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Transcript of the Testimony of Steven Campbell

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STATEMENT UNDER OATH
OF
STEVEN CAMPBELL

taken pursuant to Notice by Alison Salyards, a Court Reporter and Notary Public in and for the State of West Virginia, at the National Mine Health and Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Tuesday, July 7, 2010, beginning at 8:04 a.m.

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Mine Map

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P R O C E E D I N G S

1
2 -----
3 ATTORNEY BAXTER:

4 My name is Derek Baxter. Today is July
5 7th, 2010. I'm with the Office of the Solicitor, U.S.
6 Department of Labor. With me is Erik Sherer, an
7 accident investigator with the Mine Safety and Health
8 Administration, MSHA, an agency of the United States
9 Department of Labor. Also present are several people
10 from the State of West Virginia. I ask that they
11 state their appearance for the record.

12 MR. FARLEY:

13 I'm Terry Farley with the West Virginia
14 Office of Miners' Health, Safety and Training.

15 ATTORNEY MCATEER:

16 And I'm Davitt McAteer with the
17 Governor's Office.

18 MR. O'BRIEN:

19 John O'Brien with the West Virginia
20 Office of Miners' Health, Safety and Training.

21 ATTORNEY BAXTER:

22 Mr. Sherer, Mr. Farley and Mr. McAteer
23 will be conducting the questioning today.

24 All members of the Mine Safety and Health
25 Accident Investigation Team and all members of the

1 State of West Virginia Accident Investigation Team
2 participating in the investigation of the Upper Big
3 Branch Mine explosion shall keep confidential all
4 information that's gathered from each witness who
5 voluntarily provides a statement until the witness
6 statements are officially released. MSHA and the
7 State of West Virginia shall keep this information
8 confidential so that other ongoing enforcement
9 activities are not prejudiced or jeopardized by a
10 premature release of information. This
11 confidentiality requirement shall not preclude
12 investigation team members from sharing information
13 with each other or with other law enforcement
14 officials. Your participation in this interview
15 constitutes your agreement to keep this information
16 confidential.

17 Government investigators and specialists
18 have been assigned to investigate the conditions,
19 events and circumstances surrounding the fatalities
20 that occurred at the Upper Big Branch Mine-South on
21 April 5th, 2010. The investigation is being conducted
22 by MSHA under Section 103(a) of the Federal Mine
23 Safety and Health Act and the West Virginia Office of
24 Miners' Health, Safety and Training. We appreciate
25 your assistance in this investigation.

1 You may have your personal attorney
2 present during the taking of this statement, or
3 another personal representative if MSHA has permitted
4 it, and may consult with your attorney or the
5 representative at any time. And for the record, do
6 you have a personal representative here with you
7 today?

8 MR. CAMPBELL:

9 No.

10 ATTORNEY BAXTER:

11 Your statement is completely voluntary.

12 You may refuse to answer any question. You may
13 terminate your interview at any time or request a
14 break at any time.

15 Your identity and the content of this
16 conversation will be made public at the conclusion of
17 the interview process. Also, there may be a need to
18 use the information you provide to us or other
19 information we may ask you to provide in the future in
20 other investigations into and hearings about the
21 explosion. Do you understand or have any questions?

22 MR. CAMPBELL:

23 No, and I do understand.

24 ATTORNEY BAXTER:

25 After the investigation is complete, MSHA

1 will issue a public report detailing the nature and
2 cause of the fatalities in the hopes that greater
3 awareness about the causes of accidents can reduce
4 their occurrence in the future. Information obtained
5 through witness interviews is frequently included in
6 these reports. Since we will be interviewing other
7 individuals, we request that you not discuss your
8 testimony with any person aside from your personal
9 representative or Counsel.

10 A court reporter will record your
11 interview. Please speak loudly and clearly. If you
12 do not understand a question asked, please ask us to
13 rephrase it. Please answer each question as fully as
14 you can, including any information you've learned from
15 someone else.

16 I would like to thank you in advance for
17 your appearance here. We appreciate your assistance
18 in this investigation. Your cooperation is critical
19 in making the nation's mines safer.

20 After we have finished asking questions,
21 you will have an opportunity to make a statement and
22 provide us with any other information that you believe
23 to be important. If at any time after the interview
24 you recall any additional information that you believe
25 might be useful, please contact Norman Page at the

1 telephone number or e-mail address provided to you.

2 Would you please swear the witness?

3 -----

4 STEVEN CAMPBELL, HAVING FIRST BEEN DULY SWORN,

5 TESTIFIED AS FOLLOWS:

6 -----

7 EXAMINATION

8 BY MR. SHERER:

9 Q. Mr. Campbell, will you please state your full name
10 and spell your last name?

11 A. Steven Hopkins Campbell, C-A-M-P-B-E-L-L.

12 Q. Thank you. What's your address and telephone
13 number?

14 A. [REDACTED]

15 [REDACTED]

16 Q. Okay. Where are you currently employed?

17 A. MSHA.

18 Q. Which office do you work out of?

19 A. Pineville.

20 Q. Pineville. Have you inspected the Upper Big
21 Branch Mine?

22 A. No.

23 Q. Okay. How long have you been employed by MSHA?

24 A. A little over a month.

25 Q. Okay.

1 A. Approximately five or six weeks.

2 Q. Okay. So you're just starting in your training?

3 A. Yes.

4 Q. Okay. Have you worked at Upper Big Branch Mine?

5 A. Yes. The first time I worked there, it was from

6 2000 to 2000, mid 2007. I left and went to ICG and

7 then I left ICG and went to the State of West

8 Virginia. I was a mine inspector, worked there for

9 approximately a year, went back into the industry.

10 And I worked at Kepler, and then I left Kepler and

11 went back to UBB for approximately four or five months

12 as the fire boss. And that's about three months

13 before the mine explosion.

14 Q. Okay. So you were at UBB approximately, oh,

15 August through the end of 2009?

16 A. Yeah, approximately.

17 Q. Okay.

18 A. Just about four or five months. I don't really

19 know the exact length of time. It could have been

20 longer or shorter.

21 Q. Okay, sure. And that's the period of time when

22 they were setting up the longwall?

23 A. The longwall had been started production.

24 Q. Okay.

25 A. They was about midway off the panel ---

1 Q. Okay, yeah.

2 A. --- whenever I left.

3 Q. Okay. When you were fire bossing at UBB, did you
4 have a particular part of the mine that you had to
5 fire boss?

6 A. Yes, I fire bossed usually --- it was usually me
7 and Glenn Allman. We worked the same time frame. You
8 know, we worked from 6:00 in the evening to 6:00 in
9 the morning. We was straight 6:00 p.m. to 6:00 a.m.,
10 12-hour shifts.

11 Q. Oh, jeez.

12 A. I worked Sunday through Thursdays, every Friday
13 and Saturday off.

14 Q. Uh-huh (yes).

15 A. And usually Glenn would let me off either at the
16 mouth of the longwall, and I would walk to Ellis Five
17 Head and wait on him, and then I would ride Ellis Five
18 belt and then walk Ellis Four out to the portal.

