

01 EXAMINATION UNDER OATH
02 OF
03 SHANE C. STANLEY
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 Friday, March 3, 2006, at 8:33
13 a.m.

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18 ALSO PRESENT:
19 RONALD W. STAHLHUT
20 C.A. PHILLIPS
21 EUGENE WHITE
22 BETH SPENCE
23 CHARLES POGUE
24 MIKE FINNIE
25 DERRICK TJERNLUND

4

01 I N D E X

02
03 DISCUSSION 7 - 16
04 WITNESS: SHANE C. STANLEY
05 QUESTIONS
06 By Mr. Stahlhut 16 - 99

07	By Mr. Tucker	99 - 108
08	By Mr. Stahlhut	108 - 111
09	By Mr. Hardy	112 - 114
10	DISCUSSION	114 - 117
11	CERTIFICATE	118

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

5

01	EXHIBIT PAGE		
02			
03	PAGE		
04	NUMBER	DESCRIPTION	IDENTIFIED
05	Stanley		
06	A	Fire fighting plan	36
07	B	DSC00027, photo of	
08		computer screen	50
09	C	DSC00029, photo of	

10		computer screen	52
11	D	DSC 00031, photo of	
12		computer screen	53
13	E	Logbook	62
14	F	Printout of CO monitoring	
15		system	65
16	G	Copy of map from CO desk	81

17
18
19
20
21
22
23
24
25

6

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

02 -----

03 MR. STAHLHUT:

04 Good morning. My name
05 is Ron Stahlhut, and I
06 represent the Mine Health &
07 Safety Administration, which
08 is an agency of the United
09 States Department of Labor. I
10 am a members of MSHA's
11 accident investigation team

12 that is charged with
13 investigating the accident
14 that occurred at the Aracoma
15 Mine, Incorporated, Aracoma
16 Alma Number One Mine, on
17 January 19th, 2006. This is a
18 joint investigation that MSHA
19 is conducting with the State
20 of West Virginia. I will be
21 asking the questions for MSHA
22 in today's interview. With me
23 here today are other members
24 of MSHA's team and the State's
25 team. MSHA's team includes

7

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

08 ATTORNEY BARISH:

09 Hi, Mr. Shelton (sic).
10 My name is Dan Barish. I'm
11 with the Solicitor's office
12 for MSHA. And I work out of
13 Arlington, Virginia.

14 MR. POGUE:

15 My name is Charlie
16 Pogue. I'm with MSHA. I'm
17 out of Hunker, Pennsylvania.

18 MR. FINNIE:

19 I'm Mike Finnie with
20 MSHA, Madisonville, Kentucky.

21 MR. TJERNLUND:

22 Derrick Tjernlund, MSHA
23 Tech Support, Triadelphia.

24 MR. BURKE:

25 Tony Burke, MSHA,

8

01 Whitesburg, Kentucky.

02 MR. MURRAY:

03 Kenny Murray, MSHA,
04 Pikeville, Kentucky.

05 MR. STAHLHUT:

06 Here with me today,
07 representing the State of West
08 Virginia, is Mr. Bill Tucker.
09 Mr. Tucker will be asking the
10 questions for the State. At
11 this time, I would like Mr.
12 Tucker to introduce the
13 members of the State's team
14 who are here today.

15 MR. TUCKER:

16 I need to read a brief

17 statement. The West Virginia
18 Office of Miners' Health,
19 Safety & Training is
20 conducting this interview
21 session jointly with MSHA, and
22 we are in agreement with the
23 procedures outlined by Mr.
24 Stahlhut. However, let me
25 make it clear that the

9

01 Director reserves the right,
02 if necessary, to call or
03 subpoena witnesses or require
04 the production of any record,
05 document, photograph or other
06 relevant materials necessary
07 to conduct this investigation.
08 My name is Bill Tucker. I
09 work out of the Oak Hill
10 Office for Miner's Health,
11 Safety & Training.

12 MR. PHILLIPS:

13 How are you doing? I'm
14 C.A. Phillips. I'm Deputy
15 Director of Miners' Health,
16 Safety & Training in
17 Charleston, West Virginia.

18 MR. WHITE:

19 Eugene White, District

20 Inspector out of Region Three,
21 Danville.

22 MS. SPENCE:

23 I'm Beth Spence with
24 the Governor's office.

25 MR. STAHLHUT:

10

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

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

22 through witness interviews is
23 frequently included in these
24 reports. Your statement may
25 also be used in other

11

01 enforcement proceedings.

02 I would like to thank
03 you in advance for your
04 appearance here. We
05 appreciate your assistance in
06 this investigation. The
07 willingness of miners and mine
08 operators to work with us is
09 critical to the success in
10 making our nation's mines
11 safer.

12 This interview with
13 Shane Stanley is being
14 conducted under Section 103(a)
15 of the Federal Mine Safety and
16 Health Act of 1977 as part of
17 an investigation by the Mine
18 Safety & Health Administration
19 into the conditions, events
20 and circumstances surrounding
21 the fatalities that occurred
22 at the Aracoma Alma Number One
23 Mine, located at Route 17
24 North Bandmill Hollow Road,

25 Stollings, West Virginia,

12

01 25646. This interview is
02 being conducted at the State
03 of West Virginia Department of
04 Environmental Protection,
05 Division of Mining and
06 Reclamation, at 1101 George
07 Kostas Drive, West Virginia,
08 25601, on March the 3rd of
09 2006.

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

13

01 this interview, and you may
02 consult with your
03 representative at any time.
04 You may designate any person
05 to be your representative.
06 Following the questions by
07 MSHA and the State, this
08 representative will be given
09 the opportunity to ask
10 questions for the purpose of
11 clarification on areas already
12 discussed. Your statement is
13 completely voluntary. You may
14 refuse to answer any question,
15 and you may end your interview
16 at any time. If you do not
17 understand a question, please
18 tell me and I'll rephrase the
19 question. If you need a break
20 for any reason, let me know.

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

14

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

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

09 MR. STANLEY:

10 No, sir.

11 MR. STAHLHUT:

12 A court reporter will
13 record your interview and will
14 later produce a written
15 transcript of the interview.
16 I ask that you state all your
17 answers verbally because the
18 court reporter cannot
19 acknowledge gestures like
20 shaking your head or
21 something. So answer
22 verbally, if you would. If
23 any part of your statement is
24 based not on your own
25 firsthand knowledge but on

15

01 information that you have
02 learned from someone else,
03 please let us know. Please
04 answer each question as fully
05 as you can, including any

06 information that you learned
07 from someone else. We may not
08 ask the right questions to
09 learn the information that you
10 have. Do not feel limited by
11 the precise question asked.
12 If you have information about
13 the subject area of the
14 question, provide us with that
15 information. Do you have any
16 questions in the manner in
17 which this interview will be
18 conducted?

19 MR. STANLEY:

20 I don't know what you
21 mean by that?

22 MR. STAHLHUT:

23 Do you have any
24 questions on how we're going
25 to conduct the interview?

16

01 MR. STANLEY:

02 No, sir.

03 MR. STAHLHUT:

04 Okay. Will you please
05 swear Mr. Stanley in?

06 -----

07 SHANE C. STANLEY, HAVING FIRST BEEN

08 DULY SWORN, TESTIFIED AS FOLLOWS:

09 -----

10 BY MR. STAHLHUT:

11 Q. Please state your full name,
12 address and telephone number, and
13 then spell your last name for the
14 record.

15 A. Shane C. Stanley, [REDACTED]

[REDACTED]

18 Q. Is all right if I call you
19 Shane?

20 A. Yes, sir.

21 Q. Are you appearing voluntarily
22 at this interview?

23 A. Yes, sir.

24 Q. Has anyone made promises to
25 you for giving this statement or

17

01 offered you rewards in exchange for
02 making your statement?

03 A. No, sir.

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

07 A. No, sir.

08 Q. Do you understand that you may
09 refuse to answer any question or
10 terminate this interview at any time?

11 A. Yes, sir.

12 Q. Do you have a representative
13 with you?

14 A. Yes, sir.

15 Q. Please identify your
16 representative.

17 A. Dave Hardy.

18 Q. When did you first meet Mr.
19 Hardy?

20 A. Somewhere around the last of
21 January, at the end of January.

22 Q. How did this meeting come
23 about?

24 A. Sir, to tell you the truth,
25 they just asked us a --- you know,

18

01 just went into a room and, you know,
02 we answered questions, what they knew
03 at the mine, about how, you know, ---
04 what I done. They just wanted to
05 know what my job title was, and that
06 was ---.

07 Q. Okay. Did you contact Mr.
08 Hardy or did he contact you?

09 A. They contacted him.

10 Q. Okay. Did anyone from the
11 company contact you about Mr. Hardy
12 representing you?

13 A. No, sir. I asked.

14 Q. Okay. Did you make a decision
15 to choose Mr. Hardy as your
16 representative in this matter?

17 A. Yes, sir.

18 Q. Have you been made aware that
19 Mr. Hardy also represents the company
20 in this matter and that there is a
21 potential for a conflict of interest
22 to arise between yourself and the
23 company?

24 A. Yes, sir.

25 Q. Do you want to proceed with

19

01 Mr. Hardy representing you, despite
02 any potential conflicts of interest?

03 A. Yes, sir, I still want him.

04 Q. Okay. Did Mr. Hardy discuss
05 with you what was going to take place
06 in today's interview?

07 A. We sat down and discussed, you
08 know, like you all was going to be
09 here like this, and that was it.

10 Q. Who was present at this
11 discussion?

12 A. Me and him, sir.

13 Q. Did you talk to anyone who has
14 already been interviewed?

15 A. Yes, sir, another dispatcher,

16 you know. But it wasn't --- we
17 didn't discuss, you know, what he
18 went through here, you know, what the
19 interview was about. We didn't
20 discuss that.

21 Q. Were you interviewed by the
22 company before today?

23 A. I don't know what you mean by
24 that question. You know, he's the
25 company, so yes, sir, you know.

20

01 ATTORNEY HARDY:

02 Ron, do you mean
03 somebody else other than me?

04 MR. STAHLHUT:

05 Right, somebody ---.

06 BY MR. STAHLHUT:

07 Q. Did the company take you
08 somewhere at some point in time ---

09 A. No, sir.

10 Q. --- after the accident and
11 interview you or ask you questions
12 what happened to you or anything like
13 that?

14 A. No, sir.

15 Q. Okay. When you mentioned the
16 other dispatcher that you briefly
17 talked to, who was the other
18 dispatcher that you had talked with?

