

01 EXAMINATION UNDER OATH
02 OF
03 DARRICK D. VANNATTER
04
05
06 Taken pursuant to Notice by Autumn D.
07 Furby-Pritt, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Department of
10 Environmental Protection, 1101 George
11 Kostas Drive, Logan, West Virginia,
12 on Thursday, March 2, 2006, at
13 8:01 a.m.

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

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01 A P P E A R A N C E S (cont.)

02

03 ALSO PRESENT:

04 DENNIS A. BEITER

05 RONALD W. STAHLHUT

06 ANTHONY L. BURKE

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

02

03 WITNESS: DARRICK D. VANNATTER

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

02 -----

03 MR. MURRAY:
04 Good morning.
05 MR. VANNATTER:
06 Good morning
07 MR. MURRAY:
08 How are you doing
09 today?
10 MR. VANNATTER:
11 All right.
12 MR. MURRAY:
13 Good. My name's Kenny
14 Murray. We met out in the

15 hall.

16 MR. VANNATTER:

17 Yeah.

18 MR. MURRAY:

19 I represent the Mine
20 Safety & Health
21 Administration, which is an
22 agency of the United States
23 Department of Labor. I'm a
24 member of MSHA's accident
25 investigation team that's been

8

01 charged with investigating the
02 accident that occurred at the
03 Aracoma Coal Company, Aracoma
04 Alma Mine Number One, on
05 January 19th, 2006.

06 This is a joint
07 investigation that MSHA's
08 conducting with the State of
09 West Virginia. I'll be asking
10 the questions for MSHA today.
11 With me here today are other
12 members of MSHA's accident
13 investigation team, which
14 includes various subject-
15 matter expert throughout the
16 United States.

17 At this time, I would
18 like for each of those members
19 to introduce themselves to
20 you, beginning with Anthony.

21 MR. WEBB:

22 Anthony Webb, MSHA,
23 Pikeville, Kentucky.

24 MR. STAHLHUT:

25 Ronald Stahlhut, MSHA,

9

01 Vincennes, Indiana.

02 MR. POGUE:

03 Charlie Pogue, MSHA,
04 Hunker, Pennsylvania.

05 MR. BEITER:

06 Denny Beiter,
07 Triadelphia, West Virginia.

08 MR. FINNIE:

09 Mike Finnie, MSHA in
10 Madisonville, Kentucky.

11 MR. FRAN CART:

12 Bill Francart,
13 Pittsburgh, Pennsylvania.

14 MR. TJERNLUND:

15 Derrick Tjernlund, Tech
16 Support, Triadelphia.

17 MR. BURKE:

18 Tony Burke, MSHA,
19 Whitesburg, Kentucky.

20 ATTORNEY BARISH:
21 Dan Barish, MSHA,
22 Solicitor's Office, Arlington,
23 Virginia.

24 MR. MURRAY:

25 And as I said, my name

10

01 is Kenny Murray, and I'm from
02 Pikeville, Kentucky.

03 Here also today
04 representing the State of West
05 Virginia is Mr. Bill Tucker.
06 And he'll be asking questions
07 for the state today. At this
08 time, Mr. Tucker has a
09 statement from the state that
10 he'd like to present to you.

11 MR. TUCKER:

12 The West Virginia
13 Office of Miners' Health,
14 Safety & Training is
15 conducting this interview
16 session jointly with MSHA.
17 We're in agreement with the
18 procedures outlined by Mr.
19 Murray.

20 However, let me make it
21 clear that the Director

22 reserves the right, if
23 necessary, to call or subpoena
24 witnesses or require the
25 production of any record,

11

01 document, photograph or other
02 relevant materials necessary
03 to conduct this investigation.
04 Okay.

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

10 MR. PHILLIPS:

11 Good morning, Darrick.

12 MR. VANNATTER:

13 Good morning.

14 MR. PHILLIPS:

15 I'm C.A. Phillips. I'm
16 the deputy director of Miners'
17 Health, Safety & Training at
18 Charleston, West Virginia.

19 MR. WHITE:

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

22 MS. SPENCE:

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

25 MR. MURRAY:

12

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

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

23 Information obtained
24 through witness interviews is
25 frequently included in these

13

01 reports. Your statement may
02 also be used in other
03 enforcement proceedings. I'd
04 like to thank you in advance
05 for coming today. We
06 appreciate your assistance in
07 this investigation. The
08 willingness of miners and mine
09 operators to work with us is
10 critical to our success in
11 making the nation's mines
12 safer.

13 This interview with
14 Darrick VanNatter is being
15 conducted under Section 103(a)
16 of the Federal Mine Safety &
17 Health Act of 1977, as part of
18 an ongoing investigation by
19 the Mine Safety & 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

14

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 in Logan, West
11 Virginia 25601 on March 2nd,
12 2006. And the current time is
13 8:06 a.m. eastern standard
14 time.

15 Mr. VanNatter, the
16 interview will begin by asking
17 you a series of questions.
18 Feel free at any time to
19 clarify any statements that
20 you make in response to the
21 questions. After we have
22 finished asking the questions,
23 you'll have an opportunity to
24 make a statement of your own
25 and provide us with any

15

01 additional information that
02 you believe may be important.

03 You're permitted to
04 have a representative with you
05 today during this interview,

06 and you may consult with your
07 representative at any time.
08 You may designate any person
09 to be your representative.
10 Following the questions by
11 MSHA and the state, your
12 representative will be given
13 the opportunity to ask
14 questions for the purposes of
15 clarification on areas already
16 discussed.

17 Your statement is
18 completely voluntary. You may
19 refuse to answer any question
20 and you may end your interview
21 at any time. If you don't
22 understand a question, tell me
23 and I'll rephrase it. If you
24 need a break for any reason,
25 just let me know.

16

01 You may request the
02 opportunity to make a
03 confidential statement, which
04 we will withhold from the
05 public to the extent allowed
06 by law. Should you desire to
07 give a confidential statement,
08 you should advise me before I

09 begin your interview, so that
10 I can reschedule your
11 interview in order to properly
12 consider your request. Do you
13 wish a confidential interview?

14 MR. VANNATTER:

15 No, sir.

16 MR. MURRAY:

17 We also have a court
18 reporter with us today, and
19 she'll record your verbal
20 responses and then later
21 produce a transcript of the
22 interview. I'd ask that you
23 state all of your answers
24 verbally, because she can't
25 record any gestures, such as

17

01 nodding your head.

02 MR. VANNATTER:

03 Yes, sir.

04 MR. MURRAY:

05 Neither the transcript
06 of this interview, nor the
07 content of this interview will
08 be released to the public or
09 the media until MSHA's final
10 accident investigation report

11 is issued, or until required
12 by court order, or until a
13 public hearing takes place.

14 If any part of your
15 statement is based not on your
16 own first-hand knowledge, but
17 on information that you
18 learned from someone else,
19 please let me know that.

20 MR. VANNATTER:

21 Yes, sir.

22 MR. MURRAY:

23 Please answer each
24 question as fully as you can,
25 including any information that

18

01 you learned from someone else.

02 We may not ask the
03 right questions to learn the
04 information that you have, so
05 don't feel limited by the
06 precise questions that I ask.
07 If you have information about
08 the subject area of a
09 question, please provide us
10 with that information. Do you
11 have any questions about what
12 we're going to do here today?

13 MR. VANNATTER:

14 No, sir.

15 MR. MURRAY:

16 Would the court

17 reporter please swear in Mr.

18 VanNatter in.

19 -----

20 DARRICK VANNATTER, HAVING FIRST BEEN

21 DULY SWORN, TESTIFIED AS FOLLOWS:

22 -----

23 BY MR. MURRAY:

24 Q. Mr. VanNatter, please state

25 your full name, address, and

19

01 telephone number, and then spell your

02 last name for the record, please.

03 A. [REDACTED]

[REDACTED]

12 Q. Is it okay if I call you

13 Darrick?

14 A. Yes, sir.

15 Q. Darrick, are you appearing

16 voluntarily here today?

17 A. Yes, sir.

18 Q. Has anyone made any promises
19 to you for giving this statement or
20 offered you any rewards in exchange
21 for making your statement?

22 A. No, sir.

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

20

01 A. No, sir.

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

05 A. Yes, sir.

06 Q. Do you have a representative
07 with you today?

08 A. Yes, sir.

09 Q. Could you please identify that
10 representative for the record?

11 A. I forgot his name again. I'm
12 not good with names.

13 ATTORNEY HARDY:

14 David Hardy.

15 A. David Hardy.

16 MR. MURRAY:

17 Good morning, Mr.

18 Hardy.

19 ATTORNEY HARDY:

20 Good morning, Ken.

21 BY MR. MURRAY:

22 Q. When did you first meet Mr.

23 Hardy?

24 A. This morning.

25 Q. And how did this meeting come

21

01 about?

02 A. It come good. This morning we

03 met out in the parking lot.

04 Q. And how did you arrange that

05 meeting?

06 A. Oh, I called yesterday before

07 I left the mines.

08 Q. The original contact between

09 you and Mr. Hardy, was it made by you

10 calling him, or did he call you?

11 A. I called his associate, and he

12 arranged for us to meet this morning.

13 Q. How did you know to call him?

14 A. They offered. They told me it

15 was voluntary if I wanted a

16 representative, and I wanted one, so

17 I called him.

18 Q. Okay. When you say they, who

19 was they?

20 A. My foreman mentioned it to me,

21 that, you know, he is available if I
22 needed him.

23 Q. Okay. And who's your foreman?

24 A. Chris Herndon.

25 Q. Did you feel in any way that

22

01 you were coerced to choose Mr. Hardy
02 as your representative?

03 A. No, sir.

04 Q. Have you been made aware that
05 Mr. Hardy's law firm represents the
06 company in this matter and that
07 there's a potential for conflict of
08 interest to arise between yourself
09 and the company?

10 A. Yes, sir.

11 Q. When you met with Mr. Hardy
12 this morning, did he describe what
13 was going to take place?

14 A. Yes, sir.

15 Q. What did he tell you?

16 A. He just told me the layout of
17 the room, how the questions were
18 going to go about as far as two
19 people asking questions, and handing
20 cue cards to him. He just gave me
21 the layout of the ---.

22 Q. Okay. When you had this
23 conversation this morning, who was

24 present?

25 A. It was me and him.

23

01 Q. Did he tell you we're pretty

02 nice guys?

03 A. Yeah.

04 Q. Before today, were you

05 interviewed by the company?

06 A. No, sir.

07 Q. Okay. No one's talked to you

08 about anything that's happened?

09 A. No, sir.

10 Q. So understanding what we just

11 talked about, you want to proceed

12 with Mr. Hardy as your

13 representative?

14 A. Yes, sir.

15 Q. Darrick, how long have you

16 worked at the Aracoma Alma Mine

17 Number One?

18 A. Approximately, about 11

19 months.

20 Q. And are you employed by the

21 company, or do you work for a

22 contractor?

23 A. I'm employed by the company.

24 Q. Okay. Have you been employed

25 by the company for the entire 11

01 months?

02 A. No, sir. I was employed by
03 the company probably, let's see.
04 Probably about ten months --- no,
05 nine months. I'm sorry, nine months.

06 Q. Okay. And prior to that?

07 A. I was a contractor through
08 Apollo.

09 Q. Okay. Are you considered to
10 be a member of management?

11 A. No, sir.

12 Q. Okay. You're an hourly
13 employee?

14 A. I'm an hourly employee.

15 Q. What's your current job
16 classification?

17 A. Outby utility, which is
18 construction.

19 Q. Okay. What was your job
20 classification on January 19th, 2006?

21 A. Outby utility.

22 Q. And how long have you held
23 that position?

24 A. Ever since employment.

25 Q. With the company or the

01 contractor included?

02 A. Both.

03 Q. Okay. Have you held any other
04 jobs at Aracoma?

05 A. No, sir.

06 Q. Have you worked in any other
07 mines?

08 A. No, sir.

09 Q. So your total mining
10 experience would be limited to
11 Aracoma?

12 A. Yes, sir.

13 Q. Okay. Darrick, on January
14 19th, 2006, what shift were you
15 scheduled?

16 A. The day shift.

17 Q. Okay. And January 19th, I'm
18 referring to is the day of the
19 accident?

20 A. Yes, sir.

21 Q. Okay. When was that shift
22 scheduled to start?

23 A. At seven o'clock in the
24 morning.

25 Q. And when was it scheduled to

26

01 end?

02 A. At 4:00. No, at 5:00. I'm
03 sorry, 5:00.

04 Q. Well, what time did you get to

05 the mine that day?
06 A. I usually get there 30 minutes
07 before a shift starts, about 6:30 in
08 the morning.
09 Q. Okay. Who was your supervisor
10 on that day?
11 A. We had a lot of supervisors
12 going on vacation. I think it was
13 Kevin Tomlin (phonetic). Kevin's my
14 foreman.
15 Q. Kevin Tomlin?
16 A. Yes, sir.
17 Q. Okay. And you talked about
18 some supervisors on vacation. Was
19 that your normal supervisor?
20 A. Yeah, one of them.
21 Q. Okay. Who would the others
22 be?
23 A. It would be Donald Haggie
24 (phonetic) was my regular foreman,
25 which he's on vacation.

27

01 Q. Okay. Any others?
02 A. I think --- at the time of the
03 accident?
04 Q. No, in general who ---?
05 A. Who was here?
06 Q. Yeah. You said that on that
07 particular day Kevin Tomlin was your

08 supervisor?

09 A. Oh, on the actual particular
10 day, no, who was the supervisor? It
11 would have been Chris Herndon was my
12 actual supervisor that day.

13 Q. And just so I understand,
14 who's your regular supervisor?

15 A. It would be Christopher
16 Herndon.

17 Q. Okay. And you've mentioned
18 others that would have occasion to
19 supervise ---?

20 A. Yes. Kevin Tomlin no longer
21 works there no more. But usually, if
22 Chris ain't there, it's Donald
23 Haggie.

24 Q. Okay. Do you know who their
25 supervisors are? We'll talk about

28

01 Donald Haggie. Who's his supervisor?

02 A. It would be Chris Herndon
03 would be over him, which is our
04 regular foreman.

05 Q. Okay.

06 A. They're both with us usually.

07 Q. Okay. So Chris supervises
08 Don?

09 A. Yes.

10 Q. Okay. Who supervises Chris?
11 A. It would be Pepé Lester, Gary
12 Goff, Dusty --- I think it's Dusty
13 Dotson.
14 Q. Who do you think he would
15 immediately report to?
16 A. It would probably be Pepé
17 Lester.
18 Q. Do you know Pepé's title?
19 A. I think it --- I think he's
20 the superintendent. I ain't for
21 sure.
22 Q. Okay. Do you know Mr.
23 Dotson's title?
24 A. Yes. I think he's the actual
25 mine foreman for the mines.

