

01                   EXAMINATION UNDER OATH  
02                                   OF  
03                   ELMER MAYHORN, JR.  
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 the Holiday Inn  
10       Express, 101 George Kostas Drive,  
11       Logan, West Virginia, on Friday,  
12       February 10, 2006, at 8:30 a.m.

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04 TIMOTHY BRADFORD, ESQUIRE  
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06 STEVE COX  
07 MICHAEL FINNIE  
08 DENNIS A. BEITER  
09 RONALD W. STAHLHUT

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01 I N D E X

02

03 WITNESS: ELMER MAYHORN, JR.

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

02   -----

03           MR. MURRAY:

04           Mr. Mayhorn, my name's  
05   Kenny Murray. I represent the  
06   Mine Safety & 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  
12   charged with investigating the  
13   accident that occurred at the  
14   Aracoma Coal Company,  
15   Incorporated, Aracoma Alma  
16   Mine Number One, on January

17 19th, 2006.

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

9

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

06 At this time, I would  
07 like each of those team  
08 members to introduce  
09 themselves to you.

10 MR. FRANCCART:

11 Bill Francart with MSHA  
12 in Pittsburgh.

13 MR. BEITER:

14 Denny Beiter with MSHA  
15 in ventilation tech support.

16 MR. STAHLHUT:

17 Ron Stahlhut with MSHA  
18 in Vincennes, Indiana.

19 MR. BURKE:



20           And I'm Tony Burke with  
21           MSHA out of Whitesburg,  
22           Kentucky.

23           MR. WEBB:

24           Anthony Webb with MSHA  
25           from Pikeville.

10

01           MR. TJERNLUND:

02           Derrick Tjernlund with  
03           MSHA technical support  
04           Triadelphia.

05           ATTORNEY BELL:

06           I'm Keith Bell,  
07           Solicitor's Office in  
08           Washington D.C.

09           ATTORNEY BARISH:

10           Dan Barish, Solicitor's  
11           Office, Arlington, Virginia.

12           MR. MURRAY:

13           And I'm from Pikeville,  
14           Kentucky. I didn't tell you  
15           that. We also have members  
16           from the State of West  
17           Virginia's team, and I'll ask  
18           Mr. Farley to give a statement  
19           and introduce those to you.

20           MR. FARLEY:

21           Mr. Mayhorn, again, I'm

22 Terry Farley with the Office  
23 of Miners' Health, Safety &  
24 Training. As Mr. Murray  
25 pointed out, we are doing this

11

01 investigation, these  
02 interviews jointly, and we're  
03 in agreement with the  
04 procedures that he will  
05 outline for the interview.

06 Also, I need to make it  
07 clear that should our Director  
08 see fit we may call or  
09 subpoena witnesses or require  
10 production of any record,  
11 document, photograph or other  
12 relevant materials necessary  
13 to conduct this investigation.  
14 Okay. And now I'll ask our  
15 other people to identify  
16 themselves.

17 MR. TUCKER:

18 I'm Bill Tucker with  
19 the State from Oak Hill.

20 MR. PHILLIPS:

21 C.A. Phillips Deputy  
22 Director, Charleston, West  
23 Virginia.

24 MR. COX:

25 Steve Cox, Region

12

01 Three.

02 MR. COOK:

03 Danny Cook, Region

04 Three.

05 MR. MURRAY:

06 Okay. Thanks, Terry.

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

15 These interviews are an  
16 important part of the  
17 investigation. After the  
18 investigation is completed,  
19 MSHA will issue a written  
20 report detailing the nature  
21 and the causes of the  
22 accident.

23 MSHA accident reports  
24 are made available to the  
25 public in hope that greater

13

01 awareness about the causes of  
02 accidents can reduce their  
03 occurrence in the future.

04 Information obtained  
05 through witness interviews is  
06 frequently included in these  
07 reports. Your statement may  
08 also be used in other  
09 enforcement proceedings.

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

20 This interview with  
21 Elmer "Blue" Mayhorn is being  
22 conducted under Section 103(a)  
23 of the Federal Mine Safety &  
24 Health Act of 1977 as part of  
25 an investigation by the Mine

14

01 Safety & Health Administration  
02 into the conditions, events  
03 and circumstances surrounding

04 the fatalities that occurred  
05 at Aracoma Alma Mine Number  
06 One, located at Route 17  
07 North, Bandmill Hollow Road,  
08 Stollings, West Virginia,  
09 25646.

10 This interview is being  
11 conducted at the Holiday Inn  
12 Express in Logan, West  
13 Virginia on February 10th,  
14 2006. And the current time is  
15 approximately 8:35 Eastern  
16 Standard Time.

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

15

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

06           You are permitted to  
07    have a representative with you  
08    during the interview, and you  
09    may consult with your  
10    representative at any time.  
11    You may designate any person  
12    to be your representative.

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

20           Your statement is  
21    completely voluntary. You may  
22    refuse to answer any question  
23    and you may end your interview  
24    at any time. If you don't  
25    understand a question, tell me

16

01    and I'll rephrase it. If you  
02    need to take a break for any  
03    reason, just let me know.

04           You may request the  
05    opportunity to make a  
06    confidential statement, which  
07    will be withheld from the  
08    public to the extent allowed

09 by law. Should you desire to  
10 give a confidential statement,  
11 you should advise me before I  
12 begin your interview, so that  
13 I can reschedule your  
14 interview in order to properly  
15 consider your request. Do you  
16 wish a confidential?

17 MR. MAYHORN:

18 No.

19 MR. MURRAY:

20 We have a court  
21 reporter today, and she'll  
22 record your interview and  
23 later produce a written  
24 transcript. I ask that you  
25 state all of your answers

17

01 verbally because she cannot  
02 record any gestures, such as  
03 nodding your head.

04 If any part of your  
05 statement is based not on your  
06 own firsthand knowledge, but  
07 on information that you  
08 learned from someone else, let  
09 me know that as we talk.

10 Please answer each question as

11 fully as you can, including  
12 any information that you may  
13 have learned from someone  
14 else.

15 We may not ask the  
16 right questions to learn the  
17 information that you have, so  
18 don't feel obligated to just  
19 be limited to the precise  
20 question. If you have  
21 information about the subject  
22 area of a question, please  
23 feel free to expand on that  
24 and give me that information.  
25 Do you have any questions

18

01 about how the interview will  
02 be conducted?

03 MR. MAYHORN:

04 No.

05 MR. MURRAY:

06 I'd ask the court  
07 reporter to swear Mr. Mayhorn  
08 in.

09 -----  
10 ELMER MAYHORN, JR., HAVING FIRST BEEN  
11 DULY SWORN, TESTIFIED AS FOLLOWS:

12 -----  
13 BY MR. MURRAY:



14 Q. Mr. Mayhorn, please state your  
15 full name, address, telephone number,  
16 and please spell your last name for  
17 the record.

18 A. It's Elmer Mayhorn, Jr.,  
19 M-A-Y-H-O-R-N. [REDACTED]

[REDACTED]

23 Q. And the spelling of your last  
24 name?

25 A. M-A-Y-H-O-R-N.

19

01 Q. Thank you.

02 A. You're welcome.

03 Q. Are you appearing here today  
04 voluntarily?

05 A. Yes.

06 Q. Has anyone made any promises  
07 to you for giving this statement or  
08 offered you any rewards in exchange  
09 for making your statement?

10 A. No, sir.

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

14 A. No, sir.

15 Q. Do you understand that you may

16 refuse to answer any question or  
17 terminate this interview at any time?

18 A. Yes, sir.

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

21 A. Yes, sir.

22 Q. And who is that?

23 A. It's Mark Heath, I believe.  
24 He wrote it down. It looked like a  
25 doctor.

20

01 MR. HEATH:

02 Yes, Mark Heath with  
03 Spilman Thomas.

04 BY MR. MURRAY:

05 Q. How long have you known Mr.  
06 Heath?

07 A. I met him this week.

08 Q. Have you been made aware that  
09 Mr. Heath also represents the company  
10 in this matter and that there's a  
11 potential conflict of interest  
12 arising between yourself and the  
13 company?

14 A. Yes, sir.

15 Q. Okay. Did you contact Mr.  
16 Heath or did he contact you?

17 A. We was up to the office when  
18 all this happened, I bumped into him,

19 and then he contacted me.

20 Q. When he contacted you, what  
21 was the conversation?

22 A. He just asked if --- you know,  
23 did I want a representative.

24 Q. And your reply was?

25 A. Yes.

21

01 Q. Okay. And you requested him  
02 personally to be your representative?

03 A. Yes, sir.

04 Q. Okay. So you're comfortable  
05 with proceeding with Mr. Heath as  
06 your representative?

07 A. Yes, sir.

08 Q. Did you have a meeting today  
09 with Mr. Heath before you came into  
10 this room?

11 A. Not no meeting.

12 Q. Were you in a room in this  
13 hotel before you came into this  
14 meeting?

15 A. No. Not in the hotel. I met  
16 him down here.

17 Q. Who was present whenever you  
18 first met Mr. Heath?

19 A. Some of you people was down  
20 there in the lobby, you know, when I

21 was down there waiting.

22 Q. Did he advise you of any  
23 questions that I may ask you today?

24 A. No, sir.

25 Q. Did you speak with anybody

22

01 that has already been interviewed so  
02 far in this case?

03 A. Not about this. You know, I  
04 talked to him at the mines, you know,  
05 about work. Nothing about what went  
06 on.

07 Q. I mean, since Thursday, have  
08 you had occasion to talk to Randall  
09 Crouse?

10 A. Yes, last night.

11 Q. Okay. Did he tell you  
12 anything about how the interview is  
13 going to be conducted or some of the  
14 questions that I might ask you?

15 A. No, sir.

16 Q. What about Steve Hensley?

17 A. There's a pretty lady over  
18 there, you know. That's what he  
19 said, you know. Well, you met Steve.

20 Q. Okay. Did Mr. Hensley tell  
21 you about anything that I may ask you  
22 today?

23 A. No.

24 Q. Okay. What about Pat Kinser,  
25 did you talk to Pat Kinser?

23

01 A. I said a few words, you know,  
02 but not a whole lot. He worked that  
03 day, the next day he was off. They  
04 let him go home.

05 Q. What about Mike Shull?

06 A. No, I haven't seen him.

07 Q. Okay. Did you know that that  
08 those four guys that I just mentioned  
09 had already been interviewed here?

10 A. I knew there was three. I  
11 didn't know about Mike.

12 Q. Okay. What about Joe Hunt,  
13 have you talked to him?

14 A. He wasn't there yesterday.

15 Q. How about Duane Vanover?

16 A. He didn't show up yesterday  
17 either. They haven't showed up when  
18 y'all are talking to them.

19 Q. Okay. This won't hurt.

20 A. When they come down here, they  
21 don't work that evening. I don't  
22 know.

23 Q. Have you been interviewed  
24 about the facts of what happened on  
25 January 19th, 2006 before today?

01 A. We've all talked about it, you  
02 know. But as far as being  
03 interviewed, I haven't been  
04 interviewed by nobody.

05 Q. Who did you talk to?

06 A. You know, with being around  
07 the mines, you know, we was at work,  
08 you know, when it first happened, and  
09 how everybody got their rescuers ---  
10 you know, around the mines how they  
11 talk.

12 Q. Has the company asked you  
13 anything about how --- what the  
14 events were on January 19th, 2006?

15 A. No, sir.

16 Q. Okay. Do you know if the  
17 gentlemen that we talked about that  
18 didn't show up after the interviews,  
19 do you know if they were paid?

20 A. I'm sure they are, because  
21 they only can work so many, and we do  
22 get a --- if they don't tell you to  
23 go to work, you go home, they pay us.

24 Q. Okay. Is it okay if I call  
25 you Blue?

01 A. Yeah, it would be fine. I'm  
02 more comfortable with it.

03 Q. Okay, Blue. How long have you  
04 worked at the Aracoma Alma Mine  
05 Number One?

06 A. I started July 15th of '04.

07 Q. Okay. What's your current job  
08 title?

09 A. Roof bolter.

10 Q. And what was your job on  
11 January 19th, 2006?

12 A. Roof bolter. You know,  
13 pinning tops.

14 Q. Okay. How long have you held  
15 that position?

16 A. Since I've been there. But  
17 I've done it before I got there, but  
18 since I've been there I've been a  
19 roof bolter.

