

STATEMENT OF  
RANDAL L. MCCLOY, JR.

Taken pursuant to Notice by Miranda  
D. Elkins, a Court Reporter and  
Notary Public in and for the State of  
West Virginia, at the Waterfront  
Place Hotel, 2 Waterfront Place,  
Morgantown, West Virginia, on Monday,  
June 19, 2006, at 10:04 a.m.

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

RAY MCKINNEY  
Administrator for Coal Mine Safety  
and Health  
U.S. Department of Labor  
1100 Wilson Boulevard  
Arlington, VA 22209

ALSO PRESENT: ANNA MCCLOY



EXHIBIT PAGE

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P R O C E E D I N G S

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ATTORNEY GOODWIN:

My name is Steve Goodwin, and I represent Mr. McCloy. We're here today to meet with the MSHA people. We're happy that we're finally able to have this meeting. Randy has wanted to do this for a long time. We're glad we're here.

I just want to say briefly that I know you gentlemen know and I want everyone to know that he's still undergoing extensive physical and mental rehabilitation. His injuries are still affecting him. He's doing wonderful, as you can tell. He's improved dramatically. And he continues to get better every day. And we're all pleased

1 with his progress, and I know  
2 Randy is. Randy, the only  
3 problem he may have is he  
4 wants it to go a little bit  
5 faster. But he's here today  
6 to attempt to answer your  
7 questions. I would point out,  
8 I know you all have copies of  
9 his statement. And I would  
10 ask that, at some point, we  
11 make that part of the record.  
12 That's also the statement that  
13 was given to the families.  
14 And it was also provided to  
15 you all or should have been.

16 I think you will find  
17 that that's a good guide for  
18 you, hopefully. And I'm not  
19 sure there's a whole lot more  
20 --- there may be some  
21 specifics you certainly want  
22 to ask about, but generally  
23 that covers the story.

24 So with that being  
25 said, we're happy to be here

1 and we're happy to have you  
2 all talk with Randy.

3 ATTORNEY MCATEER:

4 I'd just mention one  
5 thing, that I'm here on behalf  
6 of the State of West Virginia,  
7 the Office of Miners Health,  
8 Safety & Training and the  
9 Governor's Office.

10 MR. MCKINNEY:

11 I'm Ray McKinney, and  
12 I'm representing the Mine  
13 Safety & Health Administration  
14 as administrator.

15 ATTORNEY CLAIR:

16 And I'm Ed Clair,  
17 Associate Solicitor for Mine  
18 Safety & Health, also  
19 representing MSHA.

20 ATTORNEY MCATEER:

21 Randy, we'd like to  
22 just ask you, in your own  
23 words, to tell us the best you  
24 can what happened on the  
25 morning of the explosion or if



1           there's any other things you  
2           want to talk about.

3           Obviously, what we're trying  
4           to do is we're trying to learn  
5           lessons so we can prevent this  
6           from happening at other times.  
7           That's the whole point of what  
8           we're up to.

9                           MR. MCKINNEY:

10                          We do appreciate you  
11                          coming in, Randy, I think this  
12                          is going to be very helpful to  
13                          us. And it's informal. Take  
14                          your time. And if you need to  
15                          rest or take a break, we're  
16                          more than happy to. Just let  
17                          us know what you want to do.

18                           ATTORNEY GOODWIN:

19                          Randy, why don't you  
20                          start with that morning. I  
21                          think you told me that you  
22                          remember leaving home that  
23                          day; correct?

24           A.           Uh-huh (yes).

25                           ATTORNEY GOODWIN:

1                   And tell them what you  
2                   remember about that, and then  
3                   what's the next thing you  
4                   remember after that. Okay?

5       A.        I don't even remember if I  
6       actually worked up to that time,  
7       before it happened. I'm not clear on  
8       if I even worked, you know, the day  
9       before it happened. I know I had  
10      been doing something, but I don't  
11      remember what.

12      BY ATTORNEY MCATEER:

13      Q.        How did you get to work?

14      A.        A car.

15      Q.        Was it raining?

16      A.        Was it what?

17      Q.        Raining?

18      A.        No, I don't think.

19      Q.        And you got to work and you  
20      changed clothes?

21      A.        Yeah.

22      Q.        Did you go in with the first  
23      trip?

24      A.        The first or second, I don't  
25      remember which.

1 BY MR. MCKINNEY:

2 Q. Because it's a normal crew  
3 that you worked with, Randy, that  
4 day?

5 A. Yeah.

6 BY ATTORNEY MCATEER:

7 Q. Do you remember riding in at  
8 all or?

9 A. That day?

10 Q. Uh-huh (yes).

11 A. Not really. It's just like  
12 another day.

13 Q. Sure. Can you tell us when  
14 you got in what happened?

15 A. Well, I'm not clear on the  
16 times, but ---.

17 Q. Don't worry about the times.

18 A. Well, there was definitely  
19 some smoke and stuff. It was real  
20 hazy down there. That was due to the  
21 explosion.

22 BY ATTORNEY CLAIR:

23 Q. Randy, you had gotten off the  
24 mantrip. Had you gotten off the  
25 mantrip and started to go up to the

1 face when the explosion happened or  
2 were you still in the mantrip?

3 A. At that time --- would you ask  
4 that question again?

5 Q. Sure. When you first noticed  
6 the smoke and felt the effects of the  
7 explosion, were you in the mantrip or  
8 had you gotten out of the mantrip and  
9 walked up towards the face to start  
10 work?

11 A. I believe I was out.

12 Q. You were out and had gotten up  
13 towards the face?

14 A. Right.

15 BY ATTORNEY MCATEER:

16 Q. Tell me, if you would, about  
17 the smoke. Do you remember about the  
18 smoke, what kind it was, what color  
19 it was?

20 A. I don't know. Well, see,  
21 after the wind had burst through and  
22 all the stoppings had blown out, I  
23 guess that's what the smoke --- and I  
24 assume ---.

25 BY MR. MCKINNEY:

1 Q. Do you remember the initial  
2 effects of the explosion, Randy, as  
3 far as the pressure, feeling it?

4 A. Yeah.

5 Q. At that point in time, was  
6 there any smoke where you were?

7 A. Actually, a lot.

8 BY ATTORNEY CLAIR:

9 Q. So you felt the concussion and  
10 then the smoke came, or all at the  
11 same time?

12 A. I could hear it a little bit  
13 from the distance.

14 BY ATTORNEY MCATEER:

15 Q. Did it knock you over?

16 A. Huh?

17 Q. Did it knock you over?

18 A. No, no. It wasn't that --- it  
19 was just like wind, you know.

20 Q. Okay.

21 A. I mean, it went quick after  
22 --- it took out like 40 --- I forget  
23 how many stoppings it blowed. It  
24 blowed a bit.

25 Q. Did your cap lamp work?

1 A. I was there until --- well, as  
2 far as I know it worked, you know,  
3 but then eventually it went out, just  
4 like all the rest of them did.

5 BY MR. MCKINNEY:

6 Q. When it initially happened,  
7 Randy, your team or the group was  
8 together, could you see the other  
9 folks that were there with you? The  
10 crew that was with you initially  
11 after the concussion, could you see  
12 the people that were with you in the  
13 mantrip had gotten out of the  
14 mantrip, your other crew members?

15 A. You're talking about when the  
16 shift started?

17 Q. No, when you first felt the  
18 concussion of it, the wind came  
19 toward you. At that point in time,  
20 could you still communicate and see  
21 your other crew members?

22 A. Yeah.

23 Q. You indicated there was some  
24 smoke that came on. How long was it  
25 before you actually couldn't see the

1 people that were with you?

2 A. Well, the time that I seen the  
3 smoke was the time that --- actually,  
4 that we had went back to the face,  
5 where we hung curtain to try to  
6 escape some of the gas. We just hung  
7 curtain and tried to get away from it  
8 because we knew it was unsafe air,  
9 you know, right there. We knew that.

10 Q. Do you recall trying to travel  
11 outby or toward the surface at any  
12 time?

13 A. Yeah. Actually, tried to go  
14 outby as far as the shrapnel and  
15 debris gets, then we had to stop and  
16 turn back around. That's when we  
17 went and thought we had to go to  
18 somewhere in the face and hang the  
19 curtain up.

20 Q. Were you walking or were you  
21 traveling on a bus, or do you  
22 remember?

23 A. We were walking for a while,  
24 but not very long. Some people  
25 didn't have adequate means of

1 breathing.

2 BY ATTORNEY MCATEER:

3 Q. Can we talk about that for a  
4 minute, the SCSRs? You tried to put  
5 them --- you went and put them on?

6 A. Yeah.

7 Q. In the return? Did you go  
8 back into the return and try to put  
9 them on?

10 A. Actually, once we --- I think  
11 we put them on just before we entered  
12 the mantrip the second time.

13 Q. Okay.

14 A. I think so.

15 Q. And you said that some  
16 people's didn't work?

17 A. Right.

18 Q. How could you tell?

19 A. Well, it's a no-brainer. I  
20 mean, we've already been trained on  
21 those extensively. And there's a  
22 valve on it, a little brass valve.  
23 You have to turn it, you know, I  
24 forget which way, clockwise or  
25 counterclockwise, but you turn it and



1 that gets it started. But you can't  
2 start until you actually put breath  
3 of your lungs in it. That's the  
4 initial starting point right there.  
5 And then you can breathe because  
6 there's a chemical in it.

