

STATEMENT UNDER OATH
OF
WILLIAM (BILL) CHISOLM

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at the U.S. Bankruptcy
Courthouse, 324 West Main Street,
Clarksburg, West Virginia, on
Wednesday, February 15, 2006, at
11:01 a.m.

Any reproduction of this transcript
is prohibited without authorization
by the certifying agency.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

A P P E A R A N C E S

JAMES BROOKS CRAWFORD, ESQUIRE

Senior Trial Attorney

Mine Safety and Health Division

U.S. Department of Labor

Office of the Solicitor

1100 Wilson Boulevard

Suite 2231

Arlington, VA 22209-2296

DAVE STUART

1507 Stonehenge Road

Charleston, WV 25214

JOSEPH YUHAS, ESQUIRE

P.O. Box 1025

Northern Cambria, PA 15714

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

A P P E A R A N C E S (cont'd)

JOHN COLLINS

West Virginia

Miners' Health, Safety & Training

One South Tenney Drive

Buckhannon, WV 26201

JOSEPH R. O'DONNELL, JR.

Supervisory Coal Mine S&H Inspector

U.S. Department of Labor

Mine Safety & Health Administration

District 11

3867 Pine Lane, Suite 205

Bessemer, AL 35022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

I N D E X

INTRODUCTION	6 - 20
WITNESS: WILLIAM (BILL) CHISOLM	
QUESTIONS	
By Mr. O'Donnell	20 - 79
By Mr. Collins	79 - 109
By Mr. O'Donnell	109 - 141
By Mr. Collins	141 - 145
By Mr. O'Donnell	145 - 177
By Mr. Collins	177 - 184
By Mr. O'Donnell	184 - 200
CERTIFICATE	202

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

EXHIBIT PAGE

PAGE

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENTIFIED</u>
Chisolm		
One	Dispatcher report	40
Two	Printout CO report	121

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

P R O C E E D I N G S

MR. O'DONNELL:

My name is Joe

O'Donnell. I'm an accident
investigator with the Mine
Safety & Health
Administration, an agency of
the United States Department
of Labor. With me is James

1 Crawford from the Solicitor's
2 office, John Collins and David
3 Stuart, with the West Virginia
4 Office of Miners' Health,
5 Safety & Training.

6 I've been assigned to
7 conduct an investigation into
8 the accident that occurred at
9 the Sago Mine on January the
10 2nd, 2006, in which 12 miners
11 died and one was injured. The
12 investigation is being
13 conducted by MSHA and the West
14 Virginia Office of Miners'
15 Health, Safety & Training to
16 gather information to
17 determine the cause of the
18 accident, and these interviews
19 are an important part of the
20 investigation.

21 At this time, the
22 accident investigation team

1 intends to interview a number
2 of people to discuss anything
3 that may be relevant to the
4 cause of the accident. After
5 the investigation is
6 completed, MSHA will issue a
7 written report detailing the
8 nature and the causes of the
9 accident. MSHA accident
10 reports are made available to
11 the public in the hope that
12 greater awareness about the
13 causes of accidents can reduce
14 their occurrence in the
15 future. Information obtained
16 through witness interviews is
17 frequently included in these
18 reports. Your statement may
19 also be used in other
20 enforcement proceedings.

21 I would like to thank
22 you in advance for your

1 appearance here. We
2 appreciate your assistance in
3 this investigation. The
4 willingness of miners and mine
5 operators to work with us is
6 critical to our goal of making
7 the nation's mines safer. We
8 understand the difficulty for
9 you in discussing the events
10 that took place, and we
11 greatly appreciate your
12 efforts to help us understand
13 what happened.

14 This interview with Mr.
15 William Chisolm is being
16 conducted under Section 103(a)
17 of the Federal Mine Safety &
18 Health Act of 1977 as part of
19 an investigation by the Mine
20 Safety & Health Administration
21 and the West Virginia Office
22 of Miners' Health, Safety &

1 Training into the conditions,
2 events and circumstances
3 surrounding the fatalities
4 that occurred at the Sago Mine
5 owned by International Coal
6 Group in Buckhannon, West
7 Virginia, on January the 2nd,
8 2006. This interview is being
9 conducted at the U.S.
10 Bankruptcy Court in
11 Clarksburg, West Virginia on
12 February 15th, 2006.

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

21 Mr. Chisolm, the
22 interview will begin by my

1 asking you a series of
2 questions. If you don't
3 understand a question, just
4 ask me to rephrase it. Feel
5 free at any time to clarify
6 any statements that you make
7 in response to the questions.
8 After we have finished asking
9 questions, you will also have
10 an opportunity to make a
11 statement of and provide us
12 with any other information
13 that you believe may be
14 important. If at any time
15 after the interview you recall
16 any additional information
17 that you believe may be useful
18 in the investigation, please
19 contact Mr. Richard Gates at
20 the phone number and e-mail
21 address provided to you. And
22 we'll have a business card for

1 you.

2 Your statement is
3 completely voluntary. You may
4 refuse to answer any question
5 and you may terminate your
6 interview at any time. If you
7 need a break for any reason,
8 please let us know. A court
9 reporter will record your
10 interview and will later
11 produce a written transcript
12 of the interview. Please try
13 and respond to all questions
14 verbally, since the court
15 reporter cannot record
16 nonverbal responses. Also,
17 try to keep your voice up.
18 Copies of the written
19 transcript will be available
20 at a later time.

21 If any part of your
22 statement is based not on your

1 own firsthand knowledge but on
2 information that you learned
3 from someone else, let us
4 know. Please answer each
5 question as fully as you can,
6 including any information that
7 you have learned from someone
8 else. We may not ask the
9 right question to learn the
10 information you have, so don't
11 feel limited by the precise
12 question asked. If you have
13 any information about the
14 subject area of a question,
15 please provide us with that
16 information.

17 At this time, Mr.
18 Collins, do you have anything
19 you'd like to add on behalf of
20 the State of West Virginia?

21 MR. COLLINS:

22 Yes. Mr. Chisolm, the

1 West Virginia Office of
2 Miners' Health, Safety &
3 Training is conducting this
4 interview session jointly with
5 MSHA and are in agreement with
6 the procedures outlined by Mr.
7 O'Donnell for these interviews
8 being conducted here today.
9 But the Director reserves the
10 right, if necessary, to call
11 or subpoena witnesses or
12 require the production of any
13 records, documents,
14 photographs or other relevant
15 material necessary to conduct
16 this investigation. And
17 here's a card. If you have
18 any questions or need
19 additional information or
20 anything, you can call later.

21 MR. O'DONNELL:

22 Mr. Chisolm, are you

1 aware that you may have a
2 personal representative
3 present during the taking of
4 this statement?

5 MR. CHISOLM:

6 I am.

7 MR. O'DONNELL:

8 Okay. And do you have
9 a representative here today?

10 MR. CHISOLM:

11 Joe.

12 MR. O'DONNELL:

13 And could you identify
14 him?

15 MR. CHISOLM:

16 Identify him?

17 MR. O'DONNELL:

18 Yes, his name.

19 MR. CHISOLM:

20 Oh.

21 MR. CRAWFORD:

22 His name for the

1 record.

2 MR. CHISOLM:

3 Joseph.

4 MR. CRAWFORD:

5 His last name?

6 ATTORNEY YUHAS:

7 Yuhas.

8 MR. O'DONNELL:

9 Okay. Thank you. Has
10 anyone suggested to you that
11 you use this representative?

12 MR. CHISOLM:

13 Yes.

14 MR. O'DONNELL:

15 And who would that be?

16 MR. CHISOLM:

17 ICG.

18 MR. O'DONNELL:

19 Are you aware that your
20 representative may have a
21 conflict of interest in
22 representing you while being

1 provided by someone else, such
2 as the company?

3 MR. CHISOLM:

4 Yes.

5 MR. O'DONNELL:

6 With this
7 understanding, do you still
8 want this person as your
9 representative?

10 MR. CHISOLM:

11 I do.

12 MR. O'DONNELL:

13 And have you been
14 pressured in any way to accept
15 this person as your
16 representative?

17 MR. CHISOLM:

18 No, sir.

19 MR. O'DONNELL:

20 Okay.

21 MR. STUART:

22 Is it your

1 understanding that Mr. Yuhas
2 is to represent your interests
3 in this matter?

4 MR. CHISOLM:

5 Yes, sir.

6 MR. STUART:

7 Do you have an
8 understanding as to whether
9 Mr. Yuhas may also represent
10 the employer, your employer?

11 MR. CHISOLM:

12 State that again, sir.

13 MR. STUART:

14 Do you have an
15 understanding as to whether
16 Mr. Yuhas represents your
17 employer also?

18 MR. CHISOLM:

19 No, he does not.

20 MR. STUART:

21 That's your
22 understanding, that he does

1 not?

2 MR. CHISOLM:

3 (Indicates yes).

4 MR. O'DONNELL:

5 You have to say yes or

6 no for the record.

7 MR. CHISOLM:

8 Yes.

9 MR. O'DONNELL:

10 I'm sorry, did you say

11 yes?

12 MR. CHISOLM:

13 Yes.

14 ATTORNEY YUHAS:

15 Can I clarify one issue

16 ---

17 MR. O'DONNELL:

18 Yes.

19 ATTORNEY YUHAS:

20 --- on a matter of

21 clarification? The process

22 --- Bill indicated that he was

1 in some way --- you know, I
2 was referred to him or
3 suggested to him. The way the
4 process works is that everyone
5 --- all the hourly people are
6 notified that if they would
7 like a representative, someone
8 is available out there. If
9 they want to meet with him,
10 that's fine. If they don't
11 want to meet with me, that's
12 fine also. Mr. Chisolm chose
13 to meet with me and we
14 discussed all the issues, we
15 discussed all the potential
16 conflicts. He knows the
17 situation. He knows all his
18 options before he does choose
19 me for a representative. So
20 the fact that someone may ---
21 ICG may have suggested, they
22 didn't suggest me. They said

1 a representative was out there
2 if anyone was interested in
3 talking to them. That's how
4 the process works. So we
5 don't --- we try to eliminate
6 any potential conflicts. And
7 I personally tried to stay as
8 insulated and as isolated from
9 the company as possible so
10 there are no conflicts.

11 MR. CRAWFORD:

12 Thank you.

13 MR. STUART:

14 And is what he just
15 said, Mr. Chisolm, your
16 understanding?

17 MR. CHISOLM:

18 Yes, it is.

19 MR. STUART:

20 Very good.

21 MR. O'DONNELL:

22 Mr. Chisolm, do you

1 have any questions regarding
2 the manner in which we will
3 conduct the interview?

4 MR. CHISOLM:

5 No, I don't.

6 MR. O'DONNELL:

7 Okay. Will you please
8 swear him in?

9 -----

10 WILLIAM (BILL) CHISOLM, HAVING FIRST
11 BEEN DULY SWORN, TESTIFIED AS
12 FOLLOWS:

13 -----

14 BY MR. O'DONNELL:

15 Q. Please state your full name
16 and spell your last name.

17 A. William L. Chisolm,
18 C-H-I-S-O-L-M.

19 Q. And your address and phone
20 number, please?

21 A. ██
22 ██

1 Q. Telephone number?

2 A. [REDACTED]

3 Q. Okay. Thank you. Are you
4 appearing here today voluntarily?

5 A. Yes, sir.

6 Q. And how many years of mining
7 experience do you have, Bill?

8 A. About 10 or 11, sir.

9 Q. And are they all at Sago Mine?

10 A. No, sir.

11 Q. Could you give us a
12 description of your mining
13 background?

14 A. 1980, Republic Steel, Goldbeam
15 Coal, Kent Energy until she shut
16 down. Black Diamond. I have worked
17 at Moundsville in one of the Consol
18 mines as a contractor, changing
19 shields on a longwall, and back to
20 Spruce Four until it shut down, then
21 Sago.

22 Q. And how long have you been at

1 Sago?

2 A. Probably close to a year.

3 Well, no, I'd say when ICG took over
4 and they shut down Spruce Four. So
5 pretty close to a year.

6 Q. Is that what it is, about a
7 year?

8 A. (Indicates yes).

9 Q. Okay. And have you had the
10 same --- you've been a dispatcher the
11 whole time you've been at Sago?

12 A. Yes, sir.

13 Q. Okay. Now, what did you do at
14 the other mines? Were you an
15 underground miner?

16 A. Roof bolter, buggy operator
17 and dispatcher for probably four
18 years I'd say.

19 Q. Okay. What kind of mining
20 certificates do you hold?

21 A. Mining certificates?

22 Q. Yes. Do you have any mining

1 certificates?

2 A. You mean like black hat?

3 Q. Yes.

4 A. Gas cards, stuff like that?

5 Q. Yes. Foreman?

6 A. No, sir.

7 Q. Mine examiner, anything like
8 that?

9 A. No.

10 Q. All State of West Virginia ---

11 A. Yes.

12 Q. --- and no other states;
13 right?

14 A. Right.

15 Q. If you would, could you just
16 describe your normal duties as a
17 dispatcher? What do you do?

18 A. Check the methane markers, see
19 if they need calibrated. In which
20 case if they do, I'm not --- you
21 know, I'm not doing that. The
22 lights, take care of the guys'

1 lights, their tags, whatever they may
2 need. I monitor the computer,
3 monitor the belt line, monitor the
4 COs and the gases that, you know,
5 might be given off. Start up the
6 belts, shut them down.

7 Q. You can do that from your
8 location?

9 A. Yes, sir.

10 Q. Okay. Do you do any other
11 duties besides those duties that you
12 just described, other than dispatch
13 the mine?

14 A. I mean, clean up around my
15 area right there.

16 Q. That's what I mean. You stay
17 right in that trailer?

18 A. Yes, sir.

19 Q. Do you ever leave it for any
20 reason?

21 A. If somebody breaks me off.

22 Q. Okay.

1 A. But I have to fill them out on
2 traffic coming out or going in, ---

3 Q. Okay.

4 A. --- and tell them what's on
5 the rail.

6 Q. And who's your immediate
7 supervisor?

8 A. Immediate supervisor? Carl
9 Crumrine, Jerry Toler.

10 Q. And have they been your
11 supervisor since you got there, since
12 you've worked at Sago?

13 A. No. I started up underneath
14 Johnny Stemple.

15 Q. Bill, now what we're going to
16 do is we're just going to let you
17 describe what you did that day from
18 the time that you got on the
19 property, started your shift, and
20 work yourself all the way through
21 that day until the time you left the
22 property and what your role was in

1 everything that happened.

2 A. Okay. I arrived at the mine
3 site probably 3:30, because Fred
4 Jamison and Terry Helms had to go
5 under to fire boss, so I had to be
6 there in time to start by four
7 o'clock. Had a lengthy conversation
8 with Terry. We were joking around.
9 Talked to Fred Jamison. I knew what
10 mantrip they was --- that they was
11 going to take in and told them to
12 check their sanders and make sure
13 that the trip was safe. They headed
14 on in to First Left. And they
15 did --- the phone, when I was talking
16 to them, this is the mine phone,
17 because the trolley wasn't rigged.
18 That's why, because Fred had called
19 me. He told me that the mantrip was
20 going --- was low on juice, that he
21 was going to take it and bring it out
22 and let it charge up. He told me to

1 tell Terry Helms that his lunch would
2 be left at the First Left switch. So
3 when Terry went there to get his
4 lunch, the Two Left section crew was
5 there. The Two Left section crew was
6 there. And I don't know for sure,
7 but knowing Terry, I'd say he called
8 the Two Left section crew, you know,
9 but that's just speculation, because
10 he might have walked up to the belt
11 head. And that's about it. Fred
12 went down on Number One belt. The
13 crews went in, like I said, Second
14 Left. And First Left had a trip, and
15 it was low. So we switched around
16 until you had number six with First
17 Left.

18 When them guys went in, they
19 got as far as the switch. The only
20 thing I know, the wind was blowing
21 and a heck of a storm come through.
22 Now, I lost everything exactly at

1 6:31. That's what the computer time
2 was telling me. But at 6:31, John
3 Boni was in the intake. He come out
4 on Number Four belt, said that his
5 ears had popped, that there's
6 something definitely wrong, and --- I
7 forget the other Boni. Pat Boni,
8 which was John's son, he was at
9 Number Three head, he said that the
10 dust was definitely going in the
11 wrong direction. They was on the
12 belt. John directed him a path to
13 get into the intake and started
14 walking out. Okay. Nobody had knew
15 what had happened.

16 And it was probably --- I'd
17 say within the time, at least 20
18 minutes that Dick Wilfong and Jeff
19 Toler and Al Schoonover --- let's see
20 who else, because there was one more
21 mechanic, I can't think of his name
22 right now, went in with them. And

1 that's when they saw the First Left
2 crew. Them guys had made their way
3 out onto the track. And with Dick
4 seeing the shape that they was in, I
5 was notified to call the ambulance
6 and to call mine rescue teams. And
7 the main job is the people down the
8 line that you have to get in touch
9 with, I called Johnny Stemple so that
10 he could do that, because there was a
11 lot going on right there at the time.
12 And so to keep things regulated the
13 way they should be, he had to let
14 people know what was going on. Like
15 I said, I'll never forget it, because
16 the Second Left section belt, the CO
17 right there at the tailpiece, the CO
18 midways at the belt and the alarm at
19 the tail all turned gray. I had
20 Number One belt, Number Two belt,
21 Number Three belt, Number Four belt
22 running. The instant it hit, I lost

1 Number Three belt, Number Four belt,
2 the power loss. Number Five belt and
3 Number Six belt, which was on pull
4 switch at the time, Five belt went to
5 power loss, Six belt went black, it
6 went gray. It was like it didn't
7 exist. And back on First Left I had
8 the CO at the tail all the way up
9 through to Four tail, all except for
10 the one CO that was gray. And
11 halfway up, all except for the two
12 COs that was on Four tail --- I mean,
13 Four drive, was all reading 107 parts
14 per billion. And I lost a couple
15 more, including the CO in the middle
16 of Two belt. Whereupon, I told
17 Johnny Stemple to get in touch with
18 the mine rescue teams. I had the
19 numbers of them right there. Dick
20 was wanting me to do it.

21 And after seeing the guys that
22 came out of the mines, I then called

1 Johnny Stemple to see if the
2 ambulance was on the way. And he
3 said that he was getting ready to
4 dispatch the ambulance and he would
5 like to know what was going on inside
6 the mines as far as directing the
7 air, not jumping the gun but finding
8 out what kind of situation we had.
9 But I immediately --- Doc Anderson, I
10 immediately looked at him. He was in
11 desperate need for oxygen right then
12 and there.

13 So I called for the first
14 ambulance to arrive on the scene with
15 more information to be as followed.
16 And the rescue team started arriving.
17 That's about all I can say. Dick was
18 in there. Toler was in there. There
19 was a K Order, but I didn't know
20 nothing about it. We was waiting on
21 them to call out. If they called
22 out, you had to tell them. They'd

1 have to automatically come out of
2 there. And the rest of the day was
3 just hectic as the teams started to
4 arrive. Just a rough day.

