

01 EXAMINATION UNDER OATH
02 OF
03 GARY L. RICHARDSON
04
05
06 Taken pursuant to Notice by Autumn D.
07 Furby-Pritt, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Department of
10 Environmental Protection, 1101 George
11 Kostas Drive, Logan, West Virginia,
12 on Thursday, March 16, 2006, at 11:50
13 a.m.

14

15

16

17

18

19

20

21

22

23 Any reproduction of this transcript
24 is prohibited without authorization
25 by the certifying agency.

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

02
03 ANTHONY WEBB
04 U.S. Department of Labor
05 Mine Safety and Health Administration
06 Coal Mine Safety and Health
07 District 6
08 100 Fae Ramsey Lane
09 Pikeville, KY 41501

10
11 WILLIAM TUCKER
12 Assistant Inspector at Large
13 West Virginia Office of Miners'
14 Health, Safety & Training
15 142 Industrial Drive
16 Oak Hill, WV 25901

17
18 KEITH A. BELL, ESQUIRE
19 U.S. Department of Labor
20 Office of the Solicitor
21 1100 Wilson Boulevard
22 Arlington, VA 22209-2296

23
24
25

01 A P P E A R A N C E S (continued)
02
03 WILLIAM J. FRANCAERT, P.E.
04 Mining Engineer

05 Pittsburgh Safety and Health
06 Technology Center
07 Ventilation Division
08 P.O. Box 18233
09 Cochrans Mill Road
10 Pittsburgh, PA 15236
11
12 ANTHONY BURKE
13 CMS&H Inspector
14 U.S. Department of Labor
15 Mine Safety & Health Administration
16 Whitesburg Field Office
17 704 Highway 2034
18 Whitesburg, KY 41858
19
20
21
22
23
24
25

4

01 A P P E A R A N C E S (continued)
02
03 ALSO PRESENT:
04 STEVE COX
05 DENNIS A. BEITER
06 RONALD W. STAHLHUT

07 C.A. PHILLIPS
08 EUGENE WHITE
09 BETH SPENCE
10 DERRICK TJERNLUND
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

5

| | | |
|----|-----------------------------|-----------|
| 01 | I N D E X | |
| 02 | | |
| 03 | INTRODUCTION | 7 - 13 |
| 04 | WITNESS: GARY L. RICHARDSON | |
| 05 | QUESTIONS | |
| 06 | By Mr. Webb | 13 - 85 |
| 07 | By Mr. Tucker | 85 - 92 |
| 08 | By Mr. Web | 92 - 100 |
| 09 | CLOSING | 100 - 103 |

10 CERTIFICATE 104

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

6

01 EXHIBIT PAGE

02 PAGE

03 NUMBER DESCRIPTION IDENTIFIED

04 One Personal Notes 17

05 Two Photo Headgate Work
06 Area 73

07 Three Photo of Headgate
08 Close-up of Flow
09 Meters and Glut 78

10 Four Photo of Headgate
11 Close-up Of Outby

| | | | |
|----|------|------------------|----|
| 12 | | Toward Headgate | 80 |
| 13 | Five | Photo Underneath | |
| 14 | | Monorail | 83 |
| 15 | | | |
| 16 | | | |
| 17 | | | |
| 18 | | | |
| 19 | | | |
| 20 | | | |
| 21 | | | |
| 22 | | | |
| 23 | | | |
| 24 | | | |
| 25 | | | |

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

02 -----

03 MR. WEBB:

04 Hello, Gary. My name
05 is Anthony Webb and I want to
06 thank you for coming back to
07 talk to us again. Since
08 you've already been here once
09 before, I'm not going to read
10 the same long opening
11 statement again. I'll be
12 asking the questions for MSHA.
13 And as before, we have other
14 members of MSHA's team and the

15 State team here. And I'd like
16 to ask them to identify
17 themselves for the record.

18 MR. BEITER:

19 My name's Denny Beiter.
20 I work for MSHA in
21 Triadelphia, West Virginia.

22 MR. STAHLHUT:

23 Ronald Stahlhut, MSHA
24 of Vincennes, Indiana.

25 MR. TJERNLUND:

8

01 Derrick Tjernlund, Tech
02 Support, Triadelphia.

03 MR. FRANCCART:

04 Bill Francart,
05 Pittsburgh, Pennsylvania.

06 MR. BURKE:

07 Tony Burke, MSHA of
08 Whitesburg, Kentucky.

09 MR. WEBB:

10 Also here today
11 representing the State of West
12 Virginia is Mr. Bill Tucker.
13 And he'll also be asking some
14 questions. And I'd like to
15 ask him to identify his team
16 members.

17 MR. TUCKER:
18 Appreciate you coming
19 back in.
20 MR. RICHARDSON:
21 That's no problem.
22 MR. TUCKER:
23 Again, my name is Bill
24 Tucker. I'm from Miners'
25 Health, Safety & Training out

9

01 of the Oak Hill office.

02 MR. COX:
03 Steve Cox, Region
04 Three, Danville.

05 MS. SPENCE:
06 Beth Spence with the
07 Governor's Office.

08 MR. WEBB:
09 This continuation of a
10 previous interview with Gary
11 Richardson is being conducted
12 under Section 103(a) of the
13 Federal Mine Safety & Health
14 Act of 1977 as part of an
15 investigation by the Mine
16 Safety & Health Administration
17 into the conditions, events
18 and circumstances surrounding
19 the fatalities that occurred

20 at the Aracoma Alma Mine
21 Number One located at Route 17
22 North, Bandmill Hollow Road,
23 Stollings, West Virginia,
24 25646.

25 This interview is being

10

01 conducted at the West Virginia
02 Department of Environmental
03 Protection Division in Logan,
04 West Virginia, on March 16th,
05 2006. And the current time is
06 11:52 a.m. Eastern Standard
07 Time.

08 Again as before, Mr.
09 Richardson, you're permitted
10 to have a representative with
11 you during this interview and
12 you can consult with a
13 representative at any time.
14 Following questions by MSHA
15 and the State, the
16 representative will be given
17 the opportunity to ask
18 questions for purposes of
19 clarification on areas already
20 discussed.

21 Your statement is

22 completely voluntary. You may
23 refuse to answer any question
24 and you can end your interview
25 at any time. If you do not

11

01 understand a question, please
02 tell me so I can clarify the
03 question. If you need a break
04 for any reason at any time,
05 please let me know.

06 A court reporter will
07 record your interview and
08 later produce a written
09 transcript of the interview.
10 I'd like to ask that you state
11 all of your answers verbally
12 because the court reporter
13 can't record gestures like
14 nodding or shaking your head
15 no. And I'd also like you to
16 speak up so that the other
17 team members can hear you.

18 Do you have any
19 questions about the manner in
20 which this interview will be
21 conducted?

22 MR. RICHARDSON:

23 No, sir.

24 MR. WEBB:

25 Okay. Now, since we

12

01 had the introductions, we've
02 been joined by several other
03 members and I'd like to ask
04 the MSHA members to identify
05 themselves.

06 ATTORNEY BELL:

07 Keith Bell from
08 Arlington, Virginia.

09 MR. WEBB:

10 And I'd like to ask the
11 state members to also identify
12 themselves.

13 MR. PHILLIPS:

14 C.A. Phillips, Deputy
15 Director of Miners' Health,
16 Safety & Training in
17 Charleston, West Virginia.

18 MR. WHITE:

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

22 MR. WEBB:

23 Thank you. At this
24 time, I'd like to ask the
25 court reporter to administer

13

01 the oath.

02 -----

03 GARY L. RICHARDSON, HAVING FIRST BEEN

04 DULY SWORN, TESTIFIED AS FOLLOWS:

05 -----

06 BY MR. WEBB:

07 Q. May I call you Gary?

08 A. Yes.

09 Q. Okay. Thank you. Again, for
10 the record, would you state your full
11 name?

12 A. Gary Lee Richardson.

13 Q. [REDACTED]

[REDACTED]

19 Q. Would you care to spell your
20 last name for me?

21 A. R-I-C-H-A-R-D-S-O-N.

22 Q. Are you appearing voluntarily
23 at this interview?

24 A. Yes.

25 Q. Has anyone made any promises

01 to you for giving your statement or
02 offered you any rewards in exchange
03 for the statement?

04 A. No.

05 Q. Has anyone threatened you or
06 warned you not to provide a
07 statement?

08 A. No.

09 Q. Do you understand that you
10 may refuse to answer any question or
11 terminate the interview at any time?

12 A. Yes.

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

15 A. No.

16 Q. Would you like to have a
17 representative?

18 A. No.

19 Q. So you are comfortable with
20 continuing the interview?

21 A. Yes.

22 Q. Okay. Thank you. Again, for
23 the record, do you still work for
24 Aracoma?

25 A. No.

15

01 Q. And when did you leave?

02 A. I don't recall the date right
03 now. I'm thinking maybe the middle
04 of February, the end of February.

05 Q. Of this year?

06 A. Of this year, correct.

07 Q. So you left Aracoma after the
08 mine fire?

09 A. Correct.

10 Q. What was your job title at
11 Aracoma?

12 A. I ran the headgate, headgate
13 operator.

14 Q. Is that what you were doing on
15 the day of the fire?

16 A. Correct.

17 Q. And what shift do you normally
18 work?

19 A. We swing four on, four off,
20 dayshift and evening shift. Four and
21 two off, I'm sorry. Four days, four
22 evenings.

23 Q. Okay. Were you at the mine
24 when the fire occurred?

25 A. Yes.

16

01 Q. Were you underground when you
02 found out about the fire?

03 A. Yes.

04 Q. Okay. What I'd like to do
05 today is discuss the notebook that
06 you kept and I have a copy of that
07 notebook with me here today. And
08 it's a Xerox copy of the original.