7 Q. But when you guys got together  
8 and tried to put them on, did people  
9 talk that they didn't work? Did  
10 somebody yell they didn't work?

11 A. Yeah, a lot of controversy.

12 BY MR. MCKINNEY:

13 Q. Can we just go to the one that  
14 you tried for the moment? Did it  
15 work okay, the one you put on?

16 A. Uh-huh (yes). Mine worked  
17 fine.

18 Q. And when you opened the valve  
19 that you're talking about, was there  
20 a plug in the mouthpiece that you had  
21 to take out?

22 A. Was it the plug that you would  
23 have to actually take out?

24 Q. Yes, sir.

25 A. Yeah.

1 Q. When you opened the cannister  
2 or the valve you're talking about,  
3 was it fresh air that came out of  
4 that mouthpiece, if you can recall?

5 A. Uh-huh (yes).

6 BY ATTORNEY MCATEER:

7 Q. Were you gathered together  
8 when you tried to put them on?

9 A. Yeah. That's when we found  
10 out some of the guys' didn't work.

11 BY MR. MCKINNEY:

12 Q. Do you recall, Randy, getting  
13 back into the mantrip? You mentioned  
14 a moment ago the second time. Did  
15 you get back into the mantrip after  
16 the explosion at some point in time?

17 A. I would say yeah, but I really  
18 didn't hear too many explosions or  
19 nothing. It wasn't like multiple or  
20 nothing. It was just I remember that  
21 one.

22 BY ATTORNEY MCATEER:

23 Q. All right. The smoke, did it  
24 change from one time to another? Did  
25 it get thicker?

1 A. Actually, because there were  
2 so many stoppings knocked down, it  
3 actually did kind of change. It kind  
4 of took everything, the air, into a  
5 circle, so it never did actually  
6 leave. So you know, it was just ---  
7 stayed right there. No one really  
8 didn't know what to do because it was  
9 just confused. So I guess it just  
10 spun around in circles.

11 Q. Did the wind --- did the air  
12 have dust? Did it have particles?

13 A. Some.

14 Q. Was anybody of the men with  
15 you --- was anybody in charge or  
16 anybody sort of taking the lead?

17 A. Yeah, Junior Toler. Junior  
18 Toler.

19 Q. Junior Hamner or Toler?

20 A. Toler.

21 Q. Toler, okay.

22 A. That was my boss.

23 Q. Yeah.

24 BY ATTORNEY CLAIR:

25 Q. Did people go to Junior or did

1 he gather everybody together?

2 A. Well, he just kind of took it  
3 upon himself to, I guess, put  
4 everybody together.

5 BY MR. MCKINNEY:

6 Q. Was there a lot of  
7 communication between Junior and the  
8 rest of the crew as far as talking  
9 about what to do?

10 A. Actually, yeah.

11 Q. And were you in smoke when  
12 this communication was going on?

13 A. They had tried one time to see  
14 how far they could get. They went  
15 out there to see how far they could  
16 get and come back real fast. The  
17 smoke was too thick. They come back  
18 coughing and gagging.

19 Q. But initially, when you first  
20 felt the concussion and you first  
21 knew there was an explosion  
22 underground, was there a lot of  
23 discussion at that time between  
24 Junior and the crew to decide what to  
25 do?

1 A. Well, after we hung the  
2 curtain, there really was nothing  
3 left to do. I mean, that was pretty  
4 much the extent of it.

5 Q. I was thinking more initially  
6 before you hung the curtain. When  
7 you knew there was an explosion, you  
8 got off the mantrip and then you knew  
9 that an explosion occurred and you  
10 think that you may have traveled  
11 outby some distances. I was  
12 wondering if there was some  
13 discussion or communication between  
14 Junior and the crew at that time  
15 about what you were going to do.

16 A. I do remember Junior saying  
17 we're going to have to hit the  
18 section.

19 BY ATTORNEY MCATEER:

20 Q. Did he say you have to hit the  
21 section?

22 A. Hit the section, yeah.

23 BY MR. MCKINNEY:

24 Q. Do you know where you were  
25 when he said that, Randal? Were you

1 at the end of the track or had you  
2 traveled outby some distance?

3 A. I don't know. Probably around  
4 where we had just found out we  
5 couldn't go no further.

6 Q. So you came outby and ran into  
7 some obstructions or something that  
8 blocked you?

9 A. Right.

10 Q. Was that you or was that  
11 Junior and the other fellow that  
12 tried to get out? Is it the whole  
13 crew or just the other two?

14 A. I'm not sure I understand.

15 ATTORNEY CLAIR:

16 Davitt, do you mind if  
17 we look at the map?

18 BY MR. MCKINNEY:

19 Q. Would the map help you any,  
20 Randal? I've got an exploded view of  
21 the section with the track and where  
22 the mantrip was and things like that.

23 Would that be helpful to you to look  
24 at the map?

25 A. Yeah.

1 Q. I know you've been mining for  
2 a while. I'm sure you've got ---.  
3 Let me just kind of orient you,  
4 Randal. This is actually the Two  
5 Left section that you guys worked on.  
6 This would have been the old area  
7 where they did the bottom mining that  
8 they speak of and the seals that they  
9 built here. So this is the headings.  
10 This is where you would have turned  
11 up and went up on to the second Left  
12 section. This, the red part, is a  
13 track entry that you would have  
14 traveled in on a mantrip. And you  
15 traveled up to this point. This is  
16 about the end of the track. The  
17 triangle here is where your tailpiece  
18 or your feeder would have been  
19 located on the section, where you  
20 would have dumped your coal. This  
21 area here is the area where you guys  
22 hung the curtains in Number Three  
23 crosscut. You can probably see that  
24 and tell where it was.

25 A. Uh-huh (yes).

1 Q. Does that help you get  
2 oriented? These two entries here  
3 would have been the primary intake,  
4 where air would have traveled up on  
5 the section. Of course, you had an  
6 entry adjacent to the track, and the  
7 track and then the belt one more. So  
8 you had four entries here that was  
9 common to the belt entry. And then  
10 over in this area would have been two  
11 return air courses. So as you  
12 recall, you think you were probably  
13 at this location at the end of the  
14 track when you first felt the forces  
15 of the explosion?

16 BY ATTORNEY CLAIR:

17 Q. Is that right, Randal, or had  
18 you gone from the end of the track up  
19 towards the face when you felt the  
20 first effects of the explosion?

21 A. I believe that it didn't  
22 happen, per se, on the way. It  
23 probably happened on the section.

24 BY ATTORNEY MCATEER:

25 Q. So using the map --- if you



1 want to stand up here, we're happy to  
2 have you stand up. Using the map,  
3 just point out anything you think  
4 happened that helps you with ---.

5 BY MR. MCKINNEY:

6 Q. And I'm orienting myself, too,  
7 with you. Up here is where you put  
8 your curtain, okay. Here's your  
9 track; right? That's where the track  
10 ends?

11 A. Yes.

12 Q. And of course, you come on out  
13 through here. So after you --- you  
14 think at the time of the explosion  
15 you had already gotten off the  
16 mantrip and you were up in here  
17 somewhere, right, headed in this  
18 direction; is that correct?

19 A. Uh-huh (yes).

20 Q. Up towards the face; right?

21 A. Right, heading towards the  
22 face.

23 Q. Okay. And do you remember ---  
24 can you point to an area you think in  
25 that area where you might have been,

1 or do you know?

2 A. I kind of know if I actually  
3 found where that block --- where  
4 that's blocked off at for when we had  
5 to stop the mantrip, because you  
6 couldn't go no further.

7 BY MR. MCKINNEY:

8 Q. We might be able to help you  
9 with that. This is the mantrip.  
10 This would have been where you would  
11 have taken the mantrip when you went  
12 underground initially. You probably  
13 went up to the end of the track. And  
14 at some point in time, the mantrip  
15 ended up back here. So evidently, if  
16 you were at the end of the track when  
17 you felt the explosion, the mantrip  
18 traveled back outby to this location.  
19 So is this the place you're talking  
20 about then ---

21 A. Yeah.

22 Q. --- where you would have came  
23 back to?

24 A. Uh-huh (yes).

25 Q. That is the location where the

1 mantrip is shown on this map or close  
2 to it?

3 A. Yeah.

4 BY ATTORNEY MCATEER:

5 Q. If you look at this, does that  
6 suggest --- do you think you remember  
7 trying to take the mantrip out the  
8 first time?

9 A. I wasn't the one that drove  
10 the mantrip, actually, so I don't  
11 know.

12 BY MR. MCKINNEY:

13 Q. But can you recall being on  
14 the mantrip and then being blocked by  
15 something, couldn't go any farther?

16 A. Yeah.

17 Q. And you think at that time you  
18 were trying to get out of --- off the  
19 mine or off the section, get outside  
20 when that occurred?

