

01 EXAMINATION UNDER OATH
02 OF
03 WYATT ROBINSON, JUNIOR
04
05
06 Taken pursuant to Notice by Autumn D.
07 Furby-Pritt, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Department of
10 Environmental Protection, 1101 George
11 Kostas Drive, Logan, West Virginia,
12 on Thursday, March 2, 2006, at 4:59
13 p.m.

14

15

16

17

18

19

20

21

22

23 Any reproduction of this transcript
24 is prohibited without authorization
25 by the certifying agency.

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

02
03 WILLIAM TUCKER
04 Assistant Inspector at Large
05 West Virginia Office of Miners'
06 Health, Safety & Training
07 142 Industrial Drive
08 Oak Hill, WV 25901

09
10 WILLIAM J. FRANCAERT, P.E.
11 Mining Engineer
12 Pittsburgh Safety and Health
13 Technology Center
14 Ventilation Division
15 P.O. Box 18233
16 Cochrane Mill Road
17 Pittsburgh, PA 15236

18
19 DANIEL M. BARISH, ESQUIRE
20 U.S. Department of Labor
21 Office of the Regional Solicitor
22 1100 Wilson Boulevard
23 22nd Floor West
24 Arlington, VA 22209-2247

25

3

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

02

03 KENNETH A. MURRAY
04 District Manager

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

11

12 ALSO PRESENT:

13 DENNIS A. BEITER

14 RONALD W. STAHLHUT

15 CHARLES W. POGUE

16 C.A. PHILLIPS

17 EUGENE WHITE

18 BETH SPENCE

19 DANNY COOK

20 DERRICK TJERNLUND

21

22

23

24

25

4

01 I N D E X

02

03 DISCUSSION 6 - 16

04 WITNESS: WYATT ROBINSON, JUNIOR

05 QUESTIONS

06 By Mr. Beiter 16 - 182

07	By Mr. Tucker	182 - 202
08	By Mr. Beiter	202 - 214
09	By Mr. Tucker	214 - 219
10	By Mr. Beiter	219 - 221
11	DISCUSSION	221 - 226
12	CERTIFICATE	227
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

01	EXHIBIT PAGE		
02			PAGE
03	NUMBER	DESCRIPTION	IDENTIFIED
04	A	Log Book	59
05	B	Photographs	63
06	C	Photographs	63
07	D	Printout	67
08	E	Mine Map	100
09	F	Mine Safety Program	

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

02 -----

03 MR. BEITER:

04 Good afternoon, Mr.
05 Robinson. My name is Dennis
06 Beiter. I represent the Mine
07 Safety and Health
08 Administration, which is an
09 agency of the United States
10 Department of Labor. I am a
11 member of MSHA's investigation

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

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

7

01 team. MSHA's team includes
02 various specialists and
03 members of the Solicitor's
04 Office. At this time, I would
05 like to ask each of the
06 members of the MSHA team to
07 identify themselves. As I
08 said, my name is Dennis Beiter
09 and I work for MSHA in the
10 Ventilation Division of
11 Technical Support Group out of
12 Triadelphia, West Virginia.

13 MR. FRANCCART:

14 I'm Bill Francart. I'm

15 with Tech Support out of
16 Pittsburgh, Pennsylvania.

17 MR. STAHLHUT:

18 Ron Stahlhut, MSHA out
19 of Vincennes, Indiana.

20 MR. POGUE:

21 Charlie Pogue, MSHA out
22 of Hunker, Pennsylvania.

23 MR. TJERNLUND:

24 Derrick Tjernlund, Tech
25 Support, Triadelphia.

8

01 MR. BEITER:

02 Here with us today
03 representing the State of West
04 Virginia is Mr. Bill Tucker.
05 Mr. Tucker will asking
06 questions for the State. And
07 at this time, Mr. Tucker has a
08 statement and will introduce
09 the members of his team.

10 MR. TUCKER:

11 I just need to read a
12 brief statement first here.
13 The West Virginia Office of
14 Miners' Health, Safety &
15 Training is conducting this
16 interview session jointly with

17 MSHA. We're in agreement with
18 the procedures outlined by Mr.
19 Beiter. However, let me make
20 it clear that the Director
21 reserves the right, if
22 necessary, to call or subpoena
23 witnesses or require the
24 production of any record,
25 document, photograph or other

9

01 relevant materials necessary
02 to conduct this investigation.
03 Again, my name is Bill Tucker.
04 I'm with Miners' Health,
05 Safety & Training. I work out
06 of the Oak Hill office.

07 MR. PHILLIPS:
08 I'm C.A. Phillips. I'm
09 the Deputy Director of Miners'
10 Health, Safety & Training out
11 of the Charleston office.

12 MR. COOK:
13 Dan Cook, electrical
14 inspector out of the Danville
15 office.

16 MR. WHITE:
17 Eugene White, District
18 Inspector out of Danville.

19 MS. SPENCE:

20 Beth Spence, the
21 Governor's Office.

22 MR. BEITER:

23 This investigation is
24 being conducted by MSHA and
25 the State of West Virginia to

10

01 gather information to
02 determine the cause of the
03 accident and to help prevent
04 this from happening in the
05 future. These interviews are
06 an important part of this
07 investigation. After the
08 investigation is completed,
09 MSHA will issue a written
10 report detailing the nature
11 and causes of the accident.
12 MSHA accident reports are made
13 available to the public in the
14 hope that greater awareness
15 about the causes of the
16 accidents prevent can reduce
17 their occurrence in the
18 future. Information obtained
19 through witness interviews is
20 often 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 coming today

11

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

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

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

25 Virginia Department of

12

01 Environmental Protection

02 Division of Mining and

03 Reclamation at 1101 George

04 Kostas Drive, Logan, West

05 Virginia 25601 on March 2nd,

06 2006.

07 Mr. Robinson, the

08 interview will begin by me

09 asking a series of questions.

10 Please feel free at any time

11 to clarify any statement that

12 you make in response to the

13 questions. After we've

14 finished asking questions, you

15 will also have an opportunity

16 to make a statement of your

17 own and to provide us with any

18 other information that you

19 believe may be important. You

20 are permitted to have a

21 representative with you during

22 this interview, and you may

23 consult with your

24 representative at any time.

25 You may designate any person

13

01 to be your representative.
02 Following the questions by
03 MSHA and the State, this
04 representative will be given
05 the opportunity to ask any
06 questions for the purpose of
07 clarifying anything that we
08 already discussed.

09 Your statement is
10 completely voluntary. You may
11 refuse to answer any question
12 and may end this interview at
13 any time. If you do not
14 understand a question, please
15 tell me and I'll rephrase it
16 so we can have a clear
17 understanding and an answer.
18 If you need a break for any
19 reason, please just let me
20 know. We'll take a break.

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

14

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

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

10 MR. ROBINSON:

11 No, I'm fine.

12 MR. BEITER:

13 A court reporter will
14 record your interview and will
15 later reproduce a written
16 transcript of the interview.
17 I ask that you state all your
18 answers verbally because the
19 court reporter cannot record
20 gestures like nodding your
21 head.

22 MR. ROBINSON:

23 Yeah.

24 MR. BEITER:

25 Neither the transcript

15

01 of this interview nor the
02 content of this interview will
03 be released to the public or
04 the media until MSHA's final
05 accident investigation report

06 is issued or until required by
07 court order or until a public
08 hearing takes place.

09 If any part of your
10 statement is based not on your
11 own firsthand knowledge of
12 information but on information
13 that you learned from somebody
14 else, please let us know that.
15 Please answer each question as
16 fully as you can, including
17 any information that you
18 learned from someone else. We
19 may not ask the right question
20 or ask them in the right way
21 to learn the information that
22 you have to share with us, so
23 please don't feel limited by
24 the precise wording of the
25 question as to what your

16

01 answer is regarding that
02 subject.

03 MR. ROBINSON:

04 Okay.

05 MR. BEITER:

06 If you have any other
07 information about that area or
08 that topic, please provide it

09 to us. Do you have any
10 questions about the manner in
11 which this interview will be
12 conducted?

13 MR. ROBINSON:

14 No.

15 MR. BEITER:

16 Will you please swear
17 in Mr. Robinson?

18 -----

19 WYATT ROBINSON, JUNIOR, HAVING FIRST
20 BEEN DULY SWORN, TESTIFIED AS
21 FOLLOWS:

22 -----

23 BY MR. BEITER:

24 Q. Please state your full name,
25 address, telephone number with area

17

01 code. And please spell your last
02 name for the record.

03 A. Wyatt Robinson, Junior,

04 [REDACTED]

[REDACTED]

[REDACTED]

07 Q. Thank you.

08 A. You're welcome.

09 Q. Can I call you, Junior?

10 A. Sure.

11 Q. Thank you. Junior, are you
12 appearing voluntarily at this
13 interview?

14 A. Yes.

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

17 A. No.

18 Q. Or offered you any rewards in
19 exchange for making your statement?

20 A. No.

21 Q. Has anyone threatened you or
22 warned you not to provide this
23 statement?

24 A. No.

25 Q. Do you understand that you may

18

01 refuse to answer any question or stop
02 this interview at any time?

03 A. Yes.

04 Q. Do you have a representative
05 with you?

06 A. No. Could I use her as one?

07 Sure. Yes.

08 Q. Yes.

09 A. Yes. I'm sorry.

10 Q. That's okay. And who is your
11 representative?

12 A. My wife.

13 Q. Could you please state her

14 name for the record?

15 A. Rebecca Robinson.

16 Q. Did anyone talk to you about

17 being interviewed today?

18 A. No. Other than Anthony Webb

19 called me yesterday.

20 Q. To schedule this?

21 A. Yeah, to schedule it.

22 Q. Were you interviewed by the

23 company before today?

24 A. No.

25 Q. Did you attend the meeting at

19

01 the local grade school?

02 A. Yeah. Yeah.

03 Q. Could you explain a little bit

04 about ---?

05 A. I can't remember exactly when

06 it was. It was during the week they

07 called us and told us to meet at ---

08 Holden I think is where it was at.

09 And basically it was Chris Adkins and

10 Dwayne Francisco and --- oh, I can't

11 remember the other guy that was with

12 him. I know him but I can't

13 remember. And they just basically

14 let us know that they was going to

15 let us --- what was going on with the

16 investigation and basically that they
17 was going to pay us for the time that
18 we was off and, you know, was going
19 through what went on and where they
20 found Don and Elvis. You know, just
21 basically that's all it was. It
22 wasn't nothing real major to be
23 honest with you.

24 Q. Did they speak about anything
25 that --- any ideas that they had

20

01 about what caused the fire or how it
02 occurred?

03 A. To be honest with you, Chris
04 done most of the talking and he never
05 actually mentioned anything about it,
06 because he said he didn't know
07 anything, you know, he went in a
08 little bit of detail about what it
09 looked like, you know, after the fire
10 and after everything was said and
11 done. But actually to come out and
12 say that, you know, what they thought
13 had caused it, they actually didn't
14 say anything. I guess they didn't
15 really want to speculate what went
16 on, you know what I mean? Because
17 they wasn't for sure, you know. The
18 way I think, you know.

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

22 A. Since October of last year, of
23 2005.

24 Q. 2005? What is your current
25 job title?

21

01 A. Beltman.

02 Q. And did you hold that position
03 since you began in October ---

04 A. Yes.

05 Q. --- 2005?

06 A. Yes.

07 Q. Do you rotate shifts?

08 A. Well, we didn't used to but we
09 do now. I mean, I think it's, what,
10 what a week, dayshift and a week
11 evening shift now.

12 Q. And prior to the accident in
13 January, did you work the same shift
14 all the time? Did you rotate shifts
15 at that point?

16 A. No, I was working straight
17 dayshifts.

18 Q. And what were your normal
19 hours for dayshift?

20 A. Well, we was supposed to work

21 from 6:30 to 4:30, but I was only in
22 there later than that. You know, how
23 work is the mines is. I mean, you
24 know ---. Usually about 5:30, I'd
25 get out, 6:00.

22

01 Q. 6:30 a.m. to 5:30, 6:00 p.m.?

02 A. Yeah, about ballpark figure.

03 Q. Are you a member of

04 management?

05 A. No.

06 Q. Do you supervise anybody?

07 A. No.

08 Q. Are you employed by a

09 contractor?

10 A. No.

11 Q. Were you employed by a

12 contractor when you initially got

13 hired on?

14 A. No.

15 Q. Did you have any other jobs at

16 this mine?

17 A. No.

18 Q. How many total years of mining

19 experience do you have?

20 A. One year.

21 Q. You worked at another mine

22 besides this mine?

23 A. Yeah, I worked for

24 Independence.

25 Q. What was your classification,

23

01 did you say?

02 A. Beltman.

03 Q. Beltman. What are your duties

04 as a beltman?

05 A. Well, I mean, I don't have the

06 duty of walking the belt, but I do,

07 you know, to fire boss it, to make

08 sure none of the rollers are bad.

09 Basically, grease the heads and the

10 tailpieces, make sure the bearing

11 temperatures are normal, rock dust,

12 shovel tailpieces. Basically.

13 that's about it, I think. Let me

14 think. That's about it, to be honest

15 with you, because I mean, normally

16 they have --- any maintenance work is

17 done on that third shift, so we don't

18 have to do any maintenance on

19 anything.

20 Q. Okay. Now, you said that you

21 don't have the responsibility of

22 making pre-shifts on the belt.

23 A. No, I don't.

24 Q. Okay.

25 A. But I do.

01 Q. You conduct them, but you
02 don't actually make --- do you
03 actually make a record in the record
04 book ---

05 A. No.

06 Q. --- saying that you did?

07 A. No. No.

08 Q. Okay. I guess I'm
09 understanding that you perform that
10 same function as you do your normal
11 duties ---

12 A. Exactly.

13 Q. --- not as a requirement by
14 law; ---

15 A. Exactly.

16 Q. --- is that correct?

17 A. Exactly.

18 Q. So you wouldn't kind of sign I
19 a book? You wouldn't fill out ---

20 A. No.

21 Q. --- entries in the record
22 book?

23 A. No. I do it to basically ---
24 I mean, you know, I'm not supposed
25 --- well, I don't know if I'm

01 supposed to do it or not. But I do
02 it to keep --- I mean, any --- I

03 don't know if --- you guys have
04 probably worked in the mines, but
05 anytime you work around a belt
06 system, anything can happen at any
07 given time. I mean, this is kind of
08 evident, you know what I mean? So if
09 you have somebody that doesn't walk
10 their belts and keep track of
11 everything, then you know, things
12 like this is going to happen, you
13 know. That's the way I look at it.
14 So I do this to basically cover
15 myself and to help others, you know,
16 because when you're up on that hill,
17 one way in and one way out, you know
18 what I mean? And that's why I do it.

19 Q. I understand.

20 A. You know what I mean?

21 Q. Yes. Thank you. As you move
22 from one place to another
23 underground, does somebody track your
24 movements?

25 A. No.

26

01 Q. Are you required to call out
02 and let the --- inform the dispatcher
03 as to where you're at any given time?

04 A. No.

05 Q. How about your supervisor?
06 A. No.
07 Q. Do you call him and let him
08 know where you're at?
09 A. No. He don't know where I'm
10 at half the time.
11 Q. If there was an emergency, how
12 does the dispatcher know where you're
13 located?
14 A. They don't.
15 Q. If there's an emergency, how
16 does your supervisor know?
17 A. He doesn't.
18 Q. How about the mine foreman on
19 your shift?
20 A. Nobody knows. We're by
21 ourself. Beltman are by ourself.
22 Q. Do you have transportation?
23 A. No. Walk in, walk out.
24 Q. From the box cut?
25 A. Most of the time. Now, it's

27

01 got a whole lot better since they got
02 the diesel rides, but when I first
03 started working there, I would have
04 to walk from the box cut to Two
05 section every day, two and a half
06 hour walk one way every day.
07 Q. Yeah, I've walked it. It's a

08 pretty good walk.

09 A. Yeah.

10 Q. I haven't walked the entire
11 way, but it's a pretty good walk.

12 A. Well, you walked uphill,
13 didn't they? I mean, up the hill.

14 So I mean, it's a --- anytime you
15 walk up the hill like that, it's
16 rough, you know what I mean?

17 Q. Who is your immediate
18 supervisor?

19 A. I'd say Jeff Perry would be.
20 He's the belt boss.

21 Q. He's the belt boss. And do
22 you know who --- excuse me, does he
23 work the same shift as you?

24 A. He works strictly dayshift.

25 Q. Does he give you work

28

01 assignments every day?

02 A. Does he give us work
03 assignments every day?

04 Q. Yes.

05 A. No. He assigns --- we're
06 assigned belts. You know, I'm
07 assigned Two section belts and that's
08 the belt I have to go to every day,
09 you know. And then if he has to ---

10 has us to do anything extra, he'll
11 let us know, you know, before the
12 shift starts, but other than that, we
13 don't have no special assignments or
14 anything.

15 Q. When you say taking care of
16 belts, what would that entail?

17 A. Well, like I just said, rock
18 dusting and greasing and checking the
19 bearing temperatures while I walk to
20 belts to keep those --- you know,
21 make sure no fire or anything like
22 that, no bearings are bad --- I mean,
23 rollers. That's basically what I do
24 on Two section.

25 Q. Do you check to make sure

29

01 water sprays are running at transfer
02 points?

03 A. Yeah. Yeah.

04 Q. Do you ever find any of them
05 not?

06 A. Not on my belts, no.

07 Q. And could you tell us what
08 those belts are?

09 A. Two section belts, four-foot
10 belts.

11 Q. The 48-inch belts?

12 A. Yeah, the 48-inch belts.

13 Q. There's two flights and then a
14 Two section belt that turns in and
15 goes back south?

16 A. Yeah. Yes.

17 Q. Do you check the water
18 suppression? Do you check the water
19 suppression systems to ensure that
20 they have water in them? Is that
21 part of your duties?

22 A. No, it's not a part of my
23 duties. No.

24 Q. How about fire taps, do you
25 check the fire taps ---

30

01 A. No.

02 Q. --- to see if there's water in
03 them?

04 A. I don't --- I'm not --- I
05 don't have to do that either.

06 Q. Do you know if anybody does?

07 A. I couldn't tell you to be
08 honest with you.

09 Q. It's okay.

10 A. I don't --- I mean, there's
11 hardly ever anybody up there, so I'm
12 not sure if they do it or not, you
13 know.

14 Q. Okay. So your duties

15 primarily require you working in
16 northeast mains in Two section?

17 A. Yes, sir.

18 Q. And you just travel in and out
19 of the mine ---

20 A. By foot.

21 Q. --- by foot?

22 A. Yeah.

23 Q. Have your duties and
24 responsibilities changed since
25 January 19th?

31

01 A. Lord, yeah. I mean, basically
02 all we're doing now is shoveling. We
03 don't do anything, you know, other
04 than shovel. So you know ---.

05 Q. I guess that's because you
06 haven't been able to perform your
07 normal duties since then?

08 A. Well, they won't let us past a
09 certain break in the mines, you know.
10 Because I work is up on the hill and
11 they won't let anybody in up there.

12 Q. What training did you receive
13 as far as task training or hazard
14 recognition training as a beltman?

15 A. Do I have to answer that?

16 Q. Well, no, you don't have to
17 answer any question you don't feel

18 comfortable answering.

19 A. Well, I mean, I haven't
20 received any kind of training, you
21 know what I mean? I'm not going to
22 lie to you about it. You know what I
23 mean?

24 Q. Okay. Are you familiar with
25 the mine's, what's called, a Mine

32

01 Emergency Evacuation and Firefighting
02 Program of Instruction?

03 A. Am I familiar with it?

04 Q. Yeah. Have you ever heard
05 that term before?

06 Q. No.

07 Q. Firefighting Evacuation Plan,
08 anything like that?

09 A. No.

10 Q. Did you receive any training
11 regarding this?

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

13 Q. Did you ever participate in
14 any escapeway drills?

15 A. Before the accident?

16 Q. Yes. Prior to January 19th?

17 A. No.

18 Q. Have you ever been instructed
19 as to where the primary escapeway is?

20 A. I knew this because of the
21 simple fact that I pay attention to
22 them things when I'm in there. I'm
23 up there and I got to find out where
24 this stuff is at without anybody, you
25 know. Because when you're by

33

01 yourself, I mean, it's hard telling
02 what's going to go on, you know what
03 I mean? So I make sure that I know
04 where all this stuff is at before I
05 even go in there.

06 Q. Do you know where the primary
07 escapeway is from the Number Two
08 section out?

09 A. From the Number Two section,
10 yeah.

11 Q. Are you familiar with maps?
12 Are you comfortable working with a
13 map?

14 A. A little bit, yeah.

15 Q. Maybe you just kind of
16 describe to me verbally how you would
17 travel in the primary escapeway
18 leaving Number Two section?

19 A. Leaving Number Two section?

20 Q. Yeah, until you got to the
21 Four way.

22 A. Well see, I would --- well,

23 there's --- it would a break away
24 from the six-foot belt. We have a
25 six-foot belt that runs. It's not

34

01 actually in right now yet, but it was
02 going from Seven cell up to where ---
03 Ten headgate, I believe is where it's
04 at. We're putting the mother drive
05 in.