20 Q. Okay. Have you held any other  
21 positions at Aracoma, other than the  
22 roof bolter?

23 A. No, sir.

24 Q. Okay. How many total years of  
25 mining experience do you have

26

01 roughly? It doesn't have to be down  
02 to the day.

03 A. About 26 years.

04 Q. That's good. Okay. Blue,

05 these next series of questions will  
06 all relate to January 19th, 2006, ---

07 A. Yes, sir.

08 Q. --- in case I forget to  
09 preface that. What shift were you  
10 scheduled to work that day?

11 A. Second shift.

12 Q. And what time did second shift  
13 start?

14 A. 2:30.

15 Q. What time did it end?

16 A. I didn't look at the watch,  
17 but once we got outside everybody  
18 said that --- you know, what time ---  
19 even when we was outside. I'm not  
20 sure.

21 Q. No, I'm sorry. On a normal  
22 day, what time would it end?

23 A. Oh, well, we'd get outside  
24 about 12:30 to 1:00. It varies, you  
25 know.

27

01 Q. Okay. On the 19th, what time  
02 did you arrive at the mine that day?

03 A. Around 2:00.

04 Q. Who was your supervisor on the  
05 19th?

06 A. Mike Plumley.

07 Q. Is that your normal



08 supervisor?  
09 A. You're talking about the  
10 section boss; ain't you?  
11 Q. Yes, sir.  
12 A. Yeah. Yes, he's our regular  
13 section boss.  
14 Q. Okay. And I think you  
15 mentioned, but what were you assigned  
16 to do that day?  
17 A. Pin top.  
18 Q. Okay. In what area of the  
19 mine were you going to work?  
20 A. Up on Two Section.  
21 Q. Two Section, okay. Is that  
22 your normal section that you're  
23 assigned to?  
24 A. Yes. That's the only section  
25 I'd be on in there.

28

01 Q. Okay. So before the 19th,  
02 when was the last time you were  
03 there?  
04 A. Before the 19th?  
05 Q. Uh-huh (yes).  
06 A. The 18th.  
07 Q. Okay. So the day before?  
08 A. Yes.  
09 Q. Okay. If you would, Blue,

10 kind of walk me through your shift,  
11 from the time you entered the mine  
12 until the time you were notified on  
13 the section that you had to evacuate.  
14 A. Well, we'd leave the box cut  
15 around 2:30, and then we just all got  
16 on the trip and headed in, which I  
17 usually lay my head down and rest or  
18 something. And we went on got to the  
19 section, everything was fine and  
20 stuff. And we got to the section,  
21 you know, all the men was there, they  
22 was talking. You know, done at their  
23 section, was there waiting on us.  
24 And we was talking, and we --- me and  
25 my buddy went to the pinner, and we

29

01 was pinning the Number One, and  
02 that's when Pat Kinser came up there  
03 and told us there was a fire. And I  
04 said what? I thought he was joking.  
05 He said, no, there's a fire.  
06 So me and my buddy went down,  
07 we was at One, we went down Number  
08 Two by the feeder, that's where our  
09 boss was on the phone. He told us to  
10 go to the mantrip, that everybody's  
11 going to go there. So we all met at  
12 the mantrip and headed down Number

13 Five entry, or intake.

14 Q. Yes, sir.

15 A. And then he done told us ---

16 he found out that the fire was at the

17 mother drive, and he said we'll go

18 down to the cribs, because there's a

19 door there. And that way if we get

20 to the mother drive, but not too far

21 either. And so we all knew where we

22 was going, we was going down, which

23 we didn't think it was a big fire.

24 You know, usually a bearing catches

25 on fire, they just smoke, and you go

30

01 around it, put it out, and you go

02 back to work. That's really what we

03 all thought.

04 And we got down there, down

05 Five, and then you got to turn back

06 to Four because of the stopping there

07 on Five. So when we got there ---

08 well, before we got there, there was

09 a little bit of smoke. You could

10 smell it, you know, not bad. And a

11 little bit of white smoke, actually.

12 And we turned towards Four, that's

13 when he set the trip off and it got

14 worse. So we got off the trip,

15 everybody did, and went to Four, and  
16 that's when you could see white  
17 smoke, and everybody hollered, put  
18 the rescuers on.

19 So that's when we put our  
20 rescuers on, and it got, you know,  
21 pretty dark, but where we was at, it  
22 was about a break and a half to the  
23 doors, where the --- you know, down  
24 below the cribs. So we was all  
25 hollering, everybody stick together

31

01 and stuff, which we did the best we  
02 could. And then when we got through  
03 the door, that's when Plumley  
04 hollered who ain't here, is everybody  
05 here? You know, make sure  
06 everybody's there, a headcount.  
07 That's when we realized the two  
08 weren't with us.

09 So I know Plumley, I believe  
10 Steve and Billy went back, because  
11 the rest of us were on the other side  
12 of the belt. They went back to the  
13 doors and hollered and hollered I  
14 don't know how long, because it  
15 seemed like time stood still, you  
16 know, when they weren't with us. And  
17 hollering and hollering, and no

18 response or nothing. And we was  
19 hoping they got in front of us and  
20 went on down, you know, scared and  
21 didn't wait on us. So they kept  
22 hollering and hollering, and you  
23 could just --- we just went on down  
24 the belt line and out by the mother  
25 drive and went --- you know, went

32

01 through a door there where, you know,  
02 it was all fresh air. That's when  
03 they told Pat to take everybody's  
04 name, for us to sit right there, you  
05 know, not to move, because they  
06 didn't want nobody else to, you know,  
07 get lost or nothing. So then Plumley  
08 and them went, you know, as far as  
09 they could, I guess, to look for  
10 those two. And that's it.

11 Q. Okay. Blue, whenever you ---  
12 you talked about going up into the  
13 section --- you said you met the  
14 section, would that --- when you talk  
15 about section, that would have been  
16 the day shift crew that you met up  
17 there?

18 A. Yeah, because we switched out  
19 up there.

20 Q. Okay. And you mentioned that  
21 Pat Kinser told you that there was a  
22 fire?

23 A. Yes.

24 Q. Who do you think told him?

25 A. I'm sure --- I'm not sure

33

01 really.

02 Q. Okay. And when he said that  
03 there was a fire, did he tell you  
04 where at that point?

05 A. No.

06 Q. Before this --- where were you  
07 at whenever he told you that,  
08 whenever Pat told you that there was  
09 a fire?

10 A. In Number One entry.

11 Q. Number One. Okay. Just so I  
12 know, whenever you talk about Number  
13 One, ---.

14 A. There's four entries when we  
15 drive from the longwall downhill, you  
16 know, the panel. You drive four  
17 entries then.

18 Q. Okay. And Number One would be  
19 on the left side?

20 A. The left side.

21 Q. Okay. And then they're  
22 numbered left to right?

23 A. Yeah, One, Two, Three, Four.

24 Q. Four would be the first on the  
25 right?

34

01 A. Yeah.

02 Q. Okay. And before you were  
03 made aware of this, did you notice  
04 anything unusual up on the Two  
05 Section that day?

06 A. No, sir.

07 Q. Did you smell anything?

08 A. No, sir.

09 Q. Okay. Do you know which way  
10 the air on your own section belt, the  
11 Two Section belt, which direction it  
12 goes?

13 A. It comes --- our intake comes  
14 up Number Four and Number Five.

15 Q. And then when it makes the  
16 turn ---?

17 A. It goes down Number Three,  
18 because we got to turn our belts in  
19 Number Two.

20 Q. Right. Does the air in the  
21 belt come toward the section?

22 A. You really can't feel no air  
23 in the belt, because it's oscillated.

24 You know, we pretty well keep it all

25 oscillated.

35

01 Q. Okay. Where's the telephone  
02 for the Two Section?

03 A. It's right at the power center  
04 where the feeder is.

05 Q. In the belt line?

06 A. Yes.

07 Q. Okay. And is there a CO alarm  
08 in that area, too?

09 A. I'm sure there are.

10 Q. Have you ever seen the CO  
11 alarm in that area go off before?

12 A. I never heard nothing go off  
13 or nothing.

14 Q. Okay. On this particular day,  
15 did you hear a CO alarm go off  
16 whenever they were talking about the  
17 fire?

18 A. No, sir.

19 Q. Did you speak to anybody on  
20 the telephone personally?

21 A. No, sir.

22 Q. Okay. And after everybody on  
23 the section was notified, what was  
24 the next move?

25 A. Got on the mantrip to, you

36

01 know, head down to the door, like I



02 said we was going to do.

03 Q. Was everybody together at that  
04 point?

05 A. Yes, sir.

06 Q. Okay. And who was kind of  
07 making the decisions on where ---  
08 what route you were going to take out  
09 of the mine?

10 A. Our superintendent, Mike, I  
11 would say, because Steve --- Steve  
12 drove, so I ---. He told Steve, you  
13 know, --- which we always take, you  
14 know, that entry, and that's how you  
15 got to go to get to the --- where he  
16 told us where we was going.

17 Q. Where did he tell you were  
18 going to go?

19 A. We was going to go through the  
20 door at the cribs.

21 Q. Why do you think that he said  
22 that that they were going to stop at  
23 that door and get into the belt line  
24 at that point, as opposed to  
25 traveling the primary escapeway the

37

01 entire way?

02 A. Well, the mother drive was on  
03 down there, and he --- I guess he ---

04 you know, that way you get by the  
05 smoke better, than going over, you  
06 know, an overcast and stuff.

07 Q. Would you expect the primary  
08 escapeway to be smoke free?

09 A. Yes.

10 Q. Then why do you think Mike was  
11 --- Mr. Plumley was so concerned  
12 about having to get out of the  
13 primary escapeway before you even  
14 started out?

15 A. I don't understand exactly  
16 what you're --- from where we ---  
17 from the intake?

18 Q. Yes.

19 A. Well, when we got down there  
20 it was smoky, that's the reason we  
21 had to feel in the dark two and a  
22 half breaks to get to the, you know,  
23 belt line.

24 Q. Right. But my question is,  
25 and what I'm understanding, we

38

01 haven't left the section yet, we're  
02 still at the mantrip. And Mr.  
03 Plumley has indicated that there may  
04 be a problem with the primary  
05 escapeway. He didn't have the  
06 confidence in his primary escapeway

07 being smoke free.

08 A. Well, I'd say the reason he  
09 done that, we had the diesel, and the  
10 intake was clear, you know, and  
11 that's our intake, and that's your  
12 primary, you know, escapeway. We  
13 went down there --- I guess he did,  
14 and that's just the primary, you  
15 know, escapeway.

16 Q. Right.

17 A. Then we got on over in the  
18 belt line, which there wasn't no  
19 smoke.

20 Q. Right. It's me, it's not you.

21 A. Yeah.

22 Q. But my question is, we haven't  
23 left the section yet, and where we're  
24 at on the mantrip, you've indicated  
25 to me that there's no smoke up on the

39

01 section yet. There's no sign or no  
02 smell.

03 A. No.

04 Q. But yet we have a discussion  
05 on the mantrip that leads us to  
06 believe that we may not be able to  
07 continue out the primary escapeway in  
08 its entirety. There's already

09 decisions and conversations being  
10 made that we don't have the  
11 confidence in our primary escapeway  
12 being smoke free.  
13 A. I don't know why he made it  
14 for. But to me, you know, there  
15 wasn't no smoke, no indication of no  
16 fire, and they got --- and I figured  
17 --- maybe he figured just a little  
18 smoke, you know. You know, we rode  
19 down in the diesel, you know, instead  
20 of walking all the way down that way.

21 Q. Yeah.

22 A. But I'm sure he had a reason.

23 Q. You don't know what that  
24 reason was?

25 A. No. He just told us to get on

40

01 the --- you know, meet at the  
02 mantrip.

03 Q. Before today --- before the  
04 19th, had you ever smelled smoke or  
05 burning rubber or anything, the odor  
06 of burning rubber coming up in the  
07 ventilating current, coming up into  
08 Two Section?

09 A. No.

10 Q. Okay. I apologize for coming  
11 back to this question, but I'm not

12 sure I'm asking it just rightly. I'm  
13 going to ask you just one more time  
14 specifically and then we'll move off  
15 of it.

