

01 EXAMINATION UNDER OATH
02 OF
03 RANDALL CROUSE
04
05
06 Taken pursuant to Notice by Autumn
07 Furby-Pritt, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Holiday Inn
10 Express, 101 George Kostas Drive,
11 Logan, West Virginia, on Wednesday,
12 February 8, 2006, at 8:55 a.m.

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

02

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04 U.S. Department of Labor

05 Mine Safety and Health Administration

06 Coal Mine Safety and Health

07 District 6

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

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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 J. BURKE
15 C.A. PHILLIPS
16 EUGENE WHITE
17
18
19
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01 I N D E X

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03 NUMBER DESCRIPTION IDENTIFIED

04 NONE OFFERED

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

02 -----

03 MR. MURRAY:

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

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

23 With me here today are
24 other members of MSHA's
25 accident investigation team.

8

01 MSHA's team includes various
02 specialists throughout the
03 United States and members of
04 the Solicitor's Office in
05 Arlington, Virginia.

06 At this time, I'd like
07 for each of the MSHA team
08 members to identify themselves
09 for you.

10 MR. FRANCCART:

11 Bill Francart with MSHA
12 in Pittsburgh

13 MR. STAHLHUT:

14 Ronald Stahlhut,
15 Vincennes, Indiana.

16 MR. BEITER:

17 Dennis Beiter with MSHA
18 Tech Support.

19 MR. FINNIE:

20 Michael Finnie,
21 Madisonville, Kentucky.

22 MR. BURKE:

23 Anthony Burke, MSHA
24 Whitesburg, Kentucky.

25 MR. WILLIAMS:

9

01 Anthony Williams,
02 Pikeville, Kentucky.

03 ATTORNEY BELL:

04 Keith Bell and I'm with
05 the Solicitor's Office.

06 MS. MITSKOG:

07 Marne Mitskog, I'm with
08 the Solicitor's Office.

09 MR. POGUE:

10 Charlie Pogue with the
11 Mine Safety and Health,
12 District II.

13 ATTORNEY BARISH:

14 My name is Dan Barish,
15 I'm with the Solicitor's
16 Office.

17 MR. BROWN:

18 Rodney Brown, MSHA
19 public affairs.

20 MR. MURRAY:
21 Mr. Crouse, also with
22 us today is the State of West
23 Virginia. And they are
24 represented by Mr. Terry
25 Farley, and Mr. Farley will be

10

01 asking the questions for the
02 State of West Virginia. He,
03 too, has some accident
04 investigation team members
05 with him in the room today. I
06 would ask him to introduce
07 those to you.

08 MR. FARLEY:
09 A quick statement
10 before we introduce our guys.
11 As Mr. Murray stated, the
12 Office of Miners' Health,
13 Safety & Training is
14 conducting this interview
15 session jointly with MSHA.
16 And we are in agreement with
17 the procedures he's outlined.
18 Also by --- I want to make it
19 clear, however, that the
20 Director reserves the right,
21 if necessary, to call or

22 subpoena witnesses or require
23 production of any record,
24 document, photograph or other
25 relevant materials necessary

11

01 to conduct this investigation.
02 Now, again, I'm Terry Farley.
03 This is Bill Tucker. And
04 would the rest of the state
05 people please identify
06 yourselves, please?

07 MR. COX:
08 Steve Cox, Region III.

09 MR. PHILLIPS:
10 C.A. Phillips, Safety
11 Director of Miners' Health,
12 Safety & Training.

13 ATTORNEY BRADFORD:
14 Tim Bradford, attorney
15 for Miners' Health, Safety &
16 Training.

17 MR. MURRAY:
18 Thank you.

19 ATTORNEY HEATH:
20 Kenny, can we ask one
21 question, who is --- why is
22 there a public affairs person
23 here? Is that your public
24 spokesman?

25

ATTORNEY BARISH:

12

01 Mark, please --- you
02 don't have the right to know
03 ---

04 ATTORNEY HEATH:

05 Well, could you just
06 tell us ---?

07 ATTORNEY BARISH:

08 --- just ask questions
09 or statements at this time.
10 We'd like to continue.

11 MR. MURRAY:

12 At the end of the
13 interview, we'll afford you
14 the opportunity to ask
15 clarifying questions on
16 information that has been
17 discussed.

18 ATTORNEY HEATH:

19 Well, I was just
20 wondering why there's someone
21 that's not appointed to the
22 team here. Could you just at
23 least tell us that?

24 ATTORNEY BARISH:

25 Mark, please, this is

13

01 not your place to ask
02 questions. Let's just
03 continue and not have any more
04 destructive comments or
05 questions.

06 MR. MURRAY:

07 The 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 an 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 causes 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

14

01 the future. Information
02 obtained through witness
03 interviews is frequently

04 included in these reports.

05 Your statement may also be
06 used in other enforcement
07 proceedings.

08 I'd like to thank you
09 in advance for your appearance
10 here, Mr. Crouse. We
11 appreciate your assistance in
12 this investigation. The
13 willingness of miners and mine
14 operators to work with us is
15 critical to our success in
16 making the nation's mines
17 safer.

18 Mr. Farley, do you have
19 anything to add initially?

20 MR. FARLEY:

21 No. I think I've
22 already covered what we needed
23 to cover.

24 MR. MURRAY:

25 Thank you. Okay. This

15

01 interview with Randall Crouse
02 is being conducted under
03 Section 103(a) of the Federal
04 Mine Safety & Health Act of
05 1977 as part of an

06 investigation by the Mine
07 Safety & Health Administration
08 into the conditions, events
09 and circumstances surrounding
10 the fatalities that occurred
11 at the Aracoma Alma Mine
12 Number One located Route 17
13 North, Bandmill Hollow Road,
14 Stollings, West Virginia,
15 25646. This interview is
16 being conducted at the Holiday
17 Inn Express in Logan, West
18 Virginia on February 8th,
19 2006.

20 Mr. Crouse, 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

16

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 additional
07 information that you believe
08 may be important. You are

09 permitted to have a
10 representative with you during
11 the interview, and you may
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, your
18 representative will be given
19 the opportunity to ask
20 questions for purposes of
21 clarifications on areas
22 already discussed. Your
23 statement is completely
24 voluntary. You may refuse to
25 answer any question and you

17

01 may end your interview at any
02 time. If you do not
03 understand a question, tell me
04 and I will rephrase the
05 question. If you need a break
06 for any reason, also let me
07 know.

08 You may request the
09 opportunity to make a
10 confidential statement, which

11 will be withheld from the
12 public to the extent allowed
13 by the law. Should you desire
14 to give a confidential
15 statement, you should advise
16 me before I begin your
17 interview so I can reschedule
18 your interview in order to
19 properly consider your
20 request.

21 A court reporter will
22 record your interview and will
23 later produce a written
24 transcript of the interview.
25 I ask that you state all your

18

01 answers verbally because the
02 court reporter cannot record
03 your gestures, such as nodding
04 your head. Okay.

05 If any part of your
06 statement is based not on your
07 own firsthand knowledge, but
08 on information that you
09 learned from someone else,
10 please let me know that.
11 Please answer each question as
12 fully as you can, including
13 any information that you

14 learned from someone else. We
15 may not ask the right
16 questions to learn the
17 information you have, so don't
18 feel limited by the precise
19 question being asked. If you
20 have information about the
21 subject area of a question,
22 please provide us with that
23 information.

24 Do you have any
25 questions about the manner in

19

01 which the interview will be
02 conducted?

03 MR. CROUSE:

04 No, sir.

05 MR. MURRAY:

06 Do you request a
07 confidential interview?

08 MR. CROUSE:

09 No.

10 MR. MURRAY:

11 Okay. Will you please
12 swear --- affirm Mr. Crouse.

13 -----

14 RANDALL CROUSE, HAVING BEEN AFFIRMED,

15 TESTIFIED AS FOLLOWS:

16 -----

17 BY MR. MURRAY:

18 Q. Mr. Crouse, please state your

19 full name, address and telephone

20 number and then spell your last name

21 for the record.

