

01 EXAMINATION UNDER OATH
02 OF
03 JOSEPH FRANKLIN HUNT
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, February 9, 2006, at
13 9:44 a.m.

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01 A P P E A R A N C E S (cont.)
02
03 ALSO PRESENT:
04 TIMOTHY BRADFORD, ESQUIRE
05 MARNE MITSKOG
06 STEVE COX

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

02

03 WITNESS: JOSEPH FRANKLIN HUNT

04 QUESTIONS

05 By Mr. Murray 17 - 82

06 By Mr. Farley 82 - 90

07 By Mr. Murray 91 - 95

08 CERTIFICATE 100

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

02 -----

03 MR. MURRAY:

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

15 Incorporated, Aracoma Alma
16 Mine Number One, 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 you questions for MSHA
23 today in the interview. With
24 me here today in the room are
25 some members of MSHA's

8

01 investigation team, which is
02 comprised of specialists from
03 throughout the United States
04 and representatives from the
05 Solicitor's office in
06 Arlington, Virginia. At this
07 time, I would like each of the
08 MSHA representatives to
09 introduce themselves to you.

10 MR. FRANCART:

11 I'm Bill Francart with
12 MSHA in Pittsburgh.

13 MR. FINNIE:

14 Michael Finnie, MSHA,
15 Madisonville, Kentucky.

16 ATTORNEY BELL:

17 Keith Bell, attorney
18 with the Solicitor's office.
19 ATTORNEY MITSKO:
20 Marne Mitskog. I'm an
21 attorney with the Solicitor's
22 office.
23 MR. WAGGETT:
24 Jeff Waggett, MSHA,
25 Pittsburgh.

9

01 MR. WEBB:
02 Anthony Webb, MSHA,
03 Pikeville, Kentucky.
04 ATTORNEY BARISH:
05 Dan Barish, attorney
06 with the Solicitor's office.
07 MR. MURRAY:
08 We also have the State
09 of West Virginia today. And
10 to my left is Mr. Terry
11 Farley, and he'll make those
12 introductions.
13 MR. FARLEY:
14 Mr. Hunt, as Mr. Murray
15 stated, the Office of Miners'
16 Health, Safety & Training and
17 MSHA are doing this
18 investigation jointly. And we
19 are in agreement with the

20 procedures that Mr. Murray has
21 outlined. However, I do need
22 to let you know that the
23 Director reserves the right,
24 if necessary, to call or
25 subpoena witnesses or require

10

01 the production of any record,
02 document, photograph or other
03 relevant materials necessary
04 to conduct this investigation.
05 And now, if the other state
06 people would just introduce
07 themselves, please.

08 MR. TUCKER:

09 Bill Tucker, Region
10 Four, Oak Hill.

11 MR. WHITE:

12 Eugene White, Region
13 Three, Danville.

14 MR. COX:

15 Steve Cox, Region
16 Three, Danville.

17 MR. MURRAY:

18 Thank you, Terry. This
19 investigation is being
20 conducted by MSHA and the
21 State of West Virginia to

22 gather information to
23 determine the cause of the
24 accident and to help prevent
25 this from happening in the

11

01 future. These interviews are
02 an important part of this
03 investigation. After the
04 investigation is completed,
05 MSHA will issue a written
06 report detailing the nature
07 and causes of the accident.

08 MSHA accident reports
09 are made available to the
10 public in the hope that
11 greater awareness about the
12 causes of accidents can reduce
13 their occurrence in the
14 future. The information
15 obtained through witness
16 interviews is frequently used
17 in these reports. Your
18 statement may also be used in
19 other enforcement proceedings.

20 I'd like to thank you
21 in advance for being here, Mr.
22 Hunt. We appreciate your
23 assistance in this
24 investigation. The

25 willingness of miners and mine

12

01 operators to work with us is
02 critical to our success in
03 making the nation's mines
04 safer.

05 This interview with Joe
06 Hunt is being conducted under
07 Section 103(a) of the Federal
08 Mine Safety & Health Act of
09 1977 as part of an
10 investigation by the Mine
11 Safety & Health Administration
12 into the conditions, events
13 and circumstances surrounding
14 the fatalities that occurred
15 at the Aracoma Alma Mine
16 Number One located at Route 17
17 North, Bandmill Hollow Road,
18 in Stollings, West Virginia,
19 25646.

20 This interview is being
21 conducted at the Department of
22 Environmental Protection
23 office in Logan, West
24 Virginia, on February 9th,
25 2006. And the current time is

13

01 9:50 a.m., Eastern Standard
02 Time.

03 Mr. Hunt, the interview
04 will begin by asking you a
05 series of questions. Feel
06 free at any time to clarify
07 any statements that you make
08 in response to these
09 questions. After we finish
10 asking the questions, you will
11 also be given an opportunity
12 to make a statement of your
13 own and to provide us with any
14 information that you believe
15 may be important.

16 You are permitted to
17 have a representative during
18 this interview, and you may
19 consult with your
20 representative at any time.

21 You may designate any person
22 to be your representative.

23 Following the questions by
24 MSHA and the state, this
25 representative will be given

01 the opportunity to ask
02 questions for the purpose of
03 clarification on areas already

04 discussed.
05 Your statement is
06 completely voluntary. You may
07 refuse to answer any question
08 and you may end your interview
09 at any time. If you don't
10 understand a question, tell me
11 and I'll rephrase it. If you
12 need a break for any reason,
13 tell me that and we'll
14 schedule one.

15 You may request the
16 opportunity to make a
17 confidential statement, and
18 this statement will be
19 withheld from the public to
20 the extent allowed by law.
21 Should you desire to give a
22 confidential statement, you
23 should advise me before I
24 begin the interview. At that
25 point I'll reschedule your

15

01 interview in order to properly
02 consider your request. Do you
03 request the confidential
04 interview?

05 MR. HUNT:

06 No.

07 MR. MURRAY:

08 Okay. A court reporter

09 will record your interview and

10 will later produce a written

11 transcript of the interview.

12 I ask that you state all your

13 answers verbally because the

14 court reporter cannot record

15 your gestures, such as nodding

16 your head. If any part of

17 your statement is based not on

18 your own first-hand knowledge

19 but on information that you

20 learned from someone else,

21 please let me know that.

22 Please answer each question as

23 fully as you can, including

24 any information that you

25 learned from someone else. We

16

01 may not ask the right

02 questions to learn the

03 information, so don't feel

04 limited to that precise

05 question. If you have

06 information about a subject

07 area of a question, please

08 provide us with that

09 information. Do you have any
10 questions ---

11 MR. HUNT:

12 No.

13 MR. MURRAY:

14 --- about what I just
15 discussed? For the record,
16 please state your full name,
17 address and telephone number,
18 and then spell your last name
19 for the reporter. I'm sorry,
20 let me back up. Would you
21 please swear the witness in?

22 -----

23 JOSEPH HUNT, HAVING FIRST BEEN DULY
24 SWORN, TESTIFIED AS FOLLOWS:

25 -----

17

01 BY MR. MURRAY:

02 Q. Now, let's continue to the
03 next piece. Please state your full
04 name, address and telephone number,
05 and please spell your name for the
06 record.

07 A. Joseph Franklin Hunt,

08 [REDACTED]

[REDACTED]

11 Q. Thank you, Mr. Hunt. Are you
12 appearing here voluntarily today?
13 A. Yes.
14 Q. Has anyone made any promises
15 to you for giving this statement or
16 offered you any rewards in exchange
17 for making this statement?
18 A. No.
19 Q. Has anyone threatened you or
20 warned you not to provide this
21 statement?
22 A. No.
23 Q. Do you understand that you may
24 refuse to answer any question or
25 terminate this interview at any time?

18

01 A. Yes.
02 Q. Do you have a representative
03 with you today?
04 A. Yes.
05 Q. And who is that?
06 A. Mark.
07 ATTORNEY HEATH:
08 It's Mark Heath,
09 Spilman, Thomas & Battle.
10 A. Mark Heath.
11 BY MR. MURRAY:
12 Q. And how long have you known
13 Mr. Heath?

14 A. A few days.

15 Q. A few days?

16 A. Yeah.

17 Q. Okay. Have you been made

18 aware that Mr. Heath also represents

19 the company in this matter and that

20 there's a potential for a conflict of

21 interest to arise between yourself

22 and the company?

23 A. Yes.

24 Q. Did you contact Mr. Heath or

25 did Mr. Heath contact you?

19

01 A. I just talked to him over at

02 the mines. That was it. He told me

03 I had to be over here. That was it.

04 That's the only time I talked to him.

05 Q. So at that point, did you

06 request him to be your

07 representative?

08 A. Yes.

09 Q. Okay. Did Mr. Heath advise

10 you of some of the questions I may

11 ask you today?

12 A. No.

13 Q. Did you speak with anybody

14 that was already interviewed?

