

01 STATEMENT UNDER OATH
02 OF
03 HARMON NEIL JORDAN
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 the U.S. Bankruptcy
10 Court, 324 West Main Street,
11 Clarksburg, West Virginia, on
12 Tuesday, January 24, 2006, at 11:32
13 a.m.

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

02 -----

03 MR. O'DONNELL:

04 My name is Joe
05 O'Donnell. I'm an accident
06 investigator with the Mine
07 Safety & Health
08 Administration, an agency of
09 the United States Department
10 of Labor.

11 With me is Bob Wilson,
12 from the Solicitor's Office,
13 and Doug Conaway, with the
14 West Virginia Office of
15 Miners' Health, Safety &
16 Training.

17 I've been assigned to
18 conduct an investigation into
19 the accident that occurred at
20 the Sago Mine on January the
21 2nd, 2006, in which 12 miners
22 died and one was injured.

23 The investigation is
24 being conducted by MSHA and
25 the West Virginia Office of

9

01 Miners' Health, Safety &
02 Training to gather information
03 to determine the cause of the
04 accident, and these interviews
05 are an important part of that
06 investigation.

07 At this time, the
08 accident investigation team
09 intends to interview a number
10 of people to discuss anything
11 that may be relevant to the
12 cause of the accident. After
13 the investigation is
14 completed, MSHA will issue a
15 written report, detailing the
16 nature and causes of the
17 accident.

18 MSHA accident reports
19 are made available to the

20 public in the hope that
21 greater awareness about the
22 causes of accidents can reduce
23 their occurrence in the
24 future. Information obtained
25 through witness interviews is

10

01 frequently included in these
02 reports. Your statement may
03 also be used in other
04 enforcement proceedings.

05 I'd like to thank you
06 in advance for your appearance
07 here. We appreciate your
08 assistance in this
09 investigation. The
10 willingness of miners and mine
11 operators to work with us is
12 critical to our goal of making
13 the nation's mines safer.

14 We understand the
15 difficulty for you in
16 discussing the events that
17 took place, and we greatly
18 appreciate your efforts to
19 help us understand what
20 happened.

21 This interview with Mr.

22 Jordan is being conducted
23 under Section 103(a) of the
24 Federal Mine Safety & Health
25 Act of 1977 as part of an

11

01 investigation by the Mine
02 Safety & Health Administration
03 and the West Virginia Office
04 of Miners' Health, Safety &
05 Training into the conditions,
06 events and circumstances
07 surrounding the fatalities
08 that occurred at the Sago
09 Mine, owned by International
10 Coal Group in Buckhannon, West
11 Virginia, on January the 2nd,
12 2006.

13 This interview is being
14 conducted at the U.S.
15 Bankruptcy Court in
16 Clarksburg, West Virginia, on
17 January 24th, 2006.

18 Questioning will be
19 conducted by representatives
20 of MSHA and the Office of
21 Miners' Health, Safety &
22 Training. This is not an
23 adversarial proceeding,
24 therefore cross examination

25 will not be permitted.

12

01 Mr. Jordan, the
02 interview will begin by my
03 asking you a series of
04 questions. If you do not
05 understand a question, ask me
06 and I'll rephrase it. Feel
07 free at any time to clarify
08 any statements that you make
09 in response to the questions.
10 After we have finished asking
11 questions, you will have an
12 opportunity to make a
13 statement and provide any
14 other information you believe
15 is important.

16 If at any time after
17 the interview you recall any
18 additional information that
19 you believe may be helpful in
20 the investigation, please
21 contact Richard Gates at the
22 phone number or e-mail just
23 provided to you. And this is
24 the business card for Mr.
25 Gates and Mr. Conaway.

13

01 Your statement is
02 completely voluntary. You may
03 refuse to answer any question,
04 and you may terminate your
05 interview at any time. If you
06 need a break for any reason,
07 please let me know.

08 The court reporter will
09 record your interview and will
10 later produce a written
11 transcript of the interview.
12 Please try and respond to all
13 the questions verbally since
14 the court reporter cannot
15 record nonverbal responses.
16 Also, please try to keep your
17 voice up. Copies of the
18 written transcript will be
19 available at a later time.

20 If any part of your
21 statement is based not on your
22 own first-hand knowledge but
23 on the information that you
24 learned from someone else,
25 please let us know. Please

14

01 answer each question as fully
02 as you can, including any
03 information you have learned

04 from someone else.

05 We may not ask the
06 right questions to learn the
07 information you have, so do
08 not feel limited by the
09 precise question asked. If you
10 have information about the
11 subject area of a question,
12 please provide us with that
13 information.

14 At this time, Mr.
15 Conaway, do you have anything
16 you'd like to add on behalf of
17 the State?

18 MR. CONAWAY:

19 Yes. We just have some
20 preliminaries we have to go
21 through here before we get
22 started. It's just a
23 formality. And then once we
24 get started, Mr. O'Donnell
25 will do the primary

15

01 questioning, and I'll just
02 follow up with a few things.
03 But I've got a statement here.

04 The West Virginia
05 Office of Miners' Health,

06 Safety & Training is
07 conducting this interview
08 session jointly with MSHA and
09 are in agreement with the
10 procedures outlined by Mr.
11 O'Donnell for these interviews
12 that will be conducted here
13 today. But the Director
14 reserves the right, if
15 necessary, to call or subpoena
16 witnesses or require the
17 production of any record,
18 document, photograph or other
19 relevant materials necessary
20 to conduct this investigation.
21 Mr. O'Donnell.

22 MR. O'DONNELL:

23 Mr. Jordan, you are
24 permitted to have a
25 representative with you during

16

01 the interview, and you may
02 consult with your
03 representative at any time.
04 You may designate any person
05 to be your representative. Do
06 you have a representative with
07 you?

08 MR. JORDAN:

09 Yes. Marco represents
10 me.

11 MR. O'DONNELL:

12 Do you have any
13 questions regarding the manner
14 in which this interview will
15 be conducted?

16 MR. JORDAN:

17 No.

18 MR. O'DONNELL:

19 Okay. Would you please
20 swear in Mr. Jordan?

21 -----

22 HARMON Neil JORDAN, HAVING FIRST BEEN
23 DULY SWORN, TESTIFIED AS FOLLOWS:

24 -----

25 BY MR. O'DONNELL:

17

01 Q. The first question we'd like
02 to ask is did you talk to anyone
03 about your interview statement here
04 today? If so, could you identify
05 them?

06 A. No.

07 ATTORNEY RAJKOVICH:

08 Other than Counsel.

09 BY MR. O'DONNELL:

10 Q. Could you please state your

11 full name and spell your last name?