16 A. Okay.

17 Q. Let's pretend like we're  
18 gathered on the mantrip, okay, and we  
19 haven't left the Two Section yet.

20 And at this point, we don't smell any  
21 smoke or see any smoke; is that  
22 correct?

23 A. Yes, sir.

24 Q. I'm understanding to that  
25 point. Okay. And is it at that

41

01 point that Mr. Plumley said we may  
02 not be able to travel the primary  
03 escapeway out in its entirety?

04 A. No, he didn't say that.

05 Q. What did he say?

06 A. He said --- well, when we got  
07 on the trip, he said, there's a fire  
08 at the mother drive. He said we're  
09 going to --- we'll go down to the  
10 cribs and go through the door there,  
11 and go around.

12 Q. Okay. So at that point he did  
13 say we may have to leave the primary

14 escapeway to get into the alternate  
15 for a period of time?

16 A. That's his full intention when  
17 we left there, to go back down to  
18 there, and then go to the belt line  
19 to get around the mother drive.

20 Q. I understand that. And that  
21 conversation took place before you  
22 left the section?

23 A. Yes. He knew where it was at.  
24 He made that --- told us to do that.  
25 I'm sorry if I messed up.

42

01 Q. It's me, Blue. It's not you.  
02 No, it's me. You were here before  
03 me. I appreciate that. Thanks.

04 A. Yes, sir.

05 Q. Okay. When you guys were on  
06 that mantrip and this discussion that  
07 we're talking about was taking place,  
08 was it all a verbal discussion, or  
09 were you guys looking at a map?

10 A. We've stopped there hundreds  
11 of times, you know. He had to go  
12 through there and fire boss those  
13 seals. And everybody was familiar,  
14 you know, up there and knew where it  
15 was at. We pass it every day, every  
16 day. And he told us, you know, where

17 we was going, and everybody knew  
18 where we was going.

19 Q. Okay. Is there an escapeway  
20 map kept on the section?

21 A. Yes. At the power center.

22 Q. Okay. And everybody would  
23 have access to that map ---

24 A. Yes.

25 Q. --- if they wanted to look at

43

01 it?

02 A. If they want to look at. We  
03 got maps in the office and --- you  
04 know, they got them hanging  
05 everywhere.

06 Q. So there's an escapeway map  
07 outside, too?

08 A. Well, they got maps out there  
09 that's got the escapeways and stuff.

10 It shows you, you know --- even on  
11 our big table out there, you know,  
12 they go over the escapeways and  
13 stuff.

14 Q. Who goes over that?

15 A. They went over it just last  
16 week, you know, Gary and them, but  
17 it's out there for everybody to see,  
18 you know. It shows you the belt

19 line, the whole layout.

20 Q. Yeah. And you say Gary, who  
21 would that be?

22 A. Gary, he's over the  
23 superintendent.

24 Q. Would that be Gary Goff?

25 A. Yes.

44

01 Q. And Gary reviewed the  
02 escapeways with y'all?

03 A. Yeah. Yeah, they did Monday.

04 Q. Okay. And that was the Monday  
05 before the accident?

06 A. No, this Monday. But they  
07 even go over it with you, even at  
08 that retraining they went over it  
09 that Saturday before this happened,  
10 the escapeways and stuff.

11 Q. I see. And this escapeway map  
12 that you're referring to now on the  
13 surface where you have this regular  
14 instruction, you said it was on the  
15 table. Is that the table where  
16 everybody congregates before they go  
17 in?

18 A. Yeah, right there at the ---  
19 where they, you know, meets there  
20 when you go underground.

21 Q. Is that the one covered with



22 the Plexiglas?

23 A. Yes.

24 Q. I know what you mean. Okay.

25 Tell me about the escapeways coming

45

01 out of Number Two Section and how

02 they're marked and distinguished.

03 A. Well, you got --- our mine

04 primary is green when you go down.

05 In the secondary it's a yellow, and

06 it's red if you're going the wrong

07 way, you know, it wants you to go

08 back. So they got them marked every

09 two breaks, you know, with

10 reflectors.

11 Q. Okay. Let's talk just a bit

12 about the primary escapeway. You're

13 telling me it's marked in green

14 reflectors?

15 A. Yes.

16 Q. So if I was on Number Two

17 Section and I was going to travel to

18 the outside, there would only be one

19 path of green reflectors that I would

20 follow?

21 A. You'd follow the green out.

22 Q. Okay. I couldn't get confused

23 then, if I would just follow that?

24 A. No.

25 Q. Then what about the alternate?

46

01 A. It's yellow.

02 Q. So there would be a path

03 of ---?

04 A. Yellow.

05 Q. Yellow.

06 A. And if you got turned around,  
07 you know it would be red, and you  
08 would know that you're going the  
09 wrong way.

10 Q. What happens if you have to  
11 make a turn?

12 A. They keep marking it.

13 Q. Okay. So if I'm coming down  
14 and all of a sudden the escapeway  
15 would turn to the left ---?

16 A. They'd have --- they usually  
17 got a sign with an arrow, and you'd  
18 mark --- you'd still mark --- you got  
19 some markers hanging from the roof.

20 Q. Okay. And you talked about  
21 the door that you guys traveled  
22 through to leave the primary to get  
23 into the alternate?

24 A. Yes, sir.

25 Q. Are those doors identified in

47

01 some manner?

02 A. I'm not --- they usually have  
03 them things hanging down that says  
04 man doors, but I'm not sure about  
05 that particular one when we went  
06 through.

07 Q. But generally, there would be  
08 some ---?

09 A. There's a thing that hangs  
10 down from the top that says man door.  
11 It reflects and stuff.

12 Q. Okay. And this escapeway map  
13 that we talk about, would these doors  
14 also be marked on the escapeway map  
15 by some type of a symbol?

16 A. I don't know.

17 Q. Do you know how often the  
18 doors are installed?

19 A. Every five breaks, I believe.  
20 I'm not sure.

21 Q. Okay.

22 A. I'm not the ventilation man,  
23 but I know it's every four or five  
24 breaks.

25 Q. Okay. So if I was at one door

48

01 and I'm thinking, well, maybe I might  
02 not want to use this one, I can

03 depend on --- I would walk five  
04 breaks or four, as you say, and I  
05 should see another one?

06 A. Yes.

07 Q. As you come out of Two Section  
08 and go down Northeast Mains, would  
09 you be aware that there's more than  
10 one entry marked with green  
11 reflectors?

12 A. Yes. I'd say they marked both  
13 sides of the entries.

14 Q. Okay. Well, which entry would  
15 I use?

16 A. You use your intake, you know,  
17 primary.

18 Q. You mean if I had two entries  
19 coming down Northeast Mains, and both  
20 of them were marked with green  
21 reflectors, which one would be my  
22 primary escapeway, the designated  
23 escapeway that I would want to stay  
24 in?

25 A. I'm not sure.

49

01 Q. If you were a new guy and you  
02 were traveling out and you saw two  
03 entries that were marked with green  
04 reflectors, and your instructions  
05 were that you had one entry and you

06 had a map that showed just one entry  
07 designated as a primary escapeway,  
08 would that confuse you?

09 A. No. If that was your main  
10 one, they'd only have the green ones  
11 in that one.

12 Q. That would be a perfect world.  
13 But what I'm describing is, if you  
14 had --- if you made the turn going  
15 out Northeast Mains and you saw that  
16 there were two separate entries, and  
17 both of them had green reflectors  
18 marked in them, and in your mind, in  
19 your training, it tells you that ---  
20 your maps that you have that you told  
21 me about on the Two Section outside,  
22 indicated only one entry mark, and  
23 then all of a sudden in reality you  
24 saw two entries marked, would you be  
25 confused?

50

01 A. I'd stay in the main one where  
02 the map shows you. If it's Number  
03 Five, you'd stay in Number Five if  
04 you came out.

05 Q. How would you know which one  
06 was the main one if both of them were  
07 marked?

08 A. I'm not sure what you're  
09 talking about really.  
10 Q. What I'm talking about is  
11 if ---.  
12 A. If they both were green, they  
13 would both be safe to go through if  
14 you got green things, because  
15 eventually they'd meet back to one  
16 entry.  
17 Q. But which one would be the  
18 primary escapeway?  
19 A. The one with the green.  
20 Q. What if both of them had  
21 green, which one would you choose?  
22 A. The one next to the stopping  
23 line.  
24 Q. Okay. That would be your  
25 choice?

51

01 A. Yeah. That way you know where  
02 to feel and stuff.  
03 Q. Okay. Before this accident,  
04 this map that you described in the  
05 waiting room where miners normally  
06 congregate, did you ever have  
07 occasion to review that map?  
08 A. I look at it on occasion.  
09 Q. And that's a good idea.  
10 A. Thank you.

11 Q. Is there any other areas that  
12 you would --- that all the miners in  
13 the mine would have an opportunity to  
14 go through on the normal day, a  
15 regular basis to look at maps?

16 A. They got maps upstairs you can  
17 go look any time you want to look,  
18 you know, hanging on the wall and  
19 stuff.

20 Q. Would that be routine for all  
21 the miners to go up into that area?

22 A. It ain't routine, but we  
23 usually go upstairs and downstairs.

24 Q. Which one would you depend on,  
25 on a normal day? The one upstairs or

52

01 the one in the downstairs area?

02 A. Well, the downstairs area is  
03 the one I look at, because I'm on Two  
04 Section, and I know we keep driving  
05 towards that. They update it. I  
06 don't know how often they do.

07 Q. Did you ever participate in an  
08 escapeway drill?

09 A. Yes.

10 Q. While you were working on Two  
11 Section?

12 A. Yes.

13 Q. And describe that for me just  
14 a little bit.

15 A. Well, it's a three-way. We  
16 started there and went out the intake  
17 by the fan and the overcast and  
18 everything.

19 Q. We're going to do a little map  
20 work here in just a minute, but just  
21 for the sake of this question, this  
22 map that we have behind me, that ---  
23 it's just a selected portion of the  
24 mine, it's obviously not the entire  
25 coal mine, and it begins just a

53

01 little bit in the North Mains it's  
02 just a few blocks outby Northeast  
03 Mains, and then it captures the front  
04 part of the longwall section and  
05 continues up Northeast Mains up into  
06 the Two Section.

07 A. Yes, sir.

08 Q. Is the three-way shown on  
09 here?

10 A. No, sir.

11 Q. Okay. Just for the sake of  
12 the record, the map has approximately  
13 18 crosscuts in the North Mains  
14 before it intersects with Northeast  
15 Mains. And Blue has indicated that



16 with that limited portion of the map,  
17 that the three-way is not indicated  
18 on this particular map.

19 A. Yes, sir.

20 Q. How much further would you  
21 have to go to get to the three-way  
22 from where my map's cut off? And you  
23 can see, just for your orientation  
24 just about ten blocks from the bottom  
25 of the map is where that cut-through,

54

01 that Number Two cut-through comes  
02 from North Mains to intersect with  
03 the current mine headgate, longwall  
04 section.

05 A. Yes, sir.

06 Q. So if you can proffer a guess,  
07 how from that point would it be to  
08 the three-way?

09 A. I have no idea.

10 Q. A long way?

11 A. No, not too long, I don't  
12 reckon. You know, guessing --- I  
13 don't know how many breaks.

14 Q. And when you talk about this  
15 escapeway drill, how did you get to  
16 the three-way to begin the drill?

17 A. Well, we've walked it all

18 before, you know, but --- you know,  
19 not all at one time.

20 Q. But on this drill that we're  
21 talking about right now.

22 A. We rode a trip down in there,  
23 then he wanted to show us how to get  
24 out from there, you know.

25 Q. From the three-way?

55

01 A. Three-way, yeah.

02 Q. Okay. And can you ride your  
03 trip from Two Section and stay in the  
04 primary escapeway the entire way to  
05 three-way?

06 A. You can ride it all the way  
07 outside.

08 Q. But does it stay in the  
09 primary escapeway from Two Section to  
10 the three-way?

11 A. Yeah.

12 Q. Can the mantrip go overtop of  
13 overcasts and stuff like that?

14 A. Oh, no, I'm talking about the  
15 --- they got intake, but until you  
16 get to three-way --- you can ride it  
17 to the three-way, then you can't go  
18 out your primary.

