

STATEMENT UNDER OATH

OF

MICHAEL TRIPLETT

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 2:41
p.m.

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1 A P P E A R A N C E S

2

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A P P E A R A N C E S (cont.)

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P R O C E E D I N G S

MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. With me is Bob

1 Wilson from the Solicitor's
2 Office, Brian Mills with the
3 West Virginia Office of
4 Miners' Health, Safety and
5 Training and Mr. Dave Stuart
6 with the State of West
7 Virginia.

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

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

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

16 This interview with Mr.
17 Michael Triplett is being
18 conducted under Section 103(a)
19 of the Federal Mine, Safety
20 and Health Act of 1977 as part
21 of an investigation by the
22 Mine Safety and Health

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

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

1 will not be permitted.

2 Mr. Triplett, this
3 interview will begin with my
4 asking you a series of
5 questions. If you do not
6 understand a question, please
7 ask me to rephrase it. Feel
8 free at any time to clarify
9 any statements that you make
10 in response to the questions.
11 After we have finished asking
12 questions, you will also have
13 an opportunity to make a
14 statement and provide us with
15 any additional information
16 that you believe may be
17 important.

18 If at any time after
19 the interview, you recall any
20 additional information that
21 you believe may be useful in
22 the investigation, please

1 contact Richard Gates at the
2 phone number and e-mail
3 address provided to you on
4 this business card. You can
5 have this.

6 Your statement is
7 completely voluntary. You may
8 refuse to answer any question
9 and you may terminate the
10 interview at any time. If you
11 need a break at any time, just
12 please let us know and we'll
13 do that.

14 A court reporter will
15 record your interview and will
16 later produce a written
17 transcript of the interview.
18 Please try and respond to all
19 questions verbally since the
20 court reporter cannot record
21 non-verbal responses. Also
22 please try to keep your voice

1 up. Copies of the written
2 transcripts will be available
3 at a later date.

4 If any part of your
5 statement is not based on your
6 own firsthand knowledge, but
7 on information that you
8 learned from someone else,
9 please let us know. Please
10 answer each question as fully
11 as you can, including any
12 information that you have
13 learned from someone else. We
14 may not ask the right question
15 to learn the information that
16 you have, so do not feel
17 limited in the precise
18 questions that we ask. If you
19 have information about the
20 subject area of a question,
21 please provide us with that
22 information.

1 At this time, Mr.
2 Mills, do you have anything
3 that you would like to add on
4 behalf of the Office of
5 Miners' Health, Safety &
6 Training?

7 MR. MILLS:

8 Here's our card we can
9 be reached at. The West
10 Virginia Office of Miners'
11 Health, Safety & Training is
12 conducting this interview
13 session jointly with MSHA and
14 are in agreement with the
15 procedures outlined by Mr.
16 Swentosky for the interviews
17 that will be conducted here
18 today. But the Director
19 reserves the right, if
20 necessary, to call or subpoena
21 witnesses or require the
22 production of any record,

1 document, photograph or other
2 relevant materials necessary
3 to conduct this investigation.

4 MR. SWENTOSKY:

5 Mr. Triplett, are you
6 aware that you may have a
7 personal representative during
8 the taking of this statement?

9 MR. TRIPLETT:

10 Yes.

11 MR. SWENTOSKY:

12 Do you have a
13 representative here with you
14 today?

15 MR. TRIPLETT:

16 Yes.

17 MR. SWENTOSKY:

18 And could you identify
19 that person, please?

20 MR. TRIPLETT:

21 Ms. Kilpatrick.

22 MR. SWENTOSKY:

1 Has anyone suggested
2 that you use Ms. Kilpatrick?

3 MR. TRIPLETT:

4 No.

5 MR. SWENTOSKY:

6 Are you aware that your
7 representative may have a
8 conflict of interest in
9 representing you while
10 providing --- being provided
11 by someone else, such as the
12 company?

13 MR. TRIPLETT:

14 Yes.

15 MR. SWENTOSKY:

16 With this
17 understanding, do you still
18 want this person to be your
19 representative?

20 MR. TRIPLETT:

21 Yes.

22 MR. SWENTOSKY:

1 Have you been pressured
2 in any way to accept this
3 person as your representative?

4 MR. TRIPLETT:

5 No.

6 MR. SWENTOSKY:

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

11 MR. TRIPLETT:

12 Yes.

13 MR. SWENTOSKY:

14 Do you have any
15 questions regarding the manner
16 in which the interview will be
17 conducted before we get
18 started?