15 A. No.

16 Q. Were you interviewed by
17 anybody before today?
18 A. No. Well, when I come out of
19 the mines, MSHA just talked to us.
20 That was it. Wanted to know what
21 happened and stuff. I talked to
22 them. That's the only body we talked
23 to.
24 Q. Has the company asked you
25 anything about ---

20

01 A. Uh-uh (no).
02 Q. --- what had happened?
03 A. Uh-uh (no).
04 Q. How long have you worked at
05 the Aracoma Alma Mine Number One?
06 A. A little over two years.
07 Q. What's your current job title?
08 A. Shuttle car.
09 Q. And what was your job on
10 January 19th, 2006?
11 A. Shuttle car.
12 Q. How long have you held that
13 position?
14 A. Six months.
15 Q. What other positions have you
16 held at the Aracoma Alma Number One?
17 A. I worked on the longwall, run
18 supplies to the longwall, worked on

19 setup. That's about it.

20 Q. Did you work on the longwall

21 face at all?

22 A. Uh-uh (no).

23 Q. Did you work at the current

24 longwall, where the longwall is ---

25 A. No.

21

01 Q. --- located right now?

02 A. No. Just on panel eight.

03 Q. How many total years of mining

04 experience do you have?

05 A. A little over two years.

06 Q. The next series of questions

07 that we'll talk about will be related

08 to January 19th, 2006, in case I

09 don't preface that. Okay?

10 A. All right.

11 Q. What shift were you scheduled

12 to work on that day?

13 A. Second shift.

14 Q. And what time does the second

15 shift start?

16 A. 2:30.

17 Q. What time does it end?

18 A. We usually get out about

19 12:30, one o'clock.

20 Q. What time did you arrive at

21 the mine that day?

22 A. Two o'clock.

23 Q. Who was your supervisor on the

24 day of the accident?

25 A. Mike Plumley.

22

01 Q. Is that your regular

02 supervisor?

03 A. Yeah.

04 Q. And what were you assigned to

05 do that day?

06 A. Run coal.

07 Q. Your regular job was the

08 shuttle car?

09 A. Yeah, the shuttle car.

10 Q. And in what area of the mine

11 were you assigned to work?

12 A. Two Section.

13 Q. Had you ever been to Two

14 Section before the 19th?

15 A. Yes.

16 Q. And when was the last time you

17 were there?

18 A. The day before we were there,

19 too.

20 Q. That would have been the 18th?

21 A. Yeah.

22 Q. In your own words, could you

23 just briefly describe for me what you

24 did from the time you got to the mine
25 until you were informed that there

23

01 was a need to evacuate? Kind of
02 bring me into the section.
03 A. All right. Well, I got there
04 about two o'clock, and I got ready.
05 We went down the elevator. It was
06 about 2:30. We got on the manbus.
07 It was like a regular day. We went
08 on up to the mother drive. There was
09 Karl White there, he opened the door
10 for us. We didn't smell smoke or
11 nothing unusual or anything, and we
12 went onto the section. We met
13 everybody at the manbus. We was
14 talking about --- they want us to go
15 six and three. We talked there a
16 little while about it, wanted to know
17 if everybody wanted to do it.

18 Then I went and checked my
19 buggy, made sure it was greased and
20 everything. And then we started
21 running coal. Me and Steve went to
22 Number One, finished it. We backed
23 out, let the bolter in. Then we went
24 to Two Right and cut there. When we
25 got to Two Right, we backed out.

01 Then, I believe it was 5:30
02 then. Somebody called Plumley on the
03 phone, I don't know who it was, and
04 told him the mother drive was on
05 fire. He hollered at Steve, told him
06 to get everybody ready. I hear
07 Plumley hollering at Steven, and I
08 went and told Elvis and Bragg, you
09 need to get to the manbus, got to get
10 outside.

11 Everybody got --- Plumley made
12 sure everybody was on the manbus, and
13 then we took off down through there.
14 We went by the mother drive, the new
15 mother drive they're putting in. We
16 started smelling smoke then. It
17 wasn't bad. We went three or four
18 more breaks, went up and cut the
19 curve, and that's when we hit the
20 smoke.

21 When the manbus stopped, Bragg
22 got off the manbus and took off. I
23 never did see him again. And I
24 circled the manbus and got to the
25 front, then I got --- went down on my

01 knees to put my rescuer on. I lost
02 my goggles and stuff. I couldn't ---

03 in the smoke, couldn't see too good.
04 I thought I was by myself. Then I
05 grabbed --- reached out and grabbed
06 Shull's jacket and followed him on
07 out to the man door. We crossed over
08 the belt and looked and seen Elvis
09 and Bragg wasn't with us. Me and
10 Plumley went back through the man
11 door and hollered for them. We
12 hollered about ten times, I guess.
13 They never did answer. Then we went
14 on down and got with Brian Cabell on
15 the belt, and he took us on up where
16 the fresh air was at. Then we went
17 down there and got with the longwall,
18 and we just went outside. That's it.
19 Q. I appreciate that. That's an
20 excellent account of your day's
21 events. I appreciate you walking us
22 through that. Let me back you up
23 just a bit to the way in the mine
24 that particular day. And I
25 understand as you travel in, you

26

01 travel through a set of equipment, a
02 couple sets of equipment, airlock
03 doors, ---
04 A. Yeah.

05 Q. --- near the mother drive?
06 A. You got two down at the Number
07 One four-way you got to go through.
08 And then you start up the hill and
09 you go to the mother drive, there are
10 four sets there. We had to open all
11 them up. And Karl, he was there at
12 the mother drive helping to set up
13 for us, and closing them back.
14 Q. That was my first question.
15 Who's Karl?
16 A. He's a belt guy.
17 Q. Do you know his last name?
18 A. Karl White.
19 Q. Is that his work location?
20 Does he work in that area?
21 A. Yeah, he works --- works there
22 most of the time, and he goes to Rum
23 Creek sometimes, too.
24 Q. Did you ever have occasion to
25 open those doors at the mother drive,

27

01 you personally?
02 A. Have I ever?
03 Q. Yes.
04 A. Yes, I have opened them up.
05 Q. Are they heavy?
06 A. They ain't too bad.
07 Q. When you open the outby door,

08 which way does the air want to go?

09 Can you remember?

10 A. When you open them up?

11 Q. Yeah. Does it want to go from

12 the intake toward the belt?

13 A. Yeah.

14 Q. How about when you get on the

15 inby side and you open them up, do

16 they want to go --- continue up

17 toward the Two Section?

18 A. Yeah, that's the way that

19 intake is going, up the Two Section.

20 Q. Okay. Did you notice anything

21 unusual in that area ---

22 A. No.

23 Q. --- as you traveled through

24 there and you saw Mr. White?

25 A. No. It was like a regular day

28

01 going through there, nothing

02 different.

03 Q. And you mentioned that Plumley

04 got the call?

05 A. Yeah.

06 Q. That's the supervisor ---

07 A. Yeah.

08 Q. --- on the section?

09 A. He's the boss, yeah.

10 Q. And before he got this call,
11 when you guys are in your production
12 mode and back and forth --- I assume
13 you're back and forth from the
14 tailpiece to the ---

15 A. Yeah, to the feeder.

16 Q. --- feeder?

17 A. Yeah.

18 Q. And up to the face ---

19 A. Yeah.

20 Q. --- and making your trips as
21 you normally do? Did you notice
22 anything unusual?

23 A. No.

24 Q. Did you smell anything unusual
25 in that area of the tailpiece or

29

01 anything?

02 A. No. The smoke didn't even
03 make it that far, I mean, when we was
04 there.

05 Q. Okay. And when Mr. Plumley
06 got the call, do you know who called
07 him?

08 A. No. I don't know who called
09 him. As soon as he got the call, he
10 hollered at Steve, because he was the
11 only one he could see, hollered and
12 told him to get everybody to the

13 manbus. And I heard him, and I went
14 over and told Elvis and Bragg. They
15 was bolting.

16 Q. Where were you at whenever you
17 heard this?

18 A. Heard Plumley holler?

19 Q. Yes.

20 A. I just got off my buggy and
21 helped Steve move the miner cable and
22 stuff. I was down there helping him.

23 Q. Is there a CO alarm at the
24 tailpiece that would have ---?

25 A. Yes. But the smoke didn't

30

01 make it up there. They caught it
02 before it even made it up there.

