

01 STATEMENT UNDER OATH
02 OF
03 GEORGE DANIEL BROOKS
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 25, 2006, at 3:04
13 p.m.

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

02 -----

03 MR. SWENTOSKY:

04 My name is Dennis
05 Swentosky. I am an accident
06 investigator with the Mine
07 Safety & Health
08 Administration, an agency of
09 the United States Department
10 of Labor. With me is Bob
11 Wilson, sitting at the other
12 table. He's from the
13 Solicitor's Office. And Brian
14 Mills, with the West Virginia
15 Office of Miners' Health,
16 Safety & Training. I've been

17 assigned to conduct an
18 investigation into the
19 accident that occurred at the
20 Sago Mine on January 2nd,
21 2006, in which 12 miners died
22 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 the
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 the causes of the
17 accident. MSHA accident
18 reports are made available to
19 the public in the hope that

20 greater awareness about the
21 causes of the accident can
22 reduce their occurrence in the
23 future. Information obtained
24 through witness interviews is
25 frequently included in these

10

01 reports. Your statement may
02 also be used in other
03 enforcement proceedings.

04 I would like to thank
05 you in advance for your
06 appearance here today. We
07 appreciate your assistance in
08 this investigation. The
09 willingness of miners and mine
10 operators to work with us is
11 critical in our goal of making
12 the nation's mines safer. We
13 understand the difficulty for
14 you in discussing the events
15 that took place, and we
16 greatly appreciate your
17 efforts to help us in
18 understanding what happened.

19 This interview with
20 George Brooks is being
21 conducted under Section 103(a)

22 of the Federal Mine Safety &
23 Health Act of 1977 as part of
24 an investigation by the Mine
25 Safety & Health Administration

11

01 and the West Virginia Office
02 of Miners' Health, Safety &
03 Training into the conditions,
04 events and circumstances
05 surrounding the fatalities
06 that occurred at the Sago
07 Mine, operated by
08 International Coal Group in
09 Buckhannon, West Virginia, on
10 January 2nd, 2006. This
11 interview is being conducted
12 at the U.S. Bankruptcy
13 Courthouse in Clarksburg, West
14 Virginia, on January 25th,
15 2006.

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

24 Mr. Brooks, the

25 interview will begin by my

12

01 asking a series of questions.

02 If you do not understand a

03 question, please ask me to

04 rephrase it. Feel free at any

05 time to clarify any statements

06 that you make in response to

07 the questions. After we have

08 finished asking questions, you

09 will also have the opportunity

10 to make any statement and

11 provide us with any other

12 information that you believe

13 may be important. If at any

14 time after the interview you

15 recall any additional

16 information that you believe

17 may be useful in the

18 investigation, please contact

19 Richard Gates at the phone

20 number or e-mail address

21 provided to you. And that's

22 on this business card here,

23 Mr. Brooks.

24 Your statement is

25 completely voluntary. You may

13

01 refuse to answer any question,
02 and you may terminate your
03 interview at any time. If you
04 need a break for any reason,
05 just let me know. A court
06 reporter will record your
07 interview and will later
08 produce a written transcript
09 of the interview. Please try
10 and respond to all questions
11 verbally since the court
12 reporter cannot record
13 nonverbal responses. Also,
14 please try to keep your voice
15 up. Copies of the transcripts
16 will be available at a later
17 date. And that would be at
18 the completion of our
19 investigation.

20 If any part of your
21 statement is based not on your
22 own first-hand knowledge but
23 on 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. We may not
05 ask the right questions to
06 learn the information you
07 have, so do not feel limited
08 by the precise question that
09 we ask. If you have any
10 information about the subject
11 area of the question, please
12 provide us with that
13 information. At this time,
14 Mr. Mills, do you have
15 anything that you would like
16 to add on behalf of the Office
17 of Miners' Health, Safety &
18 Training?

19 MR. MILLS:

20 Mr. Brooks, the West
21 Virginia Office of Miners'
22 Health, Safety & Training is
23 conducting this interview
24 session jointly with MSHA and
25 are in agreement with the

15

01 procedures outlined by Mr.
02 Swentosky for these interviews
03 that will be conducted here
04 today. But the Director
05 reserves the right, if

06 necessary, to call or subpoena
07 witnesses or require the
08 production of any record,
09 document, photograph or other
10 relevant materials necessary
11 to conduct this investigation.

12 MR. SWENTOSKY:

13 Mr. Brooks, you are
14 permitted to have a
15 representative with you during
16 the interview, and you may
17 consult with your
18 representative at any time.
19 You may designate any person
20 to be your representative. Do
21 you have a representative with
22 you today?

23 MR. BROOKS:

24 Yes, I do. Joe Yuhas.

25 MR. SWENTOSKY:

16

01 Is this the
02 representative of your choice?

03 MR. BROOKS:

04 Yes.

05 MR. SWENTOSKY:

06 Do you have any
07 questions regarding the manner
08 in which this interview will

09 be conducted at this time?

10 MR. BROOKS:

11 No.

12 MR. SWENTOSKY:

13 Will you please swear

14 in the witness, please?

15 -----

16 GEORGE BROOKS, HAVING FIRST BEEN DULY

17 SWORN, TESTIFIED AS FOLLOWS:

18 -----

19 BY MR. SWENTOSKY:

20 Q. Could you please state your
21 full name and spell your last name
22 for us, please?

23 A. George Daniel Brooks. Last
24 name is spelled B-R-O-O-K-S.

25 Q. And could you please give us

17

01 your address and your telephone
02 number, please?

03 A. [REDACTED]

04 [REDACTED]

05 [REDACTED]

06 Q. Are you appearing here
07 voluntarily today?

08 A. Yes, I am.

09 Q. Did you talk to anyone about
10 your interview statement here today?

11 A. No, I didn't.

12 Q. How many years of mining
13 experience do you have, Mr. Brooks?

14 A. I was employed on October 31st
15 at the Sago Mine. That's the first
16 employment I ever had in the mines.

17 Q. Are you employed by
18 International Coal Group?

19 A. No. I was hired by Garrett
20 Mine Service & Repair.

21 Q. Is that who you work for now?

22 A. Yeah.

23 Q. Then you worked at Sago Mine
24 as a contractor worker or as ---?

25 A. Yes, as a contractor worker.

18

01 Q. Okay. I was going to ask you
02 to give a brief description of your
03 coal mining experience, but that's
04 just October 31st, ---

05 A. Yeah.

06 Q. --- that's the first mine you
07 ever worked at?

08 A. Yeah.

09 Q. What is your present position?

10 A. General laborer.

11 Q. And you worked as a general
12 laborer since starting?

13 A. Yes.

14 Q. Were you at the mine on the
15 day of the accident, January 2nd,
16 2006?

17 A. Yes, I was.

18 Q. Were you scheduled to work
19 that day?

20 A. Yeah.

21 Q. Could you give me just a
22 description of your duties that day
23 or what your assigned duties were
24 that day?

25 A. I come in to work about six

19

01 o'clock. Put my work clothes on, my
02 belt, sat down with Casey Short and
03 James Scott in the shower house. It
04 was pouring rain down, lightning and
05 thundering very hard. And we was
06 getting ready to exit the lighthouse
07 to go get our --- exit the shower
08 house to go to the lamp house to get
09 our lights to go under, and we heard
10 a loud crack of thunder, which I
11 assumed it was thunder at the time.
12 We exited the shower house and went
13 over to the lamp house, where the
14 dispatcher was on the mine phone.
15 Something had went wrong underground.

16 The mine boss computer system was
17 flashing. Two belts was down and
18 they had a couple CO monitors going
19 off. At this time, I went ahead and
20 got my light because I didn't know
21 exactly what was going on or
22 anything. We just sat in the lamp
23 house there for a little while. And
24 the superintendent, Jeff Toler, Al
25 Schoonover and Dick Wilfong, the

20

01 maintenance foreman, entered the lamp
02 house. All of them got their lights
03 and said they was going under to see
04 what was going on because the
05 dispatcher had no communication with
06 nobody underground.

07 At that time, John Boni, who's
08 a fire boss, I guess walks the
09 airways, does a little pump work, got
10 on the mine phone and said he had
11 felt something inside. It felt like
12 a real big fall, that he was going to
13 proceed in and investigate and see
14 what it was. At this time, Jeff
15 Toler and Al Schoonover and Dick
16 Wilfong and Vern, I'm not sure what
17 his last name is, that was all we
18 ever called him, went underground.

19 And it was approximately five,
20 ten minutes later somebody was on the
21 mine phone, it sounded to me like it
22 was Ronnie Grall, and said they had
23 an explosion underground that felt
24 like it come from the Two Left
25 section. And they had the crew of

21

01 men who was going to head outside to
02 the intake primary escapeway.

03 And after that, we just hung
04 around there. Approximately five
05 more minutes, ten more minutes,
06 somebody got on the phone and said
07 they was needing supplies, get all
08 the curtain, nails, fly boards ready
09 to send underground, that they had
10 several stoppings out in the
11 ventilation on the track entry and
12 they was going to try to start
13 hanging a few curtain and
14 re-establishing ventilation back up
15 toward the Two Left section. At this
16 time, I'm not sure what the forklift
17 guy's name --- we always called him
18 Muff. I'm not sure what his name
19 was. Myself and Casey Short loaded
20 some nails and stuff on the forklift,

21 which he had already had the fly
22 boards on and threwed two bow saws
23 on, and we entered the pit and
24 started --- first I moved the mantrip
25 back and got a new mantrip that had a

22

01 fully-charged battery in it, and we
02 started loading fly boards, curtain
03 and everything onto the mantrip.

04 As I was walking into the pit,
05 the One Left crew had started walking
06 out. And a couple of them looked at
07 us and said, you boys don't need to
08 get in a hurry, you're not going
09 underground today, which we was
10 loading supplies up to go underground
11 and try to help the Two Left crew.

12 At this time, Dick Wilfong exited the
13 mine and got on the mantrip and took
14 it under. And I went back up to the
15 lamp house and tried to help some of
16 the guys. Some of them had --- their
17 eyes, had dust and stuff and their
18 eyes was burning. We tried to flush
19 their eyes. A couple of them was
20 having problems breathing. We hooked
21 oxygen up to them and just tried to
22 be with them there and listen to see
23 what we could find out, what was

24 going on.

25 Q. If we can just back up a

23

01 little bit and then get into more
02 specifics. You arrived at the mine
03 approximately what time?

04 A. Approximately six o'clock.

05 Q. Six o'clock. And what did you
06 do then when you arrived at the mine?

07 A. I just went into the shower
08 house and started changing clothes,
09 talked to a couple guys that was in
10 there, which was Casey Short and
11 Skip. They was already in there
12 getting changed.

13 Q. Skip is?

14 A. James Scott.

15 Q. Scott.

16 A. We just was talking there just
17 like a normal day, putting our
18 clothes on and getting ready to go to
19 work. And then --- on the way to
20 work that morning it was lightning,
21 lightning bad. I mean, thundering
22 and lightning bad, raining hard. We
23 was sitting there until about 6:30,
24 6:25. We was talking about going
25 over to the lamp house and getting a

01 cup of coffee and waiting the rest of
02 the time to go under, because we
03 didn't enter the mine until seven
04 o'clock.

05 Q. Okay. Then what happened?

06 A. You mean in the shower house
07 or ---?

08 Q. In the lamp house. You went
09 over to get your lamp and a cup of
10 coffee.

11 A. We went over to get the lamp.
12 And as I entered the lamp house, you
13 could tell something was going wrong.
14 I mean, there was beeping going off
15 and we noticed on the computer
16 screen, too, the belts was flashing
17 red.

18 Q. The computer screen is in the
19 lamp house there?

20 A. Yeah. That's where the
21 dispatcher office was.

22 Q. Okay.

23 A. And I asked Flea, the
24 dispatcher, you know, what was going
25 on. He said, I don't know. I got

01 two belts went off. I got a CO
02 monitor. I believe he said it was

03 going off.

04 Q. Okay.

05 A. At this time, I went ahead and
06 got my light because I thought we
07 would be going under to help whatever
08 it was, help get it going again.

09 Q. Okay.

10 A. And I got a cup of coffee and
11 was just waiting, sat there and
12 waited. And that's when Jeff Toler
13 and them came in the lamp house and
14 got their lights and tagged in and
15 entered the mine.

16 Q. And they came in the lamp
17 house. Was it Jeff Toler and ---?

18 A. Al Schoonover and Dick
19 Wilfong.

20 Q. Did they say anything at that
21 time to you?

22 A. They didn't know what was
23 going on. They was going in to
24 investigate what had happened.

25 Q. Did the dispatcher have any

26

01 discussion with them prior to them
02 going underground?

03 A. I believe he talked to them on
04 the mine phone before they entered.

05 I'm not a hundred percent sure, but
06 he was talking to somebody on the
07 mine phone when they come over.

08 Q. He, meaning the dispatcher was
09 speaking with someone before Mr.
10 Toler and Mr. Wilfong and Mr.
11 Schoonover ---

12 A. Entered the lamp house.

13 Q. --- entered the lamp house?

14 A. Yes.

15 Q. And you don't recall what that
16 conversation was?

17 A. No. I was in the next room
18 over, getting my light and stuff on.

19 Q. So when they came in and got
20 their light and then they --- did
21 they say anything additional to
22 anyone at that time, before they left
23 the lamp house?

24 A. They didn't say nothing. I
25 did ask to go with them, and they

27

01 told me, no, I could not enter the
02 mine right now.