19 Q. Okay.

20 A. And then Glenn got all the upper end.

21 Q. Okay.

22 A. That was usually my route, and then sometimes I
23 would start at 78 Break here at Five North Tail and he
24 would get the longwall belt down in there, and then he
25 would --- you know, same route. He'd pick me up at

1 Ellis Five Head.

2 Q. Okay. Do you have any State or Federal mining
3 certifications?

4 A. Yes.

5 Q. What are those?

6 A. I have a underground mine foreman, shot firer,
7 dust certification and a qualified diesel instructor.

8 Q. Okay. When you were at UBB, who was your
9 supervisor?

10 A. I guess it was Everett Hager. He just --- we
11 pretty much made up our own fire boss routes, you
12 know, on however we could get it done.

13 Q. Sure.

14 A. And you know, but he was the superintendent. The
15 mine foreman was Andy Kolson and then he left, and to
16 be honest, whenever he left, I don't who the mine
17 foreman was, ---

18 Q. Okay.

19 A. --- to be honest with you.

20 Q. Sure.

21 A. Because Everett --- sometimes Everett would
22 co-sign them, and then sometimes I think his name was
23 Terry Moore.

24 Q. Okay.

25 A. I think he would co-sign them.

1 Q. Okay. When you were fire bossing at UBB, did you
2 ever get off into the parallel entries away from the
3 belt or track?

4 A. Yes.

5 Q. What did those look like when you were there?

6 A. Well, UBB, it was always known for, you know, draw
7 rock falling out and, you know, so forth in between
8 bolts, but it wasn't in bad shape. The belts was
9 really well rock dusted and some of the other entries
10 could use more rock dusting, but ---.

11 Q. Okay. Would you say that there was any float dust
12 accumulation in those entries, if you recall?

13 A. I can't say I recall.

14 Q. When you were fire bossing, did you ever go back
15 behind the longwall gob?

16 A. No. No, sir, I did not.

17 Q. Okay. I imagine some ---- another fire boss got
18 those entries?

19 A. Yes. I think his name --- I can't recall his
20 name.

21 Q. Okay.

22 A. He was an older gentleman, though. And then there
23 at the end they put a guy over the pumps behind the
24 longwall. His name was Jeremy Burdoff.

25 Q. Uh-huh (yes).

1 A. He was responsible for that area, and he was
2 supposed to fire boss it daily.

3 Q. Do you recall hearing problems with water back
4 there?

5 A. Yes.

6 Q. What sort of problems?

7 A. From what I understand, they --- somewhere up in
8 this area --- you know, like I said, I was only up
9 there one time, and that's whenever they was having
10 the problem with the water in the --- they had shut
11 the longwall down. And Jamie Ferguson called and he
12 had me and Glenn Allman go up there and check the
13 water level. And we walked the track up to the head,
14 and we walked the track up here, up somewhere. You
15 know, I don't even recall where it was at.

16 Q. Sure.

17 A. And we got over in this entry over here, and we
18 walked up a long ways up behind there somewheres. I
19 really cannot recall how far up we walked. It was a
20 long distance, though. And they cut a sump in the
21 bottom.

22 Glenn was describing it to me, because I wasn't
23 there at that time, but Glenn had said they'd let a
24 woman run the miner, Bobbie, I believe. And she got
25 in the bottom and they couldn't get out of it, so they

1 just decided to cut a sump in that area. And they cut
2 a sump there. Well, that's as far as we could make it
3 because the water was practically roofed.

4 Q. Sure.

5 A. And we had to get a measurement for Jamie
6 Ferguson.

7 Q. Okay.

8 A. And he told us to go back there every hour, and we
9 didn't, because there was no way we could go back
10 there every hour. And he got someone else to go check
11 it, because it was such a long distance, and then we
12 had to turn around and start fire bossing. And we
13 told him there was way we could go back there every
14 hour on the hour.

15 MR. SHERER:

16 Sure. And the witness was pointing to
17 the headgate of the current longwall panel at UBB and
18 the area between the longwall panel and the Bandytown
19 fan.

20 A. Yeah.

21 BY MR. SHERER:

22 Q. We just have to do that for the record.

23 A. I understand. Andy Kolson, he had called Chris
24 Blanchard on this time period. It was around the
25 holiday. I remember that. And they shut the wall

1 down for I think approximately 12 days or something
2 like that. It might have been 12 shifts. I don't
3 recall. Because of the water. Andy had found the
4 water, and that's whenever I was --- well, that's the
5 only time I was behind the longwall.

6 Q. Okay. And it was almost roofed, you said?

7 A. It was un-passable in all entries.

8 Q. Was it to the point where it significantly
9 affected ventilation?

10 A. Yes.

11 Q. Do you recall whether it was past this
12 diagonal ---?

13 A. Yeah, it was past that.

14 Q. Oh, okay. So it was basically the entire return?

15 A. Yeah, practically.

16 Q. Okay.

17 ATTORNEY MCATEER:

18 Eric?

19 BY MR. SHERER:

20 Q. Yes. Could you take a marker and just circle this
21 area on the map, please?

22 A. Like I said, I don't remember the area ---.

23 Q. Yeah, just roughly.

24 A. Okay. Exactly.

25 ATTORNEY BAXTER:

1 We'll mark the map as Campbell Exhibit

2 One.

3 (Campbell Exhibit One marked for
4 identification.)

5 A. It might be up here. I don't think it was that
6 close. It might have been right in this area
7 somewhere. I can't recall where we was at.

8 BY MR. SHERER:

9 Q. Okay.

10 A. What do you want me to do, just shade it in?

11 Q. Yeah, just draw a big circle.

12 MR. FARLEY:

13 Do you feel certain you were inby the
14 diagonal?

15 A. Yeah.

16 MR. FARLEY:

17 Okay.

18 A. Yeah, because I remember ---. You know, like I
19 said, we got off the track and we walked --- it was a
20 great distance. And I remember Glenn telling me that
21 we was pretty close to the fan, to where the fan shaft
22 was.

23 BY MR. SHERER:

24 Q. Okay. So you were probably back in here.

25 A. Yeah, we was back in there, area, you know? Like

1 I said, I don't know. From here to here, I don't know
2 where we was at.

3 Q. Well, just draw a big circle on the whole thing,
4 there.

5 A. Right here?

6 Q. Yeah, sure.

7 WITNESS COMPLIES

8 A. Somewhere in that area.

9 MR. SHERER:

10 Okay. And the witness has marked an
11 orange circle around the area from the diagonal to the
12 Bandytown fan.

13 BY MR. SHERER:

14 Q. When you were back there, did you recall seeing
15 any sort of pumps?

16 A. Yeah, they had air pumps. They had numerous air
17 pumps, but they just wasn't ---.

18 Q. Do you recall if they were working?

19 A. Yeah, they was --- well, as far as my knowledge,
20 they was making noise and ---

21 Q. Sure.

22 A. --- seeming like working. I'd never been around
23 an air pump and ---

24 Q. Sure.

25 A. --- wasn't familiar with it.

1 Q. Yeah, they do make a distinct noise.

2 A. Yeah, they sure do.

3 Q. Did you hear what they did to draw the water down?

4 A. Just set more pumps, and they kept moving them
5 out. And pretty much, it seemed like to me they was
6 pumping in a circle, but I can't say that, you know.

