

01 EXAMINATION UNDER OATH
02 OF
03 SHAWN JASON STURGELL
04
05
06 Taken pursuant to Notice by Autumn D.
07 Furby-Pritt, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Department of
10 Environmental Protection, 1101 George
11 Kostas Drive, Logan, West Virginia,
12 on Wednesday, April 12, 2006, at 2:44
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 J. FRANCCART, P.E.
04 Mine Safety & Health Administration
05 Pittsburgh Safety and Health
06 Technology Center
07 Ventilation Division
08 P.O. Box 18233
09 Cochrans Mill Road
10 Pittsburgh, PA 15236

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

17
18 KEITH BELL, ESQUIRE
19 United States Department of Labor
20 Office of the Solicitor
21 1100 Wilson Boulevard
22 Arlington, VA 22209-2296

23
24
25

3

01 A P P E A R A N C E S (cont.)
02
03 ANTHONY BURKE
04 U.S. Department of Labor

05 Mine Safety & Health Administration
06 Whitesburg Field Office
07 704 Highway 2034
08 Whitesburg, KY 41858

09

10 ALSO PRESENT:

11 EUGENE WHITE

12 BETH SPENCE

13 RONALD STAHLHUT

14 C.A. PHILLIPS

15 CHARLIE POGUE

16 DERRICK TJERNLUND

17 DENNIS BEITER

18

19

20

21

22

23

24

25

4

01 I N D E X

02

03 INTRODUCTION 6 - 15

04 WITNESS: SHAWN J. STURGELL

05 QUESTIONS

06 By Mr. Beiter 16 - 67

07	QUESTIONS	
08	By Mr. Tucker	67 - 73
09	QUESTIONS	
10	By Mr. Beiter	73 - 82
11	QUESTIONS	
12	By Mr. Tucker	82 - 83
13	QUESTIONS	
14	By Mr. Beiter	83
15	CONCLUSION	84 - 87
16	CERTIFICATE	88

17
18
19
20
21
22
23
24
25

5

01		
02	EXHIBIT PAGE	
03		PAGE
04	NUMBER DESCRIPTION	IDENTIFIED
05	A Map	23
06		
07		
08		
09		

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

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

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

7

01 various specialists and
02 members of the Solicitor's
03 Office. At this time I'd ask
04 each of the MSHA team members
05 to introduce themselves for
06 the record.

07 ATTORNEY BELL:

08 Keith Bell, Solicitor's
09 Office, Arlington, Virginia.

10 MR. STAHLHUT:

11 Ron Stahlhut, MSHA,
12 Vincennes, Indiana.

13 MR. POGUE:

14 Charlie Pogue, MSHA,

15 Hunker, Pennsylvania.

16 MR. FRAN CART:

17 Bill Francart,

18 Pittsburgh, Pennsylvania.

19 MR. BURKE:

20 Anthony Burke, MSHA,

21 Whitesburg, Kentucky.

22 MR. TJERNLUND:

23 Derrick Tjernlund, MSHA

24 Tech Support, Triadelphia.

25 MR. BEITER:

8

01 And I work for the

02 Technical Support Group out of

03 Triadelphia, West Virginia,

04 also.

05 Here with us today,

06 representing the State of West

07 Virginia, is Mr. Bill Tucker.

08 Mr. Tucker will be asking the

09 questions for the State. And

10 at this time Mr. Tucker has a

11 statement and will introduce

12 the members of his team.

13 MR. TUCKER:

14 We appreciate you

15 coming in today. The West

16 Virginia Office of Miners'

17 Health, Safety & Training is
18 conducting this interview
19 session jointly with MSHA, and
20 we are in agreement with the
21 procedures outlined by Mr.
22 Beiter.

23 However, let me make it
24 clear that the Director
25 reserves the right, if

9

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

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

12 MR. PHILLIPS:

13 Good afternoon, Shawn.

14 My name is C.A. Phillips.

15 I'm the Deputy Director with
16 the Office of Miners' Health,
17 Safety & Training in
18 Charleston, West Virginia.

19 MR. WHITE:

20 Eugene White, District
21 Inspector out of Region Three,
22 in Danville.

23 MS. SPENCE:

24 I'm Beth Spence, with
25 the Governor's Office.

10

01 MR. BEITER:

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

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

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

11

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

04 I'd like to thank you
05 in advance for appearing here
06 today. We appreciate your
07 assistance with this
08 investigation. The
09 willingness of miners and mine
10 operators to work with us is
11 important to the success of
12 making our mines safer.

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

25 One, located at Route 17

12

01 North, Bandmill Hollow Road,
02 Stollings, West Virginia,
03 25646.

04 This interview is being
05 conducted at the State of West
06 Virginia Department of
07 Environmental Protection,
08 Division of Mining and
09 Reclamation, at 1101 George
10 Kostas Drive, Logan, West
11 Virginia, 25601, on April
12 12th, 2006.

13 Mr. Sturgell, the
14 interview will begin by asking
15 you a series of questions.
16 Please feel free to clarify
17 any statements that you make
18 in response to those
19 questions. After we have
20 finished asking questions, you
21 will also have an opportunity
22 to make a statement of your
23 own and provide us with any
24 other information that you
25 believe may be important.

13

01 You are permitted to
02 have a representative with you
03 during this interview and you
04 may consult with that
05 representative at any time.
06 You may designate any person
07 to be your representative.
08 Your statement is completely
09 voluntary. You may refuse to
10 answer any question and you
11 may end your interview at any
12 time. If you do not
13 understand a question, please
14 tell us and we'll rephrase the
15 question. If you need a break
16 for any reason, let us know
17 and we'll take a break.

18 You may request the
19 opportunity to make a
20 confidential statement which
21 we will withhold from the
22 public to the extent allowed
23 by law. Should you desire to
24 give a confidential statement,
25 you should advise me before I

14

01 begin your interview so that I
02 can reschedule your interview
03 in order to properly consider

04 your request. Do you want to
05 have a confidential interview?

06 MR. STURGELL:

07 No, just what we got
08 here.

09 MR. BEITER:

10 The court reporter will
11 record your interview and will
12 later produce a written
13 transcript of this interview.

14 I ask that you state all your
15 answers verbally because the
16 court reporter cannot record
17 gestures like shaking and
18 nodding your head. Neither
19 the transcript of this
20 interview nor the content of
21 this interview will be
22 released to the public or the
23 media until MSHA's final
24 accident investigation report
25 is issued or until required by

15

01 Court Order or until a public
02 hearing takes place. If any
03 part of your statement is
04 based not on your own
05 firsthand knowledge but on

06 information that you learned
07 from someone else, please let
08 us know that. Please answer
09 each question as fully as you
10 can, including any information
11 that you learned from someone
12 else. We may not ask the
13 right questions to learn the
14 information that you have, so
15 please don't feel limited by
16 the precise wording of the
17 questions. If you have
18 information about the subject
19 area of a question, please
20 provide it to us. Do you have
21 any questions about the manner
22 in which this interview will
23 be conducted?

24 MR. STURGELL:

25 No.

16

01 MR. BEITER:

02 Will you please swear

03 in the witness?

04 -----

05 SHAWN J. STURGELL, HAVING FIRST BEEN

06 DULY SWORN, TESTIFIED AS FOLLOWS:

07 -----

08 BY MR. BEITER:

09 Q. Please state your full name.

10 A. Shawn Jason Sturgell.

11 Q. Will you spell you last name?

12 A. S-T-U-R-G-E-L-L.

13 Q. And your address?

14 A. [REDACTED]

[REDACTED]

21 Q. Mr. Sturgell, may I call you

22 Shawn?

23 A. Yeah.

24 Q. Thank you. Shawn, are you

25 appearing voluntarily at this

17

01 interview?

