

01 EXAMINATION UNDER OATH
02 OF
03 KEVIN SCOTT FERGUSON
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 Wednesday, March 29, 2006, at 1:11
13 a.m.

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

02

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

02

03 ALSO PRESENT:

04 BETH SPENCE

05 DENNIS BEITER
06 RONALD STAHLHUT
07 CHARLES POGUE
08 MIKE FINNIE
09 JEFF WAGGETT
10 DERRICK TJERNLUND
11 EUGENE WHITE
12 C.A. PHILLIPS
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01 P R O C E E D I N G S

02 -----

03 MR. STAHLHUT:

04 My name is Ron
05 Stahlhut. I represent the
06 Mine Safety and Health
07 Administration, which is an
08 agency of the United States
09 Department of Labor. I'm a
10 member of MSHA's accident
11 investigation team charged

12 with investigating the
13 accident that occurred at the
14 Aracoma Coal Company,
15 Incorporated, Aracoma Alma
16 Number One Mine, on January
17 19th, 2006.

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

7

01 State's team. MSHA's team
02 includes various specialists
03 and members of the Solicitor's
04 Office. At this time, I would
05 like to ask each of the
06 members of MSHA's team to
07 identify themselves for the
08 record.

09 MR. BEITER:

10 Hello. My name is
11 Denny Beiter. I work for MSHA
12 in the Ventilation Group of
13 Tech Support out of
14 Triadelphia, West Virginia.

15 MR. POGUE:
16 Charlie Pogue, MSHA,
17 Hunker, Pennsylvania.

18 MR. FINNIE:
19 Mike Finnie, MSHA,
20 Madisonville, Kentucky.

21 MR. WAGGETT:
22 Jeff Waggett, MSHA,
23 Hunker, Pennsylvania.

24 MR. WEBB:
25 Anthony Webb, MSHA,

8

01 Pikeville, Kentucky.

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

05 MR. STAHLHUT:
06 And like I said, Kevin,
07 my name is Ron Stahlhut, and I
08 work out of Vincennes,
09 Indiana. And Kenny Murray is
10 not able to be here as of yet
11 or today so far in this
12 interview, and he is our team
13 leader.

14 Here with me today,
15 representing the State of West
16 Virginia, is Mr. Bill Tucker.

17 He will be asking the
18 questions for the State. At
19 this time, I'd like to ask Mr.
20 Tucker to introduce the
21 members of the State's team
22 here today. And he's also got
23 a statement for you.

24 MR. TUCKER:

25 Appreciate you coming

9

01 in today. The West Virginia
02 Office of Miners' Health,
03 Safety & Training is
04 conducting this interview
05 session jointly with MSHA. We
06 are in agreement with the
07 procedures outlined by Mr.
08 Stahlhut.

09 However, let me make it
10 clear that the Director
11 reserves the right, if
12 necessary, to call or subpoena
13 witnesses or require the
14 production of any record,
15 document, photograph or other
16 relevant materials necessary
17 to conduct this investigation.

18 Again, my name is Bill
19 Tucker. I work for Miners'

20 Health, Safety & Training out
21 of the Oak Hill office.

22 MR. WHITE:

23 Eugene White, District
24 Inspector out of Region Three,
25 Danville.

10

01 MR. PHILLIPS:

02 C.A. Phillips, Deputy
03 Director, Miners' Health,
04 Safety & Training, Charleston,
05 West Virginia.

06 MS. SPENCE:

07 Beth Spence, with the
08 Governor's Office.

09 MR. STAHLHUT:

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

20 After the investigation
21 is completed, MSHA will issue

22 a written report detailing the
23 nature and the causes of the
24 accident. MSHA accident
25 reports are made available to

11

01 the public in the hope that
02 greater awareness about the
03 causes of accidents can reduce
04 their occurrence in the
05 future. Information obtained
06 through witness interviews is
07 frequently included in these
08 reports. Your statement may
09 also be used in other
10 enforcement proceedings.

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

21 This interview with
22 Kevin Ferguson is being
23 conducted under 103(a) of the
24 Federal Mine Safety & Health

25 Act of 1977 as part of an

12

01 investigation by the Mine
02 Safety and Health
03 Administration into the
04 conditions, events and
05 circumstances surrounding the
06 fatalities that occurred at
07 the Aracoma Alma Mine Number
08 One, located at Route 17
09 North, Bandmill Hollow Road,
10 Stollings, West Virginia,
11 25646.

12 This interview is being
13 conducted at the Department of
14 Environmental Protection, in
15 Logan, West Virginia, on March
16 29th, 2006, at 1:15 p.m.

17 Mr. Ferguson, the
18 interview will begin by asking
19 you a series of questions.
20 Feel free at any time to
21 clarify any statements that
22 you may make in response to
23 the questions. After we have
24 finished asking the questions,
25 you will have an opportunity

13

01 to make a statement of your
02 own and to provide us with any
03 information that you may have
04 and believe to be important.

05 You are permitted to
06 have a representative with you
07 during this interview, and you
08 may consult your
09 representative at any time.

10 You may designate any person
11 to be your representative.

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

19 Your statement is
20 completely voluntary. You may
21 refuse to answer any question
22 and you may end your interview
23 at any time. If you do not
24 understand a question, tell me
25 and I will rephrase the

14

01 question. If you need a break
02 for any reason, please let me
03 know.

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

18 MR. FERGUSON:

19 No.

20 MR. STAHLHUT:

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

15

01 answers verbally because the
02 court reporter cannot record
03 gestures like nodding of your
04 head. If any part of your
05 statement is based not on your

06 own firsthand knowledge but on
07 information that you learned
08 from someone else, please let
09 us know.

10 Please answer each
11 question as fully as you can,
12 including any information that
13 you learned from someone else.
14 We may not ask the right
15 questions to learn the
16 information you have, so do
17 not feel limited by the
18 precise question we ask. If
19 you have information about
20 that subject area, please
21 provide us with that
22 information.

23 Do you have any
24 questions about the manner in
25 which the interview will be

16

01 conducted?

02 MR. FERGUSON:

03 No. Uh-uh (no).

04 MR. STAHLHUT:

05 Would you please swear
06 in Mr. Ferguson?

07 -----

08 KEVIN SCOTT FERGUSON, HAVING

09 AFFIRMED, TESTIFIED AS FOLLOWS:

10 -----

11 BY MR. STAHLHUT:

12 Q. Kevin, if you would, please
13 state your full name, address,
14 telephone number, and then spell your
15 last name for the record.

16 A. [REDACTED]

[REDACTED]

20 Q. Could you spell your last
21 name?

22 A. F-E-R-G-U-S-O-N.

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

25 A. Yes.

17

01 Q. Has anyone made any promises
02 to you for giving this statement or
03 offered you any rewards in exchange
04 for making this statement?

05 A. No.

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

09 A. No.

10 Q. Do you understand that you may

11 refuse to answer any question or
12 terminate this interview at any time?

13 A. Yes.

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

16 A. No.

17 Q. Are you willing to proceed
18 with the interview?

19 A. Yes.

20 Q. How long did you work at the
21 Aracoma Alma Number One Mine?

22 A. Approximately two years. I
23 think about two years.

24 Q. Approximately two years. When
25 did you leave Aracoma Mine?

18

01 A. February the 18th.

02 Q. What company do you work for
03 now?

04 A. Waco.

05 Q. And how long have you been
06 there?

07 A. Two weeks.

08 Q. What is your current job
09 classification at that mine?

10 A. I'm a scoop man.

11 Q. What was your job
12 classification when you worked at
13 Aracoma Coal?

14 A. What they paid me for?

15 Q. Yeah, what you did, what your

16 ---.

17 A. My classification was weigh

18 order mechanic, but I took care of

19 the longwall belt. That was my job.

20 Q. Okay. And how long did you

21 hold that position at Aracoma Mine as

22 taking care of the belt or your

23 duties?

24 A. Two years.

25 Q. Two years.

19

01 A. Excuse me. That particular

02 --- I took care of all the mother

03 drive belts through --- as the

04 headings went on, you know, seven,

05 eight, nine.

06 Q. Okay. So all your employment

07 at Aracoma Mine, you were taking care

08 of the mother drive belts; is that

09 correct?

10 A. I was always involved in it.

11 If we needed something welded on

12 another belt head, I would take a

13 knot and weld up something or fix

14 something on another belt head. But

15 primarily it was mother drives.

16 Q. So to further clarify that,
17 when you mean taking care of belts,
18 do you mean installing the belts? Do
19 you mean shoveling and examining the
20 belts? What was your job?

21 A. Examining the belts, splicing
22 the belt, changing rollers, changing
23 out head drives, tail rollers, you
24 know, rock boxes, just maintenance of
25 the belt, the entire belt line.

20

01 Q. And I think I asked you this,
02 but could you repeat again, did you
03 work on any specific belts or all the
04 belts in the mine? Was there one
05 specific area of the mine you usually
06 worked on?

07 A. I worked on them all usually.
08 But my primary job was the mother
09 drive. I would go to the mother
10 drive every night.

11 Q. So you worked on the mother
12 drive?

13 A. Yeah.

14 Q. On a routine basis?

15 A. Yeah, that was my --- that was
16 my every night.

17 Q. Okay. And that was --- did
18 you work on January 19th, the day of

19 the accident? Could I take you back
20 to there?

21 A. The day that it happened?

22 Q. Yes.

23 A. No. I was working third
24 shift.

25 Q. You was working third shift?

21

01 A. Yeah. I didn't work that
02 night.

03 Q. On that shift, on the 19th is
04 what I'm asking, you were on the
05 midnight shift you say?

06 A. Yeah.

07 Q. On the 19th?

08 A. Yeah, I was the third shift.

09 Q. You were the third shift
10 beltman?

11 A. The night before that it
12 happened, I was working.

13 Q. And that would have been on
14 the 19th, right, after midnight,
15 technically?

16 A. Yeah. Technically, it would
17 have been the 19th, right.

18 Q. Could you explain what you did
19 on that day, on the 19th, what your
20 job assignment was from the beginning

21 of the shift to the end, sort of what
22 you did and how you did it?

23 A. I checked the storage unit,
24 see how much belt was on the storage
25 unit. And I checked --- I know we

22

01 always had to check splices. The
02 belt would tend to roam one way or
03 the other a lot. And checked to see
04 what first shift had done, then I'd
05 usually have to try to correct that
06 and --- I'd check --- you know, I'd
07 check everything out. And after I
08 got done, I may --- we didn't make a
09 splice on that belt. We made two
10 splices on Seven belt, which is the
11 belt that the mother drive dumps
12 onto. I know I made three splices on
13 it that night. Made three splices on
14 it that night. I'm trying to
15 remember. I can't remember for sure.
16 I can't say that I made three splices
17 on that belt, if it was that night or
18 if it was the night before, but I
19 know I made splices either on Seven
20 belt or Number One mains belt.

21 Q. Was that pretty well what you
22 done on that particular night?

23 A. Yeah.

24 Q. Thinking back, did you work
25 the day before that, like on the 18th

23

01 or the previous shift before your
02 work shift?

03 A. Yeah.

04 Q. Can you remember back --- I
05 know I'm asking you to go back there
06 and try to remember three months ago
07 almost now or two months anyway, but
08 does anything stick out in your mind?

09 Can you remember what you did on that
10 particular night?

11 A. Pretty much the same thing as
12 far as checking the splices on the
13 mother drive and just the regular ---
14 you know, just checking the
15 maintenance on the mother drive. I
16 can't remember if I made a splice on
17 the mother drive that night. I made
18 a lot of splices on the mother drive.
19 It was kind of --- it was a new belt
20 line. It was a new type of belt, you
21 know. Hadn't ever been in that mines
22 before. It was a bigger belt. And
23 you know, I checked the storage unit,
24 make sure, you know, how much space
25 we had in it. And I'm sure I went

01 and checked the splices in Six and
02 Seven and Number One mains belt head.

03 I'd have to say that I made a splice
04 somewhere. I was making splices
05 constantly, every night, but I
06 couldn't tell you which belt.

07 Q. You mentioned on the --- going
08 back to the 19th now, I guess, but
09 you said you checked the storage unit
10 for the amount of belt in the storage
11 unit?

12 A. Yes.

13 Q. Do you happen to recall how
14 much belt was in that storage unit on
15 that particular night when you
16 checked it?

17 A. Well, when I say I checked the
18 storage unit, as far as telling you
19 how much belt it had in it, I
20 couldn't. But I can tell you that it
21 wasn't full. It was --- what it is
22 when I say I'm checking it, I'm
23 checking to see how much room --- how
24 much more belt we can put in it. So
25 if I can remember right, before

01 everything happened, we had a pretty
02 good --- a lot of storage left. I

03 would say there was at least 80, 90
04 feet of storage left in it. So it
05 would probably be --- I'd say there's
06 probably about 380 foot of belt in
07 the mother drive, in the storage.

08 Q. Do you know of any problems on
09 that particular night first, on that
10 --- the storage unit? Did you deal
11 with any kind of problems or anything
12 on the 19th?

13 A. I always had problems --- I
14 don't like to say that people don't
15 do their jobs right or anything. I'm
16 just --- we had --- first and second
17 shift never really knew nothing about
18 a mother drive. And any beltman
19 would, you know --- if your belt is
20 running over to one side, you kick
21 the bottom roller --- you know, you
22 might bump the bottom roller bracket,
23 make the belt come over. But I
24 remember it was close. I couldn't
25 tell you if it was on the 19th or the

26

01 18th. It was a couple days before
02 then.

03 I had to kick --- they would
04 kick a roller to try to get the belt

05 alignment to straighten up. But what
06 it was, they was kicking the bottom
07 belt, and the mother drive belt had
08 carriage rollers in it, and the
09 carriage rollers would kick. And
10 when they would kick over a little
11 bit, the belt would run over. And
12 when the belt would run over, it
13 would --- I would have to go in and
14 knock them with a --- just grab a
15 crib block and just straighten it up
16 for the belt to run straight.

17 And what it is, is --- it's
18 hard to explain. It's --- you got
19 your carriage rollers. And then up
20 above it you just got your mainline
21 belt. And then you got your bottom
22 rollers that run over top of your
23 carriage rollers, and they would be
24 knocked over. And when they would be
25 knocked over, it would straighten up

27

01 the rest of the belt, but it would
02 cock the belt in the carriage
03 rollers. You know what I mean? It
04 would be --- it's completely
05 different. It goes this way. And
06 that would straighten up your belt,
07 but it runs back through another

08 roller. And in turn, if you moved it
09 this way, in that particular area
10 when it comes through the roller and
11 comes through the other side, it
12 would be cocking it in the opposite
13 direction and it would just ---.

14 Q. Let me ask you a couple
15 questions to help clarify me anyway.

16 I'm somewhat lost here maybe, but
17 ---. Now, these carriage rollers
18 you're talking about --- I mean,
19 normal belt structure, you got the
20 top rollers, which I commonly refer
21 to as a trough roller, and you got
22 the bottom rollers.

23 A. Okay.

24 Q. Now, these carriage rollers,
25 can you define --- where are these

28

01 carriage rollers located?

02 A. It's kind of a --- it's a
03 take-up system. What it is, is you
04 got rollers that's got three --- it's
05 a carriage, and it's got a top
06 roller, it's got a --- about that far
07 down you got another roller, and then
08 probably I think 18 to 20 inches
09 there's another roller. And what it

10 is, it's they come back as your belt
11 fills up from the longwall.

12 Q. Right.

13 A. And when it comes back, you
14 got stands that set on the --- that's
15 on the side of it, and they'll just
16 drop. You know, they'll kick apart
17 from each other and it will just
18 separate in to ---.

19 Q. This is part of your take-up
20 unit. These are your ---?

21 A. Yeah.

22 Q. I call them drop-off rollers
23 or --- you're calling them carriage
24 rollers. They're one in the same
25 thing. Now I understand. So you're

29

01 referring to them adjusting those
02 rollers in the take-up that drop off
03 that ---?

04 A. No. I would have to do that.

05 Q. You would adjust them?

06 A. Because of them --- because of
07 the other shift adjusting the top
08 roller, trying to get the belt to
09 come over. See, what it is, you got,
10 you know, your drop-off rollers.

11 Q. Right.

12 A. And instead of going back

13 maybe four or five breaks to try to
14 get the belt to come over, they would
15 do it above the carriage rollers.
16 Like I was saying, yeah, it would
17 straighten up that part of the belt.
18 But as it went through then, you had
19 another stationary roller that it
20 would go underneath to go into the
21 drop-off rollers. And it would just
22 turn everything around, I mean, be
23 the opposite effect on return, when
24 your drop-off rollers than what it
25 would your top roller --- I mean,

30

01 your bottom roller.

02 Q. So was this what you was
03 referring to about the belt running
04 back and forth?

05 A. Yeah.

06 Q. Were these belts normally
07 running --- you said you worked
08 midnight shift; right?

09 A. Yeah.

10 Q. Were these belts running ---
11 normally running when you were on
12 midnight shift?

13 A. They would run until usually
14 one o'clock, and I would get there at

15 11:00.

16 Q. So you had some opportunity to
17 see them while they was running and
18 also when they were not running?

19 A. Yeah. I would see them
20 running from 11:00 to 1:00, and then
21 from 6:00 to --- you know, 6:00 to
22 7:30, when I would leave.

23 Q. Okay. Was this a typical
24 problem or was this more prevalent
25 like on the Nine headgate for this

31

01 particular installation?

02 A. This was --- we never did
03 really have a problem out of the ---
04 never had really much of a problem
05 out at Seven and Eight. Six, Seven
06 and Eight wasn't too bad. What it
07 is, there was pretty much always a
08 problem when you get close to the end
09 of the mother drive, when it keeps
10 getting closer. The shorter the belt
11 is, you will run into problems. But
12 that belt line was --- it always had
13 a few more problems on it than the
14 rest of it did. And it was on more
15 of an incline, too.

16 Q. By the shorter the belt, you
17 mean the shorter total length of the

18 belt or you mean the ---

19 A. Yes, as far as the longwall

20 coming back to ---.

21 Q. --- closer to the take-up

22 being to them, which ---?

23 A. Oh, from the longwall coming

24 in, you know, just being closer to

25 the head as it comes back to your ---

32

01 you know, as it gets its coal, it

02 shortens the belt line up.

03 Q. Okay. Did you normally --- in

04 your job duties, when you was

05 checking those belts, did you check

06 bearing temperatures?

07 A. I have.

08 Q. Did you do it on a regular

09 basis?

10 A. No. Uh-uh (no). That was

11 first and second shift.

12 Q. Okay. Do you happen to

13 remember, thinking back to the 18th

14 or 19th, how much belt was on the

15 flatcar that was under the belt or

16 that was not part of the active belt

17 system, but that amount of belt that

18 was on that flatcar ---?

19 A. 500 feet.

20 Q. 500 feet? Okay.
21 A. It was at least 500 feet,
22 maybe a little bit more, but it
23 wasn't 600 feet. You know what I
24 mean? It was between 500 and 600
25 always.

33

01 Q. Between 500 and 600 feet,
02 okay.

03 A. That's what they wanted it,
04 was 500-foot pieces.

05 Q. So do you happen to recall
06 when that belt was removed and put on
07 that car? Had it been a while or do
08 you have any idea?

09 A. No. It was about three or
10 four days before then. I was the one
11 that took it out.

12 Q. Okay. You was the one that
13 took it out?

14 A. Yeah.

15 Q. You know directly then how
16 much was in it probably?

17 A. Yeah.

18 Q. Good. Were you considered
19 management?

20 A. No, not technically. I mean,
21 I was --- well, no, I wasn't
22 management.

23 Q. Okay. Who was your immediate
24 supervisor? Who did you report to?

25 A. Tom Adkins.

34

01 Q. Tom Adkins. Did you happen to
02 keep a --- some miners will keep a
03 little logbook or something of the
04 jobs you did or any kind of log or
05 any kind of personal notes or records
06 that you kept of what you did at the
07 mine?

08 A. No.

09 Q. And then I guess how did you
10 receive your work orders? Like when
11 you went to work and started your
12 shift, how did you receive your work
13 orders?

14 A. I would go in --- as soon as
15 I'd get to the bottom to go
16 underground, I'd just jump on the
17 ride with the Two Section and go up
18 to the mother drive. I wouldn't
19 really talk to nobody until one or
20 two o'clock in the morning, when I
21 talked to Tom Adkins, just tell him
22 how everything was there. And I'd
23 either pretty much know --- I pretty
24 much knew what to do, so I just ---.

25 Q. If there was a problem with

35

01 something say from evening shift or
02 something, who would probably be the
03 person that would tell you if you was
04 having a problem?

05 A. If I was having a problem with
06 the mother drive?

07 Q. Yeah. Or any of the drives
08 that you were going to have to work,
09 and specifically the mother drive.

10 A. Who'd tell me to go do it?

11 Q. Yeah.

12 A. It would be Tom Adkins who
13 would tell me to do it.

14 Q. Okay. Was there anything
15 different about the Nine headgate
16 longwall installation, mother drive
17 installation, than the previous
18 installations?

19 A. It was --- like I said, the
20 belt was a lot thicker and a lot
21 heavier. You had a lot of problem
22 --- I mean, I don't really know if it
23 affected anything, but the new belt
24 had an inch of rubber on each side
25 before it even got into any ---

36

01 before you got into any thread. I

02 mean, it was just an inch of rubber
03 on each side. That's something I
04 hadn't ever encountered before. I
05 mean, I know that if you --- if a
06 belt shreds, if it gets caught on a
07 bottom roller and it shreds and you
08 get pieces of the rubber, it tends to
09 cause a fire hazard more. And that
10 --- you know, that always concerned
11 me a little bit.

12 The structure of the carriage
13 rollers, they weren't --- one of them
14 --- it was the third one and the last
15 one were mixed up. They weren't put
16 in right. And what --- that caused a
17 lot of problems because what it is,
18 they step down, the first one being
19 the highest, and they just step down
20 in size. And I had a lot of problems
21 because, like I said, you got these
22 bars that catch on the sides that
23 were separated from each other as the
24 belt would fill up. You'd have to --
25 - those pretty much didn't work right

37

01 because, like I said, where they were
02 mixed up in order. So I'd end up
03 having to go in there and lift one up

04 --- like lift one side up and the guy
05 that I worked with --- see, I worked
06 with somebody every night. I wasn't
07 there by myself.

08 Q. Okay.

09 A. And the guy that I worked
10 with, he would lift up the other
11 side, and we'd pretty much put it
12 where we wanted --- pretty much where
13 we wanted to put it. But I mean, you
14 know, it was in the right place
15 because we'd have to bring it back.
16 But that caused problems.

17 Q. My next question, who did you
18 work with, or did you work by
19 yourself?

20 A. Dave Runyon.

21 Q. Who?

22 A. Dave Runyon.

23 Q. And what was his job title?

24 Was ---?

25 A. He was just outby beltman. I

38

01 mean, we done the same thing.

02 Q. Okay. The same job ---?

03 A. Just different pay, just
04 different classification.

05 Q. Did anyone else work with
06 yous?

07 A. When we pulled belt, which
08 would be like once a week, it would
09 be --- they'd send two more people up
10 because it's such a heavy belt to
11 pull out. They'd give us a couple
12 more people. And that would range
13 from any number of people. They
14 would be Roger Ooten and just
15 different people like that.

16 Q. Okay. When you did pull belt,
17 can you just explain to me how you
18 went about that and what each person
19 --- what part each person played?
20 Sort of just give me sort of a
21 snapshot of when you were pulling
22 belt out of --- how this was
23 accomplished and how you did it or if
24 it was pulled off mechanically or,
25 you know, if you had to pull it back

39

01 and fold it back on a car, however
02 you did it? I'm not trying to put
03 words in your mouth. I'm just trying
04 to ask how.

05 A. When we'd get there, we'd have
06 to have at least --- there would have
07 to be at least four people. And
08 you'd take --- one person would ---

09 we'd let the belt run and we'd find
10 the worst splice, you know. We'd put
11 it where we needed to put it, which
12 was about three-quarters of the way
13 on the inside part of the car, which
14 was pulled into the belt, you know,
15 underneath the belt line. And then
16 we'd do that, we'd turn it off and
17 we'd put it on joystick and we would
18 run the cable out on the --- you
19 know, the take-up. And when we done
20 that, we'd put --- after we got some
21 slack in the belt, we'd put clamps on
22 the back side of the storage unit,
23 and we'd put clamps on underneath the
24 --- right behind the head drive and
25 clamp the belt --- you know, just

40

01 clamp it together. And then when we
02 would do that, we'd go back and put
03 it on the joystick, put the --- we'd
04 go back to the starter box for the
05 mother drive and put it on joystick.
06 And we had a pinch rope that set
07 right behind the car --- the flatcar.
08 And then when you put it on --- we
09 put it on joystick, we'd let it go
10 the rest of the way out. And then
11 you'd put it on extract. And when

12 you put it on extract, you'd raise
13 your pinch roller up. And what it
14 was is just two rollers that the belt
15 run between; right? And then the
16 bottom one would pinch up to the top,
17 and then you'd just pull the belt out
18 on extract. That extract would just
19 let the belt --- it would take
20 tension off the belt so you could
21 pull it out. Then you'd just take
22 your --- a couple people on each side
23 would take channel locks and pull it
24 out. You know, as it was pulling,
25 you'd just

41

01 --- you'd pretty much guide it. I
02 mean, it was --- it was more than
03 that. You know, it's tougher than
04 just guiding it. You'd have to pull
05 pretty hard. And then after you'd
06 pull it, you'd go back, you know.
07 You'd hold onto the bottom and let it
08 lap over, just lap it until you got
09 about 500 feet.
10 Q. Okay. Is that the way you
11 always did it or did you have a belt
12 line or something that would roll
13 that belt up, or is that the way you

14 always removed belt?

15 A. No, that's the way we always
16 done it.

17 Q. Backing up a little bit, you
18 mentioned this belt and that this was
19 a new belt on the Ninth headgate
20 mother drive that you hadn't seen
21 before at the mine.