5 They decided that they did
6 have an explosion. I know Owie was
7 trying to get on Second Left. I do
8 know that. He had lost his hat. He
9 was trying to get on Second Left to
10 see about Jesse and that crew. One
11 of the guys that had come out, his
12 name was --- let's see, Hoy Keith or
13 Keith Hoy. He took over Wilfong's
14 office and started monitoring the
15 phone from every --- maybe ten
16 minutes, yelling for the Second Left
17 crew, to see if they could get a
18 response. Just more people was
19 gathering in at this time, more
20 teams. They was checking their
21 apparatuses. It didn't take them ---
22 as the first team come there, Barbour

1 County team, was monitoring like 300
2 parts per billion in the lamp house,
3 which we was evacuated, and about 360
4 is what I had, you know, but it did
5 go higher than that. And I was
6 operating out of Carl's office then.
7 The rescue teams, I'm not sure about
8 what time they went under. Really,
9 you know, I can't say for sure. They
10 was being monitored. The command
11 center was set up and they took over
12 monitoring the rescue teams going in
13 and out of the mine. I stayed there
14 until the next dispatcher came on. I
15 probably stayed there two more hours
16 over my shift, possibly three, you
17 know, I'm not saying --- to see what
18 shape the guys was in and if they was
19 all right. And that's about all I
20 can say, I mean, of that day.

21 Q. What we'll do now is we'll go
22 back and we'll work through it. Now,

1 you said that there was some storming
2 going on?

3 A. There was a storm that come
4 through there.

5 Q. Bill, did you see any
6 lightning strike at the mine portal?

7 A. No. Right down directly at
8 it, no. I just saw ---.

9 Q. I mean, what did you see?

10 A. Just brightness. The storm
11 come through there. And as fast as
12 it came, it just left. I mean, it
13 was like a couple lightning bolts
14 come down. One come down, the ground
15 shook. I mean, that second, I mean
16 when it hit, I lost all
17 communications in the mine. And like
18 I said, that was at 6:31. But they
19 checked it with the mercury time, and
20 you know the rest of that. I mean,
21 on --- you know what I'm saying? Or
22 do you want me to say it?

1 Q. Yes.

2 A. Okay. The mercury time is the
3 time that the world goes by. It's
4 the accurate time, the most measured
5 time. Going from that, they could
6 see where the computer, where it said
7 6:31 and I lost everything, actually
8 the computer clock was off. So
9 therefore, it was within a second of
10 everything happening. I'm not sure
11 what --- the time that it went back
12 to. I don't know if it was six
13 minutes off. I'm really not sure.

14 Q. But you said that --- so you
15 were sitting --- you were ---?

16 A. I was on the phone talking to
17 Jeff Toler. The wind picked up, a
18 storm come through. I threw the
19 phone down because lightning ran in
20 on the phone. I told Jeff --- I
21 picked back up the phone and said,
22 Jeff, there's something wrong. I

1 have immediately lost all
2 communications. I said, the belts is
3 going down. As soon as it happened,
4 I said I lost all the belts and
5 everything. But when it come down, I
6 was talking to Jeff when I threw the
7 phone down.

8 Q. You said lightning came
9 through the phone?

10 A. It popped the phone.

11 Q. It did?

12 A. Yeah.

13 Q. So you had it at your ear ---?

14 A. Yes, I did.

15 Q. Well, what did you hear?

16 A. I mean, just like a (makes
17 sound effect), like a pop on the
18 phone itself.

19 Q. Yeah? Like a --- like static
20 or ---?

21 A. No, just like noise, like
22 electric --- well, yeah. Yeah.

1 Q. It sounded like an electrical
2 ---?

3 A. Yeah.

4 Q. And you heard that?

5 A. I heard it.

6 Q. And what happened after that?

7 A. I threw down the phone and I
8 looked --- I mean, a split-second ---
9 when I was talking to Jeff, I just
10 threw it down. It hurt my ear. I
11 picked up the phone and told Jeff
12 that we lost the belts. Second Left
13 is showing me just dead.

14 Q. Did you get shocked or
15 anything?

16 A. I don't think I did, but it
17 hurt.

18 Q. It hurt you?

19 A. My eardrum, yeah.

20 Q. So you say you started at 3:30
21 in the morning?

22 A. 3:30. My usual --- go ahead.

1 Q. Go ahead.

2 A. My usual shift is 6:00 in the
3 morning 'til 6:00 in the afternoon.

4 So what we done there, I was to come
5 in at like four o'clock in the
6 morning or be there by 4:00 so the
7 fire bosses can go under, and then
8 continue working my shift.

9 Wherefore, Bruce would come on and he
10 would come in like two hours early.
11 And that's how we worked.

12 Q. So who was at the mine when
13 you got there?

14 A. Terry Helms, Fred Jamison.
15 Now, when I was talking to them, Jeff
16 Toler, Gary Marsh and Dick Wilfong.

17 Q. They were all there that
18 early?

19 A. They was there --- well, when
20 the crews was going under ---.

21 Q. No, no. I'm talking about
22 when you started.

1 A. As soon as I walked on the
2 scene, it was just Fred Jamison and
3 Terry Helms.

4 Q. And they were outside when you
5 got there?

6 A. They was outside when I talked
7 to them.

8 Q. Was there anyone underground
9 at all?

10 A. No, sir. They had to go and
11 fire boss for the oncoming shift.

12 Q. Right. Was the mine down?

13 A. It was idle, yeah.

14 Q. How long was it idle?

15 A. From the shift before. I'd
16 just say Sunday.

17 Q. Sunday? So when was the last
18 day that you worked?

19 A. Well, the last day I worked
20 was Friday.

21 Q. The Friday before?

22 A. Right.

1 Q. Okay. But you do normally
2 relieve somebody?

3 A. Friday?

4 Q. No, whenever you ---.

5 A. Oh, yeah. Yeah.

6 Q. You're always ---?

7 A. Yeah.

8 Q. So you guys worked 12s?

9 A. Right.

10 Q. Okay. And how many
11 dispatchers are there, just two or is
12 there three?

13 A. There's Nathan Eye, which we
14 call him Gander, Bruce Edmond Payne,
15 Larry Everson (phonetic) and myself.

16 Q. So there's four of you?

17 A. Yes, sir.

18 Q. And you all work --- how does
19 that work?

20 A. I work through the weekdays,
21 6:00 to 6:00 Monday through Thursday,
22 and from 6:00 'til 12:00 on Friday.

1 And how that works in, like Bruce
2 will work three --- them guys will
3 rotate, three on, three off.

4 Q. Okay.

5 A. And Gander will be on steady
6 dayshift on his three, Friday,
7 Saturday and Sunday.

8 Q. Gander, what's Gander's real
9 name?

10 A. Nathan Eye.

11 Q. Oh, that's Nathan Eye, okay.
12 So what time did Helms and --- who
13 was the other guy?

14 A. Fred Jamison.

15 Q. Fred, yeah. What time did
16 they go in the mine?

17 A. Four o'clock.

18 Q. And what was their route of
19 travel? What were they supposed to
20 examine? Do you know what their
21 preshift was?

22 A. Yeah. They had to go in and

1 preshift. They had to go up on First
2 Left, through the faces, First Left,
3 Second Left and down around the
4 seals. Just a regular preshift.

5 Q. Do you know who did what or
6 did they go together?

7 A. When I called and talked to
8 Terry, he was coming off of Second
9 Left. He come off there to get his
10 lunch on First Left. But I'd say
11 Terry done Second Left. I don't
12 really know if he did or not. See,
13 they parked the mantrip at First
14 Left, and so I don't know ---.

15 Q. Now, do they call you
16 periodically throughout the preshift?

17 A. Keeping checks on me.

18 Q. Yes. How often do they call?

19 A. I'd say probably every half
20 hour.

21 Q. And did they do that that day?

22 A. Terry called me and Fred

1 called me.

2 Q. Okay.

3 A. I talked to both of them.

4 Q. How do you track guys in the
5 mine when you dispatch?

6 A. How do I track them?

7 Q. Yes. I have a ---.

8 A. I write it down. That was a
9 morning that it was very simple
10 because we only had --- when they
11 brought up that one mantrip, we only
12 had two mantrips going in.

13 Q. Do you recognize that as your
14 ---

15 A. Yes, sir, I do.

16 Q. --- dispatch report sheet?

17 A. Yes, sir.

18 MR. O'DONNELL:

19 We'll mark that as
20 Chisolm Exhibit One.

21 A. Okay.

22 (Chisolm Exhibit One

1 marked for
2 identification.)

3 BY MR. O'DONNELL:

4 Q. So just go through it from the
5 top and explain that to me.

6 A. From the top, sir?

7 Q. Yes.

8 A. Outside, the First Left,
9 outside. That's self-explanatory,
10 sir.

11 Q. But who is that and what time
12 and where are they going?

13 A. At the top of the sheet, I
14 wouldn't know. I started ---.

15 Q. This is your writing?

16 A. Sir, this is not my writing.
17 This is my writing.

18 Q. Okay.

19 A. Sir, I'd be starting at ---.

20 Q. Where did this part come from,
21 the top part?

22 A. It would have been --- I don't

1 know. It should have been --- I
2 should have signed it right here and
3 dated it. Because this would have
4 had to have been from Saturday.

5 Q. So is that what you do, you
6 normally --- where you start off, you
7 put your name down?

8 A. Yeah, and date it.

9 Q. Okay. So this was from
10 another dispatcher?

11 A. Yes, sir.

12 Q. Okay. So let's go from where
13 you started here.

14 A. This writing looks like
15 Gander. I got 4:35, Two Left to the
16 outside. And that was the mantrip
17 that they was using. I do not show
18 the mantrip going in. I show the
19 mantrip coming out. That is when he
20 told me that --- to tell Terry Helms
21 to pick up his lunch at First Left
22 switch.

1 Q. Who told you that?

2 A. Fred Jamison.

3 Q. Oh, that was Fred.

4 A. Fred Jamison told me that.

5 Q. So what's missing in here is
6 when they went in?

7 A. When they went in.

8 Q. Okay. Because there were only
9 two guys in the mine. They went in
10 on one mantrip?

11 A. Yes, sir.

12 Q. Okay. Go ahead. So Two Left
13 ---?

14 A. And then the Two Left crew ---
15 that mantrip from Two Left to the
16 outside ---

17 Q. Yeah.

18 A. --- had come out. Fred took
19 off on one belt, like I said, and Mr.
20 Toler continued on to Second Left.
21 Usually when he gets there, he always
22 calls and says, Flea, --- if he knew

1 we was having trouble, they always go
2 --- they call and say, Flea, we're
3 clear, Number Eight, Number Six,
4 whichever mantrip they got.

5 Q. This Two Left outside at 4:30,
6 is that --- what's that over on the
7 left side?

8 A. Two Left to the outside at ---
9 yeah, Two Left to the outside, 4:30.

10 Q. That's what time he come
11 outside or what time he was leaving
12 to go out?

13 A. That's what time he was
14 leaving to go outside.

15 Q. Okay. And did he come
16 outside?

17 A. No, sir, not at that time. He
18 had to park up there at First Right.

19 Q. Okay.

20 A. And so there was nobody else
21 in there, he had plenty of time. He
22 put it on a little bit of charge and

1 done his walking.

2 Q. So after their preshift was
3 done, did anybody come outside?

4 A. Fred Jamison did.

5 Q. Fred came outside?

6 A. Right.

7 Q. And did you talk to him at
8 all?

9 A. Yes, sir, I did.

10 Q. And did he come up to your
11 dispatch shanty to do the books?

12 A. He come up there to tell him
13 what the report was for filling out
14 the books.

15 Q. Okay.

16 A. And he went back down on One
17 belt. Terry decided that he'd just
18 go ahead and stay in.

19 Q. Terry stayed in?

20 A. Terry stayed in and called out
21 his report.

22 Q. Okay. And he called that out

1 from where?

2 A. From Second Left.

3 Q. Terry stayed in Second --- was
4 he in the section at Second Left?

5 A. That's what I'm thinking, sir,
6 because ---.

7 Q. Okay.

8 A. But you know, by what I got by
9 him.

10 Q. Yes.

11 A. Because he had to come down
12 off of Second Left to get his lunch
13 that Fred had dropped off at the
14 First Left switch.

15 Q. So Fred dropped Helms' lunch
16 off at First Left switch?

17 A. Right.

18 Q. That means that Terry Helms
19 had to come down --- what does he ---
20 what do these guys --- like you said,
21 if his preshift was done, what did he
22 do usually after that; do you know?

1 A. A beltman. He had Number Six
2 belt and Number Four belt.

3 Q. Six and Four?

4 A. Six and a little bit of Four
5 and also right in through there on
6 Five. He stayed right around that
7 area.

8 Q. And that was like an everyday
9 thing?

10 A. Yes, sir.

11 Q. So he would have normally been
12 working at which drive?

13 A. Six drive.

14 Q. Six drive. And does he call
15 you from time to time and tell you
16 where he's at when he got down to the
17 switch?

18 A. No. That's the last I heard
19 from him.

20 Q. When he called from Two Left?

21 A. When he called and I told him
22 that he needed to go down and pick up

1 his lunch.

2 Q. Okay. So for all you know,
3 that's where he was headed, down to
4 First Left switch ---

5 A. Right.

6 Q. --- to pick his lunch up?
7 Okay. Now, we have the guys down at
8 --- we have --- Helms is in the mine
9 by himself; right?

10 A. Helms is at the First Left
11 switch.

12 Q. By himself.

13 A. Fred is out of the mines,
14 brought up the trip, finished charge.
15 I had to get his fire boss report.
16 Terry is on the phone, calling out
17 his fire boss report. Fred walked
18 back down on Number One belt, and the
19 crews start in.

20 Q. And that's what I got here at
21 six o'clock, outside Second Left,
22 outside First Left?

1 A. Yes, sir.

2 Q. Okay. So you made no other
3 entries for that day?

4 A. No, sir.

5 Q. Okay. And that's how you
6 tracked them. And now after they get
7 into the mine --- now, let me just
8 back up here and ask you about some
9 of the communications before we get
10 into this part. Describe to me the
11 types of communications that you do
12 have at the mine?

13 A. Trolley and mine phone.

14 Q. So the trolley phone is the
15 one that's on the mantrips?

16 A. Uh-huh (yes).

17 Q. The ---?

18 A. Mine phone.

19 Q. Is the pager phone?

20 A. Yes. But it also comes in on
21 the mantrips.

22 Q. It does?

1 A. Yes.

2 Q. Is it normally ---?

3 A. Yeah.

4 Q. That's standard stuff?

5 A. It's standard. It's the way
6 they have it.

7 Q. And what other form of
8 communication underground?

9 A. What other form?

10 Q. Is there another form?

11 A. No.

12 Q. These are the only two ways
13 that you call in?

14 A. The mine phone and the
15 trolley.

16 Q. And I understand that the
17 crews have walkies; right?

18 A. Yes, sir.

19 Q. Was there any ---?

20 A. Now, I can talk to a section
21 with my walkie-talkie that I have.

22 Q. You can? How does that work?

1 A. I can hear them on my
2 walkie-talkie. If I want like Gary
3 Marsh down in the yard, they can get
4 on the mine phone and tell --- you
5 know, and have me to tell --- like we
6 call him Muff, what they want to load
7 up. And I'll say, I didn't get that
8 last part. I'll say, just page it.
9 So they can actually, with the mine
10 phones, talk to that walkie-talkie by
11 paging.

12 Q. So you can page ---?

13 A. You can page and talk to the
14 outside.

15 Q. So both systems are
16 interconnected?

17 A. Right.

18 Q. And as long as that line runs
19 through the mine, you could talk to
20 anybody on the mine phone and the
21 pager --- the trolley phone?

22 A. Yep, all for one exception.

1 When the trolley phone is out,
2 nothing will come over that speaker.
3 They was down there and it was just
4 like you just heard a little bit of
5 static, and they took off. That's
6 why this wasn't fully filled because
7 I couldn't tell what they was saying.
8 But if they would have went to the
9 mine phone ---.

10 Q. Okay.

11 A. Now, see, the mine phone would
12 have given me a clearer of what was
13 going on. But I can't talk on the
14 mine phone and come across their
15 trolley when the trolley is out. See
16 what I mean?

17 Q. Yes.

18 A. The trolley has got to be
19 working. That's why I was waiting on
20 to get an acknowledgment from them
21 guys on the section.

22 Q. So the only communication you

1 had was with the pager phone?

2 A. The mine phone, exactly.

3 Q. Two-way communication ---

4 A. Right.

5 Q. --- to the sections, and that
6 was all working fine?

7 A. Yes, sir.

8 Q. But you did say --- was it
9 just unique to this shift or had you
10 had problems with the trolley phone
11 before?

12 A. Before.

13 Q. How long has that been a
14 problem?

15 A. They was having trouble with
16 it Sunday, but it wouldn't work
17 Monday morning.

18 Q. Do you have any idea what the
19 problem was?

20 A. I think it's a splitter down
21 at Three head, I'm pretty sure. I
22 think they might have moved it to

1 Four head. There's a splitter in
2 there, a switch that you throw.

3 Q. So it's a pretty good system
4 then when it's working right?

5 A. Yeah. Right.

6 Q. What about the section
7 walkie-talkies that the guys use
8 between each other?

9 A. I can't receive them.

10 Q. Is there any time you ever
11 did?

12 A. No.

13 Q. It won't feed through
14 that ---?

15 A. No. They're on their own
16 frequency.

17 Q. Okay.

18 A. See, and I'm on frequency two,
19 which is the mine phones and trolley,
20 together. So I couldn't even hear
21 them --- you can't hear them on the
22 mine phone or trolley. No feedback

1 there.

2 Q. So now the guys go --- and
3 let's say --- well, you said --- did
4 you know that there was a delay
5 between First Left and Second Left?

6 A. Yes, sir.

7 Q. They called you and --- who
8 would have called you and told you
9 that we're switching out mantrips?

10 A. Owie Jones.

11 Q. Owen. And the foreman on the
12 Second Left bus, he called you and
13 reported went in; right?

14 A. Yeah.

15 Q. At any time after that, the
16 Second Left crew went in, did you
17 ever have any communication with them
18 again?

19 A. No communication at all.

20 Q. That was the last time?

21 A. That was the last time.

22 Q. What about One Left going in?

1 A. First Left, communication with
2 them, at First Left switch when he
3 said something has happened. Well,
4 no, that was --- Owie was on the mine
5 phone. Owie made it to the mine
6 phone. Owie said that there had been
7 some kind of an explosion or a fall.
8 He's not sure which. It blew the cap
9 off of his head.

10 Q. Let me back up just a little
11 bit, then we'll get to that part.
12 Before that happened, okay, before
13 you had any communication with Owie,
14 that's when you were on the phone;
15 right?

