

01                   EXAMINATION UNDER OATH  
02                                   OF  
03                   ROGER OOTEN  
04  
05  
06    Taken pursuant to Notice by Autumn D.  
07    Furby-Pritt, a Court Reporter and  
08    Notary Public in and for the State of  
09    West Virginia, at Department of  
10    Environmental Protection, 1101 George  
11    Kostas Drive, Logan, West Virginia,  
12    on Wednesday, March 29, 2006, at  
13    10:06 a.m.

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

02  
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22 District 6  
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25

3

01 A P P E A R A N C E S (continued)  
02  
03 ALSO PRESENT:  
04 DENNIS BEITER

05 CHARLES W. POGUE  
06 MICHAEL FINNIE  
07 DERRICK TJERNLUND  
08 WILLIAM TUCKER  
09 C. A. PHILLIPS  
10 BETH SPENCE  
11 EUGENE WHITE  
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01 I N D E X

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04 WITNESS: ROGER OOTEN

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

02                    -----

03                    MR. BEITER:

04                    Mr. Ooten, my name is  
05                    Dennis Beiter. I represent  
06                    the Mine Safety and Health  
07                    Administration, which is an  
08                    agency of the U.A. Department  
09                    of Labor. I am a member of  
10                    MSHA's accident investigation  
11                    team that's assigned the task

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

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

7

01 MSHA's team includes  
02 various specialists and  
03 members of the Solicitor's  
04 Office. And at this time I  
05 ask the members of MSHA's  
06 accident investigation team to  
07 identify themselves for the  
08 record.

09 MR. WEBB:

10 I'm Anthony Webb, with  
11 MSHA in Pikeville, Kentucky.

12 MR. POGUE:

13 Charlie Pogue, MSHA,  
14 Hunker, Pennsylvania.

15 MR. FINNIE:  
16 Mike Finnie, MSHA,  
17 Madisonville, Kentucky.

18 MR. TJERNLUND:  
19 Derrick Tjernlund,  
20 MSHA, Tech Support in  
21 Tridelphia.

22 MR. BEITER:  
23 And I work for MSHA in  
24 Tech Support in the  
25 Ventilation Division in

8

01 Tridelphia, West Virginia.  
02 Here with us today,  
03 representing the State of West  
04 Virginia is Mr. Bill Tucker.  
05 Mr. Tucker will be asking  
06 questions for the State. And  
07 at this time, Mr. Tucker would  
08 like to introduce the members  
09 of the State's team. And he  
10 has a statement as well.

11 MR. TUCKER:  
12 I appreciate you coming  
13 in this morning, Roger. I  
14 have a brief statement I need  
15 to read for the record.

16 The West Virginia

17 Office of Miners' Health,  
18 Safety & Training is  
19 conducting this interview  
20 session jointly with MSHA.  
21 We're in agreement with the  
22 procedures outlined by Mr.  
23 Beiter.

24 However, let me make it  
25 clear that the Director

9

01 reserves the right, if  
02 necessary, to call or subpoena  
03 witnesses or require the  
04 production of any record,  
05 document, photograph or other  
06 relevant materials necessary  
07 to conduct this investigation.

08 Again, my name is Bill  
09 Tucker. I work for Miners'  
10 Health, Safety & Training out  
11 of the Oak Hill office.

12 MR. PHILLIPS:

13 Good morning, Roger.  
14 My name is C.A. Phillips. I'm  
15 with Miners' Health, Safety  
16 and Training in Charleston,  
17 West Virginia.

18 MS. SPENCE:

19 Beth Spence, with the



20 Governor's Office.

21 MR. BEITER:

22 Mr. Ooten, this  
23 investigation is being  
24 conducted by MSHA, in the  
25 State of West Virginia, to

10

01 gather information to  
02 determine the cause of the  
03 accident and to help prevent  
04 this from happening in the  
05 future. These interviews are  
06 an important part of the  
07 investigation.

08 After the investigation  
09 is completed, MSHA will issue  
10 a written report, detailing  
11 the nature and cause of the  
12 accident. MSHA accident  
13 reports are made available to  
14 the public in the hope that  
15 greater awareness about the  
16 causes of accidents can reduce  
17 their occurrence in the  
18 future.

19 Information obtained  
20 through witness interviews is  
21 frequently included in these

22 reports. Your statement may  
23 also be used in other  
24 enforcement proceedings.

25 I would like to thank

11

01 you in advance for your  
02 appearance here today. We  
03 appreciate your assistance in  
04 this investigation. The  
05 willingness of miners and mine  
06 operators to work with us is  
07 important in the success of  
08 making our mines safer.

09 This interview with Mr.  
10 Roger Ooten is being conducted  
11 under Section 103(a) of the  
12 Federal Mine Safety and Health  
13 Act of 1977, as part of an  
14 investigation by the Mine  
15 Safety & Health Administration  
16 into the conditions, events  
17 and circumstances surrounding  
18 the fatalities that occurred  
19 at the Aracoma Alma Mine  
20 Number One located on Route 17  
21 North, Bandmill Hollow Road in  
22 Stollings, West Virginia,  
23 25646.

24 This interview is being

25 conducted at the State of West

12

01 Virginia, Department of  
02 Environmental Protection,  
03 Division of Mining and  
04 Reclamation at 1101 George  
05 Kostas Drive, Logan, West  
06 Virginia, 25601, on March 29th  
07 of 2006.

08 Mr. Ooten, the  
09 interview will begin by my  
10 asking you a series of  
11 questions. Please feel free  
12 at any time to clarify any  
13 statement that you make in  
14 response to those questions.  
15 After we have finished asking  
16 questions, you will also have  
17 an opportunity to make a  
18 statement of your own and to  
19 provide us with any additional  
20 information that you believe  
21 may be important. You are  
22 permitted to have a  
23 representative with you during  
24 this interview and you may  
25 consult with your

13

01 representative at any time.  
02 You may designate any person  
03 to be your representative.

04       Following the questions  
05 by MSHA, and the State, this  
06 representative will be given  
07 an opportunity to ask  
08 questions for the purposes of  
09 clarification on any areas  
10 already discussed. Your  
11 statement is completely  
12 voluntary. You may refuse to  
13 answer any question and you  
14 may end your interview at any  
15 time.

16       If you do not  
17 understand a question, please  
18 tell me and I'll rephrase it.  
19 If you need a break, just say  
20 so and we'll take a break.

21 You may request the  
22 opportunity to make a  
23 confidential statement which  
24 we will withhold from the  
25 public, to the extent allowed

14

01 by law. Should you desire to  
02 give a confidential statement,  
03 you should advise me before I

04 begin your interview so that I  
05 can reschedule your interview  
06 in order to properly consider  
07 your request. Do you want to  
08 have a confidential interview?

09 MR. OOTEN:

10 What do you mean?

11 MR. BEITER:

12 An interview that's  
13 just going to be between you  
14 and ---

15 MR. TUCKER:

16 The investigation team.

17 MR. BEITER:

18 --- the investigation  
19 team.

20 MR. OOTEN:

21 I will just go with it  
22 like it is, so I can go ahead  
23 and get it over with.

24 MR. BEITER:

25 Okay. The court

15

01 reporter will record your  
02 interview and will later  
03 produce a written transcript  
04 of the interview. I ask that  
05 you state all of your answers

06 verbally because the court  
07 reporter cannot record  
08 gestures like nodding your  
09 head.

10       Neither the transcript  
11 of this interview nor the  
12 content of this interview will  
13 be released to the public or  
14 the media until MSHA's final  
15 accident investigation report  
16 is issued, or until required  
17 by court order, or until a  
18 public hearing takes place.

19       If any part of your  
20 statement is based not on your  
21 own firsthand knowledge, but  
22 on information that you  
23 learned from someone else,  
24 please just let us know that.  
25 Please answer each question as

16

01 fully as you can, including  
02 any information that you  
03 learned from someone else. We  
04 may not ask the right  
05 questions to learn the  
06 information that you have, so  
07 please do not feel limited by  
08 the precise wording of the

09 question asked.

10 If you have information  
11 about the subject area of the  
12 question, please provide us  
13 with all that information. Do  
14 you have any question about  
15 the manner in which this  
16 interview will be conducted?

17 MR. OOTEN:

18 No.

19 MR. BEITER:

20 Will you please swear  
21 the witness.

22 -----  
23 ROGER OOTEN, HAVING FIRST BEEN DULY  
24 SWORN, TESTIFIED AS FOLLOWS:  
25 -----

17

01 BY MR. BEITER:

02 Q. Mr. Ooten, please state your  
03 full name, address, telephone number,  
04 including area code, and please spell  
05 your last name for the record.

06 A. [REDACTED]

[REDACTED]

10 Q. Thank you, Roger. May I call

11 you Roger?

12 A. Yeah.

13 Q. Roger, are you appearing  
14 voluntarily at this interview?

15 A. Yeah.

16 Q. Has anyone made any promises  
17 to you for giving this statement?

18 A. No.

19 Q. Has anyone offered you any  
20 rewards in exchange for making this  
21 statement?

22 A. No.

23 Q. Has anyone threatened you or  
24 warned you not to provide this  
25 statement?

18

01 A. No.

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

06 A. Yes.

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

09 A. I guess he is, yeah.

10 Q. Would you please identify him?

11 A. I didn't get his ---.

12 ATTORNEY HEATH:

13 It's Mark Heath,



14 Counsel for Aracoma Coal.

15 BY MR. BEITER:

16 Q. Was that a card that Mr. Heath  
17 had provided you?

18 A. Yeah.

19 Q. Okay. When did you first meet  
20 Mr. Heath?

21 A. Out there in the parking lot.

22 Q. This morning?

23 A. This morning, yeah.

24 Q. How did this meeting come  
25 about?

19

01 A. I was supposed to have met him  
02 out there at 9:30, somewhere around  
03 there. But I met him out here in the  
04 office.

05 Q. Just a few minutes before  
06 coming in this morning?

07 A. Yeah.

08 Q. Did you contact Mr. Heath?

09 A. I told Pepè Lester --- well, I  
10 asked him, could I get a  
11 representative in there with me. And  
12 he said it was up to me. So I told  
13 him to get ahold of him for me, left  
14 my number and stuff with him. And he  
15 said he'd be in by 12 o'clock that

16 day. And I couldn't wait on him. So  
17 he called me that evening.

18 Q. Mr. Heath called you?

19 A. Yeah.

20 Q. Why did you ask Mr. Lester  
21 about a representative?

22 A. I heard the other guys talking  
23 about it, said that it was --- And it  
24 was up to me, so I went ahead and  
25 went with it.

20

01 Q. Is Mr. Heath your  
02 representative in a legal capacity?

03 A. All I know is he's here for  
04 the company. I ain't going to have  
05 to pay him to come in here --- I just  
06 --- I don't know.

07 Q. Can you clarify? I didn't  
08 quite understand what you meant. Did  
09 you say he was here for the company?

10 A. Yeah, he ain't my attorney.

11 Q. No?

12 A. He's just here for the  
13 company.

14 MR. BEITER:

15 Can we take a break?

16 A. Yeah.

17 SHORT BREAK TAKEN

18 MR. BEITER:

19 Back on the record.

20 BY MR. BEITER:

21 Q. Mr. Ooten, is Mr. Heath your  
22 personal representative?

23 A. Yeah.

24 Q. Does he represent you  
25 personally?

21

01 A. Yeah.

02 Q. In what capacity does he  
03 represent you here today?

04 A. Voluntarily.

05 ATTORNEY HEATH:

06 I think you're using a  
07 lot of legal phrases. Anthony  
08 told him he could have a  
09 representative. That's what  
10 he's talking about.

11 A. Yeah.

12 ATTORNEY HEATH:

13 You might ask him about  
14 that.

15 BY MR. BEITER:

16 Q. Did you say Mr. Lester  
17 referred you to Mark Heath?

18 A. No, I heard people talking  
19 about it underground, so I went up  
20 there and asked Pepè, would there be

21 any way that I could get him, we're  
22 so close to coming in, and left my  
23 number and stuff. And he called me.

24 Q. When did that occur, that  
25 conversation with Mr. Lester?

22

01 A. I think it was Friday.

02 Q. Friday of last week?

03 A. Yeah. I'm pretty sure.

04 Q. What's today, Wednesday?

05 A. Uh-huh (yes).

06 Q. Do you recall who you had  
07 conversations with that ---?

08 A. Mentioned him?

09 Q. Yes, that mentioned him.

10 A. Not right off, no.

11 Q. Was it somebody from  
12 management, somebody who's a  
13 management official?

14 A. No, it was workers talking  
15 about it. It was pretty much  
16 everybody there talking about that  
17 you had an option. You could take  
18 your wife with you or you can have  
19 him represent you.

20 Q. Did you make the decision to  
21 choose Mr. Heath as your  
22 representative?

23 A. Yes.

24 Q. Are you aware that Mr. Heath  
25 also represents the company in this

23

01 matter?

02 A. Yes.

03 Q. Are you aware that there's  
04 also a potential for conflict of  
05 interest to arise between you and the  
06 company?

07 A. Yeah.

08 Q. Do you want to proceed with  
09 Mr. Heath representing you, despite  
10 any potential conflicts of interest?

11 A. Yes.

12 Q. Did Mr. Heath discuss what was  
13 going to take place in today's  
14 interview with you?

15 A. He went over some of it.

16 Q. Can you elaborate, please?

17 A. He discussed how the room was  
18 set up, who would be asking the  
19 questions and just told me to answer  
20 truthfully.

21 Q. Just trying to make you feel  
22 comfortable ---

23 A. Yeah.

24 Q. --- with the surroundings, ---

25 A. Yeah.

01 Q. --- so it's not intimidating?

02 Okay. Were you ever interviewed by  
03 the company before today regarding  
04 this accident?

05 A. No.

06 Q. Did you attend a meeting at a  
07 local grade school?

08 A. Yes.

09 Q. Did you?

10 A. Yeah.

11 Q. Was that after the accident?

12 A. Uh-huh (yes).

13 Q. Who conducted the meeting?

14 A. Our safety director over at  
15 Aracoma. I can't think of his name.

16 I can't think of his name. He's a  
17 new guy there, just come right before  
18 the fire happened.

19 Q. Mr. Conn?

20 A. Yeah.

21 Q. I just know Mr. Conn's a  
22 safety director.

23 A. Uh-huh (yes).

24 Q. So is that the gentleman  
25 who ---?

01 A. Yeah. With long hair?

02 Q. Yes. What was discussed

03 during that meeting?  
04 A. They discussed the  
05 ventilation, went over where the guys  
06 --- you know, where the accident  
07 occurred at. And how far they made  
08 it or they should have, you know.  
09 They got separated from the other  
10 crew, them two guys did. And  
11 whatever time we was off, we'd be  
12 paid for it. That's what I remember.

