

01 EXAMINATION UNDER OATH
02 OF
03 VICKI L. MULLINS
04
05
06 Taken pursuant to Notice by Autumn D.
07 Furby-Pritt, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Department of
10 Environmental Protection, 1101 George
11 Kostas Drive, Logan, West Virginia,
12 on Thursday, March 23, 2006, at 2:01
13 p.m.

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

02
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04 Mine Safety and Health Administration
05 Pittsburgh Safety and Health
06 Technology Center
07 Ventilation Division
08 P.O. Box 18233
09 Cochran's Mill Road
10 Pittsburgh, PA 15236

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

17
18 DANIEL M. BARISH, ESQUIRE
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20 Office of the Regional Solicitor
21 1100 Wilson Boulevard
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23 Arlington, VA 22209-2247

24
25

3

01 A P P E A R A N C E S (cont.)
02
03 KENNETH MURRAY
04 District Manager

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

11

12 ALSO PRESENT:

13 BETH SPENCE

14 DENNIS BEITER

15 RONALD STAHLHUT

16 C.A. PHILLIPS

17 CHARLES POGUE

18 MIKE FINNIE

19 JEFF WAGGETT

20

21

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23

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01 I N D E X

02 INTRODUCTION 6 - 16

03 WITNESS: VICKI L. MULLINS

04 QUESTIONS

05 By Mr. Francart 17 - 67

06 QUESTIONS

07	By Mr. Tucker	67 - 97
08	QUESTIONS	
09	By Mr. Francart	97 - 115
10	CONCLUSION	115 - 117
11	CERTIFICATE	118

12
13
14
15
16
17
18
19
20
21
22
23
24
25

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01	EXHIBIT PAGE		
02			PAGE
03	NUMBER	DESCRIPTION	IDENTIFIED
04		Mullins	
05	A	Notes of Vicki Mullins	20
06			
07			
08			
09			

10
11
12
13
14
15
16
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01 P R O C E E D I N G S

02 -----

03 MR. FRANCCART:

04 Vicki, my name is Bill
05 Francart, and I represent the
06 Mine Safety and Health
07 Administration, which, as you
08 know, is an agency of the U.S.
09 Department of Labor. I'm a
10 member 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 is
20 conducting with the State of
21 West Virginia. I will be
22 asking the questions for MSHA
23 this afternoon. And Bill
24 Tucker is here. He'll be
25 asking the questions for the

7

01 State. With us here also
02 today are other members of
03 MSHA's team and the State's
04 team. And MSHA's team
05 includes various subject
06 matter experts from throughout
07 the United States. And at
08 this time we'd ask the team
09 members to identify themselves
10 for the record.

11 ATTORNEY BARISH:

12 Hi, Vicki. I know you
13 know me, but for the record
14 I'll state my name is Dan

15 Barish from the Solicitor's
16 Office in Arlington, Virginia,
17 and I represent MSHA.

18 MR. STAHLHUT:

19 Ron Stahlhut, MSHA,
20 Vincennes, Indiana.

21 MR. POGUE:

22 Charlie Pogue, MSHA,
23 Hunker, Pennsylvania.

24 MR. WAGGETT:

25 Jeff Waggett, Hunker,

8

01 Pennsylvania.

02 MR. FINNIE:

03 Mike Finnie,
04 Madisonville, Kentucky.

05 MR. MURRAY:

06 Kenny Murray,
07 Pikeville, Kentucky.

08 MR. BEITER:

09 Denny Beiter,
10 Triadelphia, West Virginia.

11 MR. FRANCCART:

12 And I'm out of the
13 Pittsburgh office,
14 Pennsylvania. Like I said,
15 Mr. Tucker is here with the
16 State. He'll be asking you

17 questions. And he has an
18 opening statement for you
19 also.

20 MR. TUCKER:

21 The West Virginia
22 Office of Miners' Health,
23 Safety & Training is
24 conducting this interview
25 session jointly with MSHA, and

9

01 we are in agreement with the
02 procedures outlined by Mr.
03 Francart.

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

13 Again, my name is Bill
14 Tucker. I work out of the Oak
15 Hill office, and that's Region
16 Four.

17 MR. PHILLIPS:

18 Good afternoon, Vicki.
19 My name is C.A. Phillips. I'm

20 the Deputy Director for
21 Miners' Health, Safety &
22 Training in Charleston, West
23 Virginia.

24 MS. SPENCE:

25 I'm Beth Spence. I'm

10

01 with the Governor's Office.

02 MR. FRANCCART:

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

13 After the investigation
14 is completed, MSHA will issue
15 a written report detailing the
16 nature and causes of the
17 accident. The accident
18 reports are made available to
19 the public in hope that
20 greater awareness about the
21 causes of accidents can reduce

22 their occurrence in the
23 future. Information obtained
24 through witness interviews is
25 frequently included in these

11

01 reports. And your statement
02 may also be used in other
03 enforcement proceedings.

04 We thank you in advance
05 for your appearance here
06 today. And we appreciate your
07 assistance in the
08 investigation. The
09 willingness of miners and mine
10 operators and all the agencies
11 to work with us is critical to
12 our success in making the
13 nation's mines a safer place
14 to work.

15 This interview with
16 Vicki Mullins is being
17 conducted under Section 103(a)
18 of the Federal Mine Safety &
19 Health Act of 1977 as part of
20 an investigation by the Mine
21 Safety and Health
22 Administration into the
23 conditions, events and
24 circumstances surrounding the

25 fatalities that occurred at

12

01 the Aracoma Alma Mine Number
02 One, located at Route 17
03 North, Bandmill Hollow Road,
04 Stollings, West Virginia,
05 25646.

06 This interview is being
07 conducted at the State of West
08 Virginia Department of
09 Environmental Protection,
10 Division of Mining &
11 Reclamation, at 1101 George
12 Kostas Drive, Logan, West
13 Virginia, 25601. Today's date
14 is March 23rd, 2006. And the
15 local time is approximately
16 2:07 p.m.

17 MR. FRANCCART:

18 Ms. Mullins, can we
19 call you Vicki?

20 MS. MULLINS:

21 Yes.

22 MR. FRANCCART:

23 Thank you. The
24 interview will begin by asking
25 you a series of questions.

13

01 Feel free at any time to
02 clarify any statements that
03 you make in response to the
04 questions. After we finish
05 asking questions, you will
06 also have an opportunity to
07 make a statement of your own
08 and provide us with any other
09 information you think may be
10 important to the
11 investigation. You are
12 permitted to have a
13 representative with you during
14 the interview, and you may
15 consult with your
16 representative at any time.
17 You may designate any person
18 to be your representative.
19 Following the questions by
20 MSHA and the State, your
21 representative would be given
22 the opportunity to ask
23 questions for the purposes of
24 clarification on areas already
25 discussed.

14

01 Your statement is
02 completely voluntary and you
03 may refuse to answer any

04 question and you may end your
05 interview at any time if you
06 wish. If you don't understand
07 a question, please let us know
08 and we'll rephrase the
09 question so we can make it
10 clearer to understand. If you
11 need a break at any time for
12 any reason, please let us
13 know.

14 You may request the
15 opportunity to make a
16 confidential statement which
17 we will withhold from the
18 public to the extent allowed
19 by law. Should you desire to
20 give a confidential statement,
21 you should advise us before we
22 begin the interview so we can
23 reschedule the interview to
24 properly consider your
25 request. Do you wish to have

15

01 a confidential interview?

02 MS. MULLINS:

03 No, sir.

04 MR. FRANCAERT:

05 We have a court

06 reporter here today, and
07 she'll be later producing a
08 written transcript of the
09 interview. We ask that you
10 state all your answers
11 verbally because the reporter
12 cannot record gestures, like
13 nodding your head or shaking
14 your head no.

15 Neither the transcript
16 of the interview nor the
17 content of the interview will
18 be released to the public or
19 the media until MSHA's final
20 accident investigation report
21 is issued, or until required
22 by court order or until a
23 public hearing may be held.
24 If any part of your statement
25 is based not on your own

16

01 firsthand knowledge but on
02 some information that you've
03 learned from someone else,
04 please let us know that.

05 Please answer each
06 question as fully as you can,
07 including any information that
08 you've learned from someone

09 else. We may not ask all the
10 questions we need to ask to
11 find out what you know. So if
12 we don't ask the right
13 question, please let us know
14 what you do know so we can get
15 that on the record.

16 Do you have any
17 questions about the manner in
18 which the interview will be
19 conducted?

20 MS. MULLINS:

21 No, sir.

22 MR. FRANCAERT:

23 At this time we'll ask
24 the court reporter to
25 administer the oath.

17

01 -----

02 VICKI L. MULLINS, HAVING FIRST BEEN

03 DULY SWORN, TESTIFIED AS FOLLOWS:

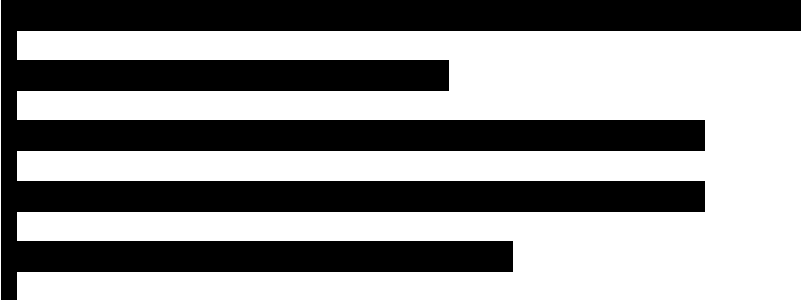
04 -----

05 BY MR. FRANCAERT:

06 Q. Vicki, can you please state
07 your full name, address and telephone
08 number?

09 [REDACTED]

[REDACTED]



16 Q. Thank you. Are you appearing
17 voluntarily at this interview?

18 A. Yes, sir.

19 Q. Has anyone made any promises
20 to you for giving this statement or
21 offered you any rewards in exchange
22 for making your statement?

23 A. No, sir.

24 Q. Has anyone threatened you or
25 warned you not to provide a

18

01 statement?

02 A. No, sir.

03 Q. Do you understand that you may
04 refuse to answer any question or
05 terminate this interview at any time?

06 A. Yes.

07 Q. Do you have a representative
08 with you?

09 A. No.

10 Q. Do you wish to have a
11 representative?

12 A. No.

13 Q. So you want to continue

14 without a representative?

15 A. Yes, sir.

16 Q. Thank you. Vicki, are you

17 currently employed by MSHA?

18 A. Yes, sir.

19 Q. And what is your duty office?

20 A. The Logan field office.

21 Q. And you were at that office or

22 employed through that office at the

23 time of the accident?

24 A. Yes, sir.

25 Q. How long have you worked for

19

01 MSHA?

02 A. Twenty-seven (27) years and

03 five months.

04 Q. And what is your current job

05 title?

06 A. Mine Safety and Health

07 Specialist.

08 Q. Have you been a specialist all

09 your career?

10 A. Well, that's a coal mine

11 inspector, but that's what our titles

12 are now. No, sir. I started out as

13 a clerk typist. I've been lead

14 recording clerk, lab technician. I

15 was the education and training

16 specialist. I'm also an accident
17 investigator. I was on the national
18 mine rescue team. I've held several
19 jobs with MSHA.