12 A. It's Harmon Neil Jordan. Last
13 name, J-O-R-D-A-N.

14 Q. And your address and phone
15 number?

16 A. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 COURT REPORTER:

20 Could you repeat your
21 address one more time?

22 A. [REDACTED]

23 [REDACTED]

24 BY MR. O'DONNELL:

25 Q. And are you here voluntarily?

18

01 A. Yes.

02 Q. How many years of mining
03 experience do you have, Harmon?

04 A. I started in the mines in '79.

05 Q. And what have you done during
06 that time?

07 A. A number of things, anything
08 from being a face man on the rail
09 cocks to brattice to supplies to
10 shift foreman, section foreman.

11 Q. How long have you worked at
12 Sago?

13 A. Three months. About three

14 months. We're just kind of filling
15 in there.

16 Q. Where did you work at before?

17 A. I was at Spruce Run. Then we
18 shut it down. We went to Sago to
19 help out and just ---.

20 Q. That's the same --- go ahead.

21 I'm sorry.

22 A. Until they got another mine
23 ready for us to go to.

24 Q. And it's the same company?

25 A. Same company, yes.

19

01 Q. I see. So what's your present
02 job?

03 A. Well, I don't know if you can
04 put a title on it or not. Right now
05 we're at Clarksburg, helping set a
06 belt drive. Well, my title is shift
07 foreman.

08 Q. Okay. And that's what you've
09 been doing at Sago for the last three
10 months?

11 A. Well, now we've just been more
12 or less helping out, just doing ---
13 like we worked on the seals a little
14 and we set belt drives there and did
15 outby rock dusting and ---.

16 Q. But you're a manager?
17 A. Right.
18 Q. Okay.
19 A. Not in a management position
20 the last three months, though.
21 Q. Okay. When is the last time
22 you worked at the Sago Mine?
23 A. It was the Friday before.
24 Q. And were you scheduled to work
25 the day of the accident?

20

01 A. No. That was a holiday for us
02 guys that work five days a week.
03 Q. So just briefly tell me what
04 your job duties have been here in
05 those last three months.
06 A. Okay. Well, like I say, we
07 really went over to help set a belt
08 drive to start with for the section
09 belt. We ended up setting two belt
10 drives and we done some --- we had
11 had a couple roof falls. We helped
12 work on those. And then we put some
13 arches in those falls later. We put
14 arches in those. Put foam and stuff
15 over top of them. And we did some
16 outby rock dusting.
17 Q. What kind of mining
18 certifications do you have?

19 A. Well, just shop car,
20 underground mine foreman.

21 Q. All from the State of West
22 Virginia?

23 A. Yes.

24 Q. Do you have any other state
25 certifications?

21

01 A. Yes. I have an Ohio mine
02 foreman.

03 Q. And who is your supervisor?

04 A. Marty Conrad.

05 Q. Marty Conrad is your boss?

06 A. Yes.

07 Q. And how long has he been your
08 supervisor?

09 A. Probably several months. He
10 came just before we shut Spruce down.
11 He was my supervisor there. And then
12 we all --- they kept us all together
13 at Sago, and we're all together now
14 at Clarksburg.

15 Q. Do you ever do any kind of
16 examinations as a certified person?

17 A. Yes.

18 Q. What kind?

19 A. Well, in the past, I mean, if
20 your shift foremen are certified ---.

21 Q. Just tell me at the Sago.
22 Have you ever did any there?
23 A. Once I filled in on a section.
24 Q. Okay. So have you done some
25 pre-shift and some on-shift exams?

22

01 A. Yeah, just two or three.

02 Q. Is that the extent of it?

03 A. Yes.

04 Q. No weekly exams or anything
05 like that?

06 A. Right.

07 Q. Okay. How familiar are you
08 with the old Two Left main seals?

09 A. Not --- well, I helped work on
10 them some. We were just there maybe
11 like an hour or two at a time. We
12 just --- if we helped --- sometimes
13 we'd mix mortar for them or haul
14 blocks to them or ---. We did work
15 on them some.

16 Q. When you say we, who do you
17 mean?

18 A. Well, counting me, John
19 Jackson, Mike Triplett and Marty,
20 which we all wasn't there at the same
21 time.

22 Q. So you usually work with these
23 four guys?

24 A. Yes.

25 Q. What would you do when you ---

23

01 were you --- about how many days did
02 you work up there?

03 A. Well, was never there really
04 --- well, most of the time we wasn't
05 there for a full day. Most of the
06 time it was --- we had other jobs in
07 the area. We'd go like maybe help
08 them a couple hours. And then if we
09 had a piece of equipment come up that
10 we needed to do another job, we'd
11 take that piece of equipment to do
12 the other job we had to do in that
13 area. And we just helped
14 sporadically, really.

15 Q. Who was in charge?

16 A. Well, Jeff was in charge when
17 they first started, Jeff Snyder.

18 Q. Okay.

19 A. And then later on they moved
20 Jeff to another and Skip was there.

21 Q. Skip, okay.

22 A. I don't know his correct name,
23 but that's --- that's all I know him
24 by.

25 Q. The times that you worked

01 there, have you seen anybody else,
02 any other management people there?

03 A. Yes.

04 Q. Who would that be?

05 A. I saw Carl Crumrine there one
06 time.

07 Q. Okay. Now, you went up to
08 these seals and you helped work on
09 them. Did you have any
10 responsibilities in the construction
11 or did you just help as a support?

12 A. Just more or less helped to
13 support.

14 Q. Do you know when they started
15 the construction of those seals?

16 A. No. I couldn't put a date on
17 it, no.

18 Q. Do you know when they were
19 finished?

20 A. No.

21 Q. Tell me a little bit about
22 what specific tasks you did and you
23 saw on the construction of the seals.

24 A. Well, the first day I was
25 there, I mixed mortar. I was there

01 for two or three hours one morning
02 and I helped just mix mortar for the

03 guys. And that way that would let
04 them lay their blocks faster. And
05 one day we did lay some --- I did
06 help lay some blocks one day. And
07 then a couple times we just helped
08 haul blocks to them and water. You
09 know, it takes a lot of water when
10 you mix that much mortar for those.
11 A lot of B-Bond, too.

12 Q. Yes.

13 A. And there's a couple days I
14 know that they didn't get to work on
15 them because they didn't have the
16 right mortar. You know, we had to
17 take --- there's a difference between
18 a green bag and a blue bag, and they
19 had to have the blue bag, the mortar
20 for those. And there's a couple days
21 they didn't work because they didn't
22 have the right mortar, so ---.

23 Q. Do you know what they called
24 that stuff?

25 A. No, I don't. They just told

26

01 us they didn't have the right
02 supplies. They couldn't --- they
03 wouldn't be working there that day.