19 MR. TRIPLETT:

20 I don't guess.

21 MR. SWENTOSKY:

22 Could you swear in Mr.

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Triplett, please?

MICHAEL TRIPLETT, HAVING FIRST BEEN
DULY SWORN, TESTIFIED AS FOLLOWS:

MR. STUART:

Mr. Triplett, to your understanding, does the firm your attorney's with represent your employer?

A. Pardon?

MR. STUART:

To your understanding, does the firm that your attorney is with represent your employer or ICG?

A. They told us they didn't. ICG employs them but they're --- she said that this is confidential between us.

ATTORNEY KILPATRICK:

You can go ahead and answer your understanding of

1

2 Q. Okay. Are you appearing here
3 voluntarily today?

4

A. Yes.

5

6 Q. How many years of mining
7 experience do you have, Mr. Triplett?

8

A. About 31.

9

10 Q. Can you give us a brief
11 description of your coal mining
12 history?

13

14 A. I was --- I worked for Piston
15 Coal Company as laborer, later on as
16 a section foreman. I worked for them
17 for probably 10 to 12 years. I went
18 to Island Creek Coal Company. I was
19 a longwall foreman for probably eight
20 years. I then went to ADH (phonetic)
21 Coal Company, section foreman. Then
22 with Anker Coal, section foreman and
shift foreman for about eight years.

23

24 Q. And how much of this time was
25 spent at Sago Mine?

1 A. I'm not sure, probably around
2 three months.

3 Q. Three months at Sago Mine?

4 A. Yeah, somewhere in that area.
5 I'm not really sure.

6 Q. Okay. And what is your
7 present position?

8 A. I'm a supervisor, but not in a
9 supervisory position.

10 Q. Okay. And that's at Sago
11 Mine?

12 A. Yes.

13 Q. When you say present, okay.
14 Were you working on the day of the
15 accident?

16 A. No.

17 Q. Okay. How long have you been
18 in the --- your present position?

19 A. Three to four years probably.

20 Q. Okay. But that would include
21 ---

22 A. That's at another mine, yes.

1 Q. --- previous mine ---?

2 A. What it is, I worked at Spruce
3 Fork Mine, they shut it down and
4 we're supposed to go to another mine
5 but it's not ready yet, so they're
6 just using us, floating us around
7 until the mine is ready.

8 Q. Okay. I see. And the time at
9 Sago Mine, those three months, what
10 positions did you hold?

11 A. I didn't really have a
12 position. We worked on falls, we
13 built canopies to --- had four roof
14 falls. We built four canopies in
15 those falls. We set one or two
16 beltheads, just moving around,
17 whatever they needed done, just dust.

18 Q. The general work ---

19 A. Yes.

20 Q. --- that needed to be done?

21 Okay. Thank you. What mining
22 certificates do you hold, such as

1 mine examiner, mine foreman, that
2 kind of thing?

3 A. Mine foreman, shop fire, EMT,
4 dust sampler. That's all I can think
5 of.

6 Q. Okay. Do you hold any
7 certifications in other states, other
8 than West Virginia?

9 A. No.

10 Q. Just West Virginia?

11 A. Just West Virginia.

12 Q. Okay. And who is your
13 immediate supervisor?

14 A. Marty Conrad.

15 Q. And he is --- what position
16 does he hold?

17 A. He was mine foreman at Spruce,
18 but I don't know what --- I don't
19 know what it would be now. It's just
20 ---.

21 Q. Okay. But he was your
22 supervisor at Sago --- during your

1 stay at Sago Mine?

2 A. Yes, I guess he was. That's
3 who told us what to do.

4 Q. Okay. That's good enough.
5 Have you made any examinations at the
6 Sago Mine during your times there?

7 A. I walked the belts a couple
8 times.

9 Q. Walked the belts? And what
10 other examinations have you made as a
11 certified person?

12 A. Just belt and track.

13 Q. Just belt and track. Okay.
14 And how familiar are you with the old
15 Left Two main seals?

16 A. I helped to work on them two
17 to three times I think.

18 Q. Okay. Were you in charge at
19 all of the seals and just tell me a
20 little bit about your activities with
21 those seals?

