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Statement Under Oath of Jerry Taylor Martin

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STATEMENT UNDER OATH
OF
JERRY TAYLOR MARTIN

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, C-137, Beaver, West Virginia, on Friday, June 25, 2010, beginning at 10:04 a.m.

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ATTORNEY HAMPTON:

My name is Polly Anna Hampton. Today is June 25th, 2010. I am with the Office of the Solicitor, U.S. Department of Labor. With me is Mr. John Godsey, an accident investigator with the Mine Safety and Health Administration, MSHA, an agency of the United States Department of Labor. Also present are several people from the State of West Virginia. I ask that they state their appearance for the record now.

MR. O'BRIEN:

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

MR. JARRELL:

Dan Jarrell, Office of Miners' Health, Safety and Training.

MR. MCGINLEY:

Patrick McGinley with the Governor's independent investigation team.

ATTORNEY HAMPTON:

There are several members of the investigation team also present in the room today. Mr. Godsey will be conducting the initial portion of

1 the questioning.

2 All members of the Mine Safety and Health

3 Accident Investigation Team and all members of the

4 State of West Virginia Accident Investigation Team

5 participating in the investigation of the Upper Big

6 Branch Mine explosion shall keep confidential all

7 information that is gathered from each witness who

8 voluntarily provides a statement until the witness

9 statements are officially released. MSHA and the

10 State of West Virginia shall keep this information

11 confidential so that other ongoing enforcement

12 activities are not prejudiced or jeopardized by a

13 premature release of information. This

14 confidentiality requirement shall not preclude

15 investigation team members from sharing information

16 with each other or with other law enforcement

17 officials. Your participation in this interview

18 constitutes your agreement to keep this information

19 confidential.

20 Government investigators and specialists

21 have been assigned to investigate the conditions,

22 events and circumstances surrounding the fatalities

23 that occurred at the Upper Big Branch Mine-South on

24 April 5th, 2010. The investigation is being conducted

25 by MSHA under Section 103(a) of the Federal Mine

1 Safety and Health Act and the West Virginia Office of
2 Miners' Health, Safety and Training. We really
3 appreciate your assistance in this investigation.

4 You may have a personal attorney present
5 during the taking of this statement, or another
6 personal representative if MSHA has permitted it, and
7 you may consult with this person at any time. Your
8 statement is completely voluntary. You may refuse to
9 answer any question and you may terminate your
10 interview at any time or request a break at any time.

11 Since this is not an adversarial
12 proceeding, formal Cross Examination will not be
13 permitted. However, your personal legal
14 representative can ask clarifying questions. Just so
15 the record is clear, do you have a personal
16 representative with you here today?

17 MR. MARTIN:

18 No, I do not.

19 ATTORNEY HAMPTON:

20 Okay. Your identity and the content of
21 this conversation will be made public at the
22 conclusion of the interview process and may be
23 included in the public report of the accident unless
24 you request that your identity remain confidential or
25 your information would otherwise jeopardize a

1 potential criminal investigation. If you request us
2 to keep your identity confidential, we will do so to
3 the extent permitted under the law. That means that
4 if a judge orders us to reveal your name or if another
5 law requires us to reveal your name or if we need to
6 reveal your name for other law enforcement purposes,
7 we may do so.

8 Also, there may be a need to use the
9 information you provide to us or other information we
10 may ask you to provide in the future in other
11 investigations into and hearings about the explosion.
12 Do you understand?

13 MR. MARTIN:

14 Yes.

15 ATTORNEY HAMPTON:

16 Do you have any questions?

17 MR. MARTIN:

18 No.

19 ATTORNEY HAMPTON:

20 After the investigation is complete, MSHA
21 will issue a public report detailing the nature and
22 causes of the fatalities in the hope that greater
23 awareness about the causes of accidents can reduce
24 their occurrence in the future. Information obtained
25 through witness interviews is frequently included in

1 these reports. Since we will be interviewing other
2 individuals, we request that you not discuss your
3 testimony with any other person aside from an attorney
4 or a personal representative.

5 As you can see, a court reporter will
6 record your interview. Please speak loudly and
7 clearly. If you do not understand a question, please
8 ask the questioner to rephrase it. Please answer each
9 question as fully as you can, including any
10 information you have learned from someone else.

11 I'd like to thank you in advance for your
12 appearance here. We appreciate your assistance in
13 this investigation. Your cooperation is critical in
14 making the nation's mines safer.

15 After we have finished asking questions,
16 you will then have an opportunity to make any
17 statement or provide us with any other information
18 that you believe is important. If at any time during
19 the interview, I'm sorry, after the interview you
20 recall any additional information that you believe
21 might be useful, please contact Norman Page at the
22 telephone number or e-mail address provided to you in
23 that letter.

24 Any statements given by miner witnesses
25 to MSHA are considered to be an exercise of statutory

1 rights and protected activity under Section 105(c) of
2 the Mine Act. If you believe any discharge,
3 discrimination or other adverse action is taken
4 against you as a result of your cooperation with this
5 interview, excuse me, investigation, you are
6 encouraged to immediately contact MSHA and file a
7 complaint under Section 105(a) of the --- 105(c) of
8 the Act. John?

9 MR. O'BRIEN:

10 Jerry, on behalf of the Office of Miners'
11 Health, Safety and Training, I'd just like to let you
12 know that you do have certain rights against
13 discrimination for participating in this interview.
14 If you should experience any of that, I want to give
15 you this. Under the West Virginia Code 228-1-22
16 (sic), you do have those rights. Here's some contact
17 information of people you can contact if you would
18 experience it. You have 30 days to file a complaint
19 if you experience such discrimination.

20 Also, I'd like to give you business cards
21 for Bill Tucker and Terry Farley. They are our lead
22 investigators. If you have any problems, feel free to
23 give one of those gentlemen a call.

24 MR. MARTIN:

25 Okay.

1 MR. O'BRIEN:

2 Thank you.

3 ATTORNEY HAMPTON:

4 All right. Any questions before we
5 begin?

6 MR. MARTIN:

7 No.

8 ATTORNEY HAMPTON:

9 Okay. Would you please swear in the
10 witness?

11 -----

12 JERRY TAYLOR MARTIN, HAVING FIRST BEEN DULY SWORN,
13 TESTIFIED AS FOLLOWS:

14 -----

15 EXAMINATION

16 BY MR. GODSEY:

17 Q. Mr. Martin, would you state your full name and
18 spell your last name?

19 A. Jerry Taylor Martin, M-A-R-T-I-N.

20 Q. And your home address?

21 A. [REDACTED]

22 Q. And your telephone number?

23 A. [REDACTED]

24 Q. Are you appearing here today voluntarily?

25 A. Yes, sir.

1 Q. Has anyone made any promises to you for giving
2 your statement or offered you any rewards in exchange
3 for making your statement?

4 A. No.

5 Q. Has anyone threatened you or warned you not to
6 provide your statement?

7 A. No.

8 Q. Has anyone from the company or persons
9 representing the company talked to you concerning the
10 explosion?

11 A. No.

12 Q. How many years of mining experience do you have?

13 A. Approximately 10, 11.

14 Q. Did you ever work for David Stanley Contractors?

15 A. No.

16 Q. Just give us a brief description of your mining
17 history, like, you know, when you started up until
18 this time.

19 A. Well, when I first started I worked at several
20 different contracting outfits, bounced around from
21 here to there, and then I was with Performance Coal.
22 I actually started off as a contractor and got hired
23 in shortly thereafter, and I've been with them ever
24 since.

25 Q. Okay. Do you have any certifications or special

1 training?

2 A. No.

3 Q. Are you presently employed?

4 A. Yes.

5 Q. And where would that be?

6 A. Performance Coal.

7 Q. At what mine?

8 A. Well, after the accident when we went back to
9 work, they moved us to Revolution Mine in --- I
10 believe that's in Boone County.

11 Q. And about when did you start at Revolution?

12 A. Okay. I think it was approximately about two and
13 a half weeks after the accident.

14 Q. And your present job title there at Revolution?

15 A. Well, let me try to explain a little bit about
16 what's going on there. Due to the long drive, they
17 were trying to get us back at UBB to help there, and
18 we actually got called back there. And I was going up
19 on the mountain to monitor boreholes and take the
20 readings and call those in. And Revolution was
21 getting ready to move to the longwall, so I was called
22 back to go back down there for a while.

23 And I went there, I think it was last --- I think
24 it was Friday shift. They had a fall on their slope,
25 which is a --- to my understanding, is the primary

1 escapeway. So we exited the mine immediately through
2 the secondary and came back to the mine location and
3 went home.

4 And they were down all week repairing the slope,
5 so I called Wayne Persinger at Upper Big Branch, told
6 him the situation where I could get some work in this
7 week. And so we went back to UBB again, and for two
8 days I cleaned the --- cleaned on the motor bar. And
9 yesterday I went up to the borehole site again. I
10 told them I needed today off and we're going back to
11 --- another buddy and I are going back to Revolution
12 Monday, so I took the day off for this and we're off
13 this weekend. And I go back to Revolution Monday and
14 I don't know what ---

15 Q. So now you're ---?

16 A. --- where I'll end up after that.

17 Q. Okay. So you've been going back and forth between
18 Revolution since the accident?

19 A. Yeah.

20 Q. Okay. All of these following questions I'm going
21 to give you will be all at Upper Big Branch and
22 nothing about Revolution.

23 A. Okay.

24 Q. Okay? What was your first day of employment at
25 Upper Big Branch?

1 A. When was I actually hired in?

2 Q. Yeah, yeah.

3 A. The actual date?

4 Q. Roughly.

5 A. I think my hire date was --- I think it was May
6 13th, 2001.

7 Q. And do you remember what your first job assignment
8 was there?

9 A. It would just be a guess.

10 Q. Okay.

11 A. I think I started. I was just doing outby stuff.

12 Q. Did you work on the track or anything like that?

13 A. Occasionally.

14 Q. Did you ever work on a motor or crew or ---?

15 A. I do now.

16 Q. Okay. Do you remember what area of the mine you
17 visited on the first day?

18 A. Excuse me?

19 Q. What area of the mine did you visit on the first
20 day?

21 A. We called it the Hazy side, which I guess that was
22 called the Hazy Portal.

23 Q. Would that be where the Upper Big Branch Mine is?

24 A. No, sir. It was part of --- it was part of the
25 Upper Big Branch Mine, to my knowledge. That area has

1 been --- I guess it's sealed. I'm not really sure,
2 but there's no work going on over there anymore.

3 Q. Was that several years ago?

4 A. Yeah.

5 Q. Did they take you to a section that day?

6 A. I don't really recall. We're still talking about
7 my first day?

8 Q. Yeah. Yeah, on your ---?

9 A. I remember going to a section to help out and
10 build some stoppings, but ---.

11 Q. And did you receive the Massey Initial Training,
12 their MIT training?

13 A. What was that?

14 Q. Massey training. Is there a company training for
15 new hires?

16 A. Oh, yeah. Yeah.

17 Q. Okay. I'm going to ask you some kind of
18 off-the-wall questions. Do you carpool with anyone or
19 did you?

20 A. Yeah. Yes, I do.

21 Q. Who was that?

22 A. Oh, at that time?

23 Q. No, right now.

24 A. Right now, yes, I do. Ray Ara.

25 Q. How do you spell his last ---?

1 A. A-R-A.

2 Q. And where does he --- what section did he work in?

3 A. He's the same as me. We've been getting bounced
4 around. He's my other motor crew.

5 Q. And what time did you all usually arrive at the
6 mine for your shift as recently as in April?

7 A. Oh, at that time I was not carpooling with Ray.

8 Q. Okay. Well, what time did you usually ---?

9 A. I'd get there, roughly, 10:30, 10:45.

10 Q. And your shift started about ---?

11 A. 11:00.

12 Q. And who's your immediate supervisor?

13 A. Larry Brown.

14 Q. Okay. Now, on April 5th, the day of the accident,
15 what was your job title?

16 A. Longwall utility.

17 Q. And you worked first shift? What shift did you
18 work?

19 A. Third.

20 Q. Third shift?

21 A. Yes, sir.

22 Q. Did you say you worked on the longwall?

23 A. Yes.

24 Q. Okay. Did you travel in with the longwall crew?

25 A. No, sir.

1 Q. How did you get to the section?

2 A. The motor.

3 Q. Did you follow them there or did you come in later
4 or ---?

5 A. Usually later.

6 Q. Okay. What portal did you all travel through?

7 A. The Upper Big Branch.

8 Q. Okay. How many, how many trips would you make?

9 A. One.

10 Q. One trip? What would you usually --- what
11 supplies did you normally carry?

12 A. Usually cribs and timbers.

13 Q. And how many flat cars did you all haul?

14 A. Two.

15 Q. Did you all have to pass through several car ---
16 man doors --- or not man doors, car doors going to the
17 section?