04 Q. I know you called it B-Bond.

05 A. Well, that's usually the name
06 of the --- it's called a surface
07 cement.

08 Q. And what color was the bag?

09 A. Blue.

10 Q. All blue or ---?

11 A. Well, light blue. No, not all
12 blue, but --- I guess there's a
13 difference in the chemical make-up of
14 it.

15 Q. Okay. Well, how is that
16 different than the other stuff that
17 you use for building stoppings?

18 A. I guess this is just for
19 surface bonding, and the other is
20 for, you know, if you're bonding
21 metal to blocks.

22 Q. Can you tell the difference
23 between it?

24 A. Mixing it by hand, no, I
25 couldn't.

27

01 Q. Okay. Did anybody give you
02 any kind of special training, task
03 training, on how to do this stuff?

04 A. No. I've just been task
05 trained on laying blocks and stuff.

06 And the guys that was there, you
07 know, when we went up we asked them

08 how they were doing it, you know, and
09 they told us how they were doing it.

10 Q. Explain that. How did they
11 say they were doing it?

12 A. Well, they said just make sure
13 you had the bottom clean, the ribs
14 cleaned, and there was no staggering
15 of the seams in the block and making
16 sure you have adequate mortar seams,
17 which the plan called for a quarter
18 inch they said.

19 Q. So no one gave you any ---
20 that you kind of got your instruction
21 from the people that were there?

22 A. Right.

23 Q. Did the boss himself, Jeffrey,
24 give you any specific ---?

25 A. Yeah. He was there when we

28

01 first went up, yes, the first day.

02 Q. So as far as the ventilation
03 plan, I mean, no one had handed you a
04 piece of paper and says, Harmon,
05 here's how you do this stuff?

06 A. Not at that time. I guess
07 Jeff was in charge of that.

08 Q. Okay. How many of the seals
09 were you involved in the

10 construction? Do you know what the
11 numbers were?

12 A. Well, the first day I went up
13 it was Number Nine. And I know we
14 was there for a couple hours. And
15 then it was back --- I think a couple
16 days later they was probably over at
17 about Number Eight, on Eight.

18 Q. We have a map over here. Why
19 don't we go over there and just mark
20 which ones that you worked on?

21 MR. O'DONNELL:

22 Mark this Exhibit One.

23 (Jordan Exhibit Number
24 One marked for
25 identification.)

29

01 BY MR. O'DONNELL:

02 Q. And you're saying that this is
03 Number One and this is Number Ten?

04 A. Right.

05 Q. Okay. So go ahead. You can
06 even mark the number.

07 A. Well you go across Number
08 Nine. I know that we were here, some
09 on this one, Eight and Seven. We
10 weren't there for the start and
11 finish of that. Maybe a little bit
12 on Six. I think that was just a

13 little bit on Number One.

14 Q. Where were you at in the
15 construction of Number One?

16 A. It was only about two blocks
17 high the last time I saw it, two or
18 three blocks high.

19 Q. Did you have any involvement
20 with Ten at all?

21 A. No.

22 Q. So we're going to say Six,
23 Seven, Eight, Nine and some of One?

24 A. Yes.

25 Q. Okay.

30

01 A. And just parts of Six, Seven,
02 Eight and Nine.

03 Q. Is that the location of the
04 walls?

05 A. No. One --- I can't be sure
06 where. One is going to be back
07 further here because One sort of had
08 a real high front so we moved it back
09 to get the height down.

10 Q. You don't know which one that
11 was?

12 A. I can't say for sure, no.
13 Somewhere in this area.

14 Q. But you moved one wall --- was

15 any of the construction started on
16 it?

17 A. No. No, it was --- it wasn't
18 started. It was just the place we
19 put it because it was lower.

20 Q. Okay. Let's sit down. Did
21 they have it marked on the rib where
22 to build them? Like a lot of times
23 some will chalk it or ---?

24 A. Yeah, some of them. Yes, some
25 of them.

31

01 Q. Some of them had marks?

02 A. Yeah.

03 Q. So wherever they ---?

04 A. But I'm not sure who put those
05 marks. I'd have to check, but ---.

06 Q. But wherever they told you to
07 build them, that's where you'd build
08 them; right?

09 A. Usually they --- most of the
10 time they had one started or whatever
11 when we was there.

12 Q. Okay. Were all of the seals
13 made the same way?

14 A. Yeah. What time I was around
15 them, they was done all the same.

16 Q. And were they all Omega seals?

17 A. Uh-huh (yes).

18 Q. Okay. Let's just start from
19 the site preparation until finish,
20 your understanding on how to build
21 --- well, were you involved in site
22 preparation at all?

23 A. Well, we did a little bit of
24 the scooping --- the weekend before
25 they started or somewhere, we worked

32

01 the weekend to help with the air
02 change on that end. And we did some
03 scooping in that area.

04 Q. Was the bottom pretty solid?

05 A. Yeah. After we scooped, it
06 was. But you know, Sago is pretty
07 famous for mud, but yeah, we scooped
08 the bottoms good with scoops. And
09 then I guess they scooped again
10 before them seals were shoveled, you
11 know.

12 Q. What about the rib and roof
13 preparation?

14 A. Yeah, they --- well, I know a
15 couple times we helped them --- when
16 they was getting ready to start, we
17 cut the screen. Some of the screen
18 headings had, you know, roof screen.
19 We cut the screen down where the seal

20 --- back where the seal would be to
21 give us good tight seal on the top.

22 And that screen wanted to interfere
23 with you.

24 Q. What about the rib?

25 A. Yeah. Anything that was

33

01 loose, the ribs were taken ---.

02 Q. How far from the --- like
03 let's say the seal was positioned in
04 a certain location. How far at each
05 side of that seal did you clean the
06 rib?

07 A. Enough to get an adequate mud
08 seal, you know, to get the mortar to
09 seal.

10 Q. No, no. I mean, outby and
11 inby.

12 A. I didn't really see --- I
13 mean, just enough to get their mortar
14 to seal is what ---.

15 Q. So just in the area of the
16 width?

17 A. Yeah, just where the seal was.

18 Q. Just where the seal was,
19 that's just where you cleaned out;
20 right?

21 A. Right.

22 Q. Okay. Going back to the

23 screening, how was the screen

24 attached to the roof?

25 A. It was bolted up and permanent

34

01 bolts were put in.

02 Q. And about how much of that

03 screen did you cut out?

04 A. Probably at least a foot or a

05 foot and a half on each side back

06 away from the seal, you know, because

07 you got to get your hands up in that

08 area.

09 Q. Now, did you just cut a line

10 in it or did you cut it around all

11 the bolts and remove all the

12 screening?

13 A. Well, we cut a line and we cut

14 it around all the bolts, and just

15 left the screen that was right under

16 the bolt plate.

17 Q. Just snipped around it?

18 A. Right.

19 Q. And then took that section

20 out?

21 A. Right, that was --- we threw

22 it in behind the seal, you know,

23 because that was no man's land in

24 there.