7 Q. Okay, sure.

8 A. I don't know what they was doing ---

9 Q. Sure.

10 A. --- because I wasn't up there.

11 Q. Sure. On your pre-shift exams, you said you went
12 in about 6:00 p.m.?

13 A. Yeah.

14 Q. And you came out about 6:00 a.m.?

15 A. Well, we would pre-shift for the hoot owl. And
16 usually I'd come out around 11:00, you know, in time
17 enough to fill out the books for the hoot owl, and
18 then we'd go back in.

19 Q. Oh, okay. So you did come out and fill out the
20 books?

21 A. Yes, sometimes. Sometimes we stayed underground
22 if something was happening or going on that we needed
23 to stay.

24 Q. Sure.

25 A. Sometimes we'd call it out.

1 Q. Okay. You ever see any methane while you were
2 doing those runs?

3 A. No, I did not.

4 Q. How about the ventilation? Was that fairly
5 consistent or ---?

6 A. Yeah, you know. We always had good air on the
7 belt track, and I never seen no stoppings missing or
8 anything of that nature.

9 Q. Okay. When you were riding in, do you recall
10 going through equipment doors?

11 A. A lot of them.

12 Q. A lot of them. What sort of shape were those
13 maintained in?

14 A. Poor.

15 Q. Poor. Could you describe some of the problems you
16 observed?

17 A. Bent. They was bent at the bottom and, you know,
18 where people would hit them. They was automatic
19 doors, but they didn't have them working.

20 Q. Uh-huh (yes).

21 A. And you know, you know coal miners.

22 Q. Sure.

23 A. They push them with the motor, locomotive, flat
24 car, Jeeps, mantrips, whatever, you know, whatever
25 they was driving. They would push them open ---

1 Q. Sure.

2 A. --- and push them closed, and they would --- it
3 would harelip the bottom, you know, flare it out. And
4 a lot of times they wouldn't close, you know. A lot
5 of times they would overlap where they --- you know,
6 the jacks had twisted in and ---

7 Q. Sure.

8 A. --- they would overlap. And they was in poor
9 shape.

10 Q. Could you hear air leaking through them?

11 A. Yes.

12 Q. What about, have you ever come up on the doors and
13 found any of them open?

14 A. Yes.

15 Q. How common was that?

16 A. It was pretty common. It was up here, right inby
17 78 Break on these sets here.

18 Q. Could you take another marker out of that pack and
19 circle those doors, please?

20 WITNESS COMPLIES

21 MR. SHERER:

22 And the witness circled two doors near
23 the 78 Break with a blue marker.

24 BY MR. SHERER:

25 Q. What happens when you open those doors? Was there

1 a lot of air that went through those?

2 A. Yeah, because see right here? The intake come up
3 and then it come across. And you open them doors and
4 it would short circuit your intake if they was open.

5 Q. Okay. Do you know what happened to the air inby?
6 Would that affect the ventilation on the longwall?

7 A. I'm not for sure.

8 Q. Okay.

9 A. Because see, whenever I first come there this last
10 time, we was portaling from UBB side and then sometime
11 --- I don't remember when it was --- we started
12 portaling --- some of us started portaling at Ellis.

13 Q. Okay. And that's where you'd drive to fill out
14 your pre-shift books?

15 A. Yes.

16 Q. Okay.

17 A. They was trying to make it a separate mines, the
18 same I.D., and they had a set of doors down there
19 around 129 Break on the main line. And they had it,
20 you know, trying to separate it.

21 Q. Okay.

22 A. Because those doors was in pretty good shape.
23 They was newly constructed.

24 Q. Sure. Besides doing the fire boss runs on the
25 belts, did you have to do any maintenance on the

1 belts?

2 A. Yeah, certainly. Yeah, we cleaned and greased,
3 and you know, run our trickle dusters and such forth.

4 Q. Do you recall where the trickle dusters were
5 located?

6 A. Yes.

7 Q. Could I have you mark those on the map?

8 A. Yeah. I'm going to need a bigger map, though.

9 Q. Okay.

10 ATTORNEY MCATEER:

11 Why don't you use a different pen?

12 A. Okay.

13 BY MR. SHERER:

14 Q. And we'll use this --- this one covers --- this
15 one is the same scale as this one, but it covers area
16 to the east of it.

17 A. Okay. I'm just going to be on the north side from
18 Five Ellis, Four North, Five North, ---

19 Q. Okay.

20 A. --- that area, so ---.

21 Q. Okay. You want to grab a different marker?

22 A. Yeah.

23 ATTORNEY MCATEER:

24 And we'll mark that ---.

25 A. You want me to mark it in on here?

1 BY MR. SHERER:

2 Q. Yes, please.

3 A. Okay. We had one at the tripper, which was the
4 longwall.

5 Q. Can I get you to mark a big X there?

6 ATTORNEY MCATEER:

7 And then draw a line away from it and say
8 what it is.

9 WITNESS COMPLIES

10 A. Then we had one down here at Six North, the belt
11 head set over here toward the track. I'm not exactly
12 for sure which crosscut. I think it was right here.
13 Okay. Now, I'm going to have to go to Five North.

14 ATTORNEY BAXTER:

15 And we'll mark this next map as Campbell
16 Exhibit Two.

17 (Campbell Exhibit Two marked for
18 identification.)

19 A. that's Four North belt head. That's Four North
20 belt head. I need Five North belt head. It would
21 probably be on this map.

22 BY MR. SHERER:

23 Q. Yeah. It would be back over there. Well, here's
24 a thought. Can I get you to mark it on this one?

25 This should ---.

1 A. See, that's Six North belt head, Five North Tail.
2 Five North belt head be down this area. I'm not for
3 sure on this ---.

4 Q. Well, maybe it's not on this.

5 A. Not on that map.

6 Q. Maps don't overlap. I thought they did.

7 Apparently not. Okay. Well, let's mark it on this
8 map over here, then. Sorry about that.

9 A. I think that's the belt head, that blue dot.

10 Yeah, it is, 45 Break. It was actually outby that a
11 little bit.

12 Q. That's okay.

13 A. A couple breaks, I believe. Do you want me to
14 mark this other one over here or ---?

15 Q. Why don't we get you to mark these back here that
16 you ---

17 A. Okay.

18 Q. --- also marked on that other map. We'll just
19 have them all on the same map.

20 A. Okay.

21 WITNESS COMPLIES

22 BY MR. SHERER:

23 Q. Okay. Thank you. And when you did your fire boss
24 runs, would you fill them up with dust and make sure
25 that everything was working?

1 A. Yeah, if we had time we would have.

2 Q. Okay. On average, what percentage of the time
3 would you say that those were operating on your shift?

4 A. Ninety (90) percent.

5 Q. Ninety (90) percent; okay. What about --- can you
6 tell from the previous shifts? Had they been
7 operating when you got there?