19 Q. No, what I'm talking about, as  
20 you come out Northeast Mains ---.

21 A. You can ride ---.

22 Q. You're in the intake, I  
23 understand.

24 A. Yeah.

25 Q. But is that the primary

56

01 escapeway that you're traveling in?

02 A. Yes.

03 Q. Doesn't the primary escapeway  
04 go over some overcast to get around  
05 this ---?

06 A. Yeah, we have those doors  
07 there at the mother drive, and ---  
08 you know, we got four sets of doors  
09 there we go through.

10 Q. Does the primary escapeway go  
11 through those doors?

12 A. No. The primary don't, but  
13 that's the way we go, you know.

14 Q. That's what I'm understanding.

15 A. You got to go over those  
16 overcasts, you know, the primary.

17 Q. Okay. So as you're riding out  
18 of the section on your diesel mantrip  
19 to get to the three-way, there's a  
20 period of time that you're not in the  
21 primary escapeway, because you're  
22 traveling through these doors.

23 A. Yes.

24 Q. And the primary escapeway

25 would ---.

57

01 A. It's over the overcast, yeah.

02 Q. Yeah. And you couldn't ride

03 that diesel mantrip over an overcast?

04 A. No.

05 Q. Let's just take a short break,

06 if that's okay.

07 A. That's fine with me.

08 SHORT BREAK TAKEN

09 BY MR. MURRAY:

10 Q. Okay. Blue, let's --- if you

11 don't care, come on up to the map

12 here for a second. And we'll kind of

13 talk about some of the things that

14 we've already talked about. Just to

15 give you some orientation, and to

16 make you familiar with what piece of

17 the map we're talking about, I'll

18 give you some known landmarks that we

19 already know. And it may help you.

20 This is the seal.

21 A. Yes, sir.

22 Q. And I'm circling the seal

23 that's inby survey station 3265, and

24 I'll label it as a seal. Have you

25 had occasion to see water dripping

01 out from the borehole along the

02 intake?

03 A. I've seen water run across the

04 roadway, but I've never been over to

05 the seal.

06 Q. Okay. What about in the

07 intake, water coming out of the roof

08 at any location?

09 A. No, sir.

10 Q. Sir, right in here is maybe an

11 eight-inch borehole that goes to the

12 surface, ---

13 A. Yes, sir.

14 Q. --- and there's a little bit

15 of water that drips in. I thought

16 maybe you might have seen that.

17 A. I've seen that and beer cans

18 down there.

19 Q. Beer cans?

20 A. People drop down.

21 Q. From the surface?

22 A. Yeah.

23 Q. What kind of beer cans are

24 they?

25 A. Not mine.

01 Q. We're talking about the same

02 place, that's where that is?

03 A. Yeah, I know where it's at.

04 Q. Okay. So I'll label that

05 borehole, and that's just to the

06 right of survey station 3233, which

07 is in the Number Four entry of

08 Northeast Mains. That's the

09 borehole. What we've located up here

10 --- here's the location of where

11 y'all parked the mantrip on that

12 particular night.

13 A. Yes, sir.

14 Q. And that's located in the

15 Number Four entry of Northeast Mains,

16 it's survey station 3546.

17 A. Yes, sir.

18 Q. Okay. And how we know that,

19 we've been underground, so we've seen

20 where that mantrip's at, and that's

21 where it's at, and it's still there.

22 A. Yes, sir.

23 Q. And just two blocks inby that

24 --- or I'm sorry, two blocks outby

25 that, at survey station 3228 in

01 Number Four entry's Northeast Mains

02 is where those cribs are setting.

03 A. Yes, sir.

04 Q. Where you could still walk

05 through the center of the entry, but  
06 the cribs are set on either line or  
07 rib.

08 A. Yes, sir.

09 Q. So that's that, and that's the  
10 facts. That's known information?

11 A. Yes, sir.

12 Q. So up in here is the Two  
13 Section, and we talked earlier, you  
14 said that the entries up in the Two  
15 Section are numbered from Left to  
16 Right, One, Two, Three, Four?

17 A. Yes, sir.

18 Q. Okay. And in the Northeast  
19 Mains, we also talked about the  
20 entries, and are they also numbered  
21 Left to Right and One, Two, Three,  
22 Four, Five?

23 A. Yes, sir.

24 Q. Okay. So the belt line in the  
25 Northeast Mains, as we're looking at

61

01 it, would be in the Number Three  
02 entry?

03 A. Yes, sir.

04 Q. And the Number Four entry  
05 would be the intake that's separated  
06 from the belt?

07 A. Yes, sir.

08 Q. Okay. Could you point and  
09 show me where your mantrip was parked  
10 whenever you got to the section?

11 A. When we got to the section, we  
12 bring it up sometimes --- you know,  
13 we got Four, Five --- Four and Five.

14 Q. Okay.

15 A. You got two intakes there.

16 Q. Yes, sir.

17 A. We usually come up Five and  
18 just go down a little bit and park  
19 it, maybe a break, or --- you know,  
20 you can't get it too close up here.

21 Q. Yes, sir.

22 A. And we got off and was talking  
23 to people, and then --- well, you  
24 want to know when the fire started;  
25 right?

62

01 Q. Yeah, whenever you guys ---.

02 A. Well, we just got on it to  
03 take off. The trip was, you know, in  
04 this area. We got on it and went  
05 down Number Five.

06 Q. Okay. Where did you get on it  
07 at whenever you started out in a  
08 section?

09 A. I honestly don't remember



10 which break.

11 Q. Okay. Just close. That's  
12 fine.

13 A. It's close --- you know, it  
14 was down the hill of the section.

15 Q. Okay. Just for your  
16 knowledge, this is where the section  
17 tailpiece would be.

18 A. I take it --- we was right  
19 even with the Number Five, because I  
20 remember we take --- you know, the  
21 trip was heading towards the outside.

22 Q. Okay. I'm going to draw the  
23 section tailpiece. And the section  
24 tailpiece is being drawn at the end  
25 of the Number Two Section belt, as

63

01 it's indicated with the brown line on  
02 the mine map in the Number Two entry  
03 of Two Section. Okay. Now, that  
04 helped me. What you just said is in  
05 the Number Five entry of Northeast  
06 Main, which would be right here.

07 A. Yes, sir.

08 Q. Okay. So the Number Five  
09 entry that lines up with the Number  
10 Three entry coming out of Two Section  
11 would be indicated at the

12 intersection of survey station number  
13 4228; is that correct?

14 A. Yes.

15 Q. So I'm going to put your  
16 mantrip right here, in that  
17 intersection of 4228. Okay?

18 A. Yes, sir.

19 Q. Now, if you would, bring me  
20 from this location to this location  
21 to the best of your ability.

22 A. We just went down, like I  
23 said, Number Five, and all the way  
24 down to Five, and I guess when we  
25 started turning up.

64

01 Q. Okay. So you stayed in Number  
02 Five entry?

03 A. All the way down.

04 Q. Okay. So you began your trip  
05 in the Number Five entry at survey  
06 station 4228, and you continued outby  
07 in the Number Five entry of Northeast  
08 Mains the entire way until you got to  
09 survey station number 3547 ---

10 A. Yes, sir.

11 Q. --- of Northeast Mains. And  
12 at that point, you made a right-hand  
13 turn to go toward the Number Four  
14 entry of Northeast Mains and you

15 ended up parking your mantrip at  
16 survey station 3546 of Northeast  
17 Mains?

18 A. Yes, sir.

19 Q. Thank you, that was easy.

20 A. He said thank you, that's  
21 easy.

22 Q. I say thank you often, because  
23 I appreciate what you're doing for  
24 me. I appreciate what you're doing  
25 for me. You're doing a good job,

65

01 too, you really are.

02 Tell me about your trip in the  
03 Number Five entry. When you started  
04 out --- we talked earlier when you  
05 were sitting at the table that as you  
06 started out, you didn't have any  
07 indication of smoke by either sight  
08 or smell. At what location in your  
09 trip did you first encounter, either  
10 visually or through smell any signs  
11 of smoke?

12 A. Well, let's see. I'm thinking  
13 about a break and a half when we got  
14 that there, maybe two breaks you  
15 could smell just a little bit of ---  
16 you know, you could smell rubber or

17 something. Just the smell, --- smoke  
18 is what it was.

19 Q. Okay.

20 A. You could smell smoke. And  
21 then you got a little white --- you  
22 know, it was white like, and you  
23 could still see plain, but then when  
24 we turned up, that's when it got, you  
25 know, worse and that. That's when we

66

01 turned the trip off.

02 Q. Okay.

03 A. And we got off, and they  
04 hollered put your rescuers on, and  
05 everybody was hollering stay together  
06 and stuff. That's when we put our  
07 rescuers on, and by the time we got  
08 them on, the black smoke had come up  
09 on us. And then you just couldn't  
10 see then.

11 Q. Okay. So I'm going to mark it  
12 on the map --- you said about two  
13 blocks before you made the turn?

14 A. I'm figuring two blocks.

15 Q. That's close. Yeah, I know  
16 it's tough, but whatever you can  
17 remember, that's fine.

18 A. Yeah.

19 Q. That's fine. I know you're

20 doing the best you can. I know  
21 you're being very honest with me. So  
22 for the sake of this map so we're  
23 talking about the same thing, two  
24 blocks before you made the turn would  
25 be at survey station 3566 in the

67

01 Number Five entry?

02 A. Yes, sir.

03 Q. So I'm going to mark right  
04 here, and just come out and say first  
05 sign of smoke. And describe whether  
06 it was smell or visible.

07 A. It was --- you could smell it,  
08 and it was visible because it was  
09 white like.

10 Q. What did you smell?

11 A. It just smelled smoke, you  
12 know.

13 Q. Okay. Smell smoke and visible  
14 --- what did you see?

15 A. It was a white mist coming at  
16 you.

17 Q. White mist, okay. How far  
18 could you see?

19 A. You could see still to drive  
20 and stuff real good.

21 Q. Okay. We talked about

22 reflectors earlier, okay. At this  
23 location, could you still see  
24 reflectors hanging?

25 A. I imagine you could. I wasn't

68

01 looking. I was on the mantrip still.

02 Q. I mean, but if you were

03 walking and there were reflectors,

04 could you see them in this location?

05 A. I'm sure you could.

06 Q. Okay. So the visibility

07 wasn't yet so clouded that you

08 couldn't see reflectors hanging in

09 the escapeway ---

10 A. No.

11 Q. --- if they were there?

12 A. No. You could still see.

13 Q. Okay. Now, when you make the

14 right-hand turn, describe the

15 difference for me in where you first

16 encountered the change in this

17 visibility and ---.

18 A. Well, as we was making the

19 turn, you could see it getting thick.

20 Q. Okay. You know, you could

21 still see, but it got where he was up

22 front, Steve, so he turned the motor

23 off and that's as far as we can see

24 to drive the trip. And that's when

25 we all got off, and they hollered put

69

01 your rescuers on. We was getting  
02 those on, and by the time we got them  
03 on, it was, you know, black. You  
04 couldn't see.

05 Q. Okay. So now, when you make  
06 this turn here --- let me put a dot  
07 here, the visibility, what would you  
08 describe it in your own words?

09 A. When we first got off the  
10 trip, you could still --- you  
11 couldn't see far ahead of it, but you  
12 could see what you was doing to get  
13 your rescuers on. By the time we got  
14 the rescuers on, it was black.

15 Q. Black. And how far do you  
16 think you could see, if you had to  
17 put distance to it?

18 A. You couldn't see, you had to  
19 feel the ribs.

20 Q. You couldn't even see your  
21 hand in front of your face?

22 A. No, by the time we got the  
23 rescuers on and got ready, you  
24 couldn't see a thing.

25 Q. You couldn't see your hand in

70

01 front of your face?

02 A. No, sir.

03 Q. And let me ask you this. At  
04 this location, let's assume there  
05 were green markers. Do you think you  
06 could see them?