03 Q. In the course of your job
04 duties as a shuttle car operator, did
05 you ever have a reason to see that CO
06 alarm activate ---

07 A. No.

08 Q. --- at the tailpiece of your
09 belt?

10 A. No. That's the first time I
11 ever been in smoke since I've been
12 there.

13 Q. And the person that was
14 talking to Mr. Plumley on the other

15 side, what information do you think
16 they told him in order for him to
17 relay that information to you all?
18 A. He said they just called and
19 told him the mother drive belt was on
20 fire. That's all he told us.
21 Q. Did you personally speak with
22 anybody on the telephone?
23 A. No.
24 Q. You talked about the crew
25 going down to the mantrip. When you

31

01 all got to the mantrip, what kind of
02 conversations went on there?
03 A. We discussed if there was ---
04 if we made it that far to the seal,
05 where the seal is at, we could go to
06 the man door. Because they put the
07 man door in two or three months ago.
08 That's how we knowed it was there so
09 much. That's about all we talked
10 about. Make sure everybody had a
11 rescuer, I mean, they had it on their
12 side, making sure they had them.
13 That's about all we talked about.
14 Q. Do you think that there was
15 any reason why the discussion
16 included possibly having to leave the
17 primary escapeway to enter the

18 alternate escapeway at that point,
19 where the door was at, as opposed to
20 just continuing the entire way
21 through the primary escapeway?
22 A. No. We just --- when we made
23 it there, we knowed where to go to
24 for sure, because that man door was
25 there on the belt line. Because

32

01 there was so much smoke, you couldn't
02 even see each other. We just knowed
03 to go there because we stopped there
04 so many times. I mean, if we didn't
05 stop there every day, we'd probably
06 went on through. I mean, you never
07 know.

08 Q. I guess my question is, at the
09 point that you guys had assembled on
10 the mantrip, you didn't really yet
11 know that you were going to encounter
12 this dense smoke?

13 A. I figured when they got on the
14 manbus, there would be a little
15 smoke, just --- you could drive on
16 through and not have to worry about
17 it. When we got there, we couldn't
18 see nothing. He had to stop the
19 manbus. It was so thick you couldn't

20 even see.

21 Q. So Plumley was the one that
22 was telling you that we may have to
23 go through this man door?

24 A. Shull and all of them.
25 Everybody was talking about it.

33

01 Q. So there was some anticipation
02 that the primary escapeway may not
03 have been cleared the entire way?

04 A. Yes. They said if we went out
05 through it and it wasn't clear, hit
06 the man door, if we made it that far.

07 Q. When you had these discussions
08 at the manbus, did you have a map or
09 anything or were these just verbal
10 discussions?

11 A. Just verbal. I mean, we
12 always talked about if anything ever
13 happened while we was so far in
14 there, to go --- if we made it to the
15 seal, we know where the man door and
16 stuff is at, to get to the belt line.
17 We've always talked about when we go
18 in --- we walked the escapeways I
19 believe that Monday before it
20 happened. Walked it down to three-
21 way, went in there and walked it out.
22 Well, we walked over an escapeway in

23 there.

24 Q. Which escapeway did you walk
25 on Monday?

34

01 A. Monday, we --- at the three-
02 way, go down the intake and go out
03 over the overcast and stuff, go out
04 that way. That's why we walked it.

05 Q. Was that the primary escapeway
06 that you walked?

07 A. Yeah. That's the intake.

08 Q. If you don't care, can we go
09 to this map and we'll talk a little
10 bit on the map ---

11 A. All right.

12 Q. --- to help me better
13 understand. You can walk around
14 there.

15 OFF RECORD DISCUSSION

16 BY MR. MURRAY:

17 Q. Just so we both understand
18 some landmarks, I'll identify some
19 locations that would be familiar to
20 you.

21 A. I'm not very good with maps.

22 Q. That's fine. Just do the best
23 you can. This location here, do you
24 know where the borehole is where you

25 see some water dripping?

35

01 A. Yeah, where it floods. That's

02 where the seal is at.

03 Q. Very close to that?

04 A. Yes.

05 Q. Is there anything unique to

06 this borehole, anything that strikes

07 you in that area?

08 A. Not really.

09 Q. Do you ever see water coming

10 down or water dripping off of it? Is

11 there anything laying at the bottom

12 of that, on the mine floor?

13 A. Not that I've seen. Not for

14 sure.

15 Q. Just water?

16 A. Yes.

17 Q. That's it right here, that's

18 the borehole. And right here is that

19 seal.

20 A. Seal.

21 Q. And just to give you just a

22 little bit more orientation, here's

23 the mother drive, okay. There's

24 those doors we've been talking about.

25 Here's the Two Section with your belt

36

01 coming down, the 48-inch belt. And

02 here's the 72-inch belt here. Okay.
03 So where was your mantrip parked?
04 A. Probably about two, about two
05 or three breaks off the section, the
06 emergency route.
07 Q. Do you want to point on the
08 map to where you think that would be?
09 A. Let me see.
10 Q. Here's the belt entry.
11 A. I'm not for sure.
12 Q. Okay. That's fine. So we
13 understand you told me you were
14 hauling coal from the ---.
15 A. Miner to the feeder.
16 Q. At which entries?
17 A. Number One and Two we had
18 started.
19 Q. And how do you number your
20 entries up in the Two Section?
21 A. The left side is One, Two,
22 Three, Four.
23 Q. Okay. So you number it then
24 left to right ---
25 A. Yes.

37

01 Q. This would be Number One ---?
02 A. Two, Three, Four.
03 Q. Okay. So what would Number

04 Three entry be on Two Section?
05 A. What do you mean what would it
06 be?
07 Q. Would it be intake or return?
08 A. It would be intake.
09 Q. So that would be your intake?
10 A. Yeah.
11 Q. So how about walk me out the
12 intake to where the mantrip --- where
13 you think the mantrip would have
14 been.
15 A. The feeder steps into ---.
16 Q. Right here?
17 A. Yes.
18 Q. Uh-huh (yes).
19 A. So we went up Three and
20 crossed over. The manbus was at the
21 break.
22 Q. Right in here?
23 A. Yeah.
24 Q. Okay.
25 MR. MURRAY:

38

01 So the witness is
02 pointing to a location on the
03 Northeast Mains in the Number
04 Four entry, near Survey
05 Station 4196.
06 BY MR. MURRAY:

07 Q. Is that correct?
08 A. Yeah.
09 Q. You said yes?
10 A. Yeah.
11 Q. Okay. I'm going to put the
12 mantrip right here. Okay. So now
13 --- and just do the best you can, the
14 crew comes down for the mantrip and
15 you have this discussion that we
16 talked about at the table?
17 A. Yeah.
18 Q. Now it's decided --- who's
19 going to drive the mantrip?
20 A. Steve Hensley.
21 Q. Steve Hensley is going to
22 drive the mantrip out?
23 A. Yes.
24 Q. And you've decided, according
25 to what you told me earlier, to drive

39

01 to the door, if you can?
02 A. Yeah. That's the only way we
03 can get out with the manbus.
04 Q. So with your finger kind of
05 guide me along. Here's the borehole,
06 here's the seal. Can you --- well,
07 before we start on the bus, can you
08 tell me where the door was in

09 relationship to the borehole and the
10 seal?

11 A. I believe, and I'm not for
12 sure, ---.

13 Q. And here's the belt.

14 A. I can show you in the mine,
15 but ---.

16 Q. Yeah, I understand. That's
17 okay. That's okay.

18 A. Two or three breaks below the
19 seal in the doorways.

20 Q. Below the seal?

21 A. Yes.

22 Q. Outby the seal?

23 A. Yeah, outby the seal.

24 Q. And the seal is here?

25 A. Yes. I'd say about three

40

01 breaks.

02 Q. Right here?

03 A. Yeah.

04 Q. One, two, three?

05 A. Yeah. Right there's the man
06 door.

07 Q. Okay. It's not drawn in
08 there, so I'll draw it in.

09 A. I'm not good with maps. I
10 told you that before we started.

11 Q. No. You're doing fine.

12 You're doing fine.
13 A. It was two or three breaks
14 below the seal.
15 Q. Okay. So two or three breaks
16 below the seal, they put the door at
17 the stopping just at Survey Station
18 3314, along the 48-inch belt. Do you
19 remember which way that door would
20 open?
21 A. Back this way.
22 Q. It would pull toward the
23 intake?
24 A. Yes.
25 Q. So I'm going to draw the door

41

01 so it pulls towards the intake. I've
02 drawn the door on the permanent
03 stopping that separates the 48-inch
04 belt from the Number Four entry of
05 Northeast Mains. And as to be more
06 specific, this stopping would be
07 between Survey Station 3314 of the
08 48-inch belt entry and 3307 of the
09 Number Four entry of Northeast Mains.
10 So now we know where the door is.
11 You're doing good. You're doing
12 good.
13 Now, just kind of ride me out

14 with you guys. We're going to get on
15 the mantrip right here.
16 A. We just came straight out,
17 went up through here ---.
18 Q. Which entry were you in?
19 A. Three, I believe, or Two.
20 Two.
21 Q. Wait. Let's go up One, Two,
22 Three, this if Four and this is Five.
23 So you're going to travel out?
24 A. We just come straight out and
25 got --- there's Two --- they're

42

01 putting a new mother drive in right
02 in here.
03 Q. Okay.
04 A. That's when we started
05 smelling the smoke.
06 Q. Wait a minute. So let me
07 understand. We're down in this
08 entry?
09 A. We're at the mother drive.
10 The mother drive is in here, where
11 they're putting a new one in.
12 Q. Okay.
13 A. That's where we first started
14 smelling smoke. Then we went on down
15 --- on up and we cut the curve at the
16 borehole. We cut the curve. That's

17 when we smelled smoke.

