

01 EXAMINATION UNDER OATH
02 OF
03 GARY LEE RICHARDSON
04
05
06
07 Taken pursuant to Notice by Autumn D.
08 Furby-Pritt, a Court Reporter and
09 Notary Public in and for the State of
10 West Virginia, at Department of
11 Environmental Protection, Division of
12 Mining and Reclamation, 1101 George
13 Kostas Drive, Logan, West Virginia,
14 on Thursday, February 23, 2006.

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

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16
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25

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01 A P P E A R A N C E S (Continued)
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01 A P P E A R A N C E S (Continued)

02

03 ALSO PRESENT:

04 ARLIE A. WEBB

05 RONALD W. STAHLHUT

06 MICHAEL FINNIE

07 DENNIS A. BEITER
08 DERRICK TJERNLUND, P.E.
09 CHARLES W. POGUE
10 E. EUGENE WHITE
11 STEVE COX
12 C.A. PHILLIPS
13 BETH SPENCE
14
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01 I N D E X

02

03 WITNESS: GARY LEE RICHARDSON

04 QUESTIONS

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

02 -----

03 MR. BURKE:

04 Gary, my name is
05 Anthony Burke and I represent
06 the Mine Safety & Health
07 Administration, and we're an
08 agency of the United States
09 Department of Labor. I'm a
10 member of MSHA's accident
11 investigation team, and we're
12 charged with investigating the
13 accident that occurred at the
14 Aracoma Coal Company, Inc.

15 Aracoma Alma Mine Number One
16 on January the 19th, 2006.
17 This is a joint investigation
18 that MSHA is conducting with
19 the State of West Virginia. I
20 will be asking the questions
21 for MSHA in today's interview.

22 With me here today are
23 other members of MSHA's team
24 and the State's team. MSHA's
25 team includes various

8

01 specialists and members of the
02 Solicitor's office. At this
03 time, I would like to ask each
04 of the members of MSHA's team
05 to identify themselves for the
06 record. They may turn around
07 and introduce themselves to
08 you.

09 MR. STAHLHUT:

10 Ronald Stahlhut, MSHA,
11 Vincennes, Indiana.

12 MR. POGUE:

13 Charlie Pogue, MSHA,
14 District Two.

15 MR. TJERNLUND:

16 Derrick Tjernlund, MSHA

17 tech support, Triadelphia.

18 MR. FINNIE:

19 Mike Finnie, MSHA,
20 Madisonville, Kentucky.

21 MR. MURRAY:

22 Kenny Murray, MSHA,
23 Pikeville, Kentucky.

24 MR. FRANCCART:

25 Bill Francart, tech

9

01 support, Pittsburgh,

02 Pennsylvania.

03 MR. BEITER:

04 Denny Beiter, MSHA,
05 tech support, Triadelphia,
06 West Virginia.

07 MR. WEBB:

08 Anthony Webb, MSHA,
09 Pikeville, Kentucky.

10 MR. BURKE:

11 All right. Thank you.

12 ATTORNEY BARISH:

13 I wanted to say, I'm
14 Dan Barish from the
15 Solicitor's office for MSHA.

16 MR. BURKE:

17 Here with me today
18 representing the State of West
19 Virginia is Mr. Bill Tucker.

20 And Mr. Tucker will be asking
21 the questions for the State.
22 At this time, I'd like to ask
23 Bill to introduce the members
24 of the State's team that are
25 with him today.

10

01 MR. TUCKER:
02 Okay. Gary, I've got a
03 brief statement I need to read
04 you.

05 MR. RICHARDSON:
06 Okay.

07 MR. TUCKER:
08 The West Virginia
09 Office of Miners' Health,
10 Safety & Training is
11 conducting this interview
12 session jointly with MSHA and
13 we are in agreement with the
14 procedures outlined by Mr.
15 Burke. However, let me make
16 it clear that the Director
17 reserves the right, if
18 necessary, to call or subpoena
19 witnesses or require the
20 production of any record,
21 document, photograph or other

22 relevant materials necessary
23 to conduct this investigation.

24 My name's Bill Tucker.
25 I'm an assistant inspector at

11

01 large out of Oak Hill. And
02 that's Region Four. I'll let
03 our other members introduce
04 themselves.

05 MR. WHITE:
06 Eugene White, District
07 Inspector, Region Three.

08 MR. PHILLIPS:
09 C.A. Phillips, Deputy
10 Director, Charleston, West
11 Virginia.

12 MR. COX:
13 Steve Cox, Region
14 Three.

15 MS. SPENCE:
16 I'm Beth Spence with
17 the independent investigation
18 of the State.

19 MR. BURKE:
20 All right. Thank you,
21 Bill. This investigation is
22 being conducted by MSHA and
23 the State of West Virginia to
24 gather information and to

25 determine the cause of what

12

01 happened on January 19th, the
02 night of the accident and to
03 help this from happening again
04 in the future. These
05 interviews are an important
06 part of the investigation.
07 After the investigation has
08 been completed, MSHA will
09 issue a written report
10 detailing the nature and
11 causes of the accident. MSHA
12 accident reports are made
13 available to the public in the
14 hope that greater awareness
15 about the causes of the
16 accidents can reduce their
17 occurrence in the future.
18 Information obtained through
19 witness interviews is
20 frequently included in these
21 reports. Your statement may
22 also be used in other
23 enforcement proceedings.
24 I'd like to thank you
25 in advance for your appearance

13

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

09 This interview with
10 Gary Richardson is being
11 conducted under Section 103(a)
12 of the Federal Mine Safety &
13 Health Act of 1977 as part of
14 an 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 Number One
20 Mine, located on Route 17
21 North, Bandmill Hollow Road,
22 Stollings, West Virginia
23 25646.

24 This interview is being
25 conducted at the State of West

14

01 Virginia Department of
02 Environmental Protection
03 Division of Mining and

04 Reclamation. We're located at
05 1101 George Kostas Drive in
06 Logan, West Virginia 25601.
07 Today's date is February the
08 23rd, 2006. And it's
09 currently 10:49 a.m.

10 Mr. Richardson, the
11 interview will begin by asking
12 you a series of questions.
13 May I call you Gary?

14 MR. RICHARDSON:

15 That's fine.

16 MR. BURKE:

17 Okay. Feel free at any
18 time to clarify any statements
19 that you make in response to
20 any of the questions that we
21 ask. And after we've finished
22 asking questions, we'll give
23 you an opportunity to make a
24 statement on your own and
25 provide us with any other

15

01 information that you believe
02 might be important in this
03 investigation.

04 You are permitted to
05 have a representative with you

06 during this interview and you
07 may consult with your
08 representative at any time.
09 You may designate any person
10 of your choosing to be your
11 representative. Following the
12 questions by MSHA and the
13 State, this representative
14 will be given the opportunity
15 to ask questions for the
16 purposes of clarification on
17 areas that we've already
18 discussed.

19 Your statement is
20 completely voluntary. You may
21 refuse to answer any question,
22 and you may end this interview
23 at any time. If you do not
24 understand a question, please
25 tell me. I'll rephrase the

16

01 question so that you can
02 understand it. If you need a
03 break for any reason, just let
04 me know and we'll let you do
05 that.

06 You may request the
07 opportunity to make a
08 confidential statement, which

09 we will withhold from the
10 public to the extent allowed
11 by law. Should you desire to
12 give a confidential statement,
13 you should advise me before I
14 begin your interview so that I
15 can reschedule your interview
16 in order to properly consider
17 your request. Do you desire a
18 confidential interview?

19 MR. RICHARDSON:

20 No.

21 MR. BURKE:

22 Okay. A court reporter
23 will record your interview and
24 later produce a written
25 transcript of this interview.

17

01 I ask that you state all your
02 answers verbally, because the
03 court reporter cannot record
04 your gestures, like nodding
05 your head or shaking your head
06 no.

07 MR. RICHARDSON:

08 Okay.

09 MR. BURKE:

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 the MSHA final
15 accident investigation report
16 is made available or until a
17 public hearing takes place.
18 And we ask you when you leave
19 today not to discuss this
20 interview with any of the
21 employees or anyone else, so
22 that way we can get a clear
23 reflection of what they
24 remembered on the night of
25 January the 19th.

18

01 If any part of your
02 statement is based not on your
03 firsthand knowledge, but on
04 information that you learned
05 from someone else, please let
06 me know. Please answer each
07 question as fully as you can,
08 including any information that
09 you learned from someone else.
10 We may not ask the right
11 questions here today to learn
12 the information you have, so
13 do not feel limited by the

14 questions that we ask. If you
15 have information about the
16 subject area of a question,
17 please provide us with
18 everything that you know about
19 that area. We appreciate it.

20 Do you have any
21 questions about the manner in
22 which we're going to conduct
23 our interview today?

24 MR. RICHARDSON:

25 No.

19

01 MR. BURKE:

02 All right. To the
03 court reporter, we'd ask you
04 to swear our witness in,
05 please.

06 -----

07 GARY LEE RICHARDSON, HAVING FIRST
08 BEEN DULY SWORN, TESTIFIED AS
09 FOLLOWS:

10 -----

11 BY MR. BURKE:

12 Q. All right. Gary, we'd ask you
13 to state your full name, your address
14 and telephone number. And please
15 spell your last name for the record.

16 A. Gary Lee Richardson,

17 R-I-C-H-A-R-D-S-O-N. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22 Q. Okay. And Gary, are you
23 appearing here today voluntarily?

24 A. Yes.

25 Q. Has anyone made a promise to

20

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

04 A. No.

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

08 A. No.

09 Q. You do understand that you may
10 refuse to answer any of the questions
11 that I ask you and you may terminate
12 this interview at any time?

13 A. Yes.

14 Q. Okay. Do you have a
15 representative with you today?

16 A. No.

17 Q. Do you desire a representative
18 today?

19 A. No.

20 Q. All right. Are you
21 comfortable with continuing the
22 interview without a representative?

23 A. Yes. Yes.

24 Q. Okay. We'd like to begin and
25 ask you --- I have learned that you

21

01 no longer work at the Alma Number One
02 Mine; is that correct?

03 A. Correct.

04 Q. Okay. How long did you work
05 for Aracoma Coal prior to you leaving
06 the company?

07 A. I started there in January of
08 last year. January of '05.

09 Q. Okay. Where are you employed
10 at this current time?

11 A. Coal River Energy.

12 Q. Okay. And what are your job
13 duties there at Coal River?

14 A. Greaser.

15 Q. Okay. And what shift do you
16 work?

17 A. Hoot owl.

18 Q. Hoot owl shift? Okay. What
19 was your position, going back to
20 Aracoma, on January the 19th, 2006?

21 A. Headgate operator.

22 Q. Okay. What other positions
23 did you hold at the time you worked
24 for Aracoma Mine?

25 A. Utility man, I've been on the

22

01 longwall move crew.

02 Q. Okay. How many total years of
03 mining experience, Gary, do you have?

04 A. Just a little bit better than
05 one.

06 Q. One year? Okay. What shift
07 were you scheduled back on the day
08 that we want to go back to and
09 reflect on, January the 19th? Were
10 you scheduled to work which shift
11 that day?

12 A. Evening shift.

13 Q. So you were an evening shift
14 employee?

15 A. (Indicates yes).

16 Q. What was the starting time,
17 normally, for the evening shift?

18 A. Normally, we go underground at
19 three o'clock.

20 Q. Three o'clock? And about what
21 time of the night did you quit?

22 A. Usually, we'd quit running
23 coal roughly around 12:30.

24 Q. Okay. And did you all
25 hot-seat changeout, too?

23

01 A. We would get outside
02 approximately 1:15, 1:30, is when
03 we're through.

04 Q. Okay. Who was your boss on
05 the day of the accident on January
06 the 19th?

07 A. Dave Runyon.

08 Q. Dave Runyon. Is he the
09 regular supervisor on the longwall
10 unit?

11 A. Correct. For my crew.

12 Q. Okay. What part of the mine
13 were you assigned to work that day?
14 Specifically in the longwall?

15 A. Yes. The headgate.

16 Q. Headgate operator. Okay.

17 What I'd like for you to do at this
18 time Gary, and I know it's kind of
19 nerve-wracking thinking that all
20 those folks are behind you. Take a
21 deep breath and I want you to reflect
22 back on January the 19th and take me
23 in from the drift mouth to the box
24 cut.

25 A. Okay.

01 Q. The minute you started. And
02 just fill in the details of what you
03 know and tell me how your shift went.
04 In your own words, kind of give me
05 a ---.