22 A. We would --- generally we

1 would be working somewhere else if we
2 had an hour or two at the end of the
3 day. They would tell us to go work
4 on them and sometimes we'd plaster,
5 sometimes we'd hand them block,
6 sometimes we would mix mud, just
7 different things.

8 Q. Okay. When you would ---
9 during your help of building those
10 seals, who was in charge?

11 A. The first time was Jeff
12 Snyder.

13 Q. Okay.

14 A. And then the second time we
15 went it was Skip. I don't know what
16 his name is. Everybody just called
17 him Skip.

18 Q. Skip, James Scott maybe?

19 A. I don't know his name.

20 Q. Okay. Do you know --- and how
21 many times up there or how many times
22 were you involved? How many days

1 were you involved in ---?

2 A. I'm thinking three.

3 Q. Okay.

4 A. I'm not real sure but I'm
5 thinking three. I think I was up
6 there four, but the mine foreman came
7 and got me and had me go to the
8 section, so I didn't work on them
9 that day.

10 Q. Okay.

11 A. I'm thinking there's three
12 days that I can remember.

13 Q. How many seals had been
14 installed whenever you were up there?

15 A. I'm not sure, one or two.

16 Q. Do you recall which seals you
17 assisted in working on?

18 A. No, sir, I don't. One was on
19 the right side, Seven, Eight, Six,
20 somewhere in there. I'm not real
21 sure which one it was.

22 Q. So you wouldn't know whether

1 all the seals were the same or not?

2 A. No, sir.

3 Q. Okay. Were they --- when you
4 worked up there, was it just Omega
5 block that was being used?

6 A. Yes.

7 Q. Whenever you went up to assist
8 in constructing those seals, did
9 anyone talk to you about how the
10 seals would be constructed or review
11 any kind of information with you?

12 A. No. I asked the guys that was
13 working on it what they were supposed
14 to do and they told me they had them
15 lay up wet, quarter-inch mud between
16 the seams. But that was the guys
17 laying it, that didn't --- no one
18 else did.

19 Q. And what did you --- what were
20 the --- what jobs did you perform
21 whenever you assisted in construction
22 of the seals?

1 A. Sometimes I handed them
2 blocks, sometimes I helped plaster.

3 Q. Were you ever there whenever
4 they started --- started the seal?

5 A. Number One, I was there when
6 they started One.

7 Q. Number One. Okay. And do you
8 recall --- just tell me a little bit
9 about that Number One seal, how that
10 seal was constructed or what --- just
11 kind of tell me what --- when you
12 arrived there, what you did until you
13 left that particular day.

14 A. We laid up probably two to
15 three rows of blocks, then we ran out
16 of block. We had to get more block
17 in. I'm not sure, two, three,
18 somewhere in that area.

19 Q. Okay. And then when you ran
20 out of block, that was the end of the
21 day or ---?

22 A. Yeah. Well, we went somewhere

1 else. They waited --- it was a few
2 days before they finished that one.

3 Q. Okay. When you say you went
4 somewhere else, you went not to
5 another seal?

6 A. No. We went outby. We went
7 and did --- built stoppings or
8 shoveled belt, something. I'm not
9 sure what it was.

10 Q. Okay. All right.

11 A. But we didn't work on seals
12 anymore. That was our last. That
13 one and the last one on the right
14 wasn't built yet, so they had to
15 order blocks to do those.

16 Q. Okay. Were the ones from in
17 the center, Two, Three, Four, Five,
18 Six and Seven, Eight entries, were
19 they constructed? They had already
20 been constructed?

21 A. Yes.

22 Q. Okay. Can I ask how you know

1 that?

2 A. I walked across.

3 Q. You walked across there, okay.

4 And ---.

5 A. See sometimes when we didn't
6 have --- if we didn't have blocks,
7 we'd go clean up the old blocks and
8 the pallets and stuff and haul it
9 out.

10 Q. Okay. So you were up there
11 before that or before this day that
12 you worked on Number One seal?

13 A. Yes.

14 Q. And noticed that they were ---

15 A. Yes.

16 Q. --- some had already been
17 installed; is that correct?

18 A. Yes.

19 Q. Okay. But Number One is the
20 first seal that you assisted in
21 building?

22 A. No.

1 Q. No?

2 A. The one on the right.

3 Q. The one on the right?

4 A. Yeah. Six, Seven, Eight,
5 somewhere in there. I'm not ---.

6 Q. Okay. But the Number One then
7 is the only one that you started ---
8 that you were there when they started
9 ---

10 A. Yes.

11 Q. --- from the bottom?

12 A. Yes.

13 Q. Okay. Oh, okay. I understand
14 now. And how did they start that?
15 Did they --- how did they --- did
16 they clean the bottom or just ---?