21 A. Yeah. We were trying to  
22 escape, yeah.

23 BY ATTORNEY MCATEER:

24 Q. Who was driving the mantrip;  
25 do you remember?

1 A. Junior.

2 Q. Junior?

3 A. I think so. Junior, I  
4 believe.

5 Q. So if you get blocked, then  
6 can you remember what you did after  
7 that?

8 A. What's that?

9 Q. What you do after --- you  
10 couldn't go any further on the  
11 mantrip, so do you remember what you  
12 did?

13 A. We decided to turn around ---

14 Q. Okay.

15 A. --- as long as we could. So  
16 we headed to the section and hung  
17 curtain and ---.

18 BY MR. MCKINNEY:

19 Q. Did you walk from that point?  
20 Once the mantrip was blocked, Randal,  
21 do you remember getting out of it?

22 A. We took the mantrip as far in  
23 the section as it would go.

24 Q. Outby or towards the section?

25 A. Inby.

1 Q. When you rode the mantrip and  
2 came back out and Junior was driving  
3 and you were blocked and you stopped  
4 so you couldn't go any farther outby,  
5 at that point in time do you remember  
6 if you were in smoke or you were not  
7 in smoke?

8 A. Actually, yeah.

9 Q. You were in smoke?

10 A. Yeah.

11 Q. Did you have your  
12 self-rescuers on?

13 A. Yeah. By that time, yeah.

14 Q. We found some self-rescuer  
15 bottoms. As a matter of fact, we  
16 found all of them over here on the  
17 intake side. And I guess that just  
18 --- we sort of drew a conclusion that  
19 maybe in the intake is where you put  
20 the self-rescuers on, which would  
21 have been a little distance outby,  
22 about maybe 500 feet outby.

23 A. See, I really wouldn't know  
24 that. That right there is very  
25 unclear to me because of the amount

1 of smoke that was present there.

2 Q. When you put your self-rescuer  
3 on, do you remember if there was  
4 smoke around you at that time?

5 A. Yeah.

6 Q. There was?

7 A. Yeah. Some, but not much.  
8 Not much at the time, but some, yeah.

9 BY ATTORNEY MCATEER:

10 Q. So when you started to put  
11 yours on, did Junior suggest that you  
12 put them on or say, everybody get  
13 their SCSR on?

14 A. Yes.

15 Q. Anybody else?

16 A. There were four total.

17 Q. The four that didn't work?

18 A. Yeah, four that did not work.

19 Q. So once you put them on and  
20 four didn't work, is that when you  
21 said, get back up into the section?

22 A. This is when Junior said,  
23 well, yeah, let's go ahead and ---  
24 this ain't safe like this. Let's go  
25 head back to the section.

1 BY MR. MCKINNEY:

2 Q. Okay. What did they do with  
3 the self-rescuers that didn't work?  
4 Some of them you indicated they had a  
5 problem breathing through them or  
6 some type of problem. Did they set  
7 them down or did they take them with  
8 them or what did they do with them?

9 A. You mean for the ones that  
10 didn't work?

11 Q. Yes.

12 A. Probably sat them down  
13 somewhere. Probably thrown them  
14 around some in aggravation.

15 BY ATTORNEY MCATEER:

16 Q. When you got back, did you  
17 hang any other curtain or did Junior?

18 A. Yeah. Actually, I took part,  
19 yeah, in hanging some.

20 Q. Who else helped you?

21 A. Junior, the buggy boy,  
22 Anderson. There could have been more  
23 people, you know, but --- people I  
24 don't remember.

25 Q. Was Junior trying to direct

1 the hanging of it, how it should be  
2 hung?

3 A. Yeah. Actually, yeah. He was  
4 trying to make it leak-free.

5 Q. Leak-free?

6 A. Yeah.

7 BY MR. MCKINNEY:

8 Q. Were curtains the only  
9 materials you had, Randy, to work  
10 with?

11 A. Unless we could have put up a  
12 block wall, but ---. I mean, some  
13 barricades are made that way; are  
14 they not?

15 ATTORNEY MCATEER:

16 Sure.

17 BY MR. MCKINNEY:

18 Q. You gathered materials off of  
19 the face area to build your  
20 barricades, Randy?

21 A. Well, yeah, just decided to  
22 use curtains. I mean, here we got  
23 people without rescuers. Plus there  
24 would be work involved trying to put  
25 blocks up. It just wouldn't work.



1 Q. When you were --- once you  
2 built your curtain and you were  
3 inside the barricade, you indicated  
4 people were without self-rescuers.  
5 Were people sharing a rescuer?

6 A. Yeah. Actually, I shared mine  
7 with my bolting buddy. What's his  
8 name? Jerry Groves.

9 Q. Did he not have one at all,  
10 Randal?

11 A. He did. That's the one we  
12 tried to get working, and it didn't  
13 work.

14 BY ATTORNEY MCATEER:

15 Q. So you tried a second time  
16 with his?

17 A. Huh?

18 Q. You tried to work with his?

19 A. Uh-huh (yes). He's the one  
20 that --- well, it aggravated me the  
21 most because really I wanted his to  
22 work.

23 Q. Sure.

24 BY ATTORNEY GOODWIN:

25 Q. Just something that might be

1 helpful as far as that reference  
2 point, did you try to help him get it  
3 working?

4 A. Yeah.

5 Q. What did you do?

6 A. I fought with it for I don't  
7 know how long, trying to mess with  
8 that valve, blow air through it or  
9 anything I could do, but nothing  
10 would work.

11 BY MR. MCKINNEY:

12 Q. Did you do that when he  
13 initially tried to put it on, Randal?  
14 Is that when this occurred?

15 BY ATTORNEY MCATEER:

16 Q. Or was this up in the  
17 barricaded area?

18 A. No, not in the barricaded.  
19 Everyone that could have had them on  
20 had them on by that time, before the  
21 barricade.

22 BY ATTORNEY MCATEER:

23 Q. Don't feel bad you can't  
24 remember things. As Steve will tell  
25 you, and us too, as we get older, we

1 can't remember things either. So  
2 don't worry about it. So just what  
3 you can, fine. And what you can't  
4 --- we don't mean to sort of pick on  
5 you because you can't remember.  
6 That's not at all the problem.  
7 You're doing great. It's helping us.

8 BY MR. MCKINNEY:

9 Q. Do you recall what the problem  
10 was with Jerry's self-rescuer,  
11 Randal?

12 A. Something with the valve.  
13 When you turned it, his wouldn't  
14 start up, you know. You put air into  
15 it, you moved it, but there was  
16 nothing going on with it. That's  
17 what told me right there it was  
18 broken.

19 BY ATTORNEY MCATEER:

20 Q. Did most everybody have their  
21 cap lamp on? But the cap lamps were  
22 still --- you had your helmets on,  
23 hardhats on?

24 A. Yeah.

25 Q. And so ---?

1 A. Hardhat or the lamps?

2 Q. The hardhat and the lamps?

3 A. Yeah.

4 Q. Okay. Had you worked in this  
5 section before; do you remember?

6 A. The section we was at?

7 Q. Yeah.

8 A. Yeah.

9 Q. Okay.

10 A. Just, yeah, every day. That  
11 was normally my section right there.

12 Q. And you're a buggy runner?

13 A. No, bolter.

14 Q. Bolter, okay.

15 BY MR. MCKINNEY:

16 Q. It sounds like you tried to  
17 help Jerry get his SCSR going, make  
18 sure his was working. And when you  
19 tried to turn the valve which would  
20 activate the cartridge, do you know  
21 if the plug was out of the mouthpiece  
22 or not at that time, Randal?

23 A. Yeah, it was out.

24 Q. And did he try to exhale into  
25 it in order to get the bags inflated

1 and started working?

2 A. Right. That's when I knew  
3 that he handed it over to me, because  
4 he couldn't get it started. And then  
5 I messed with the valve on it because  
6 I didn't know what else to do about  
7 it. Because I'm really --- I'm not  
8 too familiar with the inside ---  
9 inner workings of it because I don't  
10 build them.

11 Q. Did you try exhaling into it  
12 to see if you could get it started  
13 for him?

14 A. Yeah.

15 BY ATTORNEY MCATEER:

16 Q. Had you ever worn one before?  
17 The SCSR, had you ever worn one  
18 before and used it?

19 A. No. That's the first time.

20 BY ATTORNEY CLAIR:

21 Q. Did you have trouble breathing  
22 with it, a lot of resistance to your  
23 breath? Did it heat up, for example?

24 A. Right.

25 Q. What was it like?

1 A. Yeah, a little bit.

2 Q. A little resistance?

3 A. The heat in your lungs,  
4 because that's what you're breathing  
5 because of occolite (phonetic), a  
6 chemical that's in it, which converts  
7 carbon dioxide into oxygen. It's a  
8 chemical reaction.

9 Q. Uh-huh (yes).

10 A. And so they get a little hot.

11 Q. Was it difficult to breathe?  
12 Did you have to really work hard to  
13 get a good breath of air out of  
14 it ---

15 A. Yeah.

16 Q. --- or did it come pretty  
17 easy?

18 A. Well, you kind of had to work  
19 with it a little bit.

20 BY ATTORNEY MCATEER:

21 Q. Did anybody say --- if I can  
22 change the topic for a second. Did  
23 anybody say about concerns about  
24 carbon monoxide? Was there a  
25 discussion of that? Carbon dioxide?

1 People saying this is bad air?

2 A. Right. Well, there was not  
3 only lack of oxygen, there must be  
4 bad gas.

5 Q. Sure. But was it talked  
6 about?

7 A. Yeah. We --- yeah. Someone  
8 asked the question and then, yeah,  
9 well, we're in bad air and stuff like  
10 that, you know.

