

01 EXAMINATION UNDER OATH
02 OF
03 EDWARD R. ELLIS
04
05
06 Taken pursuant to Notice by Autumn D.
07 Furby-Pritt, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Department of
10 Environmental Protection, 1101 George
11 Kostas Drive, Logan, West Virginia,
12 on Thursday, March 16, 2006, at 8:02
13 a.m.

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3

01 A P P E A R A N C E S (cont.)
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15

16 ALSO PRESENT:

17 EUGENE WHITE

18 BETH SPENCE

19 DENNIS BEITER

20 STEVE COX

21 RONALD STAHLHUT

22 C.A. PHILLIPS

23 CHARLIE POGUE

24 MIKE FINNIE

25 DERRICK TJERNLUND

4

01 I N D E X

02 INTRODUCTION 6 - 16

03 WITNESS: EDWARD R. ELLIS

04 QUESTIONS

05 By Mr. Beiter 16 - 151

06 QUESTIONS

07	By Mr. Tucker	152 - 159
08	QUESTIONS	
09	By Mr. Beiter	159 - 161
10	QUESTIONS	
11	By Mr. Tucker	161 - 170
12	QUESTIONS	
13	By Mr. Beiter	170 - 171
14	CONCLUSION	171 - 174
15	CERTIFICATE	175

16
17
18
19
20
21
22
23
24
25

01	EXHIBIT PAGE		
02			PAGE
03	NUMBER	DESCRIPTION	IDENTIFIED
04	Ellis		
05	A	Four Right map	33
06	B	Vent plan	49
07	C	Mine map	87
08	D	Escapeway map	90
09	E	Map from wash house	

10	F	Map from P. Lester's	
11		office	98
12	G	Firefighting plan	102
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

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

02 -----

03 MR. BEITER:

04 My name is Denny
05 Beiter. I represent the Mine
06 Safety and Health
07 Administration, which is an
08 agency of the U.S. Department
09 of Labor. I'm a member of
10 MSHA's accident investigation
11 team that's assigned the task

12 of investigating that accident
13 that occurred at the Aracoma
14 Coal Company, Incorporated,
15 Aracoma Alma Mine Number One,
16 on January 19th, 2006.

17 This is a joint
18 investigation that MSHA is
19 conducting with the State of
20 West Virginia. I will be
21 asking the questions for MSHA
22 in today's interview. And
23 with me here today are other
24 members of MSHA's team and the
25 State's team as well. MSHA's

7

01 team includes various
02 specialists and members of the
03 Solicitor's Office. And at
04 this time I'm going to ask
05 each member of the team to
06 introduce themselves for the
07 record.

08 MR. BURKE:

09 Anthony Burke, and I'm
10 from Whitesburg, Kentucky,
11 MSHA.

12 MR. FRANCCART:

13 Bill Francart,
14 Pittsburgh, Pennsylvania.

15 MR. FINNIE:
16 Mike Finnie,
17 Madisonville, Kentucky.

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

21 MR. STAHLHUT:
22 Ron Stahlhut, MSHA,
23 Vincennes, Indiana.

24 MR. WEBB:
25 Anthony Webb, MSHA,

8

01 Pikeville, Kentucky.

02 MR. BEITER:
03 I said my name is Denny
04 Beiter, and I work for MSHA in
05 the Tech Support Group out of
06 Triadelphia, West Virginia.

07 Here with us today also
08 is a representative of the
09 State of West Virginia. Mr.
10 Bill Tucker will be asking
11 questions for the State. And
12 at this time I'd ask Mr.
13 Tucker to introduce the
14 members of the State team.
15 And I believe he has a
16 statement for you as well.

17 MR. TUCKER:
18 The West Virginia
19 Office of Miners' Health,
20 Safety & Training is
21 conducting this interview
22 session jointly with MSHA, and
23 we are in agreement with the
24 procedures outlined by Mr.
25 Beiter.

9

01 However, let me make it
02 clear that the Director
03 reserves the right, if
04 necessary, to call or subpoena
05 witnesses or require the
06 production of any record,
07 document, photograph or other
08 relevant materials necessary
09 to conduct this investigation.

10 I appreciate you coming
11 in today, Mr. Ellis. And my
12 name is Bill Tucker. I'm the
13 Assistant Inspector at Large
14 out of Region Four, and that's
15 in Oak Hill.

16 MR. COX:
17 Steve Cox, Region
18 Three, in Danville.

19 MR. WHITE:

20 Eugene White, District
21 Inspector, Region Three,
22 Danville.

23 MR. PHILLIPS:

24 C.A. Phillips, Deputy
25 Director of Miner's Health,

10

01 Safety & Training, Charleston,
02 West Virginia.

03 MS. SPENCE:

04 Beth Spence, with the
05 Governor's Office.

06 MR. BEITER:

07 This investigation is
08 being conducted by MSHA and
09 the State of West Virginia to
10 gather information to
11 determine the cause of the
12 accident and to help prevent
13 this from happening in the
14 future. These interviews are
15 an important part of the
16 investigation.

17 After the investigation
18 is completed, MSHA will issue
19 a written report detailing the
20 nature and the causes of the
21 accident. MSHA accident

22 reports are available to the
23 public in the hope that
24 greater awareness about the
25 cause of the accidents can

11

01 reduce their occurrence in the
02 future. Information obtained
03 through witness interviews is
04 frequently used in the
05 reports. Your statement may
06 also be used in other
07 enforcement proceedings.

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

17 This interview with Mr.
18 Ed Ellis is being conducted
19 under Section 103(a) of the
20 Federal Mine Safety & Health
21 Act of 1977 as part of an
22 investigation by the Mine
23 Safety and Health
24 Administration into the

25 conditions, events and

12

01 circumstances surrounding the
02 fatalities that occurred at
03 the Aracoma Alma Mine Number
04 One, located on Route 17
05 North, Bandmill Hollow Road,
06 Stollings, West Virginia,
07 25646.

08 This interview is being
09 conducted at the State of West
10 Virginia Department of
11 Environmental Protection,
12 Division of Mining &
13 Reclamation, at 1101 George
14 Kostas Drive, Logan, West
15 Virginia, 25601, on March
16 15th.

17 Mr. Ellis, may I call
18 you Ed?

19 MR. ELLIS:

20 Yes.

21 MR. BEITER:

22 The interview will
23 begin by me asking you a
24 series of questions. Please
25 feel free at any time to

13

01 clarify any statement that you
02 make in response to the
03 questions. After we have
04 finished asking questions, you
05 will also have an opportunity
06 to make a statement of your
07 own and provide us with any
08 other information that you
09 believe to be important. You
10 are permitted to have a
11 representative with you during
12 this interview. You may
13 designate any person to be
14 your representative.

15 Your statement is
16 completely voluntary. You may
17 refuse to answer any question
18 and may end your interview at
19 any time. If you do not
20 understand a question, please
21 let me know and I'll try to
22 rephrase the question so that
23 we can understand each other.
24 If you need a break for any
25 reason, please just ask and

14

01 we'll take a break.

02 You may request the
03 opportunity to make a

04 confidential statement which
05 we will withhold from the
06 public to the extent allowed
07 by law. Should you desire to
08 give a confidential statement,
09 you should advise me before I
10 begin your interview so that I
11 can reschedule your interview
12 in order to properly consider
13 your request. Do you want to
14 have a confidential interview?

15 MR. ELLIS:

16 No.

17 MR. BEITER:

18 A court reporter will
19 record your interview and will
20 later produce a written
21 transcript of the interview.
22 I ask that you state all your
23 answers verbally because the
24 court reporter cannot record
25 gestures like nodding your

15

01 head or shaking in a negative
02 response. Neither the
03 transcript of this interview
04 nor the content of this
05 interview will be released to

06 the public or the media until
07 MSHA's final investigation
08 report is issued or until
09 required by court order or
10 until a public hearing takes
11 place. If any part of your
12 statement is based not on your
13 own first-hand knowledge but
14 on information that you
15 learned from somebody else,
16 please just let us know that.

17 Please answer each
18 question as fully as you can,
19 including any information that
20 you learned from someone else.
21 We may not ask the right
22 questions to learn the
23 information that you have, so
24 please don't feel limited by
25 the precise question asked.

16

01 If you have information about
02 the subject area of a
03 question, please provide us
04 with that information.

05 Do you have any
06 questions about the manner in
07 which this interview will be
08 conducted?

09 MR. ELLIS:

10 No.

11 MR. BEITER:

12 Will you please swear

13 or affirm him?

14 -----

15 EDWARD R. ELLIS, HAVING FIRST BEEN

16 DULY SWORN, TESTIFIED AS FOLLOWS:

17 -----

18 BY MR. BEITER:

19 Q. Please state your full name,
20 address, telephone number, including
21 area code, and please spell your last
22 name for the record.

23 [REDACTED]

[REDACTED]

01 Q. Thank you. Ed, are you
02 appearing voluntarily at this
03 interview?

04 A. Yes.

05 Q. Has anyone made any promises
06 to you for giving this statement?

07 A. No.

08 Q. Has anyone offered you any
09 rewards in exchange for making this
10 statement?

11 A. No.

12 Q. Has anyone threatened you or
13 warned you not to provide this
14 statement?

15 A. No.

16 Q. Do you understand that you may
17 refuse to answer any question or
18 terminate this interview at any time?

19 A. Yes.

20 Q. Do you have a representative
21 with you?

22 A. No.

23 Q. Do you wish to proceed without
24 a representative?

25 A. Yes.

18

01 Q. Ed, how long have you worked
02 at the Aracoma Alma Mine Number One?

03 A. About two and a half years.

04 Q. Are you currently employed
05 there now?

06 A. No.

07 Q. What was your last date of
08 employment?

09 A. I'm not positive. Going on
10 four weeks I've been off from there,
11 I believe.

12 Q. Were you working there the day
13 of the accident?

14 A. Yes.

15 Q. Did you work there after the
16 accident?

17 A. Yes.

18 Q. Days or weeks?

19 A. Weeks.

20 Q. What was your job title when
21 you left?

22 A. The day of the accident, I was
23 a section foreman. They told me I
24 was assistant coordinator, but they
25 put me back on the section. So I

19

01 guess assistant coordinator.

02 Q. When you say put you back on
03 the section, longwall section?

04 A. Yes.

05 Q. A foreman on the longwall
06 section?

07 A. Yes.

08 Q. You had a title of longwall
09 coordinator?

10 A. Assistant coordinator.

11 Q. Assistant longwall
12 coordinator?

13 A. Yes.

14 Q. How is that different than a
15 longwall foreman?

16 A. From January the 7th to the
17 18th I was outby as the assistant
18 coordinator. And then on the 18th,
19 the boy that took my place, Joey
20 Warford (phonetic), he left --- or
21 they got rid of him and put me back
22 on the section as section foreman.

23 Q. Joey was a section foreman on
24 the longwall ---

25 A. Yes.

20

01 Q. --- and then you replaced him
02 ---

03 A. Yes.

04 Q. --- on the 18th?

05 A. Yeah. Prior to the 7th, I was
06 section foreman.

07 Q. Longwall section foreman?

08 A. Yes.

09 Q. Then Joey took your place?

10 A. Yes.

11 Q. And you became the outby
12 coordinator --- or the longwall
13 coordinator?

14 A. Assistant coordinator.

15 Q. Assistant coordinator, yes.

16 A. The coordinator was off, so I
17 guess I was acting coordinator.

18 Q. Okay. How long did you hold

19 that position? Did you say from ---?

20 A. From January 7th to January

21 the 18th.

22 Q. And how long were you a

23 longwall foreman prior to that?

24 A. Two and a half years --- well,

25 at Aracoma?

21

01 Q. The entire time you worked at

02 Aracoma prior to that?

03 A. Yeah. I've been a foreman for

04 five years, I guess. Somewhere in

05 that area.

06 Q. At other mines?

07 A. Yeah.

08 Q. Were you considered a member

09 of management?

10 A. Yes.

11 Q. A supervisor?

12 A. Yes.

13 Q. How many total years of mining

14 experience do you have?

15 A. About 14, 14 and a half.

16 Q. Are you certified?

17 A. Yes.

18 Q. What certifications do you

19 hold?

20 A. I have West Virginia foreman's

21 papers, underground miner's
22 certificate and dust, respirable
23 dust, and an EMT.

24 Q. What were your duties as
25 assistant longwall coordinator?

22

01 A. To oversee the longwall, get
02 setup ready.

03 Q. Setup for the new longwall?

04 A. Yes. I was on the face pretty
05 much every day, except for three
06 days, and then three days of walking
07 around and looking, seeing what we
08 had on the other headgates.

09 Q. Except for three days of the
10 time period that you were assistant
11 longwall coordinator?

12 A. Yeah. I'd go up and help them
13 with the places if mining was slow.

14 Q. On the longwall face?

15 A. Yeah.

16 Q. What responsibilities did you
17 have as assistant longwall
18 coordinator?

19 A. I was over the longwall.
20 Rodney Adkins was --- or I mean
21 Rodney --- excuse me, Rodney Morrison
22 was the superintendent over the
23 longwall, and I pretty much helped

24 him.

25 Q. Did you work for him directly?

23

01 A. Yes.

02 Q. Was there another assistant

03 longwall coordinator besides

04 yourself?

05 A. Clarence Workman was

06 coordinator, but he was off sick.

07 Q. His name again, I'm sorry?

08 A. Clarence Workman.

09 Q. Clarence Workman?

10 A. Yeah. He's been off sick for

11 I'd say three weeks maybe. But Rod

12 overseen the longwall, and we took

13 orders from him.

14 Q. Did you directly supervise the

15 longwall foreman while you were

16 assistant coordinator?

17 A. Yes.

18 Q. So the longwall foreman

19 reported to you?

20 A. Yes.

21 Q. And then you reported to Mr.

22 Morrison?

23 A. Yes.

24 Q. And did you say that there was

25 another assistant coordinator that

01 was off sick?

02 A. Clarence Workman. He was the
03 coordinator. He was under Rod. And
04 then I would have been under him.

05 Q. Okay.

06 OFF RECORD DISCUSSION

07 BY MR. BEITER:

08 Q. Do you know who the chief
09 health and safety officer at Alma
10 Mine Number One is --- was on the
11 19th?

12 A. No.

13 Q. What shift did you work as
14 assistant longwall coordinator?

15 A. I worked the dayshift.

16 Q. As a longwall foreman, what
17 shifts did you work?

18 A. Swing shift. I worked four
19 days, two off and four evening, two
20 off.

21 Q. When you say four day, you
22 meant four shifts on dayshift?

23 A. Yeah.

24 Q. And then off and then
25 afternoon shift?

01 A. Yes.

02 Q. Never worked midnight shift?

03 A. No.

04 Q. Coal is always produced only
05 on days and seconds?

06 A. Yes.

07 Q. As longwall foreman, what were
08 you responsible for examining?

09 A. I took care --- I examined the
10 face, the tail entry when we could
11 get out there and ---.

12 Q. How far down the tail entry?

13 A. Had MPA and --- or MPB and
14 it's two breaks outby the face.

15 Q. That's your measuring point
16 ---

17 A. Yeah.

18 Q. --- for the bleeder system
19 evaluation?

20 A. Yeah. And down to the airlock
21 doors at the cut-through.

22 Q. The closest cut-through to the
23 face, depending on where the face
24 was?

25 A. Our split of travel.

01 Q. Did you always travel through
02 the most inby cut-through?

03 A. Yes.

04 Q. Even when you first started

05 the wall, ---

06 A. Yes.

07 Q. --- you always traveled up to

08 the present cut-through that's

09 traveled through now?

10 A. Yeah --- no. When we first

11 started the wall, we traveled through

12 the outby cut-through at the Fourway.

13 And then once we passed that, we

14 started traveling through the most

15 inby cut-through.

16 Q. When you got into the

17 tailgate, made that examination, how

18 frequently was that made?

19 A. Once a shift.

20 Q. Once a shift you made the MPB?

21 A. Yes. When it wasn't fell in.

22 Q. Was it fell in a lot?

23 A. Quite a bit.

24 Q. Was the tailgate supported

25 with supplemental supports?