29

01 Q. Okay. Have you seen Mr.
02 Dotson underground?
03 A. Yes, sir.
04 Q. How often?
05 A. Pretty often. Usually ---
06 he's here and there, everywhere.
07 Q. Is he?
08 A. Yes.
09 Q. What about Mr. Lester, Pepé
10 Lester?
11 A. Yes, I see him underground.
12 Q. Is he here, there and

13 everywhere, too?
14 A. Yeah. He's pretty well ---
15 you know, you never know where you're
16 going to see him.
17 Q. Do you know who the top
18 officer at the mine?
19 A. I think it would be Gary Goff.
20 Q. Would Gary be higher in the
21 chain than Pepé?
22 A. Yes, sir.
23 Q. Who would Gary's boss be?
24 A. I have no idea. I really
25 don't have to go usually that high.

30

01 Q. Would it be somebody at the
02 mine?
03 A. No, sir.
04 Q. He would be the highest
05 ranking official at the mine?
06 A. Yes, usually.
07 Q. Okay. Darrick, on the 19th,
08 the day of the accident, what were
09 you assigned to do that day?
10 A. We was working on Ten Headgate
11 putting in the discharge roller at
12 the time.
13 Q. Okay. And when you say Ten
14 Headgate, would that be the next

15 location of the longwall?
16 A. Yes, sir.
17 Q. Now, when you say head roller,
18 for the record, kind of describe what
19 that is.
20 A. Discharge roller is like the
21 end of the beltline, where it dumps
22 onto the six-foot beltline.
23 Q. Okay. And the six-foot
24 beltline at that Ten Headgate's going
25 to dump on in the future, would be

31

01 which beltline?
02 A. I wouldn't know. What's the
03 question again?
04 Q. In the future, whenever the
05 longwall is repositioned into the Ten
06 Headgate area where you're working on
07 the head drive, which belt conveyor
08 would it dump onto?
09 A. It would dump onto the other
10 six-foot beltline, which I don't know
11 the belt number yet.
12 Q. Okay. We'll talk a little bit
13 up there at the map here. Maybe that
14 will help us understand.
15 A. Okay.
16 Q. Would it be the current --- an
17 extension of the current belt that

18 the present longwall dumps onto?

19 A. Yes, sir.

20 Q. Okay. You talked about the
21 Ten Headgate area that you worked
22 in ---

23 A. Yes, sir.

24 Q. --- on the 19th. Had you
25 worked in that area of the mine

32

01 before?

02 A. Ten Headgate? We worked in
03 that area since we've been
04 establishing putting in the beltline
05 for Ten Headgate, which was probably
06 --- we've been there a little over a
07 month, give or take a little bit.

08 Q. Okay. The project in this
09 area, would it have including the
10 extension of this 72-inch belt that
11 we're talking about?

12 A. At the six-foot belt, yes,
13 sir.

14 Q. Okay. And prior to the 19th,
15 when was the last time you were up in
16 that area?

17 A. Prior to --- the 19th was the
18 following day. Yeah, we work six
19 days a week. The only day we're off

20 is Sunday, and I work straight day
21 shift.

22 Q. Okay. So you were there on
23 the 18th?

24 A. Yes, sir.

25 Q. Okay. And if you could think

33

01 back, when was the first time, point
02 in time that you were assigned to
03 work in that area?

04 A. Which area?

05 Q. That area where you're
06 extending the 72-inch belt and
07 installing the ---?

08 A. As far as Ten Headgate, or
09 where we left off the previous six-
10 foot beltline? Which area?

11 Q. Both.

12 A. Both?

13 Q. Uh-huh (yes).

14 A. Where the six-foot beltline is
15 --- was working at Nine Headgate now.

16 Q. Right.

17 A. I would say it was
18 approximately putting in the
19 remainder of the six-foot beltline
20 going up to Ten Headgate. We were
21 back and forth. I'd say, a total,
22 we've been back and forth maybe two

23 to three months, back and forth.

24 Q. Okay.

25 A. Because you have a crew that

34

01 extends the six-foot beltline, and

02 then you have a crew that's working

03 on Ten Headgate discharge roller.

04 Q. And would that be a separate

05 crew?

06 A. Yes. I mean, you could be on

07 either one of them, each day. It's

08 never an assigned duty. It's just

09 whoever they feel like they put on

10 it, they put on it.

11 Q. Okay. And what about you

12 personally, were you involved in

13 both?

14 A. Yes, I've been involved in

15 both, a little bit of both.

16 Q. Okay. Before we come up to

17 the map, just tell me --- we'll go

18 back to the day of the 19th, ---

19 A. Yes, sir.

20 Q. --- the day of the accident.

21 On that particular shift, from the

22 beginning of the shift, and just kind

23 of walk me through what your life

24 looked like that day, from the time

25 you entered the mine, until --- just

35

01 tell me what you did.

02 A. As far as a regular work day,
03 we entered the mine. Got to the mine
04 about 7:30, 7:45. By the time we get
05 to Ten Headgate, it's usually about
06 8:00, almost nine o'clock, 9:00 to
07 9:30, and we get everything set up.
08 We worked on putting the --- what was
09 it, putting the uprights for the Ten
10 Headgate discharge roller. And we
11 was leaving early for something, I
12 forgot. We all got out early that
13 day. We got out like ten to 4:00
14 that day, and usually we get out
15 almost at 5:00.

16 So we really --- when we was
17 coming back out, we really come by
18 Nine Headgate pretty early, you know.
19 So we see nothing wrong with it,
20 because we go through there every
21 day, you know. It's ritual for us.
22 And when we went through --- I'd say
23 we get out ten to 4:00, we were
24 probably going through there about
25 three o'clock. As far as that is,

36

01 just a regular work day as far as

02 that. Nothing was to tip you off
03 anything was going wrong or anything.

04 Q. Okay. When you come into the
05 mine, what do you travel in on?

06 A. What they call Two track, and
07 you travel up it, and you make a
08 crossover to the Four track, where
09 you go to the top of the hill where
10 Eight Headgate is, and you'll cut
11 across approximately, I'd say six
12 breaks and you'll go down, and you'll
13 go across --- and you go under an
14 overcast, and that's when you go
15 through your airlock doors that goes
16 underneath Nine Headgate.

17 Q. Okay. And you're traveling
18 inside of a vehicle?

19 A. Yes. A 14-man mantrip.

20 Q. Would that be a rubber-tired
21 vehicle?

22 A. Yes, it would be Brookville.

23 Q. Do you ever drive it?

24 A. Yes, sir. I drive it many
25 times.

37

01 Q. Okay. If you could guess or
02 estimate, I guess would be a better
03 word ---

04 A. Yes, sir.

05 Q. --- how long would it take
06 traveling in this rubber-tired
07 Brookville, diesel mantrip, or
08 whatever you refer to.

09 A. Yes, sir.

10 Q. From where you entered the
11 mine at the box cut, until you get to
12 the, say, the airlock doors at the
13 mother drive.

14 A. Oh, the airlock doors?

15 Q. At the mother drive.

16 A. I'd say 45 minutes, give or
17 take a little bit longer.

18 Q. Okay. Is that 45 minutes, is
19 that an average, is that ---?

20 A. Yeah. I mean, give or take,
21 because sometimes the roads get
22 worse. It depends on what nightshift
23 did. They might have had to pull
24 something. You never know.

25 Q. Okay.

01 A. But it would average 45
02 minutes to get to Nine, Nine
03 Headgate.

04 Q. Okay. Did you ever walk from
05 Nine Headgate to the ---

06 A. Many times.

07 Q. --- box cut?
08 A. Many times.
09 Q. How long did that take?
10 A. That takes about an hour. I
11 mean, because I don't stop. A lot of
12 times it takes a lot of our other
13 crew longer, but I don't stop for no
14 breaks, so it takes me about an hour.
15 Q. Can I ask you to come up to
16 the map?
17 A. Sure.
18 Q. Just to give you an idea ---
19 obviously, this isn't the entire
20 mine.
21 A. Yes, sir.
22 Q. Okay. So the brown lines
23 indicate the belt conveyors.
24 A. Yes, sir.
25 Q. This would be the North Mains.

39

01 This would be the 72-inch belt that
02 we were talking about. This would be
03 the 48-inch belt that we talked ---
04 that we didn't talk about that.
05 A. The four-foot belt.
06 Q. Yes. That extends up into the
07 Two Section.
08 A. Yes, sir.

09 Q. And this area here is
10 identified as LW belt, that would be
11 the longwall belt.

12 A. Yes, sir.

13 Q. I've heard it referred to as
14 the five-foot belt.

15 A. Right.

16 Q. And did you refer to it to any
17 other names?

18 A. No. I always call it the
19 five-foot beltline. The main
20 longwall belt.

21 Q. Okay. Which is installed in
22 which panel at this point?

23 A. This panel right there.

24 Q. And just for the record, what
25 would that be called?

40

01 A. It would be Nine Headgate.

02 Q. Nine Headgate, okay. Okay.

03 So you know the area of the mine that
04 we're talking about?

05 A. Fairly well as far as showing
06 you, but as far as terminology I
07 ain't real hot.

08 Q. Well, that's fine. You're
09 doing fine. You're educating me as a
10 matter of fact.

11 MR. MURRAY:

12 We'll refer to this map
13 in your interview this morning
14 as Exhibit A VanNatter, for
15 the record.

16 (VaNatter Exhibit A
17 marked for
18 identification.)

19 BY MR. MURRAY:

20 Q. Could you bring me from the
21 North Mains, using this marker, on
22 the roadway, and show me how you
23 would come up on the rubber-tired
24 unit that you'd drive sometimes to
25 the work area at Ten Headgate?

41

01 A. I ain't good with maps.

02 Q. That's fine.

03 A. I never even hardly looks at
04 maps, I just know how we go as far as
05 memory.

06 Q. Yeah. The best you can.

07 A. The car's right through here.

08 Q. These are the double doors.

09 A. Right. These are the double
10 doors.

11 Q. Yeah, there's --- what we have
12 here is representative of what we
13 think that you would experience in

14 this area. Okay. So you have the
15 double doors where you would actually
16 come in and travel underneath the
17 belt. We've been in the mine, and we
18 know that that's true.

19 A. Where I can pick up off is
20 about right here, though. I remember
21 this is the overcast.

22 Q. That's perfect.

23 A. We always travel under it.

24 Q. Okay. Would you put arrows as
25 you go?

42

01 A. Yes, sir.

02 Q. In the direction --- go into
03 the mine.

04 A. Oh, go into the mine?

05 Q. Yeah. Bring into the mine.
06 So we'll start at this point.

07 A. Okay.

08 Q. And the point that we're going
09 to start our discussion will be
10 survey station 2236. And this is
11 just adjacent to the --- where he
12 would come off the North Mains.

13 And what we're going to do,
14 we're going to travel into the mine,
15 so we're going to travel from the
16 survey station 2236 towards survey

17 station 3192. And if you don't care,
18 we'll start at 3192, and just bring
19 me up to where your location was on
20 that particular day.

21 A. Okay. We traveled down
22 through this break. That's where we
23 would come to the first set of
24 airlock doors.

25 Q. Okay.

43

01 A. We'd usually go through them,
02 shut these airlock doors and then
03 we'd open these airlock doors.

04 Q. Okay.

05 A. After we'd open these airlock
06 doors, that's when we get through ---
07 we cross underneath the five-foot
08 beltline, which is longwall belt. We
09 would shut these doors, and open
10 these doors. And we'd go through
11 these doors which we'd shut these
12 doors and open these doors, and
13 proceed down through --- I don't know
14 what they'd call this, but we'd
15 travel down this entry.

16 Q. Okay. You're good.

17 A. We'd go back as far as ---
18 let's see. And there's a break in

19 the six-foot beltline. I have no
20 idea where it would be as far as on
21 the map. That's what we'd travel up,
22 usually.

23 Let's see where the break is.
24 I have no idea where the break is.
25 It's not even shown on here where the

44

01 six-foot beltline break is.

02 Q. This is Nine Tailgate; right?

03 A. There's a place right through
04 here where we got a break in this
05 six-foot beltline.

06 Q. Okay.

07 A. It's a little bit past the ---
08 let's say, here's the last set over
09 here, here's the power center. It's
10 usually right through here somewhere
11 there's a break in the six-foot
12 beltline where we travel up.

13 Q. Okay.

14 A. It might be right through ---
15 this is a stopping, stopping, so it'd
16 probably be right here.

17 Q. Okay.

18 A. This is the break.

19 Q. Okay.

20 A. I don't know if we bring this
21 up. Yeah, I think we go on up, then

22 we'd come down through this entry
23 where we proceed to go down. We go
24 down, I think, approximately a break,
25 before we head on down to the Ten

45

01 Headgate. But like I said, I don't
02 know. They just mapped so much, I
03 don't know where we actually go down
04 at, when we go down, we'll proceed on
05 down this entry, where we'll park the
06 mantrip right through here somewhere
07 out of the way, and we start working
08 on Ten Headgate.

09 Q. Okay.

10 MR. MURRAY:

11 Just for the record,
12 the witness has indicated with
13 the blue marker his direction
14 of travel as he traveled from
15 North Mains under the longwall
16 belt, to his work location at
17 Ten Headgate.

18 BY MR. MURRAY:

19 Q. And Darrick, if you don't
20 care, every once in a while, put a
21 directional arrow ---

22 A. Yes, sir.

23 Q. --- so we don't get confused.

24 Okay. As you drive this --- an
25 example of the questions I want to

46

01 ask you now would be relative to the
02 time when you had occasion to drive
03 this unit as you come in.

04 A. Yes, sir.

05 Q. And is this unit, this
06 mantrip, is it dedicated to your work
07 group, or is there other folks on it?

08 A. I mean, our work group's not
09 --- sometimes other people ride in
10 with us, but we ain't always
11 guaranteed a ride. You know, so we
12 got down to five men one day, two
13 five man, you might be on a
14 Brookville but you never know, you
15 might have to walk in. This is the
16 process when we was getting all this,
17 too.

18 Q. Did you ever notice --- or did
19 you ever come through here and have
20 occasion to --- for whatever reason,
21 all four of these doors would be open
22 at the same time?

23 A. No, sir. Never to my
24 knowledge.

25 Q. I mean, your experience?

47

01 A. Yes, sir.

02 Q. What about --- did you ever

03 observe the direction that the air

04 would want to go as you were opening

05 and closing doors?

06 A. Yes, sir. It traveled ---

07 usually when you opened the doors, it

08 would come in with you, as far as it

09 would travel right behind you when

10 you shut the doors to open up the

11 next door.

12 Q. Okay. And what about as you

13 crossed under the belt and you would

14 negotiate through these two doors?

15 A. Usually, I wouldn't feel too

16 much air change when we went through

17 these two doors.

18 Q. Would it feel like it was

19 hitting you in the face or going

20 behind you?

21 A. Well, you really didn't feel

22 much of nothing when you was right

23 through here, because the door's easy

24 to open. I don't think they had a

25 whole lot of air on them, as far as

48

01 pushing on the doors.

02 Q. Okay. So you actually

03 experienced more resistance opening
04 these two doors than you did those
05 two doors?

06 A. Yes, sir.

07 Q. Okay. So just for the sake of
08 clarification, the initial doors
09 would be on the outby side of the
10 longwall belt ---.

11 MR. MURRAY:

12 And the witness has
13 indicated that he had more
14 resistance in opening those
15 two doors compared to the two
16 doors that were on the inby,
17 or the Two Section side of the
18 longwall belt.