03 Q. So they left the lamp house.
04 And what happened next?

05 A. They exited the lamp house and
06 went underground. I'm not for sure
07 on the time frame at this time, but I

08 knewed something was probably bad
09 wrong because we was sitting there
10 and listening. And that's when one
11 of the guys from the Two (sic) Left
12 crew got to a mine phone and was
13 calling out.

14 Q. Did you actually see them
15 going underground or they just said
16 they were going underground?

17 A. They just said they was going
18 underground.

19 Q. You assumed that that's what
20 they were doing. And then you said
21 that someone called on the mine
22 phone?

23 A. Yeah.

24 Q. And who do you think that was?

25 A. I'm thinking it was Ronnie

28

01 Grall. That's who it sounded like to
02 me.

03 Q. Just by voice recognition?

04 A. Yeah, voice recognition, it
05 sounded like Ronnie Grall.

06 Q. And could you overhear his
07 conversation?

08 A. No. They had the phone picked
09 up. After he come across the mine

10 phone, they picked the phone up.

11 Q. So you don't know what

12 conversation that was with the

13 dispatcher at that point?

14 A. Well, I do remember the

15 dispatcher saying we had an

16 explosion. He repeated that out loud

17 to himself and his face --- his

18 facial expression, he was real

19 nervous and he was trying to figure

20 out what was going on, what we needed

21 to do and who we needed to call

22 and ---.

23 Q. Then after that conversation

24 --- how long did that conversation

25 last approximately?

29

01 A. I'm not exactly sure. Maybe

02 three minutes, two minutes.

03 Q. Was there any other

04 information that the dispatcher may

05 have repeated that you ---?

06 A. Just said he had an explosion.

07 I did hear him say that 11 of the men

08 --- well, all the men, except one,

09 was coming out --- well, they started

10 to walk out of the One Left section.

11 One of them's name was Owie Jones.

12 He was still in the mines. He was

13 trying to get to the Two Left crew
14 because his brother was working up
15 there and he wouldn't come with them.

16 Q. And all that information you
17 have from the discussion ---

18 A. The discussion in the
19 dispatcher's office.

20 Q. --- in the dispatcher's
21 office. And when you said all the
22 men, you're speaking of the One Left
23 ---

24 A. One Left crew.

25 Q. --- crew?

30

01 A. And I think they had a couple
02 fire bosses in there with them.

03 Q. After that conversation, then
04 what happened?

05 A. After that conversation, a few
06 minutes passed by and then I heard
07 Jeff Toler come across the mine
08 phone, which again they picked it up.
09 I didn't understand what was going
10 on, but Flea, our dispatcher, told
11 Muff, the forklift man, that they
12 needed supplies loaded up to take
13 underground. And I went --- at this
14 time, I went with, well, the forklift

15 man to start loading supplies up.

16 Q. And where was --- and you said

17 Muffie was the forklift person?

18 A. Yeah.

19 Q. And where was he at at this

20 time?

21 A. He was in the dispatcher's

22 office also.

23 Q. With you?

24 A. Yeah.

25 Q. And you said you went with

31

01 him? Did you do that on your own?

02 A. Yeah, I just went on my own.

03 Nobody told me. They needed help

04 getting stuff loaded up, so I went on

05 my own to ---.

06 Q. And who else --- you and ---?

07 A. Casey Short was also with me.

08 Q. The three of you then?

09 A. Yeah.

10 Q. So then you three exited the

11 lamp house together?

12 A. Yeah. Well, Muff left before

13 we did to go get the fly boards

14 because they was up above the pit.

15 And we grabbed a couple buckets of

16 spads out of the lamp house. And

17 there was a box trailer sitting

18 beside the lamp house that had nails
19 in it. We grabbed some nails.
20 Somebody brought us two bow saws. I
21 don't know who that was, but they was
22 laying there. We loaded them on the
23 fly board and Muff arrived back with
24 them.

25 Q. He brought those down, and

32

01 then what happened?

02 A. Well, he had already started
03 up the hill. Me and Casey got ahead
04 of him, so he waited until we got to
05 the bottom before he started down.
06 At that time, that's when we seen the
07 One Left crew coming out.

08 Q. Did anyone tell you to go down
09 there, just --- and help out?

10 A. I just went by myself.

11 Q. Just trying to help out?

12 A. Yeah, just trying to help out.

13 Q. You and Casey?

14 A. Yeah.

15 Q. The two of you. Was anyone
16 else going to go down with you at
17 that point?

18 A. No.

19 Q. When you got to the bottom of

20 the hill, then you said that Muffie
21 was bringing the supplies down?
22 A. Yeah. Down in the pit, yeah.
23 Q. Go ahead then.
24 A. Once me and Casey got down
25 there, Vern and Dick Wilfong had come

33

01 back out. I guess they come back out
02 on the mantrip with the Two Left ---
03 One Left crew. I didn't see it, but
04 I'm just assuming they did because
05 they was in the pit and they went in
06 with Jeff and Al Schoonover.

07 Q. So they exited the mine and
08 you say you didn't see them, but the
09 One Left crew was down there?

10 A. Yeah, they was coming out.

11 Q. Tell me about what happened
12 then.

13 A. And Vern told me the mantrip
14 they had was low on charge, wanted me
15 to get a fully-charged mantrip out so
16 they could take it back in. So by
17 this time I pulled it over to the
18 switch going into the return, which
19 was coming out. I went and got the
20 new mantrip that was fully charged
21 and pulled it on the track.

22 Q. Is that the same type of

23 mantrip?

24 A. Yeah.

25 Q. Okay.

34

01 A. And at that time, Muff was
02 down there. We just started loading
03 fly boards and all the curtain we had
04 outside and nails and spads, anything
05 we could get on there that they said
06 they needed and just loaded it up.

07 Q. Did they take any detection
08 instruments in with them; do you
09 recall? Or did you take any down to
10 them or ---?

11 A. I didn't take none down to
12 them. I know I heard one of them
13 hollering, give me a couple spotters,
14 give me some spotters.

15 Q. Do you know if they took that
16 underground with them?

17 A. I do not know if they took it.
18 I didn't personally see it.

19 Q. After you loaded this material
20 up and changed the mantrip out, then
21 what happened?

22 A. Me and Casey then exited the
23 pit and went back up to the shower
24 house, where the One Left crew was.

25 Q. Okay. And that One Left crew,

35

01 they just came out and then they went

02 up to the lamp house?

03 A. Shower house.

04 Q. Shower house before you.

05 A. One of the crew members went

06 and got his truck and drove it down

07 into the pit because two of them was

08 having a real rough time walking and

09 breathing. So he took his truck down

10 in the pit and brought them up to the

11 shower house.

12 Q. One of the crew members, one

13 of the One Left crew members?

14 A. Yes.

15 Q. Do you know who that was?

16 A. Eric Hess.

17 Q. And he got his pickup and

18 brought it down to the pit to take

19 two gentlemen up?

20 A. Yeah.

21 Q. When they came out, was there

22 anybody still wearing an SCSR or did

23 ---?

24 A. A couple of them, yeah, still

25 had them around their neck. They was

36

01 not breathing in them, but they still

02 had them around their neck.

03 Q. Do you know who those people
04 were?

05 A. No, I don't. I was --- I
06 ain't for sure who it was. I was
07 more concentrating at that time in
08 getting stuff loaded up to get
09 inside.

10 Q. I understand. Okay. Did you
11 go up after the crew, the Toler crew
12 went up and after the pickup went up?

13 A. Yeah.

14 Q. When you went up, then you
15 went up to the lamp house again?

16 A. Yeah, I stopped in the lamp
17 house and --- maybe one or two crew
18 members in there. At that time, I
19 exited and went over to the shower
20 house with the rest of them, which
21 one of them was having problems
22 seeing. We tried to, you know, get
23 his eyes flushed out for him a little
24 bit. And a couple of them was having
25 problems breathing.

37

01 Q. You gave them oxygen? Did
02 they have oxygen tanks there?

03 A. One of the EMTs, yes.

04 Q. Those are EMTs from a ---?
05 A. No, EMTs from --- our mine
06 guys.
07 Q. Your mine guys?
08 A. The EMS hasn't arrived yet.
09 Q. So at that point there wasn't
10 any ambulance or any ---?
11 A. No.
12 Q. Do you know approximately what
13 time that was?
14 A. I had no idea. I wasn't
15 looking at my watch.
16 Q. Then tell me what happened.
17 A. We was just sitting there and
18 was listening to some of their story,
19 you know, what happened, and had the
20 stoppings knocked out. Some of them
21 had got their hard hats blown ---
22 come off their head, and I was
23 listening to a few of their stories,
24 what they had to say about it.
25 Q. Then what did you do?

38

01 A. We just sat with them there.
02 Just everybody was sitting still. No
03 one was saying a word. And the EMS
04 --- I'm assuming after about 15
05 minutes maybe the EMS arrived. The
06 rescue squads was pulling in the

07 parking lot.

08 Q. Then what happened?

09 A. As the EMT entered the shower
10 room where Roger Perry was laying, he
11 was having a little problems seeing,
12 his eyes were burning, she then
13 exited and went and got an IV bag
14 with sterile water in it, and me and
15 Casey helped her flush --- get his
16 eyes flushed out.

17 Q. Okay.

18 A. Then after that, we just
19 walked around. I had a family member
20 come and check on me. I walked over
21 to the pit and just stared at the pit
22 for a long time, just hoping to see
23 them walk out.

24 Q. Do you have any idea
25 approximately what time that was

39

01 whenever you walked over to the pit?

02 A. It was probably getting closer
03 to ten o'clock.

04 Q. From that time then what did
05 you do?

06 A. Ty, I ain't for sure what his
07 last name is, Ty Anderson maybe, the
08 main safety man for ICG, asked me if

09 I could find out who was in charge of
10 the church across the road, the Sago
11 Church, because we have a full mine
12 rescue operation going on and we
13 needed room to put the family members
14 over there. At that time, I exited
15 the mines property and went out to
16 the bridge where there's a couple
17 church officers at, and I asked them
18 who owned it. And they gave me a few
19 names and I went back to the mine
20 property and let Ty know, and he
21 contacted and got the church open for
22 family members.

23 Q. Do you have any idea what time
24 that might have been?

25 A. No idea.

40

01 Q. I know you weren't worried too
02 much about time.

03 A. I wasn't worried too much
04 about time.

05 Q. Right. I understand. When
06 you went back over and provided that
07 information, then what did you do?

08 A. We just sat around and talked
09 to some of the miners. At
10 approximately one o'clock an MSHA guy
11 informed everybody that they had so

12 much carbon monoxide coming out of
13 the mines, they wanted us to back up
14 to the backside of the shower house.
15 And approximately 40 minutes later
16 they had us leave the whole mine
17 property, outside the gate.

18 Q. During the time you were near
19 the pit area and what you were doing
20 there, did you observe anyone going
21 down into the pit to take any CO
22 readings or any ---?

23 A. Yeah. Skip entered the pit
24 several times and took readings out
25 of the return.

41

01 Q. Were you able to observe him
02 doing that?

03 A. I didn't --- well, I watched
04 him walk down into the pit. I mean,
05 I didn't go back over and watch him
06 walk back in.

07 Q. Did he relate any information
08 to you when he came back?

09 A. He came back up and said the
10 CO level was high coming out of the
11 return. I don't remember the exact
12 numbers of it.

13 Q. Did he provide you any other

14 information?

15 A. No. He knowed just about as
16 much as what I did. Wasn't allowed
17 to enter the mines whatsoever. I did
18 observe a couple federal mine
19 inspectors. They was down there
20 taking readings, and they come up and
21 said it was, I think it was 20
22 percent. I don't remember the exact
23 number. They said it was real high,
24 the carbon monoxide level coming out
25 of the return.

42

01 Q. Going ahead, whenever --- you
02 said that they told you to leave the
03 mine property; is that correct?

04 A. Yeah.

05 Q. Then what?

06 A. I stood outside the gate for
07 probably two hours just waiting to
08 hear information. Other mine rescue
09 teams arrived at this time, and we
10 just stood out there. I stood
11 outside there until approximately
12 three o'clock, 3:30, and then I went
13 home.

14 Q. Did you return to the mine at
15 any time?

16 A. I returned the next day, which

17 at this time the State Police had the
18 road blocked on down below Sago Mine,
19 wouldn't let nobody in but inspectors
20 or family members.

21 Q. And that was the last time you
22 were on the mine property until after
23 the occurrence?

24 A. Yeah, until after the
25 occurrence. It was approximately

43

01 five days later I entered the mine
02 property and got all of my stuff to
03 go back to work at another mine.

04 Q. Where did you go to work?

05 A. Well, I went to work up here
06 at Sycamore Two, another ICG mine.

07 Q. Okay.

08 A. Our contracting company also
09 called and said they was making plans
10 for us to go to the Makeekee
11 (phonetic) Mine down there outside of
12 Maryland. That's where we had
13 intentions to go to, but ICG had a
14 meeting the following next Saturday
15 and placed us up here at the Sycamore
16 Two Mine.

17 Q. Who would be your immediate
18 supervisor?

19 A. Underground we worked with
20 Skip. He would have been our
21 immediate supervisor.
22 Q. And is he employed by ---?
23 A. He was employed by Garrett
24 Mine Services, but recently he just
25 got hired on with the company.