11 BY MR. MCKINNEY:

12 Q. Did somebody have an  
13 instrument, Randal, that took ---  
14 like Junior, who was the foreman,  
15 could have read what the  
16 concentrations of the gases were?

17 A. I don't know if --- I don't  
18 know if he had a spotter for that  
19 time or not.

20 BY ATTORNEY CLAIR:

21 Q. Did anyone have a spotter for  
22 gas?

23 A. Let me think.

24 BY ATTORNEY MCATEER:

25 Q. Do you need to take a break

1 for a minute? Do you want to  
2 continue or do you want to take a  
3 break?

4 A. Actually, I do. Actually, I  
5 need to use the bathroom.

6 Q. All right. Well, let's do  
7 that.

8 SHORT BREAK TAKEN

9 BY ATTORNEY MCATEER:

10 Q. Was there a point where you  
11 had a discussion about a possible  
12 fire ---

13 A. Uh-huh (yes).

14 Q. --- among yourselves?

15 A. Actually, I know that I was  
16 thinking about that, and it was not  
17 brought up.

18 Q. Was not brought up?

19 A. Was not brought up. I was  
20 thinking that.

21 Q. You were thinking it, yeah,  
22 sure. Did you notice any time that  
23 --- when your colleagues were  
24 impacted by carbon monoxide or did  
25 you have any talk about that, bad



1 air? You said you talked a little  
2 bit about bad air, but ---.

3 A. Yeah. Can you ask that  
4 question again?

5 Q. We're trying to figure out a  
6 time when the air got bad. Do you  
7 have any thoughts on that?

8 A. Probably ever since we noticed  
9 that something was wrong.

10 Q. Does that mean right after the  
11 explosion or is that a little later?

12 A. I don't know.

13 Q. That's all right.

14 BY MR. MCKINNEY:

15 Q. When Junior made the  
16 suggestion that you needed to go back  
17 to the face, was there any discussion  
18 about some people trying to get out  
19 or was it a group decision, we all  
20 need to go back, and ---?

21 BY ATTORNEY MCATEER:

22 Q. Everybody agreed together?

23 A. Right. Everyone had the same  
24 decision because we knew that it's  
25 not like we're going to just get out

1 of there on the track. That caused  
2 problems.

3 Q. How did you know --- what was  
4 it in your mind that made you think  
5 you couldn't get out of there?

6 A. Because we were blocked.

7 Q. Okay. By the debris or by the  
8 denseness of the smoke or ---?

9 A. That was something that was  
10 definitely in the way. I don't know  
11 if the structure --- I don't know  
12 what it was. It was just kind of ---  
13 some kind of structure.

14 Q. Okay.

15 A. It might have been from the  
16 overcast. It might have been, yeah,  
17 the overcast.

18 BY MR. MCKINNEY:

19 Q. Did you try to come out  
20 another entry, like the belt entry,  
21 Randy?

22 A. We tried. It was smoky  
23 everywhere we went. There was just  
24 no air working the way we wanted it  
25 to. I mean, the air was real smoky

1 and stuff.

2 Q. As you were traveling these  
3 areas and you were in smoke, did you  
4 guys communicate from time to time  
5 about taking your mouthpiece out and  
6 talking about what you needed to do?

7 A. Only for a brief second.

8 Q. If you can recall, when you  
9 started back up on the section after  
10 you tried to escape and come out,  
11 when you went back, was the air clear  
12 anywhere between where the mantrip is  
13 on the map and back to the face,  
14 where you built the barricade? At  
15 some point in time as you start  
16 traveling back toward the face, did  
17 you run back into clear air or  
18 encounter clear air?

19 A. No. We had to make our own,  
20 try to block it out. That was the  
21 barricade. That was the purpose of  
22 the barricade. It kept a lot of  
23 smoke out, but I guarantee it didn't  
24 do too much on gas.

25 Q. When you actually erected or

1       hung the curtains, was it clear  
2       behind the curtains initially?

3       A.        You said that was what cut  
4       that the curtain was hung?

5       Q.        I'm sorry?

6       A.        You said what cut was that  
7       that the curtain was hung?

8       Q.        Here on the Number Three you  
9       could see how the curtains were hung  
10      here. Here's where we found them, so  
11      ---. I assume Junior --- when you  
12      said you helped hang the curtains,  
13      you guys talked about the best place,  
14      and you chose the best place. I  
15      mean, that's probably the most air  
16      available, so that's a good decision  
17      on location. But when you hung these  
18      curtains, was there any smoke in the  
19      area where you guys were standing?

20      A.        Only for a short period of  
21      time and then it just had faded out  
22      because no air was moving in there  
23      because, you know, you're barricaded.

24      Q.        Right.

25      A.        So I guess it did clear up a

1 little bit.

2 Q. But initially when you put the  
3 curtains up on your side of the  
4 barricade, there was smoke when you  
5 guys hung your curtains and sat down?

6 A. Smoke within the curtain?

7 Q. Yes. Was there any smoke in  
8 there?

9 A. No. They were careful about  
10 trying to not let that in.

11 Q. And I know it's hard to  
12 recall, it would be hard for me, but  
13 can you remember as you went back  
14 about where the smoke ended on the  
15 section as you went over toward the  
16 area where you were going to build  
17 the barricade? In other words, the  
18 smoke would have been more dense down  
19 in this area and it would have been  
20 lighter, you know, just simply  
21 because of the traveling distance.  
22 Can you remember about where you  
23 really started running out of the  
24 smoke, going back toward the section?

25 A. One time, traveling the belt

1 line, and that was enough to know  
2 that we were in real bad air because  
3 it was smoky and, I mean, you really  
4 couldn't see. It was just ---.

5 Q. Were you traveling toward the  
6 surface or toward the section when  
7 you were on the belt line?

8 A. I believe we were going to the  
9 section.

10 Q. To the section?

11 A. Uh-huh (yes).

12 BY ATTORNEY MCATEER:

13 Q. Did the smoke hang in the air  
14 or did it just ---?

15 A. Yeah. Yeah, it did.

16 Q. So when you came down the belt  
17 line, you said you ran into --- it  
18 was so smoky you couldn't see?

19 A. Right. Now, that's when we  
20 were trying to search for good air or  
21 something. That's when we noticed it  
22 was impossible because all the  
23 stoppings had been blown out, and we  
24 realized that wasn't possible.

25 Q. All the stop --- and I didn't

1 hear that other word.

2 A. The stoppings had been blown  
3 out.

4 Q. Okay.

5 BY MR. MCKINNEY:

6 Q. So Junior discussed the plan.  
7 Was the reason to go back to the  
8 section because there was smoke  
9 outby?

10 A. Yeah. We couldn't escape the  
11 smoke. There was nowhere to go  
12 because it just lingered everywhere,  
13 you know, just everywhere you went.

14 Q. Did you have your nose clip  
15 on, Randal?

16 A. Uh-huh (yes).

17 Q. Your glasses, your goggles?

18 A. Yeah.

19 Q. Did everybody have those on?

20 A. Yes.

21 BY ATTORNEY CLAIR:

22 Q. Did anybody experience any  
23 problems with the nose clip?

24 A. Uh-uh (no). Not that I know  
25 of.

1 BY MR. MCKINNEY:

2 Q. How did you trade off on the  
3 self-rescuers? You indicated that  
4 Jerry had a problem and some other  
5 folks, and you swapped out on the  
6 self-rescuers. It's about 1,300 feet  
7 from that area back to the face. How  
8 did you trade off with Jerry to where  
9 he used yours?

10 A. I just sat up and handed it to  
11 him.

12 Q. Excuse me?

13 A. I sat up and handed it to him.

14 Q. Okay.

15 ATTORNEY CLAIR:

16 Behind the barricade.

17 BY MR. MCKINNEY:

18 Q. That's behind the barricade?

19 A. Yes. Right, behind the  
20 barricade.

21 Q. From the point out in this  
22 area where the mantrip was, around 10  
23 or 11 crosscut, you guys traveled  
24 back to the face area. So there's a  
25 pretty good distance there. How did



1       you trade off then with your  
2       self-rescuer? You would have been  
3       walking.

4       A.       I don't know. During the time  
5       you're talking about, I believe that  
6       no one would, at that time, really  
7       have any air. Because we were trying  
8       to walk and trying to find stuff.  
9       And I knew I had mine, and of course  
10      --- I mean, there was really no  
11      trading off until we actually got the  
12      curtain hung up and stuff like that.  
13      I mean, we had to get out of the  
14      smoke and stuff like that.

15      BY ATTORNEY MCATEER:

16      Q.       Sure. So the thinking was you  
17      had to get out of this smoke. But  
18      once you decide to go back to the  
19      section, the smoke seems to be  
20      increasing, you're trying to get away  
21      from it?

22      A.       Right.

23      Q.       When you were scrounging  
24      around for the brattice and stuff,  
25      did you look for other equipment

1       there?

2       A.           I'm not sure on how to answer  
3       your question.

4       Q.           When you get back there then  
5       and Junior says, let's put the  
6       curtains up and you said to make it  
7       leak-free, you called it, were any of  
8       the other men wearing their masks at  
9       the time or did you --- when you put  
10      the brattice up, did you have your  
11      SCSR on at that time?