07 A. No.

08 Q. Okay. We're now here and  
09 whenever you get to this point who  
10 said let's put the self-rescuers on?

11 A. I'm not sure who hollered it,  
12 but they was hollering to put the  
13 rescuers on.

14 Q. Okay. Did anybody along the  
15 way, when you were at Number Five  
16 entry, and you first encountered any  
17 of this visible dust, or I'm sorry  
18 visible smoke, did anybody kind of  
19 say there that that might be the time  
20 to put the self-rescuers on? Was  
21 there any conversation about  
22 self-rescuers in this entry?

23 A. I didn't hear anything.

24 Q. Okay. So this is the first  
25 time that people talked about putting

71

01 self-rescuers on?

02 A. That I heard.

03 Q. Okay. Now, tell me about your



04 own personal experience with putting  
05 your self-rescuer on. Did you have  
06 any problems?

07 A. I got down on my knees, a lot  
08 of them did --- you know, everybody  
09 done it different, and I popped mine,  
10 and it was just --- it was different.  
11 I never did put one on when it was  
12 really happening to you, you know,  
13 which they luckily that Saturday  
14 before that, they put us in a room in  
15 the dark and done that, and they  
16 showed us how to do it different.

17 Q. Was that training helpful?

18 A. Yes, it was helpful, because,  
19 you know, you had more of a feel of  
20 it. You just pulled them open and  
21 that sucker just flies apart. You  
22 know, just put your mouthpiece, nose  
23 --- my nose runs a lot, though.

24 Q. Did you put your goggles on,  
25 too?

72

01 A. I dropped my goggles. And I  
02 didn't have none on to protect me.

03 Q. Could you find them? Did you  
04 see them, I mean, I guess?

05 A. They dropped, and I was

06 feeling for them, that's when  
07 somebody grabbed me, and said, let's  
08 go. I had my safety glasses on,  
09 which that helped me, I believe, to  
10 keep my eyes burning. I didn't have  
11 mine own, because they dropped and  
12 ---. It's a different world when  
13 you're doing this for real than  
14 practicing.

15 Q. What about your nose clips?

16 A. Yes, I had them on, but they  
17 --- my nose runs. It was sliding  
18 off. I had to keep putting them on.

19 Q. You mean running from the  
20 inside or sweating from the outside?

21 A. Probably sweating. I just ---.

22 Q. That's understandable.

23 A. The rescuers save your life, I  
24 know that.

25 Q. Did you hear anybody else in

73

01 the group talking about difficulties  
02 with putting their self-rescuers on?

03 A. Elvis said --- he said, how do  
04 you get this on. But you got to know  
05 Elvis. He jokes. He joked  
06 regardless, you know. I think he got  
07 his on before I did, I think, because  
08 he beat me going --- you know, he was

09 in front of us, never could find him.

10 Q. Elvis, Mr. Hatfield?

11 A. Mr. Hatfield.

12 Q. Okay.

13 A. But Elvis, you had to meet  
14 him, bad times, good times, he always  
15 had something funny to say.

16 Q. I know guys like that. What  
17 about Mr. Bragg, did you hear him at  
18 any time?

19 A. Honestly, we got out of the  
20 trip, three of us on this side and  
21 Bragg was on the opposite side of me,  
22 I never did see Bragg.

23 Q. When was the last time you did  
24 see Bragg?

25 A. When we all got on the trip

74

01 sitting there talking, we was coming  
02 out. You know, he was on the  
03 opposite side.

04 Q. Up on the section?

05 A. Yeah.

06 Q. Okay. What about Mr.  
07 Hatfield, when's the last time you  
08 saw him?

09 A. When we all three --- well, I  
10 was riding on here. It was my

11 nephew, Billy --- no, Elvis is here,  
12 Billy in the middle, me on the end.  
13 And Billy got off first, and then  
14 Elvis probably got out at the same  
15 time. I don't remember exact. But  
16 we was up there, all three of us  
17 putting the rescuers on at the same  
18 time. And he was in front, and then  
19 Billy, then me, and like I said, I  
20 got down on my knees to put mine on.  
21 And by the time I got up, they done  
22 gone, and that's when somebody, you  
23 know, grabbed me, because I was  
24 trying to get my stupid glasses, you  
25 know.

75

01 Q. The goggles?

02 A. My goggles, yeah. I was  
03 trying to feel to get them. That's  
04 when --- after I found out --- after  
05 I got to belt line, it was Plumley  
06 that grabbed me and said we got to  
07 go, because he brought the rear-end  
08 up, back end up.

09 Q. After you had your mouthpiece  
10 in, were you able to talk, or if you  
11 wanted to communicate ---?

12 A. Not in that smoke you  
13 couldn't, because if you take it out

14 --- they always taught you, you can't  
15 take it out or you get that in your  
16 lungs and that, and that would be it.

17 Q. All right. Can you talk with  
18 those things in?

19 A. We kind of mumbled around a  
20 lot, because everybody was (makes  
21 sound). I know I was mumbling.

22 Q. You talked about one of the  
23 guys grabbing you and kind of said  
24 let's go, pulled you along. Do you  
25 think if there would have been a

76

01 lifeline in that primary escapeway  
02 that that would have assisted you  
03 guys in finding your way out?

04 A. I really can't say.

05 Q. Do you know what I mean by  
06 lifeline?

07 A. I know what you're talking  
08 about. You hold onto a line that'll  
09 take you all the way out. I know  
10 what you're talking about.

11 Q. Do you think that would have  
12 benefited y'all in that smoke?

13 A. I couldn't say. It couldn't  
14 hurt anything.

15 Q. Sure. Okay. Take me into the

16 belt entry now. We're all in front  
17 of the --- here's the mantrip. We're  
18 all at the mantrip and ---?  
19 A. We got our rescuers on. Well,  
20 like I said, you had to --- we was  
21 feeling the ribs, which ---.  
22 Q. Which rib was it?  
23 A. Your right rib going out.  
24 Q. Okay.  
25 A. Like I said, Plumley had to

77

01 --- I didn't know it was him at the  
02 time, and we was all feeling, you  
03 know. And it seemed to be like ---  
04 I'm not a hundred percent, but I  
05 could like see the rib, and I'm just  
06 thinking I did, but I'm not sure what  
07 I did. Okay. But we was feeling the  
08 ribs, and then we --- like I said, we  
09 got to the cribs, which they was  
10 luckily --- you know, the good thing  
11 with cribs, was cribs and ribs, you  
12 know. Cribs and that. But you've  
13 seen it.  
14 Q. Absolutely.  
15 A. And when I got to this break  
16 here where the door is, now, I could  
17 see back in there --- a lot of people  
18 said they couldn't, but I could just

19 see the light as plain as day back  
20 there where, you know, someone had  
21 already made it.  
22 Q. I'm going to take us down past  
23 those cribs. We're traveling outby  
24 in the Number Four entry toward those  
25 cribs, which were installed at the

78

01 intersection of 3228. Then we  
02 continue one more block, and do you  
03 want to point out the location of  
04 that door, and I'll mark it ---.

05 A. You said right here is the  
06 crib?

07 Q. Yes.

08 A. The door --- the cribs were in  
09 this intersection here. No, here's  
10 the intersection you were talking  
11 about; right?

12 Q. Yes, sir.

13 A. The crib --- the door would be  
14 in this entry right here, the next  
15 one down.

16 Q. Okay. And this brown line on  
17 the map ---

18 A. Is the belt line.

19 Q. --- is the belt line; correct?

20 A. Yes.

21 Q. Okay. So I'm going to put the  
22 door in this stopping that you talked  
23 about before you get to the belt  
24 line. Could you remember which way  
25 the door opened?

79

01 A. I'm thinking out, but I  
02 couldn't say. I'm not sure.

03 Q. Okay. You're thinking out  
04 toward the primary escapeway?

05 A. I'm thinking, but like I said,  
06 I'm not sure. I'm guessing.

07 Q. No, that's fine. We'll just  
08 mark it in. And here's the ---.  
09 Okay. When you guys entered that  
10 door into that belt line, did it feel  
11 like the air was coming towards you,  
12 or did it feel like the smoke was  
13 following you into the door?

14 A. I don't know. I never paid no  
15 attention.

16 Q. What was the atmosphere inside  
17 the belt line once you got inside  
18 there, was it still smoky?

19 A. No, it was clear in there. We  
20 even took the rescuers --- took the  
21 mouthpiece off, because we started  
22 hollering for them, hoping that, you  
23 know, they done went through the



24 door.

25 Q. Okay. So when y'all --- you

80

01 come down here ---. I did mess up.

02 I'm going to put an X --- I marked

03 the door in the wrong place. I'm

04 going to put an X over the door that

05 I've marked inby survey station 3233.

06 It should have been marked in the

07 stopping one block inby. And that

08 would be just adjacent to survey

09 station 3230 at the belt entry. That

10 was my mistake. Sorry about that.

11 A. Well, that's all right.

12 Q. Okay. So I'm going to take

13 you through that door, then. And now

14 we're inside the belt line at survey

15 station 3230 on the 48-inch belt.

16 And at this location, is that where

17 you removed your mouthpiece?

18 A. Yeah. After we got in there,

19 it was clear, and you could, you

20 know, tell there was no smoke, and

21 that's when we all --- well, I took

22 them out, and they would take them

23 out and put them back in, they was

24 hollering that hopefully, you know,

25 them two had done went ---.

01 Q. Okay. At what location did  
02 you realize that Mr. Bragg and Mr.  
03 Hatfield weren't with the group?

04 A. As soon as we got through  
05 those doors. That's when Plumley had  
06 us --- you know, made us count,  
07 seeing who was there and who wasn't.  
08 And that's when he realized those two  
09 were missing.

10 Q. Okay. And then you said  
11 somebody came back through the door  
12 to go back into the Number Four  
13 entry?

14 A. Plumley and Steve and Billy, I  
15 believe, them three, went over to the  
16 door and opened it, and hollered and  
17 hollered, and I don't know how long.  
18 It just seemed like time stood still  
19 right there to me, you know.

20 Q. Did they have to take their  
21 mouthpiece out to holler, or do you  
22 know?

23 A. I guess. I guess they did.  
24 What they probably done, and I'm not  
25 --- well, when they opened the door,

01 I'd say, you know, it's cleared. I  
02 guess the intake was taking the smoke

03 straight down that, you know, main  
04 intake. And they was hollering ---  
05 hollering at them. I say, they  
06 opened the door and was just  
07 hollering. You know, you couldn't  
08 went over in there and took it out,  
09 you know, or you couldn't have taken  
10 your mouthpiece out.

11 Q. When you talked about when you  
12 first exited the mantrip at this  
13 location, the survey station 3526,  
14 you mentioned that Mr. Hatfield had  
15 got in front of you and had his  
16 self-rescuer on first. Did you know  
17 where he went after that point?

18 A. No, I don't.

19 Q. Did you have a gas detector  
20 with you on that particular day?

21 A. No. My buddy carries one.  
22 Well, a spotter is what he had.

23 Q. Okay.

24 A. No, that ain't the one that  
25 goes off that you're talking about.

83

01 Our boss has one.

02 Q. Was his going off?

03 A. No.

04 Q. You didn't hear anything going

05 off?

06 A. No.

07 Q. Did you hear any alarms going  
08 off, whether it be a gas detector or  
09 a CO alarm along the belt line  
10 anywhere, did you hear noises at all?

11 A. I heard nothing going off.

12 Q. Do you have any idea of what  
13 time it was whenever you guys pulled  
14 out of here?

15 A. No. When we got outside, I  
16 heard people saying 5:30, but I don't  
17 know. I never looked at my watch.

18 Q. Do you have any idea what time  
19 it was whenever you were first  
20 notified up here?

21 A. No, sir.

22 Q. Okay. Just based on your  
23 knowledge and understanding, you're  
24 traveling in and out of there every  
25 day. How long do you think it would

84

01 take to drive from here to --- from  
02 where the section mantrip was parked  
03 at survey station 4228 until where  
04 you left it at survey station 3546?

05 A. I honestly don't know.

06 Q. It would be about 24 blocks.

07 A. That diesel goes pretty

08 decent, but I'd be afraid to guess,  
09 because I honestly wouldn't know.  
10 Q. That's fine. When the crew  
11 went in through the door, do you know  
12 if it got closed behind you after  
13 everybody was inside?

14 A. I don't know.

15 Q. What about after Mr. Plumley  
16 and Billy and whoever went back out  
17 into the Number Four entry to yell  
18 for those folks, when they went back  
19 --- they come back to rejoin the  
20 group, do you know if they closed it  
21 behind them?

