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Transcript of the Testimony of **Kenny Woodrum**

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STATEMENT UNDER OATH
OF
KENNY WOODRUM

taken pursuant to Notice by Brett Steele, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine Health & Safety Academy, 1301 Airport Road, Room C-123, Beaver, West Virginia, on Wednesday, May 19, 2010, beginning at 10:07 a.m.

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ALSO PRESENT: ELAINE WOODRUM

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P R O C E E D I N G S

1
2 -----
3 ATTORNEY WILSON:

4 Good morning. My name is Bob Wilson.

5 I'm with the Office of the Solicitor, United States
6 Department of Labor. Today is May 19, 2010, and we're
7 here with Kenny Woodrum to conduct an interview as
8 part of the accident investigation into the April 5th,
9 2010 incident at the Upper Big Branch Mine. With me
10 is John Godsey, an investigator with the Mine Safety
11 and Health Administration. There are individuals
12 present from the State of West Virginia. I would ask
13 that they state their appearance for the record,
14 starting with Davitt.

15 ATTORNEY MCATEER:

16 I'm Davitt McAteer. I'm the Governor's
17 independent investigator for the Upper Big Branch
18 Mine.

19 MR. FARLEY:

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

22 MR. JARRELL:

23 Dan Jarrell, with the West Virginia
24 Office of Miners' Health, Safety and Training.

25 ATTORNEY WILSON:

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

21 Mr. Woodrum, government investigators and
22 specialists have been assigned to investigate the
23 conditions, events and circumstances surrounding the
24 fatalities that occurred at the Upper Big Branch
25 Mine-South on April 5th, 2010. The investigation is

1 being conducted by MSHA pursuant to Section 103(a) of
2 the Federal Mine Safety and Health Act and by the West
3 Virginia Office of Miners' Health, Safety and
4 Training. We appreciate your assistance in this
5 investigation.

6 After the investigation is complete, MSHA
7 will issue a public report detailing the nature and
8 the causes of the accident in hope that greater
9 awareness of the causes of accidents can reduce their
10 occurrence in the future. Information obtained
11 through witness interviews is frequently included in
12 these reports. You should know that if you request
13 confidentiality, confidentiality will be granted on a
14 case-by-case basis. Your statement may also be used
15 in other enforcement proceedings.

16 You may have a personal representative
17 during the taking of this statement, and you may
18 consult with your representative at any time. Do you
19 have a representative with you?

20 MR. WOODRUM:

21 I guess my wife.

22 ATTORNEY WILSON:

23 Okay. And your wife's name is?

24 MR. WOODRUM:

25 Elaine Woodrum.

1 ATTORNEY WILSON:

2 Mr. Woodrum, you may refuse to answer any

3 question and you may request a break at any time.

4 This is not an adversarial proceeding. Formal Cross

5 Examination will not be permitted. However,

6 clarifying questions will be allowed.

7 A court reporter will record the

8 interview. Please speak loudly and clearly. If you

9 do not understand a question, please ask that the

10 question be rephrased. Please answer each question as

11 fully as you can, including any information you have

12 learned from someone else.

13 I would like to thank you in advance for

14 your appearance here today. We appreciate your

15 assistance in this investigation. Your cooperation is

16 critical in making the nation's mines safer. After we

17 have finished asking questions, you will have an

18 opportunity to make a statement or provide us with any

19 additional information you believe to be important.

20 If at any time after the interview you recall any

21 additional information that you believe might be

22 useful, please contact Norman Page, the lead accident

23 investigator for MSHA, at the telephone number that's

24 in the letter that was provided to you.

25 Now, you should know that any statements

1 given by a miner to MSHA are considered to be an
2 exercise of statutory rights and is considered to be
3 protected activity under Section 105(c) of the Mine
4 Act. If you believe that any discharge,
5 discrimination or other adverse action is taken
6 against you as a result of your cooperation in this
7 investigation, you are encouraged to immediately
8 contact MSHA and file a complaint under Section 105(c)
9 of the Act. Remedies under the Mine Act include back
10 wages and immediate temporary reinstatement to your
11 most recent position with the company, pending a
12 complete investigation. In order to file such a
13 complaint, you should contact the MSHA District 4
14 office in Mount Hope. The telephone number there is
15 (304) 877-3900, and I can provide you off the record
16 with the telephone number and the address. For
17 additional information concerning miners' rights under
18 the Mine Act, you can go to MSHA's website at
19 www.msha.gov. At this time, I will ask the court
20 reporter to swear you in.

21 -----
22 KENNY WOODRUM, HAVING FIRST BEEN DULY SWORN, TESTIFIED
23 AS FOLLOWS:

24 -----
25 ATTORNEY WILSON:

1 Mr. Godsey is going to start with the
2 questioning.

3 EXAMINATION

4 BY MR. GODSEY:

5 Q. Thank you for coming in today. And I want to show
6 you --- we have a little mine map on the wall, and we
7 have a partial mine map on the wall depicting Headgate
8 22 and Tailgate 22 and the longwall.

9 A. Okay.

10 Q. Have you been --- given an interview to any other
11 entity other than the government since this accident?

12 A. The company lawyers.

13 Q. And I'll be referring to like UBB, and that's
14 Upper Big Branch Mine-South when I ask you that.

15 A. Okay.

16 Q. Okay? Please state your full name and spell your
17 last name.

18 A. Kenny Joe Woodrum, W-O-O-D-R-U-M.

19 Q. What is your address and telephone number?

20 A. [REDACTED]

21 Q. What is your telephone number?

22 A. [REDACTED]

23 Q. Are you appearing here today voluntarily?

24 A. Yes.

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

1 A. Total, probably 23.

2 Q. Please give a brief description of your coal mine
3 employment history.

4 A. In the '70s I worked for --- '78 to '82, Southern
5 Appalachian. That was in Julian, West Virginia. '95
6 to '99, Jimmy Ryan's, it was Boone Resources in
7 Maylene, Alabama. And 2001 to present, A.T. Massey,
8 Performance Coal Company.

9 Q. Do you have any mining certifications?

10 A. I have the EMT card and my Miner's Certificate,
11 surface card, and that's it.

12 Q. Are you presently employed?

13 A. Yes.

14 Q. Where are you ---?

15 A. Still yet at Performance Coal, but we're
16 working --- I'm working at Revolution Mines.

17 Q. When did you start there?

18 A. At Revolution?

19 Q. Yes.

20 A. The 7th. May 7th.

21 Q. May 7th?

22 A. Yeah.

23 Q. What is your present job title there?

24 A. I have no title. Just fill in, I guess, where
25 they need me.

1 Q. How much of your mining history is with Massey?

2 A. Close to half, I guess.

3 Q. Twelve (12) years?

4 A. Ten with Massey.

5 Q. And at Upper Big Branch? How long have you been
6 at Upper Big Branch?

7 A. Almost ten.

8 Q. Ten. Could you describe the management structure
9 there at UBB from the foreman up?

10 A. The foreman, the longwall coordinator --- well,
11 assistant longwall coordinator, coordinator and the
12 vice-president of the company and the president. And
13 then I guess you had the one that's over the
14 longwalls, and then I guess he answered to
15 Blankenship.

16 Q. So your first day wasn't February 2nd, 2010;
17 right? So you started ten years ago at the Upper Big
18 Branch?

19 A. Yeah.

20 Q. What was your first --- your job?

21 A. I think it was 20 --- 2001, February 2001. Now, I
22 contracted for seven months before that with Oasis,
23 but I was at Upper Big Branch.

24 Q. Do you remember what your job assignment was on
25 the first shift?

1 A. First shift, it was utility. I worked it for
2 about a week-and-a-half, two weeks, me and another
3 boy. Then they moved us --- moved me to longwall
4 setup.

5 Q. Did you receive Massey initial training?

6 A. Yes.

7 Q. Do you remember when you had that?

8 A. That would be, I think, 2001, probably March.

9 Q. And do you remember what it consisted of?

10 A. It was the annual retraining. I went with the
11 annual retraining with the mines, if I'm not mistaken.

12 Q. Do you know who provided --- who did the training?

13 A. No, I don't remember.

14 Q. It was too long ago?

15 A. Yeah.

16 Q. Did you receive any training on the AMS system,
17 atmospheric monitoring system, at the mine?

18 A. I don't think so. Not myself, no.

19 Q. On April 5th, 2010, what was your job title?

20 A. Headgate operator.

21 Q. How long have you worked in that position?

22 A. Almost nine years.

23 Q. Okay. What are your duties as headgate operator?

24 A. I would do --- monitor the amps on the motors and
25 water pressure, man the phones, call out reports, pull

1 structure, try to make sure the bits are ready for
2 them to set, have them in place so they don't have to
3 get them out theirselves. And when they come out, cut
4 out and the shearer backs down to the position where
5 they're going to set bits, and the bits are on the
6 pontoons ready for them.

7 Q. Would you say the majority of the --- during the
8 shift, everything probably has to go through you, what
9 they're going to be doing on the longwall? You're
10 pretty well aware of what's happening?

11 A. Yes, sir.

12 Q. Who was your immediate supervisor at UBB?

13 A. At the time of the accident?

14 Q. Uh-huh (yes).

15 A. Kevin Medley.

16 Q. What was your work schedule for the week of the
17 accident?

18 A. The week of the accident?

19 Q. Yes, sir.

20 A. Monday would have made my fifth day, I think, or
21 sixth day. It was a six-day run. Six and three
22 schedule.

23 Q. Six on and three off?

24 A. Yes.

25 Q. Okay. I may have asked you this, but forgive me

1 if I did. But what shift were you working?

2 A. Evening. We rotate every nine days. You work six
3 days dayshift, you're off three days, you come back
4 rotating on evening shift or the opposite shift.

5 Q. What was your start time on that ---?

6 A. Three o'clock.

7 Q. And ending time?

8 A. It's supposed to be 2:00.

9 Q. So you said you work six/three --- six and three
10 off?

11 A. Yes.

12 Q. And you did rotate shifts. Have you ever
13 performed any other jobs at this mine?

14 A. Utility work.

15 Q. When was the last time you were on Headgate 22?

16 A. The Saturday before the accident.

17 Q. When was the last time you was on the 22 Tailgate?

18 A. When we were doing the ventilation change.

19 Q. Do you remember about when that was?

20 A. Approximately a week-and-a-half, two weeks before
21 the incident.

22 Q. Okay. We're going to start from the portal, I
23 guess, and then work our way into the --- I think you
24 said you worked on the longwall. On the outby, what
25 portals did the longwall --- your crew, what portal

1 did you all ---?

2 A. What they call Ellis Portal. That's the way we
3 came in. We moved over approximately a month-and-a-
4 half, I guess, to Ellis Portal.

5 Q. Okay. Going into the mine, is the track and the
6 belt separated at Ellis Portal?

7 A. Some.

8 Q. Some, okay.

9 A. Yeah.

10 Q. Tell us something about the --- from the portal to
11 the end of the track, what's the conditions like, the
12 rock dusting and ---?

13 A. It was --- some areas were wet. And I guess the
14 closer you get to a belthead drive or --- you get more
15 water and stuff, and it would run down towards the
16 track and in that area, too. Rock dust in those areas
17 were kind of sparse, I guess.

18 Q. Did they have rock dust raised on certain days of
19 the week or weekends, whenever ---?

20 A. I don't know.

21 Q. What about the belt? What condition was the belt
22 in? Was it new structure, old structure?

23 A. I think most of it was new, within a year or so.

24 Q. Did they have any supplemental supports, like
25 timbers, cribs or ---?

1 A. Yes. They had cribs between the belt and the
2 track in that one particular area I'm thinking of.

3 Q. Did you ever notice any --- or did they ever use
4 any trickle dusters like for ---

5 A. Yes.

6 Q. --- returns?

7 A. They had them close to the belthead --- belt
8 drives.

9 Q. Okay. Did they rock dust the beltlines with them
10 or just have it ---?

11 A. They turn them on periodic.

12 Q. What about the ventilation on the belts? Did they
13 have --- how much --- did they have a lot of velocity
14 on the belts and track?

15 A. I don't know.

16 Q. Were you ever aware or brought to your attention
17 any air reversals in the last six to eight months
18 underground?

19 A. I've noticed a change.

20 Q. What type of changes have you ---?

21 A. You know, sometimes it would be different coming
22 down the beltline to the wall, because I spend a lot
23 of time at the gate box and ---. There was a
24 particular time, I think, the boss picked up --- not
25 my boss, not Kevin, because I've changed bosses over

1 the last six months. I think about three I've had. I
2 think it was 10,000 was coming down the belt.

3 Q. And was it coming down or going in?

4 A. Coming down the belt.

5 Q. Coming out --- even out Ellis Portal?

6 A. No. I'm talking on the longwall.

7 Q. On the longwall, okay. From the portal to the
8 section, what about the construction, stoppings
9 and --- like your ventilation controls, overcasts,
10 were they --- how did they appear or being maintained?

11 A. The stopping line and stuff seemed to be adequate.
12 The overcasts --- we didn't have very many overcasts.
13 We had doors.

