

01 STATEMENT UNDER OATH
02 OF
03 CASEY ALDEN SHORT
04
05
06 Taken pursuant to Notice by Miranda
07 D. Elkins, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at the U.S. Bankruptcy
10 Court, 324 West Main Street,
11 Clarksburg, West Virginia, on Monday,
12 January 25, 2006, at 12:52 p.m.

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6

01 I N D E X

02
03 INTRODUCTION 8 - 16
04 WITNESS: CASEY ALDEN SHORT
05 QUESTIONS
06 By Mr. O'Donnell 16 - 105
07 By Mr. Mills 105
08 By Mr. O'Donnell 105 - 149
09 By Mr. Mills 149 - 150
10 By Mr. O'Donnell 150 - 157
11 CERTIFICATE 158

12
13
14
15
16
17
18
19
20
21
22
23
24
25

7

01	EXHIBIT PAGE		
02			PAGE
03	NUMBER	DESCRIPTION	IDENTIFIED
04	One	Map of Seal Sites	58
05	Two	Drawing of	
06		Omega Block	68
07	Three	40" Thick Omega	
08		Block Seal Diagram	111
09			
10			
11			
12			
13			
14			

15
16
17
18
19
20
21
22
23
24
25

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

02 -----

03 MR. O'DONNELL:

04 My name is Joe
05 O'Donnell. I'm an accident
06 investigator with the Mine
07 Safety & Health
08 Administration, an agency of
09 the United States Department
10 of Labor. With me is Bob
11 Wilson from the Solicitor's
12 office, and Brian Mills with
13 the West Virginia Office of
14 Miners' Health & Safety &
15 Training.

16 I have been assigned to

17 conduct an investigation into
18 the accident that occurred at
19 the Sago Mine on January the
20 2nd, 2006, in which 12 miners
21 died and one was injured. The
22 investigation is being
23 conducted by MSHA and the West
24 Virginia Office of Miners'
25 Health, Safety & Training to

9

01 gather information to
02 determine the cause of the
03 accident. And these
04 interviews are an important
05 part of that investigation.

06 At this time the
07 accident investigation team
08 intends to interview a number
09 of people to discuss anything
10 that may be relevant to the
11 cause of the accident. After
12 the investigation is
13 completed, MSHA will issue a
14 written report detailing the
15 nature and causes of the
16 accident. MSHA accident
17 reports are made available to
18 the public in the hope that
19 greater awareness about the

20 causes of accidents can reduce
21 their occurrence in the
22 future.

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

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

20 This interview with Mr.
21 Short is being conducted under

22 Section 103(a) of the federal
23 Mine Safety & Health Act of
24 1977 as part of an
25 investigation by the Mine

11

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

11 This interview is being
12 conducted at the U.S.

13 Bankruptcy Courthouse in
14 Clarksburg, West Virginia on
15 January 25th, 2006.

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

23 Mr. Short, the
24 interview will begin by my

25 asking you a series of

12

01 questions. If you do not
02 understand a question, please
03 ask me to rephrase it. Feel
04 free at any time to clarify
05 any statements that you make
06 in response to the questions.
07 After we have finished asking
08 questions, you will have an
09 opportunity to make a
10 statement and provide us with
11 any information that you
12 believe may be important.

13 If at any time after
14 the interview you recall any
15 additional information that
16 you believe may be useful in
17 the investigation, please
18 contact Mr. Richard Gates at
19 the phone number or e-mail
20 address provided to you with
21 these business cards, and
22 there's also one from the
23 State of West Virginia.

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 please let me know.

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

18 If any part of your
19 statement is based not on your
20 own first-hand knowledge, but
21 on information that you
22 learned from someone else,
23 please let us know. Please
24 answer each question as fully
25 as you can, including any

14

01 information you have learned
02 from someone else. We may not
03 ask the right question to

04 learn the information that you
05 have, so do not feel limited
06 by the precise question asked.
07 If you have information about
08 the subject area of a
09 question, please provide us
10 with that information.

11 At this time, Mr.
12 Mills, do you have anything
13 that you'd like to add on
14 behalf of the State of West
15 Virginia?

16 MR. MILLS:

17 Mr. Short, the West
18 Virginia Office of Miners'
19 Health, Safety & Training is
20 conducting this interview
21 session jointly with MSHA and
22 are in agreement with the
23 procedures outlined by Mr.
24 O'Donnell for these interviews
25 that will be conducted here

15

01 today. But the Director
02 reserves the right, if
03 necessary, to call or subpoena
04 witnesses or require the
05 production of any record,

06 document, photograph or other
07 relevant materials necessary
08 to conduct this investigation.

09 MR. O'DONNELL:

10 Mr. Short, you're
11 permitted to have a
12 representative with you during
13 this interview and may consult
14 with your representative at
15 any time. You may designate
16 any person to be your
17 representative. Do you have a
18 representative with you?

19 MR. SHORT:

20 Yes, sir.

21 MR. O'DONNELL:

22 And who is that?

23 MR. SHORT:

24 Joe Yuhas.

25 MR. O'DONNELL:

16

01 And have you selected
02 him to be your representative?

03 MR. SHORT:

04 Yes, sir.

05 MR. O'DONNELL:

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

09 be conducted?

10 MR. SHORT:

11 No.

12 MR. O'DONNELL:

13 Can we please swear in,

14 Mr. Short?

15 -----

16 CASEY ALDEN SHORT, HAVING FIRST BEEN

17 DULY SWORN, TESTIFIED AS FOLLOWS:

18 -----

19 BY MR. O'DONNELL:

20 Q. Could you please state your
21 full name and spell your last name?

22 A. Casey Alden Short, S-H-O-R-T.

23 Q. And your address and phone
24 number, Casey?

25 A. [REDACTED]

17

01 [REDACTED]

02 Q. And are you appearing here
03 voluntarily?

04 A. Yes, sir. [REDACTED]

05 [REDACTED]

06 Q. Did you talk to anyone about
07 your interview statement here today?

08 A. Does anybody know I'm here?

09 Q. No. Did you discuss your
10 interview statement today with anyone

11 else other than your Counsel?

12 A. What I'm going to say to you?

13 No, sir.

14 Q. Okay. Thank you. May I call
15 you Casey?

16 A. Yes, please.

17 Q. You can call me Joe. How many
18 years of mining experience do you
19 have, Casey?

20 A. I'm brand new. I started
21 October 31st.

22 Q. October 31st of last year?

23 A. Yes, sir.

24 Q. And tell me what you've done
25 since you've been in the mine?

18

01 A. I've built a lot of stuff.
02 Stoppings, overcasts, seals. We've
03 laid water line. I'm just --- I'm a
04 general laborer. That's what I do.

05 Q. The whole time, has it been at
06 Sago Mine?

07 A. Up until the accident it was.

08 Q. Okay. And you said you were a
09 general laborer; right?

10 A. Yes, sir.

11 Q. Were you scheduled to work the
12 day of the accident?

13 A. Yes, sir.

14 Q. And were you on the mine
15 property?
16 A. Yeah.
17 Q. Tell me a little bit about
18 what time you got there and what your
19 observations were?
20 A. I got there about five 'til
21 6:00. I always get there between
22 five 'til and five after. It's
23 usually six o'clock. We're due to go
24 in at 7:00. And most time I just go
25 in to hang out a little bit, and I

19

01 always try to catch the other section
02 crew before they go in, and
03 --- to mess around with them a little
04 bit before we go inside. So I waited
05 around and started getting ready and
06 put my stuff on, and my --- the crew
07 I go in with, there's just three of
08 us that always work hand-in-hand. And
09 then there's four bosses that work
10 with us, too. I might wait for them
11 to get there, and about --- I guess
12 about 6:15 I had all my stuff ready
13 to go and get on, and George Brooks
14 and Skip, they were there.

15 It was raining real hard.

16 Raining hard and storming. And I
17 remember what time it was, it was
18 about 6:30 I got ready to go to the
19 lighthouse to get my light. I
20 remember what time it was, because it
21 lightning and thundered real bad, and
22 Basil --- I think Basil had just
23 gotten there. So I looked up at the
24 clock, you know. And the clock's
25 right there where you go out the

20

01 door, and it was lightning real hard,
02 thundering. And I opened the door
03 and just raining to beat the band,
04 you know. And I shut the door, and
05 went that crack of thunder, my boss,
06 Skip, or --- James Scott's his name.
07 He looked at me and George and he
08 said that felt like an explosion.
09 That's exactly what he said. So we
10 went ahead and went over to the
11 lighthouse, and we went --- you know,
12 just things.

13 Q. So were you standing by a
14 window?

15 A. There's no window in the
16 building.

17 Q. Okay. But you say you felt
18 the building shake?

19 A. Oh, yeah. It rumbled the
20 building. But I think it was
21 thunder. I mean, it happened at the
22 same time, you know, thunder and
23 lightning.

24 Q. Yeah. So you couldn't see a
25 flash or anything?

21

01 A. Oh, Lord, no.

02 Q. Okay.

03 A. I was inside the building.

04 Q. Who is your boss?

05 A. James Scott. His name is

06 Skip.

07 Q. Skip. You can call him Skip,
08 because up until today, no one knew
09 his name.

10 A. I didn't know his name, and I
11 worked for him. I didn't know his
12 name. I thought his name was Skip.

13 Q. So Skip is your supervisor,
14 and has he been your supervisor since
15 you started there?

16 A. When we first started, he
17 wasn't our supervisor for a few days.

18 They were building an intake. We
19 worked with Jeff --- I forget Jeff's
20 last name. Do you have any idea?

21 Q. Yeah, but it doesn't matter.
22 Snyder?
23 A. Yeah. Yeah, Snyder. He was
24 our boss for the first couple days,
25 maybe a week, and then from then on

22

01 we worked with Skip.

02 Q. So you worked with Skip every
03 day?

04 A. Every day.

05 Q. And who's the rest of your
06 crew? Who are the other guys that
07 you work with?

08 A. Mainly it's been me, Skip and
09 George.

10 Q. George who?

11 A. Brooks.

12 Q. George Brooks. Okay. You
13 said that you had four other ---?

14 A. Bosses?

15 Q. Yeah. Who are they?

16 A. We got Harmon, Mike Triplett,
17 Marty Conrad and John Jackson.

18 Q. Well, these guys are all
19 bosses, too. How do they --- I
20 thought Skip was just your boss?

21 A. Well, being new ---.

22 Q. How does that work?

23 A. Being new, everyone tells you

24 what to do.

25 Q. Oh, okay.

23

01 A. I mean, there's no short-
02 handedness for someone to tell you
03 what to do in the coal mines, I don't
04 think.

05 Q. So you have some interaction
06 with them throughout the day then;
07 right?

08 A. We didn't for --- we didn't
09 for a long time. Probably maybe
10 about --- for the first month we
11 didn't really. Maybe November we
12 started seeing them a little bit, and
13 then --- or not November, December.
14 And then as December progressed, the
15 more interaction we had with them,
16 the more we worked with them.

17 Q. So the start of the shift you
18 looked up, 6:30, what was your next
19 observation? What happened?

20 A. Well, we went on to the
21 lighthouse, the dispatcher's office.

22 Q. Yeah.

23 A. And of course, no one really
24 knew what had happened. I mean, if
25 anything had happened at that time,

01 and then the mine boss, you know, the
02 computer system. It's called the
03 mine boss. I'm sure you know.

04 Q. Right. Okay.

05 A. Of course, it was going off,
06 because I guess the belt had shut
07 down and they had CO sensors. You
08 could see the CO sensors going off.
09 They was flashing red and stuff. I
10 don't know how long it took them to
11 go off, but during this process,
12 those were flashing and that was
13 going off, and you could hear --- of
14 course, Flea was in there.

15 Q. Flea is the ---?

16 A. Dispatcher. And I don't know
17 his real name either. But Flea was
18 in there, and almost immediately, you
19 know, they started trying to get in
20 contact with One Left and Two Left
21 crew to see if everything was all
22 right, you know.

23 Q. Who is they?

24 A. Who was trying to? Well, you
25 could hear --- of course, Flea was

01 hollering for them, but then Dick
02 Wilfong, he was hollering on the mine

03 phone. He's got one in his office,
04 and you could just hear him, just ---
05 I mean, trying to follow --- beat the
06 band to get ahold of somebody to make
07 sure everything was all right, you
08 know.

09 Q. You said it was squawking, the
10 monitor? Does it squawk the same way
11 for belts down as it does for CO, or
12 is it two different distinct kinds of
13 alarms?

14 A. You know, I've been real lucky
15 since I started in the mines until we
16 went to this new mine. I've been
17 underground every day but two.

18 Q. Okay.

19 A. So I don't know a lot about
20 that mine boss really.

21 Q. So what you did, you were
22 close to where the dispatch shanty's
23 at; right?

24 A. Our shower house is probably
25 20 yards at an angle. So the actual

26

01 distance from it is probably 20 feet.
02 But from the shower house door to the
03 dispatcher door maybe about 20 yards,
04 because it's a trailer. And then the

05 shower house is a big building and
06 we're on one end.

07 Q. So after you went in there and
08 you saw the monitor flashing and all
09 the people calling on the phone
10 trying to get ahold of people, tell
11 me what happened after that?

12 A. Well, a little bit of time
13 went by, and they kept trying to get
14 ahold of people, you know, to see
15 what had happened. And I'm going to
16 be real honest with you. I've been
17 around mining all my life, and I'll
18 tell you what, I was nervous, because
19 I know --- this is because I've been
20 around, I know the worse that could
21 happen. So I was nervous. I wanted
22 to see what I could do to help or
23 whatever. So I can't remember whose
24 voices I could hear on the mine
25 phone, because you know how a mine

27

01 phone works. When you pick it up ---

02 Q. Yeah.

03 A. --- that's the end of what you
04 can hear. I mean, most of the time
05 you start hearing through the
06 receiver.

07 Q. Did you hear any squawking

08 back on the pager phone or on the
09 trolley phone?

10 A. Eventually, we did hear some
11 people. The first person I remember
12 hearing from, that I remember hearing
13 from was John Boni. And John Boni
14 --- and like I said, I know I didn't
15 hear all of his conversation, because
16 eventually they picked up the phone,
17 you know.

18 Q. Yeah.

19 A. But my understanding through
20 Flea was, he thought that there had
21 been a big fall, because --- a big
22 roof fall, because he could feel the
23 pressure off of it from where he was
24 at. I guess he was --- I don't know
25 how you --- you said you wanted me to

28

01 phrase it a certain different way,
02 but ---.

03 Q. Whatever way it feels
04 comfortable for you. That's all.

05 A. Where he was outby, I guess.

06 Q. Yeah.

07 A. And I'm sure he would have
08 been --- he was bound to have been in
09 the return somewhere, the way I

10 figure it. He felt the compression
11 from something. He didn't know what
12 it was at that point. And then
13 finally they got ahold of One Left
14 crew. And during this whole process
15 --- I mean, once they --- once the
16 communication was established with
17 One Left and they couldn't get ahold
18 of Two Left, they knew something was
19 wrong, you know, I guess. I mean, I
20 don't know what went through
21 anybody's mind.

22 Q. About how much time has gone
23 by now?

24 A. If I told you, I'd make
25 something up.

29

01 Q. Don't make it up then.

02 A. I have no idea. I don't have
03 any idea how much time went by.

04 Q. So you heard that the One Left
05 crew was okay and they were coming
06 out of the mine?

07 A. Yeah. We heard that, you
08 know, they was okay. And I don't
09 know where I heard it from, but it
10 was said that Owie wasn't --- Owie
11 wasn't coming out with the rest of
12 them.

13 Q. And that's Owen Jones?

14 A. Uh-huh (yes).

15 Q. Okay.

16 A. Well, during the middle of all
17 this, of course, you can still hear
18 Dick screaming for Two Left, Two
19 Left, Two Left. Two Left, Two Left,
20 anybody at Two Left. You know,
21 hollering for them. The
22 superintendent, Jeff, come over, and
23 he --- of course, he's running and
24 grabbing. He gets his light and he
25 tags in and everything. And Jeff,

30

01 Al, and Dick finally comes over ---
02 well, actually, I was the last one to
03 come over. Dick came in and Vern.
04 They all get ready and they go
05 inside. Well, they go inside and
06 I ---.