18 A. Yes, sir.

19 Q. What were they --- what were the condition of
20 them, the ones at UB starting on up to the section?

21 A. Well, the first two was good shape.

22 Q. And were they mechanical or manual?

23 A. Push-button, electrical.

24 Q. Okay.

25 A. The second set which was, like, almost when we got

1 to the Ellis Switch was in good shape. Those were
2 manual. You had to get out and open those. And the
3 ones just inby 78 Break, heading toward the longwall,
4 some of them were in rough shape. They had been hit
5 with something. There wasn't any severe --- what I
6 would call severe damage to them, but they were kind
7 of in some rough shape, a few of them were. And there
8 was actually on four sets there.

9 Q. Could you get your full trip in between the
10 airlocks?

11 A. Yes, sir, because we ran two motors and one car on
12 each motor.

13 Q. Okay. What was the mainline on the track? How
14 was it rock dusted or what was the appearance of it?

15 A. It was pretty good.

16 Q. Was you ever on the beltline?

17 A. Not on the main line belts, no.

18 Q. Okay. When you got up to the mouth of the
19 section, how far was it from the end of the track to
20 the longwall face?

21 A. At the last shift?

22 Q. Yeah, the last shift.

23 Q. I'm going to guess we --- the best of my
24 knowledge, we were going to move power the night of
25 the explosion, so they were closer. I'm going to say

1 five breaks. That's a guess.

2 Q. Did the men walk the belt or did they walk ---
3 what entry did they walk through?

4 A. The track entry.

5 Q. Okay. And what condition was it in?

6 A. It was really good.

7 Q. Did you ever get in the belt entry on the longwall
8 face, face belt?

9 A. Yes.

10 Q. How would it appear?

11 A. It appeared good. They had some --- we called
12 them glue guys, come in and take care of some of the
13 bad top that we were getting ready to come into.

14 Q. Okay. What type of roof was it? Was it high in
15 that area?

16 A. In some places. In some places --- you could
17 walk.

18 Q. How long were they there gluing the roof?

19 A. I'm going to say four to six weeks, estimate.

20 Q. Who was the people who were doing it?

21 A. I don't know.

22 Q. Did they have it contracted out?

23 A. Yes.

24 Q. Well, what else did you do after you took --- take
25 us just from taking --- getting to the end of the

1 track with the supplies. How did you get the supplies
2 to the section?

3 A. Well, outby the section we had a forklift and we
4 would unload the supplies outby the mule train and
5 after that we would --- unless they needed something
6 took up to the face, like some bits or some oil or
7 something for the maintenance guys, we'd take that up
8 in a scoop and to the last open break. And if we
9 didn't have to do that, we would go up and recover
10 belt structure for --- and check the structure in
11 front of the tailpiece if another section needed to
12 come out and just do things to prepare for a power
13 move, like get our shearer ropes running and things of
14 that nature.

15 Q. Okay. When you go up to the end of the headgate,
16 do you ever notice the check curtains across?

17 A. Yeah.

18 Q. Or what kind of condition are they even in?

19 A. They usually looked good, nailed to the ribs
20 and ---.

21 Q. Can you tell me, what was the air felt like up
22 there? Was it low or high or the velocity or ---?

23 A. In the last open break it was good.

24 Q. Did you ever go down the longwall face?

25 A. Occasionally.

1 Q. Did you see any --- what was the conditions of it?
2 The floor, was it traveled? Was it a lot of stumbling
3 coal in between the pontoons or ---?

4 A. Well, the last couple of times I went down there,
5 it was a lot of water. We were down there maintaining
6 pumps and discharge line and things of that nature.

7 Q. What type of pumps did they have?

8 A. Electric.

9 Q. Okay. Where would they pump it to? Where were
10 they pumping it to?

11 A. I think they just --- back behind.

12 Q. Behind the longwall?

13 A. I know, from my understanding, they had pumps back
14 there. What we were pumping was going to those pumps
15 and --- it was a lot of pumps, so I don't know where
16 they were all going.

17 Q. Where was all the water coming from?

18 A. That I couldn't tell you.

19 Q. Did you see any floor heaving up there on the
20 longwall face?

21 A. Not at this time, no.

22 Q. What type of mine roof was the cut above --- was
23 above the shift?

24 A. That I couldn't tell you, either.

25 Q. Did you ever watch them run any up there?

1 A. No.

2 Q. You never saw them?

3 A. Third shift rarely run them when they did. Unless
4 we were absolutely needed, we wasn't even up there.

5 Occasionally, and it's been a long time, I've run the
6 headgate.

7 Q. Did you ever go to the tail entry? I mean over to
8 the end of the last shield or ---?

9 A. It had been a while. We had delivered a tail
10 sprocket, which I think --- and it's just an estimate
11 of maybe three weeks or maybe a month, something like
12 that, to the --- over in the tail entry for them to
13 change out.

14 Q. Okay. Have you ever seen them or --- describe how
15 they cut the tail out when they're mining. Have you
16 watched them do that?

17 A. No.

18 Q. Have you ever seen them on the head?

19 A. Yes.

20 Q. What procedures do they do there?

21 A. Only thing I'm --- only thing I can tell you, I've
22 seen the drum usually, I believe, cuts the top portion
23 first.

24 Q. Uh-huh (yes).

25 A. And they call it a shuffle, and I'm not too

1 familiar with any of that stuff. You know, it's just
2 kind of back and forth to get their --- I guess to get
3 their notch cut in to proceed back toward the tail. A
4 lot of --- you don't want to be around there. A lot
5 of flying debris. You don't know what may fly and hit
6 you if you're standing around there too close.

7 Q. Do you see a lot of sparks or --- from the bit
8 striking the roof?

9 A. It's been years since I've seen that, seen that
10 happen. I don't remember if I've seen any or not.

11 Q. Okay. What else have you done up there?

12 A. I've been on third shift for, I think,
13 approximately the last seven years.

14 Q. I may have asked you, but forgive me if I ---
15 could you remember which way the direction of the air
16 was traveling on the belt entry?

17 A. Actually, they had built check --- checks on the
18 belt, so that wasn't a whole lot of air moving over
19 there at all.

20 Q. Do you know which way it was traveling? I guess
21 what I was getting at, were they using the belt air to
22 ventilate the face with?

23 A. No, but I think they built checks over there and
24 that pretty much --- at one time it was going inby,
25 going with the intake.

1 Q. Okay. Do you supply any other sections?

2 A. No, sir.

3 Q. Just the longwall?

4 A. Yeah.

5 Q. How do they --- once they --- at night when you
6 all get up there, usually where do you find the
7 shearer? Any certain place they'd leave it or just
8 where they finish?

9 A. I don't know. Like I said, occasionally we would
10 go up to the face, and like I said, that was if they
11 had water to maintain sometimes or something like if
12 they're taking a pump down the line or ---. I hadn't
13 been on the face for a long time before this occurred.

14 Q. You'd bring supplies up there. What are some of
15 the breakdowns they --- what are some of the most
16 breakdowns you had to bring supplies like, you know,
17 pins or ---?

18 A. Gosh, let's see. Well, usually there was a little
19 supply station at the mouth of the wall. We call it
20 wall-mart. We put, like, shearer pins and smaller
21 items like that we would put there, and maintenance,
22 if they needed that kind of stuff, they could get it
23 and put it in the mantrip and take it. Now, as far as
24 any large stuff, I don't recall here recently taking
25 anything major that just stands out in my mind.

1 Q. Had they worked on --- you said you worked the
2 last shift prior to the --- you worked the April 5th
3 shift?

4 A. Yeah.

5 Q. What maintenance did they perform on the longwall
6 that night or ---?

7 A. Now, I'm just going by hearsay, because me and my
8 buddies have talked --- you know, talk about what was
9 our last shift. Me myself, I did not recall until
10 they mentioned it, and then I'm not even sure if that
11 was the correct night or not. It seems to me that it
12 was, but I'm not sure. We delivered a cow blade up
13 there, and they had already had the old one off, and
14 we picked it up, and I believe we put it on the car
15 and brought it outside. I'm not sure if we did or
16 not.

17 Q. How intense is that to replace? Is it hard to
18 replace or do you have any idea?

19 A. I don't know. They seem to --- they don't seem to
20 have a big problem with them. I mean, it's an easy
21 one-shift job unless they run into some --- something
22 --- they had some big problem.

23 Q. Okay. How many maintenance people do they have on
24 the longwall on your shift?

25 A. Three or four.

1 Q. Do they have a certain person in charge of them,
2 like ---

3 A. Yeah.

4 Q. --- an electrical maintenance chief or ---?

5 A. Yeah.

6 Q. And then they have another super --- is it the
7 same supervisor you have or is it ---?

8 A. No, it's someone else.

9 Q. Okay. Now, who was that?

10 A. Let me think. We had two hoot owl crews.

11 Q. Uh-huh (yes).

12 A. And the motor crew, the outby guys like we was on
13 a five on, three off schedule. And they wanted us to
14 work one of our three, so I worked with --- I worked
15 with everybody. And right now I couldn't exactly tell
16 you who was on whose, because I was there a lot of the
17 times. I worked a lot of my days off. But I do know
18 Shan Dickens was one of --- was on one of them. I'm
19 trying to think of who the other maintenance chief
20 would have been. I think Robert Hale, I believe. His
21 nickname's Smokey.

22 Q. What condition do they keep the forklift in, in
23 the scoop?

24 A. Fair.

25 Q. And by fair the ---?

1 A. Well, yeah, our maintenance guys didn't have time
2 to work on things. Usually the dayshift whenever ---
3 I guess whenever they were running coal and they
4 didn't have anything to do. Everything worked. We
5 done the pre-ops and everything, tried to fix what we
6 could, like minor oil leaks and things of that nature,
7 just old ---

8 Q. Yeah.

9 A. --- old stuff.

10 Q. Was your scoop charged pretty much when you would
11 come up on your shift?

12 A. Most of the time.

13 Q. Let's change it a little bit on that. When you
14 were --- back in January, February, describe the
15 ventilation on that section. How did it feel or ---?
16 Cold or ---?

17 A. That's too far back for me to ---

18 Q. Is it?

19 A. --- remember, yeah.

20 Q. Okay. Well, could you tell any difference
21 between, say, the first of the year, then at the end
22 of March or first of April?

23 A. Well, I know they done --- I know they done a lot
24 of changes back in there that I was not a part of and
25 couldn't begin to try to explain what changes were

1 made or anything like that. But down towards the
2 mouth there I --- let me think. I think we started
3 off with Three entry, and I think we got down there.
4 If I recall correctly, I think we went to Four,
5 because I know here at the end we didn't have to put
6 up any doors or anything to supply, because we had
7 that open entry on our right. And the beltline was
8 maintained with the stopping --- the stopping line
9 there. Our track was our main intake.

10 Q. Well, let me phrase it this way. Did you have
11 more, more ventilation before --- before March than
12 you did in April or ---? Could you tell any change
13 that you had less?

14 A. Yeah. Yeah, I believe I --- I believe I did.
15 Without having an anemometer or anything ---.

16 Q. Yeah. Did you ever work long?

17 A. Did you have a methanometer?

18 A. Yes.

19 Q. How'd you maintain it? Did the company keep it at
20 the office or ---?

21 A. No, they actually --- I had a charger at home. I
22 would take it home and charge it.

23 Q. Who calibrated it?

24 A. Well, actually I just recently got it at
25 retraining, and the calibration wasn't even due yet.

1 I was going to get with someone, with my boss or
2 something on the hoot owl and show me, which I know
3 now, but that machine that automatically does it ---.

4 Q. Uh-huh (yes).

5 A. It was a Solaris.

6 Q. Did you ever notice or you ever make notice of
7 people in upper management being in the mine on your
8 shift lately, working when you got there or was going
9 underground?

10 A. No.

11 Q. Do you know of anyone or anybody, like, making
12 changes of the stopping lines anywhere or taking
13 stoppings out and putting stoppings in on your shift?
14 Do you haul ---?

15 A. On our shift?

16 Q. Yeah, did you all haul any extra block or Kennedy
17 stoppings in or ---?

18 A. Well, you know, actually we did haul block in for
19 our power moves, because where we had to maintain the
20 stopping line on the beltline, we would have to knock
21 stoppings over through our cable and hoses and build
22 it back and pull the mule train down, and knock that
23 stopping and replace --- put our hoses and cables in
24 place, and then build that one back. And no one was
25 allowed inby.