06 Q. Okay. We entered into the
07 mines roughly around three o'clock.
08 We got to the section, I'm thinking,
09 probably about ten or five minutes
10 'til 4:00. And they'd just --- the
11 belt was off when we got to the
12 section, but they started the belt
13 back up. They were going to run the
14 face chain, and clear the face chain
15 up to cut some slack out. Once that
16 --- once the belt was shut back off,
17 I took out two setups of structure
18 and then --- which that approximately
19 probably took 20 minutes.

20 Then about 4:20, I turned my
21 belt back on. And then we started
22 running coal about 4:25. And then
23 the belt was kicked off about five
24 minutes after 5:00. Bryan Cabell
25 hollered on the phone, mine phone. I

01 asked Bryan Cabell what the deal was
02 with the belts. He said he'd turned

03 them off due to the fact of smoke.
04 And he said he'd get us running as
05 soon as he could, just as soon as he
06 found out what was rubbing, where the
07 smoke was coming from.

08 Q. Uh-huh (yes).

09 A. It was probably 10, 15 minutes
10 later I heard Bryan on the phone. He
11 was hollering for Fred Horton to ---
12 the end-of-shift mine foreman, that
13 he'd had a fire, that he'd already
14 used several fire extinguishers and
15 he couldn't get it out.

16 And then from there, there
17 were other --- several people using
18 the phone, on the phone. And then
19 somebody might have called me about,
20 you know, pulling Two Section off the
21 section and if we encountered any
22 smoke on the longwall, for us to go
23 to the intake. And in about ---
24 probably about ten minutes 'til 6:00,
25 six o'clock, I got called, I had to

26

01 report every two hours.

02 Q. Uh-huh (yes).

03 A. I went to use the phone, we
04 had no communications. And then from

05 the --- since we had no
06 communications, Dave Runyon and Jaime
07 Adkins, who was the chief electrician
08 at the time, left the section to go
09 see what was going on. And they were
10 gone approximately five minutes and
11 the power knocked. And then that's
12 when we decided to leave. And when
13 we got over to the emergency route,
14 Dave Runyon was on his way back to
15 the section to get us. And we left
16 the section at that time. And we met
17 Fred Horton at the cut-through a
18 little bit later. And he said --- he
19 informed us what was going on,
20 everything entirely. And we left
21 probably --- got outside roughly 15
22 minutes 'til maybe around eight
23 o'clock is when we were through, 15
24 'til 8:00, eight o'clock.

25 Q. Okay. That's a good analogy

27

01 of what actually happened. Going
02 back to the beginning of your story,
03 you said that you got underground and
04 the belts were off when you got at
05 the longwall section?

06 A. When I arrived on the section,
07 the belt was off.

08 Q. Okay. About what time frame
09 are we looking at right there? About
10 what time was that?

11 A. Roughly 3:55, four o'clock,
12 somewhere through there.

13 Q. Okay. Right in that area.
14 How long were those belts off before
15 you actually started them back?

16 A. They were just off
17 momentarily. They had to clear the
18 face chain up, so they cut slack out
19 of the face chain. So they run for
20 probably five more minutes, and then
21 we shut back off, then I took
22 structure up.

23 Q. Okay. Who's the first person
24 that you heard on the telephone when
25 you picked up the phone and started

28

01 talking to someone about what's going
02 on with my belts?

03 A. When I hollered, I hollered
04 for the dispatcher named Bryan
05 Cabell. He was the first one I
06 actually heard. He told me what was
07 --- the deal was with the belts.

08 Q. Bryan Cabell. Now, what's his
09 job there?

10 A. Well, he was mine foreman at
11 one time. But I'm thinking he was
12 just a belt man at the time.

13 Q. Okay. Well, what did Bryan
14 convey to you? What did he actually
15 tell you?

16 A. That he had smoke and there
17 was something possibly rubbing and he
18 had shut the belt off to let the
19 smoke clear up to see what was
20 rubbing.

21 Q. Okay. Did he come back and
22 holler at you and let you know what
23 was going on in any time frame
24 or ---?

25 A. Not me directly. Next time I

01 heard him was when he was hollering
02 at Fred Horton.

03 Q. Okay. Did you kind of
04 eavesdrop on the phone a little bit
05 and ask any questions, like, hey,
06 guys, what's going on?

07 A. I was listening. The question
08 I asked --- well, actually, the
09 dispatcher, someone told him to get
10 ahold of Two Section. And then after
11 that, he said, well, what do I do
12 with the longwall? And then he told

13 us, you know, if we encounter any
14 smoke, to go to the intake.

15 Q. Who told you that?

16 A. The dispatcher.

17 Q. The dispatcher.

18 A. I'm not sure of his name. He
19 hadn't been there long.

20 Q. Okay. So Horton was in this
21 vicinity also?

22 A. I don't think he was in the
23 vicinity of the fire at the time,
24 but ---.

25 Q. Okay. Who do you know for a

30

01 fact that may have been at that
02 position when he called and you heard
03 him on the telephone?

04 A. At the position of the fire?

05 Q. Yes.

06 A. As far as I know, just Bryan
07 Cabell.

08 Q. Just Bryan Cabell.

09 A. And from what I was told, from
10 what I heard later, that there was
11 another boss, Pat Calloway, I
12 believe, is his name. And then
13 someone that worked for him had, I
14 guess, arrived there momentarily

15 after the fire had started.

16 Q. Okay. Who told you that Pat
17 came a little bit later to that fire
18 area?

19 A. When we left our section and
20 we met up with Two Section, as they
21 was walking down the hill, they was
22 with him and they said they had went
23 to the fire and actually parked their
24 ride underneath the mother drive.

25 Q. Okay. Who actually gave you

31

01 an order to evacuate the longwall
02 section when you found out that there
03 was a fire?

04 A. No one. Like they said, if we
05 encounter smoke, go to the intake.
06 And then we just took it upon
07 ourself, hey, when we had no
08 communications, we had no power, we
09 was going to leave.

10 Q. Uh-huh (yes). Did anyone come
11 right out and say, we've got a fire
12 at the mother drive and you need to
13 evacuate or you need to get out?

14 A. No. Not at the time. It was -
15 -- when we left the section, we
16 didn't know exactly what --- we knew
17 we had a fire, but we didn't know

18 exactly what was going on besides we
19 knew how big the fire was.

20 Q. Do you have any general idea
21 of the time frame when you found out,
22 yes, we've got a fire at the mother
23 drive and we need to get out of here?
24 About what time was that? Can you
25 remember?

32

01 A. Well, the belt was shut off at
02 five minutes after 5:00 for smoke.

03 Q. Okay.

04 A. And I have --- I keep a
05 notebook in which the attorneys from
06 Massey, they took it. They requested
07 it.

08 Q. You gave them your personal
09 records that you had?

10 A. Yeah.

11 Q. Who did you give that to?

12 A. I don't know his name. Kind
13 of a big fellow.

14 Q. Mark Heath?

15 A. Mark Heath, yeah.

16 Q. Okay. Can you remember when
17 you gave him your personal notebook?

18 A. It was approximately a week
19 after it happened.

20 Q. Okay. And would you care to
21 share that information with us and
22 kind of give us a rundown of what you
23 might have had written in that?

24 A. It was roughly what I said
25 about the times, far as what time my

33

01 belt was shut off, what time ---
02 because I got to keep --- like I
03 said, I got to keep a report to call
04 outside every two hours.

05 Q. Okay.

06 A. So that's something you have
07 to do for the company. Production,
08 every two hours. You have to
09 communicate to them.

10 Q. Production report. Okay. Was
11 it your intent to stay on the
12 longwall if no smoke came to you, if
13 it cleared up? Was you intending to
14 resume work?

15 A. If we could've, yes.

16 Q. Okay. Were you just doing
17 more or less what you was told to do?

18 A. No. At no time no one told us
19 to stay there.

20 Q. Okay. So you pretty well took
21 it on your own. What were the
22 conditions like on the longwall? Did

23 you smell any smoke? Did you see
24 anything out of the ordinary?
25 A. No. You couldn't --- maybe

34

01 before the belts were shut off, you
02 know, you could maybe smell a little
03 smoke. Nothing major. Just could've
04 smelled like a roller, actually. But
05 it --- you couldn't --- I couldn't
06 say definitely if it was. And that
07 was, you know, before. Before the
08 belts was even shut off. But even
09 once the belts were shut off, there
10 was no smoke coming down on us.

11 Q. Are you familiar with the
12 ventilation current on the longwall?
13 How does that air travel up your
14 belt? Does it come inby it or does
15 it go out? How's your belt --- how's
16 your ventilation, basically, is what
17 I'm asking?

18 A. Our intake is --- I mean, if
19 that's the map, I can show you on the
20 map. It's three ---.

21 Q. Okay. Would you care to do
22 that?

23 A. It's three.

24 Q. We'll be referring to this map

25 a couple --- three times during your

35

01 testimony.

02 A. Okay.

03 Q. Here's a green marker. That

04 could designate your intake

05 escapeway. And right here, I've

06 actually marked --- I've marked your

07 headgate. It's actually about 40

08 feet inby the corner here at crosscut

09 17.

10 A. Okay.

11 Q. So your longwall's located

12 about right here.

13 A. Okay. Well, our intake is

14 right here.

15 Q. Okay. Could you mark just a

16 green line? That is your intake.

17 Are you familiar with actually how

18 the intake air comes into your

19 section? Does it come through the

20 cut-through or does it come through

21 from down here?

22 A. Well, it comes through right

23 now, right here.

24 Q. Okay.

25 A. But once we'd advance through

36

01 here, it'd be blocked off to the

02 other room but it come in here. So I
03 mean, this is the intake area.

04 Q. That's your primary escapeway?

05 A. Yes.

06 Q. Okay. If you don't care,
07 write on that for me primary
08 escapeway.

09 MR. BURKE:

10 He's designating on the
11 map in the Number Four entry
12 to the extreme right side
13 adjacent to the North Mains
14 that the Number Four entry is
15 his primary escapeway on the
16 longwall section.

17 BY MR. BURKE:

18 Q. Now, in recollecting being at
19 that headgate and doing the job that
20 you do, does the air come this way on
21 the belt, towards you, or does the
22 air exit?

23 A. I think it's common air. I
24 mean, it's --- there's no --- as far
25 as I know, there's no main air coming

37

01 to it. So it's just where all of our
02 air is. I mean ---.

03 Q. Okay.

04 A. I'm sure there is air that
05 comes down, but it wouldn't --- I
06 don't believe it would be coming up.

07 Q. Okay. In the event of such a
08 fire and an incident like we had
09 right there, which way would you
10 think personally, working on that
11 longwall, would the smoke go?

12 A. Well, I would have thought
13 that it would have come down the belt
14 entry, but it didn't.

15 Q. Okay. We'll refer to this map
16 a little bit later, too, and ask you
17 some more questions about that.

18 Thank you, Gary.

19 Now, what I'd like to talk to
20 you about now, being up there on the
21 longwall when there's a specific
22 emergency, say in the instance like
23 this, does the dispatcher call you or
24 do you have a CO alarm that would let
25 you know if maybe a CO level was

38

01 going off somewhere in the mine?

02 A. There's no CO alarms around
03 the headgate, you know. It goes off
04 out in the dispatcher's office.

05 Q. Okay. So the dispatcher, if
06 he gets an alarm, and he says, well,

07 you've got one on the longwall, would
08 he call you or the foreman or someone
09 up there and say, look, I've got such
10 and such sensor going off at such
11 location? Is that the way he
12 normally does that?

13 A. Yeah. He would ask for
14 somebody to go check it out.

15 Q. Okay. Did he actually call in
16 that night, and did you overhear any
17 conversations about CO systems
18 alarming ---

19 A. No.

20 Q. --- or anything of that
21 nature?

22 A. No.

23 Q. Do they ever just shut the
24 belts off on you to try to get ahold
25 of you in some way?

39

01 A. No. There's a --- like a
02 pager system on top of the phone. If
03 they can flick a light, it will turn
04 on a flash and the only time the
05 belts goes off is if, you know,
06 something's down.

07 Q. Okay. Kindly jumping back and
08 forth a little bit, did you --- you

09 told me earlier that Mr. Heath took
10 that little notebook that you had
11 made some records about the incident
12 that occurred on January the 19th.
13 Did you specifically have times like
14 you told us today pretty well in that
15 ballpark?

16 A. Roughly. My times, there's a
17 computer clock for the CAUs ---

18 Q. Uh-huh (yes).

19 A. --- attached to that headgate.
20 And that's the --- that's the clock I
21 use.

22 Q. Okay.

23 A. So it's --- I mean, it could
24 be --- it can vary from someone
25 else's watch.

40

01 Q. Okay. Okay. Was anybody ---
02 how many people actually, I guess
03 what I want to ask --- how many
04 people worked with you on that
05 longwall face?

