the public  
10           to the extent allowed by law.  
11           Should you desire to give a  
12           confidential statement, you  
13           should advise me before I  
14           begin your interview so that  
15           we can schedule the interview  
16           or adjust the interview so  
17           that we can consider your  
18           request. Do you want to  
19           request a confidential  
20           interview?

21                       MR. CONLEY:

22                       No.

23                       MR. WEBB:

24           A court reporter will  
25           record your interview and will

16

01           later produce a written  
02           transcript. I would like to  
03           ask that you state all of your  
04           answers verbally because the  
05           court reporter cannot record  
06           your gestures, like nodding of  
07           your head.

08           If any part of your

09 statement is based not on your  
10 own firsthand knowledge, but  
11 on information that you  
12 learned from someone else,  
13 please let us know that.  
14 Please answer each question as  
15 fully as you can, including  
16 any information that you may  
17 have learned from someone  
18 else. We may not ask the  
19 right question to learn the  
20 information that you have, so  
21 don't feel limited by the  
22 precise question asked. If  
23 you have information about the  
24 subject area of a question,  
25 please provide us with that

17

01 information.

02 Do you have any  
03 questions about the manner in  
04 which the interview will be  
05 conducted?

06 MR. CONLEY:

07 No.

08 MR. WEBB:

09 Will you please swear  
10 in Mr. Conley.

11 -----

12 BRANDON CONLEY, HAVING FIRST BEEN

13 DULY SWORN, TESTIFIED AS FOLLOWS:

14 -----

15 BY MR. WEBB:

16 Q. Will you please state your

17 full name, address and telephone

18 number and then spell your last name

19 for us?

20 A. Brandon Ulysses Conley, [REDACTED]

[REDACTED]

24 Q. Thank you. Are you appearing

25 voluntarily at this interview?

18

01 A. Yeah.

02 Q. Has anyone made any promises

03 to you for giving your statement or

04 offered you any rewards in exchange

05 for making a statement?

06 A. No.

07 Q. Has anyone threatened you or

08 warned you not to provide this

09 statement?

10 A. No, sir.

11 Q. Do you understand that you may

12 refuse to answer any question or

13 terminate the interview at any time?



14 A. Yes, sir.  
15 Q. Do you have a representative  
16 with you?  
17 A. My wife.  
18 Q. And please identify your  
19 representative?  
20 A. Candace Conley.  
21 Q. Candace Conley?  
22 A. Uh-huh (yes).  
23 Q. Is that Candace with a C or a  
24 K?  
25 A. C.

19

01 MRS. CONLEY:  
02 C. C-A-N-D-A-C-E.  
03 MR. WEBB:  
04 Okay. Thank you.  
05 BY MR. WEBB:  
06 Q. Yesterday and earlier today we  
07 interviewed several people concerning  
08 the fire. Have you spoken to any of  
09 these folks, any of these people that  
10 we may --- anyone we may have  
11 interviewed?  
12 A. I haven't talked to anyone in  
13 a while  
14 Q. Haven't talked to anybody?  
15 A. No.

16 Q. Okay. Are you currently  
17 employed at Aracoma Alma Mine Number  
18 One?

19 A. No, sir.

20 Q. Where are you employed now?

21 A. Belo Mine Service, I'm a  
22 contractor for Rocks Barns  
23 Development (phonetic).

24 Q. All right. And how long did  
25 you work for Aracoma Alma Mine Number

20

01 One?

02 A. A year and six months.

03 Q. What was your job title when  
04 you worked there?

05 A. Utility underground.

06 Q. Was that the job you were  
07 working on January 19th of 2006?

08 A. No. I was working the belts.

09 Q. Okay. You were working the  
10 belts on that day?

11 A. Well, that was just my  
12 classification, utility underground  
13 but I've always been on the belts  
14 since I've been a black hat.

15 Q. How long have you had the  
16 position of utility underground?

17 A. Since April 18th of '05.

18 Q. Had you held any other

19 positions at this mine?

20 A. No, just that.

21 Q. How many total years mining  
22 experience do you have?

23 A. Almost two years.

24 Q. And if I might ask, why did  
25 you leave your job at Aracoma?

21

01 A. Just don't feel safe there  
02 anymore. I mean, ---.

03 Q. Were you pressured into  
04 leaving or did you feel ---

05 A. No.

06 Q. --- pressured into leaving?

07 A. No.

08 Q. I'd like for you to tell me a  
09 little bit about what you would  
10 usually be doing on a normal workday  
11 when you worked at Aracoma?

12 A. Just cleaning, greasing,  
13 shoveling on the belts, belt heads  
14 and cleaning off power sanders and  
15 checking belt splices, checking the  
16 bearing temperatures. That's about  
17 it. Walking the belts.

18 Q. Which belts were normally  
19 assigned to you to take care of?

20 A. On different days it just

21 depends.

22 Q. Did you ---?

23 A. I mean, I may have six, seven

24 and the mother drive belt one day an

25 then one day I might have the Rum

22

01 Creek belts. I mean, it just

02 depends, you know, who's there, who

03 ain't there, you know, who can work

04 that belt and who can't.

05 Q. Would it be safe to say that

06 you had worked on every belt in the

07 mine at one time or another?

08 A. Yeah.

09 Q. Were you trained in the

10 escapeway routes for each area that

11 you worked in? Would you know if

12 there was an emergency how to get out

13 of any area in the mine where you

14 might be working?

15 A. No, sir. I wouldn't have been

16 able to find my way out, I don't

17 believe.

18 Q. Okay. Were you trained in any

19 of the areas?

20 A. Not really.

21 Q. If you needed to look at an

22 escapeway map for yourself to learn

23 how to escape from an area where you

24 were going to be working, would you  
25 know where to find an escapeway map?

23

01 A. Probably so.

02 Q. Where would that be?

03 A. The map?

04 Q. The map.

05 A. It'd be in the mine office.

06 Q. In the mine office?

07 A. Uh-huh (yes).

08 Q. And do you know which part of  
09 the mine office?

10 A. In the conference room.

11 Q. Conference room?

12 A. Uh-huh (yes).

13 Q. And would that be on the  
14 surface office?

15 A. Yeah, surface office.

16 Q. And first floor, second floor?

17 A. That'd be the second floor,  
18 upstairs.

19 Q. Second floor. Were you ever  
20 included in a mine emergency  
21 evacuation drill?

22 A. No.

23 Q. In the whole time you worked  
24 there, you never participated in an  
25 evacuation drill?

01 A. Nope.

02 Q. Did you normally work alone or  
03 were you part of a crew?

04 A. Alone.

05 Q. Alone?

06 A. Uh-huh (yes).

07 Q. On a normal workday, who would  
08 you normally get your daily  
09 instructions from?

10 A. The belt boss, Jeff Perry.  
11 Jeff Perry.

12 Q. Jeff Perry. Were you an  
13 hourly worker or ---

14 A. Hourly.

15 Q. --- management?

16 A. Hourly.

17 Q. Hourly?

18 A. Uh-huh (yes).

19 Q. Did any of your job duties  
20 involve installing belt structure to  
21 move a belt up or install a new belt?

22 A. No.

23 Q. No? Were you ever assigned to  
24 build stoppings or remove stoppings  
25 as part of working on the belts?

01 A. No.

02 Q. Did you ever work on the

03 longwall mother belt?

04 A. Yes.

05 Q. Could you tell us when?

06 A. The last day I worked that,

07 would have been January 17th, I want

08 to say.

09 Q. Of this year?

10 A. Yeah.

11 Q. And what did you do on that

12 date? Can you just kind of describe

13 for us?

14 A. Just my normal duties.

15 Q. Which would have been?

16 A. Cleaning, greasing, dusting,

17 rock dusting, that sort of thing,

18 checking splices and you know, just a

19 daily routine.

20 Q. Were you ever assigned to work

21 on any of the belts in the northeast

22 mains area up towards Two section?

23 A. They had someone assigned to

24 them belts.

25 Q. Okay. So you worked on the

26

01 longwall mother belt. What about the

02 six-foot belt that ---?

03 A. I would usually have six,

04 seven and the mother belt. Number

05 Six six-foot, Number Seven six-foot,  
06 and the longwall belt  
07 Q. Okay. Now, I ---.  
08 A. Because ---.  
09 Q. Which belts would have been  
10 Number Six? Which belt would have  
11 been Number Six? Are you --- we have  
12 a mine map here. Are you familiar  
13 with ---? We've got some areas.  
14 This is northeast mains. This is the  
15 Two section. And then, of course,  
16 this is the longwall mother belt.  
17 A. Longwall belt dumps onto Seven  
18 and goes down Six.  
19 Q. Okay. I'll mark this as the  
20 Number Seven belt?  
21 A. Yeah.  
22 Q. And this is Number Six belt?  
23 A. Right.  
24 Q. And this is the one known as  
25 the mother belt?

27

01 A. Yeah.  
02 Q. But now, this belt, you never  
03 worked on this belt?  
04 A. It's been a long time. I  
05 mean, it's been a long time.  
06 Q. Okay.  
07 A. But that's the longwall Seven



08 and Six.

09 Q. Thank you. Are you familiar  
10 with the carbon monoxide monitoring  
11 system at the mine?

12 A. A little bit.

13 Q. Would you know where the  
14 sensors were located on the belts?

15 A. Uh-huh (yes).

16 Q. Can you tell us a little bit  
17 about how that system would work as  
18 far as your job duties were  
19 concerned?

20 A. What do you mean?

21 Q. If you were working on the  
22 belt, would you have noticed anything  
23 unusual, alarms or alerts?

24 A. Not unless I would see the CO  
25 monitor, because there would be a

28

01 light flashing. It's be like orange  
02 for alarm and red for warning.