07 Q. And you're listening to all
08 this on the phone?

09 A. Yeah, running around. When
10 Jeff came over, and of course, me ---
11 he wouldn't let me, of course, but me
12 and George both wanted to go in and
13 help, you know, because --- just
14 because we're there. We wanted to

15 help, you know. We wanted to go do
16 something. And of course, he told us
17 explicitly that we couldn't help, and
18 they went ahead and entered the
19 mines. And I don't have any idea
20 what time that was. I can tell you
21 it was still raining. I was getting
22 wet. I don't know what time it was,
23 though.

24 Q. So how long did you stay
25 there?

31

01 A. That day?

02 Q. Yeah.

03 A. Oh, I didn't go across the
04 bridge until after 6:00.

05 Q. That evening?

06 A. Uh-huh (yes).

07 Q. Other than what you heard on
08 the telephone and the conversations,
09 what kind of role did you play? Did
10 you help in any way, did you --- tell
11 me what you did.

12 A. Well, we --- some time went
13 by, and of course, you know, the
14 people, they're still trying to get
15 ahold of Two Left. We knew One Left
16 was headed out, but we didn't know
17 where they was. Honest to goodness,

18 we didn't know what kind of shape
19 they was in. It was dark. You
20 couldn't see nothing. We couldn't
21 see no signs of smoke or nothing, you
22 know what I mean, like that coming
23 out of the pit mouth. I mean, so
24 that makes you kind of think, well,
25 maybe it was just a fall. So anyway,

32

01 that's just what I was thinking.

02 So Jeff goes inside and
03 somewhere between the time that Jeff
04 goes inside and I'd say 20 minutes
05 later One Left crew starts walking up
06 over the hill, but before they come
07 over the hill, I'm in the lighthouse
08 just trying to --- you know, what can
09 we do, guys? What can we do?

10 Q. Had ambulances already arrived
11 by then?

12 A. No.

13 Q. Okay. So this was still
14 pretty early on?

15 A. This happened 6:30, this was
16 probably 7:15, somewhere in there.

17 Q. Okay.

18 A. I mean, I'm just ---.

19 Q. That's fine.

20 A. You know, like I said, I
21 wasn't paying a bit of attention to
22 my watch. I know it was still dark.
23 But Jeff, when he went in, I guess,
24 and kind of seen what was going on,
25 that it was a bad situation, I know

33

01 for sure he called back out and he
02 told Flea to start --- and he gave
03 him a list of people to get ahold of.
04 MSHA, mine inspectors and Johnny
05 Stemple, I think. He gave a list of
06 names. And I remember the one
07 individual called back, and George
08 was standing over by the pager phone
09 and everything. And when this
10 individual called, I know Jeff wanted
11 to talk to him. And they put that
12 call into the mines. And they was
13 able to talk to one another. And
14 then after whoever was on the phone,
15 I don't ---.

16 Q. So somebody from --- away from
17 mine property was talking to Jeff
18 underground?

19 A. Uh-huh (yes).

20 Q. And who was that guy?

21 A. I'm thinking --- I thought it
22 was --- I thought they said --- I

23 don't know. I was thinking Johnny
24 Stemple, but that may just be a name
25 that I've heard, because I know I've

34

01 met Johnny Stemple. But I don't know
02 if that's who it was or not.

03 Q. Did you hear any part of that
04 conversation? Not at all?

05 A. No. Though, Dick called ---
06 or we --- Jeff or Dick, once that
07 conversation was done and over with,
08 said they had some stoppings and
09 stuff out. Well, they was going to
10 need curtain and fly boards and
11 nails, and then that's whenever I
12 started to be able to help finally.

13 Q. So did you go down over the
14 hill then?

15 A. Oh, yeah.

16 Q. And did you ever go into the
17 mine that day?

18 A. No.

19 Q. Did you take any gas readings,
20 or ---?

21 A. I didn't.

22 Q. Okay. Do you know of anybody
23 that did?

24 A. Well, yeah, after a lot of

25 time went by.

35

01 Q. Yeah.

02 A. Everybody was --- I mean,
03 there was --- I don't if any of you
04 all was there, but there was
05 truckloads of inspectors, and they
06 had their gas --- they was taking gas
07 readings up at the shower house. And
08 I know --- I'm almost positive that
09 --- I know he did. Skip went down a
10 couple times to the pit mouth and
11 took gas readings and stuff like
12 that. So yeah, people were taking
13 gas readings, but you know, at this
14 point, still --- I don't guess
15 anybody really knows what had
16 happened.

17 Q. Yeah. Who was in charge
18 pretty much?

19 A. The inside or outside?

20 Q. Both.

21 A. The superintendent was there.

22 Q. Jeff?

23 A. Jeff.

24 Q. He was underground. So he was
25 running the underground. And who was

36

01 running things on the surface?

02 A. There wasn't much of us left
03 up top.

04 Q. Oh, okay.

05 A. The dispatcher, as I've said a
06 hundred times since then, I was glad
07 I wasn't him that day. He had a hard
08 job.

09 Q. Yeah.

10 A. But once they finally gave me
11 and George something to do, because
12 there wasn't many of us left outside.
13 There was me and Skip, George and
14 Basil, and I don't think Mike had got
15 there yet. The other motorman, I
16 don't think he had gotten there yet.
17 And then Flea --- or Muff ---.

18 Q. Who's Muff?

19 A. I have no idea what his real
20 name is.

21 Q. Okay.

22 A. He's the guy that runs the
23 extended boom outside.

24 Q. Okay.

25 A. A little guy with a beard. He
01 was outside. Well, he runs the
02 extended boom, the forklift. So he
03 runs over in the forklift and gets

04 the fly boards. Well, I run to the
05 --- see, we got a supply trailer
06 there beside the dispatcher's office
07 and I get two boxes of nails and run
08 in the office and get a bucksaw,
09 anything I think they may need to
10 hang curtains.

11 Q. So what you did was, when
12 Wilfong came out ---?

13 A. No, he hadn't came out yet.

14 Q. Who ---?

15 A. They called from inside.

16 Q. Okay. They came out, and you
17 helped load stuff up?

18 A. Well, we --- they hadn't came
19 out yet.

20 Q. Okay.

21 A. I mean, this may not be
22 important. They hadn't came out yet,
23 but Muff, the guy that runs the
24 extended boom, he went and got some
25 fly boards, and we went down in the

38

01 pit mouth and he dropped off the fly
02 boards and stuff. And then me and
03 George and Muff, we loaded up the
04 mantrip full of curtain, stacked fly
05 boards on, threw the nails in. And
06 then Dick came out and Vern.

07 Q. Okay.

08 A. And Dick took the ---.

09 Q. And then, when you were done
10 at the bottom, you went back up to
11 the bathhouse, and what did you do
12 the rest of the day?

13 A. Well, as we was --- just the
14 same time as we was going down in the
15 pit mouth, One Left crew was coming
16 out.

17 Q. Okay.

18 A. And we passed by them, and you
19 know, of course, they was, you know,
20 bad --- no one was hurt real bad, but
21 just filthy, and you could tell
22 something was wrong. But anyway,
23 went down there and done what we
24 done, so we run back out and seen
25 these guys --- as dirty as they was,

39

01 you know, debris and a lot of stuff,
02 so I did --- I run back to the pit
03 mouth and got a case of water,
04 because I know these guys need to
05 wash their mouths out, and that's
06 where we keep our water at, down the
07 returns so it don't freeze. And just
08 right at the pit mouth in front of

09 it, it's there when you come out.

10 I ran over and got a case of
11 water and came back, and Doc --- you
12 know, Doc. I have no idea what his
13 real name is.

14 Q. Do you know Doc?

15 A. Well, Doc, he was on One Left
16 crew, I'm sorry.

17 Q. Okay.

18 A. He was in the lighthouse and
19 he was having a hard time breathing.
20 So I told Butcher, Butcher's an EMT,
21 you need to go need to look at Doc,
22 and --- Mike Butcher.

23 Q. Who are you referring to as
24 Doc? What's his name?

25 A. I have no idea.

40

01 Q. Okay. Well, I didn't know who
02 you were ---?

03 A. I'm sorry.

04 ATTORNEY YUHAS:

05 Is he just a guy on the
06 One Left crew?

07 MR. O'DONNELL:

08 Yeah, just a crew guy.

09 ATTORNEY YUHAS:

10 Okay.

11 BY MR. O'DONNELL:

12 Q. All right.

13 A. So he was sitting in the
14 lighthouse, you know, and I ran over
15 --- basically all I could do, you
16 know, is just try to help them guys.
17 I flushed one guy's eyes out for
18 quite a while. An EMT --- it was
19 shortly thereafter the EMTs arrived
20 on site, or the, you know, ambulance
21 services and stuff came on site. And
22 then they pretty well took care of
23 everything else.

24 Q. And you just stayed there for
25 the rest of the day in support?

41

01 A. You never know --- I didn't
02 know what --- they may say, hey, come
03 on, we need to build some stoppings.

04 Q. No, no. What you did was
05 fine. I mean, that's good. But you
06 didn't have any other involvement
07 other than just what you were doing
08 then; right? Just posted on the
09 surface and ready to do what was
10 needed?

11 A. Right. I didn't do nothing
12 else.

13 Q. Okay. Is there anything you

14 want to add to that that maybe I
15 didn't ask, that I might have missed
16 that was important as far as the
17 communication between anybody,
18 or ---?

19 A. Well, after everybody came
20 out, I know that --- what's his name?
21 That one fellow, I can't remember
22 his name. We talked about him over
23 and over. I know he continued to ---
24 he was on One Left crew. He came out
25 and he sat in Dick's office. And

42

01 every couple minutes, he kept yelling
02 for Two Left, Two Left, Two Left. I
03 don't know if that's important, but I
04 know that the guy was back at the
05 shower house this time, because there
06 was just so much going on inside the
07 lighthouse that I just left. And you
08 could hear him hollering for them,
09 just --- for hours.

10 Q. So somebody was always trying
11 to communicate?

12 A. Uh-huh (yes). And I didn't
13 mention this to you. This is
14 probably pretty important, but
15 eventually, I guess you all know that
16 --- it's self-explanatory, but Jeff

17 and Owie came out with him, and those
18 guys that entered later all did come
19 back out.

20 Q. Right.

21 A. I didn't say that, but they
22 did.

23 Q. It's all important. Okay. So
24 when would be the next, I guess, ---
25 when did you work prior to the day of

43

01 the accident? When was your last
02 day?

03 A. The day before.

04 Q. Oh, okay. I mean, I don't
05 remember what day of the week that
06 was, but we didn't miss any days. Do
07 you know what day of the week it was?

08 Q. Monday.

09 A. Oh, well, then I'm glad ---
10 because we didn't work that weekend.
11 We worked Friday.

12 Q. Okay. So I take it then since
13 you started in October, you don't
14 have any mining certificates?

15 A. Just my apprentice miner and
16 my hazard training forms and stuff.

17 Q. Okay. Other than that --- and
18 the only time you worked in the mine

19 is ---

20 A. Yes.

21 Q. --- right here at Sago? Okay.

22 Now, how familiar are you with those

23 seals that were built up in the old

24 Two mains?

25 A. I worked on every one of them,

44

01 but one for sure, maybe two. I think

02 I worked on every one of them but

03 one. And I think it was Number Six,

04 but I couldn't swear to that, which

05 one was already built by the time we

06 got there.

07 Q. So you worked on just about

08 all of them except one?

09 A. Yeah. There was one that was

10 completely finished.

11 Q. Would you say that you began

12 and completed construction from start

13 to finish? You know the process from

14 the time you start until the time

15 that you ended; right?

16 A. Well, my first day in the

17 mines, that was the first time I had

18 ever done it, and that's what we was

19 doing that day.

20 Q. And who did you work for? You

21 worked for Skip?

22 A. No. The first couple days,
23 Jeff Snyder. And even those first
24 couple days, those bosses did filter
25 in. I mean, for the very first day,

45

01 we worked with Harmon, Mike, Jackson,
02 Marty. They was there.

03 Q. What kind of special
04 instructions did they give you about
05 how to build it? Did they show you
06 any of the specifications,
07 instructions how to build it, or did
08 they explain those instructions to
09 you?

10 A. Jeremy Toler?

11 Q. Yeah.

12 A. He was the one that was there
13 when we first started that day. I
14 guess --- you know, I can't remember
15 the first day we ever started, if we
16 went in at 7:00 and they done started
17 at 6:00, and were already at the old
18 Two Left working on them. We didn't
19 --- I don't think we rode in with
20 them that morning. But anyway ---
21 that's not true. We did ride in with
22 them that morning. But he was the
23 one that was with us and started

24 showing us how to do it. I guess he
25 had built them in the mines he worked

46

01 at before. And us being general
02 laborers, you know, we didn't have to
03 do much measuring or anything like
04 that. It's just block laying.

05 Q. Did he tell you how to do it
06 by showing you? I mean, did he say
07 this is how you do it, or did he
08 explain to you how to do it?

09 A. When we first started with the
10 one that we started building, it was
11 already knee high. I mean, it had
12 been built, I guess, the day before
13 up to knee high probably. So yeah,
14 we --- of course, you know, he had to
15 show us that our blocks had to ---
16 one row had to be laid without and
17 the other had to be --- you know,
18 you've seen an Omega block, I think
19 they're 24 by 18 by 8, and they also
20 come in six-inch thickness, too. And
21 one row will go the 24-inch inby, the
22 outby side of that row will be, you
23 know, the 18-inch facing this way. I
24 know you can't record this, but you
25 got a long block facing this way, and

47

01 on the back side you have your blocks
02 facing the other way. And yeah, of
03 course, he had to show us that,
04 because we wouldn't have known to do
05 that.

06 Q. Okay.

07 A. And then how to mix the mud
08 and all that stuff.

09 Q. So who was with you? I mean,
10 Jeff came up and instructed you and
11 who else?

12 A. Me and George. Me and him
13 started the same day.

14 Q. Oh, so he's --- all right.
15 And you were the only two that were
16 up there laboring?

17 A. No, no. Jeremy, he always
18 worked hand-in-hand with us.

19 Q. Okay.

20 A. And a guy named Seth. I think
21 it --- I don't know his last name,
22 though. He went to Massey. I don't
23 know his name.

24 Q. Okay. So what --- just talk
25 about that day. Did he tell you that

48

01 --- was there anything special about
02 the cement that you were using?

03 A. Well, yeah, but he never
04 really told us what was so special
05 about it. We learned later that, you
06 know, it's full of fiberglass and it
07 eats your skin off real good. You
08 know, of course, he showed us how to
09 lay the blocks.

10 Q. Right.

11 A. And you can't learn as much
12 from --- I mean, he taught us from
13 midways up. He wasn't able to teach
14 us how the --- what you need to do on
15 foundation and stuff, because that
16 foundation had already been leveled
17 up and stuff like that.

18 Q. Right.

19 A. But you know, he told us how
20 to lay the blocks, alternate them so
21 they'd be tied in together and stuff.
22 And when we got to the top of it, I
23 guess at that point would have been
24 the point where he said, you know,
25 you can't have over so much wood on

49

01 top of it, and they've got to have
02 fly boards across the top of them.
03 You know, it was a learning process.
04 We had to be showed how.

05 Q. So he stayed there with you

06 step by step?

07 A. Jeremy? Yeah, he was a good
08 teacher. I mean, he helped us out a
09 lot. And you know, the main thing on
10 the seal, I'm sure all ya'll built
11 them before, I guess, is --- you
12 know, just there's not a whole lot of
13 hard stuff to do. You just stack
14 blocks up and make sure they're
15 mudded in, mud around them, mud the
16 ribs, you know, and just make sure
17 that, you know, they're built good.

18 Q. Let's just go back. Now, that
19 was your first day, and you got ---?

20 A. My first day.

21 Q. He was teaching you how to
22 build one from halfway up. Let's
23 start with one that you started from
24 scratch.

25 A. All right.

50

01 Q. Okay. Tell me a little bit
02 about how you prepared the area?

03 A. Well, my understanding was,
04 because me being new, I'm trying to
05 learn everything I can, you know.

06 Q. Sure.

07 A. My understanding is with these

08 seals, if they're over a certain
09 height, well, a whole new set of
10 rules come in. I mean, they have to
11 be thick or built different so on and
12 so forth. You already know all this
13 stuff, but ---. I guess all the
14 areas that was going to be --- they
15 were going to be built in were
16 already pre-selected, because ---.

17 Q. Yeah. Were they marked on the
18 rib where you had to build them?

19 Somebody had picked the location?

20 A. Somebody had done figured out,
21 but I guess they walked through there
22 with an inspector or something and
23 they must --- the person that had the
24 roof control plan, somebody, had to
25 have told them, because they knew,

51

01 hey, this one can't be built here,
02 it'd be too high.