44

01 Q. And how long was he your
02 supervisor at Sago Mine?
03 A. The first two weeks we worked
04 for Jeff Snyder. He was our boss
05 working on the seals. That was our
06 first project. The very first day in
07 the mine, they took us up to the
08 seals. That's what we started on.
09 And he --- approximately two weeks he
10 was my supervisor. Then Skip I guess
11 was assigned to us to oversee the
12 seals.
13 Q. The seals that you were to
14 work on, would those be what they
15 called the old Two Left main seals?
16 A. Yeah, the old Two Left.
17 Q. Do you have any recollection
18 of when they were built?
19 A. Completed or ---
20 Q. Started.
21 A. --- started? When I was ---

22 my first day, they completed one seal
23 for sure and had another one
24 approximately halfway up.

25 Q. Then were you involved in the

45

01 construction of the first seal?

02 A. No.

03 Q. What were your --- let's go
04 over to --- we have a map laying over
05 on the other table. Maybe if we can
06 just step over there and you can kind
07 of identify which seals you were
08 involved in constructing.

09 MR. SWENTOSKY:

10 This here is --- we'll
11 call this Brooks One.

12 (Brooks Exhibit One
13 marked for
14 identification.)

15 BY MR. SWENTOSKY:

16 Q. These seals here, ten seals
17 are shown on this exhibit. Do you
18 recognize this area as the area that
19 you worked in?

20 A. Yes, I do.

21 Q. Could you, using a black pen,
22 identify which seals that you worked
23 on and if you could and if you

24 remember the seals --- the first seal
25 that you worked on, the second, the

46

01 third?

02 A. The Number Seven seal I
03 believe was already completed.

04 Q. Just maybe if you could mark
05 there completed.

06 WITNESS COMPLIES

07 BY MR. SWENTOSKY:

08 Q. That would be in the Number
09 Seven entry?

10 A. Yes.

11 Q. Okay.

12 A. Number Six entry was halfway
13 started. That's the one we started
14 with.

15 Q. Okay. Let's mark that as
16 one-half completed, something like
17 that. Okay. Then the one you've
18 marked, which is Number Six entry,
19 that was half completed whenever you
20 entered the mine for your work shift
21 the first day; is that correct?

22 A. Yes.

23 Q. And then what was the next
24 seal you worked on?

25 A. We moved straight down to

47

01 Number Five entry.

02 Q. Just mark on there second seal
03 worked on. Were you involved in the
04 completion of that seal from start to
05 finish?

06 A. Yes, I was.

07 Q. Which one is the next one you
08 worked on?

09 A. I believe we moved down to the
10 Number Four seal.

11 Q. Number Four seal being the one
12 --- Number Four entry; is that
13 correct?

14 A. Yes.

15 Q. Did you start and complete
16 that one?

17 A. Yes, I did.

18 Q. Okay. Which one was next?

19 A. I believe we moved down to the
20 Number ---

21 Q. Seal Number Three entry?

22 A. --- Three entry.

23 Q. Did you start and complete
24 that one also? Were you involved in
25 it?

48

01 A. Yes, I believe I was.

02 Q. Could you identify that as a

03 seal that was completed?

04 WITNESS COMPLIES

05 BY MR. SWENTOSKY:

06 Q. And where did you go from
07 there?

08 A. From there, I believe we
09 jumped back up to this one. When we
10 went down, we came back up to this
11 one. It was setting back in a little
12 bit further because there was so much
13 height there for the seal --- for the
14 standards.

15 Q. Identify that one as ---
16 that's Number Eight entry?

17 A. Yeah.

18 Q. And were you involved in the
19 completion of that one also?

20 A. Yes, I was.

21 Q. Start to finish?

22 A. Yes.

23 Q. Then where did you go?

24 A. From that seal, we went ---
25 there was a stopping right here, so

49

01 we built that one, so we went back
02 here.

03 Q. The stopping you're referring
04 to, that was a crosscut between Nine
05 and Eight?

06 A. Yeah.

07 Q. Immediately outby the seals?

08 A. Yeah. We went back down to
09 Number Two entry and started on it.

10 Q. Were you involved in the
11 starting and completion of that one?

12 A. Yes, I was.

13 Q. Could you mark that for me?

14 WITNESS COMPLIES

15 BY MR. SWENTOSKY:

16 Q. Then where did you go?

17 A. Then we went to the crosscut,
18 the Number Three seal in.

19 Q. That seal is identified as
20 between --- crosscut between Two and
21 Three entry?

22 A. Yes. It had a little gob pile
23 behind it, so we had to knock a
24 stopping out. We hung a curtain back
25 here. The main intake was coming

50

01 down this crosscut, going up to the
02 section. So we hung a curtain ---.

03 Q. Could you mark that in red
04 marker, where you installed it?

05 WITNESS COMPLIES

06 A. At the crosscut.

07 BY MR. SWENTOSKY:

08 Q. And that was the seal in the
09 crosscut between Two and Three;
10 right?

11 A. Yeah.

12 Q. And were you involved in the
13 completion of that one also?

14 A. Yes.

15 Q. Mark that one in black.

16 WITNESS COMPLIES

17 BY MR. SWENTOSKY:

18 Q. Then what?

19 A. Then they moved on down to the
20 Number One entry. And for three days
21 I was on third crew and we worked on
22 the section. So this one was halfway
23 built when I come down to work with
24 this crew. It was halfway built and
25 also had the two PVC pipe running

51

01 through it on the left-hand side. On
02 the Number One entry seal, I was
03 pulled off the crew to go work on the
04 section for two or three days. When
05 I come back, they had the seal
06 approximately halfway completed, at
07 least four blocks laid with two PVC
08 pipes ran through it approximately 12
09 inches from the ground.

10 Q. And what size were those

11 pipes?

12 A. I believe one of them was

13 probably eight-inch pipe and another

14 one was a smaller one, probably two.

15 I'm not a hundred percent sure, just

16 by looking at it.

17 Q. Do you know what those pipes

18 were made out of?

19 A. Plastic PVC pipe.

20 Q. Was it white?

21 A. White.

22 Q. Both of them?

23 A. Both of them. They had elbows

24 that formed a trap on the front side.

25 Q. We'll talk about that a little

52

01 bit more. Can you just mark there

02 halfway completed when you returned,

03 something to that effect?

04 WITNESS COMPLIES

05 BY MR. SWENTOSKY:

06 Q. And that's the Number One seal

07 that you've just identified?

08 A. Yeah.

09 Q. Okay. From there, were you

10 involved in the completion of that

11 one?

12 A. Yes, I was. We built it about

13 three-quarters of the way, so we can
14 keep a little bit of ventilation
15 going through here because the One
16 and Ten seal had to be completed
17 approximately the same time. But we
18 got pulled off this project. We
19 started building overcast return air
20 to come off of the seals where they
21 built them, where they were
22 completed.

23 Q. How far up was the Number One
24 seal --- or how much of the Number
25 One seal was completed when you got

53

01 pulled off?

02 A. It was probably three-quarters
03 of the way completed with the
04 right-hand side, enough for a man to
05 cross over, a fire boss, back in
06 there.

07 Q. And you said the right-hand
08 side. That was as you're looking
09 inby?

10 A. Looking inby.

11 Q. Was that hole that you left
12 there, was that a stair step
13 configuration?

14 A. Yes. We stacked a few Omega
15 blocks in front and behind so the

16 fire boss could get back there and
17 check the air, check for methane.

18 Q. When you say laid a few
19 blocks, was that to step on them?

20 A. Yeah. We just put a couple
21 blocks there to step on them to get
22 over.

23 Q. When you were pulled off the
24 wall, tell me a little bit about
25 that.

54

01 A. We got pulled off the wall.
02 They let us --- Skip, he had a map of
03 it. We had to build four separate
04 --- well, four overcasts across the
05 crosscuts going down into the main
06 section.

07 Q. And that was in the Number Two
08 entry?

09 A. Yeah, headed over to Number
10 Two.

11 Q. Okay.

12 A. The first set was going to be
13 a new main intake airway. The main
14 intake was coming through ---
15 actually the First and Second was air
16 intake. And the Third overcast outby
17 had a track entry. The Fourth

18 overcast was a belt line.

19 Q. Okay. Whenever you were
20 completed with that, then what did
21 you do?

22 A. When we was completed with
23 that, it took us probably maybe three
24 weeks, two weeks. We had
25 Thanksgiving vacation during this

55

01 process. After that was completed,
02 we came up. We knocked a hole in the
03 stopping and we put a man door in.

04 Q. You're indicating a stopping
05 between the ---?

06 A. A stopping was up here on this
07 side of the seal, down this side of
08 the seal.

09 Q. Just draw with the black
10 marker there that stopping and the
11 man door in. Am I correct in saying
12 that?

13 A. We just did the Omega block
14 stopping.

15 Q. Just mark on here door.
16 You've drawn a stopping in the
17 crosscut between Nine and Eight and
18 then shown at D in that stopping,
19 indicating a door. And that crosscut
20 is immediately outby the seal; is

21 that correct?

22 A. Yeah.

23 Q. We went in there. Skip

24 informed us that Jeff Snyder had

25 already --- our old boss had already

56

01 had the Omega blocks spotted in the

02 area, has approximately five to six

03 skids of Omega blocks. I think

04 that's all they had spotted in there.

05 And this time, we packed B-Bond from

06 the Number Eight entry up through the

07 door and packed it up there to work

08 with. And we also packed Seven ---.

09 Q. When you say packed, do you

10 mean carried?

11 A. Yes.

12 Q. Now, just for clarification,

13 when you say B-Bond?

14 A. It's that Quikrete product,

15 which is mine seal for the seals.

16 It's a blue bag. It's got fiber

17 strands in it.

18 Q. Would that have been BlocBond?

19 A. No. It was Omega BlocBond. It

20 had a lot of fiber in it.

21 Q. But it didn't have any little

22 beads of Styrofoam or anything like

23 that?

24 A. No, just strands of fiber.

25 Q. It was in a blue bag?

57

01 A. Yeah.

02 Q. Did it happen to have

03 instructions on it?

04 A. I never looked. They told us

05 to mix it like you make concrete.

06 Q. Speaking about the Number Ten

07 seal and Number Nine entry, go ahead

08 and explain that.

09 A. Okay. We built it up same as

10 we did Number One, built it up

11 halfway with a hole left in it to

12 take air readings and to check for

13 methane by the fire boss, whatever we

14 needed to do.

15 Q. Go ahead and identify this as

16 the first one you built.

17 WITNESS COMPLIES

18 BY MR. SWENTOSKY:

19 Q. So you built that up with a

20 hole in it?

21 A. Yeah. We left the hole on the

22 left-hand side.

23 Q. When you say left-hand side

24 ---?

25 A. Toward the rib, looking inby.

01 After that, we had a series ---.

02 Q. Excuse me. That hole, was
03 that the same as Number One?

04 A. Yes. We left a hole the same
05 as Number One, about the same size,
06 to get back in.

07 Q. Approximately what size was
08 that?

09 A. Probably roughly four-by-four.
10 I could crawl through it with ease.

11 Q. How far up off of the floor
12 did that hole start?

13 A. Approximately three or four
14 blocks. The blocks, just pushed mud
15 in, 36, 40 inches, somewhere in
16 there.

17 Q. And the hole was in?

18 A. Yeah.

19 Q. Go ahead.

20 A. And at this time, we had been
21 working on a series of stoppings up
22 through here, in between ---.

23 Q. Those stoppings you're talking
24 about is outby and the next block out
25 by the seals?

01 A. Yeah. We was working on a

02 series of stoppings up through here,
03 through the --- we had the Third,
04 Fourth, Fifth, Six and Seventh and
05 Eighth entry. We was working on a
06 series of stoppings. We could
07 ventilate this area after all the
08 stoppings was completed, except for
09 Number Nine entry. It was one of the
10 last ones we completed. We didn't
11 have a main intake air coming back
12 into our working area. It was a
13 weekend in December. We worked two
14 13-hour shifts. We completed Number
15 --- seal Number One. That one.

16 Q. Prior to the completion of
17 that, what occurred? They weren't
18 making any examinations or anything
19 like that?

20 A. Yeah. Right before it was
21 completed, John Collins, a state
22 inspector, had walked in here with
23 Marty Conrad, in behind the seals,
24 looked at the pipes we had in here,
25 in the Number One seal intake, in the

60

01 Number One seal, looked at the PVC
02 pipes. They said he also had to
03 inspect our gas check valve which was
04 put in Number Ten seal. And after

05 the inspection was completed, he said
06 everything --- this was told to me by
07 Marty, not John, he said everything
08 looked good back there, except for
09 within the Number Four entry, that
10 they needed to get another crib and
11 finish completing that crib built
12 back there that was half completed.
13 Other than that, they looked good.

14 Q. Okay.

15 A. And we came down that weekend,
16 completed Number One seal. Due to
17 this being bottom mined in the Number
18 Three entry, you had no way to get
19 back out of there after you completed
20 the seal. So you had to build it up
21 the best you could, but leave you
22 enough room to crawl back out. Then
23 on the outby side of the seal, you
24 worked on completing the whole seal,
25 but you could not get it mudded due

61

01 to the fact you could not get back
02 out.

03 Q. When you say mudded, do you
04 mean ---?

05 A. B-Bonded.

06 Q. B-Bonded, like a face bonding?

07 A. The face bonding. We mudded
08 everything we could mud on the outby
09 side, reaching up and over and
10 smeared the mud on.

11 Q. Okay.

12 A. But before we done this, I had
13 --- I did put a fly board in almost
14 all the way across to have this
15 wedged in and also had a few
16 half-headers in there wedged in
17 tight, and it was all --- everything
18 was muddy. And we completed it
19 except for this hole where we had the
20 step down blocks laid together, just
21 staggered out.