03 Q. And ---.

04 A. And the only other way would  
05 be the dispatcher, if the dispatcher  
06 would get in contact with me and tell  
07 me that I had a CO going off on a,  
08 you know, particular belt or you  
09 know, ---.

10 Q. Can you tell me if alerts and  
11 alarms happened often at this mine?  
12 A. There was some that the COs  
13 that were, I think, faulty. I mean,  
14 because the dispatcher would call and  
15 say, well, there's a CO going off  
16 down on, say, the Number Two six-foot  
17 belt. And I'd go down to it and  
18 there wouldn't be nothing --- nothing  
19 going on. I mean, no smoke, no fire,  
20 no nothing. So the only thing I  
21 could say that would be faulty. I  
22 mean, ---.

23 Q. Would you --- how in your  
24 experience did the mine management  
25 react to alarms?

29

01 A. They didn't, not very well.

02 Q. Did they --- would they have  
03 been ignoring the alarms or what was  
04 your general feeling about how they  
05 would --- how they treated alerts and  
06 alarms?

07 A. To me, they ignored them. I  
08 mean, that's just my --- that's the  
09 only way I can put it.

10 Q. Do you --- in your experience,  
11 how many alerts or alarms ended up in  
12 actually being problems?

13 A. Right now I don't know. I  
14 mean, ---  
15 Q. That's all right.  
16 A. I know of one time. I can say  
17 that.  
18 Q. Would you care to tell us  
19 about it?  
20 A. It was --- I think it was down  
21 on the Number Two six-foot belt.  
22 When the CO monitor went off, the  
23 dispatcher contacted me and I went  
24 down there and there was nothing  
25 going on, so ---.

30

01 Q. Do the belts normally stop  
02 running when a CO alarm or alert goes  
03 off, so even though an alarm or an  
04 alert might be sounding, the belts  
05 would still be running?  
06 A. (Indicates yes.)  
07 Q. I need you to answer ---.  
08 A. Yes. Yes.  
09 Q. Okay. Thank you.  
10 A. Yes.  
11 Q. Were there any particular  
12 belts in this mine that seemed to  
13 give you more trouble than other  
14 belts?

15 A. The mother drive belt.

16 Q. And how would that be?

17 A. On December 23rd, 2005, on  
18 evening shift, the same events  
19 happened that happened on January  
20 19th.

21 Q. And you were working the  
22 longwall mother belt on that evening?

23 A. Uh-huh (yes).

24 Q. Could you tell us about that?

25 A. Yeah. The dolly, the dollies

31

01 on the mother drive belt had --- one  
02 of the dollies had twisted causing  
03 the belt to run to the offside.

04 Okay. And the belt was rubbing the  
05 bearing in the housing and then the  
06 belt --- it appeared that the belt  
07 had started shaving on the side until  
08 it just built up so much and then it  
09 ignited. Okay. I was down on the  
10 Number Seven six-foot belt at the  
11 time and I didn't know nothing about  
12 it. I was down there for probably an  
13 hour to an hour and a half doing my  
14 normal duties; okay? Then I leave  
15 there, walk the travelway up to the  
16 mother drive and I come between the  
17 first set --- first and second set of

18 double doors, and I see smoke. I run  
19 into smoke. Okay. And so as I went  
20 through that last set of doors there  
21 and I went and grabbed a roll of fire  
22 hose, went down the hill where there  
23 was a one-inch hardline. It was  
24 plastic aqualine, hardline. And the  
25 fire hose and the fire valve didn't

32

01 want to connect. Okay. It was like  
02 the fire hose was --- or the fire  
03 valve was bigger than the fire hose.  
04 But I had my tools so I tried to make  
05 it work the best I could to --- you  
06 know, because there was a lot of  
07 smoke. And so I got it hooked up the  
08 best I could and I just started  
09 spraying with what little bit of  
10 pressure that there was on the  
11 one-inch line, and that's no pressure  
12 really at all. So I started hosing  
13 down the storage unit, the dollies  
14 and everything. And finally some  
15 smoke cleared out where I could tell  
16 what was going on, and that's when I  
17 seen them belt shavings and the dolly  
18 was broke, you know, twisted.  
19 Instead of welding the dollies down

20 or bolting them down, they were just  
21 chained down and the belts running up  
22 and downhill. So automatically, it's  
23 going to break loose eventually, you  
24 know, maybe not right then, maybe not  
25 tomorrow or the next day, but

33

01 eventually it will. So I got that  
02 put out and I called and told the  
03 mine foreman about it. And he asked,  
04 did he need to come up to the belt.  
05 And I told him, I had everything  
06 under control, the fire was out, you  
07 know, the smoke was just about  
08 cleared out. And then 30 to 45  
09 minutes later, Mike Shull off of Two  
10 section, an electrician, the section  
11 was coming down, he stopped and  
12 checked it out and said everything  
13 was okay.

14 Q. And who would have been this  
15 mine foreman that you called?

16 A. Fred Horton.

17 Q. Fred Horton?

18 A. Uh-huh (yes).

19 Q. Could I --- I know we may make  
20 several trips to the map this  
21 afternoon, but could I get you to  
22 come back to the map and show me

23 where you saw the smoke and where the  
24 fire hose and actually where the fire  
25 was? Would you feel like ---?

34

01 A. I'll do my best to.

02 Q. That's all we can ask.

03 A. I was in the mine. Let's see,  
04 this should be Seven belt. So I was  
05 at Seven here. Be somewhere in here,  
06 it should be. And there's the mother  
07 drive belt.

08 Q. You might need to speak a  
09 little bit louder.

10 A. Okay. The doors should be  
11 right in here somewhere.

12 Q. Okay. Are you familiar with  
13 the map symbols?

14 A. Not really. Not a whole lot.

15 Q. Okay. Would you be familiar  
16 with what this symbol is?

17 A. Stopping.

18 Q. Okay. And what this symbol  
19 would be? This is the symbol for the  
20 doors.

21 A. Okay.

22 Q. This is the symbol for an  
23 overcast.

24 A. So here's doors.

25 Q. That's correct.

35

01 A. First and second set. One  
02 double --- one set of double doors.

03 Q. Right. Now, would these be  
04 the large ---

05 A. Yeah.

06 Q. --- large double doors?

07 A. Yeah, like the airlock doors.

08 So I was coming between the first set  
09 and the second set and I was getting  
10 smoke.

11 Q. And this was on December 23rd  
12 you said?

13 A. Yeah.

14 Q. And do you remember about what  
15 time that might have been?

16 A. I don't remember for sure what  
17 time it was. I would say it was  
18 around --- between 7:30 and eight  
19 o'clock, approximately.

20 Q. Okay. Go ahead.

21 A. So I come on through the doors  
22 and go over to the --- on the side of  
23 the rib on the Rum Creek belt, the  
24 mother belt. I got a roll of fire  
25 hose. It was hanging on the rib on

36

01 the offside.



02 Q. About what location? Would  
03 you remember about where you found  
04 the fire hose?  
05 A. I'm not really sure. It was  
06 close to the storage unit. I can  
07 tell you that, just right where the  
08 fire was, you know, pretty much at.  
09 Q. Okay. Can you show me just  
10 about where you believe the fire was?  
11 A. I would say it was probably  
12 right in here somewhere.  
13 Q. If I draw a circle like this,  
14 would that be pretty ---?  
15 A. Yeah. That would be pretty  
16 close or it should be. I mean, ---.  
17 Q. Just to make sure I've got  
18 this clear, you were working on ---  
19 A. Number Seven.  
20 Q. --- Number Seven belt. Near  
21 the Seven belt drive.  
22 A. Right.  
23 Q. Which is close to spad 2828?  
24 A. Yeah.  
25 Q. And you traveled along the  
  
01 Seven belt.  
02 A. The travelway.  
03 Q. The travelway?

04 A. The travelway.

05 Q. And down to a set of doors.

06 A. A set of doors.

07 Q. And those doors would have

08 been between spad 3270 and 3273?

09 A. Uh-huh (yes). Yes.

10 Q. Then came down to the area

11 where the fire was, which was about

12 in the area of spad 3302?

13 A. Yeah.

14 Q. Okay. Go ahead.

15 A. So that's when I get the fire

16 hose. I go down the hill one to two

17 breaks and hook it up, which it would

18 have been probably right in this area

19 somewhere?

20 Q. So that would be in the

21 longwall belt entry ---

22 A. Yeah.

23 Q. --- adjacent to spad 3335.

24 A. And of course, like I said,

25 the fire valve and the fire hose was

01 two different sizes. And I had to

02 make it work the best I could long

03 enough to get enough water to get it

04 put out. I fought it for at least 30

05 minutes. I fought the fire at least

06 30 minutes.

07 Q. Now, these doors that we're  
08 talking about. Would these be the  
09 doors that would be in the --- in the  
10 haulage road, the large double doors,  
11 that ----

12 A. Yes, sir. Yeah.

13 Q. --- that you would stop a  
14 piece of equipment and open the doors  
15 and travel through?

16 A. Yes, sir.

17 Q. Okay.

18 MR. WEBB:

19 Would you mind if we  
20 took a short break?

21 A. Yeah, that's fine.

22 SHORT BREAK TAKEN

23 BY MR. WEBB:

24 Q. I want to make sure that I'm  
25 clear on this, you were working at

39

01 the Seven belt?

02 A. Right.

03 Q. And you traveled up Seven belt  
04 to get to the area where the fire was  
05 and ---.

06 A. Traveled the roadway?

07 Q. Okay. So we're now ---

08 there's an area right here at spad

09 3249 on the map, this was --- or this  
10 is the location where the mother belt  
11 drive is located?