19 A. Yes, sir. To my knowledge,
20 yes, sir.

21 MR. MURRAY:

22 Okay. Let me get
23 another color here so I don't
24 confuse myself. You didn't
25 know you were going to color

49

01 today, did you?

02 A. No, I didn't.

03 BY MR. MURRAY:

04 Q. We talked about your
05 involvement in the construction

06 project that was going on in this
07 area of the coal mine.

08 A. Yes, sir.

09 Q. And you talked about the few
10 months prior to the accident, that
11 you were involved in either one end
12 or the other, ---

13 A. Yes, sir.

14 Q. --- in the extension project
15 of the 72-inch or in the installation
16 of the head drive roller for Ten
17 Headgate?

18 A. Yes, sir.

19 Q. Could you --- the end of this
20 brown line of the 72-inch belt that
21 the longwall dumps on, would indicate
22 the tail, the current tail of this
23 particular belt?

24 A. Yes, sir.

25 Q. Okay. And I believe the mine

50

01 identifies this as the Number Seven
02 belt?

03 A. Okay. Yes, sir.

04 Q. Okay. Have you heard that
05 mentioned before?

06 A. It probably has, but --- you
07 know, I always call it the six-foot

08 beltline. You know, I know they're
09 numbered, but when we're working we
10 just call it the six-foot, and we
11 call this five-foot to distinguish
12 them both, because that's what we
13 deal with.

14 Q. Well, let's do that. That way
15 --- because obviously, I don't work
16 there. So if you're comfortable with
17 calling this the --- what do you want
18 to call it?

19 A. The six-foot beltline.

20 Q. The six-foot beltline, that's
21 what we'll call it today. So the
22 six-foot beltline would be the
23 beltline that the current longwall
24 dumps onto?

25 A. Yes, sir.

51

01 Q. Okay. We'll call it the six-
02 foot beltline from here on.

03 A. Yes, sir.

04 Q. If I make a mistake, you
05 correct me.

06 A. That's all right.

07 Q. So at the end of the brown
08 line, that's the tailpiece of the
09 six-foot beltline?

10 A. Yes, sir.

11 Q. At what point did you begin
12 your involvement in the project that
13 involved the extension of the belt
14 structure?

15 A. Do you mean how long ago?

16 Q. Yeah. Where was the project
17 at when you first become involved?

18 A. Oh, Lord. We've been all
19 this. I was involved with all this,
20 and all this beltline, too. But as
21 far as extending this, we started
22 right back here and worked our way
23 back. And we left that out, and we
24 worked our way down toward this way.
25 As far as --- we'd start right

52

01 through here.

02 Q. Okay. So the beltline that
03 the current longwall's dumping on,
04 you had involvement in the
05 installation of that beltline as
06 well?

07 A. Yes, sir. I was with them
08 when they installed all this five-
09 foot beltline, this longwall. And I
10 started work for --- employment with
11 them when they were finishing up the
12 take-up for this six-foot beltline.

13 Q. Had you had any experience
14 anywhere with the installation of a
15 belt structure or dealing with the
16 belt conveyor?

17 A. No, sir, never before.

18 Q. So this is all new to you?

19 A. This was all new to me.

20 Q. Okay. Tell me again, after
21 the longwall started to dump onto
22 this end, the decision was made to
23 begin the installation of the belt
24 structure for the future Seven ---

25 A. Six-foot.

53

01 Q. --- six-foot belt.

02 A. Yes, sir.

03 Q. How did that project begin?

04 A. Well, you have someone start
05 in Ten Headgate, but he'd send some
06 of us to, you know, start --- where
07 we cut up through here, some of us
08 would start the six-foot beltline
09 right through here, work our way
10 back, and some of us --- they'd have
11 it --- this being bolted at the time,
12 and as they was bolting, they was
13 starting this one.

14 Q. Okay. So the project of the
15 belt structure extension actually

16 began in the area of Nine Tailgate

17 ---

18 A. Yes, sir.

19 Q. --- and worked its way outby -

20 --

21 A. Yes, sir.

22 Q. --- back toward the current

23 longwall of Nine Headgate?

24 A. Yes, sir.

25 Q. Okay. How much belt structure

54

01 do you think you can install in a

02 day, your crew, on a good day?

03 A. You mean if they actually give

04 us --- well, usually --- it's usually

05 either three or four people together.

06 Q. Okay.

07 A. If we were hard at it, you

08 could put in --- completely finish,

09 I'd say, if you're hard at six

10 breaks.

11 Q. Six breaks?

12 A. If you're hard at it.

13 Q. And what would that include?

14 A. That be put in the rails and

15 saddles, hang your chains, leveling

16 at the top, putting in your top

17 structure, which is your top rollers,

18 and hanging your bottom rollers.

19 Q. Okay.

20 A. And tightening up all your
21 bolts.

22 Q. Okay. Now, it sounds to me
23 like that would be everything except
24 the rubber conveyor.

25 A. Everything except putting up

55

01 the belt.

02 Q. Okay. Can you --- just so we
03 can identify it for the record, ---

04 A. Yes, sir.

05 Q. --- could you point to an
06 intersection as to where you think
07 the project began?

08 A. That's an overcast. I mean,
09 it was right through this area right
10 here. Wherever the break in the six-
11 foot beltline is.

12 Q. Okay.

13 A. Ya'll probably get that off
14 somebody else better, as far as a
15 foreman, but it's wherever the break
16 in the six-foot beltline is, where we
17 would travel through, to the left up
18 to the right of us, that's where we
19 started on the six-foot beltline.

20 Q. Okay. So what we have on our

21 exhibit here today indicates that
22 you're traveling through the
23 intersection of 3222.

24 A. Yes, sir.

25 Q. So that intersection would

56

01 have been clear of any structure,
02 according to what I understand.

03 A. Yes, sir. The travelway, yes.

04 Q. Okay. So it looks like we
05 began the installation of the
06 structure in an outby direction
07 anywhere --- somewhere between survey
08 station 3222 and survey station 3216?

09 A. Yes, sir.

10 Q. Okay. And whenever you began
11 in that particular area, did you
12 install the structure outby first, or
13 inby first?

14 A. Now, on this section of the
15 belt right here, I was involved very
16 little on this right through here.

17 Q. Okay.

18 A. Because I was the only one who
19 could operate a scoop, as far as with
20 my foreman to get structure off of
21 this, so mostly I was involved on the
22 inby side of the break.

23 Q. Okay.

24 A. And he had other people at
25 this time --- when I was also scoop,

57

01 we was also taking our structure on
02 the headgate to finish this up, which
03 will be your storage units. So right
04 through here they usually had
05 different men on this.

06 Q. Okay. Well, even though you
07 may have not personally worked on
08 that, which job --- how did the job
09 go? Did it go from outby to --- or
10 from this location outby, or from
11 this location inby?

12 A. From what I know, they started
13 going outby, from the break in six-
14 foot beltline, and as supplies would
15 come in, some of them, as far as my
16 knowledge, would start a little bit
17 right through here and work back to
18 it, because you can only work with
19 what you had at the time.

20 Q. Okay.

21 A. So like, if certain things
22 come in, it depends on what they had
23 come in, which way you could start.

24 Q. Okay.

25 A. So if you had most of your

01 beltline put in this way, you could
02 put like whatever come in, like them
03 bottom rollers, you could put them
04 this way. But if, say, saddles come
05 in, had all the saddles over this
06 way, they'd start this way, and
07 they'd join it all up and level it
08 up.

09 Q. Okay. Was this area, from
10 3222 back toward the current longwall
11 section completed before we began the
12 installation of the structure in by
13 survey station?

14 A. They still really ain't
15 completed. They still have different
16 pieces to put in as far as bottom
17 rollers.

18 Q. Okay. Can you --- based on
19 just your involvement in and out, do
20 you know about where that structure
21 ends right now?

22 A. Yes, sir. That structure ends
23 almost where we're putting the
24 discharge roller at the Ten Headgate,
25 because we had to stop construction

01 on the six-foot beltline, because we

02 had to put a flow through for the Ten
03 Headgate.

04 Q. Okay. We won't have to mark
05 the map up in its entirety, but could
06 you put an X where you think the
07 structure ends? This is the belt
08 entry here.

09 A. I'd say the structure ends
10 probably right through here.

11 Q. Mark that with an X and put
12 out to the side, say whatever you
13 want to call the construction. You
14 said the ---

15 A. End of the six-foot structure?

16 Q. Yeah. Okay. And then do you
17 know how far or how close it comes to
18 the current longwall tail that's
19 being operated right now?

20 A. It's probably about ---
21 there's airlock door, airlock door.
22 It's either right here --- I think
23 it's right here. The beginning? You
24 want me to put that?

25 Q. Yeah.

60

01 A. Or start?

02 Q. So the way I see it now is,
03 before we can extend this, we'd have
04 to come in and install about two and

05 a half blocks of structure to tie
06 that in?

07 A. Yes, sir. Yes, sir. Because
08 you have to take your tail roller
09 out.

10 MR. MURRAY:

11 Just so we make the
12 record clear, Darrick's
13 indicated that the six-foot
14 structure that's being
15 installed for the future belt
16 begins at survey station 3332,
17 which is approximately two and
18 a half blocks inby the current
19 longwall tail --- or the
20 72-inch tailpiece. And it
21 extends inby toward Two
22 Section to --- actually where
23 the Northeast Mains intersects
24 with Ten Headgate's Number
25 Four entry.

61

01 BY MR. MURRAY:

02 Q. Is that accurate?

03 A. To my knowledge, yes, sir.

04 Q. Okay. When was the last time
05 you would have been in the area of
06 the tailpiece, the current tailpiece

07 of the six-foot belt?

08 A. The longwall --- the last
09 time? We was in and out of it
10 numerous times. It seems in a week
11 we're usually there maybe once to
12 look --- you know, I have traveled on
13 this maybe two, three weeks before
14 all this happened to count how many
15 bottom rollers I needed for the
16 section of the six-foot belt.

17 Q. Did you walk down the belt?

18 A. Yes, sir.

19 Q. And where did you start
20 walking?

21 A. I started walking right here,
22 sir.

23 Q. So you started walking at Ten
24 Headgate, where you ---?

25 A. Yes, so I could count,

62

01 everything what I was missing on down
02 through here.

03 Q. And how far did you travel? I
04 mean, from --- we'll just use these
05 as references now.

06 A. Yes, sir.

07 Q. From where the structure ends,
08 where you have it beginning, how far
09 of that length did you travel?

10 A. I walked the whole length,
11 sir.

12 Q. The entire length?

13 A. Yes, sir.

14 Q. When you were walking that
15 entire length, did you have to walk
16 through any ventilation controls,
17 stoppings?

18 A. No, sir. No.

19 Q. Okay. There's no stoppings
20 along that belt?

21 A. No, sir.

22 Q. Or along the future belt?

23 A. From here to there, no, sir.

24 Q. What about check curtains?

25 A. I didn't have to walk through

63

01 them. No, sir.

02 Q. Okay. So you can walk at the
03 Ten Headgate, where the structure
04 ends ---

05 A. Six-foot belt, yes, sir.

06 Q. --- and walk the entire length
07 of the structure without going
08 through any ventilation controls, any
09 stoppings or lifting up any check
10 curtains?

11 A. There was a set of doors right

12 here, sir. Right here. I know they
13 wasn't there at the time. They took
14 them down, because I think they was
15 changing ventilation when we was
16 trying to reroute this right through
17 here. As far as walking through
18 anything, no. It's a straight shot.

19 Q. Okay. And you know this
20 because you physically walked it?

21 A. Yes, sir.

22 Q. And when do you think that
23 was?

24 A. It's probably two weeks prior
25 to this, because I had to count the

64

01 bottom rollers, how many bottom
02 rollers I needed for the beltline.

03 Q. Okay. From the time you
04 walked that until January 19th, ---

05 A. Yes, sir.

06 Q. --- do you know if they've
07 installed any ventilation controls
08 along that structure?

09 A. No, sir. No, it's usually
10 straight in and straight out, and
11 he's either got it --- now, since we
12 was all focused on this right here,
13 because supplies --- you know, we
14 wasn't getting the supplies in, so we

15 had most of us up through here the
16 last about two or three weeks.

17 Q. Okay. And if there was a
18 ventilation control to be installed
19 in that area, along that belt, who
20 would do it?

21 A. I couldn't answer that. I
22 have no idea, because it could happen
23 on any shift. You know, it depends
24 on whether our foreman sees
25 something, he would tell somebody and

65

01 usually he'd either get on it, or ---
02 I'd have no way to answer that. I
03 wouldn't know. Numerous people.

04 Q. That's fair. Would your crew
05 ever have anything to do with
06 installing ventilation controls,
07 stoppings, or ---?

08 A. Yes, oh, we've installed
09 stoppings. Yes, sir.

10 Q. Okay. When you got to the ---
11 when you made your walk to count
12 those, how many rollers you were
13 going to need that day ---

14 A. Yes, sir.

15 Q. --- and you got to the end of
16 this ---

17 A. Yes, sir.

18 Q. --- could you see that

19 tailpiece?

20 A. I can't recall. You know,

21 because usually, I don't even pay

22 attention, because usually --- they

23 usually have me walk that at the end

24 of the shift. And usually if I can -

25 -- if I look down the beltline, if I

66

01 don't have to go all the way down to

02 the end, like I said --- like I said,

03 I've got rulers already installed, I

04 usually don't make it to the end.

05 Q. Could you hear the belt

06 running?

07 A. Yes, sir. You can pretty well

08 hear the belt running pretty well far

09 down through there. It's pretty

10 loud.

11 Q. Yeah. On this map, it's

12 showing that there's a stopping at

13 the end of that tailpiece, do you

14 think that stopping's in?

15 A. I can't recall, sir. Because

16 like I said, I'm in and out of there.

17 The last time I was over there, it

18 was probably three weeks. Anything

19 could have happened.

20 Q. Did you ever have any occasion
21 to continue further than the end of
22 the six --- or the beginning of the
23 six-foot structure to go into the
24 current beltline?

25 A. If I ever usually went into

67

01 the beltline, it was usually when I
02 was coming through these double
03 doors, I'd come up through here to
04 the discharge roller on the five-foot
05 beltline.

06 Q. Okay. Did you ever travel
07 past the tailpiece?

08 A. In which direction?

09 Q. Any direction. The current
10 tailpiece of the 72-inch belt.

11 A. Not often, not really. Maybe
12 two or three months' time, because we
13 have nothing --- you know, we don't
14 --- we don't have to mess with it as
15 of right now.

16 Q. Have you ever traveled past
17 that tailpiece?

18 A. Yes, when it was --- we
19 installed the tailpiece. Like I
20 said, it was about three or four
21 months ago.

22 Q. Do you know if there was a
23 stopping in?

24 A. I can't recall, as far as
25 that. You know, I was a red hat, so

68

01 I wasn't allowed to go a lot of
02 places by myself. I usually had
03 somebody with me, and I was all alone
04 on this, I got to tell you.

05 Q. Okay. Do you know if your
06 crew ever built a tail gate, or a
07 stopping in that area?

08 A. Personally, me --- I was never
09 with my crew when they built it, so I
10 wasn't --- you know, I didn't have no
11 involvement if there was a stopping
12 built there.