06 A. Normally or that night?

07 Q. That night.

08 A. That night, you had a jack
09 man, two --- one shear man, the boss
10 was running the other end of the
11 shear. One electrician and myself

12 and a utility man. Six people.

13 MR. BURKE:

14 Okay. Okay. We've got
15 another visitor that just came
16 into the room. It's about
17 11:08. And it's Mr. McAteer.
18 We'd like for you to
19 acknowledge for the record
20 your position and your name,
21 please, if you would.

22 ATTORNEY McATEER:

23 Certainly. I'm Davitt
24 McAteer. And I've been asked
25 by the Governor to assist in

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01 the investigation for the
02 State of West Virginia.

03 MR. BURKE:

04 Thank you, sir. Nice
05 to have you with us.

06 BY MR. BURKE:

07 Q. When you specifically learned
08 that there was a fire at that mother
09 drive, in your own words, what did
10 you think? I mean, had you ever
11 heard that there had been any other
12 fires at the mine or maybe it's just
13 a hot roller or we'll be back in coal

14 in just a few minutes? What was your
15 thoughts on that?

16 A. Really, I didn't know how ---
17 what we had until we left the section
18 and met up with Fred Horton at a
19 crosscut.

20

21 Q. Okay. What did Mr. Horton
22 convey to you when you talked to him?

23 A. He was talking to Dave Runyon.
24 He informed us that we had a fire and
25 it was pretty bad.

42

01 Q. Pretty bad. Do you happen to
02 remember about what time that was?
03 Times are real critical. If you can
04 approximate or ---.

05 A. I'd say we left the section
06 probably around 6:00, maybe a little
07 after 6:00. So it's roughly around
08 6:00, a little bit after 6:00.

09 Q. Little bit after 6:00 that you
10 talked to Mr. Horton who told you the
11 fire was really, really bad?

12 A. Yeah.

13 Q. Did you talk to any other
14 foreman in that area when you all
15 evacuated from the longwall section?

16 A. No.

17 Q. Any miners that you talked to?
18 You said you kindly met up with some
19 folks off of Two Section there?
20 A. Yeah. Fred Horton, he had
21 someone with him. Billy Howell. And
22 Dave Runyon. They went back to the
23 longwall. And they wanted us to stay
24 right there in that group. And then
25 they wanted --- actually wanted us to

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01 meet up with --- they wanted to stay
02 in the group and meet up with the
03 miners off Two Section. And they
04 wanted us to walk up the hill. So we
05 walked up the hill two or three
06 breaks. And then they --- we noiced
07 they were coming down the hill so we
08 stopped and waited on them. That's
09 when we all met up together.

10 Q. Okay. Talking about your
11 times, and I notice this morning you
12 don't have a watch on.

13 A. I don't wear one.

14 Q. Do you compare your time
15 specifically off this time clock on
16 the longwall, or do you have a watch?

17 A. I don't wear a watch to work.

18 That was the clock I went by. And

19 roughly, the electrician would
20 calibrate it maybe once every other
21 week or so for them just to make sure
22 it's right.

23 Q. Okay. Since you've been there
24 in the past year, were you aware of
25 the fact at any time around Christmas

44

01 that there was another mine fire in
02 the mine?

03 A. Yes.

04 Q. Were you aware of that? Could
05 you give any details, anything that
06 you may know about that? What
07 happened, where it was at?

08 A. It was --- I'm thinking it was
09 around Six head, maybe on Six belt
10 that a

11 --- it was just some belt hair off a
12 roller caught fire, supposedly.

13 Q. Okay. Was just the longwall
14 section the only unit mining coal
15 during that?

16 A. Yeah. We were the only ones
17 underground besides a couple belt men
18 and the mine foreman.

19 Q. Do you have any idea who may
20 have responded to that fire and how
21 they were notified? Did the

22 dispatcher call or ---?

23 A. Yeah. The dispatcher called
24 and said he had a couple COs going
25 off. I was working that night, also.

45

01 And I think he had two, maybe three
02 COs going off. And he sent two belt
03 men. Karl White was one belt man.
04 And I'm not sure of the other's name.
05 They call him Junior.

06 Q. Okay. So did they have to
07 shut the belts off in order to take
08 care and attend to this fire?

09 A. Yeah. Yeah, the belts was
10 shut off.

11 Q. Okay. Do you have any idea,
12 can you remember --- I know it's
13 asking you a lot --- about how long
14 they had your belts down that
15 particular night?

16 A. No. Not on that incident. I
17 mean, if I would --- I'd say roughly
18 an hour, maybe.

19 Q. Okay.

20 A. I mean, all that information
21 would be on a production report.

22 Q. Okay. Who was actually
23 dispatched as a management person or

24 a foreman? Did anyone get the call
25 like, you need to go down here at Six

46

01 drive. Or where did you say the fire
02 was at? On Six belt?

03 A. Roughly, I think it was around
04 --- was Six, around Six head on the
05 Number Six belt, maybe.

06 Q. Did they actually send someone
07 in management down there to assist in
08 that effort that you know of?

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

10 Q. Okay. Did you work on the
11 23rd day of December? That was,
12 what, about two days before
13 Christmas?

14 A. I'm trying to think. I had
15 Christmas Eve and --- if that was a
16 Friday, I did. I worked Friday
17 evening, I believe.

18 Q. Okay. So you worked evening
19 shift that Friday?

20 A. Yeah.

21 Q. Did you have any idea or any
22 knowledge about any fire or CO system
23 alarms on the longwall belt on the
24 afternoon shift that night?

25 A. No.

47

01 Q. No indication that there was
02 any problems on the longwall belt?
03 A. 23rd? I might have worked
04 dayshift that day. I believe because
05 --- I'm not really for sure. But I
06 did work on the day before Christmas.
07 I know that. On Friday. Because I
08 remember, I had the weekend off.
09 That was it. I might have worked
10 dayshift.
11 Q. Okay. Were you inby the fire
12 area, the affected area, during the
13 mine fire? Did you ever go up in the
14 northeast mains, maybe up toward Two
15 Section? Did you ever get a look at
16 actually what happened?
17 A. No. After the fact. When I
18 went back to work Monday evening.
19 But not before then.
20 Q. Do you know what day the fire
21 occurred?
22 A. The one that was around the
23 holiday?
24 Q. Yes.
25 A. No, I don't.

48

01 Q. Was it actually on the 23rd?
02 Don't have any knowledge to that?

03 A. I can't say. I can't say for
04 sure.

05 Q. Okay. Did you happen to make
06 any notations about those fires in
07 your personal book that you gave to
08 Mr. Heath?

09 A. The book I gave him was
10 started after the first of the year,
11 due to the fact I'd lost the one I
12 had, my other one. It could have
13 been in there. I wouldn't have said
14 nothing about a fire. Maybe, you
15 know, Six belt went off. But the
16 book I'd started was just started
17 right after the first of the year.

18 Q. Okay. You're about like me.
19 I guess you're a real --- a stickler
20 for information. And I always done
21 that myself. But did you make it a
22 common habit that you've always kind
23 of kept your own personal little log?

24 A. Yeah. When I --- once I
25 started on the headgate, I always

49

01 kept --- just for downtime,
02 basically.

03 Q. What do you do with those
04 books when you fill them up? Do you
05 keep them personally yourself,

06 or ---?

07 A. Well, I'd only had one. And
08 like I said, I'd lost it. And then I
09 got another one and started it the
10 first of the year.

11 Q. Okay. All right. Where were
12 you during the fire? Sometime that
13 week of Christmas, were you actually
14 working on the longwall that day?

15 A. Yeah. I was running the
16 headgate.

17 Q. Okay. And you said it might
18 have been on the dayshift rather than
19 the evening shift because of the
20 holiday?

21 A. I could have been on dayshift
22 at the time. But when --- I remember
23 the fire that's on Six head. I was
24 working on that. It was on evening
25 shift.

50

01 Q. Okay.

02 A. But I can't say ---

03 Q. Exactly when it was?

04 A. --- exactly what day, no.

05 Q. Okay. Are you familiar, I
06 guess to get off on the evacuation
07 part of the mine, are you familiar

08 pretty much with your primary and
09 secondary escapeways on the longwall?

10 A. Yeah.

11 Q. Do you ever have opportunity
12 to work anywhere other than the
13 longwall section? Do you work on the
14 Three Section for the Two Section?

15 A. No. Not on no miner sections.

16 Q. Specifically on the longwall?

17 A. Specifically on it.

18 Q. Okay. Have you ever ---?

19 A. I'm sorry.

20 Q. Yes, go ahead.

21 A. To get back with the question
22 of the fire, if there was one on the
23 23rd, the evening, I'm not sure. We
24 --- I was on evening shift the week
25 after. We didn't take our vacation

51

01 the week before. The miner sections
02 was off the week after. And that's
03 when I'd have been on evening shift.
04 And that's when the fire would have
05 been on Six head.

06 Q. Okay. Okay. So it would have
07 been the week after Christmas?

08 A. The week after Christmas.

09 Q. Okay.

10 A. I mean, if they could have had

11 one on that evening before, you know,
12 that's possible, because I was on
13 dayshift and I worked evening shift
14 the week after.

15 Q. Okay. I appreciate that,
16 Gary. Have you ever had the
17 opportunity to look at your escapeway
18 map on the longwall section?

19 A. Yeah.

20 Q. Were you aware of where they
21 actually kept the map? Did you know
22 where ---?

23 A. I think they kept it at the
24 S-1 sled.

25 Q. Okay. And I've got a copy.

52

01 And this is not the original. But I
02 do have a copy of --- we have a
03 couple escapeway maps that we
04 actually found. And I'll come to you
05 and lay this out. This is a copy, a
06 scanned copy of your escapeway map
07 from the longwall section. And it's
08 a little bit bigger, naturally,
09 because we've had it scanned. Let's
10 get our bearings here and see where
11 we're at. Does this look any way
12 familiar of your escapeway map? And

13 I know right in here's your longwall
14 panels.

15 A. Let me get where we'd roughly
16 be at.

17 Q. Okay. You'd be roughly about
18 right in there. Now, point out on
19 this map where your primary is. I
20 think you've marked us up in Number
21 Four entry over there.

22 A. Yeah.

23 Q. That's where your primary
24 escapeway is. Is this correct, to
25 the best of your knowledge, the way

53

01 they've got that marked up?

02 A. Yes, to the best of my
03 knowledge, yes.

04 Q. What about our secondary
05 escapeway? How do you actually
06 travel? Have you ever had an
07 opportunity to have a fire drill or
08 emergency escape drill? Do you start
09 at point A and walk certain ---?

10 A. No.

11 Q. Have you ever participated in
12 an evacuation drill?

13 A. No.

14 Q. An escapeway drill of any
15 kind?

16 A. No.

17 Q. How long did you say you've
18 been there? A little --- right
19 around a year?

20 A. Yeah. I started last January.

21 Q. Okay. The secondary
22 escapeway, how do you color code
23 those? Is that an amber or a yellow
24 color?

25 A. Amber. Correct.

54

01 Q. All right. Now, I'm a little
02 bit confused about this secondary
03 escapeway you see from the longwall,
04 which naturally, you're going to be
05 probably in this area right here.
06 This yellow line designated in the
07 Number Two entry adjacent to the
08 longwall belt entry is the secondary
09 escapeway; is that correct?

10 A. Correct.

11 Q. How does this escapeway
12 travel? I seen we go through the
13 cut-through for our primary
14 escapeway. But this line terminates
15 on the northeast mains right here.
16 And there's no yellow line until you
17 get to the 48-inch belt that comes

18 off of the car section on the
19 northeast main. So a little bit
20 confusing there. This yellow line
21 terminates. And do you have any idea
22 which way the secondary escapeway
23 would go from that point?

24 A. No. I have no idea.

25 That's ---.

55

01 Q. It was a little bit confusing
02 on our part, because naturally, you
03 have to have another entry as a
04 secondary escapeway and an isolated
05 entry as your primary. So looking at
06 this map, the secondary escapeway
07 would terminate at the northeast
08 mains at the junction of the Nine
09 headgate at northeast main. And then
10 you'd go four entries over before you
11 get to the 48-inch conveyor belt
12 before you pick up the yellow line
13 again. So that was a little bit
14 confusing on my part. I was just
15 wondering if you could maybe shed
16 some light on how to travel the
17 secondary escapeway.

18 A. I have no idea.

19 Q. And you actually had been
20 there a little bit better than a year

21 and had never had the opportunity to
22 participate in any kind of evacuation
23 or a fire drill of any sort?