8 A. At various times they would run them. I feel like
9 we ran them more than what a lot of them did.

10 Q. Okay. You ever get on a shift and find float coal
11 dust on the belt?

12 A. Not on the North belts. You know, I don't know
13 what they found on the East belt, but the North belts
14 was in pretty decent shape. The longwall belt, it was
15 --- I fire bossed it a few times. It was black in
16 color, but it wasn't float dust, you know? It was
17 just black.

18 Q. Okay.

19 A. It just --- it had looked like it had never really
20 been rock dusted heavily.

21 Q. Did you report that in the pre-shift books?

22 A. Yeah, and they would rock dust it, but it seemed
23 like there was so much air velocity on it that, you
24 know, it just wasn't doing an adequate job.

25 Q. Okay.

1 A. Now, I think they had a couple of trickle dusters
2 on the longwall belt, but I'm not for sure ---

3 Q. Okay.

4 A. --- where they was at. I think it was at the
5 tripper, but I think they took it out whenever they,
6 you know, retreated so far back and they had to ---

7 Q. Sure.

8 A. --- remove the tripper.

9 Q. Sure.

10 A. And I believe they removed it.

11 Q. Okay. Do you know how they rock dusted the
12 longwall belt?

13 A. With a machine duster on a track. They done that
14 a couple of times. I can't remember why, but it
15 seemed like to me they start pulling a little cart
16 behind the four-wheeler, you know, one of these pull
17 behind dusters. I think they started using one of
18 those.

19 Q. Okay.

20 A. I'm pretty sure they did.

21 Q. Do you recall how the other belts, the North belts
22 that you referred to, were dusted aside from the
23 trickle duster?

24 A. I would say they was very well dusted.

25 Q. Okay. Was there some regular schedule to dust

1 those belts?

2 A. Yeah, they had a rock dust crew. I can't recall
3 who they were, their names, because like I said, I
4 wasn't there that long, and I didn't get to know a lot
5 of them where I worked 12-hour shifts. But they rock
6 dusted them pretty good, I mean, pretty heavily.

7 Q. Okay. So all of the belts were in pretty good
8 shape rock dust-wise except possibly the longwall
9 belt?

10 A. Yes. I would say that's the worst dusting for the
11 beltlines that I've been on.

12 Q. Did you ever get a chance to go up on some of the
13 miner section belts?

14 A. I didn't really do much on these belts. I fire
15 bossed them a couple of times and ---. But I walked
16 up to this. Whenever I left, this section had just
17 started out, just made this turn and just had started.
18 I don't even think they'd started driving three
19 entries yet. And I'd walk up there with Glenn because
20 he had to pre-shift the faces, and I'd never been up
21 there. I walked up there with him one night.

22 MR. SHERER:

23 Okay. And the witness is pointing to the
24 mouth of the Headgate 22 section.

25 BY MR. SHERER:

1 Q. How were those belts?

2 A. They was in pretty decent shape. I can remember,
3 you know, the walkway wasn't too good, you know, from
4 past belt moves.

5 Q. Sure.

6 A. But other than that, the belts was adequately rock
7 dusted.

8 Q. Are you aware of any ventilation problems at this
9 mine while you were up there?

10 A. Just hearsay.

11 Q. And what was that?

12 A. Rick Hutchens, his --- we called him Smurf.

13 Q. Uh-huh (yes).

14 A. One night we was talking to him and he described
15 this to me in this sense, that he had air coming up
16 his return and down his intake.

17 Q. And where was he referring to when he did that?

18 A. He was on the Headgate 22 panel. I think he was
19 driving this across at that time. I know they hadn't
20 started this other section yet parallel to the head of
21 the longwall. I know they hadn't started that yet, so
22 I think he was driving this across.

23 Q. And you're pointing to the ---

24 A. I don't know what they ---.

25 Q. --- North-South connector.

1 A. Yeah, I don't know what they called that panel,
2 but he was driving this across at that time. And we
3 was up there and it was before fire boss time, and he
4 come over somewhere to get supplies over in this area.
5 And we was speaking to him, and he was telling me what
6 was going on. And I told him, I said, you've got a
7 stopping missing somewhere, you know, making your air
8 reverse. And he walked and found it. He had had
9 somebody knock stoppings to bring a miner across.
10 Who, I do not know.

11 Q. Okay. What about the general ventilation? You
12 know, you can see the signs flapping, things like
13 that. Did that seem fairly constant or ---?

14 A. Yes.

15 Q. Okay. You never got up and the signs were just
16 hanging still?

17 A. No.

18 Q. Okay.

19 A. No.

20 Q. You ever seen any floor heave along there?

21 A. No.

22 Q. Okay.

23 A. Up in this area, up in the far north, the Old
24 North Mains panel? I think that's what we called it.

25 Q. Yeah, uh-huh (yes).

1 A. There was some floor --- busted up floor up there
2 and --- but it made water all the time. And we had a
3 pump up there.

4 MR. SHERER:

5 Okay. And the witness is pointing to the
6 area that's sometimes referred to as the Old North
7 Mains and sometimes is Number Eight area.

8 A. I know it as the Old North Mains.

9 BY MR. SHERER:

10 Q. Okay. Yeah, one thing that we've noticed is a lot
11 of the parts of the mine have several different ---.

12 A. Yeah.

13 Q. Let me ask you this. When you were working at
14 UBB, did it seem like it was --- everything was on
15 track or were things confusing for the miners?

16 A. For the miners?

17 Q. Uh-huh (yes).

18 A. You know, I can't answer that, because I really
19 don't know.

20 Q. What did you think about it? Did you feel like
21 everything was under control?

22 A. Is this my opinion?

23 Q. Sure.

24 A. No, I didn't feel like it was under control. No.
25 The first time I worked there, everything was under

1 control. In 2000, 2007, whenever Wendell Wills and
2 Dempsey Petry was there and Gary Calvert and them, the
3 mines was running. It was excellent, you know? It
4 was an excellent place to work. This last time it
5 fell short.

6 Q. What caused you to question whether it was under
7 control or not? Anything in particular?

8 A. Just there was a lot of hearsay and a lot of talk,
9 you know? Whenever they was up there setting these
10 pumps and stuff in behind the wall, I can remember a
11 few people talking about how bad it was, conditions
12 and --- you know. But as far as me knowing, because I
13 never went up there whenever --- like I said, I was up
14 there that one time and the longwall had just started.

15 Q. Sure.

16 A. So the miners in general were concerned about the
17 conditions. Do you have any knowledge or opinion of
18 what may have precipitated that? What had changed
19 from the time you were there before to the second time
20 you were employed at this mine?

21 A. Management. It was just the management.

22 Q. Okay. At what level had management changed?

23 A. As far as people?

24 Q. Yeah.

25 A. Well, Wendell Wills, he was the superintendent.

1 He'd left and they brought Rick Hodge in. Then Rick
2 Hodge left and they brought Everett Hager in. And
3 mine foremans, I don't know how many mine foremans
4 they had. And it was just the quality of people, in
5 my opinion. Wendell was a great --- a good man. He
6 was a very knowledgeable miner, very --- very well
7 ventilation guy. And you know, it's just hard to
8 replace someone like that.