1 Q. What would you all do before you knocked that
2 stopping down? Would you put a curtain on the other
3 side or ---?

4 A. No.

5 Q. Did you ever have to put stopping material off in
6 a different part of the mine, like outby or inby, or
7 Kennedy stoppings or ---?

8 A. Well, we ---.

9 Q. In the later days, like March or April?

10 A. I know we couldn't get through the supply doors so
11 we took them and unloaded some at wall-mart that was
12 on the top so we could get --- so we could travel. We
13 wasn't sure that would --- they'd put those doors up
14 and we wasn't sure of the height. And we had block
15 stacked on --- pallets of block stacked on top of one
16 another and we found out we couldn't get through, so
17 we took them and unloaded the top ones there. Best of
18 my knowledge, they were still there.

19 Q. Did anybody talk to you on headgate sections,
20 like, say, Headgate 22 or Tailgate, where their air
21 would have problems with curtains on the ventilation
22 on the section?

23 A. No, I didn't.

24 Q. Have you ever noticed the air change between any
25 shift you were on?

1 A. Well, probably, I'm guessing about two weeks prior
2 to the accident there was a new set of doors put up on
3 the longwall section. And like I said, to the best of
4 my knowledge, our track was on main intake. And they
5 put up a set of --- another set of doors for us to
6 travel through and left ---. Well, the track wasn't
7 in the center of the entry, it was off to the right,
8 because they had their section beltline at one time,
9 the miner section when they drove up through there on
10 the left of the track going in, so the track was way
11 over to the right side of the entry. And the doors
12 were there, and they left out a big portion of what we
13 call a wing wall. If you build the stopping up
14 against the door frame and over top.

15 Q. Would that, like, be for a regulator or ---?

16 A. That would have been my guess.

17 Q. Did you have a lot of velocity going through
18 there?

19 A. Yes, sir.

20 Q. And when do you say they built that?

21 A. I'm thinking approximately two weeks before.

22 Q. Do you know who built it?

23 A. No, sir, I do not.

24 Q. Back again. We'll jump around just a little bit.

25 How was your track maintained from the UB Portal up to

1 Ellis Switch?

2 A. Best track I've ever rode on.

3 Q. And from Ellis Switch on up?

4 A. To the section? Great.

5 EXAMINATION

6 BY MR. O'BRIEN:

7 Q. Just bear with me. I may be all over the place.

8 I may re-ask you a couple questions, so just bear with
9 me.

10 A. Okay.

11 Q. One thing you mentioned a little while ago, you
12 said something about they were gluing top somewhere?

13 A. Yes, sir.

14 Q. Where was that again?

15 A. It was on the beltline on the longwall belt. The
16 actual breakthrough numbers, I couldn't recall.

17 Q. Was it close to the wall or down close to the head
18 or in between or if you remember?

19 A. You mean where the actual longwall face ---?

20 Q. Well, where were they gluing on the beltline? Was
21 it between the --- between the --- between the face
22 and the belt head, roughly where --- where between
23 there were they gluing, the whole distance or ---?

24 A. Oh, no, just certain intersections and areas that
25 looked bad and you could see there was a crack.

1 Q. Okay. Just different places along the beltline?

2 A. Yes.

3 Q. In the intersections?

4 A. Yeah, I think even it may be even in some ---

5 Q. Crosscuts?

6 A. --- some other areas, not in the ---

7 Q. Okay, okay.

8 A. --- not, you know ---. I'm not really sure ---

9 Q. Okay.

10 A. --- where, but I know we moved their air
11 compressors that they were using to drill with and
12 things. We moved it several different times for them
13 to reach certain areas down through there.

14 Q. What kind of glue do they --- how did the glue
15 come? Did it come in drums, 65-gallon drums,
16 30-gallon drums, buckets?

17 A. No, it came in, like, a --- they looked similar
18 like the silver hydraulic oil can.

19 Q. Okay.

20 A. And they were white ones and black ones, and they
21 had to mix the white and the black cans together in
22 their little mixing machine thing they had and pumped
23 it. I don't know what type of glue it was or ---. I
24 don't recall the name of the company or who ---. I
25 know they wasn't from around here. I remember --- I

1 think I remember one of them mentioning they were
2 staying in a hotel somewhere.

3 Q. What shift did they do that on?

4 A. Third.

5 Q. On your shift?

6 A. Yes, sir. And they may have done it on others,
7 but I know they were there a lot of nights that I was
8 there.

9 Q. Did you guys haul any of their supplies in, in and
10 out?

11 A. Yes, sir.

12 Q. Did you notice any warning labels on any of the
13 cans that you recall?

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

15 Q. Were you guys given any specific instructions
16 about any dangers of those materials about don't get
17 it on your skin or don't breath it or anything like
18 that?

19 A. No, but I wasn't going to get it up on me anyway.

20 Q. Did it put off an odor when they were grouting or
21 pumping the roof?

22 A. I don't remember an odor. I don't recall them
23 wearing any --- other than gloves and glasses, I don't
24 remember them wearing any respirators or anything like
25 that.

1 Q. No unusual smells or anything?

2 A. I don't know. I believe I smelled anything.

3 Q. No burning sensation as you passed by there with
4 your eyes or your skin or anything like that?

5 A. No.

6 Q. Okay. You said you had several battery pieces of
7 equipment.

8 A. Yeah.

9 Q. How many chargers did you have?

10 A. I recall three.

11 Q. Were they close to the longwall? Were they down
12 at the mouth or were they close --- did you move them
13 back as you retreated?

14 A. We didn't. Someone on one of the other shifts ---
15 we took care of it, moving the charger.

16 Q. Were the batteries in pretty good shape or did
17 they ever smoke or smell?

18 A. I believe not too long ago they actually replaced
19 the batteries on the scoop, because they were --- I
20 don't know if they were brand new, but they were
21 reconditioned or however you want to put it.

22 Q. Now, you were talking about repairing the longwall
23 and all. Were you aware that --- are you aware of any
24 ranging arm problems they had that last night that you
25 worked? I know that you said --- I think you said you

1 took a cow in and ---.

2 A. Yeah, I believe ---.

3 Q. You believe you did?

4 A. I believe that's what was our last shift we did.

5 Q. Okay. Oh, you said you hauled in --- occasionally
6 hauled in bits for the longwall?

7 A. Yeah.

8 Q. Did you haul any more or less in the last few days
9 or about the same?

10 A. Nothing stands out in my mind as anything
11 different.

12 Q. Nothing ---?

13 A. Nothing out of the ordinary, no.

14 Q. Okay. Were you aware of any methane problems they
15 had on the face at any time?

16 A. No.

17 Q. Hear anybody talk about it?

18 A. Uh-uh (no).

19 Q. Did you ever hear anybody's methane detector go
20 off alarm-wise?

21 A. No.

22 Q. Did you ever help --- did they have a headgate
23 operator? You didn't operate on third shift; correct?

24 A. No.

25 Q. Okay. But you did help remove structure and

1 things like that?

2 A. Yes.

3 MR. JARRELL:

4 Okay. That's all I have right now.

5 EXAMINATION

6 BY MR. MCGINLEY:

7 Q. Mr. Martin, you said you had 10 or 11 years of
8 mining experience?

9 A. That's correct.

10 Q. And how many at UBB?

11 A. I've been with them just over nine years.

12 Q. So you would have started around 2001?

13 A. Yes.

14 Q. Do you remember back around 2003, 2004 there were
15 methane bursts at the longwall that caused everybody
16 to be withdrawn from the mine for a couple of days?

17 A. I'm not sure of the years, but I was on the
18 longwall at that time. And we were on a unique
19 schedule. At one portion during the month we would be
20 off six days in a row, and my crew and I were off
21 there and then we had heard that --- from my
22 understanding of what I heard was a crack in the
23 bottom opened up on the longwall face somewhere, and
24 the best of my recollection, I think we were down
25 three or four days until that finally bled off

1 completely.

2 Q. Did that happen twice, that you recall, in 2003,
3 2004 or roughly in that time frame?

4 A. It could have possibly, but I do remember at least
5 one, recall that.

6 Q. Okay. In safety meetings or training, did anybody
7 talk to you about that having occurred and any
8 additional precautions that you would have to ---
9 would have to take?

10 A. I don't recall any.

11 Q. Do you recall anything changing at all after those
12 incidents of methane outbursts in terms of, you know,
13 the way you usually did your work?

14 A. Well, maybe the face crews with the outby, like
15 our --- I don't recall getting any, receiving any
16 special instructions or anything, but ---.

17 Q. Was that a matter of conversation among guys that
18 worked on the longwall or with the longwall crew at
19 the time? I mean, it was obviously kind of unusual to
20 have gas fill the whole mine.

21 A. Well, I'm sure there was, but I don't --- that's a
22 long time ago.

23 Q. Sure. It was sort of forgotten until this
24 explosion happened?

25 A. Yeah. Well, the longwall, we've just been back up

1 there maybe approximately a year.

2 Q. It started last September, around last September?

3 A. I believe somewhere around that neighborhood.

4 Q. So have you been doing the same --- in the same
5 basic job responsibilities for how long?

6 A. Approximately seven years.

7 Q. Seven years. And that would be longwall
8 maintenance or what?

9 A. No, the third shift was outby, haul --- we'd haul
10 supplies and ---

11 Q. Okay.

12 A. --- recover belt structure and just anything outby
13 needed done, get ready. We would be responsible for
14 moving the power moves.

15 Q. You mentioned doors that were built up at the
16 longwall shortly before the explosion.

17 A. Yeah.

18 Q. Who typically would build doors or repair doors,
19 if you know?

20 A. I'm not sure who put those up or who was
21 responsible for maintaining those.

22 Q. Who would it logically be? I mean, would you have
23 any kind of sense of that that might help us?

24 A. Well, logically, I would think someone on the
25 third shift would do that type of thing.

1 Q. Uh-huh (yes).

2 A. But now --- thinking back now, I might have --- I
3 may have been off and somebody on third shift put
4 those up on one of my days off. I just remember ---

5 Q. Sure.

6 A. --- coming in and there they were --- something
7 new was put up. So then when I said third shift
8 didn't put it up, now, I may want ---

9 Q. Sure.

10 A. --- to go back and say it, because you know, I
11 wasn't there every single night.

12 Q. Sure. I understand.

13 A. But typically, I would think someone on third
14 shift would have put those up, but ---.

15 Q. Had there been doors in that place before or were
16 those totally new? I mean ---?

17 A. Those were totally new to me. I don't recall any
18 doors being in that exact location before.

19 Q. We have a map here. I wonder if you might ---.

20 A. I can take a guess.

21 Q. Sure. I'm just looking for a general idea.

22 A. I'm trying to remember. I know there was some
23 overcasts down that way. Let me see. Where am I at
24 here?

25 MR. GODSEY:

1 Here's the headgate approximately.

2 A. Okay.

3 MR. GODSEY:

4 Right here. And that's the belt.

5 A. Are these the breakthrough numbers here?

6 MR. GODSEY:

7 Uh-huh (yes).

8 ATTORNEY HAMPTON:

9 This may help.

10 A. I left my glasses at home. I'm going to say
11 approximately those doors were at between 12, 12 and
12 13 Break in the track entry.

13 MR. GODSEY:

14 On Headgate One North?

15 ATTORNEY HAMPTON:

16 Yes, on Headgate One North?

17 A. Yes.

18 ATTORNEY HAMPTON:

19 Okay. Could you circle the area and draw
20 a line out and write the word door in blue?

21 A. Uh-huh (yes). Can I mark two places?

22 ATTORNEY HAMPTON:

23 Sure.

24 A. I'm almost sure they were either in this area,
25 both sets, or in this one.

1 MR. GODSEY:

2 And were the regulators with them, too,
3 also?

4 A. Well, like I said, the door of the track was on
5 the right-hand side of the entry, and the doors were
6 there. And a large portion we would normally fill
7 with block was left open intentionally.

8 MR. MCGINLEY:

9 Okay.

10 ATTORNEY HAMPTON:

11 I'm marking this map at the scale 1/200
12 map of the longwall area that the witness has just
13 marked. I'm marking this as Exhibit Number One,
14 Martin, dated 6/25/10.

15 (Martin's Exhibit Number One marked for
16 identification.)

17 BY MR. MCGINLEY:

18 Q. So were these completely new doors?

19 A. Yes.

20 Q. They hadn't been there before?

21 A. Correct.

22 Q. What, if you know, was the purpose of those doors?

23 A. I have no idea unless it was to serve as a
24 regulator to --- I guess to keep all the air from
25 going to the wall and not letting any get to the

1 section. I'm not really sure.

2 Q. And did I understand you correctly that you had
3 the doors, but there was an open part of the track
4 entry where air would flow through?