14 Q. Why do they use doors instead of overcasts?

15 A. Because they was quicker and didn't want to cut
16 out the top for the --- one of those mining
17 procedures.

18 Q. On the doors, were they automatic or manual
19 or ---?

20 A. They were supposed to be automatic, but a lot of
21 times the buttons would get tore out or the gears in
22 the mechanism wear out or --- anyway, they'd be down
23 and you'd have to go manually.

24 Q. Did they repair them quickly or ---?

25 A. Sometimes they just left them manual.

1 Q. Were you aware of any citations that had been
2 written for doors being left open, a trip goes through
3 and they'll leave them open?

4 A. I've heard, yes.

5 Q. Did the company ever have a meeting with you
6 all ---

7 A. Yes.

8 Q. --- for that purpose?

9 A. Yes.

10 Q. Okay. What about methane and oxygen on the ---
11 from the portal to the section? Did you ever detect
12 any methane or low oxygen?

13 A. No. We were on a trip one time coming out, and I
14 think we were leaving because of the fans being off or
15 something, and one of the trips, the alarm sounded
16 off. And I don't know if it was --- I think it was
17 low oxygen. I'm not sure.

18 Q. What about the roof, the rib and the floor
19 conditions on the track to the longwall?

20 A. Down along the wall?

21 Q. No, from the portal to the longwall. What type of
22 conditions do you have?

23 A. It was fair condition overall.

24 Q. What type of roof supports did they use?

25 A. The glue bolts and you had the point anchors, I

1 think. And there have been times that I think they
2 put cable bolts up. And then you had your crib line
3 in the breaks.

4 Q. Well, what about --- another thing, on the
5 track --- did you have --- was the track --- did it
6 have any slopes, steep grades or ---?

7 A. It had a couple dips and a few grades, yeah.

8 Q. Were they for any great distance or ---?

9 A. Not really. Maybe two breaks.

10 Q. What about derails, did they have any derails in
11 there?

12 A. No.

13 Q. Okay.

14 A. Not that I'm aware of.

15 Q. Did you ever notice or on a regular basis see any
16 kind of accumulations of coal dust, float coal dust,
17 on the beltline?

18 A. Down at the Mother Drive we went --- it wasn't
19 really float dust. I guess it was spillage and stuff,
20 that the scrapers weren't doing their job. And we got
21 wrote up for that, so we had to go down and clean it
22 before it'd run.

23 Q. Which is the Mother Drive? Can you show us on the
24 map?

25 A. That's the --- the Mother Drive drives the belt to

1 the wall.

2 Q. Okay. And what about accumulations of water on
3 the track? Did they any time have water overtop of
4 the railroad track or cause any problems with your
5 scanning devices?

6 A. Seems like there was one time when we were setting
7 up the wall up, there was a couple spots that had
8 problems. I think it was 40 Break going down on the
9 wall. They had the 110 pump, I think, set up in that
10 to pump the whole time. I might add that they had me
11 on a motor crew one time, when we were setting up. So
12 when I said that my ---

13 Q. Okay.

14 A. --- headgating job was what I was listed at, I
15 still do other --- perform other tasks.

16 Q. Okay. We understand. Did you ever have any
17 conversations with the Federal mine workers or mine
18 men concerning unsafe mining conditions at the mine?

19 A. Not --- could you clarify that?

20 Q. Well, did any time you were all on the section or
21 something, any of your fellow miners, did you all talk
22 about certain things that you all was concerned with,
23 like the ventilation or roof?

24 A. It was always a concern. We had a ten-minute
25 safety briefing, whatever, every shift. I'm not going

1 to say a hundred percent of the time, but probably 98,
2 99 percent of the time we had a ten-minute safety talk
3 before we went to work.

4 Q. And that's with the mine --- your supervisors?

5 A. That was with our supervisor and anybody else who
6 had anything to say at the mantrip before we went up
7 to work. And there were concerns.

8 Q. What were some of the concerns that you all had?

9 A. Well, the way the ventilation was set up. I mean,
10 from the get-go we discussed how would we escape if
11 there's ever a smoke come down on us, a belthead fire
12 or something like that. And the concern was there.

13 Q. That was, so you say, about for everyone on the
14 section?

15 A. Yeah.

16 Q. Okay. Now, we'll change course here a little bit.
17 The mine map shows us three years and a gap in
18 longwall production. Do you know why they --- why
19 there's such a time frame between longwalls?

20 A. We went to Logan's Fort mines and mined down there
21 for about three years.

22 Q. Okay.

23 A. And that's a Grunge Mine.

24 Q. Also on the mine map behind me you'll see various
25 portions of the longwall panels being skipped. Do you

1 know why they were skipped?

2 A. Conditions, my understanding. Conditions of
3 either the coal seam dropped down to where it
4 wasn't --- almost impossible to mine solid rock or
5 rock came down, sand rock or --- and also there could
6 be --- I think one place had an overlaying belt tower
7 or something over it, and they didn't want to collapse
8 it, so they skipped on it.

9 Q. Do you know of any problems they had with where
10 they skipped a longwall on the bleeder system on the
11 seal?

12 A. No.

13 Q. Okay. Did you ever know of any time the longwall
14 was mined through a gas well?

15 A. Yeah.

16 Q. When and where was that?

17 A. That was a couple of them panels that was
18 inactive, is what we were told. They told us to I
19 guess have the cutter shafts and all that because you
20 did the casing a lot of times and had to go down there
21 and cut it out. And a lot of times it would take the
22 fork shaft out of the shearer.

23 Q. Any problems you had doing --- you know, any kind
24 of methane problems or anything?

25 A. No. Now, that could have been down at the Logan's

1 Fort Mine. I'm not sure.

2 Q. Okay.

3 A. Within ten years I have witnessed some of that.

4 Q. Did this mine ever encounter problems with unknown
5 gas wells, in other words, you didn't know that they
6 were there?

7 A. Not to my knowledge.

8 Q. Okay. Right below the seam you're presently
9 mining there's a smaller seam called the Lower Eagle.
10 Do you know of any problems you all have had with
11 that?

12 A. There was a surface crack --- or a crack come up
13 from the bottom probably four years ago and there was
14 gas probably for about three days.

15 Q. Were you there when it ---?

16 A. No.

17 Q. Did anybody describe to you the sound of it
18 or ---?

19 A. They just said it was blowing out. They could
20 hear it and stuff, and they picked up methane all the
21 way to the mule train.

22 Q. Do you know how much methane?

23 A. No. I just know hearsay, because I was off. That
24 was when we were having --- our schedule was a little
25 bit different. I had six days off at one time and

1 then we had to work six days straight, and we had four
2 crews at that time. And it was on my six days off
3 that that happened.

4 Q. Okay. Were any mining plans or revisions that
5 were submitted by UBB to MSHA, were they ever
6 discussed with MSHA inspectors? Did you all ever
7 discuss them when the inspectors came on the section?

8 A. Not that I'm aware of. Not that I can think of
9 right now.

10 Q. Did the company have any type of incentive program
11 in place at the mine in regard to production for
12 safety?

13 A. You know, a safety plan, bonus plan and stuff, not
14 to have accidents and things of that nature.

15 Q. Exactly how did it work?

16 A. They give you points, so many points per month or
17 per quarter if you didn't have any lost-time accidents
18 or ---. I don't know if production played a factor in
19 it or not. I'm thinking it did, but I'm not sure.

20 Q. What about the citations that were issued, did
21 that take away from your production, orders or
22 whatever submitted?

23 A. I think one time it did, and I'm not sure ---.

24 Q. Okay. Did everyone benefit, salary and hourly
25 employees, from this production?

1 A. I think so.

2 Q. Okay. Who is the designated responsible person on
3 each shift on your ERP plan?

4 A. They have a list of them.

5 Q. Do they have it posted?

6 A. Yes, I think so.

7 Q. Were you the headgate operator on the initial
8 startup of this longwall?

9 A. Yes.

10 Q. Did you work on the development of this headgate
11 when they developed this ---?

12 A. That's when I was on a motor, bringing the fans
13 and the shields in and supplies.

14 Q. Did you ever hear from anyone about any problems
15 that they had developing that, developing this
16 headgate?

17 A. Yes.

18 Q. Sir?

19 A. Yes.

20 Q. What kind of problems did they have?

21 A. From the miner crew that was doing the driving, I
22 heard about the top they had encountered, and they
23 asked for more --- longer bolts and things of that
24 nature.

25 Q. Exactly what did they --- did they have any water

1 problems?

2 A. Yes.

3 Q. Did it come quick for the problems?

4 A. No. I just heard them talk about hitting water
5 level. We went back and set pumps in the back, when
6 we were going back towards the fan.

7 Q. Do you know what's the distance of that adverse
8 roof? Was it 100 feet, 300 feet? Do you have any
9 idea the distance it took to get through it?

10 A. It was probably 300 foot because it fell when we
11 drove out with the longwall. Had a roof fall at --- I
12 think it was 50 Break.

13 Q. What size fall was that? Do you remember?

14 A. Well, they had to take a miner and clean it up,
15 and it was an intersection. And I think the plans ---
16 in the miner section they made a comment. That's when
17 they asked for more support on the roof and stuff when
18 they was driving it. A comment came back from the
19 president of the company that if it's that bad, we
20 don't need to be mining it.

21 Q. Do you know if anybody ever looked at the overlay
22 maps that was over in the --- the Powellton seam
23 that ---?

24 A. I don't know.

25 Q. You don't know of anybody questioning that?

1 A. No.

2 Q. Okay. How many miners are assigned to a longwall
3 --- to your longwall mine, including the foreman? How
4 many people are usually up there?

5 A. On my crew?

6 Q. Uh-huh (yes).

7 A. We have the foreman. We have two electricians.
8 One would be a chief. One would be just an
9 electrician. You have a headgate man. You have a
10 jack setter, two shearer operators and a utility man.
11 You have eight people.

12 Q. During your day, do you ever go to the tailgate?

13 A. No.

14 Q. You stay strictly at the headgate area?

15 A. I got an area --- I tell them if it's past Jack
16 20, I don't go.

17 Q. Okay. Well, how is a shift change on the section?
18 Do you all change on a section on a hot seat or do you
19 all change ---?

20 A. Hot seat.

21 Q. How do you all --- when you all do that, how do
22 you do it? I mean, I've never worked on a longwall.
23 I just ---.

24 A. At one time we were supposed to call at the
25 section so that the ones that run coal would come off

1 and they'd be at the end of the track when we got
2 there.

3 Q. Okay. Did you all discuss the conditions that
4 they left to you all or did you all ---?

5 A. Yeah, the bosses would. The other headgate man,
6 he would let me know that there was ten foot of push
7 left when I'd take structure out for a couple hours
8 maybe. And they'd tell you if you had the bolts loose
9 from offside and --- you know, we worked together that
10 way.

11 Q. What about the dust parameters? When did you all
12 check the dust parameters?

13 A. I guess that was done about each shift.

14 Q. What time --- during the shift, what time was it
15 done?

16 A. Well, first part of the shift.

17 Q. Okay. Do you normally look at the bulletin board
18 and review the ventilation changes and revisions that
19 had been submitted to MSHA outside on ---?

20 A. Not usually, no. I didn't personally.

21 Q. Did you receive any training when ventilation
22 changes were made at the mine?

23 A. Sometimes. Like if you had a tail blockage, you
24 know, we'd always go over mine rescue or our
25 rescuers ---

1 Q. Okay.

2 A. --- and be aware of the tail blockage plan that we
3 were under and stuff of that nature. So all that
4 meant we had one way out.

5 Q. How many times did that happen on the present
6 longwall?

7 A. On the present longwall, probably three or four
8 times that I can think of on my crew.

9 Q. What was the reason that you had blocked ---?

10 A. It would be blocks. They'd have a cave-in down
11 there or something and it would block up that way.

12 Q. Did you ever have water blocking it to where ---
13 so much that the people couldn't pass through it on
14 the tailgate?

15 A. Not to my knowledge, no.

16 Q. What is the number of methane monitors installed
17 on the longwall?

18 A. Two.

19 Q. Where are they located?

20 A. One on the shearer and one on the --- it's on the
21 tail, but the readout is on the gate box.

22 Q. So that's what you watched ---?

23 A. Yeah.

24 Q. Okay. Have you ever detected any methane while
25 mining or cutting on the longwall?

1 A. Yeah.

2 Q. How much? What is the average or highest level
3 degree?

4 A. On this panel here?

5 Q. Yes, sir.

6 A. I think a .5, .7, seven-tenths. I'm thinking it
7 went to seven, but --- that was probably about a
8 month, month-and-a-half, maybe two months, before this
9 explosion.

10 Q. So it's never went to one percent? You never got
11 a warning?

12 A. Not on this panel here.

13 Q. Have you ever got it on previous panels?

14 A. Yes.

15 Q. What was the highest reading?

16 A. That time it was like 1.7. I think it even
17 knocked the power at two percent at that time.

18 Q. Do you remember what panel that was?

19 A. I was trying to think the other day which panel,
20 and the boss at that time that I had was Ben Doolin,
21 and --- but what happened, we were just starting a
22 panel and brought --- you know, they moved down
23 probably seven, eight passes and rock finally fell and
24 knocked the curtains out behind us. So that let the
25 gas accumulate in the face. Well, me and an

1 electrician went back to set the curtains back up and
2 get the airflow back down to the shearer and stuff.