13 Q. When you said you discussed  
14 where they should have went, ---

15 A. Uh-huh (yes).

16 Q. --- what was said about that?

17 A. Said well, the only thing they  
18 had to do was to go to the breaks  
19 from where the mantrip stopped. And  
20 they ended up on One mains, that's  
21 the four foot belt. Stated they ---  
22 I don't know which one did it, one  
23 run down and cut down where Ten  
24 headgate was. Another one went  
25 straight, right next to where the

26

01 fire was.

02 Q. Who told you what they did?

03 A. They was talking about it at  
04 the meeting they had down at the

05 school.  
06 Q. Was it company officials  
07 telling you what they did, or did  
08 they have miners that were on the  
09 scene telling you what they did?  
10 A. It was the officials.

11 Q. Company officials?

12 A. Uh-huh (yes).

13 Q. Were there more officials  
14 besides Mr. Conn?

15 A. Well, they had Pepè and Gary.

16 Q. Pepè Lester?

17 A. Uh-huh (yes).

18 Q. Gary Goff?

19 A. Yeah. And Chris Adkins was  
20 there.

21 Q. Did they tell you how ---?

22 A. Dwayne.

23 Q. Dwayne Franscisco?

24 A. Yeah.

25 Q. Did they tell you that the

27

01 area was smoky?

02 A. Yes, it was --- mainly, they  
03 didn't have a chance once they got  
04 separated.

05 Q. Did they discuss the  
06 evacuation at all, besides the fact  
07 that once they hit smoke and donned



08 their SCSRs? Did they tell you  
09 anything about notifying people  
10 or ---?

11 A. Oh, yeah. They said that ---  
12 well, I've heard that Fred Horton  
13 evacuated the whole mines because of  
14 Bryan Cabell --- Bryan Cabell was  
15 fighting the fire, he and Pat  
16 Callaway. Then when it got out of  
17 control, he hollered at Fred, to see  
18 what he wanted him to do. He told  
19 him to evacuate the whole mines.

20 Q. Was that told at the meeting  
21 or did you hear that out otherwise?

22 A. I heard that out otherwise.

23 Q. Was there any individual's  
24 name that told you that, that you can  
25 remember?

28

01 A. I can't remember. If it comes  
02 to me, I'll ---.

03 Q. All right. Did anybody  
04 discuss, at that meeting or  
05 thereafter, or at another  
06 conversation, about how smoke from  
07 this belt got into that intake?

08 A. That door was open.

09 Q. Door?

10 A. That man door, yeah.

11 Q. Man door?

12 A. Man door was open. I mean, I  
13 mean, I hope I'm right, but the man  
14 door was open and the sent of  
15 airlocks was open.

16 Q. The airlocks were open as  
17 well?

18 A. Yeah.

19 Q. Who told you that?

20 A. That's just --- I've heard  
21 everybody talking about it. I can't  
22 simply point one out.

23 Q. Any officials? Did you hear  
24 that from them?

25 A. No, Pepè and them didn't say

29

01 nothing like that. I just heard  
02 workers talk back and forth about it.

03 Q. At that meeting, at the grade  
04 school, was there any discussion  
05 about how the smoke got into the  
06 intake during that meeting?

07 A. Just that man door. That's  
08 what they were talking about, was the  
09 man doors.

10 Q. They told you that during this  
11 meeting at the grade school?

12 A. I'm pretty sure.

13 Q. Do you know who would have  
14 been the person that made that  
15 statement?

16 A. No.

17 Q. Was it a management official?

18 A. Yeah, that's the only ones  
19 that was talking.

20 Q. Did they say a door was open?

21 A. That was possible, that it  
22 could have been the cause of it, the  
23 man door.

24 Q. Just normal leakage or a door  
25 that was open?

30

01 A. A door that was open, it  
02 wasn't closed all the way.

03 Q. Maybe if going through this,  
04 if any other things come back to you,  
05 about that meeting, and statements  
06 that were made about what caused  
07 that, if you could remember that  
08 during the interview, ---

09 A. Yeah.

10 Q. --- just feel free to jump  
11 right in on it and say it. Were  
12 there any representatives of the  
13 State or MSHA at that meeting?

14 A. No, I don't think.

15 Q. Who contacted you about that  
16 meeting?

17 A. To my knowledge, they called  
18 us and told us to be down there for  
19 the meeting.

20 Q. How long have you worked at  
21 the Aracoma Alma Mine Number One?

22 A. About two years.

23 Q. What is your current job  
24 title?

25 A. Belt man, outby.

31

01 Q. Is that what it was on January  
02 19th, 2006?

03 A. That's what I did, but I don't  
04 know if they had my pay changed then.  
05 I was listed as a move crew, but I  
06 still was outby belt man.

07 Q. How long have you held that  
08 position?

09 A. The whole time I've been  
10 there.

11 Q. How long did you say that was?

12 A. About two years.

13 Q. Do you rotate shifts?

14 A. No.

15 Q. What's your normal shift?

16 A. Third.

17 Q. What are the work hours?

18 A. 11:00 to 8:00.  
19 Q. 11:00 p.m. at night until ---  
20 A. 8:00 a.m.  
21 Q. --- the next morning?  
22 A. Uh-huh (yes).  
23 Q. Are you considered a member of  
24 management?  
25 A. Yeah.

32

01 Q. Do you supervise anyone?  
02 A. Just red hats.  
03 Q. Do you hold any State or  
04 Federal mine certifications or  
05 qualifications, ---  
06 A. No.  
07 Q. --- regarding examination  
08 purposes? Regarding any  
09 certifications regarding examinations  
10 like mine foreman or ---?  
11 A. No, I ain't got no  
12 certificate.  
13 Q. Have you held any other jobs  
14 at this mine?  
15 A. That was it.  
16 Q. Have you worked at any other  
17 mines?  
18 A. Uh-uh (no).  
19 Q. Did you enter your employment

20 at Aracoma as a contractor?

21 A. Yeah.

22 Q. Who was the contracting  
23 company you worked for?

24 A. Apollo.

25 Q. Were you a red hat at that

33

01 time?

02 A. Uh-huh (yes).

03 Q. And how long did you work for  
04 Apollo before ---?

05 A. Two months and one day I was  
06 on company ---.

07 Q. For two months and one day you  
08 worked for Apollo and then you became  
09 an employee at Aracoma directly?

10 A. Yeah.

11 Q. Okay. On January 19th of this  
12 year, who was your supervisor?

13 A. Mark Keyser.

14 Q. And I didn't catch his last  
15 name.

16 A. Keyser.

17 Q. Keyser?

18 A. Yeah.

19 Q. K-E-Y-S-E-R?

20 A. Yeah.

21 Q. Mark?

22 A. Uh-huh (yes). Senior.

23 Q. Senior. Thank you. Is there  
24 another Mark Keyser that works at the  
25 mine as well?

34

01 A. Yeah, his son.

02 Q. What was your supervisor's  
03 title, do you know?

04 A. He's foreman.

05 Q. Do you know who he works for?

06 A. He works for Tom Adkins. He's  
07 third shift foreman. I mean, he's  
08 the boss over at Rum Creek, Mark  
09 Keyser is.

10 Q. And Rum Creek is where?

11 A. That's the same mines, it's  
12 just ---.

13 Q. From the box cut out towards  
14 the plant?

15 A. Yeah.

16 Q. Is that what you consider Rum  
17 Creek, ---

18 A. Yeah.

19 Q. --- from the box cut outby  
20 towards the ---

21 A. Uh-huh (yes).

22 Q. --- drift openings?

23 A. Yeah.

24 Q. Isn't that the area that you

25 work?

35

01 A. Yeah.

02 Q. Do you ever work anywhere

03 else?

04 A. I've worked --- I worked

05 another job for about a month, I just

06 spliced the belt and stuff like that,

07 changing rollers.

08 Q. What time frame was that in?

09 A. I don't know exactly. I done

10 it for about a month, though, a month

11 or two. Bryan Cabell was the boss

12 over us.

13 Q. Supervisory capacity or just

14 giving you direction?

15 A. He's the supervisor.

16 Q. Bryan Cabell?

17 A. Uh-huh (yes).

18 Q. Was he the belt man at that

19 time, too?

20 A. No, he was the boss then.

21 Q. He was the boss then?

22 A. Uh-huh (yes).

23 Q. And nightshift foreman?

24 A. Yeah. And I helped set the

25 pinch roller up on it.

36

01 Q. The pinch roller?



02 A. Uh-huh (yes).

03 Q. Install it?

04 A. Yeah. Hauled it in and stuff.

05 Q. Was that for this present

06 longwall?

07 A. Yeah. That's when I was up

08 there, when we first --- when they

09 first started running it.

10 Q. Before they started mining?

11 A. No. It was while they was

12 mining. His son --- they put me up

13 there. He had three of his best men

14 up there.

15 Q. How many people work in your

16 crew?

17 A. Now, there's --- it varies

18 from 20 to 14 every night.

19 Q. Is that for your shift or is

20 that for the belt crew?

21 A. That's for the crew and the

22 shift. I mean --- well, that would

23 be the crew. The shift, they got

24 more going other places.

25 Q. Those 20 --- all 20 aren't

01 belt people, is that what you're

02 saying, or all 20 are belt people?

03 A. Yeah, they are. I mean,

04 they're in the cleanup. Normally, we  
05 got five or six guys that go with us,  
06 four out of the seven. But now they  
07 got everybody together.

08 Q. Okay. Right. And you're  
09 talking cleanup, shoveling belts and  
10 that?

11 A. Yeah.

12 Q. Okay. Prior to the accident,  
13 how many people worked with your  
14 crew?

15 A. About five or six.

16 Q. About five or six?

17 A. Yeah.

18 Q. Does that include your  
19 supervisor?

20 A. Yeah.

21 Q. Were you directly supervised  
22 during your shift?

23 A. At all times?

24 Q. No. But every day.

25 A. Oh, yeah.

38

01 Q. I mean, it's not like --- did  
02 you receive work orders outside and  
03 then never see your boss for that  
04 shift?

05 A. Usually.

06 Q. Okay.

07 A. You see Bryan Cabell, when you  
08 got to.

09 Q. Do you know who took Bryan's  
10 position?

11 A. Tom Adkins did.

12 Q. Tom Adkins. That's right, you  
13 did say Tom Adkins was the shift  
14 foreman now. And Tom just has Rum  
15 Creek, though?

16 A. No, Tom's got the whole mines.

17 Q. Tom has the whole mines?

18 A. Yeah. Bryan, he got hurt.  
19 Hurt his leg.

20 Q. Yes.

21 A. While he was out, Tom took  
22 over.

23 Q. Okay. I'm having trouble  
24 keeping up with everybody's  
25 positions. And I'm just not familiar

39

01 with most of the people there. I  
02 guess I'm becoming more familiar with  
03 them.

04 A. Oh, yeah.

05 Q. Did you say on January 19th  
06 your classification was belt man, ---

07 A. Uh-huh (yes).

08 Q. --- or was it move crew?

09 A. It should have been belt man.

10 Q. Okay. And what are the  
11 responsibilities of a belt man?

12 A. Shoveling, rock dusting,  
13 rollers, intake beds, splices,  
14 pulling belt, adding belt, timbers,  
15 cribbing.

16 Q. Timbers and cribbing anywhere  
17 in the mine?

18 A. Wherever.

19 Q. Wherever needed it?

20 A. Yeah.

21 Q. Not just in a belt entry?

22 A. No.

23 Q. Okay. When you say rollers,  
24 do you mean greasing them?

25 A. No, the bottom, just putting

40

01 them in, like changing them.

02 Q. Changing them out if one of  
03 them goes bad?

04 A. Uh-huh (yes).

05 Q. Bearings, do you guys work on  
06 bearings, changing out bearings that  
07 go bad, ---

08 A. Yeah.

09 Q. --- if any of them do?

10 A. Yeah.

11 Q. You said splices. What kind

12 of splices do you use?

13 A. Mechanical.

14 Q. Flexco ribbing splices? Is  
15 that what the longwall belt uses,  
16 too?

17 A. They use Flexco, yeah. A  
18 different type, though, it's a  
19 heavier duty, where it's thick belt.

20 Q. Yes. Do you know the belts  
21 de-energize and tag out when you make  
22 splices?

23 A. Yeah. That's the first thing  
24 you do once you get stopped up, lock  
25 them tight.

41

01 Q. Maybe you told me already.  
02 What area of the mine do you normally  
03 work?

04 A. Rum Creek.

05 Q. From the box cut outby?

06 A. Outby.

07 Q. Towards Rum Creek side?

08 A. Yeah.

09 Q. And you said for about a month  
10 or so you were working up on the ---?

11 A. About a month or two, worked  
12 on the mother drive. That was when  
13 they first started running it.

14 Q. In Nine headgate?

15 A. Yeah.

16 Q. Now, is that normal for a belt  
17 crew to move up there on the midnight  
18 shift and work on the mother drive?

19 A. Well ---.

20 Q. I mean, I guess, was there  
21 some special reason why you did, or  
22 was that just like you always do when  
23 you first start out?

24 A. Well, you mean, do we normally  
25 work on it every night?

42

01 Q. Well, you said you were up  
02 there for about a month or two.

03 A. Oh, yeah. Bryan Cabell, he  
04 took me from Mark and took me up  
05 there. He had me, Dave Runyon and  
06 Kevin Ferguson up there at all times.  
07 Then Tom became foreman. He pulled  
08 me back down at Rum Creek.

09 Q. Okay. Heavy demand?

10 A. Yeah. It's a job up there for  
11 more than Rum Creek.

12 Q. Is it pretty tough?

13 A. Yeah, pulling the belt and  
14 stuff. Of course being that you're  
15 going downhill.

16 Q. Yeah. It's a pretty heavy

17 belt, isn't it?

18 A. Yeah.

19 Q. I was kind of confused a  
20 little bit. Are you a supervisory  
21 belt man?

22 A. No, just laborer.

23 Q. Laborer. Are you like a lead  
24 man or something?

25 A. How do they got me? I'm crew

43

01 leader down at Rum Creek.

02 Q. Okay.

03 A. But I don't get called no big  
04 shot.

05 Q. Yeah. So you don't really  
06 provide necessarily like supervision  
07 as much as just give direction, is  
08 that what you're saying?

09 A. Just direction.

10 Q. Yeah. Do you provide any  
11 examinations? Do you examine any  
12 areas?

13 A. I just watch splices. If I  
14 get --- I ain't the fire boss or  
15 nothing, you know.

16 Q. What type of work did you do  
17 when you were up there on that mother  
18 drive?

19 A. Belt splices, and I changed a  
20 couple rollers on it, and pulled belt  
21 and that's it.

22 Q. Did you ever walk that belt  
23 line?

24 A. Yeah. I walked from the belt  
25 to the trip, as far as I went was the

44

01 tripper.