27

01 A. No.

02 Q. No.

03 A. Not up next to the face it

04 wasn't.

05 Q. How long was the face fell in?

06 A. It varied. It'd fall maybe a

07 week or so and then clear up. We had

08 a lot of bad conditions over in that
09 tail and it was hard --- it was
10 almost impossible getting anything
11 over there to it.

12 Q. You have to bring everything
13 all the way in from the front end?

14 A. Yeah, for up top there.

15 Q. Yes. Was it blocked as much
16 as it was open?

17 A. Pretty much. If we had as
18 much wood in it as we could possibly
19 get, it would fall. It was just a
20 nightmare from the time we started
21 that panel to now.

22 Q. When it fell in, did it fall
23 such that it was just not bolted and
24 you couldn't walk through there, or
25 did it fall such as it was blocked by

28

01 a roof fall?

02 A. It was blocked by a roof fall.

03 Q. Was it blocked by a roof fall
04 on the 19th of January?

05 A. Yes.

06 Q. Prior to the 19th of January,
07 do you know how long it was blocked?

08 A. I'm not positive. It had
09 cleared up and fell again I'd say

10 maybe two weeks or so. I'd have to
11 go back and look through the books.

12 I'm not for sure.

13 Q. Had it been fell in for two
14 weeks?

15 A. Yeah, I'd say. I'd have to go
16 back and look.

17 Q. How many feet a day do you
18 normally mine, a 24-hour period, not
19 a shift?

20 A. On average, I would say 24 or
21 28 feet maybe, something like that.

22 Q. So every four days you'd get
23 100 feet?

24 A. Yeah.

25 Q. And it was two weeks' worth?

29

01 A. Yeah.

02 Q. So for over 1,000 feet it had
03 been blocked pretty regularly?

04 A. Yeah, off and on.

05 Q. Did the tail blockage ever
06 affect airflow on the face?

07 A. You could tell you had less
08 air. You would lose some air through
09 the restriction. But we had a good
10 draw on that panel there and had
11 pretty good air.

12 Q. Was the air entering the front

13 end of the mine tailgate, was it
14 regulated; do you know?
15 A. They had the stopping knocked
16 out up here at the cut-through. And
17 then --- which one? Nine tail?
18 Q. Yes, entering Nine tailgate,
19 on the front end. Don't be confused
20 by the stoppings that are shown on
21 the map because they may or may not
22 be accurately reflecting what was in
23 the mine at that time. If you can go
24 by your memory, that probably would
25 be better.

30

01 A. There was a stopping, a set of
02 airlock doors that needed worked over
03 on the Ten tail side.

04 Q. Yes.

05 A. And a stopping that needed
06 worked on on Nine tail side, I
07 believe.

08 Q. What do you mean needed worked
09 on?

10 A. I believe it needed plastered.
11 I'm not for sure. I haven't been up
12 there since they went up there and
13 worked on it.

14 Q. How many people work on a

15 longwall each shift?
16 A. Each shift on the face?
17 Q. Yes.
18 A. You have an eight to a
19 nine-man crew on the face.
20 Q. Including the foreman?
21 A. Including the foreman.
22 Q. Are there other employees that
23 regularly work on the longwall
24 besides the two longwall crews?
25 A. Yeah. You had three longwall
31
01 coal crews that rotated, and then you
02 had pretty much two midnight crews
03 that went back and forth. And then
04 you had ---.
05 Q. Did they perform maintenance
06 only?
07 A. Sometimes they would start up.
08 Q. They would load coal on
09 midnight shift as well?
10 A. They'd try to start up around
11 6:30 or so, whatever they could.
12 Q. Get everything running for the
13 crew when they first come in?
14 A. Yeah. And then you had a
15 set-up crew that was about a four or
16 five-man crew.
17 Q. Set up for the next longwall?

18 A. Yeah. They'd do outby work or
19 whatever until they got set up.

20 Q. And where were they working at
21 during that period of time prior to
22 the accident?

23 A. They had been trying to pull
24 rail and stuff out behind the ---

25 Q. Power train?

32

01 A. --- behind the longwall face,
02 back --- yeah --- no. It would have
03 been at the startup of the panel back
04 behind us.

05 Q. On the headgate side or the
06 tailgate side?

07 A. It would have been like ---.

08 Q. This map is inverted up for
09 this one.

10 A. Oh, okay.

11 Q. This is Four Right area here.
12 This is the northeast side down here.

13 A. It was across the Four Right
14 area.

15 Q. Across the Four Right?

16 A. Yeah.

17 Q. Is that intake split? Maybe
18 you can come up here. Would you mind
19 coming up? I'm going to identify one

20 of these maps here as Exhibit A.

21 (Ellis Exhibit A marked

22 for identification.)

23 BY MR. BEITER:

24 Q. And it's the smaller map that
25 just shows a portion of Four Right,

33

01 the headgate and tailgate of the
02 active longwall and just outby --- it
03 actually just gets to where the inby
04 cut-through is. Is that Number Two
05 cut-through down here? The inby one
06 is Number Two cut-through?

07 A. Yeah.

08 Q. So it just goes --- extends
09 down to --- about where Number Two
10 cut-through was. And the longwall
11 face is actually not shown where it
12 is. You can see where the belt tail
13 is at 17 crosscut. That's about
14 where the face was. Okay. So it's
15 just not marked down where it was,
16 and maybe we can draw that on here.
17 I'm not sure where the face was on
18 the tailgate side, but --- I don't
19 know if it was this way or this way,
20 because it was fell in on --- it was
21 fell in when I was up there, so I
22 couldn't tell where the actual face

23 was.

24 Looking on this map here,
25 there's a couple sets of equipment

34

01 doors coming into Four Right. Is
02 that the area where they were working
03 on recovery?

04 A. Yeah. There was rail and it
05 was mined here.

06 Q. Okay.

07 A. I'm not for sure what entry.
08 I believe it was this one.

09 Q. Right. And that entry that
10 you're talking about is the one ---
11 that includes spad 2717 and back
12 towards the door in an angle crosscut
13 at 2585?

14 A. Yeah.

15 Q. Okay.

16 A. There was rail back there, and
17 they were trying to pull that out,
18 ---

19 Q. Right.

20 A. --- clean this roadway here.

21 Q. Right. And was this all ---
22 is this ventilated with intake air
23 back here? No?

24 A. All this is sealed off or was

25 where the return comes across here, I

35

01 believe.

02 Q. Maybe you can help me out a
03 little bit. Do you want to take this
04 blue marker and just draw where the
05 track --- approximately where the
06 track was? This is where you
07 identified it.

08 A. I think it was in this one.
09 I'm not --- like I said, that was
10 just three days or so. I got to get
11 out and look around. I believe it
12 was in this entry here.

13 Q. Okay. Do they drive back in
14 there?

15 A. They were.

16 Q. Did it extend down here?

17 A. Yeah.

18 Q. Is there a power center back
19 there for pumps?

20 A. I think it's either this break
21 or this break. I'm not for sure.
22 One of these two breaks here.

23 Q. Has a power center in it?

24 A. Yeah.

25 Q. You thought?

36

01 A. I believe it might be this one

02 or this one.

03 Q. Let's make it bigger. How
04 about PC? Just draw it to those, one
05 of these. Is that correct?

06 A. Yeah.

07 Q. I just drew a line with a PC,
08 one of these, and to the box that you
09 put on there. Was there like pretty
10 much pressure on these doors coming
11 in here?

12 A. Yeah, a lot of pressure.

13 Q. A lot of pressure. Have you
14 ever heard that the longwall face was
15 reversed by airflow? The air --- I'm
16 sorry, that the longwall face airflow
17 was reversed, have you ever heard
18 that?

19 A. No.

20 Q. Do you know if opening these
21 doors here --- it appears there's an
22 airlock. If you opened both doors at
23 the same time, do you know what
24 effect that would have on the airflow
25 in the longwall face?

37

01 A. If you have these doors, I
02 believe they're set down here.

03 Q. Down in here?

04 A. Uh-huh (yes). It should be
05 right in this track entry here, just
06 inby that power center.

07 Q. There's another set of airlock
08 doors in that same entry that we
09 identified with a blue marker
10 somewhere inby spad 2717?

11 A. Yeah.

12 Q. Another set of equipment
13 airlock doors?

14 A. Yeah.

15 Q. And if you opened all four
16 ---?

17 A. If you had all four of those
18 open, then you'd lose your draw.

19 Q. Okay. Thanks. Had you ever
20 heard that anybody left those doors
21 open?

22 A. No.

23 Q. Do you know if any portion of
24 the Nine Tailgate was provided with
25 roof supplemental supports?

38

01 A. Any portion of what?

02 Q. Of the tailgate entries, Nine
03 Tailgate?

04 A. Some of it. We had been ---
05 there's places over there that was
06 14, 15 foot high, and we was dragging

07 rock setters from up --- way up here
08 or down to it and trying to set them
09 where we could.

10 Q. Dragging them from the back
11 end down to the ---?

12 A. Yeah, they ---.

13 Q. From Four Right back towards
14 the face?

15 A. They could get down in there
16 so far with equipment. And then
17 after that, it was --- you couldn't
18 travel.

19 Q. Talking about coming through
20 the airlock doors on that track entry
21 up there and then coming down, it
22 looks like there's another set of
23 airlock doors at Number Three entry
24 just outby the setup face?

25 A. When we first started ---

39

01 before we started, they'd travel back
02 through there and unload and take
03 them up there and set them. But
04 after so long, they were coming in
05 from ---.

06 Q. From the front side on
07 northeast mains?

08 A. Yeah.

09 Q. When a tail is blocked by a
10 roof fall, is that entered into the
11 record book?

12 A. It had been.

13 Q. Do you know if it was entered
14 in all the time?

15 A. As far as I know, it had been.

16 When I was on a section, if it fell,
17 I entered it. And if it was just
18 where you couldn't even get out, I'd
19 either call out bad top, dangered
20 off. Or if it was completely
21 blocked, I'd call it out.

22 Q. So depending on --- well,
23 maybe I'm --- was the call-out
24 depending on the extent of blockage?

25 A. No. If I --- if you couldn't

40

01 get out, you couldn't get out. I
02 mean, I'd either call out too
03 dangerous to get out in the tail
04 entry or completely blocked, roof
05 fall.

06 Q. Okay. Do you know if the
07 other shifts did the same?

08 A. As far as I know. I mean, I
09 couldn't ask nobody else.

10 Q. Okay.

11 A. As far as I know they had. I

12 mean, when I follow --- whoever I was
13 following, if I'd come in --- if I
14 called out of tail, it was --- it
15 fell or if it was --- had a hole in
16 it, they'd call out bad top.

17 Q. You said every shift you would
18 travel off the tailgate when you
19 could travel off of it and go to your
20 evaluation point at MPB at the
21 tailgate?

22 A. When you could get out we
23 would.

24 Q. When you couldn't get out, did
25 anybody --- was that a requirement in

41

01 your ventilation plan that every
02 shift you traveled to that MPB?

03 A. Yeah.

04 Q. It was?

05 A. As far as I know.

06 Q. If you weren't able to travel
07 to it because the tailgate was
08 blocked, did someone else pick it up?

09 A. I don't know.

10 Q. Did a weekly examiner also
11 travel to that location?

12 A. I don't know.

13 Q. Can you identify the proximal

14 location of the PPB? I said PPB.

15 MPB, measuring point location B.

16 A. If you're on the tail, it

17 would be ---.

18 Q. Well, let's come up over here

19 with this one over here because that

20 would be the face on Exhibit A.

21 A. This is the tail side. It

22 would be ---.

23 Q. Is it inby the face?

24 A. I thought it was two breaks

25 outby.

42

01 Q. Okay. Here's the face. Well,

02 assuming --- where I have the line

03 drawn in pen, assuming that's the

04 face, let's go with the ---.

05 A. I thought it was two breaks

06 outby.

07 Q. Okay.

08 A. I could be wrong. Two breaks

09 --- or a break inby on the head.

10 Q. On the head of one, okay.

11 Well, just in two entries on the

12 head?

13 A. That's what I thought. I

14 always ---.

15 Q. Okay.

16 A. I mean, if I'm back there,

17 I'll walk across that one.
18 Q. There's curtains up there now
19 coming outby.
20 A. Yes.
21 Q. Where would you go now? Were
22 those curtains like that on the 19th
23 ---
24 A. Where at, right here?
25 Q. --- on the headgate side?

43

01 Yeah. The headgate, you got --- it's
02 kind of curtained off a couple
03 crosscuts down.
04 A. No. On the 19th it was.
05 Q. Where did you go when you were
06 making those exams?
07 A. I believe there was a curtain
08 here.
09 Q. Did you go to the curtains?
10 Is that where you made the exam? Or
11 did you travel inby the curtains?
12 A. Went inby. I believe there
13 was a fall, I could be wrong, a fall
14 in one of those breaks through here,
15 and then we had this curtain. So
16 this curtain and this curtain, ---
17 Q. Right.
18 A. --- and then I know there

19 wasn't one there. I think there
20 might have been a curtain here, a
21 curtain here and a curtain here and a
22 curtain there. And that put the air
23 over this way.
24 Q. And you traveled inby those
25 curtains to get to the next

44

01 intersection inby the face, is that,
02 --- and then made your exam from
03 there?

04 A. Yeah. The face come --- this
05 right here was the last open break.

06 Q. Yeah.

07 A. So this should have been the
08 measuring points. Going off the
09 section was our travelway.

10 Q. I'm just going to make those
11 dots bigger, if that's okay with you.

12 MR. BEITER:

13 So Mr. Ellis showed
14 that he traveled inby the
15 face, through the curtains
16 that checked off the ---.

17 A. I didn't do this because it
18 fell in.

19 MR. BEITER:

20 So on the headgate
21 side, Mr. Ellis has identified

22 in the Number Two entry and in
23 the Number Three entry half a
24 crosscut inby the face
25 locations that he traveled to

45

01 to make an examination at the
02 approaches to the gob --- not
03 at the approaches to the gob,
04 but internal to the gob inby
05 the check curtains on the
06 headgate.

07 BY MR. BEITER:

08 Q. And on the tailgate side, are
09 both of these locations or just one?

10 A. Over here is where you're
11 supposed to make the check.

12 Q. Okay.

13 A. Put them in here, too.

14 Q. Okay. So how about if we draw
15 a circle around the dot on the
16 tailgate side of the Number Two entry
17 ---

18 A. That's what I ---.

19 Q. --- crosscut and a half or so
20 outby the longwall face?

21 A. That's what I've always been
22 told that's where it was at.

23 Q. And that one is called MPB.

24 A. Right.

25 Q. Okay. Do you know if there

46

01 was a set of procedures, special
02 procedures that were to be followed
03 if the tailgate was blocked?

04 A. Yeah. You had to go over the
05 escapeways with the crew and rescuer,
06 your self-contained self-rescuers.

07 Q. Additional rescuers?

08 A. And you had to have the
09 rescuers on the face.

10 Q. Additional rescuers?

11 A. Yes.

12 Q. And they had to be located on
13 the face?

14 A. Yes.

15 Q. Where on the face were they
16 located?

17 A. We had a box on the head, one
18 at midface and one on the tail.

19 Q. How many were in each box?

20 A. I believe it was eight in a
21 box.

22 Q. Were they checked routinely to
23 check and make sure ---?

24 A. They're checked every shift.

25 Q. They were? Who was

47

01 responsible for checking those?
02 A. The section foreman.
03 Q. Did you check those?
04 A. Yes.
05 Q. Were there any other
06 procedures or any other requirements
07 besides procedures?
08 A. CO is supposed to be monitored
09 in the intake.
10 Q. Do you know if it was?
11 A. I don't think it was.
12 Q. You don't think --- you don't
13 think you remember or you don't think
14 it was?
15 A. I don't really know.
16 Q. Okay.
17 A. I don't know if they had it
18 set up yet or not.
19 Q. Who would be responsible for
20 ensuring that the special procedures
21 were complied with for the longwall
22 when the tail was blocked?
23 A. Rodney or myself, I guess.
24 Q. Do you know if Mr. Morrison
25 knew --- Rodney, you mean Rodney

48

01 Morrison?
02 A. Yes.

03 Q. Do you know if Mr. Morrison
04 was aware of those special
05 provisions, special procedures?
06 A. As far as I know, he was.
07 Q. Was there anybody that he
08 would have to work through to get the
09 monitor installed on the intake, CO
10 sensor?
11 A. I don't know. I don't know if
12 he would have --- how that works,
13 whether he's got full power out there
14 or if he's got to go through somebody
15 else.
16 Q. Are you familiar with the
17 ventilation plan?
18 A. Yes.
19 Q. I have a copy of a page ---
20 actually, there's multiple prints
21 here, but I'm probably just going to
22 use one of them. This is a face
23 print that shows --- it's identified
24 as typical longwall ventilation.
25 There's a hole punch. It's a copy of
49
01 a page that was put in a binder. And
02 it could be marked or labeled Exhibit
03 B Ellis.
04 (Ellis Exhibit B marked
05 for identification.)