12 A. Yeah.

13 Q. And there's a set of doors  
14 here and there's a set of --- between  
15 spads 3238 and 3267, there's a set of  
16 doors, and then there's this set of  
17 doors that you mentioned previously?

18 A. Right.

19 Q. Now, I wanted to make sure for  
20 myself, if the --- if it was the set  
21 of doors between spad 3238 and 3267  
22 that you went through or if it was  
23 the other set of doors between spad  
24 3270 and 3273?

25 A. See, there is a total ---

40

01 through this area here, there is a  
02 total of four to five sets of double  
03 doors, airlock --- you know, like the  
04 airlock doors, but I'm not seeing  
05 them all on here.

06 Q. And they may not be on this.

07 A. Right. But I'm certain that  
08 that's the set. I mean, I might be  
09 --- you know. But I can tell you  
10 that I went through, you know,  
11 between the first and second set of

12 --- you know, set of doors, I ran  
13 into smoke. I mean, that has to be.

14 Q. So the fire that you put out  
15 on 12/23 of 2005 was not at the  
16 mother belt drive, it was closer to  
17 the longwall face or was it very ---  
18 was it at the mother belt drive?

19 A. Like I say, here's the head on  
20 the --- like I say, the mother belt  
21 head, like the rock box. I'm just  
22 going to say the rock box ---.

23 Q. At spad 3249?

24 A. Forty-nine (49). Okay. Then  
25 I'm going to go down to 3274. That

41

01 would probably be where the takeup  
02 --- or the storage unit and the  
03 dollies are. I'm just going to say  
04 that's --- I'm not sure, but the  
05 storage unit and the dollies are  
06 right there together. Okay. One of  
07 the dollies had broke loose, that's  
08 what it appeared to me.

09 Q. Okay.

10 A. Okay. It appeared that one of  
11 the dollies had broke loose causing  
12 the belt to run over to the offside  
13 rubbing the bearing in the housing

14 and possibly something else and sort  
15 of shaving the side of the belt until  
16 it built up and ignited.

17 Q. Okay. So was the fire in this  
18 area or down in the area around spad  
19 3274 or further inby where I thought  
20 you were talking about originally?

21 A. Let's see, there's the rock  
22 box for the mother drive.

23 Q. That's right.

24 A. Okay. So I'm going to drop  
25 down to here and say that's where the

42

01 storage unit and the dollies are.

02 Q. At ---

03 A. 3274.

04 Q. --- 3274?

05 A. Yeah. That's most likely  
06 where the mother drive and storage  
07 unit is. You know, the storage unit  
08 and the dollies. I'm trying to get  
09 it out. So I went on down a little  
10 bit further and get the fire hose  
11 there. It was one to two breaks in,  
12 you know, from the storage unit. So  
13 I'm going to say, maybe right there.

14 Q. Spad 3296?

15 A. Yes.

16 Q. Okay. When you talk about the

17     offside of the belt, would that have  
18     been the side next to the open  
19     crosscut or would that have been the  
20     side next to the solid coal of the  
21     longwall?

22     A. Well, your offside is --- the  
23     walk side, you have a lot of  
24     clearance. I'm trying to get this  
25     out the best I can. The offside you

43

01     really don't have any clearance.  
02     And I'm trying to put it --- but they  
03     would be mining, like the panel would  
04     be like on the offside to what I can  
05     ---.

06     Q. So what you're telling me is  
07     that the longwall face would be in  
08     the solid block of coal so the  
09     offside of the belt would have been  
10     nearest the longwall face?

11     A. Yes.

12     Q. And the walkway side would  
13     have been on the other side of the  
14     belt, ---

15     A. Which ---.

16     Q. --- so if you were walking  
17     from the mother belt drive toward the  
18     longwall face, the offside would be

19 on your left and the walkway side  
20 would be on your right?

21 A. Exactly.

22 MR. WEBB:

23 All right. Let's take  
24 a little break and we'll put a  
25 bigger map on the wall.

44

01 SHORT BREAK TAKEN

02 BY MR. WEBB:

03 Q. Okay. Mr. Conley, is there  
04 anything you'd like to tell me about  
05 this big map on the wall behind us?

06 A. That map's confusing to me.

07 Q. Would you feel more  
08 comfortable with a smaller, more  
09 detailed map?

10 A. Yes, sir.

11 Q. All right. Then let's use  
12 this smaller map here that describes  
13 the area directly around the mother  
14 belt drive from spad 3233 inby toward  
15 the longwall face to spad 3275. And  
16 it's a much smaller map, 8 and half  
17 by 11, but it's much larger scaled.  
18 Does this map help you a little bit?

19 A. Yes, it does.

20 Q. Okay. Could you describe for  
21 me where the --- where you were



22 working on December 23rd? Is it on  
23 this map?

24 A. The Number Seven six-foot  
25 belt.

45

01 Q. Okay. So it's on the map?

02 A. Yes.

03 Q. And do you see the mother ---  
04 the longwall mother belt drive on the  
05 map?

06 A. Yes, sir.

07 Q. Do you see an area where the  
08 fire occurred on the longwall belt on  
09 December 23rd?

10 A. Yes, sir.

11 Q. Could you point that out to  
12 us?

13 A. Between the storage unit and  
14 the dolly sled.

15 Q. So that would be an area about  
16 two crosscuts inby the mother belt  
17 drive ---

18 A. Yes, sir.

19 Q. --- in the longwall belt  
20 entry?

21 A. Yes.

22 Q. And I'll mark that 12/23/05  
23 fire. Now, can you kind of just

24 describe for us once again how you  
25 learned about the fire and what you

46

01 did and how you tried to fight the  
02 fire?

03 A. Okay. Of course I was working  
04 the Number Seven six-foot belt and I  
05 was there for a half an hour to an  
06 hour. I leave there, walk the  
07 travelway back up to the mother drive  
08 belt, and I get between the first and  
09 second set of double doors when I run  
10 into smoke. As I go on up to --- as  
11 I go to the last --- or once I go  
12 through the last set of double doors,  
13 I go over to the offside of the rib  
14 and that's where the fire hose is,  
15 hanging there on some wire. Okay.  
16 So I grab a roll of fire hose. I go  
17 down the hill one to two breaks where  
18 there is a one-inch yellow  
19 hardline/aqualine. And the fire  
20 valve and the fire hose was two  
21 different sizes, so I had to fight  
22 with it to make it work good enough  
23 and long enough to get the fire put  
24 out. So I started hosing down the  
25 storage unit and the dollies to get

47

01 some of the smoke cleared out to  
02 where I --- to see what was burning;  
03 okay. And then that's when I seen a  
04 pile of shavings, belt shavings, from  
05 the mother drive belt. What had ---  
06 what appeared to me was one of the  
07 dollies had twisted causing the belt  
08 to run to the offside and it was ---  
09 it looked like it was rubbing up  
10 against the bearing in the housing,  
11 and that's what caused --- you know,  
12 it got so hot that it just started  
13 shaving the side of the belt. And I  
14 fought it for approximately 30  
15 minutes.

16 Q. Were you able to put the fire  
17 out in that 30 minutes?

18 A. Yes.

19 Q. Did you see any flames?

20 A. More of embers and it looked  
21 like a reddish-yellow color.

22 Q. Was there a lot of smoke?

23 A. There was a pretty good lot of  
24 smoke.

25 Q. Did the belt stop while you

48

01 were fighting the fire or ---?

02 A. Well, that's something else,

03 too. When I had got up to the belt  
04 after I went through the smoke, the  
05 belt was off. So I didn't know if  
06 --- I didn't know if someone had  
07 turned it off or if it had went off  
08 because of that. I wasn't sure. So  
09 after I got everything taken care of,  
10 I went to the phone and talked to the  
11 dispatcher to see what, you know ---  
12 and that's when he told me the  
13 longwall had left. I'm do not for  
14 sure what time it was, I'm not sure.  
15 But they was gone for a while.

16 Q. When you went through the  
17 airlock doors between spad 3238 and  
18 3241 to get into the longwall belt  
19 entry, which way --- when you opened  
20 the outby set of doors, which way  
21 would the air be flowing? Would it  
22 hit you in the face or would it be  
23 behind you? That's okay. If you  
24 don't remember, just tell us.

25 A. I don't remember. I'm sorry,

49

01 I ---.

02 Q. That's all right. When you  
03 were down there fighting the fire,  
04 was there anyone else around that  
05 area, anyone else with you?

06 A. No, sir. The closest people  
07 there was, was on Two section and  
08 that was --- that's a pretty good  
09 distance.

10 Q. When you said you called it  
11 out to the outside, who did you  
12 report it to?

13 A. I called out to Fred Horton.

14 Q. To Fred Horton?

15 A. Mine foreman. And then that's  
16 when he told me not to say fire over  
17 the phone, just to say smoke or  
18 getting hot or something like that so  
19 you don't scare everybody else.

20 Q. And those instructions came  
21 from?

22 A. From Fred.

23 Q. Fred?

24 A. Uh-huh (yes).

25 Q. How familiar are you with the

50

01 area around the longwall mother belt  
02 drive, with the stoppings and doors  
03 and so forth?