09 And it bears MSHA document number D-
10 303. It was also marked by the
11 company on each page with
12 identification numbers and it begins
13 with Aracoma personal notes 000001,
14 and it runs through Aracoma personal
15 notes 000013. For the purposes of
16 this interview, I've marked it with
17 an exhibit number and it's identified
18 as Exhibit One Richardson. I'd like
19 for you take a look at that book and
20 as we look through that, I'd like to
21 take a look at the pages in the book
22 and let you identify for me what the
23 entries mean. This book looks
24 familiar to you?
25 (Richardson Exhibit One

17

01 marked for
02 identification.)

03 A. Yes.

04 BY MR. WEBB:

05 Q. So are you comfortable that
06 this is a Xeroxed copy of the
07 notebook that you kept?

08 A. Yes.

09 Q. And you were the one that made
10 the entries in the book?

11 A. Yes.

12 Q. Okay. If we could, let's go

13 to that page that says Aracoma

14 personal notes 000002. Can you kind

15 of go through here and tell me what

16 each one of these line means?

17 A. Basically, starts off, like it

18 says 1455, that's what time I arrived

19 at the headgate we was running, our

20 ride was running. And 1800 is what

21 time I report, I called out at six

22 o'clock. And basically the lines is

23 I'd just break it down in two-hour

24 periods, two-hour increments.

25 Q. This is broken down --- these

18

01 are two-hour increments

02 A. Approximately, yes.

03 Q. Up in the upper left-hand

04 corner, it says one.

05 A. 1/6, that was the date,

06 January the 6th.

07 Q. So that was January the 6th

08 and then straight across from that,

09 does it say Saturday?

10 A. Saturday evening.

11 Q. And then what --- Saturday

12 evening, okay. And there's a 0.1 and

13 0.6.

14 A. That's the methane monitor
15 readings from the head face and from
16 the tail.

17 Q. Okay. And then the next line
18 says 1545.

19 A. Arrived running.

20 Q. Now, does that mean the
21 longwall was running when you
22 arrived?

23 A. When I set my positions on the
24 headgate, it was running, yes.

25 Q. Okay. And then under 1800, it

19

01 has .6.

02 A. That's what we'd run. That
03 was what it turned in for the six
04 o'clock report, .6.

05 Q. And what does the .6 refer to?

06 A. Approximately six-tenths of a
07 pass.

08 Q. Okay. And then the next line
09 there starts with a ten, I believe.

10 A. That's downtime, ten minutes,
11 recutting bottom, 25 minutes cutting
12 rock on the tail, 30 minutes on ---.

13 Q. Okay. So that would have been

14 ---

15 A. That's downtime.

16 Q. --- that would have been
17 during that first two hours?
18 A. Correct. That's all that's
19 turned in at six o'clock.
20 Q. Okay. Then the next section
21 has --- is this --- is this 2000
22 hours?
23 A. Yes, sir. It's the eight
24 o'clock report.
25 Q. Okay. And could you tell me

20

01 what those entries mean?
02 A. 1.5 and the one-half passes.
03 Thirty (30) minutes bits service,
04 putting on the shearer. Half hour on
05 the shearer. There was something
06 went down on the shearer, some kind
07 of manifold block I believe is what's
08 underneath it.
09 Q. Okay. Back up in the other
10 one, you've got cutting rock on tail.
11 A. Uh-huh (yes).
12 Q. Can you tell me what that
13 means?
14 A. There wasn't much coal around
15 the tail and it's just real slow
16 cutting. You know, normally a pass
17 would probably take approximately 45
18 minutes. And if it's longer than 45

19 minutes, you know, ---
20 Q. So normally a pass ---
21 A. --- they want to know.
22 Q. --- from one end to the other
23 one would take about 45 minutes?
24 A. Approximately with the
25 conditions, 45 minutes.

21

01 Q. All right. Moving on down to,
02 I think it's, 2200. Can you tell me
03 what's in that section?
04 A. Two passes 65 minutes total on
05 the manifold. Ten minutes downtime
06 on pump low emulsion, ten minutes on
07 crusher valve and ten minutes on
08 shearer, right-hand data loss.
09 Q. Okay. Now, 65 total manifold?
10 A. On the manifold that goes back
11 to I think the time where there's
12 1935, that's what time roughly the
13 manifold, they started having
14 trouble.
15 Q. Okay. Can you explain to me
16 what a manifold is?
17 A. I have no idea, something on
18 the shearer.
19 Q. Okay. All right. Moving onto
20 the next one. That would be what

21 time?

22 A. Ten o'clock. That would be
23 the 12 o'clock report, the 2400.

24 Q. Okay.

25 A. 2.3 passes, 30 minutes cutting

22

01 rock on the tail and I don't know
02 what I wrote underneath it.

03 Q. Okay. So at --- I guess this
04 is midnight?

05 A. Yes.

06 Q. 2.3 is that the total number
07 of passes for the whole shift ---

08 A. No.

09 Q. --- or just between the last
10 one?

11 A. That's up until 12 o'clock,
12 roughly 15 minutes 'til 12:00.
13 That'd probably --- maybe be .2 ---
14 probably 2.5, 2.6 by the end of the
15 night, total.

16 Q. Okay. All right. Moving onto
17 the next page, which would be Aracoma
18 personal notes, 000003. I didn't see
19 a date at the top of this page, so is
20 this the same shift?

21 A. Same shift. It's on the back.

22 Where it says gate, shear pin and
23 curtain, that's what hoot owl was to

24 bring in when I called out my 12
25 o'clock report or called out my ten

23

01 o'clock report to speak to them. At
02 9:00 to 10:15 that's when he done his
03 fire boss.

04 Q. Okay.

05 A. H, F and T stands for head,
06 face and tail.

07 Q. Okay. So at the head, at H,
08 you've got ---?

09 A. None observed.

10 Q. So these are hazards?

11 A. Yes.

12 Q. Okay. And at the face?

13 A. You had rock, dry rock falling
14 from 120 to 140 and from 170 onto the
15 tail.

16 Q. So is that feet or is that
17 shield numbers?

18 A. That's shield numbers.

19 Q. How about --- how many shields
20 do you have ---?

21 A. 176.

22 Q. 176 shields?

23 A. Uh-huh (yes).

24 Q. Okay. So on the face, you're
25 saying that you had some rock falling

01 between shield 120 and 140?

02 A. Uh-huh (yes).

03 Q. And then some at 170?

04 A. Onto the tail, correct.

05 Q. Onto the tail, okay. Go on to

06 the next one, the tail.

07 A. The tail entry fell in.

08 Q. Okay. Now, is that like the

09 whole set of entries or just the one

10 entry?

11 A. Just the one entry, to my

12 knowledge.

13 Q. So would that make travel ---

14 from the headgate entries to the

15 tailgate entries, would that make

16 that impassable?

17 A. Pretty much.

18 Q. Okay. So that would have

19 happened between 9:00 and 10:15?

20 A. Not necessarily. It fell in

21 during his fire boss time. I mean,

22 to my knowledge, the tail entry had

23 been fell in for a few months. I'm

24 thinking since back in December.

25 Q. Okay. You think maybe the

01 tailgate entry had started falling in

02 in December or had become blocked in

03 December?

04 A. Somewhere like that.

05 Q. And it was still blocked on

06 January 6th?

07 A. Yes.

08 Q. Okay. Go ahead to the next

09 one there.

10 A. The next line, LOB, last open

11 break. That was his air reading, 50,

12 110 then 17 would be 336 and then at

13 160, he did 202.

14 Q. Okay. And he would be who?

15 A. Dave Runyon.

16 Q. Dave Runyon.

17 A. Section boss.

18 Q. All right. Let's move onto

19 the next page then. It's Aracoma

20 personal notes 000004. And it looks

21 like it starts with the notation

22 Sunday evening.

23 A. Uh-huh (yes).

24 Q. And then is this January 8th?

25 A. Well, it says the 8th, but if

01 that was the 6th, it couldn't have

02 been the 8th.

03 Q. Well, let me ask you something

04 that just popped into my head. When

05 you look at this book, does this look
06 like your entire book or do you ---
07 when you look through it, do you
08 think any pages have been removed
09 since you turned it over to the
10 company ---

11 A. No.

12 Q. --- or anything altered?

13 A. Not that I can tell.

14 Q. So far does this look like
15 your book?

16 A. It appears my handwriting,
17 yes.

18 Q. Okay. All right. Let's on
19 this same page then, you've got a ---
20 it looks like a zero --- a .0 and a
21 .2 or is that a 10 and a 12?

22 A. That's .0 and .2.

23 Q. And what does that mean?

24 A. That's methane reading again,
25 mid-face and the tail.

27

01 Q. Okay. And then the next line,

02 A. Arrived at section 1615, was
03 running.

04 Q. Okay. And then at 1800?

05 A. Then 1800 called out .4, ten
06 minutes on sequence fault, 20 minutes
07 on the rock, 15 minutes on something

08 on the rock, I can't tell what I put,
09 and then five more minutes on the
10 sequence --- sequence switch.

11 Q. Is that a sequence switch on
12 the longwall?

13 A. Correct.

14 Q. And what does that do?

15 A. Sequence switch? It's been a
16 while since I've run it. I really
17 don't remember. I mean, it's been
18 --- it doesn't happen often, I'll
19 tell you that because I don't
20 remember it.

21 Q. All right. Now, these ---.

22 A. Oh, it's for the belt. I'm
23 sorry. That's what it was.

24 Q. Okay.

25 A. If I'm not mistaken, we had

28

01 trouble. About probably 15, 20 foot
02 above the headgate, above the
03 tailpiece, there's a sequence switch
04 that continues running as long as the
05 belt's running. If the belt shuts
06 off or slows down, it will shut the
07 longwall off to keep from overloading
08 the belt.

09 Q. Okay. When you talk about .4

10 or .7 or 2.0, you're talking about a
11 --- the longwall passes. Is --- and
12 just to clarify for me, does the
13 longwall cut in both directions?

14 A. Correct.

15 Q. So would 1.0 be one trip from
16 the headgate to the tailgate or would
17 1.0 be from headgate down and all the
18 way back to the headgate?

19 A. From the headgate to the
20 tailgate, one pass.

21 Q. Okay. So one pass --- 1.0
22 would be from the headgate to the
23 tailgate?

24 A. Correct.

25 Q. Or from the tailgate back to

29

01 the headgate?