06 BY MR. BEITER:

07 Q. And the word that looks like
08 it's punched out could be face. But
09 it just says, typical longwall
10 ventilation, Aracoma Coal Company,
11 Incorporated, Alma Number One Mine,
12 panels six, seven and eight, longwall
13 system retreat mining, and the date
14 received and the MSHA Mount Hope
15 field office is stamped received by
16 Ventilation March 22nd, 2005. And on
17 this it shows the direction of
18 airflow and it shows the MPBs on the
19 tailgate side. There's also EP3s on
20 the tailgate side. There's EP2s on
21 the headgate side, inby the face at
22 crosscut, and then there's MPAs on
23 the headgate side even with the face.
24 And it appears that the dots that you
25 show on the map on the headgate side

50

01 coincide with the approximate
02 locations identified on EP2 on the
03 headgate. The only difference is
04 that there's a --- the typical face
05 print shows that there should be a
06 location in each of the three entries
07 inby the longwall face on the

08 headgate side, not just two of them.
09 And is there a reason why only two of
10 them were gained? Was that outside
11 entry separated from the gob or was
12 it part of it?
13 A. Well, it is now.
14 Q. It's part of it now?
15 A. What's that?
16 Q. This outside entry inby the
17 face.
18 A. This one?
19 Q. Yes. Is that common with
20 these other two entries?
21 A. Yeah.
22 Q. Okay. Do you know if anybody
23 collected these measurements at MPA?
24 A. When you do your --- I mean,
25 when I do my pre-shift, I'll make all

51

01 three of these entries over.
02 Q. Okay. So during your
03 pre-shift is when you're actually
04 making your examinations at MPA?
05 A. You just walk across a few
06 checks.
07 Q. Yes.
08 A. If this right here is your
09 face, your checks is going to be
10 right here ---

11 Q. Yes.

12 A. --- and you come across here.

13 Q. Are those examinations
14 recorded in your pre-shift and
15 on-shift book; do you know?

16 A. They put MPA and MPB in there,
17 is the only ones I've ever seen in
18 it.

19 Q. The ones that you show on the
20 tailgate side that are outby the face
21 appear to be the EP3s that are shown
22 like approximately two crosscuts
23 outby the face. And then the MPBs
24 are the ones that look like they're
25 even with the longwall face on the

52

01 tailgate side. And the ones that you
02 took outby the face in the single
03 entry you identified as MPB?

04 A. Yeah.

05 Q. Do you know if --- this is all
06 that I could find, this print
07 reflecting your typicals on the
08 examination locations. Do you know
09 if there was something additional to
10 this submitted in the ventilation
11 plan ---

12 A. During ---.

13 Q. --- that would limit the MPB
14 would be moved outby and only in one
15 of the four entries?

16 A. No.

17 Q. Okay. This also shows ---
18 well, let me ask you this. What are
19 the readings --- what do you take for
20 air measurements on the longwall
21 during a normal shift?

22 A. You get one at the Number 17
23 shift.

24 Q. That's a velocity reading?

25 A. Yeah. One at 160.

53

01 Q. Okay.

02 A. And normally, I would --- if
03 this is my last open break, I'd take
04 an air reading here and one in the
05 belt entry and combine them.

06 Q. Okay. So you'll take between
07 the Number One entry, which is the
08 belt entry, and Number Two entry, at
09 the last open crosscut, you'll take
10 that air reading. And that's a
11 quantity?

12 A. Right.

13 Q. And then you'll also come
14 outby that last open crosscut in the
15 Number One entry, the belt entry, and

16 measure the belt air?
17 A. And take it --- so like if
18 this is stage loader running down
19 this way ---?
20 Q. You'd take one where this
21 green dot is here?
22 A. Yeah.
23 Q. Okay. All right.
24 A. And then take one right along
25 in here.

54

01 Q. Right in here on the belt?
02 A. Yeah.
03 Q. Okay. We just identified
04 those two locations on the headgate
05 side of this typical face print in
06 the last open crosscut between the
07 Number One and Number Two entry and
08 another dot in the Number One entry,
09 which is the belt entry outby the
10 intersection of that last open
11 crosscut. And you would take those
12 two and add them together?
13 A. Yeah.
14 Q. And is that the quantity that
15 you would enter in the record book?
16 A. Yeah.
17 Q. Do you know how many crosscuts

18 are permitted to be open between the
19 belt entry and the intake entry ---
20 intake air course?

21 A. You're talking about over here
22 in the intake?

23 Q. Yes.

24 A. One.

25 Q. One?

55

01 A. Yeah. I think --- I believe
02 it's one.

03 Q. Do you know how many were open
04 on the 19th on the longwall face?

05 A. No. I think two.

06 Q. What's the direction of
07 airflow shown on this map? This is a
08 typical face print for the belt
09 entry. Does that show its inby
10 direction?

11 A. Yes.

12 Q. In the belt entry?

13 A. Yes.

14 Q. And in the adjacent entries
15 that are all common in that same air
16 course?

17 A. Yes.

18 Q. Do you know what the direction
19 of airflow was on the longwall belt
20 on the 19th?

21 A. During my shift, it was
22 flowing inby.

23 Q. Where did you make that
24 determination?

25 A. Well, we took an air reading

56

01 here.

02 Q. Where these green dots are
03 located ---

04 A. Yes.

05 Q. --- on this typical print for
06 Exhibit B?

07 A. And I've been down --- I've
08 been down here to the headgate box,
09 too, and it was coming up that way.

10 Q. The headgate box is what,
11 approximately two crosscuts outby the
12 face, a crosscut and a half?

13 A. Yeah, basically.

14 Q. If I remember right now, the
15 --- because you said on the headgate,
16 on the 19th, you described what I saw
17 after that, and the face hadn't
18 moved, that the check curtains that
19 separate the intake air from the gob
20 were not directly across from the
21 longwall face, that they were like in
22 an L shape outby the longwall face.

23 A. Right.

24 Q. And there were, I believe,
25 three open crosscuts between that

57

01 Number Two entry and the belt entry
02 itself outby the face --- well, ---
03 three open, including the last open,
04 okay. And would the --- so basically
05 all that air was common. The air
06 coming up your intake, coming across
07 to that Number Two entry could join
08 with the belt entry, and that was all
09 common from that point inby for
10 approximately two and a half, three
11 crosscuts. Does that sound familiar?

12 A. Yeah.

13 Q. Taking the measurement that
14 you described, would those dots
15 located in the belt entry necessarily
16 tell you what direction the airflow
17 was in the belt entry outby where it
18 became common with the intake?

19 A. No.

20 Q. What about where the power
21 boxes were at? That's inby that
22 connection as well; right?

23 A. The power box is six breaks
24 outby the face, something like that.

25 Q. You're talking about the power

01 train boxes?

02 A. Power train boxes?

03 Q. Is that the one you're talking

04 about? No.

05 A. The gate box is where I was

06 at.

07 Q. The gate box.

08 A. Okay. It's two, two and a

09 half breaks outby the face.

10 Q. Was that also in air that had

11 already mixed with intake air?

12 A. Probably, if there was that

13 many open.

14 Q. Did you travel outby that at

15 all?

16 A. No.

17 Q. Do you know if the belt air on

18 the longwall was always traveling

19 inby?

20 A. As far as I know, it was. The

21 day --- I think the 18th they had

22 trouble out of that well. Yeah, it

23 was the 18th we had trouble out there

24 because I was up there with Richard

25 Boggis (phonetic) ---

01 Q. Yes.

02 A. --- and Eddie Lester, and they
03 had trouble out there. And someone
04 had said a door is open somewhere.

05 Q. Do you know where?

06 A. No. I hollered on the phone
07 and told them, check around. They
08 --- I don't know, within a half an
09 hour or so, that's the reason why we
10 done all that routing and stuff with
11 the curtains.

12 Q. I saw those curtains up there
13 just outby where the intake comes
14 across.

15 A. They were having trouble
16 getting their air. And we had done
17 that routing with the curtains and
18 knocked those stoppings, put the air
19 up that way.

20 Q. Okay. You'll have to help me
21 through some of that. On the day
22 when you were in there with Mr.
23 Boggis, what direction was the
24 airflow going in the belt entry?

25 A. I'm not for sure about the

60

01 belt entry, but it was trying to pull
02 backwards right here, in this entry.

03 Q. And that's the Number Two
04 entry?

05 A. Yeah.

06 Q. And is the Number Two entry
07 common with the belt entry and Number
08 One entry outby that location?

09 A. Yeah.

10 Q. Would you suspect that it was
11 also traveling outby in a belt entry
12 if an entry adjacent to it that's
13 common is going outby?

14 A. Yeah.

15 Q. Okay.

16 A. Probably right in here, I
17 guess, is where we were --- where we
18 first noticed the air was trying to
19 pull backwards.

20 Q. And that's just outby where
21 your intake comes across?

22 A. Right. The curtains were
23 coming across right here.

24 Q. On that day they were?

25 A. On the 18th, I believe it was.

61

01 Q. On the 18th, when the
02 condition was found?

03 A. Yeah.

04 Q. What did you do? I guess just
05 for the record here, I'm following
06 you, because you're pointing on a

07 map. But just for the record, on the
08 18th, when the condition was found
09 where the air was traveling from the
10 last open crosscut outby in the
11 Number Two entry on the headgate, the
12 curtains were across from the face as
13 shown on this typical face print; is
14 that correct?

15 A. Yeah.

16 Q. On the headgate side?

17 A. I'm pretty sure that's where
18 they were.

19 Q. And then what was --- I guess
20 what was done? You said you called
21 some people, hung some curtains.

22 A. I called them on the phone and
23 told them we were having trouble with
24 the air and get --- whoever checked
25 the doors and we hung these curtains.

62

01 Let's see. I think we --- I think we
02 brought the air from right here
03 maybe. I ain't for sure how far it
04 was. And checked this off, this and
05 here and here.

06 Q. So you moved the --- instead
07 of the approaches to the worked-out
08 area being right even with the face,
09 you're indicating that you moved them

10 outby a couple crosscuts,
11 approximately?
12 A. Yeah, we moved the ---.
13 Q. And brought the intake across
14 in front of those curtains that you
15 just hung?

16 A. Right.

17 Q. And then directed it inby in
18 the Number One and Number Two
19 entries; is that correct?

20 A. Yeah.

21 Q. Towards the longwall face.

22 A. And within --- I don't know,
23 let's say, maybe 30, 40 minutes,
24 somebody shuts those doors or done
25 something, and we got our air back.

63

01 Q. Did anybody --- who did you
02 call?

03 A. I just called for --- let's
04 see. I believe I may have talked to
05 Rod. I'm not for sure.

06 Q. To Rod Morrison?

07 A. Yeah. I'm not for sure. And
08 then I don't know who he talked to.
09 I might be wrong on that now.

10 Q. Did you talk to a person and
11 direct them to do anything to correct

12 the condition?

13 A. I told them to check --- let
14 me see. I think I was talking to Rod
15 the whole time. I might be wrong.

16 Q. Were you the longwall foreman
17 that shift?

18 A. No.

19 Q. No?

20 A. The 18th, I was assistant
21 coordinator, I guess. It's kind of
22 messed up.

23 Q. Who were you traveling ---
24 were you traveling with Richard that
25 day?

64

01 A. I was with Richard and Eddie
02 Lester.

03 Q. The two of you traveled with
04 ---

05 A. Yeah.

06 Q. --- the state inspector? Did
07 anybody identify to you what was
08 done?

09 A. No.

10 Q. Did you say it took 30 or 40
11 minutes ---

12 A. Yeah.

13 Q. --- to correct the condition?
14 Were they producing coal at that

15 time?

16 A. No. As soon as we realized
17 the air wasn't right, we shut it
18 down.

19 Q. Did you have sufficient
20 airflow on the longwall face prior to
21 changes that were made?

22 A. Not when Richard and I checked
23 it.

24 Q. It was less than the --- was
25 it less than the plan requirement?

65

01 A. Yeah.

02 Q. Do you recall how much it was?

03 A. No. No, I don't. I think it
04 may have been --- I'm not for sure
05 what we had in the last open. I
06 believe maybe at 17 it was like 280,
07 290, something like that.

08 Q. Velocity?

09 A. Velocity.

10 Q. Do you know what the plan
11 requirement is?

12 A. 300.

13 Q. Is there also an air quantity
14 measurement requirement on the
15 headgate where your two dots are ---
16 two green dots are shown on Exhibit

17 B?
18 A. In your last open?
19 Q. Yes. What's that?
20 A. That's your intake air.
21 Q. Do you know what the
22 requirement is for that?
23 A. 45,000.
24 Q. Did you measure it that day?
25 A. Yeah.

66

01 Q. What was it?
02 A. I'm not for sure what Richard
03 got. I can't remember. I believe it
04 was way down there. I think it was
05 like 30,000 or 20,000, something like
06 that. I'm not positive. I can't
07 remember.
08 Q. Okay. Do you know who we
09 could contact to find out what
10 ventilation change was made to
11 correct that condition?
12 A. No. I don't know --- I'm not
13 even for sure if it was Rod I was
14 talking to, it's been so long. I
15 believe it was. And then I don't
16 know what they done from there. The
17 ventilation in that mine was --- I
18 mean, you had so many airlock doors
19 or if somebody opened a set of doors

20 out at the box cut, you could tell it
21 somewhere.

22 Q. You mean one of the two doors
23 or a whole set?

24 A. Both of them. If somebody ---
25 I mean, if a set of doors was open,

67

01 you could tell it.

02 Q. Has that happened before where
03 somebody has accidentally or
04 unintentionally opened both sets of
05 airlock doors and affected airflow in
06 the mine?

07 A. Doors ain't idiot-proof. You
08 know what I mean?

09 Q. I understand. Yeah. Has that
10 happened before?

11 A. I couldn't say directly that's
12 what it was, but you can holler on
13 the phone and then you'd get your air
14 back, so ---.

15 Q. So apparently somebody
16 understood that when you lost air,
17 what doors to check or who to call
18 and check to see if somebody left
19 doors open or had them open; is that
20 correct?

21 A. Yeah.

22 Q. Who would know these things?

23 A. I'm not for sure.

24 Q. Do you know who'd they call?

25 A. I would just holler outside

68

01 and tell somebody.

02 Q. Dispatcher?

03 A. Anybody I could get ahold

04 of ---

05 Q. Okay.

06 A. --- pretty much.

07 Q. What was the length of time

08 that sometimes, you know, that

09 condition would exist?

10 A. The day that happened, it was

11 --- which I mean we took time to do

12 all this here, too. The day that

13 happened, it was 30, 40, 45 minutes,

14 something like that.

15 Q. Did the section foreman on the

16 longwall on the 18th indicate that

17 that was something that just occurred

18 when you found it, or did you get the

19 impression that that's what it was or

20 did you ---?

21 A. I got the impression that's

22 what it was, that it just had

23 happened.

24 Q. Just had happened?

25 A. Yeah. I'm not --- he never

69

01 said and ---.

02 Q. Okay.

03 A. He was toward the tail. And
04 when we found it, I just took off
05 over through here, trying to find
06 something. We first thought maybe
07 this fall in this intersection, it
08 was either here or here, somewhere in
09 there. We thought it may have fell
10 on over or something. We come over
11 here and checked this, and seen that
12 and ---.