22 Q. Take a look at this drawing
23 which we'll mark as Exhibit Two,
24 Brooks Two.

25 (Brooks Exhibit Two

62

01 marked for
02 identification.)

03 BY MR. SWENTOSKY:

04 Q. And it is a drawing of a seal
05 which shows the boards on the top and
06 blocks, and it's identified as a
07 40-inch thick Omega block seal for
08 use with seals up to eight feet high
09 by 20-foot wide. Using this here,

10 does this represent how the seal is
11 to be built?

12 A. This is actually the first
13 picture I believe I've seen of a
14 completion of a seal.

15 Q. Okay. Did anyone --- well,
16 since you said that's the first time
17 that you've seen it, did anyone
18 discuss with you how the seals were
19 to be completed prior to going in
20 your first day?

21 A. Jeremy Toler, I worked with
22 him the first day on the seals, and
23 he described how they're to be
24 completed. At the top you will have
25 a four inch or a five-inch hole, and

63

01 he said it had to be --- you had to
02 cut Omega block to fit the hole
03 because you going to use two inches
04 of wood on the seals.

05 Q. And so that would be, you
06 said, Jeremy Toler?

07 A. Yes. That's who I worked with
08 the first day.

09 Q. Who was the foreman?

10 A. Jeff Snyder.

11 Q. Jeff Snyder. Did he speak to

12 you or talk to you or anything about
13 how the seals were to be completed?

14 A. At this time, I don't think he
15 had actually seen an actual blueprint
16 or anything like that, seals
17 themselves.

18 Q. What makes you think that?

19 A. Well, during the second week
20 or the middle of the first week, I'm
21 not sure of the exact day, we had two
22 federal inspectors come up and was
23 watching us build a seal.

24 Q. And who were they?

25 A. I don't recall their names.

64

01 They kind of had me nervous. I was
02 moving line heads up. I wasn't --- I
03 didn't --- wasn't taking names, I was
04 just working as hard as I could.

05 Q. You might want to be an
06 inspector some day?

07 A. Yeah. One of them had spoke
08 out and said you need to stagger your
09 blocks more. We had a couple blocks
10 that was staggered just about like
11 the picture here, lined up. He said
12 you need at least one inch of
13 staggering.

14 Q. So they'd be offset one inch?

15 A. Yeah, at least one inch.
16 Q. Had anybody told you that
17 before?
18 A. Well, we knew it had to be
19 staggered. That was just an accident
20 on that one there, I guess. Nobody
21 caught that.
22 Q. Go ahead. What are you going
23 to say next?
24 A. After a seal was completed,
25 after we had two inches, we would put

65

01 fly boards in.
02 Q. And how thick were those fly
03 boards?
04 A. They looked like they were
05 rough cut lumber, an inch, sometimes
06 an inch and a half, rough cut.
07 Q. How long were they?
08 A. I never did measure. I
09 believe they were 16 foot. I never
10 did measure them, but that's what
11 they're usually cut, 16 foot.
12 Q. Okay. So you needed
13 additional pieces to make a single
14 row across?
15 A. Yes. We had a bow saw that we
16 cut a fly board, whatever we had

17 left.
18 Q. The boards, were you able to
19 get three boards across every seal?
20 A. No, sometimes you couldn't get
21 three --- the top falling out and
22 sliding down in places.
23 Q. Explain that to me.
24 A. When you got up there, if your
25 roof was uneven in some places, you

66

01 have a foot over here ---.
02 Q. Over here, meaning ---?
03 A. On the ---
04 Q. Against the roof?
05 A. --- right-hand side, toward
06 the rib. And over here you'd just
07 have a couple inches or maybe even a
08 half inch or just lined up. So what
09 we did was put a couple half-headers
10 in here, then cut Omega blocks and
11 start another row across of Omega
12 blocks.
13 Q. So you would lay ---
14 A. Half-header ---.
15 Q. --- half-header on top of the
16 block?
17 A. On top of the Omega block.
18 Q. And then you would ---?
19 A. We'd wedge them in tight.

20 Q. Where did you insert the
21 pieces of Omega block you referred to
22 a second ago?

23 A. Pieces of Omega block?

24 Q. Yes.

25 A. Half blocks?

67

01 Q. Maybe I misunderstood. Let's
02 just start all over then. Okay. You
03 laid the seal up and you had this
04 sort of oversized distance between
05 the roof and the Omega block, okay, a
06 larger hole.

07 A. Okay.

08 Q. Explain how you filled that
09 up.

10 A. Well, it just depends on the
11 way the roof laid. Some places you
12 would have no clearance in the
13 middle, but you'd have a foot on the
14 right-hand side of the rib and you've
15 two foot on the left-hand side of the
16 rib.

17 Q. Okay.

18 A. The way the top was. But if
19 something would happen --- it run six
20 foot on this side and seven foot on
21 this side, we would fill this hole in

22 is what we had to do. Like if you
23 get an eight-inch block to fill it,
24 which was five inches or something
25 like that, we'd cut a block, put it

68

01 in here, then you may not have room
02 to get your fly board all the way in,
03 so you get a header board in there,
04 wedged in, then on your next block
05 over you'd lay them across and get
06 your fly board in.

07 Q. So you put a header board in
08 in place of a fly board?

09 A. Yes, in some places where we
10 could not get the fly board
11 installed.

12 Q. When you would wedge that in,
13 how would you wedge that in?

14 A. We ran the wedges longways
15 towards the rib.

16 Q. So it would be parallel with
17 the fly board?

18 A. Yes. We'd lay one wedge like
19 that and we'd put the other one like
20 ---.

21 Q. So what you've just described
22 there was a wedge laying parallel
23 with the fly board, and then you
24 inserted another wedge on top of that

25 in the opposite direction?

69

01 A. Yeah. If there was room,
02 yeah. Sometimes you had blocks,
03 sometimes you had small wedges.

04 Q. And then what did you tighten
05 those up with?

06 A. Ax or mason hammer.

07 Q. Did you do that the whole way
08 across all those?

09 A. Yes. We had them --- put them
10 across.

11 Q. Okay.

12 A. And if something happens where
13 you couldn't get all the fly boards
14 in, we had a space in the middle of
15 the wedges and the fly board. We
16 would stuff Omega block back in there
17 to help fill spaces.

18 Q. The drawing that we have here,
19 you can see the wedges across the top
20 on the top of the fly boards. So am
21 I correct in saying that this is not
22 exactly how you put the ---

23 A. Wedges in.

24 Q. --- wedges in?

25 A. No.

70

01 Q. The center board across the
02 top, how did you get those wedges in?

03 A. Sometimes we didn't get them
04 in.

05 Q. Was there always three boards
06 across the top?

07 A. Some of them there wasn't.

08 Q. So some of them you didn't
09 have the board at all?

10 A. We did not.

11 Q. And the reason was for that?

12 A. Just couldn't get them in
13 there sometimes.

14 Q. Was there always a fly board
15 on the backside?

16 A. Yeah, every backside that I
17 done I had to install fly boards.

18 Q. When you were there, that's
19 what ---?

20 A. Yeah. You're working with
21 this guy, you cannot see ---.

22 Q. I understand. And those
23 wedges were installed the same ---
24 when you did that, ---

25 A. Yeah.

71

01 Q. --- they were installed the
02 same, front and back?

03 A. Yeah.

04 Q. Okay. Getting back to
05 whenever you put this --- built that
06 up, so then once they were inspected
07 and you started to fill in the hole,
08 how far up did you get before --- how
09 did you put those back blocks in?

10 A. We got up as high as we could,
11 left enough room. I was the
12 skinniest guy working, so usually I
13 got on the backside, had to crawl
14 back through the hole. So we built
15 it up high enough. It was
16 approximately maybe 18, 20 inches,
17 and I crawled back through. Casey
18 Short and Skip, you know, drug me on
19 out because I came out head. And
20 they'd just rest blocks back in the
21 hole and lay them in the seal.

22 Q. Did you put any material on
23 them, ---

24 A. Yeah.

25 Q. --- on the horizontal joints

01 at all?

02 A. Well, we usually always had a
03 crack. Stuff knocked down through
04 the top, we tried to put it on the
05 side if we couldn't get it to the

06 top.

07 Q. Did you put any mud on the
08 vertical joint prior to setting the
09 block in?

10 A. Some of them we did, some of
11 them we didn't. It depends if you
12 have enough hand room to get above
13 them to push them right down to the
14 joint.

15 Q. The ones that you could push
16 the mud down through the joints,
17 could you put the mud on --- you
18 didn't put the mud on those first
19 before you set the block in or ---?

20 A. What we done is we dumped the
21 mud on the seal itself, then we set
22 the block in, moved that mud on top
23 the block and just kept on working it
24 down in the crack, if we happened to
25 do that. Because we put the mud on

73

01 the block that was a quarter inch
02 thick.

03 Q. Then after you got pulled
04 through, then what did you do?

05 A. We finished building the seal
06 up, put our wedges in, sealed it up
07 to the Number Ten seal.

08 Q. Just let me back up one

09 second. The last row of blocks on
10 the back side of the seal, on the
11 inby side of the seal, how did you
12 ---?

13 A. The inby?

14 Q. The inside side ---.

15 A. It wasn't completely to the
16 top. There was no way to get it
17 completely to the top.

18 Q. Did it have a fly board on
19 top?

20 A. It had a fly board across to
21 the space where I crawled through.

22 Q. And then that last space, you
23 just put a block in there?

24 A. Yeah.

25 Q. No fly board on top?

74

01 A. No fly board on top.

02 Q. Did you wedge down that piece?

03 A. No.

04 Q. No?

05 A. You couldn't get in at the top
06 and swing that ax to get in. The
07 blocks are staggered and built up so
08 high, you couldn't get in there.

09 Q. Okay. So you put the back
10 blocks in. And did you face the back

11 side of it before you put the block
12 in?

13 A. I don't recall doing that. I
14 don't know.

15 Q. Did it have a center board in
16 it?

17 A. I don't know.

18 Q. Indicating ---?

19 A. I don't know if they put a
20 center board in the middle of it,
21 around here, because I wasn't with
22 them.

23 Q. But I mean, where the hole was
24 ---?

25 A. Where the hole was, I did not

75

01 see a cinder board, no.

02 Q. Did you put any fly board on
03 the outby side?

04 A. Yeah.

05 Q. And you wedged that up in the
06 same fashion?

07 A. Yes.

08 Q. Okay. Number Ten seal, you
09 went down and did that one. Or how
10 long did it take you to complete
11 this, fill up this ---?

12 A. It took approximately an hour
13 and a half, two hours.

14 Q. And that was completed. Did
15 you wait any period of time before
16 you went down to the Number Ten seal?

17 A. No. We went immediately down
18 to Number Ten.

19 Q. Okay.

20 A. And we finished that crib. It
21 was Number Three seal coming out.
22 Started working on the Number Ten
23 seal. Well, before we done this, we
24 went ahead and put a stopping in
25 here.

76

01 Q. Stopping in ---?

02 A. Stopping in the Number Eight
03 entry and block off the maintake.

04 Q. And that's --- you're in the
05 entry block immediately outby the
06 seal?

07 A. Yeah.

08 Q. Okay. Go ahead.

09 A. We got that built ---.

10 Q. Just circle that. That's
11 indicating ---.

12 A. We blocked the main off.

13 Q. The stopping that you put in
14 just prior to completing the Number
15 Ten seal; is that correct?

16 A. Yes. At that time, Casey and
17 myself, we knocked the man door out,
18 and Skip knocked this stopping here
19 out.

20 Q. And that's between Number
21 Eight and Nine entry immediately
22 outby the seals at the crosscut?

23 A. Yes.

24 Q. You knocked the man door out?

25 A. We knocked the man door out.

77

01 Skip knocked the wall over. Skip
02 cleaned it up and hauled it over to
03 the gob pile. It was built out of
04 Omega block. We come back and we
05 started completing Number Ten seal.

06 Q. Did you complete it in the
07 same fashion as you described to me?

08 A. Yes.

09 Q. You were the skinny guy there,
10 too?

11 A. Yeah.

12 Q. And then there would be no ---
13 there wasn't a fly board on the inby
14 side in this area?

15 A. There's a fly board across
16 where the door was. I installed it.

17 Q. There on to the rib there was
18 no fly board installed?

19 A. No.

20 Q. Okay. You can go back and sit

21 down. We're going to get more

22 involved in how those were built.

23 You worked for Mr. Snyder initially?

24 A. Yes. That's who we started

25 for the first two weeks.

78

01 Q. You and who else? You might

02 have already told me, but for the

03 record.

04 A. The first week we worked, they

05 was Casey Short, Jeremy Toler, Seth

06 Osbourne, which was another red hat,

07 and Jeff Snyder.

08 Q. Okay.

09 A. And myself. That's who we

10 initially started with.

11 Q. And the first day that you

12 worked at the Sago Mine, you

13 immediately went in and started on

14 the seals with Mr. Snyder; is that a

15 correct statement?

16 A. Well, the day before we

17 started, which was the following

18 Friday, we went to the mines and got

19 our hazard training, task training,

20 and the following Monday we reported

21 to work. And we rode in with Jeff
22 Snyder, Jeremy and them other guys I
23 said and went to work --- straight to
24 work on the seals.

25 Q. And that day, your first

79

01 construction day, you started on ---
02 which seal was it; do you recall? I
03 know you have it marked on the map.