02 A. Yes.

03 Q. Has anyone made any promises

04 to you for giving this statement?

05 A. No.

06 Q. Has anyone offered you any

07 rewards in exchange for making this

08 statement?

09 A. No.

10 Q. Has anyone threatened you or

11 warned you not to provide this
12 statement?

13 A. No.

14 Q. Do you understand that you may
15 refuse to answer any question?

16 A. Yes.

17 Q. Do you understand you may
18 terminate this interview at any time?

19 A. Yes.

20 Q. Do you have a representative
21 with you?

22 A. No.

23 Q. Do you wish to proceed without
24 one?

25 A. Yes.

18

01 Q. Have you been interviewed by
02 the company before today?

03 A. No.

04 Q. Did you attend a meeting at a
05 local grade school?

06 A. Nope.

07 Q. Shawn, how long have you
08 worked at Aracoma?

09 A. I worked there about a year
10 and a half.

11 Q. And what is your current job
12 title?

13 A. I was a roof bolter at the

14 time I was at Aracoma.

15 Q. How long did you hold that
16 position?

17 A. I was on a bolter since I was
18 there.

19 Q. Do you rotate shifts?

20 A. Yeah, every two weeks.

21 Q. What shifts do you work?

22 A. It was day shift and second
23 shift. But at the time of the
24 accident, we was --- my section was
25 on day shift all the time. When we

19

01 didn't have enough men to fill the
02 section, we was on day shift. I was
03 on Three section.

04 Q. You were on Three section?

05 A. Yes.

06 Q. On January 19th, did you work
07 on Three section?

08 A. Nope.

09 Q. Did you work on January 19th?

10 A. Yes. I worked on Nine
11 tailgate, setting props. Because
12 they was having trouble out at the
13 longwall with the tailgate falling
14 in.

15 Q. How many years total mining

16 experience do you have?

17 A. About ten.

18 Q. And where all have you held
19 jobs?

20 A. Huh?

21 Q. What all have you done?

22 A. Scoop, buggy, third shift,
23 roof bolter, miner now.

24 Q. Do you hold any state or
25 federal mine examination

20

01 certifications?

02 A. No.

03 Q. On January 19th, who was your
04 supervisor?

05 A. Dave Meade.

06 Q. Was he your normal supervisor?

07 A. Yes.

08 Q. He's a Three section ---

09 A. Foreman, yeah.

10 Q. --- foreman? Had you worked
11 at Nine tailgate prior to that day?

12 A. Actually, my section was the
13 one that drove Nine tailgate up,
14 so ---.

15 Q. I guess referring to after the
16 longwall started and ---?

17 A. No, that was the first day
18 we'd been back on Nine tail.

19 Q. Okay. Do you know who's
20 responsible for ventilation at the
21 mine?

22 A. At our mines was --- walking
23 airways at the time of the accident
24 was John McNeely.

25 Q. Did he kind of --- did he take

21

01 charge of the ventilation system, as
02 far as ---?

03 A. Yeah. I thought he done a
04 good job.

05 Q. Was he pretty knowledgeable in
06 it?

07 A. Yeah.

08 Q. Do you know if he coordinates
09 ventilation changes in there?

10 A. No, I don't recall any sort of
11 that.

12 Q. Okay. When you went up into
13 Nine tailgate, who else worked with
14 you in there?

15 A. Charlie Leonard. It was my
16 whole section. Because they was
17 having trouble when they was setting
18 props. All Three section on that
19 day, we all went up, everybody except
20 the electrician.

21 Q. Do you remember how you walked
22 up in there? How did you get up
23 there? Did you ride up in there?
24 A. We rode the mantrip to the top
25 of the hill, crossed the top, then we

22

01 parked ---.

02 Q. Are you familiar with maps?

03 A. Yeah, pretty much. We parked
04 in between --- as soon as we went
05 through the airlock doors --- yeah,
06 we went through the airlock doors,
07 then we parked.

08 MR. BEITER:

09 Can we take a break for
10 a minute?

11 A. Yes.

12 SHORT BREAK TAKEN

13 BY MR. BEITER:

14 Q. Okay, Shawn. We were back
15 here talking, before we took a break
16 here, about your coming up here and
17 past these airlock doors?

18 A. Yes.

19 Q. And then going down into the
20 tailgate to work?

21 A. Yeah.

22 Q. Did you walk from there?

23 A. No. We went through the

24 airlock doors ---

25 Q. You went through these airlock

23

01 ---?

02 A. --- and we parked about ---.

03 MR. BEITER:

04 We're going to mark

05 this as Exhibit A Sturgell.

06 (Sturgell Exhibit A

07 marked for

08 identification.)

09 A. Right at Nine tail --- they

10 had a set of doors that went down to

11 the Nine tail area.

12 BY MR. BEITER:

13 Q. A single door by itself?

14 A. Yeah.

15 Q. It kind of comes straight on

16 through here and then just ---?

17 A. Yeah. There's a door here

18 that we went through.

19 Q. Everything on this map ain't

20 exactly accurate.

21 A. We parked our manbus up here,

22 after we went through the airlock

23 doors.

24 Q. Yeah. Go through the airlock

25 doors, then the main travel road

01 going to Two section turns and goes
02 uphill?
03 A. Right.
04 Q. Did you turn and go uphill?
05 A. No, we did not. We stayed
06 right here. No, we just stayed right
07 here. Then you can turn and go down
08 into Nine tail. We walked from here
09 down to here.
10 Q. All right. You went through
11 the door --- you're not sure exactly
12 where ---?
13 A. Yeah. There's doors in here.
14 Q. You went through the equipment
15 door, ---
16 A. Right.
17 Q. --- then walked ---?
18 A. Walked all the way down.
19 Q. Were the timbers already down
20 here?
21 A. Yeah.
22 Q. Do you remember if you stayed
23 in --- say that's the Number One
24 entry where those doors are at.
25 A. I always stayed in Number ---

01 in Four.
02 Q. Stayed in Four?

03 A. This is the Number One. This
04 is the sealing for the entry that the
05 water come down.

06 Q. Because it was drilled up
07 here?

08 A. Right. And this is Four over
09 here and this is One. We walked down
10 Number One, and this is --- I
11 remember it was all washed out.

12 Q. And the Number One entry is in
13 the tailgate entry itself?

14 A. Yeah.

15 Q. Do you remember how you got
16 into Ten entry?

17 A. No. We just ---.

18 Q. Did you walk through an
19 equipment door or did you walk
20 through ---?

21 A. Walked through a big door, one
22 of them big doors.

23 Q. One of those big double doors?

24 A. Yes.

25 Q. Was it closed?

26

01 A. Yes, closed and it had a
02 curtain over it.

03 Q. It had a curtain over it as
04 well. Over the entire door?

05 A. Yeah, over the door. We went
06 through it. The door and everything
07 was sealed off. They had a curtain
08 over it just to keep any more --- in
09 case it was leaking in.

10 Q. The curtain was on the outby
11 side and the air was ---?

12 A. Yeah.

13 Q. When you went through the
14 door, did anybody replace the
15 curtain?

16 A. No. Usually you'd leave it.

17 Q. Leave it and come back out?

18 A. Yeah, on the back side of it.

19 Q. Did it cover the entire door?

20 A. Covered the door itself, the
21 whole entry there.

22 Q. And sucked up against the
23 crib. Did it have a flap on it?

24 A. No, they didn't put a flap on
25 it. When you put it up against it,

27

01 it did go up.

02 Q. Were there already timbers in
03 the tailgate that were already set?

04 A. Yes.

05 Q. There were?

06 A. There was already piles of
07 them down there.

08 Q. Do you know who took those in?

09 A. No. I have no clue.

10 Q. Did you walk up to where the
11 fall was in the tailgate entry, inby
12 the timbers? Did you walk up to the
13 edge of the fall?

