

01 EXAMINATION UNDER OATH
02 OF
03 JAMES ALLEN SCHOONOVER
04
05
06 Taken pursuant to Notice by Miranda
07 D. Elkins, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at U.S. Bankruptcy
10 Court, 324 West Main Street,
11 Clarksburg, West Virginia on
12 Wednesday, January 18, 2006, at 1:13
13 p.m.

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

02 -----

03 MR. GATES:

04 My name is Richard
05 Gates and I am a District
06 Manager with Mine Safety and
07 Health Administration, an
08 agency with the U.S.
09 Department of labor. I'd like
10 to introduce Mr. Robert Wilson
11 with the Solicitor's Office
12 and Mr. Joe O'Donnell, a field
13 office supervisor with Mine
14 Safety & Health
15 Administration.

16 With me are also Brian

17 Mills and Dave Stuart with the
18 West Virginia Office of
19 Miners' Health, Safety &
20 Training. And representing
21 International Coal Group is
22 R. Henry Moore and Sam Kitts.
23 Also as representatives of the
24 miners are Ron Bowersox and
25 Gary Trout. I've been

9

01 assigned to conduct an
02 investigation into the
03 accident that occurred at the
04 Sago Mine on January 2nd, 2006
05 in which 12 miners died and
06 one was injured. The
07 investigation is being
08 conducted by MSHA and the West
09 Virginia Office of Miners
10 Health, Safety & Training to
11 gather information to
12 determine a cause of the
13 accident. And these
14 interviews are an important
15 part of the investigation.

16 At this time, the
17 accident investigation team
18 intends to interview a number
19 of people to discuss anything

20 that may be relevant to the
21 cause of the accident. After
22 the investigation is
23 completed, MSHA will issue a
24 written report detailing the
25 nature and causes of the

10

01 accident. MSHA accident
02 reports are made available to
03 the public in hopes a greater
04 awareness about the causes of
05 accidents can reduce their
06 occurrence in the future.
07 Information obtained through
08 witness interviews is
09 frequently included in this
10 report and your statement may
11 also be used in other
12 enforcement proceedings. I'd
13 like to thank you in advance
14 for your appearance here. We
15 appreciate your assistance in
16 this investigation.

17 The willingness of
18 miners and mine operators to
19 work with us is critical in
20 our goal in making the
21 nation's mines safer. We

22 understand the difficulty for
23 you in discussing the events
24 that took place and we greatly
25 appreciate your efforts to

11

01 help us understand what
02 happened.

03 This interview with Mr.
04 Schoonover is being conducted
05 under Section 103(a) of the
06 Federal Mine, Safety and
07 Health Act of 1977 as a part
08 of an investigation by MSHA
09 and the West Virginia Office
10 of Miners' Health, Safety &
11 Training into the conditions,
12 events and circumstances
13 surrounding the fatalities
14 that occurred at the Sago Mine
15 owned by International Coal
16 Group in Buckhannon, West
17 Virginia on January 2nd, 2006.

18 This interview is being
19 conducted at the U.S.
20 Bankruptcy Courthouse in
21 Clarksburg, West Virginia on
22 January 18th, 2006.

23 Questioning will be
24 conducted by representatives

25 of MSHA and the Office of

12

01 Miners' Health, Safety &
02 Training. After MSHA and
03 state officials have finished
04 their questions, the
05 representative of the mining
06 company and the a
07 representative of the miners
08 may ask clarification
09 questions only. This is not
10 an adversarial proceeding,
11 therefore Cross Examination
12 will not be permitted.

13 Mr. Schoonover, the
14 interview will begin by me
15 asking you a series of
16 questions. If you do not
17 understand a question, please
18 ask me to rephrase it. Feel
19 free at any time to clarify
20 any statements that you make
21 in response to the questions.
22 And after we're finished
23 asking the questions, you'll
24 have an opportunity to make a
25 statement and provide us with

13

01 any additional information
02 that you believe may be
03 important.

04 If at any time after
05 the interview, you recall
06 additional information that
07 you believe may be useful in
08 the investigation, please
09 contact me at the number or
10 e-mail address provided to
11 you. Here is my contact
12 information.

13 Your statement is
14 completely voluntary. You may
15 refuse to answer any question
16 and you may end your interview
17 at any time. If you need a
18 break for any reason, please
19 let me know. A court reporter
20 will record your interview and
21 will later produce a written
22 transcript of the interview,
23 so please try and respond to
24 all questions verbally since
25 the court reporter cannot

14

01 record non-verbal responses.
02 Also please try and keep your
03 voice up. Copies of the

04 written transcripts will be
05 made available at a later
06 time.

07 If part of your
08 statement is based not on your
09 own firsthand knowledge, but
10 on information you learned
11 from someone else, please let
12 us know. Please answer each
13 question as fully as you can,
14 including any information you
15 have learned from someone
16 else. We may not ask the
17 right questions to learn the
18 information you have, so don't
19 feel limited by the precise
20 question asked. If you have
21 information about the subject
22 area, please provide that
23 information.

24 At this time, Mr. Mills
25 do you have anything you'd

15

01 like to add on behalf of the
02 Office of Miners' Health,
03 Safety & Training?

04 MR. MILLS:

05 I'm glad you came.

06 Here's a card ---
07 MR. SCHOONOVER:
08 All right.
09 MR. MILLS:
10 --- I can be reached
11 at. The West Virginia Office
12 of Miners' Health, Safety &
13 Training is conducting this
14 interview session jointly with
15 MSHA and are in agreement with
16 the procedures outlined by Mr.
17 Gates for these interviews
18 that will be conducted here
19 today, but the Director
20 reserves the right, if
21 necessary, to call or subpoena
22 witnesses or require the
23 production of any record,
24 document, photograph or other
25 relevant materials necessary

16

01 to conduct this investigation.

02 MR. GATES:
03 Mr. Schoonover, you're
04 permitted to have a
05 representative with you during
06 this interview and you may
07 consult with your
08 representative at any time.

09 You may designate any person
10 to be your representative. Do
11 you have a representative with
12 you?

13 MR. SCHOONOVER:

14 I do not.

15 MR. GATES:

16 And do you have any
17 questions regarding the manner
18 in which this interview will
19 be conducted?

20 MR. SCHOONOVER:

21 I understand there's
22 UMWA representatives in the
23 room?

24 MR. GATES:

25 That's correct.

17

01 MR. SCHOONOVER:

02 I'd like for them to
03 leave.

04 MR. GATES:

05 Okay. For the record,
06 Mr. Schoonover has requested
07 that his testimony be given
08 without the presence of the
09 representative of the miners,
10 Mr. Trout and Mr. Bowersox.

11 Mr. Bowersox and Mr.
12 Trout, do you recognize the
13 interviewee's request?

14 MR. BOWERSOX:

15 Yes. We recognize Mr.
16 Schoonover's request. We will
17 be excused.

18 UMWA REPRESENTATIVES LEAVE COURTROOM

19 MR. GATES:

20 The record would
21 indicate that Messrs. Bowersox
22 and Trout have left the
23 courtroom. Mr. Schoonover,
24 would you please state your
25 full name and spell your last

18

01 name?

02 OFF RECORD DISCUSSION

03 -----

04 JAMES ALLEN SCHOONOVER, HAVING FIRST

05 BEEN DULY SWORN, TESTIFIED AS

06 FOLLOWS:

07 -----

08 BY MR. GATES:

09 Q. Now, Mr. Schoonover, would you
10 state your last name --- or full name
11 and spell your last name?

12 A. James Allen Schoonover,

13 S-C-H-O-O-N-O-V-E-R.

14 Q. And could you please state
15 your address and telephone number?

16 A. [REDACTED],

17 [REDACTED]

18 Q. That's area code [REDACTED]

19 A. [REDACTED]

20 Q. And do you have an e-mail
21 address that you would be willing to
22 share with us?

23 A. Come ---?

24 Q. That's up --- that's entirely
25 up to you.

19

01 A. The company, yeah.

02 [REDACTED]

03 [REDACTED]

04 Q. Thank you. And are you
05 appearing here today voluntarily?

06 A. Yes, sir.

07 Q. And Mr. Schoonover, how many
08 years of mining experience do you
09 have?

10 A. Twenty-four (24).

11 Q. Twenty-four (24). And could
12 you give a brief description of that
13 24 years experience?

14 A. Started out in low coal,
15 Wilcox Miners equipment operator.

16 Moved onto a little bit higher coal
17 in
18 40-inch range and thought I'd hit big
19 coal there. Moved onto Spruce Fork
20 in '97, where it was about five and a
21 half feet and I thought that was the
22 be all/end all there. Like I say,
23 equipment operator, mine rescue team,
24 two different mine rescue teams for
25 approximately 15 years, 16 years.

20

01 Probably four of those years were
02 team captain on the barber station,
03 the foreman.

04 Q. It's interesting that your
05 career has taken you from low coal.
06 It seems like each job, the coal seam
07 gets a little higher?

08 A. Yeah, started out about 26
09 inches.

10 Q. And how long have you been
11 employed at the Sago Mine?

12 A. January of '04.

13 Q. And what's your position?

14 A. Safety director.

15 Q. And did you hold that same job
16 position on January 2nd, 2006?

17 A. Yes.

18 Q. And could you briefly describe

19 your job duties as they laid out on
20 January 2nd, 2006?

21 A. As far as ---?

22 Q. Just really what ---

23 A. What I did that day or ---?

24 Q. --- what your duties as safety
25 director ---

21

01 A. Oh.

02 Q. --- entailed just in general.

03 A. Safety meetings, postings, you
04 know, safety postings, training,
05 accident reports, roof fall reports,
06 you know, the whole gamut of safety
07 job.

08 Q. Do you normally travel with
09 the MSHA inspectors during the course
10 of their ---?

11 A. MSHA and state also.

12 Q. And state?

13 A. Yes, sir.

14 Q. How long have you worked as a
15 --- in that position as safety
16 director at Sago Mine?

17 A. I had my unlimited card, my
18 trainer's certificate was June of
19 '04, so ---.

20 Q. So have you held other

21 positions then at the Sago Mine,

22 other than ---

23 A. No.

24 Q. --- mine safety director?

25 A. No.

22

01 Q. And on January 2nd, is there

02 anything specifically that your

03 duties consisted of on that day?

04 A. Nothing in specific as far as

05 --- the only thing different, other

06 than the safety part of it, you know,

07 just got there and was going to do my

08 thing for that day.

09 Q. Okay. And do you have any

10 mining certifications from any state

11 or --- state or federal groups? And

12 if so, describe what those might be.