3 I'm not sure which panel that was. It might have even
4 been over about 18 or 19.

5 Q. Has the present longwall ever encountered water
6 accumulation at pumps required on the face?

7 A. Yes.

8 Q. Did you ever have water coming through the roof
9 or ---?

10 A. Yes, I think so. I think it was coming out of the
11 roof. Didn't know if it was coming in behind the
12 shields or where, but you could see it dripping down
13 between the shields and ---.

14 Q. What quantity was it coming in? I mean, ---.

15 A. Well, my visual that I put on it was about like a
16 heavy rain coming out of the top from the ---.

17 Q. Pretty nuisance?

18 A. Yeah.

19 Q. Has this present longwall ever experienced any
20 floor gas?

21 A. Not that I'm aware of.

22 Q. Or methane feeders or anything?

23 A. Methane what?

24 Q. Methane feeders like ---.

25 A. They had some down on the tail one time, what I

1 was told by the --- some of the operators. I don't
2 know if it was out of the floor, but they would hit a
3 little methane maybe around the shearer drums and
4 stuff sometimes.

5 Q. On the headgate side --- on the headgate, you
6 know, you've got your entries going up inby the
7 headgate ---

8 A. Uh-huh (yes).

9 Q. --- and you've got curtains across the direct air
10 across the longwall face. Do you see a lot of
11 pressure on those curtains? Are they --- ventilation
12 pressure?

13 A. Yes.

14 Q. Do you know of any --- are you aware of any
15 problems that they had inby those curtains, water,
16 roof or ---? I think we talked about that earlier.

17 A. Yeah. They've had to set pumps and --- back
18 behind the wall, yeah.

19 Q. Did that slow down any of the air movement?

20 A. I think we still was able to maintain what we
21 needed to run on the face.

22 Q. I mean, did it --- you said sometimes your air
23 fluctuates? I mean, you didn't say fluctuate, but
24 sometimes it changes?

25 A. Yes.

1 Q. Was that often?

2 A. No, but you could tell the difference. If you're
3 out past the last open break on the beltline and it's
4 supposed to be kind of isolated and just barely have a
5 little bit of movement of air and stuff and you've got
6 ten-thousandths of air, that's a significant notice.

7 Q. Were you ever aware of the company making any
8 ventilation change which was not approved by MSHA?

9 A. I've heard of it. I don't know of it.

10 Q. Have you ever noticed any change in ventilation on
11 the longwall whenever an inspector, State or Federal,
12 whoever, increase or decrease or ---?

13 A. No, I didn't have the apparatus to check the
14 movement that close or anything, but ---.

15 ATTORNEY WILSON:

16 Hold on one second. Just to go back one
17 second, you said you had heard about changes being
18 made without approval. Can you tell us what you
19 heard?

20 A. I've heard that the president of the company made
21 changes himself, so I don't know.

22 BY MR. GODSEY:

23 Q. Who is that?

24 A. Let me think of his name. His name has left me
25 here for a minute. I'm not sure what his name is.

1 Q. Well, if you think of it, you can tell me.

2 ATTORNEY WILSON:

3 Just to --- I mean, I understand this is

4 all hearsay and ---

5 A. Right.

6 ATTORNEY WILSON:

7 --- you heard this from other sources.

8 We understand that. But again, if you could tell us
9 what is it that you heard occurred?

10 A. I've heard he's made changes before and without
11 telling people and not even telling the miners or the
12 foremans of the changes being made.

13 ATTORNEY WILSON:

14 Is this just things that you've heard
15 from other people at the mine?

16 A. Yes, bosses.

17 ATTORNEY WILSON:

18 Are you aware of any specific occasions
19 when that occurred?

20 A. I heard there was one made Sunday before the
21 explosion. I don't know.

22 ATTORNEY WILSON:

23 Do you care to tell us where you heard
24 that from?

25 A. Where I heard it from?

1 ATTORNEY WILSON:

2 Right.

3 A. I'm trying to think exactly who I heard it from.

4 I'm not familiar with the source right now, but I've
5 heard that.

6 ATTORNEY WILSON:

7 Okay. Well, you know, with anything that

8 you think of later, you know, please feel free to
9 contact us with any of that additional information.

10 Do you know any of the details about what the change
11 was?

12 A. What change, no. No.

13 ATTORNEY WILSON:

14 You don't know what area that was in?

15 A. No, not really. No, I can't --- I can't pinpoint
16 what had been done, just that a ventilation change was
17 made prior to this.

18 ATTORNEY WILSON:

19 Did you hear of this after the accident?

20 A. Yeah. Pretty close to the day or two after the
21 accident. Jason Whitehead was the vice-president and
22 Chris Blanchard is the president. And Chris Blanchard
23 was the one that made the decisions to put mine doors
24 in instead of overcasts, is what I've been told. And
25 when we were setting the longwall up, when I was on

1 the motor crew, you take two motors and two flatcars
2 and you have to break them apart, go through the
3 doors, shut the doors, bring the other set up through
4 there and then a couple back out. And sometimes you
5 had to switch the drawhead over to even clear the
6 doors. That was not worker-friendly, user-friendly.
7 That was not --- now you can get a mantrip through
8 there and that's all they rode in, so yeah, it's
9 great. But I asked the vice-president --- he was
10 plastering a stopping, sealing a stopping over in the
11 break at these doors, and I asked him, I said, I
12 understand you're getting a new set of doors because
13 these have been run into and stuff. And he said,
14 yeah, we've got them ordered. And I said, it looks
15 like you can spread them out a little bit. Instead of
16 putting them in the middle of the block of coal, you
17 can spread them out towards the ends, where you can
18 get this train through. And that's what I was
19 referring to. And I said, it looks like you can get
20 them to where you can get two motors and two flatcars
21 in. And his comment was, I don't know why the
22 dispatchers do that. So he was thinking the
23 dispatchers turned somebody loose down on me and
24 stuff, and that made two motors and two flatcars. And
25 I knew right then there wasn't no use to even talk to

1 him about it. So they're going to do what they decide
2 to do and put them back the same way.

3 ATTORNEY WILSON:

4 Do you recall which set of doors you were
5 referring to? Can you point that out on the map,
6 please?

7 A. That was inby 78, probably about 82. Eighty-two
8 (82) Break on the mains. I think at that time it was
9 this set of doors right here.

10 BY MR. GODSEY:

11 Q. So I'm going to ask you to take a green
12 highlighter and circle those.

13 ATTORNEY WILSON:

14 Okay.

15 A. It was --- actually, he was working on a brattice
16 over here, in this break right here, when I come up
17 through the doors.

18 ATTORNEY WILSON:

19 So looking inby one, two, three --- so
20 between the Third and Fourth entries?

21 A. Yeah. He was like right here is where he was at.

22 ATTORNEY MCATEER:

23 That was Jason Whitehead?

24 A. Jamie. Jamie --- Jason Whitehead was another.

25 ATTORNEY MCATEER:

1 I'm sorry?

2 A. Jason Whitehead was another president, I think, of
3 Marfork, and him and Blanchard. This Jamie Ferguson
4 was the one sitting over here, plastering. He was the
5 vice-president.

6 ATTORNEY WILSON:

7 So you put an X where he was located?

8 A. Yeah.

9 ATTORNEY WILSON:

10 And then can you circle the doors?

11 A. The doors, right here.

12 ATTORNEY WILSON:

13 Put an arrow out here and just write
14 doors.

15 WITNESS COMPLIES

16 ATTORNEY WILSON:

17 Okay.

18 ATTORNEY MCATEER:

19 Kenny, can you put your initial by the
20 door just so we know --- by the word doors just so we
21 know?

22 WITNESS COMPLIES

23 BY MR. GODSEY:

24 Q. Would it be safe to say that the doors --- when
25 the supply goes through, that those doors are probably

1 left open when they bring supplies in with the rail
2 and stuff?

3 A. Leave them open?

4 Q. Yeah, as they come through that --- open both,
5 then they come through, then they close them both, or
6 still do what you said?

7 A. It was the practice sometimes, I guess, for the
8 two cars and two motors. I'll say it like this. It
9 has happened.

10 Q. Pardon me?

11 A. It has happened that way.

12 ATTORNEY WILSON:

13 Do you know if anyone in management was
14 aware that that happened?

15 A. I don't know what they assume. I don't know.
16 They had been on a mantrip one time and another one
17 was coming through. I guess they was trailing behind
18 so many feet and got further behind coming in. And I
19 think there was even an inspector, I don't know if it
20 was State or Federal, was on the second trip. And the
21 first one opened the next set of doors and then they
22 come through the first set, so there's two sets open
23 right there. And I think they got wrote up on that
24 particular one right there. So that's when they
25 talked to us about going through the doors.

1 ATTORNEY WILSON:

2 Who talked to you about that?

3 A. The management. I think at that time it was Jack
4 Roles, was the one that gave the speech about going
5 through the doors. And he's the assistant --- he is
6 the coordinator for the longwall.

7 ATTORNEY WILSON:

8 And do you know approximately when that
9 took place?

10 A. That might have been September, October. I'm not
11 sure of my dates. I'm just assuming that's when it
12 was.

13 ATTORNEY WILSON:

14 2009?

15 A. Yeah.

16 ATTORNEY WILSON:

17 And what did he tell you at that time?

18 A. That we don't need to be doing the doors that way.
19 Be careful about opening the doors. And I think he
20 made us aware that they got wrote up on it or
21 potential wrote up. I don't know how it turned out,
22 but they said don't be doing that. Watch the doors.
23 And it was not a practice of every time you come up
24 the doors doing that. Like I said, we would --- we
25 would separate. Might have made a lot of people mad

1 trying to get outby us and stuff, going home when
2 their shift is over, and the motor coming through
3 there and break them apart and go on. And you get
4 congestion behind you when you got two or three trips
5 and they're trying to get out past you and stuff. So
6 sometimes we'd switch out, go down to 78 and pull up
7 into 78 and let them go on around. That's about the
8 --- that's about the only place that would accommodate
9 two motors and two flatcars, unless you went all the
10 way down to the Ellis switch.

11 BY MR. GODSEY:

12 Q. Was it noticeable? Do you ever notice it as a
13 headgate operator when those doors are left open or
14 when the people --- the trams came through?

15 A. No.

16 Q. You couldn't tell it was changing?

17 A. No.

18 Q. And when was this conversation with Ferguson about
19 the doors? When did you have it?

20 A. That was probably in September.

21 Q. Of '09?

22 A. Yes. Maybe even August. That was a six-week
23 period there, so I went to Revolution and worked and
24 then came back, so in that period right there. I
25 could be mistaken when I talked to him, but we were

1 still hauling supplies to set up the longwall.

2 Q. Had you ever traveled --- I would call this the
3 Eight North area?

4 A. As far as I've been one time up that direction
5 would be the Glory Hole, and that was before we left
6 Elk Run. We were down here at panel 11 and 15, I
7 think was the last two panels that we mined a little
8 bit on because it went out so far and they dropped
9 them off, but we needed a few, I guess, months or
10 something until they got Elk Run ready for us. So
11 they come down and we pulled, I think, 20 breaks off
12 of 11 and I think ten off of panel 15 to give them
13 enough time to drive our panels up that we were going
14 to. And one night I had to go up to the Glory Hole to
15 get a shooting battery, had incurred some rock. And
16 they were going to shoot, so I went and got the
17 shooting battery. And that's where it was at, up at
18 the Glory Hole, where they were, I guess, working on
19 that.

20 Q. Are you aware of any problems they've had in the
21 Glory Hole with any methane, low oxygen or anything
22 like that? Have you had problems up there?

23 A. Not that I can think of.

24 Q. Are you aware of any conditions which require all
25 or portions of the mine to be evacuated?

1 A. Yes.

2 Q. When was this?

3 A. That was when they shut --- they pulled us off the
4 face and pulled, I think, the Headgate 22 people off
5 or this rehab or whatever you want to call this,
6 driving this tailgate entry up.

7 Q. Are you aware of any times that oncoming shifts
8 were cancelled or delayed due to conditions in the
9 mine?

10 A. I can't think of right now, no.

11 Q. And I think you've already answered this one. Did
12 you have any concerns with the ventilation system
13 before the explosion?

14 A. Yes.

15 Q. Has a carbon monoxide monitoring system ever gone
16 on to alarm or alert mode on your section?

17 A. Oh, yeah.

18 Q. When and what was the problem?

19 A. They had battery chargers set up for the haulers
20 and things of that nature, and they would alert. I
21 had one sitting right here at the gate box, and if
22 they was --- five or six of them. I guess anything in
23 the system would go off, that mine would go off. So
24 we'd call the dispatcher.

25 Q. What did you all do when ---?

1 A. I'd try to reset mine going on the tail --- around
2 the tailgate --- tail of the belt. Had one right
3 there set up, and I'd reset it. A lot of times it
4 would cure it. And I'd have to call out and find out
5 the number where it was, which one was going off, from
6 the dispatcher. And if it was down towards the mule
7 train or the charging station that was in the doors
8 towards the return of this other section, they would
9 tell me the number of it, and I'd tell the
10 electrician, and he'd go to it.