02 Q. What is the tripper? That's  
03 the drive, that's probably not along  
04 that area any more?

05 A. Yeah.

06 Q. That's a drive --- because of  
07 the length of the panel ---

08 A. Yeah.

09 Q. --- and the grade, you had  
10 another drive in between, ---

11 A. Yeah.

12 Q. --- you had to review?

13 A. Yeah.

14 Q. And that drive's since been  
15 removed?

16 A. Uh-huh (yes).

17 Q. About how far down the panel  
18 was that?

19 A. Say it was 40 --- it would  
20 probably be about 20 breaks from the  
21 mother drive had.



22 Q. Oh, so really not too much  
23 further than what the face is right  
24 now then really, is it?

25 A. No.

45

01 Q. Is that like an in-line drive  
02 or was there two sections of belt? I  
03 mean, like, you know, another setup.

04 A. No. That one belt dumped  
05 onto ---.

06 Q. Yeah. It just closed through  
07 the drive through that booster drive.

08 A. And then take it on uphill.

09 Q. When you walked that belt,  
10 what was the purpose of your walking  
11 it?

12 A. Check to see if rollers was  
13 out, trying the belt and stuff like  
14 that.

15 Q. Did you notice anything  
16 noteworthy about the condition of the  
17 rollers and the structure? Do you  
18 recall what you noticed about  
19 the ---?

20 A. Uh-huh (yes). It had rollers  
21 out, I mean, hangers was down.

22 Q. You mean bottom hangers?

23 A. Yeah.

24 Q. And by down, what do you mean?

25 A. Somebody had already dropped

46

01 them, where they were bad or they

02 tagged them. But they had stuck

03 rollers, too, stuck bottoms.

04 Q. And this was shortly after the

05 longwall first started up?

06 A. Yeah.

07 Q. Stuck bottom rollers?

08 A. Uh-huh (yes).

09 Q. Meaning they weren't turning

10 and the belt was running flat on

11 them?

12 A. Yeah. Any time they had ---

13 any time they had stuck rollers or

14 something like that, somebody would

15 always report it and we'd go up there

16 and we'd fix it.

17 Q. And when you fixed it, what

18 did you do?

19 A. Replaced the roller. Or if

20 the hangers needed replaced, we just

21 replaced the hanger.

22 Q. Why would a hanger need

23 replaced but not the roller?

24 A. Oh, sometimes the belt would

25 get off a transition and it cut a

47

01 hanger or two. And we'd have to go  
02 up front and put the hanger back in,  
03 maybe go back, start back at the  
04 break, start trying to go --- you  
05 know, get a way for the hanger to  
06 stretch.

07 Q. Were you involved in the  
08 initial installation of that belt, of  
09 that structure?

10 A. Putting it in?

11 Q. Yes.

12 A. No. That was Don Hagy and his  
13 crew.

14 Q. Okay. And they were dayshift  
15 crew?

16 A. Uh-huh (yes).

17 Q. And that's the same crew  
18 that's working up on northeast mains?

19 Well, at the time of the accident?

20 Installing that 72-inch structure up  
21 there?

22 A. Oh, yeah, getting ready to.

23 Q. Does that belt cut through  
24 those hanger brackets pretty fast?

25 A. Any of it --- I mean, it don't

48

01 take it long.

02 Q. Like in a shift?

03 A. It could, yeah.

04 Q. Those brackets look pretty  
05 thick to me.

06 A. It could.

07 Q. It could?

08 A. And a J bolt it can, yeah.

09 Q. A J bolt?

10 A. Uh-huh (yes). I had six-inch  
11 bolt-ons. And if it gets off the  
12 transitional belt, ---

13 Q. Yeah.

14 A. --- it'll cut them.

15 Q. In a shift?

16 A. Yeah, it can.

17 Q. So the belt could be running  
18 just fine and then within a  
19 shift, ---

20 A. Uh-huh (yes).

21 Q. --- misaligned, ---

22 A. Oh, yeah.

23 Q. --- and cause it to cut  
24 through the hanger and a bracket in a  
25 shift?

49

01 A. Well, it would take --- the J  
02 bolt's the best kind of hanger I  
03 think to use, but like if it gets  
04 bumped or something like that, the  
05 belt goes off transition, ---

06 Q. Yes.

07 A. --- it can push that roller  
08 forward and throw it off and send it  
09 into the hangers. But they went with  
10 a bolt-on hanger on Three belt.

11 Q. Yes.

12 A. And we had trouble training  
13 it, so we went ahead and put J bolts  
14 in it to get it trained.

15 Q. Are the J bolts fastened? I  
16 mean, like what did you call it,  
17 the ---

18 A. The bolt ---.

19 Q. --- bolt-on brackets? They  
20 can't really move, can they?

21 A. No.

22 Q. Once you bolt them on, they're  
23 kind of there and that's it?

24 A. Yeah.

25 Q. You can't adjust them, can  
01 you?

02 A. Uh-uh (yes).

03 Q. Or I guess there might be a  
04 little slack by it, ---

05 A. We can adjust them a little  
06 bit, but ---.

07 Q. --- loosen a bolt up and

08 retighten it; right?

09 A. Yeah.

10 Q. Okay. What about the J bolts?

11 A. You can move them as far as  
12 you want. But you don't want to move  
13 them too far or you'll pop your  
14 roller.

15 Q. By a J bolt, do they just kind  
16 of like hang over top of it?

17 A. Well, you flip your --- you  
18 got your structure, ---

19 Q. Yes.

20 A. --- you put it on there. It's  
21 got a little lip that sits on it and  
22 gaps. You got a bolt that comes up  
23 and you tighten it down. And if you  
24 got to move it, you just loosen that  
25 one little bolt and scoot it.

51

01 Q. And you can slide anywhere  
02 along the side of that structure?

03 A. Yeah.

04 Q. Are they also more susceptible  
05 to being moved by fallen material off  
06 the belt?

07 A. Like if something would fall?

08 Q. Yeah. Or just the movement of  
09 the belt itself, the vibration of the  
10 belt.

11 A. No, it won't knock them down.

12 It shouldn't.

13 Q. No?

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

15 Q. Are they thinner, though, than

16 the other hangers? I guess one's

17 metal, so it wears through easier or

18 faster?

19 A. Yeah, it's weaker.

20 Q. What was installed in the

21 longwall belt, do you remember?

22 A. I think it had all J bolts.

23 Q. All J bolts?

24 A. Uh-huh (yes).

25 Q. Is misalignment a recurrent

52

01 problem?

02 A. No, because you got them belt

03 men. They'll train it. When the

04 belt's empty, they'll get to it and

05 train it. And when it's loaded,

06 that's when you got to train it.

07 Q. Yeah, because it runs a little

08 different; right?

09 A. Yeah. It's hard. I mean, you

10 got to keep somebody constantly

11 walking. They've got to walk the

12 belts to keep it --- you know, make

13 sure it's in line.

14 Q. So you can do some repairs,

15 but they don't normally load coal on

16 midnight shift on longwall, do they?

17 A. No.

18 Q. So as far as training it, if

19 you trained it on midnight shift, it

20 might not be running properly on

21 dayshift ---

22 A. No.

23 Q. --- or second, when they're

24 producing coal?

25 A. They usually run it 'til 1:15

53

01 and then they'll separate us and have

02 certain people walk, make a list of

03 what roller is out, and train the

04 belt where it needs to be trained.

05 Q. Okay. When your crew

06 installed the pinch roller at Nine

07 headgate, did anyone from the

08 manufacturer of the belt drive unit

09 help you with that installation?

10 A. No, it was just me, Bryan

11 Cabell, Kevin Ferguson and Dave

12 Runyon, put it in.

13 Q. Do you know if anybody else

14 worked on that, on another shift?

15 A. They had --- let's see, I



16 think they had Classic come in there  
17 and put new lay in. Now, that was  
18 after it run, it didn't last very  
19 long. We was in such a bind pulling  
20 it up hill. That was it, just us.

21 Q. Just youns? You said the  
22 lagging and the dry rollers and the  
23 Nine headgate at the belt drive? Is  
24 that what you're talking about, the  
25 lagging on those drive rollers?

54

01 A. No, the lagging on the pinch  
02 rollers.

03 Q. On the pinch rollers?

04 A. Yeah.

05 Q. Could you explain to me how  
06 that pinch roller works?

07 A. The first thing --- you know,  
08 we'd go from start to finish on it?

09 Q. Yeah.

10 A. Okay. The first thing, you  
11 got your splices, about two foot in  
12 front of it.

13 Q. Okay.

14 A. And you let your slack off.  
15 You've got your clamps on there. And  
16 you let out about 30 feet.

17 Q. To let the pressure off of

18 your takeup?

19 A. Yeah. And you pull out about

20 30 feet.

21 Q. Using the pinch rollers?

22 A. Using the pinch rollers.

23 Q. And how did it pull it out?

24 A. It's got a lagging roller on

25 top and bottom. It's hydraulic, so

55

01 it pinches the belt. And it just

02 rolls it out.

03 Q. And it rotates and it pulls

04 the belt out to you, so you're just

05 kind of collecting off the end of it?

06 A. Sometimes. And other times, I

07 have trouble.

08 Q. Because of the grade?

09 A. Uh-huh (yes).

10 Q. And the lagging, I guess the

11 grade was sufficiently steep that it

12 caused the lag to wear out?

13 A. That or --- see, I didn't know

14 a lot about it then.

15 Q. Yeah.

16 A. Or Dave didn't have it on ---

17 you can turn the pressure down on it.

18 Q. So that it doesn't pinch the

19 belt as hard?

20 A. Yeah. Well, I mean so your

21 belt won't have so much pressure on  
22 it.

23 Q. Okay.

24 A. I can't think what it's  
25 called.

56

01 Q. Does something hold the other  
02 end of the splice, you know, that  
03 you're pulling out of?

04 A. Well, you just had --- say you  
05 had your storage unit, ---

06 Q. Yes.

07 A. --- you have about 500 feet in  
08 it and when you go to pull it, you'd  
09 have 500 feet. So we let off  
10 probably about three or four feet and  
11 we clamp it off with them big clamps.  
12 And then you have all that to play  
13 with. So you let it off enough to  
14 have 30 feet for the pinch roller.  
15 When you drop it back, you drop it  
16 behind the pinch roller and just bolt  
17 it. That way you know for sure you  
18 ain't going to lose it.

19 Q. Right.

20 A. And then you put clamps on  
21 behind it, while you are making your  
22 splices. And once you did that, you

23 put it back together and you pull it  
24 back in.

25 Q. Did you ever replace any belt

57

01 rollers without having a list or  
02 being told about it prior to finding  
03 one?

04 A. I never changed one. I've  
05 reported it. I mean, I put J bolt  
06 hangers in, like if a J bolt was  
07 down. Because you wouldn't have your  
08 rollers there if it was out. You'd  
09 have to make a list and have it  
10 brought in, whatever you need.

11 Q. Did you ever find any of those  
12 rollers hot that you replaced?

13 A. Well, I felt one at Four head.  
14 That was probably a year ago, this  
15 one that was hot there. And we went  
16 ahead and dropped it.

17 Q. The bottom one?

18 A. Yeah.

19 Q. Was that one that froze up?

20 A. It was still turning. It had  
21 so much pressure on it. The J bolt  
22 bent, ---

23 Q. Yeah.

24 A. --- and the walls on like the  
25 end of the roller, it's got a little

01 round lip on it. It's hitting the

02 hanger. It's off.

03 Q. Well, the J bolt bent enough

04 that ---

05 A. Yeah.

06 Q. --- the roller was actually

07 rubbing against the J bolt itself?

08 A. Yeah.

09 Q. Do you know what caused that?

10 A. So much pressure on that belt.

11 We had rollers go out in front of it.

12 Q. Yeah.

13 A. When it went out, it dropped

14 all that pressure on it, that roller

15 behind it. It bent the hanger.

16 Q. Do you know, when you were

17 working on that longwall belt, were

18 all the bottom rollers in that were

19 supposed to be in?

20 A. Oh, yeah. It was brand new

21 when I was up there, everything on

22 it.

23 Q. Does running a belt with

24 missing bottom rollers tend to

25 increase the wear and tear on the

01 rollers that are remaining?

02 A. They get going. I mean, it  
03 won't stop you from --- I mean, it  
04 ain't going to wear them out  
05 overnight, but, you know, you got to  
06 change them.

07 Q. If you saw or heard a bad  
08 roller when a belt was running, you  
09 know, you hear a bearing  
10 clanking, ---

11 A. Yeah.

12 Q. --- have you ever taken it  
13 upon yourself to change a belt roller  
14 out?

15 A. What, do it by myself?

16 Q. Well, not necessarily by  
17 yourself but take the initiative upon  
18 yourself to ---

19 A. Oh, yeah.

20 Q. --- stop the belt, take it  
21 out?

22 A. That one that was hot, I had  
23 to holler outside and get them to  
24 stop it, stop the belt. It was I'd  
25 say about 6:30. I had to holler out

60

01 at Kirby and tell him to stop the  
02 belt. They just started up and I had  
03 a roller that was real hot. So I had  
04 him stop it and dropped it. I had to

05 put another one in then, right after  
06 I dropped it.

07 Q. Were they producing coal then?

08 A. Yeah. I had to ---.

09 Q. You had them shut down?

10 A. Yeah.

11 Q. It must have been pretty bad,  
12 huh?

13 A. I've held them up several  
14 times, belt splices and stuff.  
15 They've got to be made, you've got to  
16 do it.

17 Q. How do you change or drop out  
18 a bottom roller?

19 A. Most places you got to have a  
20 chain ratchet. Jack your roller up  
21 and ---.

22 Q. To get the pressure because of  
23 the weight of the belt on it?

24 A. Yeah. Then you just drop your  
25 hanger off and place the chain

61

01 ratchet down and then your roller  
02 will go with it. But there's other  
03 ways you can do it. You can take ---  
04 loosen your bolt up. This is how I do  
05 it. You loosen your bolt up, take  
06 your bar.

07 Q. Loosen the bolt up on the ---?  
08 A. On the hanger and pop it off.  
09 You pry your roller out, let it fall  
10 on the first lip. There are two lips  
11 on a crib. Let it fall on the first  
12 one, you take the end and set it  
13 down. It's a little bit quicker.  
14 Q. Can you do that with the belt  
15 running?  
16 A. No.  
17 Q. No? Neither way?  
18 A. Uh-uh (no).  
19 Q. What if the belts rub up  
20 against those rollers from the  
21 bearings on the ---? Let me start  
22 all over again. When the belt runs  
23 out of align and that bottom belt  
24 runs up against your hanger brackets,  
25 the ones with the J bolts or the bolt

62

01 on, does it damage a belt?  
02 A. It can, yeah.  
03 Q. Have you ever seen cords, belt  
04 cords wrapped around the rollers?  
05 A. Cords?  
06 Q. The belt cords, the fiber that  
07 runs through the belt that hold it  
08 together.  
09 A. Like strings or ---?



10 Q. Yeah. Strings.

11 A. I think I've had it cut bad a

12 couple times at Rum Creek. And we'll

13 take it at Rum Creek Two head.

14 Q. How about up on longwall? Do

15 you ever see any up there?

16 A. The string in your bottom

17 rollers, like the belt string.

18 Q. How about the strips of

19 belting? Do you ever see any strips

20 of belt that were cut off?