20 Q. Who would be your immediate
21 supervisor?

22 A. Bill Gillenwater.

23 Q. And he was your supervisor the
24 day of the accident?

25 A. Yes.

20

01 Q. Have you worked in any other
02 coal mine safety and health
03 districts?

04 A. No.

05 Q. How many total years of mining
06 experience do you have?

07 A. Just with MSHA?

08 Q. Well, total. Have you worked
09 anywhere else ---

10 A. No.

11 Q. --- besides MSHA?

12 A. No.

13 Q. Okay. So your total career in
14 MSHA is your mining experience?

15 A. Yes.

16 Q. That's good. Now, we need to
17 go back to the day of the accident,
18 January 19th, 2006. And we do have

19 an exhibit. And I know you have a
20 copy of your notes with you, but this
21 is another copy that we will put in
22 the record as your notes. If you
23 could go through these as we do to
24 make sure that these are complete.
25 You don't have to do that right now,

21

01 ---

02 A. Okay.

03 Q. --- but as we go through this
04 document to make sure we haven't left
05 anything out, then we can include
06 that in our record.

07 What did you do on January
08 19th? Did you work that day?

09 A. Yes, sir.

10 Q. And what shift were you
11 scheduled to work?

12 A. I worked the day shift.

13 Q. And did you work at the
14 Aracoma Alma Mine Number One that day
15 on your regular shift?

16 A. No. That mine wasn't assigned
17 to me.

18 Q. What did you do that day; do
19 you remember?

20 A. Not exactly. I remember

21 finishing and going home about --- I
22 think it was sometime between 4:00
23 and 5:00. And I was home several
24 hours, and it was approximately about
25 ten minutes 'til 8:00 and I received

22

01 a phone call from Sharon Cook, who
02 works for MSHA out of the Madison
03 field office. And she informed me
04 that we had a mine fire at Aracoma
05 and there was two men trapped. And
06 at first I thought she was kind of
07 joking. And she told me again, and
08 when she did, I told her I had to go.

09 At that time, I tried to call
10 the office because both our
11 supervisors had just moved and had
12 new phone numbers. And when I
13 called, all the phone would do would
14 go straight to the voice mail of Jake
15 Blevins (phonetic). So I couldn't
16 get either one of their home phone
17 numbers, so I called Tim Justice, who
18 was our ventilation specialist and
19 regular mine inspector, and told him
20 what was going on. And he said, I
21 was probably the closest, that I
22 should probably get my stuff and go
23 up there and issue the K Order.

24 So the whole time this is
25 going on, I'm getting dressed and

23

01 everything, and I called Minnes
02 Justice because that was --- he was
03 our electrical inspector, plus that
04 was the mine that he was assigned to.
05 And I figured those two men ---
06 probably it was ventilation and
07 electrical and they probably knew the
08 mine the best of everybody I could
09 get ahold of at the moment. So I
10 finished getting dressed, and I was
11 at the mine probably at 8:15, 8:20,
12 something like that.

13 Q. Did you happen to speak with
14 anyone from Massey the day that you
15 worked your regular shift before you
16 got the call about the fire?

17 A. I might have been at the
18 Hernshaw Mine. I'm not sure, which
19 is like the sister company to this
20 one. They're both Aracoma. But I'm
21 inspecting at the Hernshaw Mine and
22 not that one. So I can't tell you
23 that I did, but if I was at Hernshaw,
24 I would have.

25 Q. That's fine. So you got the

01 call at 7:50 from Sharon Cook?

02 A. Yes, sir.

03 Q. And how did Sharon Cook learn

04 about the fire?

05 A. Her cousin, Eugene White,

06 works for the State, and he had been

07 put on standby.

08 Q. Okay. So you didn't receive

09 word from anyone from the district

10 office or your field office or any

11 supervisors about the accident?

12 A. No, sir. Now, on my way to

13 the mine I was using my cell phone,

14 and I tried to call Mr. Cole and I

15 tried to call Mr. Marrs, and there

16 were several people, but I couldn't

17 reach anybody.

18 Q. Is that because the cell phone

19 reception is no good around here or

20 just they weren't home?

21 A. No. I have excellent service

22 in this area because I'm from this

23 area, but --- I called the Mount Hope

24 office and I got all those numbers,

25 but I couldn't reach anybody.

01 Q. Okay. And you say the

02 supervisors in your office had new

03 phone numbers. Were they not
04 published in the emergency handbook
05 at that point or recorded anywhere
06 for use?

07 A. No. In fact, I have one of
08 those little accident cards, where
09 I'm an accident investigator, with
10 everybody's phone number on them.
11 But since all this happened, we have
12 new numbers. We have new cards.

13 Q. Do you think that may have
14 contributed to any delay that the
15 company may have had in reaching
16 anybody from MSHA?

17 A. I would say so. Because when
18 I got there I asked why no one had
19 been contacted, and they said they
20 had been trying for several hours,
21 but they couldn't get anybody to
22 answer or no phones. But now I did
23 make a statement to them that
24 everyone up here knows where I live,
25 and I just live five minutes down the

26

01 road, not even five minutes, and
02 someone could have come and got me.
03 And they said they'd been busy. I
04 said, well, there's security guards

05 running around here everywhere, and
06 somebody could have made an effort,
07 but ---.

08 Q. Well, for the record, is the
09 company allowed to call anybody in
10 MSHA or they have certain numbers
11 they have to call?

12 A. Well, I really think it's the
13 supervisors they're supposed to call.
14 But like I said, I know from calling
15 the office that evening, you would
16 have got no numbers to call because
17 it went straight to Jake's mailbox.
18 It didn't say like Mine Safety and
19 Health and go through reporting like
20 it --- we had an announcement on the
21 phone like that, but --- I don't know
22 why, but that evening when I called,
23 it went straight to Jake's voice
24 mail. It didn't say, hello, this is
25 Mine Safety and Health or anything.

27

01 Q. Sharon called you. I'm sure
02 she didn't give you any details on
03 the fire at that point. She didn't
04 know where the fire was in the mine.
05 She just knew that there was a fire?

06 A. Yes, sir.

07 Q. And then when you arrived at

08 the mine, what was the first thing
09 you did when you got there?
10 A. I went upstairs where the mine
11 offices are and I met Frank Foster,
12 and I asked him what was going on.
13 And he told me that they had had a
14 mine fire and they had two people
15 unaccounted for. And I asked him ---
16 he's the first person I asked why
17 nobody from MSHA had been contacted.
18 And he said that he had been trying
19 for several hours, you know, with no
20 success. And he said, I don't even
21 --- I couldn't even get nobody's
22 number at your office, like that.
23 And that's when I had told him about,
24 well, somebody could have come and
25 got me because I live five minutes

28

01 down the road. And I think that's
02 probably when I gave him the K Order,
03 because it was about 8:20 when I
04 issued the K Order verbally.
05 Q. So Frank wasn't underground at
06 the time you got there?
07 A. No. He didn't go underground
08 until the first two teams went
09 underground.

10 Q. And he's the one who told you
11 that he was trying to make the calls
12 to MSHA for a long period of time?
13 A. Yes, sir. In fact, he told me
14 that he had gotten ahold of Rich just
15 a few minutes --- Rich Kline, a few
16 minutes before I had gotten there.
17 Q. You got there around 7:50
18 p.m.?
19 A. No. I got the phone call
20 about 7:50. I got there about 8:15.
21 Q. And you got ahold of Rich just
22 before you got there?
23 A. Yes.
24 Q. Okay.
25 A. As soon as I got the phone

29

01 call, the only thing I done was get
02 dressed and make those two phone
03 calls to ---.
04 Q. That was to Tim and to Minnes.
05 A. To Minnes.
06 Q. And you explained your
07 conversation with Tim. What did you
08 talk to Minnes about?
09 A. I told him we had a mine fire
10 at Aracoma and two men were trapped
11 and that he needed to come to the
12 mine. He said he'd have to go to the

13 office and get his stuff. And I told
14 him that I was going straight from my
15 house up there instead of coming to
16 the office, and I asked him if he
17 wouldn't mind putting his stuff into
18 my vehicle and bringing my computer.
19 Since I was going to verbally issue
20 the K, I'd need my computer to write
21 it when he got there. And I told him
22 there was two briefcases behind my
23 desk, put them in the car and bring
24 all his stuff in my car and bring my
25 car up to the mine --- or my

30

01 government vehicle to the mine.

02 Q. You live five minutes from the
03 mine. How far does Minnes live from
04 the mine; do you know?

05 A. Thirty (30) or 40 minutes. He
06 lives at Mann, up Huff Creek, so ---.

07 Q. He had to come past the mine
08 and then go back?

09 A. Well, yeah. He wouldn't have
10 went directly past it, but he had to
11 come by the turnoff for it.

12 Q. Did you talk to anybody else
13 from the company when you got there
14 besides Frank Foster?

15 A. No. He was the first person I
16 talked to and mostly who I talked to.
17 Because then the first thing we did
18 was we went downstairs and did a roll
19 call.

20 Q. Did you happen to talk to
21 Eddie Lester at all?

22 A. I'm sure I seen Eddie and I
23 probably spoke with him. But you
24 know, to have carried on a
25 conversation, I don't think so. Not

31

01 at that time, I'm sure. Maybe later,
02 but ---.

03 Q. So you were the first MSHA
04 employee on site at the mine?

05 A. Yes, sir.

06 Q. And Minnes Justice showed up
07 at some point later. And did Minnes
08 --- Tim Justice, did Tim show up?

09 A. Yes.

10 Q. Minnes' last name is?

11 A. Justice.

12 Q. They're related?

13 A. Both of them --- no. Both of
14 them are Justice. Now, I'm thinking
15 that Curtis Vance (phonetic) and Cass
16 Trent was there about the same time.
17 All four of them arrived at the mine

18 about the same time.

19 Q. Do you have any idea how those
20 two were contacted?

21 A. By Bill Gillenwater they said.

22 And I think Bill came in, but I seen
23 Cass and Curtis in the hall before I
24 actually seen Bill.

25 Q. Okay. So you went down and

32

01 took a roll call. And if you'd like
02 to refer to your notes at this point,
03 maybe we can go to the second page of
04 the exhibit. Is this the notes you
05 took, the account of the roll call
06 that you made?

07 A. Yes.

08 Q. This Brookeville vendor, was
09 he in the mine?

10 A. No. What the tag said was
11 there was a Social Security number
12 and it said Harry Ritz (phonetic).
13 And underneath Harry Ritz was
14 Brookeville. And I thought the
15 gentleman's name --- last name was
16 Brookeville. And I kept asking him
17 who was Mr. Brookeville, and they
18 said they didn't have a Mr.
19 Brookeville. And this gentleman left

20 every key he must have owned. It was
21 a lot of keys, as big as your fist.
22 And I kept saying, he couldn't have
23 left. Every key he owns is here.
24 There was like several car keys with
25 those big black ends, and it looked

33

01 like house keys. I mean, every key
02 the man owned looked like they were
03 on there. And I said, whoever this
04 is couldn't have left here, I said,
05 because, you know, they couldn't have
06 started their car or anything. So
07 they have to be here. We have to
08 account for them. So they ended up
09 finding out that it was the
10 Brookeville gentleman that works on
11 their mantrips and stuff, and he had
12 been there the day before. But we
13 actually had to call him --- they
14 called him at home to make sure that
15 he was not underground.