12      A.           Not at that time. I was  
13      helping them get the curtains hung.

14      Q.           Sure.

15      BY MR. MCKINNEY:

16      Q.           Was it already open, though,  
17      Randy?

18      A.           Huh?

19      Q.           Was the SCSR already opened  
20      and you just didn't have it in your  
21      mouth? Had you already  
22      activated ---?

23      A.           Yeah, it was already  
24      activated. Yeah. But I just took it  
25      out when I had to do that. I didn't

1 want to have to ---.

2 Q. Was the air clear in that area  
3 where you were doing that? Is that  
4 why you took it out?

5 A. Well, I guess as clear as it  
6 could be as far as looking-wise.

7 Q. When Junior and Anderson ---

8 A. Yes, sir.

9 Q. --- left the barricade  
10 temporary, you said they tried to  
11 make an attempt to get out.

12 A. Right.

13 Q. Do you got any idea about how  
14 long they were gone?

15 A. Not long, maybe a minute and  
16 a half. Minute and a half, maximum.

17 Q. A very short period of time?

18 A. Right.

19 Q. They would not have had time  
20 to go back down to the track then?

21 A. Right. I know they were  
22 pretty exhausted when they came back,  
23 coughing and gagging.

24 Q. Did they mention how far they  
25 had went?

1 A. They wanted to go up to the  
2 power car.

3 Q. Power center?

4 A. Right.

5 Q. That would have been --- the  
6 power center is located just right  
7 across from the tailpiece.

8 A. Right.

9 Q. Did they make it down to the  
10 power center?

11 A. Yeah.

12 Q. They did?

13 A. They made it, but then they  
14 had to turn back around. Whatever  
15 they needed to do they were doing.

16 BY ATTORNEY CLAIR:

17 Q. Did they have their SCSR on  
18 when they tried to escape?

19 A. I assume, yes, because that  
20 would be a long period of time trying  
21 to leave and think about not having  
22 one on. So I'm making an assumption  
23 they had.

24 BY MR. MCKINNEY:

25 Q. You said they were coughing?

1 A. Yeah.

2 Q. So I thought maybe they  
3 wouldn't have had their SCSR on.

4 A. Yeah. I don't know. Maybe  
5 just coughing off the side of the  
6 mouth or something like that. I'm  
7 not sure.

8 BY ATTORNEY MCATEER:

9 Q. When they came back, did they  
10 lay down?

11 A. No, they didn't lay down  
12 there. They stayed and sat up in  
13 position.

14 Q. Now, you pounded on the roof  
15 bolts?

16 A. Do what?

17 Q. Didn't somebody pound on the  
18 roof bolts?

19 A. Yeah. All of us took turns  
20 doing that.

21 Q. For how long; do you know?

22 A. A long time.

23 BY MR. MCKINNEY:

24 Q. When you did that, did you  
25 take your self-rescuer off?

1 A. You had to because you'd get  
2 exhausted real quick.

3 Q. Then did you put it back on  
4 when you quit pounding?

5 A. Right.

6 Q. Were you able to go back to  
7 breathing through it at that point in  
8 time then?

9 A. Yep.

10 BY ATTORNEY MCATEER:

11 Q. Where did you get the hammer  
12 to pound with?

13 A. It was a sledgehammer.

14 Q. Was it?

15 A. I really don't know where it  
16 came from, but it was definitely  
17 there. We hit them bolts pretty  
18 hard. I remember that.

19 Q. Do you have any idea, Randal,  
20 about how much time elapsed roughly  
21 between the time you first felt the  
22 concussion and the time that you  
23 actually hung the curtains?

24 A. Not really.

25 BY ATTORNEY MCATEER:

1 Q. If we can go back to the  
2 concussion just for a minute. Did  
3 you feel any tightness or did you  
4 just hear something?

5 A. More just like pretty much  
6 heard something.

7 BY MR. MCKINNEY:

8 Q. Did your ears pop? Do you  
9 recall that?

10 A. I don't remember. I'm sure  
11 it's feasible. And I have been ---  
12 like when we were working on the  
13 longwall --- do you know what a rock  
14 buster, fire one off?

15 Q. Uh-huh (yes).

16 A. Sometimes that thing can do  
17 that to you, make your ears pop.

18 BY ATTORNEY MCATEER:

19 Q. Was it as loud as a rock  
20 buster or less or more?

21 A. I don't know. Probably less.  
22 A rock buster is pretty loud.

23 BY MR. MCKINNEY:

24 Q. Do you recall seeing Terry  
25 Helms at all that day, Randal?

1 A. No. That was the fire boss;  
2 right?

3 Q. Fire boss. I think he walks  
4 belts and things like that. You guys  
5 didn't pick him up on your mantrip  
6 going in and drop him off?

7 A. No.

8 BY ATTORNEY CLAIR:

9 Q. Randal, do you remember the  
10 names of the miners whose SCSRs did  
11 not work?

12 A. Jerry Groves was one,  
13 Anderson. Okay. Jesse, his one did  
14 not work. He was the other one. Is  
15 that three? Okay.

16 BY MR. MCKINNEY:

17 Q. I'm just trying to correlate  
18 where we found the bottoms in  
19 relation to where the SCSRs were  
20 deployed. That helps us kind of  
21 piece together what happened during  
22 the course of the shift. That's why  
23 I'm asking the question. But do you  
24 recall when you first deployed your  
25 self-rescuer, were you standing or



1 were you on a bus?

2 A. Yeah, I was standing.

3 Q. You were standing.

4 A. Yeah.

5 Q. And would that have happened  
6 after you tried to make your initial  
7 escape?

8 A. No --- well, yeah, after the  
9 escape, yeah. After it, yeah.

10 BY ATTORNEY MCATEER:

11 Q. You said there was a lot of  
12 controversy about the SCSR.

13 A. For the people that it didn't  
14 work. Nobody fought over mine.

15 Q. Nobody ---?

16 A. Nobody had fought over mine or  
17 something. We were just good about  
18 it.

19 BY MR. MCKINNEY:

20 Q. There were three people, and  
21 we appreciate you identifying those  
22 for us, that had problems. You said  
23 Jerry's problem was that he couldn't  
24 get it activated or couldn't get the  
25 bag to inflate. What kind of

1 problems did the other two have, or  
2 do you know?

3 A. I don't know. I messed with  
4 all them guys' that didn't work.

5 ATTORNEY GOODWIN:

6 Again, for the record,  
7 simply just doing --- trying  
8 to find out what we do know,  
9 he has identified a fourth  
10 individual. Anna, do you know  
11 the fourth name?

12 MRS. MCCLOY:

13 Junior Toler.

14 ATTORNEY GOODWIN:

15 Junior Toler was  
16 identified for us. His was  
17 not working, just for your  
18 information. I'm not trying  
19 to ---.

20 MR. MCKINNEY:

21 No, that's helpful to  
22 us. Thank you.

23 BY MR. MCKINNEY:

24 Q. So Junior Toler also had a  
25 problem with his?

1 A. Right.

2 Q. So when Junior was making  
3 decisions and talking about where you  
4 need to go, he didn't have a  
5 self-rescuer, a functional  
6 self-rescuer on at that time?

7 A. Right. He did not.

8 Q. Were you in smoke at that  
9 time?

10 A. Is this when we're trying to  
11 get out?

12 Q. Yes. Or put on the  
13 self-rescuers. When you first tried  
14 to put your self-rescuers on, were  
15 you in smoke?

16 A. Yeah, that's --- that was when  
17 we were on foot.

18 Q. Excuse me, Randy?

19 A. We was on foot for that, that  
20 part. There's two parts of it.  
21 There's a part where we were on foot  
22 and then there's the part where we  
23 was on the mantrip.

24 Q. Okay.

25 A. Now, when we was on foot,

1       that's when the smoke got the  
2       heaviest.

3       Q.       When you were in the mantrip  
4       and you started out, did you run into  
5       smoke while you were in the mantrip?

6       A.       Yeah.

7       Q.       And then you got out of the  
8       mantrip and you didn't have a  
9       self-rescuer on at that time?

10      A.       Yeah.   Actually, I had one on,  
11      yeah.   I did.

12      Q.       Did you put yours on before  
13      everybody else did?

14      A.       Well, for those four people  
15      that it didn't work, yeah.   For those  
16      people, yeah.

17      Q.       What about the rest of you,  
18      did you all put them on at the same  
19      time?

20      A.       Yeah.   Everyone put them on at  
21      the same time, yeah.

22      BY ATTORNEY MCATEER:

23      Q.       Can you remember who trained  
24      you on that self-rescuer?

25      A.       I believe it was Al

1 Schoonover .

2 BY MR. MCKINNEY:

3 Q. Can you remember anything  
4 about that training, Randal, things  
5 that he may have told you?

6 A. Uh-huh (yes). Yeah. All that  
7 a person can remember.

8 Q. Can you tell us how he trained  
9 you and what he told you about the  
10 self-rescuer at that training?

11 BY ATTORNEY CLAIR:

12 Q. Did he use a training  
13 model ---

14 A. Yeah.

15 Q. --- and show you how to  
16 activate it?

17 A. Yeah.

18 Q. Did you put it on?

19 A. I don't remember actually  
20 going that far with it, but yeah, I  
21 knew how it worked, yeah.

22 BY MR. MCKINNEY:

23 Q. Did the other gentlemen seem  
24 to know how it worked also that were  
25 with you?

1 A. Uh-huh (yes). We've been  
2 trained on it a numerous amount of  
3 times.

4 BY ATTORNEY CLAIR:

5 Q. Were there drills on  
6 escapeways and what to do in an  
7 explosion or mine emergency? Did you  
8 have that training underground?