13 Q. Did it?

14 A. No.

15 Q. And what you're indicating is
16 on this face print, Exhibit B, that
17 in the Number Three entry there had
18 been a roof fall a couple crosscuts
19 or so outby the longwall face.

20 A. Right.

21 Q. And your thoughts were at that
22 time that it possibly had moved over
23 through the stopping into the Number
24 Four entry?

25 A. Right.

70

01 Q. And blocked the intake?

02 A. And blocked the intake. We
03 come over and checked that, seen it
04 wasn't that, and --- I'm not sure
05 what we done --- why we done that,
06 why we rerouted the curtains. But we
07 knowed we couldn't go to this break
08 because of the fall, so we brought it
09 down another break, there through
10 ---.

11 Q. Another crosscut further
12 outby?

13 A. Right, because the fall was
14 here.

15 Q. Yes.

16 A. And then I came over and
17 called and talked to someone and they
18 done whatever they done.

19 Q. So just moving the intake
20 further outby didn't cause the
21 condition?

22 A. No.

23 Q. And it was somebody's actions
24 outby the longwall headgate face area
25 that actually corrected the

71

01 conditions?

02 A. Right.

03 Q. Do you know how much --- did

04 it improve dramatically?

05 A. Yeah. I think it went

06 from ---.

07 Q. All of a sudden or was it like

08 a gradual thing, it just kind of

09 gradually came back, or was it

10 all ---?

11 A. I wasn't on the face when it

12 happened. He went up there and took

13 a --- I think him and Eddie went back

14 up and took the other air reading.

15 Q. Do you know if there was ever

16 a crew of workers assigned to

17 rehabilitate the roof fall on the

18 tailgate, clean it up or make it safe

19 to travel through?

20 A. On the tail?

21 Q. Yes.

22 A. No, I don't know of any.

23 Q. Was it never done when the

24 tailgate was blocked? Was it never

25 attempted to clean it up or post it

72

01 or bolt it to make it safe for

02 travel?

03 A. As far as I know, it wasn't.

04 When it would fall, it would usually

05 just --- you know, it would fall up

06 this way and maybe 50, sometimes not
07 even that far outby the face.

08 Q. Fifty (50) feet?

09 A. Yeah. And everybody's
10 thinking was you was going to mine
11 through it.

12 Q. Mine through it. Did it
13 continue to fall, though, at times?

14 A. At times you'd catch --- I
15 mean, it would stay up and ---.

16 Q. Was it ever timbered or
17 cribbed off right up against it, a
18 row of breaker posts to ---?

19 A. At times. At times, yes.

20 Q. Sometimes not?

21 A. Sometimes not. Sometimes it
22 was impossible to get anything over
23 to it.

24 Q. I saw some posts set in the
25 tailgate when I was in there a few

73

01 weeks ago, and as I said, they didn't
02 extend all the way to the roof fall.

03 It went from some distance outby that

04 --- from there, outby for a few

05 hundred feet it appeared that they

06 had been set. Do you know if those

07 were set prior to the accident or if

08 they were posts added after the

09 accident?

10 A. We set some --- I'm not for
11 sure of the spad. The belts were
12 down that day and me and a couple of
13 guys --- this been like maybe around
14 the 9th or 10th, I believe, maybe
15 somewhere in that area, we set maybe
16 12 posts in places where we could.
17 And then ---.

18 Q. How did you get those in
19 there?

20 A. The ones we set was already in
21 the cut-through, in a cut-through.

22 Q. In a crosscut ---

23 A. Yeah.

24 Q. --- outby the longwall face on
25 the tailgate side?

74

01 A. Yeah.

02 Q. Okay. And what were you going
03 to add? You were starting to add
04 something.

05 A. I think somebody had been
06 setting some on outby that. I'm not
07 for sure.

08 Q. Do you know if anybody ever
09 notified MSHA that the tailgate was
10 blocked by roof falls or was unsafe?

11 A. I don't know if they had or
12 not, but we --- myself and the
13 section foreman had reported it in
14 our books.

15 Q. In your pre-shift book?

16 A. Yeah.

17 Q. Did you ever see an MSHA
18 inspector investigating a roof fall
19 on a tailgate?

20 A. I couldn't say because it was
21 --- most of the time I was on the
22 face. And if it fell, they would
23 come in from the top side there.

24 Q. From the tailgate side?

25 A. Yeah, from up top.

75

01 Q. From the northeast mains ---

02 A. Right.

03 Q. --- and walk down to the
04 tailgate?

05 A. Right. So I wouldn't --- I
06 mean, ---.

07 Q. Did you ever see one on the
08 longwall face when you were in there

09 ---

10 A. Oh, yeah, on the face.

11 Q. --- investigating a roof fall?

12 A. I don't know for sure. I

13 mean, at times --- before the 7th, I

14 was on swing shift, so there may have
15 been one come while I was on the
16 evening shift, you know, but I don't
17 know if --- to my knowledge, I don't
18 know.

19 Q. If I'm understanding, you
20 didn't see anybody personally?

21 A. Right.

22 Q. That doesn't mean nobody did,
23 ---

24 A. Right.

25 Q. --- it just means that you

76

01 didn't see anybody?

02 A. Right. I don't think I have.

03 Q. Did anyone ever tell you why
04 they lost air in the longwall on the
05 18th, why they lost air on the face?

06 A. No. I don't know for sure.

07 Q. Who's responsible for
08 ventilation in the mine or at least
09 was when you were there on the 19th?

10 A. The way they got it set up, I
11 honestly don't know.

12 Q. By set up, do you mean
13 management structure?

14 A. Yeah. I don't know how they
15 got it.

16 Q. Is ventilation pretty
17 important in a coal mine?
18 A. Yes.
19 Q. Does it surprise you that
20 you're not the first person that I've
21 heard have trouble identifying who's
22 responsible for ventilation by a
23 person's name?
24 A. I mean, I ---.
25 Q. Is that surprising to you?

77

01 A. Yeah.
02 Q. Was it like this at other
03 mines that you worked at?
04 A. No. Other mines --- every
05 mine I've ever worked at you had a
06 shift foreman. And your main mine
07 foreman was on dayshift and you had
08 one mine foreman that was responsible
09 for the mine. But at this place,
10 everyone --- I don't know. Seems
11 like everyone is delegated a little
12 bit of power to everybody and ---.
13 Q. Did anybody kind of like wrap
14 their arms around the whole thing and
15 say, I got the big picture? Do you
16 know who that would be or do you know
17 if that actually ---
18 A. No.

19 Q. --- happened?
20 A. I wouldn't know who it would
21 be. I don't know. We were told
22 Dusty was the mine foreman.
23 Q. Yes.
24 A. Then they started this deal
25 with Terry was over Two section.

78

01 Q. Dusty Dotson and Terry Shadd?
02 A. And Terry Shadd. And then
03 I think ---.
04 Q. Terry Shadd was over Two
05 section?
06 A. Yeah. Now, I think that's
07 what it was. I mean, honestly, I
08 don't know how they had their
09 structure set up. And I think Dusty
10 took care of Three. Clarence would
11 have been over the longwall, him and
12 Rodney.
13 Q. Clarence ---
14 A. Workman.
15 Q. --- Workman, who was off.
16 A. And then ---.
17 Q. And Rod Morrison.
18 A. And then I stepped in that
19 deal for about two weeks.
20 Q. Did Rod Morrison report to

21 Dusty Dotson?

22 A. No. Rod was assistant

23 superintendent ---

24 Q. Yes.

25 A. --- and superintendent over

79

01 the longwall. Now, I know that

02 because I directly work for him.

03 Q. Does it take a lot of

04 coordination to operate a mine as

05 large as what Alma Mine is?

06 A. Yes.

07 Q. Did you feel that there was

08 sufficient coordination to oversee

09 the different areas of the mine and

10 coordinate it safely and efficiently

11 --- not efficiently, safely?

12 A. There was enough people --- I

13 mean, enough management. I don't

14 think you had enough men to do what

15 you needed to do there.

16 Q. How about the coordination

17 effort? Do you think the

18 coordination to organize sufficient

19 oversight was there?

20 A. No.

21 Q. Why do you say that?

22 A. I just --- it seemed like

23 everybody was just trying to get

24 theirs and --- which I was on the
25 longwall. I was following the miner

80

01 sections. I mean, when we'd start a
02 panel, it was just a cleanup effort
03 from start to finish, what we was
04 left with. I mean, I can't --- I'm
05 just going by what I've seen as far
06 as the longwall. I haven't been
07 through the whole mine, I mean, as
08 far as top end and stuff. I wouldn't
09 have no idea what they got up there
10 on that northeast mines.

11 Q. Changing the direction of
12 airflow on an air course, do you
13 consider that an air change?

14 A. Yes.

15 Q. On the 18th, when the
16 ventilation was found going in the
17 opposite direction in that Number Two
18 entry and then I'm assuming as you
19 moved the intake outby three
20 crosscuts or two crosscuts, whatever
21 it was, that it was still going outby
22 and that's why you had to make a
23 phone call, to get it corrected?

24 A. Well, as soon as we realized
25 the air wasn't right, ---

01 Q. You called then?

02 A. --- I mean, we checked this,
03 and then I called. And then we were
04 working on this the whole time all
05 this was going on. And I got
06 separated from Richard and Eddie, and
07 then Richard and Eddie came down and
08 said that we was all right, said they
09 had three whatever on the head, and
10 I'm not for sure what they had in the
11 last open.

12 Q. Were there any miners
13 withdrawn while that air change was
14 being made?

15 A. On this curtain deal?

16 Q. No, on whatever changes were
17 made outby that actually affected the
18 direction of airflow in the belt
19 entry air course?

20 A. No. As far as I know, all it
21 was, was a set of doors or something
22 down. I mean, we locked the line out
23 and I hollered and then we got it
24 back.

25 Q. You say you locked the line

01 out?

02 A. Yeah.

03 Q. What do you mean by that?

04 A. Just on the --- the minute he

05 started taking an air reading and ---

06 Q. Yes.

07 A. --- we seen that he didn't

08 have it, I reached up and locked the

09 line out.

10 Q. Would that mean kill the power

11 to the longwall face?

12 A. Stopped the conveyor.

13 Q. Stopped the conveyor.

14 A. And notified the foreman what

15 was going on. And then we went and

16 started doing what we done.

17 Q. Was power always maintained on

18 the longwall face?

19 A. Yes.

20 Q. I may have asked you this

21 already, but do you know who directed

22 the air change?

23 A. As far as the curtains or

24 shutting the doors or whatever?

25 Q. I guess both. Both of them

01 separately, I'm assuming.

02 A. Well, I asked Richard if it

03 was all right to do this deal, ---

04 Q. The curtains.

05 A. --- the curtains.

06 Q. Move the curtains outby on the
07 headgate.

08 A. And I done that.

09 Q. Okay.

10 A. As far as shutting the doors
11 or whatever, I don't know who done
12 that.

13 Q. Okay. Did anybody ever tell
14 you who did that?

15 A. No, not that I can remember.

16 Q. Did you get enough people to
17 get the work done that you needed to
18 get done?

19 A. On the curtains?

20 Q. No, just in general. I've
21 jumped directions on you. I'm going
22 through some questions that ---.

23 A. Did we have enough people in
24 the mine or ---?

25 Q. To complete the work that was

01 necessary ---

02 A. To run a longwall?

03 Q. --- to run your section and to
04 comply with the regulations.

05 A. I don't think we did.

06 Q. What was not able to get done?

07 A. You had your coal crews and

08 the four or five-man outby crew. And
09 two of those guys were supply men.
10 So basically all you had was two or
11 three guys trying to do everything
12 you needed done there, and just
13 couldn't get it done. And then they
14 went to those old tractors and you
15 couldn't --- it was a fight getting
16 stuff hauled out and a fight getting
17 stuff hauled in.

18 Q. Are you familiar with the
19 escapeway reflectors?

20 A. Yes.

21 Q. Who posted escapeway
22 reflectors; do you know?

23 A. Clarence and myself done the
24 intake.

25 Q. On the longwall?

85

01 A. When we switched up to that
02 inby cut-through?

03 Q. Yes, when you passed the outby
04 cut-through and went to the next
05 cut-through.

06 A. We walked that --- when they
07 made the switch there, we walked that
08 intake and hung reflectors.

09 Q. Was intake air always passing

10 through the inby cut-through?

11 A. No. At one time I think they

12 --- well, no, they had it coming

13 through the outby cut-through.

14 Q. When you passed the outby

15 cut-through or getting near it, a

16 ventilation change was made to bring

17 intake air through the ---

18 A. Right.

19 Q. --- inby cut-through; is that

20 correct?

21 A. Yes.

22 Q. Do you know who made that

23 change?

24 A. No. I guess management did at

25 that time.

86

01 Q. Management being?

02 A. Upper management.

03 Q. Upper management. Above you?

04 A. Right. At that time I was

05 section foreman.

06 Q. Do you know if Mr. Morrison

07 would have coordinated that?

08 A. Probably.

09 Q. Do you know if he would have

10 talked to Mr. Dotson if Mr. Dotson

11 was the mine foreman, general mine

12 foreman at that time?

13 A. I don't know if he talked to
14 him or not about --- I imagine they
15 did. I don't know.

16 Q. An alternate escapeway, do you
17 know if there's an alternate
18 escapeway for the longwall section?

19 A. It's coming through ---.

20 Q. Could you show me on this map
21 up here?

22 A. On the top one?

23 Q. Yes. It will go on this ---
24 put another --- Exhibit C is the ---
25 this other --- Exhibit C Ellis.

87

01 (Ellis Exhibit C marked
02 for identification.)

03 BY MR. BEITER:

04 Q. You can see the longwall face.
05 It shows here at 20 crosscut, but
06 it's actually inby 17. So these
07 won't start ---.

08 A. We traveled this and had
09 tractors ---.

10 Q. Is that your escapeway?

11 A. Yes. That would be the
12 alternate.

13 Q. The alternate.

14 A. Or you could walk this entry.

15 Q. And this entry is the Number

16 Three entry ---

17 A. Parallel.

18 Q. --- parallel to that?

19 A. Yeah.

20 Q. From how far? Just parallel

21 out to a cut-through?

22 A. Yeah, right here. This is the

23 power train entry.

24 Q. Okay.

25 A. But right here is the way we

88

01 came through on our mantrips and

02 right through here and get off and go

03 onto the face.

04 Q. Okay. Could you identify ---

05 draw a line to that and identify that

06 red line on this map, Exhibit C, the

07 alternate escapeway route?

08 WITNESS COMPLIES

09 BY MR. BEITER:

10 Q. That starts at spad --- outby

11 the face at crosscut 16 in the Number

12 Two entry, located one crosscut inby

13 spad 3342. It goes out to spad 3299

14 and then across to Number Four entry

15 at 3301, and then through the

16 cut-through and out through the

17 double doors --- or the airlock

18 equipment doors out to spad 2495.
19 And are you still in neutral air out
20 here? Are you still in belt air once
21 you pass through those doors?
22 A. No. Once you get to here,
23 you're in intake air.
24 Q. You're in intake air once you
25 get out through the doors and into

89

01 spad 2495?
02 A. It goes down.
03 Q. So you leave the alternate
04 escapeway, it ends there?
05 A. Yes.
06 Q. Is that what you understand?
07 A. Right.
08 Q. Okay. Did you say as part of
09 the tailgate blockage there were
10 requirements to go over escapeway
11 plans, escapeway drills?
12 A. Yes.
13 Q. Do you know where the --- were
14 there escapeway maps located on the
15 section?
16 A. There should be one on the S-1
17 sled and one at the power center.
18 Q. And I believe that I was there
19 on the days that we recovered those

20 escapeway maps. And were they
21 laminated?

22 A. Yeah.

23 Q. Rolled up in a tube on the S-1
24 sled?

25 A. Yeah.

90

01 Q. Just outby the last open
02 crosscut on the headgate side?

03 A. Right.

04 Q. And this was --- I believe
05 this map was the one that was located
06 out at the power train. And it has
07 identified on here as Exhibit D
08 Ellis.

09 (Ellis Exhibit D marked
10 for identification.)