24 A. No.

25 Q. None whatsoever. Are you

56

01 real, real comfortable? And I know
02 you don't work there now. But when
03 you were running that longwall
04 headgate, was you comfortable with
05 the fact that you felt that you had a
06 good escapeway in the event of
07 emergency like this?

08 A. Yeah.

09 Q. Had you ever had an
10 opportunity to walk your primary
11 escapeway out? How did you actually
12 get into the longwall, I guess, would
13 be a better question to ask you. Did
14 you all travel through the
15 cut-through and come this way to the
16 longwall face, or did you come up and
17 around through the doors at the
18 mother drive?

19 A. We came through the cut.

20 Q. Come through the cut-through?

21 So you were familiar. You actually
22 traveled your primary intake

23 escapeway to the shed?

24 A. Yeah.

25 Q. All the way to the longwall.

57

01 Okay. I appreciate that. I did have
02 a question on that secondary
03 escapeway. It was a little bit
04 unclear in my mind. And you can see
05 how this terminates.

06 A. Yeah.

07 Q. And then you pick it up on the
08 48-inch belt. So I was wondering
09 which direction that the secondary
10 escapeway traveled from that point.
11 What we're looking at on this map ---
12 and it's very difficult to see spad
13 numbers. We're at Nine headgate
14 where the mother drive, a longwall
15 belt head drive is, at the
16 intersection where it intersects with
17 the northeast mains. And that would
18 be from the 48-inch belt six entries
19 over. And we're looking in the
20 Number Two entry at Nine headgate.
21 And we can probably pick up a spad
22 somewhere off the big map and get a
23 spad number for that. These you
24 can't make out. But we had the
25 question at this intersection where

01 the secondary escapeway intersects
02 with the northeast mains and it
03 terminates in that Number Six entry.
04 And it does not continue for four
05 entries, until you get up to the
06 48-inch belt. And we'll try to get
07 you a spad number for that particular
08 area there. Thank you, Gary. You
09 can be seated. That would be in the
10 proximity --- one crosscut outby spad
11 number 3272. And that would be in
12 the belt entry of the longwall belt.
13 Spad 3273 would be the secondary
14 escapeway. And it would terminate at
15 spad 3270 on this map. And that's
16 where that escapeway would terminate.

17 All right. Talking about our
18 reflectors and escapeways, how do
19 they mark their escapeways at Aracoma
20 mine when you worked? Are the
21 primary escapeways marked with what
22 color?

23 A. Green reflectors.

24 Q. What about the secondary? Is
25 it ---?

01 A. Amber.

02 Q. An amber or yellowish color.
03 Have you ever seen a yellow reflector
04 on the longwall belt air course outby
05 your present location? Are there any
06 yellow reflectors in that vicinity as
07 you walk the belt from that adjacent
08 entry outby?

09 A. Not that I can think of.

10 Q. Not that you can think of.
11 How about your intake entry when you
12 get over into your primary? Is that
13 marked, well defined, with green
14 reflectors?

15 A. Green reflectors, yes.

16 Q. Okay. Appreciate those good
17 answers. Is there anything else that
18 you would like to add to your
19 testimony today in reference to the
20 fire? Any information that maybe I
21 haven't asked you about what you may
22 have overheard on the telephone.
23 Times or anything that could kind of
24 jog your memory a little bit in any
25 way?

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01 A. No. I've told you basically
02 what --- you know, what I can state.

03 Q. Okay. Going back to Mr.
04 Hannon, how did he find out that you

05 had a --- Heath, excuse me. Mr. Mark
06 Heath. How did he find out that you
07 had a personal notebook and that you
08 kept those logs?

09 A. Like I said, he interviewed me
10 roughly like a week --- the following
11 week after. And he wanted to know
12 how I knew my times. And I told him
13 and he asked me if he could have a
14 copy of it. And I told him it was in
15 my locker. And once he got it, he
16 asked --- he was going to make a copy
17 and another attorney said, well, I'd
18 like to go ahead and just take it
19 into evidence. He asked if I had any
20 problem with it and I didn't.

21 Q. Okay.

22 A. He assured me that I would
23 receive it back.

24 Q. Is that something that the
25 company would require you to do or

61

01 something you just basically wanted
02 to do on your own to keep that?

03 A. I done it on my own. Because
04 like I said, we had to call out a
05 report every two hours.

06 Q. Okay. It's just something for

07 your personal benefit, I'd say?

08 A. Right.

09 Q. Okay. Have you ever seen the

10 escapeway map or anything similar to

11 that up on the longwall section?

12 Have you ever had privilege to unroll

13 that map and actually look at it to

14 determine what way you would travel

15 in the event of an emergency?

16 A. Not specifically on the

17 longwall. Outside, they went over it

18 before.

19 Q. Where was that map located on

20 the surface, the escapeway map?

21 A. Downstairs. It wouldn't be in

22 the box cut, but downstairs in the

23 office. Kind of like a little

24 congregating room before we went

25 underground.

62

01 Q. Okay. Is that more or less in

02 the lamp room or the change room?

03 What do you call it?

04 A. Yeah. The bathhouse.

05 Q. Okay. That was on the ---.

06 A. It was on the table with glass

07 overtop of it.

08 Q. Okay. Okay. Did they ever

09 give you any specific training on

10 like if something happens, this is
11 the way that you need to travel to
12 get out of the mine? Did they ever
13 really go over that map with you and
14 make you familiar with where you were
15 working?

16 A. Not often. But they have in
17 the past.

18 Q. Okay. Well, I'd like to ask
19 you one more time to come back up to
20 the map here. And I want you to show
21 me the way that you traveled out that
22 night. And show me about where you
23 went to and maybe who you met up
24 with. And I won't bother you no more
25 and make you get up again.

63

01 A. Okay.

02 Q. Now, when you stated earlier
03 that from the longwall face in the
04 area of spad 3349, that you traveled
05 out the Number Four entry ---. And
06 kind of take your green pencil and
07 show me the way that you exited back
08 to the north mains to meet up with
09 the folks that you ---.

10 A. I'm not sure. I know we
11 didn't travel the intake out.

12 Q. Okay.

13 A. We took this --- right here is
14 the power entry.

15 Q. Uh-huh (yes).

16 A. And this --- our tool carts
17 was here. And we traveled up this
18 way. And I'm not sure exactly which
19 entry here we went through. One of
20 these two.

21 Q. Okay. If you don't care, just
22 to the best you can remember, take
23 that red pen and show me about where
24 you started and show me about where
25 you ended that.

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01 A. Here?

02 Q. Yes. From the longwall face.

03 ATTORNEY BARISH:

04 Excuse me. Mr.

05 Richardson, could you just
06 speak up a little bit? She's
07 having trouble hearing you.

08 A. Oh, I'm sorry.

09 ATTORNEY BARISH:

10 That's fine. Go ahead.

11 A. Okay. Right here is where we
12 met up with Fred Horton.

13 BY MR. BURKE:

14 Q. Okay. And if you don't care,

15 draw me a little line right there and
16 put Fred Horton, to the best of your
17 knowledge, now. This is not in
18 stone.

19 WITNESS COMPLIES

20 BY MR. BURKE:

21 Q. Okay. May I borrow your red
22 pen?

23 A. Yeah.

24 Q. Mr. Richardson has indicated
25 that in the area adjacent to spad

65

01 3348, in the Number Three entry, he's
02 traveled from Number Two entry in an
03 outby direction all the way down to
04 spad number 3299 in Number Two entry.
05 He's made a left turn and traveled
06 out through the double doors to the
07 longwall cut-through. And he's at
08 spad number 2495, or thereabouts,
09 where he met with Mr. Fred Horton.
10 Now, who else did you see at this
11 location?

12 A. At the time when we arrived at
13 the double doors, Billy Howell, he
14 was there with Fred Horton. And
15 later on, we met up with the guys off
16 of Two Section.

17 Q. Okay. Did you go inby at any
18 point to meet with those guys?
19 A. Approximately --- he told us
20 to stay together in a group and then
21 to meet up with him. And we walked
22 approximately two breaks inby and we
23 noticed they were coming down.
24 Q. Okay. Could you just kindly
25 give me a rough estimate of about

66

01 where you went to?
02 A. Okay. Is this the roadway
03 right here?
04 Q. Yeah. This is your roadway
05 right beside your six-foot belt.
06 This is your travel roadway and your
07 escapeway down through here.
08 A. So this is six-foot belt?
09 Q. Yes.
10 A. This is six-foot belt right
11 here.
12 Q. That would be Number Six belt
13 right there near the side of that.
14 A. Go ahead and draw it through
15 here?
16 Q. Uh-huh (yes).
17 A. We walked to right here, then
18 we met up with them
19 approximately ---.

20 Q. Okay. He's indicated that he
21 come through the double airlock doors
22 off the longwall cut-through at spad
23 2495, proceeded inby for two
24 crosscuts to spad 2504. And who did
25 you meet at this location?

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01 A. Two Section.

02 Q. The Two Section crew?

03 A. Yeah.

04 Q. Could you draw me a little
05 line right across and put met with
06 Two Section crew right there?

07 WITNESS COMPLIES

08 BY MR. BURKE:

09 Q. Okay. Did you talk to anybody
10 about what they'd seen and about what
11 happened when you met up with these
12 guys?

13 A. Yeah.

14 Q. And were they distraught,
15 knowing the fact that two of their
16 miners were missing?

17 A. Yeah. They --- all of them
18 had their rescuers on. Several of
19 them were having a hard time
20 breathing. And they explained to us,
21 you know, what was going on up there.

22 Q. Did you ever have an
23 opportunity to go up in around the
24 mother drive and to see anything that
25 night?

68

01 A. No.

02 Q. You never did?

03 A. No.

04 Q. Did any of these guys tell you
05 what they had encountered, the smoke
06 and everything that they were in?
07 Did you get a chance to talk to them
08 about that?

09 A. They stated the smoke was so
10 thick that they couldn't see.

11 Q. Did they indicate where that
12 might have been or just on their
13 journey out they encountered the
14 smoke?

15 A. Correct. That's correct.

16 Q. Anyone else that you may have
17 met up with? What did you do from
18 the time that you met up with Two
19 Section crew from that point? What
20 did you do?

21 A. We stayed there approximately,
22 I don't know, 14, 15 minutes. Fred
23 Horton, they'd ran, and Billy Howell.
24 They come back to here. And we came

25 back down here. Probably 10, 15

69

01 minutes there, we entered back over
02 to the longwall and we hung three
03 curtains.

04 Q. Okay. Let me change colors on
05 you here now. We done that in red.
06 Could you show me the path that you
07 took and went back in and about the
08 location of where you hung those
09 curtains?

10 A. From up here?

11 Q. Yeah. You can kindly draw
12 your green arrow right beside it and
13 show me your steps that you retraced,
14 to the best that your memory will let
15 you.

16 WITNESS COMPLIES

17 BY MR. BURKE:

18 Q. Okay. Now ---.

19 A. I'm not sure exactly, because
20 of this --- I think it's right here.

21 Q. Okay. So exactly which one of
22 these entries did you hang the
23 curtains over? This is One, Two,
24 Three and Four. One being the mother
25 belt entry for the longwall belt.

70

01 A. This is the intake, it was
02 sealed. I hung a curtain here.

03 Q. That would be in the Number
04 Three entry?

05 A. Correct.

06 Q. So that's a check curtain
07 right there?

08 A. Yeah. And then there were
09 other curtains hung here. I didn't
10 see them, but I'm just going by what
11 they said. There was ---.

12 Q. So there were other curtains
13 there. What did you feasibly see
14 that night? The one in number three
15 that you hung?

16 A. Well, once I hung it, there
17 was smoke that you could see, but not
18 a lot.

19 Q. At this location, you did see
20 some smoke?

21 A. Correct.

22 Q. He's indicating on the map
23 that in between spad number 3289 and
24 spad 3283 in the middle portion of
25 that block, thereabouts where you

01 hung your check curtain; is that
02 correct?

03 A. Correct.

04 Q. Okay. That you did see some
05 visible smoke. Could you describe
06 that? Was it thick smoke, light
07 smoke?

08 A. No. It was light smoke.

09 Q. Light smoke? And you could
10 actually physically smell the smoke
11 at that location, too, or just
12 visibly see it?

13 A. You could see it. You really
14 couldn't smell it.

15 Q. Okay. His steps that he
16 retraced to this point begin at spad
17 2504, where he met the Two Section
18 crew. He came down the Number Five
19 entry of the north mains back to spad
20 2495 through the double doors, turned
21 left at spad 3300, and proceeded
22 outby two crosscuts to hang the
23 curtain between spad 3289 and spad
24 3283, to the best of your memory?