22 A. Randall Crouse, [REDACTED]

[REDACTED]

25 Q. Okay.

20

01 A. I'm a little nervous.

02 Q. Yeah. Take it easy, it's all

03 right.

04 A. What was ---?

05 Q. If you could spell your last

06 name, please?

07 A. C-R-O-U-S-E.

08 Q. Thank you. Are you appearing

09 voluntarily at this interview?

10 A. Yes.

11 Q. Has anyone made any promises

12 to you for giving this statement or

13 offered you any rewards in exchange

14 for making your statement?

15 A. No.

16 Q. Has anyone threatened you or

17 warned you not to provide this

18 statement?

19 A. No.

20 Q. Do you understand that you may
21 refuse to answer any question or
22 terminate this interview at any time?

23 A. Yes.

24 Q. Do you have a representative
25 with you today?

21

01 A. Yes.

02 Q. Please identify your
03 representative.

04 A. Mark --- I can't remember your
05 last name.

06 ATTORNEY HEATH:

07 It's Mark Heath,
08 Spilman, Thomas & Battle.

09 BY MR. MURRAY:

10 Q. Okay. And you've chosen this
11 representative ---

12 A. Yes.

13 Q. --- on your own?

14 A. Yes.

15 Q. Okay. Have you been made
16 aware that Mr. Hardy also represents
17 the company in this matter?

18 A. Yes.

19 ATTORNEY HEATH:

20 Mr. Heath.

21 MR. MURRAY:
22 I'm sorry. Now, that
23 is a clarifying question
24 (sic). I appreciate that.

25 ATTORNEY HEATH:

22

01 I was going to say what
02 ---.

03 MR. MURRAY:

04 Okay. I'm sorry, Mr.
05 Heath.

06 BY MR. MURRAY:

07 Q. Have you been made aware that
08 Mr. Heath also represents the company
09 in this matter and that there is a
10 potential for a conflict of interest
11 to arise between yourself and the
12 company?

13 A. Yes.

14 Q. And you're willing to proceed?

15 A. Yes.

16 Q. Okay. How long have you
17 worked that the Aracoma Mine Number
18 One?

19 A. In April it will be five
20 years.

21 Q. Okay. Thanks. What is your
22 current job title?

23 A. Roof bolt operator.

24 Q. What was your position on
25 January 19th, 2006?

23

01 A. Beg your ---?

02 Q. What was your position --- on
03 January 19th, the day of the
04 accident, what was your position at
05 that point in time?

06 A. I was running a roof bolter.

07 Q. Okay. You were a roof bolt
08 operator ---

09 A. Yes.

10 Q. --- at that point? Okay. How
11 long have you held that position, as
12 a roof bolter, roughly?

13 A. Total years?

14 Q. Yes.

15 A. Well, 14 or 15 I've been
16 bolting top.

17 Q. That's a long time. That's
18 good. Thank you. What other
19 positions have you held at the
20 Aracoma Mine?

21 A. Just roof bolt operator is my
22 job title.

23 Q. Okay. And approximately
24 what's your total years of mining
25 experience?

01 A. Twenty-four (24).

02 Q. Twenty-four (24) years.

03 Congratulations. You're a veteran.

04 Thank you. Okay. Let's go back,

05 these next series of questions will

06 be related to the day of the

07 accident, January 19th, 2006. Okay.

08 On that particular day, what shift

09 were you scheduled?

10 A. Second.

11 Q. And when you say second, what

12 was the starting and stop time of

13 that shift?

14 A. 2:30 starting time and 11:30

15 was finishing time.

16 Q. Okay. Thank you. About what

17 time did you arrive at the mine that

18 day?

19 A. Around 15 --- or 15 'til 2:00

20 or ---.

21 Q. Okay. Who was your supervisor

22 on the day of the accident?

23 A. My boss?

24 Q. Yes, sir.

25 A. Mike Plumley.

01 Q. Mike Plumley?

02 A. Yes.

03 Q. Is that your regular
04 supervisor?
05 A. Yes.
06 Q. Okay. And you already talked
07 about you were assigned to do your
08 normal roof bolting duties that day?
09 A. Yes.
10 Q. In the production cycle?
11 A. Yes.
12 Q. And in what area of the mine
13 were you assigned to work on that
14 shift? Which section?
15 A. Number Two section.
16 Q. Number Two section, okay.
17 Have you worked in that area of the
18 mine before?
19 A. Yes.
20 Q. Is that your normal section?
21 A. That's my normal section.
22 Q. Okay. And when was the last
23 time you were on that section before
24 January 19th?
25 A. January the 18th.

26

01 Q. So the day before ---
02 A. Yes.
03 Q. --- you worked on that
04 section?

05 A. Yes.

06 Q. Doing normal production

07 activities?

08 A. Yes.

09 Q. Okay. Just in your own words,

10 take me through your shift from the

11 beginning until the evacuation order

12 was given. Yeah, from the time, just

13 bring me into the mine and up onto

14 the Number Two section in your own

15 words, just briefly.

16 A. When I got to the mines, we

17 went got dressed, waited in the

18 waiting room area until time to go

19 down, took the elevator down, loaded,

20 everybody got on the mantrip and we

21 went to the section, you know, doing

22 our regular way in.

23 Q. Okay.

24 A. We got --- we go through past

25 the mother drive, closed the doors,

27

01 and then all the way to the section.

02 We met the dayshift crew at the

03 feeder and because that day they was

04 talking about going to a six and

05 three schedule. And then after we

06 talked to them for maybe ten minutes

07 or so, we went on to our roof bolters

08 and to our equipment. Me and my
09 partner was bolting Number One when
10 the left buggy man, Pat Kinser, came
11 and told us we was going to get our
12 stuff. We had to leave the section.
13 And the only thing we asked why. He
14 said that the belt was on fire. And
15 so ---.

16 Q. Did he say which belt?

17 A. Not at that time. He just
18 said we had a belt fire. So we
19 gathered our stuff and went to the
20 mantrip.

21 Q. Okay. Thanks. I know it's a
22 little tough, just take your time.
23 And like I said, if you need to take
24 a break, we'll take a break. We do
25 appreciate your being here though.

28

01 This is very important. When you
02 talked about closing the door at the
03 mother drive, would that be the
04 airlocks, ---

05 A. The airlock doors.

06 Q. --- that come underneath the
07 doors? Yes. Okay. So you actually
08 come through the airlock?

09 A. Yeah. There's four sets of

10 doors and somebody has to get off and
11 close them and open --- open them and
12 close them as we go through them.

13 Q. And you talked about meeting
14 the dayshift crew. Do you have a ---
15 do you relieve at the working face?

16 A. Yes, we have a hot seat.

17 Q. Okay. That's what you call
18 it, ---

19 A. Yeah.

20 Q. --- the hot seat change?

21 A. Yeah.

22 Q. Okay. And does the midnight
23 shift come in and do the same?

24 A. Yes.

25 Q. Okay. So it's a constant

29

01 production cycle of 24 hours?

02 A. Yeah.

03 Q. Okay.

04 A. No. Because the third shift
05 just is our down shift. They move
06 the belt and stuff, but we do hot
07 seat.

08 Q. Okay. Okay. So there's
09 constant presence on the section?

10 A. Yes.

11 Q. Okay. Before the evacuation
12 order, did you notice anything

13 unusual on the Two section?

14 A. No.

15 Q. Did you notice anything

16 unusual when you come through those

17 airlock doors?

18 A. No, sir.

19 Q. Okay. And the airlock doors

20 I'm referring to are at the mother

21 drive?

22 A. Yes.

23 Q. Okay. Did you smell any smoke

24 or anything at any point in time on

25 your way in or before the evacuation

30

01 order was issued?

02 A. No, sir.

03 Q. Okay. Did you become aware of

04 any CO monitor alarms going off in

05 the mine on this particular shift?

06 A. I wasn't aware of it.

07 Q. Personally you were not?

08 A. No.

09 Q. Okay. And tell me when you

10 were first made aware of an order to

11 evacuate? You led me up to the point

12 where somebody come over. And who

13 was that?

14 A. Pat Kinser. He's out left

15 shuttle car operator.