22 A. At any mine.

23 Q. At any mine. Did I hear
24 right, you said it had approximately
25 an inch of rubber on each side that

42

01 wasn't --- didn't have any cords or
02 anything in it. Did that seem to
03 wear off pretty quick or anything, to
04 your knowledge?

05 A. It was --- it cut like butter.

06 I mean, it was --- you know, it was
07 --- it didn't have nothing to
08 stabilize it. It was just flapping
09 rubber on each side. And when it
10 would get over to one side of a
11 bottom roller and it would catch a
12 bracket, I mean, it would just ---
13 just like a knife going through
14 butter. It would just shred it. It
15 wouldn't ---.

16 Q. Were you there when the belt

17 was installed on the belt line? Were
18 you involved in any of that?

19 A. No. I was --- they sent --- I
20 think they sent a few people, but I
21 was --- I guess it will sound bad,
22 but I was pretty much indispensable.
23 I was pretty much the only one that
24 knew how to change out a bearing
25 roller or --- you know, it was just

43

01 --- I was needed on third shift, and
02 they would send pretty much just red
03 hats and new guys on to do something
04 like that.

05 Q. Where did you learn to ---
06 where did you gain your knowledge on
07 working on the belts?

08 A. Classic scrapers mostly. I
09 worked for a company called Classic,
10 and they did --- you know, they did a
11 lot of that, where they would build
12 rock boxes. And I learned a lot from
13 a guy that worked there. His name
14 was Bryan Cabell. He taught me a lot
15 when I first started working there.
16 Because at the time it was just me
17 and him. It wasn't --- you know,
18 now, when I left, there were ten

19 people on it, but at the time, you
20 know, it was --- so I learned a lot
21 from him, too.

22 Q. Did you happen to see --- at
23 any point in time when that belt was
24 being installed or after it was
25 installed, did you happen to see or

44

01 do you recall who manufactured that
02 belt or where this belt comes from or
03 any specifics on that belt? I mean,
04 a lot of times do you see a roll of
05 belts sitting there, waiting to be
06 installed? A lot of times they'll
07 have the manufacturer stamped on them
08 in some form or fashion. They'll
09 have burlap over them or stamped some
10 way usually, to my recollection.

11 A. Scandura.

12 Q. Scandura belt, okay.

13 A. I think that was what was on
14 the belt line, imprinted on the belt.

15 Q. What other areas on this Nine
16 headgate belt were you responsible
17 for? Did you check the waterlines or
18 guarding, a lot of the other things
19 involved in that belt?

20 A. Yeah. I worked on the
21 guarding. We always worked on

22 waterlines. I was pretty much just

23 --- I was maintenance on them.

24 Q. Did you do any electrical

25 repairs?

45

01 A. No.

02 Q. Were you involved in any

03 electrical repairs, helping somebody

04 do them?

05 A. I may have done --- I mean,

06 nothing major or anything. Maybe

07 turning a breaker on and off for

08 somebody or pushing a button for

09 somebody when they tell me to push

10 it, just you know, ---

11 Q. Assisting them?

12 A. Yeah, nothing ---.

13 Q. You don't have an electrical

14 card then or you're not a qualified

15 electrician?

16 A. Uh-uh (no).

17 Q. Did you ever work on the fire

18 suppression systems like on the

19 mother drive or were you responsible

20 for any examinations of them or the

21 installation, anything like that?

22 A. No, I wasn't. I know that it

23 was --- I know they worked on it

24 about a week before. Well, strike
25 that. It was a couple weeks before

46

01 all this happened. I was up there
02 and they were working on it, but I
03 don't know ---.

04 Q. Working on what?

05 A. Fire suppression.

06 Q. Fire suppression. Do you have
07 any idea what they were doing? You
08 said a couple weeks prior to the
09 accident. Is that what I heard?

10 A. Yeah, it was probably about
11 three weeks. They were adding to it,
12 just ---.

13 Q. Where were they adding to it
14 at? Do you have any idea? At the
15 head drive roller or at the drive, or
16 do you ---?

17 A. At the head drive, at the
18 drive roller. I mean, it was just
19 maybe five or six feet of it. I
20 think something might have happened
21 during the first or second shift. I
22 couldn't really --- you know, I
23 couldn't specify on that. I wouldn't
24 know.

25 Q. They were just extending a

47

01 certain portion of it at the head
02 from what you saw?
03 A. Yeah.
04 Q. Okay. Was this around the end
05 of December sometime? Do you have
06 any idea? Was it around right before
07 Christmas, like the 22nd, 23rd? Do
08 you have any idea of time frame when
09 they was working on this fire
10 suppression system?
11 A. It would be close. I would
12 imagine it would be close. Like I
13 said, it was a couple --- it was a
14 couple, two or three weeks before
15 then.
16 Q. Let me back up and clarify a
17 couple questions. You mentioned the
18 storage rollers, the drop-off
19 rollers. You call them carriage
20 rollers. We'll say the carriage
21 rollers. And you said like the ---
22 what did you say, the third one and
23 the fifth one was ---?
24 A. I think it was sixth. It was
25 third and sixth.

48

01 Q. Third and sixth one were in
02 the wrong position?

03 A. Uh-huh (yes).

04 Q. Do you know of any other
05 problems with those carriage rollers?

06 A. Well, when the belt line ---
07 when the storage unit would get full,
08 it would be close to full, what it
09 was, was they wanted --- it was a new
10 belt line and they didn't want a lot
11 of splices in the belt line, which
12 you know, you could understand that.
13 But they wanted at least 500 feet cut
14 out of it. They wanted it cut in
15 500-foot pieces. The storage unit,
16 you could only get like 573. It
17 would be completely full. You know
18 what I'm saying? Which you couldn't
19 let it get completely full because it
20 would --- the belts would stop ten
21 feet before it got --- you know, ten
22 feet before it got full.

23 Q. Right.

24 A. But as it got full, you'd have
25 like between 30 and to where the belt

01 would cut off at to where it would be
02 almost full, you'd have a lot of
03 problems in that belt line. It would
04 --- that's when the belt line would
05 move a lot. It would move back and

06 forth --- not the belt line, the belt
07 in the storage unit, in the carriage
08 roller.

09 Q. Was there any other loose belt
10 on the ground beside what was on the
11 flatcar, like on the 18th or 19th?

12 A. Yeah. On the other side of
13 the break, toward the head, there was
14 580 foot of belt.

15 Q. So there was 580 foot of belt
16 on the side of the underpass toward
17 the head drive?

18 A. Yeah.

19 Q. Or to the drive, actually, and
20 the head drive, and then there was a
21 car with approximately 570 foot on
22 the inby side of that underpass; is
23 that correct?

24 A. The car? See, that's the
25 problem. The car should have been

50

01 taken out that day that that
02 happened. I didn't --- I mean, the
03 day that that happened, there should
04 have been a tractor come up there and
05 took the car out and there shouldn't
06 have been no belt on it. You know, I
07 don't know if the car was in there

08 for the belt or not. It was that
09 night, but I was told that people
10 were coming to get the belt.

11 Q. Right.

12 A. But on the other side, toward
13 the head, there was belt laying on
14 the ground.

15 Q. What was it there --- what was
16 the purpose of it being there?

17 A. It was the first time we'd
18 ever pulled belt out of that belt
19 head, ---

20 Q. And when was that?

21 A. --- and we didn't have a car.

22 Q. When was that that it was put
23 there?

24 A. When it was put there?

25 Q. Approximately, if you --- to

51

01 the best to your recollection.

02 A. About the middle of October.

03 Q. Was there any other belt in
04 that area then that you can recall?

05 A. In that general area right
06 there?

07 Q. In that general area right
08 there.

09 A. There was the break up above
10 it, going toward Two Section.

11 Q. But it wasn't near the belt
12 line?
13 A. No, it wasn't ---.
14 Q. Okay. I'm talking about in
15 the belt line, right anywhere near
16 where the fire area was. Okay. Did
17 you tell anyone --- I'm back to these
18 carriage rollers again, like the
19 third and the sixth that you said
20 that was installed improperly. Did
21 you tell anyone that those were
22 installed improperly and ---?
23 A. Oh, yeah. I mean, ---.
24 Q. Was there any talk about
25 correcting it or did you do any

52

01 corrections or anything to it?
02 A. It was known that they were in
03 there wrong. I mean, it was told to
04 them, but it --- you know, it was
05 told to different people. I'm sure
06 Tom Adkins knew about it. But it
07 wasn't something that --- I guess it
08 was just something that wasn't
09 considered for them to be major.
10 Q. And my understanding of the
11 installation is each carriage roller
12 dropped off in succession and there

13 was a arm that was at different ---
14 the arms were different. So they
15 would go ahead --- would they go
16 ahead and drop off as they were
17 supposed to?

18 A. No.

19 Q. It wouldn't drop off because
20 it was in the wrong position; is that
21 correct?

22 A. Yes.

23 Q. So every time it got to drop
24 that third or sixth roller off, it
25 would not drop off when it was

53

01 supposed to; is that correct?

02 A. See, when we first started
03 pulling belt out of it, when we was
04 using the pinch roller, there's such
05 a --- nobody really realized that
06 they were that --- they were down
07 like that, they were put in wrong.
08 And you've got these arms that come
09 up off the side of your stretcher
10 that catch the carriage rollers, you
11 know, to slice the break-up or, you
12 know. And when we first pulled belt
13 out, the carriage roller caught the
14 arms. When we messed up, most of the
15 arms were gone anyway. And we never

16 --- we were supposed to get arms but
17 never did get arms.

18 Q. When were those damaged?

19 A. When it first --- first time
20 we pulled belt.

21 Q. And that was approximately
22 when?

23 A. Sometime in October, I think.

24 Q. Was that a routine duty for
25 you to --- if the rollers weren't in

54

01 position, did you have to position
02 those drop-off or carriage rollers in
03 the approximate --- appropriate
04 position on a regular basis?

05 A. I wasn't told to do it. I
06 wasn't --- but I would always try to
07 keep it as well as I could, you know.
08 You know, if like I --- you know, I
09 got a boss and if my boss tells me to
10 go do something else, you know, maybe
11 I couldn't get to it that night, but
12 I tried to get to it as soon as I
13 could, just to straighten every ---
14 you know, try to keep the belt off
15 each other. That's pretty much all
16 they are. They just --- they keep
17 the belt from rubbing each other.

18 Q. Did you ever observe the belts
19 rubbing each other because those
20 rollers were ---?

21 A. Yeah, I have.

22 Q. What was the result of that?

23 A. Splices. It would tear
24 splices up and just ---.

25 Q. Was there any smoke creates,

55

01 any smell created?

02 A. Back to the earlier question
03 there, when you'd say --- when you
04 asked me was --- about the belt
05 coming over to one side, when I said
06 --- when you wouldn't have very much
07 room in your storage unit, that's
08 when --- that was more the time when
09 the belt would come over. And when
10 the belt would come over, it would
11 smoke a lot.

12 I was up there --- what it
13 was, I had a guy who worked with me.

14 His name was Dave Runyon. But he
15 would stop at Six head. He'd get off
16 at Six head, and I'd go straight to
17 the mother drive. And there was
18 probably two or three times which,
19 you know, he seen the smoke after.
20 And I'd have to go back there and

21 straighten up the carriage roller
22 because they cocked. You know,
23 they'd cock over because of the ---
24 it wouldn't be short in there.
25 Q. If the rollers would have been

56

01 in the proper position and the
02 carriage rollers --- the drop-off
03 rollers or carriage rollers, if the
04 carriage rollers would have dropped
05 off as they should have been and
06 properly installed to begin with, in
07 your own estimation, do you think it
08 would have eliminated a lot of the
09 problems with the rollers --- I mean,
10 the belt rubbing through that drive
11 area, the take-up area?

12 A. I don't --- I couldn't say for
13 sure. Like I said, I've been on ---
14 that made my --- I think that was my
15 fourth one since I was there, fourth
16 mother drive. And I never did really
17 have a problem out of it before, and
18 --- well, that type of problem out of
19 it before until I got on this one.
20 But you know, I really --- I couldn't
21 really say if that was even what ---.

22 Q. You mentioned earlier

23 sometimes you'd take a crib tie and
24 straighten those carriage rollers up.
25 Was that normally when the belt was

57

01 running or did you do it when it was
02 off or ---?

03 A. When it was running.

04 Q. When it was running?

05 A. I mean --- yeah. Yeah, it had
06 to be when it was running. If it
07 wasn't running, I really couldn't
08 have estimated right.

09 Q. Did you have to remove the
10 guarding or anything to access that
11 area when it was running to get in
12 there and knock the rollers over?

13 A. I guess I --- I'm allowed to
14 pass on any question; right?

15 Q. Sure.

16 A. I'll pass on that one.

17 Q. Okay. When these belts run
18 off and started rubbing, do you ever
19 know of any instances when you got a
20 CO alarm or alert where the
21 dispatcher would call you or someone
22 would come to check or you would be
23 required to go check the area and
24 examine it to see if there was any CO
25 and why the alarm or the sensor went

01 in alarm in that area?

02 A. What, the CO at the mother

03 drive?

04 Q. Yes.

05 A. The CO at the mother drive was

06 --- it went off when you'd get smoky.

07 I mean, it would go off when a diesel

08 ride was parked beside of it. But I

09 never got no call or anything.

10 Q. You never got any call from

11 the dispatcher to go check it or

12 anything? Did you carry a detector

13 so you could check to see if there

14 was CO in the area? Did you have a

15 ---?

16 A. No.

17 Q. Did you carry any kind of

18 detector?

19 A. I'd carry a methane detector

20 if I'd have to go weld.

21 Q. But on a regular basis, did

22 you carry any other kind of detector?

23 A. No.

24 Q. Other than if you were going

25 to weld, then that would be all?

01 A. Yeah, just when I'd weld or

02 cut.

03 Q. So who would --- if they
04 called someone to check the area
05 where you had an alert or alarm,
06 would they call you or would they
07 call someone else, and how would they
08 determine --- I guess I'm trying to
09 ask, how would it be determined if
10 there was no CO there or that, okay,
11 it's the diesel ride or whatever?

12 A. If they needed to know why the
13 CO was going off, they'd usually
14 holler mother drive. And it would be
15 pretty much anybody probably that was
16 at the mother drive. It wouldn't be
17 a set person, I don't think. I ain't
18 never heard of them actually call for
19 one individual person, which I was --
20 - I was called a lot. You know, I
21 was called on the mine phone a lot
22 from the longwall for different
23 things, but ---.

24 Q. You said you was called from
25 the longwall?

60

01 A. Uh-huh (yes).

02 Q. Why would you be called from
03 the longwall? Would it be as a
04 result of an alarm at their ---

05 A. Uh-uh (no).

06 Q. --- on their section or ---?

07 A. Just to see if the belt was

08 empty.

09 Q. Oh, to see if the belt was

10 ---. I thought we was back on the

11 smoke or the CO alarm ---

12 A. No.

13 Q. --- and that they were calling

14 you to check it out.

15 A. No. They wouldn't --- I don't

16 think they would --- I wouldn't think

17 they would even know it was going

18 off.

19 Q. Did you know they had an alarm

20 that was supposed to go off at the

21 ---

22 A. At the longwall?

23 Q. --- tailpiece of the longwall

24 or in that area?

25 A. I knew there was one there.

61

01 Q. Had they ever called you as a

02 result of that alarm going off at the

03 tailpiece of the longwall and said,

04 can you see what's wrong or is there

05 something rubbing or is there smoke?

06 A. Not that I'm aware of.

07 Q. Not that you're aware of.

08 A. I hadn't personally.

09 Q. Okay. Were you able to ---

10 did you know like when the alert or

11 the alarm went off on a CO sensor,

12 were you there? Did you read it off

13 the sensor? How did you know there

14 was an alarm, or did someone call

15 you?

16 A. It was just right in the

17 general area from where I worked at.

18 The CO monitor?

19 Q. Yes.

20 A. It was just --- there was a

21 red light that would come on for the

22 alarm, and you'd just look at it and

23 --- but you were --- you know, if it

24 would go off, I would know what it

25 was going off on because I was in

62

01 that area. I'd know ---.

02 Q. Did anyone call you, wanting

03 to know why it was going in alarm?

04 A. Not that I'm aware of.

05 Q. No one ever called you, so you

06 ---? Did you call --- like the

07 dispatcher, did you call anyone to

08 let them know that you had one that

09 was in alarm?

10 A. No. I'd just let it fix
11 itself. If it was a diesel ride, I'd
12 move --- you know, I'd get somebody
13 to move the diesel ride and it would
14 go off or I would --- like when I had
15 to move the belt over because of the
16 smoke, you know, I knew that that was
17 what it was going off on. But after
18 it cleared up, it would be off.

19 Q. If I understand you right, you
20 just took it upon yourself to do
21 that? No one called you, told you or
22 no one called back and said, what did
23 you do up there to correct it or
24 anything like that, no one that you
25 know of or anything?

63

01 A. No. I mean, I never messed
02 with the CO monitor. I never tried
03 to do anything to it or anything. I
04 just would --- you know, I'd move the
05 diesel ride and let --- you know,
06 that would be it. But it wasn't ---.

07 Q. Okay. I guess what I was
08 asking, because, you know, if there
09 is an alert or alarm on the CO
10 system, ---

11 A. You're supposed to call and

12 see what's ---.

13 Q. --- someone is supposed to
14 call and find out and then they're
15 supposed to find out why. And you
16 were telling me you were taking care
17 of it. I was just trying to find out
18 if the other end of it was happening
19 there, that this person ---

20 A. I know they're supposed to
21 call you.

22 Q. --- was checking it out. Did
23 you ever see a lot of smoke up there
24 at that take-up area and the alarm
25 not go off?

64

01 A. No.

02 Q. Was there ever a haze in that
03 Nine headgate area above that
04 longwall drive in the take-up area,
05 sort of a haze that you would
06 visually see, especially toward the
07 roof area, that you ever observed?

08 A. Yeah. Yeah, there was ---
09 well, I don't know if --- what are
10 you talking a haze? I mean, ---.

11 Q. Something that was like a fog
12 or a smoke or something that ---

13 A. Yeah.

14 Q. --- was under the ---.

15 A. When I would see that, though,
16 I'd always go to the carriage rollers
17 and look. What it was, they set an
18 old piece of angle on a flat piece of
19 metal in your take-up. And I'd just
20 look at them and see if the triangles
21 were off, you know, as they'd go back
22 and that'd usually --- you know,
23 that'd usually be why I'd see the
24 haze or the smoke.

25 Q. So it was usually a carriage

65

01 roller that caused that?

02 A. Yeah, it was always ---.

03 Q. It's my understanding it was
04 one of them cocked or a little bit
05 off?

06 A. Yeah.

07 Q. When you did see the smoke,
08 how much --- was it thick? Was it
09 light? Was it --- just what color
10 was it? I mean, in your own
11 explanation, when you did see that
12 haze or smoke up there, what were you
13 seeing up there?

14 A. Sometimes it would be just a
15 light haze you'd notice, you know, as
16 you was watching the belt line.

17 You'd notice, you know, just like a
18 smoky --- you know, a little bit of
19 smoke in the air. It would just be
20 like a fog maybe. But there was one
21 time --- once or twice there was ---
22 I mean, I got up there, it was
23 rolling out. That would happen when
24 the take-up would be just about full.
25 I mean, that was ---.

66

01 Q. When the take-up was full, is
02 that what I understand?

03 A. Just about full.

04 Q. Just about full?

05 A. Maybe 20, 30 feet left in it.

06 Q. What would be causing the
07 smoke when the take-up was almost
08 full? Was it belt slippage or ---?

09 A. The belt would run over on one
10 side and just where everything was so
11 close, see impact, where it would be
12 close to the back and you'd have such
13 a big old --- just a lot of belt in
14 it. And the carriage rollers weren't
15 where they were supposed to be,
16 they'd be close up. And it would
17 just --- they'd cock a little bit
18 where they'd be running together a
19 little bit more than they should, and

20 it would run over into the winch
21 roller. Right where it pulls the
22 belt back as it's coming in, it run
23 over into it a lot.

24 Q. Could that have been the
25 condition on the 19th, when the fire

67

01 occurred, in your estimation?

02 A. There wasn't --- the take-up
03 had room in it. And it never usually
04 got that bad, which you know, on
05 third shift, I mean, they was always
06 --- we were always close. So I
07 wouldn't really --- I couldn't
08 estimate it for you if they was even
09 off.

10 Q. Was there ever any talk ---
11 there was --- it sounds like there
12 was so much problem with --- you've
13 indicated that there was more
14 tendency for the rollers to be cocked
15 worse when the storage unit was
16 toward getting full. Was there any
17 talk of extending the take-up unit a
18 little longer to add another set of
19 carriage rollers or something to
20 where it didn't get so jammed up and
21 misaligned, where you could take a

22 full 500-foot piece of belt out? Was
23 there ever any discussions, to your
24 knowledge, of that?

25 A. No. If that would have --- if

68

01 that would have been the case, I'd
02 just --- I figured they'd just have
03 got us to cut the belt and put ---
04 change the rollers out instead of
05 doing that, because it was --- that
06 really wouldn't have helped none,
07 putting more carriage rollers on it.

08 I mean, it had ---.

09 Q. I mean, making the storage
10 unit longer is what I was referring
11 to, where you added rails and, you
12 know, made the whole thing longer,
13 where it would hold more belt.

14 A. That wouldn't have been
15 feasible. That would have been a lot
16 more work than just putting a new one
17 in.

18 Q. Okay. That belt that was new
19 to the Nine headgate, do you think it
20 was a proper --- was it a different
21 thickness than the other belts?

22 A. It went from five-eighths to
23 fifteen-sixteenths.

24 Q. So it was a lot thicker belt?

25 A. Well, it was between

69

01 fifteen-sixteenths --- some of the
02 belts, fifteen-sixteenths, some of
03 the belts thirteen-sixteenths. But
04 the other belt was five-eighths, the
05 rest of the belt, six-foot belt.

06 Q. And this is the first take-up
07 that you had as many problems with
08 you think as far as the installation,
09 as far as that particular type of
10 take-up?

11 A. Oh, yes. Since I've worked
12 there, I've had a lot more problems
13 out of it. But it ran different. It
14 was pulling uphill. It was just a
15 --- the rest of them didn't pull
16 uphill. The ones that I worked on
17 were just pretty much straight.

18 Q. In your estimation, do you
19 think that incline of that belt was
20 --- that take-up unit was --- was it
21 the incline that was the major
22 portion of the problem, or do you
23 think that the different belt and the
24 thicker belt was the problem? Or
25 could you speculate?

70

01 A. If I was to speculate, I'd say
02 it would probably have been both. I
03 wouldn't --- I didn't really
04 understand why you would have a belt
05 on such an incline that you never had
06 that, you know --- that you had never
07 done before have one in such an
08 incline like that, and then put a
09 belt in that was a lot thicker and a
10 lot heavier. I mean, this was like
11 ply belt. But I wouldn't know
12 whether it was that or not. I
13 wouldn't --- it couldn't have helped
14 none.

15 Q. Going back to this haze you
16 saw back there, was there ever haze
17 up there and you couldn't find any
18 problem, you'd just see some haze or
19 smoke up there and you didn't have
20 anything to attribute it to?

21 A. Well, it'd always come up that
22 way, you know. It could have been a
23 roller that was --- bearings got hot
24 on a bottom roller on down the line.
25 We'd always go and find out what was

71

01 wrong with it because that was ---
02 that was us. You know, that was ---
03 our first priority was to make sure

04 that that belt was good to go the
05 next morning, so no matter what it
06 was, we'd use --- I can't remember a
07 time that we didn't find out or we
08 thought we found out.

09 Q. So every time there was a haze
10 there was a reason for it?

11 A. We'd find something and we'd
12 attribute it to that.

13 Q. Right. You were there before
14 the accident on midnight shift.
15 Could day shift in the limited amount
16 before the accident that the longwall
17 run on the evening shift, do you
18 think that there was enough --- could
19 they have mined enough to fill that
20 belt storage unit full by the time
21 the accident occurred, to where it
22 would cause the extra slippage?

23 A. No. It only --- about three,
24 four feet a day would have been
25 possible.

72

01 Q. Do you ever recall any
02 carriages being chained together?

03 A. Chained together?

04 Q. Yes.

05 A. No, they were never chained

06 together.

07 Q. Not chained together?

08 A. They were chained to like a

09 set of them arms, the arms that would

10 come up. They wasn't really chained

11 together. They were placed on each

12 side, where you'd have a chain on

13 this side and a chain on this side

14 that would be hooked to that arm, and

15 the chains would be the same length

16 apart. And that would --- that would

17 keep it there. Because what it was,

18 was we didn't have --- there was

19 special bolts, fine-thread bolts that

20 we were supposed to have that they

21 would never get for us, and they ---

22 what it was, they would go into the

23 bottom of the carriage roller for a

24 break. And the only way we could

25 keep them in line --- a couple of

73

01 them would stay, but there was a

02 couple that we would have to --- that

03 we would put a chain on each side of

04 it. But we never did chain two

05 together.

06 Q. So you put the chains on the

07 stationary drop-off arms to hold the

08 carriage roller in place?

09 A. Because if we didn't, it would
10 just go plum to the back, and it
11 would ---.

12 Q. Those bolts you were
13 mentioning, were they ever installed?

14 A. Yeah. I installed them about
15 a week and a half before it happened.

16 Q. Before it happened. How did
17 they hold up or how did they work?

18 A. They were keeping them where
19 they were --- where we needed to drop
20 them off. They would keep them where
21 they were at, but it still didn't ---
22 you know, it helped us out a little
23 bit as far as the chains, but it
24 didn't help us out as far as them
25 dropping off where they were supposed

74

01 to be because they weren't in the
02 right ---.

03 Q. They weren't going to drop off
04 right?

05 A. No.

06 Q. Okay.

07 A. But the chains weren't on the
08 rollers --- they might have been on
09 an arm just there, but it wouldn't
10 have been in --- they wasn't together

11 when that happened. But they were
12 probably still hanging on an arm or
13 something just hanging down on the
14 ground.