04 A. I'm not real good.

05 Q. Did you --- I believe you told  
06 me that one of your jobs was to  
07 maintain the Number Seven belt which

08 is the belt that the ---  
09 A. The longwall dumps on.  
10 Q. --- dumps on?  
11 A. Uh-huh (yes).  
12 Q. Do you remember if at the  
13 longwall mother belt end of the  
14 Number Seven belt if there was a  
15 stopping across that entry where the  
16 belt stopped?  
17 A. There was no stopping there.  
18 Q. That would have been if you  
19 traveled along the Number Seven belt  
20 from the head drive to the tailpiece  
21 of the Number Seven belt?  
22 A. Seven tail would be right  
23 there.  
24 Q. That's right. The Seven  
25 tailgate would be half a break to the  
51  
01 right of the longwall mother belt if  
02 you were looking from the longwall  
03 section toward the ---  
04 A. There was no stopping there.  
05 Q. And there was no stopping  
06 there.  
07 A. There ain't been no stopping  
08 there as long as I worked that belt.  
09 Q. And how long had that been?  
10 A. That belt was put in September

11 of '04.

12 Q. Do you have any idea why no  
13 one came to help you fight the fire?

14 A. Well, the longwall was gone  
15 and I didn't know that until when I  
16 called out. The section, they were  
17 --- the miner section, I guess they  
18 were still running the coal. And  
19 everybody had left already I guess  
20 because I called out and like I said,  
21 I called out and you know, told the  
22 mine foreman what I had. And he  
23 asked did --- you know, did he need  
24 to come up. And I said well, you  
25 know, I got it under control, the

52

01 fire's out, you know, smoke's ---  
02 I'll stay with it and make sure, you  
03 know, it's okay, you know. And  
04 that's what I did until Two section  
05 came by. Of course they've got to  
06 come by to go onto, you know, the  
07 longwall belt, to get --- to go  
08 outside. And Mike Shull he stopped  
09 by, the electrician off of that  
10 section. And he checked --- he  
11 looked at it and said it ---  
12 everything looked okay, so ---.

13 Q. Did you discuss with anyone  
14 why there wasn't a stopping at the  
15 tailpiece end of the Number Seven  
16 belt?

17 A. No.

18 Q. Do you know why there wasn't a  
19 stopping there?

20 A. I'm not sure why. I mean,  
21 there's other --- I mean, like on the  
22 Six tail, there's no stopping there.  
23 Just say for instance, on the Number  
24 Six six-foot, there's no stopping  
25 there at the tail --- at that

53

01 tailpiece, so I mean, there's not one  
02 at Seven tail either. So ---.

03 Q. Were you aware of any  
04 construction or any work on the  
05 Number Seven belt?

06 A. Well, they were adding --- the  
07 construction crew was adding more  
08 belt to go on out toward Two section  
09 for the next longwall panel, which  
10 would be Ten headgate. Okay. But  
11 there was an opening between Seven  
12 tail and there was a break where it  
13 was just empty. Okay. And then the  
14 structure, they just started putting  
15 it in again on up that entry, on up



16 where Seven belt is.

17 Q. Do you know who was doing  
18 that, who was in charge of that?

19 A. That would have been Don  
20 Haggie (phonetic), he's the  
21 construction boss.

22 Q. Did you ever work as part of  
23 the crew ---

24 A. No.

25 Q. --- extending that belt?

54

01 A. No. I just did --- worked the  
02 belts during production, just, you  
03 know, greasing, cleaning, keeping the  
04 belts running and that stuff.

05 Q. Can you tell me about any  
06 times that you might have been asked  
07 to put water on any part of a --- of  
08 any belt conveyor to cool it off so  
09 that it can be kept running?

10 A. Not right off.

11 Q. Do you know if it was a common  
12 practice to let a belt run hot or  
13 allow a belt to continue running even  
14 though the rollers may be heating up?

15 A. No.

16 Q. Were there any other times  
17 that you helped to fight a fire or

18 cool rollers off or anything at any  
19 other belts in this mine?

20 A. There was one on Five tail, on  
21 Five tail roller. It'd be on Five  
22 belt. There was a bearing that was  
23 hot and I was told to put some water  
24 on it and try and cool it down and  
25 pump some grease in it.

55

01 Q. And who told you to do that?

02 A. Jeff Perry, the belt  
03 supervisor.

04 Q. Describe for me, if you would,  
05 if there were any problems with water  
06 pressure or water volume, the amount  
07 of water that you would have had in  
08 the water lines available to fight  
09 fires.

10 A. The only water pressure  
11 problem there was, was on the mother  
12 drive belt with the one-inch hardline  
13 and there was no --- there was really  
14 no pressure. You're supposed to have  
15 a four --- at least a four-inch. At  
16 least.

17 Q. Going back to the fire hoses  
18 and the fire valves, were the fire  
19 hoses and fire valves located along  
20 the belts that you worked where they

21 should have been?

22 A. Yeah. Yes, there was ---

23 yeah, but the only problem on this

24 belt was the fire valve was bigger

25 and the fire hose was smaller, so it

56

01 was a fight to try to make it work

02 long enough to get it out.

03 Q. So kind of describe for me

04 what you did to make it work.

05 A. I had --- I took the end of

06 the fire hose and of course tried to

07 connect it to the fire valve and I

08 was taking my Channellocks trying

09 just --- like more or less strip it

10 out a little bit, just to make it

11 enough to work. I'm trying to

12 explain that the best I can, but

13 that's about the only way I can put

14 it.

15 Q. That's fine.

16 A. And I was lucky to get enough

17 water to get it --- get it put out.

18 Q. How would you describe the

19 general condition of the belts that

20 you worked on at this mine? Maybe I

21 can clarify that a little bit. If

22 you --- you worked on the Number

23 Seven belt, was it --- did the belt  
24 run true? Was it fairly well  
25 trained? Were the rollers good,

57

01 things like that?

02 A. Yeah. Yeah. Yeah, Number ---  
03 most of --- all the belts ran good,  
04 you know and ran, you know, proper  
05 and you know, every now and then you  
06 would --- might have a bearing up and  
07 things like that.

08 Q. And then what about the  
09 longwall mother belt?

10 A. It ran pretty good. I mean,  
11 the only problem with that belt was  
12 for one, you know, the dolly, if it  
13 would have been welded down or bolted  
14 down, then it wouldn't have moved, so  
15 therefore your belt wouldn't have run  
16 over to the offside and started  
17 shaving the side of the belt and then  
18 caught on fire.

19 Q. Back to the fire on 12/23, I  
20 want to make sure, did it last more  
21 than 30 minutes? Or kind of tell me  
22 a little bit about how you fought the  
23 fire and how long it took you to put  
24 the fire out.

25 A. Well, I mean, like I said, I

01 went and got a roll of fire hose and  
02 went down the hill, it was like one  
03 to two breaks. And the fire valve  
04 was bigger, the fire hose was  
05 smaller, you know. Like I said, I  
06 had to fight to get it on there;  
07 okay? But once I did what I could do  
08 with that, I opened that valve wide  
09 open and there was very little  
10 pressure and I had to even kink the  
11 hose to try to make it squirt out  
12 more, you know, more pressure. And  
13 then that's when I started hosing  
14 down the storage unit and the  
15 dollies; okay? At first try to get  
16 some smoke cleared out to see exactly  
17 what was burning. And then that's  
18 when I seen on the offside where  
19 there was a pile of belt shavings.

20 Q. So about how long did that  
21 take you to do that?

22 A. And another thing, too, there  
23 is guarding on that --- on the walk  
24 side, fencing; okay? So I had to get  
25 down on my knees and try to spray

01 underneath like the carriage where

02 the dolly and the storage unit is.

03 So it took a little bit longer. But

04 it was at --- every bit of 30

05 minutes.

06 Q. In the course of your --- of

07 your duties along the belts, do you

08 ever use a handheld detector to take

09 with you to check for carbon monoxide

10 whenever you have an alert or an

11 alarm?

12 A. I've never been given one.

13 I've never been given one, never been

14 showed how to use one or anything

15 like that.

16 Q. Okay. What I want to do now,

17 is kind of go back to January the

18 19th of 2006 and I may ask a question

19 or two that you've already answered

20 but I want to make sure I'm clear on

21 some things. So on January the 19th,

22 2006, were you working at Aracoma

23 Mine Number One?

24 A. Yes.

25 Q. And what shift were you

60

01 scheduled to work that day?

02 A. January 19th, I was scheduled

03 to work dayshift, so I worked

04 dayshift and between 3:00 and 3:30 my

05 supervisor got ahold of me on the  
06 mine phone and said that the evening  
07 shift beltman had called in, so he  
08 wanted me to stay back and work a  
09 double. And I told him I would;  
10 okay? So I was at Four head on Rum  
11 Creek. Okay. So after I got done  
12 talking to him, I left Four head,  
13 went up to the Three way and told the  
14 dispatcher I was there and I was  
15 going to be walking up to Five head  
16 to do my duties up there. So I was  
17 up there for approximately an hour or  
18 maybe longer. And then I leave there  
19 and walk the belt back down --- walk  
20 Four belt back down to the Three way  
21 to where I get on my rail ride and go  
22 back to Four head. So I put my rail  
23 ride on charge at Four head and then  
24 I went back to the phone and told the  
25 dispatcher that I was there at Four

61

01 head and I had my ride on charge.

02 Q. And about time would that have  
03 been?

04 A. I'm going to say it was  
05 probably around 5:00, 5:00 to 5:15.

06 Q. P.M.?

07 A. P.M.

08 Q. Who would have been your  
09 supervisor on the day of the mine  
10 fire, of the belt fire?

11 A. That would have been the  
12 evening shift mine foreman, Fred  
13 Horton.

14 Q. And was he your normal  
15 supervisor?

16 A. If I was on evening shift,  
17 yeah.

18 Q. Had you worked in that  
19 particular area of the mine before?

20 A. Rum Creek?

21 Q. Yes.

22 A. Yes. I was just filling in  
23 for the other guy that had his two  
24 days off.

25 Q. Before you heard about

62

01 instructions to evacuate the mine,  
02 did you notice anything unusual on  
03 the 19th of January?