16 Q. The rest of the people that
17 are checked in are employees from the
18 mine?

19 A. Yes.

20 Q. And a lot of them are not
21 people that were on the Number Two
22 section that night. Were those

23 people already out of the mine when
24 you got to the mine?

25 A. No. The 14 names that are on

34

01 that list, two of them are the
02 deceased and 12 of them are 12 people
03 that went back in before I got there.

04 Q. So the Two section was still
05 underground?

06 A. No.

07 Q. They were out?

08 A. No. When we had the roll
09 call, they were all there.

10 Q. On the surface?

11 A. Yes.

12 Q. And the longwall section was
13 out also?

14 A. Yes, sir.

15 Q. And do you have any idea what
16 time that was that you made the roll
17 call?

18 A. It was probably about nine
19 o'clock or a little bit before maybe.

20 Q. Do you have any idea how long
21 the Two sections had been evacuated
22 from the mine at that point?

23 A. Not exactly. There was a
24 little conflicting --- you know,

25 somebody said they had been sitting

35

01 down there like a half an hour and
02 some of them said an hour, and you
03 know, it was kind of chaotic. So you
04 know, I don't want to say for sure
05 because I don't know for sure.

06 Q. Could you give us a range of
07 the times that you heard as far as a
08 minimum and maximum? You mentioned a
09 half hour to an hour. Is that the
10 range?

11 A. That's probably about the
12 general consensus, would have been
13 anywhere from 30 minutes to 60
14 minutes.

15 Q. So they'd come out anywhere
16 from eight o'clock to --- you did the
17 roll call at 9:00

18 A. Nine o'clock. Uh-huh (yes).
19 Yeah, because when I went upstairs at
20 8:20, there was a few people down
21 there in that waiting area. But
22 there wasn't as many as like when we
23 went back to do the roll call. So
24 see, some of them might have gotten
25 out before the other ones, you know.

36

01 I know that they told me that they

02 gathered together through that
03 cut-through coming off the longwall.
04 That's where they ran into each
05 other. But you know, still at that
06 --- I don't know that they all come
07 out on one trip or exactly how they
08 came out.

09 Q. And the 103K Order, you gave a
10 verbal to Frank Foster when you got
11 there?

12 A. Yes.

13 Q. And when you printed the K
14 Order out, who did you give that to?
15 Was that also Frank Foster?

16 A. Yes.

17 Q. Do you have any idea what time
18 these managers entered the mine?

19 A. No. Like I said, they were
20 all underground when I got there.

21 Now, when I got there and I issued
22 the K Order to Frank, and it says
23 here at 8:40, the company had taken
24 up like all the handsets off the C&P
25 phone lines, and then they had taken

37

01 up a lot of the mine phones. And I
02 heard Chris Adkins call and tell
03 Eddie Lester to tag him in.

04 Now, it took me a few minutes
05 to find a phone. I found the phone
06 and I hollered and I identified
07 myself and I told him I was issuing a
08 K Order and he didn't need to be
09 going underground, he needed to be
10 coming back up top. Because I was
11 still up top. I wasn't down in the
12 box cut. He never acknowledged me.
13 And like I said, I can't give you the
14 exact amount of time, but I would say
15 maybe five minutes or so. I had to
16 get the elevator and I went to the
17 box cut right then to see if he was
18 still down there. And he wasn't
19 there. And there was a gentleman
20 there, and I really can't tell you
21 what his real name is, but they call
22 him Preacher, and he informed me that
23 Chris was already underground when I
24 hollered. And knowing the layout of
25 when you first go in there, right

38

01 when you go in there's a threeway and
02 there's a phone there that you can
03 use right off a trip. You don't have
04 to get off the trip. Because he told
05 me --- Preacher told me that he
06 probably called me from the threeway.

07 And I could, you know, visualize him
08 just hollering and taking off. So
09 like I said, he never acknowledged
10 that he heard me, so I can't tell you
11 any more than that about that.

12 Q. So he had entered the mine
13 sometime around 8:40 or just before
14 that?

15 A. No. It would have probably
16 been --- it was right after I wrote
17 the K, so it was probably about 8:45
18 or 8:50 probably.

19 Q. Okay. And who was that again?

20 A. Chris Adkins.

21 Q. So you don't know if he heard
22 you say not to go in the mine or not.
23 Did you ask him afterwards?

24 A. He never acknowledged that he
25 heard me.

39

01 Q. And then by the time they all
02 come back out, it was kind of chaotic
03 there in the command center. And
04 honestly, I never thought to ask him.

05 Q. You mentioned about the C&P
06 phones.

07 A. Yes.

08 Q. Is that what you said?

09 A. Yes, sir.

10 Q. They took them up?

11 A. They took the handsets off a
12 lot of them. With what had happened
13 at Sago and all the rumors getting
14 out and all that, I really think that
15 little guy, his name was Randy Boggs,
16 should be commended for that, because
17 I thought that was an excellent thing
18 that was done. Because that way you
19 didn't have people calling home here
20 or calling their sisters there.
21 There was only one phone and you had
22 to use it. You had to have
23 permission to use it. There was
24 somebody stationed at it.
25 Q. Where was that phone?

40

01 A. When you came upstairs, it was
02 the longwall office. I think that's
03 what they called that office. But if
04 you were coming up the hall from like
05 the street side, it would be the last
06 office on the right.

07 Q. And they also did something
08 with the pager phones or ---?

09 A. The mine phones, yes, they
10 took several of them up. They had
11 like one in the command center up

12 there where we were.

13 Q. They took them up so they
14 could use them?

15 A. No. They took them up so
16 everybody wouldn't be talking on
17 them, you know, because they wanted
18 to be able to communicate with
19 whoever instead of a lot of people
20 being on the phone and not being able
21 to communicate with the people that
22 were underground.

23 Q. So they took those phones out
24 of service is what you mean by taking
25 them up?

41

01 A. Yes. Yes, disconnected them.

02 Q. Okay. After your roll call,
03 can you explain to us what you did
04 after that point as the night
05 progressed?

06 A. When we had the roll call, by
07 then there evidently had been a lot
08 of family members that had gathered
09 at the mouth of the holler there that
10 you had to go up. And they asked if
11 they could go down and just speak
12 with their family and come right
13 back, because they knew we needed to

14 talk with them. And I really didn't
15 see a problem with that, to keep down
16 the, you know, confusion and family
17 worry and everything, and they said
18 they would come right back. So they
19 went to talk to their families. And
20 they really weren't gone very long.
21 I was really surprised. You know, I
22 thought it would take a while for
23 them to come back up there, but they
24 came back quite fast.

25 I know I went back upstairs.

42

01 That's probably when I talked to
02 Eddie Lester about the 12 men that
03 were underground, that we had mine
04 rescue people that needed to be
05 fighting fire. We didn't need people
06 in there that weren't firefighters.

07 Q. At that point, had they called
08 mine rescue teams in; do you know?

09 A. Yes. In fact, they had two
10 that was there then.

11 Q. And that's both Massey teams?

12 A. Yes. They were the first two
13 there.

14 Q. When did they decide to call
15 other teams in?

16 A. They had already called them

17 before I got there because not very
18 long after I got there, both the
19 Massey teams arrived. And then just
20 a short time after that, Riverton and
21 Mingo Logan were there.

22 Q. When you interviewed the crew
23 that came off of Two section, did you
24 do them all individually or did you
25 do them as a group?

43

01 A. I started doing them
02 individually because, you know, the
03 way they came back up there. But it
04 worked out better. They all sat
05 there right around me and they were
06 all saying the exact same thing. So
07 it was more or less a general
08 interview with all of them.

09 Q. Can you give us some details
10 on what they told you?

11 A. Yeah. Let's see. The
12 dispatcher, that gentleman's name
13 that's Preacher, his name is Mike
14 Browning, okay. The dispatcher,
15 which was Joe Rose and Mike Browning,
16 which is Preacher, both called the
17 section at approximately 5:45. The
18 first one that I started to interview

19 was Randall Crouse. And he said that
20 one of the other gentleman had come
21 up to the face where him and his
22 buddy was roofbolting immediately and
23 they all were gathered by six o'clock
24 and headed off the section. They
25 stated they made the first turn

44

01 because that section was only in
02 there approximately six or eight
03 breaks, and when they made the curve
04 they had to pick up one other
05 gentleman, which made it a total of
06 12 that had started off the section.
07 They went just a little ways and they
08 smelled smoke. They progressed just
09 a little bit further and they hit
10 light smoke. When they finally
11 stopped the trip, it was very heavy
12 smoke. In fact, some of them said
13 they couldn't see their hand in front
14 of them. And they decided then that
15 they would all --- well, as soon as
16 the trip stopped, Mr. Bragg bolted.
17 He made a run for it. They never saw
18 him again. I mean, they hollered for
19 him and everything, but they never
20 saw him again.

21 They all decided they would

22 kneel in front of the mantrip to try
23 to use the lights to help them be
24 able to see. They knew that their
25 hands were going to be busy trying to

45

01 put the SCSRs on, so they went
02 shoulder to shoulder, trying to keep
03 up with each other. And Billy
04 Mayhorn looked at me and said that he
05 was shoulder to shoulder with Mr.
06 Hatfield, and he said, ma'am, he
07 said, one minute he was there and the
08 next minute he was gone. He said, I
09 felt for him, I hollered for him, but
10 I couldn't find him.

11 So at that point, they started
12 talking about --- after they had
13 donned their rescuers, Mr. Plumley,
14 which was the section boss, had told
15 them all they needed to stay
16 together, and they went down the
17 right rib I think approximately three
18 crosscuts, and that's where there was
19 a door that they went through into
20 the 48-inch belt entry. But I asked
21 him, I said, exactly where did you
22 park the run? Where was it exactly
23 that you all made it to? And he said

24 there was --- all of them said, where
25 those high cribs are set, near that

46

01 bore hole. And I said, a bore hole?

02 And he said, yeah, there's a bore
03 hole that goes all the way to the
04 surface there, where we park the
05 ride. Well, Cass Trent, which he's a
06 new inspector in our office, he just
07 got out of CMI school, he was
08 standing there with me when I was
09 doing the interviews. I told him to
10 continue taking notes, that I had to
11 go upstairs. And I went upstairs and
12 I told the people in the command
13 center, we have a bore hole exactly
14 where all this is going on. We need
15 somebody to go to the top of that
16 hole and see what we have coming out.
17 So there was only one gentleman that
18 knew where that hole was because it
19 takes like an hour and a half to get
20 to it, and you have to go down to
21 Peach Creek and then back on top of
22 the mountain. And John McNeely from
23 the company was the only one that
24 knew where it was. So I sent Cass
25 Trent with him. And I think another

47

01 gentleman, Jeff Perry from the
02 company, went with them. So the
03 three of them are the ones that went.
04 They first tried to take a shortcut,
05 but what happened was there was trees
06 down and they had to go the long way,
07 and which that took an hour and a
08 half for them to get there.