18 Q. Okay. Is this where your
19 mantrip ended?

20 A. Yeah, right there at the
21 borehole.

22 Q. Let me back up just a minute
23 then before we start shooting out
24 numbers. If we follow this back,
25 when you got on the mantrip you were

43

01 in the Number Four entry. Did it
02 drop down one?

03 A. No, it just kept --- I just
04 knew the mother drive was in there
05 somewhere.

06 Q. But to make the turn to the
07 right, you would have had to have
08 been in this entry here then?

09 ATTORNEY BARISH:

10 Excuse me, Mr. Hunt.
11 Can you please speak up? The
12 court reporter needs to
13 transcribe everything you're
14 saying.

15 A. All right.

16 ATTORNEY BARISH:

17 And you're too far from
18 the microphone, so the only

19 way she can ---.
20 A. I'll try my best. I always
21 talk low. I can't help it.
22 BY MR. MURRAY:
23 Q. That's all right. What I need
24 you to do is get me from this entry
25 to this entry somehow so ---.

44

01 A. Like I said, I ain't the best
02 in maps.
03 Q. Go ahead.
04 A. So we started, I guess it was
05 in this one.
06 Q. Okay.
07 MR. MURRAY:
08 So where he's pointing
09 to now is that the mantrip
10 traveled from 4196 to 4199 to
11 get into Number Five entry of
12 the Northeast Mains.
13 BY MR. MURRAY:
14 Q. So now I'm going to go like
15 this here. So now we're in the
16 Number Five entry of the Northeast
17 Mains at Survey Station 4199, and I'm
18 going to get you down to here. And
19 we're traveling outby to the area
20 that the witness described as being
21 just outby the borehole; is that

22 correct?

23 A. Yes.

24 Q. Now, you get to Survey Station

25 --- see that 3244?

45

01 A. Yes.

02 Q. Those are Survey Stations

03 underground. Do you ever see those

04 brass tags?

05 A. Yes.

06 Q. The brass tag underground in

07 that intersection would have a number

08 that would indicate this particular

09 location on the mine map. So

10 underground they're at the Survey

11 Station 3224. And at that point,

12 tell me what you did?

13 A. We started up going through

14 here, going up.

15 Q. Okay.

16 MR. MURRAY:

17 So he's telling me that

18 at 3224 he made a right-hand

19 turn and went toward the

20 Number Four entry of Northeast

21 Mains.

22 BY MR. MURRAY:

23 Q. Okay.

24 A. We got to the corner of this
25 block and we stopped. That's when we

46

01 hit the smoke.

02 Q. So I'm going to draw the
03 mantrip in here.

04 MR. MURRAY:

05 He's telling me that
06 the mantrip stopped at the
07 corner of the intersection
08 just to the right of Survey
09 Station 3224. And that would
10 be --- that would place the
11 mantrip in the Number Four of
12 Northeast Mains.

13 BY MR. MURRAY:

14 Q. Now, let me go back here just
15 a few crosscuts. Show me on the map
16 where you first encountered smoke.

17 A. Smoke?

18 Q. Yes.

19 A. Where the mother drive was
20 setting up was right here. That's
21 where we first smelled the smoke.
22 That's the new mother drive we were
23 setting up for the next panel.

24 Q. The mother drive that's going
25 to mine this panel?

47

01 A. Yes.

02 Q. Okay.

03 A. That's where we first smelled

04 the smoke.

05 MR. MURRAY:

06 So he's pointing to a

07 Survey Station spad number

08 3591 in the Number Five entry

09 as being the first ---.

10 BY MR. MURRAY:

11 Q. Smell of smoke or visually?

12 A. Smell.

13 Q. Could you see anything?

14 A. No.

15 Q. Okay. And that's right here.

16 Now, as you continue, where did you

17 first visibly see the smoke from?

18 A. Like two or three breaks below

19 the mother drive.

20 Q. So do you want to count those,

21 too, and then just ---?

22 A. Yeah, like three breaks.

23 MR. MURRAY:

24 The witness has pointed

25 to Survey Station 3568 in the

01 Number Five entry of the

02 Northeast Mains to indicate

03 the first location where they
04 saw visible smoke.
05 BY MR. MURRAY:
06 Q. And could you describe what
07 you saw?
08 A. I just saw smoke and ---.
09 Q. What color was it?
10 A. Gray.
11 Q. How far could you see if you
12 were going to try to describe the
13 visibility at that location?
14 A. Right in there?
15 Q. Yes.
16 A. Oh, you could see good. It
17 wasn't that bad, just a little bit.
18 You could see real good.
19 Q. When did it get thicker?
20 A. When we cut the curve, right
21 there. That's when --- you couldn't
22 see nothing then.
23 Q. What about in this crosscut?
24 A. No. I mean, it wasn't bad. I
25 mean, you could see. You could see
49
01 everything else, too. It wasn't bad.
02 When we cut that turn, it was real
03 bad right there. You couldn't see
04 nothing.
05 Q. So where the location of the

06 mantrip is right now, ---
07 A. Yes.
08 Q. --- that's where it got ---
09 how do you want to describe that
10 smoke in your words?
11 A. Dark. You couldn't see.
12 Q. Dark?
13 A. Yes.
14 Q. Smoky. Could you tell me
15 about how --- at that point, what
16 would be the distance of visibility?
17 A. You couldn't see nothing. I
18 mean, I couldn't --- standing right
19 from me to you, I couldn't see you.
20 Q. Could you see me now?
21 A. I don't know. Nobody got that
22 close on me.
23 Q. So you're going to say two
24 feet? We're about two feet apart?
25 A. Yes, about two feet.

50

01 Q. Now you got this thick smoke.
02 Were there any conversations when you
03 actually first encountered this smoke
04 back here that maybe that might be
05 the time to put those SCSRs on?
06 A. No. I guess everybody was
07 thinking like I did, there wouldn't

08 be much smoke, just like that there
09 all the way out. I don't have to
10 worry about it.
11 Q. Okay. How about when you saw
12 the gray in color visible smoke, did
13 you change your mind a bit?
14 A. A little bit, but still you
15 could see good.
16 Q. No decision?
17 A. Started to holler to get the
18 rescuer on when we had the smoke up
19 there.
20 Q. Okay.
21 A. I mean, you could see real
22 good to here.
23 Q. Okay. So when you turned up
24 in here and that mantrip hits that
25 intersection, now what?

51

01 A. Well, the smoke was right
02 there where he was at driving, the
03 front of the manbus. He stopped and
04 Bragg, he jumped out and took off
05 this way. And I got out and circled
06 --- I circled around the manbus, the
07 front of the manbus on this side and
08 dropped down and put my rescuer on.
09 And the rest of them --- and then I
10 heard them talking. I didn't see

11 them. They was putting their
12 rescuers on. And whenever they got
13 their rescuers on, we started
14 walking. I heard people coughing and
15 stuff. I couldn't see them. I
16 started walking out. When I was
17 walking, I thought I was by myself.
18 I lost my goggles and my eyes was
19 watered up. And I just reached up
20 and grabbed Shull's jacket and just
21 followed him out.

22 MR. MURRAY:

23 Just to clear some
24 things up, what the witness
25 was pointing to on the map is

52

01 he said when the mantrip
02 stopped in this thick smoke,
03 that Mr. Bragg exited the
04 mantrip and went toward the
05 front of the mantrip, which
06 would be toward Survey Station
07 3233 in the Number Four entry
08 of Northeast Mains. The
09 witness himself actually
10 circled around the mantrip
11 toward the back and then
12 approached the front of the

13 mantrip toward the same

14 intersection.

15 BY MR. MURRAY:

16 Q. So you and Mr. Bragg actually

17 went in opposite directions?

18 A. Yeah, because I knew I had to

19 get my rescuer on. I seen the smoke

20 up here, and I just circled, and he

21 went into the smoke. And I didn't

22 know if he got his rescuer on before

23 he went in the smoke or what. I

24 never did see him. He just jumped

25 out and took off.

53

01 Q. Were you in smoke when you put

02 your rescuer on?

03 A. A little. It was coming that

04 way. I put mine on.

05 Q. You could feel the air coming

06 in your face?

07 A. Yes.

08 Q. Okay. Did you have any

09 problem putting your rescuer on?