16 Q. Okay. And Mr. Kinser is the
17 one that first made you aware that
18 you were to leave the mine?

19 A. Yes.

20 Q. Okay. And where were you at
21 whenever he told you this?

22 A. Entry Number One.

23 Q. Were you installing roof
24 bolts?

25 A. Yes.

31

01 Q. Were you in that part of the
02 cycle?

03 A. Yes.

04 Q. Okay. And when you say Number
05 One, are the entries numbered Number
06 One, Two, Three, Four, Left or Right?

07 A. Yes.

08 Q. So this would be the extreme
09 left side of the section?

10 A. Yes.

11 Q. Okay. Thank you. And Mr.
12 Kinser, is that who told you?

13 A. Yes.

14 Q. And he told you that there was
15 a belt on fire?

16 A. Yes.

17 Q. But not specifically which

18 one?

19 A. No.

20 Q. Did you have an occasion to
21 speak on the telephone with anybody
22 after you were made aware that there
23 was a belt on fire?

24 A. No.

25 Q. No phone conversations

32

01 underground?

02 A. No. I didn't.

03 Q. Okay. That's fine. Okay.

04 Once you were made aware, tell me
05 just basically how the group got
06 together. Did you assemble at any
07 particular location before you
08 actually left the section as a group?

09 A. We gathered at the mantrip,

10 ---

11 Q. Which was ---? Okay.

12 A. --- a couple breaks past the
13 feeder, because we just started this
14 panel down.

15 Q. Okay. So when you say a
16 couple breaks past the feeder, would
17 the feeder that you're talking about
18 be the feeder at the tail of the belt
19 conveyor?

20 A. Yes.

21 Q. Which is located, I believe,
22 in the Number Two entry?

23 A. Yes.

24 Q. Would the mantrip have been in
25 the Number Three entry?

33

01 A. Yes.

02 Q. Okay. In close relationship
03 to the line of crosscuts that would
04 be in front of the feeder?

05 A. Yes.

06 Q. Okay. Who drove this mantrip
07 to the section at the beginning of
08 the shift, can you remember?

09 A. Steve Hensley.

10 Q. Steve Hensley, okay. Do you
11 have any idea what time it was when
12 Mr. Kinser told you that there was a
13 fire?

14 A. No.

15 Q. Okay. When you all gathered
16 on the mantrip in the Number Three
17 entry near the feeder, how was it
18 decided on how to get out of the mine
19 or what route of --- what route to
20 take to exit the mine?

21 A. Can you ask that again,
22 please?

23 Q. Whenever you all gathered at
24 the mantrip, ---

25 A. Yes.

34

01 Q. --- I'm sure there were
02 discussions and conversations on how
03 you should proceed out of the mine.
04 How did you determine as a group what
05 route to use to exit the mine?

06 A. We was going to take our
07 primary escapeway, which is the
08 intake.

09 Q. Okay. And when you talk about
10 the primary escapeway being the
11 intake, would that actually take you
12 underneath this mother belt drive
13 that you've described?

14 A. We was going to go as far as
15 we could and it was already
16 determined if something --- you know,
17 if we couldn't get that way, we would
18 go to our secondary, which would be
19 the beltline.

20 Q. Okay. So those discussions
21 were taking place on the section?

22 A. Yeah.

23 Q. Okay. Was anybody leading the
24 discussion in general?

25 A. No. Well, our section boss,

35

01 Mike Plumley, was the one that I
02 heard saying that.

03 Q. Okay. Thank you. Who drove
04 the mantrip out of the section that
05 particular day?

06 A. Steve.

07 Q. Same guy that drove it in?

08 A. Yes.

09 Q. Okay. Whenever you were
10 making this decision, did you have a
11 map or anything that you were
12 referring to, an escapeway map or any
13 kind of a mine map that you were
14 pointing to, to say that we should go
15 this way and not this way or ---?

16 A. No.

17 Q. Okay. It was all just verbal
18 discussions?

19 A. Yes.

20 Q. Okay. Were you made aware of
21 any information relative that there
22 may have been a belt fire prior to
23 the shift, at the beginning of the
24 shift? Did anybody talk about that
25 there was a belt fire or ---

36

01 A. No.

02 Q. --- problems with any belts?
03 A. No.
04 Q. Okay. Now, let's --- let's go
05 back to the mantrip and everybody's
06 on the mantrip and we're heading out
07 of the section. Okay. Can you
08 describe that process for me now that
09 everybody's in the mantrip and we're
10 heading out?
11 A. Okay. Everybody was on the
12 mantrip. We had to stop and pick up
13 two more people, which they was down
14 there picking up cribs, getting
15 cribs.
16 Q. Do you know who those people
17 were?
18 A. Billy Mayhorn and Gary
19 Baisden.
20 Q. Okay. They weren't a member
21 of the crew, the production crew?
22 A. Yes.
23 Q. Oh, they were?
24 A. Yes.
25 Q. Okay.

01 A. But they was just doing ---.
02 Q. I understand.
03 A. And we know that that was the

04 only two because we'd done taked a
05 head count. And once we stopped, we
06 picked those two guys up, and at that
07 time, we had knew which belt and
08 stuff it was because Plumley had
09 called and come back and told us, it
10 was the mother drive belt.

11 Q. Who told you that? I'm sorry.

12 A. Mike Plumley.

13 Q. The section foreman?

14 A. Yes.

15 Q. Okay.

16 A. So we started --- started down
17 the intake, the Number Five entry.
18 We went, I can't remember how many
19 breaks, but at one point we started
20 smelling smoke. Couldn't see it,
21 just smelled it.

22 Q. Okay.

23 A. At one --- there's a point in
24 our roadway where you have to make
25 --- go around the curb to get back in

38

01 the Number Four entry, which is also
02 intake. And as soon as we made that
03 curve, you could see the smoke. We
04 got --- the mantrip went all the way
05 around the curve and the smoke was so
06 thick you couldn't see. So Steve had

07 stopped the mantrip and we all got
08 off the mantrip and a decision was
09 made to don the rescuers. And as we
10 was --- once we first --- everybody
11 knew that --- Plumley had done told
12 us if anything was --- if anything
13 happened, we couldn't --- to head for
14 the man door down below the cribs.
15 So that's what --- where we was
16 heading to.

17 Q. This man door down below the
18 cribs, would that be the man door
19 that would lead you onto the 48-inch
20 belt?

21 A. Yes. Can I take a break?

22 Q. Yes, sir. Do you want to
23 leave the room?

24 A. Yes.

25 MR. MURRAY:

39

01 Okay. Let's go off the
02 record for a minute.

03 SHORT BREAK TAKEN

04 BY MR. MURRAY:

05 Q. Before a little break, we were
06 describing the process of the
07 evacuation and you told me that you
08 all, the entire crew, was on the

09 mantrip and they were heading out the
10 primary escapeway.

11 A. Yes.

12 Q. And you smelled smoke in the
13 Number Four entry.

14 A. Number Five.

15 Q. The Number Five entry, I'm
16 sorry.

17 A. Yes.

18 Q. And you made --- that the
19 mantrip then went into the Number
20 Four entry?

21 A. Yes.

22 Q. And to get from Five to Four,
23 you would have had to make a
24 right-hand turn?

25 A. Yes.

40

01 Q. Okay. And when you made that
02 right-hand turn, you encountered
03 heavy smoke?

04 A. We started seeing smoke, then
05 once we got all the way through the
06 break and took another left-hand turn

07 ---

08 Q. Right.

09 A. --- just to get back in, the
10 smoke got --- started getting
11 thicker, yes.

12 Q. Okay. Do you have any idea
13 why the smoke was thicker in that
14 entry than it was in the other?

15 A. No.

16 Q. And then you talked about
17 proceeding inby --- or outby, I'm
18 sorry, past the cribs and then into a
19 door into the 48-inch belt?

20 A. Yes.

21 Q. And who made that decision?

22 A. Mike Plumley said that would
23 be the best route.

24 Q. Did he give you any
25 explanation on why he thought that

41

01 would be the best route?

02 A. Because it would lead us over
03 to our primary --- I mean, our
04 secondary escapeway, which is neutral
05 air, which is an isolated belt that
06 should be fresh air.