09 Like I said, then Minnes had
10 arrived. And I asked him to go to
11 the box cut and to check the CO
12 system because where he's the
13 electrical inspector and he was more
14 familiar with the mine and the system
15 than anyone since he was the one
16 inspecting it. And by then, Mr.
17 Gillenwater was there in the command
18 center. And I think Timmy Justice
19 went to one of the fans and maybe
20 Curtis went to the other fan, and
21 they were in the command center
22 trying to decide when to send the
23 mine rescue teams in. And at first
24 they wanted to send one team in all
25 by theirselves, and I said, no. I

48

01 said, that's not how we do it. You
02 don't send one team in there all by

03 themselves. So we waited until the
04 whole --- both Massey teams were
05 there completed and down in the box
06 cut before anybody went underground.
07 And I went to the box cut and before
08 anybody went underground, I made sure
09 I took names of everybody that went
10 so that we didn't have anybody that
11 wasn't accounted for. And the first
12 two trips that went in, because of
13 that diesel equipment and where we
14 don't have diesel at all of their
15 mines there, Charles Conn, which is
16 the captain of the East KY team, he
17 drove one because he's familiar with
18 them. And they task trained one of
19 the Elk Run boys to drive the other
20 one. And where Charles knew where he
21 was going, he led the way, and those
22 two trips went. Now, before the next
23 two teams could go in, they had to
24 make a decision. And they decided to
25 let company people drive them in

49

01 because nobody was familiar with the
02 equipment. And so even at that, when
03 the two --- the second two trips
04 left, they had --- well, going back
05 to when the first two teams went in,

06 there was two company people that
07 accompanied these two teams. With
08 the East KY team it was Johnny
09 Robertson. And with the Elk Run team
10 it was Frank Foster. And about
11 approximately 10:30 was when the ten
12 men came outside from underground,
13 the 12 company men that had went back
14 in.

15 Q. On one page here, Vicki, you
16 say that the two teams, with the
17 exception of Robertson and Foster,
18 came out at 9:30.

19 A. On the 20th.

20 Q. On the 20th. Oh, okay. This
21 is the next day. Okay.

22 A. Yes.

23 Q. Where do we change days on
24 here? This is 5:45 a.m.; is that
25 right? I have 5:45 p.m. there.

50

01 A. When the --- I don't think
02 this is the order that ---. This
03 wasn't in the right order because
04 this sheet back here that has the
05 Roverton and the Mingo Logan teams,
06 they went in --- they were the third
07 and fourth team. And the fifth team

08 was --- the fifth team was the Pin
09 Oak team. And that's when we
10 actually had MSHA and State people
11 that went in with them.

12 Q. Okay.

13 A. This sheet should be before
14 --- see, from --- it went from where
15 I was talking to the gentlemen to the
16 eighth team, if you'll notice. And
17 it shouldn't be the eighth. I think
18 the teams are --- like all three
19 sheets are out of order.

20 Q. Okay.

21 A. The first two are right, okay,
22 the East KY and the Massey one. The
23 two Massey ones were the first two.
24 But then we went --- you need to go
25 on back to where it says Riverton and

51

01 Mingo Logan and Pin Oak.

02 Q. Okay. I see what you mean.

03 A. And I was wrong. When
04 Riverton went in, there was an MSHA
05 employee on it, Mike Hicks. And when
06 the Mingo Logan team went in, it had
07 Jerry Cook on it, and a state
08 gentleman, Clarence Dishmon. And I
09 even made mention of the two company
10 men that went in and was the drivers

11 of the trips.

12 Q. Okay. That makes more sense

13 now.

14 A. So that's about --- when they

15 went in, these two teams went in,

16 they went in about midnight. And so

17 that would have been when we changed.

18 Because it says --- no, I'm sorry,

19 1:00 a.m. And I put 1:20 up above

20 there. So that's when it changed to

21 1:20.

22 Q. Okay. I see that now. Okay.

23 Now I'm back on the right page.

24 Thank you. This may be difficult for

25 you to do, Vicki, but is there any

52

01 chance you could number the pages in

02 the order they're supposed to be? We

03 need to take that apart and

04 reorganize it.

05 A. If I'm not mistaken, I think

06 mine --- this copy is. Could I make

07 this copy look like this one?

08 Q. Yes, if you could.

09 MR. FRANCAERT:

10 Why don't we take a

11 break?

12 SHORT BREAK TAKEN

13 MR. FRANCCART:

14 We're back on the

15 record.

16 A. I didn't really go into a lot

17 of detail about how they told me how

18 their shift started, what time, how

19 --- do you want me to go into that

20 much detail?

21 BY MR. FRANCCART:

22 Q. No, that's not so important.

23 A. Okay.

24 Q. I guess some of the key

25 questions we have --- when they came

53

01 out of the mine you had some people

02 tell you that Bragg bolted. Did they

03 tell you what direction he went?

04 A. They said the smoke was so

05 thick, they really couldn't tell.

06 All they know is he --- as soon as

07 the trip stopped, he ran.

08 Q. Did it seem that he went to

09 put his rescuer on or he just took

10 off?

11 A. He just took off.

12 Q. That's what they told you.

13 And Billy Mayhorn said he was

14 shoulder to shoulder with Mr.

15 Hatfield?

16 A. Yes.

17 Q. And he was in the group coming
18 out along the rib, looking for those
19 cribs; is that right?

20 A. Yes. He would have been one
21 of the ten that came out.

22 Q. Was he at the end of the line
23 or do you know if he was in the
24 middle of the group, what order ---?

25 A. No. Mr. Hatfield never ---

54

01 when they all kneeled down in front
02 of the trip is when Mr. Hatfield got
03 away from the group.

04 Q. So it's when they put the
05 rescuers on, he was right next to Mr.
06 Mayhorn?

07 A. Yes.

08 Q. But when they went to leave
09 that area, then he doesn't know what
10 happened to him?

11 A. He was already gone.

12 Q. Okay.

13 A. He said they were shoulder to
14 shoulder, and he was putting his
15 rescuer on. And I guess he assumed
16 Mr. Hatfield was putting his on. And
17 he said, ma'am, he said, one minute

18 he was there and the next minute he
19 was gone. He said, I felt for him, I
20 hollered for him, but I couldn't find
21 him. And several of the other ones
22 said that they had hollered for him,
23 too, but you know, there was never
24 any answer.

25 Q. Okay. Let's go back to the

55

01 page where you had the ten men come
02 out.

03 A. The list of all of them?

04 Q. Yes. Did the company discuss
05 any debriefing-type questions with
06 them; do you know?

07 A. I never seen anybody talk to
08 them. In fact, on up in the night, I
09 know most of them was sitting in a
10 room all together, you know, quiet,
11 real quiet, just so they could be
12 together, waiting for some news. But
13 I really never seen anybody other
14 than them together.

15 Q. So as far as you know, you're
16 the only person that questioned them
17 as to what happened underground?

18 A. Yeah. As far as that evening
19 or until I went to the box cut to
20 start checking people in and out, I

21 never seen them talk with anyone.

22 Q. Did they mention that they had
23 talked with anyone else?

24 A. No.

25 Q. Probably the last thing on

56

01 their mind at that point.

02 A. The only thing they were
03 worried about was their two buddies.

04 Q. When the managers, the group
05 of managers came out from
06 underground, what was the reason they
07 came out?

08 A. Eddie Lester had called them
09 --- well, he had been trying to call
10 ever since I had wrote the K to get
11 them to come back out. And I think
12 it was about 9:30 he got ahold of
13 Billy Hall, if I'm not mistaken. And
14 I was standing there when he told
15 him. He said, Billy, get them all
16 together and come outside.

17 Q. And that was the result of the
18 K Order?

19 A. That, plus I think Eddie
20 didn't think they needed to be in
21 there either. I mean, for his own
22 --- in fact, I'm not even sure if he

23 said because she just wrote a K. I
24 think he told him --- he told Billy
25 to get them together and come

57

01 outside.

02 Q. Do you know what they were
03 doing underground?

04 A. When they came out, it was
05 evident that they had been up there
06 where the fire area was. And they
07 were --- a lot of them were
08 exhausted. A lot of them were having
09 problems breathing. In fact, there
10 was four of them that had to have
11 oxygen. They were all very upset.
12 All they kept saying was they didn't
13 want to leave their buddies. You
14 know, they was one of their men.
15 They should be up there helping.

16 Q. Do you think the need for
17 oxygen was a result of their excited
18 state or was it because they may have
19 been in smoke on the fire area?

20 A. I think both, especially with
21 two of the younger gentlemen. They
22 were very excited. They were, you
23 know, pretty emotional. It took us a
24 while to get them to even come
25 upstairs from downstairs in the box

01 cut.

02 Q. Did you debrief those managers
03 when they came out as to what they
04 did or saw?

05 A. No. As soon as they came out,
06 they started taking control of the
07 command center. And at one time I
08 did mention to Chris Adkins that he
09 needed to limit the people that was
10 in the command center, because at
11 that time it was like mass confusion
12 and there was just too many people in
13 there all together. They even had
14 mine rescue teams up there and they
15 didn't --- I didn't feel like they
16 needed to be there. They needed to
17 be down in the box cut, preparing to
18 go underground. And you know, I even
19 told him, I said, you should limit it
20 to a few state, a few MSHA, a few
21 company people. You know, you don't
22 need all these people in here. And
23 he said, well, I can't do that. You
24 write the K Order. I said, there's a
25 K Order on the mine, not in your

01 command center, you know. And he was

02 afraid he would make somebody mad if
03 he made them leave.

04 Q. Who was in charge that evening
05 at the mine, from the company's
06 standpoint?

07 A. I'd say when I got there Mr.
08 Foster. I mean, I don't know that
09 for sure, but he's the one I talked
10 to, and he seemed like he knew what
11 was going on more than the rest of
12 them. By knowing Frank, I'd say he
13 probably had the most experience with
14 something like this going on. I
15 mean, there was some other company
16 people in the halls and in other
17 offices, but they really --- they
18 were just there.

19 Q. Do you know if any of the
20 managers attempted to fight the fire
21 with water or use any other methods
22 to put the fire out before they came
23 outside?

24 A. I know that several of them
25 were trying. I don't know what they

60

01 used. I had heard that Bryan Cabell
02 had used four fire extinguishers.
03 But other than that --- and I don't
04 know that for sure. I just heard

05 them all talking about four fire
06 extinguishers were used.

07 Q. Did anyone mention or talk
08 about trying to use water to put the
09 fire out?

10 A. No, I never heard anyone
11 mention water.

12 Q. Did anybody mention problems
13 with fire hoses?

14 A. No. I mean, they never went
15 into any detail other than, you know,
16 it was really hot up there and there
17 was a lot of smoke.

18 Q. Do you have any idea if or
19 when power was cut to the mine?

20 A. There was a time after ---
21 Billy Hall and Robert --- no, Robert
22 Ellis. Billy Hall hadn't come out
23 yet because Billy was one of the 12
24 that went in. Robert Ellis pulled
25 all the power, if I'm not mistaken.