04 A. No, not really.

05 Q. Did you see or smell any smoke  
06 anywhere you were on that day?

07 A. No.

08 Q. Were you aware of any carbon  
09 monoxide monitor alarms going off or



10 where during that shift?

11 A. No, because I'm a --- I was a  
12 long way away from the mother drive  
13 belt. I mean, that's a long ways.

14 Q. And how did you first learn of  
15 the order to evacuate the mine?

16 A. Well, I had heard on the phone  
17 after I told the dispatcher that I  
18 was at Four head and that I had my  
19 ride on charge, I had heard the  
20 beltman at the mother drive on  
21 evening shift, Bryan Cabell, I had  
22 heard him say that there was smoke  
23 --- or the mother drive belt was  
24 smoking or something to that effect.  
25 And then a little bit later, he

63

01 called --- contacted dispatcher and  
02 told the dispatcher to get ahold of  
03 Two section and tell them that smoke  
04 was heading their way; okay? And  
05 then shortly after I heard the  
06 recording come on that said belt  
07 Number Five was starting. Well, my  
08 belts were running, from Four down  
09 was running. So someone would have  
10 had to turn it off or it would have  
11 to went off for some other reason.

12 So that's when I contacted dispatcher  
13 and he said that there was a fire at  
14 the mother drive. And so he went  
15 ahead and turned the belts where ---  
16 he went ahead and turned all the  
17 belts off basically. I mean, he  
18 turned all of mine off, so the rest  
19 of them would have had to have been  
20 off, too. And I left. I went and  
21 got my ride off charge, called and  
22 told him I was going to Three way;  
23 okay. So I --- when I got to Three  
24 way, I called him and then that's  
25 when Lawrence Lester, Pepé Lester,

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01 he's the superintendent at Alma,  
02 that's when he came on the phone and  
03 asked me where I was at. And I told  
04 him I was at the Three way. And he  
05 asked me did I have a ride. And I  
06 said the only ride I got is a rail  
07 ride, because from Three way on up,  
08 you got to have diesel or something  
09 else; okay? And shortly after that,  
10 he come on in with a diesel mantrip  
11 and he picked me up. We went up to  
12 the Number One Four way and then he  
13 dropped me off there to wait with  
14 another guy that was the supply man

15 for Two section and then Pepé had  
16 some --- got some fire extinguishers  
17 off of that guy that was hauling  
18 supplies and went on up the hill.  
19 I'm assuming on up to the mother  
20 drive. And then shortly after that,  
21 that's when two manbusses come down  
22 off the hill and that was --- had a  
23 mix between longwall and miner  
24 section. There was two mantrips.  
25 And you know there was just a, you

65

01 know, a few of each on each mantrip.  
02 And got outside around 15 after 8:00  
03 on the 19th.

04 Q. How did you find out that Mr.  
05 Bragg and Mr. Hatfield were missing?

06 A. I heard some of the other guys  
07 off of that miner section talking  
08 about it when we was on our way  
09 outside, because I had rode out with  
10 them from the Number One Four way to  
11 the box cut.

12 Q. Could you kind of describe  
13 what kind of conversations were going  
14 on, what you heard?

15 A. Well, they had their rescuers  
16 around their --- you know, they had

17 the rescuers on. I mean, they wasn't  
18 --- you know what I'm saying, they  
19 had the strap around their necks, or  
20 neck, however you want to put it, and  
21 they were very scared, frightened I  
22 guess, or really I don't know what  
23 the word you would use for it, and  
24 they were all saying hopefully that,  
25 you know, they would make it to fresh

66

01 air or you know, to safety, you know.  
02 And that was about it. That's ---.

03 Q. Did you notice their  
04 condition, what they looked like?

05 A. Not really.

06 Q. Do you remember about what  
07 time it would have been when you  
08 heard on the phone that the mother  
09 drive was smoking?

10 A. That was probably between ---  
11 I'm going to say approximately 5:30  
12 to 15 'til 6:00. Approximately,  
13 that's not --- I can't, you know,  
14 guarantee you that's the correct  
15 time, but that's approximately.

16 Q. And who had made that  
17 statement?

18 A. Can you ask me that again?  
19 I'm loosing ---.

20 Q. When you heard over the mine  
21 phone about the mother drive smoking,  
22 do you know who that was that was  
23 talking on the mine phone?

24 A. Bryan Cabell. He was the one  
25 that said the mother drive was

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01 smoking, and then shortly after  
02 that's --- and then I heard the ---  
03 or I contacted dispatcher when he  
04 tuned the belt --- when Five belt ---  
05 when I heard the recording and then  
06 that's when he said the mother drive  
07 was on fire.

08 Q. Can you tell us what you might  
09 know or what you might have heard  
10 about what caused the fire on January  
11 19th?

12 A. I've heard a few things about  
13 similar to what happened to me on the  
14 23rd, but I don't know that for sure.  
15 That's hearsay. I don't know. I  
16 don't like to talk about, you know,  
17 hearsay. I don't know --- you know  
18 what I'm saying?

19 Q. Do you feel like you know what  
20 caused the fire?

21 A. I feel it's exactly what

22 happened to me on the 23rd.

23 Q. Would you have an idea of why

24 the smoke from the fire on the

25 longwall mother belt would have went

68

01 up onto the Two section?

02 A. No.

03 Q. Is there anything else you'd

04 like to tell us about what happened

05 on the day of the accident, maybe

06 that I haven't thought to ask you

07 about?

08 A. That's all I know really. I

09 mean, I was --- like I said, I was

10 down on the Rum Creek side, you know,

11 and I'm nowhere near. The only thing

12 I heard was what I heard over the

13 phone.

14 Q. In your opinion, what do you

15 think could have been done to prevent

16 this?

17 A. Well, I reported what happened

18 to me on the 26th when I went back to

19 work on dayshift and my supervisor,

20 he never asked me no questions about

21 it and I never seen him write

22 anything down, you know, about what

23 --- you know, I told him what

24 happened and to me --- the way I

25 feel, it was just blown off.

69

01 Q. And who was your supervisor?

02 A. Jeff Perry.

03 Q. Okay.

04 A. That's just the way I feel.

05 Q. Go ahead.

06 A. That's just the way I feel.

07 That's the way I took it, you know,

08 like who cares, you know. When 20

09 minutes of welding or putting a bolt

10 in something could have, you know,

11 prevented this.

12 Q. Did you ever discuss the

13 situation that you had on December

14 23rd with anybody in management other

15 than Fred Horton?

16 A. No. Fred knew about it and

17 then I told Jeff on the 26th, you

18 know, because of course the 24th and

19 25th was holidays, so you know,

20 ---.

21 Q. Okay. Go on back to your

22 normal shift, what time does the

23 dayshift normally start?

24 A. Between 6:30 and 7:00.

25 Q. And about what time does it

70

01 end?

02 A. It can be anywhere between  
03 3:30 and 4:30 or later. I mean, it  
04 just --- it depends on what's going  
05 on.

06 MR. WEBB:

07 Mr. Farley?

08 BY MR. FARLEY:

09 Q. Brandon, I've got several  
10 questions to clarify some things and  
11 I'll be jumping around a little bit,  
12 so just kind of bear with me. On  
13 December 23rd when you came down to  
14 the longwall mother belt to deal with  
15 the fire and you had problems getting  
16 a hose to match up with the outlet,  
17 ---

18 A. Uh-huh (yes).

19 Q. --- could the waterline be ---  
20 is it possible it was two inches  
21 instead of one inch?

22 A. No, it was one inch.

23 Q. Okay. Now, when Mike Shull  
24 stopped by there later on, did you  
25 tell him that you'd had a fire and

71

01 had extinguished it?

02 A. Yes, which there was still a  
03 little bit or smoke left that was



04 going --- that looked like it was  
05 going like toward the section. It  
06 looked like to me.

07 Q. Which section?

08 A. Two section, which --- the  
09 section that he worked on.

10 Q. Well, I guess the smoke from  
11 that fire on December 23rd, which way  
12 did it travel?

13 A. It was traveling --- the way  
14 it looked to me, it was going toward  
15 the section, toward Two section,  
16 because as they was coming through,  
17 there is another set of double doors  
18 on --- when you go under the mother  
19 drive belt, which is right --- this  
20 set of doors right here.

21 Q. Okay.

22 A. When they was --- I don't know  
23 if I --- if those doors was open or  
24 if they had opened them up but I  
25 could see smoke, you know, after you

72

01 get through that set of doors.

02 Q. Okay.

03 A. So I'm saying it was probably  
04 right in here where there was a  
05 little bit of smoke left.

06 Q. Okay. I think you also told  
07 us that there was no stopping here at  
08 the Number Seven tailpiece; right?

09 A. Right. Right.

10 Q. Could the smoke have gone up  
11 that way, too?

12 A. It could have.

13 Q. Okay. Now, the fire on  
14 December 23rd, who else knew about  
15 it? Did anybody else know about it,  
16 other than you and the people you  
17 told?

18 A. Well, I told Fred Horton, you  
19 know, of course when it happened. I  
20 told him and then the 26th is when my  
21 supervisor, the belt supervisor, had  
22 come back to work. I told him.

23 Q. Okay.

24 A. Okay. I mean, so there's, you  
25 know, --- and that's his, you know,

73

01 --- that's his responsibility to see  
02 things that are --- to get fixed.

03 Q. Okay. Now, while you were  
04 working around this mother drive area  
05 by these two sets of doors here, have  
06 you ever noticed them being open  
07 while you were working in that area?

08 A. From time to time they was

09 open.