10 A. No.

11 Q. Did anybody? Did you hear

12 anybody talking about they couldn't

13 get it open, they couldn't get

14 it ---?

15 A. No. I wasn't around nobody.

16 I was by myself. Most of them walked
17 on into the smoke and put theirs on.
18 I wasn't around nobody. I didn't
19 hear nobody. I just heard them
20 coughing. That was it.

21 Q. This door that we drew in by
22 the seal, ---

23 A. Yes.

24 Q. --- is that the only door in
25 this location, or were there other

54

01 doors ---?

02 A. No. You got to have a door
03 every five breaks.

04 Q. So every five breaks I would
05 expect to see a door?

06 A. Yes.

07 Q. Why was this particular door
08 chosen here?

09 A. They had put that in to lead
10 to the seal.

11 Q. I mean, on this particular
12 night, on the 19th, why was this
13 particular door chosen ---?

14 A. I guess this was where they
15 stopped every night. We knew exactly
16 where it was at. We knew we was at
17 the seal when we cut the curve close

18 to the seal. We knew where we was at
19 and we stopped every night.

20 Q. Did you have occasion or
21 reason to talk to Mr. Bragg or Mr.
22 Hatfield as you left the section and
23 came to this point?

24 A. The only time I talked to
25 Elvis was when I told him we need to

55

01 get to the manbus, when we talked to
02 Plumley. That's the last time I
03 talked to him.

04 Q. And that's when you were up on
05 this section?

06 A. Yes.

07 Q. Okay.

08 A. I went over and told him, I
09 said, we got to get outside. And
10 that's the last time I talked to him,
11 on the way out. I didn't talk to
12 Bragg. Didn't say a word to him,
13 didn't say nothing.

14 Q. We'll talk at the table here
15 in just a little bit on some others.
16 But for now, since we're at the map,
17 okay, you're right in this area now,
18 and you're going to go --- continue
19 with me out of the mine.

20 A. We all went down to the door.

21 We all went through the man door,
22 crossed over the belt. Then Plumley
23 was hollering to make sure everybody
24 was over there. And we found out
25 Elvis and Bragg wasn't with us. And

56

01 me and Plumley said, we ain't
02 leaving. We went through those man
03 doors and hollered, I guess, right
04 there at the break. And I couldn't
05 see. I didn't have my glasses on,
06 but I wasn't going to leave them. I
07 got there and started hollering for
08 them. I guess we hollered ten times.
09 And we went on out and got the rest
10 of them and walked on out and met
11 Brian Cabell. We got to Brian Cabell
12 and went through another man door,
13 away from the mother drive, and we
14 seen, I believe it was Fred Horton
15 and Pat Calloway there, he's a mine
16 foreman, Fred was. And he asked us,
17 where's everybody at, was everybody
18 there. And we told him there's two
19 --- two didn't make it, we didn't
20 know where they went to. And after
21 that, we just went out to the
22 longwall, where the longwall people

23 was at, and we all just got together.

24 That's about it.

25 Q. Okay. Mr. Hunt, back here ---

57

01 I'm going to get us inside that door

02 with my arrow. Okay. So we're

03 traveling now in the outby direction

04 from Survey Station 3233 to the

05 Number Four entry of Northeast Mains

06 and then through the door that we've

07 indicated just to the right of Survey

08 Station 3307 of the Number Four entry

09 of Northeast Mains, through the door

10 and into the belt entry, and we cross

11 over the belt at Survey Station 3314.

12 Okay. Now, when you're in the belt

13 line, is that the first time that you

14 realized that Mr. Hatfield and Mr.

15 Bragg weren't with you?

16 A. Yes. But I never seen Elvis

17 when we stopped the manbus. He was

18 on the other side of the manbus. I

19 never did talk to him or see him.

20 Q. Okay. And you and Mr. Plumley

21 come back through the door and you

22 come back into the intersection of

23 3307 in the Number Four entry?

24 A. We went to the break right

25 here and hollered for them.

01 Q. So now you're in the Number
02 Four entry of Northeast Mains
03 hollering for Mr. Bragg and Mr.
04 Hatfield?

05 A. Yes.

06 Q. Did you have to take your
07 mouthpiece out to do that?

08 A. No. We left them in and
09 hollered. That's as good as you
10 could do.

11 Q. Okay. And you didn't hear
12 anything?

13 A. No, we didn't hear nothing.

14 Q. How long do you think you
15 stayed in this entry, in the Number
16 Four entry?

17 A. Just a few minutes. It wasn't
18 long. In that situation you hate to
19 leave anybody behind.

20 Q. Absolutely.

21 A. And we did all we could do.

22 Q. You sure did. You sure did.
23 So now you're going back in on the
24 belt line to join the group?

25 A. Yes.

01 Q. What's the group going to do

02 now?
03 A. A walk-out towards the
04 longwall.
05 Q. We're walking outby in the
06 48-inch belt entry?
07 A. Yes.
08 Q. Is this an escapeway?
09 A. Yeah. On a belt, yeah.
10 Q. It's an escapeway out of Two
11 Section?
12 A. Yeah, on the belt.
13 Q. Is it the primary or the
14 alternate?
15 A. Alternate.
16 Q. Okay. How far down the
17 48-inch belt did you come?
18 A. We passed the mother drive.
19 Q. Which is here.
20 A. Yes. We passed the mother
21 drive and a man door. I'm not sure
22 where the man door was at.
23 Q. Well, when you came out of
24 that man door, where were you at?
25 A. You go straight down to the

60

01 longwall.
02 Q. Here's the longwall and here's
03 the cut-through for the longwall.
04 A. Well, the longwall would be

05 through the cut-through right here.
06 That's a longwall face toward the
07 miner.
08 Q. That's correct. This is down
09 in here?
10 A. Well, the man door should be
11 --- it should be right in here
12 somewhere. We went through it and
13 walked across right in here at this
14 intersection.
15 Q. Okay.
16 A. We seen a bunch of lights down
17 here at the cut-through.
18 Q. Okay.
19 A. It was the longwall people.
20 Q. Could it have been this door
21 here?
22 A. Yeah. I mean, I'm not for
23 sure. We went through a door, that's
24 all I can tell you. We seen all
25 these lights, and we thought Elvis

61

01 and Bragg might be down with them.
02 We all walked down and gathered up
03 with them. And I went --- when we
04 got to the longwall, where the people
05 was at, we went over to the longwall
06 and got extra rescuers.

07 Q. Right.
08 A. Everybody got extra rescuers
09 just in case we needed it.
10 Q. Where did you have to go to
11 get those rescuers?
12 A. Just right there at the head.
13 Q. On the longwall face?
14 A. Yes.
15 Q. So did you personally go to
16 that area?
17 A. Yes.
18 Q. But when you went onto the
19 longwall section --- we'll get there
20 in a minute, to get to the head you
21 had to be on the longwall belt?
22 A. Yeah, so we crossed through
23 the cut-through across.
24 Q. When you were in this area at
25 the longwall to retrieve these

62

01 self-rescuers, ---
02 A. Yes.
03 Q. --- did you smell any smoke up
04 in that longwall area?
05 A. No smoke at all. If we
06 smelled any smoke, we wouldn't have
07 went. We would have kept on going
08 out. We wasn't over there ten
09 minutes, I guess. There was no smoke

10 that I'm aware of there.

11 Q. Let me get you out of the belt
12 line here now. We're going to come
13 down to the door and we're going to
14 have to pick out a door. Which door
15 do you want?

16 A. I pick this one here, either
17 one of them.

18 Q. So the door that we're going
19 to pick is at Survey Station 2866 on
20 the longwall belt --- or I'm sorry,
21 on the 48-inch belt. And when we
22 exit that door, we're now in the
23 North Mains Number Six entry, at
24 Survey Station 2236. And to get to
25 the longwall where those guys were

63

01 standing, were they in the ---?

02 A. Yes.

03 Q. Which entry?

04 A. This one right here, the
05 cut-through.

06 MR. MURRAY:

07 He's pointing to the
08 Number Four entry of North
09 Mains, at Survey Station 2498,
10 which is in the same
11 intersection that the Number

12 Two cut-through to the
13 longwall would be located.
14 BY MR. MURRAY:
15 Q. You go that way?
16 A. Yes.
17 Q. So to get ---?
18 A. We went over --- we seen all
19 the lights down there.
20 MR. MURRAY:
21 So to get from the ---
22 after he exited the 48-inch
23 belt at Survey Station 2236,
24 he made a right-hand turn
25 toward the Number Five entry

64

01 of North Mains, at Survey
02 Station 2855, and continued
03 one more crosscut into the
04 Number Four entry of North
05 Mains, and then traveled in an
06 outby direction into Number
07 Four entry to Survey Station
08 2492, where he met the
09 longwall crew.
10 BY MR. MURRAY:
11 Q. Now, walk me up into the
12 longwall. How did you go into the
13 longwall?
14 A. Through the cut-through.