9 Q. Sure. Do you feel like the ventilation was well
10 planned and executed in this mine when you were
11 working there the last time? Or do you feel that they
12 were just trying things to make it work?

13 A. I feel like they was just trying things to make it
14 work, but as far as my knowledge of what they was
15 doing, I don't know, but I know they was always in
16 there tweaking, you know.

17 Q. Now, who was in there tweaking? Do you recall?

18 A. Jamie Ferguson was one of them and Andy Kolson,
19 but other than that I couldn't ---.

20 Q. Sure.

21 A. I don't know. Everett, I don't know what all
22 Everett did. I don't have no idea.

23 Q. Okay. When would they go in there and tweak? Did
24 they do it on the weekends, on third shift or just
25 anytime?

1 A. You know, you'd talk to them and they'd say they'd
2 been behind the wall or, you know, in doing this or
3 that and they never would --- you know. It was kind
4 of all hush, hush. They wouldn't tell you what they
5 was doing.

6 Q. Did they bring the miners out before they made the
7 air changes?

8 A. Now, as far as doing the air changes, I don't know
9 if they was in --- you know. I don't know what they
10 was doing. I couldn't say ---

11 Q. Okay.

12 A. --- because I don't know.

13 Q. Sure. Do you recall anybody mentioning any other
14 incident like the air being reversed on this connector
15 section?

16 A. I can't recall of anybody else saying anything
17 else about it, but you know, I know for a fact Rich
18 Hutchins, you know, told us that night about it. And
19 he shut down and made it right.

20 Q. Okay. What about methane, did you ever hear
21 anything about it gassing out?

22 A. No. No, I can't say I did.

23 Q. Okay. You ever hear about anybody bridging out a
24 methane detector or meddling with a methane detector?

25 A. Not there.

1 Q. Okay. What about running without ventilation
2 curtains?

3 A. I can't recall if anybody said anything about it.

4 Q. Okay. What about the roof and the ribs? You
5 mentioned some problems back behind the longwall. In
6 general, what sort of shape were the roof and ribs in?

7 A. Roof was in, you know, fairly good condition.
8 Every once in a while you'd have sloughage and you'd
9 have, you know, your normal draw rock.

10 Q. Uh-huh (yes).

11 A. But other than being terrible, I never really ---
12 I never really felt like I was in danger, you know, as
13 far as the roof and ribs.

14 Q. Sure. You mentioned some of the old parallel
15 entries. The draw rock had fallen in on that.

16 A. It's not big draw rock. You know, UBB, they
17 always put up that wire mesh in their belt and track
18 entries usually, to catch the little fine stuff to
19 where they wouldn't have the accumulation, you know.
20 And the inspector wouldn't like them cleaning, you
21 know, because it would catch a lot of it.

22 Q. Okay.

23 A. But it wasn't nothing really ever massive or ---.

24 Q. Uh-huh (yes).

25 A. You know, we had a few falls, but --- in my time

1 at that mines, but like I said, I never felt like I
2 was in danger of a roof fall and I never felt like I
3 was in danger of an explosion while I was there,
4 either.

5 Q. Okay. You say they mesh most of their belts and
6 track entry.

7 A. Yes. They kind of got out of that practice, you
8 know, due to the different management.

9 Q. Okay. So I imagine there was mesh on ---.

10 A. The east side mostly.

11 Q. The eastern part; okay. But their current mining
12 area ---?

13 A. Yeah, they got away from it.

14 Q. Okay. Do you recall if there was any mesh up
15 there or ---?

16 A. Yeah, there was some. How much I can't recall.

17 Q. Do you recall just in general where it was?

18 A. It was most on the track and belt entry. That's
19 about the only places they would put it up.

20 Q. Okay. Do you recall possibly looking up there?
21 Do you recall if there was any float dust on that
22 mesh?

23 A. No, it was well rock dusted.

24 Q. Okay.

25 A. Actually, you know, you know coal miners. You

1 know, you'd go riding down the track and you'd have so
2 much air and you'd reach up there with a stick or
3 something and hit it and it'd knock rock dust on
4 whoever was behind you, you know.

5 Q. Sure.

6 A. It was well rock dusted.

7 Q. Okay. That's good. Did you ever hear any
8 notification that State or Federal inspectors were on
9 the property?

10 A. I can't say I did this last time, no.

11 Q. Okay. What about the time before?

12 A. Yeah, I'm sure I did. I can't recall, though.

13 Q. But you think that --- do you think that was a
14 common practice?

15 A. I'd say it is in every mines, to be honest with
16 you. I know it is in every mine, ---

17 Q. Sure.

18 A. --- you know. You hear them all the time come on
19 the property, and you hear the mine phones going off.
20 That's just a common practice, I feel, like it's at
21 every mine.

22 Q. Sure. Do you think people do things differently
23 when they know an inspector's on the property?

24 A. Yes, I do.

25 Q. What do you think they do?

1 A. I just think --- well, I think the boss, for one,
2 gets nervous and, you know, I think that he tries to
3 tweak everything, make sure everything's just right,
4 you know. I feel like in every mines they do that,
5 though.

6 Q. Sure.

7 A. It's just not UBB. It's every mine.

8 Q. So you think it's a very widespread problem in
9 this area of the country or do you think it's
10 everywhere?

11 A. Well, I can't speak for everywhere, because this
12 is the only state I've ever worked in.

13 Q. Okay. Do you think people run without curtains
14 until they find out an inspector is on the property?

15 A. I can't answer that. I don't know.

16 Q. Okay. How was the longwall doing --- operating
17 while you were up there?

18 A. They was doing good at first until they got shut
19 down over that 12-day or 12-shift period, and then the
20 top started giving them a lot of trouble where it sits
21 for so long without running. And then I left before
22 they really got going again good, but they started off
23 strong.

24 Q. Do you know if --- we know this longwall went to
25 another mine and then came back. Do you know who was

1 involved in setting up all this for the longwall?

2 A. No, sir, I did not. It was already set up and
3 ready to go, and they was waiting. They was waiting
4 to get that fan online, I'm pretty sure, before the
5 longwall got running this last time. And then ---
6 because I can remember the longwall, you know, just
7 sitting around for --- I think it was a couple weeks
8 to a month before they got it running.

9 Q. So there was a lot of pressure to get that fan
10 online?

11 A. Yes. Yes, there was.

12 Q. Do you know if there was any corners cut or
13 anything like that to get that fan online?

14 A. No, sir, I don't know.

15 Q. Okay. What about another parts of the mine?
16 While the wall was set up, they were waiting to tie
17 into the fan. Was there a lot of pressure to run
18 coal? Do you know?

19 A. To be honest, I couldn't tell you.

20 Q. Okay. What about the fire boss books? You say
21 you came out to fill them out most of the time. You
22 ever notice any --- anything that had changed in those
23 books? Did you ever go back and check to see that if
24 you put any hazardous conditions down that they'd been
25 taken care of?

1 A. Taken care of as somebody else correct them
2 or ---?

3 Q. Sure.

4 A. Yeah. Yeah, I'd check them sometimes, and
5 sometimes I wouldn't, you know?

6 Q. Okay.

7 A. And then sometimes I'd correct them and put it
8 down corrected or put down, you know, rock dusted or
9 cleaned this area.