06 Q. Yes.

07 A. So it's one break above where
08 Ten headgate is, where the mother
09 drive is.

10 Q. When you say above, you mean
11 uphill?

12 A. Uphill.

13 Q. Closer to the 48-inch belt?

14 A. Yeah.

15 Q. Okay.

16 A. You have --- see, it's hard to
17 explain because ---.

18 Q. I can show you a map.

19 A. Where's it at?

20 Q. It's pretty small scale.
21 There's a larger one behind it.

22 A. Just leave it there. Can I
23 just come over there?

24 MS. SPENCE:

25 Yeah, come on up.

35

01 MR. BEITER:

02 Yes.

03 MR. BEITER:

04 I thought you were

05 coming ---?

06 A. I'm sorry.

07 BY MR. BEITER:

08 Q. Okay. You see, the brown

09 line's the beltline.

10 A. Right. That would be the

11 secondary escapeway.

12 Q. Near the two 48-inch belts.

13 A. Right.

14 Q. This is coming down to the ---

15 A. Right.

16 Q. --- Two section.

17 A. This would be your primary

18 escapeway.

19 Q. Okay. Now, here's a stopping

20 line, right here.

21 A. Uh-huh (yes).

22 Q. It goes between ---

23 A. Right.

24 Q. --- the intake and the 48-inch

25 belt?

36

01 A. Right.

02 Q. Okay. Now, relative to that,

03 could you show me where the ---?

04 A. Well see, what was told to me,

05 this is the route that I would have

06 had to take.

07 Q. From the section ---?

08 A. From the Two section.

09 Q. From the Two section, yes.

10 A. I mean, personally if it had

11 been me, I would have took the Two

12 section, Two section belt out. I'd

13 have never even went to where they

14 went, but ---.

15 Q. Okay.

16 A. But from here --- from Two

17 section, where they're at, which

18 would be Three head right here, okay,

19 which they're right down in here, so

20 you'd have to be over in here

21 somewhere. You shouldn't have to

22 take this route right here, but you'd

23 have to come up in here, then back

24 down they way they got it. The way I

25 understand it, that's where they run

37

01 into smoke, what have you, coming

02 through the six-foot belt.

03 Q. Okay. When you say, they had

04 to turn back down, do the reflectors
05 travel --- or does your escapeway
06 follow the mantrip roadway?
07 A. Do what now?
08 Q. Are you familiar with the
09 mantrip roadway going up through
10 here?
11 A. Yeah. That's ---.
12 Q. Is that the way that you
13 believe that the escapeway is?
14 A. That's the way I think ---
15 well, if that's open, it's this route
16 right here. It's one break away from
17 the four-foot belt.
18 Q. Well, don't let me put words
19 in your mouth.
20 A. No, I'm not. I'm not. But
21 the way I understand it, they took
22 --- would be the mantrip roadway.
23 Q. Okay.
24 A. And what it is, you have to
25 come down so far. I don't know what
38
01 break it is here. But you have to
02 come down so far and you have to go
03 down. The way they got it now, you
04 got to down two or three breaks and
05 get on this, this entry right here.
06 Q. This entry right here is where

07 those ---

08 A. Right.

09 Q. --- double doors are?

10 A. Right.

11 Q. Those two sets of double

12 doors?

13 A. Right.

14 Q. Okay. So you proceed out of

15 Two section --- and I'm just

16 describing. You'd follow from spad,

17 approximately, 4212?

18 A. Something like that, yeah.

19 Q. Okay. You follow along this

20 entry?

21 A. Yeah.

22 Q. And follow primarily the

23 mantrip roadway?

24 A. Yeah.

25 Q. Until you reach the point

39

01 where the mantrip roadway turned

02 downhill?

03 A. Turns downhill, because it's

04 just a temporary roadway right now

05 because they have a six-foot belt

06 going through there. And once they

07 get that six-foot in there, they're

08 going to --- I don't know how they're

09 going to do it to be honest with you.

10 Q. And does the roadway turn down

11 where you pass through where the

12 structure's on both sides of the

13 travelway?

14 A. Yeah, it goes down to about

15 three or four breaks and then you run

16 into the man doors.

17 Q. Okay. So then you're going to

18 travel down until you make another

19 turn and go back towards these ---

20 A. Man doors.

21 Q. --- airlock doors there ---

22 A. Yeah.

23 Q. --- at the inby side of the

24 longwall belt?

25 A. Which you go underneath the

40

01 mother drive belt right here.

02 Q. And from that point where does

03 the escapeway go?

04 A. Oh, Lord, that I don't know to

05 be honest with you. You would have

06 to take --- because see, normally I

07 just walk this belt here.

08 Q. Yes.

09 A. You know what I mean? And I

10 come under the six-foot belt, which

11 this would be six belt right here,

12 wouldn't it?

13 Q. Yes, it is. That would be a
14 over to a different flight. I'm not
15 sure where the head is. I think the
16 heads right around in here, the tail
17 for Five section, Five flight here.

18 A. See, we walk this entry right
19 here down.

20 Q. The intake, which is the
21 mantrip ---

22 A. Right.

23 Q. --- travelway down through
24 here?

25 A. Yeah, that's the --- yeah.

41

01 Q. Down the main road?

02 A. That's the one we walk.

03 Q. Okay. can you get me from
04 this side of the airlock doors where
05 the mantrip goes through the airlock
06 doors ---

07 A. Well, the ---

08 Q. --- on the main road?

09 A. --- the reason it's going to
10 be hard for me to do this for you is
11 because see, I take this crosscut
12 here. So what I do, ---.

13 Q. In the crosscut, do you ---?

14 A. I come down the mother drive
15 belt and ---.
16 Q. The cut-through to the
17 longwall headgate?
18 A. Exactly.
19 Q. The second cut-through, yes.
20 A. And come through this
21 cut-through here, either this one or
22 this one. No, it's this one. And
23 walk down to the intake area and then
24 go down to Number One Four way and
25 then walk out, you know what I mean?

42

01 Q. Okay. Do you're not --- I
02 guess I'm understanding, you're not
03 sure from the time you reach the
04 airlock doors ---
05 A. Like I said, ---.
06 Q. --- how you continue on the
07 ---?
08 A. Well, I mean, I can get there,
09 visually I can get there, but
10 normally it's closer because it's ---
11 I mean, you're walking and you want
12 to try to get the shortest route that
13 you can, you know what I mean? So
14 what I do, I walk to the longwall
15 belt down so far to the cut-through
16 and then I come out of the intake.

17 Q. Has anybody instructed you ---
18 A. No
19 Q. --- as to where that goes?
20 A. Well, they sent me up there
21 and I didn't even know where the hell
22 I was at outby, you know what I mean?
23 I learned all this from me, you know
24 what I mean? Just --- you know, just
25 instinct, I guess.

43

01 Q. Do you whether there is any
02 posted escapeway maps on the surface?
03 A. No.
04 Q. Has anybody showed you where
05 any ---
06 A. No.
07 Q. --- maps are on the surface
08 that indicate where the escapeways
09 are?
10 A. Before the accident?
11 Q. Before the accident?
12 A. No.
13 Q. Since the accident happened?
14 A. Yeah.
15 Q. Is there a map located on the
16 surface?
17 A. They've got one in the
18 bathhouse.

19 Q. Where is that one located?
20 A. It's on the --- I guess the
21 table. You know how they have ---?
22 Q. With Plexiglas ---
23 A. Yeah.
24 Q. --- over the top of it?
25 A. Yeah.

44

01 Q. And that's a map that they
02 instructed you on ---
03 A. Yeah.
04 Q. --- after the accident?
05 A. Yeah.
06 Q. Okay. Was there a map there
07 prior to the accident?
08 A. It was probably there, yeah.
09 Q. But did anybody make a point
10 to indicate to you that that was
11 something that you should know?
12 A. What are you asking me hard
13 questions for?
14 Q. Did anybody make an attempt to
15 indicate to you that those were ---
16 that that map was something that you
17 should know?
18 A. I guess they just naturally
19 assume that you're going to know it,
20 you know what I mean? Nobody showed
21 me anything.

22 Q. Okay.

23 ATTORNEY BEITER:

24 Just for the record, we
25 didn't make any notations on

45

01 that map.

02 BY ATTORNEY BEITER:

03 Q. Do you know who the mine
04 foreman is at the mine?

05 A. Do I know who the mine foreman
06 is? Dayshift, evening shift or third
07 shift?

08 Q. All three of them would be
09 good.

10 A. Well, Dusty Dotson ---

11 Q. On dayshift.

12 A. Dusty Dotson would be the
13 dayshift mine foreman.

14 Q. Okay. And afternoon shift?

15 A. Fred Horton.

16 Q. Midnight shift?

17 A. I don't know if it'd be Mark
18 Keezer or Tom Adkins. It might be
19 both of them.

20 Q. Is Dusty Dotson --- I guess,
21 is there a mine foreman that's over
22 all three of those or is one of those
23 primarily the primary mine foreman

24 that you know of?

25 A. I would say --- to be honest

46

01 with you, I would say Dusty is

02 probably the dayshift mine foreman.

03 The only that would be over him would

04 be Gary Goff or Pepé Lester, you

05 know, somebody in upper management.

06 Q. Okay.

07 A. You know what I mean?

08 Q. Yes. Have you ever heard the

09 term responsible person?

10 A. No, I don't reckon. What do

11 you mean if I heard of it? I mean,

12 I've heard of responsible person, but

13 ---.

14 Q. Well, yes. Yes.

15 A. You know what I mean?

16 Q. There's --- in this Mine

17 Emergency Firefighting --- Evacuation

18 and Firefighting Program of

19 Instruction, it uses specific terms

20 ---

21 A. Right.

22 Q. --- to designate --- it says

23 identify and list the names and/or

24 titles of responsible persons ---

25 A. Okay. I know what you're

47

01 talking about now.

02 Q. --- who will take charge on
03 that shift during mine emergencies?

04 A. We had it at Independence.

05 Q. You did?

06 A. Yeah.

07 Q. Did you have one here?

08 A. If they do, I've never seen
09 it.

10 Q. Okay. Were you made aware
11 that they're should be a posting on
12 the surface identifying who the
13 responsible persons are for each
14 shift?

15 A. I was aware of it. I mean,
16 like I said, we had it at
17 Independence Coal when I worked
18 there.

19 Q. Yes. But at Alma Number One,
20 have you ---

21 A. No.

22 Q. --- been made aware that
23 there's a posting or ---

24 A. No.

25 Q. --- has anybody brought it to

48

01 your attention that there is a
02 posting of that?

03 A. No.

04 Q. Do you think a fire
05 underground can be an imminent
06 danger?

07 A. Oh, Lord, yes.

08 Q. Why?

09 A. Well, for one thing, the smoke
10 has nowhere to go. I mean, it's
11 isolated in certain parts. I mean
12 --- I mean, there's just so many
13 things that could go wrong. I mean,
14 the belt could catch a fire like this
15 happened. I mean, it's a dangerous
16 situation, it really is.

17 Q. Has your opinion changed
18 because of the accident or was that
19 your opinion prior to the accident in
20 January?

21 A. It was my opinion prior to the
22 accident.

23 Q. The Pyott-Boone Fire Detection
24 System --- I guess before I go there,
25 I have a question. When did you last

49

01 receive your annual refresher
02 training?

03 A. The Saturday before the
04 accident. So it would be, what, the
05 12th or something like that. It was

06 the week --- actually the weekend

07 before the accident happened.

08 Q. Pyott-Boone Fire Detection

09 System, or the CO system, the AMS

10 System, are you familiar with, maybe

11 not how it functions, but are you

12 familiar with the fact that there's a

13 system as such?

14 A. Yes, sir.

15 Q. Have you received any training

16 on it?

17 A. No.

18 Q. Have you been --- received any

19 training as to what responses to take

20 in the events that you're notified of

21 an alarm or an alert or a warning?

22 A. No.

23 Q. Do you carry a spotter with

24 you, a gas detector?

25 A. No.

50

01 Q. Do you know where the CO

02 sensors are located underground?

03 A. They're located at --- most of

04 them's located at --- you got one at

05 the head and one at the tail and I

06 don't know how many's down the

07 beltline, to be honest with you, but

08 I know they're on the beltline.

09 Q. Do you know who works on that
10 system?

11 A. Electricians do, I believe.

12 Q. Do you know any names?

13 A. Yeah, I know some names. I
14 really don't want to give any names
15 to be honest with you.

16 Q. That's okay.

17 A. I mean, I don't mean to be
18 ---.

19 Q. That's all right, Don't feel
20 pressured.

21 A. Okay.

22 Q. Do you think a loss of
23 communication between the surface and
24 where those sensors are monitored and
25 the sensors underground could be an

51

01 imminent danger, the fact that you
02 lose communications with the ability
03 to see what's going on at each of
04 those sensors?

05 A. Yeah.

06 Q. As part of your assigned
07 duties, are you responsible for
08 responding to dispatcher's call
09 regarding alarms or alerts or
10 warnings that they receive on the

11 surface from the CO system regarding
12 the activation of the, you know, CO
13 sensors?

14 A. Am I responsible? I would be
15 responsible for ---?

16 Q. Would they call you?

17 A. If it was --- if a CO goes off
18 on my belt, yes.

19 Q. And how do they get ahold of
20 you?

21 A. By phone.

22 Q. And are you normally around a
23 phone?

24 A. No.

25 Q. How long could it take you to

52

01 --- how long could you be away from a
02 phone on a normal day?

03 A. Well, from One head on Two
04 section belt, which is the 48-inch
05 belts, to Two head, is 35 breaks. So
06 you're looking at a 25-minute walk
07 easy.

08 Q. And each break in the crosscut
09 is how long approximately?

10 A. Well, I'm not sure. I think
11 it's 80 feet. I think they cut
12 theirs 80 feet, so ---.

13 Q. 2,500 feet, half a mile

14 approximately?

15 A. Oh, easy. Easy.

16 Q. How fast can you walk that?

17 A. Not very fast.

18 Q. How long does it take if you

19 ---?

20 A. About 20 minutes, 25 minutes.

21 Q. Twenty (20) minutes?

22 A. Yeah.

23 Q. So if you left the head and

24 you were walking to the tail and

25 somebody was trying to get ahold of

53

01 you, it might be as much as 20

02 minutes until they reached you?

03 A. Yeah. Lord, yeah. Yeah.

04 Q. Does that sound unreasonable?

05 I mean, as far as ---

06 A. No.

07 Q. --- my estimation of the time?

08 A. No. No, that's about right.

09 Q. Have you ever been notified of

10 warnings or alarms by the dispatcher?

11 A. Yeah.

12 Q. I got a few questions about

13 them ---

14 A. Okay.

15 Q. --- in a little bit here.

16 What did you have to do?
17 A. Well, when the CO goes off,
18 dispatchers --- I guess the computer
19 system shows it, so he notifies us.
20 And when he notifies us, we go find
21 out what's wrong with it. Sometimes
22 they do go off in false alarms.
23 They're manmade, you know what I
24 mean? It's just commonsense, it's
25 going to happen. But then sometimes

54

01 it don't go off on false alarm.
02 Sometimes you have to go down there
03 and you have to check on it, you
04 know, find out what the problem is
05 basically, you know what I mean?
06 Q. Yes, I do. When you respond
07 after you've been notified, I guess
08 what's about the longest time it's
09 ever taken you from once you've
10 gotten a phone call from a dispatcher
11 to go check something out, to travel
12 to the location that he asked you to
13 go check out?
14 A. The longest it took me?
15 Q. Yes.
16 A. Probably 15 minutes.
17 Q. What's the shortest?

18 A. Probably 15 minutes.
19 Q. Okay. And that's from the
20 time that he called you until you
21 were able to check it out. When you
22 arrived at the location where the
23 alarm was coming from or the location
24 where the incident was that you were
25 supposed to check out, how did you

55

01 make contact back to him?

02 A. I didn't. I didn't for a long
03 time because I mean, the situation I
04 was in, I couldn't --- it just --- I
05 mean, I couldn't do it. I mean,
06 there was no possible way. I tried,
07 but I couldn't.

08 Q. Okay.

09 A. It was probably 35, 40 minutes
10 later I actually got ahold of
11 somebody.

12 Q. Yes. If you're notified to
13 respond to an alarm where he has an
14 indication of CO without a gas
15 detector, how do you know what the
16 concentration of CO is that you're
17 going into an area to check?

18 A. I have no idea about it. I
19 mean, there's --- you know, it's
20 walking into a slaughterhouse

21 basically.

22 Q. Have you ever arrived at one
23 of these locations where you were
24 checking something out at the call
25 from the dispatcher and found that

56

01 the mine foreman or another certified
02 person had already responded?

03 A. No. No.

04 Q. When you respond, do you carry
05 like a --- I guess, where are rock
06 dust and fire extinguishers and fire
07 hose located on the belts?

08 A. Where are they?

09 Q. Uh-huh (yes).

10 A. I'll tell you what I know and
11 where I know where they're at. You
12 have fire extinguishers at the power
13 centers and I think by law, you're
14 required to have six bags of rock
15 dust, which is 240 pounds of rock
16 dust at the power centers. That's
17 all. I mean, that's all I know where
18 they're at.

19 Q. The power centers would be the
20 belt power startups?

21 A. And the takeups, yeah.

22 Q. And the takeups?

23 A. And the takeups, yeah.
24 Q. Do you know how far the
25 spacing is on the fire taps?

57

01 A. Not right off hand I don't.

02 Q. Do you know of the amount of
03 hose that's available, fire hose,
04 that's available?

05 A. Supposed to be 500 feet.

06 Q. And will that reach you half
07 the distance away from one fire tap
08 towards the next?

09 A. Lord, yeah. Yeah.

10 Q. Have you ever had an
11 opportunity to try to connect one of
12 the fire hoses up to the tap?

13 A. Yeah.

14 Q. Did it work?

15 A. Yes.

16 Q. Was the hose in good
17 condition?

18 A. It is when you first start,
19 yeah, but once you use it for a
20 while, it ain't worth --- it ain't
21 worth a --- it ain't just much
22 account, you know what I mean?

23 Q. When you respond to an alarm
24 that the dispatcher calls you and
25 tells you go check out, ---

01 A. Uh-huh (yes).

02 Q. --- without knowing what you
03 have until you get there, do you ---
04 you have no transportation?

05 A. Uh-huh (yes).

06 Q. Do you have any means of
07 carrying any of these supplies that
08 you might need if you had a fire?

09 A. Lord, no.

10 Q. Does your supervisor
11 understand that? Does he know that?

12 A. I'm pretty sure he does. I
13 mean, if he doesn't, there's
14 something wrong.

15 Q. On December 29th, 2005,
16 there's a --- I don't know if you've
17 ever seen this book in the
18 dispatcher's office?

19 A. I've only been in the
20 dispatcher's office one time so ---.

21 Q. The dispatchers are required
22 to keep a logbook of the alert ---
23 alarms and the warnings and alarms on
24 the CO system.

25 A. I know this was coming.

01 Q. And there's a name in here

02 under --- this is page ---.

03 ATTORNEY BEITER:

04 Well, it says

05 identified as an exhibit

06 number, Exhibit A Robinson.

07 The cover sheet is --- it's a

08 composition book, CO logbook

09 one. The stamped number on

10 the cover sheet of Aracoma

11 002832 and the second to last

12 sheet in this exhibit is

13 identified as Aracoma 002845

14 and the bottom entry in the

15 book is on a date 12/29/05.

16 And there's a series of, what

17 we've come to understand ---.

18 (Robison Exhibit A

19 marked for

20 identification.)

21 BY ATTORNEY BEITER:

22 Q. Maybe you can --- have you

23 ever looked at these logbooks before?

24 A. No.

25 Q. Okay.

60

01 A. No.

02 Q. Well, what we've come to

03 understand is they put the date entry

04 in and then they record the sensors

05 where the condition exists.

06 A. Where it went off at, yes.

07 Q. And then they indicate what

08 the condition is, sometimes what was

09 found, sometimes what the condition

10 is on the alarm or whatever,

11 sometimes the concentration of CO is

12 in the book, sometimes it's not.

13 A. Uh-huh (yes).

14 Q. Okay. And then afterwards

15 sometimes they will put what was

16 done.

17 A. Yeah.

18 Q. And then the last column is

19 usually the person's name, who they

20 contacted, not necessarily who

21 responded, I don't know if it is or

22 if it's not, but it's who they

23 contacted on that time. Okay?

24 A. Okay.

25 Q. Now, this name here is --- it

61

01 says Junior Robertson (sic), but

02 could that be you with Karl White?

03 A. Yeah.

04 Q. Okay. There's a series of

05 sensors here and I'm sure you're

06 familiar with what I'll talk about.

07 There's a series of sensors. This is
08 the computer screen.

09 A. Right.

10 Q. Okay. I don't know if you've
11 ever seen that in the dispatcher's
12 office?

13 A. I've never seen the --- I've
14 seen them after actually this
15 happened.

16 Q. Well, all we're going to do is
17 kind of --- all we're going to do is
18 kind of step through and get your
19 understanding of what these things
20 mean so that you can help us
21 understand what they mean and then
22 kind of go through what you found and
23 what transpired and who was notified
24 and what actions were taken and just
25 kind of go through this.

62

01 A. Okay.

02 Q. Okay. These are actually
03 photographs of the computer screen
04 that are in the dispatcher's office.

05 A. Okay.

06 Q. And I'm only going to pick out
07 a couple of them that we need here.

08 One's the longwall belt with this
09 other one first. This is the one

10 that has Number Six --- Number Five
11 and six-foot heads.