14 A. No.

15 Q. No.

16 A. You could hear the longwall
17 running. We wasn't down by it or
18 nothing.

19 Q. Did you see any dust coming
20 down on you? Do you know what
21 direction the airflow was in the
22 entry that you were setting the
23 timbers?

24 A. Oh, yeah. It was going right
25 back up the hill. It was going

28

01 uphill on ---.

02 Q. It was coming from the face
03 back outby ---

04 A. Yeah.

05 Q. --- and going up past you?

06 A. Yeah.

07 Q. Was there a lot of dust in the
08 air?

09 A. Oh, yeah.

10 Q. Pretty dusty. How far up by
11 the --- do you know how many
12 crosscuts those timbers were already
13 set when you went there?

14 A. No, I'm not for sure on that.

15 Q. But you said there was some?

16 A. There was some definitely set.

17 Q. Could you see the end of them
18 from where you were?

19 A. No, I couldn't see the end of
20 them.

21 Q. Could you see crosscut
22 distance?

23 A. Oh, yeah, you could see that.

24 Q. So they already had been set
25 for more than a crosscut ---?

29

01 A. Yeah. Yeah. Oh, yeah.

02 Q. And you were setting them on
03 the outby side, on the uphill side?

04 A. Yeah, going up toward Nine.

05 Q. Northeast.

06 A. Going up to where the mantrip
07 was.

08 Q. Do you know how many you set
09 that day?

10 A. No, not really. I left early
11 that day, to be honest with you.

12 Q. Did you run out of materials?

13 A. No. I had to leave early. I
14 got called out. My wife was --- had
15 a false alarm on having a baby. I
16 had to leave early.

17 Q. I think I do remember somebody
18 telling us one time about having to
19 go home for something, and that's
20 you.

21 A. Yeah.

22 Q. Were you a person that would
23 normally be assigned to install
24 supplementary roof supports in the
25 tailgate ---

30

01 A. No.

02 Q. --- when you weren't mining?

03 A. No.

04 Q. No. How about building
05 stoppings, did you normally build
06 stoppings?

07 A. Oh, yeah. That was my job as
08 a roof bolter operator.

09 Q. On the section?

10 A. On the section.

11 Q. When you weren't bolting, you
12 built stoppings?

13 A. Built a bunch of stoppings.

14 Q. Have you been up there since?

15 A. Went up on ---.
16 Q. Nine tailgate?
17 A. No. Just other than driving
18 the rescue teams up.
19 Q. I was just wondering if you
20 had known if anybody set any more
21 supports up there after you guys were
22 done on the 19th.
23 A. No. Well, when I left my
24 crew, they was still setting them.
25 There was still timbers there when I

31

01 left.
02 Q. There were still timbers there
03 when you left?
04 A. Yeah. We didn't run out of
05 material.
06 Q. Do you think they would have
07 got them all set by the time the
08 shift was over?
09 A. They might have. I don't
10 know.
11 Q. Okay. When you went back out,
12 did you have to walk out the ---
13 through that equipment door again?
14 A. Yes.
15 Q. Was there a lot of air coming
16 through that equipment door, leaking
17 through?

18 A. It wasn't too bad. There was
19 some air leaking.

20 Q. Was it hard to open?

21 A. No.

22 Q. Do you remember if it sealed
23 pretty good, the rubber flaps?

24 A. No. The rubber --- I don't
25 remember.

32

01 Q. Don't remember that, okay.

02 A. I never really paid that much
03 attention to it. I just knowed it
04 had a curtain over it.

05 Q. Was the curtain sucked up
06 against it pretty good?

07 A. So it did have air against it.

08 Q. Do you know how far outby the
09 dust would travel in the tailgate
10 entry? Did you notice how far outby
11 it moved?

12 A. How far it was going, the
13 dust?

14 Q. Yeah.

15 A. No, I don't.

16 Q. Did you leave through the
17 equipment door, did you say?

18 A. Yes.

19 Q. Yes, you did. And you closed

20 it back when you left. Have you ever
21 heard --- do you talk with the other
22 crews at all?

23 A. We had a different schedule
24 there, and we didn't probably see
25 each other on second shift, when they

33

01 was on second. We always seen
02 different crews work Three section.
03 When I was straight day shift, I seen
04 all the crews. But you never did
05 talk to them much because where
06 they'd leave so early, we're this far
07 up in there. They left like at 2:30,
08 I believe it was. By the time we was
09 there getting ready ---.

10 Q. By the Two section, you mean
11 the longwall?

12 A. Yes.

13 Q. They left a different time
14 than you did because of their travel
15 distance?

16 A. Uh-huh (yes).

17 Q. Okay. Did you ever hear any
18 discussions about having trouble with
19 air on the longwall face?

20 A. No.

21 Q. No. How about any discussions
22 about the tailgate being blocked?

23 A. That's the first I ever heard
24 of blocking the tailgate. I mean,
25 that's that day. It surprised me

34

01 that they didn't let us run coal to
02 go set props for the longwall.

03 Q. Is that something you wouldn't
04 normally do?

05 A. Well, the longwall was the
06 first thing. You know what I'm
07 saying? They took care of the
08 longwall, then the miner room.

09 Q. Do you ever work on belt
10 lines?

11 A. Not other than if it was
12 making a belt move or help finish a
13 belt move or something.

14 Q. On your section?

15 A. Yeah.

16 Q. Did you ever work on any
17 waterline installation?

18 A. Yeah. At Aracoma you have to.
19 We have floods and everything else.

20 Q. I'm talking about water line
21 installation on the longwall.

22 A. No. I wasn't there two weeks
23 when we flooded the whole mine out.

24 Q. Would you cut into that seal

25 then ---?

35

01 A. Yes, it works. I was up there
02 on that day.

03 Q. Do you know how much of an
04 area needed to be supported in that
05 tailgate, the Nine tailgate?

06 A. They was wanting to support it
07 all the way up the head.

08 Q. All the way out?

09 A. All the way up to where they
10 punched out. Because every time they
11 kept cutting in, you'd get bogged.

12 They was wanting to support it.

13 Q. Okay. Did you say you still
14 work at Aracoma?

15 A. No. I work at Rock Spring
16 now. My family can't make it on 40
17 hours a week.

18 Q. Would you care to share with
19 us why you left?

20 A. Yeah. For more money and the
21 hours.

22 Q. Do you think Aracoma was a
23 safe mine to work at?

24 A. I know my section was, Three
25 section. I don't know about up on

36

01 the hill. Like I said, I wasn't up

02 there. Three section, to me, was
03 more or less a picture-perfect
04 section. I mean, you couldn't ask
05 for much better.

06 Q. When you guys went up there on
07 that tailgate, did your boss tell you
08 anything about --- David Meade, did
09 he tell you anything about those
10 doors or anything or about make sure
11 they're closed or anything like that?

12 A. No. When we went through
13 them, we closed them back. I mean,
14 nobody asked us to leave them open or
15 nothing like that.

16 Q. The equipment doors there at
17 the mother drive that you passed
18 through when you came in and when you
19 left, were they open or closed when
20 you saw them?