25 Q. So you got that out and you

35

01 got your ribs prepared and you got
02 your bottom solid. Was the bottom
03 cracked at all?

04 A. Not that I noticed.

05 Q. Okay. So there wasn't any
06 extra preparation that you would need
07 for the bottom other than starting
08 the seal?

09 A. Right.

10 Q. So when you started that seal,
11 what did you do with that first
12 layer?

13 A. Well, sometimes they'd add ---
14 we'd add mortar, you know, to try to
15 level the bottom to get your blocks
16 over, try to get your blocks level.
17 Kind of like building a foundation
18 for your house, you want to start off
19 straight so you'd end up straight,
20 you know, make your blocks lay
21 better.

22 Q. Did you use any kind of wood
23 on the bottom or any rock dust or was
24 any of the block laying flat on the
25 bottom with no mortar?

36

01 A. None that I saw, no.

02 Q. Okay.

03 A. We put --- when I was there,
04 when they would start on a bottom,
05 they always put mortar B-Bond down.

06 Q. About how much do they put
07 down?

08 A. Enough to get a seal, which,
09 you know, sometimes your bottom is a
10 little bit uneven.

11 Q. Right.

12 A. But they just put the --- they
13 thought we needed to get a seal
14 there.

15 Q. So go through how you stacked
16 the block then. What's the order of
17 stacking the block? What kind
18 of ---?

19 A. Well, your front row, you
20 know, you lay them and you always
21 want to break your seam in the back
22 row.

23 Q. So you're laying the first one
24 length-wise ---

25 A. Right.

37

01 Q. --- and then ---?

02 A. And the other one of those
03 turns side --- if you lay them

04 length-wise, turn the other one
05 sideways, opposite direction of the
06 other one.

07 Q. And that would make the
08 stopping about how thick, the seal
09 how thick?

10 A. The blocks are 16 and 40
11 inches, close.

12 Q. So what did you do with the
13 space between the rib and the block?

14 A. Okay. It was mortared with B-
15 Bond.

16 Q. How did you tighten it?

17 A. Most of the time we tried to
18 just cut them to fit.

19 Q. How did you cut them?

20 A. With a bow saw.

21 Q. How was the void between the
22 rib and the block? I mean, sometimes
23 there's a pretty good space there.

24 A. We mortared all of ---.

25 Q. Okay. Everything was

38

01 mortared. No wood?

02 A. Right. The only place with
03 wood was on top.

04 Q. Okay. What about the bottom?

05 Was there any water on the bottom?

06 You said it was pretty muddy.

07 A. No. By the time we was
08 building the seals, it had started to
09 dry.

10 Q. Oh, did it?

11 A. With the scooping up --- yeah,
12 with the scooping, you know, once we
13 took the mud off, the initial
14 scooping, by the time we come back to
15 those seals it was starting to dry.

16 Q. And you had to put some kind
17 of roof support up, from what I
18 understand. What did you do? What
19 kind of roof support did you ---?

20 A. We built cribs.

21 Q. And where did you put the
22 cribs?

23 A. Behind and in front of the
24 seal.

25 Q. And how many did you build?

39

01 A. Okay. Well, I didn't build
02 any, but I know we helped haul the
03 blocks for them.

04 Q. How many were built?

05 A. The ones I seen, it was two on
06 each side.

07 Q. Were they wooden cribs or ---?

08 A. Yes, they was wooden cribs.

09 Q. What about cutting any
10 trenches into the mine floor or ribs?
11 Did you hitch anything?

12 A. Well, not as far as --- we did
13 cut some bottom in places to level
14 --- to make our blocks fit better.
15 We had to --- we chopped some with
16 axes and picks to get our foundation
17 started straight.

18 Q. About how high and how wide
19 were the seals?

20 A. Wide is around 40 inches and
21 the height varied. I'd say six and a
22 half to seven foot, ten inches or so,
23 just judging by walking around, you
24 know.

25 Q. What about the width?

40

01 A. I'd say 19 foot or something
02 in that area.

03 Q. And they were all pretty much
04 the same?

05 A. Uh-huh (yes).

06 Q. Let's go back and talk about
07 --- did you use all new block or did
08 you use some that were used?

09 A. No, it was all new.

10 Q. Now, you talked about
11 mortaring the --- putting mortar on

12 the bottom. Where else did you use
13 the mortar?

14 A. At all seams, all over the
15 block.

16 Q. You just put it right on the
17 dried block?

18 A. Yeah. I mean, we put a layer
19 of mud on the block. And then if we
20 had a layer of blocks laid, we'd mud
21 the top block and the other block and
22 lay it together.

23 Q. Were any of the blocks wet or
24 damp?

25 A. No.

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01 Q. What about a pilaster or a
02 pier?

03 A. No.

04 Q. None?

05 A. No.

06 Q. Do you have any idea how thick
07 the joints were, the mortar that you
08 put in?

09 A. Well, we didn't --- we was
10 trying to get a quarter inch. Now,
11 I'm sure some might have been a
12 little more than that, you know, to
13 try to level a block or something or

14 a little less.

15 Q. What was the consistency of
16 the mortar then? I mean, how did you
17 know you had enough water in it?

18 A. Usually by feel, you know, and
19 the texture of it.

20 Q. And what was the texture that
21 you --- you put water in it until you
22 got what kind of texture?

23 A. Well, we'd try to get it to
24 where it stacked, you know. You
25 wouldn't want something that would

42

01 run away.

02 Q. Well, what would you do when
03 you got a soupy batch?

04 A. Just we'd add more B-Bond ---

05 Q. You would?

06 A. --- to stiffen it up.

07 Q. Okay. So let's keep stacking
08 it up, and you're at the top. Were
09 you involved in any of the top
10 construction?

11 A. Very --- I don't know, that
12 one we --- I mixed some mud that one
13 day I think when they was about ready
14 to do the top of one, but I wasn't
15 actually working on the seal. I just
16 mixed the mud that day.

17 Q. You said that there was wood
18 involved in the top of the seal.
19 Could you ---?
20 A. Now, see, the plan, there was
21 some fly boards --- we were supposed
22 to put fly boards over top and then
23 wedge them down.
24 Q. Do you know how many --- I
25 mean, just only tell me what you saw.

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01 A. I think what I saw --- I think
02 there was just three that one day.
03 Q. Now, these fly boards, do they
04 go all the way from rib to rib?
05 A. Uh-huh (yes).
06 Q. There was no gap?
07 A. Not much, if there were any,
08 that I saw.
09 Q. Was it all one piece or was it
10 cut?
11 A. The ones we put up was all one
12 piece.
13 Q. Okay. And how were they
14 secured to the roof?
15 A. You'd use wedges to secure
16 them.
17 Q. How did you put the back one
18 in?