19 A. I believe it was Mike Brown, I
20 believe.

21 Q. Did you attend a meeting at
22 the local grade school?

23 A. No, sir.

24 Q. How long have you worked at
25 Aracoma Number One Mine?

21

01 A. I started in the 1st of
02 January, three months, two and a
03 half, three months.

04 Q. For the record, was this
05 January 1st, 2006?

06 A. Yes, sir.

07 Q. What is your current job
08 title?

09 A. Dispatcher.

10 Q. How long have you held that
11 position?

12 A. For two and a half months.

13 Q. Do you rotate shifts?

14 A. On the --- through the week, I
15 work third shift, 10:30 to 7:30. And
16 then weekends, we work 12-hour
17 shifts, and I work from five o'clock
18 Saturday morning until five o'clock
19 Saturday evening. And I come in
20 Sunday evening at five o'clock and

21 work until Monday morning at 5:00.

22 Q. So those are your normal work
23 hours then?

24 A. Yes, sir.

25 Q. What was your job title on

22

01 January 19th, 2006?

02 A. Dispatcher.

03 Q. Are you considered a member of
04 management? Are you a supervisor?

05 A. No, sir. I ain't no manager.

06 Q. Are you employed by a
07 contractor?

08 A. Yes, sir.

09 Q. Who is that contractor?

10 A. Apollo.

11 Q. Have you held any other jobs
12 at this mine?

13 A. No, sir.

14 Q. How many total years of mining
15 experience do you have?

16 A. Two and a half months.

17 Q. Have you ever worked
18 underground at this mine?

19 A. No, sir.

20 Q. Have you been underground at
21 this mine?

22 A. Yes, sir.

23 Q. When was that?

24 A. You're supposed to go and
25 check out your surroundings, you

23

01 know, where the --- where I'm a
02 dispatcher, I need to know where the
03 road is, you know, where people are
04 at, so they showed me, you know, like
05 the Number One Threeway and stuff
06 like that.

07 Q. Did you go to the sections in
08 the mine? Or what portion of the
09 mine did you travel in I guess is
10 what I'm asking.

11 A. I went up past the mother
12 drive and back out.

13 Q. Up past the mother drive,
14 being --- what is the mother drive?

15 A. I reckon the face of the
16 mines. I don't know that much about
17 the mining business.

18 Q. So you went as far as the
19 mother drive then?

20 A. Yes, sir.

21 Q. Did you go to any of the
22 sections?

23 A. We went by Section Three I
24 know of --- or that I can recall. I
25 can't really recall if I was there or

01 not.

02 Q. Okay. What are your duties as
03 dispatcher?

04 A. Answer the telephone, check
05 in, check out all rides, keep track
06 of, you know, the people, you know,
07 that's going in and out and CO
08 monitor. And that's it, sir.

09 Q. What responsibilities do you
10 have?

11 A. The CO monitor and keeping
12 track of the rides, you know, keeping
13 track of the road to make sure no
14 one, you know, meets in the middle or
15 whatever.

16 Q. Do you track the movements of
17 the miners underground?

18 A. Every miner? No, sir.

19 Q. So you made mention, I think,
20 about how --- who was underground and
21 where they were at or something. Is
22 there --- like when people are going
23 in the mine, how do you determine
24 where they're at or where they're
25 going?

01 A. There's crews, you know, like
02 ---. For instance, I'll just use a

03 John Doe. You know, John Doe will
04 have a certain crew, you know. You
05 get familiar with who's on what crew.
06 That's how I keep track.

07 Q. So these crews would be like
08 --- and I'm not trying to put words
09 ---

10 A. Section crew.

11 Q. Section crew, okay. Are the
12 crews --- like normally you have how
13 many sections in the mine?

14 A. We got two sections, and then
15 you got the mother drive, so three.

16 Q. So you got three crews. Are
17 you familiar with where these crews
18 are located on the map or what area
19 of the mine these crews would be in?

20 A. Yes, sir.

21 Q. And how did you determine
22 that? You got a ---?

23 A. I got a map right behind me.

24 Q. We'll probably come back to
25 that map in a little bit, but we'll

26

01 take a little more about it.

02 Q. Who's your immediate
03 supervisor?

04 A. There's so many people over

05 top of my head, I don't know, I mean,
06 if you want to know the truth.

07 Q. I guess your supervisor is
08 probably the one that would, I guess,
09 take care of your time or the person
10 that would give you specific
11 instructions on what your work duties
12 were, what your responsibilities are
13 or something like that. I mean,
14 normally you got one person. Who
15 would you call if you had a problem
16 or ---?

17 A. Personally, you know, Kirby
18 has been the dispatcher longer than I
19 have, so you know, I normally ask
20 Kirby what to do.

21 Q. Does your immediate supervisor
22 work on the same shift with you?

23 A. No.

24 Q. Do you have work-related
25 discussions with your immediate

27

01 supervisor?

02 A. What do you mean by work
03 related?

04 Q. If you had a problem you
05 didn't know how to handle, I guess,
06 or something came up, would you
07 confer with your immediate supervisor

08 or your supervisor ---

09 A. Yes, sir.

10 Q. --- on instances like that,

11 something of that nature?

12 A. Yes, I would. I'm just trying

13 to answer the way ---

14 Q. You're doing fine, Shane.

15 A. --- the right way.

16 Q. I'm just asking these

17 questions, and just tell me to the

18 best of your knowledge. How do you

19 receive your work assignments?

20 A. How do I receive them? It's

21 there every day. It's the same

22 pattern basically every day.

23 Q. Do you have some kind of

24 generalized work instructions or

25 certain things you're supposed to do

28

01 each day or have you just been told

02 this? I guess what I'm saying, how

03 do you receive --- how do you know

04 what you're supposed to do?

05 A. Kirby informed me when --- you

06 know, he trained me for two weeks

07 and, you know, I sit there and answer

08 the phone and watch the CO monitor

09 and do the mine phone.

10 Q. Is there any other things you
11 do during your shift other than ---
12 you said watch the CO monitor and
13 answer the phone. Are there others?
14 A. Yes, sir. I hand out lights
15 and put lights up. But I won't do
16 that unless someone is there to watch
17 the telephone for me, you know, the
18 mine phone, in case a man calls out
19 or something like that.
20 Q. So prior to the accident, you
21 never left the CO monitor room, is
22 that what I'm understanding, unless
23 someone was there?
24 A. Unless someone was there, yes,
25 sir.

29

01 Q. Is someone else always
02 available to be there when your
03 responsibilities take you to the lamp
04 room or warehouse or wherever it may
05 be in that general work area?
06 A. Well, sir, I'll be honest with
07 you, I just have to sit and wait, you
08 know, for someone to come relieve me.
09 Q. You sit and wait until someone
10 comes and relieves you if you've got
11 to go do something else?
12 A. Yes, sir. I'll ask, you know,

13 like for a diesel mechanic or
14 something like that to come in there.

15 Q. Was this the --- I mean, was
16 this what you done since you've been
17 there or has this changed at some
18 point in time since the accident?

19 A. No, sir. I've always been
20 instructed. This is God's honest
21 truth. I've always been instructed
22 to --- I couldn't leave that office
23 until someone was there to relieve
24 me.

25 Q. Do you have duties that ---

30

01 where are the areas --- I've been in
02 the box cut. I'm familiar with that
03 area. What duties --- other than in
04 the CO room, what kind of duties are
05 you responsible for? Have you gotten
06 instructions for other things? You
07 made mention of the lamp room. I'm
08 familiar where the lamp room is.
09 What other areas would you have
10 things you need to do in, in that
11 area?

12 A. Well, there's --- you got the
13 warehouse, you got the --- you got to
14 write down whatever everybody takes

15 out of the warehouse. But they got
16 to go by my door to do that, though.
17 And I keep it locked.

18 Q. So if someone needs something
19 out of the warehouse, do you go in
20 the warehouse to get it for them or
21 do they go in and then they bring it
22 back to you and you sign it out? How
23 do you handle that, I guess?

24 A. See, sir, the way that I do
25 it, because I ain't been there that

31

01 long, I let one man at a time go in
02 and get what they need, and then I
03 write down what they get, and they go
04 on.

05 Q. Okay. Who gave you the
06 instruction not to leave the office?

07 A. Kirby.

08 Q. What training have you
09 received relative to effectively
10 conducting your job as a dispatcher?
11 Did you have any formalized training
12 telling you this is what you need to
13 do as a dispatcher?

14 A. For --- I mean, what do you
15 mean by that?

16 Q. The first day you were a
17 dispatcher, was there someone that

18 come down there and told you, this is
19 what you need to do and this is how
20 you do it? You see what my question
21 is? I'm trying to ask you, did
22 someone give you some formal training
23 this is the duties ---?

24 A. Yes, sir. I sat with Kirby
25 for two weeks. I was under Kirby's

32

01 wing for two weeks, you know.

02 Q. Okay. So when was that ---

03 A. Whenever I ---.

04 Q. --- when you was with Kirby
05 for two weeks?

06 A. The 1st of January. I don't
07 think I started until after the new
08 year. I think January 2nd was my
09 first day there. I'm almost
10 positive.

11 Q. So you're saying that you
12 actually worked with him on the job
13 for two weeks?

14 A. For two weeks, yes, sir.

15 Q. Okay. What kind of things did
16 he explain to you in that two weeks?

17 A. Just about the CO monitors,
18 you know, that when a CO goes off,
19 you're supposed to contact the

20 foreman, you know, the mine foreman,
21 write it down in that black book, and
22 I can't --- I wasn't able to take it
23 off the computer --- acknowledge it
24 until someone called out and told me
25 what the problem was.

33

01 Q. So you were instructed not to
02 acknowledge the alarm. By that you
03 mean was that ---?

04 A. Not to clear it out, yeah.

05 Q. To not silence the alarm until
06 someone called out and told you what
07 was wrong?

08 A. You're confusing me.

09 Q. I'm sorry. I'm not trying to
10 put words in your mouth. I'm trying
11 to clarify the question, what you
12 said.

13 A. I'm supposed to contact the
14 --- you know, the CO monitor goes
15 off, you know, I get on the mine
16 phone and contact, you know, the
17 foreman, you know, the person
18 responsible for that, and then I sit
19 and wait and monitor that until
20 someone calls out. And then they tell
21 me, you know, what the problem is,
22 you know.

23 Q. Right.

24 A. Say there's a diesel sitting
25 beside of it and that made the

34

01 monitor --- you know, the CO monitor
02 go off, then you know, I'd write down
03 in the black book, you know, diesel
04 set CO monitor off. And then I can,
05 you know, click it --- you know,
06 whenever it gets down to zero, I can,
07 you know, take it off.

08 Q. For the record, if I'm
09 following you right, I'm trying to
10 get it clear in my mind. I know you
11 know what you're doing there, but
12 you're saying that the alarm on the
13 CO and the warehouse it makes a
14 beeping sound and a visual signal on
15 your screen?