15 Q. Just hanging there. Okay.

16 Did those chains ever cause a
17 problem? Did anyone ever forget to
18 take the chains loose when you
19 followed the take-up unit back up and
20 you were taking belt out? Did you
21 ever mess any arms up or anything, to
22 your knowledge?

23 A. After we messed them arms up
24 the first time, when we first done
25 it, we always went back there and

75

01 took the rest of the arms out. And
02 we'd --- I mean, it was just
03 mandatory. Because after the first
04 time we robbed the storage unit, and
05 we bent them arms the first time,
06 bent like --- I think we bent like
07 three of them because of the steps
08 down, but we'd always go back there
09 and take the rest of them out, except
10 for the first two, which it didn't
11 have no effect on them.

12 Q. So when a roller come to the
13 area it was to drop off --- let me

14 see if I've got a clear picture.
15 When the roller came to drop off,
16 when it was time for the carriage
17 roller to drop off, there was nothing
18 there, at least in part of the areas,
19 if not most of the areas, there was
20 nothing there to cause it to drop
21 off; is that correct?

22 A. No, there's nothing.

23 Q. Okay. Then at what point in
24 time did a person on day shift or
25 evening shift or did you on midnight

76

01 shift --- who was the person
02 responsible that --- at some point in
03 time someone dropped those rollers
04 off and chained them in the
05 appropriate position; is that
06 correct?

07 A. That would be me.

08 Q. And that was you. Do you know
09 of any other time when anyone else
10 did it? What happened if you were
11 off or you weren't there?

12 A. Well, Dave Runyon. When I say
13 me, I should say me and Dave.

14 Q. So one of yous did it. Or if
15 you weren't there or he wasn't there,

16 usually one was there most of the
17 time; correct?

18 A. One of us was always there,
19 even on our days off. I'd take a
20 different day than he would. There
21 always was one of us there at all
22 times.

23 Q. Okay.

24 A. That was the main difference.
25 Me and Dave would always be there

77

01 seven days a week, and the rest of
02 the first and second shift wouldn't.
03 They would be subbed in and out
04 constantly.

05 Q. I think you may have answered
06 this question, but let me make sure
07 to clarify it so we know. Like the
08 third and sixth carriage rollers that
09 were in the wrong place, were they
10 ever corrected or was it still that
11 way on the day of the fire?

12 A. No, they were never corrected.

13 Q. And that basically created the
14 problems where the rollers wouldn't
15 drop off; is that correct?

16 A. Yeah. They couldn't drop off.

17 Q. And also could cause them to
18 cock; is that correct?

19 A. Yeah. Yeah, that could cause
20 them to cock.

21 Q. How fast could the --- when
22 the --- I guess when the belt started
23 rubbing, how fast a lot of times
24 would this belt start rubbing to
25 where it really it really gets

78

01 rubbing, where it would cause a lot
02 of smoke good?

03 A. How fast?

04 Q. Yeah. I mean, was it
05 something that happened just
06 instantly or did this belt rub for a
07 period of time and just get worse and
08 worse, you know?

09 A. I'd come up there and it would
10 be rubbing --- nobody would be
11 around. I mean, I couldn't really
12 speculate on how long.

13 Q. Were you ever there when
14 everything was fine ---

15 A. And then it started going
16 over?

17 Q. --- and it would start going
18 over and ---?

19 A. It'd --- I mean, it wouldn't
20 take very long because your belt is

21 five foot. And where it would rub at
22 mostly was probably six foot, which
23 you know, you'd only have six inches
24 of rotation. It wouldn't take very
25 long for it to come over. It

79

01 wouldn't have very far to come.

02 Q. Did you have any problems,
03 when you chained those rollers to the
04 arms, getting those chains the exact
05 length to keep that roller from being
06 cocked?

07 A. No, not really, because we
08 used the same chains and same bolts,
09 and the arms were ---

10 Q. Exactly the same.

11 A. --- identically straight. You
12 know, they would --- yeah, they were
13 --- you had pieces that was welded
14 up, and then you had your arms.

15 Q. Right.

16 A. We'd put them to the pieces
17 that were welded up, which were
18 equal, you know. If they weren't
19 welded up the same, then if the arms
20 were right, it would be off when
21 they'd catch the drop-off roller. So
22 I wouldn't --- even if it was off an
23 eighth of an inch, it wouldn't be

24 bad, you know. Usually if --- the
25 only way they'd mess up is if there'd

80

01 be two or three inches. You know, it
02 would be, you know, cocked. But we'd
03 always use the same --- we'd have a
04 half-inch bolt and we'd have a
05 six-foot chain. I mean, I don't ---
06 you know, you really couldn't be off
07 very much.

08 Q. Be off that much, okay. Did
09 you ever have an instance where you
10 come in where the chains had, for
11 some reason, stretched or where there
12 was enough pressure on those chains
13 that it stretched the chains enough
14 to cause the roller to cock?

15 A. No. A lot of time --- the
16 ones we would do would usually be in
17 the middle. I mean, that was where
18 you --- your belt would sag, would be
19 in the middle. The ones in the
20 middle didn't really have no --- a
21 lot of weight on them anyway if we
22 done it right, if we got them to
23 drop-off when we could, you know,
24 when we were supposed to. So they
25 couldn't stretch. I mean, you could

01 have took the chains off --- you
02 could have took the chains off and
03 pulled them yourself. You could pull
04 them back and forth if the brake
05 wasn't on them. And when we used the
06 chains, the brakes wasn't on. We
07 didn't use chains when the brake ---
08 when we got the bolts in.

09 Q. When this belt went
10 misaligned, you know, like it started
11 rubbing, started creating some smoke
12 and stuff, how long do you think it
13 would take to like --- say you had an
14 accumulation of grease under there.
15 Did you ever see it or do you have
16 any idea like how long do you think
17 it would have to rub before it would
18 start something on fire, where you'd
19 get enough heat there to --- you
20 know, would it be like ten minutes?
21 Would it be an hour or 30 minutes?
22 Do you have any idea?

23 A. It would have to be 30 minutes
24 to an hour. I'd say closer to an
25 hour.

01 Q. So it would have to be rubbing
02 for a while. Have you had any direct

03 experience with that? Have you seen
04 any --- where it would rub enough
05 where it would blaze up on you? Did
06 you ever have it blaze up on you when
07 you were there?

08 A. That roller or a roller?

09 Q. A roller.

10 A. Yeah, I've seen a roller blaze
11 up caught on a belt, but ---.

12 Q. Was this on this particular
13 installation?

14 A. No.

15 Q. On a previous installation?

16 A. It wasn't on a mother drive.

17 Q. It wasn't on a mother drive?

18 A. No.

19 Q. Where was that located at?

20 A. That was when I worked for
21 Classic. I can't even remember.

22 Q. It was a different coal mine
23 then?

24 A. Yeah, it was.

25 Q. It was just something in your

83

01 experience. Okay.

02 MR. STAHLHUT:

03 Let's take a break here

04 for a minute.

05 SHORT BREAK TAKEN

06 BY MR. STAHLHUT:

07 Q. We'll start again here.

08 Backing up here, let me ask you

09 another question. You said you

10 examined or you traveled that whole

11 belt in the Nine headgate; is that

12 correct?

13 A. Yeah. I knew every bit of it,

14 and me and Dave Runyon would walk out

15 every morning and go over to that

16 belt.

17 Q. Would you say that --- was

18 there several rollers inby the drive

19 area that were defective?

20 A. Inby, toward the longwall?

21 Q. Toward the longwall.

22 A. Yeah, there were some rollers

23 down.

24 Q. Would you guess how many were

25 down?

84

01 A. Ten.

02 Q. At least ten? When you found

03 a --- let's say a bottom roller bad

04 when you went down through there, how

05 did you handle that?

06 A. We would try to find a roller.

07 We'd either take it down --- most of

08 the time we took it down.

09 Q. Took it down. Did you take it
10 down on one side or both sides?

11 A. We'd always drop it on both
12 sides, which I couldn't --- I
13 couldn't speak for the other two
14 shifts because they'd also drop a
15 roller.

16 Q. Is it a common practice or did
17 you see a lot of them just dropped on
18 one side?

19 A. I'd see them dropped off on
20 one side, but I wouldn't know whether
21 they dropped it or the vibration
22 kicked it off because it was a J
23 bracket. I couldn't ---.

24 Q. When you dropped a roller off
25 and the belt was running, did you

85

01 turn the belt off?

02 A. I never --- by the time we'd
03 get down that far, the belt would be
04 off.

05 Q. When the belt was running and
06 if you found one --- or was it a
07 practice of the mine, was the belt
08 de-energized or turned off, or
09 de-energized when you went to do

10 that, to take a belt roller off?
11 A. Yeah, the belt was turned off.
12 I mean, I don't know if it was ---
13 usually it wasn't --- it probably
14 wasn't de-energized. We'd --- the
15 remote switches down the line. You'd
16 kick the remote switch and take, you
17 know, --- drop it, which usually
18 before we'd even go, Dave would get
19 on one side and I'd get on the other
20 side and we'd walk --- you could walk
21 that entire belt line on each side.
22 Q. And I know you weren't there,
23 but if there was just one person
24 there and you found a bad roller,
25 would it be common just to drop it

86

01 down on one side say if you had a bad
02 bearing in it or the roller was froze
03 up and you knew it was sliding ---
04 A. If I was there by myself?
05 Q. --- and if you was there by
06 yourself?
07 A. Well, if I was there by myself
08 and I seen that it needed dropped and
09 I did drop it down on one side, I'd
10 always make it a practice to look and
11 see if the other side was touching or
12 not. If the other side was touching,

13 then I wouldn't --- I'd make sure I
14 dropped both sides. But if the other
15 side was up and, you know, if it was
16 dropped down far enough to where the
17 belt wouldn't touch it, you know, I
18 would probably drop one side.

19 Q. Did people complain if you
20 shut the belt off to take a roller
21 out? Or did you ever have management
22 complain to you, well, why did you
23 shut it off to do that?

24 A. Yeah, you'd get complaints
25 about them, I mean. You know, you

87

01 didn't want to turn the belts off
02 unless it was absolutely necessary.

03 Q. Do you recall shutting that
04 longwall belt off when it was running
05 when there was a hazardous condition
06 and you shut the belt off to correct
07 the condition?

08 A. Uh-uh (no).

09 Q. If you had a hazardous
10 condition, you know, a belt is
11 rubbing real hard, you couldn't get
12 it over right away or you had a bad
13 roller or a bearing or something like
14 that, would you shut it off?

15 A. If I had a bad bearing, about
16 ready to go out maybe, was real hot,
17 ---

18 Q. Something like that.

19 A. --- I'd call.

20 Q. You'd call first? You
21 wouldn't ---?

22 A. I'd want Tom Adkins to tell me
23 to shut it off. I mean, I'd just
24 --- I don't know. I was always
25 taught to cover myself. I wouldn't

88

01 ---.

02 Q. If that condition occurred and
03 normally --- depending on where
04 you're at, if you was quite a ways
05 away from the phone, would you still
06 go ahead and go ahead and call ---?

07 A. If it was something that I
08 knew was going to affect something
09 badly, yeah, I'd shut it down.

10 Q. But normally you'd call and
11 get permission to do it; is that
12 correct?

13 A. Yeah. I'd always --- I always
14 let somebody tell me what to do in
15 that circumstance.

16 Q. And I think I've asked you
17 this before, but had you notified

18 management and/or your boss of some
19 of these conditions, where things
20 were not in good condition, that were
21 causing problems?

22 A. It was always told --- I mean,
23 he'd come and see us maybe three,
24 four o'clock in the morning, see how
25 everything was going. And then we'd

89

01 tell him what was going on. He was
02 always --- I always liked to make
03 myself --- I don't know, give me a
04 lighter conscience if you will, if
05 you just let somebody else know.

06 Q. Just like when you told him
07 these two carriage rollers, the third
08 and the sixth one, were improperly
09 installed and other things you
10 mentioned, what did they tell you
11 when you told them things like that?
12 Was any action taken or ---?

13 A. No.

14 Q. Like the person you told who
15 was normally your boss, does he make
16 the examinations on the mother drive
17 belt?

18 A. What do you mean by that?

19 Q. Did he like do the pre-shift

20 examination for the mother drive

21 belt?

22 A. Who, Tom Adkins?

23 Q. Yes.

24 A. He fire bossed them.

25 Q. He fire bossed them?

90

01 A. Uh-huh (yes).

02 Q. So he was aware of these

03 conditions when he made examinations

04 on these belts; is that correct?

05 A. He should have. I mean, he

06 walked them. I mean, it was ---

07 Q. Right.

08 A. --- self-evident.

09 Q. When you were doing work on a

10 belt line --- I'm going to change

11 gears a little bit here, at least for

12 this question. The two-inch

13 waterline was run along the belt,

14 come down on the belt side. Are you

15 familiar with the waterline? And

16 it's got fire valves along that belt.

17 Were you ever involved --- who took

18 that extra two-inch line out?

19 A. Who took it apart?

20 Q. Who took it apart when the

21 longwall mined up to it and removed

22 it; do you know?

23 A. On the longwall end?

24 Q. Yes.

25 A. No, I wouldn't know who took

91

01 it apart.

02 Q. You wasn't responsible to do

03 that then?

04 A. I took it apart once on the
05 head end, but I put it back together.

06 Q. What did you take it apart for
07 up there?

08 A. I got a call from the longwall
09 and they asked me to take it apart
10 for --- I think they needed ---
11 needed to move it maybe, move it out
12 of the way. They needed to go
13 through there for something. They
14 didn't want it to bust, so I was to
15 shut the water off on the top end,
16 uncouple it. That way, when they
17 moved it, if they did break it, it
18 wouldn't have a lot of water, a lot
19 of pressure on it, and they'd just
20 put it back together. And then I got
21 the call to put it back together, and
22 I stuck it back together.

23 Q. Approximately what time frame

24 did that occur?

25 A. Date or time? I mean, I ---.

92

01 Q. Date. You know, was it ---?

02 A. Well, I know it happened at
03 the beginning of the shift, so it
04 happened about 12:30, one o'clock.

05 That was maybe two and a half, three
06 weeks.

07 Q. Prior to the accident?

08 A. That line wasn't there that
09 long.

10 Q. The two-inch line that run
11 along the belt?

12 A. That yellow one?

13 Q. Yes.

14 A. No.

15 Q. When was that installed?

16 A. About four weeks.

17 Q. And was there a line there
18 prior to that?

19 A. Just had --- where the
20 two-inch was?

21 Q. Yes.

22 A. No.

23 Q. And that belt --- let me make
24 sure we're on the same belt here.

25 A. The yellow line?

93

01 Q. That's the two-inch line that

02 had your fire valves on it?

03 A. The yellow waterline?

04 Q. The yellow waterline with the

05 two-inch fire valves on it that went

06 alongside the longwall belt all the

07 way down to somewhere close to the

08 longwall storage unit area.

09 A. Hooked up to the six-inch

10 waterline that was traveling to Seven

11 head?

12 Q. Right.

13 A. It wasn't there.

14 Q. It wasn't there?

15 A. No.

16 Q. Where was the fire protection

17 along that belt prior to that point

18 in time? Was there fire valves over

19 --- I mean, I guess what I'm trying

20 to say is, the longwall was in there

21 farther than 300 feet. It was

22 probably several hundred feet in

23 there; is that right?

24 A. Yeah.

25 Q. And that waterline --- there

01 was no waterline running down that

02 belt until four weeks prior; is that

03 correct?

04 A. If that long.

05 Q. If that long. Who give the
06 orders --- do you have any idea who
07 put that waterline in?

08 A. Who put it in?

09 Q. Yes.

10 A. I would assume Jerome, Jerome
11 Roberts. I mean, I wouldn't know for
12 sure, but he's the one that does it.
13 He's the pump man. He's the one
14 that's involved in all that.

15 Q. Okay. Was that installed due
16 to the --- there was a heating
17 condition out there on that mother
18 drive belt around the end of ---
19 right before Christmas? Was that
20 installed as a result of that, you
21 think, or do you have any idea?

22 A. Can you repeat the question?

23 Q. There was an incident occurred
24 out there where we had --- I think
25 there was an alarm and something was

95

01 heating out there on that mother
02 drive belt somewhere around the 23rd
03 of December, in that neighborhood.
04 Would that line have been installed
05 at that point in time, because that
06 condition occurred?

07 A. Because of that condition? I
08 wouldn't know if I can tell you that
09 or not. I know it was put in there
10 around that --- probably around that
11 same time, yeah. It was in there ---
12 it was put in right directly after
13 that.

14 Q. Backing up to when they had
15 you disconnect the belt --- I mean,
16 the two-inch waterline because they
17 were going to go through something
18 down there, who called out and told
19 you to take it apart? Was it someone
20 on the longwall? Was it the ---

21 A. Yes.

22 Q. --- mine foreman? Or do you
23 remember who called out and asked you
24 to do it?

25 A. I'll just let that no comment.

96

01 Q. Okay. Was the --- let me back
02 up a minute here. I lost my train of
03 thought. Was that at the --- when
04 that waterline was added --- I'm
05 changing again on you here. When
06 that waterline was running down that
07 belt line, was that approximately the
08 same time that they extended the head

09 roller coverage for the fire
10 suppression system? Was that all in
11 that same time frame there, do you
12 think, or not?

13 A. That was --- fire suppression
14 was done before.

15 Q. Fire suppression was done
16 before.

17 A. About a week difference, maybe
18 two.

19 Q. When you took that line apart,
20 how long did they run? Did you say
21 --- I don't remember. Maybe I lost
22 track here, but when you took the
23 line apart, were they running the
24 belt at that time?

25 A. No.

97

01 Q. And when did the belt start
02 up? Did it start up before you put
03 the line back together or after you
04 put the line back together?

05 A. I put the line back together
06 first.

07 Q. First, okay.

08 A. I think there were --- it was
09 --- I'm pretty sure it was just
10 laying down on the ground in a
11 certain part. And I think they

12 needed to take a scoop through there
13 and the line was probably kind of
14 tight, and they just ---.

15 Q. When you shut off that
16 two-inch waterline, what valve was
17 used to shut that waterline off?

18 A. That two-inch?

19 Q. Yes.

20 A. The T that come out of the
21 six-inch waterline that run to Seven
22 head. There was a shutoff valve
23 right there where the two-inch comes
24 through.

25 Q. Okay. And did you turn it

98

01 back on when you were done?

02 A. Yeah.

03 Q. I guess backing up to the 19th
04 or the last shift you worked prior to
05 the fire, while you were up there on
06 that night on midnight shift, did you
07 happen to look at that valve to see
08 if it was on or off on that
09 particular night?

10 A. I've turned it on a few times.

11 Q. Was it on that night? Or do
12 you recall that you checked it to see
13 if it was on that night?

14 A. No.

15 Q. You didn't check or ---?

16 A. Never --- I can't remember.

17 Q. Sure. That's fine.

18 A. More than likely, I walked by

19 and I probably looked down at it.

20 But I couldn't be for sure.

21 Q. When you found it turned off

22 at times, why would you suspect that

23 line would be turned off?

24 A. Movement on the other end of

25 the line would be my only estimation.

99

01 It was --- I'm not sure how it was

02 run on the other end. I mean, it was

03 --- when it was put in, I didn't go

04 down to the longwall very much. I'd

05 assume it was hooked up to the six-

06 inch on the other end, but I wouldn't

07 be for sure. I'd say it was ---

08 they'd moved the waterline there ---

09 down there.

10 Q. So you wouldn't have any idea

11 who would have had somebody turn it

12 off up there or who would be calling

13 out to tell --- even if it was one of

14 the other beltmen or something?

15 A. It would have been a beltman

16 of some sort because they wouldn't

17 come up there just for that. They
18 would call.

19 Q. And then do you have any idea
20 who would have been taking that
21 waterline out down there? Would
22 there have been a longwall crew, or
23 was that done on midnight shift
24 or ---?

25 A. On the longwall crew? Yeah,

100

01 it would have been on --- they got
02 their own third shift longwall crew.

03 Q. Would it have been the third
04 shift crew that might have done that?

05 A. Yeah.

06 Q. When this fire occurred, could
07 there have been something that would
08 have --- I guess what have you heard
09 about when this fire occurred first?

10 Let me ask it this way.

11 A. What have I heard?

12 Q. About what happened at the
13 longwall take-up.

14 A. I heard a bearing caught on
15 fire or ignited and the belt --- I
16 heard the belt line caught on fire.
17 And that's what --- that's about the
18 only thing I heard, it was caused by

19 --- that's what I heard, it was the
20 belt caught the bearing on fire. I
21 mean, I don't ---.

22 Q. The belt caught a bearing on
23 fire? Friction from the belt caught
24 the ---

25 A. That's what I assume.

101

01 Q. --- bearing on fire? Is that
02 what ---?

03 A. Just the ignition point of the
04 grease getting so hot and
05 ---.

06 Q. In your knowledge, inasmuch as
07 you've worked up there on that, would
08 a belt rubbing --- which bearing ---
09 did you hear any specific bearing? I
10 guess first, let me ask that
11 question. A belt rubbing on a
12 bearing, would that be something that
13 would be a normal occurrence, do you
14 think, where you'd have enough
15 friction on a bearing housing that it
16 would ignite the grease?

17 A. If it was hitting the arm
18 enough, I'm sure --- it'd have to get
19 hot. I mean, that's what I was
20 talking about earlier about the belt
21 getting over, it was getting over

22 into the burn.

23 Q. And would that happen fairly
24 quick or would it take a long period
25 of time to occur?

102

01 A. What, to heat it up?

02 Q. To heat it up to that
03 temperature where it would ignite
04 grease?

05 A. It would have to take at least
06 --- it would have to take a while,
07 probably about an hour.

08 Q. So this couldn't happen --- I
09 would be unlikely to happen in five
10 or ten minutes; is that correct?

11 A. No, it wouldn't happen that
12 quick. It couldn't.

13 Q. An extended period of time?

14 A. No, because, like I said, your
15 belt line's got one-inch rubber on
16 each side. And it's going to get hot
17 just because of the rubber, but yet
18 you're not --- it's flimsy on the
19 ends, so it's going to bend down a
20 little bit more and it's not going to
21 be getting into it as hard, which
22 ain't going to cause as much heat.

23 So it would have to take longer than

24 what it would on a normal belt line.

25 Q. What if that one-inch rubber

103

01 is already gone from alongside that

02 belt?

03 A. It would --- I don't know,

04 because you had --- you had some ---

05 like I said, it was brand-new belt.

06 There was some that had --- it had

07 places taken out of it. But I don't

08 --- it wouldn't have had enough ---

09 it would have been such a drop, you

10 know what I mean, because there

11 wasn't enough of it to just run a

12 steady line against the bearing.

13 Q. This friction --- and like you

14 said, for it be rubbing a bearing,

15 and say it took a period of time to

16 get hot enough to ignite, would that

17 create a smell for quite a period of

18 time before? If you were in the

19 area, would it be easily detectable

20 long before it got to the point where

21 it would flame up; do you think?

22 A. The belt would smoke.

23 Q. Right. Would you be able to

24 tell the belt was smoking?

25 A. Yeah. I mean, you could look

104

01 down there and you could see it for a
02 long way that the whole side was lit
03 up from there plum to the head.

04 Q. If this friction caught the
05 belt on fire and say it did flame up,
06 would there be something there that
07 would cause it to scatter that fire
08 down along the rib or anything to
09 where it would scatter that area of
10 fire for a longer distance?

11 A. What, like flammable materials
12 on the ground?

13 Q. On the ground or rubbing the
14 structure where you carry it on down
15 to another --- whatever. I don't
16 know. I'm asking.

17 A. I thought about it, and the
18 only thing that I could come up with
19 is it got hot --- the grease got hot
20 and it got on the belt and trapped
21 the belt, got slung off during ---
22 going through all the stationary
23 rollers. Because there was a bunch
24 of stationary rollers. And if it
25 does get hot, it --- grease is ---

105

01 you know, you probably know it's real
02 soupy after it gets hot and it's

03 flammable. And I'd say it just got
04 on the belt and as it went through
05 it'd catch a roller and it'd go down
06 the roller and it'd just spit. I
07 figure that's why.

08 Q. Was it a common occurrence to
09 have a lot of accumulations under
10 that take-up in the belt drive area?

11 A. In the belt drive?

12 Q. Yeah.

13 A. Yeah, there was --- there was
14 some --- there was a carry-back
15 underneath the head drive.

16 Q. On the last night you were
17 there, was --- did you happen to look
18 under the drive in the storage unit?
19 Was there a lot of buildup under that
20 at that point in time?

21 A. Yes.

22 Q. Was it at the point where it
23 was rubbing the belt head or close to
24 the belt or, you know, what did you
25 see?

106

01 A. It was --- there was a
02 hold-up roller --- hold-up roller. I
03 can't remember. There's two rollers.
04 You got one right here and one right
05 here toward the head. This one is a

06 hold-down roller. On the hold-down
07 roller, it was --- there was a lot
08 that was touching the hold-down
09 roller.

10 Q. Who was running the hold-down
11 roller? How deep would that
12 accumulation have been?

13 A. Three feet.

14 Q. Three-feet deep. How long an
15 area would that have been where the
16 accumulations --- going from each
17 direction from that roller where it
18 was rubbing in those ---?

19 A. How much was in there?

20 Q. Yeah. You know, how long a
21 distance did it extend up and down
22 the belt line?

23 A. Well, it was confined. It was
24 --- there was a piece of metal in the
25 back of it. Because I'm talking

107

01 about the head drive itself.

02 Q. Right.

03 A. There was a piece in the back
04 of it --- I mean, in front of it, ---

05 Q. Okay.

06 A. --- so it was probably another
07 four feet this way.

08 Q. Confined in that area?

09 A. Yeah.

10 Q. Did you observe anything in
11 the take-up and under the take-up
12 rails and in that area?

13 A. Yeah, there was some. I mean,
14 it wasn't terribly bad, but yeah,
15 there was some in there.

16 Q. Was there piles of grease
17 present around those bearings and
18 stuff where they've been greased a
19 lot in that area, that you saw on
20 that particular --- the last night
21 you were there?