17 A. Yeah, they chipped the bottom
18 out and laid --- poured cement out on
19 the ground and started the first row.

20 Q. Okay. When you say chip the
21 bottom out, how ---?

22 A. The bottom was uneven and they

1 chipped it out so the block would sit
2 in it, then the next one would come
3 --- you'd have like stair step where
4 it would sit level.

5 Q. Okay. When you say chip the
6 block, ---?

7 A. The bottom?

8 Q. The bottom?

9 A. Yes.

10 Q. Okay. They chipped the bottom
11 out. And did they clean the bottom
12 off with a scoop or anything like
13 that or had that already been done?

14 A. I'm not sure, sir.

15 Q. Okay. They didn't use a scoop
16 that day that you saw?

17 A. No, sir.

18 Q. Did they shovel any material
19 away off of the bottom?

20 A. I don't think they shoveled, I
21 think they took their hands and raked
22 it away.

1 Q. Okay. And the material that
2 you --- that was chipped off on the
3 bottom, that was raked away ---

4 A. Yes.

5 Q. --- with hand --- by hand?
6 Okay. How about the ribs, did they
7 do anything to the ribs that day?

8 A. No, sir.

9 Q. Okay. Do you recall any ---
10 was there any wire mesh or anything
11 up in that area?

12 A. One day there was wire mesh in
13 the belt heading --- track heading
14 out, one of those had had screen in
15 it and another one that I worked on.

16 Q. Okay. But not Number One?

17 A. Not Number One.

18 Q. Okay.

19 A. And we did cut the --- with
20 the seal in it, we cut the screen
21 down.

22 Q. Okay. Now, going back to this

1 Number One seal, you chipped the
2 bottom out and then what did they do?

3 A. Poured the cement down and
4 started the blocks.

5 Q. Okay. What do they do, just
6 dump that out of the --- take a bag
7 and dump it out on the ---

8 A. Yes, sir.

9 Q. --- on the bottom? Kind of
10 like --- does it come in like a rock
11 dust consistency when it's dry?

12 A. I don't know what you call it.
13 It's just that blue cement, had a
14 blue bag.

15 Q. Okay. And they just dumped
16 --- or when I say they, I mean you
17 assisted them in doing this?

18 A. Yes.

19 Q. Okay. And you just dumped it
20 out on the bottom dry; is that
21 correct?

22 A. Yes, sir.

1 Q. Was that what you used then to
2 level it out on the bottom?

3 A. I don't know if it leveled it
4 out or not. I guess it could, yes.

5 Q. Okay. Was the bottom damp or
6 anything like that whenever you put
7 it down?

8 A. I don't recall.

9 Q. Okay. This mortar, just
10 dumping it out dry on the bottom, did
11 you do that the entire width of the
12 entry, from rib to rib?

13 A. The left side is the only one
14 I saw anything dumped out.

15 Q. And you're saying ---.

16 A. I'm not sure about the ---.

17 Q. And you're saying the left
18 side, that would be looking inby
19 toward the old area --- part of the
20 mine?

21 A. Yes.

22 Q. Okay.

1 A. I know it was done on the
2 left, I'm not sure about the right.

3 Q. And you say the left from
4 center to about the rib or about that
5 or ---

6 A. Yea, something like that.

7 Q. --- distance? Okay. And you
8 don't recall whether the bottom was
9 damp?

10 A. I don't recall on the other
11 side.

12 Q. Okay. But was the bottom damp
13 in that area at all?

14 A. I'm not sure.

15 Q. Okay. When you laid the ---
16 when you dumped the bag out, you had
17 just dry mortar down, was there any
18 water applied to that?

19 A. No, sir.

20 Q. No. Okay. Whenever you
21 started building the blocks, tell me
22 a little bit about that. Did you lay

1 them down dry or how did you do that?

2 A. No. They put the --- they
3 laid the first row down, mortared it,
4 sides and the top, laid another one
5 down and did the same thing.