03 Q. Okay.

04 A. You know. So yeah, they was
05 marked where they needed built and
06 everything, and ---. As far as
07 getting the foundation ready?

08 Q. Yeah. How much did you clear
09 out, what was the bottom like?

10 A. It all depended. You know,

11 every seal we built was different.
12 And everywhere in the coal mine was
13 different. Sometimes you're building
14 in mud, and sometimes you're building
15 on solid rocks. But we was real
16 lucky up on Two Left. It's dry up
17 there, I mean, where we built the
18 seals. And it just needed leveled
19 out, you know. We always tried to
20 take it down to solid ground, you
21 know.

22 Q. Did you do it by hand or did
23 you use a scoop?

24 A. Well, depending on how you all
25 have them numbered, there was one we

52

01 had to clear out with a scoop because
02 it had been --- and you all probably
03 already know this, too, but it had
04 been gobbed off. They piled gobbing
05 stuff there previously. And that one
06 was cleared out with a scoop. For
07 the most part, the small work --- I
08 mean, that was a pretty clean section
09 up there, you know. Most of it could
10 be done, you know, with a hoe and
11 shovel, like that.

12 Q. So how much of the bottom ---

13 like if the stopping --- if the seal
14 was in a location, how far did you
15 clear out in front and back?
16 A. Well, the main thing when we
17 first started building, as far as the
18 front and back, we never --- of
19 course, unless it was completely
20 blocking --- blocking us from working
21 on it.

22 Q. Yeah.

23 A. We had to clear it with ---.
24 I mean, if it was just a couple
25 stumble hazards or stuff, we'd move

53

01 those. But we'd just clear off the
02 foundation, just like you would for a
03 house or something, so you'd have a
04 good foundation to work with.

05 Q. What about the rib, did you
06 have to scrape the rib down, or ---?

07 A. There was --- on the Nine ---
08 well, the Nine seal and Ten seal, the
09 top was --- not so much the ribs, but
10 you know, the top would --- varied a
11 little bit and it made it harder to
12 put your top in. The ribs didn't
13 need cleaned off that much, no.

14 Q. Okay.

15 A. Maybe just straight down at

16 the bottom, but that was ---.

17 Q. Now, you know there was wire
18 mesh in the roof in some of them?

19 A. Some of the entries had wire
20 mesh in them.

21 Q. Did you remove that wire mesh
22 at all?

23 A. I never messed with any wire
24 mesh. I never ---.

25 Q. Okay. Do you recall any of

54

01 that when you were putting the top
02 row up being in the seal?

03 A. You know, I --- there would
04 have had to have been some screened
05 entries in there, in Two Left I would
06 have thought. But I know that ---
07 usually in our mines --- I don't
08 know. Am I allowed to talk like
09 this?

10 Q. Talk anyway you'd like.

11 A. All right. In our mines, our
12 roof control plan --- or no, I guess
13 there wouldn't be as much roof
14 control plan, but we always screen
15 our intake. But I know on our tenth
16 seal that there wasn't any screen in
17 that one, because the top was shotty

18 in there. But as far as messing with
19 screen, I really don't ---.

20 Q. You didn't mess with any of
21 it?

22 A. No. Now, I know that they had
23 said --- I'll tell you who said it.
24 It was Jeremy who told me that they
25 had had to take some screen out. But

55

01 as far as me having to take any out,
02 I didn't take any out.

03 Q. Okay. Only what you know and
04 what you did, that's all. What
05 about ---?

06 MR. MILLS:

07 If you can just clarify
08 something. I think he's
09 mentioned Jeremy. Is he
10 talking about Jeff Toler, or
11 that's another one?

12 A. Jeff ---.

13 BY MR. O'DONNELL:

14 Q. Who is Jeremy?

15 A. He's a black hat. He worked
16 with us for quite a while and then
17 they put him in section.

18 Q. That's Jeremy ---?

19 A. It's Jeremy Toler.

20 Q. And it was Jeff's ---?

21 A. That's his son.

22 Q. That's his son. Okay. Where
23 was I?

24 A. You was asking me about the
25 wire, and then I gave you an answer.

56

01 Q. Okay. What about the roof
02 control --- now we got the area set
03 up. You say the bottom, you went
04 down to hard bottom. Was all the
05 bottom hard that you prepared for the
06 seals?

07 A. Well, like I said, up there,
08 it was pretty dry up there.

09 Q. Okay.

10 A. So most of it was pretty ---
11 we was pretty lucky, we weren't
12 wading in mud up there, most places
13 that were selected to build the seals
14 in.

15 Q. Did you have to build any
16 cribs behind them to start with?

17 A. Yeah. You asked earlier how
18 far in front and behind we cleared.

19 Q. Yeah.

20 A. Now, we didn't build the cribs
21 first. The way we built them was
22 usually there would be a man

23 accompanying --- on the best case
24 scenario, it would be two men on
25 front and two men in back.

57

01 Q. Right.

02 A. Depending on how many men you
03 had, it had varied. But there would
04 be a couple men in the back, and when
05 you was setting up your area to start
06 building, in the perfect world, your
07 boss had already set two bundles of
08 cribs back there so you could build
09 those cribs when he left on the inby
10 side. But yeah, we --- about five
11 foot in front and five foot behind.
12 We had to at least have two cribs
13 set. I'm sorry.

14 Q. Go ahead.

15 A. But we had to make some
16 exceptions and build more cribs in
17 some places.

18 Q. So the minimum number was
19 two ---?

20 A. On the outer side.

21 Q. On how many of the cribs did
22 you have two?

23 A. How many of the seals do we
24 have just two in the front and two in
25 the back?

01 Q. Yeah.

02 A. I know that ---.

03 Q. Would it be better if you went
04 over and marked them on this ---?

05 A. Yeah.

06 Q. Let's go over there and see
07 what you can ---.

08 ATTORNEY YUHAS:

09 Just mark what you
10 remember.

11 A. All right.

12 BY MR. O'DONNELL:

13 Q. This will be Short Exhibit
14 One.

15 (Short Exhibit Number
16 One marked for
17 identification.)

18 BY MR. O'DONNELL:

19 Q. Okay. We'll call the seal to
20 the far left Number One, the seal to
21 the far right Number Ten.

22 A. On Number One, that was our
23 seal with the PVC pipe in it.

24 Q. Just assume I don't know
25 anything. Tell me it all.

01 A. They had PVC pipe in it, and I

02 think it was Marty, and I know Skip
03 said we needed more cribs, because he
04 kept bringing crib block. We had at
05 least four cribs behind that, at
06 least. And then, of course, we had
07 the two was close, five --- it had to
08 be within five-foot, you know, of the
09 seal. So we had the two that was
10 close to it here, and out front we
11 had three.

12 Q. And why?

13 A. Why did they ---?

14 Q. Why did you put more cribs
15 here?

16 A. On that one someone felt that
17 the top wasn't as good and they
18 didn't want the ---. Well, I know
19 why they explained it to me, because
20 I had to learn all this stuff, you
21 know what I mean. They want the
22 cribs to take the pressure from the
23 top instead of the seal taking ---
24 make the decision instead of your
25 seal breaking, you're going to go in

60

01 there and pay a man for a month and a
02 half for doing all this stuff. You
03 don't want it cracking at the top of
04 it, so we built three cribs here.

05 Q. Okay. He's talking about

06 Number One. Go ahead.

07 A. And at least --- I was

08 thinking there was five back here.

09 Like I said, we don't know for sure.

10 We had --- can we number them?

11 Q. You can just put the number up

12 here. Just put an X.

13 A. Right here we had one, right

14 there, I think. Here, of course, we

15 had one. And I know we had one back

16 here. In the intersection they look

17 good. And we had one here.

18 Q. So you had four in the back

19 and three in the front on the Number

20 One seal?

21 A. On Number One. Now, this one.

22 This one I know that we had two.

23 Q. That's Number Two?

24 A. Number Two, we had two here.

25 And then the other two right here.

61

01 Another reason, too, it makes --- I'm

02 the type of person that I'll second

03 guess myself probably quicker than

04 maybe what you would even second

05 guess me. The reason I know that all

06 these had two behind them is because

07 John Collins told me they did, the
08 mine inspector, because he went back
09 there with Marty Conrad and checked
10 them all. And we actually had to go
11 back in because we were running out
12 of cribs here, and we only had one
13 half here, and John Collins went
14 back, what we had was we went out and
15 we had to do another crib right
16 there. Then we had two here.

17 Q. That's fine. Just show me ---
18 just mark which seals you worked on.
19 Or it would probably be easier to
20 tell me which one you didn't work on.

21 A. Yeah, I think --- I know I
22 definitely put this one as far as
23 cribs and this and that.

24 Q. That would be Number Ten?

25 A. We set cribs two here, one

62

01 here and one here and we set cribs
02 all the way up.

03 Q. That had to be along the right
04 rib of the Number Ten?

05 A. Right. And on the back we set
06 the two we needed, and then this is
07 our gas check valve in this one,
08 about 18 inches from the top.

09 Q. Okay.

10 A. So our gas --- I don't know if
11 you can see it.

12 Q. Go ahead.

13 A. Our gas line was two-inch
14 steel pipe. It was like 40-feet
15 long, you know what I mean. So it
16 wouldn't hold itself up, so we had to
17 build cribs going back through to
18 hold the steel pipe and the copper
19 pipes fed through it from --- you
20 know, about --- it was about 18
21 inches down. And it was built in the
22 Number Ten seal.

23 Q. Okay.

24 A. To my best recollection, I
25 can't tell you --- I can't be honest

63

01 with you, because I'm not sure.

02 Q. Just what you know.

03 A. I don't think I built --- I
04 know I built this one, this, this and
05 this one. I'm thinking I built --- I
06 know I built these three. The one I
07 may have missed off on was this one
08 right here.

09 Q. So that would be the
10 Number ---?

11 A. The Number Seven.

12 Q. Eight.

13 A. Eight. And you know, probably
14 at that time this was when I started
15 halfway up.

16 Q. That was your first day seal?

17 A. Yes.

18 Q. Okay. So now we got the area
19 set. We got solid bottom, you said
20 all of the bottom was solid. Did you
21 set it on any mud at all?

22 A. Yeah. Yeah, what we tried to
23 do --- there again, me being new ---.

24 Q. How did you level your bottom?

25 It can't be even, so how did you

64

01 level it?

02 A. Well, of course we --- you
03 know, we worked on it with a hoe. We
04 had a hoe we was mixing it up with.
05 And most typically, we had axes and
06 stuff like that.

07 ATTORNEY YUHAS:

08 Can we go off the
09 record one second until I
10 clarify something?

11 OFF RECORD DISCUSSION

12 BY MR. O'DONNELL:

13 Q. When I asked you the question,
14 did any of the --- were any of the

15 seals started on mud, I meant mud
16 from the bottom. Bottom mud, not
17 concrete.
18 A. No, no. We tried to clear all
19 that out, because just --- you
20 wouldn't want to build your house on
21 mud.

22 Q. Right.

23 A. And it's just not something
24 you'd want to do. Most things I've
25 learned so far in the coal mines, all

65

01 that was common sense. If you do
02 what you're told, you're doing it
03 right.

04 Q. Okay. So now, if the bottom
05 wasn't even, you want to get a nice
06 flat surface, how did you do that?

07 A. We'd use B-bond.

08 Q. And how did you apply that?

09 A. Well, like I said, most of the
10 time the bottom was pretty good in
11 there, and we didn't have to build
12 --- we didn't really have to build a
13 footer, because we had a good solid
14 bottom anyway. We had to apply some
15 B-bond, dry B-bond and just level up
16 what little bit needed leveled. And

17 the best thing I --- you know, I've
18 noticed already, the moisture in the
19 mines and the moisture from the
20 ground, because whether the ground
21 seems --- when you say a dry mine,
22 you're still --- you still got creeks
23 running in the intake maybe, you know
24 what I mean.

25 Q. Right.

66

01 A. But you're not wading up to
02 your waist, like where we're at now.
03 But there wasn't much water. It was
04 maybe a little damp, but then we'd
05 try to put some dry B-bond there, and
06 that would make a good solid hard,
07 you know, foundation. And then we'd
08 start laying our blocks on top of
09 that.

10 Q. So you would lay the block
11 right on top of the hard bottom?

12 A. Well, you lay your B-bond
13 down.

14 Q. Okay. That's what I mean.
15 You emptied it, dry bags and leveled
16 it?

17 A. Yeah. And then when you got
18 that good and level and you start
19 laying your first row of block on it,

20 and then you'd start from there.

21 Q. When did you start using the
22 mixed cement?

23 A. On the first row. Yeah, none
24 of them was --- they was all --- I
25 mean, you lay your first row

67

01 down, ---

02 Q. Yeah.

03 A. --- and as you went you would
04 mud them.

05 Q. How did you do that? I mean,
06 you mixed up mud, which was the
07 B-bond you're talking about.

08 A. B-bond. That's what we call
09 it, B-bond. I'm sorry.

10 Q. That's okay.

11 A. We'd mix B-bond with water and
12 mix it in a wheelbarrow, and then
13 apply it with rubber gloves. And
14 what you'd do is, most of the time
15 --- this is what they told us, you
16 know, you want a quarter-inch seam,
17 you know, on your blocks and in all
18 your seams, which you know ---. I'll
19 be real honest with you, I don't
20 carry tape with me most of the time,
21 I never really measured the seams,

22 but it wasn't hard really to get a
23 lot of mud on them. So you'd mud
24 your block and put the mud in between
25 them, and lay them as you went.

68

01 Q. That first row, that's what I
02 want to focus on. You put your
03 B-bond down and put your first row.
04 Did you lay your first row lengthwise
05 and then the second row on end
06 towards the seal?

07 A. Can I show you how we done it?
08 I mean, it's --- and maybe you can
09 explain it better. Like I said,
10 Omega block ---.

11 MR. O'DONNELL:
12 We'll call this Short
13 Exhibit Two.

14 (Short Exhibit Number
15 Two marked for
16 identification.)

17 A. An Omega block is about
18 two foot, about 18 inches. I mean, I
19 never got my tape out measuring them.
20 And your thickness varies between
21 eight and six inches, depending on
22 what size block they brought you.
23 The ones, say, we was building with
24 the eight-inch block, and it varies.

25 The first row, the --- and this could

69

01 depend on how you started it.

02 BY MR. O'DONNELL:

03 Q. Right.

04 A. Your first row would be your

05 24-inch running this way.

06 Q. Okay.

07 A. And all these seals are two

08 rows thick. I'm sure you all know

09 that, because ---.

10 Q. Right.

11 A. I'm not the first person you

12 talked to. All right. Here would be

13 your first row block. Well, you

14 would come out here and all your

15 joints have to be staggered, see. So

16 see, this joint here couldn't hit

17 like that, it'd have to get in the

18 middle of the blocks, and --- I

19 didn't draw it good. And then this

20 row of block would run this way. And

21 that would be a row.

22 Q. Okay. So now we got that

23 first row down, as you illustrated.

24 When did you put --- did you put any

25 mixed cement down on top of the

70

01 B-bond that you had on the bottom to
02 level, or did you just put the block
03 down on it?

04 A. The blocks. We put block on
05 that and then we B-bonded these
06 blocks as we went.

07 Q. Okay. So now, the first layer
08 of B-bond that you used, you smeared
09 on top of that bottom row?

10 A. No. Well, everything has to
11 be B-bond. Your seams.

12 Q. Yeah. How did you get it in
13 the joints?

14 A. It wasn't real hard.

15 Q. If they were butted together
16 like this dry, how did you get it in
17 between the joints?

18 A. Again, these blocks are
19 different sizes. Your bottom's like
20 this, and --- it would be nice if
21 they would all butt up together like
22 that, but they don't. Most of the
23 time you have --- sometimes you got
24 gaps in them like that, and sometimes
25 your gaps were like that. And you

71

01 have to fill that with mud.

02 Q. So you filled in all the gaps?

03 A. Yeah. You filled in all your

04 seams with mud.

05 Q. All right.

06 A. And then later on what we
07 started doing was as we laid --- we
08 would lay a block, and this worked
09 pretty good, I mean, because you
10 wanted to make sure it was all mudded
11 good. We'd lay a block, we'd mud the
12 sides of it. And that's when you
13 start getting burns all over you, but
14 that's part of it, because you get
15 mud all over you then, or B-bond all
16 over you then. But then you mud the
17 sides as you go, and the tops as you
18 go.