25 A. Correct.

72

01 Q. Did they have a curtain over
02 the Number Four entry here?

03 A. To the best of my knowledge,
04 this intake would be sealed. I don't
05 remember.

06 Q. Okay. So basically all you
07 can testify to is that you physically
08 installed that check curtain right
09 there?

10 A. Correct.

11 Q. Okay. Anyone else --- now,
12 from that point, did you see anybody
13 traveling toward the mother drive
14 from this location?

15 A. No.

16 Q. No one at all?

17 A. No.

18 Q. Okay. From the time that you
19 hung this check curtain and come
20 back, how did you come from that
21 point and what did you do?

22 A. We came the same way we went
23 in ---.

24 Q. You actually reversed your
25 path and came the exact way back

73

01 out ---

02 A. To the intake.

03 Q. --- to spad 2495 through the
04 double doors. And once you arrived
05 back to that point, what did you do
06 from that point on?

07 A. Probably stood around 10, 15
08 minutes. Fred Horton, the mine

09 foreman, wanted everybody out of the
10 mines except for bosses.

11 Q. So you evacuated the mine just
12 within ten minutes or so from that
13 point until you came back out?

14 A. Yeah.

15 Q. Do you have any idea how many
16 people were with you at this time?

17 A. I think there were 20 maybe.

18 Q. Okay.

19 A. Upper-teens.

20 Q. Upper-teens, in that area? Do
21 you remember which entry, whether it
22 had been Four or Five entry that you
23 traveled your manbuses? You traveled
24 the one adjacent to the stopping
25 line?

74

01 A. If this is --- yeah. If this
02 is the belt entry, we traveled this
03 way here.

04 Q. Okay. So in essence, you came
05 from this point and you traveled this
06 way and you evacuated the mine all
07 the way out?

08 A. Correct.

09 Q. Is that correct? So you
10 departed from spad 2492, which would

11 be in the Number Four entry. That's
12 your main travel roadway, and you
13 exited the mine?

14 A. Correct.

15 Q. Okay. Appreciate that. Okay.
16 Let's see before we sit down. When
17 you hung the curtains in the Nine
18 headgate and when you saw the smoke,
19 what direction was the smoke coming?
20 Was it coming in towards you? Could
21 you see that it was backing up coming
22 toward you, the air coming towards
23 you?

24 A. I am --- really, I mean, you
25 could tell it was hovering. It

75

01 wasn't coming on us real fast or
02 nothing like that. Just smoke. It
03 was, I guess, in common air. I mean,
04 it wasn't ---.

05 Q. Okay. When you hung that
06 curtain, did you see any effect of
07 the movement of the curtain, which
08 way the curtain was wanting to move
09 or it was just pretty well still ---

10 A. Correct.

11 Q. --- when you hung it? Okay.

12 I appreciate that.

13 MR. BURKE:

14 Any other map
15 questions?
16 BY MR. BURKE:
17 Q. Now, would you have any idea
18 what direction the smoke was going at
19 the headgate? Did you have an
20 opportunity to maybe go back there?
21 Once you left this point, you didn't
22 go back to the headgate?
23 A. No.
24 Q. Okay. All right. Well, I
25 appreciate that. Thank you. Very

76

01 good job.
02 I guess a question that stands
03 out in our minds, if you've got a
04 fire, it's approximately 1,650, 1,700
05 feet from where you were at to that
06 mother drive. And if you had a fire
07 on that mother drive, why would you
08 think that they wouldn't call you as
09 a crew to come down and help
10 extinguish that fire? Would you have
11 any idea into that, why they
12 wouldn't?
13 A. I have no idea.
14 Q. Kindly, a little bit in my
15 mind, I'm trying to picture this. As

16 the calls come in and as you hear
17 this conversation on the telephone,
18 did your buddies kind of gather
19 around with you and you was
20 expounding to them what was going on?
21 A. Yeah. Once that we was
22 informed if we encounter smoke to
23 come off the face and go to the
24 intake, the guys left the face and
25 come up to the headgate. And then we

77

01 all set there and just talked.

02 Q. Okay. Is there anything else
03 that you'd like to add to your
04 statement? I'm going to turn you
05 over to the gentleman from the West
06 Virginia State Office.

07 A. No. There's nothing else.

08 MR. BURKE:

09 Okay. Bill, do you all
10 want to question?

11 BY MR. TUCKER:

12 Q. Okay. Gary, I'm going to try
13 to just fill in a few gaps in my mind
14 here on what you've told us. And
15 we're probably going to be bouncing
16 around a little bit.

17 A. That's fine.

18 Q. So I just appreciate your

19 patience with me on this.

20 A. Okay.

21 Q. Why did you leave the Aracoma

22 mine, and when did that happen?

23 A. For other employment?

24 Q. Yes.

25 A. I left approximately two weeks

78

01 ago. The reason being, there was

02 rumor they was going to go on 12-hour

03 shifts seven days a week. They

04 didn't know exactly who they had

05 working. And the longwall, you work

06 a lot of weekends. You have maybe

07 one weekend off every other month. I

08 don't like to work weekends. And

09 basically, Coal River's a better

10 opportunity for me.

11 Q. Okay. What are your normal

12 duties as the headgate operator?

13 A. Basically, keep the coal on

14 the belt, take out structure if

15 needed, grease the tailpiece, call

16 out a report every two hours,

17 approximately.

18 Q. Okay. On the 19th of January,

19 was the tailgate blocked on the

20 second shift?

21 A. Yes. To my knowledge.
22 Q. As far as when you lost
23 communications, I mean, at what point
24 --- is that the time that you decided
25 --- or who made that decision that

79

01 your crew was going to leave the
02 section?

03 A. I don't know what time we lost
04 communication exactly. When I went
05 to call my report out approximately
06 ten minutes 'til 6:00, you know, I
07 yelled and yelled and there was no
08 phones whatsoever. Dave Runyon and
09 Jaime Adkins, the chief electrician
10 and the foreman, left the section.
11 And they was gone approximately five
12 minutes when the power knocked.
13 That's when we all, who was left
14 there, decided, hey, we need to
15 leave.

16 Q. So at that point, y'all were
17 all together pretty much?

18 A. Yes.

19 Q. At what point did you become
20 aware that two men were unaccounted
21 for?

22 A. When we met Fred Horton at a
23 crosscut.

24 Q. So Fred Horton's the one that
25 told you that?

80

01 A. Yes.

02 Q. If you needed to --- if you
03 had a fire around the headgate area
04 and you needed to fight that fire, I
05 mean, what would you do yourself? I
06 mean, what's available for you?

07 A. There's fire extinguishers
08 available at the headgate. I mean,
09 plus, depending on the type of fire,
10 there's water. They have a water
11 system right.

12 Q. Do you know roughly how much
13 fire hose or do you know where the
14 fire hose is at on the headgate?

15 A. I can't say that --- I mean,
16 we had a washdown hose. I can't say
17 it was a fire hose. Roughly, I would
18 say probably 25 foot, maybe.

19 Q. Okay. So you're not aware of
20 a normal fire hose that you'd put a
21 nozzle on that would connect to
22 a water valve?

23 A. Nothing over a quarter-inch
24 hose or half-inch hose.

25 Q. Have you personally ever tried

01 to use fire hose at the mines ---

02 A. No.

03 Q. --- in a drill or anything to
04 connect to a fire valve?

05 A. No.

06 Q. Have you ever had any type of
07 fire drill where they went over and
08 demonstrated the firefighting
09 equipment?

10 A. No.

11 Q. You mentioned that you'd heard
12 somebody on the phone make a comment
13 that --- about pulling the crew. Do
14 you remember who made that comment?

15 A. I can't say for sure. I just
16 --- there was several people on the
17 phone.

18 Q. Did you hear that conversation
19 on who called the Two Section?

20 A. It was --- whoever was telling
21 the dispatcher to get ahold of Two
22 Section and to remove them from the
23 section.

24 Q. Did you hear the dispatcher
25 call Two Section? Did you hear that

01 conversation?

02 A. I think by the time that

03 whomever was telling the dispatcher
04 that, that Two Section --- somebody
05 on the Two Section had become aware,
06 you know, that there was smoke down
07 towards where they was at. Or there
08 was a fire.

09 Q. Do you know who was having the
10 conversation from Two Section with
11 the dispatcher?

12 A. No.

13 Q. Or whoever was giving that
14 information?

15 A. No.

16 Q. So you didn't hear any
17 conversation from anybody to --- with
18 somebody on the Two Section crew?

19 A. Not that I could say directly.
20 I mean, I wouldn't know who it was on
21 the phone. Someone from Two Section
22 was speaking to the dispatcher. But
23 who it was, I don't know.

24 Q. Right. Do you know what they
25 told them?

83

01 A. I'm thinking somebody from Two
02 Section asked him where the fire was.
03 And that's when I think he explained
04 to them it's around the mother drive.

05 And then that was about all I heard.
06 Because once after that, they --- the
07 dispatcher might have told them to
08 come off the section.

09 Q. And if you could recall
10 anything that you heard on that
11 conversation, you know, it may be
12 helpful.

13 A. I don't know, like I said, who
14 it was, who he spoke with. But I'm
15 almost positive they did tell me to
16 go ahead and --- that there was
17 smoke, would be smoke or something to
18 that effect coming their way, go
19 ahead and come off the section.

20 Q. Do you have any idea about
21 what time that would have been?

22 A. 5:20, 5:30, somewhere through
23 there.

24 Q. And that's based on the watch
25 on the computer system?

84

01 A. Approximately, yeah.

02 Q. Okay. On the computer system
03 watch or clock, does it seem to be
04 pretty close? I mean, have you
05 noticed that it's pretty close to the
06 regular time of day?

07 A. Yeah. I know it's close with

08 the dispatcher's time. And like I
09 said, approximately maybe once every
10 other week an electrician would come
11 calibrate it.

12 Q. Do you know who that
13 electrician is that calibrates that?

14 A. Well, I can't --- I mean, I've
15 just had to do it myself. Jaime
16 Adkins, I've asked him several times
17 to come set the clock, which he did.

18 Q. Is that because it seemed to
19 be off or you just wanted to make
20 sure it's right?

21 A. Yes. It seemed to be off.

22 Q. Seemed to be off. And Jaime
23 Adkins, is he the electrician for the
24 longwall?

25 A. He was the chief electrician

85

01 on our crew.

02 Q. I think you'd mentioned that
03 around 5:05, the belts were off due
04 to smoke?

05 A. Yeah.

06 Q. From that point, how much time
07 do you think passed before Two
08 Section was called to come outside or
09 come off the section?

10 A. Maybe 20 minutes. It was
11 'cause --- I'm thinking it was
12 roughly 10 to 15 minutes after the
13 belts were shut off when Bryan said,
14 you know, I have a fire, I've used
15 several fire extinguishers and I
16 can't get it out.

17 Q. Did the belt ever start back
18 after that?

19 A. No.

20 Q. Did you hear any discussion at
21 all when you came off the section
22 about different ways to attack the
23 fire as far as fighting the fire?

24 A. No.

25 Q. It was never discussed about

86

01 fighting it from the inby side
02 towards the longwall face?

03 A. Not with us. It may have been
04 with some bosses, but not with us.

05 Q. You never heard any
06 discussion?

07 A. No.

08 Q. Did you ever hear any
09 discussion about applying water to
10 the fire?

11 A. There was something mentioned
12 about a fire hose wouldn't reach it.

13 Q. Any problems with the water or
14 did you hear any discussion about it?

15 A. No problems. But I just --- I
16 did hear that there was --- the fire
17 hose wasn't long enough to reach it.

18 Q. In your notes, do you recall
19 putting anything there pertaining to
20 the fighting of the fire or any
21 particular notes about the fire on
22 the 19th?

23 A. No. The only notes I kept was
24 what specifically happened on the
25 longwall, and downtime analysis.

87

01 Q. You mentioned there was
02 another attorney who mentioned about
03 going ahead and taking your notebook
04 once they became aware that you had
05 it. Do you know who that attorney
06 was?

07 A. He was working with Heath.
08 I'm not sure who he was.

09 Q. Would it have been Dave Hardy?

10 A. I'm not sure.

11 Q. Do you remember what he looked
12 like?

13 A. He was a tall --- he was a
14 tall guy. I can't really remember.

15 Because he wasn't --- during the
16 interview, he wasn't in there 'til
17 right at the end. He came down and
18 jotted some notes down. And that was
19 it. He just came in at the end.

20 Q. As far as you know today, who
21 has your notebook?

22 A. Heath.

23 Q. Okay. Do you remember who
24 made a comment about the hose not
25 being long enough or having a problem

88

01 with the fire hose?