15 Q. Did you have to go through
16 these two doors?
17 A. Yeah, two doors. And go
18 across, go down to the longwall face,
19 into the head, and they had eight
20 rescuers.
21 Q. So to access the longwall, you
22 traveled through the cut-through and
23 traveled the middle entry of the
24 cut-through, through the two doors.
25 And which entry did you travel in the

65

01 longwall; do you remember?
02 A. This one right here. So we
03 went across and then go down.
04 Q. This would be the belt entry?
05 A. Yes.
06 Q. Which entry did you travel to
07 get to the face?
08 A. Well, one of them two. I'm
09 not for sure.
10 Q. Okay. That's fine. It will
11 get you there, either one.
12 A. As long as I get there.
13 MR. MURRAY:
14 After we exited the
15 cut-through and entered the
16 longwall headgate entries, the

17 witness has told me that he's
18 either traveled the Number Two
19 or the Number Three entry in
20 an inby direction to get to
21 the longwall face.
22 BY MR. MURRAY:
23 Q. And once you got to the
24 longwall face, how far did you have
25 to go?

66

01 A. Just right there at the head.
02 Q. You didn't have to actually
03 get on the pan line or ---?
04 A. No. We didn't go that far.
05 Q. Okay.
06 A. We just got to the head, where
07 they had them stored up.
08 Q. But you are on the belt line
09 of the longwall to get these things?
10 A. Yes.
11 Q. And we don't smell any smoke
12 or see any smoke?
13 A. Nope, don't smell nothing.
14 Q. To get out, what did we do?
15 After we got ---? Did you do
16 anything else?
17 A. No, just got the rescuers.
18 Q. Okay.
19 A. And just went the same way, we

20 come back out.

21 Q. So we just backed up and ---?

22 A. We just went the same way.

23 Q. We're back into the same

24 intersection where we started in

25 North Mains, which would be the

67

01 Number Four entry at Survey Station

02 2492; ---

03 A. Yes.

04 Q. --- is that correct?

05 A. Uh-huh (yes).

06 Q. Now what?

07 A. Fred was there. He knowed

08 Elvis and Bragg wasn't there.

09 Q. Who's Fred?

10 A. Fred Horton.

11 Q. Fred Horton?

12 A. The mine foreman.

13 Q. He's a mine foreman?

14 A. Yes.

15 Q. Okay. What did Mr. Horton

16 tell you?

17 A. He found out Elvis and Bragg

18 wasn't with us, and he said somebody

19 go, get on the phone, call the rescue

20 teams in. We all got on the manbus.

21 We had two manbuses. We went

22 outside.

23 Q. So from this point you rode

24 out?

25 A. Yes.

68

01 Q. Do you remember who --- when

02 Mr. Horton said to call outside to

03 get the rescue teams, do you remember

04 who he told that to?

05 A. The electrician is with him.

06 I know his first name is Billy, but I

07 don't know his last name.

08 Q. Billy, the electrician?

09 A. Yes.

10 Q. Okay. And do you know if

11 Billy made that call?

12 A. Yes, because by the time we

13 got outside, there was some rescue

14 teams upstairs, MSHA and them was

15 there. I assume he had to have made

16 the call.

17 Q. I'll tell you what, that's a

18 heck of a job, it really is, of you

19 bringing me out of that coal mine.

20 But let me ask you a couple --- at

21 any point, as you traveled on the

22 48-inch belt or when you approached

23 the longwall, did you walk through

24 any water that you can remember?

25 A. No. No, we never did hit no

69

01 water. It's uphill. There's hardly

02 any water like that.

03 Q. Okay. You told me that you

04 put your SCSR on right in this

05 location, in front of the mantrip?

06 A. Uh-huh (yes).

07 Q. At what point did you take it

08 out of your mouth?

09 A. When we went through this man

10 door, I took it out of my mouth.

11 Q. So you wore it the entire way

12 down 48-inch belt?

13 A. Right there we took it out

14 because there wasn't no smoke or

15 nothing.

16 Q. So when you exited the man

17 door at Survey Station 2236 on the

18 North Mains and you saw the air to be

19 clear, at that point you removed it?

20 A. Yes.

21 Q. Did you remove it from your

22 body?

23 A. No. I kept it on the whole

24 time.

25 Q. At what point did you remove

70

01 it from your body?

02 A. When I got another one, I took

03 it off, put the other one on my side

04 just in case we hit smoke again or

05 anything. That's when I took it off.

06 When we got the rescuers, I took it

07 off right there at the head.

08 Q. Did you leave it at the head?

09 A. No. I took it outside.

10 Q. And then what happened to it?

11 A. I put it on the safety

12 director's desk.

13 Q. Where is the safety director's

14 desk at?

15 A. You know where the conference

16 room is over there?

17 Q. Upstairs?

18 A. Yes.

19 Q. Yes.

20 A. Right beside there.

21 Q. Across the hall?

22 A. If you see the conference

23 room, it's right across the hall. I

24 left it right there on his desk.

25 Q. So your expelled or used self-

71

01 rescuer ---

02 A. Yes.

03 Q. --- was left behind at the

04 safety director's office in the
05 second floor of the ---?
06 A. Yes.
07 Q. Okay.
08 A. Left it on his desk.
09 Q. Okay. Whenever your mantrip
10 was coming down out of --- down
11 Northeast Mains from Two Section and
12 you made the turn to go up into the
13 Number Four entry, ---
14 A. Uh-huh (yes).
15 Q. --- did you drive into it or
16 did all of a sudden it just ---?
17 A. No, we drove into it.
18 Q. You drove into it?
19 A. Because as soon as he cut that
20 curve right there, he stopped.
21 Q. At any point along your escape
22 route did you hear any alarms going
23 off, whether it be a detector or a CO
24 sensor, a CO alarm along the beltway?
25 A. No.

72

01 Q. You didn't hear anything.
02 Let's go back to Two Section for a
03 second. When you're dumping coal on
04 a normal day, is the air hitting you
05 in the face?

06 A. Going towards the miner?
07 Q. Yes, coming down the belt
08 line?
09 A. Yes.
10 Q. It comes down the belt and
11 ventilates the face?
12 A. Yeah.
13 Q. Does that create a dust
14 problem for you?
15 A. No.
16 Q. As you're dumping out of your
17 shuttle car, if the coal would be a
18 little bit dry, does it ---?
19 A. Yeah, when it's dry. But the
20 miner has water on it when it's
21 running to water down the coal when
22 he cuts it.
23 Q. But the air does come and hit
24 you in the face as you're dumping the
25 coal?

73

01 A. Yes.
02 Q. Since you got a lot of
03 exposure, I guess, to this area
04 during the course of a normal day's
05 business, going back and forth from
06 the section tailpiece to the miner,
07 ---
08 A. Yes.

09 Q. --- do you know what the CO
10 alarm looks like at the tailpiece?

11 A. No. No, I never seen it.

12 Q. Has anybody ever told you that
13 if you have occasion and you're in
14 this area and you hear an alarm or
15 you hear an alert or whatever, what
16 you should do? Something connected
17 to the CO system.

18 A. Well, if it goes off, the belt
19 and stuff cuts off and the feeder
20 cuts off, too. Then we get on the
21 phone. Because the feeder cuts off
22 --- if something goes wrong, the
23 feeder and everything cuts off.

24 Q. But every time the belt goes
25 off, that doesn't necessarily mean

74

01 that there's a problem with CO; does
02 it?

03 A. No. As soon as the belt is
04 cut off, we always go straight to the
05 phone.

06 Q. In the normal line of
07 business, if the belt would shut
08 down, how would you distinguish
09 between that belt delay being an
10 actual belt delay or that belt delay

11 being an actual CO alarm delay?
12 A. Well, the CO, if it went off
13 that day, it's got a flasher on top
14 of the phone. It was going off, too.
15 Q. Does that flasher indicate
16 that the CO is in alarm mode?
17 A. No. If the dispatcher wants
18 to get a hold of you, it starts
19 flashing.
20 Q. So that flashing light on the
21 telephone ---
22 A. Yes.
23 Q. --- indicates that the phone
24 is ringing or that CO's in alarm?
25 A. No, that the phone is ringing.

75

01 See, I never did go back to the
02 feeder or anything.
03 Q. Okay. Just one last question
04 while we're standing here. Whenever
05 you all got to the mantrip and you
06 were making decisions on what to do
07 next and the discussion that was
08 centered around making it to this
09 door ---.
10 A. If we made it to the door.
11 Q. Yeah, if you made it to the
12 door. Why do you think that
13 discussion even existed, keeping in

14 mind that the intent of a primary
15 escapeway is to be separate and
16 distinct and always being ventilated
17 with fresh air? What was the lack of
18 confidence in that primary escapeway
19 being clean or provided with fresh
20 air the entire way?