02 A. Correct. A .1 is roughly 17
03 shields.

04 Q. Okay. So if you're saying
05 2.0, you're saying that the longwall
06 had made a pass from the headgate to
07 the tailgate and back from the
08 tailgate to the headgate?

09 A. Correct.

10 Q. Okay. Thank you. All right.

11 Looking on down here at --- I think
12 it's 1830.

13 A. Cut a flapper off the mother
14 drive belt, which is the longwall
15 belt. Basically where the belt was
16 ripping on the side.
17 Q. Any idea what might have
18 caused that?
19 A. Something rubbing somewhere.
20 Q. Is that a --- now, the
21 longwall belt does extend all the way
22 from the headgate to the mother
23 drive?
24 A. Correct.
25 Q. And the mother drive is what

30

01 provides the driving force for the
02 longwall belt. You don't have a
03 motor or anything on the belt at the
04 headgate area?
05 A. No. No.
06 Q. Okay. Is it a usual or
07 unusual thing to have these flappers
08 on the belt?
09 A. About usually halfway through
10 the panel after the belt, you know,
11 somebody's on it, it was. But
12 nothing major. I mean, up on Eight
13 headgate, it was pretty common.
14 Q. Do you remember --- on this

15 particular one, do you remember about
16 how long or how large of a flapper it
17 was?

18 A. On this one, I'm not sure.

19 There were several occasions that
20 there was --- I mean, cut off one
21 --- one was cut off was almost 11
22 foot, approximately 10, 12, 11 foot
23 somewhere through there.

24 Q. Would that have been on this
25 current panel?

31

01 A. Yes. It was roughly within
02 two or three weeks before the fire.

03 Q. Okay. Let's move on down to,
04 I think it's 1840.

05 A. Tail ground fault, I think
06 what that is, which basically moves
07 the longwall, had shut itself off due
08 to the fact of not enough water onto
09 the tail.

10 Q. All right. And then I think
11 the next one is 2000 hours?

12 A. Is .7.

13 Q. That's seven-tenths of ---?

14 A. Yes, seven-tenths.

15 Q. Okay.

16 A. Ten minutes on cutting rock on
17 the tail, ten minutes on recutting

18 bottom, 15 minutes trimming the belt
19 splice, 50 minutes total on ground
20 fault on the tail and current
21 imbalance, I think ten minutes.

22 Q. Is that something you do or is
23 that something you have to call an
24 electrician for?

25 A. For --- basically current

32

01 imbalance, I think means is one motor
02 is getting more water than the other.
03 It's not pulling enough. And it will
04 kick itself off. I mean, it's just
05 computer --- computer oriented.

06 Q. Is there any particular thing
07 that would cause you not to have
08 enough --- I think it was water onto
09 the tail area?

10 A. I'm not mistaken --- I'm not
11 really sure what --- there's
12 something down at the mule train this
13 evening and added turn --- turn the
14 water --- the pressure pump up at, I
15 think, break 22 is what it was. But
16 normally that doesn't happen.

17 Q. What about if a pump in the
18 north mains went down, would that
19 affect your water pressure on the

20 longwall?
21 A. Shouldn't. I'm not sure
22 exactly what you're calling the north
23 mains.
24 Q. That would be the main line
25 inbound.

33

01 A. The main line. Well, the main
02 fresh water, yes, it would affect.
03 Q. Okay. Moving on down to 2200.
04 A. 1.2, 40 minutes on current
05 imbalance. It looks like 20 more
06 minutes on current imbalance on the
07 tail, 60 total minutes.
08 Q. Okay. Now, I notice over here
09 on the right side of the page, it
10 looks like a --- I'm not sure if
11 that's 2.2 or 22, then it looks like
12 some measurements or something. Can
13 you tell me what those are?
14 A. I have no idea.
15 Q. Is that your handwriting?
16 A. Yeah, that's my handwriting,
17 but I'm not sure exactly what I'd
18 wrote that for.
19 Q. Okay. We can come back to it
20 ---
21 A. Okay.
22 Q. --- if you remember later on.

23 All right. Moving on down to 2400.

24 A. 2.1, 25 minutes on bits and
25 service, five minutes on E-stop at

34

01 122 and ten minutes on cutting dry
02 rock, 20 minutes on low emulsion, and
03 17 times you had a current imbalance
04 for a total of 35 minutes.

05 Q. Okay. At E-stop at shield
06 122?

07 A. Yeah. Which is --- an E-stop
08 is basically if a hose bust on the
09 shield and they --- you can't get it
10 turned off, they'll just E-stop and
11 it knocks all the pressure to the
12 pumps. Or it could have been a CIU
13 fault. It could have been something
14 in the computer.

15 Q. All right. And moving on over
16 to the next page, would be Aracoma
17 personal notes 000005. It looks like
18 it starts with 9:00 'til 10:15.

19 A. Correct.

20 Q. Okay.

21 A. That's the fire boss report.
22 Head, bad top. Face, dry rock from
23 20 to 60 and 120 to 140. Tail, bad
24 top. The last open, 51640, 17, 355,

25 and 160, 210.

35

01 Q. Okay. When you say bad top at
02 the tail, does that mean that the
03 tailgate was no longer blocked or you
04 just recorded it differently or ---?

05 A. Correct. No, it wasn't
06 blocked. I'm not saying it wasn't
07 falling in, but at the moment when he
08 was down there, it hadn't --- there
09 was an opening where you could have
10 went out.

11 Q. Okay. So where the shield was
12 cutting out on the tailgate side, you
13 had bad top but it wasn't fell in at
14 that particular spot?

15 A. Correct.

16 Q. Okay. Do you have extra
17 safety measures or safety procedures
18 or any sort of a plan that goes into
19 effect when that tailgate's blocked?

20 A. They're supposed to keep
21 rescuers, extra rescuers, on the
22 face, I'm thinking every 30 shields,
23 50 shields, something --- every 50
24 shields maybe. We've got to keep a
25 box of extra rescuers.

36

01 Q. It looks like from looking at

02 the book and from some of our other
03 interviews, that there was a constant
04 problem with that tailgate set of
05 entries with it being blocked from
06 time to time. Did a consistently
07 blocked tailgate concern you?

08 A. No, not myself. I mean, where
09 I run the headgate, I wasn't on the
10 face.

11 Q. Was the tailgate entry or
12 tailgate area any part of one of your
13 escapeways?

14 A. Not to my knowledge. I mean,
15 it could have been used for one, but
16 it wasn't the primary nor the
17 secondary.

18 Q. Okay. Well, let's move on to
19 Aracoma personal notes page 000006.
20 And I think it starts in the upper
21 left-hand corner with the word
22 Friday.

23 A. Correct.

24 Q. Okay. And would you go ahead
25 and explain that page.

37

01 A. You got to the section 725,
02 the mid-face and the tail monitors
03 read .1 and .2. Eight o'clock we

04 turned in six --- .6 passes. At ten
05 o'clock, we turned in 1.2, 20 minutes
06 down on the belt and then we was down
07 the rest of the day on Number Four,
08 six-foot belt, bad roller bearing.

09 Q. Okay. Did you have to leave
10 the longwall to help with that ---

11 A. No.

12 Q. --- repair?

13 A. No.

14 Q. So do you know anything about
15 where the bad roller bearing was or
16 ---?

17 A. Out on Number Four belt.

18 Q. And that's basically all you
19 know about it?

20 A. Yes.

21 Q. Okay. We'll move on to
22 Aracoma personal notes 000007. And
23 tell us about this page.

24 A. Basically, I wrote down for
25 the fire boos reports that we wasn't

38

01 running so the boss was up at the
02 headgate, he went ahead and called
03 out himself.

04 Q. Okay. All right. Moving on
05 to the page that's identified with
06 Aracoma personal note 000008. And it

07 looks like up in the upper left-hand
08 corner, it says Saturday.
09 A. Correct.
10 Q. Okay. And go ahead and
11 explain that page for me?
12 A. 7:20 arrived running, mid-face
13 read .0. The tail read 5.7, but it
14 was messed up. At eight o'clock, I
15 believe turned in .6. Ten o'clock
16 turned in 1.5, ten minutes on the
17 control fault and 25 minutes on
18 cutting rock. Twelve (12) o'clock
19 turned in 3.4, 25 minutes on bits and
20 service. I can't really tell what
21 the other ten minutes are. And at
22 two o'clock turned in 4.6, 20 minutes
23 on --- I'm not sure what I wrote
24 there, then ten minutes on recutting
25 bottom.

39

01 Q. Okay. So when you got there
02 at 7:20, the longwall was running?
03 A. Yeah.
04 Q. And the methane monitor
05 readings were what now?
06 A. Point zero and 5.7.
07 Q. Okay. The .0 was at the ---
08 A. Mid-face.

09 Q. --- mid-face. And the 5.7 was
10 at the tail?
11 A. Correct.
12 Q. Okay. With a reading of 5.7,
13 did anybody seem alarmed about that?
14 A. They would tell you --- if
15 something would happen, the equipment
16 would shut down, they'd always go
17 take a reading, but it reading 5.7,
18 I'm sure that somebody checked into
19 it. I don't ---.
20 Q. And with that monitor reading
21 5.7, the longwall was still running?
22 A. Well, ---.
23 Q. The shearer was still running?
24 I'm kind of interested in this.
25 A. At this time it was, yeah.

40

01 Q. Do you know what was done
02 about that?
03 A. I have no idea.
04 Q. Was ---?
05 A. To my --- I don't believe ---
06 I don't think it was fixed on my
07 shift. I could have been wrong. I
08 don't remember. I don't recall.
09 Q. Do you know if anybody had
10 been notified that you had a monitor
11 that was reading 5.7 percent?

12 A. I'm sure they had.

13 Q. I would have been quite

14 concerned ---

15 A. Yeah.

16 Q. --- if ---. Can you tell me

17 what day that would have been?