13 Q. Okay. Whenever --- you said
14 you're the scoop operator on
15 occasion.

16 A. Yes, sir.

17 Q. And I guess you'd be involved
18 in unloading structure and different
19 things of that nature?

20 A. Oh, yes, sir.

21 Q. Okay. Tell me a little bit
22 about how you guys receive the
23 structure to this work area, and then
24 what your involvement would be in

25 unloading it?

69

01 A. Oh, usually we'd have a
02 designated area for a tractor-trailer
03 bring in structure. It's usually
04 where that break is. It's usually
05 piled up right here, and then the
06 scoop comes from Ten Headgate, and
07 they load it up, and we'd stage it in
08 these breaks for this six-foot
09 beltline, and after we got it all
10 staged for what we knew we had enough
11 to install what we needed, we used
12 the scoop and installed up through
13 here, as far as the scoop.

14 Q. Okay. Where did you keep the
15 scoop?

16 A. The scoop usually stayed at
17 Ten Headgate.

18 Q. So it was designated to your
19 construction job?

20 A. Yes, sir.

21 Q. It wasn't part of the Two
22 Section?

23 A. No, sir. We had our own
24 scoops.

25 Q. Did they ever come down and

70

01 borrow it?

02 A. No, not our scoops. They had
03 better scoops than we did. So they
04 had their own.

05 Q. Who had better scoops?

06 A. Usually section had better
07 scoops.

08 Q. Did you ever borrow their
09 scoop?

10 A. Yeah, we borrowed their scoop
11 on occasion.

12 Q. Why did you take it back? Did
13 you ever have to use your scoop to
14 knock out a stopping?

15 A. Sometimes. Maybe this five-
16 foot beltline as far as ventilation.
17 I've probably knocked maybe two to
18 three stoppings.

19 Q. And where would they be?

20 A. They would be up through at
21 Ten Headgate as far as getting bolt
22 supplies to the bolter.

23 Q. And tell us, just so we all
24 understand, how you would knock a
25 stopping off your scoop?

71

01 A. As far as you just rub up to
02 it and you try to knock to the bottom
03 of the foundation, and once you've

04 seen that your actual scoop bucket
05 was in it, you'd raise your scoop
06 bucket up, trying to let the block
07 fall in, as far as that. And you'd
08 try to gouge whatever you had above
09 you, so any more of it that was just
10 hanging, that would be about it, and
11 you'd push them off into either a gob
12 hole or something.

13 Q. What do you do with the block?

14 A. We usually gob them out,
15 usually.

16 Q. So you remove them from the
17 site, and then take them somewhere
18 else?

19 A. Yes, sir.

20 Q. Okay. And are they used
21 again?

22 A. Sometimes they are. Sometimes
23 they aren't. It depends on if ---
24 you know, if we need block at that
25 time, or if they're still in good

72

01 shape, yes, we might use them again.

02 Q. Does anybody else operate a
03 scoop on your crew?

04 A. Here and there, yes, sir. A
05 lot of them --- since this has

06 happened, a lot of the scoop
07 operators quit, but it's usually ---
08 it was usually, mainly me on a scoop,
09 but they'd have a different ones here
10 and there. It depends on what the
11 jobs call for that day.

12 Q. Whenever you're told to remove
13 a stopping ---

14 A. Yes, sir.

15 Q. --- how do you know exactly
16 which one to remove?

17 A. They used to show us. And
18 they usually actually show us that
19 --- well, this stopping I want
20 knocked. At the beginning of the
21 shift, they usually --- and then when
22 we get to it, we get to it.

23 Q. When you say they ---?

24 A. That would be our foreman,
25 Chris Herndon. He'd say well, we

73

01 need this stopping knocked in order
02 to do this and all that stuff.

03 Q. Did you ever knock a stopping
04 out and all of a sudden feel air
05 moving very quickly and thinking that
06 you may have knocked the wrong one
07 out?

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

09 Q. When you were riding, driving
10 in on the mantrip in the area where
11 you've indicated, could you look up
12 to your left and see the structure
13 through the open crosscuts?

14 A. As far as this structure right
15 here?

16 Q. Yes.

17 A. Yes. These breaks right here,
18 was open.

19 Q. Did you ever have occasion to
20 walk or travel in the entries
21 opposite, on the uphill side?

22 A. I've never traveled that
23 entry, sir. I've never traveled this
24 one, and I've never traveled the
25 four-foot beltline.

74

01 Q. Okay. Do you know if any of
02 these stoppings are in on the uphill
03 side?

04 A. As far as paying attention,
05 no. But you know, they never
06 concerned me as far as what I was
07 doing.

08 Q. You mentioned that you had a
09 hand in installing the current
10 longwall belt structure.

11 A. Yes, sir.

12 Q. And then now you get a hand in
13 installing the future longwall?

14 A. Yes, sir.

15 Q. Does your crew also install
16 the fire suppression?

17 A. No, sir. That's usually Jesse
18 Jude.

19 Q. Jesse Jude?

20 A. He's the electrician.

21 Q. And he does that with a crew?

22 A. No, he usually does it
23 himself. He may have a helper, but
24 after we install our stuff, he
25 usually installs all his stuff, so I

75

01 mean, we never tied in with him.

02 Q. Okay. But when I refer to
03 fire suppression, I mean the branch
04 lines and the sprinklers, and things
05 of that nature.

06 A. Yes, sir, he does all that.

07 Q. He does that?

08 A. Yes, sir.

09 Q. He does it by himself?

10 A. If he has a helper --- we know
11 he does it. If he has a helper, I
12 have no idea.

13 Q. Who's his immediate

14 supervisor?

15 A. I'd say it'd be either Pepé
16 Lester or Gary Goff. It ain't Chris
17 Herndon, our foreman. He usually ---
18 I don't know who his actual
19 supervisor is.

20 Q. How does he know it's time to
21 do his role ---?

22 A. Our foremen will coincide with
23 him, after we get certain --- then
24 he'll ask us is everything ready for
25 him to do his stuff.

76

01 Q. So you kind of stay out of
02 each other's way?

03 A. Yeah. I mean, we work
04 together, but --- you know, you can
05 only do certain things at certain
06 times. Certain things need to get
07 done before he can install his stuff.

08 Q. Okay. You've talked about
09 working this structure both ways.

10 A. Yes, sir.

11 Q. Okay. Can you tell me who
12 worked on this part of the structure
13 from survey station 322 (sic) outby
14 back toward the current longwall?

15 A. As far as my knowledge, it

16 would be Nick Baisden.

17 Q. Nick?

18 A. Nick Baisden.

19 Q. Baisden?

20 A. It would be Eric Lester, who's

21 no longer employed with us since

22 about a week ago.

23 Q. Is he related to Pepé?

24 A. No. It would have been ---

25 shoot, I can't think of Anthony's

77

01 last name. Which he no longer works

02 with us either. They both went to

03 the same mines. And it would have

04 been Mike Chaiken (phonetic).

05 Q. Mike Chaiken? And who was the

06 supervisor in charge of that project?

07 A. That would be Chris Herndon at

08 that time.

09 Q. Do you know where those guys

10 went to work after they left, you

11 said they both went to the same mine?

12 A. They went to Hampden Coal.

13 Q. Hampden Coal.

14 A. Yes, sir. Yeah, it's over

15 towards Horse Bend, north of Gilbert.

16 Q. Is that another Massey

17 operation?

18 A. No, sir.

19 Q. It's independent of Massey?

20 A. Yes, sir.

21 Q. So they weren't transferred?

22 A. No, no, no. They just quit
23 and went to another mine.

24 Q. Do you know why they quit?

25 A. Some of it was work schedule,

78

01 as far as six days a week.

02 Q. And were they employees of the
03 company, or were they contractors?

04 A. Eric Lester was an employee of
05 the company, Nick Baisden, at the
06 time, was an employee of the company.
07 But Anthony and Mike Chaiken were
08 both contractors. We had three black
09 hats and one red hat.

10 Q. You mentioned on your way in,
11 as you were driving your mantrip ---

12 A. Yes, sir.

13 Q. --- you mentioned a crosscut
14 that had power boxes in it.

15 A. Yes, sir.

16 Q. Could you put an X and
17 describe where those power boxes are?
18 This is the first door --- between
19 the doors?

20 A. Yes, sir.

21 Q. Okay. Could you mark that on
22 there for me?

23 A. The power center?

24 Q. Yeah. And how do you know
25 those power centers are in there?

79

01 A. Because usually they was ---
02 it was a man door, so you usually had
03 to travel right through here, because
04 I remember a long time we was having
05 to manually move the winch, and
06 that's how you control it, to get ---
07 put the thing on --- as far as I can
08 remember, as far as electrical stuff.

09 Q. If you were driving into the
10 mine --- you told me about you'd come
11 in the one door, the inby airlock ---

12 A. Yes, sir.

13 Q. --- and then somebody would
14 close that one and then open the
15 front for you?

16 A. Yes, sir.

17 Q. When you were sitting in that
18 intersection waiting for the person
19 to open the front door ---

20 A. Yes, sir.

21 Q. --- could you look to the left
22 and see those cars comings?

23 A. At one time you had the man

24 door, but toward about a week or so,
25 that stopping was knocked, and blocks

80

01 were stacked, by who, I have no idea.

02 Q. Do you know when that

03 happened?

04 A. No, sir, not exact date. You

05 know, it's something you really don't

06 notice until you look over, then you

07 say, well, when did that happen. But

08 it wasn't done on day shift, I know

09 that. I know that for a fact, it

10 wasn't done by our crew. I just know

11 that it was stacked up neatly. I

12 didn't know if they was having to

13 move something out of there or what.

14 Q. Okay. Was it --- could you

15 just guess roughly between --- before

16 the 19th?

17 A. I'd say possibly a week maybe.

18 Maybe.

19 Q. Okay. That's good. Did you

20 notice whenever you were sitting in

21 this intersection, if you'd look to

22 your right?

23 A. I never paid attention that

24 way, sir.

25 Q. Okay. Did it feel ---

01 whenever you were boxed in those two
02 doors, because there'd be a period of
03 time when they closed the back one,
04 and they hadn't opened the inby
05 door, ---

06 A. Yes, sir.

07 Q. --- did it feel kind of warm
08 in there?

09 A. Yes, sir. You had your power
10 centers. You know. And the reason
11 you couldn't see down through this
12 way is because that Brookville has a
13 big ol' blower on the side of it,
14 where you couldn't hardly ever see
15 over that way, you never even paid
16 attention. That's why I never paid
17 attention to that.

18 Q. That's interesting.

19 A. Yes, sir.

20 Q. As you're traveling into the
21 mine ---

22 A. Yes, sir.

23 Q. --- from the longwall toward
24 Two Section, where would you be
25 sitting as far as the operator of

01 that mantrip?

02 A. Traveling in?

03 Q. Yeah, traveling in.
04 A. Right at the front. I'm
05 talking right in front. It's almost
06 flat face to ---.
07 Q. Is it in the center, is it
08 left, is it right?
09 A. It's on the right.
10 Q. Okay. So as you're looking
11 into Two Section, you'd be sitting in
12 the front left?
13 A. Yes, sir.
14 Q. So you had a clear shot of
15 looking at that power center?
16 A. We had a clear shot of the
17 power center, but you didn't have
18 nothing down below.
19 Q. Just to be clear for the
20 record ---
21 A. Yes, sir.
22 Q. --- the stopping that we
23 talked about, that was at one point
24 installed at the power center, ---
25 A. Yes, sir.

83

01 Q. --- it was removed the week
02 prior to, or within sometime ---?
03 A. To my knowledge. You know, it
04 could have been longer. It could have

05 been shorter, as far as to my
06 knowledge.

07 Q. Before the 19th?

08 A. Yes, sir.

09 Q. Okay. So you're sure it
10 wasn't installed on the 19th --- it
11 wasn't in place on the 19th?

12 A. As far as --- I can't
13 remember. As far as on the 19th,
14 yes.

15 Q. Okay. You mentioned Anthony
16 as one of your co-workers, or
17 possibly one of the guys that could
18 have been working in the area?

19 A. Yes, sir. His last name's
20 Perry, I now remembered. Anthony
21 Perry.

22 Q. That was my next question.

23 Thank you.

24 A. Yes, sir.

25 Q. You talked about being in this

84

01 area twice on the 19th, one time
02 going in and one time coming out?

03 A. Yes, sir.

04 Q. Did you smell anything
05 unusual?

06 A. That's what I mean. When we
07 went through, there was nothing that

08 even remotely --- never guess there
09 was anything wrong.

10 Q. Did you see anybody in that
11 area, either way, going in or going
12 out?

13 A. No, sir. There might have
14 been a beltman there. You know, you
15 never know. When you see somebody
16 every day, you don't know actually
17 what day they're there, but as far as
18 my knowledge, no.

19 Q. Okay. When you were coming
20 out on the 19th ---

21 A. Yes, sir.

22 Q. --- did you drive?

23 A. I can't recall, because see,
24 usually if I don't drive, Don, my
25 foreman, drives.

85

01 Q. Okay.

02 A. I usually drive in. He
03 usually drives out.

04 Q. Okay. Whenever you were
05 coming out ---

06 A. Yes, sir.

07 Q. --- do you know who opened
08 those airlock doors?

09 A. I have not the slightest.

10 It's usually a fight. Nobody wants
11 to get off to open them, so --- you
12 know, it's usually --- it could be
13 anybody. Whoever's on the outside of
14 the mantrip as far as seating wise,
15 usually gets it.

16 Q. At some time, is there
17 somebody in this area that gives you
18 the courtesy of opening those doors
19 for you so nobody has to get out?

20 A. If there's a beltman there and
21 he hears something coming, he'll open
22 the doors.

23 Q. Okay. Who is that sometimes?

24 A. It could be numerous people.
25 It's been --- let's see. I don't

86

01 really know all the beltmen's names.
02 I know --- shoot, I know Randy, but
03 Randy never does --- because you're
04 never going to see him up through
05 there. There's a big guy named
06 Junior. I don't know his real name.
07 He sometimes does it.

08 Q. Have you seen him at this
09 location, at the area where you cross
10 under the longwall belt?

11 A. Yes, sir.

12 Q. You've seen Junior there?

13 A. And there's another man. I
14 have no idea what his name is.

15 Q. Have you seen Junior there
16 more than once?

17 A. No. But usually they send him
18 up to the section belt head.

19 Q. What does he do up there?

20 A. He takes care of the belts,
21 shovels the belt comes out rocks
22 there.

23 Q. Do they normally station
24 someone in this area to ---?

25 A. It could be different people.

87

01 Q. And what do they do?

02 A. They usually check on --- they
03 usually grease that discharge
04 rollers, see to the storage unit and
05 make sure everything's clean, it's
06 not greased and all that stuff.

07 Q. What do they clean with, do
08 they use the shovel, or ---?

09 A. They use the shovel. They
10 rock dust and all that stuff.
11 There's usually a lot of rock dust
12 piled out there for them to rock dust
13 everything.

14 Q. Do they ever use a water hose

15 to ---?

16 A. As far as my knowledge, no.

17 Not that I know of, no. Because

18 usually at the time we're doing our

19 thing, they're doing their job. So

20 you never actually see them doing

21 anything.