11 Q. Did you ever have any --- know of any alarms outby
12 that, out towards the outside that they've went into
13 alarm where they've had to send people --- dispatch
14 people to check it out?

15 A. Yeah. Yeah. I heard of them saying to a couple
16 electricians, go check them out and stuff.

17 Q. Did you ever find the problem they had?

18 A. They wouldn't have the CO or anything. It would
19 probably be a malfunction in the system or something,
20 but I never did hear of any CO or --- maybe a belt
21 roller smoking a little bit or something would set one
22 off, but they'd fix it.

23 Q. What about diesel equipment?

24 A. No, no diesel.

25 Q. Okay. How is a primary escapeway maintained?

1 A. Primary escapeways, that's maintained pretty good.

2 Q. How often do you all travel it?

3 A. We would probably come close to do --- to travel
4 it, the primary one.

5 Q. Okay. Where is your secondary escapeway?

6 A. That's your track.

7 Q. How are miners notified when the responsible
8 person leaves the mine property and someone else is
9 designated? How do they --- how is it you all are
10 told about it?

11 A. Rephrase that.

12 Q. Okay. Each shift you got a responsible person.

13 A. Yeah.

14 Q. Okay. And say that responsible person has to go
15 to ---

16 A. Another mine site?

17 Q. --- yeah, another mine. How do they tell you all
18 that the person --- who is in charge now?

19 A. I don't know of them telling us.

20 Q. You don't know of --- remember them ever telling
21 you?

22 A. No.

23 Q. Again, I may have already asked you this. Forgive
24 me if I have, but when did the ventilation problems
25 start? About when?

1 A. From day one on this panel.

2 Q. And the Bandytown fan was in operation; right?

3 A. If you're talking about the one in the back of the
4 longwall, yes. We spent 15, 16 hours that first night
5 we tried to start this longwall up trying to chase
6 down the ventilation problem. They had us plastering
7 all these stoppings where the longwall started outby,
8 thinking it was a leak causing the ventilation
9 problems and stuff. And we plastered I don't know how
10 many. And even the hoot owl, when they come in, they
11 put them on the detail of plastering these stoppings
12 and things. And the air was not going all the way
13 across the face. You had air here at the last open,
14 but it was not going on down here into the tail, like
15 it's supposed to, and out to the fan. And Timmy Davis
16 went down and found a Kennedy stopping back towards
17 the fan that was still in place. So it was
18 bottlenecked up.

19 Q. We talked about that you had those problems I
20 think when they was developing the headgate there with
21 the roof and stuff. While you all were mining the
22 longwall and I guess maybe some of those --- did some
23 of those stoppings ever push out or ---?

24 A. Yes. That's what I've heard. I don't --- I
25 hadn't seen them.

1 Q. Did that affect any of the ventilation on the
2 longwall?

3 A. No. It was back behind the wall. That's where
4 the water occurred and also the pressure in stoppings.

5 Q. And how did they maintain --- how did they rid the
6 area of the water? What all did they use?

7 A. I think they even had to put a pump in, turbine
8 pump. I'm not sure if that took place or not. But we
9 went back probably 120 Break to 140, something like
10 that, to put in them pumps.

11 Q. Did they have any other pumps over in the headgate
12 entry, behind the longwall, were you aware of?

13 A. I've seen the cables and stuff. Now, as far as
14 going back to the pumps, I don't know.

15 Q. Is there any other problem that you all --- you've
16 had on the longwall? Did you all ever get to the
17 longwall out of seam or get it fouled or anyway? Have
18 you all ever done that?

19 A. Roofed out?

20 Q. Yeah.

21 A. It's come close. We were up on top of coal on the
22 head side for a good while.

23 Q. What kind of problems did that cause?

24 A. It caused the head drive unit to be hanging down,
25 and I think broke a bone in the pan line and things of

1 that nature. You've got coal clear up on top of the
2 ledge where the miner crew had drove down, and they
3 were in the seam and the head wasn't, so you had to
4 --- like a step coming off there.

5 Q. What distance is that?

6 A. It took probably, I'd say, a break-and-a-half
7 before we got back down into it up there.

8 Q. Behind the shields, did the roof usually stay
9 pretty tight, fall in pretty tight, the rubble fall in
10 pretty tight behind the shield?

11 A. Pretty much, yes.

12 Q. How did --- did you ever talk about the tailgate,
13 which way the air was traveling on the tailgate? Did
14 anyone tell you?

15 A. I've heard it. I don't know.

16 Q. What did they ---?

17 A. Sometimes they said it went outby. I don't know.
18 Or it changed direction or something.

19 Q. How about the roof on the tailgate? How close to
20 the tailgate did it usually fall? Did it fan out or
21 did it come up across?

22 A. It would be about like the headgate side. The
23 time or two that I've been down there, and that's when
24 we were plastering stoppings on the tail from that ---
25 when we were pulled out and had to work on the

1 ventilation and stuff. I don't know what the ---.
2 But it was then about like the headgate entries.
3 Where it's bolted, they'd go back 20 foot, maybe to 30
4 foot before it'd fall.

5 ATTORNEY WILSON:

6 Let's go off the record.

7 OFF RECORD DISCUSSION

8 SHORT BREAK TAKEN

9 ATTORNEY WILSON:

10 We're back on the record. Terry, did you
11 have any follow-up questions?

12 MR. FARLEY:

13 Yes. Yes.

14 EXAMINATION

15 BY MR. FARLEY:

16 Q Mr. Woodrum, again, I'm Terry Farley with the
17 State, and I have several questions that come from
18 several different directions, so just please be
19 patient with me. As the headgate operator, was it
20 part of your job to make methane examinations?

21 A. For me to make methane examinations, no. It's
22 just the monitor was at my area.

23 Q. All right. Did you use a detector at any time
24 other than a monitor?

25 A. No. I was not issued a detector.

1 Q. Okay. Did the longwall on the current,
2 let's say, ---.

3 A. Okay.

4 Q. Let's start with that. Had the longwall operated
5 when the methane monitor was not working?

6 A. On this current panel?

7 Q. Yes, sir.

8 A. I don't think so.

9 Q. Okay. What about previous panels?

10 A. Previous panels, maybe not this mines. Maybe at
11 the Elk Run.

12 Q. Okay. This mine --- you don't remember anything
13 like that at this mine?

14 A. Well, not this panel. The other mines, we were
15 under the assumption that you could run it for a
16 24-hour period or until the hoot owl can maybe
17 maintain it. If you changed out like the sniffer and
18 readout and the methane monitor was not working still
19 yet, it could be in the cable. Because you had 120-
20 foot cable down to the wall and then a thousand foot
21 all the way across the wall to the sniffer area on the
22 tail. Okay. That's a lot of cable to maintain. And
23 if the cable got pinched or something in that
24 neighborhood, you could --- that's what we were under
25 the assumption. We were told that was almost like

1 law, but recent developments is it's not.

2 Q. Who told you that?

3 A. I guess it would be like the electricians and
4 management.

5 Q. Anybody in particular?

6 A. Nobody in particular. It was just --- I thought
7 it was understood that way. I don't know.

8 Q. You don't remember ---

9 A. No.

10 Q. --- a specific name?

11 A. I don't know where it originated from at all, no.

12 Q. Okay. Now, just so I don't get confused, that
13 happened at Elk Run?

14 A. Yeah. Yeah. And the reason it don't come i nto
15 mind as being anything significant is because the next
16 time you come in, the next day, it will be fixed. You
17 know, the hoot owl would address it, the problem or
18 whatever, and fix it. Now, I do recall one time the
19 readout on the gate box had the cap off of it, but
20 hoot owl fixed the cable or something. That's
21 hearsay. I don't know if that's where it was at or
22 not, but they fixed the cable down at like mid-face.
23 In the back board, the pan line and did not put the
24 cover back on the readout. And as soon as I saw that,
25 I told the electrician, and they fixed it on the spot.

1 Q. Are you aware of any times during this mining of
2 this panel at the UBB Mine ---

3 A. Uh-huh (yes).

4 Q. --- or any of the previous panels at the UBB Mine
5 where any of the methane monitors on the longwall
6 system might have been bridged out or overridden by
7 anybody?

8 A. Not --- I can't think of any on this panel that we
9 were on here. Now, some of the other panels on down
10 on earlier years, I think it was done down there, too.

11 Q. Can you be more specific when you say earlier
12 years?

13 A. Well, like '06 on back, whenever we was working on
14 the 15 panel or 11 panel or even down on some of the
15 other ones.

16 Q. Okay. Now, why did that happen; do you recall?
17 Why did someone do that?

18 A. Why would somebody bridge it out?

19 Q. Yeah.

20 A. If they changed the parts out and it still did not
21 cure the problem, like the sniffer, for example, and
22 it was still showing --- what would that be?

23 Malfunction like it had on the readout, okay. If it
24 showed like a certain number on the readout, it's
25 fixed. It didn't fluctuate. Like if it was in gas,

1 it would fluctuate. But that malfunction light
2 wouldn't be on there. It would be a high or low light
3 on the readout if you hit gas.

4 Q. In this instance or instances where the monitor
5 was bridged over overridden, however you prefer to say
6 it, was that done on the orders of a foreman?

7 A. It would be discussed with the foreman and stuff
8 because my understanding would be they would make a
9 --- take a detector and every 20 minutes --- which the
10 new detectors do it constantly, but do a methane check
11 every 20 minutes.

12 Q. Now, when you say it was discussed, do you recall
13 who discussed it?

14 A. Usually it would be the electricians talking about
15 whether they --- don't know what's wrong with it. If
16 they done what they could or maybe even not have all
17 the parts to go any further than that.

18 Q. Okay. Now, do you remember the name of the
19 electrician or electricians and the particular boss?

20 A. Most recent would be Tim Davis.

21 Q. Timmy Davis?

22 A. Yeah. And he was one of the deceased, so ---. He
23 was my boss for about a year-and-a-half.

24 Q. Okay.

25 A. Maybe even two years. I'm not sure.

1 Q. All right. Do you remember any of the
2 electricians?

3 A. I've had probably five or six of them over that
4 period.

5 Q. When you say over that period, I mean, ---?

6 A. From the time Timmy was my boss and the boss I
7 have now and the boss I had in between them, I
8 probably had six electricians ---

9 Q. Okay.

10 A. --- at different times, different intervals. I
11 don't recall the specific time. Like I say, it's not
12 something that's etched in my mind as being
13 significant because you come in the next day and
14 everything is fine and dandy, so you go on about your
15 business. Everything is lit up the way it ought to be
16 running. And sometimes they would, I think, gauge the
17 methane monitor maybe like a .1 just so it showed that
18 it was working or whatever. If they had zeros, then
19 maybe it's got to go to a significant amount before it
20 would ever start calibrating and reading. So they'd
21 sometimes calibrate it to do the .1 on the readout all
22 the time.

23 Q. Okay. Now, to make sure I followed you correctly,
24 the most recent time that you remember this happening
25 was about 2006?

1 A. At this mine.

2 Q. Okay.

3 A. As far as bridging out or anything.

4 Q. Okay.

5 A. Now, the other, down at Logan's Fort, there could
6 be a lot of problems down there because we encountered
7 a lot. The shearer breaking almost in two because of
8 the adverse conditions from the rock. Things took a
9 pounding. And I think even the shearer was cracked.

10 Q. When did you last work at Logan's Fort?

11 A. I think May --- May, maybe June of 2009.

12 Q. Okay. And you had instances at Logan's Fort where
13 the longwall system methane monitors were bridged out
14 or overridden?

15 A. We had --- if I'm not mistaken, at that time we
16 had two, one at midface and one at the tail.

17 Q. Okay.

18 A. And then one also on the shearer. Now, on the
19 shearer, that was due to the shearer people. I didn't
20 monitor it or anything like that. But we had two out
21 at the gate box, if I'm not mistaken, at Logan's Fort.
22 When we came up here we had one. It was on the tail,
23 is where the sniffer was at.

24 Q. Okay. Now, I have to ask, do you recall the
25 specific individuals at Logan's Fort, like the foreman

1 and the electrician who --- or other persons who would
2 be involved in taking those actions?

3 A. Not really. I can't even think of the
4 electricians I had at Logan's Fort right now, without
5 really just sitting down and probably counting them
6 off on my fingers.

7 Q. Okay. Do you have any recollection of any
8 ignitions on the longwall section at UBB since you've
9 been employed there?

10 A. Are you talking about a pop-off or a little ---?
11 I don't know ---.

12 Q. Actual --- you saw flames.

13 A. No, I have not.

14 Q. Okay. Anywhere else in the UBB Mine since you've
15 been employed there?

16 A. I have not seen pop-offs.

17 Q. Okay. Have you ever experienced air come out of
18 the gob into the jack line at UBB and on into the ---?

19 A. No, I have not experienced that. I don't do
20 the --- go down to the face that much. You know, I
21 got the first 20 shields, and you always have good air
22 right through there, so ---.

23 Q. Okay. Again, I'm coming from a different place
24 here, so bear with me.

25 A. Okay.

1 Q. Are you aware of explosives ever being used to
2 shoot the longwall block rib on the head or tailside
3 at the UBB Mine since you've been employed there?