16 A. Uh-huh (yes).

17 Q. And you had the problem with
18 the telephone?

19 A. Yeah. I mean, it rang. It
20 rang in my ear. I mean, it just ---.

21 Q. And it hurt you?

22 A. It ran into me on the phone.

1 Q. And that's when your monitors
2 and everything went out?

3 A. At the same second.

4 Q. So that happened?

5 A. Yeah.

6 Q. Now, what is the next thing
7 that occurred?

8 A. Owie Jones made it to a phone.
9 They was talking to him. He said
10 that something had happened. He
11 wasn't sure which. He lost his cap,
12 and he was going to try to make it to
13 Second Left.

14 Q. Okay.

15 A. Then he was notified to put
16 the crew in the intake, which there
17 were some stoppings that blew out, so
18 they had to go a little ways before
19 they could get back over into the
20 track.

21 Q. But when your sensors went
22 out, ---

1 A. Yes, sir.

2 Q. --- did you or anybody else
3 make a call to the inside?

4 A. I made the call for them.

5 Q. You did?

6 A. Yes.

7 Q. Okay. So you had this event
8 that happened and now you're trying
9 to call inside?

10 A. Right.

11 Q. And then is that when Owen
12 answered the phone?

13 A. Yeah.

14 Q. Okay. And what did you tell
15 him?

16 A. I told him that I lost the
17 belts. He said something happened
18 and he's not sure what it was, but he
19 felt the force from it. He said he
20 thought that it might have knocked
21 the stopping out. Dick told him to
22 get into the intake, for him to get

1 the guys into the intake.

2 Q. So you called into the
3 section, you called into the mine to
4 get ahold --- some way to alert them.
5 Owen answers the phone?

6 A. Right.

7 Q. Now you're having this
8 communication with Owen, ---

9 A. He's putting his guys into the
10 intake.

11 Q. --- and you mentioned that
12 somebody else broke into the
13 conversation.

14 A. Yes, sir, John Boni.

15 Q. And?

16 A. Pat Boni. And I mean at the
17 same time, I mean, all this was going
18 on.

19 Q. That's what I mean, yeah.

20 A. John Boni, on Four belt, he's
21 only --- he was back in there
22 checking his pumps when it happened,

1 John Boni. He come out on the belt
2 line and, of course, he's wanting to
3 know what wrong with the belts. He
4 said that his ears popped. Pat Boni
5 got on there and said that something
6 was wrong, that the dust was going
7 the wrong way, rock dust.

8 Q. Which way does it normally go?

9 A. Intake.

10 Q. And it's reversed?

11 A. Yeah, it was reversed.

12 Q. Okay. But then you said
13 somebody else called, too. You said
14 they told them to get into the
15 intake.

16 A. Dick.

17 Q. Dick.

18 A. Dick told them something must
19 have happened. He told them to get
20 into the intake.

21 Q. Was that Dick Wilfong?

22 A. Yes, sir.

1 Q. Okay. Where was his location?

2 A. Dick was --- he was over in
3 his office.

4 Q. Okay.

5 A. No, sir. I got that wrong.
6 He was in the dispatcher's center.

7 Q. He was with ---?

8 A. Because we was talking and he
9 was using the phone.

10 Q. And he was with you?

11 A. Yes, sir. Because by that
12 time it was Fick Wilfong and Gary
13 Marsh.

14 Q. Who's Gary Marsh?

15 A. Muff.

16 Q. Muff?

17 A. The forklift operator.

18 Q. So Muff is as forklift
19 operator?

20 A. Uh-huh (yes).

21 Q. And his name is?

22 A. Gary Marsh.

1 Q. Gary Marsh, okay. That's
2 Muff. All right. Didn't know who
3 Muff was. So now Wilfong --- how did
4 Wilfong realize that something had
5 happened? I mean, some of this stuff
6 may seem real obvious to you, but we
7 have to do this to piece it together,
8 okay.

9 A. Dick was in the office. Like
10 I said, I was talking to Jeff Toler
11 on the phone when all this occurred.

12 Q. What phone were you talking to
13 Jeff on?

14 A. On the mine phone.

15 Q. On the mine phone?

16 A. Yes, sir.

17 Q. So Jeff was somewhere else on
18 the surface?

19 A. Jeff was in his office on the
20 mine phone, and I was talking to him.

21 Q. Okay. I understand there was
22 a lot of confusion, and we're just

1 trying to sort it out. When this
2 happened, when all the phones went
3 down and you lost all of that, did
4 you ever lose power?

5 A. Power, as far as ---?

6 Q. The mine power.

7 A. No, sir, just a belt line.

8 CO ---.

9 Q. But the main mine power was
10 still on?

11 A. It was still on, sir.

12 Q. It never kicked? Just what
13 you know.

14 A. Well, power loss.

15 Q. Yes.

16 A. Power loss. I mean, it's
17 kicking, I mean, Number Two belt,
18 Number Three belt. There's power
19 loss. I had them running.

20 Q. But the first --- One, Two and
21 Three were still running?

22 A. One, Two and Three --- let's

1 see, One and Two belt was on. I had
2 them all running, all except for Two
3 section belt to start with. It was
4 on pull switch. When that lightning
5 hit, what I lost was Three belt and
6 Four belt was on power loss and Five
7 belt was on power loss and Six belt
8 was just gray, along with the CO.

9 Q. Now, we have --- so Wilfong is
10 --- he's on the phone. Are you still
11 on another phone or ---?

12 A. I was talking to --- told Dick
13 that something had happened. Dick
14 got on the phone and he said a couple
15 things to Owie, like get your guys in
16 the intake. Dick then immediately
17 come over, he grabbed his light, he
18 got on the phone, and he was like
19 finishing his conversation. Jeff
20 Toler was getting ready to go under
21 --- well, he was just slapping stuff
22 on. Al Schoonover and --- I still

1 can't think of the other mechanic's
2 name.

3 Q. Did you hear any other
4 conversations from the First Left
5 crew after they had begun the
6 evacuation? So who ordered the
7 evacuation?

8 A. Dick.

9 Q. Dick ordered the evacuation?

10 A. Told them that something had
11 definitely happened. Of course, they
12 knew that.

13 Q. Yeah.

14 A. They couldn't see in front of
15 them. Tell you the truth, that phone
16 that Owie had got on, I don't know
17 where that was, unless it would be
18 right there at the drive itself. It
19 had to have been. That's the only
20 thing I know.

21 Q. See, is there any way that you
22 could determine what phone a person

1 is talking on?

2 A. No. I mean, that's ---.

3 Q. There's no way to monitor
4 that?

5 A. No. But now I could --- like
6 say a smoky situation, there is, I
7 mean, for like you trained for, like
8 are you at First Left switch? Click
9 once for yes, twice for no. Stuff
10 like that. But they was all like in,
11 you know, --- except for Doc, you
12 know, with ---.

13 Q. Doc, meaning Denver Anderson?

14 A. Denver Anderson.

15 Q. Okay. So the guys all started
16 --- now, what was the next thing that
17 happened after they called and the
18 evacuation began? Now what happened?

19 A. Dick and them was on their way
20 under, because they did not know what
21 had happened, to see if they could
22 help out. When he saw Owie's crew,

1 he met them on the track. Like I
2 said, it had to have been by ---
3 let's see, by First Left switch. I'm
4 thinking like Four head, in through
5 there.

6 Q. Yeah.

7 A. He called. He told me, you
8 know, to get in touch with these
9 people. And he took one look at them
10 and knew what was going on.

11 Q. Yeah. So who brought them
12 out?

13 A. Who brought the guys out?

14 Q. Yeah.

15 A. There was a trip, I think it
16 was on First Right, that them guys
17 got.

18 Q. Did anybody stay in the mine?

19 A. Yes, sir.

20 Q. Who stayed in the mine?

21 A. Dick was in there, Jeff Toler,
22 Al Schoonover.

1 Q. Did Owen ever come out?

2 A. Sir?

3 Q. Owen Jones, did he ever come
4 out?

5 A. Yes, sir, he did.

6 Q. When did he come out?

7 A. With Dick and them.

8 Q. Okay. But he didn't come out
9 with the crew?

10 A. No, sir.

11 Q. He stayed in ---?

12 A. To see what he could do.

13 Q. Okay. So now we have the crew
14 out of the mine. And you said that
15 Wilfong --- was it Wilfong that ---

16 A. Yes, sir.

17 Q. --- directed you to call who?

18 A. Mine rescue.

19 Q. Okay.

20 A. But first the ambulance, the
21 medical team and mine rescue.

22 Q. Now, when was that? Was it

1 after he had --- before he went in
2 the mine or ---?

3 A. No, sir, after he seen the
4 guys in the situation that they had.

5 Q. Okay. So ---?

6 A. And he was taking fresh air
7 with him as he went.

8 Q. How soon was that after the
9 --- all right. They get ready, they
10 go in the mine, they find the guys
11 that are walking out.

12 A. Close, but not on the money?

13 Q. Yeah, just ---.

14 A. Let's see. That's 6:31, so it
15 was probably --- well, right about
16 6:45, 6:50.

17 Q. Okay. So they're picking the
18 guys up. He sees their condition,
19 ---

20 A. Right.

21 Q. --- and then he calls you?

22 A. Right.

1 Q. That's when he called you?

2 A. Yes, sir.

3 Q. So it was about 20 minutes
4 after ---

5 A. Yes, sir, because ---.

6 Q. --- the explosion?

7 A. Yes, sir.

8 Q. And he told you to call mine
9 rescue teams?

10 A. Yes, sir.

11 Q. And who else, the ambulance?

12 A. Yeah.

13 Q. So who did you call?

14 A. I called --- I tried Dunbar.
15 I tried all the people down the list
16 that I'm trying to get in touch with,
17 Raymond, all of them. It was a
18 holiday. Could not get in touch with
19 any of them. I called Johnny
20 Stemple.

21 Q. Do you have a list that you go
22 by?

1 A. Yes, sir.

2 Q. Okay. And at the top of that
3 list, what is there? You said you
4 were instructed to call the mine
5 rescue team?

6 A. Yes, sir.

7 Q. So what time specifically did
8 you call?

9 A. Team, sir?

10 Q. Yeah. I don't know ---.

11 A. I called --- I got the
12 ambulances rolling on it. Johnny
13 took care of the rescue teams, which
14 Barbour County was the first that
15 arrived on scene.

16 Q. Okay. Barbour County is the
17 rescue team?

18 A. Yes, sir.

19 Q. That's your company's rescue
20 team, your ---? But that's who you
21 call first. And what ambulance
22 company did you call?

1 A. Buckhannon 9-1-1.

2 Q. Okay. And ---?

3 A. I related to them that we had
4 a situation going on. They asked me
5 what kind of an emergency. I said we
6 needed to roll an ambulance right now
7 on scene to deliver oxygen, but more
8 will be available on the scene, more
9 will be available. And that is when
10 they seen what they had as looking,
11 you know, through the guys back there
12 at the bathhouse, and then it was
13 Code Red.

14 Q. So these initial contacts were
15 made 20 minutes after you discovered
16 that you had a problem?

17 A. When Dick told me to call, I
18 went down through the names, like I
19 said, which I could not find the
20 first time, and I called Johnny
21 Stemple immediately, told him what we
22 had, what was going on. He was

1 wanting to know, like I said, if
2 there's people hanging curtain, what
3 actually do we have. I told him Dick
4 has been through it before and he
5 knows what he's talking about as far
6 as there has been an explosion.

7 Q. Now, when you called Stemple,
8 where was Stemple at?

9 A. At his house.

10 Q. He was home. And you told him
11 that --- your conversation with him,
12 you informed him that you had an
13 explosion?

14 A. I informed him that Dick
15 thought that we had an explosion ---

16 Q. Okay.

17 A. --- and we had not heard from
18 the Second Left and we need to get
19 the mine rescue team running.

20 Q. Okay. So that's the person
21 that was then designated to contact
22 the mine rescue teams; is that right?

1 A. Right. And I was taking care
2 of the ambulances. And like I said,
3 Gary Marsh, which is Muff, he was
4 there. That was it. That was it.
5 And I don't know if Carl came in a
6 little bit later. I'm really not
7 sure. Because Carl --- Carl came in
8 after that. I'm really not sure
9 where he was. But anyway, a K Order
10 had been put on the mines. So my
11 mission was if them guys called back
12 out again, if Dick or anybody called
13 out for any reason whatsoever, they
14 was to pull theirselves away. And I
15 didn't hear from them. They come out
16 on their own.

17 Q. Just so I make this clear. We
18 need to make this clear. When you
19 were on the phone, you were on the
20 bell phone, the telephone?

21 A. I was on the telephone.

22 Q. That's the regular bell

1 telephone?

2 A. Yes, sir.

3 Q. And you were talking to who?

4 A. Johnny Stemple.

5 Q. And that's when you got the
6 crack?

7 A. No.

8 Q. That's what I need to
9 find ---.

10 A. Yeah. I was talking to Jeff
11 Toler, ---

12 Q. Jeff Toler?

13 A. --- the mine foreman, when
14 that storm come through. I told him,
15 I said, as soon as that lightning hit
16 and it jarred, I lost the belts and
17 everything. I mean, I just threw the
18 phone down.

19 Q. That was the mine phone you
20 were on, ---

21 A. Yes, sir.

22 Q. --- the pager phone?

1 A. Yes, sir.

2 Q. Okay. But then you could
3 still use that phone afterwards?

4 A. Yeah.

5 Q. Oh, okay. You just heard ---?

6 A. It just snapped just like a
7 --- if you're going on like a bell
8 phone, ---

9 Q. Yes.

10 A. --- you know, how lightning
11 will run in on it, ---

12 Q. Yes.

13 A. --- it just cracked, snapped.
14 But you still --- I mean, you were
15 still able to use the phone, but I
16 don't like to.

17 Q. So now while these four guys
18 are in the mine, are they telling you
19 what they're doing?

20 A. They are.

21 Q. And what did they do? Did
22 they go from phone to phone or ---?

1 A. They are gathering curtain and
2 keeping the phone right with them.

3 Q. Do you know if they brought
4 any supplies in with them?

5 A. I don't know.

6 Q. Okay. Did they park their
7 mantrip anywhere and start to walk in
8 ---?

9 A. I think --- sir, I think they
10 did take supplies with them.

11 Q. Okay.

12 A. Because I remember Al carrying
13 some out of the back end of the
14 trailer, first-aid stuff. Yes, I
15 remember that.

16 Q. So they took some stuff in
17 with them?

18 A. Yes, sir.

19 Q. And how far did they ride in?
20 Do you know how far they got?

21 A. Until they --- I'd say
22 probably around Four head. I'm just

1 guessing on this. Because he saw
2 Owie's crew and he went to the phone.
3 That's all basically. It might have
4 been Three head, but it was at a
5 head. But I'm thinking Four head.

6 Q. And they told you they were
7 getting off the mantrip and they were
8 going to start to walk or ---?

9 A. Dick and them left their
10 mantrip right there. Being that
11 close to it, the guys walked all the
12 way up because they didn't know what
13 they had had and they didn't need no
14 sparks flying off the rail from the
15 mantrip. So it stayed there.

16 Q. Did they tell you what number
17 stoppings they were repairing?

18 A. No, sir.

19 Q. Did they tell you that you did
20 have stoppings that were blown?

21 A. Did have stoppings out.

22 Q. And they told that --- how

1 were they repairing them?

2 A. Just hanging curtain, trying
3 to direct the flow of air until the
4 last block that they got to, they
5 couldn't do it.

6 Q. How far did they get into the
7 mine; do you know?

8 A. I don't --- 57, 58 block.

9 Q. Okay. How many times did you
10 have a discussion with them as they
11 were going in and what period of time
12 was it?

13 A. I'd say --- I only had it
14 twice. I'm not sure how many checks
15 they hung up, but I only had
16 communication with them twice. And
17 Carl was going to go in, and that was
18 a no-no. And the K Order was in
19 effect. And I was told if I heard
20 from the guys, tell them the K Order
21 was in effect and they was to pull
22 themselves away.

1 Q. So the next time that you did
2 hear from them was when?

3 A. They was out.

4 Q. Oh, they were out?

5 A. After that, yes, sir.

6 Q. So you didn't --- how did you
7 know that they made it to 57?

8 A. Just by Dick saying that they
9 did.

10 Q. So he told you that ---?

11 A. And talking, because they was
12 --- after seeing Owie's crew, they
13 was going on with hanging apparatus
14 down through there. I'm not even
15 sure how many pieces they had to hang
16 to get that far, but just by Dick
17 saying that they was --- at what
18 block that they was at.

19 Q. So that was a conversation
20 that you had later on?

21 A. When he was out, yes, sir.

22 Q. But the conversations that you

1 had while they were underground was
2 just kind of --- help me with that.

3 A. Dick was just saying that they
4 had stoppings blowed out, was talking
5 to Carl, at least I think it was
6 Carl. They was having a
7 conversation. I'm really not sure.
8 The ambulance was arriving on the
9 scene and give Denver Anderson
10 oxygen, because he needed it.

11 Q. How long did it take for their
12 attempt to go in and try to get into
13 that Second Left? From the time that
14 they went underground until the time
15 they got out, about how much time had
16 --- if you can remember?

17 A. I'd say from 6:31 to --- it
18 was an hour, I'd say. I can't ---
19 you know, I mean, just nail it right
20 on the head, but ---. And John
21 Collins was there at that time.

22 Q. Did they ever call out any CO

1 readings to you? Did they call and
2 tell you about any conditions that
3 they had, like smoke, heat, fire, CO
4 levels, methane levels?

5 A. At the last curtain they had
6 CO. They had high CO. And I'm not
7 sure about the methane.

8 Q. How high was it; did they say?

9 A. I don't know, sir.

10 Q. Your CO monitoring system,
11 when it --- you said that it was 107
12 part per million?

13 A. Yes, sir.

14 Q. Is that the high end level?

15 A. That's the high end level.

16 That's the highest you'll be.

17 Q. Right. And once they do that,
18 then they have --- they're fouled;
19 right?

20 A. Right.

21 Q. And they are no longer
22 accurate; is that right?

1 A. She will regain herself ---
2 the batteries will keep it going at
3 107.

4 Q. Right.

5 A. If fresh air is added, then
6 they could respond to that. Because
7 there's ones that come back that was
8 on 107, but that was afterwards.

9 Q. Afterwards?

10 A. Not during that shift, not
11 during --- the next two shifts to
12 follow.

13 Q. So all the levels that topped
14 out at 107, all the sensors stayed at
15 107 for the rest of that day, is that
16 what you're saying?

17 A. Yes, sir. And matter of fact,
18 until we recalibrate them. This was
19 during my shift. This was Monday,
20 Monday or Tuesday.

21 Q. Did any of the CO sensors
22 remain functional during the event?

1 A. Yes, the ones at the pit
2 mouth.

3 Q. That was the only ones?

4 A. One belt was functional. Two
5 belt, the CO in the middle Two belt,
6 we lost it. Lost Two tail, too. So
7 they was all --- on Three belt you
8 had three of them in the yellow that
9 just kept on going higher as we went.
10 But they was all reading a little
11 bit. One belt, just going up
12 wouldn't have set it off, you know
13 what I mean? Wasn't enough to set
14 the alarm off because it goes up,
15 parts per billion goes up, and when
16 it comes back down to nine parts per
17 billion --- parts mer million, it
18 just --- it clears itself.