07 Q. I see. At what point did you
08 put your self-rescuer on?

09 A. Once we stopped the manbus,
10 everybody evacuated the manbus and it
11 was --- a decision was made to don
12 our rescuers, so we donned them right
13 there.

14 Q. Was it an independent decision
15 or did somebody say, let's don them?
16 A. I heard somebody say, we need
17 to don our rescuers.
18 Q. Okay. You don't know who that
19 was?
20 A. I cannot remember.
21 Q. Okay. That's fine. Do you
22 know who told Mr. Plumley that it was
23 the mother belt that was on fire?
24 A. I don't know.
25 Q. You said that you exited the
42
01 mantrip and then a decision was made
02 to don the SCSRs.
03 A. Yes.
04 Q. Where were you personally when
05 you put yours on?
06 A. I was sitting in the back of
07 the bus when I got out of the manbus
08 and a decision made, I was walking
09 --- had already took a few steps and
10 was basically somewhere in the front
11 of the bus, you know ---.
12 Q. On the outby side of the bus?
13 A. Yeah.
14 Q. Okay. How thick was the smoke
15 at that point?
16 A. It was sort of thick but it

17 was still a white color.

18 Q. Could you see --- could you

19 give me an estimate, I mean, how far

20 you could see with your light?

21 A. When I first donned my

22 rescuer, I could see at least, you

23 know, maybe seven, eight feet.

24 Q. Seven, eight feet of

25 visibility?

43

01 A. Yeah.

02 Q. Okay.

03 A. Maybe.

04 Q. Yeah, that's fine. Do you

05 wear glasses in the mine for ---

06 A. Yes.

07 Q. --- for vision?

08 A. Yes.

09 Q. Do you remember if you put

10 your goggles on with the SCSR?

11 A. Yes.

12 Q. You did put your goggles on?

13 A. Yes.

14 Q. And you removed --- to do

15 that, you removed your vision

16 glasses?

17 A. Yes.

18 Q. Okay. At this point in time,

19 we've left the mantrip. The entire
20 crew exited the mantrip, is that ---

21 A. Yes.

22 Q. --- what we're talking? Okay.

23 Do you know where Mr. Don Bragg was
24 at that time?

25 A. No.

44

01 Q. Okay. How do you think Mr.
02 Bragg got separated from the group?

03 A. I don't know.

04 Q. What about Mr. Hatfield, did
05 you know where he was at at that
06 time?

07 A. No.

08 Q. Do you have any opinion on how
09 Mr. Hatfield may have gotten
10 separated from the group?

11 A. No.

12 Q. That's fine. Was anybody
13 having any problems with the --- with
14 donning their apparatus or their
15 SCSRs that you know of?

16 A. That I know of, no.

17 Q. Okay. Did you have any
18 problems personally?

19 A. Besides when I was shaking so
20 bad, I couldn't ---

21 Q. That's understandable.

22 A. --- grab the blow lead, you
23 know?

24 Q. Yes, sir.

25 A. The strap. I had trouble

45

01 grabbing ahold of that.

02 Q. Okay.

03 A. Then I finally got smart and
04 grabbed my channel locks and jerked
05 it up with that.

06 Q. So you physically had to use
07 channel locks to ---?

08 A. Yes.

09 Q. Okay. When was the last time
10 you saw Mr. Bragg?

11 A. The last time I saw him was on
12 the mantrip.

13 Q. So this is before you put your
14 self-rescuer on?

15 A. Yes.

16 Q. So obviously he didn't have
17 his on either at that point ---

18 A. No ---.

19 Q. --- the last time ---

20 A. The last time I saw him, no.

21 Q. Okay. What about Mr.

22 Hatfield, when is the last time you

23 saw him?

24 A. On the manbus.

25 Q. The same time?

46

01 A. Yes.

02 Q. And no one had their SCSR on
03 yet?

04 A. No.

05 Q. Okay. Before you left the
06 section, had come out, did Mr.
07 Plumley indicate that you may not be
08 able to continue the entire way in
09 the primary escapeway, that you may
10 have to make a decision at some point
11 to exit the primary and enter the
12 alternate?

13 A. Can you say that again,
14 please?

15 Q. Whenever you guys had
16 assembled --- I'm taking you back to
17 the section.

18 A. Okay.

19 Q. Whenever you guys had
20 assembled into the manbus to exit the
21 section, did Mr. Plumley indicate
22 that you may not be able to continue
23 the entire way in the primary
24 escapeway?

25 A. I don't remember if he did.

47

01 Q. Okay. But he quickly realized
02 that once you encountered the heavy
03 smoke that you needed to find another
04 route?

05 A. Right.

06 Q. And this route would be the
07 alternate escapeway in the belt?

08 A. Yes.

09 Q. Okay. Can you remember
10 whether you put your nose clips on

11 ---

12 A. Yes.

13 Q. --- at that point? Okay. As
14 you traveled in a group, now everyone
15 with their SCSR on, into this primary
16 --- or from the primary toward the
17 alternate, when did you first realize
18 that Mr. Bragg and Mr. Hatfield
19 weren't with the group?

20 A. Once we all was through the
21 man door into the belt entry. A head
22 count was made and determined that
23 those two was missing.

24 Q. Who made the head count?

25 A. I think it was Mike Shull.

48

01 Q. Mike Shull?

02 A. I think.

03 Q. Okay. And what was the
04 conversation then when they realized
05 --- when you all realized that Mr.
06 Bragg and Mr. Hatfield weren't with
07 the group inside the belt?

08 A. Total panic.

09 Q. I can imagine. Did anybody go
10 back through the door into the
11 primary escapeway from that point?

12 A. Yes.

13 Q. And who was that?

14 A. I think --- I know --- I'm
15 pretty sure Plumley was one of them
16 and Billy Mayhorn.

17 Q. Okay.

18 A. And there was another, but I'm
19 not for sure who it was.

20 Q. Okay. That's fine. And did
21 the rest of the group wait inside the
22 man door?

23 A. Yes.

24 Q. How long were those two
25 gentlemen gone?

49

01 A. A few minutes.

02 Q. A few minutes?

03 A. Very few minutes.

04 Q. Okay. They had their self-
05 rescuers on ---

06 A. Yes, ---
07 Q. --- at that point?
08 A. --- they was trying to holler
09 and try to get a response from either
10 one of them.
11 Q. Could you hear the guys
12 hollering for them ---
13 A. Yes.
14 Q. --- inside that door? Okay.
15 What were the conditions on that belt
16 entry as far as smoke or visibility?
17 A. At the time, it was --- it was
18 fresh air.
19 Q. It was fresh air?
20 A. Yes.
21 Q. Did you keep your self-rescuer
22 on though?
23 A. Yes.
24 Q. Even in the fresh air?
25 A. Yes.

50

01 Q. Okay. Whenever Mr. Plumley
02 and Mr. Mayhorn come back in into the
03 belt entry from the primary escapeway
04 and rejoined the group, did you close
05 the door behind you?
06 A. Yes. I think they did.
07 Q. Okay. And at that point, did

08 the --- did the group proceed out the
09 belt?

10 A. Yes.

11 Q. Did you ever encounter any
12 smoke in the alternate escapeway?

13 A. No.

14 Q. Underground, how --- what is
15 the --- how is the alternate
16 escapeway designated or identified?

17 A. With amber reflectors.

18 Q. Amber reflectors?

19 A. Yes.

20 Q. The entire length?

21 A. Yes.

22 Q. Okay. And then what about the
23 primary escapeway?

24 A. It has a green reflector.

25 Q. Okay. The entire length?

51

01 A. Yes.

02 Q. Okay. So any changes in
03 direction or if you had to go to the
04 right and then to the left, you'd be
05 able to follow a trail of green
06 reflectors to provide the path for
07 you?

08 A. Yes, sir.

09 Q. Okay. As you described the
10 atmosphere inside the 48-inch belt,

11 which was, as you described, the
12 alternate escapeway, you said it was
13 basically fresh air.