61

01 Because he's like their chief over
02 maintenance and electrical --- in
03 fact, he's over several of their
04 mines.

05 Q. So he knows where to cut power
06 on the surface. So everything

07 underground should have been shut
08 off?
09 A. Yes.
10 Q. Let's go back just a little
11 bit to where you talked with Joe Rose
12 about --- I think that was early on
13 in your notes. Joe Rose and
14 dispatcher Mike Browning called the
15 section.
16 A. No. The gentleman told me
17 those two men called the section.
18 Q. Do you know who it was that
19 told you that?
20 A. Gary Baisden, for one, because
21 he was the first one on the list, and
22 Randall Crouse. I think Gary had
23 been the one that had come up and
24 told Randall and Mayhorn, Elmer.
25 Because I think Randall Crouse and

62

01 Elmer Mayhorn was bolting in Number
02 One face. And Gary Baisden came up
03 to them and told them that they had
04 to go, there was a problem.
05 Q. So Joe Rose didn't tell you
06 that he called Two section?
07 A. No. I don't even know who Joe
08 Rose is.
09 Q. When the Two ---?

10 A. I'm mistaken on who told Mr.
11 --- Elmer and Randall was bolting in
12 Number One and said at approximately
13 15 'til 6:00 somebody called on the
14 mine phone and told them to come out,
15 and the Buggy guy, Pat Kinser. So it
16 was Pat Kinser, not Gary Baisden, had
17 come to get them and tell them they
18 were going outside. That's when they
19 all gathered together. And they had
20 to walk approximately four breaks to
21 the top of the hill to the manbus.
22 And it was Billy Mayhorn that they
23 had to pick up to make it 12.
24 Q. When they came out on the
25 mantrip, they first smelled smoke,

63

01 then they ran into light smoke. And
02 did you say that they hit the heavy
03 smoke after they made the turn on the
04 mantrip?

05 A. Oh, no, they made that turn
06 off the section. That section is
07 only in there a few breaks is what
08 they, you know had told me, maybe six
09 or so. And they had to walk back to
10 the top of the hill, is what they
11 said. I haven't been in the mine, in

12 that area or anything, but I
13 understand there's a lot of hills in
14 that area, on those longwall and
15 tailgate entries. And they had to
16 walk back up to the top of the hill,
17 which would have probably been like I
18 think it said six or four, four or
19 six breaks they had to walk to the
20 trip. And that would have been back
21 where the turn would have been made
22 where they had parked the trip. And
23 two breaks outby where they parked
24 they had to stop and pick up Billy
25 Mayhorn. And there was some cribs

64

01 there where they stopped. Because it
02 says they stopped a few breaks at
03 cribs and picked up Billy Mayhorn.
04 And then they were traveling and
05 started smelling smoke, and the smoke
06 got thicker. And approximately 1,600
07 feet on Seven belt is the trip ---
08 that's where they left the trip in
09 the roadway. And that's when they
10 stopped the trip, and that's when
11 Bragg bolted and ran away. And
12 everybody was --- all the ten that
13 was there said the same thing. And
14 then that's when they got off the

15 trip and gathered in front of the
16 trip to don the SCSRs. And they
17 decided to get shoulder to shoulder
18 and don them, and that's when Billy
19 Mayhorn stated that when he was
20 shoulder to shoulder with Hatfield he
21 just disappeared. He stated it was
22 like he was there and then he just
23 disappeared. He didn't know what had
24 happened to him.

25 Q. So they didn't tell you about

65

01 having to make a turn out of that
02 entry into the parallel entry where
03 they hit the heavy smoke?

04 A. No.

05 Q. Did you get the impression
06 that they ran one single entry out
07 and ---

08 A. Yes.

09 Q. --- hit the smoke in that
10 entry?

11 A. I got the impression that they
12 had come down the roadway the entire
13 way. I mean, they didn't say we had
14 to go around a block or that we
15 didn't make any turns. They just
16 said they come out. So I assumed it

17 was 1,600 foot down one entry.
18 Q. Do you remember talking in
19 particular to Bryan Cabell in the box
20 cut?
21 A. No. I know Bryan, and I just
22 spoke with him. He was down there
23 when I went the first time to check
24 to see about if Chris had been in the
25 box cut when I hollered. And I spoke

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01 to him, but I really --- I didn't
02 talk to him or anything --- I didn't
03 even know of his involvement as far
04 as being up there when it happened or
05 anything until later on, when I
06 interviewed the guys. They told me
07 that they had come down and met the
08 longwall crew and Bryan Cabell, and
09 Bryan Cabell had led them out. That
10 was the only thing that I knew that
11 Bryan had done that night.

12 Q. You didn't talk to him about
13 being at the drive when the fire
14 started or ---?

15 A. I was unaware that he had even
16 been there until later on, when
17 somebody said that he had used four
18 fire extinguishers.

19 Q. So Mr. Ellis knocked the power

20 after you got to the mine; is that
21 right?

22 A. Oh, yeah. It was --- in fact,
23 I'm thinking it was some time.

24 Q. Do you have any idea how long
25 after you got there or what time he

67

01 did that?

02 A. No.

03 Q. And who requested that power
04 be knocked?

05 A. I didn't.

06 Q. Somebody from the company told
07 him to do it?

08 A. I think they all were just
09 talking about it probably in the
10 command center, and that's what they
11 decided to do. Like I said, there
12 was so many people in the command
13 center, and they were all talking at
14 the same time. It was chaos.

15 Q. Your mine rescue training, do
16 you think it was a valuable asset to
17 you in this whole thing?

18 A. Yes, I do. And also my
19 accident investigative training.

20 MR. FRANCCART:

21 Bill, do you have some

22 questions?

23 BY MR. TUCKER:

24 Q. I have just a couple, Vicki.

25 When the 12 company officials came

68

01 out prior to the mine rescue teams

02 going in, do you know if they ---

03 somebody checked them out?

04 A. I know when I went back

05 downstairs I checked the board again

06 and the only two people that was

07 still tagged in at that time was

08 Hatfield and Bragg.

09 Q. Okay. I wasn't sure. You had

10 mentioned that somebody had made a

11 comment that Joe Rose and Preacher,

12 who's Mike Browning, had called the

13 section. Did you say who had

14 mentioned that Joe Rose was one of

15 the people who called the section?

16 A. I'm thinking that was Gary

17 Baisden. That's why I had a star by

18 his name, because it was right under

19 Joe Rose and Mike Browning, Preacher.

20 Right there.

21 Q. Okay.

22 A. I'm thinking it was Gary

23 Baisden. But several of them made

24 mention that someone had called.

25 Q. Right.

69

01 A. I don't think that was a big
02 section. It was probably just a few
03 entries. So they were probably all
04 kind of up there together, as far as
05 that --- you know, their work part
06 seemed to be there.

07 Q. Right. I was just trying to
08 understand who the crew was saying
09 --- if they identified the people who
10 called them.

11 A. Yes, it was the crew that told
12 me Joe Rose and Mike Browning or I
13 wouldn't have known to even write
14 those names down.

15 Q. Okay.

16 A. Because like I said, when I
17 first mentioned Preacher a while ago,
18 I didn't really remember his real
19 name. All I remembered him is by
20 Preacher. And the only reason I even
21 knew it is when I turned over here to
22 my notes.

23 Q. Okay. When you talked to the
24 crew and done the initial interview
25 with them, did they indicate where

70

01 they thought that the missing miners
02 would have went?

03 A. No. They all --- I mean, they
04 were all really tore up because they
05 didn't know. Because like I said,
06 they all said that Bragg bolted and
07 ran when that heavy smoke --- they
08 said they had no idea where he had
09 ran. And then when they all got down
10 there to don their rescuers, they
11 were shoulder to shoulder and then he
12 said he was gone.

13 Q. Right. So at that point, they
14 hadn't made reference to Ten headgate
15 or going any certain direction to
16 where ---?

17 A. Well, not of those two men.
18 They told me that they had parked the
19 trip where the high cribs and the
20 bore hole was, which was
21 approximately 1,600 feet, is what
22 they told me, on the Seven belt, if
23 I'm not mistaken.

24 Q. Right. I was referring to if
25 they had made reference to Ten

71

01 headgate as far as where the missing
02 miners might have went.

03 A. No. No, because they all said

04 the smoke was so thick, they didn't
05 have any idea where they would have
06 went.

07 Q. Okay. Thank you.

08 BY MR. FRANCAERT:

09 Q. Vicki, you were there a long
10 time. You had a long day anyway.
11 What time did you leave the mine?

12 A. The next day, at one o'clock.

13 Q. 1:00 p.m., ---

14 A. Yes, sir.

15 Q. --- in the afternoon?

16 A. Uh-huh (yes). And I didn't
17 want to leave then.

18 Q. Did somebody get an assignment
19 to take your place to what you were
20 doing; do you know?

21 A. No. From what I understand,
22 no one done that again until Tuesday,
23 after I quit doing it, is what I was
24 told. Now, I don't know that for
25 sure, but that's what I was told. I

72

01 mean, I think the State had people,
02 but we didn't have anybody there.

03 Q. You listed in your notes here
04 all the mine rescue teams that went
05 in, when they came out. Do you have

06 any idea --- you don't have in your
07 notes here what they were doing. But
08 do you know where they were headed
09 toward or what their goal was in
10 their exploration?

11 A. I know that the first two
12 teams, when they went in, they were
13 going --- they all knew that it was
14 at the mother drive, so they were
15 going to start in that vicinity as
16 far as to look for the two people
17 that were missing. But I made sure
18 that every team member on those first
19 two teams that went in, even Mr.
20 Foster and Mr. Robertson, was well
21 aware of where that trip stopped, at
22 that bore hole and those cribs. I
23 made sure I told every one of them
24 personally so they at least would
25 know where they were last seen.

73

01 Q. Did they take a map with them
02 with that location marked on it?

03 A. I couldn't tell you that. I
04 really --- I know in the command
05 center we had maps and we were
06 looking at them. But to tell you
07 that one of them took one, I really
08 couldn't tell you.

09 Q. When the power was knocked to
10 the mine, did anybody in the command
11 center indicate that that may have
12 caused the water supply to be
13 interrupted on the longwall up at the
14 headgate or on the mother drive area?

15 A. No. I don't think that was
16 discussed.

17 Q. As far as the time on the
18 power, was that after midnight
19 sometime when it was knocked?

20 A. I really didn't think it was
21 that long, but it could have been.

22 Q. I didn't remember seeing that
23 in your notes. Was that something
24 ---?

25 A. No, I don't think it was in

74

01 the notes. I think I just remember
02 it. And I was thinking it was before
03 the two teams went in, but now I
04 could be mistaken as far as that goes
05 because I didn't make mention of it
06 in my notes, so I don't want to tell
07 you that for sure.

08 Q. That's fine.

09 A. Mike Plumley was the foreman
10 in Number Two section. Did you talk

11 to him?

12 A. Yes.

13 Q. Can you tell us what he talked
14 to you about?

15 A. He made the statement that he
16 gathered the crew up and that they
17 had picked up the one gentleman when
18 they made the turn off the section.
19 And he just said he just tried to
20 emphasize to everybody to stay calm
21 and to stay together. They had to
22 stay together. Now, several of the
23 gentlemen made mention that they
24 probably wouldn't have got out if it
25 hadn't been for Plumley because he

75

01 was the one that led them to the door
02 and got them over into the 48-inch
03 belt line that had the clear air in
04 it.