10 Q. Okay. Was the mine management good at following
11 up on what you put in the books?

12 A. To be honest, no. It was our own responsibility,
13 you know. If you wrote something down, it was pretty
14 much your responsibility to take care of it or, you
15 know, like ---. The only thing I can say is down at
16 Five Ellis Tail it was a problem area for gob outs,
17 because Five North, Six North and Four North was all
18 six foot belts. And whenever you dumped on Five
19 Ellis, it was five-foot belt. And that belt, I think
20 they spaded it up or something to try to keep up, you
21 know, where you're switching your size of belts and,
22 you know, your quantity and everything. But it was a
23 problem area sometimes, and you would gob out.

24 Q. Sure.

25 A. And but every time we gobbled out, and you did let

1 them know, they would send a crew up there to clean it
2 if you didn't have time to get it.

3 Q. How would you let them know that you needed help
4 like that?

5 A. Just tell them ---

6 Q. Okay.

7 A. --- and advise them that you --- you know, you had
8 gob out. And it was massive, you know?

9 Q. Sure.

10 A. I don't know if you've ---

11 Q. Yeah, I'm sure ---.

12 A. --- been around the longwall.

13 Q. Yeah.

14 A. You know, the longwall, it don't take but a second
15 and you're gobbled out to the hub there.

16 Q. Sure. So was there any sort of whiteboard or
17 something like that where you'd list things that
18 needed to be done?

19 A. Yeah, we had a whiteboard upstairs. Now, we
20 didn't have one at Ellis. Ellis hadn't really got
21 developed, you know. We just hadn't moved over there,
22 but at UBB they had a whiteboard and you put down
23 rollers that needed changed or, you know, something or
24 splices needed made.

25 Q. Uh-huh (yes).

1 A. And you would write your rollers and stuff up
2 there. But as far as cleaning, we didn't write
3 cleaning up on the whiteboard. You know, if I had
4 that gob out and I needed help, I'd call and get some
5 help up there.

6 Q. Okay. And you say you always got the help you
7 needed?

8 A. Yeah, I can't say I didn't. I always ---

9 Q. Okay, good.

10 A. --- did.

11 Q. How would you make the cut between what you put on
12 the whiteboard and what you put in the books?

13 A. What do you mean?

14 Q. Well, what's the difference between the two?

15 A. Well, the whiteboard was --- well, they had a guy
16 assigned to changing rollers. And that was his job,
17 and he made splices on the belts, Lacey Cox.

18 Q. Okay, sure.

19 A. It was his job to change rollers and you just
20 wrote up, you know, 12 Break. I dropped the roller,
21 and you put what was wrong, if it was a hanger or if
22 it was the bottom roller bad.

23 Q. Okay. So it was just more or less maintenance
24 items?

25 A. Yeah, and then you put, I got a splice on Five

1 North, needs maintenance. It's got so many XX clips
2 out of it.

3 Q. Okay. But any safety related or hazardous
4 conditions you'd put in the ---

5 A. Yes.

6 Q. --- the books?

7 A. Yeah.

8 Q. Did you feel any pressure to not put everything in
9 the books?

10 A. I didn't feel no pressure, because if I found it,
11 it was going in the book, you know.

12 Q. Okay.

13 A. I got too much experience to --- you know, I'm not
14 going to lie on no books.

15 Q. Sure. Okay. Do you ever get injured while you
16 were working at UBB?

17 A. Yeah, I did.

18 Q. Did you have any lost time because of that injury?

19 A. Yes, I did.

20 Q. Did you do any light duty?

21 A. No. They wanted me to, but I didn't. I stayed
22 off.

23 Q. Who wanted you to?

24 A. Bill Potter, president at that time.

25 Q. Okay. How did that work? Did he ask you to come

1 back for light duty or ---?

2 A. Yeah, he --- I was working with Mike Kiplinger and
3 Ricky Workman, and Ricky Workman's one of the guys
4 that died in the explosion. You know, I can't
5 remember what year it was. It was around 2002 or
6 2003. We was around 100 Break on the main line,
7 setting timbers, and because we was on Three North
8 belt working. We had a fall and we was recovering the
9 structure and trying to get it cleaned up, because
10 they was going back in that area.

11 Q. Sure.

12 A. And we was setting timbers and I had measured the
13 timber wrong. And whenever I went to set it and stood
14 it up --- it's, you know, approximately nine, nine
15 foot high ---

16 Q. Sure.

17 A. --- there was some draw rock. And the timber hit
18 that draw rock and whenever it fell, it --- and I was
19 looking up and it knocked my hard hat off and cut my
20 head.

21 Q. Oh, jeez.

22 A. (b) (7)(C)

1

[REDACTED]

And Bill Potter called me and he said, we need to have a meeting, and I said, okay.

3

And I went to drive and didn't feel like I, you know, was able to, so I called my wife's uncle and he come and got me and took me to the office.

4

5

6

And you know, Mr. Potter, he was trying to get me

7

to come back to work, told me I could sit outside or I could just ride around with the fire boss and drive a

8

9

Jeep or whatever. And I tried to describe to him

10

that, you know, I couldn't even drive today, you know?

11

I was really disoriented. And well, you know, I'm not

12

proud of it, but me and him got in an argument and I

13

told him he was stupid and he suspended me for five

14

days, so --- you know, so discharged. He said I was

15

being insubordinate or something and that's how that

16

worked out. And Wendell and Lunger saved my job.

17

Q. So he was ---?

18

A. He told me I could go get one of them tennis

19

sweatbands, you know. You know what I'm saying, one

20

of them sweatbands that you wear for tennis ---

21

Q. Sure.

22

A. --- and loosen my hardhat up and put it over it,

23

you know, to keep dirt out and all this.

24

Q. And Mr. Potter was a medical doctor, also?

25

1 A. No, he wasn't, not to my knowledge.

2 Q. Did you feel like he was trying to intimidate you
3 to come back?

4 A. Yeah. I felt --- I don't know if he was trying to
5 intimidate me, but he made me angry. That's when I
6 told him he was stupid.

7 Q. Sure. Do you know of any other miners that were
8 subjected to the same pressures to come back for light
9 duty?

10 A. Not right off, but you know, like I said, they all
11 picked on me, you know.

12 Q. Sure.

13 A. You know, and the only person there that called
14 the president stupid. And to be honest, if it wasn't
15 for Wendell and them I'd have lost my job.

16 Q. Sure.

17 A. They stuck their necks out for me.

18 Q. That's good. Do you know if anybody was ever
19 subject to any sort of threats or retaliation for
20 reporting safety conditions at this mine?

21 A. No, I do not.

22 MR. SHERER:

23 Okay. That's all of the questions I got.

24 EXAMINATION

25 BY MR. FARLEY:

1 Q. Let me start here and kind of work backwards a
2 little bit. Your meeting with Mr. Potter where he
3 tried to sort of force you to come back to work after
4 your injury, any idea why he was --- warned you to
5 return to work under those conditions?