19 A. I couldn't answer that because
20 I was on the front side. We mixed
21 the mortar on the front and passed
22 ---
23 Q. Okay.
24 A. --- we'd fill the buckets and
25 pass them to the guys on the back.

44

01 Q. Let's say, you know, you're
02 working a wall up and the top doesn't
03 work out even, okay, so what kind of
04 space did you leave between the top
05 of the seal and the roof?
06 A. That one I was working on that
07 day, it was working out close, you
08 know. Either that, or we cut a
09 block, you know. We even sawed
10 blocks in half if --- so that we had
11 six and eight-inch blocks, too, to
12 try to make our space come out where
13 we wanted it.
14 Q. And how did you tighten the
15 fly board?
16 A. With wedges.
17 Q. Okay. And how far apart were
18 the wedges?
19 A. Let's see. I was on the one
20 at the top, and I know the wedges
21 were pretty --- they kept them pretty

22 close.

23 Q. Okay. And what about the
24 space between the wedges, how was
25 that taken care of? If the blocks

45

01 didn't come to the roof and you had a
02 void there, how was that taken care
03 of?

04 A. I know everything was mudded
05 in with mortar, B-Bond.

06 Q. Okay. What side? Was it just
07 the front that was bonded? Did you
08 just plaster the front?

09 A. No.

10 Q. You plastered the back also?

11 A. Right, because I know that we
12 was passing back extra mud to make
13 sure they got their back done, too.

14 Q. Oh, so there was somebody
15 behind?

16 A. Yeah. Usually we had somebody
17 on each side, and especially when we
18 got up to the top.

19 Q. Okay.

20 A. And instead of trying to run
21 around the block, we just passed it
22 over as long as we could.

23 Q. Yes.

24 A. And then when we got to where
25 we were going to finish one, we just

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01 passed them a bunch of extra stuff,
02 extra mud. And if they finished and
03 they had extra, they brought it with
04 them to the next one.

05 Q. So you just ran a guy around
06 the block to finish the back off?

07 A. Right.

08 Q. Did that person have a methane
09 detector with them?

10 A. Yeah, because Jeff was on that
11 side most of the time.

12 Q. Do you ever remember hearing
13 the detector going off, alarming?

14 A. No.

15 Q. Did you ever take a gas check
16 yourself?

17 A. Yes.

18 Q. And how much methane did you
19 detect?

20 A. None.

21 Q. None?

22 A. Even though I'm not in a
23 supervisor position, I always carry
24 my --- still carry my equipment.

25 Q. Yes.

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01 A. And most of the time I'm
02 underground, so ---.

03 Q. What about oxygen and CO?

04 A. No.

05 Q. It was all normal?

06 A. Yeah.

07 Q. And which way was the air
08 moving, into the sealed area or out
09 of the sealed area?

10 A. Into the sealed area.

11 Q. Into the sealed area?

12 A. Uh-huh (yes).

13 Q. Okay. How thick was the
14 faces, the coating, the mortar on the
15 faces?

16 A. Most of them we went back and
17 put two coats on because we wanted to
18 --- because most of the time you
19 can't get one layer thick enough to
20 do it, so ---. I don't know, I'd say
21 a half inch to three-quarter-inch
22 thick or maybe thicker on some of
23 them.

24 Q. And how did you apply that?

25 A. By hand.

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01 Q. With?

02 A. Rubber gloves and ---.

03 Q. Okay. The bag had
04 instructions on it. Did you ever
05 read the instructions on that ---
06 what color bag was it?
07 A. A blue bag.
08 Q. A blue bag. What did the
09 instructions say?
10 A. I never read them to the
11 letter.
12 Q. Okay. Did you read them at
13 all?
14 A. Yeah, I read them.
15 Q. What did it say, what you can
16 recall?
17 A. You know, just mix it with ---
18 you know, you got to mix it with
19 water and apply it to your surface.
20 Q. Okay. Nothing else special?
21 A. No.
22 Q. Okay. Now, you said that you
23 worked over on the Number One. Was
24 there anything different about the
25 Number One seal that was ---?

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01 A. Yeah. It had water traps on
02 it.
03 Q. It did?
04 A. Yes.
05 Q. And could you describe that

06 and how it was installed?

07 A. Okay. It was just a tube with
08 a trap on it to seal your air.

09 Q. What was it made out of?

10 A. It was made out of PVC
11 plastic.

12 Q. Okay. And was there anything
13 else along any of the seals that you
14 saw where there was anything that
15 passed through it?

16 A. No. But I know that Number
17 Ten was supposed to have a gas tube
18 in it, but I have --- I've seen the
19 gas tube laying at the end of the
20 track to go up there, but that's all
21 I know about it.

22 Q. But you didn't have any
23 involvement with Number Ten or
24 putting ---?

25 A. Not at all.

50

01 Q. Okay. You said you cut out
02 the roof --- the metal roof matting
03 in which entries?

04 A. I know it would have been in
05 the track, on the belt. I know that
06 --- I know I helped cut it down in
07 front of the track entry.

08 Q. Which would be Number ---?
09 A. Six or Seven. I'm not sure.
10 Q. Okay. So two entries
11 together, whether they were Six and
12 Seven or Five and Six, you took the
13 roof matting out?
14 A. Yes.
15 Q. Was there any other roof mats
16 or any kind of --- any of that in any
17 of the other entries?
18 A. There should be some in Number
19 One, but I don't know --- because we
20 just started on the bottom there, so
21 I don't know. I have no idea if it
22 was cut. I know the crew was
23 supposed to cut it down, but ---.
24 Q. Okay. But you personally did
25 two of them?

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01 A. Yeah, or I helped.
02 Q. Yes. But there could have
03 been other places where it was, ---
04 A. Yes.
05 Q. --- where it was supposed to
06 have been taken out?
07 A. Uh-huh (yes).
08 Q. What about any other
09 conductors that might have passed
10 through the seals?

11 A. Now, I know all the rail was
12 pulled out ---
13 Q. Okay.
14 A. --- where the track was. I
15 don't know of any other conductors
16 that ---.
17 Q. What about that trolley line?
18 A. Okay. We have battery
19 equipment.
20 Q. No. There's a ---.
21 A. Trolley phone line?
22 Q. The trolley phone line, that's
23 what I meant.
24 A. Yeah, it was taken down, too.
25 Q. Okay. How was the high

52

01 voltage hung in the mine?
02 A. Most of it is hung off of the
03 --- most of it is hung off the rib on
04 insulated hooks.
05 Q. You didn't have any messenger
06 cable running through?
07 A. No, not that mine, ---
08 Q. Okay.
09 A. --- that I ever saw. It makes
10 your high line look nice, though.
11 Q. Could you tell us what other
12 employees that you know of were

13 involved in the construction of the
14 seals?