6 Q. Okay. Now, you have this dry
7 mortar down and you say you mortared
8 the block, the Omega block. What do
9 you mean --- did you mix up cement
10 ---

11 A. Yes.

12 Q. --- or mix up BlocBond ---

13 A. Yes.

14 Q. --- in these bags? And those
15 colored bags were what color.

16 A. Blue.

17 Q. Blue bags. Was there any
18 other type of bag that was used to
19 mortar, do you recall?

20 A. Not when I was there.

21 Q. Not when you were there. Just
22 this same type of mortar?

1 A. Yeah.

2 Q. Did anybody happen to read
3 those instructions, do you recall,
4 that may have been on the bag or may
5 not have been on the bag?

6 A. I think someone read them, but
7 I don't know. I think I read them.

8 Q. Okay. Do you recall what
9 they ---?

10 A. No, they just told how much
11 water to add and ---

12 Q. Okay.

13 A. --- that's about all I
14 remember.

15 Q. Okay. And when a block was
16 laid down, you say that there was
17 some mortar mixed up?

18 A. Yes.

19 Q. And who mixed that mortar?

20 A. Just different people. John
21 Jackson mixed a lot.

22 Q. Pardon me?

1 A. John Jackson mixed some.

2 Harmon Jordan mixed some. Just
3 everybody. Just someone gets tired,
4 someone else will take over.

5 Q. Okay. The first name that you
6 said, and I apologize, but I didn't
7 pick up the last name.

8 A. Jackson.

9 Q. Oh, John Jackson, okay. And
10 did you mix up any mortar?

11 A. I'm not sure. I may have. I
12 don't know.

13 Q. Okay. And how much water was
14 applied per bag whenever you mixed
15 --- or how --- let me start it this
16 way. How many bags did you --- were
17 you able to mix up in the ---?

18 A. Most of the time they mixed
19 probably two, two bags to two.

20 Q. Okay. And how much water
21 would you have applied?

22 A. I don't know. I couldn't

1 guess.

2 Q. Did it come in --- did you use
3 five-gallon buckets or two-gallon
4 buckets?

5 A. Five-gallon.

6 Q. Five-gallon buckets. When you
7 put two bags in, do you recall, did
8 you dump the whole bucket in ---

9 A. No.

10 Q. --- or half the bucket in?

11 A. No. They dumped half to
12 three-fourths and then they'd mix it
13 and they'd keep adding cement to it
14 until they got what they wanted.

15 Q. And approximately how many
16 bags again?

17 A. One and a half usually to two.

18 Q. Okay.

19 A. Most of the time, probably one
20 and a half.

21 Q. One and a half bags?

22 A. Yeah.

1 Q. And about a half to
2 three-quarters of a five-gallon
3 bucket of water?

4 A. Yeah, something like that.

5 Q. Okay. And kind of describe to
6 me how you would have laid that first
7 block down when you say you applied
8 mortar to it. Could you kind of
9 describe that a little bit.

10 A. They laid the first one down
11 and then we put mortar on top of it,
12 the sides of it and then laid another
13 one on top of it and mortared the
14 sides and top of it.

15 Q. Okay. When you laid those
16 blocks down, did you lay them down
17 dry or wet or --- when I say dry or
18 wet, the block itself?

19 A. The first row they put down,
20 they put cement on all of it, all the
21 top of it, completely plastered the
22 top.

1 Q. Okay.

2 A. Then they lay the block on top
3 of it. And then you did the sides
4 and stuff and then they did the top
5 again, laid another block on it.

6 Q. And I apologize for having to
7 back up here. I'm just trying to
8 completely understand this. Going
9 back to that first block, the
10 underneath portion, you just laid the
11 block down dry ---

12 A. Yes.

13 Q. --- on top of the dry mortar
14 that you had sprinkled out over the
15 bottom out of the bag?

16 A. Yes, sir.

17 Q. Okay. There was no wet mortar
18 ---

19 A. No.

20 Q. --- laid down on top? Okay.

21 A. None that I saw.

22 Q. Okay. And how many blocks did

1 you lay side by side? What I'm
2 getting at is, the thickness of the
3 seal?

4 A. You laid two blocks. One this
5 way and one this way. I don't know
6 how to say it.

7 Q. So it would be one parallel,
8 say longways, --- those blocks ---
9 let's put it this way, those blocks
10 are 16 by 24; is that correct?