02 A. I believe it was Bryan Cabell.

03 Q. If you had it to do over,
04 would you have left the longwall when
05 you heard the communications --- the
06 initial communication about a fire at
07 your mother drive? Or anything you'd
08 have done different?

09 A. No. I wouldn't have done
10 nothing different, no.

11 Q. One other thing to clear up,
12 if you would. On your primary
13 escapeway, is that different from
14 your travelway that you go in and out
15 of the mines each day?

16 Q. We travel the intake going to
17 the section. But once we get at the

18 crosscut, we don't travel the intake.

19 I'm not sure exactly where it splits

20 off. But ---.

21 A. When you say you travel the

22 intake, do you consider that --- is

23 that a travelway, or do you consider

24 that as your primary escapeway?

25 A. It's our primary escapeway,

89

01 the way we traveled in.

02 Q. The way you traveled in?

03 A. Approximately. I mean, there

04 would be a few cuts back and forth.

05 But we wouldn't be in there.

06 MR. TUCKER:

07 That's all I have at

08 this time. I appreciate it.

09 A. Okay.

10 MR. BURKE:

11 Thank you, Bill.

12 BY MR. BURKE:

13 Q. I've got a few more and I

14 promise I won't wear your patience

15 thin.

16 A. Okay. That's fine.

17 Q. Did you overhear any

18 conversations on the phone from

19 anybody from Two Section? Did they

20 say where's the fire located? Did
21 you hear anybody ask specifically
22 where that was located?
23 A. I'm sure there was
24 conversation of that sort. I'm not
25 --- I can't say for sure exactly what

90

01 was said. But between somebody from
02 Two Section and a dispatcher, there
03 was a conversation of the fire.

04 Q. Okay. And do you recollect
05 anyone in particular that you may
06 have recognized as far as a name?

07 A. No.

08 Q. Okay. Have you ever had to
09 evacuate the longwall section or the
10 mine for any reason?

11 A. No.

12 Q. Never?

13 A. Never.

14 Q. Have you ever heard the
15 dispatcher call in that they had a
16 specific CO alert or an alarm at a
17 location that someone needed to
18 address?

19 A. During the vacation.

20 Q. During that time frame?

21 A. That was the only other time.

22 Q. Okay. I guess one thing that

23 bears in my mind, if someone tells me
24 that just a few hundred feet outby
25 me, that there's a fire, and they

91

01 can't get the fire out, why hang
02 around? I mean, did you ever really
03 think that you personally or your
04 crew on that longwall would be in
05 danger as a result of this?

06 A. No. Not during the time.

07 Because we --- back on Eight
08 headgate, they had had a --- had a
09 bearing catch fire. I mean, it took
10 several fire extinguishers before
11 they could get it out.

12 Q. And that was on the previous
13 longwall panel that you mined before
14 this one?

15 A. Yeah. The previous panel,
16 yeah.

17 Q. Do you remember about when
18 that might have been?

19 A. It was towards the end of the
20 panel. Probably June, July.

21 Q. Of 2005?

22 A. 2005, yeah.

23 Q. Okay. Did you overhear any
24 conversations at that time what was

25 going on, the specifics about that,

92

01 particular?

02 A. You mean ---?

03 Q. The bearing, what that ---?

04 A. The bearing, I talked to the
05 electrician who put it out. Because
06 we was up there working at the time.

07 And he went down --- I think someone
08 who was running the headgate, I'm not
09 sure, seen it. And then Bucky
10 Sargent (phonetic) went and put the
11 fire out, him and Brian Simkins
12 (phonetic).

13 Q. Okay. And what was that
14 bearing located on? Was that on the
15 stage loading ---?

16 A. The storage unit.

17 Q. The storage unit? So that
18 would have --- would that be the same
19 storage unit that is in use now?

20 A. I don't think so.

21 Q. Okay. So it would be a
22 different unit?

23 A. A different unit, yeah.

24 Q. Okay. If the tailgate side of
25 the longwall's blocked, and then

93

01 there's a fire down at the mother

02 drive, is it a common practice or do
03 you think it might be a little bit
04 odd just to kindly wait around and
05 see if they're going to get the fire
06 out? Myself, I've got rabbit blood.
07 And I don't care to tell you, if
08 someone hollers up and tells me
09 you've got a fire, I'm out of there.

10 A. Yeah.

11 Q. And I just can't understand
12 --- you know, I guess maybe I'm a
13 chicken, is what I'm trying to say,
14 literally. But I wouldn't stand
15 around and say, wait, you know, until
16 this thing gets out of control. Did
17 that ever enter your mind that maybe
18 at some point in time you might
19 really be in danger?

20 A. No. Really, I may have had,
21 like I said, small fires. And we
22 didn't know to the extent how big it
23 was until we met with Fred Horton.

24 Q. Okay. In your mind, just off
25 the top of your mind, since you've

94

01 been there a year, about how many
02 fires would you say that they may or
03 may not have had at this particular

04 mine?

05 A. The only two that I know of,
06 besides the one that happened on the
07 19th, would have been the one during
08 vacation and then the one on the
09 Eight headgate.

10 Q. Okay. So that's the two that
11 you're looking at?

12 A. Yes.

13 Q. That one back on Eight
14 headgate, you said that was about
15 June?

16 A. Approximately June.

17 Q. Approximately June of 2005?

18 A. Correct.

19 Q. How long was your belts down?
20 How long did they say that it took to
21 extinguish that fire?

22 A. I don't remember. I know
23 there was probably three or four fire
24 extinguishers used.

25 Q. Okay.

95

01 A. Because after it happened, I
02 went up there. And I think we had
03 --- maybe one or two people might
04 have stayed up there to make sure it
05 wouldn't catch fire again.

06 Q. Okay. So everything went back

07 to normal and you started producing
08 coal again once they got that fire
09 extinguished?

10 A. Correct.

11 Q. Okay. Going back to that
12 night of January the 19th, when you
13 all finally made the decision to
14 leave the longwall headgate, who gave
15 that order? Who told you all to
16 leave?

17 A. Really --- when we left the
18 section or left from the cut-through?

19 Q. When you actually left the
20 longwall headgate, the section.

21 A. We all come to the agreement
22 to leave. And once we got to the
23 emergency run, the foreman was on his
24 way down to us to say, hey, let's go.

25 Q. Okay.

96

01 A. So I guess you could say he
02 really made the decision. But we all
03 come to agreement.

04 Q. So you guys, the five or six
05 of you that were working on the
06 longwall, I think you said there was
07 about six of you up there that night,
08 six or eight, somewhere ---?

09 A. There was six of us, yeah.

10 Q. Okay. You all were just

11 standing around and listening on the

12 phone, waiting for orders of what to

13 do. Was your foreman up there with

14 you or had he gone outby to

15 investigate?

16 A. Once we lost communications,

17 he went outby, he and the chief

18 electrician, to see what was going

19 on.

20 Q. Okay.

21 A. And then, like I said, five,

22 maybe ten minutes later, we lost

23 power. So that's when we all --- the

24 ones that was left decided to leave.

25 Q. Okay. And just standing

97

01 around in that casual conversation,

02 now I'm going back to that chicken

03 thing again, did anybody say, you

04 know, I think we ought to get out of

05 here? Did anybody ever say anything

06 along that line?

07 A. No. We were, you know, joking

08 and carrying on. And the comment was

09 mentioned, hey, this might be bigger

10 than what we think.

11 Q. Yeah.

12 A. You know, but nobody really
13 --- nobody thought, you know what I'm
14 saying, nobody would think it'd
15 happen to us.

16 Q. Yeah. Just one of those
17 things that you really didn't
18 understand the gravity of the
19 situation?

20 A. Exactly.

21 Q. Yeah. Okay. Do you know
22 which way your water --- I guess your
23 water lines, you've got two different
24 sources of water for that longwall.
25 Do you have one source that runs your

98

01 actual longwall face and then you've
02 got another source, or is it all one
03 basic water source that runs that
04 whole line?

05 A. It's all one basic water
06 source.

07 Q. Do you know which way that
08 that water comes into the longwall?

09 A. Yeah. It comes in from behind
10 the wall. It comes in like right
11 here.

12 Q. Okay. Could you come up on
13 this map? I promised I wouldn't let

14 you do that again.
15 A. It doesn't ---.
16 Q. It doesn't show it?
17 A. That map doesn't cover it.
18 Q. Okay.
19 A. It comes to this crosscut
20 here.
21 Q. Okay. It's on the first
22 longwall cut-through. And there's no
23 physical way to make out the spad
24 numbers. But that would be ---
25 counting from the longwall

99

01 cut-through that you actually
02 traveled through to get into the main
03 --- north main's intake, you're
04 talking 19 crosscuts outby to the
05 Number One entry of that Number One
06 cut-through. Which entry, at One,
07 Two, or Three, does that water line
08 come in?
09 A. I'm not sure which one it
10 comes in.
11 Q. That is where your water
12 source comes from, though?
13 A. Correct.
14 Q. From that Number One
15 cut-through. Okay. Thank you, Gary.
16 I didn't want to get you up and down.

17 A. That's okay.

18 Q. Had anyone informed you or had
19 you been over there yourself to
20 understand that the tailgate side of
21 the longwall was blocked?

22 A. Yeah. It had been blocked for
23 a while. I don't know exactly when.
24 But I remember they --- I think there
25 was something said, even. Because I

100

01 think they may have been fined over
02 the rescuers not being on the face.
03 They need to be in ---. But finally,
04 after that, they did get rescuers on
05 the face. It had been at least a
06 month, if maybe not longer.

07 Q. So that tailgate had been
08 blocked for nearly a month on that
09 particular side?

10 A. Uh-huh (yes). Approximately a
11 month, yeah.

12 Q. About a month?

13 A. I mean, you might, you know,
14 cut a break and it not be blocked.
15 But you know, it would fall right
16 back in.

17 Q. So you were having, more or
18 less, roof problems on that tailgate

19 side, and as you would cut out and
20 snake your longwall back in, it would
21 fall on the tailgate side?
22 A. I wasn't down there. I can't
23 say it'd fall out as soon as you cut
24 through, as soon as you'd punch out.
25 But I was under the assumption that

101

01 that's the way it was.
02 Q. Okay. So you apparently had
03 some bad roof on that end of the mine
04 there. Okay. All right. Just a few
05 more questions here. Have you ever
06 received any training in the mine
07 evacuation and firefighting program
08 they had in place there at the mine?
09 Has anyone ever trained you, in the
10 event of emergency, what to do?
11 A. No. I mean, the escapeways
12 was discussed. But other than that,
13 nothing.
14 Q. Well, in all the conversations
15 that maybe you overheard on the
16 telephone, did you specifically hear
17 someone tell the men on Two Section
18 to get out, you've got a fire and
19 smoke's coming your way? Or was it
20 all pretty much speculation?
21 A. No. I didn't ---.

22 Q. Did you actually hear someone
23 tell those guys to get out, that
24 there was a problem?

25 A. I can't say I actually heard

102

01 someone. But I did hear them, you
02 know, speaking with the dispatcher,
03 somebody, about leaving the section.

04 I can't say that I heard exactly who
05 said it or what was even said.

06 Q. Okay. Did you have a CO alarm
07 of any kind on that longwall belt up
08 there at your headgate? Anything to
09 indicate that you might have had a CO
10 problem? A buildup there when that
11 fire occurred?

12 A. To my knowledge, no.

13 Q. Okay. Have you ever, ever ---
14 have they ever had a CO alarm of any
15 kind there?

16 A. On the longwall belt?

17 Q. On the longwall belt.

18 A. Not to my knowledge.

19 Q. As you retreat on that
20 longwall panel, what do you do with
21 your water lines? How do they extend
22 that? Because since it comes
23 through, as you speculated, there on

24 the first cut-through, and as the
25 longwall progressively gets closer to

103

01 the mother drive, do they continually
02 add joints of water line to that to
03 get your water?

04 A. Yes.

05 Q. What is that? A six-inch
06 line, four-inch line?

07 A. No. I'm thinking it's
08 eight-inch.

09 Q. Eight-inch?

10 A. I believe it's eight-inch. It
11 might be six. But I know it's bigger
12 than four. I'm thinking it's eight.

13 Q. Okay. Maybe you would know
14 something about this or maybe not.

15 But if the power goes off, what does
16 that do to your water?

17 A. It kills the pumps.

18 Q. Okay. Do you have any idea
19 where those pumps are located?

20 A. We have a pump at break 22.

21 Q. Break 22?

22 A. On the main entry.

23 Q. That would be on the north
24 mains?

25 A. It's roughly ---.

104

01 Q. Okay. Here's your box cut
02 where you come in.

03 A. We have a pump roughly through
04 here, in this area.

05 Q. Okay. He's indicating that
06 that would be around the Five
07 tailgate area, somewhere between Five
08 tailgate and Five headgate ---

09 A. Yeah.

10 Q. --- on our escapeway map that
11 we have on the table. We cannot
12 determine what spad numbers are
13 there. But that is basically where
14 you're saying your water source comes
15 from?