22 Q. When you were traveling

23 through this area on the 19th ---

24 A. Yes, sir.

25 Q. --- did you still see those

88

01 blocks? Did you notice those blocks

02 still stacked there?

03 A. I'm almost positive, yeah,

04 they was stacked up against the rib,

05 so neat you was thinking they was

06 going to reuse them again, because

07 they didn't discard them. They had

08 them all stacked neat like they was

09 going to reuse them.

10 Q. Do you think those blocks that

11 were stacked real nice and neat ---

12 A. Yes, sir.

13 Q. --- were blocks that were at

14 one point in time the stopping?

15 A. Yes, sir. Those were the

16 blocks.

17 Q. How do you know that?

18 A. Because the blocks wouldn't
19 have been there with the stopping
20 there. After the stopping wasn't
21 there, you noticed the blocks being
22 stacked there upside the rib.

23 Q. Do you work a steady shift?

24 A. Yes, sir. Do you mean as far
25 strictly day shift?

89

01 Q. Yes.

02 A. Yes, sir. I work strictly day
03 shift.

04 Q. Okay. Were there construction
05 folks, outby construction crews, on
06 afternoon shift and midnight as well?

07 A. Usually, whenever we get done,
08 it's there 'til the next day for us.
09 Nobody follows us up.

10 Q. So what you leave, you find?

11 A. What you leave, that's what
12 you're coming back to the next day.

13 Q. Your immediate foreman ---

14 A. Yes, sir.

15 Q. --- Mr. Herndon?

16 A. Yes, sir.

17 Q. How much time does he himself
18 personally spend with your group in a
19 normal day?

20 A. It's usually --- he's pretty
21 well with us all day, unless they
22 have him either fire boss or
23 something like that.

24 Q. Where would he go to fire
25 boss?

90

01 A. It would be different
02 sections. You know, wherever --- you
03 know, say somebody don't get to fire
04 boss. I have no idea where he fire
05 bosses at, but he fire bosses if he
06 has to.

07 Q. Who fire bosses the area that
08 you work in?

09 A. It's usually one of our
10 foremens. I mean, when we get there,
11 they'll oversee the area, but as far
12 as being fire --- you know, if they
13 need to fire boss it. You know, if
14 somebody else don't do it, they do
15 it. They don't have to tell them.

16 Q. Did you ever see the fire
17 bosses dates, times and initials
18 written anywhere in the area that you
19 worked?

20 A. Oh, yeah. Yes, all the time.

21 Q. What do they write them with?

22 A. Either spray paint or

23 something like that.

24 Q. So you feel comfortable that
25 the area that you guys work in has

91

01 some attention as far as an
02 examination ---?

03 A. Oh, yes, sir. They do that
04 right off the bat, yes, sir.

05 Q. Okay. And what about the
06 roadways that you travel to get
07 there? Do you feel comfortable that
08 those roadways had been examined as
09 well?

10 A. Yes, sir.

11 Q. Do you know anybody that would
12 do those exams?

13 A. Not to my knowledge.
14 Actually, people --- because like I
15 said, you know, everybody ---
16 different people does it.

17 Q. Have you ever come into the
18 mine or an area of the mine and found
19 that a given area or a piece of
20 crosscut or something had been
21 dangered off, because of an
22 examination that had been conducted
23 previous?

24 A. Yes, sir. Yes, there was part

25 of a roof that was --- I think the

92

01 roof bolt maybe had fell and they

02 dangered it off.

03 Q. Okay. And you don't know who

04 did that?

05 A. I have no idea, you know. I

06 can't remember it. I think they told

07 us, but I couldn't remember who

08 actually did it.

09 Q. And what did they use to

10 danger it off?

11 A. They hung a sign at, you know,

12 the beginning of the break and at the

13 end of the break saying it was

14 dangered off. I remember my foreman

15 having to hang it a couple times

16 because of it falling and all that

17 stuff.

18 Q. Okay. And what did they do to

19 correct that condition we talked

20 about?

21 A. I think they rebolted it,

22 because we was at that time taking a

23 pinner from outside that we brung in,

24 and we was getting it on the way in

25 to re-roof bolt it.

93

01 Q. Okay. And once they re-roof

02 bolted it, did they take those signs
03 down and you were again able to
04 travel through the area?

05 A. Yes, sir.

06 Q. Anything else you want to talk
07 about while we're standing up here?

08 A. No, sir.

09 Q. Okay. Let's sit down. Thanks
10 a lot. I appreciate that. We don't
11 have to go back up, but I do want to
12 ask you another question.

13 A. Okay, sir.

14 Q. As you're traveling in the
15 mine ---

16 A. Yes, sir.

17 Q. --- and you're operating this
18 rubber-tired piece of equipment, does
19 it ever generate any kind of dust
20 along the roadways as you travel
21 through, just regular road dust?

22 A. Sometimes, but usually it
23 stays pretty wet underneath there.
24 You don't have to worry about it.
25 And usually when I'm driving, it's

94

01 usually by ourselves, so if you do
02 see any dust, it's behind you, which
03 I've never noticed.

04 Q. As you're traveling up the
05 Northeast Mains from the longwall ---
06 current longwall towards your current
07 work station at Ten Headgate, what
08 direction does that air go?

09 A. Now, you're talking about Ten
10 Headgate right now?

11 Q. Yeah. As you travel from ---
12 as you clear those doors that we
13 talked about, ---

14 A. Yes, sir.

15 Q. --- and you continue your
16 journey toward Ten Headgate, what
17 direction does that air go?

18 A. It's hitting you in the back
19 as far as going toward the Two
20 Section.

21 Q. It goes toward Two Section?

22 A. Yes, sir.

23 Q. Okay. At all entries? Did
24 you ever make a turn and all of a
25 sudden feel like it's hitting you in

95

01 the face?

02 A. I can't recall, you know what
03 I mean.

04 Q. Have you ever been assigned to
05 repair any ventilation controls that
06 may have been damaged?

07 A. Yeah, here and there, but as
08 far as remembering the spots, I ain't
09 real for sure. But yes, we've fixed
10 stoppings before, airlock doors and
11 everything that's been damaged.

12 Q. And what kind of damage did
13 you find when you went to do this
14 repair work?

15 A. Maybe being hit and then, you
16 know, maybe jam it loose a little bit
17 to where you can either fix it with
18 plaster, or you may even have to
19 rebuild the whole stopping, depending
20 on the severity of the damage.

21 Q. What do you think it would
22 have been hit with?

23 A. It could have been hit with
24 maybe a section tractor as far as
25 bringing in supplies. Those things

96

01 are kind of hard to judge, especially
02 when you're on an incline.

03 Q. Did you ever travel the
04 escapeway from your construction
05 site?

06 A. As far as the escapeway out?

07 Q. Yes.

08 A. Yes, sir.

09 Q. You had a drill?

10 A. It wasn't a drill. It's just
11 like if we had to walk out, that's
12 the way we'd walk out. Because you
13 know, a few times we had to walk out,
14 where we didn't have a ride, or where
15 we had to walk in that day.

16 Q. Did you ever participate in
17 escapeway drill, ---

18 A. Yes, sir.

19 Q. --- evacuation drill?

20 A. Yes, sir.

21 Q. Could you describe that for
22 me?

23 A. As far as my foreman taking me
24 down the intake, showing me which way
25 to go out to the fan hole to the box

97

01 cut, and then he'd show us where, you
02 know --- like if --- where like
03 another section would have come in
04 like when we got down to where Three
05 Section was, he would show us to
06 where their intake come in joint with
07 it and all that stuff.

08 Q. And who conducted that drill?

09 A. That was Chris Herndon.

10 Q. Did he use a map to talk about
11 the escapeways?

12 A. No, he didn't use a map. He
13 just showed us physically.
14 Q. Have you ever seen an
15 escapeway map at the mine?
16 A. Yes. Yes, sir. Yes.
17 Q. Where at?
18 A. They had it on the table in
19 the --- what would you call that?
20 The downstairs room up there at the
21 glory hole.
22 Q. Okay. This is outside?
23 A. Yes, sir.
24 Q. Is there where the miners
25 normally congregate before their ---?

98

01 A. Yes, sir.
02 Q. And is this the table that's
03 --- I've been in there.
04 A. Yes, sir, it's a table.
05 Q. Is it under the Plexiglas?
06 A. Yes, sir.
07 Q. And is the escapeways for the
08 entire mine marked on that?
09 A. As far as to my knowledge,
10 yes, sir.
11 Q. Did anybody ever review them
12 with you at that location?
13 A. Yes, sir.

14 Q. And who would that be?
15 A. It was numerous people. It
16 was Pepé, Gary Goff, it was Don
17 Haggie. You know, the ones that were
18 over certain sections, they'd have
19 each different section, like the
20 foreman at Two, Two Section, they'd
21 have him go over it with everybody,
22 how he would get out, then --- you
23 know, on Fourth outby, who all would
24 be.
25 Q. Okay. Did you feel

99

01 comfortable that you understood where
02 the escapeways were?
03 A. Yes, sir.
04 Q. Okay. And these discussions
05 that you'd have outside with this
06 escapeway map ---
07 A. Yes, sir.
08 Q. --- well, kind of describe
09 what that scene would look like.
10 A. It usually would be a lot of
11 people around the table, and at the
12 end of each foreman doing their
13 section, or either --- their part of
14 the mines going out, and they'd ask
15 if anybody needed --- had any
16 questions.

17 Q. Okay. So everybody sort of
18 huddles around the table?
19 A. Yes, sir. And if anybody
20 couldn't see, they would --- when the
21 crowds sat down, they'd ask if
22 anybody didn't get to see it, stand
23 up.
24 Q. Okay. Do you think that's
25 effective?

100

01 A. Yes, sir.
02 Q. Could you describe for me the
03 escapeway out of the Ten Headgate?
04 A. As far as where we would go?
05 To the best of my knowledge --- do
06 you need me to get up there?
07 Q. Yeah, if you want to come on
08 up.
09 A. As far as my knowledge, they
10 would tell us to go down our roadway
11 which would cut up, and you could
12 either could straight down this way,
13 as far as you don't drop down. No.
14 It's right here. I'm sorry. It's
15 above the six-foot beltline.
16 Q. Uh-huh (yes).
17 A. You can either go that --- no,
18 that's neutral, I'm sorry. They told

19 us the main escapeway --- and I'm
20 getting them mixed up.

21 Q. That's fine.

22 A. You can travel down the
23 roadway, which is --- you go through
24 the airlock doors, and you come back
25 up to where you come to, what you

101

01 call it, the Northeast Mains.

02 Q. I was calling this Northeast
03 Mains, and I was calling this where
04 it intersects.

05 A. See, I have ---

06 Q. No, no, that's fine.

07 A. --- no terminology as far as
08 maps --- I have no idea as far as
09 maps.

10 Q. Okay. Could you draw the
11 escapeway, and I'm not going to grade
12 this map.

13 A. Okay.

14 Q. Just bring out --- let's say
15 that --- let's start here at your
16 work location at Ten Headgate.

17 A. Sure.

18 Q. And if you have to overlap any
19 lines you have on it, just draw it
20 above it in block, then we'll put
21 those arrows in.

22 MR. MURRAY:
23 We're using --- just
24 for the record, we're now
25 using green magic marker on

102

01 Exhibit A VanNatter. And
02 Darrick's going to describe
03 for me the escapeway.

04 BY MR. MURRAY:

05 Q. And just to be fair, we'll
06 call it the primary escapeway.

07 A. Yes, sir, to my knowledge.

08 Q. Okay.

09 A. We would travel down --- which
10 would be our travelway for our
11 mantrip, we'd take all the cutoffs as
12 far as to our mantrip to the six-foot
13 beltline.

14 Q. Okay. And that's a good idea.

15 MR. MURRAY:

16 He's indicating the
17 escapeway now with a dotted
18 green line that runs parallel
19 with the blue line that he
20 originally put on as his
21 travelway in.

22 A. And as you attempt to get over
23 here, you would travel your intake

24 down as far as --- I don't know which
25 --- what route we actually take

103

01 through this way.

02 BY MR. MURRAY:

03 Q. Okay. That's far enough.

04 MR. MURRAY:

05 So what he's done is
06 indicated the primary
07 escapeway follows the same
08 route of travel that they use
09 to come into the mine.

10 BY MR. MURRAY:

11 Q. And it's your understanding
12 that the primary escapeway goes
13 through the double doors?

14 A. As far as to my knowledge,
15 yes.

16 Q. Okay.

17 A. I can remember our secondary
18 and all that stuff pretty well, as
19 far as the four-foot belt on the
20 neutral.

21 Q. Okay. Well, let me ask you
22 this. On your escapeway drill ---

23 A. Yes, sir.

24 Q. --- was it pointed out how the
25 escapeways underground are

104

01 identified?

02 A. Yes. You have a green arrow
03 for the primary, and you had the
04 amber for the secondary.

05 Q. Okay. And based on your
06 understanding and knowledge, the area
07 that you've indicated to be the
08 primary escapeway, is it identified
09 underground?

10 A. As far as this time --- as far
11 as the green reflectors, yes.

12 Q. Yes.

13 A. Yes.

14 Q. Okay. So let's take me, for
15 example ---

16 A. Yes, sir.

17 Q. --- we talked before, I don't
18 work here, but I've been in the mine.

19 A. Yes, sir.

20 Q. So if I was up in this area
21 and somebody told me that we needed
22 to evacuate immediately ---

23 A. Yes, sir.

24 Q. --- would I be able to follow
25 those green reflectors and get me out

105

01 of the mine?

02 A. As far as to my knowledge.

03 You know, I don't really pay
04 attention to green reflectors as far
05 as --- you know, it's an everyday
06 routine as far as driving in. As far
07 as going in, I always do what I was
08 taught. As actually paying attention
09 to the green reflectors, I have
10 noticed they are hanging. As far as
11 following all the way out, I ain't
12 really paid attention.

13 Q. Okay. Should there only be
14 one road, or one route ---?

15 A. For them green reflectors?

16 Q. Yes.

17 A. Yes. As far as you got
18 another section that's coming into
19 that intake. And you have theirs
20 going into that one.

21 Q. Now, I won't hold you to the
22 escapeway, ---

23 A. No, sir.

24 Q. --- we're talking about ---
25 well, I want to talk about the

106

01 escapeway ---

02 A. Yes, sir.

03 Q. --- but we're going to be
04 talking about something other than
05 the drill.

06 A. Yes, sir.

07 Q. It's my understanding that
08 whenever you come in that the back of
09 those green reflectors ---

10 A. Is red.

11 Q. --- is red?

12 A. Yes, sir.

13 Q. So if I see red, I'm going the
14 wrong way?

15 A. Right.

16 Q. Okay. When you come through
17 these doors, ---.

18 A. I don't recall them hanging
19 right through there. That's what I'm
20 saying --- so I'm kind of fishy about
21 that being my escapeway, because I
22 can't recall seeing them right there.
23 But I can recall seeing them right
24 through here as far as paying
25 attention, as far as --- we have a

01 drill from --- actually from right
02 here. We didn't have a drill from
03 right there. We just started our
04 drill right about through here as far
05 as that.