22 A. I wouldn't say piles. There
23 was, you know, with any --- you know,
24 any bearing block, of course, is
25 going to escape from behind it.

108

01 There was --- you know, there was
02 some, but it wasn't nothing I hadn't
03 seen before.

04 Q. Right. But was it like ---
05 you know, did you have a pile an inch
06 deep or three inches deep or six
07 inches deep? You know what I mean?
08 Do you have any recollection of what
09 you saw there, how much grease was in
10 that pile?

11 A. There was little puddles on
12 the back of them, you know, just
13 maybe an inch deep. It wasn't ---.

14 Q. An inch deep or something like
15 that. Okay.

16 A. But it was not very big. It
17 wasn't --- I don't think it was
18 anything to worry about.

19 Q. How many rollers are in that
20 drop-off carriage? How many drop-off
21 carriage rollers --- or carriage
22 rollers. I'm used to calling them
23 drop-off rollers. You have to
24 forgive me.

25 A. In each carriage?

109

01 Q. No. Each carriage --- each
02 section, each carriage roller, each
03 section that drops off, how many
04 drop-off sections were in that
05 carriage up there; do you remember?

06 A. There were --- I think there
07 were six, and there were three
08 rollers in each one.

09 Q. On the previous panel, seeing
10 back, were there more rollers in each
11 one of those drop-off carriages than
12 there were installed on this

13 installation where you worked on like
14 Seven, Eight headgate?
15 A. I can't really remember. I
16 always --- I remember when I first
17 went up there to that head it was
18 always --- it looked a little
19 different then because I thought
20 there were four. I'm not positive.
21 I couldn't think of any way that ---
22 I always thought that there were four
23 of them, but you know, I've been
24 wrong before.
25 Q. Looking back, remembering the

110

01 Nine headgate and that belt take-up
02 there, was that belt --- did that
03 belt enter into that take-up storage
04 unit the same direction that it did
05 like on the Seven, Eight and Nine
06 headgate? Was it --- did it enter
07 --- was it laced different through
08 that take-up than it was in those
09 other take-ups?
10 A. One of them was --- it entered
11 the head drive different. We had
12 extra stationary roller on the head
13 drive piece that wasn't there on the
14 other ones. When it went through and
15 come through two to go into the

16 storage unit, it was different.
17 Q. This is on the Ninth headgate
18 it was that way?
19 A. Yeah.
20 Q. There was an additional
21 roller?
22 A. In the head drive.
23 Q. Okay. In the head drive.
24 A. Yeah. But I think that the
25 --- that the storage unit's the same.

111

01 But it went in different because of
02 that extra roller on the head drive.
03 Q. I thought I understood. Back
04 up and let me get a clearer picture
05 here. On the head drive, you're
06 talking about at the head drive
07 roller, where it dumps into the rock
08 box; is that ---?
09 A. Yeah. As it goes over the
10 head, it comes through, ---
11 Q. Right.
12 A. --- there's a hold-down
13 roller. And then when it goes
14 through the hold-down roller, it
15 comes back this way, and then you
16 have a stationary roller. When it
17 went through the stationary roller,

18 you had a hold-down roller and you
19 had a hold-up roller that it went
20 through. And then when it went
21 through them, it come back up to your
22 bottom belt and went out.

23 Q. What are the purposes of those
24 hold-down rollers? Do you have any
25 idea?

112

01 A. I believe just to keep them
02 from hitting the other belt, just ---
03 I mean, hitting, connecting together,
04 where it was on such a tight angle
05 coming up.

06 Q. Was there a lot of water and
07 stuff that those hold-down rollers
08 --- was there a lot of accumulations
09 and feedback and water that was
10 forced over ---

11 A. That's where ---.

12 Q. --- that belt from that?

13 A. That's where I was talking
14 about where the coal was --- where
15 you asked me, was there any
16 carry-back, ---

17 Q. Okay.

18 A. --- that's where the
19 carry-back was.

20 Q. That was where the carry-back

21 --- okay. I didn't get a clear
22 picture of that. Was there a scraper
23 up there at that --- at the head
24 roller?

25 A. Yeah. There was a heavy-duty

113

01 primary, medium-duty primary and
02 three secondaries. There was five of
03 them.

04 Q. There was five of them there?

05 A. But they were --- then they
06 changed when this happened.

07 Q. Okay. That was going to be my
08 next question. What did you observe
09 before this happened? So the
10 scrapers weren't effectively rubbing
11 --- or weren't against the belt where
12 they were taking the fines and the
13 water and whatever was on that belt
14 off; is that correct?

15 A. Yeah, they were --- what is a
16 longwall belt and the water --- the
17 water reaches that urethane and coal
18 or anything. And it's just been a
19 while and they hadn't had nobody up
20 there to change the springs out ---

21 Q. Change them out.

22 A. --- so they weren't catching

23 the belt very well.

24 Q. Were you aware of a --- was
25 there a water or a mudhole on that

114

01 travelway that went through ---

02 A. Yeah.

03 Q. --- behind the --- between the
04 take-up and the drive, I guess is
05 what I'm trying to say there.

06 A. It was on the outby side of it
07 just a little bit, maybe three or
08 four feet back to your second set of
09 double doors coming from outby to
10 inby.

11 Q. Would you attribute that water
12 to the scrapers at the head roller
13 just taking it off the belt, or did
14 that water come from somewhere else?
15 Do you have any idea?

16 A. That water came from water
17 being run on Seven belt and some of
18 it being from the mother drive.

19 Q. From some from the mother.
20 The run being run on Seven belt, how
21 did they run that water onto Seven
22 belt? It was for wetting purposes,
23 I'm assuming?

24 A. Yeah. They have a beltman
25 just leave water running on it, just

01 they'd hook up a water hose and start
02 water on it.

03 Q. What kind of water hose ---
04 did you observe the water hose?

05 A. Hydraulic black hose.

06 Q. Did you ever see the fire
07 valves used and a fire hose cut off
08 and used to supply water to the belt,
09 like to wet the belt?

10 A. On Six belt.

11 Q. On the Six belt you did?

12 Okay. A. No, Five belt. Sorry.

13 Q. Was there a head roller spray
14 --- was there sprays in the rock box,
15 head roller sprays, to knock the dust
16 down when that belt transferred from
17 the longwall belt onto the Six belt
18 in that rock box area? There was no
19 sprays on ---?

20 A. From the mother drive going
21 into --- onto Seven?

22 Q. Onto Seven, up around that
23 head roller.

24 A. No. There was so much ---
25 there was so much water coming from,

01 I guess, the shearer. I mean, it was

02 ---.

03 Q. There wasn't any head roller
04 spray there?

05 A. No. It was pretty wet
06 already. That longwall had a lot of
07 water coming off the belt line.

08 Q. It always had a lot of water,
09 even when they were loading hard?

10 A. Not as much.

11 Q. Okay.

12 A. But there was still water
13 coming off of it.

14 Q. You had mentioned previously
15 --- this is going back a little ways
16 now, that these rollers --- you
17 mentioned the rollers are not the
18 right size. Was this the diameter of
19 the roller, too, or ---?

20 A. The carriage rollers?

21 Q. Yes.

22 A. No, it wasn't the diameter.
23 It was the height.

24 Q. The height, okay.

25 A. It was ---.

117

01 Q. And that was in the drop-off
02 roller --- or the carriage rollers,
03 that I'm referring to as a drop-off
04 roller, one in the same, ---

05 A. Yes.

06 Q. That was where they were at?

07 Was the diameter of those rollers in
08 those carriages, were they changed at
09 some point in time to a bigger
10 diameter roller? Do you remember
11 that?

12 A. Roller in the --- drop-off
13 rollers?

14 Q. Each one of them in the
15 drop-off rollers, the three or four,
16 whatever was there, were they changed
17 to a different diameter?

18 A. No. They were just a take-up
19 --- like a regular take-up roller,
20 just a red metal --- didn't have no
21 plastic on them. Just a regular
22 roller.

23 Q. Okay. When the misalignment
24 --- did you ever see misalignment
25 where any of these drop-off rollers -

118

01 -- was the belt rubbing the side of
02 the drop-off rollers or was it
03 usually in another area?

04 A. Yeah, it come over into it.
05 You had a lip that come up so far, up
06 above your roller, just to keep the

07 roller in. It'd rub on those
08 sometimes.

09 Q. Did it rub enough to cut them
10 in two or to damage them any?

11 A. There was one that was cut
12 pretty good, but it --- yeah, there
13 was one because it had a roller that
14 popped out a couple times. And I had
15 to get a bolt to put in. The roller
16 popped out.

17 Q. What was causing it to rub
18 then? Was the roller being cocked or
19 was there something else?

20 A. Just some rollers cocked where
21 they were --- what it is, if you
22 ain't got that --- them brakes on it,
23 them arms where they're supposed to
24 be, you got --- they're all pushed
25 together. And if like say I wasn't

119

01 able to do it for like a day or two
02 and they keep coming back, well, this
03 one and this one and this one, these
04 three would be connected together
05 because this one here would finally
06 catch one.

07 Q. Right.

08 A. And then you got these here.

09 And then what it is, if you got these

10 right here and you got so much
11 weight, right there you got three of
12 them just instead of one, setting.
13 They'll push forward. The belt will
14 let them go because you got that much
15 room in between the triangles that
16 they sit on to move back and forth on
17 that take-up. Just the weight ---
18 sheer weight of them will cock them.

19 Q. Cock them, right. Do you know
20 where they stored the fire hose
21 around the head drive up in that
22 area?

23 A. I know where they did. They
24 had it hanging up on the --- off the
25 side of the mother drive right there

120

01 before --- where the pinch roller
02 was.

03 Q. Do you know if there was ---
04 was there a fire nozzle there with
05 the hose?

06 A. When that happened, no.

07 Q. Prior to that.

08 A. There was at one time. But
09 when that happened, there wasn't.

10 Q. There wasn't, okay. How much
11 fire hose was there? Do you have any

12 idea how much was stored there?
13 A. At one time or before? I
14 mean, there were three and then there
15 were two and ---.
16 Q. How many was there the last
17 time you saw it?
18 A. None.
19 Q. None. Was there a hose laying
20 in the walkway alongside that belt, a
21 red hose laying down along the belt?
22 A. Yeah, there was one.
23 Q. Was it hooked to a fire valve
24 or anything?
25 A. It was, yeah.

121

01 Q. It was hooked up?
02 A. Yeah, but it wasn't --- it
03 wasn't cut off or anything. It was a
04 whole hose.
05 Q. What was that hooked up for?
06 Do you have any idea about why it was
07 used?
08 A. No. I don't know why it was
09 hooked up.
10 Q. Do you think it could possibly
11 --- and I'm just asking you just to
12 speculate here, but was it used for
13 like a liquid shovel to where you
14 could clean accumulations out from

15 under anything? Could it have
16 possibly been used for something like
17 that?

18 A. I'll tell you, that would be a
19 good guess, I'd figure.

20 MR. STAHLHUT:

21 Do you want to ask a
22 few questions, Bill?

23 MR. TUCKER:

24 Okay.

25 MR. STAHLHUT:

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01 I've got plenty, but
02 I'll let you ask some for a
03 while.

04 BY MR. TUCKER:

05 Q. I'll probably be bouncing
06 around some, Kevin, ---

07 A. All right.

08 Q. --- just trying to fill in
09 some thoughts that I have here on
10 what we've already talked about. You
11 mentioned that you worked two years
12 at Aracoma. How much total mining
13 --- underground mine experience do
14 you have?

15 A. About five years.

16 Q. And you left Aracoma, I think,

17 on the 18th. Was there any
18 particular reason why you left that
19 you care to mention?

20 A. It was as little as there was
21 just a lot of things involved, a lot
22 of --- some personal and some
23 work-related. I wouldn't care to
24 discuss the work-related.

25 Q. That's fine. That's fine. Do

123

01 you know A.C. Kline?

02 A. Yeah.

03 Q. Do you know where he's working
04 now? I understand he left, too.

05 A. U.S. Steel.

06 Q. He's at U.S. Steel?

07 A. Uh-huh (yes).

08 Q. Over around Pineville?

09 A. Uh-huh (yes).

10 Q. Okay. Are you a certified
11 belt examiner ---

12 A. No.

13 Q. --- or foreman or anything of
14 that nature?

15 A. No.

16 Q. What about David Runyon?

17 A. No.

18 Q. Is David hourly or is he ---

19 A. He's hourly.

20 Q. --- company? He's hourly
21 also. If I understand right, every
22 night you're at the belt and you're
23 at the mother drive sometime
24 throughout your shift?
25 A. That's the first thing I do.

124

01 That's my primary ---.

02 Q. Go check it?

03 A. Uh-huh (yes).

04 Q. Are there nights when you and
05 David don't see anybody else along
06 the belt line?

07 A. Yeah. There would be a few
08 nights here and there.

09 Q. Occasionally. In the
10 mornings, do you call out a report on
11 your belt to someone to let them know
12 what's going on on the belts that
13 you've looked at that night?

14 A. No. I usually get a call from
15 Tom Adkins. If I hadn't seen him,
16 I'll get a call from him about 6:30,
17 seven o'clock.

18 Q. So if you don't call, somebody
19 calls you and asks you ---

20 A. Yeah.

21 Q. --- about the belt? What do

22 you discuss?
23 A. How much room we got in the
24 storage unit, what I done last night,
25 if I had any problems with anything.

125

01 I just ---.

02 Q. Is that for each belt that
03 you're on he'll ask --- or --- but
04 normally you just work on the mother
05 drive belt or do you ---?

06 A. I work on --- that's probably
07 80 percent of my job, then Six and
08 Seven, if I've got time.

09 Q. Okay. So like if you were on
10 Six belt, would you discuss Six belt
11 with him also? Just whatever belts
12 you were on?

13 A. Yeah.

14 Q. You mentioned that
15 occasionally --- or there's times
16 that you'd be working on a belt line
17 with you and Dave and you'd not see
18 anyone else. Do you recall what
19 belts that would have been on?

20 A. Well, what it is, we'd move
21 around --- we move around from time
22 to time. And we know that Tom had
23 been there, but he wasn't coming
24 around. It was just --- we'd miss

25 him. You know, we'd be here and he'd

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01 be coming from --- I mean, it'd just

02 be ---.

03 Q. How would you know that he had

04 been there? I'm just curious.

05 A. We'd see it was dated up or

06 this and that.

07 Q. At the mother drive, I know

08 there's two sets of airlock doors

09 there. There was four doors, but

10 there's an outby set on one side of

11 the belt and then there's another set

12 on the other side of the belt; is

13 that correct?

14 A. Yeah.

15 Q. Okay. So have you ever shown

16 up there or at any time on your

17 shift, while you're there, and seen

18 those doors left open?

19 A. I have seen them left open.

20 Q. Would it be both sets or one

21 set or just different?

22 A. On a rare occasion I've seen

23 both of them open.

24 Q. Okay. Have you ever needed to

25 use water there at the mother drive

127

01 for any reason, say for a wash-down
02 hose or whatever?

03 A. No. I mean, I never ---.

04 Q. So you've not like tried to
05 hook up a fire hose to an outlet and
06 use it for anything in that area of
07 the mother drive?

08 A. Not at the mother drive. I've
09 used them to clean --- I used one on
10 Six tail to clean --- I mean, Five
11 tail to clean the tailpiece out so I
12 could get in there and change rollers
13 out.

14 Q. So do you know of any problems
15 with water at the mother drive that
16 you've heard of or that you have
17 first-hand knowledge of?

18 A. Water?

19 Q. Water problems, as far as
20 being available in the two-inch
21 waterline?

22 A. Not when it was --- not when
23 it was there. I mean, it was --- I
24 know it worked because I'd see water
25 leaking out of that fire hose that

128

01 was hooked up to it every once in a
02 while, but ---.

03 Q. So you had one hose that was

04 --- you said you seen water leaking
05 out of the fire hose or ---?
06 A. Yeah. There was a fire hose
07 hooked up to it right there at the
08 take-up that I guess the first or
09 second-shift beltman hooked up to it.
10 There'd be water leaking out of it or
11 something.

12 Q. When you say fire hose, is
13 that the red, ---

14 A. Yes.

15 Q. --- two-inch fire hose or
16 inch-and-a-half, whatever it is?

17 A. Two, I think.

18 Q. Did it have a nozzle on the
19 end of it where they could shut it
20 off or ---?

21 A. Somebody would take it. I
22 mean, they was --- I guess they were
23 scarce, I don't know, but you
24 wouldn't --- you very rarely found
25 one. It wouldn't be on there.

129

01 Q. And where did you see the
02 two-inch hose hooked to --- was it
03 hooked to a fire tap?

04 A. It was hooked onto the
05 two-inch waterline. It was hooked to

06 the ---.

07 Q. Do you remember where it was

08 hooked up at?

09 A. Right there at the --- it

10 would have been on the back end of

11 the storage unit where the fire tap

12 was. I mean, that's where the fire

13 hose was hooked up to it at, was

14 around the storage unit.

15 Q. You mentioned that when you

16 first --- at one point there you saw

17 four inches (sic) of fire hose hung

18 up there at the mother drive and got

19 down to the point where you didn't

20 see any. Do you recall a time period

21 back when you first started noticing

22 some of the fire hose was gone or the

23 fire hose was laying in the floor

24 walkway there at the mother drive?

25 A. At the mother drive?

130

01 Q. Yes.

02 A. Yeah, I've seen it laid there.

03 I've seen --- somebody used it ---

04 bring one back and he had blew four.

05 We'd put it on the side because it

06 wasn't no good no more. Just

07 scattered out and different things.

08 People would take it and use it and

09 bring it back, I guess.

10 Q. I guess I'm trying to jog your
11 memory as far as we're talking ---
12 going back to talking about the
13 two-inch waterline, the yellow
14 waterline that was installed there at
15 the mother drive, that runs up
16 alongside the belt line itself, as
17 far as when you first noticed that
18 waterline being there, the one that's
19 got the cutoff valve at the six-inch
20 line on the Number Seven belt.

21 A. It was --- it wasn't there
22 very long. I mean, it was just
23 coming in one day, looking and seeing
24 it. You know what I mean?

25 Q. It would have been sometime in

131

01 December, do you think?

02 A. Yeah. It wasn't very long
03 after I'd say. It was --- it wasn't
04 there very long.

05 Q. Okay.

06 A. I couldn't give you a real
07 good date, but it wasn't --- it
08 wasn't a month. It wasn't there for
09 a month.

10 Q. So walking the --- if you

11 worked on the mother drive, on
12 occasion you'd walk the longwall
13 belt?

14 A. Yeah.

15 Q. So when you were walking the
16 longwall belt, did you notice other
17 waterline inby the mother drive that
18 ran alongside the belt?

19 A. Not on the walk side. There
20 was one --- there was one that ran on
21 the off side for a ways, but it
22 wasn't --- it didn't have no pressure
23 on it.

24 Q. Didn't have water in the line
25 is what you mean? Didn't have any

132

01 pressure on it?

02 A. Just for a little ways. I
03 think it was just a pump.

04 Q. Like a de-watering pump line,
05 ---

06 A. Yeah.

07 Q. --- not a water supply line?

08 A. And it didn't run probably a
09 quarter of the longwall belt. So it
10 didn't run very far. It ran back in
11 toward the Two section, going through
12 a stopping.

13 Q. Okay. And to the best of your

14 knowledge, it wouldn't have been the
15 line that had fire valves in it, is
16 that what you're saying?

17 A. No. It wouldn't have had no
18 pressure on it, not enough to do
19 anything.

20 Q. Did you notice the direction
21 of the air on the mother drive while
22 you was working there on the longwall
23 belt, as far as the air seemed to be
24 flowing in toward the longwall
25 section or out toward the doors or

133

01 ---?

02 A. It would --- you could tell
03 --- you could tell when the doors
04 were open, I mean, but it usually ---
05 it ran pretty well right when
06 everything was set up, the air did.

07 Q. You said pretty well right.

08 Which way would that be?

09 A. Well, which way the air went?

10 Q. Normally.

11 A. I'd assume, if everything was
12 set up right, it would run toward the
13 wall. I would ---.

14 Q. Because I know you mentioned a
15 few times you saw like a haze or

16 smoke. You mentioned you seen smoke
17 from misalignment. Can you recall
18 which way the smoke --- the direction
19 of the smoke would travel?

20 A. The air at the mother drive
21 was always a dual air. There wasn't
22 a lot of air on that belt line. I
23 mean, if smoke was coming --- like on
24 that belt line, if the doors weren't
25 open, the air would --- right there

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01 at the take-up anyway, it would just
02 circulate around there. You could
03 --- I could go that way down the belt
04 line toward the longwall and get out
05 of it or I could go this way toward
06 the head and beat it either way. I
07 mean, it wasn't --- there wasn't a
08 lot of air circulating on that belt
09 line.

10 Q. So if the doors was left open,
11 did it seem like then that you had a
12 strong pull toward Two section?

13 A. Yeah. You had a lot more air
14 going toward it.

15 Q. At the times when the doors
16 were left open?

17 A. Yeah. You could feel it as
18 you was walking toward it.

19 Q. You could feel it hitting you
20 in the face?

21 A. Yeah. You could tell before
22 you even got to the doors that the
23 doors were open.

24 Q. Right. Before you could see
25 the doors, you could tell by the

135

01 direction of air and the amount of
02 air ---

03 A. Yeah.

04 Q. --- that they were open? On
05 the 18th, do you recall if you talked
06 to Tom Adkins or did you call him
07 about the conditions on the longwall
08 belt?

09 A. Yeah, I'm sure I did. I mean,
10 it was every --- it was an
11 every-night thing. I either seen him
12 or talked to him. Most of the time I
13 seen him.

14 Q. Do you recall say the 18th or
15 the morning of the 19th if you
16 discussed an alignment problem? You
17 mentioned you was having trouble with
18 the belt being --- the carriage being
19 cocked a little bit and having some
20 alignment problems and having to work

21 on it. Do you recall on the 19th if
22 you had any of those discussions?
23 A. On the 19th, I can't remember
24 whether it had cocked that day ---
25 that night or not. But I remember

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01 --- I don't think I --- I didn't see
02 him that day and I didn't get to talk
03 to him. And I remember walking down
04 to a place they call --- you know, it
05 was the Number One Fourway, just a
06 meeting area where you could either
07 go toward Two section or go toward
08 the longwall. I called him from the
09 phone at Number One Fourway and
10 talked to him and told him about the
11 mother drive. But nothing --- I'm
12 sure he asked me how --- about the
13 storage unit and this and that, but I
14 don't remember about the carriage
15 roller. But I know I've told him ---
16 I know when something would happen
17 like that, I would always tell him
18 about it.

19 Q. Is he primarily the person you
20 talked to or was there anybody else
21 in management that you would relay
22 that information to, as far as
23 problems of that nature?

24 A. Yeah, usually just Tom Adkins.

25 Q. Have you ever heard the term a

137

01 winch fault?

02 A. Uh-huh (yes).

03 Q. Could you explain that, what

04 you know of that?

05 A. That's when your starter box

06 or I guess it's really not --- it's

07 kind of a --- I guess it's like a

08 power box. It's a red box that's

09 hooked up to your mother drive. And

10 it will go on winch fault when the

11 winch won't work right. It --- I

12 know it won't work on extract. You

13 can't pull the belt out on --- you

14 can't really get it --- winch fault,

15 usually it messes up when your rope's

16 out, when the rope is loose on your

17 winch. On that one it did because it

18 happened two or three times where you

19 actually had to call and get the

20 first shift electrician out of bed to

21 come fix it once. And it won't let

22 your rope come back in. And you

23 ain't got the right torque on your

24 belt to get your belt line running.

25 Q. Who's the electrician you

01 mentioned that ---?

02 A. That came one of those nights
03 that that happened? It was Jesse
04 Jude. It was because of a memory
05 card. Put a new memory card in.

06 Q. The power centers there at the
07 mother drive, that's in between the
08 inby set of doors, ---

09 A. Okay.

10 Q. --- do you recall when a
11 stopping was --- if a stopping has
12 ever been built over where you'd have
13 to ---

14 A. In the travelway ---

15 Q. --- like to the left where you
16 ---.

17 A. --- go through there to get to
18 the power boxes?

19 Q. Yes.

20 A. Yeah, there was one built
21 there.

22 Q. Is it there now or ---?

23 A. No, it's tore down.

24 Q. Do you have any idea why they
25 tore it down?

01 A. They put it up. I mean, it
02 was there for about a month and a

03 half. And they just came and tore it
04 back down. I was there when they
05 tore it down. They just said they
06 told them to tear it down.

07 Q. Okay.

08 A. It wasn't there for --- I
09 don't know why it was there.

10 Q. And you don't know any
11 particular reason why they tore it
12 down or who decided to tear it down?

13 A. No. It was electricians that
14 tore it down, but I don't know why.

15 Q. Do you know what shift?

16 A. Third.

17 Q. Third-shift electrician?

18 A. Yeah. I was there when it was
19 tore down.

20 Q. Oh, you was there when it was
21 tore down? You didn't help them?

22 A. No. It wasn't my ---.

23 Q. I was just picking at you.

24 What was the electrician?

25 A. I don't know his name. They

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01 call him Gutwrench. The other one
02 --- I can't remember the other one,
03 but they worked together all the
04 time. I can't remember his name.

05 Q. So they work on the longwall
06 section, the electricians, or ---?
07 A. No. They're outby
08 electricians.
09 Q. Outby electricians? And I
10 probably already asked this or you've
11 probably --- if I haven't, you've
12 probably been asked, but on the 19th,
13 that morning, do you recall anything
14 that stands out in your mind that ---
15 any problems that you were having
16 with the belt that you would have
17 passed on to somebody?
18 A. That I would have told first
19 or second shift to do or I would have
20 told them to look at?
21 Q. Yeah, any problems that you
22 --- or concerns that you had that you
23 would have wanted passed on to
24 somebody else that was going to be
25 there?

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01 A. No, because I couldn't.
02 Q. Couldn't?
03 A. There wouldn't have been no
04 sense to have passed on to first or
05 second shift. They didn't know what
06 they were doing. I couldn't do it.
07 It would have made no sense to them

08 if I'd have explained it a thousand
09 different ways.