14 A. Yes.

15 Q. What about the temperature,
16 did you experience anything that
17 would be unusually hot?

18 A. Other than my rescuer, no.

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

21 A. No, sir.

22 Q. Have you heard anybody talk
23 about what may have caused the fire?

24 A. No, sir.

25 Q. Do you have routine mine

52

01 emergency evacuation drills?

02 A. Yes.

03 Q. We used to call them fire
04 drills.

05 A. Yes.

06 Q. When was the last time you
07 participated in one?

08 A. It was a few days before this
09 happened ---

10 Q. Where ---.

11 A. --- I'm thinking. I'm not
12 really for sure but it has been

13 within a few days of it.

14 Q. Okay. And where was the drill
15 held?

16 A. We had --- it was at the end
17 of the shift and where we come --- we
18 always travel the primary escapeway
19 with the mantrips or the alternate
20 escapeway, we stopped at the Number
21 One --- at the Three way and walked
22 from there the rest of the way on out
23 the fan entry.

24 Q. During these escapeway drills,
25 do you review mine maps at all to

53

01 show the designated areas that would
02 be the primary and the alternate
03 escapeways?

04 A. During the drills?

05 Q. Yeah. Or at any kind of
06 training that would be relative to
07 the escapeway drill?

08 A. At retraining, they go over
09 stuff like that, yes.

10 Q. Okay. And they use a mine map
11 as part of the instruction?

12 A. Yes. Yes.

13 Q. Where is the escapeway map
14 kept on this section, on the Two
15 section?

16 A. At the power box, I believe.

17 Q. Okay. What about the one

18 outside that's kept on the surface

19 for you all to review?

20 A. We have a table in the room

21 where we --- in the waiting room and

22 it has the map on the table with a

23 piece of Plexiglas overtop of it.

24 Q. So that's --- to your

25 knowledge, that's your designated

54

01 primary escapeway map ---

02 A. Yeah.

03 Q. --- for you all to review?

04 A. Yes. It shows the mines and

05 it's got it, you know, lined out.

06 A. On the escapeway map.

07 A. The escapeway, yes.

08 Q. And that's where the miners

09 would normally congregate before the

10 shift?

11 A. Yes.

12 Q. Okay. The offices upstairs,

13 you know, you walk up those stairs

14 and there's some foremen offices up

15 there?

16 A. Yes.

17 Q. Are you permitted to

18 arbitrarily walk up those steps and
19 walk in and out of those offices as a
20 regular miner?

21 A. Yes.

22 Q. Okay. Do you have any reason
23 to go up there to review any maps or
24 anything of that nature? Do you have
25 reason to go up there to review any

55

01 kind of maps, escapeway maps, or
02 anything like that? When we talk
03 about escapeway maps, the map that
04 you described under the Plexiglass,
05 ---

06 A. Yes.

07 Q. --- would that be the map that
08 you would be most familiar with ---

09 A. Yes.

10 Q. --- as far as where the
11 escapeways would be ---

12 A. Yes.

13 Q. --- designated?

14 A. Yes.

15 Q. Would there be any sets of
16 maps up in those upper offices that
17 you would have reason to go up and to
18 look at as an escapeway map?

19 A. I would --- I don't know
20 because the only reason I go up there

21 is to --- you know, if I have to.
22 Q. Okay. But under normal mining
23 --- under normal day-to-day
24 operations, you would expect to see
25 the primary escapeway map in that

56

01 Plexiglass ---

02 A. Yes.

03 Q. --- on that table ---

04 A. Yes.

05 Q. --- in that waiting area?

06 A. Yes, sir.

07 Q. Okay. Thank you. Do you have
08 any opinion of why that primary
09 escapeway, which is supposed to be
10 kept with fresh air would have so
11 much smoke in it?

12 A. I really couldn't say because
13 I don't have all the facts. Nobody
14 has --- nobody has ---.

15 Q. That's why we're here?

16 A. Yeah.

17 Q. That's why we're here.

18 A. That's exactly right. And
19 it's hard to form an opinion based on
20 what you don't know.

21 Q. Absolutely.

22 A. So I have --- I really have no

23 idea.

24 Q. Okay. You had --- you along
25 with the other crew members of the

57

01 Two section were inside this door in
02 the primary escapeway on the 48-inch
03 belt.

04 A. Secondary escapeway.

05 Q. I'm sorry. Alternate
06 escapeway on the belt, on the 48-inch
07 belt. Did you all meet anybody else?

08 A. Not at that time, no.

09 Q. Did you ever meet anybody else
10 as you exited the mine?

11 A. Yes.

12 Q. And who was that?

13 A. Once we got to the primary
14 escapeway, we walked approximately 12
15 breaks and crossed back over where we
16 knew we'd be by the mother drive
17 where the fires was and got back over
18 into the intake and met several
19 people, Pat Calloway and Fred Horton
20 and Billy Hawk (phonetic), I know for
21 a fact

22 Q. Okay. Let me see if I
23 understand because I think you may
24 have followed my lead on this. You
25 said you walked 12 breaks, would that

01 12 breaks have been in the alternate
02 escapeway on the belt?

03 A. Yes.

04 Q. Okay. And then after you got
05 around the mother drive, you then
06 exited the alternate escapeway and
07 re-entered the primary escapeway; ---

08 A. Yes.

09 Q. --- is that correct?

10 A. Yes, sir.

11 Q. Thank you. And then which
12 route --- or how did you, from that
13 point, proceed to exit the mine?

14 A. Down the primary escapeway.

15 Q. Okay.

16 A. Which was the intake.

17 Q. Okay. Do did you walk or did
18 you ---?

19 A. Walked, yes.

20 Q. The entire ---?

21 A. For a while.

22 Q. Okay. And then ---?

23 A. We met up with the longwall
24 section. We met up with the longwall
25 section then and we knew that there

01 was spare rescuers on the longwall

02 face. Some of us went to retrieve
03 those in case we would have to have
04 them. Those of us that had used our
05 rescuers got another one and left the
06 rest there for anybody else who
07 needed them. Then by that time, it
08 was --- some more people showed up
09 and we all --- they decided to
10 evacuate the rest of us in manbusses.

11 Q. I see. Now, you say you went
12 to the longwall to retrieve another
13 self-rescuer?

14 A. Yes.

15 Q. When you say to the longwall,
16 is that to the longwall face?

17 A. Yes.

18 Q. So you actually went through
19 the Number Two cut-through?

20 A. Yes.

21 Q. And followed that ---

22 A. Followed it, yes.

23 Q. --- the roadway up to ---

24 A. Yes.

25 Q. --- to the longwall face area?

60

01 A. Yes, sir.

02 Q. Okay. What did you do with
03 your self-rescuer that you had, the
04 original, the one that you had on

05 from the time you exited the manbus?

06 What became of that self-rescuer?

07 A. It's at my house.

08 Q. It's at your house?

09 A. Yes, sir.

10 Q. We would be interested in

11 retrieving that.

12 A. Yeah, I was going to ask you.

13 Q. Yeah, we'll make arrangements

14 to ---.

15 A. That's fine.

16 Q. Okay. These 12 blocks that

17 you walked in the alternate

18 escapeway, did it ever become smoky?

19 A. No.

20 Q. So it was clear the entire ---

21 the entire distance?

22 A. Yes.

23 Q. Is there a reason you didn't

24 stay in it?

25 A. We know that once we got

61

01 around it, we could get back over

02 into the primary escapeway, which is

03 fresh --- fresher air.

04 Q. Okay. Whenever you went to

05 the longwall to retrieve that

06 self-rescuer, did you smell any smoke

07 up there?

08 A. No, sir.

09 Q. Did you see any smoke?

10 A. No, sir.

11 Q. And could you describe where
12 those self-rescuers would be stored?

13 A. All I know is they're on the
14 line. They're kept in boxes.

15 Q. Are they on the face or they
16 in the ---?

17 A. They're on the face.

18 Q. On the face itself?

19 A. Yes.

20 Q. So you actually had to pass
21 the stage loader at the headgate, in
22 that area there, as opposed to being
23 ---

24 A. I'm not very familiar with the
25 longwall.

62

01 Q. Okay.

02 A. So ---.

03 Q. So once you got the ---
04 retrieved the self-rescuer from the
05 longwall face, ---

06 A. Yes.

07 Q. --- then what? Could you
08 briefly describe that again? You
09 --- are you walking or are you

10 riding?