16 A. Yeah. Right. There's a pump.
17 And the reason the pump is there is
18 the fact of getting the water up the
19 hill. They was having trouble with
20 water going up the hill.

21 Q. So they needed the pump to
22 facilitate the pressure, I guess, a
23 booster pump, more or less, is what
24 that is.

25 A. Right.

105

01 Q. To give you more pressure.
02 Have you heard anybody speculate what

03 may have caused this fire, through
04 your conversations on the phone?
05 A. On the phone, no.
06 Q. Anybody out in the public that
07 may have worked at Aracoma Mine, has
08 anyone ever come forth and said,
09 well, you know, this is what we think
10 done it? Have you ever ---?
11 A. After the fact, I mean, you're
12 going to hear so much stuff. I mean,
13 it's speculation. They said that,
14 you know, the motor didn't stop. I
15 mean, it was just --- you heard
16 everything it could have possibly
17 been.
18 Q. Yeah. A lot of rumors.
19 A. Yeah. That's all it was, was
20 rumors. I mean, because unless they
21 know for a fact, I mean, it's ---.
22 Q. Have you ever seen anybody
23 with a handheld instrument or any
24 type of detection instrument on the
25 longwall to monitor for CO? Did
01 anybody do it that night? Did
02 anybody pull out a handheld device
03 and take a gas test there with a
04 multi-gas detector to determine if
05 you all were in a safe atmosphere?

06 A. I can't say they did. I don't
07 know. I mean, because I know they
08 take the readings down on the face.

09 Q. In the event of an emergency,
10 and you say you got those six guys or
11 so that worked with you, each of
12 those guys inevitably would have a
13 task to do in the event of an
14 emergency. Did you have a specific
15 task that maybe you were assigned to
16 do if something were to happen?

17 A. On the gate box itself,
18 explains, you know, your job title,
19 what your job responsibility would
20 be.

21 Q. That's good. What was your
22 specific responsibility, you as a
23 person? What would you do?

24 A. Maintain communications.

25 Q. So you were the communications

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01 guy? You were the lifeline to the
02 outside?

03 A. Correct.

04 Q. You done the communications.
05 Going back to the night of the fire,
06 and I know we're bouncing around a
07 little bit, have you heard anyone

08 state that night that you was
09 listening on the phone and talking
10 back and forth to people, that they
11 were having problems getting the
12 water on or getting the hoses
13 connected to the fire hydrants? Did
14 you hear anything of that nature?

15 A. No. The only problems that I
16 was aware of that I'd heard was the
17 fact that not enough water hose. I
18 mean, that was the only thing I'd
19 heard.

20 Q. So they didn't have enough
21 firefighting hose to reach the
22 destination they needed?

23 A. Correct.

24 Q. Okay. Do you remember who may
25 have stated that?

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01 A. I believe it was Bryan Cabell.

02 Q. Bryan Cabell. Okay. Have you
03 ever heard or known anything about a
04 belt misalignment on that dolly on
05 that longwall storage unit? Have
06 they ever had any problem
07 specifically out of that that you
08 know of?

09 A. Maybe back October, September.
10 There was a dolly that had raked.

11 Actually, it just slid back is all it
12 was. And I went and helped the belt
13 man, you know, chain winch it back
14 up. But other than that, I had not
15 heard nothing since then. And they
16 stated, you know, they believed the
17 smoke was coming from the belt
18 rubbing the dolly.

19 Q. Okay. At that particular time
20 back in October or whenever that was?

21 A. In October, yeah, there was
22 one that I had knowledge of, had
23 wrecked. I helped, you know, work on
24 it. And then as of the 19th, they
25 speculated they just had a dolly

109

01 wreck and that's where the smoke was
02 coming from.

03 Q. Okay. So they did specify
04 that on the 19th, that they had a
05 dolly that wrecked?

06 A. They assumed. I mean, I heard
07 --- I mean, they thought that's what
08 it was.

09 Q. Okay.

10 A. Nobody said for sure if that's
11 what it was.

12 Q. Now, a lot of folks at some

13 point in time that might listen to
14 this, they don't understand what
15 we're talking about. So in --- us
16 old coal miners a-talking. Talk to
17 me about what that dolly is and what
18 the function of that is. What is the
19 dolly that we're talking about?

20 A. A dolly just basically keeps
21 your belt in line on the storage
22 unit. It keeps it from running one
23 side to the other.

24 Q. Okay. Have you ever heard
25 anyone talk or complain about having

110

01 problems keeping that belt in line?
02 Did it want to drift from one side to
03 the other? I guess we'd call it
04 training the belt, where I come from.

05 A. No. Even on the splices, you
06 know, as they'd come to the
07 tailpiece, it wasn't something I'd
08 have to watch once the longwall
09 pushed. You know, I'd set my
10 tailpiece and that was it. It would
11 --- I never had to worry about coal
12 spilling off or nothing.

13 Q. Good. Can you ever remember
14 any vendors or supply company, such
15 as Continental Belt Conveyor Company

16 or anyone of that nature coming and
17 having to physically work or do any
18 work around that mother drive for any
19 reason?

20 A. No.

21 Q. Can't remember anything of
22 that nature?

23 A. (Indicates no).

24 Q. Okay. Who told you in the
25 event of an emergency that you would

111

01 be responsible for manning the
02 communications? Was that your
03 foreman or a management person?

04 A. No. It states on the gate
05 box. Like I said, there was a ---
06 it's just basically a sign. It
07 states what, you know, your position
08 is, what you do.

09 Q. Okay. So they've got an
10 actual sign there that tells each man
11 that's working there what he needs to
12 do in the event of an emergency?

13 A. They did. I mean, I've looked
14 at it so many times. I assume it's
15 still there.

16 Q. Okay. Just a few more
17 questions and I'll be done and maybe

18 Bill will have some follow-ups.
19 After the fire, was you aware of a
20 meeting of any kind that the company
21 held at the Holden Grade School?
22 A. Several days later. I know
23 they had a meeting. I didn't --- I
24 worked that evening. I didn't go.
25 Q. Okay. Did they specify to you

112

01 in any way where you were working,
02 what the content of that meeting was,
03 what they were talking about or the
04 nature of it in any way?
05 A. From what I understand, it was
06 basically what they'd explained to us
07 about, you know, they needed
08 volunteers to work, everybody's going
09 to get paid a certain amount of hours
10 per that week, you know. And if they
11 call, please answer your phone,
12 basically, they need you.
13 Q. Okay. After the fire and
14 after it was all said and done, did
15 the company, any management official
16 or any of the attorneys meet with you
17 in any way to discuss what you knew
18 about the accident in any form?
19 A. No. Not other than the
20 attorneys.

21 Q. Okay. Did the attorneys meet
22 with you personally?
23 A. Yeah. They called me in.
24 Q. Okay. Could you remember
25 about when that was that they held

113

01 that meeting with you?
02 A. The Thursday after the fire.
03 Q. Okay. That would have been
04 the Thursday after the fire ---
05 A. Right.
06 Q. --- on the 19th. Would you
07 care to discuss what they asked you?
08 A. Basically they just asked me
09 questions like you're asking me. And
10 they wanted to know the times, you
11 know, the times, you know, from what
12 time the belt was off, this and that.
13 Q. Okay.
14 A. And then that's when I
15 informed them, you know --- well,
16 they asked how I knew the exact
17 times. And I told them in my little
18 notebook I kept.
19 Q. Okay. So you kept some pretty
20 good records, apparently, then?
21 Pretty close?
22 A. Close enough, yeah.

23 Q. Okay. Do you ever, as a crew
24 on the longwall section, have safety
25 talks up there at the stage loader?

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01 Do you ever --- the foremen ever just
02 say, point out this and say, you're
03 the communication guy and you do this
04 and you do that. Does he ever really
05 discuss what your duties are in the
06 event of an emergency?

07 A. No.

08 Q. Never does ---

09 A. No.

10 Q. --- discuss anything along
11 that line. I've just got a couple
12 more questions. On the belt, and
13 I've walked that belt after the fact
14 and I've looked at it and went all
15 the way to the headgate and came back
16 out a couple occasions I've had to
17 look at that. Have you ever seen any
18 problem with that belt on the very
19 edges of the belt, like it was
20 rubbing something?

21 A. Yeah. The past, probably, two
22 or three days before, because I was
23 off the two days before the fire,
24 that week, there was several flappers
25 that I had to shut the belt off and

01 cut off.

02 Q. Trim?

03 A. Yeah.

04 Q. And flappers, define that.

05 A. Just pieces of belt that was

06 ripped on the edge.

07 Q. Okay. So the belt had been

08 tearing and you had to physically

09 stop the belt to cut those flappers,

10 you call them, off?

11 A. Correct.

12 Q. Okay. Have you had the

13 opportunity --- and for the court

14 reporter's sake, I'll demonstrate

15 this. The belt is in cradles. And

16 that belt kindly runs on those

17 cradles in that position. And you're

18 looking --- it's cradled to the outer

19 edge on the walkway side of the belt.

20 Have you ever had an opportunity to

21 look and see how damaged that outer

22 edge of that belt really was?

23 A. Yeah. There's sections of it

24 that, I mean, it's almost cut clean

25 through. So approximately about an

01 inch.

02 Q. So there were several physical
03 locations on that belt that you could
04 see the damage?

05 A. Correct.

06 Q. And on the offside of that
07 belt, you call it the tight side, if
08 you're looking at that belt, on this
09 side, it looked like a jagged knife
10 had cut portions of the belt. Was
11 you aware of that?

12 A. Correct.

13 Q. And you could see that, too?

14 A. That was where the flappers
15 was cut off of, was the offside.

16 Q. On the offside. Do you have
17 any idea what might cause that?
18 Anything that bears in your mind? It
19 was running through from the
20 tailpiece --- out of the stage loader
21 through the tailpiece and outby.

22 A. Correct.

23 Q. So you didn't have any
24 physical problems there at the
25 longwall face.

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01 A. No. Nothing on the headgate
02 end. Nothing on the face.

03 Q. Okay. So the apparent
04 problem, whatever was rubbing the

05 belt, had to be outby the point where
06 you were working?

07 A. Correct.

08 Q. Did you ever have an
09 opportunity to go down to the mother
10 drive and look at anything?

11 A. Not at the time. I'd been to
12 the mother drive once or twice, but
13 it'd been months before.

14 Q. Okay. I've got a couple more,
15 and I promise, I'm going to let you
16 go.

17 A. Okay.

18 Q. You've never actually, since
19 the fact --- since the fire, did you
20 get a chance to go down and look at
21 the damage after the fact?

22 A. Not to the mother drive. I
23 went behind the mother drive in --- I
24 guess it'd be the next break inby
25 towards two section, and helped

118

01 support the top.

02 Q. Okay.

03 A. With those water jacks.

04 Q. Okay.

05 A. Well, not --- we didn't use

06 the water jacks. The water jacks, I

07 think, were set down alongside the
08 mother drive. What we used was just
09 the Heinzmann jacks and the beams.

10 Q. And the beams. So you were on
11 that crew that done that?

12 A. Yeah.

13 Q. Did you ever have any
14 knowledge from the Number Seven
15 tailpiece the extension going toward
16 Number Ten headgate? Was you aware
17 at any point in time when they were
18 doing that construction project to
19 install that new 72-inch belt up
20 through there? Did you have any
21 knowledge of that, that they were
22 working on that area down there?

23 A. No.

24 Q. Apparently, you never went to
25 that part of it?

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01 A. No. Never had to.

02 Q. You walked through the
03 cut-through and come up that way and
04 you were never down in that part.
05 Okay. I guess the question I want to
06 ask you may seem a little dumb. But
07 in your opinion, you worked in the
08 mines about a year. How do you like
09 working in the mines?

10 A. It's better than I thought it
11 would be when I first entered. I
12 mean, it's a good job.

13 Q. Do you enjoy working in the
14 mines?

15 A. Yeah. I don't dread waking up
16 and going to work.

17 Q. Do you think, looking back,
18 now that you've quit Aracoma Coal
19 Company, do you think that was a safe
20 mine to work in?