22 A. I don't know. But it's got  
23 springs on it. It automatically  
24 shuts itself. I don't know whether  
25 it did or not.

85

01 Q. Okay. Now, we're inside here.  
02 Take me on out.

03 A. We went inside, and like I  
04 said, we waited around.

05 Q. Okay.

06 A. And as we was going down  
07 through here we kept hollering and  
08 hollering.

09 Q. Did you have your self-rescuer

10 on now?

11 A. In there it was clear. I took  
12 mine off.

13 Q. Okay. Is it still on your  
14 body?

15 A. Yes, just the mouthpiece.

16 Q. Okay.

17 A. And we went all the way down  
18 over your overcast, and --- you know,  
19 all the way down under then with the  
20 belt.

21 Q. Okay.

22 A. But we came out at top of the  
23 hill, but I can't exactly tell you  
24 where. It was one of these entries.

25 Q. Okay. You say top of the

86

01 hill, top of the hill of North Mains?

02 A. Yes, getting on the belt line.

03 On the other side of the mother drive  
04 there.

05 Q. Okay. So would be in one of  
06 these two doors that would line up  
07 with North Mains.

08 A. See, this is your mother drive  
09 --- or where's the belt and mother  
10 drive?

11 Q. This is the belt coming out of  
12 the longwall. This is the mother

13 drive. This is the 72-inch belt.

14 A. Yeah.

15 Q. And then here's the

16 48-inch ---.

17 A. We may have come out in this

18 area first, because we was outby the

19 mother drive. I just --- to be

20 honest, I'm not for sure.

21 Q. Okay. This will bring us

22 outby.

23 A. Right.

24 Q. We're traveling outby the

25 48-inch belt.

87

01 A. Yeah, we got out in this area,

02 I'm pretty sure, because --- yeah,

03 because we walked down this entry to

04 the cut-through.

05 Q. Okay. This is the longwall

06 section?

07 A. Yeah. Oh, that they're

08 cutting --- okay, yeah.

09 Q. This is the North Mains.

10 A. Yeah, I've seen that, because

11 I was thinking the belt line.

12 Q. Yeah.

13 A. Yeah, we was down in this

14 area.

15 Q. Okay.

16 A. I'm sorry.

17 Q. No, that's fine. So I'm going  
18 to bring us all the way out in the  
19 48-inch belt to the North Mains, and  
20 you exited the 48-inch belt into the  
21 North Mains from a door?

22 A. Yes, sir.

23 Q. Through a door?

24 A. Through a door.

25 Q. And which door do you think

88

01 that would be? This is the Four  
02 entry, this is the Five entry of  
03 North Mains, and it would have been  
04 one of those entries?

05 A. Yeah, it would be in the entry  
06 with the door in it.

07 MR. MURRAY:

08 Okay. So Blue has  
09 indicated that it would be in  
10 the entry, in the Number Five  
11 entry of North Mains, and they  
12 would exit at survey station  
13 2859 of the belt entry, travel  
14 through the door into the  
15 North Mains, and they would  
16 arrive at the intersection of  
17 survey station 2855.



18 BY MR. MURRAY:

19 Q. Is that correct, Blue?

20 A. Yes, sir.

21 Q. Okay. Now what?

22 A. We got here, Mike told us all

23 to sit there, and Pat took all our

24 names down and told us to stay right

25 there, not to scatter, not to go

89

01 nowhere.

02 Q. Who's Pat?

03 A. He's the boss, but I'm not

04 sure what he was doing there. You

05 know, he was section boss, but his

06 section wasn't running the day he was

07 up there. Calloway.

08 Q. Pat Calloway, okay.

09 A. And he took all our names.

10 And Mike and Steve went --- I'm not

11 sure where they went to try to get

12 --- holler for Bragg. I mean, you

13 know, kind of look for him. And we

14 stayed right here.

15 Q. Okay.

16 A. And then, they got all our

17 names and stuff, and then finally

18 they did come back, so we went down

19 here, this cut-through into the

20 longwall and got a bunch of extra ---  
21 they had a lot of, you know,  
22 rescuers.  
23 Q. Self-rescuers?  
24 A. Self-rescuers. We went down  
25 and got those, you know.

90

01 Q. Okay. So we're traveling  
02 straight down the Number ---.  
03 A. I'm saying Five, it may have  
04 been Six. I ain't 100 percent sure.  
05 Q. But in any event, we're  
06 traveling down to the longwall cut-  
07 through?  
08 A. Yeah.  
09 Q. In the North Mains?  
10 A. Yeah.  
11 Q. And then when we get to the  
12 longwall cut-through, did you travel  
13 in the middle entry through these two  
14 doors?  
15 A. Yeah. We went through two  
16 doors.  
17 Q. Okay. So we traveled into the  
18 --- through the longwall cut-through  
19 through the two doors in the middle  
20 entry, and when you get into the  
21 longwall headgate section, do you  
22 remember each entry you chose to

23 travel to the longwall face. And  
24 we'll say that these are numbered in  
25 the same manner that you number ---

91

01 after you was in Two Section, One,  
02 Two, Three, Four from Left to Right  
03 to Number One entry would have the  
04 belt conveyor in.

05 A. I'm trying to think.

06 Q. Well, whenever you come over  
07 here, did you walk the belt in?

08 A. No. We went down into it when  
09 we come over. That was their belt,  
10 and I've never been on the longwall  
11 the way it's set up.

12 Q. Okay.

13 A. We got to the tailpiece, and  
14 they had some rescuers in that area.

15 Q. Okay. So you traveled one of  
16 these entries other than the belt  
17 entry to the face.

18 A. Yeah.

19 Q. Well, just pick one. Do you  
20 think it was in the entry right next  
21 to the ---?

22 A. I'm not good at picking. It  
23 would be either Two --- it was either  
24 Two or Three.

25 Q. Okay. That's fine. That'll

92

01 get us there.

02 Q. So it's either in ---

03 A. Two or Three.

04 Q. --- Two or Three. And I'll

05 just mark both of them.

06 A. That's even better. You can't

07 lose this way.

08 Q. No, you can't. Now, when we

09 get up into here --- I don't have the

10 face showing on here.

11 A. We went through, and didn't

12 get to see the belt, the other stuff

13 that goes to the belt, the crush, or

14 whatever they call it.

15 Q. Stage loader?

16 A. Stage loader, whatever. We

17 went inside of it, and the rescuers

18 were down there.

19 Q. Did you have to go onto

20 longwall face to get these self-

21 rescuers?

22 A. Not at the face, right at the

23 --- where that thing is.

24 Q. Where the pan line would dump

25 onto the bumper conveyor?

93

01 A. Yes.

02 Q. Okay. So you're actually in  
03 the belt entry, in the Number One  
04 entry now?

05 A. Yeah.

06 Q. Okay. What did you see there?  
07 Did you see any smoke coming up that  
08 longwall belt?

09 A. No, there wasn't no smoke at  
10 all down there.

11 Q. Did you have your self-rescuer  
12 on?

13 A. I had it on but didn't have it  
14 in my mouth.

15 Q. So you didn't smell any smoke?

16 A. No.

17 Q. Could you tell which way the  
18 air was coming?

19 A. I didn't pay no attention.

20 Q. Okay. And what did you get up  
21 there? What did you get?

22 A. I got probably 12 or 14  
23 rescuers back up here to the cut-  
24 through.

25 Q. As you were walking from this

94

01 cut-through up into the face, did you  
02 have to travel through any curtains,  
03 or was it just a straight shot?

04 A. A straight shot.

05 Q. Okay. Now, that you have  
06 these self-rescuers, where are you  
07 going to go now?

08 A. We came back up, and we left  
09 them here, because Dusty and them was  
10 in there. You know, trying to figure  
11 out a way to maybe do something,  
12 maybe look for the men. I'm not sure  
13 what they was doing.

14 Q. Who's Dusty?

15 A. He's the section mine foreman  
16 for the day shift.

17 Q. Do you know his last name?

18 A. Dodson.

19 Q. Okay. Saw after we got the  
20 self-rescuers, we're just going to  
21 retrace our steps in one of these  
22 entries, outby in the Nine headgate,  
23 longwall entries back to the Number  
24 Two cut-through.

25 A. Well, we brought them over,

01 right in here, and that's when they  
02 come and got us and told us we got to  
03 go outside the mines.

04 Q. Okay. So did you walk back  
05 through the ---?

06 A. Back through the doors and

07 stuff.

08 Q. Okay. The same way you came  
09 in?

10 A. Yeah.

11 Q. And you got back into the  
12 North Mains, and what did you do once  
13 you got back into the North Mains?

14 A. Well, they called --- that  
15 list they had, they made sure our  
16 name --- they called the list and we  
17 had to answer, then they loaded us up  
18 on the mantrip. And then they  
19 brought us outside.

20 Q. Okay. Which entry does the  
21 mantrip travel, do you know?

22 A. Well, they can --- you can  
23 travel Two entry, you know, next to  
24 the six-foot --- you know, next to  
25 the stop line or the next one over

96

01 and switch them there, you know.

02 Q. Okay.

03 A. I believe we went all the way  
04 down by the stop line, because they  
05 got it all, you know, the road mined  
06 out and stuff.

07 Q. Okay. You got on the mantrip  
08 and you traveled outby in the Number

09 Four entry to the North Mains and  
10 then continued to the outside?  
11 A. Continued to the outside.  
12 Q. Riding the mantrip down?  
13 A. Riding the mantrip.  
14 Q. Okay. That's a good job,  
15 though. Is there anything you want  
16 to add to this as we talk, or that we  
17 talked about on this map?  
18 A. That's about it. I mean,  
19 nothing new.  
20 Q. While we're looking at this  
21 map, do you have any opinion on how  
22 this primary escapeway got  
23 contaminated so quickly with smoke?  
24 A. No, I don't.  
25 Q. There's a 72-inch belt that

97

01 comes across the Northeast Mains from  
02 North Mains.  
03 A. Yes.  
04 Q. And that's the belt that the  
05 longwall belt dumps onto?  
06 A. Yes, sir.  
07 Q. Did you ever hear any  
08 discussions about whether or not this  
09 stopping that separates that  
10 tailpiece from the primary escapeway  
11 was in place or not?



12 A. No. No, sir.

13 Q. There's been no discussion  
14 from any of your co-workers or ---?

15 A. Not that I remember.

16 Q. Do you think if that stopping  
17 was out and this area was on fire,  
18 that smoke would be able to travel  
19 into the primary escapeway?

20 A. Was this out?

21 Q. No, I'm saying if this was  
22 out.

23 A. If it was out, it would seep  
24 up through there, I guess.

25 Q. I know that you told me that

98

01 you're a roof bolter by trade.

02 A. Yeah.

03 Q. How about like on idle days or  
04 during idle periods, have you ever  
05 had occasion to come in and do other  
06 work other than roof bolting?

07 A. We come in and maybe shovel  
08 belts or so, but I don't volunteer  
09 for all that. I don't.

10 Q. What about --- are you aware  
11 of a project going on that's going to  
12 extend this belt up towards the next  
13 longwall panel?

14 A. Yes, because we passed by it.

15 Q. You've seen some of that belt  
16 structure in place?

17 A. Yes.

18 Q. Okay. And as you're passing  
19 by it, as you say, can you see it?

20 A. When you go up --- you know,  
21 turn back up here and you look down.

22 Q. Yeah. There's no ventilation  
23 controls that would separate that  
24 from your roadway?

25 A. Well, they're not using it

99

01 right now, I guess.

02 Q. Yeah.

03 A. These mains down there. They  
04 just installed it, you know.

05 Q. Yeah, I understand that. But  
06 you can physically see it --- visibly  
07 see it without looking through a door  
08 or a stopping or ---?

09 A. Yeah.

10 Q. Do you know who's doing that  
11 project, who's in charge of that  
12 project?

13 A. I don't know who's in charge  
14 of it.

15 Q. Do you know who works on it?

16 A. No. They got a crew on day

17 shift that works on it.

18 Q. Okay. Just one shift?

19 A. That I know of.

20 Q. As far as you know. When you

21 were up in this longwall retrieving

22 those SCSRs, did you work on hanging

23 any kind of checks or ventilation

24 controls?