13 A. Like shop fireman?

14 Q. Yeah.

15 A. Yes.

16 Q. Papers or ---.

17 A. State of West Virginia Boss or

18 Foreman's papers, shop fireman, McKay

19 --- trained on McKay mine rescue

20 equipment, Dregor (phonetic) mine

21 rescue equipment. Of course my ---

22 well, my trainer's certificate also.

23 My MSHA gas testing card. That's

24 right off the top of my head. I've
25 got a few more I think.

23

01 Q. Sure. Any in any other states
02 aside ---

03 A. No, sir.

04 Q. --- from West Virginia?

05 A. No, sir.

06 Q. Okay. And who's your
07 immediate supervisor?

08 A. I ---.

09 Q. I guess, who's your boss?

10 A. I guess Jeff Toler would be.

11 Q. And how long had Jeff been
12 your boss?

13 A. I think he come there in
14 August. I'm not real sure about the
15 day.

16 Q. Okay. And on a normal day,
17 you start your work shift at what
18 time?

19 A. I'm usually there around 5:00
20 in the morning, a little after.

21 Q. And were you working at the
22 mine on January 2nd?

23 A. Yes, sir.

24 Q. And starting at five o'clock
25 or a little after when you arrived at

01 the mine on January 2nd, could you
02 describe what you did, what you
03 encountered during the course of
04 events from the time you arrived
05 until you left the property that day?

06 A. When I got on the property
07 that morning, I set up my computer,
08 always, you know, check e-mails from
09 other, you know, sister mines, you
10 know, as far as accident reports,
11 things like that, check safety
12 observations. We have a box in our
13 foreman's room that our foreman put
14 in safety observations. Kind of
15 just, you know, BS with everybody,
16 you know, talk with everybody. And
17 that morning I just --- I did
18 actually notice though and I made the
19 comment of an old wife's tale, you
20 know, what does this mean, this
21 lightning and thunder in January
22 because where I'm from there's always
23 a --- you know, the frogs in certain
24 part of the year and things like
25 that. But I went to the door and

01 opened the door because it was
02 lightning and thunder carrying on so

03 bad and it was so warm for the second
04 day of January. You know, I asked
05 two or three people, you know, what
06 could this mean, you know. I mean,
07 there's got to be a tale of some
08 sort, you know.

09 Q. Did anybody have any?

10 A. Nobody had any.

11 Q. Nobody had any.

12 A. And I brought up the ---

13 brought you the timesheets on my
14 computer and started to print those.

15 And we had an employee with a hand-
16 held radio, that we couldn't get the
17 battery off of and I worked with him.

18 We were trying to get this thing ---
19 this battery off the back of his
20 hand-held radio until he said, it's
21 time to go. And that was the course,
22 you know, up until the men went
23 underground. Continue?

24 Q. Yeah. Go ahead throughout the
25 course of the day.

26

01 A. Well, within the next 30
02 minutes or so, I --- you know, the
03 timesheets were printed off and I may
04 have been getting those together, I'm

05 not real sure about that. But I just
06 know that there was just a large clap
07 of thunder. I mean, just --- I
08 didn't see the lightning because
09 there's not a window in my office,
10 but just bang, bang. And just a
11 minute or two later, you know, there
12 was a call from underground --- or
13 excuse me. The dispatcher called
14 over and said that the CO monitoring
15 system had gone out inby. And just
16 assumed it might have been fuses.
17 Nobody knew at the time. And just
18 minutes later, Owe Jones called from
19 a mine phone underground and said
20 there --- something terrible had
21 happened. And at that time, Jeff ---
22 I did hear Jeff's office directly
23 across from mine, Jeff Toler, or
24 caddy-corner and I could hear him
25 say, you know, there was smoke and

27

01 evidently Owie confirmed that. Told
02 him to get into the intake escapeway
03 and head outside. And of course,
04 Jeff was telling me get my stuff
05 ready, but I was already doing that.
06 And when he come by my door, I was
07 right behind him and maintenance

08 superintendent right behind us and to
09 the pit we went. We were probably --
10 - we were on the road from the time
11 we got --- you know, from the time
12 that the lightning or whatever it was
13 struck within 10, 11 minutes max, we
14 were on the trip. I was the man
15 driving the trip. Continue?

16 Q. Sure.

17 A. I'm going to say about three
18 breaks underground, we met Fred
19 Jamison, who's the fire boss. He
20 appeared to be okay. You know, we
21 were in a rush and told him to exit
22 the mine. And I was careful not to
23 get the trip off the rail, you know,
24 I was paying more attention to that
25 than anything, you know. Got to the

28

01 One Right switch and John Boni, who's
02 another --- examines our intake
03 escapeways and pumps and things like
04 that. Met him there. He got in the
05 trip with us and myself, Dick
06 Wilfong, John Boni and Vernon Hofer
07 were all in the mantrip and headed
08 inby. We stopped at a phone between
09 25 and 30 break on Four belt.

10 Hollered outside, I don't even
11 remember who it was, hollered outside
12 and asked if they heard from the Two
13 Left crew. No, they hadn't. And we
14 just proceeded inby. I don't recall
15 what break or what man door that the
16 Two Left --- or the One Left crew
17 come out of, but we heard them, you
18 know, we kind of passed them by and I
19 backed up. And they said they were
20 having trouble with a mechanic,
21 Keith, Hoy. He's an older gentleman,
22 kind of heavy set, you know, he has a
23 tough time getting around. But they
24 said get him out of there. Got him
25 into the track entry. Got him on the

29

01 mantrip. Dick Wilfong, that crew. I
02 can't name everybody on that crew.
03 That crew, John Boni and Vernon Hofer
04 headed for the outside. And Jeff
05 Toler and myself stayed behind. And
06 Owie, Owen Jones was also on that
07 crew was not on that --- on that
08 ride. He was in by the phone. I
09 don't recall what break phone he was
10 at. But Jeff and I went to him and
11 brought him out. You know, told him
12 to get out of the --- out of the

13 smoke. There was some smoke and ---
14 light smoke up in that area. Brought
15 him back out of there for fear that,
16 you know, he may go down, too. We
17 got Owie back and Jeff and I had
18 proceeded inby, I think, the first
19 stopping out that we noticed was 32
20 on Four belt. And we walked in by
21 that and there was --- the next one
22 was at 42. So we come back to ---
23 come back to the phone. Jeff calls
24 for ventilating supplies and Dick
25 Wilfong and Vern Hofer brought them

30

01 back in the mine. Like I said, that
02 left --- that put me, Owen Jones and
03 Jeff were there. Dick Wilfong and
04 Vernon Hofer come back up. Had five
05 of us.

06 At that time, when they
07 brought the equipment in, we put a
08 curtain up at the 32, spad it tight,
09 trammed to 42, put one there and
10 de-energized the Jeep, because we
11 were afraid, you know, maybe bad air,
12 didn't know what was out. Didn't
13 know if, you know, the bad air would
14 come right back down the tracks, so

15 we de-energized the Jeep.

16 From that point, we just
17 started carrying supplies. I can't
18 tell you exactly what stoppings were
19 out, what were intact, but there
20 might be one intact and then two out,
21 or two out and one intact. I really
22 can't --- I don't know. We proceeded
23 to 47 block --- or excuse me, 57,
24 hanging tightened curtains. And when
25 we got to 57, the smoke was real

31

01 heavy going across 58 block. We
02 waited a few minutes there, listened,
03 heard a few noises. It may have been
04 rock, may have been a piece of a
05 stopping that was still, you know,
06 plastered to the top that had fell.
07 You know, we hollered in different
08 directions but there was no response.

09 In that time frame, it
10 appeared to me that the smoke was
11 across 58, directly in front of us.
12 We were 57, on the corner of 57, just
13 appeared to pick up a little more, a
14 little bit thicker. And we --- like
15 I said, we hollered several times and
16 then finally made the decision to
17 back away from it.

18 Q. And all of you ---?

19 A. Headed out the intake

20 escapeway, yes, sir.

21 Q. And do you recall once you got

22 to the surface --- can you continue

23 with what happened there?

24 A. We got to the surface and got

25 --- you know, got out of the

32

01 lamphouse and walked up the hill and

02 I don't remember --- I know it was a

03 mine inspector but I don't remember

04 who it was said, they need you guys

05 in the office. And you know, didn't

06 take a light off or anything like

07 that. We immediately went in, went

08 in the superintendent's office, Jeff

09 Toler's office and was asked what

10 information we had because, in fact,

11 they wanted to know how far we

12 actually got, but I don't remember

13 who even asked or --- you know, from

14 that point on. I mean, it was ---.

15 Q. Pretty tough?

16 A. Yeah. I mean, I don't

17 remember, you know, who I talked to

18 or, you know, who I actually even

19 said, you know, how far we got to or

20 anything like that.

21 Q. Okay.

22 MR. GATES:

23 Well, I appreciate it,

24 Al. And I'm going to step

25 back and Joe O'Donnell is

33

01 going to slid in and resume

02 the questions. Joe?

03 MR. O'DONNELL:

04 Thanks. Let me get

05 situated here.

06 BY MR. O'DONNELL:

07 Q. What we're going to do now is

08 we're just going to back up a little

09 bit. Explain everything that

10 happened and we're just going to walk

11 it through and I'm going to ask you

12 some ---

13 A. Okay.

14 Q. ---- specific questions on how

15 it unraveled here. So we'll start

16 out on the surface. And you said

17 that you heard --- you didn't see any

18 lightning but you heard thunder.

19 That's where we're going to start.

20 A. Right. Yes, sir.

21 Q. And right after that, what

22 happened next?

23 A. That's when the superintendent
24 was actually on the phone with the
25 dispatcher and he said the CO system

34

01 in the top end of the mine had gone
02 out.

03 Q. Do you know if the dispatcher
04 called the superintendent or ---?

05 A. I don't know.

06 Q. Did you hear an alarm going
07 off, the pipe boom?

08 A. We're not in the same
09 building.

10 Q. Oh, you're not? So where are
11 you in relationship to where that
12 dispatcher is?

13 A. We're in a --- we have a
14 bathhouse facility and the pipe boom
15 system is in the dispatcher's
16 trailer, lamphouse.

17 Q. And that signal, you have a
18 pager phone in your office?

19 A. Yes.

20 Q. It's not over the pager phone
21 or is it ---?

22 A. No.

23 Q. Just in the lamphouse ---

24 A. Uh-huh (yes).

25 Q. --- dispatcher area?

35

01 A. Yes, sir.

02 Q. Do you know who the dispatcher
03 was that date?

04 A. William Chisolm.

05 Q. William Chisolm. And does he
06 have a nickname?

07 A. Flea.

08 Q. Flea, okay. So anyway, the
09 alarm goes off or you find out. And
10 how were you notified that something
11 happened? How were you alerted? I
12 mean, did someone ---?