11 BY MR. BEITER:

12 Q. And it says --- I'm just going
13 to fold this under a little bit so we
14 can focus on the longwall section.

15 This was the laminated map that was
16 rolled up on the power train by the
17 CO sensor, I believe it was. This is
18 the headgate. Here's the inby
19 cut-through. And down here on the
20 bottom, this is --- can you see where
21 this says it's an escapeway map, then
22 it has the primary escapeway in green

23 and the secondary escapeway in
24 yellow, and then 9/26/05 is the date
25 on the map? Where does this map

91

01 indicate that the alternate escapeway
02 is?

03 A. Same entry I did.

04 Q. Number Two entry?

05 A. Yeah.

06 Q. From the face area outby. Can
07 you follow it out? Does it --- where
08 does it continue to go? Does it ---
09 does it pass through the cut-through?

10 A. No.

11 Q. Okay. Where does it go on
12 this map?

13 A. Up to the top.

14 Q. And is it a continuous route
15 out of the mine?

16 A. It gets over into the intake
17 and then you travel your intake out.

18 Q. So this map here, this Exhibit
19 D, shows the alternate escapeway
20 traveling, what, outby in the Number
21 Two entry of the longwall headgate?

22 A. Yeah.

23 Q. And then it does what? Does
24 it end in the alternate end?

25 A. You come through a door and

92

01 get over into the intake.

02 Q. And is that identified as a
03 green line, as a primary escapeway?

04 A. Yes.

05 Q. So on this escapeway map that
06 was located on the section, it
07 identifies the secondary escapeway,
08 the alternate escapeway as ending at
09 the mouth of the section and passing
10 into the intake air course that's
11 primary; ---

12 A. Yeah.

13 Q. --- is that correct? Okay.
14 Is this map ever used to review the
15 escapeway routes with the section
16 crews; do you know? This map or the
17 map that was on the S-1 sled. I
18 believe they were identical.

19 A. When we --- when they called
20 out on the deal and we went over the
21 rescuers and stuff, we done it
22 outside and on the big map.

23 Q. On the surface? Oh we got a
24 copy of that one. The big map ---
25 you're talking about which big map?

93

01 On the table?

02 A. The one on the table
03 downstairs.
04 Q. Under the Plexiglas?
05 A. Yeah.
06 Q. That's up in the wash house.
07 It was a whole lot bigger than this.
08 This is a copy of the scanned image,
09 and it's just shrunk down so we can
10 see it. So the longwall crews were
11 going over the escapeway routes on
12 the surface using that map; is that
13 correct?
14 A. Yeah.
15 Q. Would you consider that your
16 escapeway map of the mine posted on
17 the surface?
18 A. No. I mean, of the mine, yes.
19 But the section was the one up there.
20 Q. This section was the one on
21 the section?
22 A. Yeah.
23 Q. But on the surface, if you
24 were looking for an escapeway map
25 that you could --- is that the one
01 that you'd go to all the time, ---
02 A. No.
03 Q. --- the one on the table?

04 A. No.

05 Q. No?

06 A. No. I mean, you had one
07 hanging upstairs and ---.

08 Q. Where was that located?

09 A. You had one in Pepe's office
10 and there was one in the hall. I'm
11 not for sure if it's still there.

12 Q. Okay. I got a copy of the one
13 from Pepe's office, too. We'll look
14 at that one, too. Okay. And this
15 map --- just identified above the
16 legend here it just says six-month
17 map, but this was a copy of the map
18 that was on the table in the wash
19 house under the Plexiglas. And is
20 this --- this is the map that ---
21 does that look familiar?

22 A. Yeah.

23 Q. Is that the map that you guys
24 would use to go over with your crews?

25 A. As far as I know.

01 Q. Okay. And I don't know if you
02 can follow this here yellow line out
03 on here on the headgate of a
04 longwall.

05 A. Right.

06 Q. Is it the same as the one that

07 was on the escapeway map on the
08 section?

09 A. No. Well, it ended --- the
10 one on the section ends right here
11 and this one comes on up. I believe
12 it did.

13 Q. And right here and the on up
14 is where the yellow line on the
15 section escapeway map that was
16 Exhibit D, where it ended at the
17 mouth of the section, at the top end
18 of --- near northeast mains headgate
19 of Nine headgate, and it went into
20 the intake. On this one it does
21 what, it extends on across to
22 the ---?

23 A. To the miner section's
24 alternate or ---.

25 Q. Continues across to the

96

01 48-inch belt?

02 A. Yeah.

03 Q. Do you know if you could
04 physically walk that? Have you ever
05 been up there?

06 A. This?

07 Q. No, walk out that Number Two
08 entry where it's identified here on

09 this map and actually --- without
10 leaving that air course, walk right
11 across to the 48-inch belt and on out
12 the mine. I mean, as you're coming
13 up through here and passing across
14 here, across the northeast mains over
15 to the 48-inch belt in the northeast
16 mains, can you do that? Have you
17 ever done that? Have you ever walked
18 that one? Do you know if you can?

19 A. No. I don't know.

20 Q. Don't know, okay. Have you
21 ever been up there?

22 A. After the fire, I've been up
23 there.

24 Q. Do you know who's responsible
25 for establishing escapeways in the

97

01 mine?

02 A. The mine foreman, I guess.

03 Q. The mine foreman. Could you
04 identify who that was on the 19th of
05 January?

06 A. Dusty Dotson, I guess.

07 Q. Dusty Dotson. Okay. Here's a
08 map that was located in Pepe Lester's
09 office. And it has staples on it,
10 too. Does this look familiar?

11 A. Yes.

12 Q. Did you say yes?
13 A. Yes.
14 Q. Okay. And on this map it says
15 --- it has in marker here green
16 primary escapeway and yellow
17 secondary escapeway. And then return
18 is in red, but it's not identified as
19 a return escapeway, just a return.
20 And you say you've seen this map
21 before. This is just a copy of the
22 original.
23 A. Yeah.
24 Q. Does that look like the map
25 that was up there in Pepe's office?

98

01 A. I guess, yes.
02 Q. Okay. And do you see an
03 alternate escapeway identified on
04 here for the longwall section?
05 A. No.
06 Q. I didn't see one either, but I
07 didn't know if maybe I was missing
08 it. That's Exhibit F.
09 (Ellis Exhibit F marked
10 for identification.)
11 BY MR. BEITER:
12 Q. Are there any other escapeway
13 maps at the mine that are posted on

14 the surface that might have different
15 information on it?

16 A. I don't know.

17 Q. Are you aware of any?

18 A. No.

19 Q. Do you ever hold escapeway
20 drills on a section?

21 A. Yes.

22 Q. Do you ever participate in any
23 yourself?

24 A. Yes.

25 Q. Can you describe just one of

99

01 the drills? What did you go through
02 and what did you do? What did you
03 talk about? Did you, you know, do
04 any physical activities?

05 A. Go over fire drills, simulate
06 them, then ---.

07 Q. By simulate them, do you mean
08 like different people assigned
09 different tasks?

10 A. Just pretty much just tell
11 them.

12 Q. Discuss it?

13 A. Yeah.

14 Q. Okay.

15 A. And travel your intake and
16 your out, and we'd always travel up

17 to our cut-through on the alternate.

18 Q. On the alternate?

19 A. Yeah.

20 Q. You'd drive the alternate out

21 through the double doors?

22 A. Yeah.

23 Q. And then from there, did you

24 ---?

25 A. You was in your intake then,

100

01 in the main intake.

02 Q. And how far out did you travel

03 in your intake?

04 A. Travel your main intake all

05 the way out to the Threeway.

06 Q. To the Threeway?

07 A. Yeah.

08 Q. And then from the Threeway?

09 A. You go over a bunch of

10 overcasts and out right there on the

11 primary. And the alternate is out

12 the box cut.

13 Q. Could you ride all the way out

14 of there?

15 A. On the alternate?

16 Q. No.

17 A. Primary?

18 Q. On your escapeway drill, did

19 you ride the entire distance?

20 A. From the --- on the alternate

21 you could, but on the primary you

22 couldn't.

23 Q. Did you walk the portions that

24 you couldn't travel ---

25 A. Yeah.

101

01 Q. --- on the mantrip?

02 A. Yeah.

03 Q. Did you? Okay. Did you ever

04 walk the intake escapeway from the

05 face out to the cut-through?

06 A. Yes.

07 Q. As part of an escapeway drill?

08 A. Yes.

09 Q. Do you remember seeing

10 reflectors?

11 A. In the intake, yeah.

12 Q. Do you remember seeing any

13 reflectors in the belt air course?

14 A. In the alternate?

15 Q. The alternate.

16 A. No.

17 Q. Did you look for them?

18 A. No.

19 Q. Are you familiar with the Mine

20 Emergency Evacuation and Firefighting

21 Plan?

22 A. I know it's posted on who all
23 we can call outside.

24 Q. Okay. I have another exhibit,
25 G, which is the --- copy of Mine

102

01 Emergency Evacuation and Firefighting
02 Program of Instruction.

03 (Ellis Exhibit G marked
04 for identification.)

05 BY MR. BEITER:

06 Q. Okay. Does that look
07 familiar? It has in it some letters
08 back and forth between MSHA and the
09 people that submitted it from
10 Aracoma. Then it has revised Mine
11 Emergency Firefighting Evacuation
12 Plan. And then it has some items
13 listed underneath that. Are you
14 familiar with that?

15 A. Yeah.

16 Q. Do you know who the
17 responsible person is that's
18 identified in here? It says
19 identified --- in one it says
20 identified and lists the names and/or
21 titles of responsible persons, and
22 that's in capital letters, who will
23 take charge of all shifts during mine

24 emergencies involving fire,
25 explosions, inundations ---.

103

01 A. On night shift, the general
02 mine foreman would be Dusty Dotson.
03 The evening shift is Fred Horton.
04 Owl shifts, I think Tom Adkins is
05 mine foreman on the owl shift. On
06 Sundays, the section foreman on the
07 longwall.

08 Q. Okay. Were you familiar with
09 that before you read this ---

10 A. Yes.

11 Q. --- just now, I mean?

12 A. As far as ---.

13 Q. Is that plan posted at the
14 mine; do you know? Was it posted on
15 January 19th?

16 A. I guess. Don't know.

17 Q. Don't know. Did you receive
18 any training regarding this program
19 of instruction?

20 A. No.

21 Q. Did you provide anybody else
22 with training on this program of
23 instruction?

24 A. When we do a fire drill, we
25 just go over what the sticker says.

104

01 Q. And what the sticker says ---
02 is that the sticker that's on the
03 headgate box?
04 A. That one, you can't hardly see
05 it.
06 Q. Would it be similar to one of
07 these, the individual ---
08 A. Something like that.
09 Q. --- or the pages in here as an
10 individual --- it's Aracoma Coal
11 firefighting responsibility to assign
12 duties in case of fire underground.
13 Then it has a different --- here's
14 one for the longwall. It has section
15 foreman, headgate, shearer operator,
16 each individual person's title and
17 then responsibilities underneath. Is
18 that what you would cover?
19 A. Yeah.
20 Q. Okay. Item eight on the ---
21 in this Revised Mine Emergency
22 Evacuation and Firefighting Plan that
23 is Exhibit G discusses --- I'm sorry,
24 item nine, discusses the AMS alert
25 and alarm parameters and actions that
01 are taken in response to these
02 incidents, as well as alarms

03 initiated due to communication errors
04 or malfunctions. Maybe you could
05 take a moment and review what that
06 says?

07 A. Which one is it?

08 Q. Item nine. Are you familiar
09 with the Pyott-Boone system?

10 A. I know it monitors CO. I
11 mean, as far as --- what do you mean
12 familiar?

13 Q. That's okay.

14 MR. BEITER:

15 We need to take a
16 break.

17 SHORT BREAK TAKEN

18 BY MR. BEITER:

19 Q. Okay, Ed. Back to item nine,
20 it discusses the AMS. Do you know
21 what that means, atmospheric
22 monitoring system, your Pyott-Boone,
23 the CO system in the mine?

24 A. Right.

25 Q. You knew it existed?

106

01 A. Right.

02 Q. Do you know who is in charge
03 of installing it and maintaining it?

04 A. I think Jesse Jude ---

05 Q. Jesse Jude?

06 A. --- takes care of it.
07 Q. Does anybody on the longwall
08 ever work on it, longwall maintenance
09 people?
10 A. Not that I know of. I don't
11 know.
12 Q. Have you?
13 A. No.
14 Q. The longwall phone, does it
15 tap into that CO cable?
16 A. The longwall phone?
17 Q. The phone on the headgate,
18 does it tap into that?
19 A. I don't know.
20 Q. You understand that the system
21 is monitored by a dispatcher on the
22 surface? Do you understand that?
23 A. Yes.
24 Q. Do you know that the system
25 --- do you know what it does, that it

107

01 monitors the carbon monoxide
02 concentration in that air course?
03 A. Right.
04 Q. Are you aware that there's
05 alerts and alarm levels ---
06 A. Yeah.
07 Q. --- for the system? Are you

08 aware of that? Were you aware of
09 that?

10 A. Yeah. It alarms at a certain
11 level of CO.

12 Q. Are you aware that there's an
13 alert level as well?

14 A. No. Oh, well, I mean, ---.

15 Q. A warning light.

16 A. The alert light comes on;
17 right?

18 Q. On the headgate you mean?

19 A. I don't know about on the
20 headgate.

21 Q. On the surface in the
22 dispatcher's office?

23 A. Yeah.

24 Q. Is that what you're talking
25 about?

108

01 A. Yeah.

02 Q. Yeah?

03 A. Yeah.

04 Q. Were you aware that your
05 firefighting evacuation plan required
06 certain actions when alerts were
07 found or were identified by the
08 system? Were you aware of that?

09 A. You mean if an alarm goes off
10 ---?

11 Q. In the dispatcher's office?
12 A. Yeah.
13 Q. Yes.
14 A. Someone's got to go to it
15 immediately and check it and evacuate
16 the --- whoever is on that split of
17 air.
18 Q. You said a couple things there
19 together. You said someone is
20 supposed to go to it. And that's
21 what, the sensor that's alarming?
22 A. The sensor and check it.
23 Q. Okay. And they have to do
24 something else?
25 A. If it's a fire, though,

01 anybody on that split of air is
02 evacuated.
03 Q. Okay. Does the longwall use
04 belt air at the face?
05 A. Yes.
06 Q. And do you know what the
07 direction of the airflow on the belt
08 entry for the longwall is supposed to
09 be?
10 A. It should be flowing inby.
11 Q. From the mouth of the section
12 to the face?

13 A. Yes.

14 Q. And that airflow is used to
15 vent the face?

16 A. Huh?

17 Q. And the belt airflow is used
18 to ventilate the longwall face?

19 A. Yes.

20 Q. Over here on item nine here it
21 says --- I'll read it to you because
22 it's small print. And then I'll pass
23 it over to you and you can read it,
24 too. It says, when the CO system
25 gives an audible or visual alarm

110

01 signal, and that would be in the
02 dispatcher's office, all miners in
03 the same split of air shall be
04 withdrawn immediately to a safe
05 location at least one sensor outby
06 the sensor activating the alarm,
07 okay. And then it says as --- unless
08 the cause is known not to be a hazard
09 to the miners. The first part of
10 that it says, shall be withdrawn
11 immediately. How do you interpret
12 that? The dispatcher gets an alarm
13 on the surface. It says a CO sensor
14 is on alarm.

15 A. Miners withdraw as soon as he

16 gets an alarm?

17 Q. As soon as he gets an alarm.

18 That's the way I read that, too.

19 That means immediately when the alarm

20 is activated, miners inby on that

21 same split of air are supposed to be

22 withdrawn. Is that the way you read

23 it?

24 A. Yes.

25 Q. And then I guess the unless

111

01 it's known not to be a hazard would

02 be what, like somebody's doing a test

03 on a system and he notifies you that

04 the alarm is going to be off? I

05 mean, is that what you would envision

06 would be an exception to that?

07 A. Yes.

08 Q. Do you envision any other

09 exceptions to that?

10 A. No.

11 Q. Okay. That's kind of what I

12 saw, too. Do you know what permitted

13 the use of belt air on the longwall

14 section --- or on any sections prior

15 to April 2nd, 2004?