4 A. Yes.

5 Q. Okay. Do you recall when and where that occurred?

6 A. No. I frankly had to shoot some of the rib
7 because the jack lines, like Number Three shield, when
8 we was up on top of the coal and stuff, I think we had
9 to shoot some of the rib and stuff off for the jack to
10 sit square against the top.

11 Q. Okay. Now, as the headgate operator, are you
12 required to do a pre-operational test on the headgate
13 controls or emergency stoppings?

14 A. Yes. The E-stops.

15 Q. Can you explain what you do, please?

16 A. Okay. The E-stop --- a lot of times I'll just
17 start it up and then hit my E-stop button, and it
18 stops. But I was informed by an inspector one time
19 that --- he showed me in the law where it --- we had
20 to do a daily pre-op on checking that, the big button,
21 the big red buttons. And on those buttons, it would
22 knock the mule train power and sometimes all the way
23 down to the line splitter from out the section, okay,
24 after we were wrote up on it because I told him I did
25 not do that. They were supposed to check it. They

1 had an agreement, I guess, or whatever, is what I was
2 told, that the hoot owl personnel, chief electrician
3 on the hoot owl, before he left, was to check that.
4 That way if something would knock it all the way out
5 to the line splitter, he can --- on his way out, can
6 set it back up.

7 Q. Okay. Now, was this required on every shift
8 or ---?

9 A. Every shift. That's what it said in the law book.
10 We had a lawyer that showed it --- pointed it right
11 out to me.

12 Q. Okay. As the longwall retreats, are you
13 responsible for keeping the section tail --- belt
14 tailpiece straight?

15 A. Yes.

16 Q. If you have trouble at any time with the longwall
17 equipment, does the computer in the longwall office
18 outside your mine office record the problem as far as
19 you know?

20 A. No.

21 Q. Okay. As the longwall retreats, how often do you
22 have to remove belt structure in your job?

23 A. Once a night.

24 Q. Okay.

25 A. And sometimes I try to do --- I like to keep them

1 30 foot, no more than 30 foot out past the tailpiece.

2 Q. Okay.

3 A. Any more than that let's the belt rub. The top
4 belt will rub the bottom. So I found that it's easier
5 to drop the next set of bottom rollers to get that
6 bottom belt on down. That way there wouldn't be any
7 friction from the top belt sitting on the bottom.
8 When they load heavy --- they'll load heavier coming
9 off the tail sometimes than they do going to the tail.

10 Q. Okay. Now, in the days before the explosion on
11 April 5th, ---

12 A. All right.

13 Q. --- do you recall any problems with the stage
14 loader or the crusher? And when I say days, I mean
15 the last couple of weeks.

16 A. Right.

17 Q. Excuse me.

18 A. In the last couple days or so, I don't recall any.
19 But now, prior to that, we were having trouble with
20 blowing some couplings on the stage loader motor. I
21 think it had one that was leaking fluid and they had
22 to change the big torque converter.

23 Q. And about how far back was that prior to April
24 5th?

25 A. That was probably maybe three weeks prior to that.

1 Q. All right.

2 A. But every --- the last --- the Friday and Saturday
3 that I worked, and I think it was Thursday also. I'm
4 trying to think of my six-day period. Then we went
5 Friday into Saturday. Everything was pretty much
6 normal out there at the gate box.

7 Q. Okay.

8 A. Sliding the tailpiece and the safe air was coming
9 right down the way it normally comes, you know.

10 Q. All right. Now, speaking of the Friday and
11 Saturday before April 5th, when you worked, ---

12 A. Right.

13 Q. --- I think you told us earlier that the most
14 methane that you had detected ---

15 A. Uh-huh (yes).

16 Q. --- on this panel ---

17 A. Right.

18 Q. --- was in the range of 0.5 to 0.7 percent; is
19 that correct?

20 A. Right. Uh-huh (yes).

21 Q. Now, on this past --- the previous Friday and
22 Saturday that you worked, what kind of methane
23 readings were you getting?

24 A. It was right at one. And it maybe flashed to one
25 and back.

1 Q. When you say one ---?

2 A. To .1.

3 Q. Okay.

4 A. .1, 0.1. It would not --- it was nothing
5 significant.

6 Q. Okay.

7 A. And you watch that because the numbers are about
8 two-inch blocks. And any kind of flashing, just the
9 numbers changing from one to two or zero to one, you
10 would notice that. I mean, I do. I don't know if
11 anybody else would, but I would.

12 Q. You'd notice that. In the days or weeks prior to
13 April 5th, have you noticed any problem with ribs
14 rolling off onto the offside of the tailpiece?

15 A. The offside?

16 Q. Yes, sir.

17 A. They seemed to always flake.

18 Q. Okay.

19 A. And you watched them get real black, you know. It
20 popped off when the rock dust and stuff was not on
21 there. When they put the panel in, the place was rock
22 dusted at least one time when they drove this up,
23 okay. When you start moving out, you'll see the black
24 spots from the ribs popping off and that nature.

25 Q. Now, if I understood you correctly, you work like

1 six days on and three days off?

2 A. Right.

3 Q. And you worked five days before April 5th
4 consecutively; is that right?

5 A. No. No. We were off Sunday, ---

6 Q. Okay.

7 A. --- April 4th. That was Easter, so we --- they
8 gave us Easter off.

9 Q. Okay.

10 A. And if I'm not mistaken, it was Thursday, Friday
11 and Saturday on the evening shift, ---

12 Q. Okay.

13 A. --- off Sunday, and we were supposed to go in
14 Monday and Tuesday. And Monday I was going
15 underground.

16 Q. Okay. Now, in those few days prior to April 5th
17 at your work station there, did you experience any
18 unusual irritation of your eyes, any burning
19 sensation?

20 A. No.

21 Q. Did you notice any unusual or strange smells or
22 odors in your work area?

23 A. No.

24 Q. Okay. Now, you said earlier that you explained
25 the difficulty you had in transporting supplies when

1 you had a trip or it was too long to get between the
2 doors.

3 A. Yeah.

4 Q. I got you on that. At times when you were not
5 hauling supplies, did you ever come upon an airlock
6 door and just found it open?

7 A. I've seen one side of it be open, like maybe a
8 trip had gone through and pulled them to, and there
9 wasn't enough air to even hold them to, and one would
10 swing back open or something when you'd drive up
11 there.

12 Q. Okay. Did you ever notice any of the airlock
13 doors damaged?

14 A. Yes.

15 Q. Do you recall the last time and the location?

16 A. These that were at 80 Break or that was marked on
17 the map earlier, those two seemed like they stayed
18 damaged.

19 Q. A pretty common occurrence then, I guess?

20 A. Pretty common, yeah.

21 Q. What did it usually take to fix them?

22 A. Changing the doors themselves.

23 Q. Well, in the time that you worked on this panel,
24 in this area of the mine, do you recall how many times
25 those doors that you just referred to might have had

1 to have been changed?

2 A. Probably twice.

3 Q. Okay.

4 A. That would be noticeable.

5 Q. Can you estimate how many other times that it
6 might have been necessary to fix them in some manner?

7 A. Probably about four. Only a guesstimate.

8 Q. Next question. I hope I'm not repeating this, but
9 you've described some of the problems that you've had
10 with ventilation on this longwall panel.

11 A. Right.

12 Q. Now, in the last few days you worked before April
13 5th, did you experience any particular ventilation
14 problems?

15 A. I don't know if it was that Thursday, or it might
16 have been when I was on dayshift on the six-day run
17 before that, but that's when I noticed that there was
18 a significant amount of air coming down the beltline.

19 Q. Moving outby?

20 A. No, coming down to the face. It was like we
21 were ---.

22 Q. Coming up the beltline to the face?

23 A. Yeah. It was like we were getting ventilation
24 from up the beltline and across the face.

25 Q. Okay.

1 A. And I talked to Timmy Davis. Again, he's one of
2 them deceased, and he went up with his anemometer and
3 did a check there and was getting ten-thousandths.

4 Q. Do you know why that was happening?

5 A. No. And he was questioning it. That's when he
6 went outby. Because I think he was the assistant
7 coordinator there at the last.

8 Q. Okay. All right. I asked you a little while ago
9 if explosives had ever been used to shoot longwall
10 block rib or on the head or tail, and you said yes.

11 A. Uh-huh (yes).

12 Q. When those explosives are used --- were used,
13 where do they come from? Do you know where they had
14 been stored prior to that, prior to their use?

15 A. They would usually have a powder magazine setup
16 somewhere. Sometimes it would be at the mouth of the
17 wall.

18 Q. Okay.

19 A. And sometimes it might be 20 or 30 breaks outby.

20 Q. Okay. All right.

21 A. On the period of time we had to shoot rock dust in
22 the pan line and wouldn't make the turn there at the
23 head to the crusher, sometimes it could get in the
24 crusher. And you'd turn it sideways and you might
25 make it all the way through and have it build up.

1 Sometimes you'd have to shoot those. The winch ---
2 grab a winch that you can took to it and get the rock
3 out of the crusher area. And if that didn't work,
4 they'd resort to shooting it.

5 Q. When you did the shooting, was the rock drilled?

6 A. Yes.

7 Q. The explosive box that you referred to, did it
8 stay supplied at all times, or do you know?

9 A. I don't know how they worked on supply, but it
10 would have the necessities in it.

11 Q. Okay. Different direction here now.

12 A. Okay.

13 Q. I think you indicated at the beginning of your
14 interview that you have been interviewed by company
15 lawyers about this accident; ---

16 A. Right.

17 Q. --- is that correct?

18 A. That's right.

19 Q. Can I ask you when that interview occurred?

20 A. Probably about two-and-a-half weeks after the
21 accident.

22 Q. Okay. Can I ask you who interviewed you?

23 A. I don't know their names.

24 Q. Okay. All right. Was this an interview that you
25 were required to attend?

1 A. It's pretty much like I'm doing here, I guess,
2 volunteer. I mean, they ask you to, that they'd like
3 to talk to you, and you pretty much go or you don't.

4 Q. I understand.

5 MRS. WOODRUM:

6 They said you could be subpoenaed if you
7 didn't.

8 BY MR. FARLEY:

9 Q. The company attorneys told you that you could be
10 subpoenaed by ---?

11 A. I think that's what they had kicking around. I'm
12 not sure, you know. I'm not sure if that's ---.

13 Q. That's interesting.

14 A. I'm not sure if that's the one or ---. You hear a
15 lot of things from these incidents.

16 Q. Okay. I'll have to ask them what their subpoena
17 power is.

18 A. Yeah.

19 MR. FARLEY:

20 Who's next?

21 EXAMINATION

22 BY ATTORNEY MCATEER:

23 Q. Thank you, Mr. Woodrum, for your testimony. You
24 said that there was ventilation when the wall was set
25 up.

1 A. Right.

2 Q. When was that? What time frame?

3 A. It seems like it was right around the middle of
4 September, in that neighborhood, when we started
5 running coal. It should be on the map here. It just
6 says September '09, first half, so the day we started
7 our crew was on the evening shift. And they'd run the
8 tail --- run the shearer to the tail, and it was so
9 dusty that they had to stop and start checking
10 ventilation. It wasn't right. And that's when they
11 had us outby plastering stoppings and thought the
12 problem was outby and said everything in behind the
13 wall towards the fan that the miner section had put
14 in, everything was clear all the way back to the fan.
15 And after we spent --- it was about 3:00 in the
16 morning, somebody had decided to walk back there and
17 recheck and found a Kennedy stopping.

18 Q. Was that Mr. Davis?

19 A. Yes.

20 Q. Did he remove the Kennedy stopping?

21 A. Yeah.

22 Q. Did the air clear up then?

23 A. Yes.

24 Q. Now, you testified that there were concerns ---
25 you had expressed some concerns, but also that other

1 members of your crew expressed concerns about the
2 ventilation system in general.

3 A. Right.

4 Q. What were your concerns?

5 A. Well, we would do scenarios. What would happen if
6 a motor crew was coming up and got to 78 and their
7 batteries caught on fire or something? Smoke would be
8 coming down the tail side to us, smoke would be coming
9 over to the head side to us, and what are we going to
10 do back here?

11 Q. By that you mean how are you going to get out?

12 A. Right. That was a significant scenario, what was
13 discussed ongoing. We had a Mother Drive at the mouth
14 of the wall, and if it would catch on fire.

15 Q. Have you heard of any other Mother Drives at any
16 other mines catching on fire?

17 A. Yes.

18 Q. Where would that have been?

19 A. At Aracoma.

20 Q. Is that a Massey operation?

21 A. Yes, it is.

22 Q. During these discussions were any Massey
23 management officials available, in the room or in the
24 area?

25 A. Just the foremen, bosses.

1 Q. That issue you raised about the less than worker-
2 friendly doors, ---

3 A. Right.

4 Q. --- I think I understand, but I'm asking because
5 it's for people reading this that maybe have a
6 difficult time understanding. You would be taking two
7 motors ---

8 A. And two flatcars.

9 Q. --- and two flatcars?

10 A. Uh-huh (yes).

11 Q. And you would get to the first door and what would
12 you have to do?

13 A. Well, we'd have to go and unhook the two flatcar
14 --- or the flatcar to one motor.

15 Q. The first flatcar.

16 A. Yeah. And the flatcar and the motor behind, we'd
17 have to separate them right there.

18 Q. Okay.

19 A. Okay. Then get out, open the doors, pull that
20 motor and flatcar through, shut the doors behind you,
21 and sometimes you'd have to even kick the drawhead
22 around because there wasn't enough room to open the
23 next set of doors.