16 A. Yes, sir.

17 Q. And you leave that beeping
18 signal on until someone comes back
19 and you log it into the book, is this
20 what you're saying?

21 A. Yes, sir.

22 Q. So you leave the beeping
23 signal --- or it stays there beeping
24 however long that period may be, is

25 that ---?

35

01 A. Yes, sir. You know, when we
02 have MSHA people there, I know it
03 gets on their nerves. That's the way
04 it is.

05 Q. When you're doing this --- I
06 guess I'm trying to get a clear
07 picture what's going on here. You've
08 got this beeping signal going on, and
09 are there other things going on that
10 would distract you during this --- or
11 that you have to do during this
12 period of time while you're waiting?
13 Would there be any other things that
14 you would tend to while you were
15 waiting?

16 A. Of course. You know, you have
17 the telephone there, you know. The
18 telephone rings, you're going to pick
19 that up.

20 Q. What if a ---?

21 A. But you can still see --- you
22 can still see the monitor.

23 Q. While you leave this alarm
24 beeping, is there a different sound
25 or is there a change if another alarm

36

01 were to alert or alarm? Would there

02 be another audible signal, or would
03 that just be a continuation of that
04 signal that's already on there?

05 A. Sir, I couldn't tell you. I
06 really don't know. I couldn't tell
07 you.

08 Q. The question I had I was just
09 trying to clarify. So okay. Are you
10 familiar with the mine's firefighting
11 and evacuation plan? And I'll show
12 you a copy of it here. Have you seen
13 this before? And for the record,
14 this will be Stanley Exhibit A.

15 (Stanley Exhibit A
16 marked for
17 identification.)

18 BY MR. STAHLHUT:

19 Q. You can take a quick look at
20 it if you want.

21 A. Have I seen it before now?

22 Q. Right.

23 A. Our firefighting plan?

24 A. Yes. It's the poster right
25 behind me. Yeah, they got a black

37

01 folder thing, and it's stuck down in
02 it. And it says firefighting plan.

03 Q. Was it posted there when you

04 came to work at Aracoma Mine or the
05 dispatcher's job?

06 A. Not that I can recall, sir.

07 Q. When did you become aware of
08 it or when was it posted there? Do
09 you have that knowledge?

10 A. I really --- I couldn't answer
11 it because I don't know. Here
12 recently.

13 Q. Since the accident?

14 A. Before or after? After.

15 Q. Okay. Did you receive any
16 training on this program of
17 instruction?

18 A. Just besides, you know,
19 contacting the foreman and the people
20 upstairs and stuff.

21 Q. Okay. Have you had any
22 training even since the fact, since
23 the accident on this program? It
24 lists some specific things that you
25 may not be familiar with, like who

38

01 the responsible person at the mine
02 is, what the actions are in the event
03 of a CO alarm. Some different things
04 in that plan are in there, who's to
05 do what and everything.

06 A. Yes, sir. Yes. I know who

07 the responsible person is on my shift
08 --- all three shifts, actually.

09 Q. Since you bring this
10 responsible person up, were you aware
11 of who this responsible person was on
12 the shift you were working prior to
13 the accident?

14 A. Yes, sir, I know who that
15 foreman was.

16 Q. Who was that?

17 A. Tom Adkins.

18 Q. Tom Adkins?

19 A. On my --- yeah, on third
20 shift.

21 Q. And how did you know that?

22 A. Because he was the foreman,
23 you know. I was told that's who you
24 contact if there's any trouble or any
25 problem.

39

01 Q. Are you aware of any specific
02 responsibilities in that training
03 plan that you, as a dispatcher, have?

04 A. Yes. When a CO monitor goes
05 off, I contact the foreman, and then
06 the foreman --- you know, if he asks
07 me to contact someone like on a
08 section or something like that, yes,

09 sir, I would have the responsibility
10 if he asked me to do that.

11 Q. The foreman --- if the foreman
12 asked you to do that?

13 A. If the foreman was to ask me
14 to do that, yes, sir, I would have
15 the responsibility.

16 Q. For the record, the foreman
17 you're referring to, is this the same
18 person as the responsible person or
19 is this just any foreman at the mine?

20 A. No, my responsible person.

21 Q. Do you know who the
22 responsible person --- and I think
23 you may have answered this, but was
24 on the other two shifts?

25 A. Yes, sir, I do know.

40

01 Q. Who were they?

02 A. Dusty Dotson and Fred Horton.

03 Q. Okay. Do you remember in that
04 plan --- you said you've had some
05 training. I guess I'm trying to
06 clarify. I have read the plan, so I
07 know a little bit about what's in it.
08 And isn't there something specific in
09 there like if two CO sensors alarm in
10 a row, what you would do?

11 A. You're supposed to pull

12 everybody out.

13 Q. Are you the one that does this
14 evacuation or --- you said you're
15 supposed to pull everyone out. Do
16 you mean outby --- out where, first
17 of all?

18 A. I would contact --- you know,
19 personally, myself, I'd contact
20 someone if two COs went off like
21 that. I would contact somebody and
22 let them take charge.

23 Q. And who would you contact?

24 A. My responsible person or
25 somebody upstairs.

41

01 Q. Your responsible person, is he
02 always available by phone?

03 A. No, sir.

04 Q. Then who would you contact?

05 A. Then you drop down to say Mark
06 Keezer, Sr., drop down to him.

07 Q. Who is he?

08 A. He's --- I guess he's another
09 foreman. I've only been there two
10 and a half months. I really ---.

11 Q. That's fine. Just to the best
12 of your knowledge.

13 A. I'm just going by ---.

14 Q. We're trying to get the
15 information from you here and what
16 you know. So if you had two sensors
17 in a row alarm and you said you would
18 --- you would contact the people.
19 What, by that plan, are they supposed
20 to do? Do you remember that part?

21 A. What, if two COs go off at the
22 same time?

23 Q. Two sensors in a row.

24 A. Don't they --- I mean, they're
25 supposed to evacuate the mines is

42

01 what I thought.

02 Q. That's what you remember of
03 the plan?

04 A. That's what I can remember of
05 the plan.

06 Q. Specifically that the plan
07 says I think you're to go outby that
08 --- the outby most sensor is what it
09 says. But I'm just asking you
10 questions here, seeing what you know
11 about it. We mentioned a little bit
12 about tracking the movements of the
13 miner underground. Is there any
14 specific way you do this? Do you
15 keep any notes or anything? Do you
16 do it by memory? How do you track

17 people when you go in and out of the
18 mine?

19 A. Normally I just --- I know
20 what crew is going with who whenever
21 they take that ride. You know, you
22 should know who's taking what ride.
23 So you normally know, you know, what
24 electrician is taking his boys ---
25 you know, you normally have certain

43

01 men you like to work with. So we
02 normally know who's going to be
03 around with who.

04 Q. Do you track other people that
05 may come in and out of the mine
06 frequently or foremen or something
07 like that? Do you know where like
08 the responsible person on your shift,
09 if he goes in the mine, does he ---
10 do you track him?

11 A. Normally, my foremen would
12 have a ride, so yes, sir, I would
13 know where he's riding. You know,
14 for instance, Tom Adkins is assigned
15 713, and I have to write down on that
16 book, you know, say he's going to
17 Number One Threeway, I have to write
18 down, you know, Tom Adkins is Number

19 One Threeway and what time he left.
20 And he's supposed to call out and
21 tell me his arrival time so I'll know
22 that he's made it there.
23 Q. And you made mention of that
24 book. What is that book you're
25 referring to there?

44

01 A. Well, it's not really a book.
02 It's a piece of paper.
03 Q. It's a piece of paper. Is it
04 a form or what kind of paper is it?
05 I mean, is it something that's ---?
06 A. It's a piece of paper that
07 names off what rides, name, to and
08 from, arrival time --- or time
09 departed, arrival time and comments.
10 That's it, comments, what job they're
11 going to be doing that night?
12 Q. Where do these papers go?
13 Like at the end of your shift or when
14 you're done with these, where are
15 they put or kept or what happens to
16 them?
17 A. Sir, if you want to know the
18 truth, I give them to Kirby. I let
19 Kirby deal with that, because I don't
20 really --- I didn't know where they
21 go.

22 Q. You've answered it fine. You
23 can only answer what you know.

24 A. If you want to know the truth,
25 this is making me nervous.

45

01 Q. Just relax. If you have to
02 move to another location away from
03 your dispatcher station, does anyone
04 replace you? And I think you've
05 already answered that. I'll pass on
06 that question because I think you
07 pretty well answered that you were
08 instructed to do that. So I'm going
09 to pass on that. I read it before I
10 read it.

11 Q. When this person does replace
12 like you, like you mentioned, someone
13 would come in there and everything,
14 if people are moving about the mine
15 and they contact him, does he pass
16 that information on to you?

17 A. I need a better example.

18 Q. Say one of your diesel
19 mechanics come in there and say
20 you've got to go get a part out of
21 the warehouse or you got to do ---
22 take care of a light or whatever your
23 job duties --- I'm not trying to put

24 words in your mouth of what your job
25 duty is, but --- and you have a

46

01 person in there while you're away
02 from your duty, stationed in the CO
03 monitor room, when you come back, if
04 someone has called out and said I'm
05 going from this section to that
06 section, would he pass that type of
07 information on to you?

08 A. I always ask, sir, if you want
09 to know the truth, you know.

10 Q. Okay.

11 A. Because if I don't know what
12 ride is broke down in the mines, I
13 know I'm going to get chewed out in
14 the morning, so yes, sir.

15 Q. This responsible person that
16 you've referred to, is this the
17 person that would take charge in the
18 event of a mine emergency?

19 A. Yes, sir. He's supposed to
20 take charge, from what I gather.

21 Q. In other words, if someone
22 calls out and tells you, I've got a
23 fire or we've got an inundation or
24 something, he would take charge from
25 there and take over then probably?

47

01 A. Yes, sir.

02 Q. And would you say --- I think
03 you referred to the responsible
04 person. His last name is Adkins.
05 What's his title?

06 A. He's a mine foreman, I
07 believe. I think that's his title.
08 I'm not for sure, so I ---.

09 Q. Okay. Do you think a fire in
10 an underground mine could be an
11 imminent danger?

12 A. What's imminent mean?

13 Q. It means can this harm people
14 immediately?

15 A. Yes, sir. We've seen that
16 happen.

17 Q. And why do you feel that way?

18 A. Because I was in the fire
19 department, I know what smoke does to
20 a person.

21 Q. Has your opinion changed that
22 it's an imminent danger since the
23 accident on January 19th, or was it
24 that way before? Did the accident
25 change it?

01 A. That I felt that it was
02 dangerous?

03 Q. Yes.

04 A. Smoke, yes, sir.

05 Q. Do you think that the loss of
06 communications with a CO sensor in an
07 underground coal mine that has
08 experienced a fire in the past could
09 be an imminent danger? If you have a
10 CO sensor that quits working, would
11 that be an imminent danger?