16 A. Excuse me?

17 Q. Do you know what permitted the

18 use of belt air to ventilate the
19 faces at Alma Number One Mine prior
20 to April 2nd, 2004?

21 A. What permitted?

22 Q. Yes.

23 A. No.

24 Q. No. Are you aware of a
25 petition?

112

01 A. No.

02 Q. No. How about after that
03 date?

04 A. No. I just know we were ---.

05 Q. I guess how did you come about
06 knowing that you're permitted to use
07 belt air at the face?

08 A. It's always been since I've
09 been there.

10 Q. It's always been that way.

11 Did anybody ever kind of sit down
12 with you and tell you, hey, we got a
13 petition here and here's what you
14 need to know about it, the
15 requirements?

16 A. No.

17 Q. No? How about 2004, April
18 2nd, did anybody ever sit down with
19 you and say, hey, there's new
20 regulations and there's certain

21 requirements and that the old
22 petition doesn't apply anymore ---
23 A. No.
24 Q. --- and now there's new rules?
25 A. We had to have a separate

113

01 phone line or something.
02 Q. A separate phone line?
03 A. Yeah.
04 Q. And who made you aware of
05 that?
06 A. I'm not for sure who it was.
07 Q. Okay. Was it somebody at the
08 mine in management?
09 A. Yeah.
10 Q. What does immediate mean to
11 you?
12 A. As soon as possible. Drop
13 everything and go.
14 Q. Do you know if the actions
15 that you described as --- what item
16 nine indicates as immediate actions
17 following the reception of an alarm
18 in the dispatcher's office is what
19 was followed at Alma Mine?
20 A. I couldn't say for sure. I
21 was outside. I don't know.
22 Q. Well, I'm not talking about on

23 the 19th. I'm just talking about in
24 general, prior to January 19th.

25 A. Oh.

114

01 Q. Are you aware of any times
02 when alarms were received?

03 A. No, I don't know of any times.

04 Q. Have you ever been on the
05 longwall face as a foreman or as an
06 assistant coordinator and been told
07 that --- called by the dispatcher or
08 by the responsible person or by any
09 other person in the mine and said,
10 hey, Ed, we got an alarm out here?

11 A. No, I haven't.

12 Q. Never?

13 A. Never.

14 Q. Never. Okay.

15 A. That I know of.

16 Q. Okay. Have you ever been
17 called to respond to an AMS alarm?

18 A. No.

19 Q. How about anyone on your
20 longwall section, like maybe the
21 headgate stage --- headgate operator
22 and they've told him to go check it
23 out, we got an alarm?

24 A. If they were, I didn't know of
25 it.

01 Q. Okay. If that man would have
02 left his post on the headgate, would
03 have he checked with you prior to
04 leaving it?

05 A. It depends on how far he's
06 going. If it was just four, five
07 breaks or so, something like that, he
08 wouldn't ---. He may have hollered
09 to the electrician and told him to
10 come over and watch it, he's going to
11 go do whatever.

12 Q. If he had to walk all the way
13 out to the headgate, all the way out
14 to the drive on the headgate, would
15 he have?

16 A. Oh, yeah. As far as I know,
17 it's never happened.

18 Q. Okay. Do you think a fire in
19 an underground mine could be imminent
20 danger?

21 A. Yes.

22 Q. Why?

23 A. I mean, what we had here, I
24 mean, ---.

25 Q. Was that your opinion prior to

01 this accident in January?

02 A. Yeah. I've been in a battery
03 fire before.

04 Q. At this mine?

05 A. No. It was ten years ago.

06 Q. Do you spend any time walking
07 this belt line on the longwall? Have
08 you spent any time on it?

09 A. I've walked it maybe once,
10 twice. I made the entire belt line.

11 Q. Yes. How long ago?

12 A. I'd say maybe a week before
13 the fire. But we didn't walk the
14 whole belt line. We just --- we were
15 back and forth through the entries,
16 Rod and myself. Maybe a week before
17 the fire we walked from the
18 cut-through out and back and forth
19 through the entries and looked at our
20 pull-out break and ---.

21 Q. Towards the face? From the
22 cut-through towards the face? Or
23 from the cut-through outby towards
24 the ---?

25 A. From the cut-through

01 outby ---.

02 Q. Towards the northeast mains?

03 A. Looked at where the pull-out
04 was going to be.

05 Q. The recovery face?

06 A. Yeah.

07 Q. Yes.

08 A. And then we walked around and
09 down Ten headgate. But I --- as far
10 as the entire length of the belt,
11 I've never walked it. I just maybe
12 walked down to wherever the --- from
13 the face down to wherever the end of
14 the monorail was and --- walked that.

15 Q. Did you notice on that day
16 that you walked with Rod outby from
17 the cut-through in your belt air
18 course, just kind of like zig-zagging
19 back and forth between entries, did
20 you notice what direction the airflow
21 was in those entries?

22 A. No. We were walking. I
23 wasn't --- I mean, I didn't notice.

24 Q. When you traveled over to Ten
25 headgate, did you walk?

118

01 A. Yeah, we walked. We were back
02 and forth through all those breaks up
03 top, trying to figure out a way
04 to ---.

05 Q. On the northeast mains?

06 A. Yeah. Trying to figure out a

07 way to get our shields over to the
08 next headgate.

09 Q. Did you walk out to the
10 72-inch belt?

11 A. Back and forth. I mean, we
12 --- we was back and forth through
13 there. And then once we got over to
14 where they were setting the new
15 mother drive or setting up for it, we
16 walked up toward the belt line and
17 stuff. But I mean, we were just back
18 and forth throughout it.

19 Q. Did you walk down the entry
20 where the belt structure was being
21 installed inby the tail of the 20 ---
22 or the 72-inch belt?

23 A. Just here and there. I mean,
24 we wasn't --- we walked up through
25 the --- I'm not for sure what break

119

01 it is, where the miner section turned
02 up, on their travelway.

03 Q. Yes. On the travelway up
04 between the structure on both sides?

05 A. Yes. We walked through that
06 and then come back down and crawled
07 underneath the belt line somewhere.
08 And then when we got over to where
09 the mother drive is, we went up and

10 sat there for a little while.

11 Q. At the mother drive?

12 A. Where the new mother drive

13 ---.

14 Q. Where the new mother drive was

15 being installed ---

16 A. Right.

17 Q. --- at Ten headgate?

18 A. Right.

19 Q. Did you happen to pass by the

20 longwall power centers for the belt

21 boxes ---

22 A. Yeah.

23 Q. --- between the double doors?

24 A. Yeah. We walked --- I'm not

25 for sure if we walked that way. I've

120

01 traveled that way on a manbus. I

02 think we may have been at the break

03 up in between the four-foot belt line

04 and --- .

05 Q. You walked out into the

06 intake?

07 A. Yeah. I think that's where we

08 was at there.

09 Q. Did you walk past the tail of

10 the 72-inch belt?

11 A. No.

12 Q. No?
13 A. No.
14 Q. How did you get over into the
15 intake on the other side of there?
16 A. Let me think where we went.
17 Q. You can look at this map up
18 here. There's a stopping in place
19 over there in that lower entry of the
20 northeast mains, just inby the
21 longwall belt entry. It's not shown
22 on this map, but there's a water hole
23 down in here up against that
24 stopping. There would be those
25 airlock doors inby, and the power box

121

01 would be sitting right here.
02 A. And we came up ---.
03 Q. Walked down the belt entry.
04 A. We come up this way.
05 Q. Number Two entry?
06 A. Yeah, and walked all the way
07 back and forth through this entry,
08 ---
09 Q. Yes.
10 A. --- coming up --- walked up to
11 here.
12 Q. Up to the belt head?
13 A. Yeah.
14 Q. Okay.

15 A. And then I believe we came
16 back down and wherever it is ---.
17 Q. Came back down from the ---
18 from the longwall belt headed back
19 down to the manway, travel road, and
20 through the airlock doors?
21 A. Yes.
22 Q. And these power centers are
23 somewhere through here.
24 A. Right here.
25 Q. And the power box is right

122

01 between them double doors for the
02 longwall.
03 A. And then we went up wherever
04 it is the miner section crosses and
05 we come --- well, we walked --- we
06 was coming back down this way.
07 Q. So you walked back down this
08 intake?
09 A. I don't know how far. I
10 believe it was just back and forth
11 through here. And then we --- I
12 think we walked up around here and
13 looked at these --- wherever it is
14 they went through and looked at the
15 turns, how we was going to have to
16 turn them shields to be over here,

17 and then we come back down and walked
18 across here.

19 Q. Okay.

20 A. Wherever they're putting the
21 structure in.

22 Q. Here's a continuation of the
23 72-inch belt. That's where they're
24 putting that structure in all the way
25 up towards ---

123

01 A. Okay.

02 Q. --- the head, except for where
03 they break where they come through
04 with ---.

05 A. We went up one of the breaks
06 and walked back and forth, and then
07 we come back down, I think right
08 through here, and walked this. And I
09 believe it turns back uphill or
10 something right here. They traveled
11 up this way somewhere and we came
12 over here and sat on this belt line a
13 little bit. And then we walked down
14 there.

15 Q. Okay. And where you described
16 was walking outby in the headgate
17 entries, One, Two, Three and it made
18 it to Four as well?

19 A. No, we didn't walk to Four.

20 Q. Just One, Two and Three?
21 A. Right.
22 Q. In the headgate of Nine
23 headgate, out by the cut-through,
24 just searching up, what it looked
25 like in there for where your recovery

124

01 face was going to be?
02 A. For our pull-out.
03 Q. For your pull-out. And then
04 you traveled the belt entry for the
05 longwall out to the head, and then
06 turned around at the head, ---
07 A. Yes.
08 Q. --- came back down to the ---
09 on the manway travel road, underneath
10 the --- between the drive and the
11 storage unit; correct?
12 A. Correct.
13 Q. And then walked through the
14 double doors, down the travel road to
15 where you're getting close to Nine
16 tailgate, the travel road turns left
17 and goes uphill; is that correct?
18 A. Yeah.
19 Q. And then you traveled back
20 towards the ---?
21 A. I don't know how far we

22 traveled back, but we just walked
23 back and forth.

24 Q. In those intake entries?

25 A. Yeah. We just went back and

125

01 forth.

02 Q. And back and forth, meaning
03 from that travel road where it turned
04 to go back uphill near Nine tailgate
05 back towards --- some distance
06 towards Nine headgate in entries Four
07 and Five?

08 A. I don't know what he was
09 looking for. He was just going back
10 and forth, looking at different
11 stuff. And we come down in here
12 somewhere and got over in here.

13 Q. Was he looking at any
14 ventilation controls?

15 A. No, not that I know of.

16 Q. And then you say when you come
17 back down here and went over this
18 way, that's when you dropped down
19 into entry Six and Seven and traveled
20 over towards Ten headgate from Nine
21 tailgate?

22 A. Yeah.

23 Q. And spent some time looking
24 around the new mother drive ---

25 A. Right. And then we traveled

126

01 ---.

02 Q. --- installation on Ten

03 headgate?

04 A. We traveled this, walking back

05 and forth.

06 Q. Down near Ten headgate?

07 A. Yes.

08 Q. Came all the way to the back

09 end of Four Right?

10 A. Yes.

11 Q. Then Ten headgate. Thanks.

12 Are those airlock doors inby the

13 tailpiece --- or inby on the

14 travelway, inby the longwall belt,

15 were they open?

16 A. Where at?

17 Q. This here. When you was

18 walking through --- when you walked

19 through those between spads 3267 and

20 33 ---?

21 A. These here were shut.

22 Q. Those were shut? Okay.

23 MR. BEITER:

24 The inby set of airlock

25 doors was indicated as being

127

01 shut on the travel road inby
02 the longwall belt.
03 BY MR. BEITER:
04 Q. Do you know how far outby the
05 face the --- well, I guess, are you
06 familiar with how the waterline ---
07 the waterlines are supplied --- water
08 is supplied to the longwall? I guess
09 you --- maybe you could describe it
10 for me.
11 A. They --- instead of coming
12 through the top ---.
13 Q. And by the top you mean Nine
14 ---
15 A. Yeah.
16 Q. --- headgate from northeast
17 side?
18 A. Northeast mains. They come
19 through that outby cut-through and
20 just advanced it as we moved power.
21 Q. So as you mined past the
22 cut-through ---?
23 A. As we retreated, they advanced
24 the waterline.
25 Q. In the Number Four entry of
01 the headgate?
02 A. And the ---.
03 Q. The one up against the solid?

04 A. No, it would be the --- no,
05 the next entry over, Three. I think
06 that's the way it runs.
07 Q. In the Number Three entry?
08 A. Yeah, I believe.
09 Q. Is that area normally
10 traveled? Does somebody normally
11 examine that or travel it?
12 A. No.
13 Q. No?
14 A. Not that I know of.
15 Q. Is it supported with anything,
16 I mean, supplemental --- for standing
17 roof to floor?
18 A. No.
19 Q. Is that the entry that you had
20 a fall in outby the face ---
21 A. Yes.
22 Q. --- on the 18th of January?
23 A. And they routed it over into
24 Number Two entry by the fall and then
25 brought it back over into that Number
01 Three entry down to the power train.
02 Q. And how is your fire ---
03 waterline?
04 A. They brought it in from the
05 top with a little small pipe.

06 Q. Two-inch pipe?
07 A. Yeah, ran it down the belt
08 line.
09 Q. Did it extend all the way down
10 to your set-up face initially?
11 A. I'm not for sure where it was
12 when we started with it --- or they
13 started with it. I'm ---.
14 Q. Do you know where it was
15 located on the 19th, how far it
16 extended downhill, towards the
17 longwall face?
18 A. To the gob, I guess. I don't
19 know for sure.
20 Q. To where?
21 A. To the end of the monorail.
22 To the power train.
23 Q. Do you know how far outby the
24 face that is?
25 A. It couldn't be no more than

01 six or seven breaks. I'm not for
02 sure.
03 Q. What's the center lines on the
04 breaks, crosscuts?
05 A. A hundred.
06 Q. So it's 600 or 700 feet outby
07 the face?
08 A. Yeah.

09 Q. Is there a fire tap at the end
10 of it?

11 A. I don't know for sure. There
12 should be.

13 Q. Is there a fire hose on the
14 section?

15 A. I don't know.

16 Q. Do you know who's responsible
17 for ensuring that the fire hose is
18 available?

19 A. The section boss, I guess.

20 Q. Do you know if any two-inch
21 line was removed, two-inch yellow
22 line --- that two-inch fire pipe, was
23 any of that removed as the wall
24 retreated?

25 A. I don't know.

131

01 Q. Did anybody in your shift
02 remove it?

03 A. No.

04 Q. Would that be removed ---
05 would that be something that would be
06 removed by the operating crew or by
07 the maintenance crew on midnight
08 shift?

09 A. Maintenance, I would say, or
10 the outby crew. I don't know.

11 Q. Or the outby crew?

12 A. Yeah.

13 Q. The outby, the crew that sets
14 up the next headgate?

15 A. Right. They do different
16 things.

17 Q. Okay.

18 A. I don't know.

19 Q. Before I forget, back to your
20 longwall face readings here. Let me
21 show you this here, where you took
22 your --- measured your airflow
23 directed to the longwall face. Are
24 you aware that --- of anything in the
25 plan or anything that requires the

132

01 use of belt air, a limit to how much
02 of the airflow that's actually
03 ventilating the face or directed to
04 the longwall face can be part of that
05 belt air split? Are you aware of any
06 requirements that limit that?

07 A. I think --- I don't know how
08 much air you can have coming up the
09 belt. I know you got to --- I'm not
10 positive. I think you got to have
11 --- I believe it's maybe 8,000 over
12 your belt tail. I'm not for sure.
13 Something like that.

14 Q. Are you aware of any
15 restrictions limiting the --- say you
16 have 50,000 directed to the longwall
17 face, okay. And that's a total of
18 the intake air and the belt air,
19 okay. Are you aware of any
20 limitation as to what percentage of
21 that 50,000 can be made up by air
22 that ventilates the belt air course?