5 A. Correct.

6 Q. Did you transport those doors?

7 A. No, sir.

8 Q. Who would ordinarily do something like that?

9 A. To me, I would think a third shift person or
10 persons would normally do something like that. But
11 like I say, if --- like I say, if it was on the --- if
12 it was done on third shift, I wasn't there.

13 Q. Right.

14 A. But I don't know who. I don't have any idea who
15 put those up or ---.

16 Q. Was it pretty much of a surprise to find them
17 there?

18 A. Yes.

19 Q. Did it make sense to you they had doors there?

20 A. Not at first. Like I said, I don't really know
21 how they were ventilating, and we already had a whole
22 lot of doors to go through and a lot of doors.

23 Q. Right. And were they automatic doors?

24 A. No, sir.

25 Q. You had to get out and ---?

1 A. Correct.

2 Q. Were they easy to close? They were new.

3 A. Well, they were brand new but they had some air
4 pressure on them, so you had to put forth some effort.

5 Q. Do you remember which way the air was going?

6 A. Inby.

7 Q. Which way did the doors open?

8 A. They opened outby ---

9 Q. Outby.

10 A. --- where the air was holding them closed.

11 Q. There were some other doors there, too. I think
12 you said at 78 Break.

13 A. Yes.

14 Q. You know, the airlock doors.

15 A. Yes, sir.

16 Q. Were they pretty banged up?

17 A. There was one that the corner was kind of mashed
18 or smashed pretty good on it. It didn't leave a big,
19 giant opening. A man couldn't and something like that
20 couldn't crawl through it.

21 Q. It was a hole?

22 A. Yeah, it was kind of bent up. But there wasn't a
23 whole lot of air pressure on those doors anyway.

24 Q. Do you know which way the air was flowing?

25 A. I think --- to the best of my knowledge, I believe

1 it was coming inby, also.

2 Q. Would the doors open inby, as well?

3 A. Two sets open --- I believe our intake crossed the
4 track there, and the ones facing the air pressure
5 would open toward, toward the air pressure.

6 Q. Which would be ---?

7 A. The first set I believe opened inby, and the set
8 inby that opened outby against the pressure.

9 Q. And that would have been the doors at 78 or
10 somewhere around there?

11 A. Yes, just inby 78.

12 Q. Were those doors ever replaced in your
13 recollection?

14 A. I don't know if they were or not.

15 Q. Were they supposed to operate automatically and
16 they didn't?

17 A. Yes.

18 Q. Were there any of the doors that were supposed to
19 operate automatically that actually operated
20 automatically?

21 A. Yes, one, one, one set or actually two, two sets.

22 Q. Uh-huh (yes). Right.

23 A. I call two doors a set. You got to open both of
24 them. The ones when you first went underground,
25 approximately, from the UBB Portal 12, 12 to 15 breaks

1 in, those usually worked.

2 Q. Twelve (12) or 15. The ones in by 78 Break there,
3 would they sometimes when you closed them they would
4 come open again? Would you have to go back and close
5 them?

6 A. Yes.

7 Q. Did you ever see them --- get there and see them
8 partially opened?

9 A. I believe on occasions. Not very often.

10 Q. Sure.

11 A. I know one of the doors had a rubber cover on it.

12 Q. All of it or just as a seal?

13 A. Just like a seal on the edges, and if you close
14 the one without it and closed that one last, it would
15 hold. If you closed them backwards, it kind of left a
16 gap, and then they'd tend to ---?

17 Q. Swing open?

18 A. Swing open a little bit, yeah.

19 Q. Did you talk to the Massey lawyers at all after
20 the explosion?

21 A. Yes, sir.

22 Q. Did you go down to the Office of Marfork or do it
23 at UBB?

24 A. No, I was at Revolution at the time and they come
25 there. And actually, I think that was my day off and

1 I drove down, but some of the guys they talked to
2 after their shift was over.

3 Q. Right. That's what happened. I understand it ---
4 was it just you and two lawyers?

5 A. Correct.

6 Q. And how long did that interview last?

7 A. I'm guessing 30, 45 minutes.

8 Q. So they were basically asking what your job was
9 and --- is that right?

10 A. Right. Well, they asked about --- well, I ain't
11 supposed to tell you.

12 Q. Okay.

13 A. About doors and stuff like that, ventilation type
14 questions.

15 Q. But you are supposed to tell us. Did they say not
16 to?

17 A. Oh, no. I don't think they said it's
18 confidential.

19 Q. Yeah. Well, it's okay to talk to us, because
20 you're under oath here.

21 A. Oh, okay.

22 Q. And anything you say could ---.

23 A. Okay, okay. Then basically the types of questions
24 I'm getting asked here today, if there was anything
25 strange that I remember going on before this and ---

1 there.

2 Q. Right. Well, you know what we're trying to do is
3 just put pieces of the puzzle together and try to
4 figure out what happened.

5 A. Right.

6 Q. And I'm sure the Massey lawyers are trying to do
7 the same thing. Did you think of anything to tell
8 them that you thought was unusual that they ought to
9 know?

10 A. Really --- really nothing.

11 Q. Did they ask you whether you had any ideas of what
12 might've caused the explosion?

13 A. I don't recall if they asked me that or not.

14 Q. Okay. So I'll ask you that.

15 A. Well, one, before they ever found that crack
16 because of the earlier incident that you asked me
17 about earlier, that was one of my speculations.

18 Q. And any --- what other speculations did you have?
19 We're getting a lot of ideas from people, and we're
20 trying to put them together and see if ---.

21 A. Well, another --- just another one of my
22 speculations, maybe some way or another gas built up
23 in the gob area behind the wall. That's a lot of
24 area, and from my understanding that was one heck of
25 an explosion, so that had to have been a big, a large

1 buildup. And that's the only place in my mind where
2 you can have a buildup and it be undetected. Because
3 everywhere else there's people ---

4 Q. Right.

5 A. --- with detectors walking around. And if it's
6 going to go off --- and in my mind, if --- that would
7 have been my first guess. Right behind the longwall
8 somehow it got built up.

9 Q. Did you know that there was a lot of water in the
10 gob behind the longwall?

11 A. Yes. I didn't actually see it, but I had heard.

12 Q. Did you see anybody, like, wearing waders?

13 A. Yeah. Actually, my crew. I was working with the
14 other crew. We did deliver a pump to 70, 73 or 78
15 Break back a while back ago, quite a while back ago.

16 Q. Would that have been on the tailgate?

17 A. No, sir. It was on the head side back in there.

18 Q. Okay.

19 A. And actually, I think I --- I think I had some
20 waders on.

21 Q. So you had to wade through some water?

22 A. Yes.

23 Q. I mean, we heard that water was --- some places
24 the entrance was roofed out. A lot of places it was
25 waist high.

1 A. I recall walking through areas, the water was
2 probably an inch to probably about my waist.

3 Q. Up to your waist? Did the waders fit? We talked
4 to somebody who had size 13 shoes and size 10 waders.

5 A. I got lucky. Mine fit pretty well.

6 Q. So there were folks, people operating the pumps
7 back there in the gob. Would they have had spotters
8 or taken air, air readings back there?

9 A. I would think so.

10 Q. Do you ever hear anybody talk about lack of air or
11 methane problems back there in the gob?

12 A. No.

13 Q. Did you know some of the entries were roofed out
14 so the air couldn't get through?

15 A. No, I wasn't aware of that.

16 Q. Had you known that, would that have been a
17 concern?

18 A. Yeah, absolutely.

19 Q. So some people operating those pumps were going in
20 some deep water and hauling them by hand?

21 A. We did that once on that side and we never had to
22 go there and do anything like that again, so I was
23 just under the assumption it would have been took care
24 of.

25 Q. Did you know the longwall was down for a couple

1 weeks because of high water right at the face where
2 the shearer was?

3 A. I remember going up there and we were setting
4 pumps, but I don't recall if they were running or not.
5 But I was on the face and we was repairing discharge
6 line and changing out pumps and things of that nature.

7 Q. So they had pumps up there ---

8 A. Yeah.

9 Q. --- at the face? So you must have had some water?

10 A. Oh, yeah.

11 Q. Did you see any when you were there?

12 A. Any water?

13 Q. Yeah.

14 A. Yes.

15 Q. About how deep was it?

16 A. It wasn't overtop of the backboards, at least
17 where I was. And I didn't go all the way to the tail,
18 but they had a swag and we went up there and was
19 repairing some discharge line. And I walked on the
20 rack bar to stay up out. I wasn't in the actual
21 walkway, ---

22 Q. Right.

23 A. --- because I didn't have waders on at that time.

24 And I stayed out of it, but if I was in it, I'd say

25 --- it was up to my knees or maybe over.

1 Q. Okay.

2 A. It would have been over my boots.

3 Q. And that was this spring --- winter, spring?

4 A. Been a while back. I couldn't tell you.

5 Q. How about just ballpark, rough, give or take a few
6 months?

7 A. I'd say probably four or five months, I guess.

8 Q. Sure. Well, thanks. You said in answer to one of
9 the questions earlier that you didn't see floor
10 hooving at this time, so have you seen it other times
11 or places?

12 A. Yes, sir.

13 Q. How about in the last year or so?

14 A. I believe, on the tail entry of this section where
15 we had delivered that tail sprocket, it looked to me
16 like one of our motors wouldn't clear. The canopy
17 would not clear, and it looked to me like the bottom
18 had pushed up in a natural --- and lifted the track
19 and created a smaller clearance to the mine roof.

20 Q. So they'd have to do some work to clear that?

21 A. We lowered the canopy on the motor.

22 Q. So how much did it hoove up? Would you just
23 estimate or guesstimate?

24 A. Well, I don't really know what it was like before.

25 Q. Sure.

1 A. I hadn't been up there before. Four or five
2 inches, maybe, maybe more. Like I said, I hadn't been
3 up ---

4 Q. Right.

5 A. --- there before, and I'm assuming they had motors
6 up in there when they were driving. And they cleared
7 then and they wasn't clearing now, so ---.

8 Q. Sure. When would that have been, fairly recently?

9 A. Probably maybe a couple of months before the April
10 5th.

11 Q. Okay.

12 A. Now, it could have been --- it could have been
13 hooved for a year --- a year or more.

14 Q. Well, yeah.

15 A. But like I said, I had never been up there before.

16 Q. Well, if they were set up, they had to have
17 clearance. They weren't ---.

18 A. They had at one time, you'd think, yeah.

19 Q. That little supply station, the wall-mart, did you
20 ever see welding tanks up there?

21 A. No.

22 Q. Where did they keep the tanks for doing the
23 welding at the longwall?

24 A. Usually when we would take fresh ones in, we would
25 take them up to the tool car, and they had locations

1 where they'd be on a tool car, out of the way where
2 you wouldn't --- it wouldn't get damaged.

3 Q. I see. And they were left on the tool car or
4 unloaded?

5 A. Well, that's where we left them.

6 Q. Okay.

7 A. The new ones, and then transport them just
8 outside.

9 Q. So if somebody was going to use them, they'd come
10 there and ---

11 A. Yeah.

12 Q. --- take them wherever?

13 A. Right.

14 Q. Okay. Now, you said --- what is it you had ---
15 what is it that you were charging at home, a methane
16 detector?

17 A. Correct.

18 Q. You said, I just recently got it at retraining.

19 A. Correct.

20 Q. Did you have one before that time?

21 A. No, sir.

22 Q. So who on your shift had one, if you know?

23 A. I know at least one of the maintenance guys had
24 one, the maintenance chief, and my immediate
25 supervisor had one. So I know there was at least two,

1 and there could possibly have been --- some of them
2 other guys that done the welding and stuff like that,
3 I'd say they may have had one, too.

4 Q. Did you ever do welding?

5 A. No.

6 Q. Were you ever off by yourself without a detector
7 sometime?

8 A. Not far up. No, we wouldn't go way back in there
9 or nothing without having one.

10 Q. Okay.

11 A. But yeah, around the normal --- our little work
12 area, yeah.

13 ATTORNEY HAMPTON:

14 We've been going a little over an hour
15 now. Maybe we could just take a quick break?

16 MR. MCGINLEY:

17 I'm done anyway.

18 ATTORNEY HAMPTON:

19 Okay. Great. Let's just take a quick
20 break. We're off the record.

21 SHORT BREAK TAKEN

22 ATTORNEY HAMPTON:

23 All right. Let's go back on the record
24 and resume questioning.

25 RE-EXAMINATION

1 BY MR. GODSEY:

2 Q. Okay. Jerry, you marked on a map there on the ---
3 outby the longwall the doors that you said you found
4 were installed where the hole was in the side of it.
5 Do you remember what --- approximately what day that
6 you found those? Do you remember when they were
7 installed?