19 Q. Yeah.

20 A. But that tells you if any ---
21 if a belt is burning, if a scoop is
22 charging, mantrip is on charge, high

1 CO as well as methane, just detects
2 it all.

3 MR. O'DONNELL:

4 Do we need a break?

5 Let's take a short break. And
6 this would be a good time to
7 break it off.

8 SHORT BREAK TAKEN

9 MR. O'DONNELL:

10 Mr. Collins, do you
11 have any questions?

12 MR. COLLINS:

13 Yes.

14 BY MR. COLLINS:

15 Q. Mr. Chisolm, ---

16 A. Yes, sir.

17 Q. --- if you would, I'd like to
18 back up a little bit and go through
19 my notes. I'm a little bit confused
20 there on what happened, when and just
21 get a little more understanding of
22 some of the times maybe. I know

1 you've been through this quite a bit
2 here, but --- what time did you
3 arrive at the mine again?

4 A. 3:30. I had to be there so
5 them guys could go under at four
6 o'clock.

7 Q. And that's a little earlier
8 than normal?

9 A. Yeah. I'm usually 6:00 to
10 6:00.

11 Q. And you're pretty sure you
12 arrived at 3:30?

13 A. 3:30, yeah. 3:35, yeah.

14 Q. And what time did the
15 examiners go underground?

16 A. When I got there, they was in
17 the bathhouse. They come over and
18 talked. Right around 4:00.

19 Q. Now, Fred Jamison and Terry
20 Helms were the examiners?

21 A. That's all.

22 Q. And when they went

1 underground, there was no one else
2 underground?

3 A. No.

4 Q. There was no other equipment
5 operating on the track?

6 A. No, sir.

7 Q. And they were both going on
8 one mantrip?

9 A. Yes, sir.

10 Q. Okay. Do you know for sure
11 who was going to fire boss what?

12 A. No, because they left the trip
13 at First Left.

14 Q. How do you know that, Flea?

15 A. Well, I mean, they told me. I
16 mean, Fred was at First Left. They
17 might have took it on up on First
18 Left, but I'm saying that when Fred
19 called, he said, Flea, I'm leaving
20 Terry's lunch right here at First
21 Left switch. The mantrip --- I'm
22 coming outside. Now, John, I don't

1 know if he went up on Second and come
2 back up, but that's the only --- you
3 know what I mean?

4 Q. What time was that when Fred
5 called you?

6 A. I'd say 25 after.

7 Q. 4:25?

8 A. Yeah.

9 Q. When the examiners went
10 underground, they didn't report back
11 to you and say, well, I finished One
12 Left or I finished Two Left?

13 A. No.

14 Q. Just called and said --- Fred
15 said he was going to leave Terry's
16 lunch ---?

17 A. At the switch. It was like
18 4:25 he then called --- 4:35 for
19 clearance.

20 Q. Did you talk --- that was
21 clearance, he was coming outside?

22 A. He was going to go to First

1 Right switch. I don't know why. You
2 know what I mean? I don't know their
3 usual routines, but that's where he
4 went.

5 Q. Okay. Then Terry Helms, did
6 he call you?

7 A. I called Terry Helms, got in
8 touch with him. I told Terry Helms
9 what Fred Jamison said, that his
10 lunch was left down at First Left
11 switch.

12 Q. Do you know where Terry was
13 then?

14 A. No. That's what I'm saying, I
15 don't. The only reason I'm saying,
16 John, that he --- I say he might have
17 went with the crew just because his
18 --- was because his bucket was on the
19 mantrip. I heard that it was. I
20 heard that it was. I don't know.

21 Q. So you don't know where Terry
22 was it when he called you?

1 A. No. He said that he had to
2 get his bucket. I think ---.

3 Q. You called him. I'm sorry.

4 A. Yeah, I called him.

5 Q. And you were telling him about
6 his lunch bucket?

7 A. To get his lunch bucket.

8 Q. But you don't know where he
9 was at at that time?

10 A. No.

11 Q. And what time was that? And
12 if you don't know, you don't know.

13 A. I don't know.

14 Q. Okay. So you gave Freddie
15 Jamison clearance to come back to the
16 outside?

17 A. Correct.

18 Q. And then the dayshift crew
19 starts showing up?

20 A. Correct.

21 Q. And about what time do they
22 start showing up?

1 A. They was already out there
2 when Fred come out. Fred gives his
3 fire boss report. Terry Helms was on
4 the phone. He called his out, Terry
5 did. So whoever he give his --- that
6 fire boss report to, unless he got a
7 ride --- you know, he might have set
8 there with his bucket or he might
9 have walked up to his drive. I'm not
10 real sure which one he done, but
11 whoever he give his fire boss to, an
12 exception, if he talked to any of his
13 crew members or got a ride with them,
14 that was the last time I heard from
15 him.

16 Q. So then you cleared the two
17 dayshift mantrips to go in the mines?

18 A. One.

19 Q. One dayshift mantrip?

20 A. Yeah, Second Left.

21 Q. So you cleared the Second Left
22 mantrip to go inside. And when the

1 mantrip normally gets on the section,
2 do they call you ---

3 A. They always call.

4 Q. --- that they're clear?

5 A. Yeah.

6 Q. Did they call back outside on
7 this day?

8 A. No, sir.

9 Q. Then you cleared the First
10 Left crew from outside the First
11 Left?

12 A. They had trouble with a
13 mantrip, had to get another mantrip.
14 That's why First Left crew was
15 delayed. They would have been up on
16 their section.

17 Q. So now it gets --- and you
18 talked about your duties. Some of
19 your duties is to watch this CO
20 monitoring system?

21 A. Monitor.

22 Q. Which is along the belt lines?

1 A. Yes, sir.

2 Q. And I think you said earlier
3 that --- don't let me tell you what
4 you said, but from the time you
5 cleared the crews underground at
6 around six o'clock or so, then what
7 happened next? What was the next
8 event that drew your attention?

9 A. John Boni, he was checking his
10 pump over in the intake. He had come
11 over to the belt line, said that he
12 had heard --- his ears had popped.

13 Q. He called you, Flea?

14 A. Yes, sir.

15 Q. On the mine phone?

16 A. Yes, sir.

17 Q. Go ahead.

18 A. Said that his ears had popped.
19 And right after that, Pat Boni got on
20 the phone. He said that --- I don't
21 know if there's trickle duster that
22 was on the belt line, but the air was

1 moving in the wrong direction.

2 Q. Pat Boni called you on the
3 mine phone also?

4 A. Yeah.

5 Q. Do you know what time that
6 was?

7 A. 6:31, 6:32.

8 Q. Had the CO monitors went off
9 yet?

10 A. Yeah.

11 Q. Now, as soon as the CO
12 monitors went off, I believe you said
13 something about you were talking to
14 Jeff Toler, the mine superintendent?

15 A. I was talking to Jeff. Yes,
16 sir.

17 Q. And he's in his office?

18 A. Right.

19 Q. But the mine phone is also in
20 his office, and the mine phone is in
21 your office?

22 A. Right.

1 Q. So you guys are talking on the
2 mine phone?

3 A. Correct.

4 Q. And is that when you heard the
5 noise on the mine phone?

6 A. No, I heard it when --- I lost
7 it when the lightning come down. We
8 tried to get that ---.

9 Q. So the lightning came down
10 before ---?

11 A. Yeah. When they was talking
12 about that their ears popped on the
13 belt line and then it was gone, it
14 was before that. Well, reading out
15 was 6:31 exactly.

16 Q. This mine phone thing, you've
17 been a dispatcher for several years.
18 Have you ever experienced anything
19 like that before?

20 A. Lightning you mean?

21 Q. I don't know ---.

22 A. Yes, sir.

1 Q. On the mine phone, ---

2 A. Yes, sir.

3 Q. --- you've had that on the
4 mine phone?

5 A. Yes, sir.

6 Q. At this mine?

7 A. No.

8 Q. Which mine?

9 A. Spruce.

10 Q. What did it normally do to the
11 phone?

12 A. It just cracked. I don't know
13 if it's just the circuitry on the
14 board or what it is, but it just
15 cracked.

16 Q. Is that the same one this
17 time?

18 A. It's different than --- it's
19 different like if you're at the house
20 and you pick up a phone and lightning
21 comes down and you hear it ring.
22 Well, a mine phone just pops.

1 Q. So the mine phone pops, ---

2 A. And you hear static.

3 Q. --- a storm is coming through,
4 and ---?

5 A. I threw the phone down.

6 Q. And picked it back up?

7 A. Picked it back up. Told Jeff
8 that I lost my belts.

9 Q. You yelled at Jeff on the mine
10 phone then ---

11 A. Yes.

12 Q. --- and said we've lost our
13 belts?

14 A. I said, Jeff, something is up.
15 I said, I lost my belts.

16 Q. Okay. What did Jeff say?

17 A. Jeff said he's coming over. I
18 heard Owie come on there after that
19 and said something had happened.

20 Q. Owie comes on the phone ---

21 A. Yes, sir.

22 Q. --- about the same time then?

1 A. Uh-huh (yes).

2 Q. And what does Owie say?

3 A. Owie said that there was some
4 type of an explosion or a big fall
5 because there's just stuff
6 everywhere.

7 Q. And he's telling you?

8 A. He is telling Dick.

9 Q. On your phone?

10 A. Yeah, that something is
11 happening. And Dick says, get ---
12 no, not on my phone. Owie was inside
13 talking and Dick was in over at his
14 office.

15 Q. Okay.

16 A. And Dick was telling Owie to
17 get his guys outside.

18 Q. So Owie was at the mouth of
19 One Left, ---

20 A. Correct.

21 Q. --- Dick was in his
22 office, ---

1 A. Correct.

2 Q. --- and Jeff Toler was also on
3 the phone?

4 A. Jeff Toler was listening on
5 the phone, telling Owie to get ---.

6 Q. And Owie said, we've had some
7 kind of an explosion?

8 A. Right.

9 Q. And that would have been at
10 6:31?

11 A. Exactly.

12 Q. And Dick told Owie to get his
13 men outside, did you say?

14 A. Yeah, get them in the intake,
15 get them in fresh air.

16 Q. Get them in the intake, get
17 them outside. So then there's a crew
18 consisting of Dick Wilfong, Jeff
19 Toler, Al Schoonover and Vernon
20 Hofer?

21 A. Vernon, okay.

22 Q. They go underground?

1 A. They go under.

2 Q. Did they ask you for
3 permission to go underground or
4 clearance to go underground?

5 A. No. Al started gathering up
6 first-aid stuff and they did --- they
7 did yell for clearance to go
8 underground. They was seeing if they
9 could help or what had happened. And
10 I was constantly hollering for Second
11 Left, to get any kind of
12 communications going to the guys
13 whatsoever.

14 Q. Did you ever obtain anything?

15 A. Never did, no.

16 Q. So this mantrip that these
17 individuals are on, it goes
18 underground?

19 A. Yes, sir.

20 Q. And that's --- is that the
21 same mantrip that brings the One Left
22 crew back outside?

1 A. No, sir.

2 Q. What mantrip do they use to
3 bring that crew back outside?

4 A. They went up to First Right,
5 got that mantrip that Fred had on
6 charge, I believe.

7 Q. So as Fred Jamison --- he
8 called you for clearance to come
9 outside, but he doesn't bring the
10 mantrip all the way outside?

11 A. He was doing --- at the time
12 he calls, like 4:35, and that's not
13 enough time. I don't know what he
14 was doing on --- you know, I mean,
15 checking the belts? I don't know. I
16 don't know his routine, what he does.

17 Q. Okay. Do you know if Dick
18 Wilfong brought this One Left crew
19 back outside?

20 A. No.

21 Q. When did Dick Wilfong call
22 you?

1 A. He seen Owie's crew. He gave
2 me a call, said that they had a
3 situation ---.

4 Q. Excuse me.

5 A. He saw Owie's crew.

6 Q. Underground?

7 A. Underground.

8 Q. And he called you?

9 A. Coming out into the fresh air.

10 Q. And how does he call you?

11 A. He said, Flea --- he just keep
12 yelling my name, get ahold of the
13 ambulance and the mine rescue. It
14 looks like we've had an explosion.
15 Get ahold of them now. So I went
16 down through the list of the guys ---
17 like I said, that Saturday --- or
18 Sunday was a vacation. There's
19 nobody working Sunday, so everybody
20 was home.

21 Q. What time was that that Dick
22 told you that?

1 A. Took Owie's crew from 6:31
2 probably about 7:31, within an hour's
3 time. 6:30, 7:00, yeah, about an
4 hour's time. But within 15, 20
5 minutes Dick had already seen the
6 crew and was on the phone to me,
7 so ---.

8 Q. What phone was he talking to
9 you?

10 A. I'm thinking the phone at Four
11 head. That's the only one --- you
12 know what I mean? I mean, with the
13 map, that's the only phone that's in
14 that vicinity.

15 Q. Now, Flea, as a dispatcher,
16 when mine power goes off, do the
17 trolley phones work?

18 A. No, sir.

19 Q. So Dick tells you to call an
20 ambulance and mine rescue team?

21 A. Mine rescue team.

22 Q. Do you have a list of names

1 that you're supposed to call, people?

2 A. Yes, sir.

3 Q. And did you have that list
4 that day?

5 A. Yeah.

6 Q. And who's at the top of that
7 list?

8 A. Let me see. Dunbar.

9 Q. You called him?

10 A. Coleman.

11 Q. What time did you call Dunbar?

12 A. 6:40.

13 Q. No answer?

14 A. No, I couldn't get a hold ---
15 like I said, I give --- the list of
16 them guys Johnny Stemple had. I got
17 him one and told him to sit ---.

18 Q. You tried Raymond Coleman?

19 A. Raymond.

20 Q. No answer?

21 A. No.

22 Q. Then the third person you

1 tried was Johnny Stemple?

2 A. They've got their --- most of
3 them on that list right there, what
4 you got, is --- some of them's got
5 very few homes. It's usually a pager
6 to where I can see the production and
7 get on the computer and page them and
8 let them know what's going on. Other
9 than that, it will be like their cell
10 phones, but ---.

11 Q. What time did you call Johnny
12 Stemple?

13 A. 6:45, probably as close as I
14 can make it.

15 Q. What did you tell Johnny?

16 A. When Dick seen the guys --- I
17 told Johnny that Dick was underground
18 and Dick had said to call --- get the
19 ambulance squad running and get the
20 mine rescue teams rolling on it.

21 Q. Do you remember if you told
22 Johnny that we have had an explosion?

1 A. Yes. And he said to make sure
2 --- he was wanting to know who was
3 putting up curtain, was there
4 somebody that was --- you know, in
5 other words, how did we know what had
6 happened? He was wanting to know if
7 anybody was hanging curtain. And he
8 was wanting to know if it was real
9 before he called, more or less, I
10 guess, in other words, to know what
11 was going on before, you know --- he
12 wanted some facts.

13 Q. You called 9-1-1?

14 A. Yeah.

15 Q. After Johnny Stemple?

16 A. I told Johnny to call them,
17 and he said, wait and see what we
18 have. And them guys come out of the
19 pit and Keith Hoy and Denver Anderson
20 --- Denver needed oxygen right there.
21 I got the first medical team there
22 and told them that --- as they was on

1 their way that --- more or less, like
2 more updates would be forthcoming.
3 Because I couldn't tell them what I
4 had, you know.

5 Q. Do you know what time that was
6 you called 9-1-1?

7 A. That was, I'd say, within
8 five, ten minutes, 9:50 --- not 9:50.
9 No, I don't. I would say I don't
10 because it's just all running
11 together here, John.

12 Q. But you've been a dispatcher
13 for quite a while and you've called
14 emergencies ---

15 A. Several times.

16 Q. --- several times?

17 A. Yes, sir.

18 Q. Have you ever had to use this
19 emergency chart before?

20 A. Yeah. 9-1-1, I mean, is ---
21 if they're inside and they say call,
22 you usually call. But when they say

1 like 9-1-1 for emergency call and
2 then you're faced with rescue teams
3 coming out, you got to know what you
4 got, which Dick told me what he had,
5 so I ---.

6 Q. So is it set up, Flea, for you
7 to call the mine rescue teams or for
8 you to call someone else to call the
9 mine rescue teams?

10 A. I have to get in touch with
11 safety to let them know what's going
12 on, then get in touch with the mine
13 rescue team, which Johnny said that
14 he would do. I wanted to go wait on
15 the ambulances because on first
16 sight, I mean, the guys needed them
17 right then. And when they got there,
18 told them more information. As Dick
19 come out, he let them know what was
20 going on, and it turned into a Code
21 Red. I don't know about the rescue
22 teams getting there any faster

1 because Sunday being a holiday, they
2 was all at their house, with their
3 families. That's all I got.

4 Q. So you called Jeff Dunbar,
5 Raymond Coleman ---

6 A. Tried to get in touch with
7 Jeff.

8 Q. --- and Johnny Stemple?

9 A. Yeah.

10 Q. And that was it ---?

11 A. Well, I put that on Johnny
12 because, I mean, somebody had to do
13 something.

14 Q. We do have this ---?

15 A. There is protocols that they
16 want you to --- if that's what you
17 mean.

18 Q. And that's on a list at the
19 mine ---

20 A. Yes, sir.

21 Q. --- in the dispatcher's
22 office?

1 A. Dispatcher, yes.

2 Q. You were talking about
3 electrical disruption, that the CO
4 monitoring system went off?

5 A. Yes.

6 Q. Was there any other
7 disruptions that you know about?

8 A. The Five belt --- I mean, like
9 Six belt. Like I said, the CO right
10 there at the Four tail, it turned
11 completely gray. The one down in the
12 middle of Six belt turned completely
13 gray. The one at the tail turned
14 gray. The belt line itself turned
15 gray. As you started on the one
16 outby the tailpiece, it was a 107
17 parts per million. All First Left
18 was 107 parts per million. It
19 continued on the way down Four belt,
20 all except for the two COs right
21 there at the drive. They had not yet
22 turned, but shortly they would reach

1 107 parts per million. Number Three
2 belt and Four belt went off on power
3 loss.

4 Q. And Flea, if the fan --- did
5 the fan go off?

6 A. No, sir.

7 Q. If the fan had went off, would
8 you have known?

9 A. Yeah.

10 Q. And how would you have known
11 that?

12 A. By the alarm.

13 Q. And is that located in the
14 dispatcher's office?

15 A. Yes.

16 Q. Earlier you said something
17 about that the One Left crew did not
18 bring the mantrip back out because of
19 sparks or something.

20 A. Dick took in that one mantrip.
21 And when they got down in there, they
22 needed a mantrip to get out. It

1 definitely wouldn't have been the one
2 that Owie and them was on. They
3 wanted that mantrip to stay there.
4 Dick's mantrip stayed back for that
5 ride being out there. And told them
6 to hit the intake. They come walking
7 out the mine. That's about all I
8 know, John, I mean on that part.