11 A. It's 40-inches thick.

12 Q. Okay. And you have laid one
13 block parallel to the width of the
14 entry which would be the 24 and then
15 the one behind it, you would have
16 laid perpendicular---

17 A. Yes.

18 Q. --- to that block? In other
19 words, the opposite direction,
20 butting against that first block?

21 A. Yes, sir.

22 Q. And would that give you the 40

1 inches; is that correct?

2 A. Yes, sir.

3 Q. Now, when you laid your first
4 row of block, was that a complete
5 double row or was that just a single
6 row?

7 A. Double block.

8 Q. Okay. So that would have been
9 clear across the entry?

10 A. I'm not sure it's clear across
11 or halfway or what.

12 Q. Okay. But it was some
13 distance across?

14 A. Yeah.

15 Q. And during the laying of those
16 initial blocks, you laid one block
17 down and then you would lay one
18 butting against it. Was there any
19 mortar placed on those blocks prior
20 to getting a number of blocks set
21 down and then pouring the cement on
22 top?

1 A. I'm not sure.

2 Q. Okay. Did you leave spaces
3 between the joints of the blocks for
4 mortar to run down or did you just
5 butt them up tight?

6 A. Most of them had spaces.

7 Q. Had spaces. And what was that
8 space for?

9 A. Well, some of them just put
10 the mud on top and force it --- then
11 tried to force it down in.

12 Q. Okay. So that was the reason
13 for the spaces, to let the mortar run
14 down between; is that correct?

15 A. Yes. I guess. I always put
16 mud on the back of the ones I did.

17 Q. Explain that to me again.

18 A. When the block is laying flat,
19 ---

20 Q. Yes, sir.

21 A. --- I put mud on this side and
22 on this side and then set it in, is

1 the way I did it.

2 Q. Okay. And the consistency of
3 the mortar, was it mixed up at
4 different consistencies, try to get
5 all the same consistency or ---?

6 A. Well, they tried to get the
7 same.

8 Q. The same. Can you kind of
9 explain what that is?

10 A. You know, you can't get it the
11 same.

12 Q. Yeah. And what type of
13 consistency were you looking for?
14 Can you explain it?

15 A. Well, something that wouldn't
16 fall off or something --- something
17 that sticks but something that would
18 be easy to work with, too.

19 Q. Okay. Would they ever mix it
20 up kind of, I'll use the word, soupy,
21 so that it would run down into the
22 joints that you had not put mortar,

1 ---

2 A. Yes, sir.

3 Q. --- you know, in? So they
4 would try and get it a thin
5 consistency so that it would go down
6 between spaces that you had left
7 during the laying of the block; is
8 that correct?

9 A. Yes, sir. Sometimes they tell
10 you they wanted it a little thicker.

11 Q. Okay.

12 A. Some of the blocks were
13 chipped up on the corner and you had
14 a big hole, if they wanted to fill
15 that up, then they'd get it thicker,
16 fill that up.

17 Q. And those holes, where would
18 you put those holes? You just tried
19 to keep those on the inside so they
20 could fill up with mortar?

21 A. Well, some were inside, some
22 were outside.

1 Q. Some were outside?

2 A. We just filled --- wherever
3 they were, we just filled them up
4 with mortar.

5 Q. Okay. Did you use all new
6 block or did you use some old blocks?
7 I notice you said ---.

8 A. All new.

9 Q. All new? But some of those
10 even had the little ---?

11 A. Yeah, you'd bring them in,
12 unload them and then pick them up and
13 haul them back up there, they get ---
14 some of them get bent up, beat up,
15 banged.

16 Q. Okay. Sometimes rather than
17 use mortar or anything, did they ever
18 use any like pieces of a bag? You
19 know, like when you're building the
20 stoppings and stuff, did you ever
21 stick any bag ---?

22 A. Not that I saw.

1 Q. Okay. And then you continued
2 across after you put so many blocks
3 across a --- as an example, halfway,
4 then you continued across the ---?

5 A. I'm not sure whether it was
6 halfway or all the way, I can't
7 remember. But I know we put up
8 probably three rows.

9 Q. Three rows?

10 A. Maybe four, I'm not sure.

11 Q. Okay. Well, then you would
12 have continued across the entire way
13 and you would have kept going up; is
14 that ---?

15 A. Well, they was out of blocks
16 after that four rows.

17 Q. Those three or four layers,
18 whatever it may have been, they were
19 all installed the same? In other
20 words, you put the blocks down and
21 then the mortar on top, squeezed down
22 between, then lay another block on,

1 is that how you did that?