21 A. They was closed.

22 Q. All of them?

23 A. Yeah, every one of them. Me
24 and Charlie Leonard, to be honest,
25 was the ones that got off the mantrip

37

01 and opened all of them and closed
02 them back. Then when Don Hagy and
03 the diesel mechanic come and got me,

04 me and the diesel mechanic closed
05 them back as we left around 12:30.
06 Q. I'm going to try to pick your
07 memory here. Not the outby equipment
08 doors, okay, but the ones --- the
09 last set as you're going inby that
10 you went through, okay, on the inby
11 side, the Number Two section side of
12 the mother drive, ---
13 A. The inby side?
14 Q. --- yeah, when you opened
15 those --- actually, when you opened
16 the first one, the one closest to the
17 belt, did you notice what direction
18 the air was wanting to go?
19 A. No, I never did. It never
20 dawned on me, no.
21 Q. How about the outby ones, did
22 you notice them at all?
23 A. No.
24 Q. When you closed the doors or
25 the doors --- once you get them like
38
01 pretty well closed, you know, if they
02 got fresh on them, kind of like a
03 suction the rest of the way?
04 A. yeah.
05 Q. Did you notice that at all?
06 A. Uh-uh (no).

07 Q. No. Okay.
08 A. Probably when I opened doors
09 before, they slammed. You know what
10 I'm saying?
11 Q. Yeah.
12 A. It didn't seem like it had
13 that much pressure on it.
14 Q. Did they kick up any dust when
15 they closed?
16 A. No, not that I can recall.
17 Q. Did you notice anything
18 unusual there at the mother drive
19 when you went through?
20 A. No.
21 Q. Did you see anybody working
22 there at that time?
23 A. No, not at the time.
24 Q. What time would you have come
25 out of there?

39

01 A. I come across --- I come by
02 the --- it was around 12:00,
03 actually, probably when I crossed ---
04 Q. Afternoon?
05 A. --- through the doors, yeah.
06 Q. To leave the mine?
07 A. To leave. We went --- we was
08 there about --- when we finally made

09 it up to the top of the hill it was
10 about 9:00 that morning. So we went
11 down into --- I wasn't in the tail
12 long.

13 Q. Did you see a beltman working
14 up there ---

15 A. I never ---.

16 Q. --- when you come through?

17 How about when you first came in to
18 begin with in the morning, was there
19 anybody up there working there then?

20 A. No, I never seen nobody.

21 Q. Do you know who Carl White is?

22 A. Yeah, I know Carl.

23 Q. If you saw him on the belt,
24 would you know him?

25 A. Oh, yeah.

40

01 Q. Did you see him up there?

02 A. No.

03 Q. How about anybody up by those
04 power centers, you know the belt
05 power centers right between those
06 inby airlock doors, did you see him
07 around over there?

08 A. No, not that I recall. No.

09 Q. Okay. Could you see the
10 storage unit from where you crossed
11 under the belt?

12 A. Yeah. It was down the hill
13 from us.

14 Q. You didn't notice anybody down
15 there?

16 A. No.

17 Q. Okay. Do you know who
18 coordinated the activities in that
19 Nine tailgate, who told your boss
20 that that's where you wanted to go?

21 A. I have no clue, no. I just
22 know that he come down and told us
23 that morning that we had to go to
24 Nine tail. That's all we --- that's
25 all that was said.

41

01 Q. Okay. Was there a telephone
02 installed in the tailgate?

03 A. I don't know if there --- I
04 can't recall if there was. I don't
05 believe there was. Because if there
06 was, they could have called instead
07 of walking down there.

08 Q. Yes.

09 A. Because two men walked down
10 and got me.

11 Q. Who were they?

12 A. Don Hagy, and I ain't for sure
13 --- there was a --- he had a red hat

14 with him, walking with him. It was
15 their diesel mechanic outside was
16 with him. And then I think it was
17 later on, after we had already left
18 there, Shiner they call him come in
19 there looking for me, too. He was
20 making sure I got out.

21 Q. Do you know his name? Chris
22 Herndon?

23 A. Huh?

24 Q. Chris Herndon, would that be
25 Shiner's name? Chris Herndon?

42

01 A. It might be. I don't know.

02 Q. Not sure?

03 A. I ain't for sure what his real
04 name is. I know everybody knows him
05 as Shiner.

06 Q. Did you ever participate in a
07 fire drill?

08 A. Yes.

09 Q. Where at?

10 A. On Three section.

11 Q. Who held the drill?

12 A. Dave.

13 Q. Dave Meade, your section boss?

14 A. And I also held one on Nine
15 tail, when we drove it up. Walked
16 all the way off of it, all the way

17 outside. It was Lee Williams that
18 held that one.

19 Q. Walked your escapeway out?

20 A. Yeah.

21 Q. Was that in the primary or
22 secondary?

23 A. Primary, your intake.

24 Q. Do you know what color the
25 reflectors are?

43

01 A. Green.

02 Q. Was it pretty well marked?

03 A. Yeah.

04 Q. Do you know who put those
05 reflectors up on the section as you
06 advance?

07 A. Should be your airway ---
08 well, no. Our section boss actually
09 was doing it. After every meeting,
10 he'd go back down and put the
11 reflectors up.

12 Q. In Three section.

13 A. Dave was doing it after every
14 meeting.

15 Q. When you were up on Nine
16 tailgate, you said you were on that
17 section when they intersected that
18 abandoned mine, cut through that and

19 flooded that out. You weren't
20 connected --- Nine tailgate hadn't
21 connected up with Nine headgate yet?
22 A. No. We were just turning
23 across the top of the hill. We was
24 driving over to meet ---.
25 Q. Yes.

44

01 A. --- meet the Nine headgate.
02 Q. Have you worked on installing
03 any belt structure anywhere up in
04 that area of the mine? Not on Three
05 section. A 72-inch belt structure.
06 A. No, never have. The only
07 thing I was involved in up there was
08 --- one time I had our section down
09 building an overcast.
10 Q. Where was that at?
11 A. The overcast at the top of the
12 hill. At the fresh air station is
13 where they was at, right there.
14 Q. The fresh air bases?
15 A. Yeah.
16 Q. Straight ahead? Straight at
17 the top of the hill?
18 A. Yeah. And then the belt run
19 overtop of it, and that's ---.
20 Q. The 72-inch belt?
21 A. Yeah, the big belt.

22 Q. Did you work on that prior to
23 the longwall starting?

24 A. Yeah. That was done --- I
25 think they was having to do that to

45

01 run Two --- when Two pull-back was
02 driving across the top, come up out
03 of Nine. I think it was Nine to Ten.

04 Yeah. There was like six sets of
05 overcasts, I believe there was. Then
06 I think we built --- we built two to
07 three, then I believe Two section had
08 to finish them, them and the
09 longwall.

10 Q. That stopping --- the airlock
11 door, the equipment door you said in
12 the tailgate, that would have been in
13 the entry where there's spad 3193?
14 Would have been over in this entry
15 over here?

16 A. In Number Four?

17 Q. Yes. Sometimes I call that
18 the Number One entry when I'm going
19 inby, but I realize from the bottom
20 of the hill to the top of the hill,
21 the right-side entry, the Number One
22 entry would actually be the tailgate
23 entry itself on the longwall.

24 Did you ever hear of anybody
25 leaving equipment doors open in the

46

01 mine?

02 A. No.

03 Q. Do you go through any
04 equipment doors on the way to Three
05 section besides the ones at the box
06 cut?

07 A. We had --- they was installing
08 them there at the mouth of our
09 section. We got --- we had one door
10 open. They hadn't had the other one
11 up yet. It was like that as I still
12 left there, just had one door.

13 Q. Do you know why they put those
14 doors in there?

15 A. We had a lot of air coming out
16 of the --- off the section. That's
17 what they said. I mean, you could
18 hang a curtain. It would blow it up
19 big time.

20 Q. Hang a curtain at the belt
21 tail, and it would still blow it ---?

22 A. Yeah. We had a box check at
23 the belt line, plus they put that
24 door in, so ---.

25 Q. And that was out at the front

47

01 end of Three section?

02 A. Front end of Three section.

03 Q. Had a belt check stopping

04 across the belt?

05 A. Yeah.

06 Q. And that door there, that was

07 to control the amount of air coming

08 out of the belt?