15 A. Well, there's --- well, four.

16 Marty Conrad.

17 Q. Okay.

18 A. Mike Triplett. You know, like

19 I said, we were all kind of just hit

20 and miss.

21 Q. What was the second gentleman?

22 A. Mike Triplett.

23 Q. Okay. And the third?

24 A. John Jackson.

25 Q. And the fourth?

53

01 A. Okay, was, well, Jeff Snyder.

02 Q. Okay.

03 A. And Casey Short, George Brooks

04 and Jeremy Toler.

05 Q. Is there anybody that you can

06 recall?

07 A. Skip. Did I say Skip?

08 Q. Yeah. Everybody says Skip,

09 but no one knows Skip's name.

10 A. Right.

11 OFF RECORD DISCUSSION

12 BY MR. O'DONNELL:

13 Q. Anyway, ---.

14 A. There's one other red hat that

15 was there that I can't remember his

16 name, when they first started, but he
17 had quit and went to another mine.

18 So I don't know --- I can't recall
19 what his name was.

20 Q. So this is the only time that
21 you have worked in Sago Mine then
22 would be for the last three months?

23 A. Uh-huh (yes).

24 Q. And you wouldn't have any
25 other knowledge ---?

54

01 A. No. I ain't sure of the
02 dates, whenever we finished Spruce.
03 When it was first going to open back
04 up, I went back --- I was still at
05 Spruce. I went over and pumped some
06 of the water holes about five blocks
07 underground. I went over and checked
08 the pumps, I don't know, for about a
09 four-week period there on weekends.

10 Q. Do you know how far back the
11 seal has to be --- the minimum amount
12 that the seal has to be back from the
13 corner of the rib?

14 A. Ten foot.

15 Q. Did you mix any block or did
16 you use all Omega?

17 A. All Omega.

18 Q. Were all the seals the same
19 thickness?

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

21 Q. Did you ever use anything
22 other than the stuff in the blue
23 bags?

24 A. No, not while I was there.

25 Q. About how heavy were the bags

55

01 that it come in?

02 A. They were 60 or 80 pound.

03 Those were probably 50-pound bags. I
04 know they're ---.

05 Q. Does it ever come in any other
06 form other than those bags? Does it
07 come in buckets or ---?

08 A. No, not B-Bond, that I'm aware
09 of. I mean, you can buy other stuff,
10 but it's not recommended for seals.

11 Q. Do you know of any other time
12 that material was used other than
13 that stuff?

14 A. No.

15 Q. Okay. You weren't involved in
16 putting the --- the building of the
17 last seal?

18 A. No.

19 Q. Do you know anything about the
20 sequence of the seals?

21 A. No.

22 Q. Did you have any problems

23 while you were building it, with

24 materials or anything that you might

25 consider odd or unusual with the

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01 mortar? Did you have to throw away

02 some of it? Did it not mix right?

03 A. No. Most of the mortar was

04 --- you know, it seemed to be fresh.

05 It wasn't lumpy or nothing. It

06 hadn't started to set up or anything.

07 And we had to haul our blocks ---

08 some of the blocks was kind of

09 damaged. If we had a damaged block,

10 usually we left it or we --- the part

11 that was damaged, we sawed it off for

12 one of the ones we had to cut, you

13 know.

14 Q. Do you use a saw all the time?

15 A. Yes.

16 Q. Did you ever cut them with an

17 axe?

18 A. No.

19 Q. The plank on the top of the

20 seal, how thick were they?

21 A. Probably an inch or an inch

22 and an eighth.

23 Q. An inch or an inch and an
24 eighth. Were they ever like the
25 bridging plank?

57

01 A. No.

02 Q. Did you ever use plywood?

03 A. No.

04 Q. The coating, how long did it
05 take for the mortar to set up?

06 A. Underground --- the surface,
07 it --- you know, it took two or three
08 hours usually to --- if you was going
09 to put another layer on it, you know.

10 Q. Is that what you waited before
11 you put the second layer on?

12 A. Yeah, usually the next day
13 even we just, you know, just had
14 somebody go back and do it while we
15 was --- somebody go back and do it
16 while we was working on another one.

17 Q. Did you ever go back and do
18 --- say, re-do the perimeters around
19 the rib and the top?

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

21 Q. Did you go back and look at
22 them after they were done?

23 A. Yeah, I walked by them. I
24 didn't really walk right up and
25 inspect them. But yeah, I walked

01 through that area, yes.

02 Q. Was any of them leaking? I
03 mean, were you there after they were
04 completed?

05 A. No. I hadn't been there after
06 they was completely completed, no.

07 Q. Okay. So was the mortar set
08 up then?

09 A. Yeah.

10 Q. I mean, did you put your hand
11 on it?

12 A. Yeah.

13 Q. And it was tight?

14 A. Uh-huh (yes).

15 Q. You say they put --- built two
16 cribs on the outside, too. You saw
17 those?

18 A. Uh-huh (yes).

19 BY MR. CONAWAY:

20 Q. Have you ever constructed
21 seals before?

22 A. Yes.

23 Q. What kind of seals have you
24 constructed?

25 A. Okay. Well, seals I've

01 constructed before, we used solid

02 block, 8-by-8 solid block,
03 8-by-8-by-16.

04 Q. How did you put those in, just
05 one row?

06 A. Yeah. Your front row, you
07 just stagger your seams, you know,
08 make sure your seams never lined up.

09 Q. Any Omega block seals?

10 A. No.

11 Q. This was your first ---

12 A. First Omega block seals.

13 Q. --- experience with those?

14 You mentioned an air change. When
15 did you do that?

16 A. It was the weekend while we
17 were swinging a section. It was the
18 weekend prior before they started on
19 the seals. It might have been a week
20 before they --- a week before they
21 started on the seals, actually.

22 Q. Where was that? Where was the
23 change?

24 A. Two Left there when they was
25 getting ready to build the seals.

01 Q. So it was around the seal
02 area?

03 A. Yeah.

04 Q. Anything significant,

05 noteworthy about that or ---?

06 A. No. We just --- we just built
07 a bunch of stoppings that weekend,
08 you know, to direct air force to the
09 face and to get the --- in
10 preparation to start the seals.

11 Q. Who was in charge of that air
12 change?

13 A. Well, Marty was our boss that
14 day, Marty Conrad.

15 Q. So Marty Conrad was the one
16 that was directing everybody where to
17 put stoppings and so forth?

18 A. Correct.

19 Q. And why did you say they were
20 making that air change?

21 A. In preparation to get ready to
22 start the seals. And the section was
23 just pulled back. Just finished
24 cutting the bottom, was moving in to
25 start the Left again.

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01 Q. Okay.

02 A. We just had to get the
03 stoppings across the face to get the
04 intake --- really, it was to get the
05 intake swung around so they can mine
06 to the Left is what it was. It

07 wasn't really an air change, but it
08 was to get the section removed to
09 start up the panel to the Left.