6 A. I guess so they wouldn't have an LTA.

7 Q. Well, but was it going to --- how was having an
8 LTA going to negatively affect him, or do you know?

9 A. I can't answer that. I don't know how it was
10 going to affect him, you know, or the company. You
11 know, Massey, they're all, all about not having no
12 LTAs, no lost-time accidents.

13 Q. Okay. Is it possible that he had some type of
14 incentive clause in his working agreement that paid
15 him more money for not having an LTA?

16 A. Oh, I have no idea.

17 Q. Okay. All right. I'm just, just curious as to
18 why.

19 A. I have no idea. Right.

20 Q. Your injury seemed pretty severe.

21 A. It wasn't about four stitches, but I had --- you
22 should have seen this. I didn't have no pictures or
23 nothing, but it was ---.

24 Q. Okay. Earlier on you indicated that the North
25 belts were in good shape and that there was --- you

1 said there was so much air velocity on the longwall
2 belt. Now, are you referring to 2009?

3 A. Yes.

4 Q. Okay. Now, this air velocity on the longwall
5 belt, in which direction was the air moving on the
6 belt at that time?

7 A. I think it was going outby. I'm not for sure, but
8 I think it was going in the outby direction.

9 Q. Okay.

10 A. I think. I can't recall.

11 Q. Okay.

12 A. I'm not 100 percent positive on that.

13 Q. Okay. Now ---.

14 A. Like I say, because I never rock dusted it.

15 Q. Sure.

16 A. And I only walked it a few times and ---.

17 Q. Now, when you say that this air velocity was
18 strong, did you ever measure it?

19 A. No, I did not.

20 Q. Okay.

21 A. I wasn't ever required to.

22 Q. Okay. And you said earlier that you'd worked for
23 the State for awhile. How long did you work for the
24 State of West Virginia?

25 A. Approximately 10 or 11 months.

1 Q. Okay. When did you leave the state?

2 A. 2008, ---

3 Q. Okay.

4 A. --- I believe.

5 MR. FARLEY:

6 Mr. McAteer?

7 ATTORNEY MCATEER:

8 I'm sorry. I didn't realize you were
9 done.

10 EXAMINATION

11 BY ATTORNEY MCATEER:

12 Q. Mr. Campbell, I have a couple of questions. When
13 you were talking, discussing reports that you made in
14 the fire boss book, you said it was your
15 responsibility, that is the fire boss's
16 responsibility, to take care of problems that you
17 recorded.

18 A. Yes. They wanted us --- you know, if you wrote an
19 area down for cleaning, they wanted the dayshift to
20 follow up on it or, you know, you took care of it that
21 night, they wanted you to, in a timely manner, to
22 correct it.

23 Q. So were you expected to physically do the thing
24 yourself or expected to ---?

25 A. Yes. Like I said, unless the area was so great

1 that you needed help, you know. And they had a crew
2 to clean on the belts.

3 Q. Is that the practice in other mines?

4 A. Other Massey mines? I cannot --- I don't know. I
5 can't speak for them.

6 Q. Okay. And the rock dust crew that you spoke
7 about, you testified about the trickle dusters and
8 then you said that there was a rock dust crew.

9 A. Yes.

10 Q. This was in the last part, your most recent
11 employment there at ---

12 A. Yes.

13 Q. --- UB?

14 A. Yes.

15 Q. How many members of that crew were there?

16 A. Two.

17 Q. And were any of those red hats?

18 A. I think sometimes they put a red hat with the
19 motorman to help him.

20 Q. Okay. And do you remember the motorman's name
21 or ---?

22 A. He was a black feller and I believe his name was
23 Nate, but I can't remember his last name. Nate --- I
24 can't recall his last name.

25 Q. You spoke about Mr. Wills, Wendell Wills. When

1 did he retire or leave the Massey operation, leave
2 UBB, I should say?

3 A. I'm pretty sure sometime in 2007, because that's
4 whenever I left, also.

5 Q. Okay. And do you know if he's still in the area
6 or ---?

7 A. Yeah, he still lives at Glen Daniels.

8 Q. Is he retired now or working or ---?

9 A. No, he's disabled.

10 Q. Are you in touch with him or ---?

11 A. No, I am not.

12 Q. Okay, okay. You testified that it was your
13 understanding that Massey was attempting to make two
14 separate mines.

15 A. That's what they was talking, that, you know, as
16 Massey's standpoint, they was wanting --- what was his
17 name, Rick Foster and Gary, Gary May?

18 Q. Uh-huh (yes).

19 A. They wanted him over the east side and they wanted
20 Everett and the mine foreman over the north side. And
21 they wanted that split to be right there at 129 Break
22 on the main line. They wanted, you know, Gary May and
23 Rick Foster take care of this part and Everett and his
24 mine foreman take care of the other part. I guess it
25 would have still been the same mines and the same I.D.

1 number, but you know, just kind of separate in
2 Massey's eyes.

3 Q. Why would they have wanted the same I.D. number?

4 A. I don't know if they did. I'm just saying I
5 figured it would be the same I.D. number ---

6 Q. Okay.

7 A. --- where it was connected and ---. You know, I
8 guess it would. I don't know if it would or not.

9 Q. Okay. Now, you talked about the shutdown of the
10 longwall 12 days or 12 shifts, and you suggested that
11 was around the holiday. Do you remember what holiday
12 it was?

13 A. No, I do not. I sure don't.

14 Q. Christmas, wintertime?

15 A. It might have been Thanksgiving, you know. I
16 can't recall.

17 Q. Okay.

18 A. November. Yeah, it could've been November.

19 Q. Now, you testified as to the doors going in and
20 out, and that --- were there any overcasts that were
21 placed in there?

22 A. No.

23 Q. Okay.

24 A. There should've been, but there wasn't.

25 Q. And were the doors, to your knowledge, ever

1 replaced during the time that you were there the last
2 time?

3 A. No.

4 Q. Okay. And you testified that when Snuffy ---
5 Smurf, I'm sorry, Rick Hutchins had suggested to you
6 that or told you that the air was reversed that you
7 suggested a stopping might be knocked out?

8 A. Yes.

9 Q. And he found that stopping?

10 A. I think he found two, actually.

11 Q. Uh-huh (yes). And did you hear that from him or
12 just heard that?

13 A. I heard it from him.

14 Q. Okay. And why were those stoppings knocked out?

15 A. I can't recall, you know. I think that they had
16 took some equipment through there or something. I'm
17 not a hundred percent positive on what was going on.

18 Q. And have you ever heard of equipment being taken
19 through in any other Massey mine?

20 A. No. Usually you put up --- you know, you build
21 your supply doors and then you knock your stopping,
22 and that way you don't affect the air.

23 Q. Are you familiar with the Aracoma accident?

24 A. No. I know a little bit about it ---

25 Q. Okay.

1 A. --- not a lot. I know they was some stoppings
2 missing and so forth, but ---.

3 Q. You talked about Mr. Wills --- and this is my last
4 question. You said an interesting thing about
5 knowledgeability, a good miner, you know, that sort of
6 thing, knowledgeable person about ventilation systems.
7 And you spoke of Mr. Wills and Petry?