2 A. Yes, sir.

3 Q. And when you laid the blocks
4 down, you laid them down dry and then
5 left space in between those also, so
6 that the mortar would run down, is
7 that what ---?

8 A. Some of them did, yeah. Like
9 I said, I plastered the side, two
10 sides of it before I laid it up
11 there.

12 Q. When you say the two sides,
13 did you plaster or put mortar on the
14 wide sides or the narrow sides?
15 Meaning the 24-inch length or the 16-
16 inch length?

17 A. Both, one the 24, one the 16
18 is what I --- when I put it on, I put
19 one up the 16 and down the 24 and
20 laid it on.

21 Q. Okay. Did others do the same
22 thing or did they do it differently

1 or anything?

2 A. I'm not sure. I really didn't
3 notice.

4 Q. Okay. What did the
5 individuals that --- you had
6 mentioned that the individuals who
7 were laying the block there told you
8 how to do this.

9 A. They said lay it up wet, so
10 that's what I was doing.

11 Q. Okay. How did you tie the
12 ends into the ribs whenever ---?

13 A. We didn't.

14 Q. Okay. When you butted the
15 blocks against the rib, did you
16 mortar those in between the rib and
17 the block?

18 A. Yes.

19 Q. Okay. Do you wedge those in
20 with wedges or how did you do that?

21 A. I didn't see any wedges there.
22 There may have been, but I didn't see

1 any.

2 Q. Okay. Did you ever have an
3 opportunity to --- against the ribs,
4 whenever you had spaces in between
5 there that --- I know like you do in
6 the stoppings, you put paper in
7 there, you know, to kind of fill it
8 up. Did they ever have an
9 opportunity to have to do that, fill
10 up those voids against a rib?

11 A. I'm sure there had been an
12 opportunity, but I didn't see
13 anything. All I saw was mud there.

14 Q. Mud?

15 A. I didn't see any --- if it was
16 two or three inches, they would fill
17 it up with mud from what I saw.

18 Q. And how did they cut the
19 blocks?

20 A. Saw. They had a saw.

21 Q. You had a saw, okay. What
22 other seals did you assist on, do you

1 recall?

2 A. The one with the screen cut
3 down.

4 Q. Did you ever have an
5 opportunity to install a seal which
6 it was near the roof line?

7 A. No.

8 Q. Or finished it off? Were you
9 around whenever they had to finish
10 ---?

11 A. I was there one day. They
12 finished one off and I think we had
13 to go somewhere. I think he sent me
14 and somebody else somewhere else. I
15 didn't see them top it off.

16 Q. Okay. Do you remember them
17 putting boards up at all on top of
18 --- on top of the ---?

19 A. Yeah, we put two boards up
20 before I left on that one.

21 Q. On top of the seal?

22 A. Yeah, put two fly boards

1 across the top.

2 Q. How far from the roof were the
3 blocks whenever they inserted
4 that ---?

5 A. That one was probably two to
6 three inches.

7 Q. Two to three inches. And then
8 that's the block to the roof?

9 A. Yes.

10 Q. And they inserted the fly ---
11 how thick were those fly boards?

12 A. Probably an inch to maybe a
13 little --- some of them was a little
14 thicker and some of them was thinner.

15 Q. Approximately how long were
16 they?

17 A. Sixteen (16) foot.

18 Q. Sixteen (16) foot.

19 A. Sixteen (16) to 18. I'm not
20 sure what Sago uses. We use 16 at
21 Spruce, but I'd say Sago uses 16,
22 too.

1 Q. Well, let me ask you this,
2 whenever you put the board on top,
3 did it go rib to rib or was there a
4 little bit of gap between?

5 A. One of them they couldn't get
6 rib to rib, but it was a --- probably
7 a four-foot rib.

8 Q. Four feet. Because the roof
9 was kind of ---

10 A. Yeah.

11 Q. --- irregular right there?

12 A. Yes, sir.

13 Q. That was the reason. Okay.
14 So they had --- you said they had two
15 boards up on that particular seal?

16 A. I think so.

17 Q. Or about that, okay. The
18 wedges, how did they install those
19 wedges?

20 A. I didn't see them install the
21 wedges. I left then, I think.

22 Q. Did you notice --- did they

1 put any trenches in the rib or
2 anything like that?