13 A. Something bad had happened or
14 ---?

15 Q. Yeah. How did you know? I
16 mean, ---?

17 A. I could hear Jeff talking on
18 his mine phone.

19 Q. Okay.

20 A. I mean, it was just like we're
21 sitting right here. I have excellent
22 hearing.

23 Q. Did he call you or did you go
24 over to him?

25 A. I just started immediately ---

36

01 when he told me hit the intake

02 escapeway, I just immediately put my
03 stuff on. I didn't ask any
04 questions. I knew I was ---.

05 Q. Okay. You heard him talking
06 to Owen?

07 A. Yes.

08 Q. Okay. And do you recall that
09 conversation?

10 A. The only thing I remember is
11 him telling --- I didn't hear Owen in
12 the conversation.

13 Q. Okay.

14 A. I just heard him say, you
15 know, get your people and get in the
16 intake escapeway.

17 Q. About how much time transpired
18 between the time that you heard all
19 this start and the time that you
20 heard Jeff and Owen talk?

21 A. Just minutes, I would say. It
22 wasn't a long time frame.

23 Q. And then after that, what was
24 the next series of events that
25 happened?

37

01 A. We headed out of the building.

02 Q. We who? Who ---?

03 A. Jeff Toler, myself, Dick

04 Wilfong. And Vernon Hofer was
05 already in the pit.

06 Q. Okay. So there were three of
07 you that went down over the hill?

08 A. Yes. And Vernon ---.

09 Q. Met Vernon?

10 A. Uh-huh (yes).

11 Q. Okay. And then when you got
12 to the bottom, what did you do there?

13 A. I got a mantrip.

14 Q. Was it an open-type mantrip?

15 A. We have covered trips. The
16 operator's compartment's open.

17 Q. Is it battery?

18 A. Yes, sir.

19 Q. Okay. What kind of supplies
20 did you guys take in with you? Did
21 you grab anything with you and head
22 in?

23 A. No. No.

24 Q. Okay. So then where were you
25 at? You say you were driving?

01 A. Yes.

02 Q. Okay. So go ahead, start from
03 there and you traveled how far into
04 the mine before you saw ---

05 A. Jamison.

06 Q. --- Jamison, yeah.

07 A. Three breaks --- I'm going to
08 --- 300 feet, whatever the scale is.
09 It was a third break.
10 Q. Third break. Did he seem to
11 be in any distress or ---?
12 A. No. No.
13 Q. Did he relay any information
14 to you that he had experienced
15 anything?
16 A. Not that I recall.
17 Q. And what did you have --- what
18 comment --- did you have any
19 conversation?
20 A. I didn't personally, no.
21 Q. Did you overhear a
22 conversation?
23 A. Somebody from within the trip
24 asking if he was all right. And he
25 said, yeah and left ---

39

01 Q. Okay.
02 A. --- just walked on out.
03 Q. And then next, what happened?
04 A. The next --- at One Right
05 switch was John Boni.
06 Q. Okay. Let's go over to the
07 map and we're going to take this
08 purple pen and we're going to make

09 from the surface at --- not the track
10 entry as to where you went in ---
11 where you first met on the one on the
12 right. That'd be Exhibit One.
13 (Schoonover Exhibit One
14 marked for
15 identification.)

16 BY MR. O'DONNELL:

17 Q. Just explain --- what you have
18 to do is, you have to describe where
19 you start. Don't worry about making
20 a mess of that.

21 A. Okay. We started from the
22 outside approximately, here was Fred
23 Jamison.

24 Q. That's the third break. You
25 can just put an arrow to it.

40

01 WITNESS COMPLIES

02 A. I think Fred's his proper
03 name.

04 BY MR. O'DONNELL:

05 Q. Yeah.

06 A. From there, ---.

07 Q. So you went --- what do you
08 call this number here?

09 A. What would I call what?

10 Q. What do you call this, when
11 you make a turn?

12 A. This would be Number One
13 track, this would be Number Two.

14 Q. Okay.

15 A. This would be Number Three.

16 Q. Where did you meet the next
17 gentleman?

18 A. At here, the switch here.

19 Q. That would --- could you
20 describe the switch? Is it One
21 Right?

22 A. The One Right, the One Right
23 switch.

24 Q. Just mark it, mark it Right.

25 A. I don't remember if it's One

41

01 Right or Two Right now.

02 Q. Well, where do you think that
03 you met? Do you think it was the Two
04 drive or Two Right? One Right?

05 A. Right here.

06 Q. And that's where you met who?

07 A. John Boni.

08 Q. Okay. When you traveled into
09 the mine, did you notice anything on
10 the track?

11 A. No, sir.

12 Q. I mean, was there smoke?

13 A. No, sir.

14 Q. Dirt, dust, heat?
15 A. No.
16 Q. Did you notice anything
17 different in the air quality?
18 A. Not on the section there, no.
19 Q. Did you notice any controls
20 that were out on the way in?
21 A. No, sir.
22 Q. So everything up to this point
23 was normal?
24 A. Yeah, it appeared to be, yes.
25 Q. Okay. What about detectors?

42

01 Did you have any detectors with you?
02 A. No, sir.
03 Q. You had no detectors at all?
04 A. No, sir.
05 Q. Did you see anyone else along
06 the way as you were going out, other
07 than the few gentlemen that you just
08 described?
09 A. That's the only thing I
10 recall.
11 Q. You saw no one here on the
12 surface that had exited the mine?
13 A. No, sir.
14 Q. Okay. So go ahead.
15 A. Then we --- I don't know
16 exactly where the men coming through

17 the main were at. I really don't
18 know. I believe it was out by 32,
19 I'm sure.
20 Q. Just where you think that it
21 might be in the general area, just
22 put an arrow to it. It just gives us
23 an idea of where you were at.

24 WITNESS COMPLIES

25 BY MR. O'DONNELL:

43

01 Q. And how many people did you
02 meet there?

03 A. I didn't count.

04 Q. Was it the One Right --- One
05 Left crew?

06 A. The One Left crew, yes, sir.

07 Q. And were all the people there?

08 A. Yes, they were accounted for,
09 except for Owen.

10 Q. Except for Owen? Okay.

11 A. Yeah.

12 Q. Well, what kind of
13 conversation did you have with them?

14 A. Just basically is everybody
15 okay. And then that's, like I say, I
16 think --- well, everybody heard that
17 they were having trouble getting Hoy.

18 Q. Was anybody hurt, other than

19 Hoy, having problems?
20 A. Not that I'm aware of. Not
21 that I'm aware of. And like I said,
22 from that point, it's just real
23 sketchy about where --- what door
24 they came through from that point.
25 They took our mantrip that we had

44

01 with Dick Wilfong and Vernon Hofer
02 and John Boni and that entire crew
03 got to the surface, except for Owen
04 Jones.

05 Q. Okay. So they took your ride
06 and then what did you do?

07 A. Jeff and I stayed behind and
08 we walked inby in the track.

09 Q. Inby on the track entry?

10 A. Yes, sir.

11 Q. When did you start noticing a
12 change?

13 A. The closer we got ---.

14 Q. I mean, where on the track,
15 the first signs that you had of any
16 problems?

17 A. Not up until --- in this area
18 here (indicating).

19 Q. And that area is?

20 A. The 48, 47, 48 block.

21 Q. So everything appeared to be

22 normal up until then? Did you see
23 any damage controls?

24 A. Oh, yes.

25 Q. Okay. Here's what I want you

45

01 to do, I have an orange marker and if
02 you would just ---.

03 MR. MILLS:

04 Do you want to use the
05 larger ---?

06 BY MR. O'DONNELL:

07 Q. Yes, we'll go to the large one
08 over here now. If you could just
09 mark what stoppings --- just I know
10 you're not going to be exact. But if
11 you can remember.

12 A. Thirty-two (32) out.

13 Q. And what do you mean out?

14 A. It was blown out toward the
15 track.

16 Q. Completely?

17 A. Completely.

18 Q. Any blocks hanging?

19 A. Not that I seen.

20 Q. Do you know what kind of
21 stopping it was? Was it ---?

22 A. It was on the Omega blocks.

23 Q. Okay. It was your standard

24 hollow cement?

25 A. Yes.

46

01 Q. Okay.

02 A. Just write out here?

03 Q. You can put a circle around it

04 and put an arrow. We'll know that

05 the orange means damage; okay?

06 A. Okay. And then next one was

07 42, was out completely.

08 Q. That one was the same as the

09 other one?

10 A. Yes, sir.

11 Q. Okay. What about the ones in

12 between?

13 A. They seemed to be intact. I

14 mean, ---.

15 Q. Were they pushed at all?

16 A. I don't remember that.

17 Q. Okay. Go ahead.

18 A. And then from that point, it's

19 just real sketchy, you know, which

20 stoppings were out. You know like I

21 said, there may have been --- this

22 one could have been in and two out

23 here.

24 Q. So the further that you

25 traveled inby, the more damage you

47

01 saw, is that ---? You had more walls
02 up.

03 A. Well, not necessarily. Like I
04 said, it could have been one out here
05 and then two intact. Two out and
06 then one intact.

07 Q. Did you notice that the
08 direction of airflow changed at all?
09 I mean, the way that they were ---
10 not airflow, but the direction that
11 the forces were. Did you notice if
12 they were all the same way or did any
13 of them change?

14 A. From what I remember, all the
15 directions were toward the track.

16 Q. Okay. Did you notice any
17 return walls out there?

18 A. No, there wasn't on that side.

19 Q. Okay. Go ahead.

20 A. I'd be really sketchy telling
21 you, you know, what was out and what
22 was not. But I know ---.

23 Q. How far did you get before you
24 met the other --- before you met
25 Vernon and Wilfong?

48

01 A. From where?

02 Q. Well, they came --- they went

03 out of the mine and then they
04 returned?
05 A. Yes. They returned when we
06 started at 32, repaired.
07 Q. Oh. So let's back up a little
08 bit. They were already --- you ---.
09 A. They had left, got supplies
10 and come back and this is where we
11 started.
12 Q. Okay. So now all four of you
13 are here.
14 A. Yes, sir.
15 Q. Where was Owen?
16 A. At the phone.
17 Q. Where's that, going in?
18 A. I don't know.
19 Q. I mean, was he close to you?
20 A. Yeah, he was with us for a
21 ways up here, yes.
22 Q. Let me ask you this, the other
23 crew --- Vernon and the guys come
24 back in, what kind of supplies did
25 they have?