8 A. I'm thinking it was, best of my memory, maybe 10
9 to 20 or 10 to 15 days before April 5th.

10 Q. And I asked you earlier. You said that they made
11 a --- first of the year, January and February, they
12 had quite a bit of air, I think you said, on the
13 longwall. Then after the March, middle of March, what
14 --- could you tell how --- about how much air was
15 decreased from the section, from the longwall face?

16 A. I don't know about the face, but you know, all
17 that air ---. Like I said, we had ---. I'm not sure
18 ---. By looking at this map --- I'm not really good
19 with maps, but all our air at that one time was coming
20 straight up the track, and somewhere down in this
21 area, there was no stopping line between the track
22 entry and the Number Three entry. So that let that
23 air give it more room to spread out so it wasn't all
24 in one straight jet --- jet line coming through there.
25 So once we got past that area, it decreased

1 because it was coming up two entries there. And then
2 somewhere back here it was sweeping back down the one
3 or maybe just coming straight across the face right
4 there.

5 Q. Did anyone say anything to you about after they
6 installed those doors about having less ventilation on
7 the longwall?

8 A. No. As far as I know, they still had whatever
9 they needed to run, whatever was in the plan.

10 Q. And did anybody in the bath house or anything talk
11 to you about on Headgate 22 or tailgate about being
12 --- air being more or less?

13 A. No, sir. Those guys, Dino's crew and all that,
14 they were portaling at Ellis at this time, so I didn't
15 --- it was kind of like a ghost town on our side on
16 the midnight.

17 Q. Okay. You said you worked on the longwall before.
18 How many shearer operators do they usually have on a
19 section shift?

20 A. Usually two.

21 Q. And they float at each other for ---?

22 A. No, one runs the head and one runs the tail.

23 Q. Okay. How many methane monitors are positioned on
24 the longwall, or on the machine in the longwall?

25 A. Oh, I have no idea.

1 Q. You was talking about, earlier about --- have you
2 ever --- say, have you ever been back towards the
3 Bandytown fan inby the longwall?

4 A. A long time ago when we were setting up, we went
5 down in here I couldn't begin to tell you. I kind of
6 remember maybe turning off air, but we were setting
7 props to keep that open, I'm assuming for the air.

8 Q. Okay. Describe the area. Well, we was talking
9 earlier about floor heave or hoove or --- was there
10 much of that back there?

11 A. I don't remember seeing any of that back in there.

12 Q. What about the roof conditions?

13 A. Good.

14 Q. Ribs and ---?

15 A. Yeah, everything was --- I don't recall any bad
16 looking areas around them.

17 Q. Water?

18 A. Puddles.

19 Q. What was the mining height there?

20 A. Excuse me?

21 Q. The mining height?

22 A. The height? I don't remember ever having to bend
23 over. Some of the props and things we had to add ---
24 I'm assuming they were --- there were some areas
25 probably eight foot or better we had to add some wood

1 on the bottoms or the tops.

2 Q. Excuse me, did you ever work on a section
3 developing any of those Headgate One North or Tailgate
4 One North? Did you work on the section?

5 A. No, sir. No, sir.

6 Q. Okay. And were you in those areas as those areas
7 were being developed?

8 A. No. No, when we first started setting up the
9 wall, they were --- the miner sections, they were way
10 in the mines there.

11 Q. Has there ever been any shooting or blasting in
12 behind the longwall?

13 A. Shooting trenches or anything? Not that I know
14 of. We never delivered any powder or anything or air
15 guns or drills. I don't recall on this section doing
16 that.

17 Q. Say, in the last six months?

18 A. Nothing comes to mind. I think so, but I remember
19 we took the air compressor up there and it seemed to
20 me like there was some ---. I can't remember if the
21 air compressor was for a drill or for them guys who
22 was putting --- installing that glue. I'm not saying
23 that we didn't, but I don't recall on this panel doing
24 it.

25 Q. Where was that air compressor positioned?

1 A. At the last location I remember, I'm believing it
2 was at just off the track at 15.

3 Q. Could you mark that on the map for us, please?

4 A. Yes.

5 Q. Just label it air compressor.

6 ATTORNEY HAMPTON:

7 I'm handing you the pink marker.

8 A. Now, this is just my recollection.

9 WITNESS COMPLIES

10 ATTORNEY HAMPTON:

11 The witness has indicated on Exhibit One

12 where he believes the air compressor was in pink.

13 BY MR. GODSEY:

14 Q. Okay. And you also told us that you ---.

15 ATTORNEY HAMPTON:

16 Is the air compressor still there?

17 A. I believe so.

18 BY MR. GODSEY:

19 Q. Was it on your last shift? It was there?

20 A. I think it was. I don't think we --- to the best

21 of my knowledge, now, we run our shearer rope. We

22 busted a small hole in that stopping and run our

23 shearer rope over the belt and we had it running,

24 because, like, we were going to move power the next

25 night. And I remember going back down there and

1 filling that hole back up, and that compressor was
2 there, and we were wanting to get it moved so it
3 wouldn't be in our way. And I don't know if we --- I
4 don't know if we moved it or not. I can't remember.

5 Q. And is that the same compressor that the people
6 who were grouting the mine roof used?

7 A. Yes.

8 Q. Do they have some --- what size of compressor is
9 it?

10 A. Oh, gosh.

11 Q. How many horsepower or what ---?

12 A. Oh, I don't know about that.

13 Q. Okay. Was it maintained while those people were
14 using it? Was someone in location around that area?

15 A. Yes. Yes, that's where they had their device.

16 They took --- put the glue in and I guess it was the
17 air pushing the glue through. They went through the
18 --- they usually positioned that near a man door. And
19 they had hoses and stuff and gadgets I've never seen
20 before they'd stick up in the hole, and the glue would
21 go up through there and you see it coming out of
22 cracks and around. Some of the, some of the torque
23 tension bolts aren't fully grouted and it ---

24 Q. Right.

25 A. --- would come down and hang over the plates. It

1 was like icicles hanging in some places.

2 Q. Okay. So was it manned constantly while they were
3 running it or using it?

4 A. Yeah, they were right there. That's where their
5 machine was. I think there was usually about two guys
6 there.

7 Q. When was the last time that you observed them
8 installing the grout in the roof?

9 A. The glue?

10 Q. Yeah, the glue. Yeah.

11 A. They were done that last shift we worked. I don't
12 remember them being up there. To my best guess, they
13 had been done a week, give or take.

14 Q. Were their barrels still left up there?

15 A. I believe we loaded what was their leftover stuff
16 and the garbage they left behind, the pallets and
17 stuff. I believe we'd done brought all that outside.

18 Q. So you say that they had --- a lot of it oozed out
19 and ---?

20 A. It would come out some cracks and around bolts.

21 Q. Well, what area --- how much distance, area had
22 they grouted?

23 A. That I couldn't say. I wasn't there. I know they
24 drilled --- they were drilling several holes, and
25 they'd take these rods and they'd screw together

1 somehow or another and they'd put that up in the hole
2 and they would ---. I had to have the walkie-talkie
3 and say, start pumping, or whatever they do, and would
4 pump that glue up in the hole they had drilled, and it
5 would just find --- find its way through the cracks
6 and ---.

7 Q. Did you see much of where it fell --- came on the
8 floor, mine floor?

9 A. Not a lot.

10 Q. And how much would you see?

11 A. Maybe a few puddles, because I would pick ---
12 after it hardened, I picked it up like a Frisbee,
13 about the size of a Frisbee. And you know, I was just
14 curious. It was rubbery. I was seeing what they was
15 putting up in there.

16 Q. Did the company have any safety concerns about
17 that, safety things about handling or using that glue?

18 A. No.

19 Q. Grout?

20 A. No, not that I remember.

21 Q. Now, who was in charge of doing that?

22 A. The glue crew had a supervisor or a boss. Now, I
23 don't know --- I don't know who they were. Like I
24 say, I think they were from out of state. I've heard
25 they were all staying in a hotel.

1 Q. Do you know what state they were from?

2 A. I talked to one of them and they had offices in
3 several states, and I think they mentioned Ohio,
4 Pennsylvania and maybe even Virginia, I believe.

5 Q. Did anybody ever make any --- did it affect
6 anybody --- any person have any affect on them, health
7 concerns or anything like that?

8 A. No. Like I said earlier, I never smelled any odor
9 from it or anything like --- you know, naturally I
10 wasn't going to let any of it get on me. I wasn't
11 actually handling it. I just carried the can, you
12 know, dealt with it a little. I didn't open none of
13 them, pour none of them or --- they had their own
14 crew. We wasn't part of that. They had it contracted
15 out. We just brought their stuff in for them.

16 Q. About how many barrels did you totally bring in?

17 A. I think there --- they were on pallets. Like I
18 said, they was about the size of an oil bucket, about
19 five gallons, but they were a lot heavier. Like,
20 you're thinking about the size of a hydraulic oil can.
21 They were a lot heavier than the normal, what would
22 you think is denser product in it. And we brought in
23 eight or ten pallets, and they were stacked pretty
24 high. I'd guess they was probably 20 or 30 cans on
25 each pallet.

1 And some were white and some were black. And by
2 theirselves --- like an epoxy. They used that epoxy,
3 because you got to mix the two together for them to
4 harden, and I guess we brought in half white cans and
5 half black, because I guess they mixed it half and
6 half, I'm assuming.

7 Q. Did any of the company --- UBB personnel help
8 them?

9 A. No.

10 Q. Have you ever discussed any safety concerns or
11 anything with management, problems you had?

12 A. Not lately. Let me think. If we seen something,
13 you know, that needed a timber or something, we'd put
14 it in there, nothing major.

15 Q. Anybody you know of that has made a complaint to
16 upper management, something about safety concerns?

17 A. No.

18 Q. Do you know anyone that's called the Massey 800
19 number?

20 A. No.

21 Q. No. How about the MSHA hotline?

22 A. No.

23 Q. When you all moved power, what would you all do?
24 What would be the normal procedure when you moved the
25 power on a section?

1 A. Well, we'd get up there after the evening shift
2 had quit running. Usually one of the maintenance guys
3 would go down wherever our main power come in and shut
4 the power off everything. And we would --- well, what
5 we call break down the mule train. They had lights
6 hanging. We'd take the lights down, lay them up on
7 the mule train and get the rubber mats and things that
8 go up on the --- and just get it ready to be pulled.
9 And then we had a --- a couple of us would start
10 work on the water --- waterlines, shut the water off
11 and start taking that apart. And I was usually
12 running the scoop and would come in and knock as
13 little of the stopping as we could in order to get our
14 hose and cables through it. And then we would build
15 it back and usually have the spray foam kit and get
16 that back in place.
17 And then the next step, I believe we pulled the
18 monorail with the shearer rope and get it in place.
19 And we'd pull the mule train down, and then I would
20 get
21 --- bring the scoop up and knock a portion of that
22 stopping out, and then we would get our hoses and
23 cable stretched back over to the end of the belt entry
24 and hooked up, and then we would rebuild that
25 stopping.

1 And we would usually install --- if there wasn't a
2 man door already there, we would usually install a man
3 door there so if anybody needed to go over and check
4 something, they would have access. They wouldn't have
5 to go real far out of the way to find a man door to go
6 check on things over there.

7 Q. How often would you be asked to move the power?

8 A. It'd just depend on how well they were running.

9 And it seemed to me like they were --- the last month
10 before the accident, they kind of slowed down on us.
11 It seemed to me like we were moving about once a week
12 or once every two weeks, and it kind of slowed down.

13 Q. Well, what kind of conditions were they?

14 A. Seemed somebody --- just something that I recall
15 hearing, they were hard cut, hard cutting.

16 Q. Would that be cutting into rock?

17 A. Down towards the tail, yeah. A lot of rock, but I
18 don't know that for a fact. That's just what I
19 believe. I remember hearing something about that.

20 Q. You talked about earlier when you pulled power
21 before you started moving the power, electricians and
22 maintenance foremen went down outby the next break,
23 the next box or whatever and de-energized it. How did
24 you all communicate between each other that --- when
25 the power was out? How'd they maintain --- you know,

1 what did he do to keep, to make sure that nobody put
2 the power back in?

3 A. I believe he locked and tagged, tagged it out,
4 because one time somebody was going to go put the
5 power in, and I remember someone saying, no, so and so
6 has to do it or get the key from him or something.

7 Q. Say you've got the power already moved and you're
8 ready to get energized and the person who took the
9 power out, would go out --- would you all have
10 communication between each other before he --- make
11 sure everybody was clear?