18 A. Saturday.

19 Q. Any idea what day of the

20 month? I mean, I'm kind of panicky

21 around methane myself, so if I had

22 seen a monitor that says 5.7, I'm not

23 sure that I --- I might have been

24 back outside the mine in about ten

25 minutes. If we follow a calendar

41

01 through the days and one of your

02 first pages was Friday, January the

03 6th and then I think there was an

04 entry for the 8th.

05 A. The 8th, yes.

06 Q. And if this is the --- would

07 this have been the following Saturday

08 ---

09 A. That would have been the

10 following Saturday.

11 Q. --- the 14th?

12 A. Yes.

13 Q. January 14th, 2006? Do you

14 know if somebody corrected the
15 problem with that monitor before you
16 guys started running coal?
17 A. Before we started running, I
18 don't believe so because like I said,
19 we were out running, so --- when we
20 got there, it was running.
21 Q. Okay. Did the whole crew,
22 your whole crew, get there at the
23 longwall about the same time?
24 A. Yes. Yeah, we all ride the
25 same bus in.

42

01 Q. And who was your supervisor
02 that day?
03 A. Dave Runyon.
04 Q. Did he have a comment about
05 the 5.7?
06 A. I don't know if he did, I
07 mean, honestly.
08 Q. Do you know if he knew about
09 it?
10 A. No. Truthfully I'm not sure.
11 Q. Did you tell him about it?
12 A. I might have, I might not
13 have. I don't know.
14 Q. Does --- the methane monitor
15 system installed on the longwall,
16 does it shut down the longwall

17 automatically?

18 A. Yes.

19 Q. Do you know at what point it
20 does that?

21 A. 1.5 I believe. I could be
22 wrong.

23 Q. Does it give you a warning
24 ---?

25 A. Or if somebody sprays it with

43

01 water.

02 Q. Does it give you a warning
03 first?

04 A. Normally everything will shut
05 off.

06 Q. Do you know if the monitor
07 system had been jumpered out because
08 of that reading?

09 A. Not to my knowledge. I didn't
10 see nobody do it. I mean, ---.

11 Q. Would that be something you
12 would normally have known about if it
13 had been jumped?

14 A. If it had been done while I
15 was there, yes.

16 Q. If it had been done before you
17 got there?

18 A. They wouldn't have said a word

19 about it, not to me.

20 Q. And just for clarification,

21 what would be the reason for having a

22 methane monitor at the, let's say, at

23 the tailgate?

24 A. The reason it being there?

25 Q. Uh-huh (yes).

44

01 A. Something to tell you if

02 there's gasses on the tail.

03 Basically if you got air moving

04 across the face throughout the tail.

05 Q. What about a monitor at

06 mid-face?

07 A. For the same reason.

08 Q. Okay. Was there a monitor at

09 the headgate?

10 A. Not to my knowledge.

11 Q. When you noticed about the 5.7

12 percent, did you ask anybody, maybe

13 the person you replaced?

14 A. No. There was --- on

15 dayshift, probably wasn't nobody

16 running the headgate at the time.

17 What they would do, they would start

18 everything up, make sure everything

19 was going to run. They wouldn't run

20 coal, per se, every morning. They

21 would just make sure the shearer was

22 going to run, the belts were running,
23 the face chain would run. They would
24 just make sure everything was ready
25 to run when we got there. So when I

45

01 got there, my belt was running, they
02 was ready to run. I mean, not saying
03 they were definitely running coal.

04 Q. And I guess I may be getting a
05 little bit ahead of myself as far as
06 the notes go. But on the 14th, which
07 is the day that you had the 5.7 show
08 up on the monitor, the tailgate
09 entry, was it blocked that day?

10 A. No, it shows bad top.

11 Q. Okay. Had you ever known or
12 heard about anybody --- somebody
13 jumping out the methane monitor on
14 the longwall?

15 A. You hear. I mean, people, you
16 know, jumped this out and jumped
17 that, jumpers. But I've never
18 witnessed nobody doing it.

19 Q. Have you ever heard anybody
20 talk about like shifts will normally
21 do, you know, nothing's ever done on
22 your shift, it's always the shift
23 before or the shift after? Anybody

24 talking about it took us 30 minutes
25 before we could undo what the

46

01 previous shift had done so we could
02 run coal concerning jumpering
03 anything out?

04 A. Nothing like that, no. I'm
05 not saying that other shifts wasn't
06 --- wouldn't mess up, but you know,
07 nothing ---. I do have something
08 else real quick.

09 Q. No problem. Go right ahead.

10 A. I've noticed my last page
11 started on --- well, let's see, this
12 was Friday. It jumps from Sunday to
13 Friday.

14 Q. Okay. Is that unusual?

15 A. It should --- yeah, I would
16 say it is.

17 Q. So you --- do you believe
18 there's pages missing?

19 A. Possibly. If --- I mean,
20 there's --- I shouldn't have --- I
21 mean, for it to jump from Sunday to
22 Friday --- normally two days off is
23 all I take, you know, Sunday. So I'd
24 have Monday and Tuesday off and it
25 should start back on Wednesday,

47

01 Wednesday day.

02 Q. So this notebook that you

03 keep, you would pretty much keep that

04 day to day?

05 A. Correct. As long as I was

06 running the headgate.

07 Q. And you were running the

08 headgate for this whole time period?

09 A. Yes.

10 Q. So you do find it very unusual

11 that you've got some gaps in the

12 dates in this book?

13 A. Yes. For it --- like I said,

14 for it to jump from Sunday evening to

15 I think it started back off on

16 Friday, Friday day. I mean, I'm not

17 accusing nobody of nothing. It could

18 have been something I did, but ---

19 Q. But if you worked, you would

20 have had your notebook with you?

21 A. If I worked --- if I run the

22 headgate, yes.

23 Q. And would there ever --- would

24 a day or a shift ever go by that you

25 worked that you wouldn't be putting

48

01 something in that book?

02 A. If I pulled shields, set

03 jacks, possibly, you know, I wouldn't
04 have wrote nothing in it. But ---.

05 Q. On a normal day ---

06 A. On a normal day ---

07 Q. --- of running coal?

08 A. --- of running coal. When I
09 run the headgate, I have my book with
10 me and I keep my notes.

11 Q. So you do --- you find it
12 unusual that you've got this gap in
13 dates in this personal notebook?

14 A. Yes.

15 Q. Would you have removed any
16 pages yourself before you gave it to
17 the company?

18 A. There was some pages in the
19 main back that I took out that was
20 some personal phone numbers I had
21 wrote down, but other than that, no,
22 I shouldn't have removed nothing,
23 nothing here.

24 Q. But nothing that had to do
25 with the reports that we've been

49

01 looking at so far?

02 A. No.

03 Q. Since the fire, I know you
04 were telling me that you had worked
05 for some time after the fire.

06 A. Yes.

07 Q. Were you ever told to stop

08 keeping personal notes?

09 A. No.

10 Q. Were you ever told to --- any

11 notes that you kept from there on out

12 to turn them into the company as

13 well?

14 A. No.

15 Q. Were you ever advised to

16 destroy any notes that you might have

17 had?

18 A. No.

19 Q. Okay. Have you ever seen

20 methane on any of the monitors, the

21 mid-face or the tailgate go over 1.5

22 percent?

23 A. Other than what's copied down,

24 no. If it would, normally --- if it

25 had a fault in the methane monitor,

50

01 it would kick off the power and by

02 the time you get to it and look at

03 it, it'd already been reading back

04 .1, double zero, whatever. I mean,

05 it would just shut your power off

06 right then, you'd have to reset your

07 power.

08 Q. So for whatever reason, you
09 have seen the methane monitor
10 circuits shut off power to the
11 longwall?

12 A. Correct. Yes.

13 Q. Do you know what the explosion
14 --- explosive limits on methane is?

15 A. I believe it's, what, from 5
16 percent to 15 percent is considered
17 most dangerous.

18 Q. Do you think --- with the
19 methane monitor on the tailgate side
20 showing 5.7 percent, do you think the
21 longwall should have been able to
22 run?

23 A. If that was a correct reading,
24 no.

25 Q. Do you know who maintains that

51

01 system?

02 A. Electricians I assume.

03 Q. Do you have an electrician on
04 your shift ---

05 A. Yes.

06 Q. --- or did you?

07 A. Yes.

08 Q. And who would that have been?

09 A. Jaime Adkins and Melvin
10 Horvath.

11 Q. Do you know who would have
12 been the electricians on the previous
13 shift?

14 A. There's quite a few of them.

15 Q. Do you know who would have
16 been the longwall section boss on the
17 previous shift?

18 A. Derrick Christian or A.C.
19 Kline (phonetic).

20 Q. Do you feel like that the 5.7
21 showing up on the tailgate monitor
22 should have knocked the power on this
23 particular day?

24 A. Should have if it was reading
25 correct, yes.

52

01 Q. Can you think of any
02 particular reason why it might not
03 have?

04 A. Well, I mean, it's obvious if
05 it's showing 5.7 and it's not, it's
06 been bridged out. And especially if
07 there's no gas whatsoever showing up
08 now on the tail.

09 Q. Okay. Well, let's continue on
10 with Saturday's. I think we left off
11 at 120 when you arrived there and saw
12 those --- saw that unusual reading.

13 Let's continue on down with that
14 page.

15 A. Okay. Eight o'clock called
16 out .6, that's six-tenths of a pass.
17 Ten o'clock, 1.5, ten minutes on a
18 control fault and 25 minutes on
19 cutting rock. Twelve (12) o'clock,
20 ten minutes --- I'm not sure exactly
21 what --- that could be the methane
22 monitor I put there.

23 Q. Okay.

24 A. And then ten minutes on ---
25 I'm not sure what the second one is,

53

01 maybe cutting out on the tail and
02 then 25 minutes on bits and service.

03 Q. Okay. And then at 1400?

04 A. 4.6, 20 minutes on --- I'm not
05 sure what. And then ten minutes on
06 recutting bottom.

07 Q. Okay. Did --- when you first
08 saw that 5.7, did bridging out, did
09 that thought cross your mind that
10 that may be why the longwall was
11 still running?