12 A. Yes, sir, I guess.

13 Q. Why would --- is there any
14 particular reason why you would think
15 that if the CO sensor quit that it
16 would be an imminent danger? And I'm
17 talking about one sensor.

18 A. Well, I mean, to me, I think
19 sensors need to work, you know. I
20 wouldn't --- I don't get paid to
21 think, though, so ---.

22 Q. Has the accident changed your
23 opinion of that?

24 A. Yes, sir.

25 Q. Do you think that the loss of

49

01 communicationns with multiple sensors
02 --- I mean, you've got a whole
03 section of sensors, a whole area of
04 the mine these sensors quit working
05 in, would be an imminent danger?

06 Could you repeat that again?

07 Q. Okay. My first question

08 ---.

09 A. You're overwhelming me.

10 Q. I'm sorry. Do you need to
11 take a break to relax a minute?

12 A. Yes, sir, if you don't mind.

13 Q. Okay.

14 SHORT BREAK TAKEN

15 BY MR. STAHLHUT:

16 Q. Let's go into some areas where
17 you should be familiar with, I think,
18 and maybe a little easier for you to
19 answer questions. I know you've had
20 a long night. You worked last night.
21 So let's move in here to some areas
22 that ---. What I've got here is some
23 digital pictures. The first one is
24 DSC00027. We're going to call this
25 Exhibit B, Stanley.

50

01 (Stanley Exhibit B
02 marked for
03 identification.)

04 BY MR. STAHLHUT:

05 Q. Take a look at this one and
06 tell me what you see there. And are
07 you familiar with that picture?

08 A. That's the UPS Digital --- I
09 forget what it's called. I'm trying
10 to think what that --- it says
11 whenever it comes up on the computer,
12 you know, that ---.

13 Q. But basically what's it
14 showing you? I mean, I don't need a
15 real ---.

16 A. This is Two section, and this
17 is Three section up here.

18 Q. Okay.

19 A. And that's the main belt.

20 Q. What are these green boxes
21 here? Like this one here is ---.

22 A. That's CO.

23 Q. The green boxes are indicating
24 your CO sensors?

25 A. Yes, sir.

51

01 Q. Do you have any idea what this
02 red box here is?

03 A. Yes, sir. I think that's like
04 one of the power sources or something
05 like that.

06 Q. Okay. And what would these
07 sensors over here --- what would
08 these gray sensors to your right hand
09 ---?

10 A. That's CO dead. I think it's

11 a --- whenever they have like the
12 power turned --- you know what I'm
13 saying? I think a couple of nights
14 there, since MSHA's been there, we've
15 had, you know, the CO dead, you know.
16 But there's no power on that section
17 because MSHA wouldn't let us have
18 power down that way, so we have it
19 turned off.

20 Q. Okay. And did you say that
21 --- okay, this is --- because this
22 would be going ---.

23 A. I think it's Two section.

24 Q. Two section.

25 A. And this is Three section.

52

01 Q. And this is Three section,
02 okay. Now we got another digital
03 picture here that's DSC00029, and
04 it's Exhibit C, Stanley.

05 (Stanley Exhibit C
06 marked for
07 identification.)

08 BY MR. STAHLHUT:

09 Q. And this one here, what does
10 this picture indicate to you? Which
11 belts, I guess I'm saying.

12 A. Which belts? That would be

13 the Rum Creek belt side. And those
14 COs are off whenever that one is on.

15 MR. STAHLHUT:

16 He's indicating that
17 the two CO sensors depicted in
18 pictures 1.89 and 1.40 are
19 green, they're on, and these
20 are Rum Creek belts.

21 BY MR. STAHLHUT:

22 Q. So if these belts were
23 running, would these sensors normally
24 be gray on a normal shift?

25 A. No, sir.

53

01 Q. What color would they be?

02 A. They'd be green even if they
03 weren't running.

04 Q. Exactly. What if they were
05 gray, what would that tell you?

06 A. That I need to call to ask
07 somebody to go check it out, to go
08 check out what the problem is.

09 Q. Okay. Now, this is the third
10 picture here. And this is DSC00031.
11 The DSC means a digital picture that
12 was taken.

13 (Stanley Exhibit D
14 marked for
15 identification.)

16 BY MR. STAHLHUT:

17 Q. And this is probably the other
18 screen and these three pictures are
19 technically depicting what, your
20 three screens you would normally see
21 on your Pyott-Boone system; is that
22 correct?

23 A. Yes, sir.

24 Q. Okay. And this one here is
25 showing some of the similar things,

54

01 you've got some of the areas in gray
02 for the Number Nine headgate belt.

03 That would tell you what?

04 A. I mean, it says it right on
05 it, CO dead.

06 Q. Right. Okay. Then this is
07 the six-foot belt here and it shows
08 some of the sensors there. One of
09 the sensors from the six-foot belt is
10 1.80, and then the next one to it is
11 1.52. What are those sensors telling
12 you there?

13 A. That they're dead.

14 Q. And that's indicating because
15 of the gray color; right?

16 A. Yes, sir.

17 Q. And this one we're referring

18 to as Exhibit D, Stanley.

19 A. Plus they say it.

20 Q. If you had a CO alert or

21 alarm, how would this box change and

22 what would it look like?

23 A. You know, I think fire goes

24 into red and the numbers, it will go

25 --- you know, either they'll go up.

55

01 But the CO on the alarm don't go off

02 until it gets to five, I believe,

03 five parts per million.

04 Q. At five, what color does it

05 change to; do you remember?

06 A. I don't remember if it's

07 yellow or red. I don't remember

08 which one.

09 Q. And then it changes to another

10 color? It changes from yellow and

11 then to red or --- they change

12 colors?

13 A. Yeah, one of the two. I don't

14 remember.

15 Q. You don't remember which one,

16 okay. This CO system, where is this

17 located? Where is this screen

18 located?

19 A. Right here where I'm at right

20 now, it's over to my left.

21 Q. And where you're referring to
22 is down in the box cut in the office?

23 A. Yes, sir, it's in the office
24 right beside of me.

25 Q. What do you refer to that room

56

01 as?

02 A. The dispatcher's office.

03 Q. The dispatcher's office, okay.

04 Is this system, this Pyott-Boone
05 system, you've got a monitor siting
06 over there. Is there other
07 components to this system?

08 A. I mean, ---.

09 Q. I mean, is there --- you got a
10 monitor. That's one part of it. Is
11 there more pieces to this system in
12 that room?

13 A. You'll have a keyboard to it
14 and have a mouse to it. You've got
15 the printer that prints out, you
16 know, every CO that goes, you know,
17 --- that's went off, after printing
18 immediately off.

19 Q. Sure. Have you ever seen
20 anyone work on this system?

21 A. The only person allowed to
22 work on that system that I was told

23 of was Jesse Jude. That's the only
24 person I was told.

25 Q. He's the only person you've

57

01 seen working on this system. You
02 haven't seen anyone else down there
03 working on the system ---

04 A. No, sir.

05 Q. --- since --- before or since
06 the accident?

07 A. No, sir.

08 Q. No one else works on the
09 system then that you're aware of ---

10 A. Not that I'm aware of.

11 Q. --- that you've seen down
12 there, downloading information or
13 doing anything on that computer
14 whatsoever, ---

15 A. No, sir.

16 Q. --- be it anyone? Okay. All
17 right. Have you received any formal
18 training on this Pyott-Boone system?

19 A. What do you mean?

20 Q. Have you had any kind of
21 training class that hears how the CO
22 system works and ---?

23 A. I always try to kind of bring
24 it up, like you all have got it up
25 right now. You put all three of

01 these on one screen. You know,
02 you'll have your Two section down
03 here, your Three section and your ---
04 you know, your belt.

05 Q. What if you had this screen
06 --- and we're referring to Exhibit D
07 here. If we had this screen up and
08 say that we had a sensor on Exhibit C
09 --- say we had sensor 1.89 which is
10 indicating green here, and it went
11 into an alarm status, but you had
12 this screen that's depicted in
13 Exhibit D instead of C, what would --
14 - that sensor that we referred to as
15 1.89, how would you know it was in an
16 alarm or alert status if you were on
17 this screen?

18 A. I couldn't answer that because
19 I --- I've never had that happen to
20 me.

21 Q. Haven't had it happen. That's
22 fine.

23 A. That I can recall. I mean, he
24 may have trained me, you know, ---
25 you have that job and you get

01 overwhelmed.

02 Q. What is the --- you hear it
03 referred to and then you mention when
04 a CO sensor goes in alarm. Have you
05 had one go in alarm on your shift?

06 A. Yes, sir.

07 Q. What did it do?

08 A. Just went off at six parts per
09 million, and I contacted, you know,
10 the responsible person, and they
11 contacted who was on the section
12 working. I had never --- before the
13 accident, I had never had to deal
14 with that. I had never had a CO go
15 off until after this accident.

16 Q. After the accident, okay. Did
17 the CO sensor that went off, and I
18 don't know which one it was, but if
19 you were looking at a green box and
20 this sensor that went off, how did it
21 change on the incident you're
22 referring to? Did it change colors?

23 Did it give you a sound?

24 A. It gave me a sound and it
25 changed ---.

60

01 Q. What made you aware of it?

02 A. The sound and you know, then
03 you look over at it and see what's
04 going on, and it will tell you, you

05 know, what the problem is.

06 Q. And when you heard the sound,
07 did anything happen to the color of
08 the box or where that sensor was at?

09 A. Well, actually, it had come up
10 and like a little thing, like to the
11 side, you know, will come up.

12 Q. Okay.

13 A. That's when, you know, like I
14 said, you can't acknowledge it. You
15 got to let it sit and beep through
16 --- see, it will come up, and it will
17 tell you either fire or something
18 like that, you know, to just let you
19 know --- to warn you if there's smoke
20 or something up there on the section
21 or whatever, wherever. Then they ---
22 that's whenever I --- I can't
23 acknowledge it. You know, I can't
24 turn that off until someone calls out
25 and tells me what the problem was,

61

01 and then I can respond to it, you
02 know, take it off of the computer.

03 Q. Okay. What kind of sound is
04 this noise? Is it irritating? Is it
05 ---?

06 A. It's not --- you know, I don't

07 enjoy it, you know.

08 Q. Is it sort of a shrill beeping
09 sound?

10 A. Yes, sir.

11 Q. I haven't heard it. I haven't
12 been down there. I'm just curious as
13 to what kind of sound it is.

14 A. It's annoying, yes.

15 Q. Okay. I would think it would
16 be. This one instance, anyway you
17 made reference to when you had the CO
18 sensor and you had to sit there and
19 leave it beeping for that period of
20 time until they called back, how long
21 a period of time, approximately ---
22 and you may not know exactly. How
23 long a period of time was that?