49

01 A. Curtains, spads, nails, fly
02 boards. Vernon's sharp enough to
03 grab more self-contained, self-
04 rescuers, spotters.
05 Q. What kind of detectors did you

06 have?
07 A. ITX.
08 Q. And what type gasses do those
09 ---?
10 A. CO, CH4 and O2.
11 Q. Okay. And were they on when
12 they came in?
13 A. I don't know. They were ---.
14 Q. Did you hear anything, an
15 alarm?
16 A. As we were ---.
17 Q. Well, let's just go back here,
18 What about this, right there where
19 they came in?
20 A. No, I don't remember anything
21 along there, no, sir.
22 Q. Do you remember looking at any
23 of them? Did they give you one? Did
24 you have ---?
25 A. I just picked one up off the
01 tray.
02 Q. Do you recall looking at it
03 and checking out the CO?
04 A. No, I don't.
05 Q. Or the oxygen?
06 A. No, I don't.
07 Q. Okay.

08 A. But like I say, we repaired
09 --- or we hung a curtain here.
10 Q. Were you still traveling on
11 the ride or did you drop it?
12 A. We dropped it at 42 from what
13 I remember.
14 Q. And you rode this part of it?
15 A. Yeah.
16 Q. This part of it means from --
17 -
18 A. Thirty-two (32).
19 Q. --- 32 ---
20 A. Yes.
21 Q. --- to 42?
22 A. Uh-huh (yes).
23 Q. So you rode that distance and
24 you repaired the stoppings that you
25 already described with a curtain?

51

01 A. With a curtain.
02 Q. So you just covered them?
03 A. Covered them, spadded where we
04 were able to.
05 Q. And then when you got to this
06 one ---?
07 A. We de-energized the Jeep here.
08 That's when you could tell just a
09 little bit of smoke ---.
10 Q. De-energized meaning ---?

11 A. Unplugged it.
12 Q. Pulled the plug, okay.
13 A. Yes, sir.
14 Q. And you say you just started
15 noticing some smoke there?
16 A. Smoke, debris and --- or not
17 debris, just, yeah, the smoke, dust.
18 Q. Did you notice any heat?
19 A. No heat.
20 Q. Any smell?
21 A. Smell, yes.
22 Q. Like what?
23 A. Gas. I mean, like from in
24 your house when you turn on ---.
25 Q. Okay. So it was almost like a

52

01 natural gas kind of smell?
02 A. Yeah. But I ---
03 Q. I know, it was different?
04 A. Yeah, it was different, yeah.
05 In fact, when I got outside that
06 evening or when we got outside, I
07 said, those top three miles there I
08 smelled --- I said I smelled like ---
09 because it was still on my clothes.
10 It was on them.
11 Q. Did it smell different than,
12 say, burning coal?

13 A. Oh, yeah. I've smelled coal
14 burning.
15 Q. It was different?
16 A. Yes, it was different.
17 Q. Okay.
18 A. And then from this point, like
19 I said, we de-energized here the
20 mantrip we were on.
21 Q. You rode this far; right?
22 A. Uh-huh (yes).
23 Q. So what gave you cause to
24 decide that you wanted to start
25 walking and ---?

53

01 A. Well, when we got to this
02 point and we put this --- started to
03 put this up, that's when we --- or I
04 noticed dust or smoke and/or both.

05 MR. CONAWAY:

06 What point are you
07 talking about? When you say
08 this point or here, please
09 specify.

10 A. At 42. At 42. That's why we
11 decided to pull, yeah. Once we hung
12 this curtain here and got to this
13 point, was going to do it again, but
14 ---.

15 MR. CONAWAY:

16 When you say here and
17 you point to the map, the
18 court reporter --- it won't
19 show. So if you could just
20 specify where you're talking
21 about.
22 A. Okay. From 32 to 42, once we
23 hung the curtain at 32, got to 42, we
24 started noticing a little bit of dust
25 or smoke, whatever it was coming down

54

01 outby.

02 BY MR. O'DONNELL:

03 Q. So you did see air movement
04 coming outby?

05 A. Uh-huh (yes).

06 Q. Was it more than normal, less
07 than normal?

08 A. I couldn't tell you.

09 Q. Now, we're up here at 42. Did
10 you --- did any detectors go into
11 alarm yet?

12 A. Not that I recall.

13 Q. Okay. So what entry did you
14 travel now from here? Did you change
15 entries?

16 A. Yes. From when we
17 de-energized the trip at 42, we took

18 --- we got --- onloaded supplies,
19 headed into the Number ---

20 Q. Seven.

21 A. --- Seven entry, Number Seven,
22 and we proceeded inby.

23 Q. Inby. Now, where was the next
24 damage control, from 42 inby?

25 A. I don't remember.

55

01 Q. Do you remember --- let's say,
02 until you got up to the top end at
03 49, did you --- do you recall how
04 many of those you may have repaired?

05 A. No, I don't remember.

06 Q. But did you repair some?

07 A. Yes.

08 Q. Okay. But did you --- now,
09 between --- go ahead, what were you
10 going to say?

11 A. I just don't recall which
12 stoppings were out.

13 Q. Do you recall the area where
14 your CO detectors first began to
15 alarm if they did?

16 A. I don't remember.

17 Q. Do you know if they did? Did
18 you ever hear them going off?

19 A. Yes. Yes.

20 Q. Oh, you did?

21 A. Yes.

22 Q. More than one?

23 A. The one I was carrying did. I

24 don't ---.

25 Q. Did that give you reason to

56

01 look at it?

02 A. No, I didn't look at it.

03 Q. So you don't know how high or

04 what your readings were?

05 A. No, not really.

06 Q. Okay. Just so I don't have to

07 ask you this again. During this

08 whole time, did you look at your CO

09 detector?

10 A. If I did, I don't remember

11 what the reading on it was.

12 Q. Okay. Because they could ---

13 did they continue to alarm while you

14 were doing the work or did they go on

15 and off?

16 A. They would go off as we

17 advanced the air.

18 Q. Okay. Go ahead, tell me how

19 far you got. And who was with you?

20 I mean, where was Owen? You say Owen

21 was at a phone; right?

22 A. Well, he --- after we come

23 back in and started inby, Owen was
24 with us from 42 block inby.

25 Q. All the way ---?

57

01 A. No. No.

02 Q. To where? First Left switch?

03 MR. O'DONNELL:

04 Where the overcast at

05 51 is, was where he was

06 pointing.

07 A. Yeah.

08 BY MR. O'DONNELL:

09 Q. And that's where Owen --- Owen
10 did not go any further inby?

11 A. No. Jeff, in fact, told him
12 and Vern, why don't you guys head
13 outby and see if we missed anything
14 coming in because we were --- we were
15 moving along pretty quick.

16 Q. Now, who was directing this
17 work?

18 A. We were just working together.

19 Q. So it was a team effort?

20 A. Yes, sir.

21 Q. Through this time here, do you
22 recall any phone conversations? I
23 mean, did you have your walkies with
24 you?

25 A. No.

01 Q. Okay. So what did you have,
02 either a pager phone or since you
03 don't have the car with you, you
04 don't even have this pager; is that
05 right?

06 A. No. Yeah, we had pagers on
07 the mantrips, but we didn't have
08 anything on us personally.

09 Q. Okay. Did you hear any ---
10 after you were at a certain point in
11 the mine, say at 42, do you recall
12 any talks that you had with the
13 surface or ---?

14 A. I didn't speak to the surface,
15 no.

16 Q. Did you hear someone speak to
17 the surface?

18 A. Not that I recall. I know
19 Jeff moved the phone. I don't recall
20 where --- Jeff moved the phone over
21 into the --- on the fresh air side at
22 ---.

23 Q. Which would be Number Seven
24 entry ---

25 A. Yes, sir.

01 Q. --- First Left?

02 A. I don't recall.

03 Q. Okay. So let's talk more

04 about this. So you traveled inby to

05 ---.

06 A. Continued to put up curtain

07 where we --- where it was at, where

08 the stoppings were out.

09 Q. Were there --- was it --- from

10 First Left to Second Left, was there

11 more damage?

12 A. No, I don't remember that.

13 Q. I mean, did you repair two,

14 three, four, five? I mean ---.

15 A. I don't remember.

16 Q. You just remember repairing

17 all the ones that were damaged?

18 A. Yes, sir.

19 Q. And were more completely out

20 or partially out?

21 A. Completely.

22 Q. Completely?

23 A. Yes.

24 Q. Anything at all or just

25 skinned off clean?

60

01 A. Most of what I saw was skinned

02 off clean.

03 Q. Okay. All right.

04 A. We got --- as we advanced,

05 detector would go off.

06 Q. That's at Number Seven entry?

07 A. Yes, sir.

08 Q. The 55 crosscut?

09 A. Yeah. We would repair

10 whatever, whatever stopping it was

11 and the detector, of course, it would

12 go down, it wouldn't have any alarm.

13 It would advance. You know, you

14 could --- your detector would go off

15 again, get a piece of curtain hung,

16 and we would bring the fresh air

17 behind us.

18 Q. So it would be back?

19 A. Right.

20 Q. At any time, during your

21 rescue attempt, did you put an SCRS

22 on?

23 A. No, sir.

24 Q. And why?

25 A. Because I felt there was no

01 need to at that time.

02 Q. So now we're up at --- mark

03 your furthest point.

04 A. Furthest point is here

05 (indicating) ---

06 Q. Here?

07 A. --- because of the edge of ---
08 or the outby edge of 57 --- or 56
09 block --- or 58 block.

10 Q. Fifty-eight (58)?

11 A. Yes.

12 Q. Fifty-eight (58) and Number
13 Seven entry?

14 A. Yes, sir.

15 Q. Okay. Tell me about what
16 happened here.

17 A. When we got to that point, the
18 detector, my detector went off. I
19 didn't look at it. We just backed
20 up. At that point in time ---.

21 Q. Who is ---?

22 A. Me, myself, Jeff Toler and
23 Dick Wilfong.

24 Q. So there were three of you up
25 here (indicating)?

62

01 A. Three of us up there, yeah.
02 In fact, I actually come up and set
03 over in this corner, squatted on this
04 corner.

05 MR. CONAWAY:

06 What were you
07 identifying there?

08 MR. O'DONNELL:

09 It's the same spot. We

10 were at 58 crosscut at Number
11 Seven entry. It's the same.
12 So that's where he's at right
13 now. We're not going to move
14 him yet.

15 BY MR. O'DONNELL:

16 Q. But go ahead.

17 A. And we heard a couple of
18 noises, we don't know where they came
19 from. They sounded, you know, up
20 toward this way. I don't know if it
21 was, you know, a block long.