10 Q. Okay.

11 A. Like when they was hauling  
12 supplies in and things like that, you  
13 know.

14 Q. I mean, open and left open,  
15 not just ---.

16 A. Right. Yeah, they would leave  
17 --- I've seen them been left open for  
18 a couple hours at a time, you know,  
19 when they'd be hauling supplies in  
20 and then they'd come back through and  
21 so ---.

22 Q. Okay. Now, that water valve  
23 that you were talking about that you  
24 had difficulty with December 23rd,  
25 did anybody ever repair it or replace

74

01 it after that that you know of?

02 A. I don't know for sure.

03 Q. Okay. Now, on December 23rd  
04 when you're dealing with the  
05 situation on the mother belt, if I  
06 understood you correctly, you said  
07 you did not see flames but you saw  
08 embers; ---

09 A. Uh-huh (yes).

10 Q. --- is that correct?

11 A. Right.

12 Q. When you were checking --- you  
13 told us you check bearing  
14 temperatures. Can you explain how  
15 you go about that?

16 A. Well, you have a heat --- a  
17 bearing temperature gun, heat gun.

18 Q. Okay.

19 A. Okay. And you'll aim it like  
20 right at the bearing and then it will  
21 automatically read whatever that  
22 temperature is.

23 Q. Is it a digital ---?

24 A. Yeah, like if the burning  
25 temperature is 70, it will read 70.

75

01 Q. Okay. Okay. Thanks. When  
02 you worked as a red hat, what did you  
03 do? Have you ever worked in the face  
04 area?

05 A. No.

06 Q. You've been pretty much a  
07 beltman for your ---?

08 A. On the belts. When I was a  
09 red hat, I worked with the pumper at  
10 Alma.

11 Q. Okay. On the 23rd of December  
12 when you had the fire there in that  
13 longwall belt area, did the fire

14 suppression system anywhere along

15 there activate?

16 A. I didn't see anything

17 activate.

18 Q. Do you know if it was working

19 at the time?

20 A. I don't believe it was.

21 Q. Why do you believe that?

22 A. Well, there was one time, I

23 can't remember when it was, but when

24 --- of course when they put that belt

25 line in, for some reason it wouldn't

76

01 work and they didn't really want to

02 fool with it. And the only time that

03 it would --- that one time that there

04 was, I don't know who it was, came

05 in, I don't know if it was --- I know

06 it was an inspector and they fixed it

07 before that inspector came, just long

08 enough to test it, so to say.

09 Q. All right.

10 A. And so therefore, I don't

11 think it worked, actually worked, you

12 know. It was just more less fix it

13 up long enough to test it.

14 Q. You say they fixed it before

15 the inspector came?

16 A. Right.  
17 Q. Did they know the inspector  
18 was coming?  
19 A. Sure.  
20 Q. How did they know that?  
21 A. I don't know, but they do.  
22 Trust me, they do. They can tell you  
23 --- they can tell me that, well,  
24 there's an inspector coming day after  
25 tomorrow.

77

01 Q. Okay.  
02 A. They know.  
03 Q. How do you think they know  
04 that?  
05 A. Well, the inspector shows up  
06 when they say that it's going ---  
07 when they say that they're going to.  
08 Q. Okay. On the fire that  
09 occurred on December 23rd, did you  
10 talk to the dispatcher about it?  
11 A. I believe I did.  
12 Q. Who was the dispatcher, do you  
13 remember?  
14 A. That would have been Mike  
15 Brown.  
16 Q. Mike Brown, okay. Do you know  
17 who the person might be who would  
18 haul supplies to the Two section?

19 A. It could be a different person  
20 every time. I mean, it could be  
21 just, you know, different ones. Most  
22 of the time it was --- if it was like  
23 on evening shift, then it would be  
24 somebody off of the section. Then on  
25 dayshift, they would have somebody

78

01 you know, one particular person doing  
02 it on dayshift.

03 Q. Okay. Now, if you don't mind,  
04 tell me again where were the belt  
05 shavings that you saw on December  
06 23rd.

07 A. They were right --- would have  
08 been right in this area.

09 Q. Okay. Between the ---.

10 A. Between like --- between the  
11 storage unit and the dolly.

12 Q. Okay.

13 A. On the offside.

14 Q. Okay. Did you ever fill out  
15 the belt examination books at the  
16 mine?

17 A. I am not a --- I'm not a  
18 certified belt examiner. I'm no way  
19 near certified on the belts.

20 Q. I think you referred to some

21 hearsay when you talked about when  
22 someone asked you do you know what  
23 caused the fire on January 19th. Can  
24 you elaborate on that for me? Tell  
25 me a little bit --- what was said and

79

01 who said it?

02 A. Oh, okay. Yes. Yes. Okay.

03 What was the date? Anyway, Aracoma  
04 had a meeting shortly after the 19th  
05 and after the rescue and all that  
06 stuff at Holden Grade School and  
07 Chris Adkins, the president of  
08 Aracoma, he did say what took place  
09 on causing the belt fire on that  
10 mother drive belt. And he did  
11 mention the dolly. And I have that  
12 on tape. So I mean, if you want the  
13 tape, I can get it to you or --- and  
14 it's all on the tape, ---

15 Q. Sure.

16 A. --- everything that was said.

17 Q. Sure. Sure.

18 A. So ---.

19 Q. What else did Mr. Adkins offer  
20 at that meeting?

21 A. Not a whole lot. I mean, he  
22 just said that the dolly was what  
23 caused the fire.



24 Q. Okay.

25 A. And you know, like I said, if

80

01 you want the tape or want to listen

02 to it, I can get it --- you know, get

03 it to you and ---

04 Q. Okay.

05 A. --- you can listen to it and

06 see what you can get out of it.

07 Q. Okay. Now, that was sometime

08 after the 19th at Holden Grade

09 School.

10 A. Yes. I'm trying to remember

11 what date that was. The next week.

12 I believe that was on the following

13 Thursday after the 19th.

14 Q. Okay. I think you did an

15 interview with National Public Radio

16 and you said something to the effect

17 that you thought you might be fired

18 for doing the interview. What made

19 you believe that you might be fired?

20 A. Well, management said they

21 didn't want anyone talking to the

22 press or anybody like that.

23 Q. Okay.

24 A. So ---.

25 Q. When you say management, who

01 in particular?

02 A. Well, people like Chris  
03 Adkins, Dwayne Francisco, upper  
04 management.

05 Q. Okay.

06 A. But that's just my opinion.

07 Q. Sure. I think the National  
08 Public Radio people may have referred  
09 to somebody else to who spoke to  
10 them. Do you know who that might  
11 have been?

12 A. Not right off.

13 Q. Who would tell --- who is it  
14 that would tell you that you or other  
15 workers at the mine that an inspector  
16 was coming a day or two ahead of  
17 time?

18 A. Well, just say if there was  
19 something going on on a particular  
20 belt, say there was a lot of gob  
21 buildup on the belt line, the belt  
22 line itself, and they wanted it  
23 cleaned up before the inspector come,  
24 then they would just say --- the mine  
25 foreman would tell me or say the

01 superintendent would tell me or  
02 whoever, or even maybe the belt boss.

03 It could be anybody, you know, in  
04 management. And that has happened  
05 before to me. I have been told to go  
06 up there and shovel on such and such  
07 belt, because there's an inspector  
08 coming tomorrow or next day.

09 Q. Okay.

10 BY MR. WEBB:

11 Q. Mr. Conley, I just have a few  
12 other questions. The meeting that  
13 you went to that I believe you said  
14 Chris Adkins spoke at, who was at  
15 that meeting?

16 A. Chris Adkins, Dwayne  
17 Francisco, Drexel Short, Gary Goff,  
18 Pepé Lester, Gary Duncan. That was  
19 about it, I believe.

20 Q. And where was it held?

21 A. Holden Grade School.

22 Q. And do you remember the date?

23 A. I'm wanting to say it was the  
24 Thursday after the incident, but I  
25 may be wrong.

83

01 Q. Was there any particular  
02 reason why you taped that meeting?

03 A. Not really, but I just wanted  
04 --- if they said anything that was

05 important, I wanted to it to be on  
06 there.

07 Q. Did anyone at the meeting know  
08 you were taping it?

09 A. No.

10 Q. Were other miners there?

11 A. Yes. But the chairs that they  
12 had out for everybody didn't even  
13 fill half of the gym. So there was  
14 not that many people there.

15 Q. Did you recognize anyone from  
16 Two section or the longwall section  
17 or any ---?

18 A. I really wasn't paying  
19 attention. I mean, I just went to  
20 see what they had to say.

21 Q. Do you have any idea of maybe  
22 how many people --- how many regular  
23 miners might have been there?

24 A. Total there was approximately  
25 40 there, total.

84

01 Q. In your interview with West  
02 Virginia Public Broadcasting, I  
03 believe one of your answers indicated  
04 that you said you could see all kinds  
05 of belt shavings pretty much flaming  
06 and then earlier today, I believe you  
07 said that you saw embers. Can you

08 kind of describe for me ---?  
09 A. Well, it was embers and it was  
10 like a reddish-yellowish kind of ---  
11 I mean, it wasn't what you'd say  
12 flaming, but you could see like a red  
13 and yellow mixed, you know. It  
14 wasn't --- it wasn't flaming, but you  
15 could see --- I could see red and  
16 yellow, you know, a mixture between  
17 red and yellow.

18 Q. Let's go back a little bit to  
19 the escapeway map that we were  
20 talking about. You said there was an  
21 escapeway map in the conference room  
22 upstairs. Is that the one that was  
23 used to instruct miners on the  
24 escapeway routes?

25 A. I don't know, because I --- as

85

01 far as I can remember, that map was  
02 never gone over with me not as far as  
03 I can remember from the time that I  
04 was there and you know ---.