11 A. Yes, we rode out the rest of
12 the way outside.

13 Q. From the longwall through the
14 Number Two cut-through?

15 A. Well, we walked back through
16 the Number Two cut-through and to a
17 waiting mantrip then rode outside.

18 Q. Okay. So on your way out of
19 the mine --- I'm going to back you up
20 a little bit back up onto that
21 northeast mains area. You weren't
22 able to use those equipment doors at
23 the mother drive that you used on the
24 way in?

25 A. No, we did not make it that

63

01 far coming out.

02 Q. And your 12 blocks that you
03 traveled on the alternate escapeway,

04 ---

05 A. Yes.

06 Q. --- would have taken you
07 around that area?

08 A. Yes, sir.

09 Q. Okay. When you went up onto
10 the longwall face, could you tell

11 what direction the air was traveling

12 on the longwall belt?

13 A. No. I was --- it was all in a
14 hurry.

15 Q. Okay. But you didn't smell or
16 see any smoke?

17 A. No, sir.

18 Q. As you guys were exiting the
19 mine, and more specifically after you
20 got around the mother drive, did
21 anybody stop and communicate outside
22 the --- who was in the group and
23 where your location was?

24 A. Once we crossed back over to
25 the --- from the secondary into the

64

01 primary, we tried --- I'm not for
02 sure if anybody at that time had done
03 anything yet, because we had a couple
04 guys go back trying to find them.

05 Q. Had anybody called outside at
06 any point to tell the folks outside
07 that you were at a certain area and
08 who was in that group?

09 A. I'm pretty sure they have, but
10 I --- I can't remember who.

11 Q. You don't know who?

12 A. Because I remember somebody
13 saying that --- to send somebody to
14 the phone, which was one break above

15 where we come out.

16 Q. So the phone would have been
17 along the primary escapeway?

18 A. Yes.

19 Q. And any kind of landmark that
20 you can tell me where ---?

21 A. No, sir.

22 Q. Okay. Whenever you traveled
23 up to the longwall, did you travel
24 through the primary escapeway in this
25 cut-through or did you travel through

65

01 the equipment doors?

02 A. I'm not real familiar with how
03 the longwall's set up, so I'm --- I
04 don't know.

05 Q. Did you ---?

06 A. We didn't go through no ---
07 any doors.

08 Q. Okay. So there were no doors
09 between you and the longwall face?

10 A. No, sir.

11 Q. I may have asked you this
12 once, but just for my own
13 clarification. The SCSRs that were
14 on the longwall that you retrieved
15 -----

16 A. Yes.

17 Q. --- could they have been on
18 the sleds that were in the entries
19 outby the longwall face, where you
20 have some parts sleds and some tool
21 sleds and areas where the first-aid
22 equipment may be stored and things of
23 that nature that are actually located
24 in the entries on the headgate side,
25 but they may be a few blocks away

66

01 from the longwall face? Or did you
02 actually have to travel over to the
03 --- to area of the longwall belt and
04 where it kind of intersects the
05 longwall face?

06 A. I'm thinking we had --- I
07 don't know what you'd call it, maybe
08 like you said, the stage loader and
09 have to go under a couple jacks to
10 get to them.

11 Q. Okay. So that would be in the
12 area where the longwall conveyer belt
13 ---

14 A. Yes.

15 Q. --- would take the coal away
16 from the longwall face?

17 A. Yes.

18 Q. Okay. Is that right?

19 A. Yes.

20 Q. In that area?

21 A. Yes.

22 Q. Okay. I have just a couple

23 quick clarifying questions then I'm

24 going to turn it over to Mr. Farley.

25 First, whenever we first began the

67

01 process and you recognized Mr. Heath

02 as your representative, ---

03 A. Yes.

04 Q. --- you actually had a problem

05 remembering his name.

06 A. Yeah.

07 Q. Is that --- when was the first

08 time you ever met Mr. Heath?

09 A. I met his partner before but

10 yesterday was the first day I've

11 actually met him.

12 Q. Okay. Yesterday?

13 A. Yes.

14 Q. Okay. Did you contact Mr.

15 Heath or did Mr. Heath contact you?

16 A. I actually sought him out.

17 Q. So you ---?

18 A. I was actually you know,

19 looking for somebody to help me

20 through this ---

21 Q. Okay. That's fine.

22 A. --- and I asked the company
23 basically. I mean, the service was
24 provided, they said they would be
25 with us to represent us if we needed

68

01 them, so ---.

02 Q. Did the company contact you or
03 did you contact the company?

04 A. We went --- at first, we met
05 with the company officials and then
06 --- an interview system with them,
07 then it was told if we needed
08 representation, they would help us.

09 Q. This is after Mr. Webb called
10 you to contact --- contacted you to
11 ask you to come here today? Mr.
12 Webb, ---

13 A. Yes, already ---.

14 Q. --- he called you on the
15 telephone ---

16 A. Yes.

17 Q. --- to ask you if you could
18 come here today and talk to us?

19 A. Yes.

20 Q. The conversation that you had
21 with the company, was it after Mr.
22 Webb had contacted you?

23 A. No, it was before.

24 Q. It was before?

25 A. Because they --- it was made

69

01 known to us that you all would be
02 setting up the interviews and then
03 they told us, you know, basically
04 what you all told us, our rights and
05 everything.

06 Q. Okay. And did the company
07 interview you at that time?

08 A. Yes.

09 Q. And they asked you similar
10 questions to what I'm asking today?

11 A. Yes, sir.

12 Q. Okay. And did they make a
13 record of that?

14 A. I'm not for sure.

15 Q. Did they record it?

16 A. No, sir.

17 Q. Okay. Let me back up one more
18 time to the alternate escapeway
19 whenever you guys entered that door.
20 When you opened the door, okay, to
21 travel from the primary escapeway
22 into the 48-inch belt, ---

23 A. Yes.

24 Q. --- did the smoke in the
25 primary escapeway try to travel in

70

01 through the door, into the alternate,
02 or did you feel fresh air hitting you
03 in the face coming from the alternate
04 back toward the primary?

05 A. I can't remember to tell you
06 the truth. I was just so happy to
07 get through it.

08 Q. That's fine. Are there any
09 questions that the company had asked
10 you during your interview with them
11 that we haven't asked you here today?

12 A. No, sir.

13 Q. And one other piece of
14 housekeeping, we talked about the ---
15 you were having problems with your
16 telephone number. For the record, if
17 I repeat this number, could you
18 acknowledge whether it's your number?
19 The area code's 304-682-6912?

20 A. Yes.

21 Q. That'd be your telephone
22 number?

23 A. Yes, sir.

24 Q. Okay. Thank you.

25 MR. MURRAY:

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01 Mr. Farley?

02 MR. FARLEY:

03 Can we take a break for

04 just a minute?

05 MR. MURRAY:

06 Absolutely. Let's take

07 a break for a second.

08 SHORT BREAK TAKEN

09 BY MR. FARLEY:

10 Q. Mr. Crouse, I think Mr. Murray

11 asked you if you knew how the fire

12 started. And I think your response

13 was that you didn't know.

14 A. Yes.

15 Q. Have you had --- have you

16 heard what caused the fire? You

17 know, have you heard any --- have you

18 had any conversations with any other

19 person about the fire who had an

20 opinion as to how it started?

21 A. Just you hear one thing, you

22 know, just basically just rumors,

23 speculations. And I mean, it's

24 nothing conclusive or ---.

25 Q. Okay. What rumor have you

72

01 heard?

02 A. At first, I think from ---

03 that the dolly was cocked or

04 something and friction from it,

05 that's ---.