21 A. Yeah. Oh, yeah.

22 Q. How does that happen?

23 A. Into the hangers. Not on the

24 mother drive now, but on Four belt.

25 Q. Well, how does it cut it out?

63

01 A. How do they get that hanger?

02 Eventually, it will cock that hanger

03 where it will catch into that belt,

04 or you can have the belt stand do it.

05 Put them belt stands in and it will

06 cut a groove in that belt stand and

07 then it starts slicing your belt.

08 Q. Do you ever see where a hanger

09 --- one of the hangers was rubbed all

10 the way through and cut, so that you

11 just have like a cut-off portion

12 that's still bolted on up above it  
13 and the belt went underneath it?  
14 A. Yeah.  
15 Q. And when that cuts into the  
16 belt itself and starts cutting a  
17 groove in it, do you ever see that?  
18 A. That's --- yeah.  
19 Q. Yeah.  
20 A. Cutting in two, and you have  
21 half of it here and another half's on  
22 your roller.  
23 Q. Does that happen pretty fast?  
24 A. It can happen overnight.  
25 Q. Does it have to be pretty far

64

01 out of align for that to happen? I  
02 guess what I'm trying to understand  
03 is ---.  
04 A. No. I mean, it's got to be  
05 out of align, but it don't have to be  
06 bad, just enough to hit it and cut  
07 it. I mean, it will cut through  
08 something metal like that.  
09 Q. Yeah. When you see that  
10 cord's, string's wrapped around the  
11 rollers, what do you do?  
12 A. The boss, he'll normally bring  
13 a box of blades down.  
14 Q. Do you ever see it when

15 they're running coal?

16 A. No.

17 Q. No?

18 A. Normally, once they're  
19 reported or spotted, he goes straight  
20 to it.

21 Q. Do you ever see a roller that  
22 was just dropped on one side of the  
23 belt? You know how you pick it up  
24 and drop it off on one side so it's  
25 still hanging in the other bracket?

65

01 A. You see --- yeah, you see it.

02 Q. Do you know why that would be  
03 done?

04 A. When it cuts one side or the  
05 other in two. Or if it's making a  
06 big rush or something, maybe somebody  
07 go by and dropped it. I don't know  
08 how the first and second shift belt  
09 men do it, but ---.

10 Q. That bottom roller on Four  
11 drive, how did you find --- that you  
12 talked about earlier, how did you  
13 find the condition on that?

14 A. I was down at Three tail and  
15 gave them the okay to start the belts  
16 up. And I smelt smoke.

17 Q. You did?

18 A. Uh-huh (yes).

19 Q. At Three ---? It was going

20 outby the ---?

21 A. It was coming up towards me.

22 Q. You smelled smoke?

23 A. Yeah. So I went to the

24 takeup, but couldn't see nothing. I

25 still smelled it real strong. So I

66

01 walked on up and you see the red off

02 the side of it, where it's so hot.

03 And I dropped it. I had them shut

04 the belts down and dropped it.

05 Q. Do you know if a dispatcher

06 called you about that?

07 A. About the hot roller?

08 Q. Yeah.

09 A. No. I hollered at him to tell

10 him it was getting hot.

11 Q. How about any CO alarms or

12 anything like that?

13 A. It didn't get that hot. We

14 had a seal alarm go off last night

15 that's showing 21 parts per million,

16 but that wasn't nothing. I couldn't

17 find nothing smoking or anything like

18 that.

19 Q. Last night?

20 A. Yeah. Right up at the drift.  
21 But they sent somebody straight down  
22 there to see what was going on.

23 Q. Do you know if they evacuated  
24 anybody from the mine?

25 A. No. It's right there at your

67

01 man door outside, the CO monitor was.

02 Q. At Rum Creek side?

03 A. Yeah. So Jimbo, you know,  
04 Jimbo, he was on motor. He was  
05 already down there, so they said, go  
06 check and see why it was alarming.  
07 And it started going down. Somebody  
08 said, you can't reset it, you know,  
09 if it's peaking up, it won't reset,  
10 so it was up there, I guess.

11 Q. Does that happen often?

12 A. No. I mean, that's happened a  
13 couple times. Like I went down there  
14 last week and a dispatcher was  
15 hollering.

16 Q. The same place?

17 A. No, this is at Four head.

18 Q. Four head?

19 A. We had a CO monitor going off.  
20 I reset it. I hollered at Tom first,  
21 telling him it was going off.

22 Q. Did he tell you it was a  
23 warning or an alarm?

24 A. It's an alarm.

25 Q. Did he tell you what the

68

01 concentration was?

02 A. No. So he hollered to me,  
03 then I hollered and try to get ahold  
04 of Tom and told him what it was  
05 doing. I wasn't sure how to reset  
06 them. I know they got a little reset  
07 button on, but I didn't want to push  
08 nothing, not telling me what's going  
09 on.

10 Q. Was there anybody working  
11 downwind of that alarm?

12 A. It was just me. Me, Ken,  
13 Jackie Sherman.

14 Q. Ken, who's Ken?

15 A. Ken --- Kenneth Hamlet. He's  
16 a red hat. We had Jackie Sherman,  
17 he's a black hat. And there was  
18 another one, Chester. I forget his  
19 last name. He's a red hat.

20 Q. Was anybody evacuated?

21 A. No. Are they supposed to  
22 evacuate in a situation like that?

23 Q. Well, I believe that the mine  
24 evacuation plan, mining/firefighting

25 evacuation plan has certain specific

69

01 actions that are supposed to be taken  
02 with regard to notices of alarms and  
03 alerts with the CO system. And under  
04 certain conditions, people are  
05 supposed to be evacuated. And under  
06 certain conditions, they just have to  
07 notify a responsible person and check  
08 it out. And I guess it only matters  
09 if it's an alarm or if it's a  
10 warning. But I'm sure that that was  
11 probably ---. Did you call back out  
12 and tell him what you found?

13 A. Yeah. I told him it went off  
14 as soon as I reset it.

15 Q. Well, that information has  
16 probably been recorded in their  
17 record book. They keep a log of all  
18 the alarms and alerts that occur.

19 A. Yeah.

20 Q. They keep a log and I don't  
21 know, maybe you're aware of it  
22 already.

23 A. Yeah.

24 Q. So you understand how it  
25 works? You know, when they get

70

01 something, they write it down and  
02 make a printout as well.

03 A. Yeah, your dispatchers.

04 Q. Yeah. That's one of his  
05 primary reporting responsibilities,  
06 actually.

07 A. But any time they got like a  
08 --- if they've got a CO going off,  
09 they do --- they'll holler at  
10 somebody and like tell them. Like  
11 they was cutting and welding right  
12 there at the tripper drive, that was  
13 before we take it out. And you have  
14 Mike, a dispatcher, he hollered in  
15 and asked us if it was showing 12  
16 parts or something like that.

17 Q. Yeah. Well, 12 would be an  
18 alarm.

19 A. Yeah. Ten's when it starts  
20 alarming.

21 Q. Yes. Do you know why there  
22 would be a reason to evacuate as  
23 opposed to just like running over to  
24 see before you'd make that decision?

25 A. You mean would I evacuate?

71

01 Q. No. That's all right. Did  
02 either of you have a detector when  
03 you went to check that sensor out?



04 A. I don't know if he --- no, I  
05 didn't have one. I thought you were  
06 talking about last night.

07 Q. Do you know that --- I mean,  
08 don't take it the wrong way, I'm not  
09 talking like you don't know anything,  
10 okay? But are you aware that CO  
11 doesn't have an odor?

12 A. Oh, yeah, 16 parts per million  
13 will kill you in fifteen (15) minutes  
14 or something like that, you to pass  
15 out.

16 Q. Yeah. I just wanted to know  
17 if ---.

18 A. I'd feel safer if they would  
19 give me one, give me a spotter to  
20 carry, because you never know.

21 Q. No. And do you realize like  
22 that in smoke, the smell of the smoke  
23 or the density of it doesn't  
24 necessarily indicate whether  
25 carbon ---?

72

01 A. Carbon monoxide ---.

02 Q. Yes. I mean, and CO is  
03 colorless, it's odorless, very  
04 deadly.

05 A. Oh, yeah. Yeah. I'd feel

06 safer if they'd ---. They should  
07 issue, you know --- every black hat  
08 should have them.

09 Q. Do you have any type of  
10 detector?

11 A. No.

12 Q. Are you familiar with that  
13 mine emergency/firefighting  
14 evacuation plan, programs and  
15 instructions --- of instruction?

16 A. What do you mean, like how to  
17 get out?

18 Q. It has to do with certain  
19 things. It also has to do with the  
20 operation of the CO system and  
21 responsible person. There's a  
22 certain term, called responsible  
23 person, who's in charge of  
24 initiating, coordinating the  
25 evacuation or responses to

73

01 emergencies on an individual shift.

02 Does that make any sense, what I  
03 described?

04 A. Yeah.

05 Q. Do you know who that  
06 responsible person is?

07 A. That should be either Tom or  
08 Mark, Mark Keyser. Tom Adkins or

09 Mark.

10 Q. Okay. Have you received any  
11 instruction regarding that?

12 A. Like who would be for sure?

13 Q. Yeah.

14 A. Mark Keyser, I guess. I mean,  
15 that's who I work with.

16 Q. Okay.

17 A. He always talks to us, how  
18 we'd get out and stuff.

19 Q. That's good.

20 A. They talked about this --- he  
21 talked about it this morning to us.

22 Q. That's good. What did he tell  
23 you?

24 A. He said, if a fire was to  
25 happen, and it was inby us, like if

74

01 we was at Two head and it's at Three,  
02 he told us the best way to go would  
03 be outside of Rum Creek, out where  
04 the first quarter was. And he said  
05 --- he asked me how would I go about,  
06 you know, if there's a fire if I was  
07 at Three head, what would I do. If  
08 it wasn't smoked out real bad, I'd  
09 call somebody and ask him, was it  
10 clear here or there. If it was at

11 the takeup, I'd try to go inby.

12 Q. How far is it from the box cut  
13 out to Rum Creek?

14 A. It's about 150 breaks.

15 Q. And those are like 70-foot  
16 breaks or something like that?

17 A. I think around 110?

18 Q. 110?

19 A. 100 or 110.

20 Q. That's a pretty good hike?

21 A. Yeah.

22 Q. How long does it take you to  
23 go from one end to the other? Do you  
24 always have transportation with you?

25 A. Yeah. The boss, sometimes

75

01 he'll drop us off where we need to go  
02 and he'll come back. But 90 percent  
03 of the time, we've always got a ride  
04 to get us in.

05 Q. Do you know if all those  
06 entries are common down there,  
07 basically what they call the same air  
08 force?

09 A. Well, you got your track and  
10 your belt. And they're both going  
11 outby.

12 Q. And the same common air  
13 is ---?

14 A. Uh-huh (yes).  
15 Q. Are you aware that if you had  
16 some smoke start into you near the  
17 box cut, ---  
18 A. Oh, yeah.  
19 Q. --- that you've either got to  
20 go into the smoke or you've got to  
21 ride in the smoke all the way  
22 out ---?  
23 A. Yeah. And when it goes,  
24 you've got to put your rescuer on.  
25 Q. Yeah. I mean, you don't have

76

01 --- there ain't a whole lot of  
02 options there, is there?  
03 A. No.  
04 Q. Okay. I'm glad you understand  
05 that.  
06 A. Let's hope you ain't got to  
07 walk from Four head because ---  
08 Q. Yeah.  
09 A. --- you've got about three  
10 miles and some ---.  
11 Q. That's right. Can you make it  
12 an hour, walking?  
13 A. You'd never do it, not from  
14 Four head.  
15 Q. Well, it's good that he's

16 talking with you about these things,  
17 the foreman and what responses  
18 are ---

19 A. I'd hope to be on a ride, that  
20 way you can just ---?

21 Q. Yeah. I hope you would, too.

22 Let's go back --- shift direction a  
23 little bit and go back up to the  
24 longwall belt, when you were working  
25 up there. Do you know who installed

77

01 the waterline on the belt itself, on  
02 the belt entry itself, the two-inch  
03 yellow waterline?

04 A. Are you talking about the main  
05 waterline?

06 Q. Well, from what I understand,  
07 there's like two sources of water.  
08 One is a large diameter --- larger  
09 diameter waterline that's being like  
10 installed as the longwall's  
11 retreating.

12 A. That'd have to be ---.

13 Q. And it's coming in from one of  
14 those cuts ---.

15 A. You're saying ---.

16 Q. Yeah. There's another one and  
17 that provides water for the longwall  
18 face?

19 A. Yeah.

20 Q. And then there's another one  
21 that comes in off of northeast mains,  
22 past the drive and then down the  
23 hill.

24 A. Oh, yeah.

25 Q. And that's the

78

01 fire-suppression line. And that's  
02 the one I'm talking about, the  
03 fire-suppression line.

04 A. That first shift crew did it.  
05 I mean, I never did fool with the  
06 waterline until they had that flood.  
07 And fooled with it a little bit and  
08 here lately they put in the water.

09 Q. The flood, when holed through  
10 into the abandoned mine,  
11 One Mine, ---

12 A. Yeah.

13 Q. --- tailgate?

14 A. Yeah.

15 Q. Did you work with the  
16 waterline on the longwall belt at all  
17 when you were up there?

18 A. No.

19 Q. That waterline's in the  
20 longwall belt entry, okay, that

21 fire-suppression line?

22 A. Yeah.

23 Q. And as the longwall retreats,  
24 sooner or later the face is going to  
25 kind of catch up to wherever it is?

79

01 A. Uh-huh (yes).

02 Q. Do you know who it responsible  
03 for removing that waterline?

04 A. Derrick Christian on third  
05 shift, him and A.C. Kline. A.C. quit  
06 on them though. But as they come up,  
07 they'll take the structure out. And  
08 we'll take the belt. However, it's  
09 up to them to move the power and the  
10 waterlines to it. Is it okay if I  
11 take a bathroom break?

12 MR. BEITER:

13 Oh, no, that's fine.

14 SHORT BREAK TAKEN

15 BY MR. BEITER:

16 Q. A couple things. We were  
17 talking about that longwall belt.  
18 What all work did you do up there  
19 when you were working up there for  
20 Bryan?

21 A. Them belt splices, bottom  
22 rollers, top rollers. Then they  
23 tried to pull the belt, the splices.



24 Q. Just checking them to make  
25 sure they're okay?

80

01 A. Yeah.

02 Q. Do you recall any fraying of  
03 the edges up against the tight side  
04 when you were up there then? The  
05 tight side being the side up against  
06 the solid.

07 A. The off side.

08 Q. Yeah, the off side.

09 A. What do you mean, like  
10 rubbing?

11 Q. No. I'm talking about ---

12 A. You're talking about ---.

13 Q. --- already been rubbing  
14 against stuff and it really, you  
15 know, started to fray. You know what  
16 I'm talking about.

17 A. Oh, no, it was all new. The  
18 top strips, they changed it right  
19 there where you took the mantrip,  
20 right there where the mantrip was.