05 Q. Was the map on the table down  
06 in the waiting room area?

07 A. They had one down in the  
08 bathhouse, but I never did look at  
09 it. I always looked at the one

10 upstairs to learn a little bit about

11 --- you know, about the mine.

12 Q. In your experience, did miners

13 ever congregate in that conference

14 room upstairs where that escapeway

15 map is?

16 A. Not really.

17 Q. Back to January the 19th when

18 you heard about the problems on the

19 mother belt, did you hear that the

20 belt was smoking or did you hear that

21 the belt was on fire?

22 A. At first I heard Bryan Cabell

23 say that the belt was smoking; okay?

24 And then shortly after when I heard

25 the belt recording come on that said

86

01 belt Number Five is starting, I

02 called the dispatcher to see what was

03 going on, and then that's when he

04 told me that the mother drive was on

05 fire. I mean, that's --- you know,

06 I'm just telling you what I heard and

07 what I asked and you know ---.

08 Q. Then a little bit later when

09 Mike Shull stopped by, was the rest

10 of the Two section crew with him?

11 A. Yeah. They had an 18-man

12 Brookville diesel and then they had a

13 5-man diesel. One was an emergency  
14 ride they was bringing up for their  
15 100-hour test.

16 Q. If you would, I'd kind of like  
17 for you to explain a little bit, ---  
18 earlier in the interview you said  
19 that you thought that the Aracoma  
20 Alma Mine Number One was an unsafe  
21 mine. Can you describe for me a  
22 little bit about why you feel that  
23 way?

24 A. Well, me being myself, I don't  
25 feel safe, you know. I mean, if you

87

01 work by yourself all the time and no  
02 one else is around --- I mean, you  
03 know, I feel unsafe. Not just saying  
04 maybe there, but if I'm working by  
05 myself all the time, then that makes  
06 me feel unsafe, you know, because the  
07 top could fall or anything could  
08 happen, you know. I mean, you're by  
09 yourself. You know the phones are  
10 far apart, you know, you have your  
11 phones at the heads, you know, so you  
12 may walk --- the belt might be 2,000  
13 feet long, it might be 4,000 feet  
14 long, you know, and that's just what

15 makes me feel, you know, unsafe,  
16 being by myself, you know, in the  
17 event that something would happen,  
18 you know.

19 Q. Have any of the lawyers from  
20 the company ever met with you or  
21 called you?

22 A. What day was that? Do you  
23 remember what day that was?

24 MRS. CONLEY:

25 Uh-uh (no).

88

01 A. It was, I think, a day before  
02 the funerals if I'm not mistaken. A  
03 day --- I think it was at least a day  
04 before the funeral.

05 BY MR. WEBB:

06 Q. Did they meet with a group or  
07 did they meet with you personally?

08 A. One by one.

09 Q. Miner by miner?

10 A. Yeah.

11 Q. And do you know who these  
12 lawyers were? Do you know their  
13 names?

14 A. I don't remember their names.

15 Q. Were the lawyers from the  
16 company at the meeting that Chris  
17 Adkins held at the grade school?



18 A. No, the lawyers weren't there  
19 at that, no.

20 Q. How did you know about the  
21 meeting at the grade school?

22 A. The Logan County Mine Service  
23 had called when I was --- I was gone  
24 somewhere that day and wanted --- of  
25 course, I guess, they called

89

01 everybody to be up there at seven  
02 o'clock that evening for a meeting,  
03 you know. And I didn't have no idea  
04 what exactly, you know, what it was  
05 about, you know.

06 Q. Can you describe for me what  
07 the meeting was about, what you were  
08 told or ---?

09 A. Mostly that they were going to  
10 pay everybody for --- you know, where  
11 they couldn't work, they were going  
12 to pay everybody. Saying that we'll  
13 let --- we'll eventually get back in  
14 the mine, you know, we'll get it ---  
15 we'll get back to running coal and  
16 get back to normal and that's what  
17 the two victims would want us to do  
18 and things like that, you know. But  
19 like I said, I will get you the tape

20 and you can listen to it for  
21 yourself. I mean, ---.

22 Q. Did you tape the meeting with  
23 the lawyers?

24 A. No. No, I didn't. Which I  
25 didn't know I was going to talk to

90

01 lawyers. The superintendent called  
02 one evening, said come up, we need to  
03 talk to you and you know, I didn't  
04 know what it was about or, you know,  
05 --- or come up and talk to us or  
06 something like --- something to that  
07 effect, you know, but I didn't know  
08 exactly what --- what was going on  
09 there either.

10 Q. During those one-on-one  
11 meetings with the lawyers, do you  
12 remember who you met with?

13 A. There was two lawyers. I  
14 don't remember their names right off.

15 Q. Could you kind of describe  
16 them for me, what they looked like?

17 A. I don't even remember. I  
18 mean, I could probably try to find  
19 out the names of them maybe. But I  
20 mean, I don't know the names for  
21 sure.

22 Q. Would you recognize them again

23 if you saw them?

24 A. Yeah.

25 Q. Were either one of the lawyers

91

01 that met with you Dave Hardy?

02 A. Dave Hardy? Yeah.

03 Q. Mark Heath?

04 A. Yeah, it is.

05 Q. Are those two names ---?

06 A. The names sound --- yeah, the

07 names sound --- yeah.

08 BY MR. FARLEY:

09 Q. When you met with those

10 lawyers, did they tell you who they

11 were representing?

12 A. I don't recall for sure.

13 Q. I mean, did they tell you they

14 were working for Aracoma or anybody

15 in particular?

16 A. To what I can understand,

17 yeah, the coal mine.

18 Q. Okay. Did they tell you they

19 were representing you.

20 A. I didn't hear that.

21 Q. Okay. All right. Who's the

22 mine superintendent?

23 A. Pepé Lester --- Lawrence

24 Lester.

25 Q. Okay.

92

01 A. But I was told that the  
02 lawyers were my friends. I was told  
03 that.

04 Q. Who told you the lawyers were  
05 your friends?

06 A. Gary Goff, the mine manager.

07 Q. Okay. Were those his exact  
08 words?

09 A. Yeah, he said don't be scared,  
10 they're you're friends.

11 Q. Okay.

12 A. But they --- you know, I had  
13 to wait four hours on my good  
14 friends, you know, four hours of my  
15 time, you know, but I guess that's  
16 beside the point.

17 Q. You said earlier the  
18 management folks asked you not to  
19 talk to the media. Did they at any  
20 time tell you or ask you not to talk  
21 to MSHA or the Office of Miners'  
22 Health, Safety & Training.

23 A. They never said nothing about  
24 that, they just said mainly media,  
25 that's like on the 19th. I never got

93

01 to leave the coal mine until three

02 o'clock that morning because of media  
03 that was down at the end of the  
04 hollow. I had to stay there pretty  
05 much against my will, you know.

06 Q. Okay.

07 A. And I think that was ---  
08 that's not --- you know, that's not  
09 right. I mean, and then they don't  
10 pay you for it, so you know --- but  
11 that's just me. That's the way I  
12 feel.

13 Q. All right. Thank you.

14 BY MR. WEBB:

15 Q. What was the name of the  
16 superintendent that called you up to  
17 meet with the lawyers?

18 A. Lawrence Lester, Lawrence Pepé  
19 Lester.

20 Q. Did the lawyers record your  
21 discussion or take notes during your  
22 meeting with you?

23 A. I think they did both. I did  
24 see them writing, I can tell you  
25 that.

94

01 Q. And what day did you quit  
02 Aracoma?

03 A. This past Thursday.

04 Q. Do you remember the date?

05 A. February 2nd.

06 Q. I wonder if I could get you to  
07 sign this map that we were talking  
08 about?

09 A. Okay.

10 Q. Just sign it and date it  
11 anywhere that you can find a spot  
12 there.

13 MR. WEBB:

14 And we'll mark that as  
15 Exhibit B Conley.  
16 (Conley Exhibit B  
17 marked for  
18 identification.)

19 A. What is today, the 9th?

20 MR. WEBB:

21 Yes.

22 BY MR. FARLEY:

23 Q. One other question. When you  
24 left Aracoma and you quit, did you  
25 sign any kind of document or a quit

95

01 slip or something like that?

02 A. Yeah, it was a --- pretty much  
03 I terminated myself.

04 Q. Okay.

05 A. Yeah. And that was right in  
06 front of the --- well, actually Gary

07 Goff was the one that filled it out  
08 and I signed it.

09 Q. Okay.

10 A. Between him and Pepé, but  
11 yeah, I terminated myself, so ---.

12 Q. I assume that was your choice

13 ---

14 A. Yeah.

15 Q. --- to terminate your  
16 employment?

17 A. Yeah, because I wanted to get  
18 --- you know ---.

19 BY MR. WEBB:

20 Q. Just to clarify something for  
21 me, when you're working on the belts  
22 in the mine, let's say, the Number  
23 Seven belt, the airflow on that  
24 Number Seven belt, is it toward the  
25 active section or is it toward the

96

01 outside of the mine?

02 A. I believe it's toward the  
03 section. I believe so. I mean, I'm  
04 trying to remember, but I'm pretty  
05 sure it is towards the section.

06 Q. And what about the airflow on  
07 the longwall mother belt, do you  
08 remember which direction that flowed

09 in?

10 A. I don't remember for sure.

11 Q. What about the Number Six

12 belt? I think you said you worked on

13 the Number Six belt a lot.

14 A. It was going like up toward,

15 like, the top hill, like up to Seven.

16 Q. Traveling toward the active

17 section?