9 Q. Just what you know.

10 A. That's just what I know.

11 Q. What about the K Order you're
12 talking about? Who advised you that
13 there had been a K Order?

14 A. Carl was directed to get some
15 curtain and other apparatus and stuff
16 to go under and help Dick and them
17 out. And that's when I found out
18 about a K Order, because you can't do
19 that --- matter of fact, John, it
20 might have been you. Was it you,
21 sir?

22 Q. So the K Order language you're

1 using, is this something Carl told
2 you?

3 A. No. Just Carl walked around
4 with his head down. I heard that
5 they had a K Order, but I was
6 notified you have to stop and, how do
7 you call it, desist and just leave.
8 You have to get out of there with a K
9 Order. Wherefore, if I would have
10 heard from the guys, Carl was going
11 to tell them just to have them come
12 out. I did not hear from them. The
13 next thing I knew, Dick and them was
14 outside.

15 Q. And I'm also not clear on
16 that.

17 A. What's that?

18 Q. When you said the phone
19 popped, did you mention something
20 about lights, the lights flickered?

21 A. No.

22 Q. Okay.

1 A. No, that phone --- when that
2 lightning hit, like I said, I was
3 talking to Jeff and it hit, and I
4 threw the phone down. And I got back
5 on and just said, man, I said, Jeff,
6 I just lost the belts. It had
7 already happened. I mean, it was
8 already done and over with. Like I
9 said, as fast as that storm come, it
10 was gone just as fast.

11 Q. And also, Flea, you've had
12 other emergencies as a dispatcher,
13 called the ambulance several times
14 and stuff. During this rescue
15 attempt that these guys went
16 underground right after this event
17 occurred, were you in charge of that?

18 A. You're saying Dick?

19 Q. When Dick, Jeff, Al and Vern
20 Hofer went underground, were you in
21 charge of that?

22 A. They went in there to help out

1 with Hoy Keith, to get Hoy Keith out
2 of the way. They did dispatch and
3 went down there and assessed the
4 situation. They was hanging curtain.

5 Q. Did they call back outside and
6 say, ---

7 A. Yeah. Sometime they did,
8 yeah. Yeah.

9 Q. --- Flea, I'm hanging a
10 curtain, ---

11 A. Yeah.

12 Q. --- I'm hanging a curtain here
13 ---?

14 A. And get some help here.
15 There's definitely been some kind of
16 an explosion. It was uncertain,
17 though, what it was at that point.

18 Q. One question here, Flea. When
19 the two examiners showed up that
20 morning and they're going
21 underground, did they cover with you
22 like what they were going to examine?

1 A. On a regular fire boss run,
2 --- I don't know about fire bossing,
3 but I --- you know, like John, I
4 don't know if --- belts and tracks
5 and faces, to me, I mean, that's ---
6 if you're a fire boss up at the mine.

7 Q. Belts, tracks and faces. The
8 reason I ask that ---.

9 A. And the pumps, I mean, you
10 know, ---.

11 Q. The reason I ask that, Flea,
12 because earlier I thought you said
13 seals, and I was wondering why you
14 thought they were going to check
15 those seals.

16 A. I don't know. I mean, I don't
17 know, John. If it would have been a
18 --- if they had to have been checked
19 so often or every day or --- you
20 know, I don't know. I honestly don't
21 know.

22 Q. And also, Flea, during this

1 you said the command center was set
2 up?

3 A. Yes, sir.

4 Q. And the command center
5 communicated with the mine rescue
6 teams underground, ---

7 A. Yes, sir.

8 Q. --- and you were present
9 during some of that at the mine?

10 A. Yeah.

11 Q. But is it true that you were
12 not the communication person during
13 this time or ---?

14 A. No, I was not.

15 Q. And you never sat in on a
16 communication system or, you know,
17 you never discussed with the mine
18 rescue teams or ---?

19 A. Oh, no, sir. No.

20 Q. Okay. Flea, you said that Al
21 Schoonover and Jeff and them were
22 going underground also to help with

1 Hoy Keith?

2 A. Yeah. They got ---.

3 Q. How did you know they were
4 going to help with Hoy Keith?

5 A. They went in there --- Hoy
6 Keith was lagging behind, so --- he
7 had talked to them. I guess some
8 guys walk faster than others. With
9 Denver Anderson, he had done
10 swallowed too much dust, what the ---
11 I guess the explosion give off. I
12 mean, he was bad, wheezing, and along
13 with Hoy. Hoy needed some help
14 getting out of there. When the guys
15 come out, how come I knew that is
16 because Hoy and them was lagging in
17 the back. And they had the guys stay
18 back there with them. They all got
19 together right there. Dick went on
20 --- Dick, Al Schoonover, Jeff Toler
21 and you say Vern.

22 Q. Vern.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

MR. COLLINS:

I believe that's all I
have right now, Flea. Thank
you very much.

BY MR. O'DONNELL:

Q. When you said the lightning
struck, it hit, ---

A. Uh-huh (yes).

Q. --- how do you know that other
than what happened with the phone?

A. How do I know other than?

Q. Yeah. What told you that it
was lightning?

A. I mean, it lit up. I mean,
---.

Q. Well, that's what I want you
to tell me.

A. Yeah. I mean, it lit up. I
mean, and the ground's --- but when
it hit, it just --- I've never seen
nothing like it, if that's what you
want to know.

1 Q. Yeah. You have windows around
2 your dispatch ---?

3 A. Yeah. It jarred the
4 dispatcher center I was in and it
5 jarred the bathhouse.

6 Q. It shook the building?

7 A. It shook the building.

8 Q. And you saw a flash?

9 A. Gary Marsh was in his
10 forklift, he heard me yelling when
11 the belt --- as soon as it hit, he
12 heard me yelling. He come in there.
13 That's why, I mean, he knows, you
14 know. He knows everything I'm
15 saying.

16 Q. Usually you see lightning and
17 then hear thunder; right?

18 A. Yeah.

19 Q. How was this?

20 A. When this thing come down, the
21 ground shook. It lit up. You
22 couldn't tell where it was coming

1 from, but it was a lightning strike.
2 And I only remember like two at the
3 most, I'd say.

4 Q. So you ---?

5 A. Usually like four, you know,
6 but I mean, it was there, it hit, I
7 lost everything. The trailer shook.
8 I mean, ---.

9 Q. So you would say that it was
10 very close to where you were, is that
11 what you're saying?

12 A. I don't --- I can't say.

13 Q. Well, I mean, have you ever
14 experienced anything like this
15 before?

16 A. No, sir.

17 Q. Okay. Did you try to call on
18 the trolley phone? You said that the
19 trolley phone wasn't operable, you
20 had problems with it?

21 A. The trolley phone was out.

22 Q. Did you try using it at all?

1 A. That morning it was staticing
2 a little bit, then there's no trolley
3 phone at all.

4 Q. Okay.

5 A. And like usually, like I say,
6 the mine phones will come across the
7 trolley phone to where I can get the
8 phone and page them and tell them to
9 hold up, but the trolley has got to
10 be working.

11 Q. About what time did you start
12 the belts that day?

13 A. Fred was out. Terry Helms was
14 under. Had to wait on the fire boss
15 reports.

16 Q. That's your procedure, you
17 wait for the preshift to get done?

18 A. Yeah. And that way you know
19 it's safe.

20 Q. Right.

21 A. And usually if there's
22 somebody working the shift before,

1 you just can't fire up the belts.
2 They could belt splice or anything.
3 Just never assume.

4 Q. What other things does the ---
5 at your station --- now, you said
6 that you watched CO monitors,
7 sensors, you can monitor belts
8 starting and stopping?

9 A. Right.

10 Q. Is there anything else that
11 they monitor?

12 A. Yeah, if they're --- I mean,
13 different kind of gases. It could be
14 a post leaning against a belt, making
15 it smoke, it will pick it up. The
16 mechanics, when they're burning and
17 cutting, they've got to tell me what
18 they're doing and where at they're
19 doing it at, because it will
20 definitely pick it up. And you have
21 to have somebody to monitor that. If
22 they go off, you have got to send

1 somebody to that and check it out on
2 the monitor. And if it stays off, I
3 mean, you have to have somebody there
4 to stay right there with it until
5 it's replaced. Or you know, if it's
6 going out, they have got to get a new
7 one in there. But as long as they've
8 got them in there, hooked up, they've
9 got to be monitored.

10 Q. So you have a procedure that
11 if someone is doing cutting, welding,
12 burning, ---?

13 A. They're supposed to tell me.
14 But if it goes off, I holler. And if
15 it's a beltman or whoever it is, try
16 to find the closest person to it. If
17 not, somebody is going to have to go
18 in from the outside. It has to be
19 checked.

20 Q. Like you talked about graying
21 out. What does that mean, graying
22 out?

1 A. Dead belt line.

2 Q. Okay.

3 A. Wires and everything.

4 Q. So it's like it doesn't ---?

5 A. Doesn't exist.

6 Q. Okay. And then you said a
7 Code Red, too?

8 A. Yes, sir. When the ambulance
9 arrived on the scene, I filled them
10 in on what was going on, and Dick
11 Wilfong --- Dick was then out. Dick
12 was then on his way out. They went
13 to Hoy and tried to give him oxygen
14 and stuff like that. And Hoy said,
15 no, I'll be all right, which he
16 wasn't, but --- you know what I mean?
17 But he's wanting to do something.
18 Hoy went into Dick's office and
19 monitored Two Left, yelled all day
20 long, tried to --- just to try to get
21 somebody on Two Left to answer the
22 phone. Then they took care of Doc.

1 And then they hollered on the phone
2 and said that we might have guys
3 trapped inside. We're pretty sure we
4 do. Let's make this a Code Red. And
5 that's when we got the others, as far
6 as ambulance and fire trucks, ---

7 Q. That's what you ---

8 A. --- not the mine rescuers.

9 Q. --- are saying, that --- yeah,
10 that's what your part in it was?

11 A. Yeah.

12 Q. Okay.

13 A. I knew we was going to have to
14 have one. Didn't know to what extent
15 until we got further information.
16 And then that's when it become a Code
17 Red.

18 Q. When did you --- at what part
19 of the morning were you taken away
20 from your dispatch duties and someone
21 else took over?

22 A. What part of the morning?

1 Q. Or were you involved in ---?

2 A. Four o'clock.

3 Q. Four o'clock ---

4 A. Yeah, because I usually work
5 6:00 to 6:00.

6 Q. --- in the afternoon?

7 A. Right. So I worked 4:00 in
8 the morning until 6:00 in the
9 afternoon. And it was Bruce Payne.
10 Bruce Payne would have been my
11 relief.

12 Q. But during the day --- were
13 you involved in notifying the state
14 or the federal?

15 A. Johnny was. State and federal
16 was both Johnny.

17 Q. Johnny ---

18 A. Stemple.

19 Q. --- Stemple ---

20 A. Yes, sir.

21 Q. --- did that?

22 A. Uh-huh (yes).

1 Q. So notification by the
2 agencies was done by him.

3 A. Because you had to --- you
4 just can't call everybody and tell
5 them what you got going on. You
6 know, I figured the head of the
7 Safety Committee, you know, I mean,
8 he's got to know.

9 Q. Oh, yeah.

10 A. And get in touch with them
11 guys because I had my hands full
12 doing --- there's no way that you can
13 --- you got to get help to where it's
14 needed.

15 Q. And your part was the
16 ambulance ---

17 A. Yes, sir.

18 Q. --- and the --- who called the
19 mine rescue teams?

20 A. I gave Johnny the numbers of
21 all the mine rescue team, which is in
22 the dispatcher shanty.

1 Q. Now, no one is in the mine;
2 right? Everybody is out, ---

3 A. Okay.

4 Q. --- except the people that
5 were unaccounted for.

6 A. Okay.

7 Q. What happened from that time
8 on? Tell me about who was in charge
9 --- who was the main guy in charge of
10 the surface then? Who was directing?

11 A. I don't know. It was done
12 from the command center, the command
13 post, going along with the federal
14 and state.

15 Q. How long was it before any of
16 those agencies got there and formed
17 this command center that you're
18 talking about?

19 A. I'm not sure. Barbour County
20 was our first, and they had their
21 backup, but I'm not sure of the time.
22 I'm not sure of the time.

1 Q. Where was the command center
2 located?

3 A. It was in the back office, you
4 know where Jerry's office is at?
5 Okay. If you ---.

6 Q. Is it across from your office?

7 A. Yeah. I mean, it's in the
8 other building.

9 Q. That's what I mean. Yeah.

10 Okay. But when this command --- were
11 you involved in any of the
12 documentation of who was entering the
13 mine and who was leaving the mine?
14 Were you involved in any of that?

15 A. Writing down their names, sir,
16 yes, I was.

17 Q. Okay. And how was it
18 documented, where?

19 A. On paper.

20 Q. I mean, was it your
21 sign-in/sign-out sheet ---

22 A. Yes, sir.

1 Q. --- that was used like when we
2 were at the mine there?

3 A. Right.

4 Q. So you have a record of who
5 went in and who come out ---

6 A. And what time.

7 Q. --- and what times. Okay. So
8 that would be in your
9 sign-in/sign-out sheet. All right.
10 As far as --- and you accounted for
11 everyone that went in and went out;
12 right?

13 A. Yes, sir.

14 Q. That was your job?

15 A. Yes.

16 Q. What other duties did you have
17 other than that?

18 A. Just making out tags, because
19 some of them were still putting them
20 on the board, making out tags and
21 writing down people's names. That's
22 just ---.

1 Q. That was your involvement?

2 A. That's basically it.

3 Q. And the rest of it was taken
4 care of by management ---

5 A. Yeah.

6 Q. --- and the agencies? Okay.

7 A. And answering the phones,
8 which it never did ---.

9 Q. Never quit ringing, huh?

10 A. Never quit.

11 Q. This is a copy of your
12 printouts for your CO monitoring
13 system.

14 A. Yes, sir.

15 Q. I'm going to give you a copy
16 of this. And I'd like to review some
17 of it so we can understand what it
18 means.

19 A. Okay.

20 Q. Okay?

21 A. Yep.

22 MR. O'DONNELL:

1 And we can mark this
2 Exhibit Two.

3 (Chisolm Exhibit Two
4 marked for
5 identification.)

6 BY MR. O'DONNELL:

7 Q. We'll just start on the first
8 page, and maybe you can just give us
9 an explanation of ---

10 A. 12/29th?

11 Q. --- yeah, what it means. And
12 then we're going to jump ahead to
13 that morning, all right.

14 A. Okay. 12/29th, as you go up
15 to the top?

16 Q. Yes.

17 A. Okay. Oh, 1732?

18 Q. Yes.

19 A. Okay. Number Five belt, more
20 or less.

21 Q. Okay.

22 A. Stop, pulled switch. Okay.

1 7017 ---.

2 Q. Flea, does that mean that
3 someone pulled the Jabco?

4 A. Yes, sir. If I would do it
5 from the computer, it would show
6 local stop.

7 Q. So a local stop. Now, you
8 can't start --- can you start the
9 belt when he pulls the Jabco?

10 A. On pull switch?

11 Q. Yes.

12 A. No.

13 Q. Okay. So once somebody has,
14 you see that pull switch, that belt
15 is down until they put it physically
16 on ---?

17 A. Exactly.

18 Q. Okay.

19 A. And especially if they call
20 me, they're going to do a splice on
21 it and they want me to shut it down.
22 I can shut it down from the outside.

1 But they've got to tag it out.
2 They've got to have control of it
3 right there in front of them. Don't
4 leave it up to a computer.

5 Q. Okay. The next one, Number
6 Seven belt boss, ---?

7 A. Yes, sir, sequence. That's
8 just going down the line in sequence
9 there. Number Five belt, pull the
10 switch, Number Seven. This is ---
11 this one had a Number Seven belt on
12 it. That's 12/29th?

13 Q. Yes.

14 A. Although it wasn't --- okay, I
15 see what it is.

16 Q. All right. Let's ---.

17 A. Although it was on there, it
18 wasn't --- I mean, it wasn't charged
19 up. They hadn't broken off that
20 panel.

21 Q. Okay.

22 A. I had it on the screen because

1 --- .

2 Q. So the next series is belts
3 starting and belts running and
4 someone sequencing, and we got that.
5 And then it says communication dead.
6 What kind of communication? Is it
7 the system communication or ---?

8 A. Belt boss.

9 Q. So the belt boss you are
10 referring to ---?

11 A. That went to 183.

12 Q. Okay.

13 A. Inby Four tail.

14 Q. Which is the monitoring
15 system; right?

16 A. Yes, sir.

17 Q. That's the name of the
18 monitoring system, the belt boss, ---

19 A. Yes, sir.

20 Q. --- so we know that. Now, we
21 have One Left section alarm, CO
22 monitor gained.

1 A. Yes, sir.

2 Q. What's that mean?

3 A. That means that it has gained
4 communications with the outside, the
5 belt boss, and it can --- it will
6 continue on.

7 Q. And it's picking up?

8 A. Right.

9 Q. Then it goes ---.

10 A. It is receiving and
11 transmitting.

12 Q. Then the next one says,
13 warning, ten ppm.

14 A. Yes, sir.

15 Q. What's that mean?

16 A. Ten parts per million.

17 Q. I know that. But I mean, what
18 is it telling us? Is that what the
19 system does when it's starting up?

20 A. No, sir.

21 Q. Go ahead.

22 A. No, sir.

1 Q. Go ahead.

2 A. Huh?

3 Q. What's it mean?

4 A. It means I set off the section
5 alarm.

6 Q. You set it off?

7 A. Yes, sir.

8 Q. How do you do that?

9 A. Just by --- if you're having
10 trouble getting a hold of a section,
11 it could be maybe your mom called,
12 she's in the hospital or anything.

13 Q. So this ---?

14 A. Those are alarms right there.

15 Q. It says warning. So you can
16 turn an alarm on?

17 A. First Left, yeah.

18 Q. And ---?

19 A. And Second Left.

20 Q. And the reason you do that is
21 because you ---?

22 A. If Carl would want --- if they

1 was going to go and --- say supplies
2 on a section, if nobody is coming to
3 that mine phone and I've got a loader
4 in there, a car is loaded and need a
5 scoop down the track and yelled and
6 yelled and yelled, that alarm let's
7 you know that there's something going
8 on. The noise that it makes and the
9 lights that flashes on it lets
10 somebody know to go to the phone.

11 Q. Now, does it do both? Does it
12 alarm --- an audible alarm and a
13 visual alarm?

14 A. Spruce did.

15 Q. Okay. Well, what's the
16 difference then between a warning and
17 an alarm?

18 A. A warning?

19 Q. The warning is the ---?

20 A. Okay. When you go to set it,
21 ---

22 Q. Okay.

1 A. --- okay, you go to set it,
2 okay you have to push to set the
3 alarm. And when you do it, it's a
4 warning. You command it to do so.
5 It comes up into alarm. It will say
6 warning. I mean, it will just show
7 you. But that is putting your ---
8 like flashing your CO on your belt
9 boss itself, I mean, more or less on
10 the alarm system.