06 Q. Okay. So your drill would
07 start out in the North Mains?

08 A. Yes. As far as our intake
09 through there. But I'm still a
10 little fishy about the ventilation as
11 far as me personally.

12 Q. Absolutely. Would they point
13 out any kind of landmarks along the
14 way saying that this is the --- say,
15 the mother drive area. This is
16 the ---?

17 A. Oh, yes. I mean, they tell us
18 that first when we start.

19 Q. And who would tell you that?

20 A. It's usually our foreman,
21 either Chris or Don tells us. This
22 is the mother drive and all that.

23 Q. Okay. Thanks. So that drill
24 that we talked about ---

25 A. Yes, sir.

108

01 Q. --- from Ten Headgate ---

02 A. Yes, sir.

03 Q. --- you were riding --- you
04 weren't walking from the Ten Headgate
05 out to the North Mains?

06 A. Yes, sir, usually.

07 Q. You were ---

08 A. Yes.

09 Q. --- riding or walking?

10 A. It was riding.

11 Q. Okay. Is that part of the
12 drill, or is that just ---?

13 A. No. You know, I don't know if
14 it's a part of a drill or not, you
15 know, as far as that.

16 Q. Have you ever heard of any
17 problems with the mother drive prior
18 to the fire?

19 A. No, sir. Actually, we got
20 complimented on it, tell you the
21 truth about it. I mean, as far as
22 prior to this, it run perfect.

23 Q. If you're underground ---

24 A. Yes, sir.

25 Q. --- and the only light that

109

01 you have is the light on your head

02 ---

03 A. Yes, sir.

04 Q. --- is it easily
05 distinguishable between a red, green
06 and yellow reflector?

07 A. By the light on your head?

08 Q. I mean, I'm just using that as
09 an example because everything's dark.

10 A. Okay.

11 Q. If you look up and you saw a
12 reflector, ---

13 A. Yes, sir.
14 Q. --- could you tell whether it
15 was red, green or yellow?
16 A. Yes, sir. You see it.
17 Q. It's easy to see?
18 A. Yes, sir.
19 Q. I know you weren't there on
20 the shift of the fire, but do you
21 know what caused the fire?
22 A. I have no idea. You hear
23 speculation. You know, I don't
24 recall --- I've never heard nothing.
25 Nobody actually knows.

110

01 Q. Okay. When you talk about
02 speculation, have you heard somebody
03 guess what may have happened?
04 A. Oh, yes. You hear numerous
05 things. I mean, you never know. I
06 mean, like a dolly got caught
07 sideways, but that can't happen.
08 Q. Why can't that happen?
09 A. Because it's on a rail, and I
10 mean, ain't no possible way it would
11 get caught sideways. It's actually
12 on a rail that keeps it in one
13 certain direction. That's the
14 majority of what you heard right
15 there. I never know as far as what

16 happened.

17 Q. Did you ever hear any
18 discussions about bearings may have
19 got hot, or ---?

20 A. No, sir. Because usually walk
21 down through there pretty often as
22 far as walking down to the storage
23 unit and stuff. And as far as my
24 knowledge, it always run good to me.

25 Q. Uh-huh (yes). Have you ever

111

01 heard anybody talk about other fires,
02 other than the one on the 19th at
03 Aracoma?

04 A. No, sir.

05 Q. Were you working on December
06 23rd?

07 A. Is that Christmas?

08 Q. The week before --- right
09 before Christmas.

10 A. I don't think so. No, I was
11 off for Christmas.

12 Q. Did you take some vacation?

13 A. If I ain't mistaken, yeah, I
14 took vacation.

15 Q. When did you come back, do you
16 know?

17 A. I can't remember because it

18 was --- they was trying to break it
19 up in our crew. I can't remember if
20 it was maybe two, three days after
21 Christmas or something like that,
22 because you have ---.

23 Q. During New Year's?

24 A. Yeah, because you have certain
25 days --- I had left for vacation. I

112

01 didn't have, I don't think a complete
02 week, so I tried to stretch it out to
03 where I could get a week as far as my
04 days off and my vacation. I couldn't
05 tell you exactly what day I did come
06 back.

07 Q. Do you know if you came back
08 before New Year's?

09 A. I think --- yeah, I think ---
10 I ain't for sure if I was off New
11 Year's or not, but I think I might
12 have come back before New Year's.

13 Q. Okay. Do you know if you
14 worked on the 29th of December?

15 A. I can't recall as far as that.

16 Q. I know you don't have anything
17 to compare this with, because
18 Aracoma's the only mine you've ever
19 worked at, ---

20 A. Yes, sir.

21 Q. --- but do you think that
22 Aracoma's a safe mine?
23 A. As far as the other mines ---
24 I mean, as far as being anywhere else
25 in the mines, I can't vouch for it.

113

01 But as far as where I work at, yes,
02 sir.

03 Q. Do you feel comfortable?

04 A. Yes, sir. My foreman does ---
05 both of my foremens do a good job as
06 far as safety.

07 Q. Do you think you've been
08 adequately trained to do what you do,
09 running the scoop and running the
10 mantrip?

11 A. Oh, yes, sir.

12 Q. Okay. At any occasion while
13 you were working along that 72-inch
14 structure or up in the Ten Headgate
15 ---

16 A. Yes, sir.

17 Q. --- working on this belt drive
18 installation, did you ever see any
19 dust or smoke, or anything coming up
20 those intake entries toward Two
21 Section?

22 A. The only thing I ever seen was

23 they had to rock dust the one day,
24 and they was rock dusting right there
25 near where that break at that six-

114

01 foot beltline was, and that was about
02 the only dust we've seen.

03 Q. They were rock dusting on the
04 beltline?

05 A. No. No, they wasn't rock
06 dusting on the beltline, because the
07 beltline was done installed. They
08 couldn't travel down that entry.

09 Q. Which entry were they rock
10 dusting in?

11 A. I have no idea, because we
12 didn't see them, we just seen the
13 rock dust a little bit.

14 Q. Okay. And they came up to the
15 area ---?

16 A. They come up to where we was
17 working at, yeah.

18 Q. Did it continue up into Two
19 Section, do you know?

20 A. I can't recall. Yes, I think
21 it did, but as far as where else it
22 went, I have no idea.

23 Q. I mean, did it ---?

24 A. I was in the six-foot belt
25 entry, at that time we was putting in

01 structure or something and you could
02 hear it. You just couldn't see them.
03 And the dust --- you know, the dust
04 around us a little bit, then ---.

05 Q. How thick?

06 A. It wasn't real thick, no.

07 Q. Did it choke you?

08 A. No.

09 Q. What did you do to get out of
10 it?

11 A. We just stood there for a few
12 minutes, you know, and it cleared up.

13 Q. How long did it take to clear
14 up, do you think?

15 A. I can't recall. Maybe a
16 minute or two, a little bit longer.

17 Q. Did the section crew have to
18 retreat outby?

19 A. I have no idea. You know, I
20 don't think so. No, they still
21 stayed working.

22 Q. Did it make you cough or
23 anything?

24 A. Uh-uh (no). No, sir.

25 Q. Is that common?

01 A. No, that's the first time it

02 ever happened up there, as far as us
03 being in it.

04 Q. Now, again, I know you didn't
05 work on that particular shift, but
06 I'm sure you've ---.

07 A. As far as day shift?

08 Q. No, no. I'm talking about on
09 the shift of the accident.

10 A. Oh, that was our shift. They
11 just came out later than we did.

12 Q. What I'm going to ask you now
13 is based on your understanding of
14 what may have happened in your
15 experience at the mine.

16 A. Yes, sir.

17 Q. What do you think could have
18 been done to prevent this accident?

19 A. As far as what happened?

20 Q. Yes.

21 A. I'd have no idea, because I
22 didn't know the way that the section
23 guys traveled, as far as that. I
24 don't know what they would have done.
25 I don't know what could have been

117

01 improved on, because I don't know the
02 whole layout of what's happened.

03 Q. Well, you do understand that
04 they encountered heavy smoke?

05 A. Yes, sir, I heard that. Yes,
06 sir.

07 Q. Okay. And this heavy smoke
08 that they encountered was in the
09 primary escapeway.

10 A. Yes, sir, I've heard that.

11 Q. Okay. What do you think could
12 have been done to keep this heavy
13 smoke out of the primary escapeway?

14 A. Probably check your
15 ventilation. It shouldn't have been
16 there, or --- I'd have no idea as far
17 as speculation what could have
18 happened to get it in your primary
19 escapeway. So as far as being only
20 in the mines 11 months, I couldn't
21 actually give you concrete evidence
22 on what I could have done to improve
23 it.

24 Q. That's fair. I know I bounced
25 around a little bit and asked you a

118

01 lot of things. Is there anything
02 that I didn't ask you that you
03 expected me to and you'd like to tell
04 me?

05 A. No, sir.

06 MR. MURRAY:

07 Mr. Tucker?

08 MR. TUCKER:

09 Okay.

10 BY MR. TUCKER:

11 Q. I'm probably going to be
12 bouncing around a little bit,
13 Darrick.

14 A. Yes, sir.

15 Q. But just bear with me. Do you
16 recall when you had your annual
17 refresher training? When was that?

18 A. I think it was that Saturday
19 before the accident.

20 Q. Do you have any type of SCSR
21 training?

22 A. What's that?

23 Q. The self-contained self-
24 rescuer.

25 A. Yes, sir. It was at annual

119

01 retraining.

02 Q. What did you do pertaining to
03 that?

04 A. As far as that training? They
05 stuck us in a bathroom with the door
06 shut while they banged on it, and
07 they gave us two minutes to put it
08 on.

09 Q. Was you able to do that?

10 A. Yes, because I actually took
11 one apart not long before that and
12 got my bearings on it.
13 Q. You mentioned you've been on
14 the construction crew throughout your
15 employment with Aracoma.

16 A. Yes, sir.

17 Q. Have you ever worked on the
18 coal-producing section?

19 A. No, sir.

20 Q. What type of communications do
21 you have at your construction sites?
22 How does that usually work?

23 A. You mean construction with
24 outside and everybody else? Usually
25 the phones.

120

01 Q. That's something that ---
02 like, if you're going to set up at a
03 construction site ---?

04 A. Yeah, we usually have ---
05 where we left off last, we'll extend
06 it onto where we're at then.

07 Q. Is there much of a turnover on
08 the construction crew as far as
09 people you work with?

10 A. What do you mean turnover? As
11 far as quitting?

12 Q. Quitting, or leaving,
13 whatever.
14 A. Yeah. Yeah, after they get on
15 construction they don't like the work
16 because it's heavy lifting and all
17 that stuff. They either go to
18 another part of the mines or they
19 usually quit.

20 Q. Do most of the people that you
21 work with on the construction crew,
22 did they start out as contractors?

23 A. Yes. Almost 99 percent of
24 them start out being contractors.
25 That's how Massey goes ---

121

01 Q. Right.

02 A. --- as far as our mines.

03 Q. What contract company does
04 Anthony and Mike Chaiken work for?

05 A. It was Apollo.

06 Q. Apollo.

07 A. I think that's the only
08 contractor that our mines goes
09 through is Apollo, as far as hiring
10 employment.

11 Q. Right. You ever done much
12 belt work as far as maintenance, as
13 far as shoveling, dusting, that type
14 ---?

15 A. This last three weeks, it's
16 nothing but what I've been doing,
17 shoveling.

18 Q. Prior to the 19th?

19 A. No. We didn't have to shovel
20 a whole lot. Usually they had --- I
21 guess to my knowledge they had
22 beltmen do it as far as I know. But
23 no, I mean, as far as part of our
24 job, no, we didn't have to shovel.

25 Q. What belts have you been

122

01 working on recently?

02 A. Oh, Lord. Number Four, Three
03 on down. I think we're almost at One
04 now.

05 Q. You've mentioned that some
06 days you would ride a 14-person ---

07 A. Yes, sir.

08 Q. --- mantrip in, and other
09 times, maybe sometimes you'd walk.
10 How often would you say that you had
11 to walk in?

12 A. Well, in the transition of us
13 having gone from track to diesel,
14 when we was outby, you know, we was
15 --- all the sections, you know, they
16 was priority. So during this

17 changeover of that, I'd say the first
18 two to three months of us changing
19 over out of the week, we was walking
20 probably four times.

21 Q. When did that transition
22 start, when they actually --- around
23 when they quit using track equipment?

24 A. Well, they still ain't
25 completely quit using track ---.

123

01 Q. As far as going in ---

02 A. Going up? I'd say ---.

03 Q. --- up to the longwall?

04 A. I'd say we've been using them
05 Brookvilles maybe two and a half,
06 three months, to the best of my
07 knowledge.

08 Q. Right. Okay. Now do you
09 usually have a ride ---

10 A. Yes, sir.

11 Q. --- at this point?

12 A. Yes, sir.

13 Q. That was through that
14 transition?

15 A. Yes.

16 Q. When you were walking in,
17 would --- I guess you'd kind of get
18 strung out a little bit, depending on
19 what kind of shape you were in?

20 A. Yes, sir.

21 Q. Would there ever be times

22 you'd come through the doors then,

23 the double doors at the mother drive

24 and maybe they'd be cocked open,

25 maybe not fully open, but cocked,

124

01 or ---?

02 A. Usually, when I got there, no,

03 they never was open, but sometimes

04 we'd all --- sometimes when we got to

05 that first overcast of the six-foot

06 where we're going under, some of us

07 would go through the man door and

08 travel down the six-foot beltline,

09 because it cut a little bit time off

10 of it. Then when we got to the

11 mother drive, we'd cut back down.

12 Q. Right.

13 A. You know, it depends on, you

14 know, where you want to travel that

15 day.

16 Q. Right. So if you cut through

17 there at the man door and traveled

18 the six-foot belt, ---

19 A. Yes, sir.

20 Q. --- did you ever encounter a

21 stopping ---

22 A. As far as on the six-foot
23 beltline?

24 Q. --- on the six-foot belt?

25 A. No, sir. No, it was a

125

01 straight shot to the mother drive.

02 Q. A straight shot. So you went
03 on up past the ---?

04 A. We went to the mother drive,
05 where we would shoot down, you'd be
06 in between the two sets of airlock
07 doors.

08 Q. Right. So you was right there
09 at the tailpiece ---

10 A. No. You didn't get to the ---

11 Q. --- on the six-foot?

12 A. --- tailpiece. You'd walk the
13 six-foot beltline and then you'd come
14 to where the discharge roller is, and
15 that's where you'd shoot down. You'd
16 shoot down on the outby side of the
17 discharge roller, then you'd be in
18 between --- when you'd come down
19 you'd be in between the two sets of
20 airlock doors.

21 Q. We're talking about the mother
22 --- the current mother drive ---

23 A. The current mother drive.

24 Q. --- at Nine Headgate?

25 A. Nine Headgate. Then you'd go

126

01 on underneath the five-foot beltline
02 and go through the next set of ---
03 the remaining two of the airlock
04 doors.

05 Q. Okay. When you go through
06 those double doors at the Nine
07 Headgate, do you ever notice any
08 water running in that area?

09 A. Yeah, there's a big mudhole
10 between the first and second set of
11 airlock doors. And usually the water
12 comes from the mother drive off the
13 longwall, because the longwall uses a
14 lot of water and it travels up the
15 beltline.