12 ATTORNEY BEITER:

13 And that's going to be
14 Exhibit B Robinson. And it's
15 identified --- this is the
16 picture number. We took
17 photographs of them with a
18 digital camera and that's just
19 the digital camera photograph
20 number.

21 A. Okay.

22 ATTORNEY BEITER:

23 It's DSC00027. That's
24 Exhibit B. And then the other
25 one is just going to be

63

01 DSC00031. And that's Exhibit C
02 Robison. And that just shows
03 the --- the other, the Number
04 Six belt with the 72-inch belt
05 on the longwall belt coming
06 on.

07 (Robinson Exhibits B
08 and C marked for
09 identification.)

10 BY ATTORNEY BEITER:

11 Q. And it indicates on here where

12 the sensors are.

13 A. Uh-huh (yes).

14 Q. Okay. Maybe not in a physical

15 ---

16 A. I understand.

17 Q. --- space, but it gives you a

18 kind of schematic, a drawing, a

19 single line drawing of the beltlines

20 with approximate locations of the

21 sensors relative to the head and the

22 tail of the belt.

23 A. Okay.

24 Q. Okay. And in this Exhibit A

25 on Aracoma 002845, the 12/29 entry,

64

01 you can see the sensors are 1.94,

02 1.50. Okay. So let's see, we got

03 --- on Exhibit B, we got --- these

04 are kind of fuzzy a little bit ---

05 A. Right. I can see it.

06 Q. --- must've jerked the camera

07 a little bit. 1.94, that's near the

08 tail of the five-foot --- or Number

09 Five belt.

10 A. Uh-huh (yes).

11 Q. And then 1.50, which is the

12 next sensor and it's probably where,

13 inby the takeup there of the ---

14 A. Yeah.

15 Q. --- of the Number Six ---

16 A. Right.

17 Q. --- flight? And 1. --- you

18 can't hardly read it. To me, it

19 looks like the top of a five and a

20 one after it.

21 A. Yeah.

22 Q. And the next sensor in line on

23 this Exhibit B is 1.51.

24 A. Right.

25 Q. Okay. And then the next

65

01 sensor is 1.53. And if we flip to

02 the next page here that shows the

03 inby end of this Number Six 72-inch

04 belt, it's --- 1.53 is the CO sensor

05 that's at the tail. And that's on

06 Exhibit C. And then we see another

07 sensor that says 1.80 and the last

08 one is 1.81. And again, on Exhibit

09 C, the 1.80 is --- that's near the

10 head, near the takeup area of the ---

11 A. Seven-foot belt.

12 Q. -- seven-foot belt.

13 A. Or Number Seven belt.

14 Q. Yes. Which is the belt that

15 the longwall belt dumps on; ---

16 A. Yeah.

17 Q. --- is that correct?

18 A. Yeah.

19 Q. And then the last one looks
20 like it's a 1.81 in the record book
21 here that's Exhibit A and 1.81 on
22 Exhibit C is near the belt tail for
23 that seven-foot belt?

24 A. Right.

25 Q. Okay. And it says --- the

66

01 entry in here says fire at 1.94, that
02 was the first entry that we showed
03 ---

04 A. Right.

05 Q. --- at the tailpiece ---

06 A. At the tailpiece.

07 Q. --- of Number Five belt? And
08 then it says sent smoke up the line,
09 fire put out. So I'm assuming that
10 the condition was this alarmed at
11 these sensors and there was a fire,
12 and the fire resulted in smoke
13 continuing inby and the result ----
14 the actions taken, put the fire out.
15 Is that a fair assessment of what
16 this says?

17 A. Yes, sir.

18 Q. Okay. Now, they also have a
19 printout up there that logs the stuff

20 that shows up on a screen that
21 indicates what it is and we'll put
22 another exhibit on here.

23 ATTORNEY BEITER:

24 And this is Exhibit D.
25 There are two pages. I'll

67

01 number one of them with a blue
02 pen underneath it, page one
03 and page two of Exhibit D.

04 And all this is for 12/29, and
05 I'm going to --- I'm just
06 going to highlight this point
07 here so I can --- I'm looking
08 at it upside down, kind of
09 help me out a little bit.

10 (Robinson Exhibit D
11 marked for
12 identification.)

13 A. Okay.

14 BY ATTORNEY BEITER:

15 Q. There's no time in this CO
16 log, Exhibit A, indicating what time
17 it went on, just the date; okay? But
18 according to the sensors that alarmed
19 and looking at the CO printout on
20 Exhibit D, you can see that 1.94 CO
21 monitor gets a warning; okay?

22 A. Uh-huh (yes).
23 Q. And it kind of begins at about
24 6:19:52, 18:19:52, so almost 20 after
25 6:00 in the evening.

68

01 A. Uh-huh (yes).
02 Q. And then immediately after
03 that entry, there's an alarm at that
04 location at 6:20:24. And then if you
05 follow down through here, you can see
06 where it goes from 94 sensor to 50
07 sensor, down to 51 sensor, 53 sensor,
08 80 sensor. And then on page two of
09 this Exhibit D, it goes to 81 sensor.
10 There's a warning at 81.

11 A. Uh-huh (yes).
12 Q. Okay. It doesn't appear that
13 81 ever went into an alarm, but there
14 was a warning there and there was an
15 alarm everywhere else. And the time
16 that it took to get up to 81, it's
17 19:03:31. So when it first had a
18 warning at 1819 at sensor 1.94, that
19 was located at the tail of Number
20 Five flight belt; right? And then by
21 the time it reached the tail of the
22 72-inch belt right where the longwall
23 headgate belt dumps on it, it was
24 7:03 in the evening there; is that

25 correct?

69

01 A. Is this the Seven --- the

02 Number Seven belt?

03 Q. Yes, 1.81 is the Number Seven

04 Belt, that's --- you'll see on

05 Exhibit C here, 1.81 is at the tail.

06 A. I can't tell you that, because

07 I don't know --- because ---.

08 Q. It's okay.

09 A. I mean, I wasn't at this

10 location at that time.

11 Q. Yes.

12 A. So I can't tell you that these

13 COs went off. I mean, you know,

14 evidently they did go off, but I

15 don't know if there was any smoke

16 there because I wasn't there.

17 Q. Okay.

18 A. You know what I mean?

19 Q. Yes.

20 A. I'm not going to tell you that

21 it was because I wasn't there.

22 Q. That's fine. Okay.

23 A. But the rest of it was

24 correct.

25 Q. Okay. The fact that the

70

01 sensors got alarmed, I guess looking
02 at belt airflow directions, ---

03 A. Uh-huh (yes).

04 Q. --- okay, and air being what
05 carries the gas, the CO, the carbon
06 monoxide, from one sensor to the next
07 to the next, which is why it doesn't
08 all just stay at one.

09 A. Uh-huh (yes).

10 Q. I know you understand that.

11 A. Uh-huh (yes).

12 Q. I'm just explaining for the
13 record.

14 A. I understand.

15 Q. The fact that these sensors
16 alarmed from the tail of Number Five
17 belt past the head of Six ---

18 A. They would go up the hill.

19 Q. --- continued on up to the
20 tail, does that --- what does that
21 indicate to you about the direction
22 of airflow?

23 A. It would go up to this way,
24 too, you know what I mean? It's ---.

25 Q. It would come up to the tail

71

01 of the six-foot belt and then
02 continue ---

03 A. And up to the Seven.

04 Q. --- out the Seven belt, to the
05 tail of the Seven belt?

06 A. Yep.

07 Q. Okay. One thing I didn't
08 understand was, what is the direction
09 of ---- well, let me ask this first
10 before I say I don't understand.

11 What can you tell me about the
12 direction of airflow on the 48-inch
13 belt?

14 A. It's toward the section. I
15 mean, I know that for a fact.

16 Q. All the way from the head of
17 the first flight?

18 A. Yeah.

19 Q. It is?

20 A. I'm pretty sure it is, because
21 I mean, you can be on the belt and
22 you can actually feel it, you know
23 what I mean? It's not real strong
24 like it would be at Three section,
25 you know, because it's so far up on

72

01 the hill.

02 Q. Yes.

03 A. But you can feel the airflow
04 coming toward the head, you know what
05 I mean, or the tailpiece. It'd be

06 from One head to Two --- One tail.
07 Q. Yes.
08 A. I'm pretty sure you understand
09 what I'm saying.
10 Q. Yes, I do. Yes. I guess ---.
11 A. So that would flow --- the
12 smoke would have went to this way,
13 because you have airflow to the Seven
14 belt, too.
15 Q. Right. And it shows up on the
16 Seven belt?
17 A. Right. So it would flow that
18 way.
19 Q. But there's no sensors that
20 show up on the ---?
21 A. Two section belt. Could it be
22 that the --- well, they should have
23 went off.
24 Q. If the sensors were turned off
25 --- if Number Two section wasn't
01 operating, would the sensors be on
02 for that Number Two belt?
03 A. I don't see why they would be
04 off to be honest with you. I mean,
05 they might be but there wasn't
06 anybody working Two section belts ---
07 I mean, Two section that week.
08 Q. Do you remember that day?

09 A. Oh, yeah.

10 Q. Were you on Two section belt?

11 A. No.

12 Q. No?

13 A. No.

14 Q. Okay.

15 A. I was at the mother drive.

16 Q. Okay. And I guess there's no

17 indication of any alarms here on the

18 sensors for the 48-inch belt ---

19 A. Right.

20 Q. --- Number ---

21 A. Right.

22 Q. --- four-foot belt? And okay,

23 that's all right. You answered

24 enough on that one. They weren't

25 operating --- producing coal up

01 there?

02 A. No.

03 Q. Okay.

04 A. It was vacation. It was

05 Christmas vacation week.

06 Q. Okay. Now, do you remember if

07 they were producing coal on the

08 longwall?

09 A. Oh, yeah.

10 Q. Okay. And I guess, according

11 to the pre-shift books, we're aware
12 of that, too?

13 A. Yeah.

14 Q. I just didn't know if you were
15 aware of that.

16 A. Yeah.

17 Q. Can you just tell us --- I
18 guess start from when you first ---
19 where you were at when you first got
20 notified and I guess --- do you carry
21 a watch with you underground? Do you
22 wear a watch?

23 A. Yeah, well, I think I did that
24 day. I don't anymore.

25 Q. Well, if you knew time because

75

01 you looked at your watch, you can
02 tell us that.

03 A. That was right because I
04 remember.

05 Q. Okay.

06 A. Twenty (20) after 6:00 was
07 about right.

08 Q. Okay.

09 A. Because I remember.

10 Q. All right. Could you just
11 kind of go through it and give us a
12 little bit of an account of the
13 events?

14 A. Well, do you want me to give
15 you the time, too ---

16 Q. If you know.

17 A. --- like 6:00 or 6:20?

18 Q. Or approximate. Yes. Or if
19 it's just an estimation, then that's
20 fine, too, because I know if you're
21 walking or that, it might --- you
22 know, you've got an idea of how long
23 it takes, but that's good enough.

24 A. Well, it was about 20 after
25 6:00 because I remember because, I

76

01 mean, me and Karl was at the mother
02 drive.

03 Q. And the mother drive is the
04 longwall belt drive?

05 A. Right. We was at the power
06 center because that's usually where
07 we keep the phone. And Mike Brown,
08 one of the dispatchers, hollered at
09 me and asked me where I was at. And
10 I told him, I said, I'm at the mother
11 drive. He said, well, my COs are
12 going off on Five and Six. I said,
13 well, I said, I'll run down there
14 real quick and find out what's going
15 on. He said, well, --- he said, if

16 you do, he said, let me know what's
17 going on. I said, well, --- I said,
18 that's fine. So me and Karl take off
19 walking. And from the mother drive
20 to that cut-through to the Five ---
21 the Five tail and Six head, you're
22 probably looking at 15 minutes, okay,
23 a ballpark figure there. I'm not
24 going to say that it's less or more.
25 Well, I don't know what break it is,

77

01 it might be break 18 or 19 on six-
02 foot belt, there's a man door and a
03 set of double doors to the man door.
04 Well, we went through the man door,
05 and I was just really following him.
06 I never --- when you're underground,
07 I've never thought I'd experience
08 anything like this, so we went
09 through there, we run into smoke.
10 You know, it wasn't that bad at the
11 time.

12 Q. And that was where?

13 A. It was right above the head,
14 it was two breaks above the head of
15 the six-foot belt.

16 Q. Of the Number Six six-foot
17 belt?

18 A. Right.

19 Q. Two breaks inby that ---

20 A. Yeah.

21 Q. --- approximately?

22 A. Yeah. Yeah, approximate.

23 It's where the power center is.

24 Q. Okay. From the intake, you

25 went into the belt entry?

78

01 A. Yeah. Which was stupid. I

02 mean, to be honest with you, but like

03 I said, we never thought we'd

04 experience any --- never run into

05 anything. Because like I said, they

06 go off all the time. Not all the

07 time, but you know, sometimes. Well,

08 we walked through there and we run

09 into smoke. So I told Karl that we

10 need to go ahead and go over to the

11 track entry, which is one break over,

12 because it's so bad, you couldn't see

13 anything.

14 Q. In common air, but in the

15 entry ---?

16 A. Well, there was still smoke.

17 Yeah, I mean, it was still --- it was

18 smoky in both entries, you know what

19 I mean, because it didn't have

20 anywhere to go basically. Well, we

21 walked down the track, and I'm trying
22 to get over to the tailpiece to
23 inform Mike that we had something
24 going on. I didn't know what was
25 going on at the time. I knew we had

79

01 a fire, we didn't know where it was
02 at.

03 Q. And the phone was where?

04 A. It's at the tailpiece.

05 Q. Yes.

06 A. Well --- and I couldn't get
07 over because the smoke was so bad. I
08 never thought about putting my
09 rescuer on, you know what I mean? So
10 I walked down the track entry and
11 there's a spot in the mine that's
12 called the Number Two Four way. And
13 there's two sets of double doors,
14 airlock doors. Well, when I walked
15 down there, I told Karl that he need
16 --- I mean, he's an old man, so I
17 mean, I was worried about him, to be
18 honest with you.

19 Q. Yes.

20 A. And I told him to just stay
21 right there. I said, I'll go ahead
22 and try to find where it was at.

23 Well, I walked through the Number Two

24 Four way. When I walked through
25 there, approximately, ballpark

80

01 figure, probably 15 feet on the
02 offside of the belt next to the rib,
03 there was a fire. So naturally, you
04 know, you try to start putting things
05 out. Well, I come back from that
06 fire and went up to the tailpiece,
07 couldn't find an extinguisher, walked
08 up another break and I could see the
09 outline of the fire extinguisher at
10 the takeup. So I crawl over there,
11 get the extinguisher, go down back
12 down to the fire, put the
13 extinguisher under it. It lasted
14 maybe three or four seconds, to be
15 honest with you. The extinguisher
16 was real small. So I thought well, I
17 don't know what to do. I didn't know
18 where any more fire extinguishers
19 was, and I couldn't find the water
20 hose. So I told Karl --- Karl, I
21 said, just stay right here. I said,
22 I'm going to walk down here and see
23 if I can find any more fire
24 extinguishers. I had it to where it
25 wasn't burning as much, but it was

01 still burning, you know what I mean?

02 Q. What was burning?

03 A. Well, it was --- what had

04 happened, one of the bottom rollers

05 had caught --- I guess it had got

06 real hot and spit a little bit of

07 fire on some belt shavings next to

08 the rib. And it was the belt

09 shavings and the rib was burning,

10 too. So I had to walk ---.

11 Q. The rib was burning as well

12 you said?

13 A. Yes. I had to walk from

14 Number One Four way --- no, it was

15 Number Two Four way to Number One

16 Four way, which is probably 25 or 30

17 breaks, to get a bigger fire

18 extinguisher. That's when I called

19 Mike and let Mike know what was going

20 on. And I called Dave Meade, which

21 is the foreman on duty at the time.

22 I think it was. And ---.

23 Q. Is that a mine foreman?

24 A. Yeah.

25 Q. And I let him know that we

01 needed more fire extinguishers,

02 because I only had one left, which

03 was big enough --- you know, I
04 thought it was big enough to put it
05 out. And he said, well, --- he said,
06 do what you can do and I'll be there
07 as soon as I can. I said that's
08 fine. I said, well, bring some rock
09 dust with you, too, because rock dust
10 will put it out better than fire
11 extinguishers will.

12 Q. Do you know how long it had
13 been since you got there until you
14 called David Meade?

15 A. Well, I mean, probably --- I
16 want to say approximately --- because
17 it's probably about 25 of 30 breaks
18 from the Number Two Four way to
19 Number One Four way. I'm just
20 ballpark figure there, so maybe 20
21 minutes.

22 Q. Okay.

23 A. Okay. And then whatever long
24 --- however long it took me to try to
25 get them --- the fire put out so

83

01 you're probably looking about 25
02 minutes all together before I could
03 get ahold of anybody. Well, I
04 finally get an extinguisher and go

05 back up there and we put mud on it
06 and water --- I mean, not water but
07 fire extinguisher and a little bit of
08 rock dust that we had. Well, Dave
09 pulls up and at this time, I'm gutted
10 to be honest with you. I mean, the
11 smoke really got the best of me. So
12 I walk in the intake and I'm sitting
13 next to the rib, and Dave pulls up
14 with some fire extinguishers and some
15 rock dust. And we --- I walked back
16 over with him and we start kicking it
17 around, it's still burning so I walk
18 up to the tailpiece and we hook some
19 water hoses up and we spray it with
20 water for about 20 minutes. And
21 about 10:30 at night, I had to go out
22 and get some oxygen and that's a
23 ballpark. That's about everything I
24 know about it, you know what I mean?
25 I mean, it was pretty rough to be

84

01 honest with you, I mean, to
02 experience something like that.
03 Q. I'm sure it was. Was the belt
04 running when you got there?
05 A. Yeah.
06 Q. Did you shut it off at all
07 during ---?

08 A. No.

09 Q. Okay.

10 A. That's a bad thing to do. It

11 isolates the fire if you turn it off,

12 you know what I mean?

13 Q. You said the bearing got hot

14 --- or the roller got hot?

15 A. The bottom roller, yeah.

16 Q. Was it froze? Was it stuck?

17 A. No. It was still rolling.

18 Q. Still rolling?

19 A. Yeah.

20 Q. The bearing was just going

21 bad?

22 A. Yeah.

23 Q. Could you hear it?

24 A. You couldn't hear it, because

25 I mean, like on them bottom rollers

85

01 there's --- you know, most of the

02 time they get metal to metal, and you

03 know how metal to metal is, you know,

04 it sparks, you know what I'm saying?

05 Q. Yeah.

06 A. And you know, a lot of times

07 they're in there so long, you know

08 just basically the bearings and stuff

09 go out in them, you know.

10 Q. So the bearing was all the way
11 out and the roller just fell down in
12 the shaft?

13 A. No. No. No. It was still
14 ---

15 Q. No?

16 A. --- it was still --- it was
17 still hanging.

18 Q. Okay.

19 A. I actually dropped --- I
20 actually dropped it into the mud so
21 it wouldn't catch on fire again, you
22 know what I mean?

23 Q. Yes. Did Karl White get in
24 the smoke at all?

25 A. Yeah.

86

01 Q. Did he have any problems
02 breathing?

03 A. He said he did a couple days
04 after that, you know, which I was
05 down for, what, a couple days, two or
06 three days?

07 MRS. ROBINSON:

08 Uh-huh (yes).

09 A. I mean, it was --- I didn't
10 go to the doctor or anything. Karl
11 didn't either, but you know, it was
12 still pretty rough.

13 BY ATTORNEY BEITER:

14 Q. Neither of you received any
15 medical attention?

16 A. No. I tasted copper for about
17 a week. I don't know if you've ever
18 been in smoke or not, but that's the
19 aftereffect of being in smoke, you
20 know what I mean?

21 Q. Did you make your supervisor
22 aware of that?

23 A. Yeah.

24 Q. Did he suggest that you
25 receive any medical attention?

87

01 A. No.

02 Q. Do you know if an accident was
03 ---?

04 A. Yeah, an accident report was
05 filed. Dave Meade filled it out.

06 Q. Do you know if Dave Meade
07 contacted anyone?

08 A. Safety director. What's his
09 name?

10 Q. Is that the new gentleman that
11 just started there?

12 A. I think it's Kann maybe.

13 Q. Charles Kann; ---

14 A. Charles Kann

15 Q. --- is that correct?

16 A. If I ain't mistaken, that's

17 who he called. I had never heard of

18 the guy before. We hardly ever see

19 him.

20 Q. Did Mr. Meade assist you in

21 extinguishing the fire?

22 A. When he got up there, yeah.

23 Q. I got kind of confused a

24 little bit on the times. You said

25 that it took about 15 minutes from

88

01 the time you got the call from Mr.

02 Brown to walk down with Karl ---

03 A. Yeah.

04 Q. --- down to the two crosscuts

05 inby the head of the Six section

06 belt?

07 A. That's a ballpark. I'm not

08 --- you know what I mean?

09 Q. Yes.

10 A. I can't give you a precise

11 time.

12 Q. And then was that 25 minutes

13 then in addition to that before you

14 called David Meade?