10 Q. Who relieved you out on the
11 first shift?

12 A. I can't remember his name.
13 He's --- he's not been there very
14 long. He's not been a black hat for
15 very long. I can't remember his
16 name. But he's not a --- he's not
17 certified. I know that. He's just a
18 regular black hat.

19 Q. Just like --- you say just a
20 black hat --- not been a black hat
21 very long?

22 A. Yeah. I can't remember if it
23 was the one that came from Justice or
24 the one that started there and worked
25 --- but neither one of them were very

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01 experienced. They didn't know a lot
02 about a belt line.

03 Q. In between shift change, would
04 you usually change out there at the
05 mother drive, or you'd be on your way
06 out and they'd be on their way in?

07 A. We wasn't allowed to leave
08 until --- well, we wasn't allowed to
09 leave until somebody got there.

10 Q. So when you left on the
11 morning of the 19th, the day shift
12 belt man was ---
13 A. Was there.
14 Q. --- there?
15 A. I can't remember --- I can't
16 remember his name. Blackheaded. But
17 they changed it so much --- there
18 were four or five of them. They
19 would take turns throughout the
20 mines.
21 Q. Right.
22 A. Take care of three belt heads
23 apiece.
24 Q. Have you ever heard of any
25 comments from anybody --- and I think

143

01 I probably already asked you this,
02 about water problems at the mother
03 drive?
04 A. No.
05 Q. You mentioned that a couple
06 times you went by and you've had to
07 turn the valve on the two-inch line,
08 turn on the cutoff valve?
09 A. Yeah. I'd call the longwall
10 to make sure that they didn't need it
11 off or something or whatever, and
12 then I'd turn it on.

13 Q. And that was something that
14 you just noticed being there, that it
15 was off, and you'd call and ---?

16 A. Yeah. It was right beside the
17 belt head.

18 Q. Right. Yeah. As you went by,
19 you'd just notice.

20 A. Yeah.

21 Q. You don't know why it was
22 turned off or how long it had been
23 off?

24 A. No. They wouldn't --- when
25 I'd get there, there wouldn't be

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01 nobody around.

02 Q. Do you know Brandon Conley?

03 A. That's --- he either relieved
04 me that morning or the day before
05 that, one or the other. That's who I
06 was talking about.

07 Q. Okay. Did he ever talk to you
08 about any problems that he had had at
09 the mother drive at all?

10 A. No. He'd --- I really didn't
11 --- the only time I'd really see him
12 is if --- when he was relieving me.
13 But if I was relieving him, he'd
14 catch a ride with the longwall. See,

15 they'd make me and Dave walk up.
16 We'd have to stay there until
17 somebody got there.
18 Q. So almost daily routine that
19 you all had to walk out?
20 A. Yeah, we walked out every day.
21 But I never did see nobody. The only
22 time I'd see him is he was coming to
23 relieve us out, so --- which he don't
24 usually --- he wasn't ever usually
25 around it anyway. He'd go up toward

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01 Two section and stuff a lot. I'd
02 notice if --- if he was around, if
03 I'd get there earlier than what he
04 was walking down --- sometimes I'd
05 get there earlier just because like
06 I'm going to move or something, I'd
07 get to go in a little bit earlier.

08 And I'd get up there and he was
09 leaving or something, he'd be coming
10 in from Two section or whatever.

11 Q. Have you talked to him since
12 the fire?

13 A. Uh-uh (no). Well, I might
14 have. I might have talked to him for
15 a few seconds, you know, said hey or
16 whatever when we had a meeting right
17 after it, but nothing ---.

18 Q. Nothing about the mother
19 drive, the fire at the mother drive
20 or any previous problems ---

21 A. No. Uh-uh (no).

22 Q. --- that he had had at the
23 mother drive or anybody else?

24 A. No.

25 Q. I think you've already

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01 answered this, but you and Dave
02 worked at the mother drive pretty
03 much all night. You'd leave
04 occasionally to maybe go check
05 another belt, but did Tom usually
06 stay with you a lot when you were
07 around the mother drive or he'd just
08 come by sometime or you'd talk to him
09 on the phone?

10 A. He'd come by about ten
11 minutes. We'd go do other things,
12 but we was always there until the
13 belt shut off and there before the
14 belt started up just to make sure
15 everything was going right.

16 Q. Right. Because you had a time
17 period on your shift that the belt is
18 idling, ---

19 A. Yeah.

20 Q. --- not running. You
21 mentioned the chain ratchets that the
22 carriage unit went --- come back that
23 you'd use chain ratchets to secure it
24 down at times.
25 A. Chains.

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01 Q. Just chains, not a chain
02 ratchet, just a ---?
03 A. To hold a carriage? To hold a
04 carriage in a certain spot?
05 Q. Right.
06 A. A couple of six-foot chains.
07 Q. Okay. So those are there or
08 left there all the time or ---?
09 A. What it was is we put it ---
10 we'd leave it there. And then when
11 we'd start pulling the belt out and
12 the rollers would pull back together,
13 before we'd do that we'd take the
14 chains off and we'd just leave them
15 hanging on the stands and they'd be
16 laying on each side.
17 Q. Okay.
18 A. There are probably a couple
19 still there, but they were off on the
20 side on the ground. They weren't
21 hooked to nothing because about a
22 week and a half before that we got

23 the bolts for the breaks. We didn't
24 use them no more.

25 Q. Okay. And you had mentioned

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01 those bolts, that you apparently
02 tried to get them for a while and
03 then --- so that answers one of my
04 questions. You just got them a week
05 and a half or two weeks prior to
06 January 19th?

07 A. Well, we got them a long time
08 before then, but --- we kept asking
09 about them. They acted like they
10 didn't have them. Then Tom Adkins
11 had them laying somewhere and he
12 finally give them to us a week and a
13 half before.

14 Q. And did you put them in all
15 the units?

16 A. Yeah, we put them in the night
17 we got them.

18 Q. Okay. You mentioned the arms
19 were torn off or bent or damaged
20 somewhat the first time that you
21 robbed the belt?

22 A. Yeah.

23 Q. Do you know why they wasn't
24 repaired or replaced?

25 A. No.

149

01 Q. Did you ever hear it discussed

02 or did you ever ask any ---?

03 A. Tom knew about it because ---

04 what it is, when we'd take them four

05 people --- when it'd take four of us

06 to take the belt out, he would run

07 the pinch roller. And he knew as

08 soon as he got there and we done

09 everything we needed to do, we'd go

10 back there and start taking them out.

11 And you could walk by it --- you

12 know, he knew that they weren't bent.

13 But it wouldn't have helped none

14 because the carriages were, you know

15 --- I mean, even if we would have got

16 brand new ones, it still wouldn't

17 have helped none.

18 Q. To have it working properly,

19 ---

20 A. Those would have had to have

21 been switched.

22 Q. --- you'd have had to had the

23 carriages switched and the arms ---

24 A. Yeah.

25 Q. --- repaired?

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01 A. Yeah. One wouldn't work

02 without the other one.

03 Q. Because it doesn't seem like
04 it's an automatic system, what you
05 have to do now. And the design is
06 that it would drop everything off
07 automatically.

08 A. Yeah.

09 Q. Normally, you wouldn't have to
10 be with it around the clock, would
11 you, if everything was working right?

12 A. You'd still --- not for that
13 case. You know, you'd still want to
14 be there in case the belt went off on
15 something and you wanted to start it
16 back up or be there to, you know,
17 check splices and everything else.

18 Q. Right.

19 A. But as far as being there and
20 trying to fix it from going over and
21 this and that, yeah, you're probably
22 right. There wouldn't ---.

23 Q. Wouldn't be a need for it? On
24 the previous panels, say Seven and
25 Eight, did you stay at the mother

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01 drive as much as you do --- or you
02 did on the Nine headgate?

03 A. Yeah. I mean, as far as me

04 saying that I'm bumping the carriage
05 rollers over and stuff, it was --- it
06 didn't take very long. You know what
07 I mean? It was ---.

08 Q. Right. But if you didn't do
09 it, you'd have problems?

10 A. Yeah.

11 Q. It would cause alignment
12 problems?

13 A. Yeah.

14 Q. So that's primarily why you'd
15 have to be there, to keep from --- or
16 try to control the alignment problem?

17 A. I'd usually do it while they
18 was checking splices and coal was ---
19 they was unloading the shearer or
20 running along chain.

21 Q. Right. So when it's running
22 off like that, how often would you
23 say that you'd recognize smoke, that
24 you've saw smoke?

25 A. If it runs off --- every time

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01 it runs off, it smokes. I mean, ---.

02 Q. That's what I'm saying. Just
03 say in a month prior to the 19th, how
04 often would you say that you saw a
05 little bit of smoke due to
06 misalignment?

07 A. In a month's time?

08 Q. Yes.

09 A. Five. It wasn't an everyday
10 thing.

11 Q. Okay.

12 A. Like I said, it only usually
13 happened when the storage unit was
14 --- got full.

15 Q. You mentioned that you walked
16 the longwall belt, you and your
17 buddy, both of you, one of you walked
18 each side. Have you ever traveled
19 the off side of the belt?

20 A. Yeah, I have.

21 Q. Did you notice the belt
22 shavings along the belt?

23 A. Yeah, there were some belt
24 shavings.

25 Q. Do you know where those came
01 from or what those --- what caused
02 those?

03 A. The bottom roller catching.
04 The belt running over and the bottom
05 roller catching.

06 Q. A couple different things?

07 A. Uh-huh (yes).

08 Q. How long does it normally take

09 to make a splice on the Nine
10 headgate?
11 A. On that particular belt line?
12 Q. Yes.
13 A. On that one, it took about two
14 and a half hours to make one on that
15 one, which it was just big and it was
16 just a brute of a belt.
17 Q. It was a thicker belt for one
18 thing?
19 A. You could make three in the
20 six-foot compared to one in the five.
21 Q. Do you know if they have
22 training rollers along the longwall
23 belt?
24 A. No, they ain't got no training
25 rollers.

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01 Q. Don't have them. The water
02 hose that they use to help control
03 the dust, that black hydraulic hose I
04 think you had mentioned, do you know
05 where it was located?
06 A. On Seven belt?
07 Q. Was it right there at the head
08 on Seven belt or ---? Was there one
09 there at the longwall? When I said
10 the head, I meant the longwall
11 discharge.

12 A. Yeah, it was right there next
13 to the head, dumping on the --- in
14 between the top and bottom belt on
15 Seven.

16 Q. Is that the only one that you
17 know of in that area?

18 A. In that general area, right.

19 Q. Okay. You've mentioned that
20 you've occasionally noticed the
21 two-inch waterline cut-off valve
22 turned off and you took --- you know,
23 you'd check it out and then turn it
24 back on. Have you ever noticed the
25 fire suppression system, the water

155

01 valve being turned off on it at the
02 mother drive?

03 A. No.

04 Q. Is that something you --- is
05 it as noticeable as the two-inch?

06 A. No, it's not.

07 Q. It's just not something you'd
08 normally notice?

09 A. Both. It's not as noticeable,
10 and I wouldn't really ---.

11 Q. Pay attention to that, okay.

12 A. The only reason I really paid
13 --- to be honest with you, the only

14 reason I paid attention to that other
15 one, like I said, it was right beside
16 the head and you could just look down
17 and tell if it was on or off.

18 Q. Right. And you traveled that
19 way and you'd notice it. It's good
20 that you ---.

21 A. It wasn't something that I'd
22 just walk over and check particularly
23 on, you know.

24 Q. Right.

25 A. It was just something that was

156

01 there.

02 Q. Well, it's good that when you
03 noticed it, you checked on it and
04 turned it back on, because it's
05 important to be on.

06 MR. TUCKER:

07 I'm going to turn Ron
08 loose on you again. Thank
09 you.

10 BY MR. STAHLHUT:

11 Q. I've got several questions
12 yet. Bear with me here. We'll get
13 through this. Going back to the
14 water deluge here and everything.
15 You're answering a lot of questions
16 for us and things are helping here,

17 so we'd like to clarify as much as we
18 can, if you can bear with us. Did
19 you notice on the water sprinkler
20 system as it got over that head
21 roller and where it --- was it
22 physically connected with the
23 waterline? Do you know --- did you
24 observe, was it connected, or do you
25 know?

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01 A. Connected to the six-inch?

02 Q. Connected to a water supply
03 anywhere around that head drive area.

04 A. Yeah. It's connected on the
05 back side toward --- on the tailpiece
06 of Seven head.

07 Q. On the tailpiece of Seven
08 head?

09 A. Yeah.

10 Q. And that was the waterline ---
11 the water sprinkler system that was
12 there over the head drive?

13 A. Yeah.

14 Q. Okay. You probably answered
15 this, but to go back --- we went
16 through so many questions here, but
17 do you remember on the 18th and then
18 on the 19th, in through there was the

19 water valve going toward the longwall
20 section? Was the water turned on and
21 going down that direction; do you
22 remember?

23 A. I'm pretty sure it was. It
24 normally was on.

25 Q. Did you happen to notice on

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01 the 19th had anyone --- had they
02 unhooked that fire suppression hose,
03 the water sprinkler hose there on the
04 19th? Did you notice anything
05 unusual on the 19th? Anything
06 changed from the day before or was it
07 hooked up, to the best of your
08 knowledge, on that last day you were
09 there before the fire?

10 A. I don't --- I can't remember
11 whether it was or not. I mean, I
12 never paid a lot of attention to it.

13 Q. Okay. Before this --- you
14 mentioned this waterline that was
15 installed like four weeks before the
16 fire, you know. Prior to that time,
17 between the longwall, the mother
18 drive and the monorail system, was
19 there any waterline and fire taps in
20 that gap along that area during that
21 period of time? Was there something

22 else or another ---?

23 A. Before ---?

24 Q. Before that two-inch line was
25 installed.

159

01 A. They had waterlines. It was
02 --- it was two breaks outby the
03 longwall belt.

04 Q. Two breaks ---.

05 A. It was just water running
06 toward the longwall.

07 Q. Did it have lines running over
08 into the belt entry with fire taps on
09 it? Did you see anything like that?
10 So to your knowledge, there wasn't
11 anything in that area between the
12 head drive and where the monorail
13 started, any kind of fire taps or
14 fire valves or anything in case there
15 was a ---?

16 A. No. We took --- we had to
17 take the tripper drive out, and we
18 never did have to fool with nothing
19 as far as getting underneath it or
20 over top of it in the water ---.

21 Q. At the point in time you
22 pulled that tripper drive out, was
23 there a fire suppression system

24 installed over it?

25 A. I don't remember one being in

160

01 it. I mean, I couldn't honestly tell

02 you there was because they took ---

03 Jesse Jude took the electrical part

04 off. I don't know if he took the ---

05 took it off or not, but we didn't.

06 Q. So there wasn't any --- you

07 said there wasn't any water line, to

08 your knowledge, there in that tripper

09 drive area, so ---

10 A. No.

11 Q. --- you wouldn't have known

12 where the fire suppression was hooked

13 up anyway?

14 A. No.

15 Q. Okay. You mentioned this

16 two-inch line. Do you remember who

17 installed it?

18 A. It had to be Jerome Roberts.

19 Q. I think you answered that. I

20 apologize on some of these. Do you

21 have any idea who told him to install

22 it or where he got his instructions

23 from?

24 A. Possibly --- he usually gets

25 all his information from Pepe Lester.

161

01 Q. Okay. At the times you've ---
02 you said a couple times you've found
03 that two-inch valve shut off. When
04 you found that two-inch line shut
05 off, did you notify anyone after you
06 turned it on that you was finding
07 that valve shut off?

08 A. I'd call the longwall and ask
09 them did they --- well, what it was
10 off for. I turned it on if it was
11 all right, you know. I didn't want
12 them to have it taken loose for
13 something, trying to get something
14 out or something.

15 Q. When you did call them, were
16 they aware of it --- did they know it
17 was off?

18 A. A couple times they did, but I
19 remember a couple times they didn't
20 know why it was off.

21 Q. No one knew?

22 A. No.

23 Q. Did you tell your supervisor
24 at those particular times that that
25 was happening or make him aware of

162

01 it?

02 A. Yeah, I'd always --- I'm sure

03 I told him, but I just --- it's kind
04 of different there as far as
05 supervisors are concerned. I never
06 --- I don't know. I kind of --- they
07 didn't really seem to care. I mean,
08 they just ---.

09 Q. A couple of times when the
10 longwall --- you said that you found
11 a valve off and they knew it was off,
12 were they producing coal and was the
13 belt running when they were aware of
14 those conditions?

15 A. Not that I can remember. I'm
16 pretty sure by the time I found it,
17 the belts were off.

18 Q. But probably they were running
19 but were unaware --- it could have
20 been running prior to that, is that
21 possible, and had no knowledge that
22 it was off; is that correct?

23 A. It's possible.

24 Q. Do you know who put this ---
25 out there at the fire tap, around the

163

01 head drive, there was a black
02 hydraulic hose. I think I've heard
03 it referred to as a wash-down hose or
04 something around that rock box. Do
05 you know who put that hose on there?

06 Do you have any idea?

07 A. He wasn't working there at the
08 time. He got hurt. I can't remember
09 his name. I can't remember his name.
10 He hurt his back or something.

11 Q. But what purpose did he
12 install it there for?

13 A. The only time I ever really
14 seen it used was --- is running on in
15 between the bottom belt and the top
16 belt, the second belt.

17 Q. Okay.

18 A. Which it had a pretty long
19 hose. I guess it could reach to the
20 rock box from there. It was pretty
21 close.

22 Q. Have you ever seen fire hoses
23 used to wet down or cool off hot
24 rollers or bearings ---

25 A. Yeah, I seen then.

164

01 Q. --- on the mother drive there
02 at the Ninth?

03 A. I'm sure at one --- no, not on
04 the mother drive, which that one was
05 probably running on Seven belt.

06 Q. What was the instance on the
07 Seven belt where ---?

08 A. Just that one hose that they'd
09 leave running.

10 Q. Okay. But I was asking about
11 on hot rollers or hot bearings, where
12 you had --- you used a fire hose to
13 run water on those? Were you
14 referring to anything like that?

15 A. Uh-uh (no).

16 Q. Had you seen that done there?

17 A. Had I seen it done?

18 Q. At that mine, at Aracoma?

19 A. Yeah, I'd seen it done at that
20 mine.

21 Q. Whereabouts was that, or do
22 you recall?

23 A. I had one running on --- one
24 at Number Two Fourway. It was on ---
25 it was right there at the Six head.

01 Q. At Six head?

02 A. Yeah, it was down ---.

03 Q. What was the instance there?
04 Was a bearing down or was it smoking
05 or do you know?

06 A. It was they had two bottom
07 rollers that just got real hot, and
08 they were moving the shields out from
09 underneath them, just heating it up
10 --- I mean, they was just cooling it

11 off with that water hose, had it
12 running on it.
13 Q. Let me understand. The
14 rollers were just getting hot because
15 they had a lot of pressure on them,
16 was that it? The bearings were just
17 hot from pressure?
18 A. Yeah.
19 Q. Is that my understanding?
20 A. Yeah.
21 Q. Or that's my understanding.
22 A. The belt was raised up so high
23 that they couldn't get everything
24 through.
25 Q. So much pressure.

166

01 A. They just had water running on
02 it.
03 Q. Were the bearings smoking?
04 A. Not when I seen them they
05 weren't.
06 Q. So they were just trying to
07 cool them down then?
08 A. I figured they was smoking
09 before they put the water on them. I
10 assume that's why they put the water
11 on.
12 Q. Did you detect a smell there

13 or anything?

14 A. No.

15 Q. Just seen the water running on
16 them; is that it?

17 A. Yeah.

18 Q. Was that near that --- was
19 that in the --- that wasn't in the
20 Five tail then? That was under where
21 they was crossing under the belt you
22 said?

23 A. Yeah. It was on Six belt at
24 the Number Two Fourway. It was just
25 --- they were coming out Eight

167

01 headgate.

02 Q. Okay. Were you familiar with
03 the bearing that fell on the Five
04 tail somewhere around the 29th of
05 December? Were you involved in any
06 of that or ---?

07 A. Yeah.

08 Q. What happened there? What do
09 you know about it?

10 A. A string got wrapped around
11 the rollers --- I mean, around where
12 the bearing cap was, and it just got
13 hot. I changed one side and the crew
14 changed the other side.

15 Q. You changed one bearing?

16 A. Yeah. I changed the --- me
17 and Pancake changed the walk side,
18 ---
19 Q. Did the ---?
20 A. --- the crew changed the other
21 side.
22 Q. These strings you mentioned
23 that built up around it, on the
24 bearing you changed, did that cause
25 the bearing to fail? Did it bust the

168

01 bearing housing or ---?
02 A. It got real hot.
03 Q. Got real hot. What did the
04 heat do then? Did it ---?
05 A. It was just --- I don't know
06 what happened to it. They brung me
07 from the mother drive and said we
08 need to change and had everything
09 setting there.
10 Q. Was the bearing physically
11 damaged? I mean, could you see
12 it ---?
13 A. It was warped.
14 Q. It was warped.
15 A. Yeah.
16 Q. Was there play in it and
17 stuff? You could physically see that

18 there was a problem with the bearing?

19 A. Yeah, there was a problem with
20 the bearing.

21 Q. And what did you know about
22 the other side, the side you didn't
23 change?

24 A. It was fine. It didn't --- it
25 didn't get changed until a couple

169

01 weeks later.

02 Q. Why did they change it then?

03 A. I think it got hot.

04 Q. Okay, later one.

05 A. I think there might have been
06 string wrapped around it. They bring
07 me from the mother drive. And it was
08 late, and they had already told me
09 that that one side was fine, so I
10 didn't even go over there and inspect
11 it. I just had to hurry and try to
12 get that one done before six o'clock.

13 Q. So that other bearing that you
14 said might have got hot was probably,
15 what, somewhere around the 12th of
16 --- sometime in January then,
17 apparently?

18 A. Yeah. It was --- it was
19 changed a couple weeks later, I
20 think. I know it was changed. I

21 can't --- I know I didn't do it.

22 Q. When they called you at the
23 mother drive, did you encounter any
24 smoke or anything when you were going
25 out there to change that bearing at

170

01 the Five tail or were you aware of
02 the smoke that went inby from that
03 bearing?

04 A. When I was going past it going
05 to the mother drive?

06 Q. No, when you was going out
07 there to work on it. You said they
08 brought you from the mother drive to
09 go out and change that bearing;
10 right?

11 A. Uh-huh (yes).

12 Q. Had you noticed any smoke when
13 that bearing had failed? Or on your
14 way out there, did you encounter
15 smoke going out there?

16 A. When I got there, it was
17 already shut off. You could smell
18 it. You could smell like a burnt
19 grease or something burnt. It
20 smelled like something burned, but it
21 wasn't ---.

22 Q. How far away from that area

23 did you smell it? Did you ---?
24 A. Usually just right whenever I
25 got to the roller itself, well break

171

01 on the break line, you could smell
02 it.

03 Q. Did you hear anyone else talk
04 about the amount of smoke or anything
05 or hear crews talking about we got
06 smoke in there? We had a lot of
07 stink from it or anything like that,
08 you know?

09 A. No.

10 Q. Okay. When you had smoke in
11 that longwall mother drive area,
12 which direction did that smoke --- I
13 think you answered it partially, but
14 which way would the smoke go like
15 from the take-up area if you had ---?

16 A. If I had to guess, I mean,
17 when you get a lot of smoke like
18 that, it seemed to me like --- I'm
19 trying to remember. It seemed like
20 it was coming toward the head a
21 little bit, but it would be such a
22 --- like I was saying, there wasn't
23 enough air to where you could be
24 definite. I mean, it would just ball
25 up, you know. Just where it was at

01 was where it was at.

02 Q. When you saw the smoke and
03 everything in whichever direction it
04 was moving, did you ever call --- did
05 you ever think about calling one of
06 the crews and notifying them they had
07 smoke coming their way or that there
08 could be some smoke --- you could get
09 some smoke. I've had some smoke out
10 here or even consider telling them
11 they need to come out by the smoke or
12 anything like that?

13 A. I never --- no, because I
14 never really thought nothing about
15 it. I never did encounter a case
16 where there was enough smoke to where
17 I really thought of anybody being in
18 any danger or anything. It was just
19 --- you know, there was a couple
20 times when it was thick smoke, but it
21 wasn't really something that I
22 thought, you know, it was enough to
23 do any --- you know, do anything. By
24 the time it got somewhere, I figured
25 it would small out anyway. I

01 probably would have if it would have

02 been something that would have took
03 longer to correct than what I did.

04 Q. Right there at the mother
05 drive, and you had some equipment
06 doors on both sides of that mother
07 drive where the mantrips traveled
08 under it and through that area. Were
09 those doors --- did you ever open
10 those doors to help move that smoke
11 out of that area? Or was that ever
12 done or ---?

13 A. No. It'd usually --- by the
14 time you'd get it done, get it fixed
15 to where it quit smoking, then it'd
16 dissipate ---

17 Q. It would already be gone.

18 A. --- or --- wasn't nothing like
19 that.

20 Q. Did you ever go up in that ---
21 was you ever in that area and around
22 the mother drive and notice those
23 doors were being left open for any
24 purposes?

25 A. Yeah. They were left open a

174

01 few times here and there.

02 Q. Was there a reason they were
03 left open? Do you know of any ---?

04 A. People would go through them

05 and don't want to shut them back, I
06 guess.

07 Q. Was like both doors on one
08 side open or both doors on the other,
09 or was it just one of them?

10 A. I've walked through there and
11 be able just to see through all four
12 of them, and go through sometimes and
13 one would be shut and the rest of
14 them open, you know, just --- it
15 would be different times.

16 Q. How often would you --- how
17 many times or how often would you say
18 you'd see all four of those doors
19 open?

20 A. All four?

21 Q. Yeah.

22 A. Not very often, maybe --- not
23 very often at all.

24 Q. Okay. When you just found
25 one, how often would you venture to

175

01 guess --- you know, I know it's an
02 approximation, just one open on ---
03 of any of those four doors?