25 A. No, sir.

100

01 Q. Do you want something to

02 drink?

03 A. No, I'll just get it over.

04 Q. And before you guys left the

05 section on this mantrip, did you

06 notice if the power went off?

07 A. I don't know.

08 Q. Do you know if the belts were

09 running?

10 A. I can't say. I don't remember.

11 Q. How about when you guys went

12 into this belt, was that belt

13 running, 48-inch belt?

14 A. No, sir.

15 Q. Whenever you guys were

16 standing inside of that 48-inch belt

17 line, and you were making decisions

18 on which way to go next and hollering

19 for Mr. Bragg and Mr. Hatfield, did  
20 anyone suggest to maybe send the guys  
21 down to help fight the fire?

22 A. No. We just followed the belt  
23 line out, you know, get out by the  
24 smoke.

25 Q. When you were coming down this

101

01 belt line, did you notice any lights  
02 on at the belt drive?

03 A. I never seen none.

04 Q. Okay. I'm talking about the  
05 48-inch belt.

06 A. Yeah. I never seen no lights.

07 Q. Okay. You guys were kind of  
08 focused in on using this particular  
09 door. Were there any other doors  
10 checked along that 48-inch belt for  
11 any reason, either before you got to  
12 this point or after you're in there  
13 until you got to this ---?

14 A. Were there more doors down  
15 through there?

16 Q. Did you check any doors to see  
17 if they were open, closed, or whether  
18 you should go out one door before  
19 another?

20 A. No, sir. I just followed the  
21 crowd.

22 Q. How long did you tell me you  
23 worked up in Two Section?

24 A. When I first started there, I  
25 got on Two Section in '04.

102

01 Q. Okay. '04. Did you ever have  
02 any occasion while you were working  
03 up there to be dusted out to where  
04 there was rock dust or road dust, or  
05 something coming up onto the section  
06 that caused you to have to retreat  
07 and go to an area until the dust  
08 cleared?

09 A. No, sir.

10 Q. At the mother drive, where you  
11 come through those doors that we  
12 talked about ---

13 A. Yes, sir.

14 Q. --- did you ever have occasion  
15 to personally open one of those  
16 doors?

17 A. Yes, sir.

18 Q. Are they heavy? Are the doors  
19 heavy?

20 A. Well, they got, you know,  
21 hinges on them. You just pull on  
22 open --- you know, open. They're not  
23 real hard to open.

24 Q. Which way does the air want to  
25 go when you open those doors? Does

103

01 it want to go into the belt or come  
02 back at your face?

03 A. Well, it goes, you know, that  
04 way because the intake hits the doors  
05 and goes over the overcast.

06 Q. What about these inby doors  
07 that open up toward your roadway  
08 going to Two Section, does the air  
09 want to continue over --- if you're  
10 walking through those doors from the  
11 belt entry of the longwall in through  
12 the doors and you open those doors  
13 going toward Two Section, does the  
14 air want to continue over your back  
15 going toward Two Section?

16 A. You're talking about the big  
17 doors?

18 Q. Yes, sir.

19 A. Well, you really can't feel  
20 because you open one set at a time,  
21 you know. And I guess that keeps it  
22 oscillated. No, you don't feel  
23 nothing.

24 Q. Okay. You talked about a time  
25 that someone mentioned to you

104

01 whenever the crew got outside, what  
02 time was that on this particular day?

03 A. They was out there --- you  
04 know, they asked what time it was  
05 when that happened, they said ---  
06 somebody said 5:30. I never did look  
07 at the watch, you know, so ---. I  
08 keep mine in my pocket so my time  
09 goes by faster.

10 Q. Do you have any opinion on how  
11 Mr. Bragg got separated from the  
12 group?

13 A. I thought and I thought about  
14 that an awful lot. It does enter  
15 your mind a lot. But I never did see  
16 him when he got off the trip. Like I  
17 said, he was on this side, and we  
18 were on this side. And he knew  
19 --- he'd been there longer than I  
20 have. I don't know how --- what  
21 happened.

22 Q. Any opinion on how Mr.  
23 Hatfield got separated?

24 A. No, because he's the kind of  
25 person that don't get in no hurry or

105

01 nothing. You know, he's got a good  
02 head on him and stuff. And he's more

03 my age, you know 40-something, might  
04 be 30, but --- no, 40-something. But  
05 he --- I can't figure it out at all.

06 Q. Do you know what caused the  
07 fire?

08 A. No.

09 Q. Have you heard any discussions  
10 on what some opinions are and what  
11 may have caused the fire?

12 A. I ain't heard nothing to  
13 really what went down, you know.

14 Q. Do you know of any other fires  
15 before this one that they had to put  
16 out with a fire hose or an  
17 extinguisher?

18 A. I don't know any.

19 Q. Have you heard anybody talk  
20 about any?

21 A. No.

22 Q. When you come out of the mine  
23 on the 19th, or any time after that,  
24 did anybody from the company get a  
25 statement off you of what you

106

01 experienced in the way I've been  
02 asking you today?

03 A. No, sir.

04 Q. Did you ever hear of a meeting  
05 that the company called at a local



06 grade school with the miners from  
07 Aracoma?  
08 A. I heard of it. I didn't go.  
09 Q. How did you hear of it?  
10 A. Let's see. Who was that?  
11 Somebody was telling me they was  
12 having a meeting, which we went to  
13 them, and we got our little --- our  
14 section together, we went up to  
15 Hatfield's house, you know, his wife.  
16 Q. Yes.  
17 A. But I was out and somebody  
18 said they was having some kind of  
19 meeting. I didn't know what it was  
20 about or anything. I can't figure  
21 out where I was at. I can't  
22 remember.  
23 Q. Okay. Did someone call you?  
24 A. No, I was out somewhere and  
25 somebody said --- I don't even think

107

01 --- they said they're having a  
02 meeting up there at the school. I  
03 said I don't know. But I can't think  
04 of who it was. I ain't sure who it  
05 was.  
06 Q. Do you remember where the  
07 meeting was at?

08 A. No, they just said they were  
09 having a meeting, you know.

10 Q. Do you know what school?

11 A. I didn't hear that until you  
12 said up there. They may have been  
13 meaning that retraining, too, they  
14 had just this Saturday. I'm not a  
15 hundred percent sure.

16 Q. Okay. Do you know anybody who  
17 went to that meeting?

18 A. No.

19 MR. MURRAY:

20 Mr. Farley?

21 BY MR. FARLEY:

22 Q. Bear with me. I'm probably  
23 going to be bouncing around a little  
24 bit just to clarify some things.

25 A. Okay.

108

01 Q. When you entered the mine  
02 January 19th, when you passed through  
03 the mother drive area, when you went  
04 through the doors there ---

05 A. Yes, sir.

06 Q. --- did you see anybody in  
07 that area?

08 A. No.

09 Q. Nobody at all?

10 A. I didn't see nobody.

11 Q. Okay. I may have missed ---  
12 who was your roof bolt partner on the  
13 section?

14 A. Randy Crouch (sic).

15 Q. Randy Crouse? I know who  
16 you're talking about. When you were  
17 on the section before the fire on the  
18 19th before you left, did you happen  
19 to notice a miner running at any  
20 time?

21 A. No, sir.

22 Q. Okay. Did you hear anything  
23 about it possibly having any water  
24 pressure problems?

25 A. No, sir.

109

01 Q. Okay. Now, after you got word  
02 of the fire, when you started out of  
03 the mine in the mantrip, I'm not sure  
04 I understood where you were sitting  
05 in the mantrip.

06 A. The mantrip was headed out and  
07 we got three seated on this side,  
08 three people get on it. And the  
09 opposite three, then in the back, a  
10 bunch could get in it. And I was  
11 sitting on this side, on the left  
12 side going out, facing out.

13 Q. The left side as you're  
14 heading out? Okay.  
15 A. Yeah.  
16 Q. Was anybody with you?  
17 A. Yes. Elvis was in front of  
18 me, and Billy and me was on our side.  
19 Q. Do you know who was on the  
20 other side, opposite side?  
21 A. I heard Bragg. I'm almost  
22 positive he was over there. But I  
23 really --- I'm not sure who was over  
24 there.  
25 Q. Okay. Do you have any

110

01 definite recollection who was sitting  
02 --- of those who were sitting in the  
03 rear?  
04 A. No, I don't.  
05 Q. If I heard you right, you  
06 dropped your goggles, too; right?  
07 A. Yeah.  
08 Q. That's concerning us. That's  
09 happened to about everybody. Did you  
10 work the week before Christmas?  
11 A. That week, that Christmas?  
12 Q. The week before Christmas.  
13 A. The week before Christmas?  
14 Q. Yes.  
15 A. Yes.

16 Q. Christmas was on Sunday this  
17 past year.

18 A. Yeah, we took off that  
19 Saturday. I worked, you know, that  
20 week before Christmas.

21 Q. Okay. Does that mean you  
22 would have worked on Friday, the 23rd  
23 of December?

24 A. Yes.

25 Q. When you entered the mine on

111

01 the 23rd on the mantrip and you  
02 passed through the mother drive area,  
03 or the doors, did you guys stop and  
04 talk to anybody?

05 A. I can't remember whether we  
06 did or not that time.

07 Q. What about on the way out  
08 later that day, the same place, did  
09 you stop there and talk to anybody?

10 A. I can't remember.

11 Q. Okay. Do you recall if  
12 anybody mentioned anything to you  
13 about a fire in the mother drive area  
14 on that day?

15 A. No.

16 Q. Okay. Nobody at all?

17 A. No, sir.

18 Q. Do you recall any time during  
19 that shift if you smelled any ---  
20 smelled or saw any smoke coming up to  
21 the Two Section?

22 A. No, sir.

23 Q. Well, after you left the  
24 section on January 19th, and by the  
25 time you came out of the belt, the

112

01 48-inch belt entry and down into the  
02 cut-through area, were you, at any  
03 point, at any time, in the area where  
04 you could actually see the fire?

05 A. No, sir.

06 Q. Okay. Would you have any idea  
07 if anybody was applying water to the  
08 fire?

09 A. I have no idea.

10 Q. Okay. And we talked a little  
11 bit about how the belts are set up  
12 there earlier. Do you think all of  
13 your belts in the mine are isolated?

14 A. To my knowledge, they are.

15 Q. Okay.

16 A. Because we have to build them  
17 stoppings when we go in.

18 Q. Okay. As you told Mr. Murray  
19 earlier, when you left the section  
20 and you traveled the Number Five

21 entry all the way down to the point  
22 where you actually turned ---.  
23 A. Yes, sir, okay.  
24 Q. That's, of course, Number Five  
25 entry.

113

01 A. Yes, sir.  
02 Q. Have you ever traveled the  
03 Number Four entry from the section  
04 down that way, same direction?  
05 A. Not in a long time.  
06 Q. Okay. I'll just ask you if  
07 you thought all the belts were  
08 isolated, do you think they should be  
09 isolated?  
10 A. It saved us.  
11 BY MR. MURRAY:  
12 Q. Okay. Blue, I asked you, as  
13 you guys were leaving and traveling  
14 on that 48-inch belt if it was  
15 running, you said no.  
16 A. No, because we crossed over  
17 it.  
18 Q. Yes. Do you know if the  
19 72-inch belt was running?  
20 A. I didn't hear it running.  
21 Q. Could you hear it from  
22 anywhere you were at, either when you

23 exited the 48-inch belt, or ---?

24 A. I should have heard it when we  
25 went under that --- you know, the

114

01 overcast there. But I will tell you,  
02 I was tore up, and I wasn't paying no  
03 attention. I mean, --- I hate that I  
04 don't remember, but ---.

05 Q. Okay. That's fine. Other  
06 than this fire, did you ever hear of  
07 a CO alarm going off and water needed  
08 to be applied to a hot roller or a  
09 belt rubbing to cool it off?

10 A. No, sir.

11 Q. On your way --- and I'm  
12 bouncing around, too. I apologize  
13 for that. But on the way in at the  
14 beginning of the shift, as you  
15 crossed through these equipment doors  
16 at the mother drive, do you know if  
17 the belt was running, the longwall  
18 belt?