15 A. It took me 15 --- I'm going to

16 say approximately 15 minutes, me and

17 Karl, because Karl's an old man, he

18 walks slow, from --- I'm going to say
19 --- I'm going to tell you, make it
20 easier on you, from Seven tail
21 because that's where we was at ---

22 Q. Yes.

23 A. --- to Five tail, okay.

24 Q. Yes.

25 A. We walked down the beltline,

89

01 the mother drive beltline, to the
02 crosscut, down to Five tail, so
03 you're looking at 15 minutes at the
04 most. From the time we got there to
05 the time I got ahold of Dave Meade,
06 approximately 25 minutes, okay,
07 because I tried to put it out and I
08 was running around like a chicken
09 with his head cut off because I
10 didn't have any help and I didn't
11 want Karl in the smoke because I
12 mean, he was an old man. So I'm
13 trying to find fire extinguishers
14 and, you know, all that good stuff
15 and trying to put it out, you know,
16 because I didn't want anybody to die.
17 And you know, you had another crew on
18 longwall, they didn't know anything
19 about it, so you know ---. And I had

20 to walk 25 breaks to get another fire
21 extinguisher, so you do the math. I
22 mean, it's going to take a long time,
23 you know what I mean?

24 Q. Yeah, I understand. Could you
25 hear the phone that was located at

90

01 the ---

02 A. No.

03 Q. --- at the tail?

04 A. No.

05 Q. No?

06 A. No. I mean, it's
07 approximately --- it's not exactly at
08 the tailpiece. I don't know if you
09 know that or not.

10 Q. No, I don't.

11 A. It's approximately about three
12 or four breaks from the tailpiece
13 outby, so ---.

14 Q. Pardon me?

15 A. It's about three or four
16 breaks outby from the tailpiece.

17 Q. Outby where you were located?

18 A. Yeah.

19 Q. So if someone was paging
20 someone on the phone, you wouldn't be
21 able to tell?

22 A. You'd never hear it.

23 Q. Do you know if --- you said
24 --- did I understand you correctly to
25 say that the smoke was pretty well

91

01 dissipated by the time ---

02 A. Dave got up there?

03 Q. --- Dave got up there?

04 A. Yeah.

05 Q. Yes. Do you know if anybody
06 evacuated the people on the longwall?

07 A. No. When Dave got there, he
08 said he was getting ready to.

09 Q. Do you know if he did?

10 A. Yeah, he said he was getting
11 ready to. He said, you know, ---
12 actually, whenever I was talking to
13 him on the phone, he actually said he
14 was getting ready to evacuate because
15 he didn't hear anything from me, you
16 know what I mean? Which was smart by
17 him, you know what I'm saying?

18 Q. Did he say who notified him?

19 A. What do you mean? I mean, the
20 only people was there ---.

21 Q. Had he --- I guess --- I
22 guess, how did he become aware that
23 --- he hadn't heard anything from
24 you, so he was getting ready to

25 evacuate, if he didn't hear anything

92

01 from you, was he --- how did he
02 become aware that there was an alarm
03 that actually went off to begin with,
04 do you know?

05 A. To be honest with you, it had
06 to be the dispatcher. I mean, ---

07 Q. Okay.

08 A. --- because I mean, nobody
09 else talked to him, you know what I
10 mean?

11 Q. Could you describe the length
12 and height and width of the flame,
13 the fire? Just an estimate?

14 A. It was approximately, probably
15 three and a half feet wide. The
16 flames were probably three feet high.
17 I mean, that's the best that I can
18 tell you. It was a good --- it was a
19 decent size fire, you know what I
20 mean?

21 Q. Did you say the rib caught on
22 fire as well?

23 A. Right. It looked like it had
24 been burning for a while, to be
25 honest with you. I don't know how

93

01 long it had been burning before the

02 COs went off, but I mean, you would
03 think it had been burning for hours
04 because of the way the rib was
05 burning, you know what I mean?
06 Q. And what did you say had
07 caught on fire again?
08 A. Some belt shavings.
09 Q. Belt shavings, you mean,
10 frayed edges that get tore off and
11 are laying on the ground?
12 A. Yeah. You know, you might
13 have a flapper on your belt, you
14 know, flapping. When I say flapping,
15 one of these splices might come loose
16 on the end in the belt train over to
17 the --- to a hanger and that hanger
18 grabs ahold of that flapper and it
19 shreds your belt down so far, you
20 know what I mean? I think it's --- a
21 flappers like, I don't know, probably
22 an inch and a half wide. So it will
23 shave the belt and then as it shaves
24 the belt, it just piles up, you know
25 what I mean?

94

01 Q. You ever walk that longwall
02 belt?
03 A. Have I ever walked it?

04 Q. Yeah.

05 A. I walked it down probably ---.

06 Q. A couple crosscut inby the

07 head?

08 A. Yeah, something like that.

09 Q. Did you ever look on the tight

10 side?

11 A. Not really, to be honest with

12 you.

13 Q. I guess I would ask you if you

14 had ever noticed any piles of ---

15 A. No.

16 Q. --- the same type of shavings

17 up there?

18 A. Uh-uh (no).

19 Q. No?

20 A. Now, I have been in the storge

21 unit and, you know, that storage unit

22 was pretty clean on the offside of

23 the belt. I've greased it.

24 Q. You said the --- I guess I'm

25 going to have you mark on the map

01 where the fire was located. Do you

02 know --- can you identify on the map

03 --- without marking it first, I

04 guess, could you identify on the map

05 where the tailpiece was exactly for

06 the Five Section belt?

07 A. I don't know if I could or
08 not, to be honest with you. I'd have
09 to look at it.

10 Q. Well, ---.

11 A. Let me look at it.

12 Q. Okay. That's fine. And if
13 you can't, that's okay, because I
14 mean, we know where the --- we know
15 where it is, it's at the other side.
16 This isn't necessarily --- the end of
17 this brown line coming down the north
18 isn't necessarily the end of the
19 belt. This is just ---that's as far
20 as we drew it on the map.

21 A. Right.

22 Q. Okay.

23 A. Well, you'd come through here.

24 Q. Come through the cut-through
25 from the headgate?

96

01 A. That's where I would come
02 through.

03 Q. That's where you came through.

04 A. And I'd go over to this ---
05 well, I go down this entry here and
06 go over two breaks.

07 Q. And get into the normal
08 travelway, which is the escapeway?

09 A. Right. Which is the --- yeah.
10 Q. All right.
11 A. And it's either --- I can't
12 remember exactly what break it is,
13 it's either 18 or 19 break that we
14 went through, which is a man door
15 with a set of double doors. But if
16 you find the Number Two Four way ---
17 you don't have it on here; do you?
18 Q. No. No. That's what I said,
19 we can identify it. The fire was how
20 close to the tail?
21 A. Probably three breaks. It's
22 easier actually if you can find the
23 --- this is the double door right
24 here; ain't it? This would be Number
25 Two Four way; wouldn't it? This
97
01 would be the ---.
02 Q. The double set of double doors
03 down here, too?
04 A. Right. Well, you have Number
05 Two Four way and Number One Four way,
06 so this would be your Number Two Four
07 way, which would be right in here.
08 That's where the fire would be.
09 Q. Okay. And so we'll identify
10 that as --- if that's the Number Two
11 Four way.

12 A. If that's the Number Two Four
13 way.

14 Q. Number Two Four way, okay. So
15 if that's --- if you don't mind?

16 A. Sure.

17 Q. I'm just going to write down
18 Number Two Four way.

19 A. It looks like it is.

20 Q. And I'm just going to put if
21 ---

22 A. Right.

23 Q. --- the Number Two Four way.

24 Then that's going to be where, right
25 here where this door is?

98

01 A. Exactly. Two sets of double
02 doors.

03 Q. And that's pointing to spad
04 going up one crosscut inby spad 2255;
05 is that correct?

06 A. Uh-huh (yes).

07 Q. In the belt entry of the main
08 north. And if that is identified as
09 either section of Number Two Four way
10 ---

11 A. Uh-huh (yes).

12 Q. --- then from there put a dot
13 if you would, please, where the fire

14 was located at?

15 A. It was probably right here,
16 just a ballpark figure.

17 Q. And it's on the rib?

18 A. Yeah, on the offside of the
19 belt.

20 Q. I'm just going to put another
21 line down there that says --- and
22 then fire here. And I'm going to put
23 a date, okay?

24 A. Uh-huh (yes).

25 Q. 12/29/05. Is that correct?

99

01 A. Yes, sir.

02 Q. Okay. And you kind of put it
03 on that rib, I guess. Is that the
04 rib that it was on?

05 A. Yes.

06 Q. It was on the rib ---

07 A. Offside.

08 Q. --- closest to the intake
09 side?

10 A. Yes.

11 Q. What was the length of the rib
12 that was on fire?

13 A. Just a regular size rib, I
14 mean, 80 feet.

15 Q. Pardon me?

16 A. Just a regular rib. I mean,

17 it was ---

18 Q. No. But I mean the length of
19 the rib that was on fire?

20 A. Oh, about the size of the
21 fire. I mean, three feet, three and
22 a half feet wide.

23 ATTORNEY BEITER:

24 I'll identify this map
25 as Exhibit E Robinson. And

100

01 it's on in blue pen there,
02 blue marker, I marked and
03 Junior verified that that's
04 where it was located. That's
05 assuming that the intersection
06 that we identified as if the
07 Number Two Four way is that,
08 otherwise it's relative to
09 wherever that location
10 actually is in the mine.

11 (Robinson Exhibit E
12 marked for
13 identification.)

14 BY ATTORNEY BEITER:

15 Q. Okay. You told me that the
16 belt air, I believe you said on the
17 72-inch belt, Number Seven belt, was
18 from head to tail; is that correct?

19 A. Yeah.
20 Q. And the belt air direction on
21 the 48-inch belt was from head to
22 tail all three sections?
23 A. If I ain't mistaken, yeah.
24 Q. What about in Number Two
25 section itself?

101

01 A. Well, the Number Two section
02 would be that way, too.
03 Q. Did it go all the way --- did
04 it go --- did the air go all the way
05 over to the feeder?
06 A. I don't know. To be honest
07 with you, I couldn't tell you.
08 Q. Do you know if there was a
09 regulator ---
10 A. No.
11 Q. --- between the belt? You
12 don't know?
13 A. I don't know.
14 Q. It's all right. What about
15 the air direction on the longwall
16 belt?
17 A. It would have to be --- I
18 don't exactly know what direction.
19 It would have to be from head to ---
20 that's a good question. I don't
21 know.

22 Q. Okay.

23 A. I don't want to speculate on
24 that.

25 Q. Okay. You talked a little bit

102

01 about --- well, let's just hold off
02 on that a while. So Mr. Meade was
03 aware of the fire then on the 29th?

04 A. Yeah.

05 Q. Is he a certified person?

06 A. He's a foreman.

07 Q. He's a foreman?

08 A. Section foreman.

09 Q. He's a section foreman?

10 A. Uh-huh (yes).

11 Q. What section does he operate?

12 A. Three section.

13 Q. Three section. Do you know,
14 was he running Three section that
15 night?

16 A. No. The only thing that was
17 running that night was longwall.

18 Q. They were doing outby work?

19 A. Who?

20 Q. His normal crew?

21 A. No, there wasn't anybody

22 there. The only people was there,

23 was me and Karl and the longwall crew

24 and Dave.

25 Q. That's all that was in the

103

01 mine all together?

02 A. That's all that was in the

03 mines.

04 Q. Okay. You didn't happen to

05 have an opportunity to --- or do you

06 ever have an opportunity to view the

07 pre-shift on-shift mine examiner's

08 books?

09 A. No.

10 Q. No?

11 A. No.

12 Q. I guess, did you on the ---

13 following the 29th's event?

14 A. (Indicates no.)

15 Q. No?

16 A. No.

17 Q. Okay.

18 A. Did he even put it in there?

19 Did he put anything in there?

20 Q. Well, I guess I was going to

21 ask you if ---

22 A. I don't know.

23 Q. --- if he did or not? We

24 didn't see anything in here on it, so

25 I was --- I guess, I was going to ask

104

01 you if you had a chance to look at
02 them?
03 A. I went home that night, so I
04 mean ---.
05 Q. I guess if he did, I didn't
06 see it.
07 A. Right.
08 Q. But that's another day on that
09 one. Was there any discussion of
10 evacuation outside of, I guess --- I
11 guess I heard you say something about
12 David Meade saying that he was
13 thinking about evacuating everybody.
14 A. Yeah, before he heard from us.
15 Q. Oh. Did he tell you why he
16 didn't before that or did he tell you
17 ---?
18 A. No. The only thing that was
19 said was, you know, I told him I
20 needed some more fire extinguishers
21 and he said, well, --- he said, I'll
22 bring you some more. He said, I was
23 getting ready to evacuate the mine.
24 He said, because they hadn't heard
25 anything from me, basically is all he

105

01 said.
02 Q. Okay.

03 A. He didn't say why he didn't
04 evacuate, you know what I mean?
05 Q. Yes. Had he already notified
06 the longwall section, do you know?
07 Did he say, hey, I called up there
08 and they're waiting ---
09 A. No.
10 Q. --- to evacuate?
11 A. No.
12 Q. No?
13 A. I don't think he did.
14 Q. Okay. But he didn't make any
15 --- he didn't tell you whether he did
16 or not; did he?
17 A. No. Yeah, he never told me he
18 did or not, no.
19 Q. Okay. Do you think they
20 should have been evacuated?
21 A. Do I think they should have
22 been evacuated?
23 Q. Yeah.
24 A. Yes, I do.
25 Q. Why?

106

01 A. I mean, it's a danger. I
02 mean, what if I couldn't have put the
03 fire out. I mean, they would have
04 been stuck, you know what I mean? I
05 mean --- I mean, they would have had

06 clean air to travel in, but it's just
07 --- you know, it's the chance you got
08 to take. I mean, it's not a real
09 good chance to take in the mines.

10 Q. Was that your opinion before
11 --- I guess, was that your opinion at
12 the time that this happened?

13 A. Yeah. That's been my opinion
14 since it happened, even before this
15 accident even happened.

16 Q. Yeah.

17 A. If I would have been the
18 foreman on shift that night, I would
19 have evacuated. I mean, if I didn't
20 know what was going on, I would have
21 evacuated it.

22 Q. I guess at what point in time?

23 A. I would have evacuated as soon
24 as I didn't hear anything from my
25 beltman. I mean, as far as he knew

107

01 --- and you know, Dave done his job,
02 he did an excellent job that night,
03 but you know, he was so far away. I
04 mean, as far as he knew, me and Karl
05 was dead, you know what I mean?

06 Q. Do you know anything about the
07 term communication dead? It's

08 relative to the CO system. Has a
09 dispatcher ever called you --- Mike,
10 has Mike ever called you and said,
11 hey, Junior, I got a notice here that
12 I got a communication problem with
13 one of these sensors, go check it
14 out?

15 A. No.

16 Q. No?

17 A. Not as far as I know.

18 Q. So just primarily alarms and

19 ---

20 A. Yeah.

21 Q. --- warnings; is that correct?

22 A. Yeah.

23 Q. Do you do any work on the

24 sensors?

25 A. No, I don't.

108

01 Q. If you've got a problem with
02 one and you get there and there was
03 just a malfunction, and --- what do
04 you do with that?

05 A. Reset it basically, you know

06 what I mean?

07 Q. There's a button?

08 A. There's a reset button on it,

09 yeah.

10 Q. Just push a button?

11 A. Yeah.

12 Q. And then call them back and
13 let them know?

14 A. Yeah.

15 Q. Do you call them back?

16 A. Let them know that --- yeah.

17 Q. Okay. Has your supervisor or
18 his supervisor or his supervisor's
19 supervisor ever --- has anybody on
20 your shift that's a supervisor ever
21 give you any direction as to what to
22 do in response to a call from the
23 dispatcher to go check something out?

24 A. No.

25 Q. How about with regard to if

109

01 you encounter a fire?

02 A. No.

03 Q. How about since the accident
04 on the 19th of January?

05 A. No, they haven't. I mean,
06 they have went over just basically
07 what to do, you know, just what
08 entries to travel and things like
09 that, you know, but actually go into
10 detail about what to do, I mean, I
11 don't reckon that they have.

12 Q. You talked about false alarms.

13 Do you consider that they're a
14 nuisance?
15 A. No.
16 Q. Do you think that you get
17 enough of them that the importance of
18 them may be compromised by the fact
19 that you get so many that are ---
20 get several that are not actually
21 alarms that they're false alarms? Do
22 you think that ---
23 A. That's a good question.
24 Q. --- could factor into
25 anybody's determination as to whether

110

01 or not it's a hazard or not?
02 A. I guess it could happen. I
03 mean, I'm not going to say that it
04 hasn't, but I mean, ---.
05 Q. It hasn't in your mind though?
06 A. No.
07 Q. Okay. Do you ever get
08 notified by the dispatcher and say,
09 hey, we've got a fire suppression
10 system activated on one of the belts?
11 A. No.
12 Q. No?
13 A. Never.
14 Q. Have you ever been on Three
15 section, on Three section's belts?

16 A. Uh-huh (yes).

17 Q. What direction is that air ---
18 airflow go?

19 A. From --- I'm trying to think.
20 It's been awhile since I've been up
21 there. I think it's from tail to
22 head, which would be coming outby.

23 Q. Three section comes outby?

24 A. Yeah, I'm pretty sure it does.

25 Q. Is there a check curtain ---

111

01 I'm going to jump around on you. Is
02 there a check curtain at the ---
03 across the belt entry on Two section
04 right outby the tailpiece?

05 A. I don't know if they are or
06 not. I think they are.

07 Q. Do you remember?

08 A. I can't ---.

09 Q. It's okay if you don't.

10 A. Not for sure, to be honest
11 with you.

12 Q. Have you heard anything about
13 --- let's pull up this Exhibit A
14 again. On 12/23, this is the same
15 page, Aracoma 002845 of Exhibit A,
16 the date's 12/23, there's sensors 82
17 and 81, and if we look here at

18 Exhibit C, 82 is the one around the
19 longwall takeup where the accident
20 occurred and 81 is the tail of that
21 72-inch belt that it dumps onto. And
22 there's a thing --- indication of
23 fire and Brandon Conley. Have you
24 heard anything about that?

25 A. Yeah, I heard about it, but I

112

01 don't know much about it, you know
02 what I mean? I mean, all I know is
03 what was told to me, so ---.

04 Q. That's fine.

05 A. You know what I mean? I mean,
06 it would be hearsay for my point. I
07 mean, I wasn't there.

08 Q. Okay. That's okay.

09 ATTORNEY BEITER:

10 We had another
11 gentleman that joined us here.
12 We didn't get his name on the
13 record. He's a ---

14 MR. BARISH:

15 Yes, I'm Dan Barish
16 with the Solicitor's Office
17 for MSHA in Arlington,
18 Virginia.

19 ATTORNEY BEITER:

20 And he's been here for

21 a pretty good while.

22 A. Right.

23 ATTORNEY BEITER:

24 You probably saw him
25 walk in. Do you mind if we

113

01 take a little break?

02 A. That's fine. That's up to
03 you.

04 ATTORNEY BEITER:

05 Okay.

06 SHORT BREAK TAKEN

07 BY ATTORNEY BEITER:

08 Q. Okay. Other than false
09 alarms, do you know what other kind
10 of causes there could be for a CO
11 alarm that you personally found when
12 you investigated?

13 A. No. Other than smoke, I mean,
14 you know ---.

15 Q. Has there been more times than
16 just that time that you've found
17 smoke?

18 A. No.

19 Q. No? So just the 12/29/05 ---

20 A. Yeah.

21 Q. --- incident? We were talking
22 before we took a short break about

23 the incident that's recorded in that
24 CO logbook, Exhibit A, 12/23/05, that
25 was found by Brandon --- or Brandon

114

01 Conley was notified. Does Brandon
02 work on your shift?

03 A. No.

04 Q. Does he work ---?

05 A. I mean, he has. You know,
06 like I said, we --- sometimes we
07 swing. You know, sometimes we work
08 dayshift; sometimes we work evenings.
09 It just --- he doesn't work there any
10 longer.

11 Q. Do you know him?

12 A. Yeah.

13 Q. You said that you just knew
14 something about that ---

15 A. What was told, yeah.

16 Q. What was told you?

17 A. Yeah. Yeah.

18 Q. Could you expand on that a
19 little bit?

20 A. The only thing I really know
21 is that, you know, he said he had ---
22 the only thing that was told to me,
23 and this is just speculation and this
24 is hearsay from him, you know, that
25 ---.

01 Q. From Brandon?

02 A. Yeah.

03 Q. Okay.

04 A. That he had --- I don't know
05 if I should say anything or not, to
06 be honest with you, about this,
07 because I don't want to --- I really
08 don't want to talk about it.

09 Q. Just say what you're
10 comfortable with. That's fine.

11 A. I just --- I mean, this could
12 really --- I'd prefer it come from
13 him. I mean, I don't know if you are
14 going to interview him or not, but I
15 prefer it coming from him. I mean, I
16 don't want to tell you anything ---

17 Q. That's fine.

18 A. You know what I mean? I mean,
19 I don't mean to be such a pain or
20 anything like that.

21 Q. No, you're not. That's your
22 right. That's fine. On the date of
23 January 19th, 2006, the day of the
24 accident, what shift did you work
25 that day?