04 A. Maybe --- probably two or
05 three times a week. But the one on
06 the --- inby towards the --- going

07 through the section, past that door,
08 sometimes, you know, they'd --- I
09 wouldn't go look at it for two or
10 three days at a time, you know, so I
11 couldn't tell you if that door was
12 open or closed.

13 Q. Did anyone ever call you or
14 talk to you about the importance of
15 those doors or someone that was on
16 the shift you worked on that was
17 taking care of ventilation or that
18 would ---

19 A. I knew the doors ---.

20 Q. --- complain about the
21 ventilation problems because those
22 doors was left open or was it a big
23 concern with the people on the shift?

24 A. When I'd ride in with the
25 section, they'd always make sure all

176

01 the doors were shut, so I knew they
02 were a big deal. I mean, I'd shut
03 them when I'd get around them. If
04 I'd see them open, I'd --- as I'd
05 walk through, I'd shut them back
06 behind me.

07 Q. Do you feel like ventilation
08 was a high priority at the mine or do
09 you think it was --- they was a

10 little bit lax on paying attention to
11 the ventilation controls there?

12 A. I feel like it's something
13 that they felt like they needed to
14 do, but I don't feel like it was a
15 top priority.

16 Q. Okay.

17 A. It's something you got around
18 to.

19 Q. Okay. Going back to the
20 take-up area, did you frequently see
21 strips of belt or flappers, as
22 they're commonly called, and the
23 strings wrapped around the rollers
24 and stuff in the take-up area?

25 A. Yeah, you'd see them every now

177

01 and then.

02 Q. Did you shut the belt off and
03 cut them out or did you report them
04 or how were they handled when you
05 happened to see them built up like
06 that?

07 A. Usually, where I checked
08 splices, if I seen one, I'd --- Dave,
09 I'd usually stand in front of him,
10 like maybe a half a break, if I'd see
11 one I'd just motion my light toward

12 me, turn them off and we'd cut it.
13 You know, if the side of the belt was
14 flopping down, we'd cut it and took
15 splices. We'd stop and we'd cut
16 splices.

17 Q. Did you ever these strings
18 around them built up to the point
19 where they'd actually --- if you had
20 one there, it would bust a pillar
21 block bearing or cause the roller to
22 be cocked or misaligned? One of the
23 stationary rollers I'm talking about,
24 not a ---.

25 A. That one roller, that one

178

01 stationary roller on the head drive
02 had a lot on it, but not enough to
03 --- it didn't crack nothing.

04 Q. Do you remember --- do you
05 know who pre-shifted or on-shifted
06 the longwall belt?

07 A. When I was there?

08 Q. Yes.

09 A. Tom Adkins.

10 Q. Okay. Did you see him during
11 your shift? Did you physically see
12 him going down the belt?

13 A. Sometimes. Like I was saying,
14 when I'd go different places, I'd

15 miss him, but I'd --- you know, you
16 could tell he was there because you
17 could see where he dated up.

18 Q. Okay. Do you remember seeing
19 some piles of belt shavings or strips
20 of belt or flaps or piles of belt
21 shavings along the belt in the
22 take-up area on the ---?

23 A. Yeah. In the take-up area?

24 Q. Yeah.

25 A. There was a little bit right

179

01 there, right next to the pinch
02 roller. We threw it over on the side
03 there for the tractor to get. But
04 there was some on down the belt line
05 that we hadn't been able to get to
06 yet.

07 Q. Was that on the tight side of
08 the belt or the walking side?

09 A. Not on the tight side, on the
10 walk side.

11 Q. Okay. And what would have
12 caused those to occur?

13 A. I guess just getting over into
14 the bottom roller hangers. That
15 would be about the only way it really
16 could, as far as I know, in that

17 area.

18 Q. Okay. We got this drawing

19 here. Let's ---.

20 MR. STAHLHUT:

21 Do you want to put it

22 on the wall or ---? Maybe we

23 better put it on the wall.

24 BY MR. STAHLHUT:

25 Q. If you would, come up here to

180

01 the diagram. And we're going to ---

02 this is going to be Exhibit B,

03 Ferguson.

04 (Ferguson Exhibit B

05 marked for

06 identification.)

07 BY MR. STAHLHUT:

08 Q. I'm just going to ask you a

09 few questions about this drawing.

10 This is a copy of a drawing that's

11 out of our files, and this Exhibit B

12 is D394. And this is a drawing of an

13 original purchase, and the parts were

14 supplied by Continental from our

15 files. And I guess the first

16 question I'd like to ask you, this

17 drawing depicts the top view looking

18 down on it and a side view of the

19 take-up. And we referred to these

20 drop-off arms and things. And I
21 wanted to clarify a couple of things
22 and maybe have you circle them on the
23 map here. And I guess the first
24 thing, would you circle with this
25 blue pen here what you consider the

181

01 carriage roller or what I commonly
02 refer to as a drop-off roller? Can
03 you just circle any one of them?

04 WITNESS COMPLIES

05 BY MR. STAHLHUT:

06 Q. And how many does this print
07 depict beyond there in a normal
08 installation?

09 A. It shows eight.

10 Q. And I realize that depends on
11 the length, but that's what they're
12 showing as a normal installation.

13 This roller that you've circled in
14 this blue ink, how many rollers is
15 depicted here?

16 A. In this one?

17 Q. In this one that you circled.

18 A. I don't know if it's showing
19 --- I don't know if it's showing
20 three and this is a bar, because it's
21 got a solid bar that goes through

22 underneath all of them. I don't know
23 if that's the bar or if it's showing
24 four rollers.

25 Q. It's showing three up here for

182

01 sure.

02 A. Probably a solid bar that
03 holds it.

04 Q. Do these look like the same
05 rollers that are in the take-up at
06 the mother drive, or do they have
07 just --- how many rollers do they
08 have up here above this bar or
09 whatever it is?

10 A. Well, the ones that was on the
11 mother drive, you had two that was
12 pretty close together on top. And
13 then the third one was kind of low,
14 about right here where this bar is
15 at. And the bar was connected right
16 here in the center.

17 Q. And I think this does depict a
18 roller from ---. So this would show
19 it four. And would you say the
20 mother drive shows --- that's current
21 installation at the mother drive, the
22 three or four?

23 A. It had three. It had one that
24 ran on the top, then it had one here,

25 then it had one on the bottom, then

183

01 you had one that went in down here.

02 Q. Okay. Is this --- this

03 picture of this belt take-up, is this

04 the way the belt and the head drive

05 is shown? Is this the way it

06 actually is in the set-up or is this

07 --- does this belt going backwards

08 --- you're showing the belts coming

09 down the head drive, and then it's

10 coming around and then it's coming

11 down to the bottom here. Does this

12 bottom --- the current installation,

13 does it come in on the top and go

14 down or does it come down on the

15 bottom?

16 A. It comes --- see, here it goes

17 through that way, comes back, has to

18 run on top --- has to run on top

19 first. Has to run on top and then

20 come through here.

21 Q. Does it come out the bottom

22 down here?

23 A. It comes out the bottom this

24 way because here's your pruner.

25 Q. But this print's showing it in

184

01 the opposite direction; am I correct?

02 A. Oh, let's see here.

03 Q. This is your winch rope right

04 here.

05 A. Yeah.

06 Q. This is your portable --- this

07 is your removable waste all here, ---

08 A. Yeah.

09 Q. --- this is your head drive,

10 this is your drive out of here;

11 correct?

12 A. No.

13 Q. That's the stationary, okay.

14 The drive would be down here. I'm

15 sorry. And you're saying --- let me

16 correct it, and the winch is out

17 here, this is depicting that the belt

18 is coming back through here and

19 returning coming back this way to the

20 drive area?

21 A. Let's see here.

22 Q. In this print, is this the way

23 it is up there on the mother drive

24 area that I'm referring to? Does

25 this belt come in and come down and

185

01 come through this waste way or is it

02 the opposite?

03 A. I didn't think it did. Hold

04 on a second. It runs back this way,
05 the bottom belt. The bottom part of
06 this belt that comes through this way
07 goes back that way.

08 Q. Goes back that way. So it
09 runs backwards to what this diagram
10 shows?

11 A. Yeah.

12 Q. Okay. I'll switch pens with
13 you and give you this red one. On
14 this --- what are these posts right
15 here? What does this depict?

16 A. That's the ones that were ---
17 these pieces right here, it catches
18 those.

19 Q. This is what drops your
20 rollers off; is that correct?

21 A. Yeah.

22 Q. Would you circle that and put
23 a little arrow to it saying
24 drop-off roller, post or whatever you
25 call it, just put a line to it.

186

01 WITNESS COMPLIES

02 BY MR. STAHLHUT:

03 Q. And we was referring to this
04 right here. For the record, this
05 belt comes in --- we're looking at

06 this Exhibit B. And did you state
07 that the belt came out on the bottom,
08 and would that be to the --- let me
09 back up. This diagram shows the belt
10 coming from the head drive, coming
11 out on the bottom and going to the
12 --- right into the take-up unit. And
13 on the current installation, going
14 from the drive and traveling in by or
15 in a right-hand location going on
16 this print, did the belt go into the
17 top of this take-up unit or the
18 bottom of this take-up unit?

19 A. You mean first?

20 Q. At the Nine headgate, the
21 current installation at the head
22 drive. The drive is sitting here.

23 A. The drive is sitting there.

24 What --- I don't understand the
25 question.

187

01 Q. The question is here --- this
02 diagram shows the belt coming down
03 through here and then coming in like
04 this, ---

05 A. Uh-huh (yes).

06 Q. --- coming out toward the
07 right on the bottom. Is that the way
08 it was up at the current belt drive,

09 or does it go --- come in on the
10 left-hand side at the top and comes
11 out on the right-hand side at the
12 bottom?

13 A. Yeah, it comes in from the
14 top.

15 Q. Toward the inby side. So
16 you're indicating it would be
17 reverse, and it would go in on the
18 top, travel in the right-hand or inby
19 direction, ---

20 A. Uh-huh (yes).

21 Q. --- and then comes out on the
22 bottom at the ---

23 A. Yeah.

24 Q. --- inby side, going toward
25 the longwall section; correct?

188

01 A. Yes.

02 Q. It's just reverse of what the
03 print shows; ---

04 A. Yeah.

05 Q. --- correct?

06 A. Yeah. Right, it's this way.

07 Q. Just put a line here with a
08 blue marker, carriage roller or
09 drop-off, carriage roller, whatever
10 you would commonly refer to it as.

11 WITNESS COMPLIES

12 BY MR. STAHLHUT:

13 Q. Now, if I remember correctly,
14 and your correct me if I'm wrong,
15 these posts that you circled in red
16 here, these drop-off lever posts, as
17 they're referred to on the print
18 here, were these the posts you were
19 talking about being destroyed the
20 first time you took belt out; am I
21 correct?

22 A. Yeah.

23 Q. Okay. And on the carriage
24 rollers here, you were talking about
25 the third carriage rollers and the

189

01 sixth carriage roller being reversed.

02 A. Yeah, they were mixed up.

03 Q. Would you --- let me get a
04 different color pen here. Would you
05 circle the sixth --- or the third and
06 the sixth carriage roller here on
07 this drawing, and then just draw an
08 arrow down to it, if you would, and
09 then put below it, reversed. You're
10 using a green marker.

11 MR. STAHLHUT:

12 We're marking the third
13 and the sixth carriage roller

14 on Exhibit B, Ferguson. And
15 he's indicating that these two
16 rollers were reversed.
17 BY MR. STAHLHUT:
18 Q. While you're up there, would
19 you go ahead and sign --- just sign
20 and date this map right up there
21 somewhere so for the record that this
22 is your notations. And the date is
23 the 29th.
24 A. You want me to sign it or ---?
25 Q. Yeah, sign it. It's the 29th.

190

01 WITNESS COMPLIES
02 BY MR. STAHLHUT:
03 Q. Okay. And also on this
04 section down here --- let me back up
05 and rephrase the question. Is this
06 where you put reversed here? Does
07 this mean that number six is where
08 number three is, and number three is
09 where number six is?
10 A. Yeah. They were --- yeah,
11 ---.
12 Q. They're reversed.
13 A. This one here was here, which
14 made this one here lower. This one
15 here was higher, which made it ---

16 didn't give it no effect. It
17 wouldn't catch. That's why these
18 didn't.
19 Q. Right.
20 A. See, on this here it shows
21 that they're --- it looks like
22 they're the same size, but they're
23 not. They got a --- these pieces
24 here, these here come down. See, you
25 can tell right here. See how they

191

01 come down?

02 Q. These are the latch levers?

03 A. Yeah.

04 MR. STAHLHUT:

05 And he's indicating
06 here on these that the latch
07 levers, where it trips them.

08 BY MR. STAHLHUT:

09 Q. Do you want to circle a couple
10 of these? Difference in height?
11 Just put an arrow at the bottom.
12 We'll have it on the record. Put a
13 circle like through this and put it
14 down there, difference in carriage
15 rollers.

16 WITNESS COMPLIES

17 BY MR. STAHLHUT:

18 Q. The bolts that you referred to

19 that you installed on --- what is it,
20 the week before, to knock the rollers
21 up, if you're looking at the print
22 here, it's got a section BB here, and
23 when you look at a section BB this is
24 here. This is a cutaway drawing of
25 the rollers. And could you indicate

192

01 with a marker, let me get a different
02 color, where --- are you familiar
03 with the print? Do you see what I've
04 got here? This is the wheel.
05 There's the rail and on top of the
06 rail. And then here's the angle for
07 the carriage roller. Can you circle
08 an area and indicate where that
09 extended bolt was that you installed
10 in these rollers?

11 WITNESS COMPLIES

12 BY MR. STAHLHUT:

13 Q. Go ahead and circle that on
14 this print, on Exhibit B.

15 A. It went in right here. Do you
16 want me to circle this part here?

17 Q. Yeah.

18 A. Where do you want me to put it
19 at?

20 Q. That's fine. Put it there.

21 Just put locking bolts or whatever
22 you want to call them.

23 WITNESS COMPLIES

24 A. These are bolts that went into
25 the break, and it would make them

193

01 free one way, but it would stop them
02 from going the other way. I mean,
03 you could pull them back one way and
04 it would stop.

05 BY MR. STAHLHUT:

06 Q. Where you indicated you put
07 them in there, did they go through
08 this hole, where this hold-down
09 bracket was or did they go in ---?

10 A. They went into this piece.

11 Q. And was that threaded and
12 tapped, was there a hole there or how
13 did they go in there?

14 A. Yeah. There was already a
15 hole there. And you'd stick a bolt.
16 It went on the inside. They went on
17 the inside right here, and they just
18 go into --- they're about that long.
19 They'd go into a piece, and that
20 piece would catch down on this piece
21 of angle right here, that break. And
22 what it is, when you would pull your
23 belt together, pull it together, it

24 made a free wheel that way. But when
25 it'd start to back up, that's when

194

01 your breaks would catch. They'd go -
02 --That's where they went in. They
03 went in like into a side piece right
04 here.

05 Q. Are you familiar with the ---
06 on the movable belt here, the part
07 the winch hooks to, the three rollers
08 here, there's some hold-downs on the
09 inby and outby end in this area right
10 here that hold this unit down to keep
11 it from cocking up and down. Are you
12 familiar with those hold-downs on
13 this movable carriage?

14 A. The hold-downs rollers you
15 mean?

16 Q. I mean, these rollers that run
17 on the rail here, ---

18 A. Yes.

19 Q. --- and then on the inside
20 there's a hold-down device similar
21 but different than what's depicted in
22 this drawing. It's not shown here.

23 But are you familiar with those hold-
24 downs on this movable carriage?

25 A. Those two long bars that went

01 in underneath?

02 Q. Uh-huh (yes).

03 A. Yeah, I know what you're ---.

04 Q. Were they there?

05 A. They weren't. One was --- on

06 this one here, it didn't have one.

07 It just had this and this. You had

08 these bars ---.

09 Q. Just had the rollers ---?

10 A. You had your typical bars that

11 was in this. But as far as I know,

12 they didn't have nothing on that.

13 Q. I'm talking about --- let me

14 clarify. I think you're ---.

15 Looking at this DB section like you

16 were looking at one of these rollers

17 here on this movable take-up, ---

18 A. Yeah.

19 Q. --- did it have some kind of a

20 hold-down when it hooked under this

21 angle here to keep this carriage from

22 raring up, to keep it held down? Are

23 you familiar with anything that was

24 there to keep it from raising up?

25 A. No.

01 Q. You wasn't familiar with

02 anything like that?

03 A. No. No.

04 Q. Okay. While you're up here,
05 I'm going to exercise you a little
06 bit. Let's go over to the --- I got
07 another question here for you. I
08 guess the things you reviewed and the
09 things you've seen, do you believe
10 that the failure to properly maintain
11 this unit and the differences in the
12 unit and the grade it was on, all the
13 different things collectively, do you
14 think that they could have resulted
15 in this situation and caused the
16 fire?

17 A. What, the maintenance of it?

18 Q. Yes, the maintenance of it.

19 A. No, I don't really. I don't
20 think it was the maintenance.

21 Q. What do you think ---?

22 A. What do I think caused the
23 fire?

24 Q. Yeah.

25 A. I think it was these rollers

01 here ---

02 Q. And you're pointing to the
03 carriage roller.

04 A. --- coming back close to this

05 and catching. See, this here pulls
06 back. See, like this right here,
07 these here catch right here. You
08 know, it's going to catch on every
09 one of these that come up through
10 here. And after --- say this is the
11 head right here, if this here gets
12 close to --- well, not the head, but
13 close to where it's supposed to stop
14 at, it's going to stop and bounce on
15 a few feet ---.

16 Q. Close to the maximum ---

17 A. Yeah.

18 Q. --- storage in the storage
19 unit?

20 A. If it gets so close, this here
21 are separated as best as we can
22 --- the best we can get them. But
23 every time --- usually we're called
24 off to do something else, and you'll
25 have two or three of them. When you

198

01 get two or three of them together and
02 they're still connected to this and
03 that rope's pulling, it gets --- you
04 start getting in a bind right here
05 when you get close to the end. And I
06 believe that what happened was when
07 these here got aligned, it pulled

08 over. Every time they pulled over,
09 they pulled over right here. This is
10 the belt line.

11 Q. And you're referring to right
12 here the outby roller on the movable
13 dolly that's got the three stationary
14 rollers on it and would be indicated
15 on the left-hand side of the Exhibit
16 B, on the middle section, A --- the
17 middle section on the print here?

18 A. Yeah. It always happened on
19 Number Three usually, on that third
20 one back. What it is, it'd catch up
21 --- it'd come over --- when it'd come
22 over, it'd catch this bar right here.
23 It'd burn into this bar and it'd come
24 over. What it is, when it'd get
25 underneath this bar right here, it'd

199

01 flop over. And I believe it just
02 wasn't caught.

03 Q. Do you want to mark this area
04 with that black marker what you're
05 referring to there? Just circle that
06 area, the area where the belt rolled
07 over and however you can indicate
08 that there is --- circle it and draw
09 an arrow to it. A circle with a line

10 down through it. Put belt roller on
11 this area.

12 WITNESS COMPLIES

13 BY MR. STAHLHUT:

14 Q. And which side would you say
15 it was typically --- tended to ride
16 over on?

17 A. On the walk side.

18 Q. On the walk side.

19 A. It always --- it'd catch into
20 here. And what it is, it'd get
21 underneath this. It'd get underneath
22 your bars. That bar that comes
23 straight down. It'd get underneath
24 the bar, and I believe it got
25 probably right through.

200

01 Q. Would you circle --- the
02 center location as it is, the side
03 view, this is the top view, would you
04 circle this same roller in the top
05 view as being the same area --- you
06 know what I mean, to where people
07 could further understand it that
08 maybe don't understand the belt
09 drive.

10 A. Circle the bearing or the
11 roller?

12 Q. The whole area. Wherever the

13 area is that you said the belt would
14 roll over. This location here would
15 be the same as whatever you circled
16 up here. That would indicate ---
17 that would clearly indicate which
18 side, if you follow what I'm saying.

19 A. The walk side, same side as
20 this side.

21 Q. Just put an arrow down here.
22 That would be the same location of
23 the belt rolling over. Both of them
24 is indicated in black.

25 MR. STAHLHUT:

201

01 And he's put an arrow
02 to both of them. Okay.

03 BY MR. STAHLHUT:

04 Q. Let's move over here to this.
05 When you're talking about --- we'll
06 go back to this one. When you're
07 talking about --- let's explain for
08 the record. When you're talking
09 about carriage rollers bunched up,
10 what are you referring to there? Are
11 you referring to like --- what do you
12 mean?

13 A. As this goes back --- see, you
14 got --- this here --- usually the

15 first couple, like one or two ---
16 well, the end of it is one. It'd
17 stop right at the end. When you pull
18 belt out, they all come back to the
19 end right here. They're all bunched
20 up next to this piece right here.
21 And when you start pulling back, this
22 one here would usually stay where
23 it's at, which is at the end of this.
24 And as you pull back, we'd be able to
25 catch one right here, so the belt

202

01 would have a place to --- you know, a
02 place to go. Then as we pull back,
03 usually these three right here get
04 away from us because they'd be so
05 close to the end and we'd like --- if
06 we'd miss a day or something, and
07 it'd go on back. And by the time
08 they'd get back to here, they'd all
09 three be together. And then you'd
10 have one here and one here, and you'd
11 have this all the way back with these
12 three, and you'd have one --- like
13 that right there, you'd have a piece
14 coming down. You know, you'd have
15 all that belt coming down and it'd
16 have all that weight on it, and it'd
17 cock.

18 Q. You're indicating then that
19 like three of these drop-off carriage
20 rollers would be together yet?

21 A. Yes.

22 Q. And then there'd be an
23 excessive --- a longer distance than
24 normal, and then at some different
25 points there'd be other rollers at

203

01 different spaces?

02 A. Yeah. But you'd have a big
03 spot in between, say, this one and
04 this one.

05 Q. Between two and three.

06 A. And you'd have all that belt
07 it'd be pulling down on. That would
08 kink it. That's why it cocked.

09 Q. Okay. And I think you've
10 already stated this, but for the
11 record, then when these bunched
12 together, why would that move create
13 a significant event?

14 A. While they were bunched
15 together, why would that hurt
16 anything?

17 Q. Yeah. What would that ---?

18 A. Well, you got --- this thing
19 is a hundred and --- I think it's 170

20 feet. I'm pretty sure that's how
21 long those was, I figure. I could be
22 wrong.

23 Q. Here's the dimensions here for
24 a normal installation. And it could
25 vary. So you're probably --- 178

204

01 feet there.

02 A. You'd get these three here and
03 you'd get it almost to the end, which
04 would be like maybe 25 feet. And
05 you'd have 70 feet of belt, and that
06 big, big belt, it was pushing down on
07 the back end of this one here.

08 Q. Let's indicate --- can you
09 indicate right here, like with an
10 arrow 70 feet of belt between the
11 first three rollers being bunched
12 together and pushing on ---.

13 WITNESS COMPLIES

14 A. And what it is, it'd come down
15 --- like I was saying earlier, you
16 have your beltman and he'd cut it,
17 this belt here, we'd take and push it
18 over to make it go back, go that way.
19 Your belt would start through here.
20 It'd cock in the opposite direction.
21 When it cocked in the opposite
22 direction, it cocked this up right

23 here.

24 Q. And were these the bearings
25 you referenced on these rollers would

205

01 be the ones that would get hot?

02 A. This here would be hot.

03 Q. This one here on the movable
04 carriage on the inby roller --- the
05 most inby roller to the right-hand
06 side, the bearing that would heat.

07 A. I'm thinking it would be hot.
08 They ran on --- they usually would
09 run hot.

10 Q. Can you tell me why --- when
11 you're looking between the left-hand
12 rib --- between the rib there was
13 some --- to this tight side, which
14 would be the --- if you're looking at
15 this diagram, it would be this side
16 here. There was some beams installed
17 against the rail going over to the
18 rib. Do you know why those were
19 installed over there?

20 A. Going up against the rib?

21 Q. Yes.

22 A. That would have been --- they
23 were like that when I started up
24 here.

25 Q. Would you mark roughly on

206

01 there what we're talking about? Just
02 put a line down there at the area
03 where I-beams were to the left-hand
04 rib, something just for the record.

05 A. There were on the off side.

06 Q. Oh, you're talking about ---
07 let me rephrase that. Right here,
08 put an arrow that this was the
09 bearing that got hot. Just put hot
10 bearing here so we know that's the
11 one.

12 WITNESS COMPLIES

13 BRIEF INTERRUPTION

14 BY MR. STAHLHUT:

15 Q. Let's go back up there. I
16 want to clarify something for the
17 record here. And I think when we
18 were talking about his bearing and I
19 was pointing to the bearing and
20 telling you which bearing, would you
21 indicate --- does the black circle
22 indicate the bearing that you were
23 talking about that would heat?

24 A. Yes.

25 Q. I didn't lead you there. That

207

01 was your decision; is that correct?

02 A. Yeah. It's the third roller
03 on the walk side.

04 Q. And that's the one you have
05 circled that's in black that says
06 hot?

07 A. Yeah.

08 Q. While we're standing up, let's
09 go on over here to the map and we'll
10 do a few questions on a little
11 different subject. Then we'll get
12 back to that here in a little bit.

13 But how familiar are you with the
14 ventilation controls at Aracoma Mine?
15 How well do you remember that,
16 especially in the mother drive area?

17 A. I know it pretty good as far
18 as the mother drive area.

19 Q. On this map here, this Exhibit
20 A Ferguson, are you familiar with the
21 area there? The brown lines here are
22 the belts? This area right here
23 would be the longwall belt. Could
24 you indicate where the longwall
25 mother drive is here on this belt?

208

01 A. The mother drive?

02 Q. Yeah.

03 A. This is the mother drive on

04 Seven.

05 Q. Okay. On these ventilation
06 controls, do you remember --- we
07 referenced earlier and you talked
08 about a stopping that was removed,
09 that you were there when the
10 electricians removed it.