21 A. Well, when the mother drive
22 caught on fire, they couldn't let the
23 man door or anything open. I don't
24 know if there was a man door open or
25 not, could have been a man door or

76

01 anything, smoke will come through
02 there. Just thinking ahead.

03 Q. How do you think that smoke
04 got in that primary escapeway?

05 A. I'm not for sure.

06 Q. If you had an opinion?

07 A. I don't know.

08 Q. This is the mother drive right
09 here?

10 A. Yes.

11 Q. And this is the tailpiece of
12 the 72-inch belt right here, where it
13 comes onto the ---. Did you ever
14 hear any discussions that this
15 stopping that was intended to isolate

16 this belt may or may not have been
17 in?

18 A. No, I never heard nothing
19 about it.

20 Q. If that stopping was out, do
21 you think that would be a way that
22 that smoke could get out into that
23 fresh air?

24 A. I'm not sure.

25 Q. Okay. Do you want to tell me

77

01 anything more about the map while
02 we're here?

03 A. That's all.

04 Q. You did a good job. I'm not
05 much of an artist.

06 A. I'm not much for maps either.

07 Q. We're even.

08 MR. MURRAY:

09 Can we take just a
10 short break?

11 SHORT BREAK TAKEN

12 BY MR. MURRAY:

13 Q. You can stay there. We
14 talked, as you guys came out of the
15 Two Section and you were traveling in
16 this Number Five entry, you started
17 to smell smoke?

18 A. Yes.

19 Q. And then you saw just a light
20 gray smoke as you traveled in this
21 lower entry?

22 A. Yeah.

23 Q. And you didn't really see the
24 thick smoke until you were up into
25 Number Four entry?

78

01 A. Yeah.

02 Q. Let me ask you it this way.
03 We talked about the visibility, and
04 you could see a long way.

05 A. Yeah, you could see good
06 there.

07 Q. If there were green reflectors
08 in this lower entry, would you have
09 been able to see them?

10 A. Yes.

11 Q. What about if there were green
12 reflectors in this upper entry, could
13 you have seen them?

14 A. I couldn't see nothing. I
15 lost my goggles. I couldn't see.

16 Q. Okay.

17 A. I guess you could if your
18 light shined on them. I don't know
19 for sure.

20 Q. But as far as the visibility,

21 what you told me about, I think you
22 said two feet in the upper entry
23 where you actually --- where your
24 mantrip ended up and you encountered
25 the thick, heavy, dark smoke?

79

01 A. Uh-huh (yes).

02 Q. And if you were to walk out,
03 if you could walk out, do you think
04 you could have followed the green
05 reflectors?

06 A. No, not really.

07 Q. But you may have been able to
08 do it here in the lower entry?

09 A. Yes, you could see anything
10 there.

11 Q. You could see it all there?

12 A. Yeah.

13 Q. Okay. That helps me better
14 understand. I need to get a visual
15 picture of how thick and dark it was.
16 Okay. We talked about everybody ---
17 after they exited the mantrip, they
18 thought that was --- it was real
19 important that you guys started to
20 put your self-rescuers on. And I
21 asked you if anybody was having any
22 problems, and ---.

23 A. I wasn't around nobody. I was

24 right in front of the manbus. I
25 didn't hear nobody say anything about

80

01 the rescuer.

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

04 A. I guess he just panicked. I
05 mean, as soon as the manbus stopped,
06 he took off. I guess he just kept
07 running. I don't know for sure. I
08 never did see him or --- I never did
09 see Elvis or talk to him. Bragg just
10 jumped off the manbus and took off
11 towards the smoke.

12 Q. Do you know what caused the
13 fire?

14 A. No.

15 Q. Have you heard anybody offer
16 any opinion on what they think may
17 have caused the fire?

18 A. No.

19 Q. You talked about your
20 participation in a fire drill, a mine
21 emergency drill ---

22 A. Yes.

23 Q. --- evacuation? And when was
24 that?

25 A. Monday.

01 Q. The Monday prior to ---?

02 A. I mean, we go all the time,
03 but Monday we went to the escapeway,
04 too. And we talk about it all the
05 time, where to go to.

06 Q. So the Monday preceding the
07 accident?

08 A. Yes.

09 Q. And just briefly, describe
10 what a drill would look like.

11 A. Well, we just get all together
12 and Plumley would just take us
13 through there and show us where ---
14 if there wasn't no smoke or stuff,
15 which way to go, just followed him.
16 That's about all I could tell you.

17 Q. Does he use a map in his
18 demonstration to ---?

19 A. He knows --- he knows the mine
20 like the back of his hand anyhow.

21 Q. Is there a map located on Two
22 Section?

23 A. Yes.

24 Q. That shows the escapeways?

25 A. Yes.

01 Q. Where is it kept?

02 A. I believe --- I'm not for sure

03 where it's kept, but they say it's up
04 there.

05 Q. What about on the surface, is
06 there a map somewhere on the surface
07 that shows the escapeways?

08 A. Yes, upstairs.

09 Q. Whereabouts?

10 A. In the conference room, it's
11 on the wall.

12 Q. Is that the only one?

13 A. I'm not for sure if that's the
14 only one or not.

15 Q. Okay. Do you know about any
16 other fires that occurred at this
17 mine before January 19th, 2006?

18 A. No.

19 Q. Has anybody said anything
20 about any other fires?

21 A. Uh-uh (no).

22 BY MR. FARLEY:

23 Q. Joe, I'm going to be kind of
24 bouncing around here.

25 A. All right.

83

01 Q. Mr. Murray has covered most
02 everything, but --- so just bear with
03 me. You said that when you put your
04 self-rescuer on you dropped your

05 goggles ---
06 A. Yes.
07 Q. --- or you lost them?
08 A. I lost them.
09 Q. Are you sure they were in the
10 container?
11 A. They're supposed to be. I'm
12 not for sure. I know I couldn't find
13 them.
14 Q. Okay.
15 A. Because when I pulled the
16 latch off the rescuer, the lids,
17 they went everywhere.
18 Q. Okay.
19 A. I couldn't find them. And I
20 just --- I wasn't going to sit there
21 and look for them all day.
22 Q. I understand. I understand.
23 We were just --- I heard that before,
24 and I was just concerned about that.
25 Now, you indicated and said that you

84

01 mined Number One and the Two Right
02 crosscut on the Two Section.
03 A. Yes.
04 Q. Now, while you were mining ---
05 now, of course, you're running the
06 shuttle car, you're not running the
07 miner.

08 A. Yeah.

09 Q. Did you notice how your water
10 pressure was that day?

11 A. No.

12 Q. No indication at all?

13 A. When you're on the buggy
14 behind the miner, you can see it
15 spraying out. I can see it spraying
16 out. I don't know what the pressure
17 was on it or anything.

18 Q. Did it look like it did any
19 other day?

20 A. Yes. It was like any other
21 day, spraying out good. I mean, you
22 could tell by the coal it was
23 spraying out good, it was wet.

24 Q. Have you had any instances on
25 that section where your water

85

01 pressure has not been good?

02 A. Oh, it drops down, but he
03 don't keep mining. He just cuts it
04 off, backs it out and waits until his
05 water gets --- water pressure gets
06 up.

07 Q. Sometimes it goes up and down
08 a little bit?

09 A. Yeah. I mean, like a water

10 line can bust or anything. It goes
11 down. We have to wait until they fix
12 it. Something like that happens.
13 Q. Okay. Now, if I followed you
14 correctly, you saw Plumley take the
15 call that notified you guys that you
16 needed to evacuate the section; is
17 that correct?
18 A. Yes.
19 Q. Did you happen to look at your
20 watch at that moment?
21 A. No. They say it was 5:30. I
22 never wear a watch.
23 Q. When you say they said it was
24 5:30, who do you mean?
25 A. Plumley said it's 5:30.

86

01 Q. Plumley said 5:30?
02 A. Yes.
03 Q. Okay. Now, when this
04 happened, did the crew gather
05 quickly?
06 A. Yes.
07 Q. What was the mood?
08 A. Well, as soon as Plumley
09 hollered at Steve, I heard him, and I
10 went straight and got Elvis and
11 Bragg. And Steve went and got Earl
12 and Blue, we call him. And we was

13 all --- we gathered up at the manbus
14 quickly. It didn't take very long at
15 all.

16 Q. You didn't get any sense that
17 anybody was dragging their feet or
18 anything?

19 A. No.

20 Q. Was there any sense of panic
21 among any of the people?

22 A. No. I mean, most thought like
23 I did, we had a little bit of smoke,
24 that would be it.

25 Q. Okay. Now, before you left

87

01 the section, did you have any
02 conversations about donning your self
03 rescuers?