04 A. I have to look on the map to
05 be exact, but I think it was the
06 Number Six seal.

07 Q. And it was partially ---?

08 A. Partially laid up.

09 Q. Laid up. Okay. Prior to you
10 laying these --- starting to lay the
11 seals, did Mr. Snyder or anybody
12 review with you on how to lay these
13 seals?

14 A. We went to the seals and Jeff
15 Snyder, he run the scoop and got our
16 supplies, he told us that Jeremy had
17 built the seals before at a Brooks
18 Run Mines and knowed how to build
19 them. He said he was not for sure
20 --- at this time, I don't believe he
21 had seen the plan on the seals
22 actually, but he was in charge of us.

23 Q. Why did you think that?

24 A. Well, that's who kept our time
25 for us, and he's the one that

01 actually sat down and talked through
02 things with us, escapeways. He asked
03 about escapeways since we got in
04 there, to know where they was and he
05 checked for methane. So I was
06 assuming he was their boss. He come
07 and got us every morning and said,
08 you're coming with me.

09 Q. At any time, did he ever, as
10 you rode in on a mantrip, tell you to
11 wait in the mantrip until he went and
12 made an examination and then came
13 back or did you always just follow
14 him in?

15 A. We just followed him.

16 Q. Okay. And what would he ---
17 each day, would he make an
18 examination of all the area or ---?

19 A. He checked it every two hours,
20 I believe, while we was working in
21 the area. He had on his fire boss
22 tag, which was hanging from the roof
23 bolt.

24 Q. Did you ever see a plan?

25 A. Like I said, it was either the

01 middle of the first week or the
02 beginning of the second week, we was
03 working and inspectors come up and
04 was watching us. And he questioned
05 about how much mud we was using. And
06 at this time, Harmon Jordan was
07 working with us. There was
08 approximately 11 of us, off and on,
09 working on these seals, back and
10 forth. Sometimes we had ten.
11 Sometimes there was just three of us.
12 But Harmon was our boss. He was the
13 boss that was working this day. And
14 the inspector informed us that he
15 didn't know about the Omega seal, but
16 he'd let us know. He went down a
17 couple breaks. I guess he had it
18 with him or Carl Crumrine, our mine
19 foreman, may have went and got some
20 and brought them back in. I heard a
21 couple other bosses say that's the
22 first set of prints they had ever
23 seen on how to build them.
24 Q. But did you ever see an actual
25 plan?

01 A. No, I --- well, Skip, our
02 boss, he carried one in his lunch

03 bucket with him.

04 Q. And Skip, that was ---

05 A. James Scott.

06 Q. --- James Scott? So you had

07 worked on these seals a week or so

08 before you saw actually a written

09 plan and illustrations on how to ---?

10 A. I didn't actually see them. I

11 just seen the paper folded up is all

12 I seen. I didn't see the actual ---.

13 Q. So you never did see a ---?

14 A. No.

15 Q. And so the instructions that

16 you received was actually from Mr.

17 Jamie Toler?

18 A. Jeremy Toler.

19 Q. He's the one that showed you

20 how to install those?

21 A. Yes.

22 Q. Did you ever hear any

23 conversations of management people,

24 like --- and I know you had mentioned

25 that Mr. Crumrine or Mr. Toler came

01 in with the inspectors and talked to

02 you about the joints. Did you ever

03 hear of any other conversations or

04 how many times maybe they were in

05 there during the construction
06 process?

07 A. That's the only time they ever
08 looked at them. And Carl came back
09 to the plan and said, do them as the
10 plan says. That's all he's ever
11 said.

12 Q. And were they ever in there on
13 a different occasion?

14 A. The inspectors or ---?

15 Q. Mr. Toler, Mr. Crumrine, do
16 you ever ---?

17 A. Mr. Toler came in one day and
18 walked by us, came over and said, hi
19 you know, asked us how we was doing
20 and walked on by.

21 Q. And that was the extent?

22 A. Yeah. I mean, he didn't help
23 build or anything like that. I think
24 he did get onto Casey for not having
25 safety glasses on, but that was about

84

01 it.

02 Q. Okay. Are all ten seals the
03 same? Are they all Omega seals?

04 A. Yeah.

05 Q. Were you ever involved in
06 cleaning up the area where the seal
07 was to be built?

08 A. Before it was built?

09 Q. Yes.

10 A. Yeah.

11 Q. How did you do that?

12 A. Well, if you could get a scoop
13 into it, we'd try to scoop it a
14 little it. If we couldn't get a
15 scoop in, we had shovels or hammers
16 and we just dug it down the best we
17 could.

18 Q. Okay. And was that like you
19 clearing away mud and water?

20 A. Mud and the gob that was piled
21 up on the side where scooping
22 equipment had run through it and it
23 had rutted up.

24 Q. Was there a lot of water mixed
25 with it?

85

01 A. No. It was pretty dry.

02 Q. Pretty dry. Were you able to
03 get down to a solid or was it a
04 little soft ---?

05 A. Some places we did hit solid
06 rock.

07 Q. Okay.

08 A. And other places --- like we
09 hit solid rock on the right-hand side

10 of the inby rib. Over here, you
11 know, it would be real soft and you
12 couldn't get all the way down this
13 side of it.

14 Q. Those areas that you have
15 indicated were soft, I mean, was it
16 something where you --- if you would
17 walk through it with a boot, you
18 could make a --- you know, sink in or
19 ---?

20 A. No, just soft dirt. I mean,
21 where the mud had piled up and had
22 dried out, where they rerouted the
23 main intake around to it.

24 Q. And did you remove that?

25 A. Removed all we could.

86

01 Q. But there were some areas that
02 were --- just kind of remained ---

03 A. Yeah.

04 Q. --- soft?

05 A. We dumped B-Bond actually ---
06 if we could not put a whole eight-
07 inch block in there and step it down
08 off of solid rock or whatever we had,
09 we'd put B-Bond in it, dry B-Bond and
10 work with it like that.

11 Q. Would you put it in there and
12 step it down or just level ---?

13 A. We stepped one seal down
14 because we had enough room to step it
15 down and make it level. We stepped
16 one down.

17 Q. When I mean stepped down, you
18 may have misunderstood or maybe I
19 misunderstood you. But when you say
20 stepped down, what I was meaning was
21 did you ever put just this B-Bond
22 down and then step on it to pack it
23 down?

24 A. Oh, yeah, we put B-Bond down
25 and we'd set Omega blocks on. They'd

87

01 smash down and we'd put a little more
02 B-Bond in to level it up.

03 Q. When you say put a little more
04 B-Bond in ---?

05 A. Dump another bag on it.

06 Q. Take the block off and dump
07 another bag?

08 A. Yeah, dump another bag.

09 Q. And then would you step it
10 down or pack it down?

11 A. Yeah, pack it down a little
12 more.

13 Q. With what?

14 A. Just jumping on it, stepping

15 on it.

16 Q. The location of the seals, how
17 far back from the corners were they
18 located?

19 A. Three or four, approximately
20 eight feet maybe back in. And then
21 we had one seal that was probably a
22 good 40 to 50 feet back in due to the
23 height.

24 Q. Did you ever assist in
25 measuring those distances?

88

01 A. No. They just said it was too
02 high and I moved it back in.

03 Q. And the other one, do you know
04 how far they're supposed to be back
05 from the corners?

06 A. No.

07 Q. Who made those ---?

08 A. At least eight feet, I
09 believe, I heard one of them say
10 because they started the seal and had
11 to knock it out and redo it.

12 Q. Who made the decisions on
13 where to put the seals?

14 A. Jeff Snyder and Jeremy when
15 they was working with us. Jeremy
16 only worked with us approximately two
17 weeks, two and a half weeks, and then

18 he got put on bolter.

19 Q. So they were approximately
20 eight feet, ten feet or something
21 like that?

22 A. Yeah.

23 Q. Did you ever observe any metal
24 screen on the roof in any of the
25 entries?

89

01 A. In the Number Eight entry, the
02 one was sitting back in
03 approximately, you know, 30, 40 feet.
04 It had screen on it, and they did cut
05 it out.

06 Q. They what?

07 A. They cut around it.

08 Q. They cut around it?

09 A. Yeah, they cut it out so they
10 could put the Omega block in to get
11 your wedges and fly boards all in.

12 Q. Did any of the screen enter
13 into the seal at all; do you recall?

14 A. Not on that seal, no.

15 Q. In any of the other seals?

16 A. I can't remember on them.
17 That's the only one I know we cut,
18 that I helped cut.

19 Q. That you helped cut?

20 A. Yeah.

21 Q. And what did you cut those
22 with?

23 A. Bolt cutters.

24 Q. Bolt cutters. Approximately
25 how much screen did you take out?

90

01 A. Approximately --- we took it
02 out in sections so we could get it
03 outside better and throw it away.
04 But I think approximately 50, 60
05 inches probably wide across the
06 entry.

07 Q. When the seal was completed,
08 you could see the end of the seal ---
09 or excuse me, the end of the screen?

10 A. Yeah, on the outside.

11 Q. It didn't protrude into the
12 seals?

13 A. Not on that one, no.

14 Q. Do you recall any other ones
15 that it proceeded into --- or
16 protruded into the seal?

17 A. I don't remember the other
18 seals even having screen. They could
19 have, but I don't remember.

20 Q. When you removed the loose
21 material, how far on each side of the
22 seal, inby and outby, did you remove

23 the loose material?

24 A. Off the floor? Off the
25 bottom?

91

01 Q. Yes.

02 A. We just raked it out in front
03 of the seal.

04 Q. How large of an area did you
05 clean for the seal?

06 A. Wide?

07 Q. Yes.

08 A. Approximately 40, 50 inches
09 probably.

10 Q. Okay.

11 A. We cleaned it enough just for,
12 you know, you can lay your one Omega
13 block longways and your back Omega
14 block longways, that way.

15 Q. Perpendicular?

16 A. Yeah.

17 Q. And you said there was not any
18 standing water?

19 A. Not in the seals, no.

20 Q. In the sealed area?

21 A. Yeah, not in the sealed area
22 there wasn't. Now, on the inby side,
23 the seals would have been bottom
24 mined. It looked like there was

25 quite a bit of water in there, but it

92

01 was endangered off. You couldn't even

02 go back in there.

03 Q. Okay. So you didn't have to

04 remove any standing water?

05 A. No.

06 Q. When you cleaned the floor,

07 did you notice any cracks, anything

08 in the bottom?

09 A. No.

10 Q. Before you started a seal,

11 were there any roof supports

12 installed on the inby side of the

13 seal?

14 A. We had set enough crib block

15 back there to build two cribs, which

16 was --- I believe it was five feet

17 from the seal or maybe six feet from

18 the seal had to be two cribs built on

19 the inby and outby side of it.

20 Q. Did you build those before you

21 started a seal?

22 A. Sometimes we did and sometimes

23 we didn't.

24 Q. Did you put any notches in the

25 rib? Did you cut any notches in the

93

01 rib?

02 A. There were no notches cut for
03 them.

04 Q. Whenever --- did you clean the
05 ribs, take sloughing material ---?

06 A. If there was overhang or
07 something, yeah, we tried to knock it
08 --- the best we could, knock it off,
09 unless it was sandstone, something
10 hard we couldn't beat off.

11 Q. But the loose material was
12 taken off?

13 A. Yeah.

14 Q. Okay. Do you know how high
15 those areas were where you installed
16 the seals?

17 A. I'm going to say seven to
18 eight feet on most of them because I
19 could stand up and set them in.
20 There was two or three seals we had
21 to build some scaffolding on to get
22 the top couple three or four layers
23 put on.

24 Q. Did you ever see anyone
25 measure them or were you involved in

01 any measuring of the heights?

02 A. No.

03 Q. Were you ever involved in any

04 measuring of the width or how wide
05 those were?
06 A. The first couple days I worked
07 with them, they did do a little
08 measuring. After that, no.
09 Q. What was the thickness of
10 those? Just the two blocks, as you
11 mentioned, one ---
12 A. The two blocks ---.
13 Q. --- horizontal and then one
14 perpendicular into it?
15 A. The whole width of the seal?
16 Q. The thickness of the seal I
17 guess I would call it.
18 A. Thickness, I'm not exactly
19 sure. I think the Omega block might
20 be 16, 18 inches wide longways and
21 there's 24 other, I believe. I'm not
22 exactly sure.
23 Q. But you used two block ---?
24 A. Yeah. One block was laid
25 longways and one was ---?

95

01 Q. Butted against it?
02 A. Yeah.
03 Q. Perpendicular to it. Okay.
04 And you used all the same --- did you
05 use all the same type mortar?
06 A. Yeah. We actually --- in the

07 process of building the seals, we had
08 to quit building them because we ran
09 out of the right type of mortar.

10 Q. And that was in --- what did
11 you say, what color bag?

12 A. It would be the blue ones.

13 Q. Blue ones?

14 A. Yeah.

15 Q. You never used any cement or
16 anything like that?

17 A. No.

18 Q. Getting back to whenever you
19 started the seal, the initial --- and
20 you had mentioned you put a dry bag
21 of mortar down.

22 A. Yeah.

23 Q. Did you put that clear --- the
24 entire width of the seal?

25 A. Yeah. Every seal had at least

96

01 20 bags of B-Bond dumped out and kind
02 of leveled dry so it would seal the
03 bottom of up. It would suck the
04 moisture out.