01 A. Dayshift.

02 Q. Is that the shift you were
03 scheduled for?

04 A. Uh-huh (yes).

05 Q. What time did you start?

06 A. 6:30.

07 Q. What time did you end that
08 day?

09 A. We --- I think it was about a
10 quarter after 4:00, maybe 4:30, we
11 got out.

12 Q. Who was your supervisor that
13 day?

14 A. I guess Jeff Perry would be.

15 Q. Jeff Perry?

16 A. I don't have a supervisor with
17 me at all when I'm underground.

18 Q. Is Jeff Perry the person who
19 talks to you at the end of the shift
20 to --- does anybody talk to you at
21 the end of the shift to say what'd
22 you do today; did you do anything,
23 ---

24 A. No.

25 Q. --- did anything need taken

117

01 care of?

02 A. No.

03 Q. Is there some means that they
04 have in place where --- I say they,

05 that management has in place for you
06 to pass on information to them that
07 they need to know about the operation
08 or maintenance of the beltlines?

09 A. Well, usually when we have a
10 problem with our beltlines, it's
11 usually up to us whether or not we go
12 to Jeff or one of the foremen to let
13 them know what needs to be done and
14 what needs to be fixed.

15 Q. Okay. Do you recall where you
16 worked that day?

17 A. I worked Two section belts.

18 Q. Were you on Two section belts
19 --- that's not just Two section belt,
20 but all the 48-inch belts?

21 A. Right. When I say Two section
22 belt, I mean, Two section belts. I
23 mean, you have ---.

24 Q. All three flights?

25 A. Right. Exactly.

118

01 Q. Yes.

02 A. I should clarify myself, I'm
03 sorry.

04 Q. No, that's okay. I just
05 clarified. I knew what you meant,
06 but for the record I want to clarify

07 it. Do you remember what direction
08 the airflow was that day on those
09 belts?

10 A. I couldn't tell you that.

11 Q. That's all right. Did you
12 happen to listen to any telephone
13 conversations during the day?

14 A. Well, to be honest with you, I
15 was so busy. The tailpiece gobbled
16 out so bad. I was working, shoveled
17 all day long, and I wasn't even
18 around a phone. If they hollered or
19 said anything to me, I never heard
20 them.

21 Q. What tailpiece was that?

22 A. One tail, which would be Two
23 head.

24 Q. The First section flight?

25 A. Yeah, which would be Two head.

119

01 Q. Were you working on that belt
02 all shift?

03 A. Yeah, I was at that One
04 tailpiece all day.

05 Q. You took lunch, did you ---?

06 A. I don't take lunch.

07 Q. Don't take lunch. Do you know
08 who examined that belt?

09 A. No.

10 Q. No. Did anybody work on Seven
11 section --- Number Seven belt that
12 day?

13 A. Let me think. I don't think
14 anybody worked Seven belt that day.

15 Q. How about the longwall belt?

16 A. Yeah.

17 Q. Who worked on the longwall?

18 A. Karl White.

19 Q. Karl White did?

20 A. Yeah.

21 Q. Are he and you the only two
22 beltmen on your shift?

23 A. No. Actually, it's just --- I
24 ain't going to say what I think, but
25 the day that we was --- what it is,

120

01 we have two guys up on the hill and
02 then you have a couple guys down at
03 the lower end, one taking care of
04 Three section and one taking care of
05 Rum Creek shop, which is Four through
06 overland belt, and then you got one
07 guy taking care of Three section
08 belts, which is three belts.

09 Q. Uh-huh (yes).

10 A. So that's --- so you have four
11 beltmen a shift basically, sometimes

12 less than that.

13 Q. Had you --- had you spoken

14 with Mr. White that day?

15 A. No. See, I haven't talked to

16 him. I talked to him on my way out,

17 but that's just to, you know, while I

18 was on the mantrip with Don Haggie

19 and them and just speaking to him,

20 you know, just aggravating him a

21 little bit.

22 Q. Did Karl ride out with you on

23 that mantrip?

24 A. No.

25 Q. No?

121

01 A. No.

02 Q. Where did you pass him at?

03 A. At the mother drive.

04 Q. Don Haggie, is he a foreman

05 for the outby crew that works on the

06 belt installation?

07 A. Yeah, him and Shiner.

08 Q. Around Ten headgate?

09 A. Yeah.

10 Q. And you said the other

11 person's name?

12 A. Shiner. I don't know his real

13 name. I know him by Shiner is all I

14 know him by, so ---.

15 Q. Okay. Did --- I guess they
16 gave you a ride out that night?
17 A. Yeah, that evening.
18 Q. When they left, Karl White
19 didn't catch a ride out with you?
20 A. No. I think he caught the
21 longwall out, the longwall crew.
22 Q. Okay. But he walked in from
23 headgate out there?
24 A. He walked down to the ---.
25 Q. Or from the drive out to

122

01 headgate to catch a ride out from
02 there?
03 A. Well, probably not to the
04 headgate, probably to the cut-
05 through, because that's where they go
06 through at.
07 Q. Because the headgate's
08 actually inby the cut-through ---
09 A. Exactly.
10 Q. --- so they come out through
11 the man door?
12 A. Exactly.
13 Q. Did he say anything to you
14 when you went through there?
15 A. Who, Karl?
16 Q. Yeah.

17 A. No. Other than just
18 aggravating each other, but nothing,
19 you know, concerning the belts or
20 anything like that.
21 Q. Were you sitting in the ---
22 where were you sitting in the mantrip
23 coming out?
24 A. Oh, Lord.
25 Q. Do you remember?

123

01 A. No, I can't remember. I think
02 I was in one of the middle
03 compartments if I ain't mistaken.
04 Q. Do you know if the doors were
05 open, those airlock doors there?
06 A. No, they're never open.
07 Q. They're never open?
08 A. No. We always close them
09 back.
10 Q. Okay. When you went
11 underneath that mother drive, the
12 belt there, did you notice any smell?
13 A. You know, that's what me and
14 Karl was talking about. It's always
15 hazy up there, you know, and it had
16 been for a long time, you know. We
17 never thought anything about that.
18 Q. Hazy as in like dusty?
19 A. Yeah. I mean, you know, you

20 could walk down --- you can actually
21 stand at the head and look down at
22 the storage unit, and it's like ---
23 looks like it had smoke all the time
24 or some, you know --- I shouldn't say
25 smoke, but it just looked hazy. And

124

01 then you walk down past the storage
02 unit to check everything out and look
03 up and you couldn't see it, you know
04 what I mean? I don't know if it had
05 anything to do with that or not, but
06 I mean, you know, I don't know --- I
07 mean, the day that I went by there,
08 everything looked fine, you know what
09 I mean? But it was hazy. I mean,
10 like I said, even when I walked ---
11 watched it a couple times, it was
12 hazy, you know. You couldn't smell
13 any smoke. You couldn't smell
14 anything burning or anything like
15 that. It was just hazy, you know
16 what I mean?

17 Q. You said when you went back
18 down the storage unit and looked ---
19 looking back in the same area where
20 it was hazy from up above looking
21 down ---

22 A. Yeah, you couldn't see it.

23 Q. --- and when you're down below

24 looking back up, ---

25 A. You couldn't see it.

125

01 Q. --- looking through the same

02 area from two different directions,

03 one way it looked hazy, the other way

04 it didn't. Is that what you ---?

05 A. Yeah, exactly.

06 Q. I thought that's what you were

07 saying.

08 A. Yeah. I know it sounds weird,

09 but I mean, that's --- I mean, it's

10 just the way it happened. I mean,

11 ---.

12 Q. Yes. Did someone instruct you

13 to clean the tail of the Number One

14 belt or did ---?

15 A. I just --- no one instructed

16 me. I mean, when you go up there and

17 it's spilling coal everywhere, you

18 know, and your bearings are 120

19 degrees, you know, it's time to start

20 shoveling, getting something done,

21 you know what I mean?

22 Q. Was that bearing pretty warm?

23 A. Well, one of my bearings was

24 like 109. It wasn't --- you know, it

25 wasn't real dangerous. I mean, it

126

01 wasn't no big thing. But once you
02 shovel the coal off of it, because I
03 mean, you know, once the coal gets on
04 there so far --- I mean, so much, and
05 it gobs in there and it gets so
06 packed in there, the bearing has no
07 other choice but to get hot on the
08 tailpieces, you know what I'm saying?
09 So once you get that coal out of that
10 tailpiece, it frees itself so it's
11 fresh going down. Plus if you put
12 grease in it, too, it helps, you know
13 what I mean?

14 Q. Do you find that condition
15 pretty often there?

16 A. Not a whole lot.

17 Q. Do you find that condition on
18 the longwall belt at all?

19 A. I haven't --- no, I actually
20 haven't --- haven't --- the only
21 trouble I've ever had at the longwall
22 belt would be on Seven tail and that
23 was a roller. Like I said, one of
24 the bottom rollers that night. It
25 was probably about three months ago.

127

01 That's the only problem I've ever had
02 up there. And I dropped it, so ---.

03 Q. Do you recall seeing a fire
04 boss or a belt examiner while you
05 were working on that belt?

06 A. Which belt?

07 Q. Number One belt on the 48-inch
08 belts on the 19th of January.

09 A. Are you aware ---

10 Q. If you remember.

11 A. --- of how --- are you aware
12 of how fire boss reports work? I
13 mean, you have to call them out
14 pre-shifts, so you have to have one
15 call out early in the morning, which
16 is done at the shift at night; right?
17 Then you have one to call out for
18 second shift to come in. And in
19 order to do that, they have to walk
20 the belts I think two hours prior to
21 shift change.

22 Q. Yes.

23 A. And if it --- if there had
24 been somebody working there, I mean,
25 walking the belts and fire bossing,

128

01 then I hadn't seen them. I mean, it
02 ---.

03 Q. Were you on the belt the

04 entire shift?

05 A. Oh, yeah. Yeah.

06 Q. Did you complete cleaning the

07 tail of that Number One belt?

08 A. Yes, sir, spic and span.

09 Q. And the tail roller had cooled

10 off?

11 A. Yes, sir, I checked it before

12 I left.

13 Q. How do you determine what the

14 bearing temperatures are?

15 A. We got a heat gun.

16 Q. Okay.

17 A. Actually point it and a little

18 red dot and it tells you what the

19 temperature of that bearing is.

20 Q. Do each of you carry one with

21 you?

22 A. Yeah, all the beltmen do.

23 Q. Did Karl White have one, too?

24 A. I don't know if he's got one

25 or not, to be honest with you.

129

01 You've got to understand what kind of

02 person Karl is. So I mean, I don't

03 know if he's got one or not, you know

04 what I mean? I'd say he does.

05 Q. Do you know Bryan Cabell?

06 A. Well, I just here recently got
07 to know him a little bit. I know
08 him, but I don't know him personally,
09 you know.

10 Q. Yes. Do you know if he
11 carried one? I know he worked a
12 different shift than you did,
13 beltman.

14 A. I don't know if he --- to be
15 honest with you, if I was a --- if I
16 was going to say, I would say, no,
17 because he just had come back to
18 work, you know. I think he was off
19 injured and he just come back to work
20 and they put him on the belts. So I
21 would have to say probably no, he
22 doesn't have one on.

23 Q. Where did you get the heat gun
24 at?

25 A. Off of the dispatcher.

130

01 Q. Did you ask for it or do they
02 tell you, hey, go pick one out?

03 A. Actually, I asked my boss,
04 Jeff, for one, and he give me one a
05 couple days later. Most of the
06 beltmen pack one, you know, to keep
07 the temperatures of the bearings.

08 Q. Back on the 29th when you had

09 that fire, did you ever use your heat
10 gun?

11 A. I didn't have to.

12 Q. Well, I mean after you were
13 done, did you use it to see if
14 everything was cooled off?

15 A. No. It wasn't --- it wasn't
16 nothing to do with the bearings or
17 anything like that.

18 Q. All right. You said Karl
19 didn't have any conversations with
20 you about the longwall belt on the
21 19th when you passed underneath
22 there?

23 A. No.

24 Q. Did you discuss with Mr.
25 Haggie or Shiner anything about --- I

131

01 mean, is there anything that you
02 recall them saying about anything
03 that they heard about a problem
04 there?

05 A. No.

06 Q. Have you heard anything since?

07 A. You hear a lot of things. I
08 mean, when you have something like
09 this happen, something this tragic
10 happen and where you work, you're

11 going to hear a lot of things, you
12 know what I mean?
13 Q. Yes, I do.
14 A. A lot of it's hearsay, you
15 know.
16 Q. You said you were --- on the
17 29th, you and Karl at the transformer
18 there at ---.
19 A. The power center.
20 Q. Yeah. The power center for
21 the --- is that the longwall belt's
22 power center?
23 A. Yeah.
24 Q. And that's located where, one
25 crosscut inby the tailpiece of the

132

01 72-inch belt?
02 A. Yeah.
03 Q. How did you walk to that
04 crosscut where the transformer's
05 located?
06 A. How did I walk to it?
07 Q. Yeah.
08 A. Walked down to --- let me
09 think here.
10 Q. Did you go through the doors?
11 A. Yeah. Went through one set of
12 doors right there, right before you
13 --- on this side, offside of the

14 belt, the one set of double doors.
15 We went through there and then walked
16 down the beltline. You have no idea
17 what I'm talking about; do you?
18 Q. That's okay. You went through
19 the outby set of airlocks. You went
20 through the outby set of airlock
21 doors to --- you're standing
22 underneath the mother belt?
23 A. Right
24 Q. And then you walked to the
25 head of the mother belt?

133

01 A. No.
02 Q. No?
03 A. No.
04 Q. Okay.
05 A. Where the power center is, ---
06 Q. Yeah.
07 A. --- you can walk down the
08 break and then walk out in the entry,
09 which would be your primary entry
10 where the double doors are, and I
11 walked out one set of doors there and
12 then walked down the mother drive
13 belt.
14 Q. Show me on the map. Back on
15 Exhibit E. All right. I think I

16 know where you mean, but just kind of
17 put it on the map.

18 A. Let me think.

19 Q. Here's ---.

20 A. The double doors are here.

21 Q. Yeah. Now, I've got to let
22 you know, don't be confused by
23 stoppings on the map, ---

24 A. Okay.

25 Q. --- whether they're ---

134

01 whether they're there or not. Some
02 of these controls may or may not be
03 there.

04 A. Okay.

05 Q. But we can identify a few
06 things here that we know where
07 they're at.

08 A. Okay.

09 Q. One, we got the belt tail.

10 A. Right.

11 Q. That's at the end of this here
12 brown line just inby 3249 spad;
13 right?

14 A. Uh-huh (yes).

15 Q. Okay. And then the mantrip
16 travelway comes through these four
17 doors ---

18 A. Exactly.

19 Q. --- right underneath this here
20 ---.
21 A. Mother drive.
22 Q. Right. And the mother drive's
23 at spad --- or the mother belt is ---
24 you pass under it at spad 3267; is
25 that correct?

135

01 A. Exactly.
02 Q. And you go through this first
03 airlock door at the inby side; right?
04 And you're standing in this
05 intersection right here, right,
06 between the two doors? And the
07 transformer is ---?
08 A. Yeah, it is right in there,
09 yeah.
10 Q. Okay. Put a dot where that's
11 at.
12 A. The transformer?
13 Q. Yeah.
14 A. Well, actually there's ---
15 you've got your takeup.
16 Q. There's a few of them?
17 A. Yeah. I mean, there's four or
18 five, but I mean, ---.
19 Q. Yeah. Just ---.
20 A. I'm going to say right there.

21 Q. Okay. And that's on the
22 uphill side closest to the ---?
23 A. Seven tail.
24 Q. And closest to the Seven tail
25 at spad 3266? It's the first

136

01 transformer below that?
02 A. Uh-huh (yes).
03 Q. Okay. Downhill of that?
04 A. Uh-huh (yes).
05 Q. And how did you walk through
06 there?
07 A. Down this break here and
08 through this double doors.
09 Q. You walked from underneath the
10 mother drive belt over through the
11 airlock door?
12 A. No.
13 Q. No? Okay.
14 A. I walked from here. This is
15 where the power center is.
16 Q. Yes.
17 A. This is where we was at.
18 Q. Okay.
19 A. Okay. We walked down this
20 break ---
21 Q. Yes.
22 A. --- into this entry here ---
23 Q. Okay.

24 A. --- through this double door
25 here.

137

01 Q. Through that double door.

02 A. Then underneath the mother
03 drive belt and went down the
04 beltline.

05 Q. Okay. Okay. So what you're
06 saying is, you traveled from spad
07 3266 to the intersection between the
08 airlock doors, through the airlock
09 door to spad 3267, ---

10 A. Uh-huh (yes).

11 Q. --- and then inby towards the
12 longwall face ---

13 A. Right.

14 Q. --- on that belt?

15 A. And then went through the
16 cut-through.

17 Q. And then came through the
18 Number Two cut-through?

19 A. Uh-huh (yes).

20 Q. Okay. When you walked from
21 that transformer to the intersection
22 between those doors, was there a
23 stopping located in that belt entry?

24 A. There used to be a stopping
25 there, but there isn't now. The

01 inspector made them tear it down.
02 There used to be one exactly right
03 here at this break.
04 Q. Okay.
05 A. And they made them tear it
06 down, so there's no stoppings at all
07 there.
08 Q. Somebody made them tear it
09 down?
10 A. I think an inspector did, the
11 way I understand it, because it was
12 getting so hot in there with all them
13 boxes in there, ---
14 Q. Yeah.
15 A. --- I mean, it's like 120
16 degrees in there at all times, you
17 know what I mean?
18 Q. Yeah. Do you know who?
19 A. No.
20 Q. Do you know who told you that?
21 A. That's a good question. I
22 think a guy named --- well, we used
23 to have a guy named Jeff Mountz
24 (phonetic) worked there. I think he
25 was the one that told me.

01 Q. Jeff Mox (phonetic)?
02 A. Mountz. Yeah. He used to be

03 the beltman at the --- he don't work
04 there any longer.

05 Q. Do you know about when that
06 was?

07 A. Probably about a month and a
08 half ago, two months ago maybe.

09 Q. So up until that time, there
10 was a stopping there?

11 A. Uh-huh (yes).

12 Q. Did it have a door in it?

13 A. Yeah, a man door.

14 Q. And after that, the stopping
15 was removed?

16 A. Yeah.

17 Q. And it was removed on the
18 29th, what we're talking about here,
19 correct, on 12/29, when you and
20 Junior ---?

21 A. Me and Karl.

22 Q. You're Junior?

23 A. Yeah.

24 Q. You and Karl were up there?
25 You and yourself?

140

01 A. Yeah. That's where we walked
02 from, yeah.

03 Q. Yeah. Okay. And from the
04 29th of December through January

05 19th, was that stopping ever
06 replaced?
07 A. No.
08 Q. Okay. I'm just going to put a
09 dot where the stopping was and then
10 we'll just maybe draw a line down and
11 put stopping ---.
12 A. Well, it was back of the break
13 a little bit, so I'm going to put it
14 right in there.
15 Q. Yeah, right between that ---
16 A. Yeah.
17 Q. --- tool box and the belt box?
18 A. Yeah.
19 Q. Okay. And then another dot
20 ---.
21 A. You know where I'm talking
22 about; don't you?
23 Q. Yeah, I know where you're
24 talking about. All right. And we're
25 going to put a note here that says
141
01 stopping, STPG, abbreviation for
02 stopping removed --- stopping removed
03 prior to 12/29; is that a fair enough
04 statement?
05 A. Lord, yeah. Lord, yeah.
06 Q. Okay. I've made a note there
07 with an arrow pointing to the dot ---

08 where the stopping was approximately
09 located and it says stopping removed
10 prior to 12/29/05. Does that pretty
11 much represent what we just
12 discussed?

13 A. Yeah.

14 Q. And it's identified in the
15 right location on the map?

16 A. Yeah.

17 Q. Okay. Did you ever walk from
18 the tailpiece of that 72-inch belt to
19 the transformer?

20 A. Yeah.

21 Q. Is there a stopping there?

22 A. No.

23 Q. Was there a stopping there?

24 A. Used to be.

25 Q. Used to be. How long ago?

142

01 A. Well, however long it's been
02 since they did this --- see, the
03 extended this belt --- well, they're
04 getting ready to extend this belt
05 out. You've got some belt structure
06 in right here.

07 Q. Okay. Right here is right up
08 next to that intersection where 3266
09 is?

10 A. Yeah, it's right into this
11 break here.
12 Q. Okay. Get another --- I don't
13 want to ---.
14 A. Well, it's --- it's probably
15 about right in the middle of that
16 number, to be honest with you.
17 Q. All right.
18 A. Where that structure is.
19 Q. Just put a dot, put a dot ---
20 A. Okay.
21 Q. --- right where --- right in
22 the middle of 3266 ---
23 A. Yeah, ballpark.
24 Q. --- the number for that spad?
25 A. Yeah, ballpark.

143

01 Q. And that's what we've
02 identified as ---.
03 A. Where that belt structure is
04 for the six-foot belt.
05 Q. Okay. And that's approximate
06 location?
07 A. Yeah. There used to be a
08 stopping right here.
09 Q. Okay. There used to be a
10 stopping. How about putting a dot
11 where that stopping was? Okay. And
12 then just make a --- draw another

13 arrow down to that one. Okay. And

14 was it removed prior to 12/29/05?

15 A. Yeah, I believe it was.

16 Q. Was it there on the 19th of

17 January?

18 A. No.

19 Q. I'm just going to put a ---

20 what do you want to say, stopping

21 removed prior to 1/19/06; is that

22 okay?