9 A. Yeah. But our options were  
10 next to none. I mean, there was just  
11 no way of doing anything that you  
12 wanted to do as far as getting out.  
13 Anything that led you to point A, to  
14 point B, no, it just couldn't work.

15 BY ATTORNEY MCATEER:

16 Q. Because, again, of the ---?

17 A. The concentrations of gas and  
18 smoke present.

19 Q. Okay.

20 A. You couldn't see, couldn't  
21 breathe.

22 BY MR. MCKINNEY:

23 Q. And Toler, who was the  
24 foreman, he didn't have a functional  
25 self-rescuer?

1 A. Right. His did not function.

2 Q. Or at least couldn't get it to  
3 work?

4 A. Right.

5 Q. Was there anybody in the group  
6 that dissented and said they wanted  
7 to go out, or was it a group decision  
8 to go back, Randal?

9 A. I know what some people are  
10 probably thinking, but you know, you  
11 can't do something --- when it's that  
12 dangerous, you can't do it.

13 BY ATTORNEY MCATEER:

14 Q. Did you think they were going  
15 to try to rescue you?

16 A. Who, the rescuers?

17 Q. People on the surface.

18 A. Yeah. Actually, yeah. I  
19 figured that they'd bring that  
20 machine down and would have found us,  
21 would have drilled the hole in the  
22 right spot and would have took us out  
23 of there. That's what I expected. I  
24 was expecting to hear shots fired on  
25 the roof, on the roofs on top, above,

1 and didn't hear nothing. We banged  
2 and banged and banged, everyone did.

3 Q. Did you discuss that with  
4 anybody?

5 A. Yeah. Actually, yeah. We had  
6 a discussion about that, about how  
7 long it was going to take. We  
8 thought that we was going to get  
9 rescued. And as time went on, it  
10 didn't look good.

11 Q. You mean the machine that ---  
12 talking about ---?

13 A. Whatever machine they used to  
14 locate people.

15 Q. At Quecreek?

16 A. Huh?

17 Q. Like the one at Quecreek, the  
18 one in Pennsylvania?

19 ATTORNEY GOODWIN:

20 I think what he  
21 understood is a machine that  
22 could hear them hitting, the  
23 tapping, a seismograph or  
24 something.

25 ATTORNEY MCATEER:



1 Oh, okay.

2 BY MR. MCKINNEY:

3 Q. So you guys talked about the  
4 fact that you were going to go back  
5 and wait for a borehole to be drilled  
6 down to rescue you?

7 A. Well, yeah, that's what we  
8 wanted, but we never did know that I  
9 guess they didn't have any equipment  
10 to --- they just didn't have that  
11 machine to do that task.

12 ATTORNEY GOODWIN:

13 Another informational  
14 item. I'm not trying to ---  
15 inside their helmets, they had  
16 instructions on what to do.  
17 And there was a sticker that  
18 said, try to get out. If you  
19 can't get out, go back, locate  
20 a place, hang curtains and tap  
21 on the bolts.

22 MR. MCKINNEY:

23 Just for the record, I  
24 think what that sticker says  
25 is that you do all the things

1           you just suggested, but you  
2           wait until you hear three  
3           shots before you ever tap on  
4           bolts.

5                    ATTORNEY GOODWIN:

6                    I certainly didn't  
7                    know, but that was kind of  
8                    what they were looking to do,  
9                    I think.

10                   MR. MCKINNEY:

11                    The idea being you  
12                    don't expend your energy until  
13                    you know you're saved.

14                    ATTORNEY GOODWIN:

15                    But since we're making  
16                    the record, that never  
17                    happened. They were never ---  
18                    because there wasn't anyone up  
19                    on top listening, as far as  
20                    we're able to estimate.

21                    ATTORNEY MCATEER:

22                    Yeah.

23                    BY ATTORNEY MCATEER:

24                    Q.        Did you look at your hat for  
25                    those instructions? Did you look

1       inside or just somebody said to start  
2       tapping?

3       A.       No, I didn't have to look at  
4       my hat to know that.

5       Q.       Sure.

6       A.       I just knew.

7       Q.       Sure.

8       BY MR. MCKINNEY:

9       Q.       Did you each take turns,  
10       Randy, or was there a certain  
11       group ---?

12       A.       Yeah.

13       Q.       Each of you took turns?

14       A.       Yeah, banging on the bolt. I  
15       know that one guy kind of got a  
16       little bit angry. See, I wanted them  
17       to bang one bolt and one bolt only,  
18       the same exact bolt, so if they were  
19       trying to, you know, to know where  
20       that sound was coming from instead of  
21       bang here, bang there, bang here and  
22       everywhere. You can't do that. You  
23       got to make sure you --- same spot,  
24       people will find you.

25       Q.       Was somebody tracking the

1 time, Randal, that you were back  
2 there?

3 A. It was several hours before  
4 people started calming down.

5 BY ATTORNEY MCATEER:

6 Q. Did anybody have a watch?

7 A. Huh?

8 Q. Did anybody have a watch?

9 A. Yeah, Junior did.

10 Q. Junior Toler?

11 A. (Indicates yes).

12 Q. Did he check the watch?

13 A. (Indicates yes).

14 Q. And tell everybody what time  
15 it was or ---?

16 A. I don't know, unless somebody  
17 asked. I didn't hear him shouting it  
18 out.

19 BY MR. MCKINNEY:

20 Q. Do you know about how long it  
21 was as an estimate, Randal, before  
22 Junior and Anderson made the attempt  
23 to leave until when they come back  
24 behind the barricade?

25 A. Probably within an hour and a

1 half, give or take.

2 Q. After you actually went behind  
3 the barricade, about an hour and a  
4 half?

5 A. Yeah. This is when they were  
6 getting eager, wanting to get out  
7 there, see everything, see how far  
8 they could make it. I think that  
9 attempt was for --- was trying to get  
10 to fresh air pockets, ---

11 Q. Okay.

12 A. --- is what I think that  
13 attempt was for, or some kind of ---  
14 just some kind of means of finding  
15 another place to try to escape a  
16 different way.

17 BY ATTORNEY MCATEER:

18 Q. Did they bring anything back  
19 with them?

20 A. No.

21 Q. Did anybody ever try to call  
22 out, Randal, on the radio or the  
23 telephone or anything?

24 A. All that stuff was damaged.

25 Q. I understood there was a

1 wireless communication system at the  
2 section that you guys used to talk  
3 back and forth with. Did anybody  
4 ever attempt to use that?

5 A. I don't remember anything  
6 about that, per se, during that time,  
7 but I know that it didn't work. It  
8 couldn't have possibly worked.

9 Q. When you were sitting behind  
10 the barricade and you had  
11 self-rescuers on, when someone  
12 pounded, they took that off, the  
13 self-rescuer off; right? And at that  
14 point in time, like if you were  
15 pounding, did Junior --- I'm sorry,  
16 did Junior or Jerry share yours then?  
17 What did you do with your SCSR when  
18 you started pounding bolts?

19 A. Probably set it down beside me  
20 where I was sitting, just leave it  
21 where I was sitting, and then get up,  
22 grab the hammer and hit the bolt, the  
23 same bolt and hit --- bang on the  
24 bolt.

25 BY ATTORNEY CLAIR:

1 Q. You had the strap around your  
2 neck and the ---

3 A. Goggles.

4 Q. --- goggles and the nose clip  
5 on?

6 A. Right.

7 Q. And then you took the SCSR off  
8 and then would bang on the bolt? Or  
9 did you just take the mouthpiece out?

10 A. Yeah, I took the mouthpiece  
11 out probably --- and nose clips  
12 probably.

13 Q. But you kept the self-rescuer  
14 physically on your body?

15 A. No. I just took the strap and  
16 wrapped it up and sat it down beside  
17 me. The only time I actually took it  
18 off was the times that I was banging  
19 on the bolts.

20 BY ATTORNEY MCATEER:

21 Q. Did the other fellows take  
22 theirs off as well?

23 A. The ones who had theirs  
24 working?

25 Q. Yeah.

1 A. Yeah.

2 BY MR. MCKINNEY:

3 Q. When you sat yours down while  
4 you were beating on the bolts, did  
5 someone use yours or did you take it  
6 off, wrapped your straps around it  
7 and set it down? Did somebody use  
8 it?

9 A. They could have.

10 Q. Excuse me?

11 A. They could have. It's  
12 feasible that it could happen.

13 Q. Did you have your goggles on  
14 when you were behind the barricade?

15 A. Yeah. That's why we walked up  
16 on that one trip, to go on the belt  
17 line, wearing goggles to try to keep  
18 out the smoke and all that stuff out  
19 of your eyes.