21 Q. Right on the mother drive, the  
22 belt.

23 A. Yeah. We had to change the  
24 top belt. We had to change the  
25 transition, by lifting the chains and

01 stuff on it, until we go it right.

02 Q. What was the problem there?

03 A. They put that belt --- when

04 they put the beltline in, it wasn't

05 level. The one part wasn't. So it

06 had the belt running outby too much.

07 So we changed the transition of it on

08 the wall side and it started it up.

09 Q. Make it train better?

10 A. Yeah.

11 Q. And also probably a little

12 less wear and tear on those rollers?

13 A. Oh, yeah. The whole time I

14 was up there, though, it was --- we

15 had a couple bottom rollers go out

16 here and there, at the top, but it

17 was all --- everything was new.

18 Q. Everything was new and you

19 were still losing rollers?

20 A. Yeah. I guess where it had so

21 much pressure, the belt was so heavy.

22 Q. Well, do you think that that's

23 because it's not installed --- I

24 don't want to say properly, but could

25 installation be better that it

01 wouldn't cause that, or is that just

02 something that you normally find?

03 A. That was the first new one I'd  
04 ever been on. I mean, I would think  
05 it would be the weight from the belt,  
06 it was so heavy and ---.

07 MR. BEITER:

08 Yeah. There was a  
09 gentleman that joined us from  
10 the State's team. If he could  
11 introduce himself for the  
12 record.

13 MR. WHITE:

14 Eugene White, district  
15 inspector, Region Three,  
16 Danville.

17 MR. BEITER:

18 Thanks, Eugene.

19 BY MR. BEITER:

20 Q. Is the belt running through  
21 that mother drive storage unit okay?  
22 Did you have any problems with that  
23 up there?

24 A. I don't know much about it. I  
25 just knew when it was time to pull

83

01 belt.

02 Q. Yeah. Do they always pull  
03 belt on your shift, on the midnight  
04 shift?

05 A. Yeah. Well, they have at the  
06 second shift, Fred Horton's had to  
07 make splices on them. He had to shut  
08 the wall down.

09 Q. It must have been a bad splice  
10 to shut the wall down?

11 A. Yeah. He was still beating on  
12 it when we got there, though. He  
13 couldn't figure out to get the splice  
14 to go in right. He couldn't get the  
15 pin in. He would get it halfway in  
16 and it fell out where it was too big.

17 Q. From beating on in on the  
18 other end.

19 A. Yeah. Well, he was using the  
20 wrong nails at first. He was  
21 pressing it too tight and he was  
22 having a time getting the big spindle  
23 in, ---

24 Q. Yeah.

25 A. --- so he went to a thinner

84

01 spindle.

02 Q. Yes. Does a thinner spindle  
03 wear out easier, though?

04 A. No.

05 Q. No?

06 A. It's about the same.

07 Q. Okay. Do you think that the

08 problems you saw up there with the  
09 belt had anything to do with the  
10 steepness of the grade?  
11 A. It shouldn't have been, no,  
12 because they --- it shouldn't have  
13 been no trouble. I mean, it's not  
14 much steeper than going on Two belt,  
15 but ---

16 Q. Right.

17 A. --- it's steep. And that big,  
18 thick belt, that's ---.

19 Q. Is that a heavier belt than  
20 what's on the mainline belts?

21 A. A whole lot heavier.

22 Q. It is?

23 A. I never did like it.

24 Q. Harder to work with, too,  
25 isn't it?

85

01 A. Yeah.

02 Q. Yeah. Do you ever take out  
03 partial roll --- or partial pieces of  
04 belt ---

05 A. No.

06 Q. --- like before the storage  
07 unit gets fully filled? You never  
08 take it out early?

09 A. No. They don't let you. You

10 have to have 500 feet.

11 Q. Okay.

12 A. Because when they go to put  
13 the --- they was going to use that  
14 belt on the next setup. And they  
15 want to put 500-foot pieces in  
16 instead of having all kind of splices  
17 in it, because it's all night to do  
18 one splice.

19 Q. So you don't actually like  
20 make additional splices when you're  
21 taking them out, you just pull it out  
22 and a couple --- the two ends of the  
23 splices were there together?

24 A. No. Tom always made us pull  
25 --- you have this piece here hanging

86

01 down about ten feet, have it in front  
02 and make this end first. And then  
03 you pull. It wouldn't let you pull  
04 to another splice. But he'd want you  
05 to pull to that splice if it was 500  
06 feet. If it wasn't --- everywhere  
07 you go you were just making another  
08 end. It was all night. But you had  
09 about six guys up there at that time,  
10 when it came time to pull it.

11 Q. He was wanting to make sure  
12 you got out both parts of the old

13 splice, is that what you're saying?

14 A. They didn't --- I mean, they  
15 didn't want to lose that belt, take  
16 no chance losing it.

17 Q. Yeah. Did that belt ever pull  
18 in two, a splice come undone?

19 A. Not on this one.

20 Q. No?

21 A. No. We'd probably get fired  
22 if it would. But they all --- they  
23 kept somebody up there at all times  
24 on that belt, though.

25 Q. Yeah.

87

01 A. They wouldn't let us --- they  
02 wouldn't let us leave until the belt  
03 man got there.

04 Q. Why is that or why do you  
05 think it was?

06 A. To keep a watch on it, I  
07 guess. I'd always leave

08 Q. I mean, you said like that  
09 belt's not any steeper than the other  
10 belts. I mean, why would you --- if  
11 the installation's proper ---.

12 A. I'd make sure it was --- they  
13 wanted to make sure it runned at all  
14 times, you know, so the --- unless

15 something would go down on it.  
16 Q. But did it seem like there was  
17 a concern that there was --- outside  
18 of making sure somebody was there  
19 just in case something went down, did  
20 it seem like there was some concern  
21 about why somebody had to be there?  
22 Outside of the fact that, you know,  
23 if the belt goes down, we want to get  
24 it going again?  
25 A. I never thought much of that.

88

01 Q. Okay. All right.  
02 A. I just know that, well, Dave  
03 most of the time he'd stay back.  
04 Q. Okay.  
05 A. And he'd wait until somebody  
06 got there. I don't know why,  
07 but ---.  
08 Q. When you were working up on  
09 that longwall belt, do you go over to  
10 the power boxes at all? Do you ever  
11 go over there and turn the breakers  
12 off or anything?  
13 A. Yeah. That's where you throw  
14 your power off.  
15 Q. Yeah.  
16 A. It was --- well, when I was up  
17 there, they was two breaks up from



18 the mother drive. Let's see. I

19 think two breaks, one or two.

20 Q. Was it between those airlock

21 doors?

22 A. Yeah. You had two sets ---

23 when I was up there, ---

24 Q. Right.

25 A. --- you had a set there and

89

01 then you had a set right in front of

02 it.

03 Q. Yes.

04 A. And that's where you go

05 putting it on manual.

06 Q. Yes.

07 A. And then you throw your power

08 off.

09 Q. When you walked up there ---

10 are you familiar with maps? I mean,

11 do you use maps? Can you understand

12 the maps when you're looking at them?

13 A. I can now.

14 Q. Okay.

15 A. I couldn't.

16 Q. We've got a map up here, maybe

17 it will help you out here. This is

18 northeast mains?

19 A. Yes.

20 Q. Okay. And this is the  
21 longwall, Nine headgate. The bottom  
22 lines are the belt.  
23 A. Yeah.  
24 Q. And here is the approximate  
25 locations of the belt. Are these the

90

01 doors you're talking about?  
02 A. Yeah, right there.  
03 Q. Okay. You can understand what  
04 we're looking at?  
05 A. Yeah. In the second square  
06 there.  
07 Q. Yeah. Do you want to come on  
08 up here?  
09 A. Yeah.  
10 Q. If you can mark on there ---.  
11 A. Where the power boxes were?  
12 Q. Yeah. You can mark where the  
13 power box ---. This is the entrance,  
14 this travelway here.  
15 A. Yes. Right here's your belt.  
16 Q. Now, we're getting --- this is  
17 the head.  
18 A. Okay.  
19 Q. This is when you come through  
20 up on the travelway. You've got to  
21 open up this door. And this door  
22 here is the --- the drive unit's

23 right here. The storage unit's down  
24 here. You cross underneath it, go  
25 through the first door.

91

01 A. Okay. And there's the second  
02 door.

03 Q. And there's the second door,  
04 right.

05 A. At the third is the power box.

06 Q. Was it over here or was it  
07 over here?

08 A. Up here.

09 Q. Okay. Could you mark on that?  
10 Just maybe put an X. Yeah. That's  
11 fine.

12 WITNESS COMPLIES

13 BY MR. BEITER:

14 Q. Put a line drawn through for  
15 the power box. Draw a line right  
16 here for the power box, the longwall  
17 power box, or power box. How did you  
18 walk from the belt to those power  
19 boxes?

20 A. We just come --- we got here  
21 and we brought the splices out here,  
22 you had your belts. And we had a  
23 table and stuff set up right here and  
24 we was standing right there and was

25 watching the splices. We had one

92

01 there and one here, watching

02 them ---.

03 Q. Watching the side?

04 A. Yeah. And once we spotted it,

05 it was brought up right through here,

06 that bench rather. It was brought up

07 and one of us brought it through this

08 door, and you have your power box and

09 stuff. And turned it on at main ---.

10 Q. Walked through the equipment

11 door?

12 A. Yeah.

13 Q. Did you leave the door open,

14 just so you wouldn't have to open and

15 close it every time you walked

16 through there then?

17 A. No.

18 Q. Closed?

19 A. I won't lie to you, yeah, we'd

20 --- sometimes we'd leave it open when

21 we went up there for just a second.

22 We'd leave it open so he could ---.

23 Q. Could you stand here at the

24 power box and let it off?

25 A. Well, right here you had a

93

01 stopping, you'd run your power box.

02 Q. Okay. So there was a stopping  
03 up here then?

04 A. Yeah.

05 Q. Yeah. Would you draw that on  
06 here?

07 A. Okay. The stopping.

08 WITNESS COMPLIES

09 BY MR. BEITER:

10 Q. Okay. And that was there when  
11 you were there?

12 A. Yeah. It was right here in  
13 the roadway. It was right next to  
14 the --- and then Dave would stand ---  
15 you had your take-up lever here. It  
16 was probably right here, right there  
17 on the corner of the rib.

18 Q. Okay.

19 A. He'd let it off and he played  
20 with ---. I had this one door where  
21 I could see him. I was at the door -  
22 --. And then we'd start our splice.  
23 And just for safety ---.

24 MR. BEITER:

25 I just want to get it

94

01 in the record here. On the  
02 record here, this is going to  
03 be Exhibit A Ooten.

04 (Ooten Exhibit A marked  
05 for identification.)  
06 MR. BEITER:  
07 And Roger had indicated  
08 on the map here the airlock  
09 doors on the mantrip  
10 travelway, underneath the  
11 longwall belt on the way to  
12 Two section there on spad ---  
13 I believe spad ---. The  
14 intersection between spad 3267  
15 and 3333, in between those two  
16 equipment doors.  
17 And in the crosscut  
18 from that intersection north  
19 towards spad 3266, which is in  
20 the belt entry, 72-inch belt  
21 entry. He's indicated an X  
22 and a note that says that this  
23 is where the longwall boxes  
24 are located. And between the  
25 longwall boxes, the power  
95  
01 boxes and the mantrip roadway,  
02 between those two airlock  
03 doors on the inby side of the  
04 longwall belt now he's  
05 indicated a line that  
06 signifies the stopping and has

07 indicated man door written on  
08 it. It shows that there was a  
09 man door in that stopping that  
10 separated the power boxes from  
11 the travelway.  
12 A. Yeah.  
13 BY MR. BEITER:  
14 Q. Is that a correct ---  
15 A. Yeah.  
16 Q. --- interpretation of what you  
17 drew? And then we got about four  
18 dots over here around spad 3267. The  
19 bigger of the three dots in the  
20 little triangle there is where the  
21 foreman would stand. And then one  
22 dot on each side of that belt just  
23 showed where him and the other belt  
24 man would stand to watch the splices  
25 coming through.

96

01 A. That's where the belt man  
02 stand. That's my brother-in-law,  
03 Dave Runyon.  
04 Q. Okay.  
05 A. Most of the times he'd stand  
06 there or he'd be up here.  
07 Q. Okay. The bigger dot?  
08 A. Yeah. That's where you'd take

09 it to.

10 Q. And the farther dot down below  
11 that, going in by is where the pinch  
12 roller was?

13 A. Yeah. Right here is the pinch  
14 roller. Right there. And I could  
15 put a P there?

16 Q. Yeah.

17 WITNESS COMPLIES

18 BY MR. BEITER:

19 Q. And the P's on the brown line  
20 in the belt entryway, where the pinch  
21 roller is.

22 A. Right here. To pull your belt  
23 up on.

24 Q. Okay. So if there was a car  
25 underneath that belt, ---

97

01 A. Uh-huh (yes).

02 Q. --- and there was a belt on  
03 that car, would that be a full 500  
04 feet of belt on that car?

05 A. Yeah.

06 Q. Have you ever heard of any  
07 time where they'd taken off 300 feet,  
08 200 feet or 100 feet?

09 A. No, not on that belt.

10 Q. All right. So if there's ---  
11 and this would be treating it, so



12 they're not adding belt in; right?

13 A. Uh-uh (no). Just tightening  
14 the belt.

15 Q. Have you heard anything about  
16 them adding belt in and taking some  
17 old belt off that was bad or  
18 anything?

19 A. No.

20 Q. Okay.

21 A. Because, I mean, if there was  
22 something wrong with the belt, that's  
23 what we'd pull.

24 Q. All right. Did you ever  
25 travel to the belt head?

98

01 A. To Seven head?

02 Q. Yeah, to Seven. Well, to the  
03 longwall mother drive head.

04 A. Oh, yeah.

05 Q. Have you? And did you walk  
06 from the travel road to that?

07 A. The travel road to Seven?

08 Q. Yeah, right past the drive.

09 A. Well, now, here's your Six  
10 belt, Six tail.

11 Q. Yes.

12 A. There's Seven head.

13 Q. Yes.

14 A. We'd normally come through  
15 there at Seven head. You know, right  
16 here. We'd come in right here and  
17 come around this ---.

18 Q. Come out the first overcast.  
19 You'd walk from the belt head ---

20 A. Yeah.

21 Q. --- on the Seven belt, to spad  
22 3158 ---?

23 A. Yeah, down from the man door.

24 Q. Yeah.

25 A. You'd come around that curb

99

01 and you'd hit a water hole. The  
02 water hole is right here. We'd come  
03 --- sure it ain't back ---. I'm up  
04 here. Sorry about that. Had them  
05 double doors.

06 Q. All right. So you'd come out  
07 3191, then, probably?

08 A. Yeah. You'd come back around  
09 that curb.

10 Q. All right. Did you ever walk  
11 to the belt tail? Did you ever check  
12 the belt tail on Seven head or Seven  
13 belt?