05 Q. Did he mention to you how he
06 learned about the fire at all?

07 A. I don't think it was him that
08 actually answered the phone. It was
09 Kinser, Pat Kinser. I'm almost
10 positive that was --- because that's
11 who --- he was the buggy boy. And
12 Pat Kinser was the one that had come
13 up and told Elmer and Randall Crouse

14 to get together, they had to leave,
15 there was a problem. And I would ---
16 I just assumed that Pat Kinser, being
17 the buggy boy, usually they're around
18 the feeder and that kind of area. So
19 I assumed he answered the phone and
20 was gathering everybody up.

21 Q. Did anyone on that crew that
22 you talked with seem to know that
23 there was smoke coming up that intake
24 escapeway?

25 A. No. Like I said, they said

76

01 after they made the turn, they
02 smelled smoke. Then they hit light
03 smoke. And then when they got in the
04 heavy smoke is when they decided to
05 don their rescuers.

06 Q. But when they got the call on
07 the section, they had no prewarning
08 that they may hit smoke?

09 A. No. In fact, several of them
10 made mention that they really didn't
11 know what the problem was when they
12 left the section. But then there was
13 other ones that said they thought
14 there was a problem at the mother
15 drive. So it would have probably

16 been whoever answered the phone that
17 probably had the most information.

18 Q. Was there any reason that they
19 made mention of those cribs? Was
20 that a landmark for the miners
21 or ---?

22 A. I think so because they all
23 acted like --- everybody knew or
24 should have known where those tall
25 timber --- I mean, cribs were because

77

01 they kept saying, we parked the trip
02 at those tall cribs. It's near that
03 bore hole. You know, they all were
04 in agreement with that. And it was
05 about 1,700 feet from where they
06 started.

07 Q. Is that maybe a planned
08 destination for the crew to get to
09 that point to try to get into the
10 belt?

11 A. No, I don't think so. I think
12 one of the main reasons --- if I'm
13 not mistaken, last year, when they
14 had the inundation, that's where that
15 bore hole is down and that's where
16 that one seal is built. And so maybe
17 that's why they made reference to it
18 or --- and maybe that's the only

19 landmark they knew was there in the
20 heavy smoke.

21 Q. Did you talk with any of the
22 longwall crew?

23 A. Yes. There was five gentlemen
24 from the longwall crew that gave me
25 their names and phone numbers. And I

78

01 asked them what they knew, and more
02 or less all they knew was they were
03 gathered up and they come through
04 that short cut-through from the wall
05 and they met the Number Two section
06 crew, and they all come out together.
07 They said Bryan brought them all out.

08 Q. Did you hear any talk about
09 what ignited the fire?

10 A. All I kept hearing all night
11 long was it was the mother drive, the
12 mother drive. They never --- you
13 know what I'm saying? As far as
14 somebody saying it was the take-up or
15 the head or anything like that, I
16 never heard anything like that
17 mentioned.

18 Q. The drive area takes a lot of
19 components into it. You said there
20 were four people or so that had to

21 have oxygen.

22 A. Yes.

23 Q. Do you know who they were?

24 A. Yes. As soon as they came
25 out, Pepe Lester came upstairs into

79

01 the command center, and he was
02 probably the worst. And they got two
03 guys immediately, EMTs, or maybe even
04 paramedics, I don't know, they were
05 from the County Public Group, and
06 they put oxygen on him. And he
07 wanted to go find his other guys,
08 because he was real worried about
09 Dusty and Terry Shadd. And he wanted
10 --- he kept wanting to stand up and
11 take his oxygen off, and I kept
12 saying, you need to sit down, Pepe.
13 You need to, you know --- you need to
14 get this oxygen in you. He said,
15 I've got to go make sure that Terry
16 and Dusty is okay. I said, if I tell
17 you that I'll go see if they're okay,
18 will you sit here and let these two
19 gentlemen work on you. And he said
20 he would. So that's when I went to
21 the box cut to check on Terry Shadd
22 and Dusty Dotson. And Fred Horton
23 was there. All three of them. And

24 all three of them were in pretty bad
25 shape, but I'd say Terry was probably

80

01 the worst. He was --- he was real
02 emotional, and he went over in the
03 corner and Preacher was holding him.
04 And I knew he needed assistance. I
05 have some --- I was an EMT at one
06 time and I could tell --- he looked
07 real chalky and looked like he was
08 going into shock. And all of them
09 were having problems breathing. So I
10 kept telling him, we need to go up
11 top. We need to go up top. You
12 know, he needed to be looked at. And
13 finally --- Dusty was real quiet and
14 Fred was real quiet, but Terry was
15 very emotional. And so finally Dusty
16 and Fred come over there to where
17 Preacher and I had Terry and they
18 said, come on, we'll go if you'll go,
19 you know. It was like none of them
20 wanted to go unless all three of them
21 went. And so finally all three of
22 them came upstairs. And we took them
23 to the end of the building and they
24 hollered for the EMTs or the County
25 Public crew again, and they come

01 over. And that's where I left the
02 three of them, with them, and I went
03 back upstairs where the command
04 center was.

05 Q. You don't know if they got
06 into the drive area to get into heavy
07 smoke or not, where they would have
08 been?

09 A. No. They didn't tell me where
10 they got into heavy smoke. But I
11 mean, you could just tell by looking
12 at them, the way they was breathing,
13 that they had --- I mean, it wasn't
14 from just exhaustion, I mean, and it
15 wasn't from adrenaline. They had
16 been in smoke. I mean, you could
17 smell it all over them.

18 Q. Do you know if besides Two
19 section if there's anybody that
20 donned SCSRs that evening?

21 A. Nobody that I was aware of,
22 because the longwall crew come out
23 that cut-through. They were never in
24 smoke as far as I know. They told me
25 they weren't, the ones I talked to.

01 Q. Pepe Lester didn't talk about
02 having donned an SCSR and Terry

03 Shadd?

04 A. No, none of them had. But now
05 later on I had heard that all of them
06 used rescuers. But that's just
07 hearsay. When they came out and all
08 of them were, in my opinion, needing
09 oxygen, I would have assumed that
10 they had been breathing smoke. So if
11 they had rescuers on, maybe they
12 didn't last long or maybe they didn't
13 wear them properly or --- you know, I
14 can't say. But I would definitely
15 say they had inhaled smoke.

16 Q. Nobody had to go to the
17 hospital? They were all treated on
18 the mine site?

19 A. Yeah. They were all four
20 treated right there.

21 Q. Did anybody talk about or did
22 you hear about any problems with the
23 mechanical function of the drive at
24 all or was there any mention of a
25 maintenance problem or a maintenance

01 issue?

02 A. When I had sent Minnes to the
03 box cut, he came back upstairs. In
04 fact, I think I met him at the end of

05 the catwalk downstairs. And he had
06 the CO book in his hand, and he said
07 I got the book, like that. And I
08 said, well, hold on to it, you know,
09 there's so much going on and, you
10 know, you try to give one ---
11 everybody something to do because you
12 couldn't be in all those places at
13 once. He said, we have some
14 problems. And I said, well, hold on,
15 whatever it was at that moment, I had
16 to do it. And so then I came back to
17 him later. And he informed me that
18 there had been three alarms the day
19 before and three alarms that day, and
20 he had a printout in the book with
21 all that on it.

22 Q. Did he happen to know why they
23 occurred or what caused them?

24 A. No. From what I understand,
25 like by law, you're required to write

84

01 down and send somebody in, then write
02 down what you did to fix it and all
03 that. And he said there was no
04 mention of any of that in the book.
05 It just showed three alarms the day
06 before and three alarms that day, and
07 the last one was at 5:30.

08 Q. When Pepe and the rest of the
09 managers came out from underground,
10 did you notice if they still had
11 their SCSRs on their belt or were
12 they around their necks? Did you see
13 anybody that had them ---?

14 A. I didn't see anybody with them
15 around their neck. I think I would
16 have really noticed that. Because
17 then I would have known somebody had
18 donned them. And I don't remember
19 seeing any around anybody's neck. As
20 far as to tell you that I seen some
21 on somebody's belt, in fact, I think
22 when Pepe come upstairs, he came up
23 and he didn't have any of his mining
24 stuff on, as far as hat, belt or
25 anything like that, when they brought

85

01 him upstairs. Now, when I went to
02 the box cut and Terry and Dusty and
03 Fred was down there, they did have
04 their mining stuff on, but I couldn't
05 tell you if they had a rescuer or
06 not.

07 Q. Did any of them mention if
08 they had traveled inby the fire at
09 all?

10 A. No. If I'm not mistaken, Pepe
11 said that he thought he had heard one
12 of them holler. And I said, Pepe,
13 you couldn't have heard nobody holler
14 with everything that was going on up
15 there. You just thought you did.
16 You just wanted to hear somebody
17 holler. I mean, you could tell he
18 was really upset. And honestly, I
19 don't think he could have with
20 everything that was going on and a
21 raging fire and the top working and
22 everything else. I just don't see
23 how he could have heard somebody
24 holler. I guess maybe I was just
25 trying to ease his mind or something

86

01 when I said I don't think you could
02 have, but ---.

03 Q. What about handheld gas
04 detectors, did you notice that any of
05 the managers had those with them?

06 A. Like I said, I didn't see Pepe
07 with even his belt or anything on. I
08 have traveled with him before, and
09 usually he has one on his belt. And
10 I went downstairs and I seen Horton
11 and Shadd and Dotson. I couldn't
12 tell you if they had one or not.

13 Q. You don't regularly inspect
14 this mine; is that what you said?
15 A. Yes, it wasn't assigned to me.
16 There's four times I've been
17 underground there. I ran dust on the
18 wall two times to assist another
19 inspector, and I ran one on one miner
20 end at one time. And really, I
21 couldn't tell you where --- you know
22 what I'm saying, as far as the MMU
23 numbers or anything like that. Then
24 last year, when they had the
25 inundation, my supervisor called me

87

01 and I was in Charleston and I came
02 back and I went to the mine and I
03 modified the K Order. And I went
04 underground with two people, and I
05 honestly couldn't tell you who those
06 two people were, up to the tow of the
07 water to see how much it had
08 progressed. And those are the only
09 four times I've ever been underground
10 there.

11 Q. Would you have been familiar
12 with the location of the 1200 map?

13 A. If I'm not mistaken, it was in
14 a superintendent's office. It would

15 have been like when you come up the
16 steps from the street side instead of
17 the hillside, it would have been like
18 the second office to the left.

19 Q. Could you describe what it
20 looked like? Did it have any special
21 features that you don't typically see
22 on other maps?

23 A. I would say it was on a larger
24 scale than that one. I couldn't tell
25 you exactly. And it would have like

88

01 section markups daily on it. It all
02 wasn't in one piece. There was an
03 electrical map on the wall in the
04 hall. Then in the command center,
05 when I got there, there were maps all
06 over the table. And then there were
07 some tacked up on the wall, too. But
08 I couldn't tell you how long any of
09 them would have been there or
10 anything.

11 Q. Did you notice if anybody took
12 maps off the walls to use them for
13 mine rescue work, if you can recall?

14 A. In fact, I remember the maps
15 were still in that room, that second
16 room that I was telling you about,
17 because there was several state

18 policemen in there. And one of them
19 needed my assistance, and I remember
20 looking in there because he asked ---
21 he had hollered for me, and I went to
22 the door and I remember the maps were
23 on the wall.