20 BY MR. MCKINNEY:

21 Q. When you went behind the  
22 barricade, did you take your goggles  
23 off then or did you leave them on?

24 A. I took them off then.

25 Q. On the way back from where you



1        were trying to escape out the belt  
2        line and other areas, did you take  
3        your goggles off as you walked back  
4        toward the barricade?

5        A.        No.

6        Q.        Left them on?

7        A.        Left them --- yeah, I left  
8        them on.

9        BY ATTORNEY MCATEER:

10       Q.        We've asked you a lot of  
11       questions. Is there something that  
12       you want to talk about or say that  
13       you, in your mind, want us to know  
14       about?

15       A.        Not really.

16       BY MR. MCKINNEY:

17       Q.        Would it be possible, Randal,  
18       and if it's too much it's okay, but I  
19       know you seem to have a good grip on  
20       the map of where you traveled. Would  
21       it be possible, if we gave you a pen,  
22       that you could kind of show us your  
23       route of travel after the initial  
24       concussion? Would you be able to do  
25       that?

1 A. Well, I really --- I really  
2 didn't see, I just heard the  
3 concussion.

4 Q. Right. But when you heard  
5 that, then you began to make some  
6 movements. And I think what we're  
7 saying now and what was indicated is  
8 you tried to come outside or you  
9 started towards the surface and got  
10 blocked. And would it be possible  
11 for you to start where you think you  
12 were when you first felt the  
13 concussion and then just draw where  
14 you think you traveled to until you  
15 --- just an estimate?

16 A. When it did all that, blowed  
17 them stoppings out, that's probably  
18 where them big winds came from.

19 ATTORNEY GOODWIN:

20 Randal, do you feel  
21 comfortable drawing on the map  
22 today or would you rather not?

23 A. I don't know if that would  
24 even be accurate.

25 ATTORNEY GOODWIN:

1 Well, let's not do that  
2 then.

3 ATTORNEY MCATEER:

4 If you'd like, we can  
5 provide a map and you can, at  
6 his leisure, take the time.

7 ATTORNEY GOODWIN:

8 Absolutely. That might  
9 be beneficial. We'll  
10 certainly work at that for  
11 you.

12 ATTORNEY MCATEER:

13 How about that? Okay.

14 MR. MCKINNEY:

15 We'll put things on  
16 there that we found so you can  
17 see those.

18 ATTORNEY GOODWIN:

19 Right. That would be  
20 great. That would be very  
21 helpful.

22 ATTORNEY CLAIR:

23 You can just take this  
24 map back with you.

25 ATTORNEY GOODWIN:

1                   Okay. We could do  
2                   that. And if there's any  
3                   other things you could ---  
4                   might remember that may be  
5                   good reference points, I'd  
6                   appreciate that, too.

7                   ATTORNEY MCATEER:

8                   Sure.

9                   BY ATTORNEY MCATEER:

10                  Q.           I get the impression from the  
11                  several comments that you've made  
12                  that everybody generally felt like  
13                  there was no way out; is that right?

14                  A.           Yeah. Well, because there  
15                  really wasn't.

16                  Q.           Right.

17                  A.           All of our options were  
18                  diminished to nothing.

19                  BY MR. MCKINNEY:

20                  Q.           Was that decision then based  
21                  on the fact that smoke and gases ---?

22                  A.           Yeah. And of course, the one  
23                  --- whatever had fallen to block the  
24                  track, that too.

25                  Q.           Right. So as you think back,

1 you can recall riding the mantrip  
2 back outby and being blocked on the  
3 track by something?

4 A. Yeah.

5 BY ATTORNEY CLAIR:

6 Q. Randal, when you were behind  
7 the barricade with the group, was  
8 there one time when everyone decided  
9 to take the SCSRs off, to stop  
10 working and then people took them  
11 off, or did you just say so much time  
12 has gone by that they're not working  
13 or ---? What I'm interested in is  
14 when did people take off the SCSR and  
15 no longer have it strapped to them?

16 A. Probably when they ran out for  
17 the ones that did have them.

18 BY ATTORNEY MCATEER:

19 Q. Do you remember yours running  
20 out?

21 A. (Indicates yes).

22 BY MR. MCKINNEY:

23 Q. Can you recall someone stating  
24 that theirs had expired or been  
25 exhausted and ran out?

1 A. I can't give you names, but I  
2 know that there was --- they kept  
3 them all in a pile that had the ones  
4 that worked.

5 Q. They did what, Randal? I'm  
6 sorry.

7 A. The ones that didn't, slash,  
8 and did work. After the gases was  
9 clear out of them, they put them down  
10 somewhere.

11 BY ATTORNEY MCATEER:

12 Q. Was there much conversation  
13 among the fellows?

14 A. What?

15 Q. Just among you and the other  
16 fellows down there, was there much  
17 conversation?

18 A. A little bit.

19 BY MR. MCKINNEY:

20 Q. Except for Junior and Anderson  
21 making an excursion, a little trip  
22 outby the barricade, was there some  
23 dissension about the decision at some  
24 point in time that maybe we should  
25 have tried to get out rather than

1       come up here? Was everybody still  
2       okay with that decision?

3       A.       Give me the question again.

4       Q.       You know, when you went and  
5       sat down and some time passed and at  
6       some point in time Junior and  
7       Anderson left the barricade, so there  
8       had been some time elapsed. During  
9       the discussions among the crew, were  
10      there some people that said, we  
11      should have just went ahead and tried  
12      to get out? Is that some of the  
13      things that spawned Junior to leave?

14      A.       No. I believe he was just  
15      looking for seeing how much the air  
16      is clearing, stuff like that. I  
17      believe that's what he was focusing  
18      on.

19      Q.       Was that because you were  
20      starting to get smoke behind the  
21      barricade?

22      A.       No. As far as I know, I  
23      didn't see any smoke behind the  
24      curtain.

25      Q.       You don't recall seeing any

1 smoke behind the barricade?

2 A. No.

3 BY ATTORNEY CLAIR:

4 Q. Randal, you described people  
5 being exhausted from the work of  
6 pounding on the bolts and all that  
7 you've been through. Did people just  
8 seem sleepy as well or ---?

9 A. Yeah, there --- of course, at  
10 that time, one guy went to sleep or  
11 appeared to be asleep.

12 Q. People either went to sleep or  
13 appeared to be asleep? I just didn't  
14 hear what you said.

15 A. Yeah. People had went to  
16 sleep or appeared to be asleep.

17 Q. And did that happen all at  
18 once, about the same time or did some  
19 people appear to go to sleep before  
20 others?

21 A. Right, some people did.

22 BY MR. MCKINNEY:

23 Q. When Junior and Anderson left  
24 the barricade, had anybody went to  
25 sleep at that point in time?



1 A. No. No. Everyone was still  
2 wondering what they had found. They  
3 were basically waiting for them to  
4 come back.

5 BY ATTORNEY MCATEER:

6 Q. What did they say?

7 A. That it wasn't good, too much  
8 smoke. They said they couldn't  
9 breathe.

10 BY MR. MCKINNEY:

11 Q. Junior had a methane detector  
12 or CO detector. We found that. As a  
13 foreman, he normally would have one.  
14 Did he, at any time, talk to you guys  
15 about what the readings were that he  
16 was getting behind the curtain where  
17 you guys were, keep you posted on  
18 what he was getting?

19 A. Well, as far as I know, he  
20 didn't have a spotter to check that.

21 Q. Excuse me, Randal?

22 A. He didn't have a spotter to  
23 check that.

24 Q. As far as you know, he didn't  
25 have one. Okay.

1 BY ATTORNEY MCATEER:

2 Q. So you didn't see him checking  
3 it at all?

4 A. Well, of course it is kind of  
5 unlike him to not --- if he had one,  
6 to not check.

7 Q. But your recollection is that  
8 you didn't see him make any checks?

9 A. Right, didn't see him.

10 BY MR. MCKINNEY:

11 Q. A lot of times those devices  
12 have audible alarms. And you've  
13 heard those, they have a ring when  
14 you get low oxygen or high  
15 concentrations of methane or CO. Do  
16 you recall hearing the alarm go off  
17 or anything?

18 A. No, but I do remember what  
19 they sound like.

20 Q. That's just a buzzing sound  
21 most of the time, but it's shrill.  
22 When Junior and Anderson left, did  
23 they take self-rescuers with them?  
24 Because you said Junior had one that  
25 didn't work. So did he take

1       somebody's self-rescuer with him when  
2       he left the barricade?

3       A.       I don't know. I don't think.

4       Q.       You think he went out without  
5       a self-rescuer?

6       A.       Right. I think so. Now, how  
7       they did that is one guy would be ---  
8       there'd be like two people, and Toler  
9       or whoever would be the furthest away  
10      from the other nine, they would talk  
11      to each other, like yell to get words  
12      across, just like, did you see  
13      anything, just like that.

14      Q.       Was that early on, before you  
15      went to the barricade that that was  
16      happening?

17      A.       It's after the barricade was  
18      made.

19      BY ATTORNEY MCATEER:

20      Q.       So within the barricade,  
21      you're talking between one side of  
22      the barricaded area and the other,  
23      they'd call back and forth from one  
24      side to the other?

25      A.       Yeah. It was a big area right

1       there.