06 Q. Do you remember who you had
07 that conversation with?

08 A. No. That's just a --- just
09 like a random rumor, you know.

10 Q. Okay. So you haven't had any
11 conversations with anyone about the
12 fire?

13 A. No, not --- not to the cause
14 of it or anything, no. Just hearsay.

15 Q. You haven't had any
16 conversations with any of your
17 co-workers about the fire?

18 A. No, not really.

19 Q. Who have you spoken to about
20 the fire, anyone at all?

21 A. Other than, what, the crew
22 members?

23 Q. Anyone at all.

24 A. Well, I've talked, you know,
25 --- actually to the cause of it,

73

01 where I have no knowledge of what
02 happened, probably nobody. Just
03 actually what occurred when I --- you
04 know, when we had to don the rescuers
05 and come through it.

06 Q. Okay. But irregardless of,
07 you know, any factual knowledge, who
08 have you spoken to about the fire?

09 A. I don't understand what you're
10 ---.

11 Q. Well, I mean, the fire
12 started, as best we understand it, on
13 January 19th. That's been three
14 weeks ago or something. And have you
15 had any --- who have you had
16 conversations with about that fire
17 since that time?

18 A. About all that's transpired?

19 Q. About the fire, who have you
20 had a conversation with?

21 A. I've talked to my wife about
22 it.

23 Q. Has any representative of your
24 employer interviewed you since the
25 fire?

74

01 A. Yes, Dave the other day, right
02 before ---.

03 Q. Dave? Would that be Dave
04 Hardy?

05 A. Yes.

06 Q. Okay. Did you and Mr. Hardy
07 talk about the fire?

08 A. Just basically what I've said
09 today, just, you know, how we've ---
10 you know, the time we started to the

11 time we left the section.

12 Q. Okay. Is Mr. Hardy the only
13 person representing your employer
14 that you've spoken with about the
15 fire?

16 A. Yes.

17 Q. Okay. No other member of
18 management has questioned you about
19 the fire?

20 A. That I can remember, no.

21 Q. So you've been at the mine
22 four or five years here?

23 A. Yes.

24 Q. Do you have any knowledge of
25 any fires at the Aracoma Alma Mine

75

01 prior to January 19th?

02 A. No, sir.

03 Q. Do you have any knowledge of a
04 fire in the mine this past December?

05 A. No, sir.

06 Q. Nothing around Christmastime?

07 A. No, sir.

08 Q. Okay. How long have you been
09 working on the Number Two section?

10 A. For at least --- well, ever
11 since they've started up Number Two
12 section.

13 Q. Okay. Do you know who is

14 designated as a general mine foreman
15 at the Alma Mine?

16 A. You know, in case of a ---?

17 Q. Most coal mines, most
18 underground coal mines, have a person
19 who is designated as the general mine
20 foreman with responsibility for the
21 underground workings. Is there such
22 a person at the Alma Mine?

23 A. I think we have one on each
24 shift.

25 Q. Do you know who they might be?

76

01 A. On the evening shift, I
02 believe it's Fred Horton and I'm not
03 really --- I think it might be Dusty
04 Dotson on the dayshift. I'm not for
05 sure.

06 Q. Are they the people
07 responsible for production of Aracoma
08 or would that be some other person?

09 A. I figure they do it all.

10 Q. Okay.

11 A. I figure, I'm not for sure.

12 Q. Now, on January 19th when you
13 entered the mine, I think you told
14 Mr. Murray that you passed through
15 the double doors ---

16 A. Yes, sir.

17 Q. --- near the mother drive,
18 that you didn't notice anything
19 unusual?

20 A. Yes, sir.

21 Q. Okay. Did you see any people
22 in that area, any person whatsoever
23 in that area as you passed through?

24 A. Yes.

25 Q. Who?

77

01 A. Karl White.

02 Q. Karl White?

03 A. Yes, he was the beltman.

04 Q. Okay. What was his location
05 when you saw him?

06 A. He was at the set of double
07 doors. He had opened and closed the
08 doors.

09 Q. Okay.

10 A. The sets of double doors.

11 Q. Okay. Do you have any
12 understanding of why he was in that
13 area?

14 A. I figure that's what he was
15 watching that day, ---

16 Q. Okay.

17 A. --- the mother drive.

18 Q. You didn't have any

19 conversations with him?

20 A. No, sir.

21 Q. Okay. Am I correct in

22 assuming that your regular route of

23 travel to the Number Two section was

24 on a daily basis?

25 A. Yes, sir.

78

01 Q. When you passed through those

02 airlock doors on a daily basis, do

03 you occasionally or routinely notice

04 --- come upon doors that are already

05 open?

06 A. No, sir.

07 Q. Sometimes?

08 A. I can't remember if we --- a

09 lot of stuff is ---.

10 Q. Okay. I'm going to try not to

11 repeat anything that Mr. Murray asked

12 you. While you were on the section,

13 can you give me an idea how long you

14 were on the section before you were

15 notified by Mr. Kinser or Kinses

16 (sic) that you had to leave?

17 A. It didn't seem long, but I

18 didn't look. I never looked at my

19 watch when he said anything.

20 Q. Okay. Now, of course he

21 notified you of the problem and that
22 you had to leave.

23 A. Yes.

24 Q. Do you have any idea as to
25 what person on the section actually

79

01 received the initial call directing
02 you and your crew to come outside?

03 A. No.

04 Q. Okay. And also would I be
05 correct that you don't have any idea
06 who made the call to the section?

07 A. Right, I don't.

08 Q. Okay. As you were traveling
09 from the section during the
10 evacuation, what was the overall mood
11 of the crew?

12 A. Well, we was, just like we
13 always do, just laughing and joking.
14 We didn't think that it was as
15 serious as what we thought --- as we
16 found out it was going to be.

17 Q. Why did you feel that way?

18 A. Well, we didn't figure --- I
19 don't know, but I mean, it's just
20 because nobody knew how bad it was at
21 that time, you know, on the trip and
22 it's just hard to put into words.

23 Q. Okay. And of course, I

24 understood you when you said that you
25 looked --- you saw the smoke when the

80

01 mantrip came along. I know where
02 that location is.

03 A. Yes.

04 Q. And I know that you donned
05 your Self-Contained Self-Rescuer in
06 front of the mantrip. Can you give
07 me a sense of how quickly the smoke
08 was moving toward you?

09 A. Well, when I first started
10 donning my SCSR, I mean, it was just
11 like I was doing it by all my
12 training, knelt down, took my cap
13 light off, shining it on it, and
14 before actually I could get the whole
15 unit --- you know, I got it broke
16 apart and was putting it on, I had to
17 feel around for my light, for my hat.
18 So it was coming up pretty quick and
19 it was getting thicker.

20 Q. Okay. Before you left the
21 section or as you were traveling from
22 the section, were you told or given
23 any sense of how long the fire had
24 been burning?

25 A. No.

01 Q. Okay. You know, had you ---
02 this is hindsight of course, but, you
03 know, had you known when you left the
04 section how serious the fire was, do
05 you think it might have changed the
06 way you and your crew exited the
07 mine?

08 A. It may have, yes, sir.

09 Q. Okay. How do you think it
10 would have?

11 A. Well, we would have --- if we
12 knew the severity of it, you know,
13 because like I said, we thought we
14 was just going to come into a little
15 smoke, you know, a roller's stuck or
16 something, you know what I mean?

17 Q. Yes.

18 A. And maybe we could have, you
19 know, come up with a different plan
20 to do something. I mean, nobody knew
21 it was going to get that bad that
22 quick.

23 Q. Okay. Now, after you donned
24 your Self-Contained Self-Rescuer in
25 front of the mantrip,---

01 A. Yes.

02 Q. --- now, I think you told Mr.

03 Murray that you traveled down past
04 the cribs and went through the door
05 into the beltway.

06 A. Yes, sir.

07 Q. The next entry over to your
08 right?

09 A. Yes.

10 Q. Now, when you were traveling
11 from the mantrip to that door, which
12 side of the entry did you --- were
13 you on?

14 A. It'd be the right-hand side

15 ---

16 Q. Okay.

17 A. --- looking outby.

18 Q. Can you describe how you and
19 your crew members made that trip? I
20 mean, were you holding onto each
21 other or how did that --- how did
22 that transpire?

23 A. Yes, I had ahold of some --- I
24 had ahold of Mike Plumley from the
25 back, tried to keep my hand in his

83

01 back and my hand on the rib. That
02 way I know I was going the right
03 direction.