24 A. I can't recall, sir. To be
25 honest with you, I can't recall how

62

01 long it was.

02 Q. If you don't recall, you don't
03 recall.

04 A. I mean, I couldn't --- I don't
05 know how long it was.

06 Q. Was it like, man, they've
07 called out finally. I'm glad to get
08 this noise out of my ears, you know,
09 if it was a long period or fairly

10 short?

11 A. Of course, I was --- you know,
12 glad there was nothing wrong, you
13 know.

14 Q. Sure. You made reference to
15 this book earlier, I think, but you
16 made reference that you had to log an
17 action when they alarmed in a book.
18 And I'm going to mark this as Exhibit
19 E, Stanley.

20 (Stanley Exhibit E
21 marked for
22 identification.)

23 BY MR. STAHLHUT:

24 Q. And this is a composition
25 book. Does this look familiar to

63

01 you? Have you seen this book before?

02 A. Yes, sir.

03 Q. This is a copy of it. It's
04 not the real one, but it would be
05 black and white with that similar
06 texture.

07 A. Yes, sir.

08 Q. Is this the book you referred
09 to that you made these entries in
10 when you responded to the ---?

11 A. That's what I was supposed to

12 make entries in. I never ---.

13 Q. You've never made an entry in

14 that?

15 A. No, sir.

16 Q. So even on the day that it

17 alarmed, you didn't ---?

18 A. Up to that day, I don't think

19 I've ever --- my handwriting isn't on

20 ---?

21 Q. Even on that day, you don't

22 have any --- do you want to look at

23 it real quick?

24 A. Yes, sir.

25 Q. Probably the last entries from

64

01 when you started it are probably

02 right here anyway. But if there is

03 any, would you indicate them to me,

04 that you made?

05 A. No, sir. None of this is my

06 handwriting.

07 Q. Okay.

08 A. And the reason I can tell you

09 that, this normally looks like my

10 handwriting, but the L is different

11 than my --- you know, what I normally

12 --- or the Y, I mean. I don't know

13 why I said L. The Y is different and

14 my Rs --- I make my Rs different than

15 that right there.
16 Q. No problem. You'd be the one
17 that would recognize your own
18 handwriting for sure. But this would
19 be the book you would record it in if
20 an event did occur?

21 A. Yes, sir.

22 Q. And you would actually record
23 probably the time and different
24 things in here and who responded; is
25 that correct?

65

01 A. Yes, sir.

02 MR. STAHLHUT:

03 Dave, do you want to
04 put an exhibit number on this?

05 (Stanley Exhibit F
06 marked for
07 identification.)

08 BY MR. STAHLHUT:

09 Q. I want to ask you what --- I
10 guess your impression of what this
11 is, what you think this is. This is
12 Exhibit F, Stanley. And are you
13 familiar with the printouts that's
14 like this? Have you seen a printout
15 like this?

16 A. Yes, sir.

17 Q. What is that?
18 A. They comes over the --- that's
19 where the CO monitors went off during
20 the day or whatever and it comes up
21 on the printer. It prints out a
22 sheet, you know, fills up so much, it
23 prints out a sheet, you know, how
24 many --- what all is happening that
25 day or whatever.

66

01 Q. So it gives you a lot of
02 different indications of what's
03 taking place ---
04 A. Yes, sir.
05 Q. --- in that system? Okay.
06 Move to the back here somewhere.
07 Here's just an instance. On 12/29/05
08 --- this is Exhibit F. Bear with us
09 just a minute. We're numbering the
10 pages so that we can refer to the
11 page.
12 A. I'm just tired, sir.
13 Q. I understand. Bear with us.
14 We'll try to hurry through this as
15 fast as we can, but you've got very
16 important information, and we
17 appreciate your time. I know it's
18 not the easiest thing to do, but we
19 appreciate it. Let me get to the

20 right page here. I'm referring to
21 Exhibit F. And we're on a page
22 that's numbered page ten. Down to
23 the bottom third of the page here ---
24 and if you seen a printout like this
25 --- say this was laying in the

67

01 printer and you'd come to work, what
02 would this indicate to you, 18, 1952.

03 A. That's military time.

04 Q. Right. And what would this
05 indicate? It says 1.94. Is that a
06 --- what is that?

07 A. That's the ---.

08 Q. Is that a --- what is that?
09 What does 1.942 --- what would that
10 relate to?

11 A. That would be where the CO is
12 located, I believe.

13 Q. Where the sensor is located,
14 okay. And then it says CO monitor,
15 warning, five parts per million,
16 okay. What would that tell you then?
17 And then the next line it says 1.94
18 CO monitor alarm, nine parts per
19 million. What would that indicate to
20 you?

21 A. Well, whenever it gets to five

22 like that, I'm supposed to contact my
23 responsible person, because the alarm
24 goes off, you know, just to --- it
25 beeps to let you know that, you know,

68

01 your monitor is off. And then ---
02 I've never had --- I think I've had
03 one go off at ten while I've been
04 there. They say whenever it hits
05 ten, that you have --- it just keeps
06 --- you know, you have a --- the
07 alarm just keeps on and keeps on.

08 Q. Okay. And you said normally
09 --- you said earlier, no one works on
10 this computer system or Pyott-Boone
11 system while you're there; is that
12 true?

13 A. That's true, sir.

14 Q. As far as the monitoring and
15 in the room where you're at?

16 A. Yes, sir.

17 Q. Who does do work on that? Do
18 you know who does the work on the
19 CO?

20 A. Well, on the CO monitor?

21 Q. Right.

22 A. The other morning, Jesse Jude,
23 you know. He was doing something
24 that I forget.

25 Q. Outside of ---?

69

01 A. I forget Tommy's name or
02 whatever. He was in there putting a
03 map in when they were ---.

04 Q. Right. So he normally ---
05 Jesse Jude normally maintains the
06 system?

07 A. Yes. That's the only person
08 I've seen ---.

09 Q. And if someone was in the room
10 working on them, it would probably
11 --- he's the only one you know of
12 that works on the system, I guess is
13 my question.

14 A. Yes, sir.

15 Q. How familiar are you with
16 computers?

17 A. Not real familiar, sir.

18 Q. Is the square box that's in
19 the CO room that --- I've been down
20 there and it sits down on the floor.
21 Is that part of the computer system,
22 the square box ---?

23 A. No, sir.

24 Q. It's not?

25 A. I believe it's a cover. I

70

01 believe it's just a cover for ---.

02 Q. Just a cover, but it's part of

03 the computer --- it's part of that

04 Pyott-Boone system?

05 A. What do you mean it's a part

06 of it?

07 Q. You got your monitors ---.

08 A. The computer sits inside of

09 it.

10 Q. Yes. Okay. It's inside of

11 it, that's what I'm saying. But

12 that's part of that system; right?

13 A. No.

14 Q. No?

15 A. That don't run --- the system

16 don't have to work just because it

17 holds it.

18 Q. Okay. Let me refer back ---.

19 A. Sorry.

20 Q. No, you're fine. You can only

21 answer what you know. Or if I've not

22 made myself clear, don't worry about

23 that. We'll try to rephrase it or

24 we'll get to the point. On Exhibit D

25 here, I'm going back to Exhibit D,

01 Stanley. These arrows right here,

02 what does that represent? I think I

03 forgot to ask that. I thought I was

04 done with these.

05 A. To tell you the truth, sir, I
06 believe it's the belt, the way the
07 belt goes.

08 Q. Okay. Does it change color in
09 there? What is --- is there any kind
10 of color or is it always blue? Does
11 it change color?

12 A. I can't recall, sir.

13 Q. You don't know?

14 A. No.

15 Q. So you don't know --- do you
16 have any means of controlling the
17 belts in the mine from your office?

18 A. What, if I can reset it or
19 ---?

20 Q. Reset it, start, stop the
21 belt? Do you have any ---?

22 A. Yes, sir, I can start or stop
23 the belt.

24 Q. How do you do that?

25 A. By the computer.

01 Q. And how do you do it by the
02 computer? Or explain it to me, I
03 guess is what I'm saying, if you can.
04 The best you can.

05 A. Well, you have --- you know,

06 we have another computer, you know,
07 which has --- it's got the overlay
08 in, and then you got One through Six
09 on it. And if I shut, say, Four
10 down, then Five and Six belt's going
11 to go off, too. If I get on there
12 and I hit, you know, to turn it off
13 --- you know, if I cut off Four, then
14 that's going to make Five and Six go
15 off, too.

16 Q. Okay. I heard you --- you
17 mentioned earlier --- you mentioned
18 mother drive, and I know where that's
19 at. And you got a general idea I
20 think. If someone called out and
21 said, shut the mother drive belt off,
22 how would you shut that belt off?

23 A. Personally?

24 Q. Sure.

25 A. If I had to do it, I'd

73

01 probably ask them, you know, do I
02 shut the whole overland off, or do I
03 go to One belt, Two belt. I would
04 ask questions. You know, I wouldn't
05 take it on myself.

06 Q. Well, I just wanted the mother
07 drive belt off.

08 A. I wouldn't take it upon myself

09 just to go over there and pinpoint
10 --- because I ain't been there long
11 enough to ---.
12 Q. That's fine. Just answer ---.
13 A. I'll ask questions.
14 Q. But could you do it, I guess
15 is what I'm saying, if you absolutely
16 needed to if it was an emergency? Do
17 you know?
18 A. To tell you the truth, sir, I
19 don't know.
20 Q. Fine. Going back to this ---
21 the belts and the CO sensors in the
22 mains, are you familiar with the air
23 direction on these belts, the airflow
24 direction on these conveyor belts?
25 A. Yes, sir, now I am.

74

01 Q. Were you prior to the accident
02 on January 19th?
03 A. No, sir.
04 Q. And when did you gain this
05 knowledge or how? Either one,
06 however you want to answer it?
07 A. It's all on computer now
08 actually. They have, you know, the
09 air, airways.
10 Q. Do you have any idea how it

11 got on the computer?

12 A. That I don't know. I wasn't

13 there, sir.

14 Q. If you don't know, you don't

15 know.

16 A. I couldn't tell you. I don't

17 know.

18 Q. No problem. I just didn't

19 know.

20 A. I just know ---.

21 Q. When did someone make you

22 aware of it or did you say, hey,

23 what's these arrows here or how did

24 you become aware of these arrows on

25 the ---? Apparently --- and we're

75

01 using Exhibit D here, but I guess ---

02 I'm assuming like if the air

03 direction on the --- this is the

04 Number Six six-foot belt, and it's

05 showing the direction that the belt's

06 running here. And then it's got an

07 arrow --- does it have an arrow

08 indicating the direction of the

09 airflow? Am I correct?