05 Q. And I believe you did mention
06 that where the area was a little
07 softer, the bottom mine floor was a
08 little softer, that you packed it

09 down with your feet ---

10 A. Yeah.

11 Q. --- sometimes? You'd put
12 additional on and pack it down?

13 A. Yeah.

14 Q. When you started that first
15 layer and you laid it down dry, did
16 you apply any mortar material to the
17 vertical joints before you set the
18 second one on and set it in up
19 against it?

20 A. Well, we laid our first row of
21 block across, and we just took
22 buckets of B-Bond and just dumped it
23 on top and just kept rubbing it over
24 top, pushing it down in the cracks.

25 Q. Whenever you laid this first

97

01 layer down and you didn't put any
02 material on the blocks, did you butt
03 those solid against each other?

04 A. Most of them had little cracks
05 in them.

06 Q. When you say little cracks?

07 A. Probably an eighth inch, a
08 quarter inch.

09 Q. Were you trying to leave that
10 or did you just slap them down there
11 because of the width?

12 A. The biggest part of the time,
13 where the floor was, you couldn't
14 keep them butted up square against
15 each other anyway.
16 Q. But you tried to do that?
17 A. No. You're supposed to have
18 your mud in them. Every joint had to
19 be mudded.
20 Q. And to accomplish that then
21 you laid them all down at one time,
22 am I correct, rib to rib?
23 A. Yeah. We put a first layer
24 all the way across.
25 Q. And then you dumped the mortar

98

01 on top ---
02 A. Yeah.
03 Q. --- of the first row?
04 A. Yeah.
05 Q. And then how did you spread it
06 around?
07 A. We had rubber gloves. We
08 smeared it back and forth then.
09 Q. Did you have any trowels with
10 you?
11 A. No.
12 Q. No trowels?
13 A. No trowels.

14 Q. And then how did you get it
15 down between the joints then?
16 A. You just keep rubbing over it.
17 Most of the time it would just keep
18 working its way down. If you had
19 real soupy mud, what we usually tried
20 to use, it just poured itself down
21 into them.

22 Q. Okay. Did you ever mix the
23 mortar?

24 A. Yeah. That was my job for
25 about four days when I first started

99

01 out. I mixed mortar. I got a pretty
02 good concrete burn there the very
03 first day I worked, and I had it
04 doctored up. And I mixed for three
05 or four days, letting it heal up
06 some.

07 Q. How much water did you mix
08 with the mortar? What was your
09 ratio?

10 A. When I was mixing, I mixed two
11 bags of B-Bond to a five-gallon can
12 of water.

13 Q. One five-gallon can to two
14 bags?

15 A. Yeah.

16 Q. Did anybody tell you anything

17 different or is that just something
18 that you decided or was that what
19 looked good to you or ---?

20 A. Seth Osbourne was mixing. He
21 said, hey, it's the best way to mix
22 it, you dump one full can of water
23 in, you put your first bag in, you
24 mix a little bit, then you dump your
25 second bag in, mix it, and you're

100

01 done.

02 Q. What type of consistency was
03 the mortar? You had mentioned just a
04 moment ago that it was kind of runny.

05 A. Just whatever the block layer
06 wanted, that's what you mixed for
07 him. If he hollered he needed soupy
08 mud, then you'd mix some soupy, you'd
09 dump a little more water in. If he
10 needed it thick to put up the edges
11 toward the rib, to pack it in, keep
12 it firm, we made it a little thicker.

13 Q. So there were different types
14 of mixes during the process?

15 A. Yeah.

16 Q. And the thicker mortar was
17 more toward the ribs, you said?

18 A. It was best, yeah, for toward

19 the ribs or the outside face of your
20 block because it stuck a little
21 better.

22 Q. So then after you had your
23 first layer down, then you spread the
24 mortar on top of all of the block,
25 rib to rib. Then how did you lay the

101

01 second layer down?

02 A. The second layer was staggered
03 from the first layer. The first
04 layer was longways and then you'd
05 start this one, the small one, the
06 block out, and then you'd lay the
07 back up longways.

08 Q. And did you just lay them dry
09 out and then pour the mortar on top
10 again or did you ---?

11 A. Sometimes we laid them dry and
12 sometimes we smeared mud on them.

13 Q. On all the vertical joints?

14 A. Yeah.

15 Q. When did you decide to put the
16 mortar on and not put the mortar on?

17 How was that decision made?

18 A. If you could get to them to
19 dump it on, we usually dumped it onto
20 them. But if you was in a tight spot
21 and you couldn't, we'd smear them on.

22 Q. What do you mean a tight spot?

23 A. Well, up real close to the
24 top.

25 Q. Okay.

102

01 A. Up towards the roof.

02 Q. So from the first layer to
03 near the roof they were laid dry, and
04 then you put the material on top and
05 then pushed it down through the
06 joints with your hands with gloves
07 on, is that ---

08 A. Yeah.

09 Q. --- pretty much the procedure?

10 A. We worked with so many people
11 and if they all had different ways,
12 then you know --- me being a red hat,
13 we done whatever --- whoever we were
14 working with, whatever way they
15 wanted to do it, that's the way, you
16 know, you done it.

17 Q. Sure. I understand. Was
18 there a pilaster in any of the seals?

19 A. No. I heard one of the bosses
20 say the Omega seal didn't require
21 one.

22 Q. All right. What protective
23 equipment did you wear during the

24 installation?

25 A. Safety glasses, rubber gloves,

103

01 coveralls, steel-toed boots,

02 metatarsals, hard hats and basic mine

03 safety equipment, I guess, except for

04 rubber gloves.

05 Q. Did anyone ever talk to you

06 about a piece of written material

07 that would be called the Material

08 Safety Data Sheet, MSDS? Maybe

09 you've heard that terminology.

10 A. The MSD --- yeah, I guess

11 they're out in the main office.

12 Q. Did anybody ever talk to you

13 about those, about that information?

14 A. No.

15 Q. And each of the courses were

16 staggered, as you've described,

17 rotated back and forth?

18 A. Yeah, the course was

19 staggered.

20 Q. You never used a trowel to put

21 the material on?

22 A. Never did.

23 Q. Did you ever see any trowels

24 laying around?

25 A. We had --- the week before the

104

01 explosion happened, we had received
02 two trowels, but we never did use
03 them on the seals. But James Scott,
04 our boss --- Garrett bought us two
05 trowels to use on this next set of
06 seals that we was going to start
07 installing is what they were bought
08 for.

09 Q. Do you know why they was
10 starting to use trowels or why was
11 that?

12 A. It's easier to smear your mud
13 with because you can make the outside
14 of your wall look a lot better.
15 Instead of being real rough looking,
16 you can smooth it up.

17 Q. Who made that decision that
18 you needed a trowel?

19 A. I think James Scott just got
20 them through Garrett himself because
21 he said we need a couple trowels and
22 he said --- I guess they told him to
23 go purchase them and they'd reimburse
24 him, which he went to Lowe's and got
25 them.

105

01 Q. Mr. Toler --- the
02 superintendent, Mr. Toler, or Mr.

03 Crumrine, did they have any hand in
04 making that decision; do you know?

05 A. I don't think. I think he
06 just went and got them.

07 Q. Himself. Did anybody ever
08 tell you --- or mention to you that,
09 you know, you should use a trowel for
10 this or any discussion ---?

11 A. I've heard a couple of our
12 guys we worked with say, well, a
13 trowel would be nice. That's as far
14 as it ever went.

15 Q. How thick was the mortar that
16 you placed on the blocks?

17 A. On the outside or ---?

18 Q. Outside, on the joints.

19 A. It just depends where we was
20 at. If it was on the --- dumping
21 them on top of block, we'd mix it
22 kind of thin, you know, so you could
23 get down the cracks better. But on
24 the outside and up the side of the
25 edge, rib and top, we'd make it

106

01 pretty thick so it would stick
02 better. The thicker your mud was,
03 the better it would stick, they told
04 us.

05 Q. So it would mix kind of thin

06 that it would run down between the
07 joints?

08 A. Yeah, when you was laying your
09 block back across.

10 Q. And I think I might have asked
11 you this, but as you laid those
12 blocks --- and they were laid dry
13 across; am I correct?

14 A. Yeah.

15 Q. And then did you purposely
16 leave a crack for mortar to run down
17 in or did you just ---?

18 A. We was told they needed mud in
19 every joint, so you'd leave some
20 crack. But the biggest part of the
21 time, after you got your first layer,
22 I mean, you had so many ups and downs
23 in it, that you had cracks.

24 Q. So basically, and correct me
25 if I'm wrong, that once you laid them

107

01 down, you would have a portion of the
02 block that had already been
03 installed, a portion of the block
04 that you were installing touch the
05 other block or touch the previously
06 laid block, but there was still a
07 crack?

08 A. Yeah.

09 Q. Do you have any idea of how
10 many bags of mortar you used for a
11 stopping from start to finish?

12 A. On a seal?

13 Q. Yes.

14 A. Probably two skids, maybe two
15 and a half. It just depends on the
16 size of our seal. It took a lot of
17 it, I know that.

18 Q. How many bags are on a skid;
19 do you recall?

20 A. I have no idea.

21 Q. How was the seal secured to
22 the rib?

23 A. Just B-Bond.

24 Q. Did you ever put any wedges
25 down to tighten it up?

108

01 A. I never did.

02 Q. Did anybody else?

03 A. I don't recall seeing anybody
04 ever doing that. If there was a big
05 crack there, when we stuffed --- we'd
06 cut a small piece of Omega block and
07 put it in there.

08 Q. How did you cut those blocks?

09 A. Omega block?

10 Q. Yes.

11 A. Cut it with a buck saw or an
12 ax.
13 Q. Buck saw or an ax. Whenever
14 you had to --- as you started getting
15 close to the rib where you needed
16 less than a full block, how would you
17 cut those with an ax?
18 A. You'd just measure from your
19 ax to the rib and you'd slide on
20 their mark and just chop it. Most of
21 the time we had a bow saw there, and
22 I always like used a bow saw because
23 it does a little better job and keeps
24 everything smoothed up.
25 Q. Smoothed up. Did you use an

109

01 ax on some of them?
02 A. Some of them, yeah, we used
03 axes on.
04 Q. Do they make a fairly clean
05 ---?
06 A. They make a fairly clean cut.
07 And actually you go back and shape
08 them up a little bit.
09 Q. During the installation
10 process, do you wet the blocks at all
11 before you lay them down or were they
12 just all dry and then ---?

13 A. They was all dry. They'd do a
14 better job if they're wet, which we
15 never did.
16 Q. I'm sorry?
17 A. They'd usually do a better
18 job, mud sticking to them, if they're
19 wet, but we always done dry.
20 Q. How do you know that it sticks
21 better?
22 A. We got a skid of them in from
23 outside that had been rained on.
24 Q. Oh, okay.
25 A. And they was wet and they ---

110

01 a lot heavier that way, but mud stuck
02 to them a little better.
03 Q. Did you ever have to use
04 plywood or anything like that or was
05 it always a board, fly boards or ---?
06 A. It was always fly boards,
07 half-headers, never had plywood.
08 Q. Did you face the entire face
09 of the --- or did you coat the entire
10 face of the seal ---
11 A. Yeah.
12 Q. --- with the mortar?
13 A. Two or three times usually
14 just to assure it was thick enough.
15 Q. After you faced it, did you

16 have an opportunity to actually put
17 additional mortar around the
18 perimeter at all?

19 A. Yeah. We went back and
20 checked and looked for holes maybe,
21 see if a spot looked like it was a
22 little thinner than others.

23 Q. What about against the rib and
24 the roof and ---?

25 A. Yeah. I mean, sometimes when

111

01 you finish it, you may have a little
02 piece of mortar that fell out where
03 it was still wet, but it fell down
04 some and it created a little hole or
05 something. We'd go back and put
06 additional mortar on.

07 Q. Both inby and outby sides?

08 A. Mainly on the outby side I did
09 smear a bucket that I had left over
10 from another seal.

11 Q. When you say a bucket, was
12 that a bucket that ---?

13 A. It was a bucket that was
14 reached over to me that was mixed.
15 And I got sealed in behind ---
16 instead of packing it out, I smeared
17 it on another seal.

18 Q. That wasn't a pre-mix that
19 came in in that bag?
20 A. No.
21 Q. That was just a bucket that
22 you used ---?
23 A. Just a bucket of B-Bond they
24 reached over to me.
25 Q. Okay. After you applied that

112

01 and you would go back, was it hard
02 material or was it soft or ---?
03 A. The B-Bond?
04 Q. The B-Bond.
05 A. Hard.
06 Q. On the outside, approximately
07 how thick was the mortar?
08 A. I'd say some of them
09 three-quarters, maybe even an inch.
10 Q. Did anyone ever say how thick
11 that mortar was supposed to be?
12 A. I think they said a quarter
13 inch, just like the rest of it.
14 Q. Meaning the joints?
15 A. Yeah.
16 Q. Did you just eye that
17 thickness? You never tried to
18 measure it?
19 A. I never did take a tape
20 measure. I measured it with

21 eyeballing.

22 Q. What seal contained a water
23 trap?

24 A. Number One seal.

25 Q. Number One seal. And how far

113

01 was that water trap off the mine
02 floor?

03 A. Approximately 12 inches, just
04 by looking at it. I wasn't there
05 when it was installed, but I was
06 around some.

07 Q. And you say you weren't around
08 when that was installed. And that
09 was because ---?

10 A. I was working on the section.

11 Q. Yes. That's --- that was
12 during the time that you were working
13 on a section that you did not see
14 that water trap being installed; is
15 that correct?