11 Q. You're talking about your ---
12 that's when you manually put it on;
13 right?

14 A. Yeah.

15 Q. Okay. Does it make the noise
16 and flash in your station also when
17 you do that?

18 A. Yes, sir.

19 Q. Okay.

20 A. But you can't acknowledge it.

21 Q. Now, does it know --- the
22 system, like here, how does it know

1 --- it says a warning, ten ppm. So
2 the system knows that you manually
3 put it off; right?

4 A. Yes, sir.

5 Q. Okay. Now, let's go back to
6 whenever --- well, let's see here.
7 How does it go through this? It went
8 through 155 to 156 and that's all
9 within a minute; right?

10 A. Right.

11 Q. Then it goes through warning,
12 warning, maximum CO value obtained,
13 alarm condition was ten ppm, alarm,
14 alarm, latch. What happens when the
15 alarm latch? What does that tell us?

16 A. Alarm latch?

17 Q. Yes.

18 A. That's when you got to reset
19 the system ---

20 Q. Okay.

21 A. --- and get it back to zero.

22 Q. Okay. And that's what, 156,

1 5610, --- yeah.

2 A. Yes, sir.

3 Q. Okay. I see what that's
4 doing. So let's say that you're
5 there monitoring, right, ---

6 A. Uh-huh (yes).

7 Q. --- and you get a ten ppm, is
8 that an alarm?

9 A. Yes, sir, it is.

10 Q. Okay.

11 A. Well, no, not --- I mean, it's
12 a warning sound. I mean, that could
13 be on ---.

14 Q. Okay.

15 A. See, I mean, if they're
16 picking up CO, is that what you're
17 saying?

18 Q. Yeah, like ---.

19 A. CO, any kind of gas, yes, sir.

20 Q. You get a warning here?

21 A. Then it should clear itself at
22 nine, nine ppm.

1 Q. But let's say we got a really
2 --- for some reason we're picking up
3 ten ppm.

4 A. Okay.

5 Q. What happens to the system
6 when that occurs?

7 A. It alarms. It throws it up
8 there, it alarms, it lets you know
9 there's something going on with it.
10 It's flashing back and forth.

11 Q. It flashes to you so you know
12 that you have a ---

13 A. Yes, sir.

14 Q. --- problem? But what else
15 happens in the coal mine?

16 A. It could be a fire or ---?

17 Q. No. I mean, does it go into
18 that section that's affected?

19 A. Well, no. That's just like at
20 the alarm, at the tailpiece. But
21 these other ones that's going off, I
22 mean, they can tell it underground if

1 I sent them that particular block,
2 where that CO is at. Is that what
3 you're saying?

4 Q. No. Here's what I'm asking
5 you. You got an alarm, a ten ppm
6 warning.

7 A. Right.

8 Q. Without you calling inside,
9 how does the crew know that that
10 condition exists?

11 A. I tell them.

12 Q. No, without you telling them.

13 A. Well, they wouldn't know on
14 the belt line or nothing.

15 Q. They wouldn't?

16 A. No.

17 Q. They wouldn't have a ---?

18 A. They wouldn't have an alarm
19 on.

20 Q. There's no signal underground
21 to them?

22 A. No, not the alarm.

1 Q. Okay.

2 A. Just on the sections.

3 Q. So let's say that you give
4 them --- you said --- what did you
5 say, on the section?

6 A. The section's got the section
7 alarm.

8 Q. That's the point I'm getting.
9 You got ten ppm.

10 A. Right.

11 Q. It's flashing where you're at,
12 but then we also have a signal in the
13 section tail; is that right?

14 A. No. I'll have to alarm them
15 on the section tail just because that
16 --- see, I control the alarm.

17 Q. Okay.

18 A. Okay. When that box flashes
19 up, it will say, CO 182 at the tail
20 Four.

21 Q. Okay.

22 A. So that tells me to send

1 somebody there at the tail Four, who
2 tells me to alarm the section and let
3 them know what's going on.

4 Q. So you have to manually alarm
5 the section?

6 A. Yes, sir.

7 Q. And what happens when you do
8 that?

9 A. It gets their attention.

10 Q. I mean, are we talking about
11 an audible and a visual?

12 A. Yes, sir.

13 Q. Okay. So when that occurs,
14 who do you call?

15 A. If it's on the belt line, the
16 closest belt guy to it. Or like I
17 said, mechanic, anybody I can get to
18 that place and see what's going on.

19 Q. And that's your procedure?

20 A. Because it could be going bad.
21 But if it's not going bad, yeah, you
22 have got to monitor, because there

1 could be methane around it, it could
2 be a board smoking, it could be a
3 scoop charging, anything.

4 Q. So what does the crew do, the
5 section, whenever you give them ---
6 you press the button and you give
7 them the alarm at the tailpiece?

8 A. They answer the phone.

9 Q. And what's your instructions?

10 A. Well, whatever is wrong.
11 Sometimes it will go out on a slip.
12 Maybe they're setting posts or
13 something and their belts out on slip
14 or underspeed, you don't know if the
15 belt is Two or not. You got to get
16 somebody to that place, I mean, from
17 section to the head, depending on
18 where Helms was at or depending on
19 who's in the area, just anything that
20 needs done.

21 Q. Do you pull them from the
22 working face?

1 A. You have to if --- I mean, if
2 they ---.

3 Q. Just on the warning now, the
4 ten ppm, you called somebody, you
5 told them that they have a problem
6 and they need to check it out, ---?

7 A. They've got to be --- yeah,
8 that's got to be monitored.

9 ATTORNEY YUHAS:

10 Joe, can I clarify one
11 thing. You know, we're
12 talking about the ten ppm,
13 your system tells you exactly
14 where in the mine, what's in
15 it. So maybe it would be
16 better, you know, is this a
17 warning from the section or
18 the main belt. He may do
19 different things when he ---
20 you know, just depending on
21 where this ---

22 A. They have got to ---.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

ATTORNEY YUHAS:

--- comes from.

A. If one's going up, if like --- if you got one right there going up, they're so many feet down the belt line. If you got yourself a serious situation, it's going to start with the air. You're going to have one going off, you're going to have another one going off, you're going to have another one going off. That's the times you pull people off the sections, ---

BY MR. O'DONNELL:

Q. Right.

A. --- because you got a serious situation.

Q. So whenever the system malfunctions --- is that what you're talking about, a malfunction?

A. No. I mean, just one going off?

1 Q. Yeah.

2 A. Yes. I mean, COs, if the
3 battery is going dead in them or for
4 whatever reason.

5 Q. How do you know --- how does
6 the system tell you the difference
7 between a --- that it's sensing CO or
8 it's a malfunction?

9 A. It does not. The man is going
10 to tell me that I'm going to send ---

11 Q. Okay.

12 A. --- to check ---.

13 Q. So the system doesn't go into
14 malfunction?

15 A. No.

16 Q. It just tells you like ---?

17 A. I mean, like at 107 parts per
18 billion or something like that, you
19 know, like it did, but it won't say
20 like malfunction --- sometimes it
21 will say lost data or no response,
22 but you still have to have it checked

1 out.

2 Q. What about when it goes to 15
3 or higher?

4 A. That's cause for --- you still
5 have to have it checked out.

6 Q. Okay.

7 A. And in both of them cases, if
8 you check it and there's no gas
9 there, just because that CO went out
10 on you, there's got to be somebody
11 there to monitor that. It's there,
12 it's supposed to be working, it does
13 not work, it needs to be monitored.

14 Q. Okay. When it hits 15, do you
15 still have to --- you're still going
16 to call the section, tell them you
17 got a monitor that you're having
18 checked out; right?

19 A. Yes, sir.

20 Q. When does the system ever
21 automatically alarm or audible or
22 visual alarm at that tailpiece? When

1 does it do it automatically where you
2 don't have to physically warn them?

3 A. At that tailpiece?

4 Q. Yes.

5 A. Don't know. It doesn't.

6 Q. It doesn't do that?

7 A. No, sir.

8 Q. So you must be there ---

9 A. Yeah.

10 Q. --- to see it happen ---

11 A. Right.

12 Q. --- and alert the section?

13 A. If it's on Six belt, which
14 would be Two Left section, like I
15 said, if Terry is not available,
16 somebody on that section has got to
17 go check out that belt, and usually I
18 get my cast going. It's just
19 whoever's ---.

20 Q. And your instructions to the
21 section, whenever you get ahold of
22 them, is it any different between the

1 10 and the 15 or is it the same? Or
2 do you just say, we're checking it
3 out and if we have a problem we'll
4 let you know?

5 A. No, they got to check it out
6 right away. It's not something that
7 you put off.

8 Q. No. But I mean, the crew,
9 what's the crew know?

10 A. If it's on Six belt ---

11 Q. Yeah.

12 A. --- or even down the line, it
13 just says like the readings on them,
14 but you've got to let them know. And
15 there's got to be somebody there,
16 like I said, monitoring at all times.

17 Q. Have you ever taken them off
18 the section and told them to go out by
19 that sensor until you can determine
20 that it is a malfunction?

21 A. Yes, sir, I have.

22 Q. You have?

1 A. Uh-huh (yes).

2 Q. What would make you do that?

3 A. Let me think here a second. I
4 believe it was the scoop and it was
5 hydraulics.

6 Q. You had a problem with the
7 scoop that ---

8 A. Yep.

9 Q. --- the system went into alarm
10 ---?

11 A. And set them all off.

12 Q. How did you know it was the
13 scoop?

14 A. I didn't know what it was. I
15 knew it was something because it was
16 --- one followed, the next one
17 followed, the next one followed, the
18 next one followed.

19 Q. So you saw the trend?

20 A. So whatever it was, it was
21 moving, and that's ---.

22 Q. But whenever you don't see a

1 trend, ---

2 A. Okay.

3 Q. --- you just have one sensor,

4 ---

5 A. Okay.

6 Q. --- and you have in excess of
7 15 ppm, do you ever pull them out?

8 A. You have to pull them out past
9 that, is that what you're saying?

10 Q. Yeah, that's what I'm asking.

11 A. You got to pull them out past
12 that CO, I mean, out past that point.

13 Q. That's what I'm asking you.

14 A. Yeah.

15 Q. That's what you do. Is that
16 your procedure?

17 A. You have to.

18 Q. Okay. See, that's what I was
19 getting at. Is that your procedure
20 all the time?

21 A. You have to. I mean, that's
22 like a ---.

1 Q. I understand what you're
2 saying.

3 BY MR. COLLINS:

4 Q. I just need to back up just a
5 second, Flea, if you don't care. You
6 called Johnny Stemple, I think you
7 said, at 6 --- around 6:45?

8 A. That's about right.

9 Q. And you told Johnny that you
10 had some kind of emergency and an
11 explosion? Did you tell him you had
12 an explosion?

13 A. A possible explosion.

14 Q. And you asked him to call the
15 mine rescue team?

16 A. I told him --- I said, Dick
17 --- yeah, Dick said call the
18 emergency squad and get the mine
19 rescue teams rolling.

20 Q. Did you also ask him to call
21 the state and federal?

22 A. No. Johnny knew. I mean, we

1 talked.

2 Q. Johnny knew that?

3 A. We talked, yeah. Yeah.

4 Matter of fact, I believe you was
5 first, John.

6 Q. Did Johnny call you back and
7 tell you ---

8 A. Yes. Yes, he did.

9 Q. --- that that had been
10 accomplished?

11 A. Yep, stayed in touch.

12 Q. What time did he call you
13 back?

14 A. Maybe ten minutes. Maybe 10,
15 15. He stayed in touch as he got ---
16 see, I got ahold of Carl, which was
17 the only body that I was able to get
18 in touch with, besides John ---.

19 Q. You called Carl?

20 A. Yeah, besides getting ahold of
21 Johnny. I knew that was going to
22 take a while right there, when you

1 had a situation going on.

2 Q. And when Johnny Stemple called
3 back, he did talk to you?

4 A. Yeah. And he told me that he
5 had gotten ahold of Dunbar, he had
6 gotten ahold of Randy (sic) Coleman,
7 he had gotten ahold of Ty, every time
8 he got in contact.

9 Q. And he did tell you that he
10 had got a hold of the state?

11 A. Yeah.

12 Q. And that was me?

13 A. I believe you was the first,
14 yeah.

15 Q. And what time did he ---?

16 A. Because you live the closest.

17 Q. Do you know what time that was
18 that he said he got ahold of me?

19 A. I did. I don't know.

20 Q. When you arrived at the mine
21 that morning, Flea, were all the
22 belts off?

1 A. Yes, sir.

2 Q. And you were the one that
3 started those belts?

4 A. Correct.

5 Q. And what time did you start
6 them?

7 A. After Terry called out his
8 preshift, after Fred Jamison had his
9 preshift. Start the stacker about
10 First, let One, Two, Three, Four.
11 Like I said, I had One, Two, Three,
12 Four. They was running. Five and
13 Six was on pull switch at the start
14 of the shift.

15 Q. Which means that you started
16 ---?

17 A. You don't let your section
18 belt run until the crew gets there
19 and the boss does his run.

20 Q. And Five is the section belt
21 for One Left?

22 A. Five is a section belt.

1 Q. And Six is the section belt
2 for Two Left?

3 A. For Two Left.

4 MR. COLLINS:

5 That's all we have.

6 BY MR. O'DONNELL:

7 Q. If you go to page six of
8 Exhibit Two, down at the bottom
9 there, is there an ink mark on there?

10 A. Yes, sir.

11 Q. So you know where I'm at?

12 A. Yep.

13 Q. And that would be --- is that
14 the time that you would have started
15 the belt, Flea?

16 A. Yes, it is.

17 Q. Okay. So that would be 5:27.
18 So that is when Number One, Two,
19 Three and Four came on?

20 A. Right.

21 Q. And like you said, Number Five
22 was on pull cord, so it wouldn't have

1 started?

2 A. And Six also.

3 Q. And Six, which you can't start
4 because it's on pull cord?

5 A. Right.

6 Q. Right.

7 A. Yeah, you don't fire them up
8 like that before the crews get there.

9 Q. Right. So then we go on here
10 to --- at 6:09. One Left section
11 alarm.

12 A. 6:09?

13 Q. It's right down below the belt
14 boss start of Number Four.

15 A. Okay.

16 Q. It says taken off scan. What
17 does that mean?

18 A. Taken off scan?

19 Q. Yes.

20 A. Let's see. It was --- that's
21 the one that had to be replaced.

22 Q. Okay. Tell me about that. I

1 mean, ---.

2 A. Well, it --- what was going on
3 with it is the alarm would stay on.

4 I mean, when the box went out, it
5 threw up your alarm like you're
6 talking about. And the alarm and
7 your visual just started up. So I
8 can't just say take --- you know,
9 take off. Right here, like if you
10 see where it says take off, ---

11 Q. Yeah.

12 A. --- it's doing away with it so
13 to stop alarming, but he's got to put
14 that there. I mean, he's got to put
15 it back.

16 Q. So how did you know that that
17 was being done? How did you know
18 that the One Left section alarm
19 was ---?

20 A. Because it was alarming
21 itself.

22 Q. Oh, in your shanty?

1 A. Yeah, without me doing
2 anything.

3 Q. Right. And that was the only
4 one?

5 A. Right.

6 Q. So you hit that?

7 A. That's the section alarm at
8 Two.

9 Q. And then we see at 6:10 ---.

10 A. See where it says like --- the
11 only thing I know to do right there,
12 it says, take off.

13 Q. Yeah.

14 A. Analyzing.

15 Q. Yeah.

16 A. Okay. I took it off, analyzed
17 them, put it on.

18 Q. Yeah.

19 A. See right there where it says
20 alarm down below that?

21 Q. Yeah.

22 A. It was not, it wasn't. It's

1 just taking it off scan, putting it
2 on scan, it wasn't picking back up.
3 So it was replaced.

4 Q. So it was a malfunction?

5 A. Yes, sir.

6 Q. And that's how you determine
7 if it's a malfunction?

8 A. Yeah.

9 Q. Okay.

10 A. On alarm.

11 Q. On alarm, yeah. And then it
12 says here --- here's where we get
13 Muffy. The next page, page seven.

14 A. Okay.

15 Q. User, Muffy, supervisor,
16 privileged time out defaulting to
17 public.

18 A. Yes, sir.

19 Q. What does that mean?

20 A. Well, let's see. Let me go on
21 down through.

22 Q. It's on the top.

1 A. Okay. Those are being
2 calibrated. One-third's pit mouth,
3 146, 145. Those are being
4 calibrated, sir. It starts off at
5 the pit mouth, ten parts, then it
6 clears itself. Every CO you got have
7 got to calibrate it.

8 Q. I know. But I think maybe you
9 need --- we need to look at that a
10 little bit better. Because that's
11 --- that might be a ---.

12 A. Well, Muffy is my code name
13 inside the computer.

14 Q. That's what I want to find
15 out.

16 A. Yeah.

17 Q. Okay. You're Muffy? That's
18 your username?

19 A. Yeah. That's my username.

20 Q. Okay. So at 6:25, you went in
21 and --- or maybe --- does that do it
22 automatically, since you weren't

1 using the system?

2 A. No.

3 Q. So you've got to go in ---?

4 A. Yeah. There's no way.

5 Q. And why would you do that?

6 A. To put in my name. In case a
7 CO went bad, ---

8 Q. Uh-huh (yes).

9 A. --- you put in your name to
10 get into that CO. You just can't
11 slap CO there. You've got to address
12 it as such as being 1.29 CO at pit
13 mouth. And you've got to put at pit
14 mouth. You can't put nine blocks
15 ahead.

16 Q. Okay.

17 A. Do you know what I'm saying?

18 Q. Yeah.

19 A. Everything's got to be
20 addressed.

21 Q. So at 6:31, this is when the
22 explosion happened; right?

1 A. Yes, sir.

2 Q. Okay. Now, we have the pit
3 mouth warnings at 10:00?

4 A. Yeah.

5 Q. Obtained alarm condition, then
6 57 block, alarm, 51 ppm?

7 A. Yes, sir.

8 Q. And then we go with the Number
9 Four belts all maxed at 107, 107.

10 A. Right.

11 Q. So this is telling me that
12 this is when it happened; right?

13 A. Yes, sir.

14 Q. And we can ---.

15 MR. O'DONNELL:

16 Let's take a short
17 break.

18 SHORT BREAK TAKEN

19 BY MR. O'DONNELL:

20 Q. In front of you, you have
21 Exhibit Two, the printout of the CO
22 alarm system. And to better

1 understand what occurs when we have
2 different printouts on this page,
3 what we want to do is go through it
4 on a line-by line.

5 A. Okay.

6 Q. And what we'll do is we'll
7 start like on page six. At 12/31/05
8 at 4:48:36, which would be the tenth
9 line from the top, where it says
10 alarm latch.