24 Q. All right.

25 A. You'd go up there and open the next set of doors,

1 drive that motor and flatcar through up far enough to
2 clear the second set of doors with another motor and
3 flatcar that would be coming behind it.

4 Q. All right.

5 A. So then you'd have to walk back and help that guy
6 get his in the chamber, ---

7 Q. Shut the doors.

8 A. --- yeah, would be closed, but you're coming back
9 through this --- repeat everything again to open the
10 first set of doors, bring the motor in in between
11 them, shut the doors, and then open the inby set, pull
12 on through, couple back up. Sometimes we wouldn't
13 couple up. We'd go on to the next set of doors, which
14 would be about 500 foot or 1,000 foot on up and go
15 through that same set of doors just the same way.

16 Q. The same? You'd be coupling them, coupling again?

17 A. Well, that's when we wouldn't couple back up.

18 Q. All right.

19 A. We'd go through the second set ---

20 Q. Uncoupled.

21 A. --- uncoupled.

22 Q. Right.

23 A. And then couple back up, make sure that set of
24 doors is shut behind us, and proceed on to where we're
25 going.

1 Q. Now, all of us being human beings, there might be
2 a tendency ---.

3 A. Right. Right. But when you're going to do things
4 right in your mind, sometimes you're going to go ahead
5 and do it right, ---

6 Q. Okay.

7 A. --- especially when somebody is --- you go down
8 the road 70, 80 mile an hour, you might back it down
9 to 70 for a week or two --- day or two. You're going
10 to try to be the law-abiding citizen.

11 Q. You're talking hypothetically. Of course, all of
12 us drive at 55.

13 A. Sixty-eight (68), yeah.

14 Q. Okay. And with regard to those doors, you spoke
15 with --- the door problem, you spoke with ---

16 A. Jamie Ferguson.

17 Q. --- Jamie Ferguson? Okay. And his comment about
18 the dispatcher suggested to you that they didn't
19 recognize the problem?

20 A. No. No, he did not recognize the problem that was
21 bringing the supplies into the mine.

22 Q. That's obvious to everyone else.

23 A. Yeah.

24 Q. Now, you testified that you had heard of somebody
25 on the Sunday before the explosion changing the

1 ventilation system.

2 A. Yes.

3 Q. And what was the change that you heard?

4 A. I don't know, just that an air change had been
5 made.

6 Q. Okay. Now, when you found the air coming up the
7 belt --- coming up the line at 10,000 cubic feet, was
8 that unusual?

9 A. Yes.

10 Q. And what did that suggest to you?

11 A. Something's not right outby.

12 Q. And Mr. Davis, did he agree with that?

13 A. Yeah.

14 Q. And did you explore to find out or did he explore
15 to find out?

16 A. I think he did.

17 Q. And did the conditions change any or ---?

18 A. Not immediately. It might have been a day or two.
19 It wasn't as significant as it was that day.

20 Q. Okay. Did this cause you concern?

21 A. It wasn't like red flags jumping up.

22 Q. Okay.

23 A. But I've always had a question in my mind, why
24 couldn't you knock the next stopping, make it the last
25 open, prior to the belt tail roller clearing that

1 break.

2 Q. Okay.

3 A. If you got 10,000 tire coming down the belt line,
4 you know, what would be wrong with the air coming
5 across in the next line of stoppings and maybe going
6 across a little bit of that --- or it wouldn't really.
7 It would be going down around the corner and going on
8 down to the face. In other words, do a little bit of
9 a premature moving the ventilation system.

10 Q. With regard to that, did you ever meet with or
11 discuss with any of the Massey ventilation
12 engineers ---

13 A. No, I haven't.

14 Q. --- the ventilation system?

15 A. No.

16 Q. Did you ever see any ---

17 A. No.

18 Q. --- underground?

19 A. Not that I'm aware of, no. We've had people in
20 and out. But as far as them being introduced to
21 me, ---.

22 Q. Sure. You said --- and this is with regard to the
23 monitors, the methane monitors. What type of monitors
24 are they, the methane monitors that you look at?

25 A. I'm not sure what type they are. I just know they

1 got a stainless steel box mounted right where my phone
2 is, the mine phone for the headgate operator.

3 Q. Okay.

4 A. They've got a little shelf built for the methane
5 monitor readout.

6 Q. Okay. But it's your understanding that there was
7 a general rule that you could go without the monitor
8 functioning for a period of time?

9 A. Right.

10 Q. Is that the understanding that the other folks on
11 the shift had?

12 A. I'd say it was a lot of understanding. I don't
13 know how many people held that or regarded that, but
14 there was quite a few.

15 Q. It can be commonly ---

16 A. Right.

17 Q. --- appreciated? And that would include Mr.
18 Davis --- would have included Mr. Davis?

19 A. Yes.

20 Q. And is there any --- do you recall, was there any
21 management foreman or any other people that held that
22 same view?

23 A. I think the longwall coordinator probably held the
24 same view also.

25 Q. Sure. Who was that again?

1 A. Jack Roles.

2 Q. What's your opinion about the better practice of
3 use of doors or overcasts?

4 A. Overcasts.

5 Q. How come?

6 A. You've got an isolated air source and the airflow
7 you're with or the airflow that you're crossing under
8 is isolated. With doors it's not.

9 Q. Okay.

10 A. I told them, I said, you could throw a cat
11 underneath some of these doors. You had a gap
12 underneath.

13 Q. You're not suggesting you're against cats, are
14 you?

15 A. Nope.

16 Q. You testified that at some point that water backed
17 up behind the wall and you had to apply pumps and
18 turbine pumps --- including turbine pumps, et cetera?

19 A. I think they put a turbine. I'm not sure if that
20 ever --- they did talk about it.

21 Q. Okay.

22 A. They also talked about drilling down from the top,
23 I think, and pumping it out that way. But I think
24 they punctured on down to the fan hole that was back
25 there.

1 Q. Okay. Do you recall what period of time this was?

2 A. That was probably November, a month before, a
3 month after.

4 Q. And it's your testimony that that was around Break
5 120 to 140?

6 A. When we were starting up, some of us had to go
7 back on some of our days and help deal with the water
8 back then, too. It kind of been an ongoing problem.

9 Q. Okay. And now you testified that there was
10 problems with the ventilation initially, and then you
11 testified that there were concerns and other problems
12 during a period of time. How would you say the
13 ventilation on this panel was over the period from
14 September, when you started, to April?

15 A. The farther you get out with the longwall, it's
16 harder to ventilate a lot of times.

17 Q. And do you think there was --- that theory was
18 holding true here, that they were having a harder time
19 ventilating?

20 A. Yeah.

21 ATTORNEY MCATEER:

22 That's all I have right now.

23 EXAMINATION

24 BY ATTORNEY WILSON:

25 Q. Mr. Woodrum, if you don't mind, I just have a few

1 follow-up questions I just wanted to ask. You
2 mentioned that you had three bosses over the past six
3 months.

4 A. Uh-huh (yes).

5 Q. Can you tell us who those people were?

6 A. That would be Timmy Davis, Lawrence Stevens and
7 Kevin Medley.

8 Q. And Mr. Davis, was he your most recent supervisor?

9 A. No. Kevin Medley is my most recent.

10 Q. That would be Kevin Medley?

11 A. Yes.

12 Q. And do you know why? Were they just transferred
13 to different positions or why did you --- do you know
14 why you had three over the past six months?

15 A. Timmy went to assist the coordinator, I think is
16 the position he took. They moved him around so he
17 could do more outby work instead of just face boss.
18 And that's when we had Lawrence Stevens, I believe was
19 his name, and he bossed for about a month-and-a-half,
20 two months maybe.

21 Q. And do you know where he went?

22 A. He's in Kentucky, I think. He's not with the
23 company no longer.

24 Q. He left Massey?

25 A. Yes.

1 Q. Do you know why he left?

2 A. Uh-uh (no).

3 Q. No?

4 A. No.

5 Q. Do you recall around Christmastime ever being told
6 that your vacation would be cancelled? Was there ever
7 any discussion about that?

8 A. Yeah. It wasn't Christmas. It was Thanksgiving.

9 Q. Thanksgiving?

10 A. Yes.

11 Q. And can you tell me about that?

12 A. We had to work our vacation period.

13 Q. And normally is that a big hunting time?

14 A. Right. You have a week in the summer, a week at
15 Thanksgiving, and a week at Christmastime.

16 Q. And they did not give you your Thanksgiving ---

17 A. Right.

18 Q. --- week vacation?

19 A. Right.

20 Q. And do you know why that was?

21 A. I'm not sure what the reason they was telling us
22 at the time, but that's when our production --- that
23 might have been when the roof fall --- that might have
24 been when the roof fall was at 50 Break.

25 Q. And looking at the map, in the middle entry it

1 looks like there's a roof fall. Is that the roof fall
2 you're referring to?

3 A. That's correct.

4 Q. Did they at least give you Thanksgiving day off?

5 A. Yes, Thanksgiving day and the day after.

6 Q. Do you ever feel --- other than that incident, was
7 there ever any pressure that you felt about
8 production?

9 A. Sometimes, yes.

10 Q. Can you explain?

11 A. Things happen when you mine coal. Machinery
12 breaks down and stuff, but it's just like we need to
13 get this or we need to fill a coal order or something
14 like that. That's kind of the norm across the board,
15 so to speak. And it would filter down to the
16 employees themselves from the bosses. We need --- you
17 know, as far as them saying, well, we need to do this
18 or do that, do your job better or anything like that,
19 we --- they never did say it like that. They just ---
20 we need to fill our coal order or something like that.
21 Therefore, you might have to work one of your days off
22 even. Come in, maybe do a day of work on your day
23 off, and then go back to your production shifts.

24 Q. How often would that happen that you'd have to
25 come in on your day off?

1 A. It varied. Jack Roles was a --- he liked to work
2 some of your days off. Come in and do your outby
3 work, help get it caught up, either in the crib line
4 or the timber line, that maybe one person couldn't
5 stay caught up on.

6 Q. Okay. Now, you were talking earlier about --- you
7 were asked if the crews --- the shifts hot seated at
8 the face. And I believe you said at one time you
9 would meet at the end of the track?

10 A. Right.

11 Q. Did that change?

12 A. Yeah.

13 Q. Can you explain that?

14 A. That's when they were told --- and I don't know if
15 it was a state inspector or the federal inspector,
16 that they have to have two rides, enough to
17 accommodate all the people on emergency vehicles to
18 get from the face back down to the track. Okay. They
19 had one. So they had, I guess, an agreement or an
20 understanding that they would call at the mouth of the
21 section to the headgate and let them know that they
22 was on the way, and the headgate man would inform the
23 ones down at the face wherever you're at, it's five
24 minutes to tidy up, shut her down. If you make it all
25 the way out to the head, that's fine. If not, shut

1 her down, come on out. Then go down towards the tail.
2 They may want to go ahead and park the shearer, back
3 it up, park it out of the face, you know, back up from
4 the coal seam, from where it's cutting and go on out
5 because they have a five-minute walk to get on the
6 face when you're down on the tail. And then we'd meet
7 down at the --- at the end of the track, the other end
8 of the mule train.

9 Q. And do you recall when this change occurred?

10 A. No. It just kind of gradually --- somebody quit
11 calling. One group would not call. I don't know if
12 it was due to their boss telling them not to call or
13 anything like that, but they wouldn't call. So the
14 next thing you know, you turn around to look and
15 there's your replacement workers right there in your
16 face. So you shut down and go.

17 Q. When the shearer was operating ---

18 A. Uh-huh (yes).

19 Q. --- on the face, where would the shearer operators
20 normally be located?

21 A. On the outby side of the shearer.

22 Q. So towards the headgate side?

23 A. Yeah.

24 Q. And how far away from it would they usually be?

25 A. I don't know. I'd see them --- I'd watch down the

1 line and see the shearer coming, maybe at 40 or 50
2 Shield, and I'd see them coming up through there with
3 it. I'd come out here and get ready for the push, do
4 what I have to do to get the tailpiece lined up,
5 preparations out there, and then I'd see them coming
6 out at maybe Three Shield, one or two. I'd look up
7 there and I'd see their lights and stuff, and in a
8 little bit I'd see the shearer cutting out. And
9 that's probably 115 foot away, 120, when I'd be at the
10 tailpiece.

11 Q. Would they normally be within close proximity of
12 the cutter?

13 A. When they're cutting out, yeah. You wouldn't want
14 to get on the other side of the head drive because
15 some of the debris might come all the way out across.
16 You got your pan line running and you also had the
17 shearer cutting out and rotation of the heads. They
18 could hit a roof bolt, plate, maybe something left
19 over in the gob on the other side, and they could get
20 slung over there and hit you. We always --- well, I
21 did. I would always recommend anybody wants to come
22 down there and look down the line, don't be standing
23 right across from the face chain running, because
24 sometimes that thing could --- I've heard of it, I
25 haven't seen it, ball up and break the face chain and

1 bust the doors out in the head drive. It's dangerous
2 right there. So you'd stand up over towards the
3 crusher or back down towards Number One Shield.