22 Q. Now, you've heard roof falls
23 before?

24 A. Oh, yes.

25 Q. And you've heard scale falls?

63

01 A. Yes.

02 Q. And you've heard block. What
03 was it closet to?

04 A. I couldn't say.

05 Q. Let me just say this, it
06 wasn't a roof fall?

07 A. No, sir. Oh, absolutely not.

08 Q. You're just saying that you
09 heard a piece of scale fall off ---

10 A. Yeah.

11 Q. --- or a block?

12 A. Yeah.

13 Q. So it was something ---

14 nothing major?

15 A. No, nothing major, no. And we

16 would holler in all directions. Like

17 I say, there were four at that point

18 in time, you know, we waited several,

19 several minutes, I can't tell you the

20 time. That it just appeared that the

21 smoke --- I don't know. I'm going to

22 say it was probably seven-feet high

23 in that area. The smoke was probably

24 three feet from the top.

25 Q. So the smoke hung?

64

01 A. It looked like it was

02 swirling.

03 Q. Like a rollback kind of ---?

04 A. Almost like when you open a

05 cold soda and ---.

06 Q. Okay. You were looking

07 straight at it this way?

08 A. Yes.

09 Q. And the smoke was coming at

10 you?

11 A. No. Traveling in that

12 direction (indicating).

13 Q. The smoke was going towards

14 ---?

15 A. Yeah.
16 Q. --- Second Left? And was it
17 --- you say it was rolling?
18 A. It just --- I wouldn't even
19 actually say it was moving that way.
20 It was just kind of a swirl type.
21 You know, for me to say that it was
22 moving in that direction ---.
23 Q. Did you notice it any hotter
24 there?
25 A. No.

65

01 Q. It wasn't hotter?
02 A. No. Just sooty, real sooty
03 from ---- across from the 55 to the
04 edge of ---
05 Q. Fifty-eight (58)?
06 A. Yeah.
07 Q. The edge of 58? Now, did you
08 notice any soot from 55 outby?
09 A. Not that I recall. I mean,
10 no.
11 Q. So from 55 inby to 58 is where
12 you noticed the soot?
13 A. Yeah.
14 Q. Was it consistent or did it
15 get darker as it went in?
16 A. It appeared to get darker.

17 Q. Okay. So now you're standing
18 there, you're looking at the smoke,
19 you made several attempts to try to
20 contact someone verbally.

21 A. Yes.

22 Q. Now, you made a decision to
23 exit?

24 A. Right.

25 Q. And tell me why?

66

01 A. We just felt that we went as
02 far as we could go.

03 Q. Is it because you had
04 increased levels of CO? I mean, you
05 said your detectors were starting to
06 ---?

07 A. Yeah.

08 Q. And did anyone tell you what
09 maybe their readings were?

10 A. No.

11 Q. You don't remember if anybody
12 said anything about that?

13 A. No, not that I remember.

14 Q. Okay. So you made this
15 decision together to evacuate?

16 A. Yes.

17 Q. Okay. Use a different color,
18 come on.

19 MR. KITTS:

20 How you doing, Al? You
21 need a break? You all right?

22 A. Yeah, I'm fine.

23 OFF RECORD DISCUSSION

24 BY MR. O'DONNELL:

25 Q. It was three of you?

67

01 A. Yes. From this point, it was
02 three.

03 Q. From 58, you and ---.

04 A. Dick Wilfong and Vern Hofer.

05 Q. Okay. So tell me how far you
06 traveled before you met ---.

07 A. I don't know. I don't know
08 far ---.

09 Q. Is it Owen?

10 A. Owen and Vernon, we met them
11 outby.

12 Q. Okay. Just draw down there
13 and just give me --- just so I'll
14 have an idea of where you hooked up
15 with them.

16 A. Well, we got in the intake
17 escape route. I don't know if we got
18 in here or here (indicating).

19 Q. So at 58, you jumped over in
20 seven to nine?

21 A. No, I didn't go inby at 58.

22 Q. No, no. Fifty (50) --- well,
23 57.

24 A. No. I'm going to say ---.

25 Q. Fifty-seven (57) crosscut,

68

01 that you left seven and they waited
02 until the number nine, intake
03 escapeway was the primary escapeway?

04 A. Yes.

05 Q. Okay. Go ahead.

06 A. And we traveled outby, and I'm
07 really not sure where we met these
08 two.

09 Q. Okay.

10 A. The intake escapeway is
11 clearly marked.

12 Q. Now, you went all the way out
13 of the mine?

14 A. Yeah, when we met them.

15 Q. Did you make any other --- did
16 you repair any other damaged
17 ventilation controls on the way out
18 of the mine?

19 A. I did not, no.

20 Q. Do you know if anybody did?

21 A. Not that I --- no, I don't
22 recall seeing anybody do that, no.

23 Q. Okay. From the time you left,
24 when did the alarms stop on your

25 detectors?

69

01 A. About the time that we come to
02 this point (indicating).

03 Q. So they're out in the ---.

04 A. The 57 corner, I'm sorry.

05 Q. Do you want to take a break
06 and then we'll ---?

07 A. We can, yeah.

08 Q. It's up to you?

09 A. Yeah, that's fine.

10 Q. Okay.

11 SHORT BREAK TAKEN

12 MR. O'DONNELL:

13 What we need to do
14 before we go any further is to
15 mark the exhibit on the left
16 as Schoonover Exhibit Two.

17 A. Schoonover (corrects
18 pronunciation).

19 (Schoonover Exhibit Two
20 marked for
21 identification.)

22 OFF RECORD DISCUSSION

23 BY MR. O'DONNELL:

24 Q. All right. We're outside the
25 mine, you and everybody that is with

70

01 you is outside. Now, tell me what
02 happened then. What did you do?
03 A. We walked up the hill and
04 there was a mine inspector and I
05 don't recall who it was. But he said
06 they need to see you all now. We
07 went into Jeff Toler's office in the
08 bathhouse part of our facility there
09 and we all sat down and just several
10 questions about, you know, what did
11 you see, how --- you know, how far
12 did you get? But I don't recall who
13 was asking the questions, I really
14 don't.

15 Q. And do you have any idea how
16 long you were underground and what
17 time you got outside?

18 A. We left --- we left the pit
19 between 6:40 and 6:45. Time to get
20 outside, I really don't --- I really
21 don't know. I really don't know.

22 Q. So after you --- how long did
23 you talk to the inspector?

24 A. I don't know that.

25 Q. And then after that, what did

01 you do?

02 A. I was there the rest of the
03 night.

04 Q. The rest of the night?

05 A. At the mine.

06 Q. All day and into the next day?

07 A. Yes.

08 Q. You never went home?

09 A. No.

10 Q. Were you involved in any of

11 the --- well, just tell me what you

12 did the rest of the day as part of

13 why you were there, you were working;

14 right? So what part did you play

15 until the end? Until ---?

16 A. Once I got outside and we

17 talked about where we were, what

18 point we were in the mine. I don't

19 want to say out of my hands, but I

20 --- it was not.

21 Q. Who was in charge of the

22 operation at that time?

23 A. I don't know.

24 Q. I mean, did you recognize any

25 of the people that were there?

01 A. I just --- I can't --- I

02 really can't remember.

03 Q. Was there a command center set

04 up?

05 A. Yes, it was set up in the

06 superintendent's office.

07 Q. Okay. And do you recall when

08 mine rescue teams were called?

09 A. No, I don't know that either.

10 Q. Do you recall them being

11 there? I mean, when they got there.

12 A. I recall seeing teams there,

13 but what time, I couldn't tell you

14 that. I don't know.

15 Q. Did you get sick?

16 A. No.

17 Q. You didn't. And did you have

18 any injuries yourself, other than

19 ---?

20 A. No, sir.

21 Q. So what about anybody that was

22 with you?

23 A. Not that I'm aware of.

24 Q. Okay. So you never felt bad

25 or had any effects of carbon

73

01 monoxide?

02 A. Not to my knowledge, no.

03 Q. Okay. So what part did you

04 play in the rescue and recovery then

05 from this point on?

06 A. Just file gathering, you know,

07 any kind of data that I guess ---

08 well, that would have pertained to

09 part of the investigation, I guess.

10 My files or ---.

11 Q. Were you a part of the command

12 center?

13 A. No.

14 Q. Did you help in staging mine

15 rescue teams?

16 A. Setting them up to --- no,

17 sir.

18 Q. Did you have any communication

19 with them or coordinate anything?

20 A. No.

21 Q. Do you --- so in other words,

22 you were there as support?

23 A. I would say support, yes.

24 Q. I mean, and had no decision

25 making?

74

01 A. No, sir.

02 Q. When did you leave?

03 A. I don't remember that.

04 Q. Was it the next day?

05 A. I just don't remember.

06 Q. Okay.

07 A. I don't remember.

08 Q. All right. Now, I want to ask

09 some basic stuff about the mine.

10 A. Okay.

11 Q. The communication systems that
12 you have, how many types of different
13 communication systems do you have in
14 that mine?

15 A. Regular mine phone and we have
16 hand-held radios that they use on the
17 section.

18 Q. Do you have a bell line at
19 all?

20 A. No.

21 Q. So you only have two forms ---
22 or you have the pager phone, you have
23 the walkies and you also have a
24 system on your mantrips; is that
25 right?

75

01 A. Well, yes. Yes, we have ---.

02 Q. Tell us about how that works.

03 A. It's wireless basically.

04 That's about all I know about it.

05 Q. Is there an antenna that's
06 associated with that?

07 A. There's an antenna on each
08 trip, yes, sir.

09 Q. Then how does it --- is there
10 a line?

11 A. There's a line, yes.

12 Q. And where does that line
13 extend?

14 A. To the end of the track.
15 Q. Of each section?
16 A. Yes.
17 Q. And how far outby?
18 A. To the outside.
19 Q. Does it exit the mine and
20 where does it go?
21 A. I'm not sure of that. I don't
22 know.
23 Q. Can you talk from the mantrips
24 to the outside?
25 A. Yes.

76

01 Q. You can?
02 A. Yes.
03 Q. Is it --- so is there a
04 station on the surface where the
05 antenna line exits and transmits to
06 another location or is it a closed
07 antenna system?
08 A. I don't know how that works.
09 I really don't.
10 Q. But you can get on a walkie
11 --- you can get on a mantrip anywhere
12 in the mine and talk to the outside?
13 A. Yes, sir.
14 Q. Anybody on the outside? I
15 mean, does it go through the pager

16 first?