11 A. Okay. What do you need to
12 know?

13 Q. Okay. Here's what I will do.
14 I'll give you the date, and we're
15 going to go straight down there.
16 I'll give you the time, and then I
17 want you to go across and tell me
18 what that means. And we're going to
19 go all the way through that 'til
20 about ten o'clock on the 2nd. Okay?

21 A. Okay.

22 Q. So that's what we're going to

1 do. We'll go line-by-line. All
2 right. You can start with the 4:48
3 time.

4 A. Okay. The latch alarm, sir?

5 Q. Uh-huh (yes). Yes.

6 A. Okay. Section alarm, CO
7 monitor, alarm latch.

8 Q. Yeah. What does that mean?

9 A. It's an engaged signal alarm
10 latch set off a warning.

11 Q. Okay. And 4:48:36, the next
12 one down?

13 A. CO1?

14 Q. Uh-huh (yes).

15 A. Alarm latch. Same thing.

16 Q. And what happens when that
17 occurs?

18 A. That's not doing anything.
19 Just to alarm the section.

20 Q. And you would say that that
21 would be like when someone was trying
22 to signal them?

1 A. Yeah.

2 Q. Is that what that means?

3 A. Yeah.

4 Q. Okay. Because we weren't
5 clear on that. We didn't ---. So go
6 ahead. The next one, 12 ---.

7 A. Okay. Alarm latch, and plus,
8 you have your warning to --- that's a
9 signal.

10 Q. 12/31/2005, 4:48:53. Just
11 tell me what that is.

12 A. Which one are you on?
13 Forty-three (43)?

14 Q. Fifty-three (53). 4:48:53.

15 A. That's one. That's still your
16 alarm.

17 Q. Okay. What does it say?

18 A. For like a --- if your ---
19 like on your assessment,, an alarm
20 section, right here it says gain,
21 gain communications, alarm latch. We
22 alarm the section and warning. I

1 mean, you'll get that when you're
2 doing that.

3 Q. Okay.

4 A. Obviously, what you're ---.

5 Q. Well, it's like this. We want
6 you to explain it so that we can
7 understand exactly what it means when
8 it occurs. Like the alarm latch
9 reset 25 ppm, what we've just
10 discussed.

11 A. Uh-huh (yes).

12 Q. And you're saying that is
13 whenever you signal the section;
14 right?

15 A. That would have been on ---
16 well, that would've been on ---
17 that's when you're signaling the
18 section, trying to get in touch with
19 somebody.

20 Q. That's what that means?

21 A. Yes, sir.

22 Q. Okay. Now, the next line, is

1 that the same?

2 A. They are. It's just --- well,
3 a printout and series of alarms
4 warning and where it's gained. It's
5 going to print out in a series.

6 Q. So that's what --- that's
7 happened all the way down to ---.

8 A. All the way down to ---.

9 Q. 4:49:42?

10 A. 49:42, yes, sir.

11 Q. So that was a series of ---

12 A. Alarms.

13 Q. --- alarms?

14 A. Uh-huh (yes).

15 Q. Manual alarm?

16 A. Yeah.

17 Q. Okay. Now, we're down to
18 13:38:09.

19 A. Okay. Belt boss stopped.
20 Remote master station. It was Number
21 Nine --- Number One belt shut off
22 with the remote control, but from

1 inside, from the computer. Shutting
2 that down --- they shut down Number
3 One belt from --- that's the 31st.
4 They shut it down from inside. The
5 dispatcher shut it.

6 Q. From your station?

7 A. Yeah.

8 Q. Okay.

9 A. Master station.

10 Q. That's where you work?

11 A. Right.

12 Q. And that's what the next three
13 are; is that right?

14 A. Yeah.

15 Q. Now, we're down to this
16 sequence on 12/31/2005, beginning at
17 13:51, ---.

18 A. Okay. Number One belt, belt
19 boss, belt start. Okay?

20 Q. Uh-huh (yes).

21 A. Okay. It's just the sequence
22 I go through when you --- when I put

1 it on belt start. I click up on
2 start, and it asks me, do you want to
3 send the command to start this belt,
4 and I hit yes. And the belt stays
5 red. And it will turn green and you
6 see like little lines on it where
7 it's running. It's just going
8 through the start sequence right
9 there.

10 And where it says sequence
11 went out on Number One, it's just
12 building up start, Number One, Number
13 Two, Number Three belt is starting
14 up. And then it's got Number One,
15 Number Two, Number Three belt
16 shutting back down again. That right
17 there is a sequence. This says stop
18 sequence. That could be a Hawkeye.

19 Q. Are you referring to 9:48:58
20 on 1/1/06?

21 A. That's a belt shutting down on
22 sequence.

1 Q. Okay. And what ---?

2 A. I said it's the Hawkeye, sir.

3 Q. Okay. Now, we're going to go
4 to 1/2/2006, which is right after
5 that 9:49 on 1/1. Stop on sequence.
6 Let's pick it up on 1/2/2006 at
7 5:27:16, and just, let's walk through
8 each one through the explosion.

9 A. Okay. You want to start ---
10 5:27?

11 Q. Yes.

12 A. Okay. 5:27. Number One belt,
13 belt start, 5:27. Number One belt
14 shows that you gave it the run
15 command and it is running. 5:28,
16 Number Three belt --- or Number Two
17 belt has started. 5:30, Number Four
18 belt is kicking in, right down the
19 line. Those are the four belts that
20 I had running.

21 Q. Okay.

22 A. And then, One, Two, Three and

1 Four, and like I said, Five and Six
2 was on pull switch until sections got
3 there.

4 Q. Okay. And then just stay on
5 page six. On 1/2/06, 6:09:50.

6 A. Let's see. First section ---
7 let's see. One Left section alarm,
8 take off. Okay. One Left section
9 alarm, energizing. First Left
10 section alarm, placing on at 6:10.
11 6:10, also, First Left alarm CO,
12 alarm, 26 ppm.

13 Q. And you had explained that
14 before, saying that you had a
15 malfunction; is that right?

16 A. Yes, sir.

17 Q. And that's why --- that's the
18 explanation of that sequence?

19 A. Yeah.

20 Q. Okay. Let's go to page seven
21 and begin with the first line.

22 A. Okay. 6:25, number six user,

1 Muff --- Muffy password.

2 Q. Okay.

3 A. Okay. 6:31, 1:30, which is
4 the pit mouth, CO warning, ten.

5 Okay. 6:31, still showed maximum CO
6 valve obtaining during alarm
7 conditions was 10 ppm. 6:31, 146 CO,
8 57 block Four belt. Alarm, 51 ppm.

9 Q. Okay. Now, that is the time
10 that the explosion occurred; correct?

11 A. Correct.

12 Q. But we have an alarm at the
13 pit mouth. I mean, how can we
14 explain --- what do you --- can you
15 tell me about that?

16 A. Sir, the alarm at that pit
17 mouth was ten when the rest of them
18 was showing me much higher than that.

19 Q. Uh-huh (yes).

20 A. As you get to the pit mouth, I
21 mean, your ten alarm, you're going to
22 be getting some stuff out of the pit

1 mouth. Because it took it a little
2 bit longer, but it was coming. I
3 mean, it was coming right down the
4 line. But that says by 6:31.

5 Q. 6:31, which was ---.

6 A. Yeah. Like on Four belt, 107
7 ppm, having that much, I --- it might
8 have just threw it out of --- you
9 know what I mean? It just might have
10 just jumped it up. I don't know. I
11 can't say.

12 Q. Have you ever had the pit
13 mouth alarm like that before?

14 A. No. It's one outside. Right
15 at the pit mouth.

16 Q. That's what I mean.

17 A. No. It's usually the one at
18 the third CO down. It'd be the one
19 at the motor bar.

20 Q. Uh-huh (yes).

21 A. Because they charge the
22 batteries.

1 Q. So would you think that that
2 was unusual that that alarmed at the
3 pit mouth?

4 A. No. But that jumped it up
5 right there. I mean, it's not
6 throwing them up in sequence.

7 Q. Uh-huh (yes). And then the
8 next one, 6:31:31.

9 A. Right.

10 Q. Go ahead. Explain that one.

11 A. Okay. 6:31:31. Okay. 146 CO
12 57 block on the Four belt. Resting,
13 51.

14 Q. Okay.

15 A. Okay. 6:31, 1:45, 49 block on
16 Four belt, resting, 107 ppm. Okay.
17 6:31 again, Two Left section belt,
18 alarm. Well, that's Four tail again,
19 107. But communication's dead.
20 They're dead and they're no longer
21 picking up anything. That's on Two
22 Left. 6:31, it's station 199. One

1 Left section alarm, alarm latch.

2 That is on First Left. It is ---

3 it's high reading, sir. It's just

4 --- there's just blinking. I mean,

5 there's no stopping it. Matter of

6 fact, we never stopped them 'til when

7 you guys let us check the COs.

8 Q. But wasn't that the one that

9 was taken off scan?

10 A. Yeah.

11 Q. It was taken off, but now it's

12 back on?

13 A. No. See, you can take it off

14 scan, yeah. It just kept on jumping

15 back on scan ---

16 Q. Okay.

17 A. --- until Pete Capaldo ---.

18 Q. 'Til you could get it fixed?

19 A. No. They got it --- yeah. To

20 replace it, is what I'm saying.

21 Q. Yeah. Okay. So ---.

22 A. But right now, it's going.

1 Q. Right. Okay. Now, at
2 6:31:57.

3 A. Okay. Number Four belt, power
4 loss. Okay. 6:32, Number Five belt,
5 communications dead. 6:32, Number
6 Six belt boss at Six drive,
7 communications dead. 6:32 again,
8 let's see, break Number Two belt,
9 communications dead. 6:32, 148 CO,
10 monitor two breaks outby Six tail.
11 Communications dead. 6:32, Number
12 Three belt, belt boss stopped, power
13 loss. Okay. 6:32, CO at Four tail.
14 CO, communications dead. Okay. 6:51,
15 Number One belt stopped sequence.
16 6:51, Number Two belt stopped
17 sequence.

18 Q. Now, does that tell me that
19 somebody stopped it?

20 A. Yes, sir. I did it.

21 Q. You did? Okay.

22 A. Yeah.

1 Q. Go ahead.

2 A. Okay. 7:19, 37 break, Four
3 belt, alarm, 15 ppm. 7:30, 1.82,
4 hatch one block outby Number Seven
5 belt, warning, five. Okay. 7:31,
6 182, one block outby Number Seven.
7 Maximum CO. Value contained during
8 this condition was five ppm.

9 Q. What does that mean?

10 A. It says that it's on Number
11 Seven drive?

12 Q. Yeah.

13 A. Number Seven drive, sir,
14 shouldn't --- they weren't on Number
15 Seven drive. At that time of this,
16 it's --- okay. You've got the Five
17 drive coming off of it.

18 Q. Yeah.

19 A. Every time they split a panel
20 off of it like this, I have to put a
21 drive there. I put Seven drive on
22 there like three times.

1 Q. Uh-huh (yes).

2 A. So I've just been keeping it
3 out. I've just been keeping it like
4 it's there. It's not going to read
5 itself until they actually put it in.

6 Q. Okay.

7 A. But I kept it there out of
8 order in the gray. It's just picking
9 it up. But it's not working. The
10 one that is working is Five belt.

11 Q. Okay. But where was this
12 located at? Number Seven?

13 A. Yeah. It's coming off Five
14 belt.

15 Q. Okay. So it's at Five belt,
16 too?

17 A. Yeah.

18 Q. Okay. Go ahead.

19 A. Okay.

20 Q. That would be --- pick it up
21 at 7:38:35.

22 A. Picking up Seven drive, which

1 is not there. Okay. 7:38, 22 block
2 Five belt, CO alarm, five ppm. Okay.
3 7:41, 22 block, Number Five belt,
4 alarm, ten ppm. Okay. 8:14, 199,
5 One Left section alarm. Alarm latch,
6 107 ppm.

7 Q. And that means that that one
8 is maxed out; right?

9 A. It's maxed out. It can't go
10 no higher. Okay. 8:14, first left
11 section alarm warning, latch reset.
12 107 ppm. 8:15, 14 brake on Five
13 belt, alarm, ten ppm. 8:45, Three
14 belt, communications dead. This is
15 reading out right here, sir. It's
16 actually --- it's venturing back and
17 forth. Actually, they were stuck at
18 107 ppm.

19 Q. Uh-huh (yes).

20 A. Is what it was reading to me
21 on the screen.

22 Q. Uh-huh (yes). And the rest of

1 this just continues?

2 A. Just continues. And it ---.

3 Q. Until the system was shut off;
4 is that right?

5 A. Right.

6 Q. And when did that happen?

7 A. When the state along with
8 federal inspectors come in there and
9 they shut down the computer, took
10 stuff off the hard drive. And as a
11 rescue --- as rescuing was going on,
12 they knocked power off the CO, below
13 the uninterrupted power supply, which
14 is on the wall, so it wouldn't be
15 sparking inside with that much CO.

16 Q. What time was it? What time
17 was that?

18 A. What time was what?

19 OFF RECORD DISCUSSION

20 BY MR. O'DONNELL:

21 Q. Yeah. What time did they shut
22 the computer system off?

1 A. Well, let me see here.

2 OFF RECORD DISCUSSION

3 BY MR. O'DONNELL:

4 Q. Page 12. Sir, page, 12.

5 A. Take off scan, communications
6 dead. This sheet was --- Bruce done
7 it. Bruce turned the doggone thing
8 off. And I had to go back into it.
9 And I printed off all this stuff
10 right here.

11 Q. Oh, so you went back in to
12 print this?

13 A. I had to print all that stuff
14 off right there. Because it had
15 information on it like --- it tells
16 every time the CO was checked.

17 Q. Uh-huh (yes).

18 A. Every time ---.

19 Q. So we're looking at page 12.

20 Then you would say --- what would the
21 date that you took it off scan, off
22 the system, out?

1 A. I'd say First 11th. No, that
2 can't be right. Might have put it
3 back on then. I'm not sure. The
4 only thing I know, when I come back
5 after my shift, I went home and I
6 come back.

7 Q. Would you say it was the next
8 day?

9 A. The next day, it was turned
10 off.

11 Q. Okay. That's what I was
12 getting at.

13 A. But I had to reboot it. I had
14 to go into it when you guys asked me
15 to and retrieve this from it.

16 Q. Whenever you were doing any of
17 your --- that day, did you keep a log
18 of everything that you did?

19 A. No.

20 Q. Other than the check-in,
21 checkout, but I mean, from ---.

22 A. Early that morning?

1 Q. Yeah. Did you keep a personal
2 log or notebook or anything like
3 that?

4 A. I got to find it. Of what
5 happened?

6 Q. Yes.

7 A. As far as my work?

8 Q. Yeah. A record of what you
9 did.

10 A. Yeah. It should be there.

11 Q. Where would that be?

12 A. That should be on the yellow
13 sheet of paper inside the
14 dispatcher's office.

15 Q. Okay. Would we be able to get
16 a copy of that?

17 A. I don't see why not.

18 Q. Okay.

19 A. Got to find it first, but it's
20 there.

21 Q. Okay. Very good.

22 A. But I never had time when all

1 this was going on.

2 Q. That would help us out a lot.

3 A. To go --- you know, to go from
4 this to this to this to this. But
5 later on that afternoon, I did make
6 one.

7 Q. Good. Okay. That'll be good.
8 During an evacuation, according to
9 the fire evacuation plan, who is the
10 responsible person?

11 A. Doing the evacuation?

12 Q. Yes. Who's the person
13 responsible for the evacuation of the
14 mine?

15 A. Dispatcher.

16 Q. Flea, do you have any idea
17 when they de-energized all the power
18 underground?

19 A. I know the first rescue team
20 went in there. Right in behind them.
21 It might have been day two. I'm
22 really not sure. Because they went

1 in there and saw a red light on one
2 of the COs, and so they still had
3 power on it. And they was wondering
4 if there's battery backup.

5 Q. But I mean the mine --- the
6 main mine power. That was the
7 backup.

8 A. It would have to have been the
9 same day. The main mine power.

10 Q. Okay.

11 A. It would had to have been the
12 same day. Because I shut the belts
13 off and they went and started from
14 the outside and went in. Started
15 with the stacker belt. At that time,
16 we only had power on the Number One
17 and Number Two belt.

18 Q. Is there a map or a schematic
19 of each belt flight and the details
20 of the monitoring system? Is it
21 posted anywhere at the mine?

22 A. Yeah.

1 Q. Where is it posted at?

2 A. Should be over in that
3 hallway.

4 Q. Over in the other building,
5 across from your dispatcher?

6 A. Yeah. As soon as you walk
7 through the door right to Dick's
8 office.

9 Q. Uh-huh (yes).

10 A. It's a big board over there.
11 Every time you add a belt or take one
12 off.

13 Q. Okay.

14 A. You take off a copy of it.

15 Q. And do you know if the system
16 operates for four hours when the
17 power's off?

18 A. Yes.

19 Q. Okay. COs?

20 A. Yes, they do.

21 Q. Have you ever been able to
22 determine that by having mine power

1 off and still be able to watch your
2 monitor?

3 A. Yeah.

4 Q. You have done that?

5 A. Uh-huh (yes).

6 Q. Okay.

7 A. Because it was down all that
8 time, and we got it back up on.

9 Q. Do you know what the automatic
10 kill feature is?

11 A. The automatic kill feature?
12 Let me think. Have to be on the
13 alarm.

14 Q. Okay.

15 A. Automatic kill feature. I'm
16 not very sure what you're ---.

17 Q. It disconnects all the
18 batteries when the fans go down.
19 You've got a button to do that with?

20 A. No. They done it from the
21 UPS.

22 Q. What's UPS?

1 A. UPS is up above the computer.

2 Q. Yeah.

3 A. It will send a signal to all
4 your monitors posted in the mine.

5 Q. Uh-huh (yes).

6 A. They unplug that so that they
7 would have no juice inside the mines,
8 in other words, on any of the COs,
9 while the rescue teams was
10 underground.

11 Q. But does it automatically do
12 that when the fan goes down?

13 A. No.

14 Q. It doesn't?

15 A. Not that I know of, no.

16 Q. Okay.

17 A. Not that I know of.

18 Q. The only time it should stay
19 running is if you have mine power
20 out, fan on. Fan goes down ---.

21 A. Because you're on two
22 separate.

1 Q. Yeah.

2 A. But there's nothing on that
3 mine fan, except for ---.

4 Q. All right. You've been a
5 dispatcher when the fan's gone down?

6 A. Right.

7 Q. Okay.

8 A. The alarm comes on.

9 Q. What happens to your monitor
10 system?

11 A. The belt monitor system?

12 Q. Uh-huh (yes). The fan goes
13 down.

14 A. It wasn't down very --- I
15 mean, it wasn't down very long to
16 change the COs. But that was ---
17 that never happened at Sago.