12 A. Well, if everything's running,
13 I mean, it's common knowledge that
14 something's wrong somewhere.

15 Q. Did you talk to your foreman

16 about it?

17 A. I assume I mentioned it. I
18 mean, maybe to take a gas test. I
19 can't say for sure that I did.

20 Q. Any idea how long it might
21 have read 5.7?

22 A. I have no idea.

23 Q. Did it read 5.7 for the whole
24 shift? Do you know if it was ---?

25 A. I don't know. I don't recall.

54

01 The ten minutes on the methane
02 monitors for 12 o'clock could have
03 been --- they might have fixed it.
04 It could have been fixed after that.
05 I don't remember exactly what the
06 ten minutes was for, but that that
07 could have been fixed after that.

08 Q. Okay. Moving on to page
09 Aracoma personal notes 000009. Tell
10 us about that page.

11 A. 1:00 to 2:15, head none
12 observed. Face, dry rock from 120 to
13 140, tail you had bad top. At 17,
14 you had 346, 160, 217, the last open
15 break, you had 51272.

16 Q. And then there's a note under
17 that. I couldn't make it out.

18 A. Some kind of O rings for
19 something. Something was leaking
20 apparently. Some kind of O rings.

21 Q. What about the notation at the
22 top right side?

23 A. I think it's somebody's phone
24 number. I'm not sure.

25 Q. Okay. All right. Moving on

55

01 to page Aracoma personal notes
02 000010. I think it starts off in the
03 upper left-hand corner. It says
04 Sunday. Would that have been the
05 15th?

06 A. Correct.

07 Q. If Saturday ---?

08 A. I should have --- my notes
09 should have said, you know, what the
10 date was. I don't know why there's
11 not on there. Maybe ---.

12 Q. The previous one would have
13 been the 14th, so this would have
14 been the next day?

15 A. Correct. Yes.

16 Q. Okay. Go ahead and tell us
17 about that page.

18 A. 7:35, everything was running.
19 At eight o'clock turned in .3, at ten
20 o'clock turned in one pass, 35

21 minutes cutting rock on the tail, 15
22 minutes on broke tram shaft and ten
23 minutes on hard cutting, monitors
24 read .0 and .3.
25 Q. Okay. Moving on to the next

56

01 page which is Aracoma personal notes
02 000011. And I think it says up in
03 the upper right-hand corner.

04 A. 1:00 to 2:15. This was not my
05 writing, this was Dave Runyon's. He
06 just wrote everything on it for me
07 and I called it out.

08 Q. Okay. So he borrowed your
09 book or ---?

10 A. Well, he --- they was probably
11 cutting out at the head at the time,
12 I just, you know, went to ask him
13 what it was and he just grabbed my
14 notebook and wrote it down for me.

15 Q. So everything on this page was
16 written by Dave Runyon or did you
17 make some ---?

18 A. There's a couple things I
19 wrote. This here, the 24 plus 33 and
20 the 24 plus 62, that's spad numbers.
21 I believe earlier you asked what it
22 was?

23 Q. Uh-huh (yes).

24 A. That's what that was also.

25 Q. Okay. And what does that

57

01 mean?

02 A. Basically just survey numbers.

03 Q. Is that like the location of

04 the headgate or ---?

05 A. Correct. That's 2433 would be

06 where they cut out on the head, the

07 last spad, and 2462. So it basically

08 means the head was behind the tail,

09 the tail cut further than the head.

10 Q. Okay. And by looking at that

11 24 plus 33 and 24 plus 62, does that

12 mean that the tailgate was actually

13 behind the headgate?

14 A. The tailgate would have been

15 in front of the headgate.

16 Q. The tailgate would have been

17 in front of the headgate by 29 feet?

18 A. Approximately, yes.

19 Q. Is that unusual that it would

20 be ---?

21 A. No. They could bow the line

22 one way or the other. If, for

23 instance, you had bad top on one way,

24 they would, you know, set the line

25 forward one to move, to kind of take

01 the pressure off it.

02 Q. And did they usually try to
03 keep the longwall face straight
04 across?

05 A. As close as they could, yes.

06 Q. So looking at this, would the
07 top number 24 plus 33, would that be
08 the headgate or the tailgate?

09 A. That would be the headgate.

10 Q. So the top number would be the
11 tailgate and the bottom number would
12 be the tailgate?

13 A. Correct.

14 Q. Okay. All right. Looking at
15 this page then, let's just look at it
16 and let you tell me line for line in
17 here which of these entries would
18 have been yours and which would have
19 been someone else's?

20 A. Okay. The head, none observed
21 was not mine. The face, you had dry
22 rock from 80 to 120 was not mine.
23 The tail entry fell in was not mine.
24 The last open break, 51243 was not
25 mine. Seventeen (17), 354 to 16216

01 was not mine. The notation about the

02 power centers pumps and chargers was
03 not mine. The travelways was not
04 mine. The numbers on the bottom, the
05 9,000, 15,000 and 30,000 were mine,
06 but I have no idea what for.

07 Q. Okay. When the company
08 learned --- or how did the company
09 learn that you had this notebook?

10 A. The Thursday they interviewed
11 me, they basically asked how I would
12 remember my times. And I told them I
13 knew my times was roughly based upon
14 the CIU computer and they wanted to
15 know how I know that. And I said,
16 well, I kept a notebook.

17 Q. Okay. This was the Thursday
18 ---?

19 A. After the fire.

20 Q. After the fire. Someone from
21 the company interviewed you?

22 A. The attorneys.

23 Q. Do you remember who those
24 attorneys were?

25 A. I'm not sure. One kind of a

60

01 big buy, I'm not sure of his name.
02 And there was another attorney. He
03 came in towards the latter part and
04 just sat there basically. And he was

05 the one --- the attorney who
06 interviewed me asked to make a copy
07 of the notebook and then the attorney
08 that come in the latter part, he
09 requested if he could keep it.

10 Q. So the company attorneys asked
11 --- asked you for your notebook?

12 A. Correct.

13 Q. Is it the Thursday of the fire
14 or the Thursday after the fire?

15 A. The Thursday after the fire.

16 Q. So it would have been a week
17 after the fire?

18 A. Correct.

19 Q. Do you have any idea when the
20 pages that were in the notebook may
21 have gone missing?

22 A. I have no idea. I didn't ---
23 like said, this was --- well, I'm
24 just now first noticing it because
25 that's uncommon for me not to keep a

61

01 daily log, especially if we was
02 running. If something was wrong and
03 they were down, and I didn't work the
04 headgate, I might not have kept it.

05 Q. So it would have been your
06 belief that this notebook should have

07 had a day-by-day account of the same
08 types of readings that we saw for
09 every day that you've worked?

10 A. Correct.

11 Q. Were you off work any of the
12 time in January that this book
13 covers?

14 A. Not to my knowledge. If I
15 could have a schedule. You know what
16 I mean? If I could look at my work
17 schedule, I could tell you, but not
18 to my knowledge.

19 Q. Did you go through this
20 notebook page-by-page with them?

21 A. No.

22 Q. They didn't ask you the same
23 type of questions I'm asking you?

24 A. They basically --- basically
25 turned to the page roughly of, you

62

01 know, of the times for the incident,
02 for I think the 19th, and that was
03 basically it.

04 Q. Okay. Moving on to Aracoma
05 personal notes page 000012. I think
06 in the upper left-hand corner, it
07 says Monday?

08 A. Correct.

09 Q. Go ahead and tell me about

10 that page.
11 A. Okay. 7:25 down on Number One
12 belt, I started running it, ten
13 minutes 'til 8:00, 0750. Eight
14 o'clock had .1, 25 minutes on belt
15 and ten minutes on cutting rock. Ten
16 o'clock turned in .8, 25 minutes
17 belts, Number Three and Number Four,
18 and 20 minutes on rock. At 12
19 o'clock turned in 1.7, 25 minutes on
20 cutting rock on the tail, ten minutes
21 on trimming the belt splice, 15
22 minutes on gob out at the head, ten
23 minutes on crusher valve, five
24 minutes on --- to check the cutter
25 motor. At two o'clock turned in 2.1

63

01 and I wrote 12:15 for some reason,
02 I'm not sure. I think --- it could
03 have been the time we actually
04 started running, back running. And
05 four o'clock, he must have --- I left
06 the section before the four o'clock
07 report was called out.

08 Q. Okay. Now, this Monday would
09 have been the Monday following the
10 previous pages?

11 A. Correct.

12 Q. Okay. All right. Moving on
13 to the last page there that's
14 identified as Aracoma personal notes
15 000013. And go ahead and explain
16 that page for me.

17 A. Okay. Thursday evening when I
18 arrived on the section, they were
19 down to bits and service on the
20 shearer. Started back running 1625.
21 1800 was when the belts went well.
22 Then at 1625 to 1705, mother drive
23 belt shut off. 1800 tried to call
24 out the 30 minutes on cutting slack
25 out of the chain, 40 minutes on

64

01 cutting rock and went down to 1510 on
02 the belts for 1710 approximately on
03 belts.

04 Q. Okay. Do you have any idea
05 why the mother belt was down?

06 A. That was when Bryan Cabell
07 called and said, he had --- there was
08 smoke and he needed to see where the
09 smoke was coming from.

10 Q. So this Thursday is the 19th?

11 A. Correct.

12 Q. Okay. And then up here on the
13 upper right-hand corner, I can't make
14 out what it says.

15 A. Mid, M is mid-face and tail, M
16 and T, .0 and .0.

17 Q. Okay. Now, there seems to be
18 between these, we have a Monday, the
19 page that's identified with Aracoma
20 personal notes 000012 says Monday.

21 A. Uh-huh (yes).

22 Q. And the page that says Aracoma
23 personal notes 000013 says Thursday
24 evening.

25 A. I was off on Tuesday and

65

01 Wednesday because my two scheduled
02 days off.

03 Q. Okay. So you were off work
04 and that's the reason there's no
05 pages.

06 A. Yeah. And the other one where
07 the pages were missing was skipped
08 from Sunday to Friday. And I
09 wouldn't have been off Monday,
10 Tuesday, Wednesday and Thursday.