10 A. Yes, sir.

11 Q. And what'd they do add it,

12 just add an arrow on the screen and

13 is that what you see

14 A. It's got airflow wrote on.
15 Q. Right. Wrote above it, so it
16 tells you what it is.
17 A. Yes.
18 Q. So no one explained it to you.
19 This picture does not --- not have
20 airflow on it for the record. Okay.
21 And no one --- your supervisor and no
22 one explained the change or anything?
23 A. To tell you the truth, sir, I
24 don't know who told me of it.
25 Q. Fine. This audible alarm

76

01 that's on the computer, if you have
02 to go outside in the warehouse prior
03 to the accident, could you hear it if
04 you went in the warehouse?
05 A. That I don't know.
06 Q. You don't know because you
07 wasn't there? I'm not trying to put
08 words in your mouth, but you don't
09 know. Okay.
10 A. I don't know.
11 Q. Has the audible alarm changed
12 since the accident at any point in
13 time? Have they added anything
14 different or anything that you're
15 aware of?

16 A. Did they say that there's an
17 alarm out in the warehouse?

18 Q. Okay.

19 A. Because it was brought up
20 about it. That's going through the
21 warehouse.

22 Q. And who is they say? Who told
23 you this or do you remember?

24 A. What do you mean?

25 Q. You said they say there's an

77

01 alarm in the warehouse or either a
02 visual or an audible?

03 A. Well, I believe it come about
04 MSHA said something. Yeah, it come
05 up, and one of the --- somebody in
06 there talked about there was an alarm
07 system that was in the warehouse, you
08 know, that was out there.

09 Q. Okay. Let me find the right
10 picture here. Looking at this
11 screen, back on Exhibit D again,
12 since they've changed those airflow
13 directions, do you understand how
14 those airflow directions --- what
15 direction the air is flowing in the
16 belts? What direction it's moving.

17 A. Yeah, if I see it on the
18 computer, yeah.

19 Q. If you seen it on the ---?

20 A. If I seen it on the screen.

21 Q. If it was on this --- we're
22 referring to Exhibit D. But if that
23 air was on there ---. So let me just
24 give you an example, I guess, to help
25 clarify that. If we had a CO sensor

78

01 at 182 --- this is on Exhibit D here,
02 and this sensor was alarming and the
03 airflow direction was indicated on
04 the map and you had a person that was
05 working in that area and they asked
06 you which direction should I travel
07 or which direction would I --- would
08 I travel to go away from the smoke,
09 would you be able to comfortably tell
10 them which direction to travel? And
11 182's right here, that I'm referring,
12 to and this is the mother drive belt
13 which goes down into the longwall
14 here. And do you know --- do you
15 remember which direction the arrow
16 indicates on the map that this
17 airflow is going?

18 A. No, I don't. I can't recall.

19 Q. Let's say for practical
20 purposes, and I'm going to put an

21 arrow on this Exhibit D, that the
22 airflow direction was indicated by
23 what I wrote with the arrow on here
24 with airflow direction.

25 A. Okay.

79

01 Q. And this person was at 182 and
02 you had a fire, let's say, up there
03 two sensors above it, at 180, there
04 was a fire here. This sensor was
05 alarming. This person called you ---
06 normally around the drive area,
07 there's a phone and said which
08 direction do I need to go to get away
09 from this smoke right here along this
10 belt line, what --- how would you ---
11 what direction would you tell him to
12 go?

13 A. Well, I'd have to tell him to
14 come back this way to go ---

15 Q. Right.

16 A. --- to fresh air, to get fresh
17 air.

18 MR. STAHLHUT:

19 And he's indicating
20 that he would go the inby
21 direction towards the longwall
22 section.

23 BY MR. STAHLHUT:

24 Q. Okay. So do you feel
25 comfortable now --- does that help

80

01 you have an airflow on those maps in
02 case there was an emergency?

03 A. But I mean, it helps.

04 Q. Okay. And refresh my memory
05 now, when the airflow and everything
06 after this recent training, was this
07 when you became more comfortable with
08 airflow directions? Was you aware of
09 that prior to the accident?

10 A. Yes, sir. I knowed they was
11 secondary, you know, escapeways and
12 stuff like that.

13 Q. The belts were ---

14 A. Yes.

15 Q. --- secondary escapeway?

16 Okay.

17 A. I mean, I knowed that on the
18 map, you know, say it's behind me,
19 you know, it tells you right there on
20 the map.

21 Q. Okay. The map you're
22 referring to that's behind you, would
23 that have been ---

24 A. Yes, sir, that would it right
25 there.

01 MR. STAHLHUT:

02 And for the record, I

03 think ---

04 A. Before, yes, sir.

05 BY MR. STAHLHUT:

06 Q. Was it Exhibit F --- or G,

07 Stanley? And this is a copy of the

08 map that was behind the CO --- or G,

09 I'm sorry, behind the CO desk; is

10 that correct?

11 (Stanley Exhibit G

12 marked for

13 identification.)

14 A. Yes, sir, that was it.

15 BY MR. STAHLHUT:

16 Q. Does it indicate airflow

17 directions on the belt on the map?

18 Would you like to come up here and

19 look at it?

20 A. Yes, sir, I'd like to look.

21 Q. That would be your air right

22 there. Well, it don't say air. It

23 don't say it.

24 A. This arrow was showing --- so

25 this would be the main line about

01 here. And you're just ---.

02 MR. TUCKER:

03 He's pointing to the
04 map here on --- I think that
05 there's arrows on the maps
06 showing airflow direction.
07 BY MR. STAHLHUT:
08 Q. Maybe here, let's see. Where
09 would the mother drive belt be
10 located?
11 A. This map's larger.
12 Q. Here ---.
13 A. No, that's Nine headgate.
14 Q. That's Nine headgate. This
15 would be the --- this would be the
16 longwall panel here.
17 A. Yes.
18 Q. And where would the belt be,
19 here?
20 A. Yes, sir.
21 Q. And the arrows that you're
22 referring to for the belt would be
23 indicated right here; right? What
24 does the green and the yellow
25 indicate on this map?

83

01 A. They tell you --- they should
02 say it over here yellow is your
03 secondary escapeway and then your
04 primary escapeway is green.

05 Q. Okay. Where would the ---
06 where would the Three section be on
07 this map?
08 A. Three section? Three
09 section's right here. Here's your
10 box cut, right here. Three section's
11 right through here.
12 Q. Just put an arrow there and
13 write Three section there for me.
14 Would you like a pen?
15 A. I mean, where it'd go into?
16 Q. Just where you indicated on
17 the map that that was the general
18 location of the Three section, just
19 put Three section and then an arrow
20 to it.
21 A. Can I just print this?
22 Q. Yeah, that's fine.
23 A. I can fill it on in.
24 Q. No, that's all right. I was
25 just going to put an arrow. Three

84

01 section would be indicated where?
02 The section itself, is it down here
03 or is it over here?
04 A. Sir, it would be down here,
05 but have to come into here ---
06 Q. Right.
07 A. --- to get, you know. I would

08 call this coming off of --- you know,
09 coming off the main line and going
10 into Three section.

11 Q. So where would the equipment
12 in your section be when they're
13 loading the coal to these ---? To
14 the best of your knowledge.

15 A. Tell you the truth, I don't
16 know.

17 Q. Okay. But this is the mouth
18 of the Three section you indicated
19 here? Okay. And where would --- the
20 longwall section, where would they be
21 loading coal? Go ahead and indicate
22 that on the map. We were indicating
23 the mother drive there.

24 A. This has already been done.
25 They've already completed this,

85

01 worked that out.

02 Q. Okay.

03 A. So they would have been
04 somewhere through here with it.

05 Q. Right.

06 A. Because they got done with
07 this panel.

08 Q. And just use this blue marker
09 and you draw an arrow to the longwall

10 section then where you've indicated
11 the longwall section was at. This
12 way it's in the record book.
13 A. Okay. Now this map --- I
14 mean, that's the panel. I mean, I'm
15 saying that's ---.
16 Q. Right. The best of your
17 knowledge ---.
18 A. You know, if you don't travel
19 --- you know.
20 Q. Sure. You've not been there
21 recently or physically in some times
22 ---. Is there another section in the
23 mine, and where would that be
24 located? Would you have any idea?
25 A. What, of Two section?

86

01 Q. Yes.
02 A. I don't know where it's at on
03 this map to tell you the truth.
04 Q. It doesn't clearly depict it.
05 This is a map that was behind you, I
06 guess that's why I was asking if you
07 knew where the Two section was. It's
08 off the map, if you follow what I'm
09 saying. I'm just trying to help you
10 out a little bit here. I'm not
11 trying to put words in your mouth.
12 A. Because this is enlarged.

13 Q. This is an exact copy of what
14 was behind your location there in the
15 CO room, but I think you've got a new
16 map down there now that gives that.
17 Now, a while ago --- let me clarify
18 something here. You were talking
19 about the airflow direction on the
20 belts and does --- the airflow
21 direction is not always indicated on
22 the belts, this just happens to be
23 the arrows are here for the airflow
24 direction of that. But does the
25 airflow --- is the airflow direction

87

01 like on the six-foot belt here --- or
02 the Number Seven six-foot belt would
03 be in this area right here. Is there
04 an indication in other words? What
05 I'm asking you is this map doesn't
06 indicate airflow directions on the
07 belts; right? Those arrows refer to
08 something else?

09 A. Escapeways.

10 Q. Exactly. Okay. That's what I
11 wanted to clarify here. I'm not
12 trying to put words in your mouth.
13 I'm just trying to --- it might have
14 been confusing with the testimony

15 there that this map was showing
16 airflow directions, and it doesn't.
17 It shows the escapeway directions.
18 Okay. Thank you, sir. If you were
19 --- you're there in your job station,
20 in the CO room, I guess --- is that
21 what you refer to it? In the
22 dispatcher's office.
23 A. Dispatcher's office.
24 Q. I'm sorry. And you suddenly
25 got a communications dead signal,

88

01 would that indicate an important
02 occurrence to you? Would that be
03 something important?
04 A. What, the CO went dead?
05 Q. Yeah.
06 A. To me, it would. I mean, I
07 knew, and I'd jump.
08 Q. I'm referring to Exhibit D
09 here where you indicated --- or grey
10 were the CO monitor went dead but ---

11 MR. STAHLHUT:

12 For the record, Mr.
13 Stanley said yes.

14 BY MR. STAHLHUT:

15 Q. Would you make a record of
16 this event?
17 A. Yes, sir.

18 Q. Would you have done that
19 before the accident on January 19th?

20 A. Yes, sir.

21 Q. I know you've not been there a
22 long time, but how often do the
23 alarms --- how often have you
24 experienced that? I know you made
25 reference before of at least one

89

01 instance. Are there others or how
02 frequently are they?