04 Q. Okay. Now, when you --- after

05 you crossed over into the 48 entry,
06 the belt entry --- and you stated
07 earlier that you traveled about 12
08 crosscuts and then crossed back over
09 into the primary escapeway

10 A. Yes.

11 Q. Where exactly did you
12 encounter Bryan Cabell and/or Fred
13 Horton?

14 A. Once we returned over to the
15 primary escapeway, I remember seeing
16 Fred and later on there was a couple
17 others come down through there.

18 Q. Okay. Did Mr. Cabell or Mr.
19 Horton make any comments about the
20 extent of the fire area or how bad it
21 was?

22 A. No, not to my --- not that I
23 can recall. I'm thinking. No, I
24 don't remember them saying --- you
25 know, it was just bad.

84

01 Q. Okay. Now, I also understood
02 earlier that you traveled to the
03 longwall section to pick up some
04 additional Self-Contained
05 Self-Rescuers, but I'm not clear on
06 what your purpose of why you did so.

07 A. We was just trying to make

08 sure, you know, in case something was
09 to happen, we'd already have another
10 rescuer we can go to.

11 Q. Okay. Were you directed to do
12 that or was that something that you
13 and others came up --- decided on
14 your own?

15 A. I don't know who come up with
16 it, but it was --- I remember
17 somebody said we need to go get some
18 --- go up and get their SCSRs, their
19 extra ones.

20 MR. FARLEY:

21 I don't think we have
22 anything else.

23 MR. MURRAY:

24 Okay. Just a couple
25 points then we'll open it up.

85

01 BY MR. MURRAY:

02 Q. Just for the record, are you a
03 member of management or are you a
04 hourly worker?

05 A. Hourly worker.

06 Q. Back to the way in, you
07 identified for Mr. Farley that
08 somebody had opened the airlock doors
09 at the mother drive?

10 A. Yes.

11 Q. Had you ever had occasion to
12 open those doors yourself?

13 A. Yes.

14 Q. Are they hard to open?

15 A. No, not really.

16 Q. Is there any air pressure or
17 anything on them, like you know,
18 sometimes you go through a door into
19 a return, there's a bit of
20 resistance?

21 A. Not much, no, sir.

22 Q. When you open it, which way
23 does the air want to go?

24 A. Towards the section.

25 Q. Into the --- into the door?

86

01 A. Yeah.

02 Q. And then when you get on the
03 inby side and up open that door for
04 the mantrip to exit, it's still wants
05 to continue up into Two section?

06 A. Yes.

07 Q. Okay. When were you
08 interviewed by the company?

09 A. It was last Friday.

10 Q. Last Friday?

11 A. Yes, sir.

12 Q. Okay. Mr. Farley asked you

13 about were you aware of any other
14 fires at the mine.

15 A. Yes.

16 Q. Let me --- just so I
17 understand, were you aware that there
18 may have been some flames or some
19 flare-ups that the company didn't
20 classify as a fire because of the
21 duration that these flames or
22 flare-ups had existed?

23 A. No, sir, I'm not aware of any
24 there.

25 Q. Okay. Before you left the

87

01 Number Two section, ---

02 A. Yes.

03 Q. --- did you smell any smoke?

04 A. No, sir.

05 Q. Okay. While you guys were
06 escaping, did you hear anybody's
07 detectors going off into the alarm
08 mode?

09 A. No, sir, I didn't because at
10 that time there was a lot of people
11 panicking and it was ---.

12 Q. What do you think --- in
13 hindsight now, what do you think
14 could have been done to prevent this

15 accident?

16 A. Like I said a while ago, I
17 really don't have all the facts in,
18 you know, just like you all trying to
19 determine what caused it and stuff
20 and I'm not qualified right now to
21 make a guess or anything.

22 Q. Do you have an opinion?

23 A. Well, if I knew some facts,
24 more than what I --- you know, than
25 what we know, I may be able to come

88

01 up with an opinion, but not at this
02 time.

03 Q. Is there anything else that
04 you want to tell us regarding what
05 happened on that day that we haven't
06 yet asked?

07 A. No, sir.

08 Q. Okay.

09 MR. MURRAY:

10 Mr. Heath, is there
11 anything that you need
12 clarified from either ---?

13 ATTORNEY HEATH:

14 Yes. Just one in
15 response to Terry's questions.
16 When you crossed through ---
17 you know, back into the

18 primary, was Bryan Cabell
19 there or not? He didn't list
20 him earlier, Terry, is why.
21 A. He had come there later once
22 we got ---.

23 ATTORNEY HEATH:

24 Okay.

25 A. I remember seeing him later on

89

01 once we got to the doors and stuff.

02 ATTORNEY HEATH:

03 That was all.

04 MR. MURRAY:

05 Mr. Heath, is that it?

06 ATTORNEY HEATH:

07 The only other thing is
08 we can have him or we can put
09 it on the record that we have
10 requested a copy of our
11 transcript and that was
12 denied. And that the
13 company's attendance at this
14 investigation was also denied.

15 MR. MURRAY:

16 Okay. Did you have
17 anything else to say?

18 A. The only thing I got to say is
19 that I know what you all's trying to

20 do, is admirable. You all are trying
21 to prevent anything from happening to
22 one of our brothers again like this.
23 And I really wanted to commend you
24 for this. I hope there's --- I hope
25 what I told you can be used for some

90

01 good and that another one of our
02 brothers doesn't have to perish so
03 that another law can be made. Let's
04 start it here. And that's one reason
05 I do think that it was --- this is
06 just me, I hope nobody takes offense,
07 I know you all have rules and
08 guidelines you all have to go by, as
09 I look around, you all have
10 representatives from all over on your
11 side backing you trying to get to the
12 same goal that if I had some people
13 here from my company, which is Massey
14 Energy, trying to do the same thing
15 you all are trying to accomplish,
16 trying to find out the cause and find
17 out the cure for it not happening
18 again. And I just want to thank you
19 all for your patience and I hope that
20 I've helped you in some way.

21 MR. MURRAY:

22 Absolutely. Mr.

23 Crouse, we want to thank you
24 for appearing here today and
25 answering our questions and

91

01 sharing the information that
02 you had about the mine and
03 about the incident. Your
04 cooperation is very important
05 as we work through this, a you
06 mentioned, to try to determine
07 the cause and the prevention.
08 If you wish, you may go back
09 now over any answer that you
10 have given us during the
11 interview and if you want to
12 clarify, add to or whatever
13 you think would be helpful in
14 the clarification of the
15 information that we've
16 gathered from you today.

17 A. I'm fine.

18 MR. MURRAY:

19 We ask that you not
20 discuss your interview today
21 with any person who may have
22 already been interviewed or
23 who may have been asked to
24 come in and give us a

25 statement. This will ensure

92

01 that we obtain everyone's
02 independent memory of the
03 events surrounding the
04 accident.

05 After questioning other
06 witnesses and obtaining
07 additional information, we may
08 be asking you to come back for
09 further questions when we
10 understand more about what
11 happened.

12 A. Okay.

13 MR. MURRAY:

14 If at some point, you
15 have additional information
16 that you may think of after
17 you leave, we would like for
18 you to either contact me or my
19 staff assistant, Anthony Webb,
20 and here's a --- here's our
21 cards with the information,
22 our contact information.

23 MR. FARLEY:

24 You can contact us if
25 you can't find them.

93

01 A. Okay. Thank you.

02

MR. MURRAY:

03

And we just want you to

04

know that the Mine Act

05

provides certain protection

06

for individuals who

07

participate in accident

08

investigations. If any time

09

you believe that you have been

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treated unfairly because of

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your cooperation in this

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investigation, again, please

13

feel free to immediately

14

contact either myself or

15

Anthony.

16

And I know it's been a

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tough few weeks and we really

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appreciate you coming in here

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and staying to talk and your

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information has been very

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useful.

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MR. FARLEY:

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I might add that we

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have the same provisions in

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the state law for protection

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01

of miners' rights and I urge

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you to take advantage of them

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if need be.

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MR. MURRAY:

Thank you.

* * * * *

EXAMINATION CONCLUDED AT 10:43 A.M.

* * * * *