14 A. Oh, yeah. That's just ---  
15 that was right out on the mother  
16 drive.

17 Q. Yeah. Just right around the  
18 corner.

19 A. Yeah.

20 Q. Do you know where the sensor  
21 was, the CO sensor? Do you know  
22 that?

23 A. I don't have a clue.

24 Q. How about up here where your  
25 pinch roller and that was, did you

100

01 ever see any CO sensor up there?

02 A. They had one --- I think they  
03 had --- they all got one --- at the  
04 storage unit. It's on about the  
05 tripper is ---.

06 Q. Do you know if it's inby the  
07 storage unit or outby the storage  
08 unit, in the middle of the storage  
09 unit?

10 A. It would be in the middle of  
11 it.

12 Q. Do you recall specifically?

13 A. I ain't for sure.

14 Q. Okay. That's all right. This  
15 here belt tail, for the 72-inch  
16 belt, ---

17 A. Uh-huh (yes).

18 Q. --- have you ever walked from

19 there around to the power boxes?  
20 A. Yeah. See right here's your  
21 tail where you go --- we've walked  
22 down this way.  
23 Q. From 3249 to 3266 and then  
24 down to the power center?  
25 A. Yeah.

101

01 Q. Did you go through a stopping  
02 on that?  
03 A. Not on this one.  
04 Q. Yeah. There's a stopping down  
05 here, where you already indicated,  
06 from the belt tail to the power  
07 center. There was a stopping up  
08 there?  
09 A. No, here it is.  
10 Q. Okay. So would you circle  
11 this stopping here?  
12 A. Uh-huh (yes).  
13 WITNESS COMPLIES  
14 BY MR. BEITER:  
15 Q. And is that the one you're  
16 saying there wasn't one there?  
17 A. You had the ---.  
18 Q. Don't be confused by what  
19 stoppings are shown on the map. They  
20 may or may not be there, okay?  
21 A. Okay.

22 Q. Okay. So just going by your  
23 memory, as you walked past that belt  
24 tail, Number Seven belt, on your way  
25 to the transformers or the power

102

01 boxes, for the longwall belt, did you  
02 have to crawl through a door or was  
03 there a stopping there that didn't  
04 allow you to walk here back when you  
05 were up here? If you remember. If  
06 you can't just say so, that's fine.

07 A. There may have been a man door  
08 there.

09 Q. Do you recall ---?

10 A. I ain't for sure, ---

11 Q. Sure.

12 A. --- but I think there is one.

13 Q. We'll just leave it alone and  
14 we'll just say you don't know.

15 A. That's okay.

16 Q. If that's right.

17 A. Yeah.

18 Q. Can you go ahead and just sign  
19 and date the exhibit? This is an  
20 exhibit here, your exhibit.

21 A. You want me to sign it?

22 Q. Yeah. Your signature just  
23 indicates that the notations and

24 markings on the map were put there by  
25 you.

103

01 A. What's the date?

02 Q. 3/29/06.

03 WITNESS COMPLIES

04 BY MR. BEITER:

05 Q. You didn't happen to --- when  
06 you were up here, you didn't happen  
07 to work on any of this here structure  
08 that was being installed inby that,  
09 did you?

10 A. No. The first time I seen it  
11 is whenever they had us going up  
12 there and setting them up. We walked  
13 down --- we started to --- we started  
14 right about this run. They had it  
15 dangered off a couple places. When  
16 we come down is the first time I ever  
17 seen it. And we went down Ten  
18 headgate.

19 Q. You know you were talking ---  
20 and I might be confused. Because  
21 didn't you tell me that during that  
22 meeting at the grade school that  
23 somebody was telling you about maybe  
24 a door was open or something like  
25 that? Did they ---?

104

01 A. Yeah. That's what I was  
02 telling him. I wasn't for sure, not  
03 100 percent.

04 Q. All right. When the CO alarm  
05 out there on the --- that day you  
06 smelled smoke you said.

07 A. Yeah.

08 Q. Was that the same day that you  
09 got this alarm --- or the  
10 notification that you had 12 parts  
11 per million CO on that one alarm?

12 A. When I smelled smoke from  
13 that ---?

14 Q. Is that two different days?  
15 That was two different days?

16 A. Different days, yeah.

17 Q. The one that you got the alarm  
18 notification, who contacted you?

19 A. The time I was --- when I  
20 walked down there, me and Jakey and  
21 Kenneth?

22 Q. Yeah, with the 12 parts per  
23 million.

24 A. I'm thinking Mike did.

25 Q. Mike is Mike ---?

105

01 A. He's the preacher, the  
02 dispatcher.

03 Q. Mike Brown?

04 A. Yeah.

05 Q. He's a dispatcher, though, for  
06 sure?

07 A. Yeah.

08 Q. Do you know if he notified the  
09 responsible person on the shift that  
10 time that happened?

11 A. Well, if he didn't, I did.

12 Q. You did?

13 A. Yeah. I hollered at Tom  
14 Adkins and told him.

15 Q. Before or after you got there?

16 A. That was after I got there.

17 Q. When you talked to Tom, did he  
18 indicate that he already knew about  
19 it?

20 A. No. He said --- what he told  
21 me was, see, he had electricians on  
22 down in front of me, on Three belt,  
23 about 42 break. They was working  
24 on ---.

25 Q. They were working downwind of

106

01 you?

02 A. Yeah. That's ---.

03 Q. Downwind of the sensor?

04 A. Yeah. See I didn't tell you  
05 that at first.



06 Q. That's all right.  
07 A. Kevin and them, they was  
08 working on the O2 sensors down there.  
09 Q. Oxygen sensors?  
10 A. Yeah. They said that was ---.  
11 Q. What do they got oxygen  
12 sensors down there for?  
13 A. For them on the belt lines.  
14 Q. That's CO or oxygen?  
15 A. Old Faithfuls. I guess it's  
16 CO. They've got them every --- I  
17 don't know exactly how many feet, but  
18 they got them.  
19 Q. All right. Did he tell you  
20 that ---? What did he tell you about  
21 that?  
22 A. Well, I told him that the O2  
23 sensors went off at Four head. I  
24 told the electrician.  
25 Q. Yeah.

107

01 A. And he said, it's probably  
02 where he's down there working on  
03 them. They had the spliced ends up.  
04 I don't know exactly.  
05 Q. When Mike called you, did he  
06 indicate that he knew what was going  
07 on?

08 A. Normally, when he --- he'll  
09 tell you when something like that's  
10 going on, he'll tell you where it is  
11 and what it's showing.

12 Q. What did he tell you, go up  
13 there and check but I already know  
14 that somebody is working on something  
15 and that's probably why I got this?  
16 I mean, I guess what I'm wanting ---.

17 A. No, he ---.

18 Q. I'm not wanting to put words  
19 in your mouth, but I did. I guess  
20 what I'm wanting to know is, you  
21 know, did you get the impression,  
22 when Mike called you, that he knew  
23 anything about the condition that  
24 existed that was causing the alarm?  
25 I guess that's the question I'm

108

01 trying to ask.

02 A. Yeah. It shows outside  
03 whatever it's showing inside.

04 Q. Right. But outside of the  
05 concentration that he was getting,  
06 did he indicate to you that he knew  
07 anything about what was causing that  
08 alarm?

09 A. No.

10 Q. Did he ask you to go

11 investigate it?

12 A. He asked me to check it and  
13 see what it's showing.

14 Q. Did he ask you to call him  
15 back?

16 A. No. I hollered to Tom as soon  
17 as I got up there to it.

18 Q. When Mike talked to you, did  
19 he ask you to call him back, when you  
20 got up there and found out what it  
21 was?

22 A. Yeah. They always do.

23 Q. Now, how did you know what the  
24 levels of CO were when you responded?

25 A. You can see it on there. It

109

01 shows.

02 Q. On a display at the sensor?

03 A. Yeah. It showed 12.0 to .1.

04 Q. And that's what it was when  
05 you were there?

06 A. Yeah.

07 Q. Did he tell you what it was  
08 when he first called you?

09 A. No. Let me think here. Yeah,  
10 it was 12.0, I think or 12.1.

11 Q. Okay. Do you know how  
12 long ---? Maybe you told me that,

13 how long ago that happened. Was that  
14 pretty recently, you said?

15 A. Yeah. It was right after they  
16 let us go back. It's been --- I  
17 don't know exactly when. But we was  
18 down there shoveling on the Three  
19 tail, just the break outby.

20 Q. Have you heard of any other  
21 fires at the mine?

22 A. No, no fires.

23 Q. Have you heard about an  
24 incident that occurred at I think it  
25 was Number Five belt tail, where

110

01 there was a bearing that was bad and  
02 they ended up having to replace it?

03 A. At Five tail?

04 Q. An incident occurred where  
05 fire had to be extinguished and smoke  
06 had traveled inby. Have you heard  
07 anything about that?

08 A. Uh-uh (no).

09 Q. No? Have you heard about any  
10 problems that occurred up at the  
11 longwall belt in the drive area that  
12 were similar in nature to what may  
13 have been conditions that existed or  
14 occurred at the night of the accident  
15 in January?

16 A. No.

17 Q. Have you participated in  
18 escapeway drills?

19 A. Well, I walk our escape way  
20 every day.

21 Q. Where do you walk? Where is  
22 your escapeway?

23 A. You got your secondary. Let's  
24 see, your main escapeway would be the  
25 track down at Rum Creek. And you ---

111

01 I think --- well, both the escapeways  
02 is either your belt or your track  
03 down there.

04 Q. Are they common?

05 A. Both of your arrows are going  
06 the same way on them.

07 Q. Is there stoppings that  
08 separate the track from the belt  
09 everywhere down through there?

10 A. No.

11 Q. Okay. So it would be kind of  
12 common in most places?

13 A. Yeah.

14 Q. Is that right?

15 A. Yeah.

16 Q. Are they marked escapeways?

17 Are there ---

18 A. Yeah.  
19 Q. --- reflectors?  
20 A. Uh-huh (yes).  
21 Q. There are?  
22 A. Uh-huh (yes).  
23 Q. What direction do they take  
24 you in?  
25 A. I think your green's going

112

01 towards --- they changed them around  
02 again, though, in there, put  
03 different ones up. I think your  
04 green's going towards outside  
05 corridor of Rum Creek.  
06 Q. Okay.  
07 A. And your yellow is on your  
08 belts on that side.  
09 Q. A set of green and --- is that  
10 track down through there?  
11 A. Yeah.  
12 Q. Do you have to use track  
13 equipment down there?  
14 A. Uh-huh (yes).  
15 Q. You can't take a battery or  
16 rubber-tire equipment down there?  
17 A. Just at Four head, but they  
18 don't do it.  
19 Q. Yeah. So you can't travel  
20 with your track equipment very far

21 inby on past the Threeway inby?

22 A. No, you got that bad top,

23 which is low.

24 Q. Yeah.

25 A. You couldn't get it under

113

01 there or nothing.

02 Q. Have you seen any escapeway

03 maps at the mine?

04 A. Uh-huh (yes). Yeah. They

05 have them in, like Number One

06 Fourway, they had one that was right

07 there where your phone was hung up.

08 Q. That's good. Just posted

09 underground?

10 A. Uh-huh (yes). That's up on

11 the timber, I think.

12 Q. Yeah.

13 A. I don't want to lie. I mean,

14 it was on there. I can't remember

15 where I got it from.

16 Q. Have you ever seen any on the

17 surface?

18 A. Uh-uh (no). I never seen one

19 on the surface.

20 Q. Have you ever seen one during

21 any training or instructions or

22 anything?

23 A. Uh-uh (no).

24 Q. And you said you walk out.

25 Where do you walk from? Do you walk

114

01 or travel your escapeways in Rum

02 Creek mains or do you travel anywhere

03 else?

04 A. If we go walk in, I normally

05 take the belt on the way down and the

06 track on the way up. Most of the

07 times, I do it.

08 Q. Who conducts your escapeway

09 drills?

10 A. Mark Keyser. But Derrick

11 Christian done it last night. So

12 they took all their electricians and

13 everything up there and walked them

14 out, and a couple other guys.

15 Q. The end where you work at down

16 there, that there's pretty much

17 common air down through there, ---

18 A. Uh-huh (yes).

19 Q. --- has anybody in your fire

20 drills discussed any way that you

21 should respond if you smell smoke,

22 or ---? Do you kind of understand

23 what I mean?

24 A. Like if I was evacuating, like

25 to report that it's bad enough to get



01 out?

02 Q. Yeah. How would you --- have  
03 you guys discussed that at all to  
04 see?

05 A. We done that last night.

06 Q. What did they say?

07 A. They had Pancake go up there  
08 to the station and tell them that he  
09 had ---.

10 Q. And who's Pancake?

11 A. He's an electrician.

12 Q. Okay.

13 A. What I know ---.

14 Q. You know the nickname?

15 A. Yeah. He called up that the  
16 scoop was on fire, the batteries.

17 Q. This is just doing a drill?

18 A. Yes, a fire drill.

19 Q. Okay.

20 A. And he give the time. And I  
21 don't know what else he give, but he  
22 done --- that's what they done last  
23 night. If it's me, I'd call out and  
24 tell them that, we got a fire down  
25 there. If I could, if I had a chance

01 to, and to evacuate. Tell them if I

02 know where it was, whereabouts it  
03 would be. Tell them who's with me,  
04 what way I'm going. That way  
05 they ---.

06 Q. That's good. That's all good  
07 information and very important  
08 information.

09 A. Oh, yeah. I'd tell them if I  
10 was going to stay on the track, stay  
11 on the track all the way out by the  
12 wall, ---

13 Q. Yes.

14 A. --- or crawl. That way if you  
15 would go down, they'd know where  
16 you're coming, right where you're at.

17 Q. Yes. Do they tell you that at  
18 the first indication of the smoke  
19 that you're to evacuate, notify and  
20 evacuate?

21 A. Oh, yeah.

22 Q. I'm not saying that they  
23 should have. I'm just asking you if  
24 they did.

25 A. I popped the rescuer once,

01 from Five head over.

02 Q. You did?

03 A. I seen smoke.

04 Q. Was this before the accident?

05 A. I hadn't been there but about  
06 seven months.

07 Q. Yeah.

08 A. It was like a bunch had come  
09 around there. And this guy had been  
10 in the mines a couple years. He  
11 started hollering. He said, daggone,  
12 it's coming strong. I looked and  
13 seen and I panicked, which I  
14 shouldn't have done. I put my  
15 rescuer on and went two breaks and  
16 there was fresh air, an air return  
17 there.

18 Q. Well, don't feel embarrassed  
19 about putting that self-rescuer on.

20 A. I did it, and I told him ---.

21 Q. That's right. Because you  
22 know what, you don't know what the  
23 gas concentrations are in that smoke.

24 A. Yeah.

25 Q. And you might not have made it

01 two crosscuts. So don't ever think  
02 that --- and this is just me talking  
03 to you, but don't ever think that ---  
04 you know, when in doubt, put it on.