19 Q. So for the first couple rows,
20 or how many rows did you go, and you
21 laid them dry together and then just
22 tried to squeeze the B-bond down in
23 between the joint?

24 A. Was there a set amount of rows
25 you're asking me?

72

01 Q. Yeah.

02 A. No. No. No, there wasn't a
03 set amount of rows. What we done
04 was, we just --- instead of trying to
05 shove that mud in there and just

06 shoving the mud, and trying to make
07 sure there's a quarter-inch
08 everywhere, that was easier.

09 Q. Okay.

10 A. So yeah, and like right here,
11 if it was easier to start with and we
12 mud all the sides, we'd lay them that
13 way. It just depended on --- you
14 know, it wasn't as --- they didn't
15 say, hey, build --- Jeremy never
16 said, hey, build three rows and then
17 dip them in mud and then lay them or
18 nothing like that.

19 Q. Did you wet the block at all
20 while you were laying them?

21 A. With water?

22 Q. Yeah.

23 A. Uh-uh (no).

24 Q. They were always dry?

25 A. Dry as they could be. And

73

01 then we would mud them as we went,
02 you know.

03 Q. Yeah. Now, what about as you
04 got a few rows up, how did you
05 tighten the wall where the block met
06 the rib? Okay. You butt it up, it
07 was never, I'm sure, perfectly flat.
08 Some of them may have been. But what

09 did you put between the rib and the
10 Omega block?

11 A. Like, did we use fly boards,
12 or --- no. No, we did --- when we
13 build stoppings, you know, you use a
14 little more wood, wedges and blocks
15 and stuff to tighten in your sides.
16 But we'd cut our blocks to fit those
17 gaps.

18 Q. Okay.

19 A. And if, you know, say there
20 was just a small gap, well, we used a
21 bucksaw. And if it was --- say, you
22 needed a block there 18 inches wide,
23 you needed a block 6 inches wide,
24 well, it ain't too hard to take an
25 axe and run down through there and

74

01 break you off six inches of the block
02 and shove it down in there. You
03 know, and then fill --- once again,
04 you know, you have to fill it with
05 mud.

06 Q. So did you wedge any of them,
07 tighten some of them up?

08 A. The sides?

09 Q. Yeah.

10 A. I never drove a wedge in the

11 sides. We've always B-bonded them
12 into the ribs. I mean, I don't know
13 --- none of you all ever came down
14 there, I don't think, while I was
15 working on them, but when you got a
16 seal there, instead of like a
17 stopping or stop right there, most
18 times you mud your rib there and tie
19 your seal into your rib.

20 Q. Right.

21 A. All that's full of mud.

22 Q. So if you had to cut a block,
23 you say you used an axe, or what did
24 you use?

25 A. A bucksaw and an axe.

75

01 Especially when you're going across
02 the top, if you got an eight-inch
03 block and you needed a three-inch
04 block, but it still needs to be 18 by
05 24, you ain't going to do that with
06 no axe. You're going to have to use
07 the bucksaw to cut it right down the
08 middle.

09 Q. Was it easy to cut them with
10 an axe sometimes?

11 A. Well, yeah. Like, if you
12 needed half a block, you just ---.

13 Q. Just the same way you do

14 concrete?

15 A. Yeah. If it was concrete
16 block, we cut concrete blocks in
17 mines with hammers, axes, you know,
18 whatever you need to cut it with.

19 Q. So the Omega block was
20 probably a little --- was it easier
21 because it's softer?

22 A. It's softer. Omega blocks are
23 like a fiber-based block.

24 Q. Right.

25 A. And depending on --- if you

76

01 needed a precise cut, yeah, you
02 always went to your bucksaw.

03 Q. Right.

04 A. But if you needed --- they're
05 two-foot long, right. You needed it
06 cut in half, approximately in half,
07 you know, you didn't always need ---
08 but we used bucksaws and ---.

09 Q. And axes. Okay. And any of
10 the walls --- I need to go back on
11 this one. Were any of the seals that
12 you built in any kind of standing
13 water, or were they all dry?

14 A. Like I said, I got spoiled
15 there, because I didn't know what

16 Sago had to offer until we got in the
17 --- it was dry there.

18 Q. Did you have to cut trenches
19 into the rib for any of them?

20 A. Hitch them in the rib. Not
21 with --- my understanding was ---
22 like I said, my dad has been in the
23 coal mines --- when I first started
24 he wanted to know what we done,
25 yadda, yadda. And he said, well, I

77

01 can remember we was building them out
02 of solid blocks, we had to hitch them
03 a foot into the rib. And I think he
04 said a foot in the bottom or maybe a
05 foot in the top. I can't remember,
06 but he said we always had to hitch
07 them in the rib.

08 Q. He's right.

09 A. And my understanding was with
10 an Omega seal, that was an advantage
11 with an Omega seal, you didn't have
12 to hitch them.

13 Q. Right.

14 A. Because I tell you, now --- we
15 were fortunate, because we would have
16 done a lot hitching on the ladder.

17 Q. So now we get to the top of
18 the seal, and tell me the space that

19 you had between the top of the Omega
20 seal and the roof was about how much?

21 A. It varied. I mean, because
22 all your entries are different
23 height.

24 Q. From what to what? What's the
25 biggest gap and the smallest gap?

78

01 A. Do you mean whenever it's
02 completely finished, when we was
03 ready to call it a day?

04 Q. Yeah.

05 A. We didn't leave a gap.

06 Q. No, when you were putting the
07 fly boards up.

08 A. Well, when we first started,
09 we didn't have any six-inch block at
10 the mines. Well, Jeremy had built
11 these before, and he told the
12 superintendent, you know, it would be
13 better if we got some six-inch block
14 to make things go faster, because if
15 you got a ten-inch gap, you put an
16 eight-inch block in there, you're
17 looking pretty good with the fly
18 board, because the fly board's about
19 two inches thick, you know. But if
20 you've got a --- you only got a

21 seven-inch gap, or an eight-inch gap,
22 when you try to put an eight-inch
23 block, guess what, you can't get a
24 fly board in there. So we got some
25 six-inch blocks.

79

01 Q. Okay.

02 A. So it varied. You know, it
03 varied bad. I mean, sometimes we'd
04 take six-inch block and have to cut
05 it right down the middle, you know
06 what I mean.

07 Q. How many fly boards did you
08 put on top of the seal?

09 A. Well, there again, that --- my
10 understanding was we always tried to
11 put three across it.

12 Q. Okay.

13 A. But like, especially on ---
14 and that too was to distribute the
15 weight across the top, you know,
16 because you don't want it ---.

17 Q. About how long were they?

18 A. The seals?

19 Q. No, the fly boards.

20 A. I can guess.

21 Q. Did they come in stacks?

22 A. Well, where we'd get them from
23 was, we'd just put in them in the

24 scoop from the track entry. I mean,
25 I'm sure they was in stacks outside,

80

01 but they wasn't when they got to us.

02 Q. So you put the one piece up,
03 whatever that length was?

04 A. Yeah. And then sometimes you
05 would have to cut one.

06 Q. Okay. So they were long
07 enough that you had to cut some of
08 them?

09 A. No. Very seldom were they
10 ever long enough. I mean, sometimes
11 they were long enough, they'd go
12 right across --- they were the same
13 length as the entry, you know what I
14 mean. The whole entry. But I don't
15 know if you ever looked at Number One
16 seal, it was longer, because it was
17 an angle with the rib.

18 Q. Right.

19 A. Well, and even there on your
20 top --- now, I'm just telling you
21 stuff that --- but on that seal, I
22 wasn't in the back. It was really
23 hard to get a fly board on the back
24 the way the top was. So the fly
25 board had to be cut, and another

01 piece had to be put on the end. You
02 know, you have to make do.

03 Q. You pieced it in?

04 A. Sometimes, yeah, you got
05 to.

06 Q. And how did you tighten those
07 up?

08 A. Wedges.

09 Q. And how far apart were the
10 wedges that you tightened up?

11 A. I mean, if there's supposed to
12 be an exact distance, I have never
13 been told that.

14 Q. Just tell me what you did.
15 That's all. How far apart --- like,
16 if you got the fly board that's going
17 across the top of the seal, and you
18 had to wedge it this way ---?

19 A. Well, usually --- I mean,
20 maybe you don't want to know this,
21 but usually I don't try to drive my
22 wedges this way.

23 Q. Okay.

24 A. I mean, you got more wood
25 exposed, and you know, you want the

01 least exposure as you can. Most of
02 the time you try to drive your wedges

03 this way.

04 Q. Okay.

05 A. Well, and say your wedges are
06 ten inches long, you may not
07 necessarily need a wedge, or there's
08 a gap big enough that you do drive
09 the wedge this way, and it takes the
10 whole --- you may need to put another
11 wedge four inches, because they're
12 four inches wide, depending on which
13 way you drove your wedges, and ---.

14 Q. So the fly board is from rib
15 to rib?

16 A. Rib to rib. Right.

17 Q. And you drove your wedges
18 towards the rib; is that what you're
19 saying?

20 A. Most of the time, if you can.

21 But now, if you got enough room ---
22 most of the time we use glucks
23 instead of wedges. I mean, we got a
24 lot of --- that's what we call them.

25 Q. What do you call them?

83

01 A. They're real big --- they're
02 thicker wedges. They're a whole lot
03 nicer than ---.

04 Q. And you call them what?

05 A. Glucks.
06 Q. Glucks, okay.
07 A. I don't know what you all call
08 them.
09 Q. Thick wedges.
10 A. And they're bigger. And they
11 may be this wide, two inches thick at
12 the back and about an eighth inch in
13 front.
14 Q. Right.
15 A. Well, say you could drive that
16 in good enough and get it solid in
17 and you drove it straight, just like
18 you would when you're building a
19 stopping.
20 Q. Right.
21 A. You could drive that in, and
22 you know you can pretty much get all
23 that wood in inside your block and
24 you won't have all that crap exposed.
25 Q. So what did you do, you tried

84

01 to fill the gap between the roof, the
02 fly board. And the next wedge, how
03 did you fill that void in?
04 A. That varied, too, depending on
05 how much space there was. Sometimes
06 we put pieces of Omega block in it if
07 we needed to, you know what I mean.

08 Q. The main thing --- what my
09 understanding was, was you want that
10 fly board to take the weight all the
11 way across the seal. So once you got
12 that tight against the top, that fly
13 board against your wall, your seal,
14 and against the top, you wouldn't
15 necessarily --- I mean, we didn't
16 split wedges if we didn't have to,
17 just to fill in every little gap.

18 Q. Okay. So now we got the back
19 fly board in, how did you put --- you
20 put one in the middle then, too;
21 right?

22 A. A fly board.

23 Q. Yeah. Well, what about the
24 space between the back fly board and
25 the middle fly board, what did you

85

01 fill that in with?

02 A. On the very top ---.

03 Q. Uh-huh (yes). I got my back
04 fly board in towards the seal side.
05 That's in. Now I have to put my
06 second, my middle fly board in.
07 Okay?

08 A. All right. Okay.

09 Q. Okay. So now before ---.

10 A. Well, all that was mudded.

11 Q. Oh, okay.

12 A. B-bonded. You know there was
13 B-bond on top of the seals; right?

14 Q. No, that's what I was trying
15 to get you to tell me.

16 A. Oh, I'm sorry. I'm going to
17 tell you, man, we used so much of
18 that dang gone stuff. I mean, I
19 still got burns. Look at the burns.

20 I mean, that stuff's good wicked
21 stuff. I mean, we used a lot of it.

22 On that tenth seal, we used --- it
23 was taking one skid of --- well, you
24 didn't ask me that.

25 Q. Go ahead. How much ---?

86

01 A. Well, I sat there and figured
02 it out the one time how heavy these
03 seals were, because you're putting
04 all this time in these things. And
05 this was pretty much what I'm hired
06 for at this point, is build these
07 things. So we're using well over a
08 skid on some of them. That tenth
09 seal, or the first one that you all
10 call them, because that's how you
11 originally numbered them. We was
12 using one skid of block per row

13 (sic), that sucker. That was big.

14 And we was mixing up 50-pound
15 sacks, and there was well over 2,500
16 pounds just of B-bond in them things,
17 I mean, when that's dry. I mean,
18 even before you put the water in it.

19 Q. So how many bags are you
20 talking?

21 A. Fifty (50) bags, I mean, at
22 least.

23 Q. Fifty (50) bags for the whole
24 thing?

25 A. Yeah. Oh, yeah, yeah. Not

87

01 per row, no. Heavens, no. But I
02 mean, yeah, we could very easily use
03 a skid of B-bond per seal. I mean,
04 that stuff ---.

05 Q. Let's go back to the top now.

06 A. Okay.

07 Q. All right. So between the
08 middle fly board and the back fly
09 board ---.

10 A. Well, you mudded your rows,
11 like you asked me before.

12 Q. Did you fill it in with ---?

13 A. Pieces. If there was a gap or
14 something like that, you'd try to put

15 another piece of Omega block in
16 there.

17 Q. So on the top of the seal you
18 mudded it solid?

19 A. Yeah.

20 Q. Between the back fly board and
21 the middle fly board?

22 A. I can't say it was mudded
23 solid because it wasn't solid mud. I
24 mean, we mudded all that, and I
25 guess, theoretically, you'd hope it

88

01 would dry solid. I mean, I
02 don't ---.

03 Q. Well, that's what I mean, did
04 you throw cement back in the void?

05 A. Yeah, yeah.

06 Q. Okay.

07 A. I'm sorry. I've never done
08 this before. I'm just trying to
09 answer the best I know ---

10 Q. I understand that.

11 A. --- you want me to answer.

12 Q. So then you got the middle fly
13 board in and you need to put the last
14 fly board in, and you tighten it the
15 same way you did the back one; right?

16 A. The middle one?

17 Q. Yeah.

18 A. The best you could reach it,
19 you know. If your top's like that,
20 you do the best you can.

21 Q. But you try to tighten it ---

22 A. Yeah.

23 Q. --- in every spot that you
24 can?

25 A. Yeah. You try to put your

89

01 wedges across.

02 Q. Okay. Now, what did you put
03 between that middle fly board and
04 your outby, your fresh air side fly
05 board?

06 A. Well, you're still going to
07 try throw mud in all your voids. I
08 mean, you still try to mud
09 everything. That stuff dries like
10 --- it's harder than concrete.

11 Q. What about the front and back,
12 how did you face it?

13 A. With lots of B-bond. The
14 thing was, they were --- that was
15 done as you went.

16 Q. So as you put a couple courses
17 up ---?

18 A. Yeah. You tried to go as you
19 went along, because --- especially if

20 you was on the back. Then somebody's
21 going to have start giving you
22 buckets of B-bond. Then you pour
23 them down your front. So if you can
24 keep up mudding as you're low on the
25 wall --- the seal, that's less you

90

01 have to reach across to the other
02 guy, because then he's got pretty
03 much the whole seal mudded except for
04 the top, and how much you're going to
05 have to walk around the --- you know,
06 around the block.

07 Q. So you actually did finish the
08 last one?

09 A. We finished the last ---.

10 Q. I mean, you worked on the very
11 last seal?

12 A. Well, we tried to finish --- I
13 don't mean to interrupt. We tried to
14 finish --- what this was, was kind of
15 a part of the big air change. And
16 I'm sure somebody explained it to
17 you, so we needed to leave the first
18 seal and the Ten seal undone so
19 somebody could go back and fire boss
20 that, and that still needed to be
21 ventilated.

22 Q. So the very last two seals you

23 built were Number One and Number Ten?

24 A. Right.

25 Q. Okay. Did you build one

91

01 before the other? Did you finish

02 One ---?

03 A. Oh, finish them up.

04 Q. Did you finish One first and

05 then went over and built Ten, or ---?

06 A. Uh-huh (yes). Yes, we sure

07 did.

08 Q. Let's go to the last seal.

09 A. The very last one.

10 Q. And you had a guy on the back

11 working; right, and a guy in the

12 front. Once you finished up, they

13 had the whole back mudded, how did

14 you finish mudding when he crawled

15 back through that part?

16 A. That's exactly --- perfect

17 question. I mean, because I wondered

18 that too. And at this point, I've

19 done --- I've been doing this for a

20 month off and on. I wondered that

21 too, because it's impossible. I

22 mean, you know, it's impossible to

23 do. So you know, your boss --- at

24 this point was me, George and Skip.