11 Q. Okay. When you --- when the
12 company attorneys took possession of
13 this book from you, did they leave
14 the room with it?

15 A. Not to my knowledge.

16 Q. Did this book pretty much stay

17 in your sight when they had it?

18 A. Until I left the room, yes.

19 Until the interview was over.

20 Q. And when the interview was
21 over and you left, did you leave with
22 the book or did you leave it with
23 them?

24 A. No, they requested to keep it.

25 Q. They requested to keep it.

66

01 And this is the first time you've
02 seen a copy of the book since you
03 left it with the attorneys?

04 A. Correct.

05 Q. And by looking at this book,
06 it appears to you that it may not be
07 in the same condition it was when you
08 gave it to the attorneys?

09 A. From --- I mean, from my
10 knowledge, everything that I've wrote
11 is the same. My handwriting,
12 nothing's been altered. I don't
13 understand the missing pages if there
14 are any missing. I'm not accusing
15 nobody of nothing. But I mean, that
16 just --- that doesn't make sense to
17 skip from Sunday to ---

18 Q. But it does appear odd to you
19 that ---

20 A. --- Friday.
21 Q. --- that the days are skipped?
22 A. Correct.
23 Q. All right. Could I get you to
24 sign this on the --- just right
25 underneath where it says exhibit.

67

01 Just sign it and date it. Today is
02 the 16th.

03 WITNESS COMPLIES

04 BY MR. WEBB:

05 Q. All right. Thank you. Is
06 there anything that you can think of
07 that might have been noted on those
08 missing days, anything unusual that
09 might have happened during that time
10 period?

11 A. No.

12 Q. Okay. Moving on to another
13 area. Did you ever have a chance or
14 an opportunity to travel along that
15 longwall belt from the headgate area
16 out toward the mother drive?

17 A. Not completely to the mother
18 drive. I had traveled approximately
19 up to, I'm thinking, spad 40s,
20 somewhere in the 40s, because that's
21 where the hill turned up real steep

22 right there. And I just --- for my
23 benefit, I walked it just to ---.

24 Q. Okay. We saw a two-inch
25 yellow waterline along the longwall

68

01 belt. Do you recall seeing that line
02 when you worked there?

03 A. Was it all the way down the
04 belt to the tailpiece?

05 Q. I believe it was, yes.

06 A. Was it running along the belt
07 or along the monorail?

08 Q. It was along the belt.

09 A. I can't say I recall it. I'm
10 not saying it wasn't there, but I
11 just ---.

12 Q. Not something you would have
13 noticed?

14 A. If it was laying alongside the
15 belt, I should have noticed it, but
16 --- especially if it came all the way
17 to the tailpiece.

18 Q. Normally, ---?

19 A. You said it was yellow?

20 Q. It was yellow.

21 A. Like a flex waterline or ---?

22 Q. No, it was a solid waterline,
23 yellow in color. All right. Was it
24 part of your job at any time to

25 remove pieces of waterline as the

69

01 longwall retreated back toward the

02 mother drive?

03 A. No.

04 Q. Whose job would that have

05 been?

06 A. During moves, the hoot owl

07 move crew would have --- they would

08 have moved everything up.

09 Q. Was the waterline kept close

10 to the longwall face? Did you have

11 more than one waterline?

12 A. You mean fresh waterline?

13 Q. Yes.

14 A. It run to the mule train and

15 from the mule train, run back down to

16 the face, along the monorail.

17 Q. And that would be the water

18 supply for the sprays?

19 A. Correct.

20 Q. What about a firefighting line

21 with fire valves in it, do you ever

22 recall seeing a waterline for the

23 fire valves in it?

24 A. Not around the headgate.

25 Q. Do you ever recall seeing fire

70

01 hoses stored anywhere near the
02 headgate?

03 A. Not around the headgate. Now
04 I had access to a --- roughly, I'm
05 thinking, either --- probably a 50 or
06 maybe 100-foot three-inch quarter
07 inch water hose that was connected,
08 it run off the headgate.

09 Q. Would that be what you would
10 call a wash-down hose?

11 A. Wash-down basically is
12 correct.

13 Q. Did you ever have a chance to
14 go out around where the S-1 sled is?

15 A. Yes.

16 Q. Do you know if it had fire
17 hose on it?

18 A. Yeah, there was fire hose on
19 the S-1 sled.

20 Q. Let's set up a little scenario
21 here and say that you had something
22 that happened around the headgate or
23 around in the area where you work
24 where you felt that you needed to put
25 out a fire. Would you have known

71

01 where to go get fire hose?

02 A. From the S-1 sled. If I
03 couldn't reach it with a wash-down

04 hose nor with --- I mean, we had
05 several fire extinguishers hanging
06 around the headgate.

07 Q. Would you have known where to
08 find a fire valve?

09 A. On the fresh waterline supply
10 would be the only place.

11 Q. Would you --- let's say this
12 had happened on the 19th, would you
13 have known where a fire valve was
14 located?

15 A. Not right off.

16 Q. Up on the longwall, had the
17 --- have you ever noticed that the
18 air quantity across the longwall face
19 was ever less than what you're
20 supposed to have?

21 A. No. It was --- we had plenty
22 of air. It was cold.

23 Q. You don't recall any time that
24 you've had lower than necessary air
25 quantity?

72

01 A. Not on Nine headgate, no.

02 Q. On the 19th, did --- do you
03 recall anybody calling or talking to
04 the longwall foreman about a sudden
05 loss of air on the longwall face?

06 A. No.

07 Q. Do you remember the
08 electrician traveling to the longwall
09 drive when there was a problem there
10 on the 19th?

11 A. Our electrician, he attempted,
12 him and the section foreman attempted
13 to go to the mother drive. But like
14 we lost power and communications
15 before all that happened.

16 Q. So that would have been right
17 around the time of the fire?

18 A. Yes. After it had already
19 started. We was aware of the fire at
20 the time and they basically went ---.

21 Q. Okay. What I'd like to do
22 right now is ask you another
23 question. Do you know the names of
24 any of the miners who might have
25 worked on the hoot owl move crew?

73

01 A. Larry Browning was --- he was
02 one of them, but right before, maybe
03 a week or two before this incident
04 happened, he come to production. And
05 T.J. I'm not sure of his last name.
06 A boy named Wade. I don't even know
07 if that's his real name, they just
08 call him Wade. And there was several

09 contractors.

10 Q. All right. What I'd like to
11 do now is show you a couple of
12 photographs. We have a photograph
13 that was taken on March the 8th of
14 2006 and it's identified as
15 DSC00417.JPG. And for the purposes
16 of the interview, we'll mark it as
17 Exhibit Two Richardson. And I'd like
18 to ask you if you recognize that
19 area?

20 (Richardson Exhibit Two
21 marked for
22 identification.)

23 A. Yes, that's the headgate.

24 BY MR. WEBB:

25 Q. Is that your work area?

74

01 A. Correct.

02 Q. So that's an area you would
03 travel or work in regularly on your
04 normal shift?

05 A. Correct.

06 Q. Can you identify for me some
07 of the major items in that picture?

08 A. This is your gate box.

09 Q. Okay.

10 A. This is ---.

11 Q. If you would, just go ahead
12 and let's mark gate box with an
13 arrow; okay?

14 A. Okay. The waterlines, water
15 ---.

16 Q. Okay. Now, all of these are
17 your waterlines?

18 A. Correct. Like these are just
19 your two waterlines that come to the
20 face. This is --- I think this is
21 basically a reducer system, all this
22 is here.

23 Q. Okay. But it's all for water?

24 A. All of it. All this is for
25 water. This is your water block.

75

01 Q. Now, you called this, this
02 whole thing on this board here is ---
03 what would you call that?

04 A. There's a name for it. I
05 think they might have called it glut.
06 I'm not sure. This basically ---
07 everything to do with this, is with
08 your water.

09 Q. Okay. Now, these items that
10 I'm pointing to right now ---?

11 A. Flow meters.

12 Q. Flow meters?

13 A. Yes.

14 Q. Okay. All three of them?

15 A. Correct.

16 Q. All right. Now, there's a ---

17 there's a bright blue container

18 hanging here. What would that be?

19 A. That is --- well, it has ---

20 recalibrate the monitors with. I'm

21 not sure what you call it. That's

22 how they recalibrate. I think that

23 does have methane gas in a bottle

24 inside of it.

25 Q. Okay. So we would call that a

76

01 calibration kit?

02 A. Correct.

03 Q. All right. Now, this

04 structure up here that has --- it

05 appears to be a metal structure that

06 contains cables. What do you call

07 that?

08 A. These are called dollies what

09 ride along the monorail. It's a rail

10 system.

11 Q. So this is the monorail

12 system?

13 A. Correct.

14 Q. And what are these cables?

15 A. Power to your shearer, power

16 to your head drive, your tail and I'm
17 thinking there's seven, seven total.

18 Q. So we'll mark that monorail
19 system. Does that look correct?

20 A. That's correct.

21 Q. All right. Now, if I asked
22 you do you have a, as a part of your
23 carbon monoxide --- your mine
24 monitoring system, do you have a
25 section alarm, would it be in that

77

01 picture?

02 A. A section alarm? Not to my
03 knowledge, I mean, like if you did
04 get readings, the only thing would be
05 --- I mean, everything would shut off
06 and right here is where your monitors
07 are. They're --- at the head, at the
08 gate box here.

09 Q. Those are --- what type of
10 monitors are those?

11 A. Your methane monitors right
12 here.

13 Q. Okay. So we'll mark those
14 methane monitors. Is that the actual
15 monitors or is that the readout?

16 A. That's the readout.

17 Q. All right. So are you aware
18 if there's a carbon monoxide section

19 alarm up there?

20 A. Not to my knowledge.

21 Q. Okay. Would you be surprised

22 if I told you there was one?

23 A. Yeah. I mean, I've never seen

24 one. I've never --- someone maybe I

25 would --- maybe I had seen it and

78

01 never paid no attention to it or ---.