24 Q. When was the last time you
25 were in that room?

89

01 A. Well, I didn't stay in the box
02 cut the whole time. I would come and
03 go from upstairs and back to the box
04 cut. But it was after that, they had
05 locked down the command center and
06 they had a state policeman at both
07 doors. So I would say it was
08 midmorning on the 20th, like
09 somewhere in the --- somewhere
10 between midnight and five or six
11 o'clock in the morning. It was dark.

12 Q. The map was still on the wall
13 at that time?

14 A. Yes.

15 Q. And the mine rescue teams that
16 were coming on, were they given maps
17 to go underground?

18 A. I don't know. They were
19 briefed upstairs. And then when they

20 were brought out, they were --- no
21 one in the box cut talked to them.
22 They took them straight over to the
23 elevator and took them straight
24 upstairs and debriefed them.
25 Q. The 1200 map that you saw,

90

01 were any gum bands on the map with
02 pins to hold them in place?
03 A. That would have been the
04 electrical map in the hall, if I'm
05 not mistaken, like to show belt
06 lines, things like that, or high
07 line, things like that. If I'm not
08 mistaken, that was the one in the
09 hall that had those like pushpins and
10 rubber bands.

11 Q. Was the electrical map still
12 there on the 20th also?

13 A. Yes. It was in the hall.
14 There's an electrical office, and it
15 was outside that office on the wall.

16 Q. How about escapeway maps, did
17 you happen to see any of those posted
18 anywhere?

19 A. Down in the waiting room they
20 have a table that has like Plexiglas
21 on top and they have an escapeway map
22 there. And it was there that night,

23 because I remember when we went to do
24 the roll call somebody was sitting on
25 that table and I put my notepad down

91

01 and I know the map was still there,
02 underneath the Plexiglas.

03 Q. Let's go back to your K Order
04 just for a minute to clarify
05 something and give your opinion.

06 Chris Adkins was underground when you
07 issued the K Order?

08 A. As far as I know, he was. I
09 issued the K Order to Frank. And in
10 fact, he asked me, he said, what's it
11 say. I said, well, I'm not writing
12 it right now. You've had enough K
13 Orders. You know what that K Order
14 says. And as soon as I get my
15 computer, I'll write it and you'll
16 get a copy of it, I said, but you
17 have a K Order right now. And that's
18 --- right after I issued it to him,
19 that's when I heard Chris hollering
20 to tell Eddie Lester, tag me in, I
21 forgot to tag in. So that's when I
22 went to look for a mine phone. And
23 where they had taken them up --- if
24 I'm not mistaken, I had to go out on

25 the catwalk to use the phone that was

92

01 at the top of the elevator. And
02 that's the one I used to holler at
03 him on. And like I said, he never
04 acknowledged. So that way I went
05 straight down to the box cut to see
06 if he was in the box cut. And that's
07 when Preacher told me that he wasn't
08 out here when you hollered, he was
09 already in. He called from the
10 Threeway.

11 Q. So you don't think that he
12 entered the mine against the K Order?

13 A. I couldn't tell you that.
14 Because like I say, he never
15 acknowledged that I had hollered or
16 anything, I mean. And I can
17 visualize him calling from the
18 Threeway. Like I said, you can sit
19 on the trip, because that's what they
20 do when they want to clear their way
21 out to outside or to come in to go to
22 a different direction. They always
23 stop there at that Threeway and just
24 reach off the trip and talk on the
25 mine phone.

93

01 MR. FRANCCART:

02 Bill, do you have any
03 more questions?
04 MR. TUCKER:
05 Just a couple.
06 BY MR. TUCKER:
07 Q. Just going back to like when
08 you were talking to the crew.
09 A. Yes.
10 Q. Did you hear any comments or
11 did they indicate in any way that
12 they were surprised that they had ran
13 into heavy smoke in their travelway?
14 A. Yeah, they did. But like I
15 told them, I said, guys, you smelled
16 smoke, then you hit light smoke.
17 What did you think was going to come
18 next?
19 Q. Can you remember some of the
20 comments they made or ---?
21 A. I think that most of them
22 thought it wasn't that bad, that
23 nobody ---.
24 Q. So when they were traveling
25 down through there, they were going
01 ---?
02 A. Yeah. That nobody had an idea
03 that it was that bad, is the general

04 impression that all of them gave me,
05 was you know, we didn't think it was
06 that bad, that's more or less why we
07 waited until then to put them on.

08 Q. Did anybody indicate that they
09 had maybe smelled smoke on the
10 section before they left or ---?

11 A. No. They said it was right
12 after they picked up the --- you
13 know, when they made the turn ---.
14 Like I said, they had to walk back
15 four or six breaks to the top of the
16 hill, which would have been on the
17 mains then where they parked the
18 trip. And they said they just ---
19 they made the turn and --- I'd say
20 they were already in the mains when
21 they made that turn. And when they
22 made the turn, they picked up the
23 last gentleman, I think was Billy
24 Mayhorn. Yeah, I think it was Billy.
25 But anyway, when they picked him up,

95

01 and they went just --- it says here
02 that manbus was on top of the hill
03 four breaks from the face. That was
04 11 headgate, Two section. They
05 traveled down the northeast mains
06 from 11 headgate. Halfway down Nine

07 and Ten headgate, that's where they
08 encountered the light smoke. But
09 they had smelled the smoke before
10 then. They stopped a few breaks at
11 the cribs and picked up Billy
12 Mayhorn. Now, that's not the tall
13 cribs that they stopped the trip at.
14 This is just a few breaks out that
15 they picked up Billy Mayhorn. Then
16 they were traveling, and that's when
17 they started smelling the smoke.
18 Then the smoke got thicker. That's
19 when they hit the light smoke at ---
20 halfway down between Nine and Ten
21 headgate they encountered the light
22 smoke. And then 12 breaks inby Seven
23 tailpiece, that's where they got the
24 heavy smoke. And that's where the
25 tall cribs and the bore hole should

96

01 have been located.

02 Q. Right. Did they mention or
03 did you hear them make any comments
04 whether or not that they had had any
05 discussion on their way down on the
06 mantrip --- once they started
07 encountering smoke, if they had any
08 discussion about donning their SCSRs

09 prior to entering the heavy smoke?

10 A. No.

11 Q. Okay.

12 A. I really don't think that when
13 they started off that section they
14 had a clue of how bad it was going to
15 get.

16 Q. Right.

17 A. Because none of them acted
18 like they did.

19 Q. There was no sense of urgency

20 ---

21 A. No.

22 Q. --- from what you could tell
23 talking to them when they left the
24 section?

25 A. Yeah. When they left the

97

01 section, they just all gathered up
02 and they started outside.

03 Q. Okay. That's all I have,
04 unless there would be anything that
05 you could think of, looking back on
06 the conversations you had with them,
07 that maybe we haven't brought out
08 yet.

09 A. This states that it was only
10 one break out by the cribs that that
11 man door was that they went through

12 to the right and ended up in the
13 four-foot belt line entry instead of
14 three breaks. And that was mentioned
15 twice, so it must have been just one
16 break. Plumley led them down the
17 right rib and right to that door, and
18 that's when they got into the 48-inch
19 belt, and it was in clear air.
20 Nothing I can think of.

21 MR. TUCKER:

22 That's all I have.

23 BY MR. FRANCAERT:

24 Q. Just a few more questions for
25 you, Vicki. Did anybody show any

98

01 surprise with the fire in the mother
02 drive that their primary escapeway
03 would be full of smoke?

04 A. I think that's pretty much
05 what the section --- why they were so
06 surprised that they didn't don their
07 rescuer sooner. You know, they
08 assumed they were where they needed
09 to be. And I think that's why they
10 never donned their rescuers until
11 they did, until they actually hit the
12 heavy smoke. I really don't think
13 they thought they were going to hit

14 it, is more of the contentions I got
15 from them. They kept saying, well,
16 we just smelled it. And then it was
17 light smoke. And then just, all of a
18 sudden, we were in heavy smoke. And
19 I'm sure as they were advancing
20 outby, the smoke was advancing inby.
21 And that's probably what took them by
22 surprise.
23 Q. Did anybody mention how they
24 thought the smoke got into the
25 primary escapeway?

99

01 A. No. I heard a lot of people
02 talking that night about there was a
03 mantrip between the doors. See, I'm
04 not even familiar with the area, so I
05 didn't know that there was even doors
06 around that head or --- you know what
07 I'm saying. All I kept hearing was
08 that the fire was at the mother
09 drive. Then like I said, I had heard
10 there was a trip and maybe that's
11 what --- why the doors weren't
12 closed. And then, you know, you're
13 down there and you're listening to
14 all of them talk, you know, and it
15 was just speculation. I mean, unless
16 you had been there, you really

17 wouldn't have known.

18 Q. Besides the doors being open,
19 were there any other separations from
20 the belt to the escapeway that may
21 have been compromised that you heard?

22 A. No.

23 Q. How about holes in stoppings?

24 A. I heard a lot of the mine
25 rescue teams talking about getting

100

01 smoke and seeing smoke coming through
02 stoppings and by the stoppings and
03 around doors and --- they all talked
04 about --- they all know that I was on
05 a team, so they --- you know, we were
06 just talking about mine rescue in
07 general. And they talked about ---
08 and a lot of them, it was their first
09 time ever going through something
10 like this, so they talked about it a
11 lot.

12 Q. On the 1200 map, just so we
13 can clarify that, you mentioned that
14 it's a larger scale than the one we
15 have on the wall here.

16 A. Yes.

17 Q. That's what, 100 to 200 scale.

18 Do you have any idea what scale the

19 other map was?

20 A. I would say it was about 400,
21 because it was probably double that.

22 Q. Was the entire map 400 scale
23 or was it different scales for
24 different areas? Like the sections,
25 were they maybe a larger scale than

101

01 the rest of the mine?

02 A. No. It all looked about the
03 same. It wasn't all in like one
04 piece together, because they had some
05 of it like on a wall here and it came
06 around. So it was like on the three
07 walls in that room. It started like
08 --- you went in the door and it
09 started right there on the wall where
10 the door was, and then it went around
11 that wall and then back toward the
12 window, because the window would have
13 been on the third wall.

14 Q. Can you give us an estimate of
15 how wide the entire map would have
16 been?

17 A. Well, it went from the floor
18 to the ceiling. And then, like I
19 said, it came around like this. And
20 the few times I've been up there,
21 it's always been like that. That's

22 where they do their mark-ups daily,
23 you know, to let you know what
24 happened that day, you know, like if
25 they cut three crosscuts or two

102

01 crosscuts or one crosscut or they cut
02 a break or whatever.

03 Q. But the section updates were
04 done on that same map, it wasn't a
05 separate small section of the map
06 that they used to update the section
07 advance?

08 A. No. It was on that big map
09 that they --- and they used --- if
10 I'm not mistaken, they even used
11 different colors for different
12 shifts, you know, like maybe orange
13 for the day shift, to show you what
14 the day shift cut, or maybe green for
15 the evening or something like that.
16 I couldn't tell you the exact colors.
17 I'm just using orange and green as an
18 example. But I'm almost positive
19 they used different colors for
20 different crews.