23 A. Yeah.

24 Q. Is that a correct statement?

25 A. Yeah.

144

01 Q. So I've made a --- there's a

02 big dot and then just put a ---

03 identify that. I drew a line to the

04 large dot that's over that spad, I

05 think it was 3266.

06 A. Yeah, I believe it was.

07 Q. Okay. And that's going to be,

08 what, end of that belt structure?

09 A. Yeah.

10 Q. And that belt structure is the

11 belt structure that is being

12 installed; is that correct?

13 A. Exactly.

14 Q. Not the belt structure that

15 has belt running ---?

16 A. It doesn't have belt on it
17 right now, right.

18 Q. Okay. And then there's a dot
19 that's inby that that says stopping
20 removed prior to 1/19/06. And that's
21 --- the location identifies where a
22 stopping was and it had been removed
23 at some time prior to 1/19/06 ---

24 A. Right.

25 Q. --- but on 1/19/06, you're

145

01 saying it was not there?

02 A. No.

03 Q. It was not there ---

04 A. No.

05 Q. --- is that correct?

06 A. Yes, that's correct.

07 Q. Was there a curtain or
08 anything there?

09 A. There used to be a curtain
10 there, but I don't know what happened
11 to it.

12 Q. There was a curtain where the
13 stopping was?

14 A. Where the stopping was, yeah.

15 Q. That's identified --- well the
16 purple kind of looks like the blue,
17 so we'll just go by where the small

18 dot is with a note that says stopping
19 removed prior to 1/19/06?

20 A. Right.

21 Q. You're saying that's the
22 location of where a curtain was
23 hanging?

24 A. Yes, sir.

25 Q. Was there ever a curtain that

146

01 was put up after the stopping was
02 removed ---

03 A. No.

04 Q. --- down here by the belt
05 cabinets?

06 A. No.

07 Q. No?

08 A. No.

09 Q. Okay. Was this stopping ---
10 was this curtain tight?

11 A. Yeah, I believe it was, to be
12 honest with you.

13 Q. Was it --- was the curtain up
14 around the belt structure or was the
15 curtain up prior to the belt
16 structure being installed?

17 A. It was --- no, it was up
18 around the belt structure, because
19 that's what they had done. They had

20 to tear the stopping out to put the
21 belt structure in it, so they have to
22 put the piece of curtain up there.
23 It's not there anymore, I know that
24 for sure, ---
25 Q. Okay.

147

01 A. --- because I've walked that
02 belt a lot.

03 Q. Do you have any time frame
04 recollection of when that stopping
05 was removed ---

06 A. No.

07 Q. --- at the --- where the small
08 dot is that says --- identified as
09 1/19/06?

10 A. I couldn't tell you to be
11 honest with you, you know what I
12 mean?

13 Q. Okay. What about the crosscut
14 closer to the tail, have you ever
15 walked from the tail of that 72-inch
16 belt to the belt cabinet, to the belt
17 boxes?

18 A. Yeah.

19 Q. Is there a stopping located
20 there?

21 A. No.

22 Q. Okay. Now, there's a stopping

23 shown on that map.

24 A. There's no stopping there.

25 Q. There's no stopping there?

148

01 A. No.

02 Q. So I'm going to circle that

03 stopping; is that all right?

04 A. Yeah. There is no stopping at

05 all on that beltline right there,

06 except for the stopping line that you

07 see here.

08 Q. Okay. And I've got an arrow

09 pointing there, I'm going to say ---

10 what do you want to say on that one?

11 A. You go ahead and word it, I

12 don't know. There's no stopping

13 there. I mean, I don't ---.

14 Q. No stopping there; ---

15 A. Yeah.

16 Q. --- is that all right?

17 A. Yeah.

18 Q. No stopping on 1/19/06?

19 A. Yeah.

20 Q. Okay. Does that accurately

21 depict what we just said, there's a

22 note here that says no stopping on

23 1/19/06. It points to the stopping

24 that's circled that's just inby the

25 tail drive for the 72-inch belt; is

149

01 that correct?

02 A. Yes, sir.

03 Q. Okay. And do you recall if

04 there was ever a stopping there that

05 we removed?

06 A. No. To be honest with you, I

07 have no idea. But I know for a fact

08 that there was a stopping here, but

09 here, I don't --- there had to be at

10 one time, I'd say, but right now ---

11 when I started working there, there

12 was no --- never one there.

13 Q. And you started there in

14 October of last year?

15 A. Yeah.

16 Q. Of 2005?

17 A. It had to be ---.

18 Q. Since October when you started

19 working in 2005 there was no stopping

20 ---

21 A. No.

22 Q. --- just inby the tailpiece of

23 that 72-inch belt? And in here, you

24 pointed to that there was one but it

25 was removed is the one that's

150

01 identified as stopping removed prior

02 to 1/19/06?

03 A. Yeah.

04 Q. It's inby the end of the belt

05 structure; ---

06 A. Yeah.

07 Q. --- is that correct?

08 A. Yeah.

09 Q. Okay. Do you know why that

10 stopping was removed?

11 A. I guess for the belt structure

12 to go through there. That's the only

13 way --- the only thing I know, you

14 know what I mean?

15 Q. Do you know who removed it?

16 A. I mean, it would have to be

17 --- to actually tell you who done it,

18 I couldn't tell you.

19 Q. That's okay. If you don't

20 know, that's okay.

21 A. Yeah. I mean, ---.

22 Q. Let's go to the other side of

23 this intersection on the travelway

24 that's down between them two airlock

25 doors.

151

01 A. Uh-huh (yes).

02 Q. Instead of looking inby the

03 Number Two section on the left-hand

04 side is where the tool box is and the
05 power boxes ---

06 A. Yeah.

07 Q. --- in there for that belt
08 drive, on the right-hand side looking
09 downhill towards the water that lays
10 up against that solid rib. Was there
11 ever a stopping in there? Is there a
12 stopping in there that you recall
13 seeing on the 19th or on the 29th
14 when you were working in that area,
15 ---

16 A. I couldn't tell you.

17 Q. --- of December?

18 A. I couldn't tell you, to be
19 honest with you.

20 Q. You're not sure --- you're not
21 sure one way or the other.

22 A. Uh-uh (no).

23 Q. Okay. That's fine. When you
24 went through these first two doors,
25 on the airlock, did you ever walk

152

01 through those two on the outby side
02 of the mother drive?

03 A. Have I ever walked through
04 them?

05 Q. Yeah.

06 A. Yeah, a couple times.

07 Q. You had to open them by hand

08 and close them by hand?

09 A. Yeah.

10 Q. Did you ever feel any air

11 pressure on them?

12 A. No, actually no. Now, that

13 you mention it, no.

14 Q. Okay. What about the ones on

15 the inby side?

16 A. I don't think so, to be honest

17 with you.

18 Q. Okay. What about ---?

19 A. Nothing like it is down here

20 at Number One Four way and things

21 like that, you know what I mean? If

22 there's air pressure on it, it's not

23 a lot, you know what I mean?

24 Q. Nothing that was noticeable to

25 you ---

153

01 A. Right.

02 Q. --- at the time?

03 A. To where it's at the doors,

04 you know what I mean?

05 Q. Right. Walking from where we

06 have the stopping here that's circled

07 that says no stopping on the 1/19/06,

08 do you recall what direction the air

09 was?

10 A. No.

11 Q. Was it hitting you in the face
12 as you're looking inby? Don't
13 recall?

14 A. I can't remember that.

15 Q. Is it because the flow wasn't
16 that strong or just because it just
17 didn't ---?

18 A. Well, you can actually stand
19 at this power box --- like I said, we
20 have a ---

21 Q. Yeah.

22 A. --- you know how beltmen are,
23 we've got our chance to slack every
24 once in a while, you know what I
25 mean?

154

01 Q. I know what you're saying.

02 A. So we got a --- we got a phone
03 right here. Actually, it's the only
04 place you can actually hear anything.

05 Q. And the right here is right
06 where you were sitting with Karl ---

07 A. Exactly.

08 Q. --- at the belt box?

09 A. And you can feel the air
10 coming down the beltline.

11 Q. You can feel it coming down

12 the beltline ---
13 A. Right.
14 Q. --- past you ---
15 A. Yeah.
16 Q. --- going inby?
17 A. But you know, it might be
18 coming from the tailpiece, too, you
19 never know, you know what I'm saying?
20 But it's pretty strong there. I
21 mean, it really is.
22 Q. The air is pretty strong at
23 that belt cabinet ---
24 A. Yeah.
25 Q. --- coming from the belt tail

155

01 towards you?
02 A. Exactly. Exactly.
03 Q. And where does it go past you?
04 A. Well, it would have to go in
05 toward the Two section here. I mean,
06 you know, because this is a straight
07 shot basically, other than, you know,
08 you have to go up the hill here, but
09 this all --- you know what I'm
10 saying? I mean, it's the only place
11 it could go, because once you get on
12 this beltline here, you can walk from
13 Seven tail all the way out to Ten

14 headgate where they're setting the
15 mother drive belt there.

16 Q. And the right here, you're
17 talking about from where that
18 stopping was removed and the end of
19 that belt structure ---

20 A. Exactly.

21 Q. --- inby all the way to Ten
22 tailgate ---

23 A. Exactly.

24 Q. --- in that same entry because
25 the belt structure's installed in the

156

01 same entry ---

02 A. Exactly.

03 Q. --- that the 72-inch belt is
04 now?

05 A. Yes, sir. You can walk all
06 the way out.

07 Q. And you're not walking through
08 any stoppings ---

09 A. Uh-uh (no).

10 Q. --- or any doors or anything
11 like that?

12 A. No.

13 Q. No?

14 A. It's a straight shot. I think
15 from here to Ten headgate would

16 probably be possibly about 25 breaks

17 maybe, something like that.

18 Q. How about if we take a green
19 marker here.

20 A. Okay.

21 Q. Okay. And it's getting kind
22 of cluttered I know, but this green
23 marker, I'd like you to draw an arrow
24 indicating what the airflow direction
25 is in the belt entry, okay ---

157

01 A. Uh-huh (yes).

02 Q. --- in front of that
03 transformer that you said you ---.

04 A. Where do you want me to put
05 the arrow at?

06 Q. Maybe just up above it
07 someplace. We'll just make a note
08 that that's where it's going from.

09 A. I'll put it right here; is
10 that all right.

11 Q. That's fine. Yeah, that's
12 fine. So the green arrow that's
13 actually depicted on the map that's
14 Exhibit E between spads 3247 and
15 another 2236. Of course, 2236 for
16 the record is on multiple locations,
17 and at this particular time, it
18 happens to be located directly

19 downhill towards the 72-inch belt
20 side of the 3247 spad. That green
21 arrow actually is intended to depict
22 the airflow direction where the
23 stopping is circled --- between where
24 the stopping is circled and the end
25 of the belt structure in the belt

158

01 entry of 72-inch belt; is that
02 correct?

03 A. Yes.

04 Q. Here?

05 A. Yes.

06 Q. I'm just going to draw a
07 little line from that ---

08 A. Okay.

09 Q. --- down to that intersection
10 ---

11 A. Okay.

12 Q. --- that's in green. Now,
13 when you said that that's the
14 direction, what --- is there --- can
15 you feel any airflow --- when you're
16 sitting in that, the belt cabinet is
17 kind of like close to the
18 intersection ---

19 A. Uh-huh (yes).

20 Q. --- but when you're in the
21 crosscut between the belt entry and

22 that travelway, can you feel any
23 airflow one way or the other? Does
24 it kind of come down? Does it kind
25 of go up and kind of just like not do

159

01 anything?

02 A. I don't know. To be honest
03 with you, I couldn't tell you. I
04 mean, I couldn't tell you either way,
05 to be honest with you. But I know
06 that for a fact where that's --- the
07 air is flowing through.

08 Q. Okay.

09 A. But through them double doors,
10 I couldn't tell you, to be honest
11 with you.

12 Q. When this curtain was in
13 place, do you recall ---?

14 A. It was there for a little
15 while.

16 Q. Was there --- what direction
17 was it trying to go?

18 A. The same way I'm telling you.

19 Q. It was trying to go from the
20 belt into the air --- the entry on
21 the other side of the curtain inby?

22 A. Yes.

23 Q. Okay. And that would be a

24 direction it would take it into
25 where?

160

01 A. Actually it'd take you to Ten
02 headgate.

03 Q. Okay.

04 A. Where the mother drive, which
05 would be Two section.

06 Q. So the airflow, it was trying
07 to pass through the curtain, would
08 continue down the entry where the
09 belt structure was being installed
10 towards the Number Two end; is that
11 correct?

12 A. Yes, sir.

13 Q. Do you have the recollection
14 --- I know I asked you but we've
15 talked about it a while, maybe you've
16 thought about it. Do you know a time
17 frame of when that stopping might
18 have been removed?

19 A. Like I said, I couldn't tell
20 you, to be honest with you, probably

21 --- I'd be speculating again, you
22 know what I mean?

23 Q. Okay. It's all right. Thank
24 you very much. The green arrow I
25 drew up there, that was the airflow

161

01 direction on 12/29/05; is that
02 correct?

03 A. Yeah.

04 Q. Had you been there between
05 12/29 and 1/19/06?

06 A. A good question. I can't
07 remember if I had to work at the
08 mother drive after that or not, to be
09 honest with you. Actually, I think I
10 was there the very next night when
11 --- no, I worked the 31st, because it
12 was New Year's night and I got out
13 early that night. I worked it that
14 night, too.

15 Q. Were you down at that same
16 transformer?

17 A. Yeah.

18 Q. Was the airflow direction the
19 same that night?

20 A. Same thing.

21 Q. So on the 31st, it was the
22 same direction as depicted on the
23 map, and what's depicted on the map
24 with that green arrow is what was
25 there on the 29th?

162

01 A. Yeah.

02 Q. And I guess the 29th is kind

03 of --- might stand out in your head a
04 little more because of the other
05 things that occurred that night.

06 A. Yeah.

07 Q. Do you know if you were there
08 anytime after the 31st of December?

09 A. If I had been there any other
10 time than that, I can't remember, you
11 know what I mean?

12 Q. Okay.

13 A. Because we work so many
14 places.

15 Q. That's okay. You said there
16 was some air pressure against that
17 curtain when it was installed. Do
18 you --- I mean, was there like ---?

19 A. Massive amounts? No.

20 Q. Yeah.

21 A. I wouldn't --- no.

22 Q. There wasn't as much pressure
23 on that as there was on the airlock
24 doors down there, the Four way ---

25 A. No.

163

01 Q. --- was there?

02 A. No. No.

03 Q. Was the curtain pretty tight?

04 A. Well, I mean, you know, it
05 just --- I don't --- I mean, it

06 wasn't --- I don't know how they
07 measure the tightness of it. I mean,
08 you know, it wasn't to where it was
09 pulling, I mean, you know ---. But
10 you could tell it had pressure on it,
11 ---

12 Q. Okay.

13 A. --- you know what I mean?

14 Q. I'm just trying to get a gauge
15 for, you know, the magnitude of the
16 pressure ---

17 A. Yeah.

18 Q. --- and kind of an indication

19 ---.

20 A. Well, it wasn't enough
21 pressure --- I mean, I could actually
22 go underneath the curtain ---

23 Q. Okay.

24 A. --- to walk the belt, you know
25 what I mean?

164

01 Q. Yes.

02 A. So I mean, that tells you how
03 much pressure was on it.

04 Q. Yeah. Do you know if the
05 curtain was in place on 1/19/06?

06 A. No.

07 Q. No as in don't know or no, as

08 in it wasn't?

09 A. No, it wasn't in place.

10 Q. It was not in place?

11 A. It hasn't been there for a

12 long time.

13 Q. Okay. Do you know firsthand

14 on January 19th if it wasn't?

15 A. Yeah, I know firsthand, yeah.

16 Q. On the 19th it wasn't?

17 A. Yeah, it wasn't there.

18 Q. And you know because you

19 passed through there?

20 A. Yeah.

21 Q. Okay. Do you recall what the

22 airflow direction was then as you

23 passed through there that night?

24 A. The same way.

25 Q. It was the same on the 19th of

165

01 January ---

02 A. Yeah.

03 Q. --- the day of the accident on

04 dayshift as it was depicted on the

05 map in green? Did you hear what

06 inspector, if it was a Federal or

07 State inspector, that told the ---

08 told someone to remove that stopping?

09 Did you hear ---?

10 A. I don't know --- no, all I

11 know, you know, Jeff told me that ---
12 because it stays warm in there a
13 whole lot, which you know how power
14 centers are.

15 Q. Uh-huh (yes).

16 A. And they was told to tear it
17 down. I don't know if it was a
18 Federal inspector, State inspector or
19 whatever you know, just tear it down
20 because of the heat that it was
21 causing.

22 Q. And that was Jeff Perry?

23 A. Jeff Mountz.

24 Q. Jeff Mountz, that's right.

25 A. Yeah.

166

01 Q. I forgot. Do you know of any
02 fires that have occurred at the mine,
03 maybe not firsthand knowledge, but
04 that you had heard from someone else?

05 A. Well, I mean, what do you mean
06 by fire? I mean, you know, specify
07 what you're saying. I mean, because
08 there's --- I mean, you can have one
09 that's burnt belt, have one that's a
10 burnt rib. I mean, what are you
11 trying to say? I mean, ---.

12 Q. I guess any and all. Just

13 elaborate on anything that you know.
14 Somebody might call it a heating that
15 generates a lot of smoke. Somebody
16 might call it a hot roller, but it
17 generates a lot of smoke. I guess,
18 you know, don't be limited by the
19 term fire ---

20 A. Okay.

21 Q. --- because some different
22 people may have a different
23 connotation as to what that means
24 exactly. So I guess what's in your
25 mind?

167

01 A. I'll tell you what I know;
02 okay?

03 Q. Uh-huh (yes).

04 A. Since I'm going to say,
05 probably --- probably end of
06 November, maybe the middle of
07 November to the end of November,
08 we've had one, two --- we've had
09 three bearings catch on fire. We had
10 one on Five tail, one on Four tail,
11 and one on Two tail.

12 Q. And that's Four, Five and Two
13 tail on the main north?

14 A. Yeah, the main belts.

15 Q. And you're talking about the

16 bearing for the tail roller itself?

17 A. Yes.

18 Q. And you described the
19 condition a little bit earlier about
20 where you was cleaning up there on
21 the 48-inch belt. Did you hear
22 anything about --- and you brought up
23 the concern that that condition could
24 result in a bearing that overheated.

25 A. Uh-huh (yes).

168

01 Q. Do you know what caused the
02 bearings to get hot in those three
03 instances?

04 A. I mean, it could be a
05 combination of things, to be honest
06 with you. But the first thing they
07 want to say is it's not being
08 greased, you know. I guess it's just
09 to, you know, fire somebody I guess,
10 but ---. On the Five tail, for
11 instance, it's so close to the rib
12 and it was on the offside of the
13 belt, you know, it might not have
14 been greased. I'm not saying it was.
15 And the reason this sticks out in my
16 mind, because I got jumped onto it
17 over and me and Jeff Perry got into

18 it because it wasn't my belt. You
19 know, he jumped on me for it catching
20 on fire. But it could be a
21 combination of things, you know,
22 being too close to the rib and it
23 gobbled out, because I mean, he never
24 puts anybody where they're supposed
25 to be in the first place. You know,

169

01 them belts had probably been
02 neglected for two weeks, you know
03 what I mean? And Four tail, it could
04 have been gobbled out. A buddy of
05 mine said he checked the temperature
06 on it that morning, it was 78
07 degrees, which is about normal. You
08 know, in between 72 to 80 degrees is
09 normal for a bearing. He said he
10 checked it, it was 78 degrees and it
11 just --- you know, the next thing
12 they knew about nine o'clock that
13 morning, it had caught on fire. I
14 mean, it was blazing, you know. Two
15 tail, probably about the same thing.

16 Q. It was flaming?

17 A. Yeah.

18 Q. Do you know what day that was?

19 A. It hasn't been too long ago,
20 to be honest with you. Hasn't been

21 long. I mean, it was before the 19th
22 incident. And the Five tail
23 incident, it happened --- it happened
24 before the 29th.

25 Q. It happened before the

170

01 12/29/05 ---

02 A. Yeah.

03 Q. --- that you had discussed
04 earlier?

05 A. Yeah. And the Two tail, it
06 happened --- I think it happened ---
07 I know it was before the 19th of
08 January, but I can't remember exactly
09 when it was. I think it was before
10 the 29th, too, to be honest with you.

11 Q. And you said it was blazing in
12 flames, there were flames associated
13 with that?

14 A. Yeah.

15 Q. Do you know if anybody was
16 evacuated during that occurrence?

17 A. No.

18 Q. No, you don't know or you ---?

19 A. No, they wasn't evacuated.

20 Q. And ---.

21 A. I'm sorry.

22 Q. That's all right. I thought I

23 understood what you meant, but for
24 the record I wanted to be clear.
25 A. I understand.

171

01 Q. And you don't know any of this
02 firsthand about that incident there?

03 A. Which one?

04 Q. The one you were talking
05 about.

06 A. The Five tail?

07 Q. The Five tail.

08 A. Yes.

09 Q. You know that firsthand?

10 A. Well, I didn't actually put
11 the fire out or anything, ---

12 Q. Yes.

13 A. --- but it was the end of my
14 shift, ---

15 Q. Yes.

16 A. --- and I was called in the
17 office rudely by Jeff Perry and he
18 was on the phone with Brandon Conley,
19 and he had jumped onto me and said we
20 got a bearing on fire at Five tail.