09 A. I was involved in building

10 that. I didn't put the doors up, but

11 I built the overcast there, too.

12 Q. Do you know what direction the

13 air was going over the feeder on

14 Three section?

15 A. Going over the feeder?

16 Q. Yes. I mean, how did air get

17 into the belt entry?

18 A. It come up the belt. It come

19 up the power entry.

20 Q. It come up the intake?

21 A. It split in front. It split a

22 line in front of the feeder.

23 Q. And it went inby to the face?

24 A. Yeah.

25 Q. And outby into the belt?

01 A. No. It didn't go outby. It

02 went outby into your returns, Seven

03 and One.

04 Q. The air direction in the belt
05 entry, do you know what direction
06 that was? Was that inby or outby?

07 A. Your air would be pulling back
08 down your belt.

09 Q. Going back ---

10 A. Trying to.

11 Q. --- outby towards the main
12 entrance?

13 A. Right.

14 Q. Toward main north?

15 A. Right. It would be going back
16 outby. You'd have to have your
17 flies, which we run our flies down.

18 Q. And your fly, you're talking
19 about your check curtains?

20 A. Check curtains, yeah. I call
21 them flies.

22 Q. So was air going over the
23 feeder and then outby in the belt?

24 A. No. Your air was going in a
25 line in front of the feeder, inby the

01 feeder and across. You're talking
02 about ventilating a section?

03 Q. Yes.

04 A. Okay. You got to set a check
05 curtain right there off the side of

06 your buggy. Your air is going to go
07 up in front in a line across.

08 Q. Do you know what direction the
09 air that was leaking through those
10 curtains back down the belt would
11 have been?

12 A. It would have been pulling it
13 back. See, your curtain would be
14 flying outby.

15 Q. Flying outby.

16 A. Because the pressure from the
17 intake would have brought it back
18 outby.

19 Q. Was that pretty much all the
20 time?

21 A. Yeah.

22 Q. Did that air pass over the
23 feeder on its way out?

24 A. No. It went down --- went
25 across your last line into your

50

01 return. You got checks all the way
02 across in that line.

03 Q. Okay.

04 A. You're trying to get me
05 confused.

06 Q. No. I'm trying to understand.

07 The air is going across the front of

08 the feeder?

09 A. Yeah, the line in front of the
10 feeder. It just ---.

11 Q. Right. And it's going
12 straight to the return?

13 A. Well, it splits.

14 Q. Yes. That's what I'm trying
15 to understand. It's splitting.

16 A. Right.

17 Q. Some of it's going ---?

18 A. Some of it is going to the
19 left. Some of it is going to the
20 right side. You got two returns.

21 Q. Yes.

22 A. You got me confused now.

23 Q. I'm not trying to. How many
24 entries on your section?

25 A. Seven.

51

01 Q. Seven. One outside entry on
02 each side of the return, one at
03 Seven? What's your intakes?

04 A. My intakes was at Three and
05 --- it would be Two and Three.

06 Q. Two and Three? And the belt
07 was ---?

08 A. The belt was on Four. No, it
09 was down Three and Four because of
10 the air coming overtop the fire box.

11 Q. Okay.

12 A. Right. Three and Four was our
13 intakes, Five was your belt, Six and
14 Seven --- I believe that's how it
15 was.

16 Q. Do you know anything about the
17 CO system at the mine when you worked
18 there?

19 A. Uh-uh (no). I'm not really
20 familiar with them.

21 Q. Do you have any training on
22 it?

23 A. No.

24 Q. Did you ever hear anything
25 about a mine emergency evacuation and

52

01 firefighting plan?

02 A. Dave went over it with me.

03 Q. As part of going over it, did
04 they discuss the action levels of the
05 CO system and what's supposed to be
06 done?

07 A. No, they didn't, not with me.
08 If they did, I can't recall.

09 Q. Do you ever work on any of
10 those CO systems?

11 A. Nope.

12 Q. Do you ever hear of anybody

13 being notified about a warning or an
14 alarm on the sensors?

15 A. No.

16 Q. Do you know Carl White? You
17 said you know Carl White.

18 A. I know of him. I remember
19 ---.

20 Q. Junior Robinson, do you know
21 Junior?

22 A. Junior Robinson? I'm not sure
23 if I remember him or not.

24 Q. I think he's another beltman,
25 too.

53

01 A. I'd probably know him if I
02 seen him.

03 Q. Did you ever hear of a fire on
04 the belt --- I think it was at the
05 tail of Number Five belt, on December
06 29th, 2005?

07 A. No. That was during
08 Christmas; right?

09 Q. Between Christmas and ---.

10 A. I was off.

11 Q. Did you hear of anything that
12 happened at the mother drive on
13 December 23rd with a storage unit
14 that was kind of similar to what
15 happened on the day of the accident?

16 A. No.
17 Q. Have you ever heard anything
18 about that?
19 A. Like I said, when we was on
20 Three section, if our belts wasn't
21 down, you never heard nothing, you
22 know. It kept running just like
23 normal. The only time I ever know of
24 our belts going down was a tail
25 roller or something, a bearing going

54

01 out on a tail roller or something.
02 Q. Do you know where?
03 A. Four tail.
04 Q. Four tail?
05 A. Four tail. That's what our
06 section dumped on, was Four tail.
07 Q. Do you know when that was?
08 A. I ain't for sure. It happened
09 two or three times.
10 Q. It did? Was there smoke
11 associated with it?
12 A. No, just a bad roller or a bad
13 tail roller bearing getting hot. I
14 was notified about it, then they
15 tagged it on third shift because it
16 wasn't --- they've had to change one
17 on shift because they couldn't run it

18 no more because the bearing would
19 tear the roller up itself.

20 Q. Have you ever been evacuated
21 from the mine?

22 A. No, not there I don't believe
23 I have. Yeah, one time, over the
24 water.

25 Q. With an inundation?

55

01 A. There was --- I think there
02 was two inspectors at the time that
03 happened. The boss was there. I
04 ain't for sure who else it was. I
05 know he was there. We all evacuated
06 off Three section and stayed at the
07 mouth of the section. When they went
08 by us, they told us to stay there.
09 And then we got a head count and
10 everybody went on the trips and went
11 on out. Because I thought we just
12 hit some borehole or something. I
13 didn't actually know what we hit.

14 Q. Have you spoken with anybody
15 who has discussed anything with you
16 about the fire?

17 A. No, not other than at --- I
18 mean, well, when I was there just
19 saying what happened. Nobody knows.
20 I mean, that's what everybody can't

21 figure out, why it got so big so
22 quick.

23 Q. When did you first find out
24 about the fire?

25 A. I was at home asleep, and my

56

01 wife woke me up, said it was on the
02 news.

03 Q. Did you work at Alma after the
04 fire?

05 A. Yeah. I was part of the
06 rescue team, driving ---.

07 Q. Driving the teams in and out?

08 A. Yeah. I went to the church
09 that morning, like it was my regular
10 shift.

11 Q. On the 20th?

12 A. Yeah. I went to the church,
13 like I was going to start my regular
14 shift, and stood there until John
15 McNeely come down looking for
16 volunteers, and then I volunteered.
17 And I worked every day since.

18 Q. To drive mantrips in and out?

19 A. The first night we went in and
20 put waterline and attempting to get
21 the waterlines lined out and stuff.

22 Q. Were you working outby the

23 fresh air base?

24 A. Yeah.

25 Q. You didn't have any apparatus

57

01 or anything?

02 A. No. I was working on the

03 fresh air side, laying waterline for

04 Johnny Robertson and the rescue

05 teams.

06 Q. Do you know where?

07 A. Right there, right --- the

08 entry right at the storage head, back

09 this side a break from it. There's

10 overcasts.