04 A. No.

05 Q. Now, also when you pointed out
06 on the map how you traveled from the
07 section ---

08 A. Yes.

09 Q. --- I think you indicated that
10 you traveled most of the way here in
11 Number Five entry ---

12 A. Yeah.

13 Q. --- until you get down here
14 where you make a turn?

15 A. Yes.
16 Q. Has this always been your
17 base, main travel road from the Two
18 Section ---
19 A. Two Section.
20 Q. --- to Number Five entry?
21 A. Yes.
22 Q. Have you ever been in the
23 Number Four entry coming off the
24 section?
25 A. Yeah, you can go that way,

88

01 too.
02 Q. You can?
03 A. Yes.
04 Q. How come you don't?
05 A. It's a lot rougher than the
06 other place.
07 Q. How much rougher?
08 A. It's pretty rough. I mean,
09 that other road we take is a lot
10 smoother.
11 Q. Okay. Now, when you're
12 traveling in Number Four on your way
13 out, can you see out of the mantrip
14 to your right?
15 A. Yes.
16 Q. You can see stoppings ---
17 A. Yeah.

18 Q. --- that confine the belt
19 entry? Can you see doors in them?
20 A. Yes.
21 Q. Can you see those stoppings
22 from Number Five?
23 A. No.
24 Q. Okay. Any idea how many doors
25 you might have passed into the belt

89

01 entry, into the 48-inch belt entry,
02 how many doors you might have passed
03 from the section to the point where
04 you actually got out of the mantrip?
05 A. Well, there's supposed to be a
06 man door every five breaks.
07 Q. Are they there, as far as you
08 know?
09 A. Yes. I put most of them in.
10 Q. You did?
11 A. Yeah.
12 Q. Okay. So you understood that
13 you got a door every ---?
14 A. Like everybody thought we
15 wasn't going to hit much smoke.
16 Q. All right.
17 A. I mean, if we knowed we was
18 going to hit that much smoke, we
19 would have gotten another man door

20 and hit the belt line.

21 Q. Okay. All right. Now, when
22 the mantrip stopped and you got out,
23 if I understood you correctly, you
24 kind of ---?

25 A. Circled the manbus.

90

01 Q. Circled around the rear of the
02 trip?

03 A. Yes.

04 Q. Could you actually --- when
05 you were putting your rescuer on,
06 could you actually see the mantrip?

07 A. Yes.

08 Q. How close were you to it?

09 A. I was right beside the
10 mantrip.

11 Q. Just a little bit?

12 A. Yes, about a foot.

13 Q. Okay. I know this is
14 hindsight and everything, but was
15 there any thought given to what you
16 guys might do if you could not make
17 it to this door that you eventually
18 went through?

19 A. We'd have to go back and go
20 through another door. That's all you
21 could do.

22 Q. All right.

23 MR. FARLEY:
24 I don't think we have
25 anything else.

91

01 BY MR. MURRAY:
02 Q. Just a couple more. We
03 started talking about the escapeway
04 maps on the surface.
05 A. Yes.
06 Q. Do you know if there's one in
07 the waiting area where you guys
08 congregate?
09 A. On the table, yes.
10 Q. Does it show the escapeways?
11 A. Yeah, it shows everything.
12 Q. Where would be the most common
13 place that you all would hang around
14 and congregate before you went in the
15 mine?
16 A. The box cut.
17 Q. I mean on the surface.
18 A. Oh, I guess right there, where
19 the map is at on the table.
20 Q. At the table?
21 A. Yes. We all sat around there
22 and talked.
23 Q. Would that be more common to
24 congregate there than it would be

25 upstairs?

92

01 A. No. We just don't ever go

02 upstairs.

03 Q. Never go upstairs?

04 A. No.

05 Q. Okay. This is kind of

06 hindsight, too, but just in your

07 opinion, what do you think could have

08 been done to prevent this accident?

09 A. I'm not for sure. I don't

10 know what --- where it started or

11 anything. I didn't hear nothing. I

12 don't know. Couldn't tell you.

13 Q. Have you heard anybody else

14 offer opinions on what they think

15 could have been done to prevent this

16 thing?

17 A. No.

18 Q. You started talking about the

19 installation of a new mother drive?

20 A. Yes.

21 Q. I'm going to say new. Those

22 are my words, but ---

23 A. Yeah.

24 Q. --- when we talked about the

25 first location that you said you

93

01 smelled smoke, you said in the area

02 of the mother drive.
03 A. Yes.
04 Q. When you said the mother
05 drive, you weren't referring to the
06 mother drive that was on fire?
07 A. It's the new one they're
08 putting in ---
09 Q. The new one that they're
10 putting in?
11 A. --- for the Ten Headgate, to
12 mine it. See, you got to set a new
13 mother drive up every panel.
14 Q. So that's being installed in
15 this area of the Ten Headgate?
16 A. Yeah, over beside it.
17 Q. Okay.
18 A. Yes.
19 Q. And who's doing that work?
20 A. Don Haggie (phonetic) and I
21 don't know that guy that works with
22 him. We call him Shiner. I'm not
23 for sure his real name.
24 Q. Okay. Is that the same crew
25 that's putting in that belt

94

01 structure?
02 A. Yes. See, they work dayshift.
03 They don't work second shift.

04 Q. They just work one shift?
05 A. Yes.
06 Q. And they work on that
07 structure on day shift?
08 A. Yes.
09 Q. Who's in charge of that
10 project?
11 A. Don Haggie.
12 Q. Before I forget, could I ask
13 you to come up here and sign that map
14 and date it?
15 A. Yeah.
16 Q. So as far as you know, the
17 information that you gave me, as you
18 know it and I documented it, is, to
19 the best of your knowledge; correct,
20 as we stand here today?
21 A. Yes.
22 Q. Okay.
23 MR. MURRAY:
24 And we'll refer to this
25 map as Exhibit A, Hunt.

95

01 (Hunt Exhibit A marked
02 for identification.)
03 MR. MURRAY:
04 Mr. Heath, do you have
05 any clarifying questions?
06 ATTORNEY HEATH:

07 No.

08 BY MR. MURRAY:

09 Q. Mr. Hunt, is there anything
10 else you'd like to tell us regarding
11 what happened on the day of the
12 accident that we haven't already
13 asked you?

14 A. No.

15 ATTORNEY HEATH:

16 He would like a copy of
17 his transcript. We need to
18 say that.

19 A. Yes, I'd like to have a copy
20 of it.

21 MR. MURRAY:

22 You understand as long
23 as the accident investigation is
24 open, that's something that we got to
25 keep. But at the time in which we

96

01 consider this investigation to be
02 concluded, we would consider that at
03 that point.

04 A. So it will be a while?

05 MR. MURRAY:

06 We hope not. Mr. Hunt,
07 we want to thank you for
08 appearing here today and

09 answering our questions and
10 sharing the information about
11 the mine. Your cooperation is
12 very important to us as we
13 work to determine the cause of
14 the accident. If you wish,
15 you can go back now over any
16 answers you've given us during
17 this interview and clarify
18 anything or add to it that
19 would help us understand.

20 A. No.

21 MR. MURRAY:

22 Okay. We would ask
23 that you not discuss your
24 interview today with any
25 person who may have already

97

01 been interviewed or who we may
02 call in to be interviewed.

03 A. Okay.

04 MR. MURRAY:

05 This will ensure that
06 everybody gives us their own
07 independent account of what
08 happened. After questioning
09 other witnesses, though, and
10 we gain more information, we
11 may ask you to come back in to

12 clarify some things.

13 A. Okay.

14 MR. MURRAY:

15 We'd appreciate your
16 cooperation with that. If at
17 any point from the time you
18 leave here the light comes on
19 and you say, man, I wish I
20 would have said that or maybe
21 I could have expanded more on
22 this, ---

23 A. Call you.

24 MR. MURRAY:

25 --- either call me or

98

01 the guy that called you, the
02 guy behind you, Mr. Anthony
03 Webb. And here's our cards.

04 Additionally, the Mine
05 Act provides certain
06 protection for individuals who
07 participate in accident
08 investigations. If at any
09 time you believe that you've
10 been treated unfairly because
11 of your cooperation with this
12 investigation, you call those
13 same numbers.

14 A. All right.
15 MR. MURRAY:
16 We'd be very interested
17 in hearing that.
18 A. Okay.
19 MR. MURRAY:
20 And seriously, we
21 really appreciate your input
22 and it is going to be very
23 valuable for us to be able to
24 produce an accurate
25 description of what happened.

99

01 A. All right.
02 MR. MURRAY:
03 And we thank you for
04 that.
05 MR. FARLEY:
06 I might also add that
07 state law provides the same
08 protection. And I'll give you
09 my card. Please call us if
10 you ---.
11 A. Okay.
12 MR. FARLEY:
13 Thank you.

14

15 * * * * *

16 SWORN STATEMENT

17 CONCLUDED AT 11:19 A.M.

18 * * * * *

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