25 And maybe after this is all done, you

92

01 can tell me the right way to do it,
02 because I don't know the right way to
03 do it, or the way you all want it
04 done. But you do the best you can
05 do, because we would have had to lose
06 a good man that day if we have done
07 it the other way. We would have just
08 had to count our losses, but on the
09 --- our seal we built was --- you all
10 call it Number Ten.

11 Q. Yeah.

12 A. The way we done it was, I was
13 back there, we --- well, previous to
14 this point, we already built all of
15 our cribs. And like I said, at that
16 one there was --- there's five back
17 there. This one was mandatory. We
18 had to have that one. She can't see
19 this, can she? But these were to
20 hold the gas check --- well, we went
21 ahead, we had all that done and all
22 that finished, and we had to finish
23 this other one down here, so we
24 finished it, came around ---.

25 Q. So Number Ten had already been

93

01 started?

02 A. Oh, yeah.

03 Q. How much in Ten was completed
04 when you were finishing Number One?

05 A. All but enough room for
06 airflow and for them to fire boss.
07 We had to leave enough room for men
08 to get back in there and fire boss
09 that old Two Left section.

10 Q. Okay. Did you finish One and
11 Ten the same day?

12 A. Uh-huh (yes).

13 Q. Okay. Within the same shift;
14 right?

15 A. We done a lot --- yeah, we
16 worked --- I don't know if it was
17 mandatory, or you need this, but we
18 worked a 13-hour shift that day. And
19 what we done was, we finished ---
20 because like I said, this was part of
21 the big air change. Do you want me
22 to explain the air change to you?

23 Q. No.

24 A. Okay. Well, what we needed to
25 do, we needed to continue ventilation

01 to that until it was sealed off.
02 Well, we didn't want to take
03 ventilation before we had to build

04 four overcasts so all of our intake
05 air could sweep these seals. Anyway,
06 air needed to continue to go in there
07 until we was ready to go.

08 Q. Right.

09 A. Well, what we had done was we
10 finished Number One, finished Number
11 Ten, and then what we done --- and
12 that was that wall I was telling you
13 I was proud of before.

14 Q. Yeah.

15 A. We built an angle wall so we
16 didn't lose our intake air. So our
17 air would come up then in the intake
18 and sweep all these seals. Well, as
19 you know, these back two seals were
20 set back a block. Well, we didn't
21 want to lose our air this way, so we
22 had to build this big angle wall
23 here, and it come --- well, it was
24 nice. It come right down here and
25 ventilated these last three seals and

95

01 come out. And then we had to build a
02 stopping right here. I could show
03 you better over here, but we had to
04 build a stopping here, and then the
05 air would come up through here
06 against this angle wall again, and go

07 across the regular ---.

08 Q. Straight over your overcast?

09 A. Yeah. That's a nice drawing,
10 huh?

11 Q. You should be an artist.

12 A. Yeah. I'm sorry, that's not
13 very good, but I could do better.

14 Q. Anyway, so you'd say probably
15 an area in the back four foot by four
16 foot, five foot by five foot that
17 wasn't mudded on the back?

18 A. Oh, getting to the back of
19 that.

20 Q. Okay.

21 A. I'm sorry. On that Tenth seal
22 you asked how much we left. We left
23 it on this --- on the left side of
24 the seal, on the Tenth one. It was
25 on the right side of the one on the

01 First one, but we left this --- we
02 built all the way up and I was able
03 to squeeze through it on the back,
04 and I squeezed across the top of it.
05 And what we do is, we'd go ahead ---
06 we had to lay our block. We couldn't
07 just leave that empty.

08 Q. Right.

09 A. So we'd lay our blocks up in
10 that void the best we could, but once
11 again, we was working on this other
12 side. But no, we finished it, but we
13 couldn't leave a man back there to
14 mud all the ---.

15 Q. Right. So there was a small
16 area that wasn't --- that you could
17 not face?

18 A. There's no way, I don't think,
19 to my understanding, up at the top.

20 Q. Okay. Now, you talked about
21 the trap. The trap was over in
22 Number One?

23 A. Uh-huh (yes). We had two
24 traps in there.

25 Q. Two traps?

97

01 A. Uh-huh (yes).

02 Q. Could you tell me a little bit
03 about that? Two traps, two separate
04 traps?

05 A. Well, they --- one of them ---
06 they were both on the left-hand side
07 of the seal.

08 Q. Okay.

09 A. One of them was, I would say a
10 six-inch --- it didn't look like it
11 was --- I would say a five to six-

12 inch line.

13 Q. Okay.

14 A. PVC line. And the other one
15 was two or three-inch PVC line.

16 Q. And were they side by side?

17 A. Uh-huh (yes).

18 Q. Two separate traps ---

19 A. Right.

20 Q. --- that ran through that
21 seal?

22 A. Right. And I was there when
23 we put them in. I helped, you know,
24 to cut it and stuff. They were to,
25 you know, check the water ---

98

01 Q. Right.

02 A. --- in case --- so you'd know
03 if you had water built up back there.
04 So what we done was --- they had to
05 be close --- you know, had to be
06 close to the bottom. You didn't want
07 to put them halfway up the middle of
08 the seal.

09 Q. Right.

10 A. So we put them next to the
11 bottom, well, you had to have your
12 elbow in there, just like your drain
13 trap in your house. And what we

14 tried to do was get that bottom of
15 that trap as close to the bottom as
16 we could get. So that made your pipe
17 going through the wall maybe a foot
18 up off the bottom.

19 Q. Okay.

20 A. That trap had to be right next
21 to the bottom.

22 Q. So how far apart were both of
23 the traps?

24 A. I'd say it was inside the same
25 block, or close to it, you know. So

99

01 they've got two foot ---.

02 Q. Did you see some plan that
03 someone showed you to do that, or did
04 someone just tell you to put two
05 traps in?

06 A. Well, when we were working on
07 the trap, Skip usually --- Skip
08 carried the plan in his bucket. But
09 when we was working on the trap,
10 Marty, Jackson, Harmon and Mike
11 Triplett was there. And they had a
12 plan. And in the two-inch line me
13 and Harmon put it in ourselves while
14 we had a little down time.

15 Q. Two-inch line where?

16 A. Right beside the bigger six

17 --- say, five-inch, six-inch line.

18 Q. Okay. But they did tell you
19 to put it in?

20 A. Yes. I mean, he's a boss,
21 Harmon.

22 Q. I understand. So how did you
23 --- what did you do to fit them in
24 the block? Did you have to cut
25 block ---?

100

01 A. Yeah. What we done was before
02 we put the pipes in, we'd already
03 laid this seal up, you know, let's
04 say three courses. And it was dry.
05 Everything was hard. We was able to
06 --- we wanted them sunk down in the
07 block. We didn't just want them
08 laying there.

09 Q. Right.

10 A. Kind of above blocks, so what
11 we done was, we cut out a hole big
12 enough to run the pipe through and
13 filled it with mud. Well, it made it
14 nice, because that's all we done on
15 it that day, on the big line. Well,
16 that was set up from the day before
17 when we went back and smoothed that
18 out with more mud and filled those

19 gaps in. It made it look nice. And
20 on the second day when we made that
21 bigger pipe and mudded across, we put
22 smaller pipe in, me and Harmon did.

23 Q. So how did you cut ---?

24 A. Well, on the smaller line, I
25 used my hammer. I used my mason

101

01 hammer and an axe when I needed it.

02 Q. Right.

03 A. Because on the bigger line,
04 yeah, we used an axe. I mean, that's
05 cement.

06 Q. And then you filled it in
07 solid with the mud?

08 A. Mud, or B-Bond.

09 Q. Okay.

10 A. Over two days, because there's
11 no way --- you can't make that much
12 --- you can't, you know, defy
13 gravity. If the main's going to go
14 --- it's going to try to run out. So
15 you make it thick enough where it
16 will hold itself up some, but it's
17 still going to sag and we filled that
18 in.

19 Q. Now, you talked about a sample
20 line over in Number Ten.

21 A. Oh, gas check?

22 Q. Yeah. What diameter was that
23 steel line?

24 A. The steel line, I'm thinking
25 it was two-inch.

102

01 Q. Two-inch. And it ---.

02 A. Maybe two-and-a-half inch.

03 Q. How much of that metal line
04 was on the fresh air side of the
05 wall?

06 A. I don't know for sure exactly.

07 I'd say --- it was definitely less
08 than five feet. It was maybe ---
09 between three and four feet.

10 Q. Three and four feet. And that
11 ran all the way through the seal.
12 And how far on the other side?

13 A. Well, it was 40-foot long.

14 I'm pretty sure those two joints were
15 20-foot, and so it would have been
16 --- say your wall was almost four-
17 foot thick, let's say, it wasn't
18 quite, and then you have four-foot,
19 there's eight-foot, so you've got 36
20 feet.

21 Q. And that was a pretty heavy
22 pipe?

23 A. Yeah, it was heavy.

24 Q. And how was it supported? How
25 was it ---

103

01 A. Through the cribs.

02 Q. --- kept in place? You put it
03 through the crib?

04 A. Yeah. On that drawing I
05 showed you.

06 Q. Yeah. Now, on the fresh air
07 side, how did you support it?

08 A. Well, there was only --- like
09 I said, maybe this much sticking
10 through the wall. And it didn't have
11 --- I don't think --- no, we didn't
12 wire it to the top, or anything like
13 that.

14 Q. Okay. And was there any other
15 pipe involved?

16 A. Yeah. There was --- about a
17 half inch copper tubing that we fed
18 through it.

19 Q. Okay.

20 A. And on the end of that, of
21 course, it had to have a valve on the
22 end of it so you could check your
23 gas.

24 Q. On the fresh air side?

25 A. Exactly.

104

01 Q. Now, how did they seal that so
02 there wasn't a space between the
03 copper line and the steel line that
04 was used as a conduit, how was
05 that ---?

06 A. I didn't install --- I didn't
07 fish the copper line through the
08 tube, but I did see the fitting that
09 we used. All it was, it was just a
10 regular shutoff fitting, you know, a
11 shutoff valve type deal. The steel
12 pipe that we used was threaded on the
13 end. Pretty nice. And you could
14 thread your cutoff valve on the steel
15 pipe that came through the wall, but
16 inside of that there was a copper
17 that would adapt to that half-inch
18 copper tubing, make that air go
19 through there.

20 Q. So it was sealed?

21 A. Yeah, with the threads.

22 Q. Okay. Was it soldered at all?

23 A. I have no idea.

24 Q. Okay. Let's take about a
25 five-minute break.

105

01 SHORT BREAK TAKEN

02 MR. O'DONNELL:

03 Brian, do you have
04 anything before I start?
05 BY MR. MILLS:
06 Q. Question.
07 A. Yes, sir.
08 Q. Who's your employer?
09 A. GMS.
10 Q. GMS. At the time?
11 A. Uh-huh (yes).
12 MR. MILLS:
13 That's all I have,
14 Jeff.
15 MR. O'DONNELL:
16 I'm glad you asked,
17 because I didn't.
18 BY MR. O'DONNELL:
19 Q. On that last seal, I know we
20 --- I tried to get you to give me a
21 number like it was a four-by-four or
22 five-by-five that wasn't mudded that
23 you crawled through. How many block
24 big was it?
25 A. Well, the way you lay blocks,
01 with a house or anything, when you're
02 finished, where there are stair
03 steps, it's going to be like this.
04 So at the bottom it may have been a
05 half a block, enough to get my feet

06 through. And then in the next row,
07 it may have been a block and a half.
08 Do you understand what I'm saying,
09 then?
10 Q. Exactly.
11 A. So when I came through it, it
12 was about this big.
13 Q. Okay.
14 A. Do you know what I mean?
15 Q. This big meaning, ---
16 A. Probably ---.
17 Q. --- three foot by three foot?
18 A. I'd say three, but it wouldn't
19 be three foot by three foot square.
20 It'd be maybe two square --- or three
21 and a half square feet. But it would
22 have been a hole that was shaped like
23 this.
24 MR. O'DONNELL:
25 He means at an angle.

107

01 A. Maybe we can figure out the
02 square footage in it, but I'm not
03 that good at math.
04 BY MR. O'DONNELL:
05 Q. You say that you used pieces
06 of block on top of the seal that you
07 would wedge in to fill the void; is

08 that true? Is that correct?

09 A. Yeah.

10 Q. Okay. And the distance

11 between the wedges when you were

12 hammering them in, what was --- just,

13 if you could, what was the space

14 between the wedges, the opening?

15 A. You put in how many you

16 needed. I can give you maybe one to

17 ---. It varied from one to six

18 inches, or one to no inches maybe. I

19 mean, you may have --- you may have

20 them drove in --- if you drove them

21 in, especially rib to rib, if you

22 drove them in this way, well, you

23 drove them this way to this way,

24 well, the next one you drive in ---.

25 Q. Let me ask you this way. Was

108

01 anyplace that you drove them more

02 than a foot between?

03 A. Oh, heaven's no. I mean, you

04 wouldn't want that much space empty

05 in the wall.

06 Q. Okay. And the fly boards,

07 were there three all the time on

08 every seal?

09 A. No. Like I was telling you

10 earlier, the best thing you could do,

11 they said, you know, you need to use
12 three if you can. Well, like, you'll
13 know, you can never use --- you could
14 never --- I mean, if your roof bolts
15 sag like this, or you had a roll in
16 your top or something like that,
17 well, your middle, your seal may be
18 right up against the top, well, the
19 front may not be perfect for a fly
20 board right across the front.

21 Q. Okay.

22 A. Your back may not be if you
23 had a swag in your top. I mean, it's
24 really going to vary how you're ---.

25 Q. How many of the seals do you

109

01 think that had actually three fly
02 boards on them?

03 A. If I told you, I'd be
04 guessing.

05 Q. Don't guess. Only if you
06 know.

07 A. I mean, we had ---.

08 Q. Would it be fair to say that
09 there were at least one that did not
10 have three fly boards on it?

11 A. Would that be fair to say?

12 Yeah. Yeah, it would be fair to say.

13 Q. Two?

14 A. That had three whole fly
15 boards across the top. It would be
16 very fair to say there'd be two,
17 because like I said earlier, you may
18 have to cut a fly board in the middle
19 to make it fit.

20 Q. Would you say half of them had
21 three and half of them didn't have
22 three?

23 A. I wouldn't say that. I
24 mean, ---.

25 Q. Okay. All right.

110

01 A. I wouldn't say that. But what
02 we try to do is, if a fly board would
03 fit all the way across from rib to
04 rib, you'd use it --- you know, you
05 --- great, you put a fly board in
06 there. If you'd have to cut six foot
07 off a fly board because your top
08 sagged, then you'd have cut six-foot
09 off a fly board, and then you would
10 only have two and a half fly boards
11 across that one, or you may --- right
12 across the front, you know, you may
13 have to use a fly board and a half
14 header to go all the way across. Our
15 whole border, or whatever you call

16 it.

17 Q. So in other words, it wasn't
18 just fly boards, sometimes you have
19 to use a header?

20 A. Or you could cut a chunk off a
21 fly board. We did do that too. I
22 mean, some of them --- you know,
23 they're about the same thickness.

24 Q. Or you use a gluck.

25 A. Yeah. You use a gluck ---.

111

01 Q. Gluck?

02 A. Yeah, to wedge it in there.

03 Q. Okay.

04 A. I don't know if I'm doing a
05 good job explaining that. I think
06 you're really wanting to know how
07 much on the top there was a fly board
08 and how many wedges went across it.
09 What we tried to do is make it solid
10 all the way across the top.

11 Q. Let's go over to the picture.

12 And we'll call this Exhibit Three.

13 (Short Exhibit Number

14 Three marked for

15 identification.)

16 BY MR. O'DONNELL:

17 Q. Okay. What you see here, and

18 I don't know if you've --- have you
19 ever seen this picture before?

20 A. That was on --- it didn't look
21 quite like this, of course. That was
22 on the plan that Skip always carried
23 in his bucket.

24 Q. Okay. So Skip showed you this
25 picture?

112

01 A. Yes. It may have been Marty
02 that had a picture of that.

03 Q. Okay. And these across the
04 top are the three fly boards?

05 A. Yeah.

06 Q. This is the wedges --- these
07 are the wedges that I'm talking
08 about.

09 A. Uh-huh (yes).

10 Q. And you're saying that you put
11 those wedges in differently?

12 A. Yeah. Like, these here are
13 showing --- it looks like they're
14 showing it go straight in inby and
15 outby.

16 Q. Right.

17 A. Outby, inby. We may take this
18 wedge here and instead of driving it
19 in this way, we may take it and drive
20 it this way.