11 Q. An intake overcast. Did you

12 go overtop of the overcast?

13 A. Yep.

14 Q. From the 48-inch belt?

15 A. We laid it through the

16 stoppings, where the --- let's see.

17 Yeah, we laid it from the 48-inch

18 belt line. Where the five-foot belt

19 line is, we run it through there, run

20 it all the way down to where the

21 doors was. We run it right there and

22 stopped right at the doors. That's

23 as far as he said he needed it.

24 Q. The blue line or the yellow

25 line?

01 A. The yellow.

02 Q. Was the blue line already

03 there when you got there?

04 A. Yeah, it was there, but some

05 of it was busted.

06 Q. I believe one of them only

07 went like part-way and the other one

08 went all the way through down the

09 travel road; right?

10 A. They already had them one run

11 for the rescue team when I was there.

12 And then we run the other one on that

13 night shift.

14 Q. Did they already have that

15 main line --- eight-inch line on that

16 48-inch belt that already had that

17 cease at the end?

18 A. Yeah. I think that was

19 already on.

20 Q. That was already on there?

21 A. I'm pretty sure. I said I'm

22 not for sure on that. All I know is

23 that we come in. They already had

24 one waterline laid and we had to lay

25 another one.

01 Q. Did you have to knock any

02 holes in stoppings to install the
03 waterline?
04 A. Yeah, straight from that. We
05 had to run them right through the ---
06 like knock holes in the --- I think
07 it was two stoppings to run through.
08 It would be three stoppings,
09 actually, because there'd be the one
10 right there going into your intake
11 and then you had your five-foot belt.
12 It was sealed off, so you had to run
13 it through there, too.

14 Q. So you knocked a hole in a
15 stopping that was downhill ---?

16 A. We made sure everybody on the
17 rescue teams --- and everybody said
18 they'd be fine.

19 Q. And then the one on the uphill
20 side of the --- between the intake
21 and the ---?

22 A. They already had one run
23 through it.

24 Q. So you had one on the bottom
25 side of that Number Seven belt?

60

01 A. Right.

02 Q. All the way to the roadway.
03 Just stopped it right there on the
04 roadway?

05 A. Stopped it right at the double
06 doors.

07 Q. Okay. Were there holes in
08 those before you did that?

09 A. No.

10 Q. None of them?

11 A. Just in that one.

12 Q. The first one?

13 A. Yeah, where they already had
14 one waterline.

15 Q. Where the waterline went
16 through up near the ---?

17 A. Yeah. The other ones was
18 sealed.

19 Q. That was on what day that you
20 knocked those holes in?

21 A. The 20th.

22 Q. That morning you said is when
23 you went to work?

24 A. Yeah, we went --- me and Jason
25 Adkins and Charlie Leonard went in

61

01 --- I think it was 11:00, 11:30.
02 Then we was laying waterlines that
03 night. We actually left, I believe,
04 that night about 7:00.

05 Q. On Friday?

06 A. Yeah.

07 Q. The 20th?
08 A. And we started the next shift
09 at the regular time.
10 Q. The next day?
11 A. Yeah, driving.
12 Q. Saturday you were driving
13 trips?
14 A. Yeah, I was driving trips.
15 Q. Do you know if a water pipe
16 was already up there when you got it
17 in?
18 A. No, it wasn't. They had
19 brought ---
20 Q. They brought one.
21 A. --- waterline.
22 Q. They did?
23 A. Brought waterline and metal
24 supports, while I was there,
25 Heintzmann jacks.

62

01 Q. Yeah, those metal jacks. Did
02 you install any of those?
03 A. Not that night, no, I didn't.
04 But eventually I did install --- it
05 was one of them nights everything was
06 slow. They was still investigating
07 everything up on the hill.
08 Q. After the rescue and recovery
09 operation?

10 A. Yeah. I was up there setting
11 them around the storage. Way up
12 going toward the storage unit, where
13 they put the fire out, there's a man
14 door. It's the next one down, I
15 believe it was. Do you know where
16 our power center was? We had to sit
17 them jacks all in there.

18 Q. If I showed you on the map
19 where those stoppings were or if you
20 looked at the map, could you see
21 where --- would you be able to tell
22 where the stoppings were that you
23 knocked holes in for the waterlines
24 and where you extended it?

25 A. The four-foot belt.

63

01 Q. Again, I told you these
02 stoppings weren't necessarily the way
03 they are.

04 A. Okay.

05 Q. Would you mind coming back up?

06 A. Yeah, that's fine. This is
07 your four-foot belt here.

08 Q. This is the four-foot --- it's
09 actually like where the stopping
10 comes out here.

11 A. Right here, this is your ---

12 that's your five-foot ---.

13 Q. This is your ---.

14 A. And right here --- I believe
15 it was about right here.

16 Q. Comes straight down to draw
17 the water?

18 A. Yeah. If this is where the T
19 was on the waterline, it came
20 straight down to the double doors,
21 these doors.

22 Q. Down here?

23 A. Rode all the way to right
24 there.

25 Q. This stopping?

64

01 A. That stopping there was
02 already had a hole in it that run ---
03 it run to right here. It run from
04 right here. It was put to fight the
05 fire right there.

06 Q. Let's just draw a little line
07 down here. Just put on there blue
08 line already installed.

09 WITNESS COMPLIES

10 BY MR. BEITER:

11 Q. That was installed before you
12 got there?

13 A. Right.

14 Q. And then this here other one

15 over here, ---

16 A. Yeah.

17 Q. --- was installed by you,
18 right, you and your crew? And that
19 was --- you said that was Jason
20 Adkins?

21 A. Jason Adkins and Charlie
22 Leonard.

23 Q. That was on 1/20/06, day
24 shift.

25 A. I don't know what kind of

65

01 shift they worked on. I mean, ---.

02 Q. Okay. And you knocked a hole
03 in this stopping, in this stopping,
04 and then there was a stopping ---.

05 A. We didn't knock a hole in this
06 stopping.

07 Q. You went through the same hole
08 which was already there?

09 A. Right.

10 Q. Okay.

11 A. I'm pretty sure we did. We
12 went through the same one.

13 Q. Okay.

14 A. We may have knocked one in
15 that. I ain't for sure. Because I
16 think we was going to, and I think we

17 may have knocked another one.

18 Q. Okay.

19 A. But we made sure it was all
20 right to do it before we done it.

21 Q. Okay.

22 A. Because we didn't know if it
23 would affect anything that was going
24 on over here.

25 Q. But where you extend this

66

01 line, except for the first stopping

02 ---?

03 A. We knew they were fighting the
04 fire on this side of it. The rescue
05 team went in from here to try to
06 start putting it out from there.

07 Q. Down the ---?

08 A. Trying to get the heat down.

09 Q. Inby spad 3239 on the 72-inch
10 belt itself? Everywhere you extended
11 the yellow line, except for the first
12 stopping, would move out and pass
13 through the knocked holes on that
14 day, on that shift ---

15 A. Yes.

16 Q. --- with Mr. Leonard and Mr.
17 Adkins?

18 A. There was no more holes there.

19 Q. That's prior to you guys

20 knocking them?

21 A. Yeah.

22 Q. I don't think we're going to
23 have anything more on the map here.

24 MR. BEITER:

25 Bill, did you have a

67

01 question?

02 BY MR. BEITER:

03 Q. If you could just sign and
04 date the map, to just indicate that
05 you agree that you made all these
06 notations on the map?

07 WITNESS COMPLIES

08 BY MR. TUCKER:

09 Q. I just have a couple questions
10 for you. Did you work on the 18th,
11 the day before the fire?

12 A. Yeah.

13 Q. What area of the mine was you
14 in on that day?

15 A. Three section.

16 Q. On Three section.

17 A. Running coal.

18 Q. So you wouldn't have heard of
19 any problems as far as --- concerning
20 the longwall?

21 A. Not up there on the hill, no.

22 Q. Okay.

23 A. We was too busy trying to
24 punch out and start peeling.

25 Q. Have you heard of any problems

68

01 at all with the mother drive belt?