17 A. It goes through the pager.

18 Q. So it's a dual system, it's

19 not only inter-car, ---

20 A. Uh-huh (yes).

21 Q. --- but it's also part of the

22 pager system?

23 A. Yeah, we have a specific

24 system for that. I mean, it doesn't

25 --- it doesn't bleed through on all

77

01 the mine phones, no.

02 Q. It doesn't?

03 A. No.

04 Q. So outside you would have two

05 phones?

06 A. Yes.

07 Q. You have one for the pager ---

08 A. Yes.

09 Q. --- and one for the mantrips?

10 A. Uh-huh (yes).

11 Q. Okay. And the other type

12 communication system that you have

13 is?

14 A. A hand-held.

15 Q. Walkie-talkies?

16 A. Yes.

17 Q. Are they used anywhere else in

18 the mine, other than your sections?

19 A. I don't know that.
20 Q. Have you ever used them?
21 A. Myself, no.
22 Q. Okay. So you're not familiar
23 with the kind of range that they have
24 ---
25 A. No.

78

01 Q. --- or how they operate?
02 A. No.
03 Q. Okay. Do you know if that
04 line is protected in any way from
05 stray current to the outside?
06 A. I wouldn't know anything about
07 that.
08 Q. Okay. What about your track,
09 is your track broken on the outside
10 to the inside? The track runs out
11 into the yard; right?
12 A. Yes. Uh-huh (yes).
13 Q. Is there any insulated fish
14 plates?
15 A. I don't know.
16 Q. So in other words, it is
17 continuous from the outside to the
18 inside?
19 A. Yes, sir.
20 Q. What about the belt?

21 A. The belt is continuous from
22 the outside to the inside.

23 Q. Okay. And is the belt on a
24 structure on the bottom or is it
25 hung?

79

01 A. Our structure is hung.

02 Q. Okay. And that goes to the
03 outside also?

04 A. Yes.

05 Q. Is there any breaks in that or
06 is it a --- you just answered that.

07 A. Yes.

08 Q. It's continuous. And the belt
09 entry is the entry that has the
10 fencing; right, on the roof?

11 A. Is one of them, yes.

12 Q. One of them. But I mean, if I
13 traveled anywhere on that belt entry,
14 I would have roof mats?

15 A. Yes.

16 Q. Okay. And they're supported
17 by the roof bolts?

18 A. Right.

19 Q. Okay. Are the crosscuts that
20 connect between the track and the
21 belt, were they also matted?

22 A. No, sir.

23 Q. So the break is between the

24 crosscuts?

25 A. Yes.

80

01 Q. Okay. The old track entry
02 that ran on the mains, from the
03 outside to the mains, do you recall
04 if --- well, that track, did it run
05 into the three left section?

06 A. I don't recall if it did or
07 not.

08 Q. Okay. Your fan, does it run
09 continuously?

10 A. Yes, sir.

11 Q. Do you have a fan stop plan
12 for any ---?

13 A. We have a plan --- a
14 maintenance stoppage, yeah.

15 Q. But for the most part, it's
16 ----

17 A. It runs --- yes.

18 Q. --- it's a 24-hour ---

19 A. Yes.

20 Q. --- operation?

21 A. Yes.

22 Q. What about power? Are you
23 familiar with any time you may
24 de-energize on idle days, do you
25 de-energize portions of the mine or

01 ---?

02 A. Not that I'm aware of.

03 Q. Okay. Do you do anything

04 other than safety department? You

05 say you're a face boss at this mine

06 also?

07 A. Not at this mine, no, sir.

08 Q. Not at this one?

09 A. At the Spruce Fork Mine.

10 Q. Okay. So your job here the

11 whole time was a safety director?

12 A. Yes.

13 Q. Okay. Are you familiar with

14 the area in the old Two Left seal

15 area?

16 A. I would --- yeah, I

17 investigated roof falls up there,

18 yes.

19 Q. Okay. When you mined that

20 area, did you notice --- and you're

21 the safety department, you would know

22 if there was any increased levels of

23 methane. Do you notice that the ---

24 your fan readings increasing during

25 that period of time?

01 A. No.

02 Q. About how long were they in

03 the Three Left area? I call it Three

04 Left, but you guys call it a ---

05 A. Old Two Left.

06 Q. --- old Two Left?

07 A. Yeah.

08 Q. About how long did you mine

09 there?

10 A. I don't know how long it was.

11 I'd just have to look at the map to

12 tell you, honestly.

13 Q. Well, you want to take a look?

14 A. Uh-huh (yes).

15 WITNESS COMPLIES

16 MR. O'DONNELL:

17 He's looking at Exhibit

18 One.

19 A. It's not there.

20 BY MR. O'DONNELL:

21 Q. Yeah, none of these maps are

22 ---. All right. But we would say

23 that mining took several months?

24 More than a month?

25 A. I would say more than a month.

83

01 Q. Okay. So during that time,

02 you say you encountered roof

03 problems?

04 A. Yeah. And we had three --- or

05 two falls up there.

06 Q. Describe them. Were they
07 localized or main falls?

08 A. One main, which was on the
09 track entry or in the track entry, I
10 don't --- I can't remember what
11 block.

12 Q. How big of an area are we
13 talking?

14 A. Whatever block size is. Rib
15 to rib. Probably the first initial
16 fall, or the first fall in that area,
17 was probably, I don't know, 12 --- I
18 have the report ---

19 Q. Okay.

20 A. --- but I don't ---.

21 Q. You say 12 feet high? Did it
22 occur while they were mining or after
23 mining?

24 A. After.

25 Q. And was it before the bottom

01 was mined or after?

02 A. It was before.

03 Q. Before?

04 A. Yes.

05 Q. So what would you ---?

06 A. In fact, we didn't bother
07 mining in that area.

08 Q. Okay. Yeah, ---.

09 A. We went around that. Yeah, we

10 don't put anybody in harm's way.

11 Q. When you did bottom mine, did

12 you notice any increased levels of

13 methane? Did you watch them when

14 they bottom mined?

15 A. Yes.

16 Q. Okay. And you probably looked

17 at the methane monitor ---

18 A. Yes.

19 Q. --- while they're mining?

20 A. Yeah.

21 Q. Did you notice it coming up

22 any?

23 A. No, sir.

24 Q. What about when they mined the

25 area?

01 A. No.

02 Q. What's the most that you would

03 get while they were mining?

04 A. Anything that I can ever

05 recall, you know, maybe 110.

06 Q. That's it?

07 A. Yeah.

08 Q. Do you know if they left any

09 old equipment up in that area?

10 A. I don't know if there's any
11 equipment. If it's bottom mine,
12 probably not.

13 Q. If you look up there at the
14 Exhibit Two, on --- I noticed that
15 you have a single split that
16 ventilates the seal area.

17 A. Uh-huh (yes).

18 Q. On the fresh air side of the
19 --- those ventilation controls, was
20 there any equipment in that area?

21 A. Not that I recall.

22 Q. No charging stations or pumps
23 or ---?

24 A. Not that I recall, no.

25 Q. Have you ever examined that

86

01 area?

02 A. Me personally, no. But as far
03 as making a fire exam --- or a fire
04 boss, no.

05 Q. A weekly ---?

06 A. No.

07 Q. An on-shift --- you don't make
08 pre-shifts or on-shift examinations
09 ---

10 A. No, sir.

11 Q. --- of the mine at all?

12 A. No, sir.

13 Q. And who's responsible for that
14 area, that weekly exam? Do you know?

15 A. I don't know. I know we have
16 two fire bosses, but I don't know who
17 --- which one took --- how far they
18 went.

19 Q. Do you know if the belts were
20 running that day?

21 A. I don't remember if they were
22 or not.

23 Q. Who is responsible for the
24 training?

25 A. I am.

87

01 Q. You do all the training in the
02 mine?

03 A. Yes.

04 Q. Okay. And you're a certified
05 trainer?

06 A. Yes.

07 Q. Well, what about submitting
08 the ventilation plans and ---?

09 A. No, I don't do that.

10 Q. You don't do any of that?

11 A. Uh-uh (no).

12 Q. Any of the --- are you
13 involved in any of the roof control
14 plans?

15 A. No. I look at them, but I
16 don't --- I don't sign off on
17 anything.

18 Q. Do you have any input in the
19 ventilation and roof control plans?

20 A. I review what is given to me
21 and ---.

22 Q. Okay. And you're familiar
23 with the --- were you involved in any
24 of the requests for approval for the
25 new seals that you were going to use?

88

01 A. I saw the plan, yes.

02 Q. And did you have any input in
03 the plan?

04 A. I read the plan, I didn't ---
05 you know, ask --- change anything or
06 ---.

07 Q. Do you have any experience
08 with installation of seals?

09 A. I've never worked mines that
10 sealed.

11 Q. You never did?

12 A. Worked on a regular basis,
13 other than the seals that are
14 actually in the old --- the old
15 mains. But I ---.

16 Q. Were you there when those ---
17 the old mains were put in?

18 A. No.

19 Q. Do you know what kind of seals
20 they are?

21 A. The old mains? Strata.

22 Strata's the people that come in and
23 put them in.

24 Q. So were they contractors who
25 put those in?

89

01 A. Yes.

02 Q. What about the people that
03 install --- well, I'm --- so you -- -
04 were you aware that when they
05 submitted --- when the company
06 submitted a new seal plan for ---

07 A. Yes.

08 Q. --- the Omega type seals?

09 A. Yes.

10 Q. And all your involvement was,
11 was just review?

12 A. That's what I do, yeah. I
13 looked it over, yes.

14 Q. Okay. And you had no
15 suggestions or input?

16 A. No.

17 Q. The people that installed
18 these seals, who were they?

19 A. I don't know who was actually

20 in charge of them.

21 Q. Were they contract miners,
22 were they miners from your company?

23 A. Let's see, James Scott was a
24 Garrett Mine Service employee who
25 worked on it. But I mean, it wasn't

90

01 like an outside contractor for me is
02 what I'm trying to say.

03 Q. Yeah. So he was the guy that
04 was responsible for the installation,
05 supervision?

06 A. I don't know that.

07 Q. Okay. So when was your Omega
08 block plan approved?

09 A. I would have to look at the
10 plan or approval. I don't ---.

11 Q. And you had two different
12 plans that were submitted ultimately,
13 two different designs.

14 A. Uh-huh (yes).

15 Q. And do you recall why those
16 were submitted?

17 A. The second one was because of
18 heightened areas.

19 Q. And that area where those
20 seals were put in?

21 A. I don't know if it was because
22 of that.

23 Q. I mean, were they already
24 installed and you asked for the
25 second request or ---?

91

01 A. I don't remember.

02 Q. You didn't have any input in
03 that?

04 A. No.

05 Q. When it comes to the training,
06 we had --- you had a new addendum to
07 your plan.

08 A. Uh-huh (yes).

09 Q. Who gives the training to the
10 people that are going to be involved
11 in that installation?

12 A. It's going over with the
13 people who's going to be installing
14 it.

15 Q. Okay. And who would go over
16 it with them?

17 A. I didn't.

18 Q. You did not?

19 A. No.

20 Q. Okay. What about specific
21 task training in the mine?

22 A. Who ---?

23 Q. Who would have given the task
24 training to the workers that did the

25 installation?