21 Q. You drove it towards the rib?
22 A. Yeah. You know, you try to
23 make it as tight and as nice as you
24 can get it. And sometimes that's not
25 the best way to do. I mean, that may

113

01 be the prettiest way, or the way they
02 --- it may not be tight that way. I
03 mean, it may not even be --- you may
04 drive your whole wedge in there, and
05 uh-oh, guess what, it never did get
06 tight.

07 Q. Now, did you ever install the
08 inby most fly board from the back?

09 A. We always did.

10 Q. Always from the back?

11 A. Right. I mean, except, like
12 when we talked earlier, you know,
13 there's no way of doing ---.

14 Q. I understand that.

15 A. Right.

16 Q. But I mean, for the most part,
17 if there was --- and you had the
18 ability for someone to be back there,
19 ---

20 A. Yeah, always.

21 Q. --- you always put the inby
22 side, the seal inside the back?

23 A. Yeah. We always finished ---
24 every one of them finish goes on the
25 back side, except for, you know, when

114

01 there was no way to ---.

02 Q. This is the area that I was
03 talking about. It's between the
04 wedges. How this area was filled?
05 And you say you filled that with
06 wedges?

07 A. No.

08 Q. Okay.

09 A. This here shows eight wedges
10 across the fly board. And I'm not
11 going to tell you they only put eight
12 wedges across, because it might have
13 been 10 or 12, or 15 to get it tight
14 and to get it right. But if there
15 was a space --- you know, say one of
16 the spaces that you could put a piece
17 of block in, because you don't want
18 to --- when you're facing up them
19 seals, the way I've done it, I'm
20 going just tell you the way I done
21 it. It was mud in front of our seal
22 --- you know, you may have a space up
23 that big, but you're trying to throw
24 mud in --- you know, you're going to
25 throw some mud in there and if you

01 can put a piece of block in there and
02 mud over it to fill your hole to make
03 it solid, that's what we done. That's
04 how we do them. You know what I
05 mean? Do you see what I'm saying?

06 Q. No. Like, you mean on the
07 ends. What about inside here?

08 A. See, like right here, you do
09 the same thing. You try to --- as
10 you went across, well, you may be
11 right here on this, what you're
12 trying to do is try to get as much
13 block as you could in there to build
14 up the seal.

15 Q. But how did you do that --- I
16 understand how you did it on the inby
17 and outby, but how about the middle
18 fly board? How did you fill that
19 void in?

20 A. With mud. As I said earlier,
21 you know, you try to throw mud in
22 there or whatever. You know, mud to
23 seal it off.

24 Q. Okay.

25 A. But now in all honesty, like

01 right here, as far as having eight

02 wedges across the fly board,
03 sometimes that --- you know, you just
04 try to put it in there as best as you
05 could. You couldn't --- you know,
06 try to get your wedges in there like
07 that to ---. If you can build half a
08 wall and put a fly board, then build
09 another part of the wall like that,
10 you know, you could do it better.
11 That middle fly board, if you get it
12 wedged in like that, that would be
13 great. There aren't too many that
14 could do that, you know, and make it
15 look good. It's hard sometimes, you
16 know. You got that wall built like
17 that, and getting those wedges drove
18 in, and that middle fly board makes
19 it all look right. You see what I'm
20 saying; right?

21 Q. I know. Yeah.

22 A. You wedged in the best you
23 could, or ---.

24 Q. So about how many days do you
25 think you actually worked on those

117

01 seals; do you have any idea?

02 A. There's ten seals. Just in
03 construction or the rock dust and
04 everything?

05 Q. Everything.

06 A. I'd say when it was all said
07 and done, I'd say we had pretty darn
08 close to 18 days. I'd say, 18 to 20
09 days. We had a lot of days in it. I
10 mean, because Collins, he walked back
11 through there. And when we was done
12 the first time, he said he wanted it
13 cleaner. So we went back, and we
14 policed the whole area. I mean, we
15 really tried to clean it up. That's
16 what we basically done for our whole
17 shift. And then one whole shift, we
18 pretty much rock dusted and hung
19 curtains.

20 Q. So what did you do when you
21 said you cleaned up? You got rid of
22 all the extra fly boards and wedges
23 and block; is that what you're
24 saying?

25 A. Got rid of --- we got rid of

118

01 all your paper, your paper bags, all
02 your pallets. Now, I know there was
03 --- I think there was two or three
04 fly boards that we did that were ---
05 I don't remember if I put them on the
06 scoop or not, but there was two or

07 three fly boards laying in between
08 the first and second seal, extra
09 ones, you know. Because like we've
10 established, you asked me quite a few
11 times, was there always three fly
12 boards used. No, sir, there wasn't.
13 So there was a couple laying there.

14 Q. Okay.

15 A. But we had to take everything
16 out. We had to take the extra blocks
17 out. Now, some of them was crushed
18 up and used in roadway to make the
19 scoop roadway better, and we took all
20 the pallets out, all the pieces of
21 wood, all your metal bands and ---
22 just all kinds of stuff, and then we
23 had the rock dusting.

24 Q. How much rock dust did you put
25 in the area?

119

01 A. We dusted with the scoop
02 duster.

03 Q. Yep.

04 A. And we put --- I believe we
05 loaded five bags up in that duster
06 that day. We had it pretty full.

07 Q. When you said five bags,
08 you're talking about pods?

09 A. Yeah. The big --- the ones

10 you hang. The ones that --- what are
11 they, 1,000 pounds? So we put 5,000
12 pounds back there, I guess. I think
13 we put five bags in there, in the
14 scoop bucket. It was full.

15 Q. Did you blow any dust behind
16 the seals at all?

17 A. No.

18 Q. Do you remember what it looked
19 like behind the seals? What was ---?

20 A. Yeah, it was bottom mined back
21 there. I mean, it was --- I don't
22 know that --- you couldn't have drove
23 a scoop through there because it was
24 bottom mined.

25 Q. I mean, as far as rock dusting

120

01 goes.

02 A. No, we didn't ---.

03 Q. What did it look like? Was it
04 black or was it dusted from mining,
05 or ---?

06 A. Yeah, it was --- you know, it
07 wasn't --- you could tell that they
08 mined coal in there before, but like
09 where it was bottom mined, if you was
10 working next --- like, the Ten seal,
11 it was a break and a half outby, the

12 first place it was bottom mined.
13 Well, from where it was bottom mined,
14 you could tell where it was bottom
15 mined, because from there up, it was
16 kind of rock dusted and from there
17 down it was black.

18 Q. Okay. So you're saying that
19 you did put a lot of rock --- were
20 you the only ones that rock dusted in
21 front of the seals?

22 A. Me, Skip and George.

23 Q. And five --- you used five
24 pods?

25 A. I think we loaded about --- it

121

01 may have been four, but I think we
02 loaded five up in that, because I
03 think you're only supposed --- you're
04 not supposed to put quite that much
05 in there, I don't think. But it
06 would hold it, and it held it.

07 Q. So would you say that the area
08 in front of the seals between the
09 seals and the stoppings that you
10 built was well rock dusted?

11 A. It looked good. It looked
12 real good. It was white. It was
13 pretty.

14 Q. Do you have any idea when you

15 were finished with the seals?

16 A. I do have an idea, but it's
17 not from recollection. Somebody said
18 that these seals were done, or they
19 thought on December 16th. I think I
20 heard that on the news.

21 Q. Well, you were there, but it
22 was --- you say it was sometime the
23 middle of December?

24 A. Yeah. From my recollection.
25 I don't remember what day it was. It

122

01 was the middle of December though.

02 Q. This is the first time you
03 ever built Omega seals?

04 A. Uh-huh (yes).

05 Q. Okay. All ten of the seals,
06 were they the same?

07 A. I mean, they varied in height,
08 they varied in length, and two of
09 them --- of course, one had two water
10 checks and one of them had a gas
11 check valve. I mean, they varied a
12 lot.

13 Q. How high was the highest one?

14 A. I have no idea.

15 Q. How wide was the widest?

16 A. You know, we did measure that

17 first seal, the Number One, and I
18 don't remember, because it was --- it
19 was big. I mean, it took a skid of
20 block per row on that one. It was
21 big.

22 Q. If you don't know, that's
23 fine.

24 A. I don't know.

25 Q. Okay. Were they all the same

123

01 thickness?

02 A. Yeah.

03 Q. I have to go through my list,
04 so ---. Is there anywhere in the
05 seal area where there were conductors
06 that went through the seal? And
07 conductors, I'm going to say are
08 rails, pipes, other than the plastic
09 pipe that you had, cables, antenna
10 wire, anything that could conduct
11 electricity. The roof mats, anything
12 that may have run from the fresh air
13 side to the inby side?

14 A. The one thing that you didn't
15 mention was the methane pipe.

16 Q. The pipe.

17 A. The PVC pipe. I mean, that's
18 plastic. That shouldn't conduct,
19 but ---.

20 Q. It's the sample line that run
21 through it. Is there anywhere that
22 you can remember where that sample
23 line was in contact with the mine
24 roof?

25 A. Uh-uh (no). No, it was --- we

124

01 measured it, and I'm thinking it was
02 12 inches from the top, because we
03 had to wedge it up to get it ---. I
04 mean, the plan, it said how far it
05 needed to be from the top and back,
06 and we had to put wedges underneath
07 that pipe to try to get it right, you
08 know what I mean, to get the back end
09 of it to the right height.

10 Q. But it wasn't in contact with
11 the roof mats?

12 A. Uh-uh (no). I don't know what
13 a roof mat is. The screen?

14 Q. The wire screen.

15 A. No. No, it never touched it.

16 Q. And there wasn't any wires
17 holding it?

18 A. Uh-uh (no).

19 Q. Okay.

20 A. But that entry that it was in,
21 now, I know it wasn't screened.

22 Q. Number Ten was not screened?

23 A. Number Ten, that entry wasn't
24 screened.

25 Q. Okay.

125

01 A. I could say that almost
02 positively, because that's the one I
03 showed you earlier that we built so
04 many cribs, because that top was ---
05 that top --- you would say maybe a
06 little, depending on what you wanted
07 your top to look like, that top Skip
08 thought needed just a few more cribs.

09 Q. Did any of the seals have a
10 pilaster in them? Was there any that
11 had another formation of block?

12 A. Uh-uh (no).

13 Q. They were all completely flat
14 with no extra thickness of block in
15 between?

16 A. Uh-huh (yes).

17 Q. Okay. What about a pier, a
18 thick footer on the bottom where you
19 poured anywhere from six inches to
20 four-foot of cement?

21 A. Not a one of them.

22 Q. Okay. The special cement that
23 you used, do you know what color the
24 bags were?

25 A. Yeah.

126

01 Q. What were they?

02 A. We used --- well, you have to
03 use blue bags on your seals. The
04 green bags we used for --- you know,
05 you used it for your stoppings and
06 stuff like that.

07 Q. Okay. Did you only use blue
08 bags for the seals, or did you mix
09 them sometimes?

10 A. No. We always had blue bags
11 back there and green bags for --- I
12 mean, we used a lot green bags, too,
13 but not back on the seal.

14 Q. Okay. So as far as the cement
15 material that you were using, you
16 used only one kind?

17 A. Yeah. Blue bags, a bunch of
18 it.

19 Q. Okay. What about a
20 respirator; did anybody ever give you
21 a respirator to wear, or long rubber
22 gloves, so you ---?

23 A. Yeah. Oh, they took --- I
24 mean, I don't know --- a lady asked
25 me about them burns. That's a

127

01 typical thing, concrete, you know. I
02 mean, concrete's acidic, all of it.
03 Yeah. I mean, your typical mine
04 gloves are like this. I told Flea, I
05 said, Flea, I said, tell you what,
06 why don't you buy me something like
07 that. And Flea, he made sure we
08 always had --- especially on that,
09 because you're mudding --- you want
10 to help the guy in the back as much
11 as you can, so you may be mudding
12 something as wide as this. So you
13 could get mud up to here sometimes.

14 Q. So he got you long gloves?

15 A. Oh, yeah.

16 Q. Good. What about a
17 respirator? Did it ever bother you
18 as far as breathing the stuff?

19 A. That stuff was a lot more mild
20 on your lungs, I think, than
21 Quikrete. Quikrete hurts your lungs
22 a lot worse.

23 Q. Did anybody talk to you at any
24 time about how this stuff could harm
25 you as far as the burns that you get

128

01 or anything?

02 A. Yeah. Well, that's why they
03 give you rubber gloves.

04 Q. Okay.

05 A. But I mean, anybody that's
06 ever been around any type of concrete
07 work, and about all of us I'm sure
08 have. You know, concrete can get ---
09 burn you.

10 Q. Did I ask you how thick the
11 concrete was that you were putting
12 on, what the consistency was?

13 A. Uh-uh (no). You didn't ask
14 me.

15 Q. Okay. How thick was it?

16 A. Well, we didn't have a mixer,
17 we mixed it by hand.

18 Q. Yeah.

19 A. So it's going to vary from
20 batch to batch. And depending on
21 what you was wanting to do with it is
22 the thickness that it may be at that
23 point, you know what I mean. Say you
24 wanted --- if your last coat on the
25 outside, you wanted it to look nice,

01 you know, because they wanted --- an
02 inspector came by and watched us one
03 day. He watched for a long time. He
04 gave us some hints. He was watching
05 me work, I'll just tell you, and I

06 was brand new. And I thought maybe I
07 ain't working fast enough. So I
08 tried to speed it up a little bit,
09 and he sat there and he never said
10 nothing. He leaned against the wall
11 for a long time, the seal. I was
12 just sweating, dripping. I was, you
13 know, just mudding as quick as I
14 could, and I thought, man, I must be
15 doing something wrong. So he watched
16 us mud then he told us what he
17 wanted. He wanted our joints to
18 stagger, and he wanted the mud to be
19 --- you know, he wanted when it was
20 done, my understanding, that he
21 couldn't see your seams of blocks on
22 the outside.

23 So if you're mudding like
24 that, it can't be water thin, it's
25 got to be thick. So it varied,

130

01 depending on what you were doing.
02 But if you wanted to coat your
03 blocks, like I told you, some of the
04 blocks edges was coated. If you put
05 it --- if it was too thick, and there
06 wasn't a basecoat of mud, when you
07 --- I don't know --- I mean, you've
08 dealt with fiber blocks, so when

09 they're --- some of them's hairy.
10 They're furry. If it was too thick,
11 when you try to smear B-Bond over a
12 furry block and it's thick like that,
13 you know what happens, it comes right
14 back on the back side of your gloves
15 when you're smearing it on.

16 Q. Right.

17 A. So it has to be thinner. You
18 got to work with what you got. So I
19 mean, there wasn't a continuous
20 thickness. Skip was our mudman, he'd
21 mix it most days, and we'd tell him
22 what we wanted.

23 Q. Again, what was the size of
24 the traps? I know you said it was
25 --- the small one was two or three?

131

01 A. It wasn't a three-inch line.

02 Q. It wasn't?

03 A. No. I think it was --- it
04 looked more like about a two, maybe
05 --- probably about two, two-and-a-
06 half-inch line. I don't believe it
07 was a three-inch line. It may have
08 been.

09 Q. And what was the other one?

10 A. It was way bigger. It was

11 probably a four-inch line, five-inch
12 line.

13 Q. Four-inch. Okay. Did you
14 ever take notes or anything while you
15 were doing this, seals?

16 A. (Indicates no.) No. Sorry.

17 Q. Was it all new block, or did
18 you have some used block?

19 A. No. On those seals,
20 everything we was pretty lucky. But
21 you know there, too, though --- I
22 mean, they was brand new, they've
23 never been built with before, but
24 they had to be hauled inside, and
25 sometimes you'd have call blocks,

132

01 but ---.

02 Q. Did the mortar ever come in in
03 buckets, pre-mixed stuff?

04 A. Not for seals.

05 Q. Okay. Did you ever put more
06 than one coat of the material on the
07 outside?

08 A. Oh, yeah. John --- it wasn't
09 John, this was a federal guy. He
10 looked at the seals the one day, and
11 he could see a seam in one. There
12 were a couple, and I don't know
13 which, but I was there whenever he

14 came to me. He was talking --- I
15 think Snyder was still there at the
16 time. Jeff Snyder was still boss.
17 And he said he didn't want to be able
18 to see them seams when he came back
19 and looked at them. And so sometime
20 throughout the course of --- while
21 Jeremy Toler was still working with
22 us, he came up to where we was
23 working on probably the third seal,
24 and he'd go back down through there
25 and mud the faces of them, you know,

133

01 try to make sure, you know, that
02 there wasn't any seams.