19 A. No, I had my headlight down,  
20 to be honest with you.

21 Q. Okay. Did you notice anything  
22 unusual at that point in time?

23 A. Nothing that I heard out of  
24 the ordinary, you know.

25 Q. And I know you go in and out



01 of here routinely.

02 A. Yes, sir.

03 Q. Have you ever smelled anything  
04 similar to what you smelled burning  
05 belt, burning rubber, anything  
06 unusual in this location as you  
07 traveled into the section on a normal  
08 day, not just tied to the 19th, any  
09 other day?

10 A. I've never smelled nothing or,  
11 you know, seen no smoke or nothing.

12 Q. During any kind of fire drills  
13 or through the course of a normal  
14 day's business, did you ever have any  
15 occasion to hook up a fire hose onto  
16 the fire outlet valve anywhere in the  
17 mine?

18 A. No.

19 Q. I know I asked you to give me  
20 a guess on the distance, or the time  
21 that it would take to travel from  
22 where the mantrip was at to where it  
23 was parked, but I'm going to ask this  
24 a little bit different. From the  
25 mother drive, where you come through

01 those equipment doors ---

02 A. Yes, sir.

03 Q. --- from that point to where  
04 you would normally park up on the  
05 section, on the Two Section ---

06 A. Yes, sir.

07 Q. --- how long do you think that  
08 would take?

09 A. It takes us from outside  
10 around 50 to 60 minutes to get to it,  
11 you know, every time, you know, a  
12 little slower. So maybe, say, 20  
13 minutes. I'm guessing that.

14 Q. That's fine.

15 A. Fifteen (15), 20 minutes  
16 maybe. Like I said, I'm just  
17 guessing. I don't know for sure.

18 Q. That's good. Your guess is  
19 roughly 15 to 20 minutes from the  
20 mother drive to the Two Section, and  
21 then another --- if you say 50, it  
22 would be another 30 minutes or so to  
23 the outside?

24 A. Yeah, because it's longer.  
25 That ain't near half the distance.

117

01 I'm just --- like I said, I'm just  
02 guessing.

03 Q. That's good.

04 A. I have no idea.

05 Q. Okay. We talked about a lot  
06 of things today, and we bounced back  
07 and forth and had you --- you know,  
08 at the beginning of the shift, at the  
09 end of the shift, during the shift  
10 and things of that nature, and what  
11 you know about the mine. And you've  
12 provided us with a great deal of  
13 information. And it's obvious to me  
14 that you understand the coal mine.

15 Based on what you know about  
16 the coal mine ---

17 A. Yes, sir.

18 Q. --- and based on what you know  
19 about the accident, in your opinion,  
20 what could have been done to prevent  
21 this accident?

22 A. I honestly don't --- I  
23 couldn't see nothing. I mean, the  
24 door was right --- I can't see  
25 nothing. You know, I don't know

118

01 nothing that would have, you know.

02 MR. FARLEY:

03 I have a few more.

04 BY MR. FARLEY:

05 Q. Since you've been working on  
06 the Two Section, have you built any

07 of the --- personally built any of  
08 the stoppings up the Northeast Mains?

09 A. I've helped build some.

10 Q. Was that something that you'd  
11 routinely do?

12 A. Well, when they put that six-  
13 foot they had to oscillate it, and we  
14 had to build them.

15 Q. Okay. Who's normally assigned  
16 to that on a daily basis, anybody?

17 A. Up on the section or outby?  
18 They have ---.

19 Q. Either or both.

20 A. They had different people  
21 doing them, you know. On our  
22 section, the scoop man usually does,  
23 or we go down to help him, all of us.

24 Q. Okay. Now, after you  
25 evacuated the section, and you got

119

01 here to the cut-through and you went  
02 in there toward the longwall to get  
03 the extra self-rescuers, ---

04 A. Yes, sir.

05 Q. --- was there power on the  
06 longwall section?

07 A. No, there were no lights at  
08 all down there.

09 Q. No lights whatsoever? Okay.

10 A. Because they say it's lit up  
11 like the outside, and I remember us  
12 down there, there weren't no lights.

13 MR. FARLEY:

14 Okay. Thank you.

15 BY MR. MURRAY:

16 Q. Just to piggyback on what Mr.  
17 Farley just asked you, did you build  
18 this stopping right here at the tail  
19 of the longwall belt, or at the tail  
20 of the 72-inch belt?

21 A. No. We've built it down that  
22 line. I remember building it on down  
23 that area.

24 Q. Going outby ---

25 A. Yeah.

120

01 Q. --- on the 72-inch belt?

02 A. We helped build some on that,  
03 but, you know, we didn't ---  
04 everybody was working on it, you  
05 know. No, I didn't build that.

06 Q. Do you know who did?

07 A. No, sir.

08 Q. Do you know if it was ever  
09 built?

10 A. I ain't for sure.

11 Q. You told me you worked for Mr.

12 Plumley up on the Two Section?

13 A. Yes, sir.

14 Q. Who would direct you to build  
15 the stoppings?

16 A. That's when, you know, we ---  
17 it was on a Saturday. It seemed to  
18 me --- it's been a long time since  
19 we've worked on belts. And I'm  
20 talking a long time. We worked ---  
21 built some down there and plastered  
22 them and stuff. But Plumley was with  
23 us when we built some of them, you  
24 know. We didn't build them all, you  
25 know. We just build a few on the

121

01 weekend, and then everybody else come  
02 in and builds them.

03 Q. Was Plumley your direct  
04 supervisor even on the construction  
05 of the stoppings, or would it have  
06 been someone different?

07 A. At the time, I --- yeah,  
08 Plumley was our boss then. See, we  
09 switched bosses here a while back,  
10 you know. I believe Plumley was our  
11 boss then.

12 MR. MURRAY:

13 Mr. Heath?

14 ATTORNEY HEATH:

15 Yes, just a couple.

16 BY ATTORNEY HEATH:

17 Q. Blue, you've been asked a lot  
18 about who talked to you after this  
19 event. On the night of the 19th and  
20 the morning of the 20th, did state  
21 and federal and company people talk  
22 to you and your crew about where you  
23 all were underground when this broke  
24 out?

25 A. That night it happened?

122

01 Q. Yes.

02 A. No.

03 Q. Did any of the rescue teams  
04 ask you where you folks were located  
05 or where you left the mantrip or  
06 anything like that?

07 A. They didn't ask me.

08 Q. Okay.

09 A. I don't know about the rest of  
10 them.

11 Q. And at some point you met with  
12 Mr. Hardy, has he asked you what  
13 happened?

14 A. No, sir.

15 ATTORNEY HEATH:

16 That's it.

17 MR. MURRAY:  
18 Blue, can I get you to  
19 come up here and sign and date  
20 that map that we worked on  
21 today?

22 A. Okay.

23 MR. MURRAY:  
24 And based on what you  
25 and I talked about up here, as

123

01 I ---.

02 A. This is the best that I can  
03 remember.

04 MR. MURRAY:  
05 As you told me, is this  
06 an accurate depiction of what  
07 you told me today?

08 A. Yeah.

09 MR. MURRAY:  
10 Okay. Would you sign  
11 and date that for us.

12 WITNESS COMPLIES

13 MR. MURRAY:  
14 Thanks a lot. I  
15 appreciate that, Blue. And  
16 the map that we used with Mr.  
17 Mayhorn today will be Exhibit

18 A E. Mayhorn.

19 (E. Mayhorn Exhibit A



20 marked for  
21 identification.)  
22 A. You wanted me to initial  
23 it ---?  
24 MR. MURRAY:  
25 No, you're fine. No, I

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01 just had an identification  
02 here, because we may bring  
03 your nephew Billy in here.  
04 A. Oh, God. He's another kind.  
05 He's all right.  
06 BY MR. FARLEY:  
07 Q. When did you meet with Mr.  
08 Hardy?  
09 A. Hardy, it was last Friday.  
10 Q. Okay. Where did you meet with  
11 Mr. Hardy?  
12 A. At the mine office up there.  
13 Q. Okay. What did you discuss  
14 with Mr. Hardy?  
15 A. He just asked us if we needed  
16 lawyers, you know, to ask --- you  
17 know, pretty much what happened, you  
18 know.  
19 Q. Did he ask you if you needed a  
20 lawyer?  
21 A. No. I take it back, he's just

22 telling us, you know. No, he didn't  
23 ask, but it's free, I guess. But no,  
24 he didn't ask did we need a lawyer or  
25 nothing, you know.

125

01 Q. Okay. Did he ask you any  
02 questions about the fire and the  
03 accident that happened?

04 A. Well, he didn't ask what  
05 started it or nothing, you know.

06 MR. FARLEY:

07 All right.

08 BY MR. MURRAY:

09 Q. Do you remember talking to Mr.  
10 Webb? That's the gentleman ---.

11 A. Yeah. Yeah, I called --- yes.

12 Q. Okay. Did you talk to Mr.  
13 Hardy before or after you talked to  
14 Mr. Webb?

15 A. When did I talk to you? Was  
16 it this Saturday? I talked to Hardy  
17 that Friday.

18 Q. The Friday before he called  
19 you?

20 A. Yeah, because he called me  
21 this Saturday.

22 MR. MURRAY:

23 Okay. Well, Blue, we  
24 sure appreciate you coming.

25 A. I hope, you know, I helped you

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01 some.

02 MR. MURRAY:

03 You have. You've been  
04 very helpful, and we thank you  
05 for coming here today and  
06 answering our questions and  
07 sharing the information you  
08 knew about the mine.

09 A. I was close --- but I might  
10 not be exact on it, you know, I just  
11 --- best I can remember, because  
12 that's just something you never went  
13 through, you just don't remember  
14 everything.

15 MR. MURRAY:

16 Okay. That's why we  
17 were kind of asking you the  
18 questions, just to get you to  
19 give us your information.  
20 Now, if you want, you can go  
21 back over any questions, or  
22 any of your answers that you  
23 gave and clarify anything or  
24 correct anything that you may  
25 have ---.

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01 A. No, just that travel time.  
02 I'm not sure, 15, 20 --- you know, I  
03 ain't sure about that. I just, you  
04 know, guess for you.

05 MR. MURRAY:

06 Did you want to add any  
07 additional information that we  
08 may not have ---?

09 A. You covered about everything,  
10 I'd say. It seemed to me like you  
11 had.

12 MR. MURRAY:

13 Okay. We would ask  
14 that you not discuss this  
15 interview today with any  
16 person who may have already  
17 been interviewed, or anybody  
18 that we may anticipate  
19 bringing in to ask questions.  
20 This will ensure that we get  
21 everybody's independent ---

22 A. I understand.

23 MR. MURRAY:

24 --- recollection of  
25 what happened. And after

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01 questioning other witnesses  
02 and we obtain additional  
03 information, we may need to

04 bring you in to ask you a few  
05 more questions to expand on  
06 what we already know. We'd  
07 appreciate if you'd help us  
08 out on that.

09       And at some later  
10 point, if you have additional  
11 information regarding what  
12 happened, or if you remember  
13 something after you leave here  
14 today, feel free to either  
15 call me or Mr. Webb and share  
16 that with us.

17       Blue, I want you to  
18 know that the Mine Act  
19 provides certain protection  
20 for individuals who  
21 participate in accident  
22 investigations. If at any  
23 time you believe you've been  
24 treated unfairly because of  
25 your participation, you call

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01 either one of those numbers.  
02 A. Don't worry, I'll call you.

03       MR. FARLEY:

04       And the state law  
05 provides the same protection.

06 A. I appreciate it.

07 ATTORNEY HEATH:

08 And he would like a  
09 copy of his transcript. He  
10 understands that may be some  
11 time, but ---.

12 A. That would be nice.

13 MR. MURRAY:

14 You understand that  
15 while the investigation's  
16 open, we are not willing to  
17 share those?

18 A. I ain't in no hurry for it. I  
19 just want to maybe sit back one of  
20 these times and show that boy of mine  
21 not going to get in the mines, what  
22 can happen --- which I don't want him  
23 in the mines anyway if he don't have  
24 to.

25 MR. MURRAY:

130

01 Okay. Blue, you've  
02 been very helpful to us.  
03 Thanks for coming. I  
04 appreciate it.

05 A. Thank you.

06

07

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SWORN STATEMENT CONCLUDED

AT 10:36 A.M.

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