03 A. I really can't tell you. They
04 go off, you know, just at different
05 things, different times.

06 Q. The communications --- and I'm
07 referring to this exhibit here,
08 Exhibit F, here. And the first page,
09 page one where it says, what? Let's
10 see. Let me change that. Let me
11 find a better example. Page four.
12 And what would this indicate where it
13 says communications dead and
14 communications gained? Like here,
15 the third line down, it says 1.71 on
16 page four of Exhibit F says 1.70's CO
17 monitor communications dead, and this
18 happened at like 9:54. And then down
19 here for 1.74, a few lines down, at

20 the time 11:04:39, it says
21 communications gained. What does
22 that tell me?
23 A. It gained --- that it come
24 back on, you know. The CO was dead
25 and now it's back, you know, working

90

01 again.

02 Q. Does that frequently happen?

03 A. Not that I can recall because
04 I haven't been there that long to ---
05 our computer hasn't been on but a
06 week since this has happened.

07 Q. Okay. So ---.

08 A. And I wasn't there but a week
09 by myself, you know.

10 Q. Do you --- the printout we're
11 referring to here in Exhibit F,
12 Stanley, do you review these
13 printouts?

14 A. Do I look at them?

15 Q. Yes.

16 A. Yeah. Because something will
17 come through on that, and you know,
18 you'll glance at it and see what all
19 went on all day.

20 Q. Do you see anyone else review
21 these printouts?

22 A. To my knowledge, no.

23 Q. Do these printouts --- once
24 they're printed out, where do they go
25 after they're printed out?

91

01 A. I normally put it back right
02 there at the printer.

03 Q. Do you have any knowledge ---
04 when a certain amount accumulates, do
05 they go anywhere or do they stay
06 there and sit?

07 A. I don't know.

08 Q. You don't know, okay. Okay.
09 And you have not seen anyone review
10 them, okay. If you needed to
11 evacuate the mine and you felt like
12 you were seeing --- and you couldn't
13 get ahold of anyone, do you have the
14 authority to evacuate the mine?

15 A. If I couldn't get ahold of
16 someone? I couldn't get ahold of
17 nobody?

18 Q. Right.

19 A. I mean, completely nobody?
20 Then how would I evacuate the mines
21 if I couldn't get ahold of nobody?
22 Because I had to get ahold of some
23 miner to evacuate the mines.

24 Q. Okay. What would you do in

25 that situation I guess is what I'm

92

01 trying to say? If you felt like

02 ---.

03 A. I would let them know what was
04 going on and tell them that they
05 needed to find a way out, tell them
06 where the problem is and to find a
07 way --- find a way out.

08 Q. Are you aware of where the
09 telephones are located underground in
10 the mine?

11 A. No, sir.

12 Q. You don't have any idea where
13 the normal locations --- I didn't
14 know whether you're working in the
15 office for a short period of time, in
16 the dispatcher's office, if there
17 were certain areas that people
18 frequently call from or anything that
19 you could recall? But you don't know
20 where the telephones are located?

21 A. I couldn't pinpoint them to
22 you, no, sir.

23 Q. Not even general locations?

24 A. Yeah, a Threeway or Fourway.

25 Q. Okay.

93

01 A. You know, places like that,

02 yeah. I know that they call from
03 rides, you know. They call for the
04 road, a ride will call from the road,
05 you know, letting me know that it's
06 coming from, say, Three section to
07 Number One Fourway. You know, they'd
08 call me to see if there was anymore
09 traffic coming through.

10 Q. What would you do if you ---
11 or what would you do if you're unable
12 to contact the section on the phone?

13 A. In case of an emergency or
14 just in general?

15 Q. First of all, in general I
16 guess.

17 A. I'd probably try to get ahold
18 of someone to go to the section and
19 check it out.

20 Q. Okay. Then if it was an
21 emergency then and you couldn't
22 contact the section, would you take
23 any different action?

24 A. Well, that would be my
25 responsible person's position, you

94

01 know, because I'd be contacting ---
02 I'd contact him and let him deal with
03 it.

04 Q. All right. How familiar are
05 you with the pager phones in on the
06 section? How do you --- how would
07 you normally call the section? And
08 if you were calling a section, is
09 there more than one way you can
10 contact them I guess is what I'm
11 trying to say?

12 A. The best of my knowledge,
13 there's only one way, and that's the
14 mine phone.

15 Q. Okay. The mine phone
16 underground, is there a --- if you're
17 trying to contact someone on the mine
18 phone, is there anyway you can
19 contact specific mine phones? Is
20 there any kind of light or device or
21 noise on ---?

22 A. Oh, yeah, you can --- yeah.

23 Q. Something like that to contact
24 certain areas?

25 A. I forgot. Slipped my mind

95

01 about, you know, how match --- like
02 say Three section was there, I could
03 go 0303 three times and that would
04 set off a light.

05 Q. Okay.

06 A. That's beside our pager button

07 on the mine phone.

08 Q. Okay.

09 A. It's on the mine phone, but

10 it's right beside the pager button.

11 Q. Do you know Brandon Conley?

12 A. No, sir.

13 Q. Never heard the name? Okay.

14 What does the --- in the logbook that

15 we referred to here as Exhibit E,

16 Stanley, there's indications here on

17 the very last page we're using as

18 Exhibit E, Stanley. What does this

19 indication here where it says fire

20 mean to you?

21 A. That would be where that ---

22 to me, it comes up as fire letting

23 you know there's a possibility for a

24 fire there.

25 Q. Okay. The example I'm

96

01 referring to ---.

02 A. So you go to your fire plan,

03 yeah. You just ---.

04 Q. Okay. Did you work on the day

05 of January 19th?

06 A. No, sir.

07 Q. What was the next day prior to

08 --- what day did you work prior to

09 January 19th? If you can remember.

10 A. It was on a Tuesday, so ---.

11 What day was the fire, Thursday?

12 Q. Yeah.

13 A. Thursday. I come back on

14 Tuesday. It would have been like

15 23rd.

16 Q. Okay.

17 A. 24th.

18 Q. Right. I was wanting to know

19 when --- did you work on the 18th?

20 Which ---?

21 A. Oh, yes. Yeah.

22 Q. Okay. What did you do that

23 day?

24 A. I dispatched.

25 Q. Okay. To your recollection,

97

01 was there anything unusual happening

02 that day?

03 A. No, sir.

04 Q. Okay. Did you have any alarms

05 on the 18th?

06 A. Not that I can recall, no,

07 sir.

08 Q. Have you heard --- have you

09 ever heard or been involved in any

10 discussions about problems or unusual

11 conditions on the longwall belt drive

12 area, anything that's happened there
13 that you've had discussions with
14 anyone about?

15 A. No, sir.

16 Q. Okay. You've not heard any
17 conversations on the phone about
18 alignment problems or belt rubbing,
19 nothing that you can --- anything
20 that you can recall there?

21 A. (Indicates no.)

22 BRIEF INTERRUPTION

23 A. No, sir.

24 BY MR. STAHLHUT:

25 Q. Have you seen the mine

98

01 escapeway map that indicates the
02 escapeways?

03 A. I can't recall, sir. I mean,
04 I probably have.

05 Q. Are you familiar with the
06 constructions project that was
07 occurring up in the area for the next
08 longwall panel belt drive?

09 A. Could you repeat that again,
10 sir?

11 Q. Are you familiar with the
12 construction area project where they
13 were extending the belt up in the

14 area for the next longwall panel?
15 Have you heard the conversations over
16 the phone or talked to anybody about
17 that and what was happening?
18 A. I haven't talked to no one
19 about it.
20 Q. Okay. If there was someone
21 inside and they called you on the
22 phone and said that there was a fire,
23 what would you do? What would be
24 your first --- what would be your
25 response?

99

01 A. I'd contact my responsible
02 person. That would be the first
03 action, because that's in our fire
04 --- or that's my first step in my
05 plan.
06 Q. Would you have taken that same
07 action on the --- prior to the
08 accident as after the training?
09 A. Yes, sir.
10 Q. Would you be ---?
11 A. I would contact, you know, my
12 foreman or some other --- you know.
13 Q. Would there be any other
14 actions you would take?
15 A. Not unless I was told to, sir.
16 Q. Okay.

17 MR. STAHLHUT:
18 At this time, I'll let
19 Mr. Tucker ask his questions.

20 BY MR. TUCKER:

21 Q. I have a few quick ones for
22 you here, Shane.

23 ATTORNEY HARDY:

24 Do you want to take a
25 break?

100

01 A. I'd like to get this over.

02 BY MR. TUCKER:

03 Q. You look sleepy.

04 A. Yes, sir, I am.

05 ATTORNEY HARDY:

06 Why don't we take just
07 two or three minutes?

08 MR. TUCKER:

09 A two or three-minute
10 break?

11 ATTORNEY HARDY:

12 Yeah.

13 SHORT BREAK TAKEN

14 BY MR. TUCKER:

15 Q. Has anybody from Apollo talked
16 to you about the accident ---

17 A. No, sir.

18 Q. --- since it occurred? Okay.

19 what was your phone number again? I

20 A. 606-353-4078.

21 Q. Okay.

22 ATTORNEY HARDY:

23 Could you repeat that,

24 Shane?

25 A. 606-353-4078.

101

01 ATTORNEY HARDY:

02 Thank you.

03 BY MR. TUCKER:

04 Q. Have you ever had problems

05 with the CMP phone at the mine, the

06 regular telephone?

07 A. Not that I can recall. I

08 mean, yeah, as far as having

09 problems.

10 Q. As far as it going out?

11 A. No.

12 Q. If it did go out, what would

13 you do?

14 A. Contact an electrician.

15 Q. If the CMP phone, like if it

16 went out?

17 A. Yeah, the regular phone?

18 Q. Yeah.

19 ATTORNEY HARDY:

20 He's too young to

21 remember what CMP is, Bill.

22 BY MR. TUCKER;

23 Q. What is it now Verizon?

24 MR. TUCKER:

25 Thank you, Dave.

102

01 BY MR. TUCKER:

02 Q. Do you have any West Virginia
03 certifications?

04 A. Yes, sir.

05 Q. What are they?

06 A. Surface and that's it.

07 Q. The 40-hour ---

08 A. Yes, sir.

09 Q. --- surface? Who taught that
10 class?

11 A. Burgess, I don't know his
12 first name.

13 Q. Where was it at?

14 A. Williamson.

15 Q. Okay. When people are going
16 under --- inside, do they always call
17 you and let you know that they're
18 leaving and when they arrive?

19 A. They're supposed to, yes, sir.

20 Q. If they wouldn't, would you do
21 anything --- what if somebody left
22 and they were going to certain
23 location and they never did call back

24 that they arrived, what would you do?