2       Q.       Yeah.  Was there any  
3       discussion of any of these folks  
4       going to sleep or ---?

5       A.       No.

6       Q.       Did that happen early?  And I  
7       know it's hard to put time frames on  
8       it, but did that happen early in the  
9       process or was that after a while?

10      A.       It was a long time before  
11      everyone started falling asleep.

12      BY MR. MCKINNEY:

13      Q.       Was everyone asleep --- do you  
14      recall everybody being asleep before  
15      you fell asleep, Randal?

16      A.       Some of them, yes.

17      Q.       Not all?

18      A.       Probably not, because ---  
19      really I didn't know because I really  
20      couldn't, per se --- the way it was  
21      --- looked like, there was like a  
22      corner, a place where they had mined  
23      --- stopped mining.

24      Q.       A little crosscut?

25      A.       Yeah, almost a crosscut.  But

1       some people were on down the ways,  
2       and they was a little bit difficult  
3       to see because of the distance. They  
4       were, yeah, within distance, but it's  
5       kind of hard to see, you know, what  
6       everyone's ---.

7       Q.       Yeah, that is a pretty good  
8       distance, you're right.

9       BY ATTORNEY MCATEER:

10      Q.       Did you turn the lamps off,  
11      cap lamps, in order to try to  
12      preserve them?

13      A.       Actually, yeah.

14      Q.       Did you leave sort of like one  
15      on? How did you do that?

16      A.       Yeah, we left one on. That's  
17      how we done it. You're right.

18      Q.       Who suggested that? Who told  
19      you to do that?

20      A.       Toler.

21      Q.       Toler.

22      BY MR. MCKINNEY:

23      Q.       Do you recall keeping your  
24      mouthpiece in as long as you could,  
25      Randal, or did you stay on the

1 self-rescuer as long as you could?

2 A. You mean, after we started  
3 banging bolts?

4 Q. Yeah. You know, when you sat  
5 down and finished banging bolts the  
6 last time that you actually banged  
7 them, did you put your self-rescuer  
8 back in and keep it in your mouth?

9 A. (Indicates yes).

10 BY ATTORNEY MCATEER:

11 Q. If you could, I know we've  
12 asked a lot of questions, but if you  
13 could sort of --- was it a pretty  
14 well-organized thing with Toler  
15 saying, okay, here's --- you know,  
16 like with the cap lamps, we're going  
17 to turn these off and start banging  
18 the bolts, is that how you sort of  
19 described it?

20 A. Yeah. Yeah, he was like  
21 leading everything. He's not the  
22 type of guy who's pushy about  
23 anything, but he was concerned for  
24 everybody. He wanted to do the right  
25 thing. He didn't want to like get us

1       stuck out in the woods with no  
2       rations something like that.

3       Q.       Did everyone seem pretty  
4       rational, seem to be pretty ---?

5       A.       I guess as far as --- as much  
6       as they could be.

7       Q.       Sure. Sure. But I mean,  
8       there was --- obviously, everybody  
9       was scared and concerned, fear and  
10      that sort of thing. And the reason  
11      we're asking some of these questions  
12      is you're the best example that we  
13      know of with how long people can deal  
14      with carbon monoxide. And so in  
15      order to try for us make the  
16      equipment better, we need to try to  
17      know as best we can of how long the  
18      equipment went and what can people do  
19      and things of that sort. That's why  
20      we're asking all those questions.

21      BY MR. MCKINNEY:

22      Q.       There's a lot of mining  
23      experience on that section. We saw  
24      some guys that, you know, had 30-plus  
25      years and then down to those that had

1 less. Was there much discussion  
2 initially about what to do or what  
3 not to do about the miners, or did  
4 Junior just, as being the foreman,  
5 kind of take over?

6 A. He pretty much took over,  
7 yeah.

8 Q. Were you pretty well together  
9 as a group, Randal, or were there  
10 times that you were separated, two or  
11 three people in one area, two or  
12 three in another area, before you  
13 went behind the barricade?

14 A. What was that again?

15 Q. Did you stay pretty tight as a  
16 group? This is early on now, when  
17 you went back down to the mantrip and  
18 you were trying to make decisions  
19 about escaping. Did you stay as a  
20 group during those attempts or did  
21 you separate at some point in time?

22 A. No, we didn't separate. We  
23 stayed together.

24 Q. Stayed as a group?

25 A. Yeah.



1 BY ATTORNEY MCATEER:

2 Q. Did you say that, let's stay  
3 together? Did somebody say that?

4 A. Yeah. Actually, every time we  
5 went to walk to go do something, we  
6 wanted to make sure --- I think Toler  
7 said it, yeah, let's all do our best  
8 to stay together.

9 Q. Did you put your hand on the  
10 next guy like this or ---?

11 A. Actually, no, we never went  
12 that far.

13 BY MR. MCKINNEY:

14 Q. Could you see the person in  
15 front of you?

16 A. Yeah. Some places were a  
17 little darker than others.

18 Q. Did you have trouble walking  
19 because of visibility, tripping,  
20 stumbling, falling?

21 A. On little pieces of coal,  
22 stuff like that, sure.

23 Q. But you weren't to the point  
24 of where visibility was so poor you  
25 decided to like hook up like a

1 lifeline between each other, a cord  
2 or something? You were okay seeing  
3 each other?

4 A. I know it was pretty dark in  
5 there.

6 Q. Did you have to hold hands at  
7 any time so you were all together?

8 A. No, we never did have to go  
9 that far. Now, whether some guys did  
10 or not, I don't know. I know I never  
11 held nobody's hand.

12 BY ATTORNEY MCATEER:

13 Q. When you were trying to come  
14 out on the mantrip, did you get down  
15 --- there's a grade there that goes  
16 down. Did you get down that far to  
17 where that ---? Where did you find  
18 the debris that blocked you? Was it  
19 in the dip or is that --- do you  
20 remember where it was?

21 A. No.

22 BY MR. MCKINNEY:

23 Q. Can you recall, Randal, if it  
24 was a pretty abrupt stop? In other  
25 words, when you come down the

1 mantrip, was it an abrupt stop or was  
2 it just a slow stop and then some  
3 discussion, abrupt being like you ran  
4 into something, slowed and then you  
5 saw it and stopped?

6 A. The only time I remember  
7 actually getting off the mantrip was  
8 when we went back to the section.

9 Q. So you don't remember the  
10 mantrip striking anything as you were  
11 trying to come out of the mine?

12 A. No.

13 BY ATTORNEY MCATEER:

14 Q. It didn't come off the rail?

15 A. Huh?

16 Q. It didn't come off the rail,  
17 didn't ---?

18 A. No.

19 BY MR. MCKINNEY:

20 Q. Do you recall any conversation  
21 about someone saying that we've hit  
22 something, we can't go any farther?

23 A. Yeah. Yeah.

24 Q. Do you remember who that was  
25 or what that conversation may have

1       been?

2       A.       I don't know. I just  
3       remember, this is impossible. We  
4       can't do this.

5                               ATTORNEY GOODWIN:

6                               Gentlemen, I think  
7                               we're getting to the point to  
8                               where we need to probably end  
9                               it for the day. What we will  
10                              do is, as time goes by, we'll  
11                              certainly make him available  
12                              to you again for further  
13                              conversations.

14                             I'd also like to point  
15                             out that his recovery is  
16                             progressing. As he gets  
17                             better, his memory improves.  
18                             Details come back to him from  
19                             time to time. As to your map,  
20                             for example, he still has some  
21                             sight problems, some  
22                             coordination problems, which  
23                             make that kind of --- dealing  
24                             with that kind of thing  
25                             difficult. Hopefully, that

1 will continue to improve also  
2 and he'll be more helpful to  
3 you in that way. But we will  
4 continue to be available to  
5 you ---

6 ATTORNEY MCATEER:

7 Appreciate that.

8 ATTORNEY GOODWIN:

9 --- for any questions.

10 If you have them, please let  
11 me know, and we'll try to get  
12 answers for you. And we'll  
13 sit down again at the  
14 appropriate time and try to  
15 talk some more. Does that  
16 sound satisfactory?

17 MR. MCKINNEY:

18 Yes, sir, it does.

19 We'll give you this map. And  
20 if there's some additional  
21 things you can think would be  
22 helpful, we'd be glad to make  
23 another map and get that to  
24 you.

25 ATTORNEY GOODWIN:

1                   That would be great.

2                   MR. MCKINNEY:

3                   From the Agency's  
4                   standpoint, Randal, we  
5                   appreciate you sitting down  
6                   and talking to us. We're  
7                   trying to piece together some  
8                   things that we --- will help  
9                   us better understand the  
10                  accident and make sure nothing  
11                  like this happens in the  
12                  future. And you're a big part  
13                  of that, and we appreciate  
14                  your helping us.

15                  ATTORNEY MCATEER:

16                  We're really trying ---  
17                  from the State's standpoint,  
18                  Randal, we're trying to learn  
19                  the lessons that we can from  
20                  this so that we don't have  
21                  this happen. And what you've  
22                  told us today has been real  
23                  helpful, and it's helped us to  
24                  try to better prepare  
25                  ourselves for this and better

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prepare the miners and better  
prepare our rescue efforts to  
help us do a better job. But  
we really appreciate this, and  
I thank you very much for  
coming.

\* \* \* \* \*

STATEMENT CONCLUDED AT 11:36 A.M.

\* \* \* \* \*