92

01 A. I wouldn't --- I don't know.

02 Q. You don't know who gave it.

03 Do you think that someone gave them

04 task training?

05 A. I'm sure, yes.

06 Q. Okay.

07 A. Probably their foreman.

08 Q. And where would their 5023s

09 be? Would they be ---?

10 A. I should have them, yeah.

11 Q. Okay. Are you aware that it

12 was done?

13 A. No, I'm not aware.

14 Q. Okay. So did you observe at

15 any time the installation of the

16 seals there?

17 A. No.

18 Q. Were you present for the

19 preparation of those seals?

20 A. No, sir.

21 Q. Did you observe them after

22 completion?

23 A. No.

24 Q. So you had absolutely no

25 involvement in any of the seals?

93

01 Have you ever --- you've never looked

02 at them?

03 A. Not that I recall, no.

04 Q. Okay. All of the seals in the

05 old Two Left, were they Omegas?

06 A. I assume, yes.

07 Q. And you're --- are you

08 familiar with the plan at all that

09 was submitted, other than just

10 review?

11 A. Just review.

12 Q. What assurances does Sago Mine

13 have that the construction of the

14 seals was done according to the plan

15 as a safety director? I mean, what

16 do you do that assures you that this

17 was done according to the plan that

18 was submitted by the company?

19 A. I don't know that ---.

20 Q. Let me ask you this. Is it

21 any area of your responsibility that

22 --- whose responsibility is it to

23 assure that the seals are built

24 according to the plan?

25 A. I wouldn't know. I wouldn't

94

01 ---.

02 Q. So you're saying it's not you?

03 A. I'm not a director of the

04 workforce.

05 Q. Okay. That's what I was
06 getting at.

07 A. Okay.

08 Q. All right. Let me take a
09 little ---.

10 MR. O'DONNELL
11 The State, do you have
12 any?

13 MR. MILLS:

14 Yes.

15 MR. O'DONNELL:

16 --- clarifying
17 questions now?

18 BY MR. MILLS:

19 Q. I think you mentioned that you
20 were a member of the mine rescue
21 team?

22 A. Yes, sir.

23 Q. For how long?

24 A. Between the Mill Creek and
25 Barber team approximately 15 years.

95

01 Q. Are you a certified mine
02 rescue instructor or just a team
03 member?

04 A. Federal ---?

05 Q. State?

06 A. On the federal side, not the

07 state side, no.

08 Q. Tell me a little bit about
09 your experience as a mine rescue team
10 member. Did you help fight fires?

11 A. No. No. Attended fire school
12 at the MSHA Academy, but other than
13 that, just trained for that many
14 years.

15 Q. So no actual underground ---

16 A. No, sir.

17 Q. --- where you had the wear the
18 apparatus?

19 A. No, sir. Other than our six
20 month where we under apparatus
21 underground.

22 Q. Who provided the mine rescue
23 coverage for Sago Mines?

24 A. Barber.

25 Q. Barber Kennedy Mine Rescue?

96

01 A. Yes.

02 Q. Do you know if Barber Kennedy
03 Mine Rescue team was notified by you
04 or anybody outside?

05 A. I didn't notify them. I'm
06 sure they were notified, but I didn't
07 make the call.

08 Q. Okay. Are any employees at

09 the Sago Mine on this Barber Kennedy
10 Mine ---?

11 A. Yeah. Teddy Hickman, Roger
12 Hedrick and I think that's it.

13 Q. Okay. Were any of these guys
14 that are employed by Sago, on the
15 dayshift on January the 2nd?

16 A. No. I don't think so.

17 Q. Okay. The apparatus, mine
18 rescue apparatus, stored at Sago or
19 where is it stored?

20 A. The Barber ---.

21 Q. The Dregors?

22 A. The Dregors are stored at
23 their station.

24 Q. Okay. Let's get to the
25 underground part of it. Did you ever

97

01 encounter smoke in the intake?

02 A. Not that I recall.

03 Q. But you did get some CO
04 readings?

05 A. Yes.

06 Q. Okay. The smoke in the track
07 you mentioned. Was there a color to
08 it?

09 A. Just a smoky color. I mean,
10 ---?

11 Q. Not a yellow, green?

12 A. No. No.

13 Q. And you're not involved with
14 any submittals as far as plans. How
15 about well permits?

16 A. No.

17 Q. Do you do any training for GMS
18 employees at Sago?

19 A. Yeah, new hire.

20 Q. Just new hire?

21 A. Yes.

22 MR. MILLS:

23 That's all.

24 MR. KITTS:

25 I have nothing.

98

01 ATTORNEY MOORE:

02 I have one question.

03 BY ATTORNEY MOORE:

04 Q. You were asked whether or not
05 you saw any smoke from the intake. I
06 gather you were in the intake when
07 you were outby the 58 block? You
08 were asked whether or not you had
09 seen any smoke?

10 A. Well, yeah, I saw smoke when I
11 was in the intake at 50 --- or at the
12 edge of 57, yes, there was --- yes, I
13 thought.

14 Q. And that's why the
15 clarification.

16 A. Okay.

17 BY MR. MILLS:

18 Q. As you were going up the
19 intake, now, was the smoke ---

20 A. No.

21 Q. --- coming back toward you?

22 A. It didn't appear to be, no.

23 Q. Everything was going over
24 towards the track ---

25 A. Yes.

99

01 Q. --- at turn seven?

02 A. Like I say, we kept all the
03 air toward our --- or at our back.

04 MR. O'DONNELL:

05 Do you want to take a
06 short break?

07 SHORT BREAK TAKEN

08 BY MR. O'DONNELL:

09 Q. Al, a couple more questions
10 and we should be able to wrap this
11 up.

12 A. All right.

13 Q. I need to know on the
14 communication system that's on the
15 mantrip, can the dispatcher talk to
16 the mantrips?

17 A. Yes.

18 Q. He can?

19 A. Yeah.

20 Q. Okay. But it is two separate

21 units? It's not interconnected, but

22 the dispatcher can talk to everyone?

23 A. Right.

24 Q. Okay. Now, you said that you

25 travel with state and federal

100

01 inspectors?

02 A. Yes, sir.

03 Q. Do you recall any time that

04 you were traveling with those

05 inspectors that you examined the seal

06 area?

07 A. No, not while the seals were

08 being built, no.

09 Q. Or afterwards?

10 A. No.

11 Q. Okay.

12 A. That was a day we probably had

13 two or three and I'd go with one and

14 ---.

15 Q. Okay. So you're responsible

16 for the --- all of the training ---

17 A. Uh-huh (yes).

18 Q. --- at the mine?

19 A. Uh-huh (yes).
20 Q. And did you conduct the last
21 annual retraining at the mine?
22 A. Our annual refresher is from
23 hire date, like I don't have one
24 bulk.
25 Q. Oh, you don't?

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01 A. No.
02 Q. You don't do it all in one?
03 A. No, sir.
04 Q. So you do it how many times a
05 year?
06 A. Several.
07 Q. Okay. And briefly, what do
08 you cover in your training?
09 A. Everything under Part 48,
10 under training plan.
11 Q. Okay. And you also go through
12 the firefighting and all of that?
13 A. Oh, yes, sir.
14 Q. Who's your responsible person?
15 A. Dispatcher.
16 Q. And how does he --- how would
17 he conduct that type of --- what
18 would he do? What's his
19 responsibilities?
20 A. Evacuation of the mine if, you
21 know, you get the call, if there's a

22 fire in the mine, he leads them to
23 the intake escapeway or pinpoints the
24 fire or whatever the case may be.

25 Q. And how are the miners

102

01 accounted for?

02 A. Check-in and check-out tag.

03 Q. What kind of

04 check-in/check-out system do you

05 have?

06 A. Tags, brass tags.

07 Q. Do you have anything else,

08 other than brass tags?

09 A. No, sir.

10 Q. Okay. Do you discuss --- in

11 your evacuation plan, do you also

12 discuss barricading?

13 A. Yes. Yes, it's in the plan.

14 Q. Escapeways?

15 A. Escape, yes. Primary,

16 secondary.

17 Q. Do you participate in

18 escapeway drills, have you or ---?

19 A. Not at this mine, no.

20 Q. Okay. Who's responsible for

21 the fire drills?

22 A. Section foreman, every six

23 weeks.

24 Q. And do you --- are you --- how
25 do you assure that they're done in a

103

01 timely manner?

02 A. A book, record it in ---.

03 Q. Is that your responsibility?

04 A. I don't sign the book, no.

05 Q. No, you don't sign the book,
06 but do you remind them when it's due?

07 A. Yeah, I'll --- at times, yes.

08 Q. Okay. What about the hands-on
09 SCSR training?

10 A. I ---.

11 Q. You do that?

12 A. Yes, I have a training
13 canister and a film that comes with
14 the canister itself.

15 Q. And each person ---?

16 A. Yeah, when they're newly hired
17 or newly employed or annual
18 refresher, they do that.

19 Q. Okay. I know you feel that
20 the training is adequate because you
21 do it. What kind of additional
22 training do you think you need to
23 provide? Or do you provide
24 additional training, other than
25 what's required?

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01 A. We've had supervisory
02 trainings at the MSHA Academy. We
03 had crew training where we had an
04 eight-hour training in September with
05 all the mine members. It was an
06 eight-hour training. It was what
07 they call a crew train.

08 Q. What does that encompass?

09 A. Escapeways, mining method,
10 process, safety.

11 Q. In addition to your annual
12 retraining?

13 A. Yes, sir. Yes.

14 Q. When you first went in the
15 mine at 6:30 that morning of the
16 accident, at that time, what did you
17 think had happened? Did you ---?

18 A. I didn't know. I had no idea.
19 I just know that Jeff had told me
20 that the One Left crew had felt a
21 large rush of air off of One Left,
22 and that's all I knew.

23 Q. How far along into this did
24 you get before you realized that you
25 had had an explosion?

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01 A. At the sign of the first
02 stopping being blown out. That would

03 be the closest point I would have
04 gotten to to really realize what it
05 was or what I thought it might have
06 been.