25 A. I'd probably jump onto them

103

01 about it.

02 Q. Have you had that happen?

03 A. I'm sure I have. I mean, I

04 can't --- I can't call out any

05 specific time ---

06 Q. Right. Okay.

07 A. --- that it's happened.

08 Q. You mentioned the Kirby Puett

09 assigned you your work duties?

10 A. Yes, sir.

11 Q. Did he do that in writing? Do

12 you have a list, a written list, of

13 what your duties are?

14 A. No, sir.

15 Q. Okay. Have you ever heard a

16 fan alarm?

17 A. Yes, sir.

18 Q. So the fan --- has the fan

19 went off on your shift before?

20 A. Yes, sir.

21 Q. What do you do when a fan

22 alarm goes off?

23 A. Contact someone to go check it

24 out.

25 Q. Do you know if it's ever been

104

01 off for, say, for over 15 minutes?

02 A. No, sir, I don't think we've

03 had to pull anybody else out of the

04 mines. It's after ten, I believe you

05 have to pull people out. That I can

06 recall, I think it's ten minutes.

07 Q. It's actually 15.

08 A. Fifteen (15)? See, I'd be

09 getting them early.

10 Q. That's good. You mentioned

11 the CO alarm after the 19th had went

12 off and showed six parts per million.

13 Do you remember where that was at?

14 Or what was wrong?

15 A. No, sir, I can't recall, you

16 know, specifically where it went off,

17 what happened.

18 Q. Do you remember if anything

19 was wrong or was it a false alarm or

20 was there a problem?

21 A. I think someone might have

22 been working up there, cutting and

23 welding.

24 Q. Right. Okay.

25 A. You write it down in that

01 black book.

02 Q. You mentioned you went

03 underground when you first started
04 there. Who gave you your mine tour?
05 A. Pepé Lester and Gary Goff.
06 Q. Have you ever had a fire on
07 your shift?
08 A. No.
09 Q. You may have already answered
10 this, are you aware of any work --- I
11 understand they did a lot of
12 maintenance work on the third shift.
13 Are you aware of any work that was
14 done on the mother drive belt on your
15 shift?
16 A. I can't recall.
17 Q. Okay.
18 A. I can't recall. I mean, I
19 don't know what they do under there.
20 Q. Okay.
21 A. I don't know.
22 Q. Do you how many pieces of
23 track equipment they have that run on
24 the rail?
25 A. No, sir, I don't.

01 Q. If they use that, do they call
02 you, say, if they're going to get on
03 a rail ---
04 A. To Rum Creek?
05 Q. --- run --- yeah, on the Rum

06 Creek side.

07 A. Yeah, they call, and let me
08 know if they're on the Rum Creek
09 side. I mean, ---.

10 Q. What's the most people you've
11 ever had call you?

12 A. What in a day?

13 Q. At the same time.

14 A. At the same time, the most
15 people?

16 Q. Right. One, two, three.

17 A. Yeah, you may get three or
18 four people in a row.

19 Q. I mean, what I'm referring to
20 is calling that's going on to Rum
21 Creek track?

22 A. Oh.

23 Q. Say if you've got one person
24 that calls at the beginning of the
25 shift and goes in --- do you ever

107

01 have somebody else call?

02 A. I really don't know. I don't
03 want to lie.

04 Q. That's fine if you can't
05 remember. That's fine.

06 A. I mean, I really don't know,
07 period.

08 Q. That's no problem. Have you
09 received any training concerning
10 phone locations underground or is
11 that something you've picked up on
12 your own as time goes on or what
13 phones that are underground at
14 specific locations, how did you
15 become aware of that? Is that
16 something that ---?

17 A. I picked up on it.

18 Q. As time goes on?

19 A. Yeah. I mean, whenever I was
20 on my tour --- you know, whenever
21 they took me and showed me, you know,
22 like this is the Threeway, this is
23 the Fourway, you know.

24 Q. Right.

25 A. They showed me, you know,

108

01 places in the mines that people
02 normally call ---

03 Q. Right.

04 A. --- for the road at, and where
05 they stop, and you know, let somebody
06 go by or whatever. You know, ---

07 Q. Right.

08 A. I was showed that.

09 Q. Any other discussion about as

10 far as the mine phones that may be at

11 different --- other locations?

12 A. No, sir.

13 Q. Okay.

14 MR. TUCKER:

15 That's all I have.

16 BY MR. STAHLHUT:

17 Q. Okay. Just a couple more
18 questions here, and we'll round this
19 up. First question, describe the
20 training you recently received after
21 the accident on the CO monitor system
22 the best you can.

23 A. I received AMS certification,
24 I believe that's what it's called.

25 Q. Can you explain a little?

109

01 A. Atmosphere monitoring system
02 is what it's called.

03 Q. Certification is that a ---?

04 A. Oh, like --- no, task
05 training, you know.

06 Q. Oh, okay. I was just trying
07 to get familiar with what you were
08 saying there, so I understood what
09 you was telling us. Who gave you
10 this training?

11 A. Robert Ellis and Charles Kann.

12 Q. Okay. Do you remember when

13 this was?

14 A. Monday.

15 Q. Do you remember why there were
16 doing it or do you have any idea why
17 they were doing it?

18 A. I have no clue.

19 Q. Okay. In your opinion, what
20 could have been done to prevent the
21 accident that occurred on the 19th?

22 A. I really don't have an opinion
23 on it, sir. I'm not really familiar
24 with the coal mines so I just --- I
25 don't have no opinion for that.

110

01 Q. Okay. Is there --- well,
02 first of all, specifically can you
03 describe this AMS training that was
04 given to you by Mr. Kann and Mr.
05 Ellis? I believe that's who you
06 mentioned.

07 A. It's basically the same
08 training that Kirby give me.

09 Q. And what was that? I guess
10 ---.

11 A. Just show me the CO, you know,
12 and stuff, going over that and went
13 over the fire plan again with me,
14 which you know, I was basically told
15 by Kirby. And it's basically the

16 same training I was given whenever I
17 was first there.

18 Q. At this point in time, when
19 they did this training, did they
20 mention the airflow directions that
21 had been added?

22 A. Yes, sir.

23 Q. How did they explain those?
24 Or what was explained there?

25 A. They just told me, you know

111

01 --- retold me that --- because that
02 was already there, I believe whenever
03 they trained me. I think that was
04 already there. And they was just
05 telling me that, you know, those
06 airflow --- you know, showed me where
07 the air was flowing right there on
08 that computer. That way I didn't
09 have to even look at the map or
10 whatever. You know, it was right
11 there on the computer.

12 Q. Any other specific directions
13 or anything regarding that airflow
14 that you can recall?

15 A. No, sir.

16 Q. Is there anything else you
17 would like to tell us regarding what

18 happened the day of the accident?

19 A. I wasn't there, sir, so I
20 don't know what happened.

21 Q. Okay.

22 MR. STAHLHUT:

23 Do you got anything
24 else?

25 MR. TUCKER:

112

01 No, sir.

02 MR. STAHLHUT:

03 Okay. Would you sign
04 the map up here for me and
05 date it today's date?

06 ATTORNEY HARDY:

07 I have about two
08 clarifications.

09 MR. STAHLHUT:

10 Okay.

11 ATTORNEY HARDY:

12 Just two. But you can
13 go ahead and --- go ahead and
14 sign that, Shane.

15 MR. STAHLHUT:

16 That was my next thing.

17 ATTORNEY HARDY:

18 Okay.

19 MR. STAHLHUT:

20 Anywhere you want to.

21 That's fine.

22 A. Today the 3rd?

23 MR. STAHLHUT:

24 Yes, sir. Thank you.

25 Mr. Hardy, if you have any

113

01 clarifying questions ---?

02 ATTORNEY HARDY:

03 Yeah, about two.

04 BY ATTORNEY HARDY:

05 Q. Shane, how did you become

06 aware of your interview here today?

07 A. I was contacted over the

08 telephone.

09 Q. Okay. Was it by somebody from

10 MSHA?

11 A. Yes.

12 Q. Then did you talk to Gary Goff

13 at that point or did --- tell me how

14 you notified Gary Goff.

15 A. I went to Gary Goff and told

16 him, you know I got a phone call from

17 MSHA saying that they needed to meet

18 --- that, you know, that they wanted

19 to meet with me. And I asked him,

20 you know, if they had somebody there

21 for me to, you know, to represent me

22 or whatever. And they --- then you

23 called me. And that's where I'm at
24 today.

25 Q. Okay. So you went to Gary

114

01 Goff? He didn't come to you?

02 A. No. I went to him.

03 Q. Okay.

04 A. He didn't come to me. I went
05 to him.

06 Q. Okay.

07 ATTORNEY HARDY:

08 That's all the
09 questions I had.

10 MR. STAHLHUT:

11 On behalf of MSHA, I
12 would like to thank you for
13 appearing here today and
14 answering your questions and
15 sharing your information about
16 the mine. 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 may now go back over any
21 answer that you have given us
22 during this interview, and you
23 may also make a closing
24 statement covering any
25 additional points you believe

01 should be raised. Anything
02 you want to add?
03 A. I just thank you all for
04 letting me, you know, give you my
05 opinion. What's come of this. It's
06 taught me a big lesson. Thank you.

07 MR. STAHLHUT:

08 We ask that you not
09 discuss your interview today
10 with any person who may have
11 already been interviewed or
12 who may be asked to give a
13 statement in the future. This
14 will ensure that we obtain
15 everyone's independent memory
16 of the events surrounding the
17 accident. After questioning
18 other witnesses and obtaining
19 additional information, we may
20 ask you back for further
21 questions.

22 If at some later point,
23 you have additional
24 information regarding the
25 accident that you would like

01 to provide to us, please

02 contact Kenny Murray and his
03 staff assistant, Anthony Webb.

04 And here's their business
05 cards. And you can contact
06 them. Kenny Murray's the team
07 leader.

08 The Mine Act provides
09 certain protection for
10 individuals who participate in
11 accident investigations. If
12 at any time you believe that
13 you've been treated unfairly
14 because of your cooperation in
15 this investigation, please
16 immediately contact Kenny
17 Murray or Anthony Webb. And I
18 want to personally thank you
19 again for your help. I know
20 it's been rough. You've been
21 on midnight shift but I thank
22 you for bearing with us and
23 enduring this. Bill?

24 MR. TUCKER:

25 Shane, we offer that

117

01 same protection. And here's
02 my card if you ever need to
03 contact me and here's C.A.
04 Phillips' card. He's our

05 Deputy Director out of the
06 Charleston office. Again,
07 thanks for coming in.

08 MR. STAHLHUT:

09 Thank you.

10 * * * * *

11 EXAMINATION CONCLUDED AT 10:48 A.M.

12 * * * * *

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