21 And you know, we got in a big
22 discussion over it, you know. And I
23 said well --- I said, it's not my
24 fault. I said, you need to blame the
25 person that's on the belts, you know,

01 the ones you put on the belts. I
02 said, you haven't even had anybody on
03 there for two weeks. And he said,
04 well, what are we going to do now.
05 He said this is on fire. He said,
06 we've got to try to get this put out.
07 And I was already outside, I couldn't
08 do anything about it, you know what I
09 mean? So he tells Brandon to put
10 grease in it and try to put water on
11 it to put it out. And after that, I
12 was kind of upset and pissed off, so
13 I left. But they did have to change
14 the bearing out, that's how bad it
15 was. They had to send the bearing
16 off to see if it had grease in it.

17 Q. Have you observed the belt
18 tail drive rollers and takeups
19 running in cold?

20 A. Say it one more time.

21 Q. Have you observed the belt
22 tails running in cold?

23 A. What do you mean?

24 Q. The tail rollers, the belt on
25 the tail rollers running ---?

01 A. Have I experienced it?

02 Q. Yes.

03 A. I've experienced it on my
04 belt.

05 Q. And about takeups, you know,
06 sometimes the takeup can gob out.
07 Has that occurred?

08 A. Yes. Not so much on the
09 takeups though, you know, because I
10 mean, you know, the tailpiece is the
11 most of them. Which is --- I guess
12 it's just a given for belts, which if
13 they're --- you know, they're
14 maintained right and when they're
15 taken care of, you know, you
16 shouldn't have that problem, to be
17 honest with you.

18 Q. Is it spillage that comes back
19 on the bottom belt ---

20 A. Yeah.

21 Q. --- and the tailpiece?

22 A. You have a V-scraper in front
23 of your tailpiece ---

24 Q. Yes.

25 A. --- when it gets through the

174

01 V-scraper, it goes in the tail
02 roller, spits out towards the
03 bearings ---

04 Q. Right.

05 A. --- gobs out underneath the
06 tail roller ---
07 Q. Right.
08 A. --- so like I said, the
09 bearing has no other choice but to
10 get hot, you know what I mean?
11 Q. Are these conditions --- do
12 you report these conditions to your
13 supervisor?
14 A. Yes, sir, I do.
15 Q. If you're unable to complete
16 the cleaning, is it followed up, do
17 you know? You might now know if
18 you're not working that shift.
19 A. I'll tell you what I know.
20 Q. That's fine.
21 A. This belt, this one tailpiece
22 that I had been working on that day
23 of the fire, I worked on it for two
24 weeks and for two weeks I told my
25 boss it was gobbing out, and it would
01 gob out so bad that it would go from
02 the tailpiece, tail roller, out one
03 break. But now this is past the
04 tailpiece now. You got to realize
05 something, this is outby. One break
06 and the belt's probably about this

07 high (indicating), and it would push
08 the bottom belt up, and every day I
09 would shovel this, and I would be the
10 only one to shovel it. People on Two
11 section would have to come down there
12 and they would have to clean it up,
13 which they would take a water hose
14 and spray it out. It's probably
15 easier, you know. We call it liquid
16 shovels. So ---.

17 Q. Yeah, I've heard that term
18 before.

19 A. You know what I mean? But I
20 mean, I would shovel. One day he had
21 Brandon up there. Brandon worked all
22 day long at the V-scraper just at the
23 V-scraper alone to keep it from
24 gobbing out. He worked a nine-hour
25 shift there, and when I got there, I

176

01 had to do the same thing for two
02 weeks. And that's the truth. And my
03 supervisor was aware of that.

04 Q. Did you make any notes or logs
05 of conditions you observed ---

06 A. I do now.

07 Q. --- along the belt? You do
08 now?

09 A. Yeah.

10 Q. Now is indicating starting
11 since some specific time?
12 A. Well, like I had told you
13 before, I think I told this gentleman
14 here, the p.m. shifts we do is once a
15 week.
16 Q. And p.m. is just preventive
17 maintenance ---
18 A. Yeah.
19 Q. --- is that what that is?
20 A. Yeah, that's what that is. I
21 should have clarified myself, I'm
22 sorry.
23 Q. That's all right.
24 A. But it's for --- mainly for
25 belt examiners. I'm not a belt

177

01 examiner; okay? And I don't think I
02 should be filling these papers out
03 and I told my boss this. But I do it
04 anyway to try to cover my butt, you
05 know what I mean? And the only thing
06 that I do on these sheets is, you
07 know, I always sign my name to it
08 and I always sure it's on this sheet
09 that I'm not a belt examiner. And I
10 always say that everything's in good
11 running order at the time this p.m.

12 sheet is done. Well, he just started
13 here recently giving us another sheet
14 and it's a --- I can't think of the
15 name of it. But at the bottom of the
16 paper, you got every head that you
17 got --- that you serviced that day.
18 And I go in detail, try to go in
19 detail what was done on each head.
20 Sometimes I don't get to every head,
21 because like I said, that --- for
22 instance, that One belt, that
23 tailpiece was gobbled out, I didn't
24 have time to get to the other two
25 heads. So what I do, I write down on

178

01 there that I didn't have time to get
02 to these other two heads and I
03 shoveled on this tailpiece all day.
04 That's what I do. I don't know how
05 any other beltman does it, you know
06 what I mean?

07 Q. When you were talking about
08 that fire that --- was it Brandon had
09 on that --- was it Five tail?

10 A. Yeah.

11 Q. And then you were talking
12 about a scraper that you was working
13 on. Was that associated with that
14 same event?

15 A. No
16 Q. No? The scraper was at a
17 different location; ---
18 A. Yeah.
19 Q. --- is that correct?
20 A. Yeah.
21 Q. The scraper was on your belt?
22 A. Yeah.
23 Q. On the 42-inch belts?
24 A. Yeah.
25 Q. Okay. You didn't --- I guess

179

01 --- I didn't hear you make any
02 comment about or statement about what
03 caused that fire on the Five belt;
04 did you?
05 A. I don't know to be honest with
06 you. I mean, Jeff Perry, he assumed
07 that it hadn't been greased, which
08 it, you know, it probably hadn't been
09 greased. Like I said, he didn't have
10 anybody on there for two weeks. But
11 I know for a fact about a week before
12 that I had greased it, but, you know,
13 you don't have time to take care of
14 all them belts in he mines, you know
15 what I mean, because we're so
16 shorthanded as beltmen anyway. But

17 their opinion is lack of grease. I
18 don't see it. You know what I mean?

19 You take two pieces of metal that
20 don't have any lubrication on it,
21 eventually it's going to get hot
22 enough from rubbing each other
23 together. They can't see that, you
24 know what I mean? So I don't know.

25 Q. Back on this map, where we

180

01 were walking down that beltline and
02 where the structure is and where the
03 stoppings was removed.

04 A. On the six-foot belt?

05 Q. Yeah, the extension of that
06 --- what's going to be the extension
07 of that six-foot belt inby the
08 present tail on that northeast mains?
09 Has there ever been a supervisor walk
10 through there with you?

11 A. With me?

12 Q. Yes.

13 A. No. I don't ever have a
14 supervisor there. I've never --- I
15 don't see no --- I don't see nobody,
16 to be honest with you.

17 Q. Do know if anybody is aware
18 that there was a stopping removed
19 there?

20 A. I don't know if they're aware
21 of it or not.

22 Q. Do you know if they're aware
23 of the one that was removed between
24 the belt cabinets --- or the belt
25 boxes and the roadway, between ---?

181

01 A. Are they aware of it?

02 Q. Yes.

03 A. I'm pretty sure they are.

04 Q. When you traveled through
05 there with Don Haggie, would he have
06 been able to see that that stopping
07 wasn't in place there?

08 A. Oh, yeah. You're talking
09 about the one next to the toolbox;
10 right?

11 Q. Yes, the one that has the
12 little red dot there that says
13 stopping removed prior to 12/29/05.

14 A. Yeah.

15 Q. That one there.

16 A. Yeah. Because all the
17 stopping blocks were piled up next to
18 the rib. So I mean, you could
19 actually see --- well, it was. I
20 don't know what it's like now. I
21 haven't been up there. But you could

22 actually see where they had tore it
23 down.

24 Q. They're all stacked along the
25 rib there?

182

01 A. Yeah.

02 Q. Does Jeff Perry ever examine
03 your belts?

04 A. I'd have to say yeah.

05 BY MR. TUCKER:

06 Q. I'll probably be asking you
07 some similar questions to what you've
08 had, just some clarifying questions
09 in my mind. So if I ask the same
10 question, just bear with me. Okay?

11 A. That's all right.

12 Q. Have you ever had a fire
13 drill?

14 A. Explain a fire drill. What's
15 your definition of a fire drill?

16 Q. Where a foreman would ---
17 you'd be in a group and a foreman
18 would go over a situation with you,
19 like in the event of a fire, here's
20 what you should do and demonstrate to
21 you your different --- various types
22 of firefighting equipment.

23 A. Nope.

24 Q. Just to verify, you had

25 mentioned Shiner's name. Is that

183

01 Chris Herndon? Or who is that,

02 Shiner?

03 A. I don't know his first name.

04 Q. Oh, you just know him as

05 Shiner?

06 A. All I know him by is Shiner.

07 That's the only thing I know him by.

08 Sorry.

09 Q. That's okay. You mentioned

10 you have a heat gun and you have

11 worked some at the mother drive area.

12 A. Uh-huh (yes).

13 Q. Have you ever noticed any high

14 temperatures in that area when you

15 were working there?

16 A. No. Actually, they've been

17 below normal, to be honest with you.

18 And I think the storage unit, the

19 last time I checked it, those

20 bearings were like 69 degrees, which

21 is, you know, pretty good, to be

22 honest with you, for a bearing, as

23 much as that runs anyway. You know

24 what I mean?

25 Q. Have you had any trouble at

184

01 all when you've worked on the mother
02 drive, any type of belt problems at
03 all that you can think of?

04 A. Nothing that's, you know, out
05 of the ordinary. I mean, you know,
06 you have problems like the tilt
07 switch going off or, you know, the
08 land mine or something like that, you
09 know, a false alarm. You know what I
10 mean? Other than that, nothing
11 major, you know.

12 Q. Any type of alignment problems
13 that you can recall?

14 A. No. To be honest with you,
15 the belts always ran pretty straight.
16 You know, you never --- I never had
17 any trouble with it.

18 Q. When was the last time you
19 were at the mother drive? Did you
20 say you worked there during the
21 Christmas ---

22 A. Yeah.

23 Q. --- week?

24 A. As far as I can remember, the
25 last day I worked that I know for

185

01 sure that I worked is --- it would be
02 New Year's night, which would be the
03 31st of December, because we had got

04 out early that night, and that's how
05 I remember it. As far as I know,
06 that's the last time I worked it.

07 Q. Do you recall seeing any
08 waterline, like a fire hose laying
09 out in the area of the mother drive
10 during that week?

11 A. I don't know if there was or
12 not, to be honest with you. I don't
13 think there was, but it might have
14 been. If there was, I didn't see it,
15 I mean. When Jeff become boss at ---
16 like I say, he was at Hernshaw, and
17 then they sent him over here to be a
18 belt boss at Aracoma. He --- for
19 some odd reason, he started putting
20 water hoses, which I know it's the
21 law, but putting water hoses and
22 shovels and sledgehammers and stuff
23 at every head. So I'm assuming that
24 the mother drive had that stuff
25 there. I'm not saying that it isn't

186

01 --- or wasn't. I'm just assuming
02 that it was. You know what I mean?

03 Q. Have you ever noticed any like
04 laying in the walkway ---?

05 A. Down at the storage unit,

06 yeah.

07 Q. At the storage unit?

08 A. Yeah. But it wasn't hooked

09 up.

10 Q. It wasn't?

11 A. Because they had like maybe a

12 two or three-inch line, plastic line,

13 aqua line I call it, running down the

14 mother drive, and they had one ---

15 which I think Karl used to use it for

16 a liquid shovel, and they unhooked it

17 for him because they don't believe in

18 you using a liquid shovel, you know

19 what I mean, they want you to do it

20 manually.

21 Q. Do you remember what color

22 that line was?

23 A. Yeah, the red colored one. It

24 wasn't --- it was a cheap one.

25 Q. Have there been times that

187

01 you've been in that area that you did

02 not notice the red line in the

03 walkway?

04 A. No. Every time I walked that

05 belt, it was laying there.

06 Q. And when is probably the first

07 time that you walked that belt that

08 you could recall that?

09 A. I couldn't tell you.

10 Q. It's been a while?

11 A. Yeah, it's been a while.

12 Q. Going back to the fire on the

13 29th, did you tell other people at

14 the mine about the fire, the

15 experience you had with the fire or

16 mention it to other management

17 people?

18 A. The only one I actually told

19 would be my buddy Donzell. I didn't

20 actually tell anybody else. Even my

21 superintendent didn't even know

22 anything about it. But he would be

23 the only one that knew --- until

24 after this incident happened, you

25 know, I could actually relate to what

188

01 these guys had went through. I mean,

02 not --- to the point to where they

03 experienced smoke is what I'm saying.

04 You know what I mean? I don't know

05 what they went through whenever they

06 was --- the situation they was in,

07 but ---. I mean, there's a couple

08 guys I talked to and, you know, I let

09 them know that, you know, when you

10 experience smoke in the mines, it's

11 --- you know, it's a terrifying
12 thing, to be honest with you.

13 Q. Right.

14 A. But that's about it, you know.

15 Q. Would there be any reason that
16 you wouldn't talk about it much or
17 maybe that you wouldn't mention it to
18 other people in management?

19 A. No. I mean, you know, there's
20 no particular reason why I didn't
21 mention it. I mean, that Saturday
22 that --- I was feeling pretty bad
23 from this incident and I had called
24 them and told Jeff Perry, which is my
25 boss, that I was feeling pretty bad

189

01 and my lungs were hurting me real bad
02 and I was going to try to ---
03 actually, it was the 31st, and I was
04 going to let him know that I wasn't
05 going to come into work. And he said
06 I had to work because Karl had called
07 in. And he said that the longwall is
08 going to shut down at eight o'clock
09 anyway. You know, that's the only
10 person I actually told anything about
11 it in management. You know what I
12 mean?

13 Q. Did you miss any work

14 from ---?
15 A. No, I couldn't. They wouldn't
16 let me.
17 Q. You mentioned that you ---
18 that Charles Kann was called?
19 A. I think that's who it was.
20 Q. Said Dave Meade had called
21 Charles ---.
22 A. Well, Mike actually dialed the
23 number and Dave got on there and
24 talked to him. Mike Brown was the
25 dispatcher.

190

01 Q. Did anybody come and talk to
02 you about the fire, ---
03 A. No.
04 Q. --- like ---
05 A. No.
06 Q. --- ask any questions of what
07 happened, what you did or ---
08 A. No, nobody.
09 Q. --- anything like that?
10 A. After that night, this is the
11 first time we've actually talked
12 about it.
13 Q. Did you happen to mention the
14 fire to any inspectors, state or
15 federal?

16 A. I don't talk to inspectors. I
17 don't ever see any.

18 Q. That's the only reason?

19 A. But honestly, I never see
20 anybody from where I'm at. I mean,
21 90 percent of the time I'm up on the
22 Two section belts and I never see
23 anybody. Very seldom, I mean very
24 seldom I see Jeff Perry. He's been
25 there since --- well, I started

191

01 working there in October and he's
02 been there since maybe the first of
03 November, and I've seen him twiced.

04 Q. So on a given day on your ---
05 when you go in and you know to go to
06 the 48-inch belt and you're there
07 working all day usually in that belt
08 entry and you say nobody ever comes
09 to check on you?

10 A. No.

11 Q. You don't see anybody walking
12 by?

13 A. Every once in a while I see
14 Jeff Perry or I see Terry Shadd.

15 Q. You mentioned maybe two or
16 three times you saw Jeff Perry?

17 A. Yeah.

18 Q. How many times do you think

19 you may have saw Terry Shadd in the
20 belt entry?

21 A. In the belt entry?

22 Q. Forty-eight (48) inch.

23 A. Why do you got to ask so many
24 hard questions?

25 Q. Rough estimate.

192

01 A. Ballpark figure?

02 Q. Yes.

03 A. Since I've been working Two
04 section belts?

05 Q. Yes.

06 A. About as much as I've seen
07 Jeff.

08 Q. Which would be?

09 A. Maybe two or three times.

10 Q. Okay. You mentioned the other
11 fires at Five tail, Four tail and Two
12 tail. Did you see any of those?

13 A. No. But trust me, they was
14 there.

15 Q. Right.

16 A. I hadn't seen any.

17 Q. I'm just wondering if you
18 helped put any of them out.

19 A. No.

20 Q. But you talked to people who

21 did?
22 A. Well, yeah. I talked to
23 Brandon. Brandon was the one who
24 experienced it. Brandon and George
25 Morgan, Jorge Morgan was his name.

193

01 He was a red hat. They experienced
02 the one on Five tail. And Fred
03 Horton, which is the second-shift
04 mine foreman, he helped them put it
05 out or helped them change the roller.
06 And the one on Four tail, that was
07 Donzell Grimmet --- let me think who
08 all got wrote up over that. Linsey
09 Whited (phonetic) and Karl White ---
10 no, Karl didn't get wrote up. Let's
11 see. Linsey, Donzell. There's
12 another one. I can't remember who it
13 was. They all got wrote up over that
14 incident. Actually, Linton Stump
15 wanted to fire somebody. Jeff was
16 talking about that today, matter of
17 fact.

18 Q. Because they had a fire?

19 A. Yeah, because the --- it
20 wasn't because of the fire. It was
21 because the bearing went down. I
22 mean, I'm not going to lie to you
23 about it. You know what I mean? He

24 actually --- Jeff told me today that
25 he wanted to fire Karl White over it.

194

01 And Karl wasn't even there. It
02 wasn't even his belt.

03 Q. That was the one at Four tail?

04 A. Yeah.

05 Q. What about Two tail, do you
06 know who was involved in that?

07 A. Lanny --- I think Lanny was
08 involved in that one, Lanny Hoosier.

09 Q. Anybody else you can recall?

10 A. Well, no. It had to --- it
11 happened on dayshift, so it had to be
12 Lanny. He probably had a red hat
13 with him, who'd be Greg Krouse, but
14 he doesn't work there anymore.

15 Q. Do you know where he works
16 now?

17 A. Somebody told me it was
18 Mingo-Logan, but I'm not sure. You
19 know, I'm not sure if he works there
20 or not. I haven't talked to him.

21 Q. Since you've been on the
22 48-inch belt, have you primarily
23 worked the dayshift, or have you been
24 on the evening shift during any of
25 that time?

01 A. Well, for the first week or
02 two I --- first three or four weeks I
03 was on evening shift and dayshift.
04 One week dayshift, one week evening
05 shift. But prior to the incident,
06 what, two and a half, three weeks
07 there I worked just mainly dayshift;
08 wasn't it? I think it was mainly
09 dayshift the last three weeks.
10 Because they didn't have anybody ---.

11 Q. The last three weeks prior to
12 January the 19th?

13 A. Yeah.

14 Q. But before that, you've
15 rotated some?

16 A. Right.

17 Q. When you were on the evening
18 shift, did you notice anybody coming
19 by on the evening shift when you were
20 working on the belt by yourself?

21 A. No. I'm not going to be very
22 liked at the mines anymore, you know
23 that; don't you?

24 Q. Hopefully that won't be the
25 case. What did you say Lanny's last

01 name was?

02 A. Lanny.

03 Q. Lanny.
04 A. Hoosier.
05 Q. Hoosier. Do you happen to
06 know how you spell that?
07 A. Hoosier?
08 Q. Yes.
09 A. H-O-O-S-I-E-R, I believe.
10 Q. Good deal. Back to the mother
11 drive just for a moment.
12 A. Okay.
13 Q. Have you ever noticed any
14 problems with the storage unit?
15 A. No. To be honest with you, I
16 haven't.
17 Q. Are you familiar with the trip
18 levers?
19 A. No. I've never fooled with
20 them.
21 Q. Okay. So you've never noticed
22 it maybe in an abnormal position or
23 anything of that nature?
24 A. No.
25 Q. Okay. You mentioned a good
01 bit about the stopping inby the
02 tailpiece on the Number Seven belt.
03 A. Uh-huh (yes).
04 Q. And it's been gone for quite

05 sometime.

06 A. Yes.

07 Q. And you mentioned that there

08 was a curtain hanging there, ---

09 A. Yes.

10 Q. --- but it's been gone for

11 quite sometime.

12 A. Yes.

13 Q. Do you happen to recall

14 approximately when you noticed that

15 curtain hung for the last time, that

16 you noticed the curtain?

17 A. I really don't know. To be

18 honest with you, I couldn't tell you.

19 Because when you're in this --- I

20 mean, it's a rotating --- I mean, you

21 work at a certain area so many days a

22 week. It gets routine and you just

23 lose track of everything.

24 Q. Right. I understand. When

25 you had your annual retraining, did

198

01 you don your SCSR?

02 A. Uh-huh (yes).

03 Q. Have any problems?

04 A. Uh-huh (yes). They had us put

05 in a little room with the lights off,

06 a little bathroom.