18 Q. Okay.

19 A. No. But I get what you're
20 trying to say. Yeah. They would
21 start reading. They'd have to.

22 Q. Yeah. Okay. How often do

1 they --- when the computer time and
2 the real time are checked and
3 adjusted --- do you know how we were
4 talking about the mercury time?

5 A. Yeah.

6 Q. How often do they check those
7 out and set them?

8 A. Still haven't.

9 Q. Have you ever seen it happen?

10 A. How they set it?

11 Q. Yeah.

12 A. I don't know how they counted
13 for that. Well, the mercury's your
14 actual time. So what they done was
15 just took the actual time of that day
16 and seen what it was compared to what
17 this one would have been.

18 Q. Uh-huh (yes).

19 A. And I don't know. I don't
20 know how they done it exactly. They
21 just told me that it came to the
22 second.

1 Q. Can you select your monitoring
2 functions separately? Like belts on
3 with the AMS off?

4 A. Oh, yes, sir. We can.

5 Q. You can?

6 A. I set those up. We had a guy
7 from Pyott-Boone come in, had to give
8 me a class on it. It was a 12-hour
9 --- after he walked in the mines and
10 seen what was here, then he come out
11 there and sat down and made me do it.

12 MR. O'DONNELL:

13 Mr. Collins, do you
14 have any follow-up questions?

15 MR. COLLINS:

16 Yes, for me, please.

17 And I hope it'll be short.

18 BY MR. COLLINS:

19 Q. I'd like to revisit the
20 question that I asked you about, what
21 time did Jamison and Terry Helms
22 enter the mine.

1 A. Okay.

2 Q. And I think you said four
3 o'clock.

4 A. Well, I had to be there by
5 4:00. It was right around 4:00.

6 Q. Right around 4:00 when they
7 went into the mine?

8 A. Because I had to have, what is
9 it, John, two or four-by-four? I
10 don't know how that worked. That's
11 why I had to be ---.

12 Q. On the dispatcher log, it says
13 4:35, Two Left, dispatched from Two
14 Left.

15 A. Uh-huh (yes).

16 Q. Dispatched to outside.

17 A. Yeah. That's what he said
18 that he was going to bring up, but he
19 was talking First Right. And that's
20 why I'm thinking that --- because,
21 now, the left --- the next time, when
22 I see Fred Jamison, he was saying,

1 Flea, I'm out. He was in the
2 dispatcher shanty.

3 Q. Uh-huh (yes).

4 A. And he was giving his report.

5 Q. What time was that?

6 A. So what --- right before the
7 crews went in.

8 Q. Okay.

9 A. Because he walked down on one
10 belt and then the crews was going in.

11 Q. So when Fred ---.

12 A. But now, he didn't say
13 anything about that trip. That's
14 what I'm saying, John. If it would
15 have been down the First Right, they
16 would have explained about the crew.

17 Q. When they called you from Two
18 Left asking for permission to come
19 outside at 4:35, you don't know that
20 he left right then or ---?

21 A. Right.

22 Q. The only thing you know ---

1 the next thing you know, he got
2 outside shortly before day shift went
3 in?

4 A. In First Left?

5 Q. No. Two Left to outside.

6 A. Oh, the mantrip. Yeah. He
7 just told me to tell --- see Jamison
8 was on that.

9 Q. Uh-huh (yes).

10 A. From Two Left out. But he
11 just said, tell Terry that his lunch
12 was down near the First Left switch.

13 Q. And how long does it take to
14 come from One Left to the outside
15 normally?

16 A. Normally? I'd say half an
17 hour. Half an hour, 20 minutes.
18 It's 25 to half an hour.

19 Q. Okay. Do you know what time
20 Terry Helms called outside?

21 A. No. But it will --- should be
22 there. I mean, he called. And the

1 last person we talked to was the fire
2 boss. He called out his report.
3 That should be documented.

4 Q. And I need to revisit a little
5 bit about the conversation we had
6 about when you called Chuck Dunbar
7 and Raymond Coleman.

8 A. Uh-huh (yes).

9 Q. You said that you --- or did
10 you say that they had their phones on
11 pager?

12 A. No. I forget where it is.
13 There's a --- actually, how the
14 computer's set up. Okay. When I go
15 on pager, they've all got their
16 little pager on their side. And I
17 can put on there, First Left, 120
18 feet, so many tons. And it's --- and
19 then it goes to like Dunbar, Raymond,
20 and the buzzers on the side, that's
21 pagers. So no matter where they're
22 at, they'll know what that shift's

1 doing, done. Like at half time and
2 at the end of the shift. So that's
3 one way I tried.

4 Q. You tried that this time?

5 A. Yeah. And ---.

6 Q. What did you type in?

7 A. That we needed them to get in
8 touch with the mines. And not only
9 their pagers. Some of them just had
10 their cell phones. But where Johnny
11 was helping, then he had their home
12 phones. Because on a normal given
13 day, if they told me to get in touch
14 with the guys there, hey, John ought
15 to be calling the main office.
16 That's where everybody's at. Dunbar,
17 Raymond, Johnny Stemple.

18 Q. So the numbers on this
19 emergency list is cell phones?

20 A. Cell phones, pager numbers.
21 Now, there might be some home phones,
22 but that couldn't rouse anybody up.

1 Q. So you had Johnny Stemple's
2 home phone?

3 A. Yeah. I called Johnny and I
4 figured, get ahold of safety.

5 Q. Okay. The check in and out
6 system that you were maintaining
7 during rescue attempt where it was
8 written down on a piece of paper ---

9 A. Right.

10 Q. --- of the people and teams
11 that went underground and came out.

12 A. Right.

13 Q. That's a separate system than
14 we use every day?

15 A. I guarantee you.

16 Q. The system that we use every
17 day, what is that?

18 A. Check-in, checkout, tags.

19 Q. On the board? On the board?

20 A. Yes, sir.

21 Q. And that's a metal tag?

22 A. Yes, shift in and out.

1 Q. And who's responsible for that
2 check in and out system?

3 A. I am. I mean, you've got to
4 know your guy's going home, because
5 they could be home eating, you know,
6 and this shows that they're still
7 underground.

8 Q. So like at the end of your
9 shift, do you check them?

10 A. Yeah. You've got to know your
11 guys.

12 Q. Okay. Then one more thing I
13 need to revisit. When you called
14 Johnny Stemple, did you say something
15 about Johnny said to wait and see
16 what had happened?

17 A. Johnny was wanting to wait,
18 because he wanted to take my --- the
19 whole rescue team. He asked me ---
20 well, I'm not going to say that. I'm
21 not going to say that. It's just
22 that he wanted to make sure that we

1 had what we said we had. You know,
2 he just wanted to make sure. I told
3 him that Dick's been in it before.
4 And he rolled them.

5 Q. But you didn't wait on
6 anything else, then? Because that's
7 --- really, once you notified Johnny
8 ---.

9 A. Yeah. And Johnny notified me
10 that it was done. But the ambulance
11 was there first. Because he couldn't
12 --- I was there, you know what I'm
13 saying, to see what the effect was on
14 the guys. So by getting that first
15 ambulance there, and more information
16 forthcoming. Like I said, as far as
17 ambulances and fire rescue, then he
18 got the mine rescue rolling.

19 MR. COLLINS:

20 Okay. Thanks. Mr.

21 O'Donnell?

22 BY MR. O'DONNELL:

1 Q. Back to Stemple. So did you
2 --- both of you coordinate between
3 each other the notification process,
4 is that what you're saying?

5 A. Yes. Yes.

6 Q. And did he tell you what time
7 that the agencies were notified, or
8 if they, in fact, had been notified?

9 A. He told me that they, in fact,
10 had been.

11 Q. And what time was that?

12 A. I'm not sure, sir.

13 Q. Do you have any idea when he
14 said that they notified --- I mean,
15 anything?

16 A. I wouldn't want to guess on
17 that.

18 Q. Okay.

19 A. He called me every time that
20 he said he got ahold of somebody. He
21 called back to say that the Barbour
22 County team was --- was coming on the

1 scene.

2 Q. Uh-huh (yes).

3 A. That their backup was coming
4 on the scene. And every time he got
5 ahold of somebody, he let me know.
6 But it was just everything coming
7 down at once.

8 Q. Okay. Did anyone go back in
9 the mine after Wilfong and that crew,
10 Toler, come out?

11 A. No, sir.

12 Q. No?

13 A. The next ones in was the
14 rescue team.

15 MR. O'DONNELL:

16 Okay. Let's take one
17 more quick break and then
18 we'll get into some training
19 questions.

20 SHORT BREAK TAKEN

21 BY MR. O'DONNELL:

22 Q. All right. Bill, we have to

1 go back just one more time and try to
2 get a better idea of whenever Toler,
3 Wilfong, Schoonover entered the mine
4 and started doing some work.

5 A. Okay.

6 Q. Okay. So how soon after the
7 explosion did they reenter the mine?

8 A. Ten minutes, 15. Just enough
9 to get their belt and ---.

10 Q. Okay. And they went into the
11 mine?

12 A. Yeah.

13 Q. And they encountered One Left
14 crew; right?

15 A. Right.

16 Q. When was the first time that
17 you had any communication with them
18 on the pager phone?

19 A. It was with Dick. And he told
20 me --- the first thing he said to do
21 was run the emergency team, get the
22 medical team there and get mine

1 rescue.

2 Q. Okay. Where was he at when he
3 called you?

4 A. Now, that, I'm not sure. I'm
5 thinking Four head. That's what I
6 keep on thinking to myself. But I
7 never did --- I didn't get that out
8 of him.

9 Q. Would that have been after the
10 One Left crew was taken out?

11 A. One Left crew. Right.

12 Q. They were already out of the
13 mine?

14 A. They was on the way out.

15 Q. Okay.

16 A. He was going further. They
17 was coming out. Jeff and Dick was
18 advancing along with Al and keeping
19 the fresh air going.

20 Q. Okay.

21 A. With Vern. First Left crew
22 was walking out.

1 Q. How much time had passed
2 between that conversation and when
3 they first went in?

4 A. When they first went in there?

5 Q. Yeah. You said ten minutes
6 after ---.

7 A. Yeah. Just enough to get out
8 of the mantrip. And Al was going
9 through his stuff back there, safety
10 ---.

11 Q. Okay. And then they got in,
12 they called?

13 A. And they got inside and they
14 called back out.

15 Q. Yeah.

16 A. When they saw First Right
17 crew?

18 Q. Yeah.

19 A. Ten minutes.

20 Q. Okay. And then the next ---.

21 A. Maybe 15 minutes at the most.

22 Q. Ten, 15 more minutes. And

1 then the next conversation that you
2 had with someone in the mine?

3 A. It was Dick.

4 Q. And where was he at that time,
5 the next time?

6 A. I don't know.

7 Q. What did he talk to you about?

8 A. He was sitting --- he just ---
9 he told me twice to get the rescue
10 teams there.

11 Q. Uh-huh (yes). And that he was
12 putting curtain up?

13 A. Yeah. That he was hanging
14 curtain up.

15 Q. Did you talk to Owen Jones at
16 all after Wilfong and the rescue
17 attempt began? Do you know what the
18 --- Schoonover and those guys, when
19 they went in there, did you have any
20 conversation with Owen Jones after
21 that?

22 A. No. He was --- he told Dick

1 that he was going to see if they
2 could get up on Second Left.

3 Q. Yeah.

4 A. And he told Dick that. But he
5 never made it.

6 Q. But I mean, I know --- we know
7 he didn't make it. But he was still
8 in the mine?

9 A. Owen Jones was.

10 Q. Yes.

11 A. Yeah, at the time that Dick
12 and them was in there.

13 Q. Right.

14 A. Correct.

15 Q. Do you know if he had moved to
16 a phone or anything and called out to
17 see if it had worked?

18 A. If Dick had?

19 Q. If Owen Jones did.

20 A. Not that I know. No.

21 Q. So you don't recall any
22 conversations that you had with Owen

1 after the explosion or ---?

2 A. Well, after the explosion, I
3 mean, the first thing that come on
4 there was --- he said that --- he
5 told Dick, he said that there's been
6 some kind of explosion or fall.

7 Q. I mean after that.

8 A. Not until I seen him out, no.

9 Q. Okay.

10 A. But Dick --- I mean, Dick and
11 them did. You know what I mean?

12 Q. So ---.

13 A. But I can't ---.

14 Q. So from the time that they
15 went in 'til the time that they got
16 out, they were in the mine putting
17 curtain up, trying to advance, try to
18 get into the mine. How much time do
19 you think passed from the time that
20 they went in 'til the time they got
21 out? Was it ---?

22 ATTORNEY YUHAS:

1 Let's clarify that a
2 little bit. From the time
3 they got in, two different
4 groups came in at two
5 different times.

6 BY MR. O'DONNELL:

7 Q. Right. When they first ---
8 when Toler, Schoonover, Wilfong ---.

9 A. From the time they first went
10 in ---.

11 Q. When they first went in until
12 the last time they came out.

13 A. I'd say an hour.

14 Q. Okay.

15 A. Maybe a little bit more,
16 because it took the guys an hour.

17 Q. Okay. So it was ---.

18 A. Because there wasn't much they
19 could do. I mean, everybody was out
20 except for them guys.

21 OFF RECORD DISCUSSION

22 BY MR. O'DONNELL:

1 Q. When they first called out ---
2 when he first called out and said he
3 was putting curtains up, okay, he
4 told you to call rescue teams at that
5 time?

6 A. He told --- yeah, when he went
7 in.

8 Q. And how much time had passed
9 between the time he went in until he
10 told you to call rescue teams?

11 A. He saw those guys, like I
12 said. It was 15 minutes, I'd say.

13 Q. Okay.

14 A. At the most.

15 Q. Were they setting curtains at
16 a later time than that? I mean, had
17 they put curtains up yet?

18 A. Yes, they had.

19 Q. Okay. All right. Thank you.
20 And let me ask you just some training
21 questions and we'll finish this up.
22 When was the last time you had annual

1 retraining?

2 A. The past year. I don't know
3 the exact date.

4 Q. In 2005, do you remember when?

5 A. No.

6 Q. Do you remember having it?

7 A. Yeah.

8 Q. Oh, okay.

9 A. Yeah, I just don't ---. Just
10 don't know, you know, exact.

11 Q. Okay. Do you have your annual
12 retraining separate from the
13 underground guys?

14 A. Yeah.

15 Q. You have it separate? Okay.

16 A. Well, I have it with the
17 underground guys. Sorry about that.

18 Q. Like your whole eight hours of
19 training is with the underground
20 guys?

21 A. Yep.

22 Q. Okay. Have you ever worked

1 underground at Sago Mine?

2 A. No.

3 Q. Okay. And who was your
4 trainer for the annual retraining?

5 A. See, you got me. I don't know
6 if it was Al or if it was --- let me
7 think a minute. I think it was Al
8 Schoonover. I'm not sure.

9 Q. Okay.

10 A. I can't even think of who they
11 had over there at Spruce, know what I
12 mean?

13 Q. Uh-huh (yes).

14 A. Spruce Fork. So I would have
15 took it over there. I'm just trying
16 to think who the heck it would have
17 been.

18 Q. Okay. We went over this.
19 We've gone over that part. Part of
20 your training, did you go over any of
21 the procedures that you're to follow
22 in case of an explosion?

1 A. Yes, sir.

2 Q. The mine emergency evacuation
3 plan and all that?

4 A. Yes, sir. Where the fire taps
5 are located at.

6 Q. Uh-huh (yes).

7 A. Where the barrels are located
8 at.

9 Q. What about the emergency
10 firefighting material? Emergency
11 materials in the mine? Do you know
12 where they're located?

13 A. Yes. Yes, sir.

14 Q. Where would that be?

15 A. Well, you're talking about the
16 hoses or what they mark with?

17 Q. No.

18 A. The firefighting equipment?
19 As far as the barrels and the hose?

20 Q. The boards, rock dust, the
21 nails, hammers?

22 A. Down at the head of the

1 section.

2 Q. The head of the section?

3 A. Well, I mean, there should be
4 one right there at --- down by Six
5 head.

6 Q. Okay.

7 A. Now as far as the emergency
8 sleds, I don't know.

9 Q. The section sleds, yeah. I'm
10 not asking about that. I'm asking
11 about the 2,000 board feet.

12 A. You lost me.

13 Q. Okay. Did you get hands-on
14 SCSR training?

15 A. Yeah.

16 Q. What would they give it to you
17 for?

18 A. Because I wanted to take it.

19 Q. Oh, okay. Do you ever get any
20 specific surface training?

21 A. Dispatcher? You mean like
22 dispatcher or ---?

1 Q. Doing your annual retraining
2 just for surface in addition to the
3 underground training.

4 A. Yeah. Yeah, I did.

5 Q. Where, and what was it?

6 A. I can't remember if it was
7 John, but, I mean, as far as going
8 over the computer and stuff like that
9 you mean? Training in the field that
10 I do?

11 Q. Hazards related to working on
12 the surface.

13 A. Test training?

14 Q. No. It's annual retraining.
15 But well, you had first aid and all
16 that, I take it?

17 A. Uh-huh (yes).

18 Q. And SCSR training and --- I
19 guess they even went over the
20 ventilation plan and roof control
21 plan with you?

22 A. No. I was keeping up my gas

1 card, though, which I have here.

2 Q. You do?

3 A. No. I said I was keeping it
4 up.

5 Q. Okay.

6 A. When you get certified for it,
7 how you make your checks.

8 Q. Uh-huh (yes).

9 A. You still should know that.

10 MR. O'DONNELL:

11 John, do you have any
12 follow-up?

13 MR. COLLINS:

14 No, we don't, thank
15 you.

16 MR. O'DONNELL:

17 All right. Let me find
18 this closing statement. Here
19 we are.

20 On behalf of MSHA, I
21 want to thank you for
22 appearing and answering

1 questions today. Your
2 cooperation is very important
3 to the investigation as we
4 work to determine the cause of
5 the accident. We ask that you
6 not discuss your testimony
7 with any person who may have
8 already been interviewed or
9 who may be interviewed in the
10 future. This will ensure that
11 we obtain everybody's
12 independent recollection of
13 the events surrounding the
14 accident. After questioning
15 other witnesses, we may call
16 you if we have any other
17 follow-up questions that we
18 feel we need to ask you. If
19 at any time you have
20 additional information
21 regarding the accident that
22 you'd like to provide us,

1 please contact us at the
2 contact information that was
3 --- that will be provided to
4 you.

5 The Mine Act provides
6 certain protections to miners
7 who provide information to
8 MSHA and, as a result, are
9 treated adversarially. If at
10 any time you believe that you
11 have been treated unfairly
12 because of your cooperation in
13 this investigation, you should
14 immediately notify MSHA. If
15 you wish, you may now go back
16 over any answer that you gave
17 during the interview and make
18 a statement at this time, if
19 you'd like.

20 A. No.

21 MR. O'DONNELL:

22 Again, I want to thank

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

you for your cooperation in
this matter. Thanks a lot.

* * * * *

SWORN STATEMENT

CONCLUDED AT 2:26 P.M.

* * * * *

1
2
3
4
5
6