16 Q. Okay. You mentioned that on
17 occasion you'd see Junior and another
18 guy at the mother drive there?

19 A. Yes, sir.

20 Q. Is that other guy, was he an
21 older gentleman who works on the
22 belts?

23 A. Yes, sir.

24 Q. If you heard his name, would
25 you recognize it?

127

01 A. Yes, sir, I would.

02 Q. Would it possibly be Karl?

03 A. No.

04 Q. Karl White?

05 A. No. Donzell (phonetic), I'm

06 thinking.

07 Q. Donzell?

08 A. He's got a weird first name

09 that starts with a D.

10 Q. Okay.

11 A. Karl, yes, he's occasionally

12 up there. It depends on whatever

13 beltman they --- you know, they got

14 certain jobs, I guess certain belts,

15 and if they need something done that

16 maybe Karl knows or another beltman,

17 they might put him up there. It

18 varied on who it was.

19 Q. Right. You've mentioned

20 coming through the double doors, the

21 outby set of doors ---

22 A. Yes, sir.

23 Q. --- you'd notice a good bit of

24 pressure difference when you opened

25 those doors.

128

01 A. Yes, sir.

02 Q. Has that always been like

03 that, or as far as the inby doors not

04 having much pressure, is that --- has
05 it always been like that, or at ---?

06 A. As far as I recall, it's
07 pretty well like that.

08 Q. Okay.

09 A. It's something to where you do
10 it every day, you don't really take a
11 notice to it.

12 Q. Right. I understand. You've
13 mentioned about the reviews of the
14 mine map there at the --- in the
15 bathhouse, ---

16 A. Yes, sir.

17 Q. --- where they talk about the
18 escapeways, different foremen.

19 A. Yes, sir.

20 Q. Were those safety meetings
21 before the 19th or after the 19th,
22 that you're referring to?

23 A. It was after. It was after.

24 Q. This was after the 19th?

25 A. Yes, sir.

129

01 Q. Okay. Do you recall, was that
02 a practice, say, prior to the 19th?

03 I know they've had a lot of safety
04 meetings after with the ---.

05 A. It was never a practice that I

06 went over.

07 Q. Okay. Prior to the 19th?

08 A. Yes, sir.

09 Q. Okay. Have you ever
10 participated in a fire drill?

11 A. Yes, sir.

12 Q. Describe that to me, if you
13 would.

14 A. Oh, it was like with Chris
15 Herndon, when he was walking our
16 escapeway, as far as a fire drill, I
17 reckon. He'd never even called it
18 that. He just said he had to walk
19 the escapeway with us.

20 Q. Did you go over the different
21 types of firefighting equipment that
22 you may use in the event of a fire?

23 A. No, sir.

24 Q. Okay. So the drill that
25 you're referring to is like an

130

01 escapeway drill, ---

02 A. As far as to my knowledge,
03 yes.

04 Q. --- where you'd go over the
05 escapeway? And if I understood you
06 correctly, that usually would start
07 along the North Mains?

08 A. Yes, sir. Yeah, he ---.

09 Q. You'd basically ride out from
10 Ten Headgate?
11 A. No, sir. I mean, they usually
12 --- they talked as far as on the way
13 out, as far as right through the blue
14 area where I marked, but as far as
15 actually escapeway --- I mean, they
16 walked it --- he walked it with me
17 and Nick Baisden. As far as prior to
18 that, I don't know who he walked
19 with.

20 Q. Right. And when you and Nick
21 and your foreman walked it, where did
22 you start, and just --- if you could,
23 just tell me where you all actually
24 walked in the primary escapeway at?

25 A. Well, usually, when we was

131

01 walking out, where you traveled up,
02 which they call --- it used to be
03 Four Track, you'd travel straight
04 down that. And it was usually a
05 straight shot almost to the three-way
06 to where --- that's when you got a
07 little bit of different variation, as
08 far as the Three Section coming into
09 it. But usually once you hit Four
10 Track, it was a straight shot down.

11 You had maybe one cut you had to cut
12 over to --- a break, but you didn't
13 cut back over, it was a straight shot
14 to --- you had to cross two
15 overcasts, maybe three, I think, and
16 that's when Two Section come into it.
17 That's where you'd come out, right
18 there at the drift mouth.

19 Q. Okay. When you originally
20 started working on the six-foot belt,
21 when that project first started ---.

22 A. Where we first started at,
23 coming off the other beltline?

24 Q. Yes. Off the existing six-
25 foot belt that's currently the

132

01 longwall's dumping onto.

02 A. Yes, sir.

03 Q. Could you see the tailpiece
04 from where you first started working
05 at?

06 A. As far as --- see, when we
07 first started putting in the six-foot
08 beltline, I didn't start at the end
09 where the tailpiece was. We started
10 at the end at the break, where it
11 broke. And at that time, he got
12 other people working on that, and
13 that's when I was operating the scoop

14 majority.
15 Q. Okay. I'd like to talk a
16 little bit about the belt head area
17 of the longwall belt.
18 A. Yes, sir.
19 Q. You mentioned that your crew
20 installed ---
21 A. Yes, sir.
22 Q. --- the current longwall belt?
23 A. Yes, sir.
24 Q. Do you anchor the storage unit
25 down in any way?

133

01 A. Yes, sir.
02 Q. Could you describe how you do
03 that?
04 A. You'd anchor it down with
05 anchor pins, as far as whichever the
06 force of the belt head would pull,
07 they would put anchor pins to
08 coincide with the way it pulled, so
09 it wouldn't pull it up.
10 Q. Are you familiar with the trip
11 levers on that unit?
12 A. Yes, sir, somewhat.
13 Q. Would you notice if one was
14 damaged? I mean, ---
15 A. Yes, sir.

16 Q. --- could you tell the
17 difference between a ---

18 A. Yes, sir.

19 Q. --- a good one and a bad one?

20 A. I think we're the crew that
21 fixed the majority of them. But at
22 that time, Taco, which was --- what
23 is his name? Kevin Tomlin --- I
24 always go by nicknames.

25 Q. Right.

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01 A. Which he was the longwall
02 boss, and they just had put him up
03 there. He didn't know a whole lot
04 about beltlines, which at that time,
05 Richard Williams was the black hat,
06 he don't work there no more. But
07 that's when Don was on vacation.
08 That's why they had Kevin Tomlin up
09 there with us. And at that time,
10 that's when we was putting in the
11 storage unit.

12 Q. You said you fixed some of
13 those. Have you replaced --- when
14 you say you've repaired them, what do
15 you do? Say, if you've got a trip
16 lever that's damaged, how would you
17 repair it?

18 A. Well, we'd pull the dollies

19 up. You know how they disengage.
20 And the ones that was damaged, we'd
21 either get it from another storage
22 unit, to my knowledge, and we'd make
23 sure they were disengaged, and if
24 they did, you know, they was fixed as
25 far as that. But if they was

135

01 damaged, we'd try to take it from
02 another storage unit. The one we'd
03 be taking out of Eight Headgate, I
04 think.

05 Q. So would there possibly be
06 times that, say, when you installed
07 that entire unit, that one or two of
08 them wouldn't be working or have a
09 lever broke?

10 A. No, sir. Before we fired the
11 belt up, all of it was fixed. This
12 is even while we was putting it in.

13 Q. Right.

14 A. Yes, sir.

15 Q. If a lever was broken on one
16 of them, would you --- would that
17 affect its operation?

18 A. If a lever was broke? Yes,
19 sir. It wouldn't have affected it
20 dramatically, because you just have

21 two dollies beside each other.

22 That's when you get a majority of

23 them together is when it creates a

24 problem, to my knowledge.

25 Q. Have you been back to the

136

01 mother drive since you installed it

02 after it's ran a while? Have you

03 been back there?

04 A. Here and there, yes, sir.

05 Q. Have you done any repairs or

06 any work on it?

07 A. Yes. We were --- we put a

08 couple bolts in it. Once you tighten

09 them down, it makes the dollies not

10 move, because we've had them ordered.

11 Which they worked at the time, I

12 mean, 'til they was ordered, but it

13 was just like --- I think, it's a

14 secondary precaution, for when the

15 dollies are stationary, you tighten

16 the bolts up and it keeps the wheels

17 from rolling where they're on them

18 channels.

19 Q. All right. Have you ever used

20 chains to help chain those down, say,

21 if you ran short of bolts or

22 something, could you ---?

23 A. No, sir. Not that I did, no,

24 sir.

25 Q. Have you ever seen a chain

137

01 used on one?

02 A. To what I recall, no, sir. I

03 mean, that could be the beltman. I

04 mean, they can do that, because once

05 we put it in, really unless something

06 tears up, it's out of our hands. You

07 know, the beltman takes care of it.

08 Q. Right. So you went back and

09 done some repairs, but normally there

10 could be other people who do repairs,

11 and ---?

12 A. More than likely, it usually

13 is other people.

14 Q. Okay.

15 A. Yes, sir.

16 Q. You talked about the dolly

17 getting caught, or --- say if one

18 trip lever would --- on the storage

19 unit, if a trip lever, one trip lever

20 would catch, and say another one

21 wouldn't catch ---

22 A. Yes, sir.

23 Q. --- would that affect the

24 alignment of ---?

25 A. If it did, it would be very

01 little. It'd maybe be like a
02 training roller. It caught just a
03 little bit, maybe make the belt run
04 off an inch or two. Just like you
05 train a belt. I mean, but it cannot
06 nowhere near cock exotically. It's
07 on channels.

08 Q. Right. But like you say, if
09 it's like a training roller, if it's
10 cocked a little bit, it could cause a
11 belt to run to one side or the other?

12 A. Very little, though, you know.

13 Q. When you went back to put
14 those bolts in, did you happen to
15 notice any of the trip levers being
16 broken?

17 A. No, sir. You didn't pay
18 attention, because everything --- to
19 our knowledge, everything was in the
20 right spot working good, you know. I
21 didn't pay attention.

22 Q. Right. So it may or may not
23 have been?

24 A. It may, may not have been.

25 Q. Would you just describe to

01 everybody the purpose of the trip
02 levers?

03 A. I think as your robbing --- I
04 ain't a hundred percent. As you rob
05 them, it lets your dollies fall back,
06 as far as when you're robbing your
07 storage unit of belt. And as you're
08 pulling your winch, it disengages
09 dollies in certain spots to where it
10 stretches the belt out to where you
11 put more belt into your storage unit.

12 I ain't real good on it, because it
13 was the first one I ever put in.

14 Q. The one at Nine Headgate ---

15 A. Nine Headgate is the first one
16 I ever put in.

17 Q. --- was your first? Have you
18 heard of any problems on the five-
19 foot belt in that area, the five-
20 foot?

21 A. As far as --- no. As far as
22 talking about the belt, like I said,
23 these people come here from other
24 mines bragging on it. That's all I
25 remember, as far as that.

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01 Q. As far as the original
02 installation ---

03 A. Yes. It was running ---.

04 Q. --- that you was involved in?

05 A. Yes, it was running good.
06 Q. Is that shortly after you
07 first installed it, they came in and
08 looked at it and was bragging?
09 A. Yes, sir. And afterwards, you
10 know.
11 Q. Well, say if you --- on your
12 next shift, if you were working up
13 around Ten Headgate, ---
14 A. Yes, sir.
15 Q. --- and you noticed smoke
16 coming up to your section ---
17 A. Yes, sir.
18 Q. --- and you were there by
19 yourself ---
20 A. Yes, sir.
21 Q. --- how would you escape out
22 of the mine? What would be ---?
23 A. I've asked that question after
24 it happened. And my foreman, to my
25 best knowledge, he told me two

141

01 different ways that I could. He said
02 you could either head down Ten
03 Headgate, but he said that's --- he
04 think the tailpieces fell in, so we
05 don't know about that as far as that,
06 because we don't hardly travel down
07 it. But as far as he said, if again

08 it happens, if your smoke is in your
09 intake, he said you can either go to
10 your --- he said primarily go to your
11 four-foot beltline, he said, it
12 depends on how fast the smoke was
13 coming onto you.

14 Q. Have you talked to your ---
15 I'm sure you probably have, talked to
16 your co-workers about the accident?

17 A. Yes, a little bit.

18 Q. Do you remember any parts of
19 those conversations as far as
20 discussing the accident on the 19th?

21 A. No, sir. Just, you know,
22 speculation, like if --- you know,
23 where they could be at, or you know,
24 how they was getting out or
25 something. That's as far as that

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01 went.

02 Q. Do you remember who you talked
03 to?

04 A. It was numerous people,
05 because see, when it happened I
06 worked during it happened, while it
07 happened, all through that. Because
08 I was constantly up through there, as
09 far as where --- you know, the first

10 set of airlock doors, as far as that.
11 I was mostly driving the rescue teams
12 in. But as far as talking, you know,
13 you hear speculation, you know. But
14 as far as talking a whole lot about
15 it, no, I didn't. I didn't want no
16 part of it.

17 Q. Have you ever traveled the
18 secondary escapeway out?

19 A. No, sir.

20 Q. Are you comfortable with the
21 location of the secondary as far as
22 being able to get to it ---

23 A. Yes, sir.

24 Q. --- in smoke or whatever?

25 A. Yes, sir.

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01 MR. TUCKER:
02 That's all I have at
03 this time. I appreciate it.

04 A. Thank you.

05 BY MR. MURRAY:

06 Q. Just a couple things to clean
07 up here.

08 A. Yes, sir.

09 Q. Whenever you talked about the
10 rock dust coming up those intake
11 entries ---

12 A. Yes, sir.

13 Q. --- that day you were working

14 ---

15 A. Yes, sir.

16 Q. --- were you working on the

17 structure installation?

18 A. Yes, sir. On the inby side of

19 the break on the --- where I told you

20 it broke at where we drove through

21 at, I was on the inby side of it down

22 through there. We was on our way to

23 Ten Headgate, working our way toward

24 it.

25 Q. Okay. Do you remember how

144

01 many of those entries actually were

02 contaminated with rock dust?

03 A. No, I can't remember how far I

04 was down the six-foot beltline. I

05 couldn't tell you. I know they had

06 to travel through it, you know,

07 through the break, so I couldn't tell

08 you how far I was from the break. I

09 know we didn't see the rock duster.

10 Q. You talked about some days you

11 had to walk in?

12 A. Yes, sir.

13 Q. Whenever you would walk into

14 your work location ---

15 A. Yes, sir.

16 Q. --- would you take a different
17 route of travel?

18 A. Sometimes. You know, it
19 depends. Mostly we walked down the
20 track, what used to be the track, the
21 Number Two Track. We'd walk the same
22 way usually what we did when we
23 drove.

24 Q. Okay.

25 A. Unless there was a lot of

145

01 traffic, then we'd travel, usually
02 the Number Four Track entry.

03 Q. Okay. Would you travel any
04 beltlines?

05 A. On the way in?

06 Q. Yes.

07 A. No, sir.

08 Q. And you talked about the
09 installation at the longwall belt and
10 the current location and what you're
11 working on now ---

12 A. Yes, sir.

13 Q. --- and you talked about at
14 some phases that you would bring in
15 different subject matter experts to
16 do their thing?