12 A. Yeah.

13 Q. Would you all do that?

14 A. Usually the mine phone.

15 Q. Do you all ever use radios up there?

16 A. Yeah.

17 Q. Did you use it during your belt, belt moves?

18 A. Yes.

19 Q. And you said that they had battery chargers up
20 there. Usually where would they keep the battery
21 chargers?

22 A. Usually somewhere close to the mule train, which
23 was our power source. When we would move power, we'd
24 usually just take the --- remove the cat heads and get
25 the cable and stuff out of the way so when we moved,

1 they wouldn't get damaged. And usually they would be
2 --- that's where we'd leave them after ---. Usually
3 it'd take all shift to move power, and then --- and
4 after power we'd work on the track, recovering the
5 track inby the mule train. And then shift --- you
6 know, time to go, we left. And we'd come back. The
7 chargers would already be moved up. And usually not
8 --- usually not --- sometimes not the next shift, but
9 usually we didn't fool with moving the chargers. They
10 had utility men on the production crew that usually
11 done that. I believe they done that.

12 Q. Well, you know, how did you all charge the
13 batteries? Did you charge them on the machine or did
14 you take them off or ---?

15 A. On the machine.

16 Q. You never --- how did you charge them? How did
17 you set up to charge them, the groundings and stuff?
18 When you was putting a scoop on charge, what would you
19 normally do? How would you hook it up to the charger?

20 A. Well, it would have the grounding clamp. Usually
21 you'd put it on the machine or on the battery and just
22 unplug the charging plug.

23 Q. Do you always do that with the grounding?

24 A. Oh, yeah. And make sure the battery's lids was
25 raised. We'd get jumped on if it wasn't.

1 Q. Did you all have any fire protection for that?

2 A. Yes, I recall some new stuff they'd put. They'd
3 hung it from the top, a fire suppression, parked the
4 batteries underneath those.

5 Q. Did you have much problems with the battery
6 charger? Did you ever ---?

7 A. No. Well, one --- the scoop charger there for a
8 while would knock the breaker all the time, so we'd
9 come in a lot of times to a dead scoop. Somebody
10 plugged it up and the breaker would knock, so there we
11 was still stuck with a dead scoop. I think that was
12 correct.

13 Q. Where'd you say they were located usually?

14 A. Just different locations, but usually in a
15 crosscut wherever the mule train would be setting. We
16 had a hauler charger, a scoop charger and a forklift
17 charger. Now, the forklift charger was usually outby
18 the mule train, but always within cable reach.

19 Q. Usually what distance was it outby the longwall
20 face?

21 A. The forklift charger?

22 Q. The chargers.

23 A. Oh, several breaks. There was none ever up close,
24 because the mule train --- when we moved power, the
25 mule train usually ended up approximately ten breaks

1 from the face itself, and the chargers were usually
2 right down in that area.

3 Q. How would they --- do you watch them do much
4 welding on the longwall or cutting?

5 A. In walking by.

6 Q. How would they get their --- who would take the
7 tanks to the longwall face, the cutting?

8 A. I guess maintenance.

9 Q. Okay. Did you ever have to help them do that?

10 A. I went and we've had to go up and get them and
11 take them off, and if they were empty, take them to
12 the car and load them up or put them back on --- if
13 they weren't empty, put them back on that tool car on
14 occasion.

15 Q. Did they ever --- do you know of them ever
16 catching anything on fire, like they have a feeder of
17 methane or something, pocket, and put it out or ---?

18 A. No, not that I know of.

19 Q. And do you know what the highest amount of methane
20 you or anyone else had registered on your spotters up
21 there?

22 A. On my spotter I never picked up anything outby.
23 And then when I'd go to the face or anything, even
24 when we went back to that, I had it with me and over
25 in that area. I mean, I never went off.

1 Q. Okay. When you left UBB Portal, you and your
2 partner, you all, just you two in the mine?

3 A. Usually. We had a trainee with us from time to
4 time. I think he worked --- they had him on a little
5 bit different schedule than we were on, and we had two
6 trainees, had one before and then he got his black
7 hat. And then they give us another one.

8 Q. Did you all have a spotter when you did that?

9 A. I had a spotter after retraining, which ---.

10 Q. What did you have before?

11 A. I didn't have anything.

12 Q. Did your partner have anything?

13 A. No.

14 Q. So you all came underground without a spotter?

15 A. Yeah.

16 Q. Okay. And did they train you on use of the
17 spotter?

18 A. Uh-huh (yes).

19 MR. MCGINLEY:

20 You have to say yes or no.

21 A. Oh, yes. Sorry.

22 BY MR. GODSEY:

23 Q. Well, how do you feel about ---? What about
24 ventilation? Do you think the ventilation was
25 adequate in all areas that you worked?

1 A. Yeah.

2 Q. And you worked --- you say you worked the hoot
3 owl. Did you ever --- was on the section at the
4 longwall and someone called in to say they had an
5 inspector, State or Federal, coming in?

6 A. On occasion. They wouldn't call me.

7 Q. Would you know it before they got there?

8 A. On occasion.

9 Q. What would normally take place once they find out
10 an inspector's on their way?

11 A. Well, really nothing --- nothing different up
12 there. I mean, it wasn't like --- and I'm being
13 honest with you. It wasn't nothing, some outlaw going
14 on and you'd have to run, and you know ---.

15 Q. Are you aware of anytime that an oncoming shift
16 was cancelled due to something that was underground,
17 safety concern or ---?

18 A. It seemed to me like we --- something familiar
19 comes to mind, but I can't recall any specifics.

20 Q. Okay. Or have you been underground when they
21 called in and said everybody be removed from the mine?

22 A. At UBB, let me think. Now, since I've been at
23 Revolution, that's happened twice, so ---. I don't
24 recall at UBB that I was working, I don't recall any.

25 Q. Have you ever seen working up there without

1 curtain, you know, without the curtain being installed
2 according to the ventilation plan?

3 A. No.

4 Q. We was talking about the headgate up there, the
5 curtains up there. What kind of pressure was against
6 those curtains on the ---?

7 A. Well, it looked like they were bowed back like a
8 sail.

9 Q. What did they use to --- did they nail it in the
10 rib or ---?

11 A. Yeah, usually. You'd see, like, cinderblock or
12 something on the bottom or some crib blocks or
13 something. They would usually set three timbers, one
14 on the rib, on each rib, and one in the middle.

15 Q. Was there an access between the headgate and
16 Tailgate 22, like, through airlock doors?

17 A. Where would the --- would this have been Headgate
18 22?

19 Q. That would be Tailgate 22 right there.

20 A. And this would be the longwall.

21 Q. This would be Tailgate 22.

22 A. Yes. I did travel over there one time when we
23 were --- like I said, we were recovering track. We
24 loaded a scoop bucket full of ties and we delivered
25 the ties somewhere over here, because they were going

1 to keep the track, you know, going up for that
2 section. And but on this map I couldn't tell you
3 where I was at. I just drove until I seen some doors
4 and went through, and I ended up over in here
5 somewhere.

6 MR. MCGINLEY:

7 When you say over in here, can you ---?

8 ATTORNEY HAMPTON:

9 Yeah.

10 A. Oh, on the Tailgate 22 ---

11 MR. MCGINLEY:

12 Okay.

13 A. --- side.

14 MR. MCGINLEY:

15 Thank you.

16 BY MR. GODSEY:

17 Q. What condition were those doors in?

18 A. Good.

19 Q. When you opened the door, which way --- could you
20 tell which way the air was going?

21 A. Sir, I went there one time and I couldn't, I
22 couldn't even recall which direction they opened or
23 any ---. I think I went there one time over here and
24 pushed the ties out and came right back.

25 Q. And did you close the doors and ---?

1 A. Yeah.

2 Q. Could you tell if those doors had been used much?

3 A. I don't recall them being damaged. In good ---

4 they seemed in good shape. I went through the one.

5 Another boss was with me and he opened them for me and

6 I went through and he shut them. We opened the door

7 and there was a maintenance --- they had the scoop

8 right there on the other side of them doors working on

9 something. And then they had to move it out of the

10 way in order for us to travel on, find somewhere to

11 dump those track ties out.

12 Q. What else do those doors been used for? Do you

13 know of anything --- what else you all used them for?

14 A. No. I believe I recall at 28 Break was a switch,

15 our track switch, and the track went on up in here. I

16 don't know how far and that --- as we was getting

17 closer, all that --- the track was removed and there

18 was a set of doors there at one time, but I don't

19 know. I don't know. We done longwalled past it, so

20 all that was gone.

21 Q. Okay. And were those doors when you --- they

22 weren't --- any one of them, opened when you went over

23 there?

24 A. No.

25 Q. And you worked on the longwall or around the

1 longwall for a long time, relatively long time?

2 A. Yeah.

3 Q. Have you ever had a --- talked to anyone who ---
4 the methane monitors were going out or been not
5 operative and they've worked on them, and you know,
6 like bridged them out or placed something over them so
7 they could continue mining, cutting?

8 A. I never heard anything of that nature.

9 Q. Okay. Have you ever been concerned for your
10 safety up there, underground at UBB?

11 A. Oh, a few times. Just equipment, you know? Kind
12 of got myself positioned in a bad place. But as far
13 as anything like methane or anything of that, no.

14 Q. Have you ever been injured there?

15 A. No.

16 Q. Do you know of anybody --- excuse me.

17 A. A back strain, stuff like that, nothing ---.

18 Q. Did you miss any work?

19 A. No.

20 Q. Do you know of anybody else that may've been
21 injured?

22 A. Yeah.

23 Q. What happened to them?

24 A. I recall Rex. Rex Mullins, I think, was running
25 the scoop up there and had a piece of some kind of

1 waterline come in the deck on him. And after that
2 happened, they started putting doors on the scoops and
3 made sure they maintaining those and the haulers, the
4 shield haulers.

5 Q. Did he miss any work over that?

6 A. Oh, I believe he did.

7 Q. Did he go --- was he at home or did he stay, get
8 on light duty or worked outside?

9 A. I don't remember his working outside. I believe
10 he was at home. I think he --- I recall him breaking
11 a rib or two.

12 Q. Okay. Has anyone ever discussed their safety
13 underground there? They've spoke to you that they ---
14 something may have bothered them that they was afraid
15 of?

16 A. No.

17 Q. Have you ever talked to an inspector, Federal or
18 State, on your shift?

19 A. Just casual talk.

20 Q. Did the company encourage that or discourage it?

21 A. They wouldn't care. Nobody's ever told me not to
22 speak to one.

23 Q. Is there anything else that we have not asked you
24 today that maybe you --- that you're know of that
25 you'd like to --- we haven't asked you that you know

1 that you could share it with us?

2 A. Well, I would like to say this. If I was aware of
3 any methane monitor tampering or anything like that,
4 and I'm sure other members of my particular crew, if I
5 would have knowed about it, I would have been calling
6 some of them numbers, because I wouldn't have want to
7 been in there, knowing something like that was going
8 on. And I wouldn't --- it wouldn't be fair to anybody
9 in there.

10 Q. Are you aware if anybody's ever been threatened
11 for making a safety complaint to ---?

12 A. No. And I wouldn't be afraid to do it, as well.
13 Actually when I was on one of the miner sections when
14 I first got hired in, they had a rebuilt scoop brought
15 up there. It didn't have any brakes and I myself
16 tagged it out. Nothing was ever said to me or done as
17 threatening, you know, you should have run that. And
18 I felt comfortable because I wasn't going to run it.
19 If I was to run over somebody, knowing it wasn't
20 right, how would I live with myself? So no, I would
21 not have been afraid to refuse to do anything that
22 wasn't safe or anything. I mean, I did not feel that
23 way at all.

24 Q. Have you ever discussed with anybody, other miners
25 of other sections that have problems with, like,

1 running a shuttle car or something where they didn't
2 have breaks or something and then they said, go ahead
3 and run it?

4 A. I've never heard anybody having any problems with,
5 you know, that type of thing.

6 Q. Is there anyone else that --- someone you know,
7 may know that we could talk to or have additional
8 information that may help us in this case?

9 A. No. The only the people I know, we're just ---
10 you know, we work outby. We're not privy to a whole
11 lot of the information that goes on in the miner
12 sections. I didn't know --- I knew them guys that
13 worked there, but they portalled on the other side. I
14 didn't get any contact with them. What happened has
15 come as a complete and total shock to me.

16 EXAMINATION

17 BY ATTORNEY HAMPTON:

18 Q. Yeah, let me just follow up. You said that you
19 would have felt very comfortable calling one of those
20 800 numbers or the MSHA hotline ---

21 A. Absolutely.

22 Q. --- if you thought that there was some tampering
23 going on. Do you actually have any reason to believe
24 that there might have been tampering going on?

25 A. Them bosses, I knew two of them that died. They

1 wouldn't have done it like that.