05 A. Oh, yeah.

06 Q. You know.

07 A. It could have been worse and I  
08 wouldn't be able to joke about it.  
09 Q. That's right. Did you get the  
10 impression that the first response  
11 should be to go into it and fight the  
12 fire with your self-rescuer or to  
13 notify and evacuate?  
14 A. I wouldn't fight it. I  
15 wouldn't want to. I wouldn't want to  
16 take a chance in getting caught up.  
17 I'd call and evacuate. But I mean if  
18 it took me having to fight it --- you  
19 know, if it looked like it could be  
20 controlled, I would try. I'd be  
21 afraid to, but ---  
22 Q. That's understandable.  
23 A. --- I'd probably do it.  
24 Q. Do you know where your  
25 firefighting equipment is in Rum

119

01 Creek main?  
02 A. What do you mean like your  
03 hoses and stuff?  
04 Q. Yeah.  
05 A. Right overhead you got six  
06 fire valves, you've got six hoses  
07 there set up, ready to go.  
08 Q. Part of your duties, is it to  
09 check ---? I guess, could you tell

10 me who checks the fire taps now to  
11 make sure that they're not rusted up?  
12 And, you know, stuff, it gets  
13 corroded in the mine.  
14 A. Me and Dave ---  
15 Q. You guys check it?  
16 A. --- and Charlie were just out  
17 here. We just were down there at one  
18 of them on Rum Creek.  
19 Q. That's good. Were some of  
20 them in pretty bad shape?  
21 A. They're stiff, or they're  
22 all ---.  
23 Q. You could get them on?  
24 A. Yeah.  
25 Q. Yeah.

120

01 A. There was some of them that  
02 you had to take a hammer and --- they  
03 was rusted up, but they're all new  
04 now. They're all new.  
05 Q. That's good.  
06 A. And added more.  
07 Q. That's good, too. Did I ask  
08 you if you ever received training on  
09 that mine --- I think I did, on the  
10 firefighting evacuation plan? Did I  
11 ask you that? I believe I did. I

12 guess I'm asking you again.  
13 A. Have I ever been trained on  
14 it?  
15 Q. Yes.  
16 A. On the evacuation, like how to  
17 get out and stuff?  
18 Q. Well, on what the plan  
19 requirements are and who's  
20 responsible, ---  
21 A. Oh, yeah.  
22 Q. --- what action you take?  
23 A. Mark Keyser --- yeah.  
24 Q. When you were up there on the  
25 longwall belt, do you recall what

121

01 direction the airflow was going on  
02 the belt at that time?  
03 A. Sometimes it'd feel like it  
04 was coming up the belt.  
05 Q. Coming uphill?  
06 A. Sometimes, yeah. And other  
07 times it would feel like it's coming  
08 down your roadway. It would change.  
09 Q. On the longwall belt itself it  
10 seemed like it changed?  
11 A. Yeah.  
12 Q. And that was back when ---  
13 that was back way back then?  
14 A. That was back whenever I

15 started up there.

16 Q. Yeah.

17 A. I don't know if they put  
18 stoppings up after that, but it ---.

19 Q. Yeah.

20 A. You'd feel it sometimes up ---  
21 most times your mother drive is hot.

22 Q. Temperature --- warm-wise, you  
23 mean?

24 A. Uh-huh (yes).

25 Q. Because of just the motors

122

01 running?

02 A. Well, Seven and Eight  
03 headgate, you had to go past --- they  
04 couldn't walk through before they got  
05 their storage unit. It was all  
06 blocked off and you had your return  
07 running underneath your overcast.

08 Q. This is at the Nine panel?

09 A. That's at Eight.

10 Q. Okay.

11 A. They didn't put it up there  
12 because we had trouble pulling the  
13 belt to put overcast in.

14 Q. Where you travel underneath it  
15 now is where you're talking about  
16 they had overcast before to travel

17 underneath it? Is that what you're  
18 saying?

19 A. They should have. Right. The  
20 break. Well not a break it was ---  
21 you had your road as soon as you got  
22 up here where your phone and stuff  
23 was.

24 Q. Yeah.

25 A. I mean, I don't know if they

123

01 was supposed to be one, but at Seven  
02 headgate was one.

03 Q. When you were saying that the  
04 air changed direction, was that  
05 noticeable?

06 A. I noticed. I never did say  
07 nothing, but I could tell it  
08 sometimes.

09 Q. Was a supervisor with you?

10 A. Uh-huh (yes).

11 Q. Do you know if he would have  
12 noticed it?

13 A. I don't know if he noticed it,  
14 I did.

15 Q. Yeah. Did it change during  
16 the shift or was it like, one day  
17 it's this, the next day it's that?

18 A. Different shifts would feel  
19 different sometimes. You'd go in and



20 you wouldn't have it, and you'd feel  
21 --- I mean, you couldn't feel it a  
22 whole lot, but you'd feel a little  
23 bit of air. Maybe a stopping was  
24 leaking or ---. I don't know much  
25 about airways.

124

01 Q. That's okay. But you know  
02 enough about it to know that it went  
03 in one direction and another night  
04 it's not going in that, it's going in  
05 the other direction?

06 A. Yeah.

07 Q. And that's what you noticed up  
08 there?

09 A. Yeah, sometimes. I mean ---.

10 Q. Okay. Do you know what  
11 direction it was supposed to be going  
12 in?

13 A. Not where it's supposed to be  
14 going.

15 Q. Okay.

16 A. I know sometimes you'd feel it  
17 coming up.

18 Q. Yes. Coming up meaning going  
19 uphill?

20 A. Yeah.

21 Q. Which would be outby the

22 longwall belt, ---

23 A. Towards the head.

24 Q. --- up towards the head?

25 Okay. How did you check the

125

01 threading on the fire caps?

02 A. How would you check them?

03 Q. Uh-huh (yes).

04 A. The ones before we changed

05 them?

06 Q. Yes.

07 A. Take a pipe wrench and take

08 them off and check them, make sure

09 everything was good. Make sure they

10 weren't stopped up, or if they had

11 anything --- you know, we'd change a

12 whole cap if it was rusted real bad.

13 Q. Did you ever do this in the

14 past two years, before the accident?

15 A. Never did fool with them.

16 Q. Do you know if anybody else

17 did?

18 A. Not for sure. I didn't.

19 Q. Was this the first time you

20 did?

21 A. Yeah.

22 Q. Do you know of anybody else of

23 doing it besides you guys, your

24 crew?

25 A. It's pretty much done now. I

126

01 mean, we got everything.

02 Q. All right.

03 A. Put extra in, I guess for

04 extra, if we had a fire.

05 Q. Did you record any results of

06 the testing of these fire hose taps

07 or anything? I guess, do you check

08 them? Do you like open the valve and

09 check them, if the valves working,

10 water comes out?

11 A. Yeah.

12 Q. Did you ever turn any of them

13 on and water didn't come out?

14 A. No.

15 Q. No? Do you record those

16 results of those tests?

17 A. Record them?

18 Q. In a record book.

19 A. Oh, no, I don't, no.

20 Q. Okay.

21 A. I think ---.

22 Q. Did your foreman do that?

23 A. Yeah, he should.

24 BY MR. TUCKER:

25 Q. You primarily have said that

127

01 you work on belts, so about every  
02 night you're on a belt line  
03 somewhere?

04 A. Yeah.

05 Q. Have you ever signed your name  
06 in a belt book, showing that you've  
07 been on a certain belt or ---?

08 A. Uh-huh (yes).

09 Q. Okay. Like when you're on  
10 Nine headgate, working on the belt  
11 there, was there times you was by  
12 yourself or did you --- was you  
13 always on a job that required more  
14 than yourself?

15 A. Normally, Kevin Ferguson or  
16 Dave Runyon would go check the mother  
17 drive. While they was checking it,  
18 I'd go check Six, right there at Six  
19 tail and check the One mains. Go  
20 down and check the Seven belt. I'd  
21 watch them three belts right there  
22 and he'd check the mother drive.

23 I may have hollered at him  
24 when I was over there and let him  
25 know. Then they'd take their time

128

01 watching it, watching the mother  
02 drive. And if something needed made,  
03 I'd go there and we'd all get

04 together and make it, like a splice  
05 or whatever had to be done.

06 And if it didn't, Bryan Cabell  
07 would have me doing other things  
08 while Kevin and him would work on  
09 welding or a scraper, or a roller.

10 Q. All right. Which belts did  
11 you say Seven belt and ---?

12 A. Seven, Six and One mains.

13 Q. What's One mains?

14 A. It goes to Two section.

15 Q. Okay. The 48-inch belt?

16 A. Yeah.

17 Q. So some nights you would work  
18 on it?

19 A. Well, I'd check splices.

20 Q. Or walk it or check it or  
21 whatever. Have you ever like just  
22 been on or worked on belt lines by  
23 yourself all night and not be working  
24 with other people?

25 A. Uh-uh (no). I've always got

129

01 somebody with me.

02 Q. Usually you got ---?

03 A. Three or four people.

04 Q. Yeah. Which are other belt

05 men?

06 A. Yeah.

07 Q. Is there usually a foreman  
08 with you or sometimes there is,  
09 sometimes there's not, or how does  
10 that work?

11 A. Sometimes you got a foreman  
12 with you. I mean, you always see  
13 him. But he'll give you a job to do  
14 and he'll come back and check and  
15 make sure that job's done right. And  
16 then he'll put you somewhere else and  
17 come back. And then they go to do  
18 their firebossing about three or four  
19 o'clock, whatever time they got to do  
20 it.

21 Q. Okay.

22 A. From then on it's up to you if  
23 you get it done. If you don't, then  
24 your butt's chewed.

25 Q. You mentioned that you have

130

01 worked on taking the belts out of the  
02 storage units?

03 A. Yeah.

04 Q. You've assisted in that. Is  
05 that something that's normally done  
06 on the third shift?

07 A. Yeah. About every week and a  
08 half you have to pull.

09 Q. Do you know of any time that  
10 something was ever changed at, to  
11 where they couldn't wait until the  
12 third shift and may have to rob it  
13 on ---

14 A. Uh-uh (no).

15 Q. --- another shift?

16 A. No, we'd always set it where  
17 it would have to be done on third  
18 shift.

19 Q. Okay.

20 A. Because it could run over 500  
21 feet. We just had to make sure that  
22 500 feet was in it to pull it. It  
23 could go to six ---. You always  
24 leave a little bit in there, just in  
25 case you're going to make a splice

131

01 before they run more passes.

02 Q. All right.

03 A. You always leave a little bit  
04 extra in it.

05 Q. You mentioned about the time  
06 that you had donned your rescuer and  
07 you saw all that smoke. Where was  
08 that at?

09 A. Five head.

10 Q. Five head? Who was with you?

11 A. I had B.J. Baisden and a  
12 little red head. I don't know his  
13 name. He just worked there a couple  
14 days. But I sent him --- he came  
15 around the corner and he was cussing  
16 and hollering like it was a big mess.  
17 I stuck my rescuer on for two breaks  
18 and it's clear. I turned around and  
19 looked and it was clear.

20 Q. Did you go back and see what  
21 the problem was?

22 A. Yeah. I went and walked back  
23 up there.

24 Q. What was it?

25 A. A high line blew up, I think

132

01 at the Number One fourway.

02 Q. Okay.

03 A. I went down to Four tail and  
04 turned around, two breaks down from  
05 where I was.

06 Q. Just to reiterate on what  
07 Denny was saying. When in doubt,  
08 always lean on the side of caution.

09 A. Oh, yeah.

10 Q. It's better to have it and not  
11 need it, and need it and not have it.

12 A. Yeah.

13 Q. Did you work on the 19th, the



14 day of the fire?

15 A. I think I worked the night  
16 before it. Let's see, the 19th. I  
17 worked the night before it happened.  
18 I didn't work on the mother drive,  
19 though, I was down at Rum Creek, at  
20 that time.

21 Q. How did you become aware of  
22 the ---?

23 A. The fire? I showed up and  
24 they --- well, Paula Mae called and  
25 said our mines was on fire. I didn't

133

01 believe her, so I got ready for work.  
02 And then my brother-in-law --- and we  
03 went up and they told us they  
04 couldn't let us work, and sent us  
05 back home.

06 Q. Who didn't you believe?

07 A. Paula Mae.

08 Q. Paul Mae?

09 A. That's my wife's friend.

10 Q. Okay.

11 A. Then they told me it was Billy  
12 Hall in there, the electrician.  
13 That's my dad's buddy. I worried a  
14 little bit about that.

15 Q. All right. Do you know what

16 time that she called, the lady  
17 that ---?

18 A. About 11 O'clock.

19 Q. Do you recall hearing any  
20 conversations about problems on the  
21 belt prior to the 19th, the mother  
22 drive belt?

23 A. No, I never did ---. I think  
24 the guys that worked on it didn't  
25 talk about it and we was on Rum

134

01 Creek.

02 Q. That's why I was wondering,  
03 since you was the belt man, usually  
04 you talked back and forth about, you  
05 know, what you have to do or  
06 whatever.

07 A. No. Dave just said he'd like  
08 to get up there. He said he hated  
09 pulling that belt and fooling with  
10 it, it's so big. The splice is the  
11 only thing I'd done on it.

12 Q. Had you heard of any other  
13 problems with the belt, as far as  
14 even possibly another fire or having  
15 smoke or ---?

16 A. No. That's the first fire  
17 they've ever had over there, as far  
18 as I know, since I've been there.

19 Q. Do you recall when you made  
20 your miner's certificate, prior to  
21 --- was that before you started as an  
22 Aracoma employee and got your black  
23 hat?

24 A. No. That's Aracoma. I was  
25 with the company then.

135

01 Q. When you got your black hat?

02 A. Yeah.

03 Q. I think if I remember right,  
04 you said you worked like two months  
05 and a day?

06 A. Two months and one day, yeah.

07 Q. Okay. That's for a  
08 contractor. And then you worked with  
09 Aracoma at that time and got your  
10 black hat?

11 A. Yeah.

12 Q. I think early on you was asked  
13 if you was a member of management.  
14 That would, I guess, indicate like if  
15 you were a foreman or a boss or ---?

16 A. No, I ain't.

17 Q. And you mentioned that maybe  
18 that you did sometimes supervise red  
19 hats?

20 A. One. I have one with me.

21 That's the only --- that's the only  
22 bossing I did.  
23 Q. Okay. So there's occasions  
24 maybe that you'll have a trainee with  
25 you ---

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01 A. Yeah.

02 Q. --- and they kind of follow  
03 your lead?

04 A. Yeah. One per black hat.

05 Q. Okay.

06 A. On splices and stuff, I'm  
07 normally over it, and, you know, make  
08 a splice. Doesn't matter if a black  
09 hat's there or not, just ---

10 Q. Okay.

11 A. --- make all the calls on it.

12 MR. TUCKER:

13 That's all I have.

14 BY MR. BEITER:

15 Q. Did I ask you where you worked  
16 on the 19th, the 18th into the 19th?

17 A. Where did I work?

18 Q. Yes.

19 A. At Rum Creek. I can't  
20 remember exactly where, but ---

21 Q. That's all right.

22 A. --- anywhere from Four to ---

23 I know it was on that side.

24 Q. Have you heard anything  
25 unusual about any problems with the

137

01 longwall belt that night?