17 A. Yes, sir.

18 Q. Who would install the water
19 line?
20 A. As far as the six-foot
21 beltline when we was putting it in,
22 as we was going, we was installing
23 the water line where it left off at,
24 as far as I think the six-foot
25 tailpiece, but it was on down through

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01 there before I got in and installed
02 the waterline. I don't know who all
03 started that out. As far as we
04 installed the waterline that would
05 run along the six-foot beltline.

06 Q. Okay. And how often did you
07 put fire taps in?

08 A. I remember the boss telling me
09 how far you ever had to do. I
10 remember --- I don't know the exact
11 to the tee, but we'd put them in so
12 many --- every so many breaks.

13 Q. The current longwall, the belt
14 drive ---

15 A. Yes, sir.

16 Q. --- take-up installation, from
17 what I remember, it's on somewhat of
18 a grade ---

19 A. Yes, sir.

20 Q. --- that goes down hill.
21 A. Yes, sir.
22 Q. Were you aware of any
23 recommendations by Continental
24 Conveyor, or anybody from --- anybody
25 from within your company that said

147

01 maybe that grade was too steep for
02 the installation?

03 A. As far as my personal
04 opinions; is that what you mean?

05 Q. No, any recommendations from
06 someone other than ---?

07 A. No, no. I never heard
08 nothing. I never heard no complaints
09 about it. Like I said, when we first
10 got it all installed and it started
11 up, they said it run excellent.

12 Q. Okay. You talked a little bit
13 about your fire drill, or your
14 evacuation drill.

15 A. Yes, sir.

16 Q. Are you aware of the
17 atmospheric monitoring system, they
18 call it the AMS that's in place along
19 the beltline?

20 A. No, sir. As far as the
21 technical stuff, that was usually
22 Jesse Jude as far as that. I

23 wouldn't know a lot about it.
24 Q. Do you know a part of what he
25 does is install CO monitors along the

148

01 beltline?

02 A. Yes. I've heard him mention
03 that many times, yes, sir.

04 Q. Okay. Has anybody ever given
05 you any kind of training as to how
06 those CO monitors operate?

07 A. No, sir.

08 Q. And how the system operates?

09 A. No, sir.

10 Q. Do you know what it does?

11 A. Yeah. To my knowledge, it
12 tells you --- what is it, carbon
13 monoxide content's real high or
14 something like that, and it sounds an
15 alarm or something.

16 Q. Do you know where the alarm
17 is?

18 A. No, sir. As far as --- I've
19 seen them hanging, I think a couple
20 of them's hanging beside the five-
21 foot belt head. As far as being for
22 sure, I have no idea.

23 Q. Okay. Have you ever heard an
24 alarm go off?

25 A. No, sir.

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01 Q. What about outside?

02 A. No, sir.

03 Q. Do you know who is responsible
04 for monitoring that system while
05 you're underground?

06 A. I think it's our dispatcher,
07 if I ain't mistaken. The only reason
08 I know that, I think over this
09 incident happening, I think it's our
10 dispatcher that does it. Whoever's
11 outside monitoring the phones.

12 Q. Do you know who your
13 dispatcher is?

14 A. Yes. We have three of them,
15 and I don't know the other two's
16 names, but I know Kirby --- I don't
17 know his last name. I know he's our
18 dispatcher on day shift usually.

19 Q. Do you know what he does if he
20 finds that he has an alarm that's in
21 a danger zone?

22 A. Just speculation. I figured
23 he would call higher up as far as
24 Gary Goff or somebody, whoever's in
25 charge of the mines at that time, to

150

01 my knowledge.

02 Q. Did you ever hear of the term
03 responsible person?
04 A. No, sir.
05 Q. Do you know who the
06 responsible person is on your shift?
07 A. What do you mean responsible
08 person?
09 Q. There's a term that's tied in
10 with the firefighting evacuation plan
11 that's called responsible person.
12 Have you ever heard that terminology?
13 A. No, sir.
14 Q. Who do you think would be
15 responsible for initiating an
16 evacuation on your shift?
17 A. Do you mean on my crew?
18 Q. On your shift.
19 A. It would probably be Dusty
20 Dotson, our mine foreman, as far as I
21 know.
22 Q. What role do you think Kirby
23 --- would it be Puett?
24 A. Yeah, Kirby --- the
25 dispatcher, you mean?

01 Q. Yeah. What role would he
02 have, do you think?
03 A. As far as --- like if a CO

04 monitor went off?

05 Q. Yes.

06 A. As far as I know, he monitors
07 our screen --- you know, to my
08 knowledge, from hearsay. You know,
09 it ain't nothing concrete, but I
10 reckon he would get on the phone and
11 call Dusty or Pepé, whoever's above
12 him. I've never known it to happen,
13 so I couldn't tell you for a fact.

14 Q. Okay. Has anybody ever made
15 you aware of who this responsible
16 person is on your shift?

17 A. Not to my knowledge. They may
18 have. I could have forgot about it,
19 something --- you know, me personally
20 I don't pay attention to it. I just
21 go to work to --- and I think about
22 stuff I work for. They could have
23 told me.

24 Q. But here today, you can't tell
25 me who that would be?

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01 A. No. No, it's not real
02 concrete. No.

03 Q. When the water line is
04 installed along the belt --- I'm
05 talking now for the one for fire
06 protection.

07 A. Yes, sir.

08 Q. At what point is that water
09 line pressurized to actually put
10 water through it?

11 A. When we pressurized the water
12 line that went to Ten Headgate, they
13 wait until they got all the way down
14 to the end of it, and put a cutoff
15 valve on the end of it. I think they
16 pressurized it then, because we
17 needed water for our foundation for
18 our concrete.

19 Q. Okay. Once it's pressurized

20 ---

21 A. Yes, sir.

22 Q. --- do you know if anybody
23 comes along with any kind of gauges
24 or flow meters, or any type of
25 instrumentation to determine how much

153

01 flow is going through the line, or
02 how much pressure's within the line?

03 A. If my bosses do it, I mean, I
04 can't vouch for them. I don't know
05 if they do it or not, as far as
06 anybody on our crew as far as black
07 hats or red hats. They don't have us
08 do it.

09 Q. Okay. Did you ever see any
10 gauges or anything like that that
11 they would use to do that?
12 A. I've seen gauges, but --- you
13 know, I have no idea what they are,
14 unless I use them every day. I mean,
15 they could do it, but to my
16 knowledge, I don't do it.

17 Q. Okay. Have you ever seen
18 anybody do it?

19 A. No.

20 Q. If you were driving the
21 mantrip going into the section ---

22 A. Yes, sir.

23 Q. --- and it caught on fire ---

24 A. Yes, sir.

25 Q. --- what would you do as the

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01 operator of that mantrip?

02 A. Well, you have fire
03 suppression, you know, if it goes
04 off. I got one behind my head to
05 hit, but usually it goes off
06 automatically, but it's usually just
07 cut all electrical power, just turn
08 it off, evacuate it.

09 Q. Has anybody reviewed the
10 operational ---?

11 A. Yes, sir. Yeah, you have to

12 do it before you start it up every
13 day. You have to make sure
14 everything's operational.

15 Q. Who told you about the
16 operation of the fire suppression
17 system on that mantrip?

18 A. They usually --- like, D.J.
19 Peck. I mean, if you ask him, he's
20 the one that does all the diesel, but
21 it's usually when you first start
22 driving it, they go --- he goes over
23 it with you. So you fill out your
24 checklist, know where everything's
25 at. And I know a little bit more

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01 about it this time, because fire
02 suppression went off on one of them
03 here about two, three days ago. And I
04 got a little idea of how it worked
05 then, too.

06 Q. Were you operating that
07 particular equipment?

08 A. Yes, sir. But it was sitting
09 still, and we was working on the
10 beltline. When we come back it had
11 went off while we was sitting.

12 Q. What caused it to go off?

13 A. They have no idea. I mean,

14 they had to fix it. I don't know
15 what caused it to go off or not.

16 MR. MURRAY:

17 Okay. Can we take a
18 five-minute break and come
19 right back?

20 A. Yes, sir.

21 SHORT BREAK TAKEN

22 BY MR. MURRAY:

23 Q. One more question about the
24 water line. The current longwall
25 belt, did you guys install that water

156

01 line?

02 A. No. No. No, I never had any
03 dealings with none of them along that
04 as far as water line. We didn't
05 install none of that.

06 Q. Where did you get your water
07 to do what you needed to do to
08 install that drive?

09 A. I have no idea. I think they
10 branched it off --- after we got the
11 beltline finished they branched it
12 off the six-foot belt water line if I
13 ain't mistaken. That's the only
14 possible way I could think it coming,
15 unless they went somewhere else. As
16 far as I know, I don't know where

17 they got it at, I don't know how it
18 traveled.

19 Q. Did you need water to work on
20 that project?

21 A. On the beltline?

22 Q. Yes.

23 A. As far as putting it in?

24 Q. Yes.

25 A. No. We didn't need no water

157

01 as far as putting it in.

02 Q. Okay. You talked about
03 needing water on your installation
04 that you're working on right now.

05 A. Yes, sir.

06 Q. What was different about this
07 project compared to that project?

08 A. Well, that project up there
09 already had waterline installed, as
10 far as on the six-foot beltline, it
11 was already right there, because of
12 the head --- you know, the six-foot
13 being right there where the five-foot
14 belt was already installed. When we
15 installed it along the remaining six-
16 foot beltline that dumps onto the
17 other five-foot beltline, or other
18 six-foot beltline, as far as that,

19 but in order to get water down there,
20 we had to keep joining to it, along
21 down the six-foot beltline. So it was
22 already there when we was installing
23 at Nine Headgate.
24 Q. So you had a water supply
25 available to you?

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01 A. Yes, at Nine Headgate. Yes,
02 it was already there.

03 BY MR. TUCKER:

04 Q. Just one clarifying question
05 here. When we was talking about
06 escaping out of the mine, you'd
07 mentioned that your foreman ---?

08 A. Yes. That's why I wanted to
09 clarify that.

10 Q. Oh, okay.

11 A. As far as the escapeway, you
12 know, you said he went over an escape
13 route with us. As far as actually
14 saying that's what it was, and going
15 over it with us, as far as walking
16 out, he never actually said that, and
17 actually never done it. They pretty
18 well --- we had an idea --- well, I
19 did, had an idea of how to get out as
20 far as that. But as far as, you
21 know, traveling your intake, I knew

22 you had to travel your intake.

23 As far as actually physically
24 him saying, well, we're going to do
25 this fire drill, escape drill. That

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01 never actually come about, as far as,
02 like, he said, we're going to walk
03 our fire drill and walked out.

04 But as far as when we walked
05 out, he said, well, this is your
06 intake, as far as that, as far as
07 having a fire drill from Ten Headgate
08 to, I guess --- we knew we was
09 traveling the intake going down from
10 the Eight Headgate on down.

11 But we was a little jumpy
12 about when you got to three-way where
13 you had to go --- and he did show us
14 from then on. He actually walked
15 with us and showed us the rest of it.

16 But as far as actually walking us
17 across the top of the cut, no, he
18 didn't actually say fire drill, and
19 we walked through that way. It's
20 more like verbal.

21 Q. I got one other question I had
22 that. As you had mentioned, since
23 then you've talked about what you do

24 if smoke came up there ---

25 A. Yes, sir.

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01 Q. --- and you've mentioned about

02 maybe going down to Ten.

03 A. Yes, sir.

04 Q. You mentioned something being

05 blocked.

06 A. Yeah. I was a little bit

07 cloudy on that, too. You know, it

08 was speculation about my boss. He

09 said he didn't know if --- like you

10 said, like longwall, the --- I guess

11 they call it the tail, it might have

12 fell and it might have blocked off

13 that escape route. It ain't really

14 considered even an escape route, it

15 was just --- you know, you could have

16 used it in case of an emergency.

17 Q. And that tail that you're

18 talking about that's possibly blocked

19 now, is that Nine Tailgate?

20 A. Yes. That was just

21 speculation that my boss said. He

22 said he didn't know. You know, like

23 when they was looking for the two

24 gentlemen.

25 Q. Right.

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01 A. He was telling me, well, they
02 could have done this. You know, it
03 just got brought up like that.

04 MR. TUCKER:

05 Okay. Thank you.

06 MR. MURRAY:

07 Is that it?

08 MR. TUCKER:

09 Uh-huh (yes).

10 MR. MURRAY:

11 Mr. Hardy, anything to
12 clarify?

13 ATTORNEY HARDY:

14 No.

15 MR. MURRAY:

16 Darrick, could I get
17 you to come up here and sign
18 and date the map, please?

19 A. Yes, sir.

20 MR. MURRAY:

21 Just sign it, and
22 today's date's March 2nd.

23 MR. MURRAY:

24 Darrick, on behalf of
25 MSHA, I thank you for

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01 appearing here today and
02 answering our questions and

03 sharing your information about
04 the mine with us.

05 A. Yes, sir.

06 MR. MURRAY:

07 Your cooperation is
08 very important to us as we
09 work to determine the cause of
10 the accident. If you wish,
11 you may now go back over any
12 answer that you've given us
13 and clarify it, or add to it,
14 or you can also make a closing
15 statement covering any
16 additional points that you
17 think should be raised.

18 A. No. I clarified --- that last
19 thing is all I needed. I mean,
20 that's the only thing I was a little
21 bit fishy about. But as far as
22 anything else, I have no questions.

23 MR. MURRAY:

24 Okay. Anything to add?

25 A. No, sir.

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01 MR. MURRAY:

02 Okay. We ask that you
03 not discuss your interview
04 today with any person who may
05 have already been interviewed

06 or who we may call in to
07 conduct an interview with.
08 This will ensure that we
09 obtain everyone's independent
10 memory of the events
11 surrounding the accident.

12 A. Yes, sir.

13 MR. TUCKER:

14 After questioning other
15 witnesses, we may obtain
16 information that we would ask
17 you to come back to clarify or
18 add to that type of
19 information as well.

20 A. Yes, sir.

21 MR. TUCKER:

22 If at some point you
23 have additional information,
24 or you think of something
25 after you leave, you can

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01 either call me or my staff
02 assistant, right behind you,
03 and here's our cards with the
04 information that you need.

05 A. Yes, sir.

06 MR. MURRAY:

07 Okay. Also, the Mine

08 Act provides certain
09 protections for individuals
10 who participate in accident
11 investigations. If at any
12 time you believe that you've
13 been treated unfairly because
14 of your cooperation in this
15 investigation, give us a call.

16 A. Yes, sir.

17 MR. MURRAY:

18 And again, thanks for
19 coming in.

20 A. You're welcome, sir.

21 MR. TUCKER:

22 We offer that same
23 protection through the state,
24 Darrick, and we do appreciate
25 you coming today, and here's

165

01 one of my cards if you need to
02 get ahold of me. And here's
03 C.A. Phillips' card.

04 A. Yes, sir.

05 MR. TUCKER:

06 He's our Deputy
07 Director. If you have any
08 questions or anything of us,
09 feel free to call.

10 A. Yes, sir.

11 MR. MURRAY:

12 Thank you.

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15 INTERVIEW CONCLUDED AT 10:14 A.M.

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