21 Q. Do you have any idea what the
22 height of the ceilings are in those
23 rooms?

24 A. They're probably not as high
25 as this. Are these ten?

103

01 Q. Probably eight, maybe nine.
02 Did that map actually go down and
03 touch the floor?

04 A. Yes.

05 Q. It went the whole way to the
06 ceiling?

07 A. Uh-huh (yes).

08 Q. As far as the length/width
09 ratio, was it longer than it was
10 high?

11 A. Well, like I said, it started
12 at this door and it went a little
13 ways on this wall, because it was
14 just a little spacing between the
15 door and the wall. Then it went all
16 the way down the wall and then a
17 little spacing between the wall and
18 the window. So it went pretty much
19 --- and it's been that way ever ---
20 like I told you before, when I've
21 been up there before, it's always
22 been like that on the wall, as far as
23 --- I mean, I couldn't tell you if it
24 was accurate or not. I'm just saying
25 I seen the map.

104

01 Q. Have you been back to the mine
02 since the night of the fire or the
03 day that you left?
04 A. I went back on Saturday night
05 to modify the K Order because my
06 computer was the only one that had
07 it. And I took Mr. Barish and
08 another gentleman back up to the mine
09 one day, and I got in trouble for
10 being up there. I wasn't supposed to
11 be there. My supervisor called and
12 told me to get back to the office
13 immediately. And when I got back I
14 asked why and he didn't tell me at
15 first. So I went back in his room
16 and I asked him again why I wasn't
17 allowed to go up there, and he said
18 that I was too close to the
19 situation. And so then I walked out
20 of the room. And that bothered me,
21 so I walked back and I asked why I
22 was too close to the situation. And
23 he said because I issued the K and I
24 talked to those ten guys, that they
25 had talked and I shouldn't be going

105

01 back up there.

02 Q. Who's your supervisor that

03 told you this?

04 A. Mr. Gillenwater, Bill

05 Gillenwater. But from what I

06 understand, he was instructed by Mr.

07 Marrs. I don't think that was Bill's

08 decision. Because I had asked about

09 going back --- oh, I take that back.

10 One night, at home, at 12 o'clock, I

11 was called. It was just right after

12 --- this might have been like Monday

13 night or Tuesday night, right after

14 the fire. I was called and said

15 could I go to the mine. And I said,

16 you know, what do you need me to do?

17 This was Bill calling. And he said,

18 we had a problem. The person that

19 was supposed to be there can't be

20 there because they had issued a B

21 Order, and they had to go back and

22 check on the B Order, and they didn't

23 have anybody and could I go. And I

24 said, well, that's fine. I'll have

25 to go to the office, though, and get

01 my hat and boots. Because I asked

02 him what he wanted me to do and he

03 said go to the box cut and check

04 people in. I said, I don't have a

05 problem with that, but I got to go to

06 the office and get my hat and boots.
07 He said okay. He said, call the mine
08 and tell Ernie Ross that you're on
09 your way. So I called up there, and
10 Ernie had already left. And I had to
11 ask for him like two or three times
12 before somebody came to the phone.
13 And when the person picked it up and
14 said hello, I assumed it was Ernie.
15 I said, Ernie, this is Vicki Mullins.
16 I'll be there in just a few minutes.
17 I have to go to the office and get my
18 hat and boots. And it was Mr. Marrs,
19 and he was real upset and he wanted
20 to know why I wasn't there when my
21 shift started. And I said, I didn't
22 know I was supposed to be there. I
23 said, I just got a phone call five
24 minutes ago and they asked me to
25 come. And I said, I'll be there as

107

01 soon as I go to the office. And I
02 said, Mr. Gillenwater asked me to
03 call you all and let you know I was
04 coming. And he was still kind of
05 persistent about why I wasn't there
06 when my shift started. And I told
07 him that I had just went to bed, that

08 I didn't know I was supposed to even
09 be there, so ---.

10 Q. I'm a little confused on why
11 he thought you were too close to the
12 situation to do a modification of the
13 K Order.

14 A. Well, it wasn't the day I did
15 the modification. It was that week,
16 when I took Mr. Barish back up to the
17 mine.

18 Q. You shouldn't have been with -
19 ---?

20 A. No, he didn't have a problem
21 with me being with Mr. Barish. In
22 fact, they asked me to take Mr.
23 Barish to the mine because he didn't
24 know where the site was. But when I
25 got up there, Mr. Gillenwater called

108

01 and told me to come back to the
02 office immediately. And that's when
03 I asked Mr. Barish and the other
04 gentlemen if they were finished with
05 what they had to do, that I had to
06 come back to the office. And they
07 said, yeah, they were finished. So
08 we came back to the office. And
09 that's when Mr. Gillenwater --- at
10 first he didn't say. And then I went

11 back and I questioned, and that's
12 when he told me I was too close to
13 the situation. And I asked him how I
14 was too close to the situation. It
15 wasn't my mine. I wasn't inspecting
16 that mine. And he said, well, you
17 issued the K and you talked to the
18 ten men, and they don't think you
19 should be back up there in the
20 company. And that's more or less
21 what was said.

22 Q. He said that they don't think
23 you should be up there?

24 A. Yes.

25 Q. So it wasn't his decision?

109

01 A. That's why I said he was
02 instructed.

03 Q. Okay.

04 SHORT BREAK TAKEN

05 BY MR. FRANCAERT:

06 Q. Just a couple more questions,
07 Vicki, and then we'll turn you loose.
08 When you went back to do the
09 modification on the K Order, was that
10 1200 map, the same 1200 map still on
11 that wall; do you know?

12 A. No, because I went in the

13 command center. I never went to that
14 room. I think they call that the
15 superintendent's room or --- mine
16 foreman or superintendent, one of
17 them's office.

18 Q. Do you remember what day you
19 went back to modify that K Order?

20 A. Saturday night, after the two
21 gentlemen were --- well, the two
22 deceased were found.

23 Q. So it would have been on the
24 21st?

25 A. Yes. It was --- it was dark.

110

01 I can't remember. I'm sure it's on
02 my first modification. But my
03 computer was the only one that had
04 the K Order in it, and so I went back
05 to go from rescue to recovery.

06 Q. On that same map, when you did
07 see it up in the superintendent's
08 office, to clarify where that is, did
09 you go into the office next to the
10 stairs where the State, MSHA and
11 company were taking notes off the
12 pager phones?

13 A. No. That was the longwall
14 office. That was the one I told you
15 that only had the one telephone ---

16 the one C&P telephone that was
17 working or Verizon or whatever.

18 Q. Okay.

19 A. Now, this office, you come up
20 the steps on the outside of the
21 building that is against the street.
22 When you get to the top and you start
23 down the hall, it's the second door,
24 if I'm not mistaken, to the left.

25 Q. And that's where the 1,200 map

111

01 was?

02 A. Before you get to the command
03 center, where the command center was.
04 I guess that's all the questions we
05 got. Do you have anything you'd like
06 to add, Vicki, to what we've talked
07 about any statements or questions
08 you'd like to have answered in your
09 mind that you want to discuss?

10 A. I'd like to make mention that
11 I think the mine rescue teams were so
12 quick at responding and even --- and
13 MSHA's team also, not just the
14 company or the --- and then the
15 amount of mine rescue teams that
16 responded and from the different
17 states and everything, I think that

18 was --- that says a lot for mine
19 rescue.

20 Q. Anything else you'd like to
21 tell us about the accident?

22 A. As far as really knowing what
23 happened at the accident, no, I don't
24 really know. Because like I said,
25 when something like this happens and,

112

01 you know, being the first one there,
02 it was you go here, you go there.
03 And then finally --- when somebody
04 finally got there. So it wasn't even
05 like you could have the whole
06 picture. You know, you only got the
07 bits and pieces that you got. It
08 wasn't like you got a full overview
09 of it.

10 Q. I notice I did have one other
11 question I wrote down here that I
12 didn't get to. After Minnes went
13 down and looked at the CO system, he
14 brought the book up and he showed you
15 he had it, what did he talk to you
16 about the fire, if anything? Did he
17 have any inside knowledge, because he
18 had inspected the mine, about what
19 the cause was?

20 A. No, he said it was at the

21 mother drive. And there had been
22 three alarms the day before and three
23 alarms that day, and the last one was
24 at 5:30. And he had a printout to
25 show all the --- I guess the alarms.

113

01 Anyway, he had the printout and the
02 book. And at first he wanted to give
03 it to me. I said, I don't --- you
04 needs to hold onto that, I said, I
05 don't need. I said, I've got too
06 many other things going on. You
07 know, I was taking notes on
08 everything. And I said, you hold
09 onto that. And which he did tell me
10 that later on that night, in front of
11 our union rep, that he gave it to
12 Jessie Cole and Ray Saunders
13 (phonetic).

14 Q. That's good. Did he --- he
15 was the regular inspector at the
16 mine; was he not?

17 A. Yes.

18 Q. Did he tell you anything about
19 his experience and his inspection
20 work that indicated there may have
21 been any problems in those areas?

22 A. Well, see, this was new and

23 --- this was first of a quarter. And
24 if I'm not mistaken, he told me he
25 had only been there a couple days

114

01 that quarter, you know, that he
02 hadn't really got --- I think he had
03 went to a miner section and --- I
04 know he told me he had some
05 outstanding paper up there, but that
06 was it. He didn't tell me what or
07 anything was outstanding. He just
08 said that he had some paper
09 outstanding because he hadn't been
10 there but a couple days.

11 Q. So he wasn't the regular
12 inspector prior to starting that
13 inspection?

14 A. No. I think he had had it one
15 other quarter, the quarter before,
16 like October, November, December.
17 I'm thinking that he did. But we
18 change mines assignments now so fast
19 that it's hard --- and he's in the
20 other group, so it's hard to keep up
21 with him.

22 Q. Okay.

23 A. But I know that mine is quite
24 large and at different times you have
25 --- in one quarter you might have had

01 several people assisting on an AAA.
02 Like I told you before, I had ran
03 dust a couple times before for people
04 because --- especially when we're
05 doing bimonthly sampling. I mean, it
06 was just really hard for one person
07 to ---

08 Q. Sure.

09 A. --- get it all over the place.

10 Q. Okay.

11 MR. FRANCCART:

12 Well, Vicki, on behalf
13 of MSHA and the entire
14 accident investigation team, I
15 thank you for appearing here
16 today and answering all of our
17 questions and sharing your
18 experience at the mine. Your
19 cooperation is very important
20 to us as we work to determine
21 the cause of the accident and
22 how to prevent these accidents
23 in the future.

24 We ask that you not
25 discuss your interview today

01 with any other people that we

02 may interview or who have
03 already been interviewed so
04 that we can ensure independent
05 memories of everybody that we
06 do interview surrounding the
07 accident.

08 After questioning other
09 witnesses and obtaining
10 additional information, we'll
11 be writing a report. But we
12 may ask you back for further
13 questions if the need arises.
14 If at some later point you
15 have additional information
16 you want to share with us, I
17 have business cards here for
18 both Kenny Murray and Anthony
19 Webb, his staff assistant in
20 Pikeville. You can give them
21 a call.

22 MR. FRAN CART:

23 And Bill has a closing
24 statement for you also.

25 MR. TUCKER:

117

01 I'd just like to also
02 thank you for coming today,
03 Vicki. On behalf of Miners'
04 Health, Safety & Training, we

05 appreciate you coming in.

06 A. Thank you.

07 * * * * *

08 EXAMINATION CONCLUDED AT 3:55 P.M.

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