10 Q. And these seals, were they on
11 the intake or return?

12 A. Intake.

13 Q. Your ribs, Joe mentioned a few
14 things about your ribs. Were the
15 ribs pretty good there, solid, or
16 what would you say?

17 A. Yeah. If we had something
18 loose, we took it down.

19 Q. Had you ever been up into the
20 --- what do you call them, Two North
21 area?

22 A. The morning that I was getting
23 ready to start cutting bottom, we
24 went up --- the midnight crew was
25 running behind. And we was scheduled

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01 to do something else that day, but
02 since they was going to be late, me
03 and Marty and Mike and John all went
04 up to help them finish their stopping
05 line across the face so they could
06 start cutting bottom.

07 Q. But had you done any work up
08 in --- mining activity up in ---?

09 A. No.

10 Q. None at all?

11 A. None at all. That was about

12 the time --- we had been there a

13 couple weeks before they got ready to

14 start cutting the bottom.

15 Q. They was already backed up?

16 A. Right.

17 Q. So you hadn't been up in there

18 much?

19 A. We had been on One Left,

20 setting the belt drive, and then up

21 there setting them up for the panel

22 they was getting ready to go on.

23 Q. Any talk or did you hear

24 anything about the conditions up

25 there or ---?

01 A. Yeah, just mud and water.

02 Q. Anything else?

03 A. No.

04 Q. Did you hear about the roof,

05 ribs?

06 A. Yeah. You know, the roof is

07 --- you know, just paying particular

08 attention to roofs since they had

09 some water, you know, just setting

10 cable bolts and ---.

11 Q. Okay. How long does it take

12 to build a seal; do you know? Or how
13 long did it take in this case to
14 build those seals?

15 A. I know we never --- I don't
16 think they ever finished one in a
17 day, so you know, probably ---
18 depending on how many people you
19 have. But it still is a slow
20 process, you know, so I'd say a shift
21 and a half, two shifts.

22 Q. How long have you worked with
23 the guys that were up there working
24 on the seal? Had you worked with
25 them before or ---?

64

01 A. I worked with Jeff at another
02 mine, Jeff Snyder. And the other
03 people ---.

04 Q. He's the only one?

05 A. Yeah. Well, Marty and John,
06 that's the guys that was usually
07 there when I was there. I worked
08 with them for several years. Marty,
09 I had worked with him before at
10 Spruce, when Anker --- well, before,
11 when he had quit and went to
12 Whitetail for a while.

13 Q. What was your impression of
14 the attitude in building the seals?

15 Was everybody pretty much intent on
16 what they were doing?
17 A. Yeah, seemed to be.
18 Q. That was your impression, ---
19 A. Right.
20 Q. --- that they were serious
21 about what they were doing and ---
22 A. Yes.
23 Q. --- wanted to do it right and
24 ---? That's your impression?
25 A. The impression I had, yes.

65

01 MR. CONAWAY:
02 Joe?
03 MR. O'DONNELL:
04 We're going to take a
05 quick break, about five, ten
06 minutes, and then we'll be
07 back.
08 SHORT BREAK TAKEN
09 BY MR. O'DONNELL:
10 Q. A couple of follow-up
11 questions on the trap. Now, you were
12 there when they installed the trap?
13 A. Yeah. When we were putting
14 the block, yeah.
15 Q. And how did you position the
16 trap? I mean, how did you make it

17 fit through the wall?
18 A. Okay. Well, we put it in with
19 --- we cut the blocks out and we put
20 it in a bunch of mortar and pushed it
21 down in it so we'd get a good seal.
22 And then we mudded the top of it and
23 let it set. Then we finished ---
24 that was pretty close to the end of
25 the shift. We let it sit so we

66

01 wanted to --- when they'd come back,
02 when they added more mortar, it would
03 just set instead of push it out.

04 Q. Okay. What can you tell us
05 about the rock dusting outby the seal
06 area?

07 A. Okay. The last time I was
08 through there, it looked good. I
09 mean, they had dusted it, yes.

10 Q. Was it very thick or was it
11 just a coating?

12 A. It was a substantial coating.

13 Q. That you could see your
14 footprints in it?

15 A. Yes.

16 Q. Now, you said you were up
17 there pretty much after the thing was
18 almost done but not completed. What
19 did you do with all the extra

20 supplies that were left over, like
21 fly board and extra block and all
22 that stuff?
23 A. Okay. Well, I just walked
24 through there when it was about done.
25 I didn't --- I wasn't in charge of or

67

01 even helping pick up anything.

02 Q. Well, was it pretty cleaned
03 up?

04 A. Yeah. It was pretty cleaned
05 up, yes.

06 Q. Okay. What about shifts? Did
07 you work --- what shift did you work
08 on up there?

09 A. Dayshift.

10 Q. Dayshift. Do you know if
11 anyone worked on other shifts?

12 A. To my knowledge, nobody did on
13 other shifts.

14 Q. So when you came back the next
15 day, if you did, in fact, come back
16 the next day, nobody had touched it?

17 A. Right.

18 Q. It was what you left?

19 A. Yeah.

20 Q. Okay. How many blocks were
21 used to make the full thickness of

22 the seal?

23 A. Thickness, well, there's two.

24 Q. Just two blocks wide?

25 A. Yeah, which one was turning

68

01 length-wise and one was turning

02 sideways.

03 Q. So there was only two block on

04 the bottom, one length-wise, one

05 sideways and the next course it goes

06 the opposite?

07 A. You have to change it.

08 Q. So that all of the joints are

09 --- were any of the joints together?

10 A. None that I ever saw.

11 Q. What about methane up there?

12 Have you ever heard of anybody

13 finding any methane?

14 A. No.

15 Q. What about when you were up

16 there mining?

17 A. Well, I wasn't in the mine.

18 Q. Well, you were up there when

19 they were mining, you said?

20 A. Well, I was up there one day

21 when they finished --- when they was

22 getting ready to start cutting the

23 bottom.

24 Q. Okay.

25 A. Finished on solid and just

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01 getting ready cut the bottom part. I
02 was up there that morning to help
03 build the stopping line to get their
04 air right, so you can start cutting
05 the bottom coal.

06 Q. What about in the bathhouse,
07 do you ever hear anybody talking
08 about finding any gas up there?

09 A. No.

10 Q. Because there was a gas well
11 up there and, according to the map,
12 they mined out around it.

13 A. Uh-huh (yes).

14 Q. And we're just trying to find
15 out if they cut through a gas well or
16 a borehole or increased methane
17 liberations up there. Did you hear
18 of any of that happening?