02 Anything that you've heard at the
03 mines that has ever happened?

04 A. You might hear it if it goes
05 off or something. I never heard
06 nothing.

07 Q. Specific?

08 A. Yeah. Or a gob-out on the
09 mother drive or something like that,
10 I mean.

11 Q. What have you heard that
12 started the fire?

13 A. I don't know.

14 Q. You haven't heard anything?

15 A. Right.

16 Q. Or just talk around the
17 bathhouse or ---?

18 A. I heard it just started in the
19 storage unit, and that's as far as it
20 went. I don't even know. I mean,
21 somebody said the belt may have been
22 running off so bad that it just
23 caught against something and it just
24 started cutting. That's what I

25 heard. But as far as definite, I

69

01 don't know. You'll hear anything.

02 Q. Right. Have you heard of any

03 other fires at the mine, at the

04 Aracoma Mine?

05 A. No. I heard of floods, but

06 not fires.

07 Q. You mentioned I think earlier

08 about maybe a tail roller bearing

09 going out. Is that something that

10 happened pretty regular or would you

11 call that a common occurrence?

12 A. No. I just --- it's happened

13 twice on us. I know that. Which

14 every mines I've ever been at you've

15 had a tail roller or something going

16 out all the time.

17 Q. Right. I think you had talked

18 earlier about when you went up on

19 Nine tail and there's a curtain

20 across the stopping as you went

21 through.

22 A. Across the door.

23 Q. Yeah, across the door. Did

24 you say if you put the curtain back

25 or ---?

70

01 A. No, we never put the curtain
02 back.

03 Q. When you came out early, ---
04 A. When we left early, ---.

05 Q. --- it was still down?
06 A. Yeah, I think.

07 Q. Okay.

08 A. The door was closed, curtain
09 was down.

10 Q. Right. Okay.

11 A. If the door was installed
12 right, you shouldn't need a curtain.

13 Q. Right. So the door to the
14 travelway at the mother drive, the
15 airlock doors there, have you
16 traveled through that area, other
17 than you mentioned the one day,
18 around the 19th, when you set props
19 in the tail. But have you been down
20 that area of the mine any other time?

21 A. Yeah, I have. I've been on
22 Two section. I actually ran the
23 buggy previous, I mean, but it wasn't
24 no --- it was a long --- a while
25 back. But I think it was when I was

01 actually driving Ten headgate down.
02 I was over --- I helped them drive
03 that --- I was --- filled in on a

04 buggy. Where they didn't have enough
05 men, they'd take men from us to fill
06 their section, because that section
07 had to run for the longwall.

08 Q. Have you ever passed through
09 those doors or come to that area and
10 the doors would be open?

11 A. No, I haven't.

12 Q. I know you said you wasn't
13 sure as far as --- hadn't really
14 heard much as far as what started the
15 fire.

16 A. Right.

17 Q. But the fact that the fire did
18 start there and as a result of the
19 fire, do you have anything or any
20 ideas on what could prevent
21 reoccurrence?

22 A. Well, rock dusting, for one,
23 should have helped in that. If it
24 had a problem, they should have fixed
25 it. If it actually had went down and

72

01 they knowed something was there, they
02 should have fixed it to begin with.
03 The problem now, you got --- you try
04 to --- like a lump of coal is worth
05 more than a man's life. I mean,

06 that's some of them's theory. I
07 mean, they don't say it, but that's
08 how they act. And that could have
09 been me just as well as it could have
10 been them other two boys.

11 Q. Exactly.

12 A. Just think if we was on second
13 shift down at Nine tail when that
14 happened, we'd have all been dead.

15 Q. I think you might have
16 answered this, but you mentioned, you
17 know, when you cut into the old
18 works, you had the water come in the
19 mines, did you all evacuate the
20 mines?

21 A. Yeah. We evacuated the
22 longwall plus Two section and Three
23 section. Called them all and told
24 them, get out. Then we all met at
25 the mouth of our section. It was

73

01 away from everything and it was on
02 the main track of Three section, the
03 intersection. Everybody met right
04 there and then everybody got
05 together, and then we headed out from
06 there.

07 Q. Do you remember who made the
08 call to ---?

09 A. I'm not for sure. I know
10 Boggess and all of them was there.
11 Then I think Pepe and Eddie and all
12 of them, with Boggess, went back up
13 to see what was going on.

14 MR. TUCKER:

15 That's all I have.

16 Thank you.

17 A. You're welcome.

18 BY MR. BEITER:

19 Q. Shawn, I wasn't trying to
20 confuse you on that ventilation on
21 Three section. I guess I was
22 probably confused and I was just
23 trying to understand how the air was
24 getting into the belt entry because
25 it was traveling outby at the front

74

01 of the section. And I was just
02 trying to figure out if it was being
03 dumped onto the side of the belt from
04 the intake or if it was past the ---.

05 A. Well, a lot of times your
06 buggy does tear your flies out, your
07 check out, I mean, but we was pretty
08 good about putting them back. You
09 know what I'm saying? I know if you
10 don't put them back, air is normally

11 going to go right out the easiest way
12 it can.

13 Q. Yes.

14 A. Now, pretty much --- now,
15 Three section --- I don't know about
16 Two section. Now, Three had plenty
17 of air. I mean, at times it'd freeze
18 you to death up there.

19 Q. Where did your boss take his
20 reading? Did you ever see him taking
21 air readings?

22 A. I never --- well, you'd take
23 one behind the bolter, get them.

24 Q. Did you ever detect methane in
25 a workplace while you were bolting?

75

01 A. Oh, yeah.

02 Q. Did you?

03 A. Oh, yeah.

04 Q. On Three section?

05 A. Yeah.

06 Q. Did you use a spotter? Do you
07 make gas tests?

08 A. Yeah.

09 Q. How much gas have you found?

10 A. Where I was --- actually
11 gassed the miners off, and we've had
12 to shut everything down and
13 ventilate.

14 Q. Over one percent?

15 A. Yeah.

16 Q. Over two percent?

17 A. No. I think it was 1.5.

18 That's when we was hitting a lot of

19 water, too, and you wouldn't have

20 thought you was actually hitting ---

21 you wouldn't think nothing about

22 gases if you was in that much water.

23 I mean, that's actually where it was

24 at.

25 Q. Where the water was?

76

01 A. Yeah.

02 Q. Did you have methane when you

03 was just drilling bolt holes, coming

04 out of your bolt holes?

05 A. Yeah, actually I've had that,

06 too.

07 Q. What was the highest that you

08 ever found?

09 A. I'm not sure on that.

10 Q. Was that in Three section?

11 A. Yeah.

12 Q. Had you ever heard them

13 talking about it on Two section?

14 A. No.

15 Q. Who hangs the line curtain on

16 a section?

17 A. The operator.

18 Q. The miner operators?

19 A. The miner operator and bolter
20 operator. We don't have no
21 ventilation man. See, the problem
22 with Massey now, we're short-handed.

23 Q. So the miner operator hangs it
24 while the miner would cut, and then
25 when the bolter comes in, just the

77

01 bolter operator ---

02 A. Extended.

03 Q. --- is extended ---?

04 A. Extended on the outside part
05 of it. Extended.

06 Q. Who hangs the drop curtain?
07 Do you have drop curtain across ---?

08 A. The boss usually done it or
09 Skip went and helped him do it. Now,
10 if we would be called up on
11 stoppings, we'd help him hang flies
12 up.