2 ATTORNEY HAMPTON:

3 Let's take a break for a couple minutes.

4 SHORT BREAK TAKEN

5 ATTORNEY HAMPTON:

6 Let's go back on the record.

7 RE-EXAMINATION

8 BY MR. GODSEY:

9 Q. Did you provide the Massey attorneys with the same
10 information that you provided with us today?

11 A. Yes, sir.

12 Q. Okay. And you said that you've been traveling
13 back and forth between different mines. Did you
14 travel with this longwall? When they finished, would
15 you go with them? In other words, they finished here,
16 would you go up to another mine?

17 A. Uh-huh (yes). Probably, yeah.

18 Q. Okay. And have you done that before? Have you
19 been to another mine working on it?

20 A. Yes.

21 Q. How long were you there and where were you?

22 A. We were at Logan's Fork and then at Elk Run for
23 approximately three years.

24 Q. Okay. And when did you come back to UBB?

25 A. I think I came back before the wall was actually

1 running. They had a canopy set up out in the yard.
2 We were rebuilding shields. I was in on that.

3 Q. When you came back, did they take you to any
4 active sections or anything?

5 A. No, I did not go underground for probably over a
6 month or maybe two months.

7 Q. Do you remember --- I may have asked you, but do
8 you remember where you went?

9 A. I think I --- the first time I went in back
10 underground there I went to the longwall setup where
11 they were setting up right here where they first
12 started.

13 Q. Okay. And do you remember much about what you saw
14 back there or what ---?

15 A. Yeah, a fan line was in place and most everything.
16 I think we hauled a box of either the face chain or
17 stage loader chain up to them, I think, was my first
18 trip in.

19 Q. Okay. Was Bandytown fan, was it in operation
20 then?

21 A. No.

22 Q. Did they have good air or the ventilation on that
23 air?

24 A. To the best of my knowledge they did.

25 Q. Did you ever notice any methane up there or

1 anybody talk to you have any methane?

2 A. No.

3 Q. What about water? Would you see water on the way
4 up through there coming through the roof or ---?

5 A. I recall there was one place where the track
6 crossed under the belt. There was a pump in place
7 there, and every once in a while the water would get
8 up a little bit. I mean it wouldn't come in your ride
9 or anything.

10 Q. Would it ever get over the track?

11 A. I think once it --- I think when you --- it
12 wouldn't be over the track before you were there, but
13 when you went in, the weight, you kind of pushed,
14 probably pushed it under there some.

15 Q. Okay.

16 A. But there was always a pump there.

17 Q. And what about the sanders on the motors? Did you
18 ever have a problem with the water clogging them up?

19 A. I suppose on occasion. That's something that I
20 check regularly.

21 Q. Were there any derails in that mine?

22 A. Explain to me a derail.

23 Q. Something --- it's a mechanism that if you run
24 away, it'll wreck you before you keep going. Or would
25 you have to get out and throw a switch?

1 A. I don't recall any of those.

2 Q. Okay. Where were you at the time of the accident?

3 A. Home.

4 Q. And when were you notified?

5 A. Actually, a fellow co-worker of mine who had
6 retired in January, he lived down that way and noticed
7 a lot of rescue vehicles or things of that nature
8 going down by his house. And I guess he had heard
9 word from a friend of a friend of a friend kind of
10 deal, and he called the house and my wife told him I
11 was in bed. And this was approximately around 3:00 or
12 4:00 p.m. Well, it may've been --- no, it may've been
13 later than that. I think the explosion occurred
14 around 3:00, so it must have been later than that,
15 maybe about 4:00 or 5:00 or something.

16 And so she come and got me up, and he had heard
17 that it was a major roof fall. And then I
18 immediately, you know, turned on the TV, hoping to get
19 some information and things, and I think I may've
20 called my boss, and I don't --- I think the first real
21 concrete evidence was they were on the news. A news
22 thing came on.

23 Q. What did your boss tell you, and who was he?

24 A. I don't remember if I got ahold of him or not that
25 day. His name's Larry Brown.

1 Q. Okay.

2 A. I'm not sure if I even got ahold of him, but I'm
3 pretty sure I called to see --- just kind of find out
4 some information of what was going on.

5 Q. Did they call you about work that night, to come
6 or not?

7 A. No, no.

8 Q. Did you call them?

9 A. No.

10 Q. When was the last time that --- after that when
11 did you go back to UBB?

12 A. I went --- well, let's see. I don't know who
13 notified me that if I was ready to come back to work
14 to --- we was going to go to Revolution and it was the
15 Sunday after the explosion. My wife rode down with me
16 and I picked up my boots and my hardhat and stuff.

17 Q. Okay.

18 MR. O'BRIEN:

19 I have a couple.

20 RE-EXAMINATION

21 BY MR. O'BRIEN:

22 Q. Do you recall the last time a section of high
23 voltage cable was removed from the longwall and
24 actually took out a whole section of cable, high
25 voltage cable?

1 A. I know we would usually move power two or three
2 times before that was removed. I couldn't ---.

3 Q. Well, would you know who would make the high
4 voltage termination in the power center when they did
5 take out a section of cable?

6 A. Usual maintenance crew on the third shift.

7 Q. Any one particular person that you know of or ---?

8 A. I think my boss also has his electrical card. I
9 think he --- him and one other --- usually the other
10 --- the chief would do that.

11 Q. Okay. You had mentioned earlier, just talking
12 about how the air on the head side came up One entry,
13 I guess indoors and split into two entries?

14 A. Yes.

15 Q. Could you mark that on the map for us, please?

16 A. To the best of my ability.

17 Q. Sure.

18 A. I'm not exactly real sure where that took place.

19 If this map is correct, it looks to me like it would
20 have been right here.

21 ATTORNEY HAMPTON:

22 Could you label that area?

23 A. Yes.

24 WITNESS COMPLIES

25 ATTORNEY HAMPTON:

1 The witness ---.

2 A. What would I ---?

3 BY MR. O'BRIEN:

4 Q. Yeah, could you just draw the lines up towards the
5 headgate in those two entries?

6 WITNESS COMPLIES

7 ATTORNEY HAMPTON:

8 The witness is marking Exhibit One in
9 green marker.

10 A. Airflow?

11 BY MR. O'BRIEN:

12 Q. Yeah, air split, airflow, however you want to.

13 ATTORNEY HAMPTON:

14 He's labeled the designated area with the
15 term air split.

16 MR. MCGINLEY:

17 And when you're labeling there with the
18 two long lines, can you label what direction the air
19 was flowing with sort of an arrow?

20 A. Yes.

21 WITNESS COMPLIES

22 MR. MCGINLEY:

23 Thank you.

24 MR. O'BRIEN:

25 Thank you. That's all I have.

1 RE-EXAMINATION

2 BY MR. MCGINLEY:

3 Q. I have a few more questions. Did you work on the
4 Easter weekend?

5 A. No, actually I believe we --- I believe everybody
6 was off Easter weekend. I believe I remember seeing a
7 memo on the door at the office.

8 Q. Everybody in your shift, you mean, or ---?

9 A. Yeah, I'm pretty sure.

10 Q. Well, we heard there was production on Saturday.
11 Did you? Does that make sense to you or do you ---?

12 A. That could have been possible, but I do recall a
13 memo, if I remember correctly, stating that everybody
14 would be off for Easter and ---.

15 Q. You mean sent to every shift or just your shift?

16 A. I would be assuming everyone except maybe the fire
17 bosses or something. I'm not sure what ---.

18 Q. Right. That last week of --- before the
19 explosion, did you see or hear of Chris Blanchard or
20 Jason Whitehead or Wayne Persinger being underground?

21 A. I didn't see them.

22 Q. Have you heard anything about --- well, I didn't
23 ask you that. Have you heard that they were
24 underground?

25 A. No. And Chris Blanchard and Jason Whitehead ---.

1 The first time I seen Chris Blanchard was at
2 retraining that I actually knew who he even was.

3 Q. Right.

4 A. And Jason Whitehead, to this day if he was sitting
5 in here with me, I wouldn't know who he was.

6 Q. But Wayne Persinger you know?

7 A. I might have recognized him. I wouldn't be a
8 hundred percent sure of him, either.

9 Q. Have you ever heard any talk about air changes
10 being made over the Easter weekend?

11 A. No.

12 Q. Do you know where blasting powder and caps were
13 kept?

14 A. Yeah.

15 Q. Where would that be?

16 A. There was a road --- you mean underground?

17 Q. Yes.

18 A. Oh, no. I know when we would handle them before,
19 they would be in a large plywood box, a magazine, but
20 if there was any underground, I was unaware of it.

21 Q. Were you aware that there was any shooting going
22 on underground at all?

23 A. No. I know they were setting up belt heads and
24 somewhere they may have been being used there, but I
25 don't know that to be a fact.

1 Q. Did you hear there was a sump excavated at the
2 Bandytown fan because of all the water problems?

3 A. Oh, underground ---

4 Q. Yes.

5 A. --- where they had drove? Yes.

6 Q. Do you know whether any blasting was used, any
7 shots were used for that?

8 A. No. To my knowledge, I had been up --- we'd went
9 up to the end of the track on one occasion to start
10 pulling rails, and it looked like it'd been cut with a
11 miner.

12 Q. So when you went up there, what entries --- where
13 did you go?

14 A. We just followed the track entry wherever it ended
15 up, because I thought it was unusual. Where they had
16 cut that sump, the track actually went over like a
17 little bridge and I never seen anything like that
18 before. And we was curious. We even went up and
19 walked over to where they were actually cutting the
20 borehole and where they was cleaning up. They may've
21 been done. I know they wasn't cutting the borehole at
22 the time we were there. There wasn't any debris or
23 anything falling out.

24 Q. That was the borehole for the fan?

25 A. For the fan, yeah. We didn't go up under it and

1 look.

2 Q. Right.

3 A. Afraid something would fall.

4 Q. Right.

5 A. But it was amazing how smooth where it had cut.

6 It looked like something science fiction. You see
7 something like that underground. And that's the only
8 time I'd been up there.

9 Q. Were you working when an inspector found
10 inadequate air at the longwall and at the end of the
11 shift and issued an order having --- requiring men to
12 come out? Do you remember that?

13 A. No.

14 Q. Not at all?

15 A. I didn't see a lot of inspectors on the wall on
16 our shift.

17 Q. Well, maybe that you were --- I was wondering if
18 you were there when you were told to withdraw.

19 A. No, no.

20 Q. No?

21 A. I know we --- I remember ---. Don't know if we
22 had started up yet or not, but I know we had to come
23 back down through before we ---. I think ---. I
24 don't know if we had started mining yet or anything,
25 but they wasn't getting enough air for some reason or

1 other, and we came down this whole stopping line. And
2 there was one or two places the stopping was leaning
3 real bad like it was about ready to fall over. It was
4 still intact and plastered, and we built new stoppings
5 in place. In case those failed, there was another one
6 there to do the job, and replastered way down through
7 here.

8 Q. Okay. So the area you're talking about, so the
9 record is clear, the ---?

10 A. On the longwall head side of the stopping line.

11 Q. Okay. And that was before you --- the longwall
12 started up? Is that what you're thinking?

13 A. It was either before or shortly after.

14 Q. Okay. Did you see any floor hooving in that area?

15 A. No.

16 Q. Were you aware --- were you aware that inspectors
17 found that had been reversed air for several weeks in
18 the mine and Performance was cited for that?

19 A. No, I didn't know.

20 Q. No.

21 A. I knew they had --- I knew they were having
22 ventilation difficulties, but the reversed air, no, I
23 didn't know anything.

24 Q. If the air had been reversed for a couple of
25 weeks, if you'd known that would you have been

1 concerned?

2 A. Oh, absolutely.

3 Q. Do you have any idea --- that's documented. There
4 were citations issued. Do you have any idea how that
5 could've happened without it being recorded in
6 pre-shift reports or somebody not doing something
7 about it?

8 A. Now, would you say that again?

9 Q. Well, I mean how could that happen? Do you have
10 any sense of how that could happen for a couple weeks?

11 A. No, I don't. You're talking about the air going
12 backwards?

13 Q. The wrong way, yeah.

14 A. No. I didn't know anything about that. I didn't
15 notice it up on the --- up on the longwall anyway. I
16 mean I would've noticed that.

17 Q. If the folks on Dean Jones' crew had been
18 complaining about inadequate air for months, would you
19 have --- would that have been --- to you, would that
20 have been credible? Were they kind of folks that
21 would be believable?

22 A. Absolutely.

23 Q. Had you ever --- did you hear that there were
24 concerns among those folks before the explosion about
25 the air where they were working?

1 A. No, I did not know it.

2 Q. You first went back underground at UBB with the
3 longwall when the longwall came back there. You said
4 you were outside for a month or two. And you first
5 went back when the longwall was first setting up; is
6 that right?