16 A. Yes.

17 Q. And how far --- you saw them
18 afterwards, though, after they were
19 installed, when you went back ---?

20 A. And finished the back, yeah.

21 Q. Yes. How far were they apart,
22 meaning horizontally?

23 A. Horizontally, approximately
24 12, 15 inches.

25 Q. And they were both made out of

114

01 the same material, I believe you
02 mentioned?

03 A. Yeah, PVC pipe.

04 Q. PVC pipe. Were there any
05 screws, do you recall, in those
06 joints to hold the joints together at
07 all?

08 A. They had a can of glue there,
09 so I assume they glued them.

10 Q. But you didn't see any screws
11 installed in ---?

12 A. No.

13 Q. And you were there when they
14 completed Number Ten seal?

15 A. Yeah.

16 Q. Did anyone dump any water or
17 anything in that water trap?

18 A. Not that I seen.

19 Q. Did you ever see water in the
20 water trap?

21 A. No. I said after they was
22 completed, I heard one of the bosses
23 say they was going to go back and
24 dump antifreeze in it, but I didn't
25 see them do it or nothing.

01 Q. And the size of those water
02 traps you said you thought was six or
03 eight inches?

04 A. Six inch and one probably two
05 inch, maybe even three inch on
06 another one.

07 Q. Did it have gate valves on
08 them?

09 A. No, just traps.

10 Q. The Number Ten seal, it had a
11 gas sampling?

12 A. It had a gas check valve in
13 it, which was constructed of two
14 pieces of 20-foot steel pipe,
15 approximately two inches in diameter,
16 was coupled together and put through
17 the seal. It had approximately three
18 or four cribs built behind it to
19 support it up. It was supposed to
20 have a piece of quarter-inch copper
21 tubing put through, which I did not
22 help install it, so ---. I know they
23 brought them it in the mines to do.
24 I did not see it done. And on the
25 end of it, it had a gas check valve.

01 Q. Approximately how much of that

02 pipe was left sticking out on the
03 outby side?

04 A. I'd say probably approximately
05 18 inches, 12 inches from the roof.

06 Q. And how far protruding through
07 the back into the inby end?

08 A. However wide the seal is. The
09 pipe was 40 foot to begin with, so
10 probably at least 35.

11 Q. So the remainder of the ---?

12 A. The remainder of the pipe was
13 sticking through.

14 Q. Do you recall any pipes or
15 wires or cables of any sort extending
16 through the seal that you might have
17 had to go around, build around or
18 anything like that?

19 A. No, nothing like that.

20 Q. Was there any track going
21 through the seal?

22 A. No.

23 Q. Were there any roof supports
24 installed on the outby side of the
25 seal?

117

01 A. Every seal had two cribs
02 placed behind the seal and in front
03 of the seal, except for Number One
04 seal. I think we placed seven or

05 eight cribs behind it because it was
06 forked off as it went through.

07 Q. That Number One seal, did you
08 ever have an opportunity or see
09 anyone measure the width of that
10 seal?

11 A. No. It was a fairly wide seal
12 because it was catty-corner from one
13 rib to the next?

14 Q. I mean, did it seem wider than
15 the other seals?

16 A. It was pretty wide. It took
17 almost a skid block for one row.

18 Q. The height, was it any higher
19 than ---?

20 A. We had to build some of the
21 cribs, stack cribs up and place fly
22 boards to get on top of it. We built
23 the scaffolding up from front and
24 backside of it.

25 Q. Once you were completed there,

118

01 did you have --- what about any
02 leftover wedges, any leftover fly
03 boards?

04 A. We took a day back there to
05 clean everything up. Any leftover
06 busted Omega block we put on the

07 roadway and smashed it in on the
08 holes in the roadway. You know,
09 wedge and like that, we hauled out.

10 Q. So basically there were not
11 any extraneous materials or any
12 additional supplies laying ---?

13 A. There may have been six or
14 seven bags of B-Bond left back in
15 there on a skid. Somebody could have
16 got it, but I wasn't with them when
17 they did.

18 Q. How did rock dusting look?

19 A. We went back in to put
20 approximately --- I think they were
21 200-pound bags or 2,000-pound bags of
22 rock dust and a slim duster, took a
23 scoop in and rock dusted all the way
24 back out.

25 Q. Who was ---?

119

01 A. It was very heavily rock
02 dusted.

03 Q. Could you see your footprints
04 in it?

05 A. Oh, yeah.

06 Q. Was there a thickness to it?

07 A. I didn't measure it. I mean,
08 it was thick enough you could see
09 footprints in it when you walked

10 through it.

11 Q. Pretty white?

12 A. Yeah.

13 Q. How about on the inby side?

14 A. On the inby side?

15 Q. Yes.

16 A. That would have been rock

17 dusted in there. All the rock dust

18 that was in there was left when they

19 mined. We didn't scatter any rock

20 dust on the inby side.

21 Q. As you looked back through

22 there, did it look white or gray or

23 black?

24 A. On the inby?

25 Q. Yes.

120

01 A. It was kind of gray-looking.

02 Q. Did you happen to take any

03 notes while you were --- during the

04 construction process?

05 A. No.

06 Q. When you were cleaning up for

07 the seals, did you clean enough area

08 on the outby side of the seals to

09 accommodate another seal if maybe one

10 started crushing or something?

11 A. No.

12 Q. So it was just cleaned in the
13 immediate area of the seal?

14 A. Yeah.

15 Q. Did you ever use like used
16 block, used Omega block, or did you
17 use all new block?

18 A. I think we all used all ---
19 maybe --- I think maybe the boss did
20 have me put three used Omega block in
21 that come off from the stopping that
22 was behind the seal. We needed three
23 more blocks from the backside, and he
24 did get three used block. I put them
25 in.

121

01 Q. Was there any mortar on those
02 blocks?

03 A. They used a pre-mixed bucket
04 mud on it. It just peels right off
05 of them.

06 Q. How did you take that mud off?

07 A. You just take your glove and
08 wipe it off. I mean, it just come
09 right off.

10 Q. What seals was that put in?
11 Or which seal, I guess I should say?

12 A. I'm going to say on Number
13 Five seal, because ---.

14 Q. The seal that you had

15 identified on the map as Number Five?

16 A. Yes.

17 Q. And all seals were entirely

18 Omega block?

19 A. Yeah.

20 Q. Were there any pier --- on any

21 occasion, did you have to build a

22 pier or like a concrete base before

23 you put the seal on?

24 A. No.

25 Q. And no pilasters or anything?

122

01 A. No.

02 Q. In all the seals, you used the

03 same type of mortar?

04 A. Yeah.

05 Q. You never used any cement?

06 A. No.

07 Q. And none of it ever came in

08 buckets?

09 A. No.

10 Q. And you never had --- I think

11 I did ask you this, but you never wet

12 the blocks, only that time you were

13 telling me whenever they came in ---

14 A. Just them from outside.

15 Q. --- from outside, okay.

16 During the construction process, did

17 you ever encounter any problems of
18 any sort that you recall?

19 A. No.

20 Q. Everything went smoothly?

21 A. Biggest part of the time, yes.

22 It just depended on what boss ---
23 some of the bosses had us packing
24 B-Bond for two or three blocks at a
25 time.

123

01 Q. Did you ever think the seals,
02 some of the seals or anything were
03 being installed in the wrong way,
04 that you thought differently or
05 anything like that?

06 A. I thought we done a pretty
07 good on them. When we first started
08 building them, somebody told me that
09 they was going to pump slurry behind
10 them, so I was building them the
11 strongest we could because I thought
12 they were going to have water, slurry
13 pumped behind them. Then that was
14 all wrong. I mean, they just ---
15 somebody just thought that up and
16 told me. And I believed them because
17 I was new. I didn't know what was
18 going on.

19 Q. Pump slurry?

20 A. Yeah, pump slurry in behind
21 them.
22 Q. Who told you that?
23 A. I don't remember who it was.
24 That's what they told me they done at
25 seals. I guess at one mine, at

124

01 Brooks Run, they do pump their slurry
02 in behind and pump it back out for
03 the prep plant.

04 Q. I see. Do you know who the
05 person is that was responsible for
06 ordering the supplies for that area?

07 A. I guess our boss just let the
08 dispatcher know what he needed.

09 Q. And who was ultimately
10 responsible for the construction of
11 the seals?

12 A. I guess our foreman of the
13 day. I mean, we had several bosses
14 working with us different days.

15 Q. Would I be correct in saying
16 that you were never inby the seals of
17 any distance, that you were just in
18 the immediate area? You were never
19 up in the old Two Left area?

20 A. No. It was dangered off due
21 to the bottom mining.

22 Q. Did you ever hear anyone talk
23 about --- at the mine talking about
24 cutting through any charted holes or
25 uncharted holes, mining through those

125

01 at all?

02 A. No. The only thing I ever
03 heard about the old Two Left is the
04 top got so bad they couldn't drive it
05 no further, and they bottom mined it
06 back out.

07 Q. Did you ever hear anyone ---
08 or do you know of anyone who may have
09 detected methane in a sealed area?

10 A. As far as I know, there was
11 hardly no methane in that mine
12 whatsoever, anybody even talking
13 about it.

14 Q. So no one detected methane in
15 the --- right in the immediate seal
16 area?

17 A. Not that I'm aware of.

18 Q. Did you ever hear anyone speak
19 about maybe they had left any old
20 equipment up in that old Two Left
21 area or batteries or anything like
22 that? Did you ever hear anyone talk
23 about that?

24 A. No.

25 MR. SWENTOSKY:

126

01 Brian, do you have
02 anything?

03 MR. MILLS:

04 Just one, or maybe two.

05 BY MR. MILLS:

06 Q. Did you ever count how many
07 courses you laid?

08 A. Omega block? Never did ---

09 Q. Never did?

10 A. --- count them.

11 Q. So you had to use scaffolding
12 on Number One?

13 A. On, yeah, Number One. We used
14 scaffolding on it.

15 Q. On the seal or the ---?

16 A. Yeah, on the seal itself to
17 get the blocks up high. I think that
18 was the biggest seal we built, was
19 Number One.

20 Q. If you were going to
21 guess ---?

22 A. Yeah, that's the highest one
23 for sure, because I'm pretty tall and
24 I was standing on maybe two Omega
25 block with fly boards, still having

127

01 problems reaching the top of them.

02 Q. How tall are you?

03 A. 6'3". That's pretty tall.

04 MR. MILLS:

05 That's all I've got.

06 BY MR. SWENTOSKY:

07 Q. Did you ever measure how high

08 you could reach?

09 A. No.

10 Q. Okay.

11 MR. SWENTOSKY:

12 Let's take a break.

13 SHORT BREAK TAKEN

14 BY MR. SWENTOSKY:

15 Q. Who supplied your equipment?

16 Was it GMS or Anker?

17 A. Our?

18 Q. Like hammers, saws, gloves.

19 A. I bought some of the stuff

20 myself, and Anker bought the saws,

21 axes and stuff like that.

22 Q. Do you know about the

23 supplies, meaning the block ---?

24 A. Anker supplied them.

25 Q. Anker supplied all that?

128

01 A. Yes.

02 Q. Okay. What type of training

03 did you initially have?

04 A. I had an 80-hour mining
05 course. Went and took my apprentice
06 miner's test.

07 Q. And that was prior to you
08 starting any ---?

09 A. Yeah. And the day we started
10 at Sago, Al went over all the
11 escapeways with us and ---.

12 Q. During that 80 hours, the roof
13 control plan, the ---?

14 A. They went over the roof
15 control plan. Every mine has a
16 different roof control plan. There
17 was never no one certain one.

18 Q. And that was the type of
19 training that's provided by West
20 Virginia? Or who is that provided
21 by?

22 A. It was provided by --- well, I
23 just called the instructor myself and
24 got a class set up.

25 Q. Who was the instructor?

129

01 A. Jeff Toler.

02 Q. Did you sign a form or
03 anything when you were completed?

04 A. Yeah.

05 Q. Did the trainer sign?

06 A. Yeah.

07 Q. And you say that was Jeff

08 Toler ---

09 A. Yeah.

10 Q. --- who signed that? Whenever
11 you started at the mine, you had said
12 that the first day you didn't go
13 underground, so you went over
14 escapeways. And did he talk to you
15 about the mine emergency and
16 evacuation plan?

17 A. That he had the intakes marked
18 in green, which is your primary
19 escapeway. Secondary escapeway is
20 marked in red, which is your track,
21 to return to your ---.

22 Q. Did he talk about what to do
23 in case of an explosion or
24 emergencies, fires or anything like
25 that?

130

01 A. Get to the intake.

02 Q. Did he mention to you who the
03 responsible person would be and who
04 would give the instructions on the
05 evacuation if an explosion or fire
06 occurred?

07 A. I didn't receive none.

08 Q. Are you familiar with the

09 evacuation procedures?

10 A. Just I guess what I know from
11 my class and stuff. If your
12 escapeway is blocked off, barricade.

13 Q. What did they tell you about
14 barricading?

15 A. If your escapeway is all
16 blocked off, fire barricade yourself
17 in and pound on a roof bolt five
18 times every 15 minutes or the floor,
19 whatever you can pound on.

20 Q. And he went over the
21 escapeways with you?

22 A. Yeah.

23 Q. How were the escapeways marked
24 at Sago Mine?

25 A. Your main intake was your

131

01 primary escapeway, it was marked in
02 green. The track is your secondary
03 escapeway, which is marked in red.
04 And the return is marked in yellow.