4 Q. On this most recent panel, did you ever experience
5 ground control problems on the face area?

6 A. Maybe the last open break. Hooving and stuff of
7 that nature is what you're talking about?

8 Q. Right.

9 A. Yeah.

10 Q. Could you describe that?

11 A. Probably back around the 50s we had the bottom
12 hooving up, crack down the middle, middle edge, and
13 you'd walk through there and it would be fine. The
14 next time you'd walk through there, there might be a
15 two-inch ledge or something.

16 Q. And you're talking back around 50 Break?

17 A. Yeah. That's the most recent that I can be aware
18 of. Now, as far as the top bumping and stuff of that
19 nature, we've had an earthquake supposedly reported
20 down in Logan County about a month before this
21 happened. And I asked anybody else if they heard it.
22 They said, no, we didn't hear it. Because I watch the
23 news quite a bit and stuff and it was just on there
24 once or twice that I caught it. I wasn't sure what I
25 was hearing. And it was reported, and then they said

1 it was a --- probably a mine collapsed underneath, an
2 old mine worked out or a shot being put off on a crib
3 or something of that nature. But I noticed our top
4 would thump and bump quite a bit. It might have been
5 because they set bits, and I could hear it when the
6 machines were shut off and the chains were silent.
7 Maybe that's the reason it was more noticeable than
8 any other time. But you know, you hear things like
9 that in our area even, you're going to pay attention,
10 thumping and bumping.

11 Q. Ever experience changes in the pressure on the
12 shield legs?

13 A. I haven't on that panel.

14 Q. And the water that was in the area towards the
15 backside of the panel, do you know where that was
16 coming from?

17 A. Well, there was some coming out of the top. I
18 don't know if they had some coming out of the rib or
19 whatever. When we were driving that, it was some
20 coming out of the face, some coming out of the top.
21 It looked like a rainforest, so to speak, what they
22 called it sometimes, the shearer operators and the
23 jack setter. As a matter of fact, I think they put
24 some raincoats and stuff on.

25 Q. And what portions of the panel did --- were those

1 conditions --- raining-type conditions experienced?

2 A. That was probably up there around December and
3 January, in that neighborhood.

4 Q. And was there a period in time when that water
5 inflow was reduced?

6 A. That's about the time we had the pumps set on the
7 face, if I'm not mistaken. You know, at the time it
8 doesn't seem significant. It just seems like past
9 practice, so to speak, and you don't make a mental
10 note of it, so --- especially where it didn't --- I
11 was getting rained on. I didn't have to wear a suit.

12 Q. Right.

13 A. I had to worry about the top falling in on me.

14 Q. What about the recent months, though, before the
15 accident, were there any problems with water coming
16 out of the roof or the face?

17 A. I don't think so. We'd have some on the belt, but
18 it would be from the initial start-up. Like you'd
19 turn the shearer water on, and all the sprays on the
20 shearer and stuff, that would be filling the pan line
21 up before they start cutting the coal. And when I'd
22 turn and get the face chain going for about maybe a
23 minute, minute-and-a-half, maybe two, there'd be water
24 coming out the chains where it filled up on the fan
25 line when it started. But that is on dayshift.

1 ATTORNEY WILSON:

2 Let's go off the record for a second.

3 OFF RECORD DISCUSSION

4 ATTORNEY WILSON:

5 We'll go back on the record. John?

6 RE-EXAMINATION

7 BY MR. GODSEY:

8 Q. You said that you left Upper Big Branch to another
9 mine. When was that?

10 A. I think it was '07. I think that's when we went
11 down to Elk Run.

12 Q. And when did you come back to Upper Big Branch?

13 A. September '09, in the summer there. We were
14 trying to set it up.

15 Q. What kind of training did they give you when you
16 came back?

17 A. We stayed all under the Performance --- so as far
18 as any training, we just had our initial yearly
19 training.

20 Q. And when you came back, you came back to the
21 headgate ---?

22 A. Well, I stayed on the motors. There was no
23 headgate job at the time.

24 Q. Okay. Which way --- on the face belt, which way
25 is the correct direction, the direction that's

1 approved for the air to travel?

2 A. I'm thinking it comes up towards the face, but
3 just a slight movement of air just to keep the methane
4 or dust and everything moving.

5 Q. Would you know why they have your adjusted
6 employment date February 2nd, 2010?

7 A. February 2nd, 2010?

8 Q. Uh-huh (yes).

9 A. Not 2010, no.

10 Q. Are you aware --- do they have any supervisors or
11 anybody in charge of ventilation at Upper Big Branch?

12 A. I'm not aware of it, no. You're saying like a
13 regular ventilation personnel man?

14 Q. Right.

15 A. Not that I --- I don't ---.

16 Q. Back on March 9th, 20 --- this year, they made a
17 significant --- or tried to make a significant
18 ventilation change on the longwall. Were you involved
19 with that?

20 A. Probably was, if you're talking about ---

21 Q. And they were ---?

22 A. --- where we did the stopping, plastering and ---
23 they knocked some stoppings down on the tail one day
24 and we had --- it didn't fix the problem, had to go
25 back and rebuild the stoppings, my crew did, and then

1 plaster them, both sides.

2 Q. Do you know how long they were down?

3 A. I'm thinking about three days.

4 Q. Is that the first time it's happened on this
5 longwall panel?

6 A. That's the first time it happened to me, I think,
7 on my crew. That's when the miner section was down
8 also and they pulled us out that day. And then the
9 next day or two the miner section went back to
10 producing, and we were still down.

11 Q. Just a few more questions. You had --- your
12 coworkers on Headgate 22, the tailgate and longwall,
13 did they --- I may have asked you this, but did you
14 all ever --- did they ever discuss with you or did you
15 ever overhear them talking about --- something about
16 having ventilation changes like highs and lows on
17 the --- not having enough air to work with?

18 A. Yeah. I've heard it myself.

19 Q. Which areas did you hear ---?

20 A. I'm thinking it was the Headgate 22. I'm not sure
21 if it was the 22 --- the guy on the evening shift on
22 22 or it was this panel here they was trying to drive
23 down. There was one of them didn't have enough air.
24 It had 14,600, is what I heard him reporting. And
25 they was trying to go down to the overcast --- I'm not

1 familiar with what they do have over in there.

2 Q. Did you ever hear anybody talking about people
3 adjusting the regulators to ---?

4 A. I have not heard that.

5 Q. What did they --- what did you --- did they find
6 out what they did to correct the problem? Did they
7 --- when they lost the air?

8 A. He was --- that boss was hunting for it and
9 calling it out, and they was telling him where to
10 check. And what the findings were, I don't know. If
11 I'm not mistaken, that was the Friday before.

12 Q. Your ventilation, was you --- how would you say it
13 was? Was every day different, or it changed during
14 the week a lot, the velocities on the longwall and
15 other units?

16 A. It wouldn't be a day-to-day thing, no. But there
17 would be sometimes you would notice the difference.

18 Q. So you say you didn't --- do you feel they had
19 control of the ventilation?

20 A. Do I feel that way?

21 Q. Yeah.

22 A. I've got my doubts.

23 Q. Did anybody else --- did any other coal workers
24 talk to you about that?

25 A. Yeah.

1 Q. How many?

2 A. It's been discussed. Like Timmy, he was concerned
3 a lot of times on ventilation. That's why he come
4 over there and checked it.

5 Q. He was your foreman?

6 A. No, not at that time he wasn't. He was, I guess,
7 an assistant coordinator at that time.

8 Q. Did your foreman ever discuss the ventilation with
9 you, problems?

10 A. Well, at the time that I heard that on the phone
11 about the ventilation, I went to him and told him that
12 they was having trouble with the miner section. And
13 he said, well, I just checked it. We've got our air.
14 And he didn't inform me what it was or anything. He
15 had no need to. But he just told me that he just got
16 through checking it, and we have real good air here.
17 We've got our air. And you could tell on that last
18 open break.

19 Q. You said you did visit Headgate 22 before you ---.
20 Have you been in the face area?

21 A. Not in the face area, no.

22 Q. What about the Tailgate 22, face area?

23 A. No, I haven't been over in this --- where they was
24 driving the tail on down. I have not been over in
25 there other than maybe going to these supply doors,

1 somewhere through there.

2 Q. And on those supply doors up there, how did they
3 usually maintain those doors?

4 A. They was pretty good.

5 Q. Did you ever find any of them left open or
6 anything?

7 A. No.

8 Q. You know, I asked you earlier about the doors
9 having been left open and they've been --- people ---
10 MSHA or the State, whoever, have written up citations
11 about it. And they had a talk with you --- the
12 company supposedly had a talk --- a discussion with
13 you. What did they discuss and who did it?

14 A. It was Jack Roles, I think, talking about one of
15 the miner sections was in a mantrip and had an
16 inspector in the back of the mantrip and somebody was
17 going through the doors and had another set open
18 before the other crew got there and stuff of that
19 nature and told us not to be doing that stuff, watch,
20 be careful, better watch yourselves.

21 Q. In other words, if you left those outby doors open
22 and you short-circuited the ventilation, it would make
23 probably a drastic change on the section?

24 A. I don't know if it happened --- we're so far away.
25 I don't know if it would happen right at that time

1 or --- you know, it may not be significant for a
2 while.

3 Q. But you feel it would change?

4 A. Yeah. Somewhere along the line it's going to
5 change, you know.

6 Q. Has any other sections ever mentioned to you about
7 feeling ventilation changes maybe they felt was
8 attributed to the doors being left open?

9 A. I don't know if it's attributed to the doors being
10 left open or not. They've had their concerns about
11 ventilation.

12 Q. What were all their concerns about? Do you
13 remember what they discussed?

14 A. Well, they didn't have any air, seemed like. You
15 know, they just barely have enough. I'm just going by
16 hearsay, you know, on that.

17 Q. Did you ever hear of any other people on the other
18 sections discuss any methane accumulations in the
19 face ---

20 A. No.

21 Q. --- while they were in the mine?

22 A. No.

23 Q. Did you work the Friday before the accident?

24 A. Right.

25 Q. Were you sent home any time?

1 A. No.

2 Q. Okay.

3 A. That's --- if I'm not mistaken, that's the Friday
4 that one of the miner sections didn't have enough air.
5 I'm not that familiar. It didn't affect me, but I
6 just overhead the conversation on the phone that they
7 were lacking on air and trying to find it.

8 Q. How often do they usually calibrate those methane
9 monitors on the longwall?

10 A. I'm thinking it's weekly. I'm not sure. That's
11 hoot owl's job.

12 Q. So you don't know. You don't ever see them. Have
13 they ever had to do it on ---?

14 A. I've seen the canisters that they have. They
15 leave them on the gate box sometimes. But I think
16 here lately they lock them up in their toolbox.

17 Q. Is the voltage on the shearer monitored on the
18 surface?

19 A. No.

20 Q. Does any way the surface --- they monitor when the
21 shearer is operating? Can they tell on the ---?

22 A. They can tell by the water pressure sometimes.
23 That's how they were telling sometimes. We use a
24 significant amount of water on your sprays and your
25 locked-up couplings that drive the face change and all

1 this. So if their water is not being used that much
2 outside, the pressure builds back up and then they can
3 tell where a wall is down. And it seemed like every
4 time I was across the belt, loosening my structure
5 bolts up and my last bit and that, I'd get a call from
6 some of them, asking me what's going on.

7 Q. In other words, they monitor that pretty ---?

8 A. Well, yeah.

9 Q. Who normally worked on the longwall? What was
10 their location, the position? Like the shearer, where
11 was he? The jack setter and all that, where were they
12 usually located when they were running the shearer
13 across the face?

14 A. Just across the face. You'd run --- where the
15 shearer and the jacks were at that they were blown in.

16 Q. In other words, they were pretty close together?

17 A. Yeah, all three of them.

18 Q. And then we was talking about the condition when
19 you got the longwall out of the seam. Did you ---
20 what was the roof conditions in --- did you all make
21 any methane or anything when you were doing that?

22 A. No, not that I can remember.

23 Q. What were your directions from management about
24 being out of the seam or being in the rock?

25 A. They --- we talked about it. Jack Roles come out

1 there and was talking about it. And it was like a
2 swag that the coal seam had come down and come ---
3 started coming back up. My gate box and stuff was in
4 the area where it come back up, out of the hole back
5 there. And he said it will probably be about a week
6 before we can get level --- back outby, looking the
7 way it was riding.

8 Q. What was his supervisor saying about it?

9 A. I don't know.

10 Q. What's a typical face footage you all run a shift,
11 average?

12 A. A good roundabout number is probably about six,
13 six passes.

14 Q. How long does it take to go --- to make a pass, on
15 average?

16 A. On average, about an hour, an hour down to the
17 next pass.

18 Q. Where are the phones located on the longwall and
19 on the tailgate?

20 A. On the wall, I think it's every 12 shields. You
21 got a phone and a button where you turn to lock it
22 out.

23 Q. And before it starts up and stuff, it gives
24 alarms?

25 A. Yeah.

1 Q. Okay.

2 A. Yeah.

3 Q. Who are the personnel on the longwall that carries
4 the handheld methane monitor?

5 A. I think the shearer operators.

6 Q. Anyone else?

7 A. And the foreman. I think some of the electricians
8 also have them in case they do cutting or welding or
9 anything like that.