07 Q. Right.

08 A. And then we had to put it on
09 within two minutes. If we didn't, we
10 had to redo it.

11 Q. That's a pretty good drill.

12 A. The first time.

13 Q. Good deal. The fire that you
14 extinguished where you breathed a
15 good bit of smoke there, did those
16 flames ever reach the roof; do you
17 recall?

18 A. No.

19 Q. Do you know if there's any
20 damage as a result of that fire?

21 A. What do you mean by damage, to
22 the belt or anything like that?

23 Q. Anything.

24 A. No. Other than the rib
25 burning, you know, that was it.

199

01 Q. Nothing to where a support had
02 to be set or anything repaired?

03 A. No, nothing.

04 Q. Just to clarify something,
05 when we was talking about the SCSR
06 training, and you said first time,
07 are you referring to you got it on
08 the first time, or that's the first
09 time you ever had any training?

10 A. The first time I've ever had
11 any training. That's what I meant by
12 it.

13 Q. Okay.

14 MR. BEITER:

15 I thought you meant
16 that that was the first time
17 you tried it and you got it on
18 in two minutes.

19 A. No. The first time we ever
20 had any training on it. I mean, I
21 worked at Independence, and we never
22 had any training on it either.

23 BY MR. TUCKER:

24 Q. Did you get yours on the first
25 try?

200

01 A. No.

02 Q. Ten minutes?

03 A. No.

04 Q. How many tries did it take?

05 A. Two.

06 Q. That's still not bad.

07 A. Yeah, but you might not get a
08 second chance, you know what I mean?

09 Q. That's true. That's true.

10 You mentioned on the 29th, back to
11 that incident, that you had talked to
12 Dave and he came and helped you. Do

13 you know who was acting as mine
14 foreman on that shift?

15 A. Dave.

16 Q. He was acting mine foreman?

17 A. Yes.

18 Q. His normal job duty was a
19 section foreman?

20 A. Section foreman.

21 Q. Okay. I almost forgot, when
22 you started work at the mines, did
23 anybody --- did you receive any type
24 of training in methane detection or
25 oxygen deficiency detection, or

201

01 anything about gases?

02 A. Nope.

03 Q. Have you ever heard the
04 terminology of a Comprehensive Mine
05 Safety Program?

06 A. I've heard of it, yeah.

07 Q. Do you know what that is?

08 A. No.

09 Q. Do you remember where you
10 heard of it?

11 A. No, just --- I don't remember
12 to be honest with you, but I've heard
13 of it.

14 Q. Have you ever seen a program

15 that maybe --- you can look at it for
16 a second if you want, take as long as
17 you'd like. But a program that was
18 similar to that, that had
19 instructions of that nature?

20 A. No. No, I've never seen
21 anything like this.

22 Q. Okay. Thank you.

23 A. You're welcome.

24 MR. TUCKER:

25 Just for the record,

202

01 this is --- on the front page
02 it has Comprehensive Mine
03 Safety Program, initial
04 program submittal form to be
05 Exhibit F, Robinson.
06 (Robinson Exhibit F
07 marked for
08 identification.)

09 MR. TUCKER:

10 That's all I have at
11 this time. Thank you.

12 A. You're welcome.

13 BY MR. BEITER:

14 Q. Junior, I just got a few more
15 questions, if that's okay.

16 A. Okay.

17 Q. The stopping we talked about

18 up here, it's marked in --- it's
19 supposed to be purple-bluish, the
20 stopping removed prior to 1/19/06.
21 It's located inby the end of the belt
22 structure on that 72-inch belt entry.
23 And maybe I asked you and you already
24 told me, but I can't remember. Was
25 the stopping removed --- already

203

01 removed when you started working
02 there?

03 A. No. The stopping was there.

04 Q. The stopping was there?

05 A. Yeah. That's why I know it
06 was gone, because when they started
07 putting the belt structure in there,
08 well, naturally, they had to do away
09 with that stopping, you know what I
10 mean?

11 Q. Yes. And there was no belt
12 structure in place when the stopping
13 was there initially?

14 A. No. No.

15 Q. Okay. Did you have any
16 problems with the longwall drive
17 unit, or the takeup or the carriage?

18 A. No, I ain't never had any
19 trouble with it.

20 Q. Have you heard anybody talking
21 about any problems with it, jumping
22 off track or having to chain anything
23 down?

24 A. No. As far as I know, I don't
25 think I've ever heard anybody talk

204

01 about it.

02 Q. Okay. Could you estimate the
03 time that elapsed on 12/29/05 from
04 when you discovered the fire until it
05 was extinguished? Not until they
06 called you, but once you took
07 approximately 15 minutes to get down
08 there from the time you actually saw
09 it, until the time it was
10 extinguished. An estimate. I know
11 you --- I'm sure you don't look at
12 your watch the whole time.

13 A. Well, I mean, like I told you
14 before, when I first found the fire,
15 I had to --- I walked back through
16 the double door, back up three
17 breaks, found the fire extinguisher
18 over to the takeup, walked back out
19 to the track entry, walked back down
20 to Number Two Four way, sprayed this
21 fire extinguisher on here, and it
22 didn't helped. Walked from the

23 Number Two Four way to Number One
24 Four way, hollered to Dave on the
25 phone ---.

205

01 Q. Number One Four way is 1,000
02 feet or so outby?

03 A. Yeah.

04 Q. Okay.

05 A. I got Dave on the phone, told
06 him I needed more fire extinguishers?

07 Q. That's Dave Meade?

08 A. Yeah. Got another fire
09 extinguisher, walked back up to
10 Number Two Four way, sprayed the fire
11 extinguisher on the fire, put rock
12 dust on it and a little bit of mud.

13 Approximately --- I don't know, 20
14 minutes, maybe, 25 minutes --- that's
15 just ballpark, I mean, because the
16 time you walk and doing things, I
17 mean, it's kind of hard to --- I
18 mean, just clear off the top of my
19 head, I can't tell you how long it
20 was.

21 Q. You called Dave from the
22 Number One Four way?

23 A. Number One Four way. That's
24 the only place I could get to a

25 phone, because all the other ones was

206

01 smoked out too bad.

02 Q. Is that the time that he told
03 you that had he not heard from you
04 that he was going to evacuate the
05 section?

06 A. I can't remember if he told me
07 on the phone. I'm thinking that he
08 did. It was either when he was on
09 the phone, or when he came up there
10 and actually started helping us put
11 the fire out. I can't remember
12 exactly when it was, but he did say
13 that, you know what I mean?

14 Q. Yes. And from the time that
15 you were notified until the time that
16 you got down there was, you
17 estimated, about 15 minutes, and I
18 know that's just an estimate.

19 A. Yeah.

20 Q. And then you said about 20
21 minutes from the time you found the
22 fire until you got it extinguished,
23 and where you called Dave at, would
24 that have been about halfway between
25 the time from when you got there and

207

01 you called out?

02 A. Yeah, ballpark. It's hard to
03 keep up with the time, you know what
04 I mean, when you're in a situation
05 like that, you know what I'm saying?

06 Q. Yes.

07 A. I mean, I guess the whole
08 incident from the time I was --- by
09 the time I called up on the phone to
10 the time I actually got it put out
11 and Dave come up there, you're
12 probably looking at 45 minutes maybe
13 total, you know what I mean?

14 Q. Yes.

15 A. I mean, it's just a ballpark
16 figure. I mean, it might have been
17 longer; it might have been shorter.
18 The only thing I knew os, I wanted to
19 hurry and get it put out and get out
20 of there, you know what I'm saying?

21 Q. Yes. Do you know if Jeff
22 Perry carries a heat gun with him?

23 A. No, I don't think he does.

24 Q. What about --- is it Terry
25 Shadd, is that his name?

208

01 A. Uh-huh (yes).

02 Q. Do you know if he does?

03 A. Terry wouldn't carry one.

04 Q. Do you know if anybody's ever
05 used a heatgun on that longwall
06 drive?
07 A. I have.
08 Q. You have?
09 A. And you know, I'm pretty sure
10 Brandon did. Karl, I don't know
11 about. Bryan Cabell, I don't know
12 anything about him. I don't even
13 think he carries one. But I know for
14 a fact that me and Brandon has,
15 because me and Brandon's been
16 together and actually done it.
17 Q. Brandon, you said, has his own
18 gun?
19 A. Yeah. He had it, yeah.
20 Q. What rollers or bearings were
21 you --- I should say what bearings
22 were you ---?
23 A. Well, you checked the head
24 drive bearings, the discharge
25 bearings. And in cases in storage
209
01 units, you have the stationary
02 rollers, hold down rollers. I mean,
03 it's hard to keep up with all of
04 them, you know what I mean. I'd have
05 to actually be looking at it to tell
06 you.

07 Q. Yes.

08 A. Basically, anything that has a
09 bearing, and it has a moving part on
10 it, just check the bearings on it,
11 the temperature on it.

12 Q. And do you just do that as a
13 normal part of your routine?

14 A. I do it every single day,
15 yeah.

16 Q. Not just when you would expect
17 a problem?

18 A. No, I checked them every day.

19 Q. Flappers, you described the
20 flappers where you would get a little
21 bit of frayed end, and they'd start
22 catching, and they get ripped off
23 when they hit part of the structure,
24 or belt hangers, roller hangers.

25 A. Uh-huh (yes).

210

01 Q. Are they common?

02 A. They're not real common on the
03 six-foot belts, but they're common on
04 the four-foot belts. Why, I don't
05 know. Four-foot belts is not
06 maintained like they should be, so
07 I'm thinking neglect, you know, could
08 be a big part in the flappers.

09 Normally, when you get a flapper, it
10 you catch it in time, you just cut it
11 off, you know what I mean, and that's
12 all you do. But if you don't catch
13 it any time, it'd grab a hanger and
14 it could cause a big problem.

15 Q. Have you had any formal
16 training on the use of portable fire
17 extinguishers?

18 A. No. Not in the mines, no.

19 Q. Do you recall what was covered
20 in your refresher training?

21 A. What do you mean now?

22 Q. You told me ---.

23 A. We went over first-aid, roof
24 control, our self-rescuers, safety.
25 I think that's about it.

211

01 Q. Did you go over escapeways?

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

03 Q. Did they have a map to show
04 you, say here's where the escapeways
05 are?

06 A. No.

07 Q. Do you recall who conducted
08 the training for you?

09 A. I can't think of his name.

10 They was the --- they had it

11 separated in four groups, 25 men per

12 group, because there was so many of
13 us. And they had each guy doing each
14 --- different parts of it. To be
15 honest with you, to tell you their
16 names, there's no way.

17 Q. That's all right. Thank you.

18 You talked about the PM sheets,
19 preventive maintenance sheets. Are
20 they a formal record, or are they
21 loose-leaf sheets, or ---?

22 A. Well, I guess you'd say it was
23 a formal record, because I mean, he's
24 --- he says he keeps a record of
25 them, and you know, when we fill them

212

01 out, he puts them in a certain folder
02 or whatever. He says it's mandatory
03 for --- Jeff did. I should say Jeff
04 Perry, says it's mandatory for
05 beltmen to do that. Massey makes it
06 mandatory for us to do them. I don't
07 know. You know, I never done them
08 before.

09 Q. You give those to Jeff?

10 A. Yes, sir.

11 Q. Jeff Perry?

12 A. Yes, sir.

13 Q. Do you know who reviews them?

14 A. I guess Jeff Perry does.
15 Q. What type of information do
16 you record on there?
17 A. Well, like I said, you do ---
18 there's --- you have a list of things
19 on there, and they give you a certain
20 limit to do it. Like for instance
21 checking the V-scraper, they give you
22 five minutes to check it. And then
23 when you check the V-scraper, you
24 check the function of this V-scraper
25 just to see if it's working properly

213

01 the way it's supposed to be working,
02 which is shooting the coal or
03 spillage off the side of the belt
04 instead of going back to your tail
05 roller, you know what I mean?

06 Q. Yes.

07 A. You'd check the bearing
08 temperatures. You'd check the
09 rollers. You'd check all the
10 discharge rollers, stationary
11 rollers, tailpieces, rock boxes.
12 You're supposed to check splices,
13 basically everything's that's on the
14 belt to be honest with you, you know
15 what I mean? The grease and things
16 like that.

17 Q. Did you hear of any CO alarms
18 on 1/19, on January 19th, 2006, in
19 the drive area of the longwall belt?

20 Did you hear of any ---?

21 A. While I was on shift?

22 Q. Yes.

23 A. No.

24 Q. How about, had you heard any
25 as you were passing through there?

214

01 A. No.

02 Q. On January 19th, the day of
03 the accident, were you onsite when
04 the accident occurred?

05 A. I just had left.

06 Q. You just had left?

07 A. I'd say it was about 4:30 we
08 got out.

09 Q. Did you return that night?

10 A. No. I didn't know anything
11 about it until, what eight o'clock.
12 8:30, nine o'clock.

13 Q. Could I ask you to sign and
14 date the map?

15 A. Yeah.

16 Q. Just signing it to indicate
17 that you made all the notations that
18 are on there.

19 A. Where do you want me to sign

20 it?

21 Q. Anywhere you want to is fine.

22 Right down by the exhibit number is

23 okay.

24 A. What date is it?

25 Q. March 2nd, '06. I didn't have

215

01 you sign anything else on here or

02 initial it, because there wasn't any

03 notations really made, except for on

04 Exhibit A --- no it wasn't Exhibit A,

05 Exhibit D, I underlined a couple of

06 entries just for us to use as a

07 marker. It didn't really identify

08 it. Just really two questions,

09 Junior. Oh, I'm sorry, go ahead.

10 MR. TUCKER:

11 Just a few more.

12 MR. BEITER:

13 Okay.

14 BY MR. TUCKER:

15 Q. Do you record bearing

16 temperatures each day?

17 A. Yes, sir. I think the last

18 ones I did, when I wrote down on the

19 back of the PM sheet, I put down the

20 bearings, temperatures are running

21 between 68 to 80 degrees. And Jeff

22 said we couldn't do that. So every
23 shift we had to draw a diagram of the
24 bearings, and you have a front side
25 and a back side, and you have to

216

01 record each bearing temperature.

02 Q. So you record it on a PM
03 sheet?

04 A. On the back of it, yeah.

05 Q. Back on the PM sheet. And
06 that's a daily thing?

07 A. It's a weekly thing.

08 Q. Weekly.

09 A. Every Monday.

10 Q. But you keep track of them,
11 then at the end of the week you put
12 down for each day?

13 A. Now, the new sheet that he has
14 us doing now, I don't know what it's
15 called, but we don't have to do it on
16 that one. When you do your bearing
17 temperature, you know, you check your
18 bearing temperatures on that, you can
19 round it off to what the temperatures
20 are. But when you do your PM sheets,
21 you got to be precise on what bearing
22 it is and what the temperature is.

23 You understand?

24 Q. So say prior to the 19th,
25 January 19th, how did you record the

217

01 bearing temperature?

02 A. That's the question. I can't
03 remember to be honest with you. It
04 might have been rounded off to be
05 honest with you. I don't think I
06 actually ---.

07 Q. But it was on the weekly PM
08 sheet?

09 A. Yeah.

10 Q. Did you have to leave work
11 early on the 29th of December?

12 A. Yeah. Yeah, I left about an
13 hour early. Actually, I come out of
14 the mines about 9:30, something to
15 10:00, because I had walked from Six
16 head down to Five head, and I had
17 hollered at Dave to see if Dave would
18 come and get me and give me a ride
19 out, because I mean, I just couldn't
20 go any further. And Dave took me ---
21 Dave took me in the dispatcher's
22 office and filled an accident report
23 out and give me some oxygen. I got
24 home, what, about 11:30, 11:00.

25 MRS. ROBINSON:

218

01 It was right around in
02 there.
03 BY MR. TUCKER:
04 Q. So Dave administered the
05 oxygen?
06 A. Yeah, he give it to me and I
07 put the mask and stuff on, yeah.
08 Q. Did he come and pick you up
09 and bring you out?
10 A. Yeah. He was real good about
11 that.
12 Q. Did you work the following
13 day?
14 A. Yes.
15 Q. 12:30.
16 A. Yes, sir.
17 Q. Do you know if the belts are
18 running today at the mine?
19 A. Right now? No.
20 Q. Or on dayshift today?
21 A. No. They won't let them run,
22 I don't believe.
23 Q. I know, sometimes after
24 something happens you think back and
25 maybe try to remember things, if

219

01 you've noticed anything or whatever
02 the case may be. On the 19th, if I

03 understand right, you came out with
04 the construction crew, and you came
05 through the double doors under the
06 mother drive?

07 A. Yes.

08 Q. Looking back now, can you
09 recall anything that may have stood
10 out or had been abnormal that day
11 when you passed through that area, a
12 smell or anything?

13 A. To be honest with you, I can't
14 remember anything. If it would have
15 had a smell, we would have checked
16 it.

17 Q. All right. Do you have any
18 idea what time the fire started on
19 the 19th?

20 A. I heard about 5:30. I'm not
21 sure what time it started. Like I
22 said, I was out of there.

23 Q. Right. Okay.

24 A. I had people calling my house
25 and wanting to know if I was in

220

01 there, I didn't --- that's how I
02 found out about it, you know what I
03 mean?

04 Q. Right.

05 A. But I mean, I heard about

06 5:30.

07 Q. Okay.

08 A. That's hearsay.

09 MR. TUCKER:

10 Right. I appreciate

11 it. Thank you.

12 A. No problem.

13 BY MR. BEITER:

14 Q. Those PM sheets you were

15 talking about, are they filled out

16 daily?

17 A. Weekly.

18 Q. Weekly.

19 A. Every Monday.

20 Q. Ever Monday?

21 A. Yeah.

22 Q. Do you know of anything in

23 your mind that could have been done

24 to prevent the accident?

25 A. I can't --- I don't want to

221

01 say anything about that, because I

02 mean, --- you know, I don't know what

03 would have happened if I had been up

04 there. I mean, I'm sure things could

05 have been done to prevent --- what

06 could have been done to prevent it, I

07 couldn't tell you. I mean, because

08 you know, you had a beltman there all
09 day, he never experienced any
10 problems. You change shifts and you
11 know, all hell breaks loose. I mean,
12 you know, anything --- like I said,
13 anything can happen. I mean, I don't
14 --- no, to be honest with you, I
15 don't. I mean, it's a sensitive
16 thing, you know what I mean?

17 Q. I understand. Is there
18 anything else that you'd like to tell
19 us regarding about what happened that
20 day?

21 A. No.

22 Q. Is there any topics or things
23 that we didn't ask that you think we
24 should know?

25 A. No.

222

01 MR. BEITER:
02 Do you have any
03 clarifying questions?

04 MRS. ROBINSON:
05 No, I don't.

06 MR. BEITER:
07 Thank you. Junior, on
08 behalf of MSHA, I'd like to
09 thank you for appearing here
10 today and answering our

11 questions and being patient.
12 It's been a long day for you,
13 I'm sure. And sharing your
14 information about the mine and
15 the accidents.

16 Your cooperation is
17 very important to us as we
18 work to determine the cause of
19 the accident. If you wish,
20 you can go back now over any
21 answer that you gave us during
22 the interview and also make a
23 closing statement covering any
24 additional points that you
25 believe should be raised that

223

01 we didn't bring up.

02 We ask that you don't
03 discuss your interview today
04 with any person who may have
05 already been interviewed, or
06 who may be asked to give a
07 statement in the future. And
08 the reason we ask that is so
09 that we get everybody's
10 independent account or
11 recollection of events and
12 things surrounding the

13 accident.

14 A. That's fine.

15 MR. BEITER:

16 Not for any other
17 reason besides that. After
18 questioning other witnesses
19 and obtaining additional
20 information, we may ask you
21 back for further questions.
22 If at some later point you
23 have additional information
24 that you'd like to provide us
25 regarding the accident that

224

01 you might remember at some
02 other day, please contact
03 Kenny Murray, who --- I don't
04 think Kenny was in here when
05 you first came in.

06 A. No. How you doing?

07 MR. BEITER:

08 Kenny, could you get
09 your name on record.

10 MR. MURRAY:

11 Yeah. He has a card
12 for you.

13 MR. BEITER:

14 Yes, I have a card.

15 Here's his card. He's the

16 lead accident investigator for
17 MSHA on the accident.

18 MR. MURRAY:

19 Thanks for coming in.

20 A. No problem.

21 MR. BEITER:

22 He's also the District
23 Manager in Pikeville,
24 Kentucky. And the other card
25 is for his staff assistance

225

01 Anthony Webb, who is not
02 present tonight.

03 The Mine Act provides
04 certain protection for
05 individuals who participate in
06 accident investigations. If
07 at any time you believe that
08 you've been treated unfairly
09 because of your cooperation in
10 this investigation, please
11 immediately contact Kenny
12 Murray or Anthony Webb, the
13 two gentlemen's cards that you
14 have. And again, thank you
15 very much for your help.

16 A. No problem.

17 MR. BEITER:

18 I know Bill has
19 something he'd like to add to.

20 MR. TUCKER:

21 The State offers those
22 same protections against
23 discrimination. And we,
24 again, would like to express
25 our thanks for coming in

226

01 today. And here's one of my
02 cards. Here's a card for C.A.
03 Phillips, he's our Deputy
04 Director out of the Charleston
05 office. If you need us for
06 anything, just give us a call.

07 * * * * *

08 SWORN STATEMENT

09 CONCLUDED AT 7:41 P.M.

10 * * * * *

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25