03 I don't know if I need to
04 clarify. When I say seams, your
05 block, and not necessarily there was
06 a hole in it, but you could just see
07 where a course went across.

08 Q. How long did it take for the
09 cement to set up before you could
10 feel the face and it would be firm?

11 A. Well, always by the next day
12 when we'd come in. Like, if we only
13 got a half of one done, always by
14 then it was hard and the fiberglass
15 in it was set up sharp.

16 Q. Okay. Did any --- say, the
17 mine foremen, the superintendent, did
18 they ever come around and take a look
19 at the seals while you were building
20 them?

21 A. Yeah. One day the inspector
22 for there, I know for sure Carl was
23 down there.

24 Q. Carl?

25 A. Carl Crumrine.

134

01 Q. Okay.

02 A. He was down there. He --- of
03 course, most of the time the mine
04 foreman walks around with the
05 inspectors. But he was down there
06 and he checked them out. I know he
07 looked at them at least twice with
08 us. I mean, while we was working, I
09 seen him down there a couple times.
10 I know Jeff looked at them, because
11 he had told us he had looked at them,
12 but I wasn't there. That's not true.
13 Jeff --- maybe I shouldn't tell you
14 this, but I know Jeff was down there,
15 because one day I was working on the
16 seal and my glasses were fogging up,
17 and I had my glasses off, and he
18 busted it for me. So I know he did

19 come down and look at them a couple
20 times.
21 Q. Do you know if they ever
22 detected any methane around you? I
23 know Skip was the boss and he was the
24 guy that was checking. Did you ever
25 detect any methane? Did he ever tell

135

01 you he did?
02 A. No. No one ever mentioned
03 never getting a good reading, I
04 think. And maybe you don't want to
05 know this or not, but Harmon, Harmon
06 always has his spotter with him, and
07 anytime there's a bubble in a puddle
08 or whatever, he's really --- Harmon's
09 taught me a lot. And he'll take the
10 spotter off, and he'll check those
11 bubbles anywhere, if it's coming out
12 the rib, or whatever. And very, very
13 seldom where his spotter would be ---
14 you know, he'll check the bubbles.
15 And he has gotten some low methane
16 readings, and he said sometimes
17 that's gas or sometimes just a little
18 water bubbling up could cause that.
19 But very seldom would a spotter ever
20 go off.

21 Q. Okay. Did you always work
22 together, or did you split up and
23 work?

24 A. Was there ever two seals
25 getting constructed at one time?

136

01 Uh-uh (no).

02 Q. So there was always two or
03 three of you at the same seal?

04 A. Right. Like I said before,
05 the numbers varied, because sometimes
06 the other --- the foremen, all them
07 foremen that were walking around,
08 they're working, but they'd go from
09 job, to job, to job. And sometimes
10 they'd be there and sometimes they
11 wouldn't. Sometimes it'd be --- and
12 right at the beginning, our crew was
13 completely different. It was me,
14 George, Jeff Snyder, Jeremy and Seth.
15 Shortly into it, it went from Jeff
16 going to fire bossing, and Jeremy
17 going to the section, and Seth going
18 to Massey. And then it was just
19 primarily me, Skip and George.

20 Q. Okay.

21 A. With help from the bosses.

22 Q. The seals that you didn't use
23 three fly boards in, did you decide

24 that as you were building it, or did
25 someone tell you --- Skip, was he

137

01 directing it? Did he tell you, well,
02 you don't need them there?

03 A. No. We was never told don't
04 use --- you know, don't use a fly
05 board in there. It's more of a ---
06 well, a fly board won't fit there,
07 will it? Or the way the top is, you
08 know, it's going to be pieced in ---
09 you know, you do what you got to do.
10 You may have roof bolts in between
11 them that you had to cut them and
12 stuff like that, you know what I
13 mean?

14 Q. Yeah. So it was more of a ---
15 if it didn't fit, you didn't put it
16 in?

17 A. Yeah. I guess you could say
18 that, but you could make things fit
19 if --- you know, depending on --- you
20 used what worked best is what, I
21 guess ---. A half a fly board may
22 work best because the top over here
23 or something, I guess would be the
24 way you would put them.

25 Q. Okay. I'm going to ask you

01 some training questions now. When
02 you first started in the mine, did
03 you get your --- you had no mining
04 experience before you came to Sago?

05 A. No, sir.

06 Q. Okay. And how long was your
07 training that they gave you?

08 A. Eighty (80) hours.

09 Q. Two full weeks?

10 A. We went for parts of three
11 weeks.

12 Q. And where did you go for the
13 training?

14 A. Canvas, West Virginia.
15 Summersville, West Virginia.

16 Q. Did you do that on your own,
17 or did the company send you?

18 A. Oh, no, no. We looked for
19 jobs for 364 days before we got into
20 --- our cards would have died soon,
21 and Sago hired us.

22 Q. So you went to --- do you have
23 the training records?

24 A. Yeah, I got --- I keep my pink
25 slip with me, and of course, I got my

01 apprentice card with me now. But
02 yeah, I got that stuff.

03 Q. And you paid for that on your
04 own, and ---?
05 A. Uh-huh (yes).
06 Q. Now, when you came to the Sago
07 Mine, who gave you your mine specific
08 training?
09 A. Al.
10 Q. Al?
11 A. Yeah. Al --- I can't think of
12 his last name. If one of ya'll say
13 it, I'll --- I call him Al. He's the
14 safety director.
15 Q. Okay. Would his name be Al
16 Schoonover?
17 A. Schoonover. I was going to
18 say Shoemaker, but that wouldn't have
19 been right either.
20 Q. I said it that way a few
21 times, too. So what kind of training
22 did Al give you when you first came
23 onboard?
24 A. He gave us --- he went over
25 some stuff we had already learned,

01 which I'm glad he did, because it had
02 been a while. But he told us how to
03 use CSC (sic), or the self-rescuer.
04 Q. Okay.

05 A. He issued us a self-rescuer.
06 And he did, he went over it again.
07 And he showed us the mine map, just
08 like that one there. And he showed
09 us our --- of course, our intake,
10 primary escapeway, secondary
11 escapeway and your return. I mean,
12 I'm not the best person to probably
13 say this, but he done a good job. I
14 feel we worked in the intake so much
15 at that mine. I mean, it don't seem
16 like a long time, but every day I was
17 in that mine, I was in the intake and
18 places. And he showed us how to get
19 around in there and stuff.

20 Q. Your SCSR training that you
21 had, you said that --- well, let's
22 just go to that. Did he go through
23 that again with you?

24 A. Al?

25 Q. Yeah.

141

01 A. He did there at the office the
02 day we got hired.

03 Q. You say he did?

04 A. Yeah. The day we got hired,
05 yes.

06 Q. And what did you have to do
07 with the SCSR?

08 A. Oh, did he have one that was
09 opened up, and we put it on and
10 everything, no. No, he didn't. He
11 gave us one, and he said --- told us
12 how to use it, you know what I mean.
13 He told us, you know ---. But we
14 told him, you know, we knew how, and
15 then he gave us one and he told us
16 what we needed to do with it.

17 Q. But part of your training that
18 you paid for yourself, did you go
19 through the ---?

20 A. Yeah. I'll tell you --- and
21 maybe you don't care. Jeff Toler,
22 the superintendent's the one that
23 actually had given us our class the
24 year before. And that's why --- he
25 done a good job. He showed us how

142

01 --- and not only that, we was shown
02 how to use the dragger, the old ones.
03 I mean, he showed us how ---.

04 Q. Which type do you carry? Do
05 you carry one on your belt?

06 A. Yeah. We use the CSC self ---
07 but we had all that. We was learning
08 about everything.

09 Q. Did you actually put them on?

10 A. At his house.

11 Q. You did? Okay. So you feel

12 real comfortable that you know how to

13 put it on, and ---?

14 A. Yeah. They're not --- when I

15 was shown how to do it, it wasn't

16 hard to do. I mean, you got your

17 goggles, your nose piece, mouthpiece,

18 it's got your strap and everything.

19 I mean, it's pretty, you know, not

20 real hard.

21 Q. Did he discuss anything about

22 the mine emergency evacuation

23 program, what to do in case of a fire

24 or explosion?

25 A. Did who?

143

01 Q. Did Al discuss that with you?

02 A. Well, I mean, I already knew

03 about your primary escapeway. If

04 something would happen, after your

05 80-hour class, you're always taught,

06 your primary escapeway is your

07 intake. Al showed us how our entries

08 were marked.

09 Q. Do you feel comfortable with

10 the training that he gave you that

11 was specific to that mine?

12 A. I think. Yeah, I really do.

13 Q. Okay. Do you know who the
14 responsible person is in case of ---
15 who would be in charge of the
16 evacuation if you had to do it? Did
17 he tell you who the responsible
18 person was at Sago Mine?

19 A. I would guess, if I was at the
20 section working ---.

21 Q. Don't ---.

22 A. I don't know.

23 Q. If you don't know, you don't
24 know. Don't guess.

25 A. Your boss, I mean.

144

01 Q. Okay. And you don't take
02 methane or oxygen tests?

03 A. I don't.

04 Q. So you've never had annual
05 retraining yet, only your
06 initial ---?

07 A. Right.

08 Q. That has to come yet. Have
09 you ever gotten a fire drill since
10 you've been there?

11 A. Uh-uh (no).

12 MR. MILLS:

13 You have to say yes or

14 no.

15 A. Oh, no. I'm sorry.

16 BY MR. O'DONNELL:

17 Q. What about an escapeway drill.

18 Has anyone talked to you about what
19 you do in case of an emergency?

20 A. We've never had a drill, like,
21 where we all had to run outside. But
22 Skip, all the time tells us --- he's
23 really --- I mean, I know how I'm
24 going to get out if something
25 happens, if that's what you're asking

145

01 me.

02 Q. Yes.

03 A. Yeah, I can get out. If
04 something happens and I feel that
05 barricading is not the best way to
06 get out, and I'm going to try to make
07 an attempt out, I know how to do it.

08 Q. Have you ever walked part of
09 the escapeway with Skip?

10 A. We've worked in the intake.

11 Q. No, I don't mean work there, I
12 mean, have you --- has he said to
13 you, Casey, we're going to walk a
14 couple thousand feet in the escapeway
15 today.

16 A. Just to walk it, no.

17 Q. Okay. Whenever you had your

18 initial training, did you go over
19 first-aid?

20 A. Eighty (80) hours. Yeah, that
21 was part of the class.

22 Q. Okay. And you say who gave
23 that to you?

24 A. Jeff Toler.

25 Q. And he gave it all to you? So

146

01 he signed your training slip, and the
02 5023, the one where you got the copy
03 of?

04 A. Yeah, he's the one ---.

05 Q. Okay. And you have a copy of
06 that if we need it; right?

07 A. Yeah.

08 Q. What about the roof control
09 plan and the ventilation plan, was
10 that discussed by Al?

11 A. I don't remember if Al
12 discussed it with --- it's been
13 discussed to me, but I don't remember
14 Al really talking about it.

15 Q. When you first started, did he
16 take you on a mine tour or anything
17 as part of that initial training that
18 you had?

19 A. The day we was hired, we

20 didn't go underground.

21 Q. The day you got hired then,
22 what did you do?

23 A. We just went and filled out
24 paperwork. He gave us our CSCs and
25 went --- you know, we went in his

147

01 office. He gave us reflective tape
02 for our uniforms, all that stuff. We
03 filled out a lot of paperwork. We
04 never went underground that day.

05 Q. And was that first-aid part of
06 that initial training about
07 escapeways and things like that, or
08 was that the next day?

09 A. Uh-uh (no). That was part ---
10 the next day we was ready --- that
11 was on Friday. And Monday we
12 started. Monday we started.

13 Q. So your first day in the mine
14 was paperwork?

15 A. Right. The day we was hired,
16 it was just for paperwork and
17 learning the escapeways and how they
18 mark them and stuff like that.

19 Q. Okay. And the second day you
20 went with Skip?

21 A. Not at that point. He
22 was ---.

23 Q. Oh, you went with Snyder?

24 A. Uh-huh (yes).

25 Q. And you went to build seals?

148

01 A. Uh-huh (yes).

02 Q. Okay. So between that time
03 that you first got hired and now,
04 have you ever --- have you received
05 any additional training?

06 A. Yeah.

07 Q. Other than on-the-job
08 training?

09 A. Well, we had to get re-hazard
10 trained up at the new mines we're
11 working at, but while we were at
12 Sago ---.

13 Q. Oh, you went to another mine?

14 A. Uh-huh (yes).

15 Q. Okay.

16 A. They put me there because ours
17 is shut down.

18 Q. What mine did you go to?

19 A. Sycamore Two.

20 Q. Okay. Do you think the
21 training that you got was adequate,
22 that it covered things that you need
23 to know?

24 A. I feel pretty comfortable in

25 the mines.

149

01 MR. O'DONNELL:

02 Okay.

03 BY MR. MILLS:

04 Q. The ADR class you were
05 speaking about, that you went to Jeff
06 Toler's house, was that to become an
07 underground apprentice miner in the
08 State of West Virginia?

09 A. Is that why I took it?

10 Q. Yeah.

11 A. Yeah.

12 Q. That's your ADR apprentice
13 class; right?

14 A. Yes, sir.

15 Q. When you get that class, and
16 you took your underground apprentice
17 test, where did you take it at?

18 A. Oak Hill.

19 Q. Oak Hill. You're employed by
20 GMS?

21 A. Yes, sir.

22 Q. Has GMS given you any kind of
23 training?

24 A. Uh-uh (no).

25 Q. Nothing? That crew has given

150

01 you all your training that you've

02 had?

03 A. Uh-huh (yes). Yes. Sorry. I
04 went uh-huh. I was saying yeah.

05 MR. MILLS:

06 Okay. That's all.

07 BY MR. O'DONNELL:

08 Q. Have you ever been searched
09 for smoking materials?

10 A. No, sir.

11 Q. Even anybody ever ask you if
12 you have any smoking articles on you
13 or anything like that?

14 A. Well, just in 80 hours in
15 course ---.

16 Q. No, no. I mean, at the mines.

17 A. No. At the mines, uh-uh (no).
18 I don't smoke. They wouldn't need to
19 ask me.

20 Q. Have you ever observed anyone
21 smoking underground?

22 A. No.

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

25 A. Yeah.

151

01 Q. In this mine, Sago Mine?

02 A. Yeah. I mean, you know, you
03 got torches and things like that

04 smoke.

05 Q. Cigarettes, lighters.

06 A. Oh, no.

07 Q. That's what I was getting at.

08 Has anyone offered you anything or
09 made any promise to you in exchange
10 for you appearing here today?

11 A. Uh-uh (no). No, sir.

12 Q. Instead of taking a break ---
13 well, do we need to? Okay. Do you
14 have anything that you'd like to add
15 that may be relevant to this
16 investigation?

17 A. No, sir.

18 MR. O'DONNELL:

19 On behalf of MSHA, I'd
20 like to thank you for
21 appearing and answering
22 questions today. Your
23 cooperation is very important
24 to the investigation as we
25 work to determine the cause of

152

01 the accident.

02 We ask that you not
03 discuss your testimony with
04 any person who may have
05 already been interviewed, or
06 who may be interviewed in the

07 future. This will ensure that
08 we obtain everyone's
09 independent recollection of
10 the events surrounding the
11 accident.

12 After questioning other
13 witnesses, we may call you if
14 we have any follow-up
15 questions that we feel that we
16 need to ask. If at any time
17 you have additional
18 information regarding the
19 accident that you'd like to
20 provide to us, please contact
21 us at the contact information
22 that we previously gave to
23 you, those cards.

24 The Mine Act provides
25 certain protections to miners

153

01 who provide information to
02 MSHA, and as a result are
03 treated adversely. If at any
04 time you believe that you've
05 been treated unfairly because
06 of your cooperation in this
07 investigation, you should
08 immediately notify MSHA.

09 If you wish, you may
10 now go back over any answer
11 you have given during this
12 interview, and you may also
13 make any statement that you'd
14 like to make at this time.
15 A. No, I don't have anything to
16 say. Those seals that we built, they
17 were inspect --- because it was over
18 a month and a half process, we ---
19 John Collins and the one --- I told
20 you about the one federal guy, he had
21 set there and watched us work on them
22 for a while. And then, there was
23 another --- I don't know what he was
24 --- or I don't know his name, but
25 there was another fellow that said

154

01 that --- after he inspected those
02 seals, I was telling him that they
03 were undoubtedly --- he felt that
04 they were some of the better seals
05 that he had seen and looked at. I
06 mean, he gave us kudos on them. He
07 said that they looked good and we
08 done a good job on them. Said some
09 of the better ones he had ever seen,
10 and ---.