19 A. No. We wasn't around the
20 other shifts much either because
21 mostly they was working a ten-hour
22 shift. We was working eight.
23 They're usually underground when we
24 came and we'd be gone when they came
25 out, because they was working four

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01 tens, we was working five eights.
02 Q. So roughly about how many guys
03 were involved in building the seals?
04 A. I'd say probably ten.
05 Q. And nobody else, only those
06 ten people?
07 A. Roughly, yeah.
08 Q. Did you ever hear of an Omega
09 seal before you came to this mine?
10 A. Yeah, I heard of them, but I
11 never saw one.
12 Q. These are just some questions
13 I'm still going to ask you just in
14 case you may have some knowledge of
15 who --- do you know who bought the
16 construction material or developed
17 the plans?
18 A. No, I don't.
19 BY MR. CONAWAY:
20 Q. I just got a couple questions.
21 Talking about the roof screen or mat,
22 you said you removed it in which
23 entry?
24 A. It should have been the belt
25 and track entry.

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01 Q. What numbers are those?
02 A. I couldn't say to be a hundred
03 percent sure, but whichever the belt

04 and track entry was.

05 Q. Okay. Did you see anybody
06 else remove any of the roof screen
07 from any of the other entries ---

08 A. No, never.

09 Q. --- or did you see it removed
10 from any other entries?

11 A. No.

12 Q. So you just know for sure,
13 just being the belt and track entries
14 are the only two you're aware of?

15 A. Yeah.

16 Q. The seals you said you were
17 involved with building, Six, Seven,
18 Eight, Nine and part of One seal, ---

19 A. Yeah.

20 Q. --- were those all built
21 identical? Did you stack the blocks
22 the same? Did you start them the
23 same?

24 A. Pretty much, yes.

25 Q. All the same?

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01 A. Yeah.

02 MR. CONAWAY:

03 Okay. That's all I
04 have.

05 BY MR. O'DONNELL:

06 Q. Okay. I just have some
07 training questions to ask you now.
08 Can you recall the last time you had
09 annual re-training?
10 A. I can't put a date on it, but
11 it was in the fall. Probably the end
12 of October somewhere. Somewhere
13 around the end of October.
14 Q. Of 2005?
15 A. Yes.
16 Q. And who gave you the training?
17 A. Dick Curry.
18 Q. What was the last name?
19 A. Dick Curry.
20 Q. And that was over at the
21 Spruce Mine?
22 A. Yeah. We was at Spruce, but
23 they give --- the training was in
24 Buckhannon, at the Bicentennial
25 Motel.

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01 Q. And how many people were in
02 your class?
03 A. Somewhere between 10 and 15.
04 Q. And what was gone over in the
05 training?
06 A. Just roof control and
07 ventilation and first-aid and ---
08 just standard stuff.

09 Q. How about the mine evacuation
10 plan?
11 A. Yeah, they spoke some about
12 it.
13 Q. And the responsible person on
14 each shift, did they review that with
15 you?
16 A. Yeah.
17 Q. Who is the responsible person?
18 A. Most of the time it's our
19 dispatcher.
20 Q. And did you have any first-aid
21 training?
22 A. Yes.
23 Q. How about SCSR training?
24 A. Yes.
25 Q. Could you go into that a
01 little bit?
02 A. Well, they instruct us --- we
03 donned it. Everybody put it on. And
04 Dick went through the steps and
05 everybody had hands-on training.
06 Q. Did you have to open one up
07 yourself?
08 A. Yes.
09 Q. Did they talk about procedures
10 for evacuation during explosions,

11 fires?

12 A. Yes.

13 Q. Barricading?

14 A. No. Kind of just touched on

15 it briefly.

16 Q. Have you participated in any

17 escapeway drills since you've been at

18 Sago?

19 A. No.

20 Q. How about fire drills?

21 A. No.

22 Q. Have you ever been searched

23 for smoking articles?

24 A. Yes.

25 Q. How often?

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01 A. Weekly usually. I mean, it's

02 ---.

03 Q. Did you ever see anybody

04 smoking in the mine?

05 A. No.

06 Q. Have you ever found any

07 smoking articles in a coal mine?

08 A. No. Not in Sago Mine, no.

09 Q. Are you qualified to take

10 methane and oxygen tests?

11 A. Yes.

12 Q. What did you think of the

13 training that you got, that you

14 received in your annual re-training?

15 A. I thought it was sufficient,
16 substantial.

17 Q. What do you think they could
18 do to make it better?

19 A. That's a good question. I
20 don't know. That's a good question.

21 Q. Did you have to sign a
22 training form?

23 A. Yes.

24 Q. And did you receive a copy of
25 that?

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01 A. Yes, I did. And I'm sure I
02 still have it.

03 Q. Has anyone offered you
04 anything or made a promise to you in
05 exchange for you appearing here
06 today?

07 A. No.

08 Q. Do you have anything you'd
09 like to add that may be relevant to
10 our investigation?

11 A. I'd just like to say I hope
12 you find the real cause, you know.

13 Q. That's what we're here for.

14 ATTORNEY RAJKOVICH:

15 Nothing. Thank you.

16 MR. O'DONNELL:
17 On behalf of MSHA, I
18 want to thank you for
19 appearing and answering
20 questions today. Your
21 cooperation is very important
22 in the investigation as we
23 work to determine the cause of
24 the accident. We ask that you
25 not discuss your testimony

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01 with any person who may have
02 already been interviewed or
03 may be interviewed in the
04 future. This will ensure that
05 we obtain everyone's
06 independent recollection of
07 the events surrounding the
08 accident.

09 After questioning other
10 witnesses, we may call you if
11 we have any follow-up
12 questions that we feel that we
13 need to ask you.

14 If at any time you have
15 additional information
16 regarding the accident that
17 you'd like to provide to us,
18 please contact us at the

19 contact information that was
20 given to you, the two cards
21 that we gave you.

22 The Mine Act provides
23 for certain protections to
24 miners who provide information
25 to MSHA and, as a result, are

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01 treated adversely. If at any
02 time you believe that you've
03 been treated unfairly because
04 of your cooperation in this
05 investigation, you should
06 inform us immediately.

07 If you wish, you may
08 now go back over any other
09 question that you had during
10 the interview and make a
11 statement if you want to at
12 this time.

13 A. I just have --- well, I've got
14 a question. What's the textbook,
15 well, for barricading? What's the
16 textbook scenario for barricading?

17 MR. O'DONNELL:

18 Well, I'm supposed to
19 ask the questions.

20 ATTORNEY RAJKOVICH:

21 You can go off the
22 record and discuss that.

23 MR. O'DONNELL:

24 We'll go off the
25 record.

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01 OFF RECORD DISCUSSION

02 MR. O'DONNELL:

03 I want to thank you for
04 your cooperation.

05 A. Thank you.

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08 * * * * *

09 SWORN STATEMENT

10 CONCLUDED AT 12:41 P.M.

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