02 Q. Okay. Can I get you to ---

03 just to verify that all this

04 information's correct, get you to go

05 ahead and sign and date that?

06 WITNESS COMPLIES

07 A. The 16th?

08 BY MR. WEBB:

09 Q. Today's the 16th. Thank you.

10 Okay. I have another photograph

11 here, which is in the same area.

12 A. Okay.

13 Q. And it was taken on March the

14 8th of 2006 and it's designated as

15 DSC00418.JPG. And we'll call it

16 Exhibit Three Richardson.

17 (Richardson Exhibit

18 Three marked for

19 identification.)

20 BY MR. WEBB:

21 Q. Now, this is a close-up of one
22 certain part of the area that was in
23 the previous photograph. Do you
24 recognize that?

25 A. Correct, yes.

79

01 Q. Okay. So what do you see in
02 that photograph?

03 A. You have your flow meters and
04 I think they call that a glut, it's
05 your water.

06 Q. Okay. Would you care to just
07 label what you called the glut?

08 WITNESS COMPLIES

09 A. This looks the entire --- it
10 shows the entire, I guess, what
11 everything amounts to is the glut.

12 BY MR. WEBB:

13 Q. Okay. Do you recognize what
14 --- there seems to be a box of some
15 sort in the background here. Do you
16 have any idea what that box is?

17 A. Is that on the back of the ---
18 hanging off the back?

19 Q. It's hanging back in the back.

20 A. A J box I think is what they
21 call it maybe.

22 Q. Okay. Would you care to label
23 that J box.

24 A. Is that what it's called?

25 Okay. I'm not sure if that's --- I

80

01 think they call it a J box.

02 WITNESS COMPLIES

03 BY MR. WEBB:

04 Q. All right. And let me get you

05 to go ahead and just sign and date

06 that one.

07 A. Okay.

08 WITNESS COMPLIES

09 BY MR. WEBB:

10 Q. I have another one that ---

11 another photograph of that same area

12 that was taken on March the 8th of

13 2006. And it's designated as

14 DSC00420.JPG. And we'll call that

15 Exhibit Four Richardson.

16 (Richardson Exhibit

17 Four marked for

18 identification.)

19 BY MR. WEBB:

20 Q. Now, it's a view as if we had

21 walked a few feet outby from the

22 previous area.

23 A. Uh-huh (yes).

24 Q. And if we turned around, we

25 would be looking back toward the

01 headgate area. And I believe here's
02 what you identified as the glut
03 previously?

04 A. Correct.

05 Q. Can I get you to go ahead and
06 identify that again?

07 WITNESS COMPLIES

08 BY MR. WEBB:

09 Q. All right. Now, on --- this
10 mounting board, was that a large
11 piece of metal or what?

12 A. Yes, it's a --- if I was
13 guessing, I would say three by five
14 maybe three by six, maybe larger.

15 Q. And it moves outby with you
16 ---

17 A. Correct.

18 Q. --- with the longwall?

19 A. Correct.

20 Q. And as the longwall retreats,
21 this is never taken out, it always
22 moves with you?

23 A. Correct.

24 Q. Okay. In the picture looking
25 on the back of this board, there

01 appears to be another box. Do you
02 have any idea what that box is? You

03 can only see the side of it.

04 A. I assume it's a J box. It's

05 what it appears to be, to my

06 knowledge.

07 Q. Okay. But you're not sure

08 what it is?

09 A. No, I'm not sure.

10 Q. Okay. In the picture also is

11 a crib. Would there normally be

12 cribs in that area or ---?

13 A. If you had bad top, they would

14 crib it up along the head drive, up

15 along the headgate. I believe all

16 this was done afterwards for support

17 where it's going to be setting for a

18 while.

19 Q. And under normal

20 circumstances, about how far would it

21 be from the monorail and from this

22 box to the rib, to the nearest rib?

23 A. Three and a half, four foot

24 roughly.

25 Q. Okay. All right. Let me get

83

01 you to go ahead and sign and date

02 that one for me.

03 WITNESS COMPLIES

04 BY MR. WEBB:

05 Q. I have a final photograph here
06 and it was taken on March the 8th,
07 2006 and it's designated
08 DSC00421.JPG. And we'll identify
09 that as Exhibit Five Richardson.
10 Now, on this photograph, what we did
11 was we crawled underneath the
12 monorail between the monorail and the
13 nearest rib and looked at the back of
14 this board that you've identified as
15 having --- as being the mounting
16 board for the glut and the flow
17 meters and so forth. What do you see
18 in that photograph?
19 (Richardson Exhibit
20 Five marked for
21 identification.)
22 A. Basically, I guess what I
23 identifies as the J box, which I
24 mean, it reads carbon monoxide on it.
25 BY MR. WEBB:

84

01 Q. And the large box that we
02 talked about?

03 A. It says remote alarm.

04 Q. Did you know that that was on
05 the longwall?

06 A. I don't think --- nobody had
07 showed it to me. Could it have been

08 there? Yeah, it's possible. I mean,
09 I was never --- hardly was I ever
10 behind the monorail against the rib.

11 Q. Would you say that in that
12 first photograph that I showed you of
13 the headgate area that that's
14 normally what the headgate looked
15 like, the whole time you worked on
16 the longwall as far as the way the
17 equipment was installed?

18 A. Yes. Yes.

19 Q. So you really had no knowledge
20 that this material or these --- this
21 equipment was installed behind that
22 door?

23 A. No, I had never messed with it
24 and it apparently had never went down
25 because no one else had ever messed

85

01 with it that I was aware of.

02 Q. All right. Let me get you to
03 sign and date that sheet for me.

04 WITNESS COMPLIES

05 MR. WEBB:

06 All right. Thank you.

07 Bill?

08 BY MR. TUCKER:

09 Q. I just have a couple thoughts

10 for you here.

11 A. Yes.

12 Q. If you would, if you would
13 just go back to the 19th, and tell us
14 what you know as far as when you
15 first become aware there's a problem
16 at the mother drive, if you could
17 just think back of what you heard
18 over the phone or any times that you
19 know to be certain as far as when the
20 belt went off? Could you just kind
21 of replay that for us one more time?

22 A. The belt went off
23 approximately five minutes after
24 5:00. I went to the phone and I
25 hollered outside. Well, I was going

86

01 to holler at the dispatcher, hey,
02 what belt's off. Well, Bryan Cabell
03 interrupted, he said, you know, I got
04 smoke in the mother drive. He said
05 I've shut your belt off so to clear
06 out. I'll see what it is. We'll
07 have you running shortly. And
08 basically, I called down to face,
09 hollered, you know, the belt's off,
10 the mother drive belt, there's smoke
11 up there. No big deal. It went from
12 that to --- I was kind of

13 eavesdropping back and forth on the
14 phone. I heard Bryan was hollering --
15 - speaking to someone. I'm not sure
16 who he was speaking to that he had a
17 fire. He had used several fire
18 extinguishers and he couldn't get it
19 out. And then from there, I went
20 over to the control box, which is how
21 we speak --- how you spoke to
22 everybody on the face. Told them,
23 you know, hey, they got a fire on the
24 mother drive and they said they
25 couldn't get it out. At that time, I

87

01 went back to the phone and I believe
02 somebody was speaking to the
03 dispatcher roughly. And you know,
04 they said to pull Two section off Two
05 section, inform the longwall if they
06 encounter smoke, to go to the intake.
07 And then the dispatcher, you know,
08 basically that's what he told me, if
09 we got smoke, to come off --- come
10 off the face and go to the intake.
11 And I went ahead and hollered down
12 the face and told everybody, you
13 know, go ahead and come up to the
14 headgate. Told them what was going

15 on. And I mean, there were people
16 saying this and that on the phone,
17 but I can't really remember exactly
18 what went was said. And then about
19 probably ten minutes 'til 6:00
20 roughly, somewhere, or five minutes
21 'til 6:00, I went to call the report
22 out and there was no --- no
23 communications whatsoever. And then
24 about six o'clock, I'm thinking, that
25 section foreman, they run in and the

88

01 chief electrician, Jaime Adkins, left
02 the section to go to basically
03 explore, see what was going on, if
04 they could help or see what the
05 problem was. And then they had been
06 gone maybe five or ten minutes, the
07 power did knock and that's when the
08 rest of us left.

09 Q. You left after the power
10 knocked?

11 A. When the power knocked, we
12 decided to leave.

13 Q. What did Dave tell you when he
14 left, your foreman?

15 A. He said I'm going to go find
16 out, I'll be back shortly.

17 Q. Do you recall for sure who

18 told you to leave if you encountered
19 smoke?

20 A. The dispatcher. He spoke to
21 somebody, the dispatcher was. I'm
22 not sure who told him that, that told
23 us to go to the intake if we
24 encountered smoke.

25 Q. So you're not sure exactly who

89

01 ---

02 A. I couldn't say for sure who it
03 could have been.

04 Q. --- told you that? Do you
05 have any idea approximately what time
06 that would have been when you heard
07 communications about pulling Two
08 section or telling you to, if you got
09 smoke, go to the intake?

10 A. 5:20, somewhere through there
11 maybe. 5:20 or 5:30.

12 Q. Did you ever look at your
13 watch?

14 A. No. I'm just --- I didn't ---
15 I could have glanced over at the
16 computer time but I didn't write
17 nothing down of that sorts or nothing
18 like that.

19 Q. Did you make any entries in

20 your notebook after you left the
21 section?

22 A. No.

23 Q. Did you ever talk to Bryan
24 Cabell again?

25 A. Personally, no.

90

01 Q. Did you hear Bryan talk to
02 anybody about the condition of the
03 fire?

04 A. No, not -- no condition of the
05 fire. Whoever he was speaking with,
06 he said use several fire
07 extinguishers. Couldn't get it out.
08 Someone mentioned about, I think, a
09 fire line and he said it wouldn't
10 reach. But then after that, I never
11 spoke to Bryan Cabell again.