11 And John Collins --- I

12 actually was able to --- you know, I
13 was there whenever he came out with
14 Marty. Marty Conrad walked him
15 around the back side and everything.
16 And that was before they was dusted,
17 and walked around the back side. And
18 John Collins said that everything
19 looked good on the seals. And then
20 after they was dusted, of course, he
21 had looked at them again, but they
22 --- I don't know if that matters, or
23 if you all ---. But they had been
24 --- you know, people checked them.

25 MR. O'DONNELL:

155

01 You're welcome to say
02 anything you like.
03 A. They checked them and looked
04 at them, and said that they looked
05 good and seemed like they were in
06 good shape. I don't know --- you
07 know, I just started in the mines,
08 and when they said that there was an
09 explosion behind the seals, and I
10 know I had built those, you can
11 imagine what I felt like, you know
12 what I mean. And then I was real
13 excited when that fellow called me

14 the other day and wanted me to come
15 talk. I was not excited, I just, oh,
16 well, I can see, you know, all this
17 anticipation, you know. I knew it
18 was coming, I just --- I was hoping
19 that maybe it wouldn't.

20 But we done, I feel --- I'm
21 going to say, if it's okay. I feel
22 that the company put a lot of time
23 and a lot of men's wages in those
24 seals. I mean, we worked on them,
25 and worked on them for a long time.

156

01 And I feel we done the best that we
02 could with what we had to work with.
03 We was always given good material to
04 work with. You guys, I take it --- I
05 don't know if --- all three, I'm
06 sure, you've been in the mines. You
07 know, you may be given good equipment
08 and good materials, but sometimes the
09 atmosphere you're working in don't
10 always say that, hey, this is --- you
11 may have a picture of the perfect way
12 to do something, but you may have to
13 --- the end result is exactly the
14 same, but you made --- the steps to
15 get there may have to be varied. You
16 may have to go one, three, four,

17 five, six and then back to two, but
18 you still got the ten at the end of
19 the day.

20 And it's my opinion, and the
21 opinion of the fellows that I seen
22 look at them. They thought they was
23 good. I don't know if that matters
24 to you all.

25 MR. O'DONNELL:

157

01 Anything you say
02 matters to us. We appreciate
03 it. Again, I want to thank
04 you for your cooperation.
05 Thanks for coming.

06

07

08 * * * * *

09 SWORN STATEMENT

10 CONCLUDED AT 2:55 P.M.

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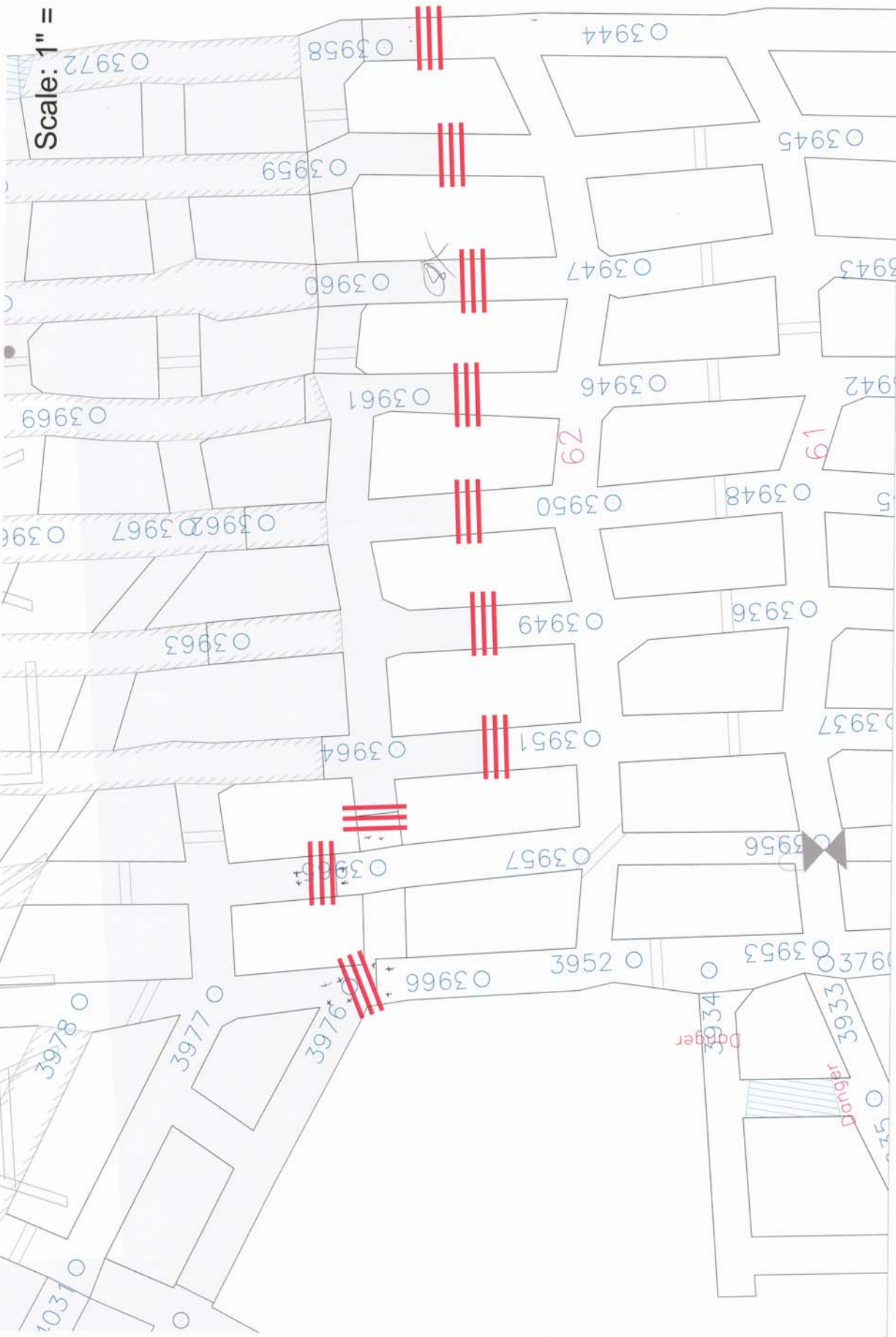
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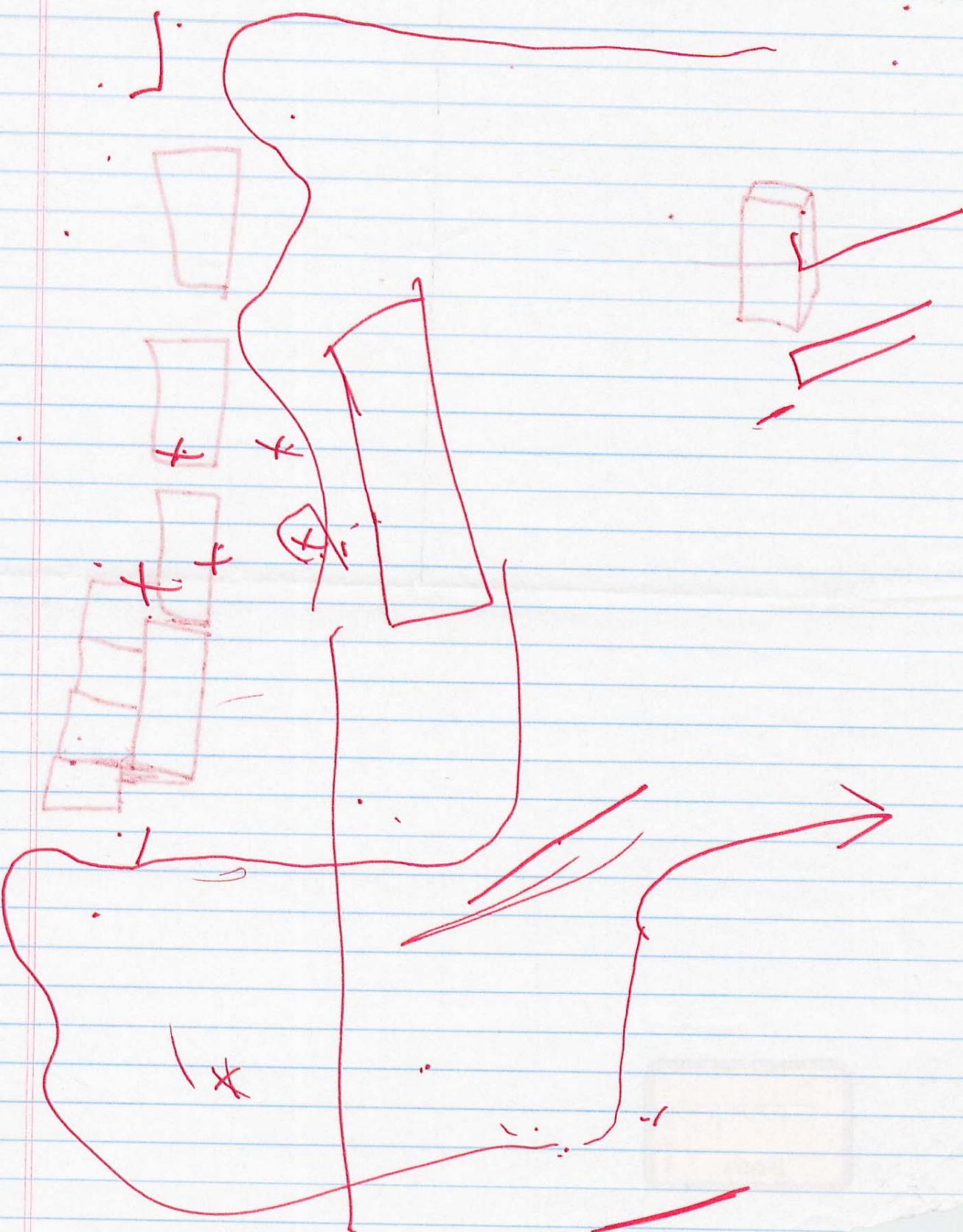
24

25



Scale: 1" = 50'





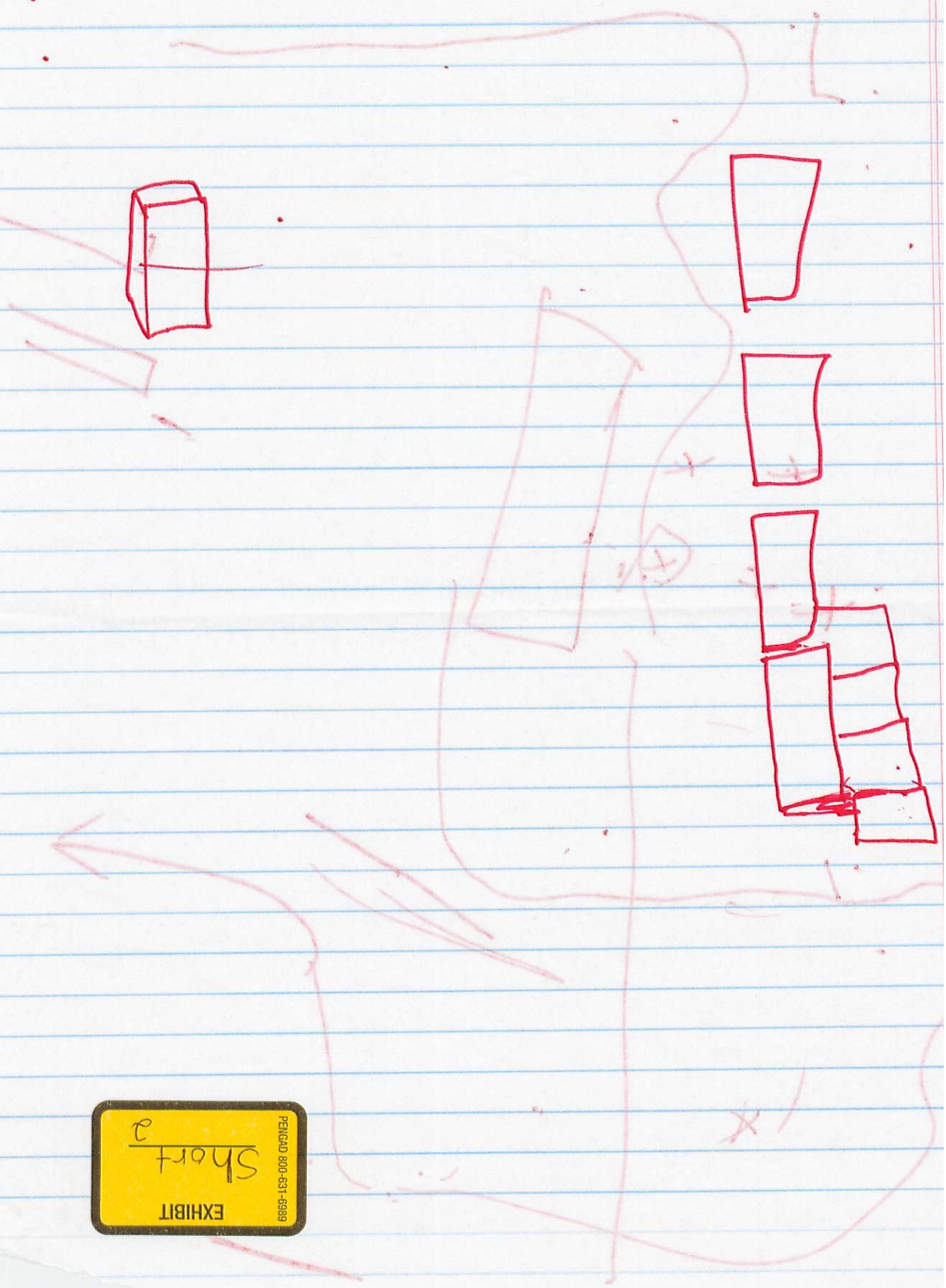
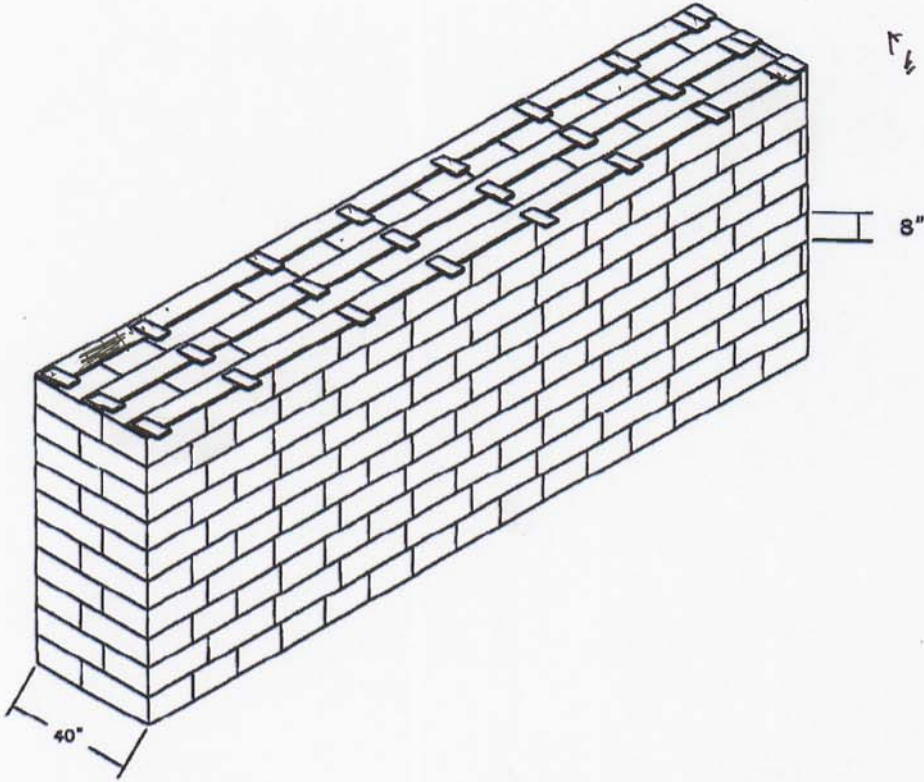


EXHIBIT
Short
2
PENGAAD 800-631-6969

*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 "BlocBond"
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

3