13 Q. Do you use flies?

14 A. Yeah. We put boards up on
15 sides on it. See, down at Rock
16 Springs, we put the flies going up
17 toward the head and to ---.

18 Q. Diagonal going into the

19 working place?

20 A. Yeah.

21 Q. Pulled through the last open.

22 A. Does a real job.

23 Q. Did you ever hear any

24 discussions about or involvement with

25 any problems with fire hoses and fire

78

01 taps?

02 A. No. I heard of that. Prior

03 to that, I heard that --- I heard

04 something about that, but not until

05 after the fire. I mean, I heard that

06 somebody tried to hook a hose up and

07 it was the wrong --- it was stamped

08 right, but wrong size. I just heard

09 that after the fire.

10 Q. When you guys do your fire

11 drills, does anybody ever actually

12 take the fire hose and attach it

13 to ---?

14 A. No.

15 Q. Do you know what your

16 responsibilities were for

17 firefighting when you were working on

18 a section as a roof bolter?

19 A. As a roof bolter, I helped the

20 miner man break waterlines and

21 whatever he needed, and then whoever
22 needed ventilation or whatever.

23 Q. You said you found gas. Did
24 you have a probe? Did you use a
25 probe to test for gas?

79

01 A. What?

02 Q. Is that how you found the
03 methane, using the probe?

04 A. Yeah. You do that when you go
05 up in a place. I mean, the roof
06 bolter, he automatically goes up in
07 there before you even take a bolter
08 up in there. The miner man warned me
09 before you go up in there to watch
10 it. It's --- you get a lot of gas
11 built up.

12 Q. So before you pulled your
13 bolter in ---?

14 A. Your offside man goes up in
15 there and takes a gas check. You do
16 it 20 minutes after that.

17 Q. Is that when you find the gas
18 --- you said you got gassed off at
19 times. Would that be when you ---?

20 A. I've shut --- actually shut
21 the bolter down.

22 Q. During your 20-minute gas
23 check?

24 A. Yeah. And had to tighten
25 curtains up and everything else.

80

01 Q. Do you know how much airflow
02 you carry behind the line curtain
03 when you're bolting?

04 A. It's 3,000.

05 Q. 3,000. Does that reach very
06 far past the line curtain when you're
07 ---?

08 A. Yeah, you can feel it.

09 Q. Can you?

10 A. Like I said, Three section
11 never --- had no trouble with air.

12 Q. Go back a minute here with a
13 question about the fire taps. You
14 said that, since the fire --- I guess
15 that's what --- let me clear it up in
16 my mind as far as what --- I didn't
17 quite understand exactly what you
18 were saying about a problem where ---
19 you come to understand that there was
20 a problem with the fire tap and the
21 fire hose not --- being stamped
22 properly, but actually not being able
23 to make that connection. Was that at
24 the time of the fire? Was that at
25 the fire?

01 A. I don't know. I'm just saying
02 I heard about the fire hose after the
03 accident.

04 Q. Yes. Right.

05 A. I mean, I heard --- what you
06 told --- what you just asked me
07 about, had I heard anything about it,
08 yes, I heard the same thing you had
09 asked me.

10 Q. After the fire?

11 A. Yeah, after the fire. Nobody
12 had known that there was any past, I
13 mean, practices of it or what.

14 Q. Yeah, I think that was my
15 question.

16 A. That it never occurred.

17 Q. Had anybody known about it
18 before the fire?

19 A. No.

20 Q. They realized that after the
21 fire?

22 A. Not that I know of. Not to my
23 knowledge.

24 Q. That was my question. I
25 didn't understand that. Do you know

01 who you heard that from?

02 A. I'm not for sure on that.

03 Q. Okay.

04 BY MR. TUCKER:

05 Q. I just have a couple more.

06 When you was driving the Nine Fourway

07 up, you said your crew did that, did

08 you ever detect any gas on that

09 section?

10 A. No, I can't recall that I did.

11 I started about midway, though.

12 Q. Right. So where you're

13 talking about is the current Three

14 section. Okay. What was the --- you

15 mentioned you filled in on Two

16 section a little --- a few times.

17 A. Yeah.

18 Q. And you had said the air up on

19 Three section, you had plenty of air.

20 It'd freeze you to death. What was

21 the air like on Two section when you

22 went up there?

23 A. They had air. I mean,

24 probably could have had more. But at

25 the time, they had air when I was up

83

01 there. Both times I went up there

02 the belt broke, so it was down all

03 day pretty much. I mean, one time I

04 think we went up there and went 300

05 foot, but that was it. The three
06 times I went up there, the belt broke
07 two times, shut down the whole shift.

08 BY MR. BEITER:

09 Q. You said you carried a 3,000
10 CFM behind the line curtain. How far
11 is that curtain from the rib?

12 A. It's approximately about four
13 foot on the outside place.

14 Q. So that's a pretty good area,
15 and four feet by seven foot high,
16 only 30 square feet. Is it enough to
17 make an anemometer spin?

18 A. Yeah, they had the anemometers
19 for them.

20 Q. And it would make the
21 anemometer spin?

22 A. Yes.

23 Q. Shawn, is there anything else
24 you'd like to add?

25 A. No.

84

01 MR. BEITER:

02 Shawn, on behalf of
03 MSHA, I thank you for coming
04 in today and answering our
05 questions and sharing your
06 information about the mine
07 with us. Your cooperation is

08 very important to us as we
09 work to determine the cause of
10 the accident.

11 If you wish, you can go
12 back over any answers that
13 you've given or if you need to
14 clarify anything.

15 A. There's been so many.

16 MR. BEITER:

17 Do you have anything
18 that you need to clarify?

19 A. No.

20 MR. BEITER:

21 Do you wish to make a
22 closing statement, covering
23 any additional points that you
24 believe should be raised?

25 A. No.

85

01 MR. BEITER:

02 Shawn, we ask that you
03 do not discuss your interview
04 today with any person who may
05 have already been interviewed
06 or with anyone who may be
07 asked to give a statement in
08 the future. And we ask this
09 to ensure that we obtain

10 everyone's independent memory
11 of the ---

12 A. Right.

13 MR. BEITER:

14 --- events surrounding
15 the accident. After
16 questioning other witnesses
17 and obtaining additional
18 information, we may need to
19 ask you back for further
20 questions.

21 If at some later point
22 you have additional
23 information regarding the
24 accident that you would like
25 to provide to us, if you'd

86

01 please contact Mr. Kenny
02 Murray, who's the lead
03 accident investigator for MSHA
04 on this accident, or his staff
05 assistant, Anthony Webb. And
06 both of those gentlemen work
07 at the Pikeville, Kentucky
08 MSHA district office. And
09 here's a card with their
10 telephone numbers, contact
11 numbers, where they can be
12 reached.

13 Shawn, the Mine Act
14 provides certain protection
15 for individuals who
16 participate in accident
17 investigations. If at any
18 time you believe that you have
19 been treated unfairly because
20 of your cooperation in this
21 investigation, please
22 immediately contact Mr. Murray
23 or Mr. Webb. And again,
24 Shawn, thank you for coming in
25 and helping us today.

87

01 A. You're welcome.
02 MR. TUCKER:
03 Also, on behalf of
04 Miners' Health, Safety &
05 Training, I'd like to thank
06 you for coming in today and
07 tell you that the State also
08 offers similar protection
09 against discrimination against
10 miners. And if you ever need
11 us for anything, there's a
12 card. You can give me a call.
13 And this is C.A. Phillips'
14 card. He's our Deputy

15 Director out of our Charleston
16 office.

17 A. That's the guy that's paying
18 me there?

19 MR. TUCKER:

20 That's the one.

21 * * * * *

22 EXAMINATION CONCLUDED AT 4:03 P.M.

23 * * * * *

24

25