02 A. Uh-uh (no). Nobody said  
03 nothing.

04 Q. About any alarms or warnings  
05 from the CO system from that drive  
06 area, from the mother drive?

07 A. No.

08 Q. Who buys the SCSRs? Are they  
09 provided by the company or ---?

10 A. Yeah.

11 Q. They are?

12 A. If you got any trouble with  
13 it, or any time you want to get it  
14 checked, you take it up there and  
15 they'll give you a new one, if  
16 something's wrong.

17 Q. Are you aware of any problems  
18 or --- problems might not be the  
19 right word --- difficult conditions  
20 that have occurred at the Nine  
21 headgate take-up storage unit?

22 A. No. I don't know nothing  
23 about it. I don't know much about  
24 it.

25 Q. Anything about dollies? You

01 don't talk about the dollies and  
02 that, the dollies getting caught  
03 or ---?

04 A. They had the dollies chained  
05 off up there once when I was up  
06 there. I guess it was going  
07 downhill. It was pulling --- one  
08 side of it was.

09 Q. Is that the individual  
10 drop-off dollies, you mean?

11 A. Yeah.

12 Q. Or not the whole dolly, I mean  
13 the mobile unit that's ---.

14 A. You got your locks on them  
15 dollies.

16 Q. Yes. The drop-off dollies?

17 A. Yeah. The only thing I know  
18 if when you pull belt --- my  
19 brother-in-law and I were up there  
20 and they might have one chained off  
21 or had it pulled out of a lock or  
22 something. I don't know what he did  
23 back there, but he had to go back  
24 there and do something to free it up,  
25 let it come on up.

01 Q. When you were pulling belt  
02 off?

03 A. Yeah. See, I didn't  
04 understand --- he did the counting on  
05 it, four pieces of belt going --- he  
06 had four --- he had four rows of  
07 belts right there. I guess he'd go  
08 100 foot on your chains. And he'd go  
09 --- it was sitting back there and  
10 he'd take it. Somehow he'd get 500  
11 feet. I never was --- and he was  
12 going through with that.

13 Q. Is chaining down a dolly  
14 something that kind of happens often?

15 A. Just on that belt. Just going  
16 downhill, I guess.

17 Q. On a Nine headgate belt?

18 A. Yeah.

19 Q. Do you know if that  
20 installation --- did you say that was  
21 the first mother drive belt  
22 installation you've worked around?

23 A. When I first started, like my  
24 first week, I worked at Seven  
25 headgate, but I didn't know what was

140

01 going on. See, I worked there. And  
02 then a couple times, I worked on  
03 Eight headgate. But I didn't ---  
04 never fooled with it enough to make a

05 splice up there, or at Nine headgate.

06 Then I started fooling with the  
07 take-up and the pinch roller and  
08 stuff like that.

09 Q. Is there anything noticeably  
10 different that you recall about the  
11 Nine headgate ---?

12 A. Just the overcast.

13 Q. Just the overcast. Did the  
14 belt kind of course through the  
15 storage unit differently?

16 A. You had your tripper drive,  
17 too. You never did have it ---.

18 Q. Yes.

19 A. The storage unit, I think it  
20 was the same. Maybe not, it might  
21 have been a little bit bigger than  
22 this one. It's three breaks long on  
23 this, or something like that. I  
24 think it's like two --- it might have  
25 been three. I don't know for sure.

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01 Q. Do you know how to ---? Could  
02 you explain, I guess --- I guess you  
03 know this. Could you explain how  
04 they chained down those dollies?

05 A. I've seen that one that was  
06 chained down on the off side. I  
07 don't know if was the second or third



08 one. They had it chained to the  
09 crossing there, crisscrossed. Had it  
10 chained so it wouldn't go back. I  
11 guess to keep --- I don't know what  
12 it does ---.

13 Q. So it wouldn't slide downhill?

14 A. Yeah. It keeps the transition  
15 --- it keeps it from running over  
16 inside the ---.

17 Q. It keeps the belt from  
18 becoming misaligned?

19 A. Uh-huh (yes).

20 Q. Have you heard any discussions  
21 about misalignment problems through  
22 that unit?

23 A. Like it'd run it over?

24 Q. Yeah.

25 A. Nobody never said nothing to

142

01 me.

02 Q. On your travels checking the  
03 belt rollers, did you ever see a  
04 condition such as accumulations of  
05 loose coal or a flow of coal dust or  
06 a ventilation control stopping or  
07 that missing? Have you ever noticed  
08 any of those things, or any  
09 accumulations on any belt rollers?

10 A. No, not that I know.  
11 Q. If you did, would you notify  
12 your foreman?  
13 A. Oh, yeah. Yeah. I was  
14 talking that today with Dusty Dotson  
15 and said that somebody knocked or  
16 tore a curtain down or something like  
17 that and didn't report it. And when  
18 they found out, they would be gone,  
19 be fired. Even just a little hole.  
20 He said if they ain't man enough to  
21 come tell him, that they don't need  
22 to work there.  
23 Q. You said something about A.C.?  
24 Did you say an A.C.'s name before?  
25 A. A.C. Kline.

143

01 Q. A.C. Kline. Did you ever work  
02 with A.C.?  
03 A. When that flood happened, I  
04 watched the pump with him, that was  
05 it.  
06 Q. Did he work on the longwall?  
07 A. I set props with him, too,  
08 that night at Ten headgate.  
09 Q. On what night?  
10 A. The second or third night they  
11 let us come back.  
12 Q. After the accident?

13 A. Yeah.  
14 Q. Do you ever do any timbering  
15 over at Nine tailgate since you've  
16 come back?  
17 A. We set them big water jacks.  
18 Q. What about in the tailgate  
19 entry of the longwall.  
20 A. The tailgate?  
21 Q. Yes.  
22 A. That's where we was setting  
23 the props at.  
24 Q. Yes.  
25 A. Set props and ---.

144

01 Q. Were there some already set  
02 before you started setting them in  
03 there?  
04 A. Yeah. That's when they lost  
05 the return, that night I was up  
06 there. They fell three breaks  
07 across.  
08 Q. Inby the ---?  
09 A. That was ---.  
10 Q. Inby the longwall face?  
11 A. Uh-huh (yes).  
12 Q. They fell across and blocked  
13 that Number One entry, ---  
14 A. Yeah.

15 Q. --- on the outside? Going all  
16 the way to the back?

17 A. Yeah.

18 Q. That fell when you were in  
19 there?

20 A. Yeah.

21 Q. How far were you already  
22 timbered out when you went in there?

23 Timbered out --- I've been in there  
24 --- the fall, you know, the face?

25 A. Uh-huh (yes).

145

01 Q. There was a drop like about  
02 40, 50 feet before you get to the  
03 post.

04 A. I'd say they had about ---.

05 Q. And then there was like ---  
06 but now --- well, when I was in  
07 there, they had about four crosscuts  
08 where it was ---. Do you remember  
09 how many were in there when you were  
10 in there?

11 A. When I first went in, I think  
12 they had about --- they had three.

13 Q. Three crosscuts?

14 A. Yeah.

15 Q. Okay. Do you know if --- were  
16 you the first crew that worked in  
17 there after the fire? Do you know?

18 A. No. I think dayshift went in.

19 Q. How do you take materials in  
20 there? How do you take ---?

21 A. They would haul them right  
22 there to where your power lock doors  
23 are. Then they'd stop there and  
24 you'd take them.

25 Q. At the front end?

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01 A. Uh-huh (yes).

02 Q. You carried them, what, 15  
03 crosscuts in there, down that hill?  
04 That's a pretty steep hill.

05 A. Whenever they get coal down  
06 the hill. I ain't been up there  
07 since then. We worked right up there  
08 at the head, setting them jacks,  
09 right there at Seven tail.

10 Q. Okay. I was talking about in  
11 the tailgate.

12 A. Oh, yeah.

13 Q. Were you setting wood posts  
14 you said?

15 A. I was over at ---.

16 Q. Is this where you were talking  
17 about?

18 A. Yeah, Nine tail.

19 Q. Where this fell across all the

20 way on the face?

21 A. Yeah. We had to take them

22 down the hill.

23 Q. You carried them all the way

24 from here, all the way down to here,

25 15, 20 crosscuts?

147

01 A. Well, they had a flat car, and

02 a diesel ride stuck in the mud there.

03 And it had timbers on it. It was

04 eight breaks from where we started.

05 Q. Eight breaks from here?

06 A. Uh-huh (yes).

07 Q. Was it already --- when you

08 came through the double doors, ---

09 A. Uh-huh (yes).

10 Q. --- when you were a couple

11 doors out, when you came through down

12 along here, in through Nine

13 tailgate, ---

14 A. Yes.

15 Q. --- northeast mains, did you

16 travel down this entry over here?

17 A. Yeah. Because we had to

18 go ---.

19 Q. Did you travel down Number One

20 entry of Nine --- well, Number One

21 entry looking towards the longwall

22 face.

23 A. I think so. We had to go over  
24 like three or four breaks to get to  
25 where we was setting the props.

148

01 Q. From the entry, you came down,  
02 and you had to go back over that way?

03 A. Uh-huh (yes).

04 Q. Was there an equipment door  
05 down there or something to travel  
06 through?

07 A. No, it was just --- we had a  
08 straight walk, straight down the  
09 hill.

10 Q. Do you know where A.C. Kline  
11 works now?

12 A. U.S. Steel, I think.

13 Q. Pin Oak.

14 A. It's union. You know, right  
15 there ---?

16 Q. It used to be U.S. Steel Mine,  
17 is that where you mean?

18 A. I think. Right there where  
19 the reform school is, over towards  
20 Charleston. It's right across from  
21 that.

22 Q. It's a different place. I'm  
23 not sure. That's not Pin Oak.

24 A. I can't think what's ---

25 Derrick Kline or Derrick Fisher

149

01 knows.

02 Q. Okay. I'm just not familiar  
03 with it. When you said U.S. Steel, I  
04 thought you meant --- the only U.S.  
05 Steel Mine that I know down around  
06 here is Pin Oak. When did you work  
07 at Nine tailgate? Was that after the  
08 accident?

09 A. Oh, yeah, it was after the  
10 accident. Yeah. We was going in and  
11 clearing up the violations then,  
12 because they had the roadways closed  
13 off. We had to go up to --- I don't  
14 know exactly where it was. We had to  
15 go up and then we come down where  
16 they was putting that ---.

17 Q. Forty-eight (48) inch belt  
18 cross --- around that 48-inch belt?

19 A. Yeah.

20 MR. BEITER:

21 Yeah. Okay.

22 MR. TUCKER:

23 I don't have anything  
24 else. Thank you.

25 MR. BEITER:

150

01 Mark, do you have any



02 clarifying questions?

03 ATTORNEY HEATH:

04 No questions.

05 MR. BEITER:

06 Thank you. Roger, on  
07 behalf of MSHA, I wish to  
08 thank you for appearing here  
09 today and for answering our  
10 questions and sharing your  
11 information about the mine.

12 Your cooperation is very  
13 important to us as we work to  
14 determine the cause of the  
15 accident.

16 If you wish, you may go  
17 back now over any answer that  
18 you have given during this  
19 interview. And you may also  
20 make a closing statement,  
21 covering any additional points  
22 that you believe should be  
23 raised.

24 Do you have anything  
25 that you'd like to add?

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01 A. No. I just want to tell you  
02 something, though.

03 MR. BEITER:

04 Okay.

05 A. Oh, when I told you about that  
06 meeting. Do you remember when we had  
07 that ---?

08 MR. BEITER:

09 Oh, that's right.

10 A. I said the safety director was  
11 over at it. I was thinking of the  
12 retraining. He had Chris Adkins and  
13 Dwayne Francisco and all there giving  
14 that meeting. So I give you the  
15 wrong name on that.

16 BY MR. BEITER:

17 Q. Charlie Conn wasn't the ---?

18 A. No. He was the one that give  
19 our annual retraining.

20 Q. Yes. And then you said that  
21 Chris Adkins ---

22 A. All of them was down there.

23 Q. --- was down there for the  
24 meeting at the grade school?

25 A. Yeah.

152

01 Q. Okay. Thank you. Do you have  
02 any other closing remarks?

03 A. That's all I know.

04 Q. From what you know about the  
05 fire, is there anything that you can  
06 think of that could prevent this from

07 happening again?

08 A. I guess get more people on the  
09 belt. Have a man at every head, that  
10 way you know. That's the only thing  
11 I can think of from it.

12 MR. BEITER:

13 Thank you, Roger.

14 Roger, we ask that you not  
15 discuss your interview today  
16 with any person who may have  
17 already been interviewed ---

18 A. Okay.

19 MR. BEITER:

20 --- or any person who  
21 may be asked to give a  
22 statement in the future. And  
23 the reason we do this is to  
24 ensure that we obtain  
25 everyone's independent memory

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01 about the events surrounding  
02 the accident, and conditions.

03 After questioning other  
04 witnesses and obtaining  
05 additional information, we may  
06 ask you back for further  
07 questions.

08 A. Okay.

09 MR. BEITER:  
10 If at some later point  
11 you have any additional  
12 information regarding the  
13 accident that you would like  
14 to provide us, if you will  
15 please contact Kenny Murray,  
16 who is our --- he's the  
17 district manager for MSHA in  
18 District Six, Pikeville,  
19 Kentucky. But he's also the  
20 accident investigation leader  
21 for this investigation team.  
22 Or his staff assistant,  
23 Anthony Webb. And here's a  
24 couple of contact cards that  
25 have their names and phone

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01 numbers on them where you can  
02 reach them.

03 A. Okay.

04 MR. BEITER:  
05 If you have any  
06 additional information, if  
07 you'd please contact them, it  
08 would be appreciated.

09 A. Okay.

10 MR. BEITER:  
11 Roger, the Mine Act

12 provides certain protection  
13 for individuals who  
14 participate in accident  
15 investigations. If at any  
16 time you believe that you have  
17 been treated unfairly because  
18 of your cooperation in this  
19 investigation, please  
20 immediately contact Kenny  
21 Murray or Anthony Webb. I  
22 thank you again very much.

23 A. You, too.

24 MR. BEITER:

25 And Bill has a closing

155

01 statement as well.

02 MR. TUCKER:

03 On behalf of Miners'  
04 Health, Safety & Training, I'd  
05 also like to thank you for  
06 coming in today and to also  
07 tell you that the State offers  
08 similar protection against  
09 discrimination against miners.  
10 If you need to contact us for  
11 anything, there's my card, and  
12 you can reach me. And this is  
13 C. A. Phillips' card. He's

14 our deputy director out of our  
15 Charleston office.

16 A. Okay.

17 MR. TUCKER:

18 Thank you.

19 \* \* \* \* \*

20 EXAMINATION UNDER OATH

21 CONCLUDED AT 12:26 P.M.

22 \* \* \* \* \*

23

24

25