23 A. No.

24 Q. No? Did anybody go over that
25 with you in the vent plan?

133

01 A. Uh-uh (no).

02 Q. Do you have an idea how much
03 of that airflow that's ventilating
04 that longwall face was made up of
05 belt air?

06 A. I'll tell you, normally it was
07 around 12,000 to 15,000, something
08 like that.

09 Q. And that was based on where
10 you took your readings?

11 A. Right.

12 Q. And did you ever have --- when
13 you took your two readings on the
14 headgate, where you identified them
15 on Exhibit B with the green dots, was

16 there a separation between the intake
17 and the belt entry maintained outby
18 that?

19 A. Yeah. Normally --- I mean,
20 normally, quite a few of these
21 stoppings would already be knocked
22 ---

23 Q. Yes.

24 A. --- on this belt.

25 Q. And you're talking about the

134

01 stoppings between the belt entry ---
02 the Number One entry and the Number
03 Two entry?

04 A. Right.

05 Q. Okay.

06 A. And so you'd be getting air
07 coming up from here, too.

08 Q. Yes. Did you maintain
09 curtains --- and the coming up
10 through here too is in entries Two
11 and Three that are in common with the
12 belt; is that correct?

13 A. Uh-huh (yes).

14 Q. Now, you've measured your air
15 coming through the last open
16 crosscut, okay, between --- in the
17 crosscut between One and Two.

18 A. Yeah.

19 Q. Did the airflow that was
20 coming up entries Two and Three that
21 were common with the belt also make
22 up part of the air that was measured
23 at that last open crosscut reading
24 between One and Two?

25 A. Yeah, some of it.

135

01 Q. Some of it was, okay.

02 A. Yeah.

03 Q. So there wasn't --- I guess
04 I'm asking, was there normally any
05 curtains installed there that would
06 direct all the belt air over to the
07 belt entry?

08 A. Normally, you'd have a curtain
09 here, here and here.

10 Q. At the approaches to the gob
11 across Two, Three and Four?

12 A. Yeah.

13 Q. Yes.

14 A. And your curtain at your gate
15 shields.

16 Q. Right on the corner of the
17 shield?

18 A. Your main air would be coming
19 up your intake.

20 Q. Yes.

21 A. And we'd get us an air reading
22 here and here.
23 Q. Okay. But there weren't any
24 curtains preventing additional air
25 coming up those belt air course ---

136

01 those three common entries, from
02 being measured here?

03 A. No. We had some curtains
04 right here, down here where we done
05 this deal with the curtains, but we
06 never had none up here.

07 Q. Okay. Did you ever find those
08 airlock doors coming through the
09 cut-through open?

10 A. No. I mean, sometimes you'd
11 come in on dayshift and one set might
12 be open or something.

13 Q. One of the two?

14 A. Yeah, one of the two would be
15 open.

16 Q. Do you know why that would be?

17 A. I guess whoever --- a man
18 who's too sorry to shut both of them.

19 Q. Do you think that the use of
20 so many airlock doors was a condition
21 that created problems?

22 A. Yeah.

23 Q. Do you think there's a safer

24 way to control the ventilation than
25 by using so many airlock doors?

137

01 A. Overcasts.

02 Q. Overcasts.

03 A. Undercasts, whatever you need.

04 Q. Yes. In your opinion, what is
05 a fire?

06 A. In my opinion?

07 Q. Yes.

08 A. You got your basic fire. But
09 I mean, if you got something that's
10 smoldering hot, ready to make a fire,
11 then you got a fire in the making, I
12 guess.

13 Q. You described for me before or
14 stated that --- I thought you did,
15 that a fire is an imminent danger.

16 A. Right.

17 Q. Could a condition that was
18 creating smoke without flames be an
19 imminent danger?

20 A. Yes.

21 Q. Would whether or not that
22 condition was imminent or not depend
23 on any specific conditions? Like any
24 amount of smoke, would that be an
25 imminent danger?

01 A. Are you talking about just a
02 little bit of smoke?
03 Q. Yeah, a little bit of smoke.
04 A. I mean, if it's just something
05 you smell from a ---.
06 Q. Well, visible.
07 A. Oh, visible?
08 Q. Yes.
09 A. Yes.
10 Q. It's imminent danger?
11 A. I mean, danger in the making.
12 Q. Any amount of visible smoke?
13 A. Right.
14 Q. Okay. Did you work on
15 dayshift on December 29th; do you
16 know?
17 A. December 29th?
18 Q. Yes. I believe the longwall
19 was loading coal on --- was producing
20 on the 29th of December 2005.
21 A. I'm not for sure if I was on
22 dayshift or what.
23 Q. Okay. Do you recall anybody
24 indicating that there was a fire out
25 on the main line belts?

01 A. No.
02 Q. The main north belts?

03 A. No.

04 Q. No. If you were operating on
05 the longwall on that day or on any
06 day and somebody had a fire out on
07 the main north belts and smoke was
08 heading inby them, inby that
09 location, and the CO alarm had
10 alarmed, and there were multiple
11 alarms on succeeding sensors inby
12 that location, would you consider
13 that an imminent danger?

14 A. Yes.

15 Q. Would you consider that that
16 --- what action should be taken?
17 What actions would be appropriate?

18 A. I'd pull my crew immediately.

19 Q. Do you think that the
20 responsible person should notify the
21 people working inby there?

22 A. Yes.

23 Q. Do you know if any of those
24 things happened on the 29th?

25 A. If I was working the 29th, I

140

01 --- no one ever contacted me.

02 Q. Have you ever been notified
03 that the sensor on the section alarm
04 or the CO sensor on the longwall, do

05 you know where that's located?

06 A. There's one at the gate box,
07 several around the chargers down
08 on ---.

09 Q. Well, there's an alarm.
10 There's sensors, but there's an alarm
11 as well that's associated with the
12 sensor closest to the face. It has a
13 strobe light on it --- it would be a
14 beeping sound. No strobe light on
15 it. It has some lights that ---
16 little LCD lights that flash. Did it
17 ever --- have you ever seen that?

18 A. We had one at the gate box.
19 And I'm not for sure what that deal
20 is down at the mule train, but
21 there's something down at the mule
22 train that controls it all. I don't
23 know.

24 Q. Are you aware of anybody ever
25 noticing that that alarm was

141

01 activated?

02 A. No.

03 Q. Would that have been
04 something, if it didn't occur on your
05 shift, that it would have been passed
06 on to you as a section foreman, that
07 it went off in the previous shift?

08 A. If it went off on the previous
09 shift, I imagine someone would say
10 something, if they know about it
11 theirself.

12 Q. Did you ever conduct a
13 functional test of the CO system?

14 A. Did I?

15 Q. Yes.

16 A, No, I haven't.

17 Q. Do you know if the area where
18 the headgate operator works is a
19 location where if that alarm near the
20 --- the CO alarm near the tail was
21 activated, he would hear it or see
22 it?

23 A. He should.

24 Q. Has that alarm ever gone off
25 during a test that you would know

142

01 that?

02 A. I don't know.

03 Q. Are you aware of the
04 requirements under 350 and 351 CFR
05 regarding belt air and requirements
06 for alarms and alerts and actions?

07 A. The requirements?

08 Q. Uh-huh (yes).

09 A. Remember where you're supposed

10 to have them or ---?

11 Q. Yes. That's part of it. And
12 the actions to be taken in the event
13 of alerts and alarms?

14 A. If you have an alarm or an
15 alert, you --- someone goes to it and
16 --- on an alarm, you evacuate your
17 people. On alert ---.

18 Q. On January 19th, you worked
19 dayshift?

20 A. Yes.

21 Q. Were you made aware of any
22 alerts, warnings, that were received
23 at the 82 sensor, which is located
24 near the longwall head, longwall
25 drive?

143

01 A. No.

02 Q. Were you aware of any problems
03 with the longwall belt?

04 A. Around --- I'm not for sure on
05 the times now. Around 12:30 or one
06 o'clock, somewhere in that area, the
07 longwall belt went down, and we lost
08 maybe an hour on it. I'm not for
09 sure of the exact times. And they
10 told me it was some type of switch,
11 so the tilt --- said it just meant
12 tilt switch, but I don't know what it

13 was or what was done to fix it.

14 Q. Do you know if the airflow
15 direction on the longwall belt
16 changed on the 19th?

17 A. No.

18 Q. On the 19th, did you walk
19 outby into an area of the belt
20 entries where you would have been
21 able to determine what the belt air
22 direction was?

23 A. I've been back and forth here
24 and there throughout the whole
25 section, but I don't know exactly

144

01 where I was at.

02 Q. On the 19th?

03 A. Right. But I don't know of
04 anything ---.

05 Q. You're not sure ---

06 A. No.

07 Q. --- what the direction was?

08 A. I'm pretty positive during my
09 shift it was going inby around ---
10 early that morning I --- I'm going to
11 say around 8:00, nine o'clock,
12 somewhere in that area, I had trouble
13 with the air and ---.

14 Q. You had trouble with it you

15 say?

16 A. Right.

17 Q. At 8:00, nine o'clock that

18 morning?

19 A. Yeah. Somewhere in that area.

20 And I went down to a phone and

21 hollered. First I hollered at the

22 gate man and told him to holler and

23 see what was --- see if someone might

24 have something open. And I was on my

25 way to the head then and I hollered,

145

01 and I would say within 15 minutes air

02 come by.

03 Q. Was it there when you started

04 and then it went away?

05 A. Right. I lost it for --- as

06 soon as I noticed. It was five, ten

07 minutes, something like that.

08 Q. Do you know who the headgate

09 operator called?

10 A. No. No. I had a new headgate

11 man, and any time I hollered

12 something like that, I was just,

13 well, let's go on, because he

14 probably couldn't hear me.

15 Q. Was it just a decrease in

16 airflow?

17 A. Yeah.

18 Q. Noticeable?

19 A. Noticeable.

20 Q. Did any other events occur in
21 the shift or was anything noted?

22 A. No, nothing noticeable.

23 Q. Do you know if there's any
24 problems with the take-up on the
25 longwall drive or the longwall belt?

146

01 A. Not that I know of. I mean, I
02 didn't ---.

03 Q. Do you know if any repairman
04 from the longwall crew, electrician
05 or maintenance person from the
06 longwall section travel outby --- or
07 anybody else travel outby to the
08 drive area ---

09 A. I think they do.

10 Q. --- on the 19th?

11 A. On the 19th, I think maybe an
12 electrician went up there. I don't
13 know for sure.

14 Q. Do you know his name?

15 A. I'm not for sure which one
16 went. I just know ---.

17 Q. Do you have two electricians?

18 A. That day, I think we might
19 have had three.

20 Q. Do you know who they were?
21 A. Let me think. They switched
22 them all around. Chad Neal was up
23 there, Mark Keezer (phonetic) ---
24 little Mark, Mark Keezer, II, and I
25 can't think of Mark's buddy, his

147

01 helper. I'm not for sure. Mark and
02 the other boy would have been the
03 section electrician. I think Chad
04 was just up there helping out.

05 Q. Do you ever check the fire
06 suppression at the belt drive,
07 longwall belt drive?

08 A. No, I haven't.

09 Q. Do you know who does?

10 A. To my knowledge, whichever one
11 does the permissibility on it.

12 Q. Do you know who that is?

13 A. One of the section
14 electricians.

15 Q. One of the longwall section
16 electricians?

17 A. I believe.

18 Q. Do you know who maintains the
19 longwall belt?

20 A. I thought Jeff Perry was over
21 all of them. I'm not for sure.

22 Q. When did you find out about

23 the fire?

24 A. When did I find out?

25 Q. Yes, on the 19th of January.

148

01 A. It was around 5:30, 5:40,

02 5:35, somewhere in that area.

03 Q. Were you on the surface?

04 A. Yeah.

05 Q. Who informed you?

06 A. I was filling my books out,

07 and I think Bob Massey hollered over

08 to Rod's office and told him to pick

09 up the phone, that they think they

10 might have a fire at the mother drive

11 or something.

12 Q. And that was about what time?

13 A. It was around 5:30 or 5:40,

14 somewhere in that area.

15 Q. Did Mr. Massey --- did you

16 hear how he learned of it?

17 A. I think he heard it over the

18 mine phone. I don't know.

19 Q. Did he say who from?

20 A. No. It would have had to have

21 been over the mine phone.

22 Q. Did he say fire or did he say

23 just having some problems with the

24 drive unit, storage unit?

25 A. He said he had something hot

149

01 on the --- a bearing or something
02 getting real hot on the mother drive.

03 Q. Did he say fire or did he just
04 say a bearing getting hot?

05 A. No. He just said something
06 real hot.

07 Q. You're sure that he didn't say
08 fire?

09 A. I'm not positive.

10 Q. Okay. Did he say anything
11 about smoke?

12 A. No. He said it was smoking
13 pretty bad.

14 Q. He said it was smoking pretty
15 bad ---

16 A. Yeah.

17 Q. --- at that time?

18 A. Yeah.

19 Q. Do you know what Mr. Morrison
20 did?

21 A. Well, I don't know if Bob was
22 the one that said it was smoking
23 pretty bad. See, we had myself, Bob,
24 Dusty and Terry were all --- were the
25 only ones left in my office, I

150

01 believe. And I know Bob hollered and

02 told Rod that something was getting
03 hot on the belt. And then Rod picked
04 up the mine phone, and then I was
05 hearing bits and pieces from all of
06 them.

07 Q. What did you do?

08 A. I finished filling my books
09 out and went back underground with
10 them.

11 Q. Who did you go under with?

12 A. Dusty, Terry, Rodney and Bob
13 Massey and myself.

14 Q. Did you all travel together?

15 A. Yeah.

16 Q. Same trip?

17 A. Same trip. But Rodney and I
18 got off at 10 or 12 break and walked
19 to Four Right.

20 Q. What did you do?

21 A. He opened --- we opened those
22 doors at the bottom of Nine tailgate.

23 Q. Do you know which doors they
24 were? Can you show them on a map?

25 A. Yeah.

151

01 Q. Would you, please?

02 A. Are they on that?

03 Q. It's going to be on Exhibit A.

04 You can just circle them. Here's a
05 travelway coming in.

06 A. Opened --- I'm not for sure.
07 I think it's this set of doors here.
08 Somewhere in here.

09 Q. Okay. They're marked with a
10 red circle on that Exhibit A. Did
11 you agree with everything that
12 happened that night?

13 A. I was just pretty much doing
14 what they wanted me to do. I was
15 just trying to help out.

16 Q. Did you have any issues with
17 anything that went on?

18 A. No, I really didn't. By the
19 time we got to 10 break, 12 break on
20 Five Belt, they said it was pretty
21 bad. And one of them said, we can
22 open those doors down there and maybe
23 pull that smoke down that return
24 there.

25 Q. Do you know who?

152

01 A. I don't know for sure.

02 MR. BEITER:

03 Bill?

04 BY MR. TUCKER:

05 Q. Going back to the 18th, after
06 you got out, do you remember any

07 discussion about the violation on air
08 that you got?

09 A. Yeah, I talked to Pepe, I
10 believe, maybe, and Richard.

11 Q. What did Pepe say about it?

12 A. About the violation?

13 Q. Yes.

14 A. They asked if I know what
15 might be wrong. And I told them
16 either somebody had a set of doors
17 open or --- up at the top of Nine
18 tail and they could seal it off
19 better.

20 Q. He didn't know what had been
21 done to get your air back?

22 A. As far as I know. I don't
23 know.

24 Q. Have you ever heard anybody
25 make a comment about what they did to

153

01 get you your air specifically as far
02 as what set of door was closed?

03 A. No.

04 Q. Are you aware of any belt
05 problems with the mother drive?

06 A. No, I never went around that
07 belt, as far as I know, just that,
08 other than downtime we had during a

09 shift, I'll find out what it was.

10 Q. On the 19th you mentioned you
11 have apparently a pretty good bit of
12 belt problems, at least an hour or
13 more.

14 A. Yes.

15 Q. Did you overhear any
16 conversations on the phone about what
17 was being done when you called to
18 check on the belt?