7 A. Well ---.

8 Q. About that time?

9 A. Yeah.

10 Q. And that would have been late August, early
11 September 2009?

12 A. I'm assuming. I don't really recall.

13 Q. So roughly?

14 A. Roughly, yeah.

15 Q. Do you recall that they were having some problems
16 getting the longwall up and running and it was down
17 for a while right at the beginning?

18 A. Right.

19 Q. Do you recall what those problems were?

20 A. Well, I'm assuming one of them was ventilation,
21 and that's why I was saying we had to come back and
22 repair any damage or anything wrong with that stopping
23 and line going up to the longwall, but ---.

24 Q. At that time did you notice anything about the
25 ventilation in terms of the force of the velocity or

1 direction it was coming that confirms your sense of
2 the failure of the longwall to get up and running was
3 connected to ventilation? Is there anything about the
4 air that you recall?

5 A. It seemed like to me at the beginning there was
6 less airflow, but when we got down to --- you know, on
7 down this way, I mean I was wearing my winter coat in
8 and out. And even up there you'd take your coat off
9 there, you'd about freeze to death.

10 Q. So when you say there, you're talking about the
11 middle of ---?

12 A. Yes, in the track entry on the intake on the wall,
13 on the longwall section.

14 Q. So that would probably be in early winter,
15 November/December? When would you say? I mean, just
16 a rough ---.

17 A. Well, even this spring it was --- I mean, it was
18 cold.

19 Q. Okay.

20 A. A lot of air flow, and through one of the, one of
21 these overcasts here, when we'd go under it, it would
22 blow things off the top of the motor. If you had your
23 dinner bucket up there and it was in a place where it
24 could get slide, it'd blow off the motor.

25 Q. So the area you were pointing where the

1 overcast ---?

2 A. It was the overcast near the mouth that kind of
3 squeezed down an area and forced the volume of air
4 into a smaller area, you know, sand or dust on
5 anything, mud on an air trip there, it was whisked
6 away.

7 Q. That was right ---?

8 A. Wherever those overcasts were. I'm not sure what
9 breakthroughs. They had so many different curves and
10 angles.

11 Q. Sure.

12 A. And I stayed a little confused.

13 Q. But it was somewhere --- how can we best describe
14 that? Be just at ---?

15 A. I would say between, between Six and Eight Break.

16 Q. On the ---?

17 A. On the longwall section.

18 ATTORNEY HAMPTON:

19 Headgate One North?

20 MR. MCGINLEY:

21 Headgate One North.

22 BY MR. MCGINLEY:

23 Q. Were there some of the entries in that Headgate
24 One North blocked by roof falls or water?

25 A. Not that I'm aware of, none that I'd traveled.

1 Q. Was that velocity of air that you were describing
2 was, you know, pretty hard blowing, was that in each
3 of the entries?

4 A. No, that was --- no.

5 Q. Just in the ---?

6 A. Where it was squeezed down to the One entry ---

7 Q. I see.

8 A. --- right through here.

9 Q. What about if you went inby. Would it get less,
10 less as you would move back, maybe didn't go back
11 where the gob was there?

12 A. Other than where it let the volume move over in
13 that other entry, when we was back up in here when it
14 was all in this single entry it was still pretty good
15 velocity.

16 Q. Okay.

17 A. I mean, it wouldn't blow things off your motor or
18 anything like that up in there, but it would still
19 ---. Like I said, you couldn't walk around in short
20 sleeves, and I almost always usually worked in short
21 sleeves, you had to wear a coat all of the time.

22 Q. Did you hear anything about the air over in the
23 other side on the tailgate section there?

24 A. No, I didn't know ---.

25 Q. Nobody ever talked about that?

1 A. No, I didn't know anything about it.

2 Q. Do you know whether any --- did anybody ever talk
3 about some of the entries over there being roofed out
4 with water?

5 A. No. To the best of my knowledge, they had a crew,
6 I think, that went back in there maintaining those
7 pumps and keeping a check on that water.

8 Q. Yeah, I think we've heard that, too. Okay,
9 thanks. Just one second. Are you familiar with a
10 couple of terms that we have heard, P2 and S1?

11 A. Yes.

12 Q. And what does P2 mean?

13 A. Production second.

14 Q. And S1?

15 A. Safety first.

16 Q. And so other than P2 meaning production second, I
17 mean what else does that mean? I mean, could you
18 explain that or ---?

19 A. Well, you make it safe first before production
20 begins and during.

21 Q. And so these are terms that --- where do they come
22 from?

23 A. Massey, I assume.

24 Q. And I mean, is there some kind of manual they give
25 you to read to explain S1 or P2?

1 A. They give us an employee handbook. To be honest
2 with you, I haven't looked through the whole thing.

3 Q. And those terms might not even be in there?

4 A. And they may not. I don't even know.

5 Q. Beyond S1, sort of the term S1, did Massey train
6 you or instruct you what else that meant other than
7 safety first, which you probably --- your dad told you
8 that ---

9 A. Yeah.

10 Q. --- when you work with a hammer?

11 A. I don't recall any big elaboration on the subject.

12 Q. How about any elaboration, or was it just a
13 slogan, a good thing to live by?

14 A. No, we had safety meetings, and my job is ---
15 isn't as technical as actually being on the face
16 mining coal, because that's a whole different ballgame
17 up there.

18 Q. Sure.

19 A. More outby our major safety concerns are do your
20 walk-around on your equipment and make sure
21 everything's functioning properly and just don't not
22 position yourself in a bad place with equipment
23 moving. If somebody's on a piece of equipment, you're
24 keeping out of the way, and you know, just simple
25 common sense type of things is what we deal with.

1 Q. So S1 really was --- and I don't want to put words
2 in your mouth. It was sort of a good thing to
3 remember, but there wasn't anything really in addition
4 attached to that that you know of that you were
5 trained about?

6 A. No.

7 MR. MCGINLEY:

8 All right. And I don't have any other
9 questions.

10 RE-EXAMINATION

11 BY MR. GODSEY:

12 Q. I just got a couple more. You was talking about
13 stoppings crushing. Lately, did you have supply block
14 for any area where they've had problems with stoppings
15 crushing out?

16 A. Well, I can tell you this much. We would bring
17 block up for our power move. Let's say we would have
18 to knock a stopping to retrieve our cables and hoses
19 and knock the next four breaks. We usually made a
20 four-break move and do the same there. I did notice
21 some of the block we were taking up would disappear.
22 Where they were going, I couldn't tell you.

23 Q. In other words, somebody would be taking them to
24 another part of the mine?

25 A. I guess, but I know before we got past these doors

1 where you could get over to the other miner sections,
2 their supply was over here also. So I can only assume
3 they were traveling --- maybe they were going up for
4 their belt moves, getting our block and stuff.

5 Q. How many blocks were you talking about?

6 A. We would usually take in --- we wanted to rather
7 have more than we needed, so we would take in six to
8 have three, three pallets for each stopping we were
9 going to knock in case we had to rebuild the whole
10 entire thing back. So we'd usually have six. And you
11 know, and sometimes we'd only use three or four of
12 them and have some left over, so we just took --- you
13 know. But I did recall some of our block that we
14 would have over there, actually I'd put them in a
15 location where they'd be easy for me to go scoop up
16 and get over there in a timely manner, and they were
17 gone.

18 Q. When did you notice this being missing?

19 A. Well, like I said, it was when the miner section
20 still had their supplies over here, some left over
21 stuff that they were coming through those doors and
22 coming over here and getting it, it was during that
23 time, but that was before the face had went inby that
24 travelway. Once that --- once we breeched that, all
25 that was curtained off and everything. But as far as

1 I know, there was no travel. I know we didn't travel
2 over in there.

3 Q. Have you noticed any blocks been missing just
4 prior April 5th?

5 A. No.

6 MR. MCGINLEY:

7 Just so the --- just so the record's
8 clear, the witness is talking about the area where he
9 was storing blocks in the continuous miner section,
10 was doing storage, was right there in the --- describe
11 that for the record.

12 BY MR. GODSEY:

13 Q. Show us on the map or where you were storing this
14 block, the vicinity.

15 ATTORNEY HAMPTON:

16 If you could mark Exhibit One with orange
17 marker?

18 A. And just draw a circle? They were kind of ---.

19 BY MR. GODSEY:

20 Q. Just put a circle around the area.

21 A. They were just kind of up and down in this area
22 right through here.

23 Q. Okay. And just write out on it block or
24 ventilation block there.

25 WITNESS COMPLIES

1 BY MR. GODSEY:

2 Q. And you said that some of the overcasts that ---
3 did they build overcasts smaller than they should have
4 been?

5 A. We had plenty of clearance. I don't recall ---.
6 I do remember we did not go to the section one or two
7 shifts when they were mining. They used a continuous
8 miner to cut that across the track, and we weren't
9 allowed inby that because of the dust and things, so
10 we didn't ---. Actually we were at wall-mart and
11 built some shelves for our leftover stuff from setup,
12 little valves and all kinds of stuff.

13 Q. Now, at Crosscut 70 I think they have doors where
14 you go from the intake into the neutral and then you
15 come back into the intake.

16 A. Where at now?

17 Q. I think at 78 Crosscut down here on the --- where
18 you come to those four sets of doors right there?

19 A. Right.

20 Q. Okay. Did anyone or any people on a section ever
21 talk about what would happen if those doors had left,
22 been left open and a fire or something happened outby?
23 Where would you all go since that was your intake
24 escapeway?

25 A. No.

1 Q. Do you know why they put those doors instead of
2 putting the overcast at the 78 Crosscut?

3 A. I can only tell you what is hearsay.

4 Q. Okay.

5 A. Things of that nature. And those were there
6 before we got back from Logan Fork. I've heard that
7 they were in too big of a hurry to put overcasts in,
8 speaking of management.

9 Q. Who were they?

10 A. Blanchard.

11 Q. Did he push or did the upper management push that
12 things get done quickly?

13 A. Don't they all?

14 Q. Well, that's ---.

15 A. Not on the longwall. I had heard that, just
16 hearsay, that miner sections were --- of course, they
17 were under different management in a way. We dealt
18 with Jack Roles was our main guy over the wall, the
19 longwall coordinator. And of course, he wanted
20 everything done yesterday. They all do, but no, it
21 wasn't no ongoing high pressure stuff for us. But
22 now, what was going on the miner sections I couldn't
23 say. I've heard that it was, but I don't know.

24 Q. When did you all come out in the morning? Did you
25 all come out before the rest of the crews or ---?

1 A. Well, we would wait until the dayshift got there.
2 And of course, our motors and stuff would be inby, and
3 then we'd get done and usually we'd be down there a
4 few minutes before our maintenance crew would come
5 off. And we would just follow them out, and usually
6 we were outside between --- usually around 8:00.
7 Sometimes you'd be a little early and sometimes you'd
8 be a little late, a little later.

9 Q. Were those doors at 78 Crosscut, were all of them
10 opened at the end of the shift for all the crews go
11 through?

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

13 A. You've never saw that?

14 A. No.

15 Q. Okay. You said that you left and you came back, I
16 think, to UBB, and for a month or so you worked on the
17 surface. And then what was the first --- did you go
18 to any of the active sections, the miner sections when
19 you went underground?

20 A. No.

21 Q. Had you ever been to them?

22 A. No.

23 Q. When you talked to the Massey lawyers, did they
24 want you to get back with them or contact them after
25 you had this interview?

1 A. No. They just said if I remembered anything else
2 that I forgot or --- to give them a call if I wanted,
3 wanted them to sit in an interview, to call them.
4 That's it. They didn't coach me on nothing or nothing
5 like that.

6 MR. GODSEY:

7 All right.

8 ATTORNEY HAMPTON:

9 Okay. On behalf of MSHA and the Office
10 of Miners' Health, Safety and Training, I want to
11 thank you for appearing and answering questions today.
12 Your cooperation is very important to the
13 investigation as we work to determine the cause of the
14 accident. We request that you not discuss your
15 testimony with any person aside from a personal
16 representative or an attorney. After questioning
17 other witnesses, we may call you if we have any
18 follow-up questions. If at any time you have any
19 additional information regarding the accident you'd
20 like to provide to us, please contact us at the
21 contact information given to you in that letter.
22 If you wish, you may now go back over any
23 answer that you've given us or make any statement or
24 give us any additional information. Is there anything
25 else you'd like to say?

1 A. No, not at this time.

2 ATTORNEY HAMPTON:

3 Okay. Again, we'd like to thank you for
4 your cooperation. Off the record.

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6 * * * * *

7 STATEMENT UNDER OATH CONCLUDED AT 12:40 P.M.

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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