18 A. Yeah.

19 Q. And I wanted to make sure that

20 I was real clear on something, had

21 you ever been in northeast mains up

22 on the continuous miner section, I

23 think they call it section Two or Two

24 section?

25 A. Two section? It's been a

97

01 while. When I --- I would go up and

02 take care of their belt heads up

03 there. Do you remember about how

04 long ago that might have been?

05 A. That's been a long time. I'd

06 say it's been every bit of six

07 months, I'd say.

08 Q. And kind of describe for me if

09 you would, what you would do when you

10 were up there around the section?

11 A. The same thing, I would grease



12 and clean and dust and take care of  
13 the belts, keep --- you know, keep  
14 them running and all --- you know.  
15 Or if they went off, I'd go to them,  
16 you know.

17 Q. So by cleaning, you meant ---

18 A. Shoveling, ---.

19 Q. --- meaning you shoveled the  
20 ---?

21 A. Yeah, the tailpieces, around  
22 the head, you know, V-scraper, all  
23 that.

24 Q. And then you applied rock  
25 dust?

98

01 A. When there was rock dust  
02 there, yes.

03 Q. How would you apply that?

04 A. By hand.

05 Q. By hand?

06 A. Yeah.

07 Q. I'm interested in what you  
08 just said, when there was rock dust  
09 to apply.

10 A. Yeah.

11 Q. Was there a problem with  
12 getting rock dust?

13 A. Well, there --- yes, there

14 was.

15 Q. Can you tell me a little bit

16 about that?

17 A. Simply, I'd ask for it and I

18 might get it three weeks from now or

19 longer, you know. I just --- I don't

20 know really what the problem --- you

21 know, how hard is it to throw off

22 some bags of rock dust, you know, or

23 bring up a big bag of bulk dust and

24 it'd last a pretty good while. You

25 know, I don't know. I don't know.

99

01 Q. Who would you ask for it?

02 A. Whoever's in charge, you know,

03 if it's the belt boss or maybe the

04 mine foreman, it could be dayshift,

05 evening, you know, depending on what

06 shift I would be on, you know.

07 BY MR. FARLEY:

08 Q. The beltmen who worked around

09 the mother drive belt area, do they

10 have rides?

11 A. No.

12 Q. No?

13 A. No. No. There's no ride.

14 The only ride there is for beltmen is

15 down Rum Creek and that's it.

16 Q. Okay.

17 A. The biggest part of the time,  
18 you do nothing but walking when  
19 you're up on a hill, you know

20 Q. Okay.

21 MR. FARLEY:

22 Thank you.

23 BY MR. WEBB:

24 Q. Do you remember which room was  
25 used upstairs to meet with the

100

01 lawyers?

02 A. It would have been the mine  
03 foremen office, the first one when  
04 you go up the step, the first one on  
05 your left.

06 Q. So you would ---?

07 A. The first --- so I'm walking  
08 up the steps and I go in, so it would  
09 be right here, would be the first  
10 door on the left.

11 Q. At the top of the stairs?

12 A. Yeah.

13 Q. Do you think the miners that  
14 still work at Aracoma Alma Mine  
15 Number One are afraid to tell us  
16 everything about the belt fire and  
17 the accident?

18 A. Big possibility.

19 Q. Why might that be?

20 A. Well, they may be afraid of

21 getting fired or who knows what. I

22 mean, ---.

23 Q. When you're talking about the

24 meeting with the lawyers upstairs in

25 the building, ---

101

01 A. Uh-huh (yes).

02 Q. --- are you talking about

03 going up the steps that are inside

04 the building or going up the steps

05 that are outside the building?

06 A. Outside the building.

07 Q. So when you go up the steps

08 ---

09 A. Up those steps.

10 Q. --- outside the building ---?

11 A. You go --- of course, open the

12 door and then the first office on the

13 left, the first door on the left.

14 It's the mine foremen office.

15 Q. The mine foremen office?

16 A. Yeah, mainly the dayshift mine

17 foremen office.

18 Q. I have a photograph from the

19 Spilman, Thomas & Battle website of

20 their two attorneys, Mark Heath and

21 David Hardy. I wanted to ask you if

22 you recognize these attorneys as  
23 being the ones that met with you that  
24 day?

25 A. That's them.

102

01 Q. And how sure are you?

02 A. Oh, that's 100 percent sure  
03 that's them.

04 Q. Can we mark those as exhibits  
05 and get you to sign those for us?

06 A. Yeah.

07 Q. Okay. What I'd like to do is  
08 mark the photograph of Mr. Hardy as  
09 Exhibit C Conley, and just get you to  
10 sign that, that will show that you've  
11 identified that. And Exhibit D  
12 Conley would be the photograph of  
13 Mark Heath. Thank you.

14 (Conley Exhibits C and

15 D marked for

16 identification.)

17 BY MR. WEBB:

18 Q. Do you remember what questions  
19 the lawyers might have asked?

20 A. Things about like on the ---  
21 what happened on the 19th, you know,  
22 like where I was at or what was I  
23 doing, what's my job title and

24 anything --- any past problems, you  
25 know, with what I told you on what

103

01 happened on the 23rd. I told them.  
02 I told them, you know, what happened.

03 Q. So they did ask you about the  
04 previous belt fire?

05 A. Well, they asked me was there  
06 any previous fires or anything like  
07 that and I told them, you know.

08 Q. Did they at any time ask you  
09 not to share that information with  
10 anyone?

11 A. Well, they just told me about  
12 when it come time for, I guess, the  
13 interview or the hearing with, I  
14 guess, with you guys, be careful how  
15 you answer questions. If you don't  
16 know an answer, just you don't know  
17 it and don't volunteer information  
18 and things of that nature.

19 Q. Did they coach you in any way  
20 about how to answer questions?

21 A. I think so but I'm not sure.  
22 I don't remember exactly, because I  
23 mean, it was just --- I didn't want  
24 to be there. I didn't know, you  
25 know, what I was going up there to

104

01 talk --- who I was going to talk to  
02 or what --- what about or you know,  
03 what was going on, you know, so ---.  
04 And I don't know. I mean, ---.

05 Q. Did they give you any advice  
06 about how to answer particular  
07 questions or which questions not to  
08 answer?

09 A. It seems like they said  
10 something but I don't remember  
11 exactly what it was. I mean, I'm  
12 trying to think what it was, but I  
13 don't know for sure.

14 Q. Did either one of the lawyers  
15 offer at any time to represent you?

16 A. I didn't hear them say  
17 anything.

18 Q. Did they explain to you at any  
19 time that --- who they did represent?

20 A. I believe they said they was  
21 for the company. You know, if I'm  
22 --- I'm almost 100 percent sure that  
23 that's what they said, you know.

24 BY MR. FARLEY:

25 Q. When you were fighting the

105

01 fire on December 23rd, do you  
02 remember the color of the fire hose?

03 A. The fire hose?

04 Q. Yes.

05 A. Red.

06 Q. It was red?

07 A. Yeah.

08 Q. Okay. When you attended the  
09 meetings with the lawyers and the  
10 company representatives, were you  
11 paid to attend?

12 A. I think I was, but what they  
13 were doing --- they were already  
14 paying where we couldn't work or you  
15 know, where no one could work, they  
16 were paying for, I think, an  
17 eight-hour shift or nine-hour shift.

18 MRS. CONLEY:

19 But you haven't  
20 received it.

21 A. But I haven't received it, let  
22 me put it like that. But ---.

23 MRS. CONLEY:

24 How about Thursday?

25 A. Yeah, I'll find out Thursday

106

01 but that's hard to tell. I don't  
02 really, what you'd say, expect it. I  
03 expect it, but you know, if you know  
04 what I mean?

05 MR. FARLEY:



06 Thank you.

07 MR. WEBB:

08 Mr. Conley, I want to  
09 thank you for appearing here  
10 today and answering our  
11 questions and sharing your  
12 information about the mine.  
13 Your cooperation is very  
14 important to us as we work to  
15 determine the cause of the  
16 accident. If you wish, you  
17 can go back over any answer  
18 that you have given during  
19 your interview and you can  
20 also make a closing statement  
21 covering any additional points  
22 you believe should be raised.  
23 A. I don't have anything to ---.

24 MR. WEBB:

25 We'd ask that you not  
  
107  
  
01 discuss your interview this  
02 evening with any person who  
03 may have already been  
04 interviewed or any person that  
05 we may ask to give a statement  
06 in the future.  
07 A. Oh, I'm not.

08 MR. WEBB:

09 This will ensure that  
10 we obtain everyone's  
11 independent memory of the  
12 events surrounding the  
13 accident.

14 After questioning other  
15 witnesses and obtaining  
16 additional information, we may  
17 be asking you back for further  
18 questions.

19 A. Okay.

20 MR. WEBB:

21 If at some later point,  
22 you have additional  
23 information about the accident  
24 that you would like to provide  
25 to us, you could contact me or

108

01 my District Manager, Kenneth  
02 Murray. And we have some  
03 business cards with our  
04 numbers on them. And I'd also  
05 like to make you aware that  
06 the Mine Act provides certain  
07 protection for individuals who  
08 participate in accident  
09 investigations. So if at any  
10 time you believe you've been

11 treated unfairly because of  
12 your cooperation in this  
13 investigation, please  
14 immediately contact either me  
15 or Mr. Murray.

16 And I want to thank you  
17 again for your help.

18 MR. FARLEY:

19 I would also advise you  
20 that the West Virginia State  
21 Mining Law affords you the  
22 same protection and here's my  
23 card to contact us if need be.

24 MR. WEBB:

25 Once again, thank you

109

01 very much.

02 \* \* \* \* \*

03 EXAMINATION CONCLUDED AT 8:53 P.M.

04 \* \* \* \* \*

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