19 A. No, I was on --- my headgate
20 man talked to him, and I was on the
21 face during that time, I believe.

22 Q. So you don't know who worked
23 on the belt?

24 A. No. I know we lost --- I'm
25 not for sure on the times. I've got

154

01 a paper at the house. I believe it
02 might have been from 12:00 to 1:00 or
03 12:55 to 1:50 or something like that.

04 Q. Did you hear any discussion
05 about evacuating?

06 A. No, I never --- well, no, I
07 take that back. After we walked to
08 Four Right, we came back to the
09 phone, and that's when someone told
10 Rod that two guys --- the two miners
11 were separated from the group and

12 that it was real bad. And he said
13 --- he told him, pull everybody out.
14 And I don't know who he was talking
15 to on the surface, but he said, we
16 need to get rescue teams in here.
17 But I don't know who he was talking
18 to.

19 Q. When you first become aware of
20 the fire, you were in the mine
21 foreman's office outside?

22 A. I was in the longwall office.
23 As you're coming up the stairs, it
24 would be the first office on the
25 right.

155

01 Q. Okay. Did you hear any
02 conversations that Fred Horton may
03 have had?

04 A. No. I, at no time, was on the
05 mine phone during this.

06 Q. When you left to go
07 underground at the box cut, did you
08 hear any discussion at that point
09 about evacuating anybody?

10 A. I never heard anything. I
11 just heard bits and pieces we was
12 getting on the ride that it was
13 pretty bad up there. That was all I

14 heard.

15 Q. In your mind, at that point,
16 did you think the crews were being
17 evacuated or ---?

18 A. My mind, no. I mean, as far
19 as bringing them off the section,
20 yeah. I pretty well knowed that if
21 it was that bad, they were coming off
22 the section. But as far as leaving
23 the mine, I didn't know.

24 Q. Right. As far as coming off
25 the section, at that point you would

156

01 just have assumed that they were ---?

02 A. I assumed that they were
03 coming off the sections. I don't
04 know for sure.

05 Q. But you never did hear any
06 conversation about we've called Two
07 section or we've called the longwall?

08 A. No, I never ---.

09 Q. Are you aware of any other
10 fires at the mother drive?

11 A. No, I'm not.

12 Q. Did you work on December 23rd,
13 which would have been the Friday
14 before Christmas?

15 A. I think I did. I'm not for
16 sure.

17 Q. Can you recollect any
18 conversations or any knowledge that
19 you may have about a possible belt
20 fire ---

21 A. On the 23rd?

22 Q. --- on the 23rd?

23 A. No. After this one, I've
24 heard people saying that we've had
25 one, but I've never --- during my

157

01 shift working, no one has ever called
02 us and told us of anything, being hot
03 or fire or anything like that.

04 Q. So do you have any prior
05 knowledge of any fires at the mine?

06 A. No, I don't.

07 Q. After you had opened the doors
08 with Rod, did you go on to the fire
09 area?

10 A. I went up to --- let's see.

11 We went up to Seven Head, and I
12 didn't make it all the way to there.

13 And we ran into Dave Runyon and Bob

14 Massey somewhere. They got on the

15 mantrip with us and we rode on up.

16 We got a mantrip off of two boys that

17 was working at the mine for Three

18 Section. We sent those two boys on

19 out and we took their ride and went
20 on up. Then we rode up to Seven Head
21 and --- I believe it was Dusty who
22 said, let's go down there, and we
23 checked the doors off and the intake
24 off going toward the longwall and
25 checked curtains there.

158

01 Q. Did you go through the
02 cut-through?

03 A. No, we didn't go through it.
04 We just --- well, we went through the
05 first set of doors, I think, and got
06 a piece of curtain, a roll of
07 curtain.

08 Q. Now, where are you talking
09 about now?

10 A. At the cut-through.

11 Q. Okay.

12 A. And we curtained that first
13 set of doors off and the intake going
14 up to the longwall. And then I went
15 up and went over on the four-foot
16 belt line. I'm not for sure how many
17 breaks I got within to the fire. I
18 may have walked five or six breaks
19 down that four-foot belt line.

20 That's as close as I got.

21 Q. What ran you out at that

22 point?

23 A. You all.

24 Q. Is that when you got the call

25 that everybody had to come out of the

159

01 mine?

02 A. Yes.

03 Q. How bad was the smoke in the

04 48-inch belt line?

05 A. The last break I was at, I

06 guess I must have been pretty close

07 to the head. You could see a little

08 bit of smoke starting to come through

09 the top of the stopping over toward

10 the drive area. But you --- I mean,

11 as far as on down the way, there

12 wasn't any smoke at all.

13 Q. Did you ever go up to the

14 doors at the travelway?

15 A. No. No, I never ---.

16 BY MR. BEITER:

17 Q. Can you show that, what you

18 was just talking about? This is the

19 48-inch belt, 72-inch belt.

20 MR. BEITER:

21 Is that all right,

22 Bill?

23 MR. TUCKER:

24 Yes, sir.

25 BY MR. BEITER:

160

01 Q. Where you said you saw smoke
02 starting to come over top of the
03 stopping.

04 A. I'm not positive. I believe
05 it was somewhere in through here, I
06 believe, maybe. It could have been
07 here.

08 Q. And the belt entry was coming
09 through the stopping?

10 A. I'm sorry. It would have been
11 here.

12 Q. Can you just draw a big black
13 circle around it?

14 WITNESS COMPLIES

15 BY MR. BEITER:

16 Q. Okay. And that's at spads
17 3247 and 3245?

18 A. I'm not positive on that. It
19 may been on down this way.

20 Q. Can you mark on here where
21 those curtains were hung? You were
22 talking about hanging curtains. This
23 is on Exhibit C. That's the curtain
24 there at the airlock door coming in
25 on the longwall travelway and

161

01 cut-through and in the outby entry of
02 the cut-through ---

03 A. That would have been the air
04 intake.

05 Q. --- outby spad 2489. Okay.
06 Thanks.

07 MR. BEITER:
08 And that's in black
09 with a check mark through it.

10 MR. TUCKER:
11 Thank you, Denny.

12 MR. BEITER:
13 You're welcome.

14 BY MR. TUCKER:
15 Q. Did you ever hear any
16 discussion about getting water to the
17 fire?

18 A. Yeah, we carried some fire
19 hose down the four-foot belt line we
20 got --- I don't know for sure where
21 they got it from, and hooked it up on
22 the fire valve here somewhere. But
23 we couldn't get no water because the
24 power was knocked. And that
25 controlled that pump down there on

162

01 the main line. We couldn't get
02 enough pressure.

03 Q. Okay.

04 A. I'm not even for sure if they
05 ever hooked --- if they got it hooked
06 up. I think we might have just
07 cracked the fire valve and seen there
08 wasn't nothing coming out.

09 Q. Would you show us on the map

10 ---

11 A. Oh, gosh.

12 Q. --- approximately where you
13 hooked up the fire hose?

14 A. I'm not for sure now. It
15 would have been somewhere in this
16 area here. I suppose somewhere in
17 through here. I'm not for sure
18 where.

19 MR. BEITER:

20 And that's around spad
21 3202 on the 48-inch belt,
22 either inby or outby a little
23 ways.

24 A. I mean, I'm not even for sure
25 where on this because I wasn't

163

01 familiar with the area, and we just
02 come over on that belt line and went
03 down it. I know I had to be close to
04 the fire, though.

05 BY MR. TUCKER:

06 Q. Why would that be? Did you
07 have heat or ---?

08 A. The smoke.

09 Q. Smoke?

10 A. Yeah. I mean, you could see
11 the smoke coming through the
12 stopping. I just imagined I was
13 close to it.

14 Q. Could you just put an X where
15 you think that the fire hose was
16 hooked up?

17 A. I think it was somewhere --- I
18 mean, ---.

19 Q. We understand that's
20 approximate.

21 A. I couldn't ---.

22 MR. BEITER:

23 Let's make a bigger X
24 maybe. Could you sign that
25 map then, too, and date it.

164

01 Anywhere is fine. That's just
02 to indicate that you're in
03 agreement with the notations
04 that are made on the map.

05 WITNESS COMPLIES

06 BY MR. TUCKER:

07 Q. Do you remember who was with

08 you when you hooked up the fire hose?

09 A. I think it was Gary Goff and
10 Rodney and --- I believe the whole
11 group was there that went in. I'm
12 not for sure.

13 Q. Okay.

14 A. I think Bob Massey may have
15 been back here somewhere at a mine
16 phone. I don't know for sure.

17 MR. BEITER:

18 And back here was outby
19 ---?

20 A. Seven Head. Toward Seven
21 Head. Him and Billy Ray --- I don't
22 even know his last name. He's the
23 evening shift electrician. They may
24 have been back here at a mine phone.
25 But I'm pretty sure the rest of us

165

01 was up around here.

02 BY MR. TUCKER:

03 Q. Do you have any recollection
04 of times as far as on the 19th, from
05 the time that you first become aware
06 to maybe the time that you went
07 underground to the time that you
08 first saw anybody off Two section?

09 A. Around 5:30 or so, when we got
10 the call or when Bob told us --- when

11 they picked up the phone. Guessing,
12 I would say 15, 20 minutes later we
13 were on our way underground. And
14 then --- so you figure it takes from
15 the box cut to there 10, 15 break,
16 what, 30 minutes, maybe not that
17 long. And then we walked across Four
18 Right in a hurry, you know, and back
19 in a hurry. And by the time we got
20 out of there, I seen guys coming out
21 of the mine. I don't know if any
22 other guys went out before them or
23 not.

24 Q. I'm not sure if we had asked
25 you earlier, after you left Aracoma,

166

01 where that you're employed at now?

02 A. Pinnacle or Pin Oak.

03 Q. Okay. Any particular reason
04 why you left Aracoma that you want to
05 discuss?

06 A. No. I've been --- my
07 brother-in-law works over there, and
08 they've been offering me a bossing
09 job and this over there, and I
10 wouldn't take it because of the size
11 of the mine. And then they offered
12 me a wage job, and I took it. But

13 nothing to do with this here.

14 Q. Okay.

15 A. Except for the hours.

16 Q. You think you might work less

17 hours at ---?

18 A. No. I'm working more now.

19 Q. Working more at Pin Oak?

20 A. I'm working six days a week,

21 10 and 12 hours a day.

22 Q. And I'm pretty sure you

23 already answered this, Ed, but the

24 belt problems that you had on the

25 19th, I know at one point you

167

01 mentioned they were off for an hour.

02 Do you recall any other problems, or

03 if they started back for a little

04 while and then shut off again or any

05 other problems other than that one

06 time?

07 A. If they --- if they start up

08 and right back off or something like

09 that, if a headgate man finds out

10 it's the same belt, he won't --- nine

11 times out of ten they don't say

12 nothing. They just leave it as a

13 downtime. But I know we lost I'm

14 thinking an hour, maybe more, maybe

15 less, on the belt, was all I know of.

16 I don't know --- I don't know if we
17 had any other trouble that day. I've
18 got it wrote down we had three time
19 studies with us that day, so ---.

20 Q. You did have a time study done
21 that day?

22 A. Yeah.

23 Q. Do you remember the men's name
24 or women who did the time study?

25 A. Oh, gosh. No, I don't. One

168

01 of them --- one of them's nickname is
02 Tank, but I don't know --- I don't
03 know their names.

04 Q. Do you know who they work for?

05 A. Massey Coal Services, I guess.

06 Q. Do you know if they were going
07 to do a time study on the evening
08 shift?

09 A. No, it was --- I think they
10 conducted time studies all week on
11 the dayshift. I'm not for sure how
12 many days they done it, maybe two or
13 three.

14 Q. Okay. What conditions would
15 cause the longwall to be down and not
16 in production?

17 A. What do you mean conditions,

18 as far as ---?

19 Q. Belts, ---

20 A. Belts.

21 Q. --- ventilation ---.

22 A. Belts, ventilation,

23 maintenance on the longwall. We had

24 our share of troubles.

25 Q. Did you very often have water

169

01 problems or anything of that nature?

02 A. The last panel, up here on

03 Eight headgate, had a lot of trouble

04 with water. I think maybe in the

05 beginning of the panel, trying to get

06 enough pressure up to the top of the

07 hill here. This panel here, so far

08 we've not had much trouble out of

09 water.

10 Q. Are you aware of any

11 individual that we may need to talk

12 to concerning this accident, somebody

13 personally that you know has

14 first-hand knowledge?

15 A. The guy --- I'm sure you're

16 going to talk to him, the ones that

17 was on the phone during that

18 conversation and stuff. I mean, as

19 far as anybody else, I don't know.

20 Q. The day that you walked up to

21 look at Ten headgate and you was at
22 the mother drive, did you notice what
23 direction air was moving at the
24 mother drive?

25 A. I mean, we were walking pretty

170

01 heavily, and I never paid a whole lot
02 of attention, no. We were just back
03 and forth looking.

04 MR. TUCKER:

05 Thank you.

06 MR. BEITER:

07 Ed, could you sign the
08 Exhibit A map as well, just
09 indicating that you're in
10 agreement with the notations
11 that were made on it?

12 BY MR. BEITER:

13 Q. Ed, you talked about --- when
14 Bill was asking you questions, about
15 some notes on the --- that you have
16 at home?

17 A. Yeah.

18 Q. Could we obtain them?

19 A. Huh?

20 Q. Could we obtain those from
21 you?

22 A. Yes. Just my scrap production

23 sheet?

24 Q. Yes. Somebody will contact
25 you after we're done here.

171

01 A. It would show the same thing
02 as my production report did from that
03 day, but you're welcome to it.

04 Q. Okay. Thank you. Could you
05 write down your home phone number on
06 this sheet here where we can call
07 you?

08 WITNESS COMPLIES

09 BY MR. BEITER:

10 Q. (304) 664-2160.

11 A. If you can't --- I'll give you
12 my dad's there in case you can't get
13 ahold of me.

14 Q. 664-5556. Thank you.

15 MR. BEITER:

16 Ed, on behalf of MSHA,
17 I wish to thank you for
18 appearing here today and
19 answering our questions and
20 sharing your information about
21 the mine. Your cooperation is
22 very important as we work to
23 determine the cause of the
24 accident. If you wish, you
25 may go back now over any

01 answer that you've given and
02 also make a closing statement,
03 covering any additional points
04 that need to be raised.

05 A. I don't have anything.

06 MR. BEITER:

07 Thank you. We ask that
08 you not discuss your interview
09 today with any people who may
10 have already been interviewed
11 or those who may be asked to
12 be interviewed in the future
13 so that we will ensure to
14 obtain everyone's independent
15 memory of the events
16 surrounding the accident.

17 After questioning other
18 witnesses and obtaining
19 additional information, we may
20 ask to have you back for
21 further questions. If at some
22 later point you have
23 additional information
24 regarding the accident that
25 you'd like to provide us,

01 please contact Mr. Ken Murray

02 or his staff assistant,
03 Anthony Webb. And I have a
04 copy of their cards.

05 The Mine Act provides
06 certain protection for
07 individuals who participate in
08 accident investigations. If
09 at any time you believe that
10 you have been treated unfairly
11 because of your cooperation in
12 this investigation, I ask you
13 to please contact Mr. Murray
14 or Mr. Webb. And again, thank
15 you for your help.

16 MR. TUCKER:

17 I, too, would like to
18 thank you on behalf of Miners'
19 Health, Safety & Training for
20 coming in today, Ed. We also
21 offer protection against
22 discrimination. And if you
23 ever need us, there's my card.
24 You can contact me. And this
25 is C.A. Phillips' card. He's

174

01 our Deputy Director out of our
02 Charleston office.

03 MR. BEITER:

04 We have one gentleman

05 from the Solicitor's Office
06 that's part of the
07 investigation group, and he
08 didn't get a chance to
09 introduce himself.

10 ATTORNEY BELL:

11 I'm sorry. Keith Bell.

12 MR. BEITER:

13 And there's another
14 gentleman in the back of the
15 room here as well that came
16 in.

17 MR. TJERNLUND:

18 Derrick Tjernlund, Tech
19 Support.

20 MR. BEITER:

21 Ed, thank you very
22 much.

23 * * * * *

24 EXAMINATION CONCLUDED

25 AT 10:45 A.M.