10 Q. How often --- does the mine foreman or the shift
11 foreman usually come to the longwall during the day or
12 evening when you're up there?

13 A. Most of the time not in the evenings. You're
14 talking about the foreman?

15 Q. Yeah, the ones over your --- your supervisor.

16 A. Yeah.

17 Q. The mine foreman or shift foreman?

18 A. He's usually --- if he's not on the wall, he's
19 close by. He might be outby, looking at the breaks
20 and things outby us, what we're getting ready to come
21 into.

22 Q. But like you said, as soon as a wall goes down or
23 a section goes down, management surely gets on the
24 phone --- do they usually get on the phone and
25 demand --- not demand, but ask what's wrong with

1 the --- how come you're not running ---?

2 A. That's my job, to inform them outside that we're
3 down one ---. And we do have a 30-minute callout.

4 Q. When is that, every 30 minutes? I mean, when you
5 get on ---.

6 A. It don't matter if you're down or not.

7 Q. Okay.

8 A. So there's records somewhere.

9 Q. Say you're just getting on a section and you're
10 getting ready to start running the shearer, do you
11 have to call out when production starts?

12 A. I usually tell them, yeah.

13 Q. Then 30 minutes ---?

14 A. Well, it might be ten after 7:00 when we get
15 started or ten 'til, and then I'll usually do
16 another --- do my seven o'clock right then.

17 Q. Let's go the day of the accident. Where were you
18 at the time of the accident?

19 A. When the explosion went off, I was 300 foot, at
20 Ellis Portal.

21 Q. Do you want to point to that?

22 A. We have a charging station, I think, if this is
23 the Ellis Portal, and I think about 300 breaks
24 underground at the mantrip chargers. And we just ---.

25 Q. Excuse me. 300 breaks or 300 feet?

1 A. 300 foot. I'm sorry. And one of the electricians
2 was unplugging them, the mantrip charger, and plugging
3 the battery leads back up. I put my bucket on the
4 ride, and there was another boy in the ride, in the
5 inby ride. That would be the inby end. And they have
6 lights, a string of lights up by these chargers.
7 There are about three or four chargers in that area.
8 And ours was inby side. And the lights went out and I
9 turned my cap light on, and I said, I guess the fan's
10 off, too, because the air stopped. The air started
11 coming back out and it just kept coming out and debris
12 coming with it, dirt, dust, chunks of rock. It wasn't
13 just --- it wasn't just fine dust. It was pretty
14 heavy, significant. And it lasted probably for a
15 minute-and-a-half, two minutes.

16 I reached up and put my earmuffs on for the sole
17 purpose to keep my hat on. I was still standing
18 beside the mantrip and tried to look up the track to
19 see if something was coming. And you couldn't hardly
20 see. It was just a lot of dust in the air and ---. I
21 put my head down in my arm and I still couldn't
22 breathe hardly and just choking. And I thought to
23 myself, I need to get back away from there. I stood
24 there probably about 10, 15, maybe even 20 seconds,
25 tolerated the air that long. Moved down beside the

1 mantrip and that boy come out of the front and had on
2 a rescuer. We walked down and hunkered down behind
3 the mantrip. He just keep asking, what is this,
4 Woody? What is this? I said, I don't know. And it
5 felt like it sped up, the intensity and stuff. It was
6 pretty severe. That boy said, well, we need to get
7 over in the break, because there was two other people
8 standing in the break. There was a boss and one of
9 the shearer operators. I said --- I looked around and
10 I thought, well, if there's a motor or something
11 coming down through there and it broke loose and ---
12 or did something, I said, we're still in harm's way
13 here behind this mantrip. I said, yeah, let's get
14 over in the break.

15 So we run over to the break. And as soon as we
16 got over there, they was asking, what is this, what is
17 this. Don't know. Don't know. Been an explosion or
18 a massive roof fall or something. And one of them
19 made the comment, said, we're getting out of here. So
20 we said, well, we're with you, and we took off
21 running. When he stepped out of the break and you're
22 still in that intensive airflow and stuff, his hat
23 flew off his head and went rolling down through there.
24 And I'm the only one with a light, and I'm shining,
25 trying to help him. And we got tied up in the next

1 charger cables. So he ran down there and finally
2 retrieved his hat, put it on, and then we took on
3 walking --- or running outside by the other mantrips.
4 And before we reached the drift mouth, we could still
5 see outside. And the other guys were standing around,
6 looking in, and that's when it stopped. That's why I
7 say it took a minute-and-a-half, two minutes. And I
8 didn't want to say too much about maybe what had
9 happened underground because one of the boys, like
10 Timmy Davis was his dad, so we was hoping it would
11 just be a rock fall. But with the velocity of air and
12 stuff like that, pretty well knew it wasn't.

13 Q. Can you describe when you were outside what took
14 place?

15 A. Well, everybody was kind of running around,
16 talking among theirselves, what happened, what
17 happened? We had dust and dirt all over us. I could
18 spit mud for about a minute or two. People's eyes
19 were full of dirt. And I don't know if these --- the
20 miner sections' guys that were behind us ran just as
21 soon as it was went off or what, but they were still
22 --- they were all outside.

23 Q. How many of you all --- you said something about
24 donning a respirator.

25 A. No, we didn't don a respirator. Now, the miner

1 section that was, I think, getting up here through
2 this little deal where the miner section that was in
3 here about 20 breaks or so, they came out about five
4 minutes later and had their respirators ---- or
5 rescuers on but didn't have them in. They just had
6 them right there, where they put them in at any time.
7 They said their Solaris CO monitors were going off,
8 acting crazy, lighting up.

9 Q. What type of a rescuer did they have? What type
10 were you all using? What brand are they?

11 A. I forget at the time what it is. It's the orange
12 ones.

13 Q. CSEs or ---?

14 A. Yeah, CSEs.

15 Q. Did any of the management personnel come down to
16 the portal?

17 A. Yes.

18 Q. Who were they?

19 A. Jack Roles was down there. Everett Hager was down
20 there, Wayne Persinger. I seen --- the president of
21 the company was down there.

22 Q. Who was that?

23 A. That's ---

24 Q. Chris?

25 A. --- Chris Blanchard. And I think Jason Whitehead

1 was there also. I'm not that familiar with seeing
2 him. I'm not that familiar really of seeing Chris
3 Blanchard, but I'm pretty sure I did see him. They
4 was walking back and forth, checking the portals.

5 Q. What did they do after that? I mean, ---.

6 A. They'd just go over here at this portal and check,
7 huddle up amongst theirselves, then they'd go out
8 through the yard and check the other one, where the
9 belt come out and doing checks like that, I guess,
10 checking COs. I'm not sure.

11 Q. Did any of them enter underground? Did any of
12 those ---?

13 A. Not while I watched them, no. Jack Roles come
14 over there and told us to go home and come back
15 tomorrow.

16 Q. And how long after he told you that did you all
17 depart the mine?

18 A. About 3:30. About in that neighborhood is when I
19 left. And we was talking to each other and stuff like
20 that. He probably didn't tell us until about 15 to 20
21 after.

22 Q. So shortly after that, you all left?

23 A. Yeah. Didn't --- well, except the electricians.
24 Anybody that had their papers and --- had electrician
25 papers.

1 Q. Who was the electrician?

2 A. Tom Estep. The other electrician rode with a boy,
3 and he said, you go ahead and go home.

4 Q. But Tom Estep stayed?

5 A. Yeah.

6 Q. In other words, while you were there, you never
7 saw anyone after you came out? Other than the crew up
8 here, you never saw anybody go back in?

9 A. I did not see anybody go in.

10 Q. Did anybody try to make any contact with anybody
11 underground?

12 A. They were on the phones, trying to holler. You'd
13 hear an echo, and nobody would answer. Holler one
14 section of the longwall, no response.

15 Q. Did you find out --- did they ever say how much
16 the CO was on the Solaris system?

17 A. No.

18 Q. Just said it was ---?

19 A. Yeah. It was enough to send it off and lighten it
20 up.

21 Q. Do you have anything else that you would like to
22 add that may be relevant to this investigation?

23 A. Well, I have questions. I've got a question. On
24 the ventilation, back when we were mining these other
25 panels and stuff, which were '06 and 2001 to 2006, and

1 over a period of time we went up to 60 thousandths in
2 the last open. Then at one time there at last, I
3 think, they was up there to maybe a hundred
4 thousandths. I'm not sure. I think Paul Prince was
5 the inspector that --- I don't know if he had anything
6 to do with it, but he was maybe on the quarterly or
7 something like that. I'm not sure how he ran it, but
8 he was a person that was brought to my mind, being an
9 inspector and stuff. But you have these panels and
10 stuff, and you have to have the significant air amount
11 going across the last open. Then we come back after
12 three years of going down to Elk Run and stuff and
13 then back to the same mines, and it's 40 thousandths
14 in the last open. I can't see it healing itself.

15 Q. In March --- we talked earlier about March 9th or
16 thereabouts, that they had a ventilation change.

17 A. Right.

18 Q. I think at one time the ventilation on the
19 longwall was up to over a hundred-some thousand,
20 110,000, 112,000. I can't remember. I think it
21 was --- and shortly after that it was down to like
22 60,000.

23 A. Uh-huh (yes).

24 Q. Do you know what ---?

25 A. I don't know what took place there. I don't know

1 why we come back under a new ventilation plan for
2 those three years, while we were gone what took place
3 to make 40 thousandths in your plan instead of a 100
4 thousandths or even six.

5 Q. But this is like over just a very short period of
6 time it went from 112 down to ---?

7 A. Oh, they had 112 ---. I don't know why. I did
8 hear something about it being way up and then they
9 probably regulated it. I don't know. I don't know if
10 we were getting all the air or what.

11 Q. Back over in the --- I think it was about
12 somewhere in --- maybe March or so, that they had a
13 reversal on the tail air. It was going outby instead
14 of going inby. Were you aware of that?

15 A. I heard that. You know, I didn't know of any plan
16 or anything that took place after that.

17 Q. You don't know how they corrected it, ---

18 A. No.

19 Q. --- if it was corrected? Okay.

20 ATTORNEY WILSON:

21 Terry?

22 MR. FARLEY:

23 A couple of things.

24 RE-EXAMINATION

25 BY MR. FARLEY:

1 Q. When you were interviewed by the company lawyers,
2 did they discuss the matter of you being interviewed
3 by us at any point?

4 A. It was brought that I could have representation, I
5 guess one of them or something like that. I don't
6 feel like I got anything to hide.

7 Q. Did they invite themselves as your representative?

8 A. They said we could, I think.

9 Q. Okay.

10 A. I don't know if that's what they were referring
11 to, was one of them or one of their firms or ---
12 members or what. I don't know.

13 Q. When you were interviewed by them, did they
14 interview you one on one or as a group?

15 A. One on one.

16 Q. Who was the foreman on Headgate 22 when you heard
17 about the low ventilation problem you were talking
18 about earlier?

19 A. I don't know his name. I know his nickname. I'm
20 thinking it was Hammer. Hammer.

21 Q. Hammer?

22 A. Yeah.

23 Q. All right.

24 ATTORNEY WILSON:

25 Davitt?

1 ATTORNEY MCATEER:

2 No questions.

3 ATTORNEY WILSON:

4 Let's go off the record just to confer
5 for one second, then we'll finish up.

6 OFF RECORD DISCUSSION

7 ATTORNEY WILSON:

8 Let's go back on the record. John, you
9 had one quick follow-up?

10 MR. GODSEY:

11 Just one question.

12 RE-EXAMINATION

13 BY MR. GODSEY:

14 Q. When you came back to work at Upper Big Branch,
15 did they give you any type of training?

16 A. No, not from Elk Run.

17 ATTORNEY WILSON:

18 Davitt, do you have anything?

19 ATTORNEY MCATEER:

20 No. Thank you.

21 ATTORNEY WILSON:

22 All right. Again. Mr. Woodrum, I thank
23 you for coming in on behalf of MSHA and the Office of
24 Miners' Health, Safety and Training. Your cooperation
25 is very important to the investigation. We will be

1 interviewing additional witnesses. We require that
2 you not discuss your testimony here today with anyone
3 else. If, after questioning other witnesses, we have
4 any follow-up questions, we may contact you. If at
5 any time you have additional information that you feel
6 is important, please contact us at the contact
7 information in the letter that was provided to you. I
8 want to give you one last opportunity. If there's
9 anything else that you would like to add to the record
10 or any statement that you would like to make, you may
11 do so at this time.

12 A. I'm good. Thank you.

13 ATTORNEY WILSON:

14 All right. Well, then again, thank you
15 for your cooperation in this matter. Off the record.

16

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18 STATEMENT UNDER OATH CONCLUDED AT 12:51 P.M.

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1 STATE OF WEST VIRGINIA)

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CERTIFICATE

I, Brett Steele, 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.



Brett Steele