05 Q. Did you ever have an
06 opportunity to participate in any
07 escapeway drills?

08 A. No.

09 Q. By that I mean walk out an
10 escapeway with anyone.

11 A. No. Just the track.
12 Q. You rode the track?
13 A. Yeah.
14 Q. Never walked the intake
15 escapeway?
16 A. No.
17 Q. You guys, did you ever
18 participate in any fire drills?
19 A. No.
20 Q. Do you have SCSR training, ---
21 A. Yes.
22 Q. --- self-contained self-
23 rescuer training?
24 A. I've had it probably two or
25 three times.

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01 Q. Two or three times. And who
02 provided that training for you?
03 A. The first time I took it
04 through Superior Mine Contracting.
05 We had a class there at the mines.
06 Al briefly went over --- he asked you
07 if you know how to use them. We
08 explained to him, you know, how to
09 use them.
10 Q. Did you ever have to
11 demonstrate on how to don the SCSR?
12 A. Put it on?
13 Q. Yes.

14 A. Yeah, at Superior we did.

15 Q. And how did you do that?

16 A. You just --- you go down on
17 one knee, pop it open, put it around
18 your neck, put your mouthpiece in,
19 pull cord. If no air come out, blow
20 into your mouthpiece, then put your
21 nose clamp on and your goggles.

22 Q. And when you went to the mine,
23 to Sago, Mr. Toler, he just went over
24 that with you? You didn't do any
25 demonstration or anything?

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01 A. Well, Al Schoonover is the one
02 who went over all that. He's the
03 safety man at Sago.

04 Q. But did he demonstrate again
05 or just talk to you about it or what?

06 A. Al, he talked to us about it.

07 Q. Okay. Did you review first-
08 aid training? Or did they talk to
09 you about first-aid training?

10 A. I got my first aid card also,
11 a first-aid and CPR instructor.

12 Q. Okay. While you were at the
13 mine, were you ever like alone or by
14 yourself working on those ---?

15 A. There was times, you know,

16 you're by yourself briefly, for maybe
17 a couple minutes or so, while they
18 went and got some supplies. They put
19 you in a work area and you stayed
20 there.

21 Q. During your training there and
22 review with Mr. Schoonover, did they
23 talk to you about the ventilation
24 plan or the roof control plan at all?

25 A. Just the ventilation, where

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01 the intake was and returns.

02 Q. Do you feel the training that
03 you had was adequate?

04 A. I felt safe in the mines. I
05 felt that I could get out if
06 something did happen. I knowed my
07 way out.

08 Q. Are there any areas that you
09 think should be added to the
10 training?

11 A. I'll take all the training I
12 can get right now.

13 Q. Okay. That's good. That's
14 good. Have you ever been searched
15 for smoking articles?

16 A. No. I don't smoke anyway.

17 Q. Did anyone ever ask you, do
18 you have smoking materials or did

19 anyone ever ---?
20 A. Our first day there, Al asked
21 --- neither one of us smoked. He
22 said, you all know you do not smoke
23 in the mines. And I don't smoke.
24 Q. But no one ever did a pat-down
25 or checked your bucket or anything

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01 like that ---
02 A. No.
03 Q. --- at the mine?
04 A. No.
05 Q. Have you ever observed anyone
06 smoking in the mine?
07 A. No.
08 Q. Have you ever found any
09 smoking materials, such as matches,
10 cigarettes?
11 A. No.
12 MR. SWENTOSKY:
13 Do you have anything
14 else?
15 BY MR. MILLS:
16 Q. Two questions. Did you
17 receive any training from GMS?
18 A. No. I've never even met the
19 guy that even runs GMS.
20 Q. The other training you got

21 before you came to Anker, what was
22 the name of that one?

23 A. Superior.

24 Q. What is that?

25 A. That's a contract company in

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01 Summersville, Superior Contracting.

02 Q. Most of the time it was you,
03 Casey and Skip working on a seal?

04 A. Most of the time. Several
05 times it was Harmon Jordan, John
06 Jackson, Marty Conrad, Mike Triplett,
07 Seth Osbourne, Jeremy. Had several
08 people --- them four bosses, Harmon,
09 John Jackson, Mike and Marty, they
10 come and go helping us.

11 Q. Were there times when it was
12 just you and Casey?

13 A. And Skip, yeah.

14 Q. Skip. How long would it take
15 Skip if he took the scoop down to get
16 supplies to get back to you? How
17 long would he be gone?

18 A. When he first started, he
19 would have been back and forth in
20 maybe ten minutes.

21 Q. He would leave you and Casey
22 alone for ten minutes at a time?

23 A. Most of the time we walked

24 with him.

25 Q. Oh, you went ---?

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01 A. Yeah, we had to follow the

02 scoop.

03 Q. Okay.

04 BY MR. SWENTOSKY:

05 Q. Just one. You said you took

06 this training from Superior?

07 A. Yeah.

08 Q. That was a training in --- and

09 who provided that? Who was the

10 instructor?

11 A. Timothy Grower I think was his

12 name. I ain't sure what his last

13 name was.

14 Q. Go ahead, you can spell it if

15 you want.

16 A. I think it was G-R-O-W-E-R,

17 something like that.

18 Q. Has anyone offered you

19 anything or made any promise to you

20 in exchange for you appearing here

21 today?

22 A. No. I'm here to try to figure

23 out what caused the explosion and

24 maybe even keep it from happening

25 again.

01 Q. Do you have anything else that
02 you could provide to us that you
03 think might be relevant to the
04 investigation or help us out in
05 determining the cause of the
06 investigation (sic)?

07 A. No.

08 MR. SWENTOSKY:

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

01 independent recollection of
02 the events surrounding the

03 accident.

04 After questioning our
05 witnesses, other witnesses, we
06 may call you if we have any
07 follow-up questions and we
08 feel the need to ask you any
09 more questions. If at any
10 time you have additional
11 information regarding the
12 accident that you would like
13 to provide to us, please
14 contact us at the contact
15 information that was
16 previously provided to you.

17 And that's the business card
18 with Mr. Gates' name on it.

19 The Mine Act provides
20 certain protections to miners
21 who provide information to
22 MSHA and, as a result, are
23 treated adversely. If at any
24 time you believe that you
25 would have been treated

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01 unfairly because of your
02 cooperation in this
03 investigation, you should
04 immediately notify MSHA.

05 If you wish, you may
06 now go back over any answer
07 you have given during the
08 interview and you may make any
09 statement that you would like
10 to make at this time.

11 A. I have nothing.

12 MR. SWENTOSKY:

13 Okay. Thank you again
14 for your cooperation in this
15 matter.

16 * * * * *

17 SWORN STATEMENT

18 CONCLUDED AT 5:06 P.M.

19 * * * * *

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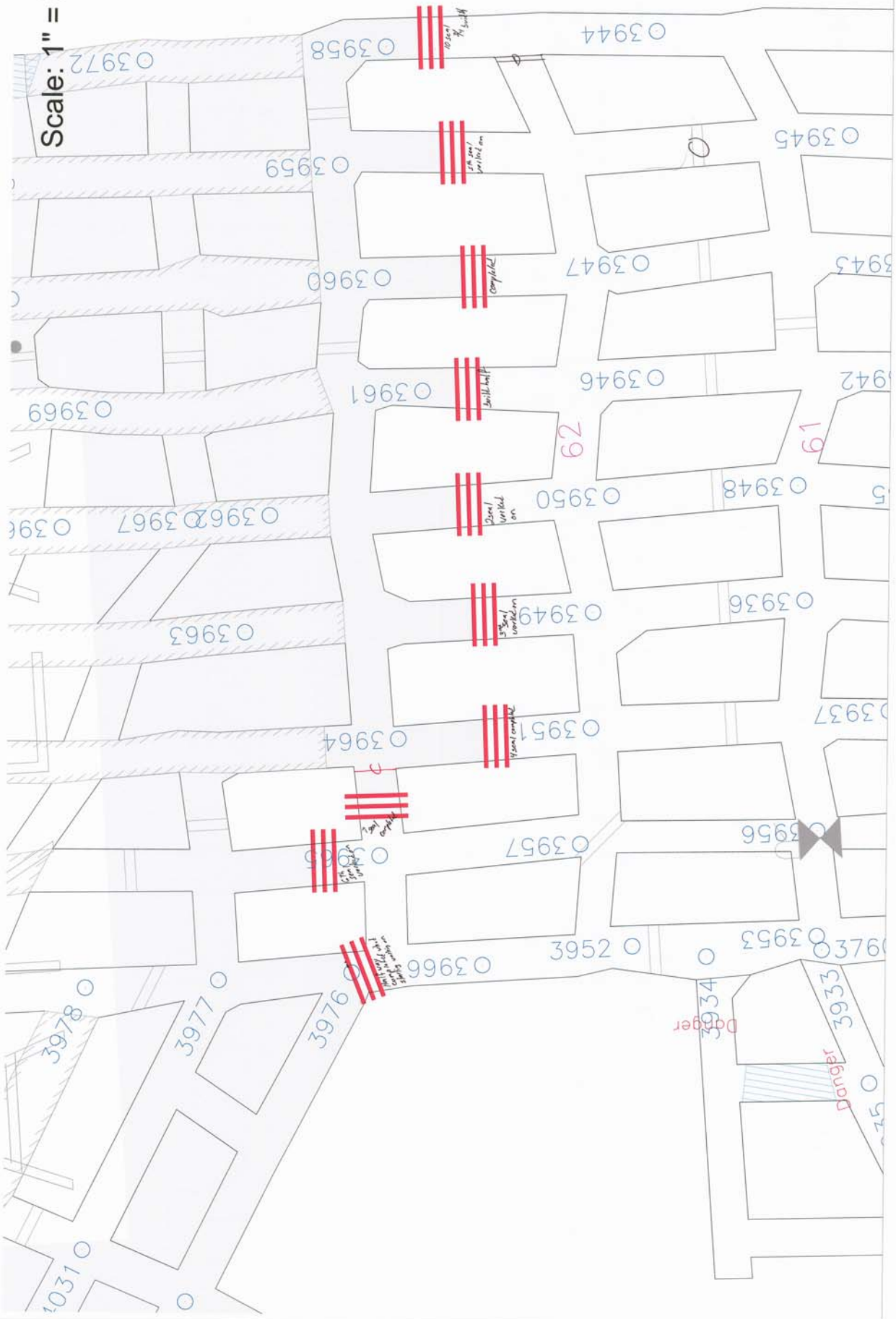
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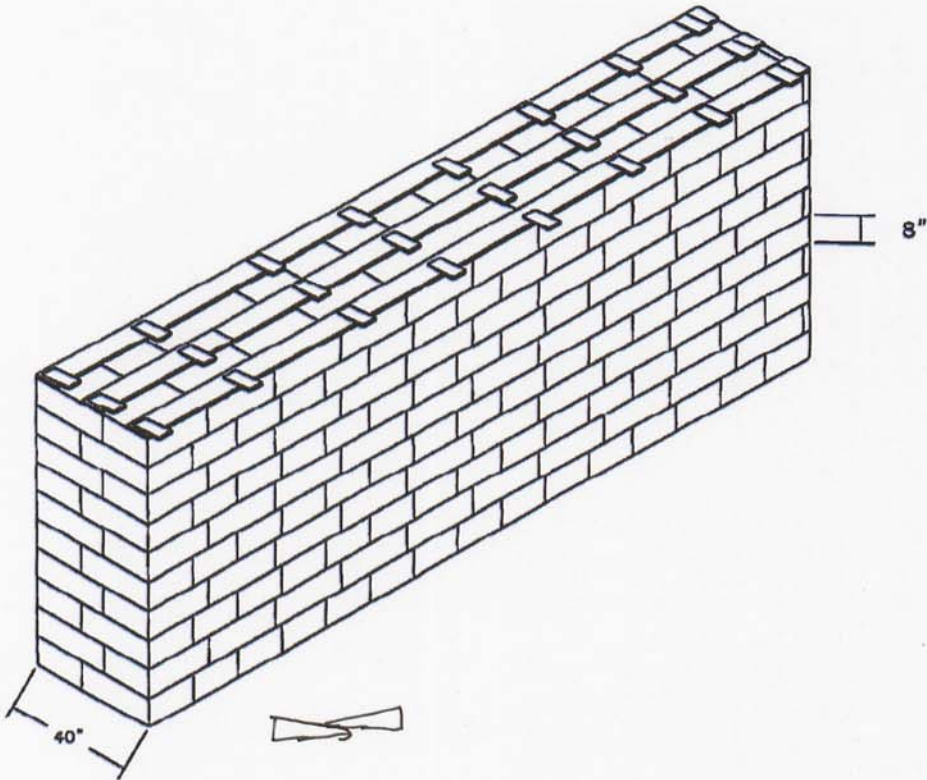


Scale: 1" = 50'



*40" THICK OMEGA BLOCK SEAL
FOR USE WITH SEALS UP TO 8 FT HIGH BY 20 FT WIDE
NO HITCHING REQUIRED*

1. Total thickness of completed seal shall be 40 inches
2. No hitching required
3. Joints must be staggered
4. All joints shall be a minimum $\frac{1}{4}$ inch thick and be motored using "BlockBond"
5. Three rows of wood planks running the entire length of the seal shall be installed across the top of the seal
6. Wedges will be placed on 1' centers or less with "BlocBond" used to fill the gaps
7. "BlocBond" shall be used as full face coating on both sides of the seal.



- seals shall be at least 10 feet from the corner of the pillar
- Sampling pipes shall be installed as per 75.335