21 A. Yeah.

22 Q. Did they stress safety values?

23 A. I can't say as much as
24 possibly should have been. But they
25 were --- it was fairly safe.

120

01 Q. Did you have any negative
02 comments about the Aracoma Mine, that
03 maybe they should have done
04 something, in your opinion, that they
05 didn't do?

06 A. No.

07 Q. What do you think, in your
08 opinion, could have been done to
09 prevent this accident from happening?
10 Tough question.

11 A. Yeah. I really don't know. I

12 mean to prevent the fire or to
13 prevent the ---?

14 Q. To prevent the fire.

15 A. I really don't know. I mean,
16 I'm no belt man. I don't know
17 exactly what went on at the mother
18 drive. I don't ---. I'd say they
19 needed more belt men than just what
20 they had working. I know that.
21 Because the guys would have to run,
22 you know, from this one here to
23 there. It'd usually take them
24 several minutes to get there.

25 Q. Did you specifically have a

121

01 lot of downtime on your belts?

02 A. In the past, we had. Lately
03 we hadn't, but in the past we had.

04 Q. What do you think, in your
05 opinion, could have been done to
06 prevent Mr. Hatfield and Mr. Bragg
07 from losing their lives that night?

08 A. I don't know. I mean, I
09 believe --- in my heart, I believe
10 they panicked. But you know, I don't
11 know exactly. I believe they were
12 put in a situation they never thought
13 they would be in.

14 Q. In your opinion, do you think

15 that they notified Two Section in a
16 timely manner quick enough to get
17 them out?

18 A. I believe so, yeah.

19 MR. BURKE:

20 You think so. Okay.

21 Bill, do you have anything to
22 follow up on?

23 MR. TUCKER:

24 I have a few.

25 BY MR. TUCKER:

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01 Q. Going back to the water just
02 for a little bit, have you ever had
03 any water pressure problems on the
04 longwall?

05 A. Getting water to the longwall
06 or just from the mule train down to
07 the face?

08 Q. Getting water down the face.

09 A. Maybe a week or two before, we
10 wasn't getting enough pressure to
11 keep everything running. There
12 wasn't nothing. It was the fact that
13 the pump needed turned on, actually,
14 was what it was.

15 Q. Just a matter of turning ---
16 somebody forgot to turn the pump on?

17 A. There was --- yeah. Well, I
18 guess we'd advanced so far up the
19 hill. Because we hadn't been using
20 the pump at break 22. And then they
21 needed it turned on.

22 Q. So how's the water supplied on
23 the monorail?

24 A. It comes from the mule train.

25 Q. Okay.

123

01 A. And four, seven --- I think
02 three return hoses and four
03 freshwater hoses is how it is.

04 Q. How long is the monorail
05 system?

06 A. It's several breaks. I can't
07 say for sure. But it's several
08 breaks.

09 Q. How many hours per day does
10 that longwall operate?

11 A. I'd say 16 hours a day.

12 Q. Is it idle on the ---

13 A. Third shift.

14 Q. --- third shift?

15 A. Third shift.

16 Q. Does it normally run six days
17 a week, seven days a week?

18 A. Seven days a week.

19 Q. Seven days? Okay. On the

20 fire you talked about on the eight
21 headgate and you said it had taken
22 them three or four fire extinguishers
23 to put out, did you hear any
24 discussion from the guys that fought
25 that fire as far as how long or

124

01 anything about the flames involved in
02 that particular fire?

03 A. The comment was made the
04 flames were reaching the roof. And
05 at the cutout at the mother drive,
06 it's probably 20, 25 foot high.

07 Q. So it's a pretty good fire?

08 A. Yeah.

09 Q. Do you know if they applied
10 water to that particular fire or did
11 they just use ---?

12 A. I think they just used fire
13 extinguishers. I can't say for sure,
14 but ---.

15 Q. Right. As far as your
16 longwall belt at the mother drive,
17 have you ever been given any
18 instructions as far as turning that
19 belt off? Is that something you have
20 to get permission to do or ---?

21 A. No. If I feel there's

22 something wrong with their belt, I
23 mean, I had the switch right there.
24 I'd turn it off. It's basically at
25 my discretion.

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01 Q. And you've never given any
02 instructions along those lines as far
03 as whether to turn it off, not turn
04 it off or anything like that?

05 A. No. No.

06 Q. Okay. When Mr. Burke was
07 talking to you about, you know, some
08 of the things maybe you've heard at
09 the mines and like you mentioned. We
10 know a lot of times you hear a lot of
11 different discussion. But you said
12 you'd heard some discussion maybe
13 that the belt motor didn't stop.

14 A. Yeah.

15 Q. Could you elaborate on it a
16 little bit as to exactly what maybe
17 --- the best that you can remember
18 the conversation about that?

19 A. From what I was told, from
20 what I heard, it was basically ---
21 the belt kept knocking the breaker
22 that day, supposedly.

23 Q. On the dayshift?

24 A. On the dayshift. So they

25 couldn't --- so the dayshift said, it

126

01 just continues to knock the breaker,

02 knock the breaker. And the only

03 thing I was told was they fixed it.

04 Q. When they said they fixed it,

05 what did that mean to you?

06 A. To me? Well, I mean, I

07 couldn't say for sure. To me, it was

08 bridged out. But to say for sure, I

09 don't know.

10 Q. All right. Have you heard

11 that terminology used about that

12 motor, that somebody made a comment

13 that it was, in fact, bridged out?

14 A. No.

15 Q. Or when they said they fixed

16 it, that's just kind of what it means

17 to you?

18 A. They just said that it was

19 basically --- it had knocked the

20 breaker several times that day and

21 they'd fixed it.

22 Q. We was talking about the

23 safety attitude at the mines. Do you

24 think that production is stressed

25 more than safety or how do you think

127

01 that fits in?

02 A. No. I don't think production
03 is stressed more than safety would
04 be. That's my opinion.

05 Q. Right. If you were to lose
06 communication to the outside, how do
07 you communicate with the people on
08 the longwall face?

09 A. We have a different phone
10 system.

11 Q. Have you had any problems in
12 the past with the communication
13 system to the outside?

14 A. Not that would last for ---
15 no. I mean, a lot of times, you
16 know, you could barely hear them,
17 they could barely hear you, static in
18 the lines. But nothing like just no
19 communications whatsoever.

20 Q. Not like you totally lost
21 communication?

22 A. Yeah.

23 Q. So to the best that you can
24 remember, you've not been in that
25 situation as far as if you were to

128

01 lose communications to the outside,
02 what would you do?

03 A. I'm sure we'd shut it down and

04 try to, you know, find out the
05 problem. We also had another phone
06 located at the mule train, in case we
07 lost communication. Just to the
08 section or from the mule train out,
09 you know.

10 MR. TUCKER:

11 Okay. That's all I
12 have. I appreciate it again.

13 A. Okay.

14 BY MR. BURKE:

15 Q. I promise ---. Who actually
16 told you that --- whether it was
17 speculation or truth, that that
18 breaker was dropping out down there
19 at the mother drive? Define that.
20 Was it the breaker on the belt motor
21 itself, something in the starter box,
22 or ---?

23 A. I don't know. When I come on
24 shift, I asked him if anything had
25 been going on, and he said the

129

01 breaker had been knocking. And then
02 he said, but they fixed it. There
03 wasn't nothing else said.

04 Q. And I know you said the belts
05 were off for a short period when you

06 arrived on the longwall face. And
07 then they turned them on. Had you
08 had a privilege to test your on and
09 off switch to make sure that you
10 could shut the belt off or ---?

11 A. Yeah. Because once the belt
12 --- once they spotted the chain, I
13 was the one that turned it back off
14 to take the structure out. And I
15 was ---.

16 Q. Okay. So the switch did work?

17 A. Yeah. I was the one who
18 turned the belt back on.

19 Q. Who actually told you that the
20 breaker was knocking?

21 A. The dayshift headgate --- the
22 guys running dayshift headgate, Larry
23 Browning.

24 Q. Larry Browning?

25 A. Right.

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01 Q. Okay. What did he state to
02 you ---?

03 A. He just --- nothing. I asked
04 him if he had any problems, you know,
05 normal conversation going to relieve
06 somebody, anything going on. He just
07 said the breaker had been knocking.
08 He said, but they'd fixed it, got it

09 fixed, something to that extent.

10 Q. Okay. One more question, I
11 hope. Back on December the 29th or
12 that week of the vacation that they
13 had the other fire that we discussed
14 earlier, was the tailgate side of
15 that longwall blocked then?

16 A. I'd say it was. I can't say
17 that it definitely wasn't. But I
18 mean, I hadn't been on the face in
19 months. So I can't say for sure that
20 it wasn't.

21 Q. We've asked you a head full of
22 questions today. And we appreciate
23 your cooperation. Maybe we didn't
24 ask the right things. Is there
25 anything that you would like to tell

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01 us that maybe me or Bill --- we've
02 asked a lot. Maybe we forgot
03 something.

04 A. No. I can't think of ---
05 actually, just sitting here and going
06 over it, I recalled more stuff than
07 actually I thought I knew. But
08 really, just to think, I can't think
09 of nothing else.

10 Q. Okay. I'd like to ask you to

11 stand one more time and come and sign
12 my map for me.

13 A. Oh, okay.

14 Q. We're going to call this map
15 Richardson Exhibit Number A. Just
16 anywhere, Gary. Just sign, to the
17 best of your knowledge, that this is
18 true.

19 (Richardson Exhibit A
20 marked for
21 identification.)

22 A. Sign it right there?

23 BY MR. BURKE:

24 Q. Yup. And I'm going to get you
25 to sign this one, too. We discussed

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01 this one earlier in the day
02 indirectly. This is Richardson
03 Exhibit B, the escapeway map.
04 Today's the 23rd. Okay. If you
05 don't care, put your date on that
06 one, too.

07 (Richardson Exhibit B
08 marked for
09 identification.)

10 MR. BURKE:

11 Okay. Thank you, Gary.
12 Now, Gary, I appreciate you
13 coming today. And we

14 certainly thank you for your
15 input. On behalf of MSHA, I
16 thank you for appearing here
17 today and answering our
18 questions. Sharing this vital
19 information about the mine.
20 Your cooperation is very
21 important to us as we work to
22 determine the cause of the
23 accident. If you wish, we'll
24 let you pause a moment and all
25 of these questions that we've

133

01 asked, if you've forgotten
02 anything or want to add
03 anything, we'll give you a
04 moment. And if you think that
05 something should have been
06 raised or a question should
07 have been asked, if you know
08 of anything, you can let us
09 know anything that you might
10 want to add to your statement
11 in any way.

12 A. I can't think of nothing, no.

13 MR. BURKE:

14 Okay. We ask you not
15 to discuss this interview

16 today with any person who
17 we've not already interviewed
18 or who may be asked to give a
19 statement in the future. This
20 will ensure that we obtain
21 everyone's independent memory
22 of the events surrounding the
23 accident on the 19th. After
24 questioning other witnesses
25 and obtaining additional

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01 information, we may have to
02 get you to come back. And if
03 so, we'll set that up with you
04 if that would be all right.
05 We might have to ask you.
06 Hopefully not, but we've had
07 you here a long time today.

08 A. That's fine.

09 MR. BURKE:

10 But we appreciate it.
11 If at some point later, you
12 have additional information
13 regarding the accident that
14 you would like to provide us
15 with, you can contact Mr.
16 Murray, he's the team leader,
17 or Anthony Webb. And we do
18 have their contact information

19 on business cards.

20 A. Okay.

21 MR. BURKE:

22 You can contact one of
23 those gentlemen and kindly
24 convey to them what your needs
25 are and we'll work with you in

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01 any way that we can.

02 The Mine Act provides
03 certain protections for
04 individuals who participate in
05 accident investigations. If
06 at any time you believe that
07 you've been treated unfairly
08 because of your cooperation in
09 this investigation, please
10 contact Mr. Murray or Mr. Webb
11 and we'll take care of it.

12 A. Okay.

13 MR. BURKE:

14 Any comments by you?
15 Anything that you'd like to
16 say?

17 A. No, sir.

18 MR. BURKE:

19 Gary, I appreciate you,
20 buddy.

21 A. All right. Thank you.

22 MR. BURKE:

23 Appreciate your
24 patience, and the State.

25 MR. TUCKER:

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01 We thank you, also,
02 Gary. And also, here's one of
03 my cards and like Anthony
04 said, you ever feel like
05 you're being discriminated
06 against in any way because of
07 your testimony here, you be
08 sure and let us know.

09 A. Okay. Appreciate it.

10 MR. BURKE:

11 Gary, thank you, buddy.

12 A. All right. Thanks.

13

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15 * * * * *

16 SWORN STATEMENT CONCLUDED

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