8 A. Yeah, Mr. Petry.

9 Q. How did that compare with the management that you
10 found in 2009/2010?

11 A. I'd say just experience, you know, of --- you can
12 put some people in a mines and they can run a two
13 section mines, and then you put them in a longwall.
14 You know, there's a lot to go with a longwall, you
15 know? It's just experience.

16 Q. Right.

17 A. And that was my vision of them, you know, was just
18 experience.

19 Q. So you're suggesting that the management at the
20 time of 2009 and '10 lacked experience?

21 A. Yeah, I felt like they did. But as far as
22 explaining how, I can't explain how. It's just my
23 opinion.

24 Q. I understand that quite well. Yeah. But did they
25 --- Mr. Wills, you suggested or testified that was a

1 knowledgeable mining guy and understood mining and
2 understood ventilation. Did the management in
3 2009/2010, did they understand ventilation to your ---
4 in your opinion?

5 A. In my opinion, no, they did not.

6 Q. Okay. And did you ever work with the engineer or
7 see the engineer --- his name escapes me.

8 A. I can picture him, but I can't think of his name.

9 Q. At an office there at the mine?

10 A. Yeah, he was there quite often. A little chunky
11 guy. I can't remember his ---.

12 Q. Lilly.

13 MR. FARLEY:

14 Lilly, Heath Lilly. Is that who you
15 mean?

16 ATTORNEY MCATEER:

17 Yeah. First name?

18 MR. FARLEY:

19 Heath.

20 BY ATTORNEY MCATEER:

21 Q. Heath Lilly? No? Okay.

22 A. No, that wasn't it.

23 Q. Okay. But you would see him from time to time?

24 A. Yeah, he had an office at UBB.

25 Q. Right.

1 A. That's where he sat down and --- I don't know what
2 he done on his computer, but he had an office there.

3 Q. Uh-huh (yes). Did you ever have discussions with
4 him about ventilation or anything?

5 A. No, I did not.

6 ATTORNEY MCATEER:

7 Okay. That's all the questions I have at
8 the moment.

9 MR. SHERER:

10 Want to take a short break?

11 ATTORNEY BAXTER:

12 Okay.

13 SHORT BREAK TAKEN

14 ATTORNEY BAXTER:

15 Let's go on the record.

16 RE-EXAMINATION

17 BY MR. SHERER:

18 Q. I've got a few questions. Do you recall any major
19 gas outbursts at this mine?

20 A. One. I can't remember the year. It's whenever
21 Wendell and Dempsey was running the mines. It was on
22 the longwall panel. I can't recall if we hit a gas
23 pocket or a gas well. I can't recall what happened,
24 but I remember the methane or the gas, whatever it
25 was, it was so great that the guys on the longwall had

1 to get down on the pan line and crawl out because it
2 was depleting oxygen.

3 Q. Oh, jeez.

4 A. I mean, it was that great. And we actually --- we
5 pulled Three North Belt back. And I can't recall
6 which panel it was on, if it was the 15 or 16 or 14.
7 I can't recall which panel it was on, headgate panel,
8 but they redirected all the air up to the longwall to
9 flush it out, and we was down for, I'd say, at least a
10 week.

11 Q. Okay. So that was the first time you were at UBB?

12 A. Yes.

13 Q. So it'd be ---?

14 A. In between 2000, 2007.

15 Q. Okay.

16 A. I can't recall which panel it was on, but I mean
17 everybody knew about it, you know, MSHA, the State or
18 --- you know. But it was massive the amount of gas we
19 hit.

20 Q. Do you know a gentleman back then named George
21 Levo?

22 A. Yes, I think he was engineer or something. He was
23 something for Massey.

24 Q. After that methane outburst or whatever it was,
25 was there ever any meeting or discussion on what the

1 problem was and what the miners needed to do
2 differently, if anything?

3 A. Not that I can recall. Like I said, I was on the
4 hoot owl, and our biggest job whenever that happened
5 was we had to pull that belt back and, you know, reset
6 the tailpiece. And we sealed off part of the mine,
7 not sealed it off but built temporary stoppings and
8 put a set of doors in. And we redirected all the air
9 up to the longwall ---

10 Q. Okay.

11 A. --- to flush it out, out of the face.

12 Q. Okay. And do you recall if there was any problems
13 after that particular instance?

14 A. No. That's the only time I knew of that we did
15 anything of that nature.

16 MR. SHERER:

17 Okay. That's all the questions I got.

18 MR. FARLEY:

19 I have maybe one here.

20 RE-EXAMINATION

21 BY MR. FARLEY:

22 Q. You had testified that it was your responsibility
23 as fire boss to correct items that you entered in the
24 fire boss book when you examined the belts.

25 A. Right.

1 Q. Was this just common procedure or did someone from
2 management direct you or tell you that that would be
3 the case?

4 A. It's common practice for Massey, you know. You
5 know, you're fire ---. Your only duty --- it's not
6 like the Union mines. You just fire bossed. Massey,
7 you know, they expect you if you're not fire bossing
8 to either be greasing, dusting, shoveling, you know,
9 something of that nature.

10 Q. Okay. Now ---?

11 A. Taking care of a beltline.

12 Q. I guess this is something of an opinionated
13 question. Did such a policy possibly discourage some
14 folks from entering violations or hazardous conditions
15 in the pre-shift exam because they felt that they
16 might be overworked if they had to clean it up?

17 A. I can't speak for other people, you know?

18 Q. Okay.

19 A. I don't know.

20 MR. FARLEY:

21 All right. No problem. That's it.

22 ATTORNEY MCATEER:

23 I don't have any other questions.

24 ATTORNEY BAXTER:

25 Okay. On behalf of MSHA and the Office

1 of Miners' Health, Safety and Training, I want to
2 thank you for appearing and answering questions today.
3 Your cooperation is very important to the
4 investigation as we work to determine the cause of the
5 accident. We require that you not discuss your
6 testimony with any person aside from your personal
7 representative. After questioning other witnesses, we
8 may call you if we have any follow-up questions. If
9 at any time you have additional information regarding
10 the accident that you'd like to provide us, please
11 contact us at the contact information that was
12 previously provided to you.

13 If you wish, you may now go back over any
14 answer you've given during this interview. You may
15 also make any statement that you'd like to make at
16 this time.

17 A. No.

18 ATTORNEY BAXTER:

19 Okay. Again, I want to thank you for
20 your cooperation in this matter.

21 A. Thank you.

22 * * * * *

23 EXAMINATION CONCLUDED AT 9:18 A.M.

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1 STATE OF WEST VIRGINIA)

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CERTIFICATE

I, Alison Salyards, a Notary Public in and for the State of West Virginia, do hereby certify:

That the witness whose testimony appears in the foregoing deposition, was duly sworn by me on said date and that the transcribed deposition of said witness is a true record of the testimony given by said witness;

That the proceeding is herein recorded fully and accurately;

That I am neither attorney nor counsel for, nor related to any of the parties to the action in which these depositions were taken, and further that I am not a relative of any attorney or counsel employed by the parties hereto, or financially interested in this action.



Alison Salyards