07 Q. What do you think happened?

08 A. My personal opinion, I think
09 that the lightning had something to
10 do with it. That's just my opinion.

11 Q. Why?

12 A. I don't know why. It's just
13 so coincidental that the COs went out
14 at that time and the lightning strike
15 was at that time or whatever it was
16 that I heard.

17 MR. MILLS:

18 Just a couple things.

19 BY MR. MILLS:

20 Q. You mentioned the lightning
21 and thunder.

22 A. Yes, sir.

23 Q. It was odd to you because it
24 was in January?

25 A. Yeah. It just --- it was warm

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01 and like I say, I just --- I made the
02 mention that there's an old tale
03 somewhere that says that, you know,
04 lightning and thunder in January
05 means something, you know what I

06 mean? Just ---.

07 Q. This lightning and thunder,
08 was it pretty intense?

09 A. It was very intense.

10 Q. Very intense?

11 A. Yeah.

12 Q. Real strong hits?

13 A. Yeah. When I looked out, out
14 the door when I first heard all this
15 --- or before this --- before 6:30,
16 it was just really intense, this
17 light in the sky, just very intense.

18 Q. You mentioned that the CO
19 system went out after one of these
20 strikes.

21 A. Yes.

22 Q. Was that common during
23 lightning storms to interrupt the CO
24 system there?

25 A. I'm not going to say common.

01 I'm sure at times it had blown a
02 fuse.

03 Q. Okay. You talked about this
04 fuse. Tell me a little bit more
05 about the fuse.

06 A. I don't --- I'm not an
07 electrician, I don't ---.

08 Q. You just know that a fuse was
09 blown?
10 A. Well, I don't even know that.
11 Q. Okay.
12 A. I'm just saying that at times,
13 sometimes the CO monitor would blow a
14 fuse.
15 Q. Do you know where that fuse
16 was?
17 A. No.
18 Q. Just a quick review, from the
19 first time you thought there was
20 trouble, you heard a phone call.
21 A. Uh-huh (yes).
22 Q. Just go through that real
23 quick what you did until you went
24 underground?
25 A. When I heard --- when the call
01 come from underground?
02 Q. Yeah.
03 A. I just threw my stuff on and
04 ---.
05 Q. You went straight to the ---?
06 A. Straight to the pit, yes, sir.
07 Yeah.
08 Q. When you met Jamison at three
09 block, did he give any of you guys
10 his detector? Do you remember?

11 A. He didn't give me a detector.

12 I don't ---.

13 Q. And the first time you can
14 remember getting that detector was
15 when?

16 A. Getting a detector was when
17 Vernon and Dick come back in the
18 mine.

19 Q. Okay. You mentioned John
20 Boni.

21 A. Uh-huh (yes).

22 Q. Do you recall seeing a Pat
23 Boni?

24 A. No, sir. No, I didn't ---
25 that's the only two people I saw

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01 along the rail.

02 Q. Was Jamison and John Boni?

03 A. Jamison and then John Boni and
04 then Owie --- Owie and Boni.

05 Q. Then you saw the crew from One
06 Left?

07 A. I saw the crew from One Left.

08 Q. And you don't remember if Pat
09 was with them, Pat Boni?

10 A. No, I don't.

11 Q. You mentioned training. In
12 any of your training, do you talk

13 about barricading?
14 A. Yes. Yeah, an annual train.
15 Q. So everybody at the mines that
16 you have trained should ---
17 A. Should have it.
18 Q. --- be aware of ---?
19 A. Should, yes, sir.
20 Q. Can you tell me a little bit
21 more about this training on
22 barricading?
23 A. Just that the supplies we keep
24 on the section. You know, if there's
25 an emergency where all your entries

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01 are smoke filled, you get to an entry
02 or an area where you can, you know,
03 seal yourself in, and basically
04 usually on the outside of your
05 barricade, you write, you know, how
06 many people are in there in case
07 there's a problem that maybe not
08 everybody's in that area, if a mine
09 rescue team comes, they need to look
10 somewhere else, you know, maybe not
11 everybody's in that barricade.

12 MR. MILLS:

13 Okay.

14 EXAMINATION

15 BY MR. KITTS:

16 Q. Al, if you would, the question
17 was asked, who is your immediate
18 supervisor. Could you explain to
19 these fellows how the safety
20 department is structured now and how
21 that fits in with mine management?
22 A. I work directly for Jeff Toler
23 --- or work for Jeff Toler and Ty
24 Coleman is actually the head of this
25 Spruce Division safety department.

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01 MR. O'DONNELL:
02 What's his name again?
03 A. Tyrone --- is that a proper
04 name? Tyrone? Tyrone Coleman.

05 MR. O'DONNELL:
06 How do you spell his
07 last name?

08 A. C-O-L-E-M-A-N.

09 BY MR. KITTS:

10 Q. So you made a statement
11 earlier that you are responsible for
12 all the training at Sago. But
13 there's additional training ---

14 A. Yeah.

15 Q. --- that's going beyond Sago?

16 A. Right.

17 Q. Maybe you can clarify ---?

18 A. Yeah. Like the additional
19 training, like the eight-hour crew
20 training, Ty took care of that. You
21 know, it was just something
22 additional to what we do at the mine.
23 And the supervisory training was
24 actually set up by Ty, you know, at
25 the MSHA Academy for all of our

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01 supervisors. And that even included
02 fire bosses. You know, it just
03 didn't include section foremen or ---
04 you know, it included fire boss and
05 maintenance --- or people who
06 potentially will be a foreman, which
07 is very good training I felt.

08 MR. KITTS:

09 I have nothing further.

10 ATTORNEY MOORE:

11 Nothing further.

12 BY MR. O'DONNELL:

13 Q. Tyrone Coleman, he is
14 corporate or does he work at the
15 site?

16 A. He's corporate. Well, not.

17 MR. KITTS:

18 Ty is the safety
19 coordinator for the business
20 unit and he works out of

21 Buckhannon.

22 BY MR. O'DONNELL:

23 Q. Okay. And do you have any
24 other assistants that work with you
25 at the safety department?

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01 A. No, sir.

02 Q. You know, how often does
03 Tyrone travel to the mine? What's
04 his presence there? How often do you
05 see him?

06 A. You know, once a week maybe,
07 twice. I speak to him on the phone
08 probably daily.

09 Q. Does ---.

10 A. Or every other day.

11 Q. Does he ever go underground?

12 A. I don't think he's been
13 underground in our mine. I'm not
14 sure.

15 Q. Have you ever been searched
16 for smoking material?

17 A. Have I ever been?

18 Q. Yeah.

19 A. Yes, I've been checked.

20 Q. And have you ever observed
21 anyone smoking underground?

22 A. No, sir.

23 Q. Have you ever found any
24 smoking articles underground?

25 A. No, sir.

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01 Q. Has anyone offered you
02 anything or made any promise to you
03 in exchange for you appearing here
04 today?

05 A. No. Absolutely no.

06 Q. Do you have anything that
07 you'd like to add that may be
08 relevant to the investigation?

09 A. No, sir, not at this time.

10 MR. O'DONNELL:

11 Al, on behalf of MSHA,
12 I want to thank you for
13 appearing and answering
14 questions today. Your
15 cooperation is very important
16 to the investigation as we
17 work to determine the cause of
18 the accident. We ask that you
19 not discuss your testimony
20 with any person who may have
21 already been interviewed or
22 who may be interviewed in the
23 future. This will ensure that
24 we obtain everyone's
25 independent recollection of

01 the events surrounding the
02 accident. After questioning
03 other witnesses, we may call
04 you if we have any other
05 follow-up questions that we
06 feel that we need to ask you.
07 If at any time you have
08 additional information
09 regarding the accident that
10 you'd like to provide to us,
11 please contact us at the
12 contact information that was
13 given to you, that would be
14 Mr. Gates' card and I'm sure
15 the state. The Mine Act
16 provides certain protections
17 to miners who provide
18 information to MSHA, and as a
19 result, are treated adversely.
20 If at any time, you believe
21 that you've been treated
22 unfairly because of your
23 cooperation in this
24 investigation, you should
25 immediately notify MSHA. If

01 you wish, you may now go back

02 over any questions that you
03 have given during this
04 interview and may also make
05 any statement that you would
06 like to make at this time.

07 A. No.

08 MR. O'DONNELL:

09 Again, thank you for
10 your cooperation. We
11 appreciate you coming in and
12 talking with us. Thanks a
13 lot.

14 * * * * *

15 EXAMINATION CONCLUDED AT 3:07 P.M.

16 * * * * *

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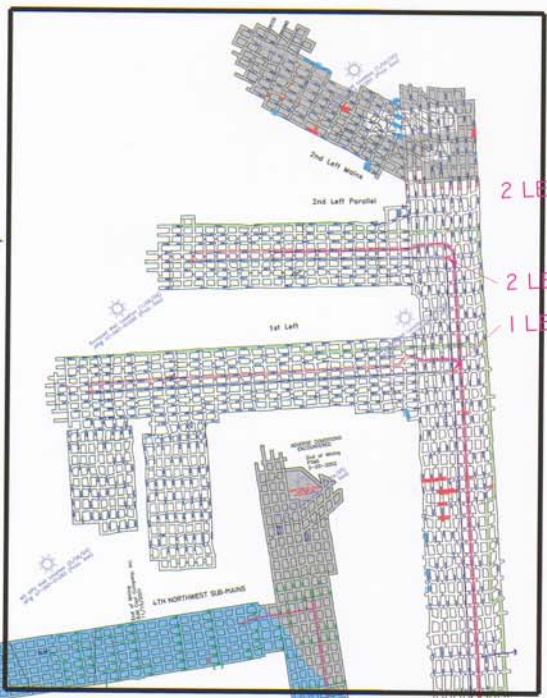
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25

Area Shown on Map
Scale: 1"=100'



2 LEFT SEALS

2 LEFT DRIVE

1 LEFT DRIVE

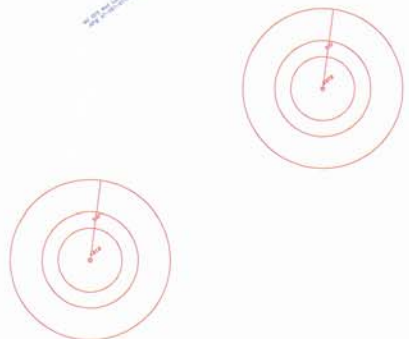
2 RIGHT

#4 DRIVE

1 RIGHT

#2 DRIVE

#3 DRIVE



Scale: 1" = 300'



Scale: 1" = 100'

Area Shown on Map
Scale: 1"=50'