11 A. Okay. It was on this side.

12 Q. Right. And where would that
13 be exactly? Could you draw a circle
14 on the map?

15 A. Let's see here. This is it
16 right here.

17 Q. Okay. And which stopping were
18 you referring to when you said that
19 they were removed?

20 A. Okay.

21 Q. Where was the stopping
22 located?

23 A. Here's your belt line, so it
24 would be --- right here is where the
25 stopping was.

209

01 Q. And would you circle --- put a
02 circle there where that brattice
03 would have been, in brown?

04 A. Right here?

05 Q. Wherever it was. That was
06 where the one ---.

07 A. It was right in this area
08 here. As you go up through here,
09 right here is where your power box
10 and stuff sit.
11 Q. Okay. Your power boxes are in
12 this crosscut here. And this is the
13 stopping on the inby side that the
14 electricians removed. And that's in
15 a crosscut on the stopping to the
16 left-hand side or the outby side of
17 survey point 3267 and the crosscut at
18 the intersection of the inby side is
19 survey spad 3333, and it would be the
20 crosscut to the north or the --- to
21 the north side of that intersection,
22 and it's been circled in black. And
23 just put a little arrow down there,
24 stopping removed by electricians.
25 WITNESS COMPLIES

210

01 A. What's that? Is that a
02 stopping?
03 BY MR. STAHLHUT:
04 Q. Now, that's going to be
05 another question here. You're asking
06 is that a stopping. Not everything
07 on this map is like it was in the
08 mine. That was going to be one of my

09 next questions. This is what --- the
10 tail of the Seven belt here, this
11 stopping that you just pointed to,
12 was this stopping there or not?

13 A. (Indicates no).

14 Q. It was not there. Let me get
15 a different colored pen and let's
16 circle that, and then we'll reference
17 it for the record. Circle that one
18 in red. And was that stopping ---
19 did you ever see that stopping here?

20 A. No, that stopping ain't never
21 been there.

22 Q. Put a circle around it and
23 then just put stopping not there or
24 however you want to indicate it.

25 WITNESS COMPLIES

211

01 MR. STAHLHUT:

02 And the stopping he's
03 referring to is on Exhibit A.
04 And it's inby survey spad
05 3249, and it's in the cross
06 --- in the entry between
07 stopping between intersection
08 3249 and 3266. And he's
09 circled that stopping with a
10 red circle, which indicates
11 the stopping is not there.

12 BY MR. STAHLHUT:

13 Q. Was it ever there?

14 A. No.

15 Q. It was never there; is that

16 correct?

17 A. When they stopped this right

18 here, that wasn't where they was

19 supposed to stop at. It was supposed

20 to run plum up to --- it's actually

21 supposed to run to here. And this

22 belt here was supposed to have been

23 taken care of, been out of the

24 picture so Two Section could dump

25 onto Seven belt. So they didn't put

212

01 nothing there. And now they got ---

02 if you've ever been in there, you can

03 see where they've expanded it out and

04 ---.

05 Q. So you're saying that where

06 the Seven tail currently is, working

07 down the entry inby, you've never

08 seen a stopping or a check curtain or

09 anything down through there?

10 A. No.

11 Q. What do you observe when

12 you're looking down the entry in the

13 inby direction?

14 A. Looking this way?
15 Q. No, inby, to the east
16 direction, toward Two section.
17 A. From where?
18 Q. You're standing at Seven tail
19 and you're looking toward Two
20 section.
21 A. You see structure. There
22 ain't no --- there ain't nothing
23 there anywhere, just some structure.
24 Q. Would you indicate with an
25 arrow --- you said that the power
01 boxes were in this crosscut here.
02 Would you indicate in blue there
03 where those power boxes were located?
04 A. You had three of them.
05 Q. Just put three dots or three
06 circles there, however you want to
07 indicate it. Just put a little line
08 out there, power boxes.
09 WITNESS COMPLIES
10 BY MR. STAHLHUT:
11 Q. To the north of those power
12 boxes, just inby this intersection or
13 anywhere in this area, in this
14 crosscut here, was there ever a
15 stopping to the north of these power
16 boxes in this area? Do you recall a

17 stopping in this area?

18 A. On the other end of the break
19 here?

20 Q. Yes.

21 A. No. There was one right here,
22 and that one there is there, but
23 there wasn't nothing right here.

24 Q. There was none here?

25 A. No.

214

01 Q. Okay. When you've come
02 through those --- these are single
03 doors here. Are you familiar with
04 these doors?

05 A. Uh-huh (yes).

06 Q. And what are these doors used
07 for?

08 A. To --- they're to keep the air
09 to the section.

10 Q. And if you're in this travel
11 --- is this a normal travelway or ---

12 A. Yeah, that's the way we
13 travel.

14 Q. --- is there a lot of traffic
15 through this area?

16 A. Not a lot. Just the sections
17 going in and out and us, me.

18 Q. Okay. It's a roadway; is that

19 correct?

20 A. Yeah. It's your main road to
21 your section.

22 Q. Okay. Let me back up a minute
23 here. Would you indicate --- let's
24 use a different color here. This
25 stopping here, that there was never a

215

01 stopping there, put a circle there
02 and indicate in that location what
03 was there.

04 MR. STAHLHUT:

05 And he's putting a
06 green circle on Exhibit A, and
07 it's to the south direction or
08 in the intersection of 3266.
09 It's to the north of where
10 he's indicated the power boxes
11 to be.

12 A. This power box right here
13 actually sits a little bit --- it
14 sits too far out for you to put a
15 brattice there anyway.

16 BY MR. STAHLHUT:

17 Q. There wasn't even a position
18 where you could build a brattice?

19 A. No, not on that one.

20 Q. This outby box, what was that
21 outby box that stuck out in the entry

22 a little bit; do you recall?
23 A. That was --- let's see here.
24 Another --- I need that blue one
25 back. There was four in the ---.

216

01 Q. Four of them, okay.
02 A. Yeah. There was one up above
03 it. It was up above where a brattice
04 was. It was sitting up in the
05 middle. The yellow one, I figure was
06 for --- I can't remember what the
07 yellow one was hooked up for. The
08 other one was the power feeder mother
09 drive. The white one was --- the
10 yellow one that set up here. I don't
11 know what they had hooked up to it,
12 unless they had them red boxes hooked
13 up to it.

14 Q. Was it added at a later date
15 than the others or do you have any
16 idea?

17 A. Yeah, it was there later.

18 Q. It was put in there at a later
19 date?

20 A. Yeah.

21 Q. Okay. When you're traveling
22 through these doors, if these doors
23 were open and if the --- you know

24 where the take-up --- would you
25 indicate where the take-up area is?

217

01 Just put a circle up there where the
02 take-up is, I guess.

03 A. Where the take-up's at?

04 Q. Yeah, wherever the take-up is
05 in this area.

06 A. Let's see. Where those doors
07 ---.

08 Q. Just put an arrow out there,
09 take-up area.

10 MR. STAHLHUT:

11 And he's indicating
12 that in blue. And it's south
13 of survey station 3267 in the
14 Number One entry of the Ninth
15 east headgate.

16 BY MR. STAHLHUT:

17 Q. The take-up's there. And if
18 there was a fire at the take-up and
19 these doors were open, which way
20 would the air flow, in your
21 estimation, if these trap doors were
22 open?

23 A. It would ---.

24 Q. Do you know?

25 A. I really wouldn't --- I

218

01 wouldn't know. I know that you're
02 losing all your air when you open
03 these doors up. The air would suck
04 in under it.

05 Q. If the doors are closed, which
06 way did this air flow up through ---
07 did it go up --- which direction did
08 the air flow in the belt entry with
09 the ventilation control device, the
10 doors anyway, in the closed position?

11 A. It come up towards you. It
12 come up toward the head.

13 Q. You want to put an arrow in
14 the other direction, airflow. Just
15 whatever direction the airflow is,
16 indicate it along --- in that area
17 around the drive area there. And
18 just put a little arrow, direction of
19 airflow on belt, on longwall belt.

20 WITNESS COMPLIES

21 BY MR. STAHLHUT:

22 Q. Have you ever had an instance
23 to walk the Seven belt on down
24 further, where they were putting the
25 installations in down through here?

219

01 A. Yeah, I walked that section
02 that way.

03 Q. AT least down to --- what was
04 going on down in here? Was there
05 anything going on? Did you work on
06 anything down ---?

07 A. This line here?

08 Q. Yes.

09 A. No. They were putting up
10 structure to extend the Seven belt.

11 Q. Okay. And where was it
12 extending to?

13 A. I think it was extending to
14 the section. They wanted to get rid
15 of this belt, that first section was
16 going to dump onto.

17 Q. Did you ever indicate to
18 management that this stopping that
19 you circled here at the end of the
20 Seven belt was missing here?

21 A. No. I didn't really know a
22 lot about the airflow as far as it
23 needing more air, to be honest.

24 Q. You wasn't sure whether it was
25 needed there or not?

220

01 A. No.

02 Q. Do you know what direction the
03 airflow was on this Seven belt on the
04 19th, the last day you worked? Can
05 you recall what direction that air

06 was going on Seven belt?

07 A. I thought it was going toward
08 --- I always thought it was going
09 toward the section. I don't know.

10 Q. Do you want to indicate that
11 on there? Just put direction for ---
12 an arrow and then direction of
13 airflow on Seven belt.

14 A. When you'd walk it, you'd feel
15 air coming and hitting you in the
16 face.

17 MR. STAHLHUT:

18 And he's indicating the
19 direction of the air on this
20 Seven belt is in the inby
21 direction toward the section.

22 BY MR. STAHLHUT:

23 Q. Do you have any idea when it
24 come down in here and you got down
25 --- when it come through this area

221

01 where you circled that there was a
02 stopping missing, where did it go
03 down in this area? Do you have any
04 idea where it went?

05 A. Where the air went?

06 Q. Yeah. Or would you care to
07 speculate where it went from there?

08 A. I know when you had the doors
09 shut --- when you had these doors
10 here shut, you could walk to the
11 section this way, too, just ---
12 because, you know, it was your
13 regular travelway. And I know you
14 could feel air and stuff here as
15 you'd come down through this way.

16 Q. Okay.

17 A. I don't know if that's where
18 it was --- I don't know if that's
19 where that air was coming from.

20 Q. So when you're walking toward
21 the section, which would be in the
22 inby direction to the east, in the
23 entry there, would that air be
24 hitting you in the face or would it
25 be behind you? Would it be against

222

01 your back?

02 A. When you'd be walking this
03 way, I mean, it wouldn't be heavy or
04 nothing, but you'd feel a light
05 breeze coming towards you when you
06 was walking this way.

07 Q. So you're saying the air would
08 be coming this way or would it be
09 going this way?

10 A. This air here would be coming

11 this way.

12 Q. Would you put an arrow on
13 there with the direction of the
14 airflow there?

15 WITNESS COMPLIES

16 A. That's correct as you walk it.

17 BY MR. STAHLHUT:

18 Q. You indicated this airflow up
19 here. Could you indicate over the
20 Seven tail? What direction was this
21 air going over the Seven tail here if
22 the Seven tail was --- you know about
23 the proximate location of the Seven
24 tail here?

25 A. Yeah.

223

01 Q. Would you indicate the airflow
02 over that Seven tail, what direction
03 it was? Or do you know?

04 A. Which way the air was going
05 over Seven tail?

06 Q. Yeah.

07 A. We had --- I figured it was
08 going the same way because you got
09 your --- because we got brattices up
10 on this side.

11 Q. Whatever you figure --- I
12 mean, whatever --- if you remember

13 which way it was going, just indicate

14 ---.

15 A. It's going this way.

16 Q. Just put a line up there, air

17 direction over Seven tail.

18 WITNESS COMPLIES

19 MR. STAHLHUT:

20 He's indicating that in

21 red, and he's indicating it

22 would be going in the inby

23 direction.

24 A. You didn't have nothing here

25 but overcast.

224

01 BY MR. STAHLHUT:

02 Q. We've indicated there --- do

03 you have any idea where this air

04 would go once it went over the tail,

05 which direction it would go then?

06 A. It just --- the air just

07 separated in between here and in

08 between here. I'm talking going this

09 way.

10 Q. So it would continue to go in

11 the inby direction ---

12 A. Yeah.

13 Q. --- toward the east? When you

14 were here and you indicated here this

15 stopping was removed and you observed

16 the electricians removing the
17 stopping, when you were standing near
18 where that stopping was removed, did
19 you ever have occasion to look to the
20 south and was there a stopping in
21 this area right here?

22 A. Yeah.

23 Q. There was a stopping here?

24 A. When you looked down toward
25 the bottom, yeah, there was a

225

01 stopping.

02 Q. There was a stopping here?

03 Would you indicate --- the map
04 doesn't show whether there was one
05 there or not, but would you put a
06 circle --- put lines to indicate a
07 stopping if that's what you actually
08 observed there. And put a line out
09 from the stopping here and the date
10 if you can remember when you last
11 observed that there.

12 WITNESS COMPLIES

13 A. That was there all the time.

14 It never did go nowhere. There was a
15 big gob pile in front of it.

16 BY MR. STAHLHUT:

17 Q. Would you go ahead and sign

18 and date this map up there, too,
19 Exhibit A?
20 WITNESS COMPLIES
21 BY MR. STAHLHUT:
22 Q. Do you have any idea or did
23 you ever --- when you were around the
24 48-inch belt, did you know what
25 direction the airflow was on the

226

01 48-inch belt?
02 A. I was on it a lot, but I can't
03 really remember that. No.
04 Q. When you was talking about ---
05 and you mentioned to me and you
06 indicated on the Seven belt these
07 overcasts that are indicated on the
08 Seven belt. Do you remember if, when
09 you were traveling down this belt or
10 any time, were the doors open on any
11 of these overcasts or were these
12 overcasts all attached and --- what
13 do you remember about it?
14 A. The one where the --- coming
15 out of the take-up going inby, it
16 would ---.
17 Q. Where would that one be
18 located?
19 A. Here's your head. The first
20 one --- the third one right here,

21 this one here would stick and the
22 beltman would leave it open when they
23 come through it.

24 Q. Put a circle around that one.

25 MR. STAHLHUT:

227

01 And he's indicating the
02 overcast --- the door in the
03 overcast at survey station
04 3158, he's putting a circle
05 around it in red and
06 indicating ---.

07 BY MR. STAHLHUT:

08 Q. Go ahead now. I didn't mean
09 to cut you off.

10 A. Just put outby?

11 Q. Yes. And you stated that, I
12 think, if I remember correctly, it
13 would stick and would sometimes be
14 left open by the beltman?

15 A. Yeah. Usually, the ones that
16 you --- the rest of them, when you'd
17 walk through them, when you'd get
18 through them, they'd just shut back.
19 But that one there, it would stick.
20 And when you'd walk by --- there was
21 a curtain right here and you'd walk
22 by through this way and you'd come

23 through and you'd see it open.

24 Q. Would you put door open here

25 if that's actually what you were

228

01 referring to here? It just says

02 open. I want to make sure it's clear

03 on the record that there's a door

04 open.

05 WITNESS COMPLIES

06 BY MR. STAHLHUT:

07 Q. Now, did the belt pass over

08 the overcast here where this is

09 indicated or did the ---?

10 A. Yeah. They went over top of

11 it.

12 Q. Was there walkways over it or

13 did people go through --- was there

14 doors on each side where you --- did

15 you travel through the doors or did

16 you go over the overcast?

17 A. Through the doors.

18 Q. You went through the doors?

19 A. Yeah.

20 Q. Okay.

21 A. They had man doors through it.

22 Q. And was there access over the

23 belt --- I mean, over the overcast

24 where the belt went? Or do you

25 remember?

01 A. To get on top of the overcast?

02 Q. Yeah. Was there a stairway

03 there where you could over ---?

04 A. No.

05 Q. You had to go through the

06 doors?

07 A. Had to go through the doors.

08 Q. Okay. Go ahead and put

09 another notation on the map so that

10 --- that that was there.

11 A. The man door?

12 Q. Yes. Travel through man

13 doors. No ramps at the overcast in

14 the belt entry or something similar

15 to that.

16 WITNESS COMPLIES

17 BY MR. STAHLHUT:

18 Q. Why don't you have a seat.

19 We'll finish a couple more of these

20 other questions here. Was there a

21 supervisor there when the

22 electricians knocked that overcast

23 down? Did I ask that a while ago?

24 Do you remember?

25 A. There wasn't nobody there.

01 Q. Okay.

02 A. I remember when I happened to
03 ask them while they were knocking it
04 down, who told them, and somebody ---
05 I forget who they said told them to
06 knock it down, though.

07 Q. Were you ever aware or did you
08 ever hear anybody mention anything
09 about any overheating problems or
10 anything like that?

11 A. On the mother drive?

12 Q. Yeah, at the mother drive, on
13 the power boxes or any indications on
14 the computer system or the readouts
15 that are on that starter box that
16 there was any kind of faults or
17 anything that was indicated from
18 overheating or anything?

19 A. I remember faults, but not ---
20 I don't know if it was from
21 overheating or not.

22 Q. Okay. Do you know if there
23 was --- going back to the take-up in
24 the mother drive area, was there an
25 oil storage station or a number of

231

01 oil cans in that area around the
02 drive or the belt take-up area?

03 A. Yeah. There was a lot of
04 hydraulic oil.

05 Q. Can you estimate roughly how
06 many cans would you say was there?
07 A. About seven.
08 Q. About seven? Were they full
09 or empty, or do you know?
10 A. Empty.
11 Q. They were all empty?
12 A. Should have been empty.
13 Q. Okay. Did they normally ---
14 if you asked for oil or somebody
15 needed oil in an area like that,
16 would they bring a whole bunch and
17 you'd use it up or would there be a
18 quantity stored there? Was that a
19 practice? Or was it just ---
20 A. It was at the ---.
21 Q. --- you had a can there or
22 what?
23 A. A pinch roller had a busted
24 seal on one side of it, and they were
25 --- we'd bring in --- when we was
01 getting ready to rob the storage
02 unit, we'd bring in seven or eight
03 and use it. And the tractor crew was
04 supposed to pick it up on their way
05 back out from supplying the section.
06 Q. How long were those cans

07 there? Do you have any idea how long
08 they'd been there? Was it since the
09 last time you took a belt out or was
10 it --- do you have an idea?

11 A. No. That problem was fixed a
12 while before all this happened. It
13 was --- they was probably there for
14 about a month.

15 Q. Okay. You mentioned there was
16 a pump on the pinch --- did you say
17 it was a pump on the pinch roller
18 that had a seal out of it?

19 A. Uh-huh (yes).

20 Q. It was a pump?

21 A. Yeah. A pump cracked.

22 Q. It was cracked?

23 A. It broke and oil was leaking
24 out of it.

25 Q. You had a pretty big --- would

233

01 you say a pretty major oil leak there
02 then?

03 A. Yeah.

04 Q. Had that been reported to
05 management or ---?

06 A. Yeah. They got us a new one.

07 Q. How long was that pump used
08 before it was replaced?

09 A. We used it two times, three

10 times.

11 Q. Three times?

12 A. We used it two times after it
13 broke, and then we used it two times
14 after that.

15 Q. Did it break because --- and
16 do you know why it broke? Was
17 it ---?

18 A. The hydraulics was hooked up
19 backward and it was --- well, it
20 wasn't hooked up backward exactly.
21 It had two different types of
22 pressure on it. And I forget --- the
23 highest pressure was used on it, and
24 where the belt was thicker than what
25 the roller was, the specification for

234

01 it to get so tight, and it cracked
02 it. So they had to turn the
03 hydraulics --- switch them. Switch
04 two hydraulic hoses.

05 Q. So they had the wrong circuit
06 off the wrong stage of the pump, is
07 that what I'm following there?

08 A. Yeah. I'd say that's what it
09 was.

10 Q. To your knowledge, what was
11 --- was there relief valves on each

12 one of those circuits for the
13 hydraulic pressure?
14 A. No.
15 Q. There was no relief valves
16 coming off the pump that you knew of?
17 A. No. I figured if there was,
18 it wouldn't have busted. I mean, I
19 don't --- I never did see none.
20 Q. Do you know what kind of oil
21 was used in that pinch roller
22 take-up or the pinch roller? Just
23 regular hydraulic oil?
24 A. Just in the silver five-gallon
25 drum.

235

01 Q. Okay. Was there a fire
02 suppression on that hydraulic unit,
03 ---
04 A. No.
05 Q. --- fire suppression system or
06 anything?
07 A. Not that I seen.
08 Q. Okay. And I think you've
09 already answered this question, but
10 I'll ask it again just to make sure
11 we've got it on the record. But did
12 you examine the belts and make any
13 call-out of any kind, belt
14 examination or anything like that?

15 A. That night?
16 Q. Any night. Did you do belt
17 exams --- were you a certified belt
18 examiner?
19 A. I'm not certified.
20 Q. Okay.
21 A. But I've checked splices and
22 I've checked everything.
23 Q. Your report wasn't part of the
24 required examinations then? You just
25 called out what you seen; is that

236

01 correct?
02 A. Yeah. I just --- I done
03 everything, but I didn't fire boss.
04 I was just a checker.
05 Q. When you called out a report
06 or something, what kind of --- who
07 did you talk to when you called out,
08 I guess?
09 A. When I --- I really wouldn't
10 --- I'd call Tom every once in a
11 while if I didn't get to see him, if
12 he wouldn't holler at me at a certain
13 time. But usually he would holler at
14 me, Tom Adkins would.
15 Q. Oh, okay. So it was more of a
16 maintenance-type report or just

17 reporting what you've done and the
18 problems you have ---?

19 A. Yeah, what I done that night
20 or ---.

21 Q. Do you know what type of
22 grease was used in the rollers and
23 the bearings to grease the rollers
24 and bearings in the storage unit?

25 A. Chevron --- it was blue from

237

01 Chevron, EP --- I think it was EP
02 something. I'm not for sure.

03 Q. Okay. You mentioned the oil
04 cans and that those oil cans --- were
05 there any other oil cans or gear oil
06 or any other cans stored in that
07 drive or take-up area that you
08 remember?

09 A. No.

10 Q. Okay. Are you familiar ---
11 have you ever been trained in the
12 firefighting and evacuation program?
13 Are you familiar with it?

14 A. Not really, no.

15 Q. Did anyone ever like have a
16 fire drill, where they'd simulate a
17 fire and you would go through ---
18 different people would have different
19 jobs or something, where you'd

20 simulate putting out a fire, you'd
21 hook the fire hose up and such?
22 A. No.
23 Q. Nothing like that. I don't
24 know that --- you said you wasn't
25 familiar with it, but in your

238

01 opinion, who would be the responsible
02 person on the shift you worked on if
03 you needed to contact the responsible
04 person?

05 A. Tom Adkins.

06 Q. Tom Adkins. Have you worked
07 --- let's see. When was the last
08 time you received annual training
09 when you worked at Aracoma Mine?

10 A. About a week before I quit.

11 Q. And was that before or after
12 the fire?

13 A. After.

14 Q. It was after the fire?

15 A. Uh-huh (yes).

16 Q. Okay. Do you think that
17 training was adequate?

18 A. Yeah.

19 Q. Who gave you the training?

20 A. The --- it was a group of
21 people. They all had different parts

22 they went over as far as certain
23 people with rescuers, roof control
24 plans. It was Massey members, the
25 safety men from Massey.

239

01 Q. If management got upset when
02 you turned the belt off, how would
03 that make you feel when you were
04 working there and you had a problem
05 with a belt that you were trying to
06 correct?

07 A. How would it make you feel?
08 Just like --- I don't know. It would
09 make you feel like you --- they gave
10 you a job to do, but if you tried to
11 do it and do it right, they'd --- I
12 don't know. It would make you feel
13 like why bother, I guess.

14 Q. I want to show you ---.

15 MR. STAHLHUT:

16 And this is going to be
17 Exhibit C Ferguson. And this
18 is a copy of a memo.
19 (Ferguson Exhibit C
20 marked for
21 identification.)

22 BY MR. STAHLHUT:

23 Q. And would you read that and
24 --- have you seen this before. I

25 guess read it so you can understand

240

01 what we're referencing here in this

02 exhibit C?

03 WITNESS REVIEWS DOCUMENT

04 A. I've never seen that.

05 BY MR. STAHLHUT:

06 Q. You've never seen it? Okay.

07 You never seen it in the newspaper or

08 any articles about it or anything?

09 A. No.

10 Q. Okay. What is your opinion

11 about what this says?

12 A. It's about the truth of it.

13 Q. About the truth of it. So you

14 think this was similar to the

15 attitude at the mine in your opinion;

16 is that what you're saying?

17 A. Yeah.

18 Q. And Exhibit C references, you

19 know, this is a memo by --- it's from

20 Don Blakenship to supervisors of

21 yours and anyone else, you know,

22 talking about everything necessary to

23 run the coal. I guess would you

24 explain --- you said that's about the

25 truth of it. What do you mean by

241

01 that? Would you explain that, what
02 that was?
03 A. It's just always --- I guess
04 by no means --- by any means
05 necessary. If you --- if it's time
06 to run coal, run coal. If you're
07 doing something that needs to be
08 done, I mean, it's constant rush,
09 rush, rush. And if you had something
10 else to do, you might as well forget
11 it and get done what you needed to
12 get done and let them go to start
13 running it.

14 Q. So the attitude was --- in
15 your opinion, you're saying was run
16 coal instead of taking care of a
17 condition or something like that?

18 A. Yeah, it was. That was ---
19 that's the first priority. I mean,
20 ---.

21 Q. Okay. Did your --- I'm
22 changing subjects a little bit on
23 here. But did you ever know of a
24 mantrip or a ride stuck in a
25 waterhole prior to January 19th up in

242

01 that area around the drive?

02 A. Stuck in a waterhole? They
03 used to break down all the time. But

04 no, I never knew of one stuck in
05 waterhole.

06 Q. When you were in that mother
07 drive area, was there a muddy area
08 that mantrips or people frequently
09 had trouble driving through and
10 getting stuck in?