12 Q. So when you actually left the
13 section, did your crew take it upon
14 themselves to leave?

15 A. Yeah, we knew we lost
16 communications --- I mean, it was
17 basically, you know, around 6:00,
18 probably ten 'til 6:00, five after
19 6:00, we was just carrying on, you
20 know, talking, whatever, BS'ing. And
21 when we lost communications, when we
22 knew we lost communications, I assume

23 we lost them before that, that's when
24 the section boss left the section and
25 so did the chief electrician. I

91

01 mean, they hadn't been gone maybe
02 five minutes and the power had
03 knocked. By the time we got to the
04 emergency ride, the section boss had
05 already started coming back down
06 towards the section. They told us go
07 ahead and get everything, we're
08 leaving.

09 Q. Okay. So when your foreman
10 left, you had already lost
11 communications?

12 A. Correct.

13 Q. Then shortly after, you lost
14 power?

15 A. Correct.

16 Q. Okay. Did he ever mention
17 anything to you about leaving the
18 mine or going outby?

19 A. Not at the time, no.

20 Q. Okay. I probably already
21 asked you this, but do you know what
22 time it was when you become aware
23 that you had a fire?

24 A. I assumed about when they shut

25 the belt off, when he said there was

92

01 smoke. I mean, if there's smoke,

02 there's fire.

03 Q. Around 5:05?

04 A. It was around 5:05.

05 Q. And you left the section a

06 little after 6:00?

07 A. Roughly, yes.

08 Q. Roughly just guessing ---

09 A. Yes.

10 Q. --- estimating the time?

11 Okay.

12 MR. TUCKER:

13 That's all I have.

14 Thank you

15 BY MR. WEBB:

16 Q. All right. I've got a couple

17 more questions. Were you working as

18 headgate operator on December the

19 23rd of 2005?

20 A. The 23rd?

21 Q. Just a couple days before

22 Christmas.

23 A. I believe so. I believe I

24 worked dayshift that day.

25 Q. You worked the dayshift. So

93

01 what time would you have come

02 outside?

03 A. I would have arrived outside
04 at roughly five o'clock probably,
05 somewhere through there, 4:30, five
06 o'clock.

07 Q. Okay. What about on December
08 29th of 2005?

09 A. I would have been on the
10 evening shift if I worked.

11 Q. Okay. And do you remember if
12 you worked or not that day?

13 A. It's been so long ago, I can't
14 say that I have. My days off, see,
15 were the Saturday and Sunday so if it
16 was four days after, I would have
17 worked, because I think I worked ---
18 the 24th and 25th was on Saturday and
19 Sunday. So the 26th would have been
20 Monday, 27th Tuesday, 28th, Thursday
21 evening. If it was Thursday evening,
22 the 29th, yeah, I worked.

23 Q. Okay. Do you remember if you
24 would have had any alarms or anything
25 happened unusual on your shift that

94

01 evening?

02 A. If I'm not mistaken, I think
03 Number Six belt, they had a couple CO

04 alarms going off, CO monitor alarms.
05 And they reached pretty high and they
06 sent a couple beltmen and a belt hair
07 had caught fire.
08 Q. Now, what was it that caught
09 fire?
10 A. A belt hair, like shavings off
11 the belt, roughly can collect around
12 the roller.
13 Q. Okay. So you're saying belt
14 hair?
15 A. Correct, yes.
16 Q. And kind of define that for
17 me.
18 A. Just what --- like I guess
19 belt shavings that gather up around
20 the roller. From what I could
21 understand, I don't think it's
22 actually a fire, I think it's more
23 smoldering, more smoke than anything.
24 Q. Did the longwall belt stop or
25 ---

95

01 A. Yes.
02 Q. --- how did you find out about
03 this situation?
04 A. When they shut the belt off I
05 assume.
06 Q. Did you notice any alarms or

07 sirens or anything on the section
08 sounding?
09 A. Not around me, no.
10 Q. And you worked the headgate
11 area?
12 A. Correct.
13 Q. Do you ever recall any alarms
14 or flashing lights or sounds from an
15 alarm on the headgate that would have
16 had anything to do with CO sensors?
17 A. No.
18 Q. I guess, I'm not mistaken,
19 previously you said you didn't even
20 realize that that alarm system was
21 back there so ---.
22 A. I didn't realize it, no. I'm
23 sure if it would have gave --- if
24 there had been trouble with it, you
25 know, ---.

96

01 Q. On the 29th were you aware of
02 any smoke that was coming from the
03 --- from that smoldering belt hair, I
04 believe?
05 A. No, not personally. No.
06 Q. So production --- did
07 production stop?
08 A. Yes.

09 Q. Were you ever notified
10 specifically that you had a fire or
11 smoke?

12 A. I believe when I called out
13 and asked the dispatcher what was
14 going on, he informed, you know, they
15 had the CO monitors going off from
16 --- I think it was around Six head,
17 Six belt.

18 Q. Okay. What prompted you to
19 call a dispatcher?

20 A. When the belt shut off.

21 Q. Okay. And when you talked to
22 him, he explained to you what was
23 going on?

24 A. Yeah. There was CO monitors
25 going off and there was a couple of

97

01 --- couple beltmen that went to or on
02 the way to it.

03 Q. You said that they were on
04 their way to it or they were already
05 there?

06 A. They could have already been
07 there, just ---.

08 Q. Were you told to leave the
09 section or begin an evacuation or
10 anything?

11 A. No.

12 Q. Were you told to stay put?

13 A. No.

14 Q. Would you be surprised to find
15 out that there were flames at that
16 area on that day and that some coal
17 was on fire as well?

18 A. I didn't think it was that bad
19 and hadn't heard it was that bad.

20 Q. Do you have any idea why
21 production was stopped?

22 A. Due to the belts being off.

23 Q. So someone other than the
24 longwall crew shut the belts off?

25 A. Correct.

98

01 Q. Do you know if --- on that
02 day, on the 29th, if --- do you
03 remember if the tailgate was blocked?

04 A. I don't remember. I assume
05 that it was, but I don't remember.

06 Q. Okay. Getting back to the ---
07 to that methane monitor, in your just
08 talking with your crew and so forth,
09 was it a common thing for somebody to
10 jumper out a monitor if it was
11 malfunctioning or if they felt the
12 readings were wrong?

13 A. I can't say it was common, but

14 I mean, if --- if there wasn't no ---
15 if you wasn't getting no readings on
16 the tail, you know, with a hand-held
17 device, I'm sure that they would have
18 done what they could to fix the
19 problem for a temporary fix or you
20 know, for the ---.

21 Q. What about things, other than
22 the methane monitor, like say, a
23 breaker problem?

24 A. No. I mean, you hear of it,
25 but I've never --- I've never

99

01 witnessed it.

02 Q. Do you know who would be doing
03 something like that if ---?

04 A. I assume electrician. I mean,
05 ---.

06 Q. You're not sure?

07 A. No.

08 Q. When we talk about common
09 knowledge, would that be something
10 that everybody would know happened or
11 would it be just certain people that
12 would say, oh, yeah, so and so
13 bridged out a monitor or a breaker?

14 A. I guess it would depend on who
15 would it be basically. I mean, they
16 wouldn't --- if somebody had been

17 around maybe, you know, for a couple
18 weeks or a couple months, wouldn't
19 probably know what they was talking
20 about. But I mean, if --- you know,
21 somebody probably been around for a
22 little bit, could.

23 Q. Had you ever heard anybody
24 actually direct somebody to bridge
25 out a monitor for any reason?

100

01 A. No, not specifically tell
02 them, you know, to do --- to bridge
03 --- to fix it or nothing like that,
04 no.

05 MR. WEBB:

06 Bill?

07 MR. TUCKER:

08 I don't have anything
09 else. Thank you.

10 MR. WEBB:

11 All right. Raymond.

12 I'm sorry. Getting late in
13 the day. Gary, on behalf of
14 MSHA, I want to thank you for
15 appearing here today and
16 answering our additional
17 questions and sharing your
18 information with us. Your

19 cooperation is very important
20 to us as we work to determine
21 the cause of the accident. If
22 you would like, you can go
23 back over any answers that
24 you've given or if you think
25 of some information that you

101

01 may believe we need, I'd like
02 to give you a chance to talk
03 about that right now if you'd
04 like to.

05 A. I think you've basically
06 covered everything to my knowledge,
07 everything that I know, anything that
08 could help you. The only thing, I
09 have no questions about nothing,
10 except maybe the book, the couple
11 pages missing. I can't accuse
12 somebody of it, but ---.

13 MR. WEBB:

14 All right. We'd like
15 to ask that you not discuss
16 your interview today with
17 anybody who may have already
18 been interviewed or who may be
19 interviewed in the future. We
20 want to make sure that we get
21 everyone's independent memory

22 of the events that surround
23 the accident. And I know
24 we've called you back this
25 time. As we proceed into the

102

01 investigation and talk to
02 other people, there may come
03 an opportunity when we might
04 have to ask you back for some
05 further questions. And if at
06 some point, you discover or
07 learn some information that
08 you think would be useful to
09 us, I'd like to ask that you
10 please contact either myself
11 or Kenneth Murray. Kenneth
12 Murray I think introduced
13 himself to you on your
14 previous interview.

15 A. Possibly, yeah.

16 MR. WEBB:

17 He's the District
18 manager for MSHA in District
19 Six in Pikeville, and he is
20 also the team leader for this
21 investigation. There's his
22 card and here's my card.

23 And to also remind you

24 that the Mine Act provides
25 certain protection for

103

01 individuals who participate in
02 accident investigations. So
03 if at any time, you believe
04 you've have been treated
05 unfairly because of your
06 participation, please contact
07 one of us immediately. And I
08 think Mr. Tucker has some
09 comments for you.

10 MR. TUCKER:

11 Just to also mention
12 that the State provides
13 protection also against miners
14 against discrimination
15 concerning safety issues. And
16 would also like to thank you
17 for coming back today.

18 A. Okay. That's no problem.

19 MR. WEBB:

20 All right. Thank you
21 very much.

22 * * * * *

23 EXAMINATION CONCLUDED AT 1:18 P.M.

24 * * * * *

25