11 A. Yeah, there's one on --- in
12 the break outby the mother drive,
13 just, you know, a few feet into the
14 break. You'd have to take a running
15 go, trying to get over the top of it,
16 over the top of the hump.

17 Q. Did management --- was there
18 ever an attempt made to correct that
19 mudhole or to pump it out or repair
20 the road or anything or ---?

21 A. We had a pump. We'd start it
22 up and let it run down and after
23 that, you'd go in there that next
24 night and it'd be full again, so we'd
25 pump it and let it run down, but it

243

01 just kept filling up because of all
02 the water going to it.

03 Q. And I think we referenced this
04 earlier, but that water was coming
05 from where?

06 A. The Seven belt, where that
07 water hose is hooked up to the ---
08 that belt head and that water coming
09 off the longwall.

10 Q. Did you report that to your
11 immediate supervisor or to anyone
12 that could correct this condition or
13 that --- what you were seeing there
14 or anything

15 A. Tom Adkins knew about it. I
16 mean, he'd come up there on a mantrip
17 all the time. They knew, yeah. They
18 knew as well I did what it was.

19 Q. Earlier on in the interview,
20 we talked about the bad rollers along
21 the belt and stuff. And did you ever
22 notice or do you have knowledge of
23 it, were they identified in some
24 means and were they ever recorded in
25 a record book on the exam like the

244

01 belt exam and pre-shift, on-shift
02 exam or were they ever noted in the
03 examination record book that they
04 were there?

05 A. What was it again? I didn't
06 ---.

07 Q. The bad rollers, the rollers
08 like when you dropped one side or

09 both sides out and where the areas
10 was --- rollers was missing and
11 things.
12 A. Well, usually when we would go
13 down there to change rollers, the
14 first shift or second shift would
15 make a list of what rollers were down
16 and where they were at as far as what
17 break they were in. And we'd do what
18 we --- what we could and then we'd
19 call Tom and tell him how many we
20 got. So yeah, we'd --- he'd know how
21 many we got and how many were still
22 down, because he knew how many was
23 down to begin with.
24 Q. Okay. Did you actually see in
25 record book or anything where they

245

01 were recorded in there or anything
02 like that?
03 A. (Indicates no.)
04 Q. Do you know if --- you had
05 said you had traveled the Seven belt
06 some, I think. Do you know if the
07 four-inch waterline at the Seven belt
08 head was ever shut off, the waterline
09 at the Seven belt head or was left
10 cracked in any position?

11 A. Yeah, it was --- went ---
12 let's see, let me think. It might be
13 the wrong one. The four-inch, you're
14 talking about the one that's on the
15 offside of Seven belt?

16 Q. What are you referring to,
17 offside? I'm trying to get a clear
18 picture.

19 A. If you're walking from the
20 mother drive, it would be on the
21 right-hand side up toward where all
22 the brattices are or it would be on
23 the left-hand side where the mother
24 drive belt head's at.

25 Q. I think the one I was

246

01 referring to, probably --- if you
02 were coming up Six belt at Seven
03 head, ---

04 A. Okay.

05 Q. --- there was a four-inch
06 water valve there, if I remember
07 right ---

08 A. Yeah.

09 Q. --- that would --- and that
10 four-inch waterline went down through
11 there at the Seven head, if I
12 remember right. That's the valve I
13 was --- that would be on the walking

14 side of the Six belt at the Seven
15 head, but it would be to the outby
16 side or the south side of the Seven
17 head.
18 A. I know which --- I know it
19 busted once and I put it --- we found
20 it busted and we put it back together
21 once and it was turned off then. I
22 don't know how long it had been
23 turned off.
24 Q. Okay.
25 A. But that was ---.

247

01 Q. Now, that's the one that feeds
02 the Seven tail. Are we talking about
03 the same one?
04 A. Yeah.
05 Q. Okay.
06 A. It's got the --- the one
07 that's got the shutoff valve at the
08 end, main end of it, at Seven tail?
09 Q. Yes.
10 A. Yeah, that's the one that was
11 --- it was busted for a while.
12 Q. How long was it busted and
13 turned off?
14 A. I don't know.
15 Q. I mean, how long of a period

16 of time --- would you have any idea?
17 Was it a day, a week, hours, you
18 know? I mean, ---.
19 A. I'd say it'd been a few days
20 because they were wanting water,
21 wondering where the water was. And I
22 went down through there to see if the
23 water was --- where the water was
24 turned off and went down through
25 there and a rock had busted the

248

01 waterline and there wasn't no water
02 coming out of it, and it was turned
03 off up there at the --- turned off at
04 the head.

05 Q. What relatively date --- was
06 this like --- how long before the
07 accident and how long after the
08 accident? Can you give me any kind
09 of time frame that you can remember
10 when ---?

11 A. For that?

12 Q. Yeah.

13 A. When that happened, it was ---
14 that was probably a few months,
15 you're talking probably months before
16 that happened.

17 Q. Months before it happened?

18 A. Yeah.

19 Q. When this happened, did Pat
20 Callaway know about this, that this
21 waterline was that way?

22 A. Pat Callaway at the time
23 wasn't up there. He was at ---

24 Q. Wasn't up there at the time.

25 A. --- he was working the bus on

249

01 Three section.

02 Q. Okay. Did management ever
03 come to you and indicate like at the
04 beginning of the shift and end of the
05 shift and indicate that you --- that
06 turning off the belt caused a delay
07 in production?

08 A. Oh, yeah. Yeah, it was a ---.

09 Q. Did they take any kind of
10 action? Did they just talk to you
11 about it or what was their --- what
12 was their reaction?

13 A. They really didn't --- I don't
14 know --- they never did really take
15 no action with me or anything. I
16 don't know about nobody else as far
17 as telling me what would happen. But
18 you knew that they were dead set
19 against not slowing production up.

20 Q. No matter --- did it make a

21 difference what the condition was?
22 A. It'd have to be something that
23 was going either make them be shut
24 down longer than what it would take
25 it to fix it or something like that.

250

01 But the motto usually was if we could
02 wait 'til the next night, do it the
03 next night. That's what you was
04 usually told.

05 Q. Who worked on the fire
06 suppression systems on your shift, do
07 you know, or do you know who worked
08 on the fire suppression systems?

09 A. Jesse Jude worked on them a
10 while.

11 Q. Do you know who worked on the
12 fire suppression system at the Nine
13 --- Nine headgate belt entry there or
14 that drive take-up area?

15 A. I can't remember his name.
16 He's the guy that works with
17 Gutwrench. I can't remember his
18 name, but he was the one that ---
19 he's the one that put in the extra
20 piece to extend the fire suppression
21 on out, I know that.

22 Q. Was there ever a water
23 sprinkler --- do you remember where

24 the water sprinkler system stopped in
25 that belt drive area?

251

01 A. How far it went back toward

02 ---?

03 Q. How far it went back toward

04 the longwall section?

05 A. It didn't go back very far, I

06 don't think.

07 Q. Did it go back to the take-up

08 area? Did it get there?

09 A. I think the --- it went to the

10 --- it went to the front of it, maybe

11 right there where the --- about 15

12 feet past the winch box was where it

13 stopped at. Maybe ten feet.

14 Q. All right. Do you have --- do

15 you remember where the CO sensors

16 were on the Seven belt and around the

17 longwall drive area?

18 A. The one on the mother drive

19 was setting there, right there where

20 the doors were, right there on your

21 left as you was walking toward the

22 --- well, as you was walking toward

23 the belt head, it was right there,

24 right there where the phone was.

25 Q. Would you come up to the map

01 and indicate those on the map for us,
02 please? Let me find a color ---
03 yeah. Okay. On the Seven belt, the
04 ones you know where they were at,
05 would you indicate those by ---.

06 A. One was right there.

07 Q. Okay. Just put a little
08 bigger dot and then ---.

09 WITNESS COMPLIES

10 BY MR. STAHLHUT:

11 Q. Okay. Now, where was the ones
12 on the Seven belt?

13 A. There was on --- there was one
14 behind it.

15 Q. Okay.

16 A. It was tore up. There was one
17 right here. I don't know ---.

18 Q. Would you put a --- was it
19 still hooked up, or do you know?

20 A. You had wires coming out of
21 it, but it wasn't on.

22 Q. It wasn't on?

23 A. I mean, it wasn't --- the
24 display wasn't working on it.

25 Q. Put a dot there and let's put

01 an arrow up from that one --- CO
02 sensor display not working, I guess.

03 A. All right.

04 Q. Put a line up from that and
05 say, you know, display not working or
06 something like that on the CO sensor
07 that's indicated.

08 WITNESS COMPLIES

09 BY MR. STAHLHUT:

10 Q. Okay. Where was --- was there
11 any more you can recall down in the
12 Seven belt area?

13 A. There was one at the head.

14 Q. Okay. Where was it located?

15 A. It was on the --- it was
16 behind, the area over in there.

17 Q. Over in there?

18 A. Yeah.

19 Q. Okay. Just put CO sensor at
20 head or some indication there.

21 WITNESS COMPLIES

22 MR. STAHLHUT:

23 And he's indicating at
24 the Seven head.

25 A. And behind the rock box.

254

01 MR. STAHLHUT:

02 Behind the rock box at
03 intersection 2828, survey
04 station 2828 and entry Number

05 Four. Yeah.

06 BY MR. STAHLHUT:

07 Q. This sensor here that you
08 indicated, would you put a line here
09 and CO sensor there?

10 WITNESS COMPLIES

11 BY MR. STAHLHUT:

12 Q. Were there other --- any
13 others in close proximity to the
14 take-up drive area, in this area
15 right?

16 A. Not besides that one.

17 Q. That was all there was?

18 A. On the mother drive, not from
19 the take-up, not close to the take-
20 up.

21 Q. And correct me if I'm wrong,
22 but you've indicated the sensor here
23 as inby the drive but outby the take-
24 up on the Number One entry in the
25 mother drive belt.

255

01 A. Yeah.

02 Q. Then you're indicating there's
03 none in a close proximate area from
04 the take-up inby?

05 A. There was one --- what it is
06 right here and it's a sharp downhill
07 grade right here. And if I'm not

08 mistaken, when you get to the bottom
09 of it, there was one sitting right
10 there.

11 Q. And how many feet would that
12 be from the end of the take-up?

13 A. That's be about three breaks.

14 Q. Three breaks, so you're
15 talking 200 feet, 300 feet, something
16 in that neighborhood?

17 A. Yeah, it was a ways off.

18 Q. Okay. So go ahead and put a
19 dot here where you think that other
20 one was.

21 A. It was about right here, where
22 it was at. Put CO sensor right here.

23 WITNESS COMPLIES

24 BY MR. STAHLHUT:

25 Q. Yes, sir. The sensor located

256

01 just inby the drive, how high was
02 that mounted? Was it mounted like
03 middle ---?

04 A. To my shoulder.

05 Q. About shoulder height? And
06 how was that area? What would you
07 say that would be about?

08 A. The height?

09 Q. Yeah.

10 A. It was about 18 feet.

11 Q. Eighteen (18) feet? And

12 you're approximately, what, six foot

13 tall?

14 A. Yeah.

15 Q. And you say that that sensor

16 was mounted about five foot high; is

17 that correct?

18 A. Yeah, about five feet high.

19 Q. Okay. Let's go back and sit

20 down now. I think we've got most of

21 that covered. Would conditions of

22 the belt rollers, in your opinion,

23 when they were cocked or when you

24 found B0 rollers, would that be

25 justification to shut the belt off if

257

01 the belt was running?

02 A. If the carriage rollers were

03 cocked?

04 Q. Yeah, let's take that first,

05 the carriage roller.

06 A. No.

07 Q. Okay. If you had a bottom

08 roller with a defective bearing in it

09 that was heating, sparking, smoking,

10 whatever, do you feel like that would

11 be a condition that would justify the

12 belt being shut off?

13 A. Depended if it was safe to
14 take it down or not, I guess.
15 Q. Say the area --- I guess
16 you're referring to the area, say it
17 was safe to take it down. But say
18 the belt's running and it's throwing
19 sparks out of a bearing --- when a
20 bearing fails, a lot of times it will
21 throw sparks and heat and it will be
22 extremely hot. Would you consider
23 that a condition where you need to
24 shut the belt off and remove the
25 roller?

258

01 A. First take down one side and
02 wait 'til the belt turned off. I'd
03 take down one side.
04 Q. Would you leave the belt
05 running while you took it down on one
06 side?
07 A. If I wasn't in any danger, I
08 would.
09 Q. You mentioned earlier about,
10 you know, if something was wrong and
11 it could wait until the next shift.
12 Did you ever see that storage unit
13 run, the longwall drive storage unit,
14 run 'til the next shift, when it

15 should have been shut down and fixed?

16 A condition that was, you know,
17 warranted, in your opinion, needed to
18 be shut down and repaired rather than
19 keep it running?

20 A. No. I hadn't seen that,
21 anything like that. It'd cut off two
22 or three times a shift anyway I
23 think.

24 Q. Do you think the failure to
25 correct the flawed conditions and the

259

01 things that you knew were wrong on
02 the take-up and you had reported
03 doing wrong in the take-up, do you
04 think that could have helped lead to
05 the cause of the fire in this
06 situation?

07 A. I think it --- them encourages
08 being like that, I think that had to
09 do with this --- something to do with
10 it.

11 Q. Do you think that --- do you
12 think management knew about these
13 conditions?

14 A. Yeah, they had to know about
15 them.

16 Q. Do you have an opinion about
17 what might have been done, if

18 anything, to prevent this accident
19 from happening?

20 A. To have prevented it? Well,
21 what is this, just an opinion
22 question or what?

23 Q. Yeah, in your opinion.

24 A. If somebody would have been
25 there and cocked that roller back to

260

01 where it was, that would have helped.

02 If somebody knew how to extinguish a
03 grease fire correctly, I'd say I
04 think that would have helped, rather
05 than what I've heard. I mean, I
06 heard that they tried to use fire ---
07 go get fire extinguishers and
08 everything else, which was, in my
09 opinion, wasn't right. Yeah, I think
10 it was just a whole group of things
11 that wasn't done right.

12 Q. In your opinion, you made
13 reference that going to get fire
14 extinguishers wasn't right. What
15 would you have done --- do you think
16 you would have done? I know you
17 weren't there. But what do you think
18 you would have done in that
19 situation?

20 A. I would have went up to the
21 first --- I would have went through
22 the two sets of double doors going
23 outby and made a cut up toward the
24 right and went to the overcast and
25 grabbed two bags of rock dust and

261

01 used rock dust to smother out the
02 grease, instead of trying to put it
03 out with a fire extinguisher.

04 Q. Would you have considered
05 using a fire hose?

06 A. To put out a grease fire?

07 Q. Yeah. Or any kind of fire?

08 A. I wouldn't. I would have ---
09 I'd probably --- no, I don't believe.
10 I mean, I wouldn't do that. I
11 thought the best bet would probably
12 have been smother it out rather than
13 spray it and send it flying
14 everywhere. I don't know.

15 Q. What if you used the two bags
16 of rock dust and that didn't work,
17 what would --- in your own opinion
18 and I know we're speculating here,
19 but what would you have --- what
20 would you have --- in your own mind,
21 what would you think you would have
22 used next?

23 A. Probably mud. I mean, it's
24 just to me where I've welded on rock
25 boxes and stuff, caulk or grease that

262

01 I hadn't seen and covered up and it's
02 caught on fire a little bit, the best
03 bet is just smother it out. So that
04 I'd probably try to use mud to just
05 smother it out.

06 Q. Okay. In your opinion, was
07 safety a priority of management at
08 this mine?

09 A. No.

10 Q. During the time you worked at
11 Alma Number One Mine, do you think it
12 was a safe mine to work at?

13 A. Do I think it was a safe mine?

14 Yeah. It was --- it was --- the
15 environment was pretty safe, I guess.
16 There was things that could have been
17 different, but as a whole, it was
18 pretty safe.

19 Q. Do you think additional fire
20 training and additional training for
21 people like belt people and things
22 like that, do you think additional
23 training would have made --- would
24 improve the safety in that mine or

25 improve the knowledge of the belt ---

263

01 the people working on the belts to

02 make it safer?

03 A. Yeah, because even me saying

04 --- going to get the rock dust, I

05 mean, that's just a thing that ---

06 you know, I've done before but I

07 don't know if that's the exact best

08 way to do it, you know. If I knew a

09 better way, I'd use it. So I figure

10 it would be good.

11 Q. When you come to work up there

12 on the belt and the belts are still

13 running, did you always find a person

14 on the --- on the previous shift or

15 the shift that you were replacing up

16 there in that take-up area in

17 attendance of the mother drive? Were

18 they always there or ---?

19 A. Usually not.

20 Q. Where would they be located?

21 Do you have any idea?

22 A. They'd either be walking down

23 to where the longwall went, parked to

24 ride to go outside or be walking down

25 from the power boxes that sit at the

264

01 break, you know, usually where I'd

02 see them coming down to walk over
03 there if I got to go anywhere. But I
04 never --- you never seen nobody there
05 at the mother drive.

06 Q. Okay. So when you come in,
07 the belts were running, but there
08 wouldn't be no one there normally?

09 A. Normally they wouldn't.

10 MR. STAHLHUT:

11 Bill, got any more
12 questions?

13 MR. TUCKER:

14 I've got just a few.

15 BY MR. TUCKER:

16 Q. When you mentioned on the ---
17 that you went and changed the bearing
18 on the 29th, the tail bearing, did
19 you hear anybody say anything about a
20 fire in that area or --- where you
21 went to change that bearing? Could
22 you see if maybe a fire extinguisher
23 had been discharged or anything like
24 that?

25 A. The bearing on the Five tail?

265

01 Q. Yes, sir.

02 A. You mentioned you could smell
03 it about a break away?

04 A. Like a burnt smell. I can't
05 -- I don't believe nobody used a fire
06 extinguisher. See, the one that I
07 changed --- the one that you're
08 talking about was the one on the
09 offside of the belt. The one that I
10 changed was changed a couple weeks
11 earlier, because it was the one that
12 was on the rock side.

13 Q. Okay.

14 A. I changed one and Hack
15 (phonetic), Shane and Darren changed
16 the offside a couple weeks later. I
17 don't know if they used one or not.

18 Q. Oh, there was another ---
19 after you changed the first bearing
20 ---

21 A. The other side went bad.

22 Q. --- then there was another
23 incident after that?

24 A. Yeah.

25 Q. Okay. Okay. On the 19th, if

266

01 you can recall the morning of the
02 19th or any time from, say, mid-shift
03 on, do you recall seeing Tom Adkins
04 at the mother drive belt?

05 A. I don't remember him that
06 night. I remember talking to him at

07 the Number One Fourway, because I ---
08 but I don't remember --- don't
09 remember seeing him around there.

10 Q. Was that going in or coming
11 out that you talked to him at Number
12 One Fourway?

13 A. Going out.

14 Q. Going out? Do they have a
15 date board or something there around
16 the drive that they normally date up
17 on, the fire bosses?

18 A. At the mother drive?

19 Q. Yes.

20 A. It's --- no, not at the drive.

21 They --- I think he dates up on the
22 rock box that they made a mark with
23 spray paint.

24 Q. Right. You don't -- do you
25 recall anything in your mind like the

267

01 last date that you seen on the rock
02 box painted on there?

03 A. No.

04 Q. Okay.

05 A. Now, there was one at the
06 power boxes, one of the pieces of
07 belt hanging down where they dated
08 up. There was one there, but I can't

09 remember the last date that was on
10 it.

11 Q. All right. You mentioned the
12 power boxes at the belt, and I'm
13 assuming that's the one inby the
14 tailpiece on Seven belt that you're
15 talking about?

16 A. Uh-huh (yes).

17 Q. And I know you were asked
18 earlier and you've drawn --- used a
19 green marker to indicate a stopping
20 up here or a stopping not here.

21 A. Uh-huh (yes).

22 Q. Is this in the crosscut where
23 the power center is at that you're
24 talking about that there was a
25 stopping?

268

01 A. That there was?

02 Q. Was not?

03 A. Oh.

04 Q. You're talking about a
05 stopping here.

06 A. It's on the --- right on the
07 other end of the break.

08 Q. In this break-through?

09 A. Yeah, it was --- I'm talking
10 about where it had been boxed off,
11 like right behind the boxes.

12 Q. Right.

13 A. There wasn't one there.

14 Q. In the break? Right. Then

15 you also indicated that the one

16 that's shown at the end of the

17 tailpiece, there was never a stopping

18 there?

19 A. No, there was never --- never

20 a stopping there.

21 Q. Okay. Inby the power centers,

22 inby where you've got your green

23 mark, you say there's no stopping

24 here, have you ever saw a stopping in

25 this belt entry?

269

01 A. No.

02 Q. Okay. So nowhere in the belt

03 entry from the tailpiece inby have

04 you ever seen a stopping?

05 A. No, there ain't ever been.

06 Q. Okay. Have you ever heard of

07 a Comprehensive Mine Safety Program?

08 A. No.

09 Q. Okay. Have you ever received

10 any type of a demonstration of, say,

11 different types of firefighting

12 equipment that you may have at the

13 mines?

14 A. (Indicates no.)
15 Q. Okay. Do you happen to keep
16 any personal notes as far as job
17 assignments or things along that
18 line?

19 A. No.

20 Q. Okay.

21 MR. TUCKER:

22 That's all I have.

23 Thank you.

24 BY MR. STAHLHUT:

25 Q. A couple more questions here.

270

01 Was it a concern to you that a
02 misalignment could occur in the
03 storage unit? Was that the reason or
04 --- let me rephrase this question.

05 Was the concern that
06 misalignment could occur in the
07 storage unit the reason why there was
08 apparently a fairly constant
09 attendance at the mother drive?

10 A. I don't --- I didn't
11 understand the question.

12 Q. Okay. Nearly a big majority
13 of the time on all three shifts, from
14 what I'm understanding, and a lot of
15 your time was spent, at least while
16 the belt was running, was people were

17 in constant attendance of that -- the
18 mother drive belt storage unit area.
19 Was that because of --- this was
20 required by management that they had
21 a concern that there could be a
22 problem there?

23 A. The reason we were there for
24 so much was because of splices and
25 this and that and it was --- they

271

01 always wanted to make sure it was
02 running and it was going to be
03 running that next morning. First
04 shift was just mostly there just to
05 make sure it stayed running. If it
06 went down on something, they'd just
07 go over to the power center and reset
08 something or what have you. I mean,
09 it wasn't --- I don't --- it wasn't
10 because of that, I don't believe.
11 Mostly it was just to keep the belts
12 running.

13 Q. Okay. Is there anything else
14 you'd like to tell us regarding what
15 happened on the day of the accident,
16 anything you haven't shared with us
17 or anything you know or anything you
18 would like to tell us about?

19 A. No. It was just got to ---
20 Bryan Cabell was working that day and
21 that's something I still don't
22 understand because he was --- he's a
23 good beltman, you know, He's always
24 --- he knows what he's doing. And I
25 don't know, just he's being kind of

272

01 --- I mean, it ain't really nothing
02 to share or nothing. I just ain't
03 never --- I just don't understand
04 what happened, you know. You got
05 somebody there that was so
06 experienced and still didn't ---
07 didn't matter. But no, I ain't
08 really got nothing to share or
09 anything like --- nothing that y'all
10 ain't already asked.

11 MR. STAHLHUT:

12 Anything else, Bill?

13 MR. TUCKER:

14 No, sir.

15 MR. STAHLHUT:

16 Okay. On behalf of
17 MSHA, I'd like to thank you for
18 appearing here today and
19 bearing with us and answering
20 our questions and sharing your
21 information about the mine.

22 Your cooperation has been very
23 important to us as we work to
24 determine the cause of the
25 accident. So if you wish, you

273

01 now can go back over any
02 answers that you have made
03 during the interview and you
04 may also make a closing
05 statement to cover any
06 additional points that you
07 believe could be raised. So
08 if you've got anything else
09 you want to say, feel free to
10 say it.

11 A. There's been a lot of things
12 said about, I don't know, the safety
13 people, like your inspectors coming
14 in there and this and that. They've
15 always --- I want to say that they've
16 been --- I think they've done their
17 job. They ain't never --- they ain't
18 really got enough credit. It's always
19 people saying that they've overlooked
20 this and they've overlooked that.
21 But in that particular coal mines,
22 there was so much for them to look
23 at, you know, that it was --- anybody

24 could look over something every now
25 and then when you got so much to look

274

01 at. But I don't know. I really
02 ain't got no --- nothing to say about
03 anything else.

04 MR. STAHLHUT:

05 Okay. We ask that you
06 do not discuss your interview
07 today with anyone who may have
08 already been interviewed or
09 who may be asked to give a
10 statement in the future. This
11 will ensure that we obtain
12 everyone's independent memory
13 of the events surrounding the
14 accident. After questioning
15 other witnesses and obtaining
16 additional information, we may
17 be asking you back for further
18 questions.

19 If at some later point
20 you have additional
21 information regarding the
22 accident that you would like
23 to provide us, please contact
24 the team leader, Mr. Kenny
25 Murray, and/or his staff

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01 assistant, Anthony Webb. And
02 here's their cards.

03 The Mine Act also
04 provides certain protection to
05 individuals who participate in
06 accident investigations. If
07 at any time you believe you've
08 been treated unfairly because
09 of your cooperation in this
10 investigation, please
11 immediately contact Mr. Kenny
12 Murray or Anthony Webb. And
13 Again I want to thank you for
14 your patience and your help.
15 And I think Bill's got a
16 comment to make.

17 MR. TUCKER:

18 Also on behalf Miners'
19 Health, Safety & Training, I,
20 too, would like to thank you
21 for coming in today and
22 sharing your information with
23 us. And the State also offers
24 protection to miners against
25 discrimination. I'd like to

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01 give you one of my cards. If
02 you would need to contact me

03 about anything, feel free to
04 do so. And also this is C.A.
05 Phillips' card. He's the
06 Deputy Director and works out
07 of our Charleston office.

08 * * * * *

09 EXAMINATION CONCLUDED AT 12:33 P.M.

10 * * * * *

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