3 A. No, sir.

4 Q. No?

5 A. Not that I saw.

6 Q. Notched the rib or anything
7 like that?

8 A. No.

9 Q. The seal that we were just
10 talking about and you think it was
11 approximately Six. It doesn't make
12 any difference but it was about the
13 Number Six seal?

14 A. What the top?

15 Q. Yeah.

16 A. It was a screen down, it was
17 either the belt or track.

18 Q. Okay.

19 A. It would be Four or Five
20 probably.

21 Q. Okay. And that seal there,
22 where was it positioned whenever you

1 started on it, do you recall?

2 A. I'm not sure it was started.
3 I think we just cut screen down for
4 that one. You mean the one that was
5 fly boards?

6 Q. Yes. The one you said that
7 had the fly boards?

8 A. I'm not ---.

9 Q. Where was the seal ---?

10 A. I think it was on the right
11 side, but I'm not sure.

12 Q. Okay. But where was it at in
13 relationship to the construction, was
14 it --- did you --- were you there
15 when they started from the bottom?

16 A. It was probably three-fourths
17 of the way.

18 Q. Three-fourths of the way up?

19 A. Something like that.

20 Q. Okay. And was it installed in
21 the same manner that you described in
22 --- as you --- for Number One seal?

1 A. I'm not sure. I didn't --- we
2 didn't work on it. It was already
3 there when we got there.

4 Q. Okay. So it was
5 three-quarters of the way up. But
6 didn't you have to put more blocks on
7 it to get up ---

8 A. Yes, yes.

9 Q. --- to where you put the fly
10 ---? Okay. And that's what I was
11 alluding to. Did you install the
12 blocks for that seal to get to those
13 three inches --- within three inches
14 of the roof the same way that you
15 installed the seal blocks for the
16 Number One seal which you described
17 earlier?

18 A. I think so.

19 Q. Okay. They --- let's put it
20 this way. When they mix the mortar
21 up and they laid the blocks up there,
22 you laid the blocks up --- or put the

1 mortar on top of the blocks, is that
2 how you did that? Dumped it on top
3 and spread it around?

4 A. That's the way they did it up
5 so high, yes.

6 Q. Okay. And then you laid the
7 blocks up on top of that and across
8 and then you put more mortar on top;
9 is that correct?

10 A. Yes, sir.

11 Q. And then how did you get it
12 down into the seams?

13 A. I don't know they did the top.

14 Q. No. The blocks as you went
15 up, how did they get the mortar ---
16 when you dumped the mortar on top,
17 how did they get it up there?

18 A. In five-gallon buckets.

19 Q. Okay. They dumped it on top?

20 A. And made them so high.

21 Q. And how did they get it down
22 in the vertical joints?

1 A. They just took their hands and
2 worked it down in.

3 Q. Okay. Do you recall them
4 using any bags on that particular
5 seal at all, in the cracks or take up
6 space or anything like that?

7 A. No, sir.

8 Q. Did you assist in any of the
9 other seals?

10 A. Just those three.

11 Q. Okay. We talked about two of
12 them. Where approximately ---?

13 A. Number One and the one on the
14 right side and one in the middle
15 somewhere.

16 Q. Okay. So we had one you
17 started from the beginning about four
18 blocks high?

19 A. Yes, up at Number One.

20 Q. And then the one in where the
21 wire was, it was like three-quarters
22 of the way up and then you finished

1 it off. And then the third one,
2 where was it at?

3 A. It was on the right side. I'm
4 not sure.

5 Q. What position was it in
6 whenever you ---?

7 A. It was probably three to four
8 rows up and we built three to four
9 rows on it probably.

10 Q. Okay. And did you have an
11 opportunity to --- or how were the
12 fly boards put in that one?

13 A. I don't know. I wasn't there
14 for it.

15 Q. You didn't get any fly boards
16 at all?

17 A. No.

18 Q. Did they tell you how you're
19 supposed to put the fly boards in or
20 anything like that? Did you hear any
21 discussions about that?

22 A. No.

1 Q. Those blocks were laid the
2 same way as the other two?

3 A. When I was there they were,
4 yes.

5 Q. The mortar that was in ---
6 that you used, it was the same mortar
7 that you used all the time?

8 A. Yes.

9 Q. You didn't use any other that
10 like come in buckets or anything like
11 that?

12 A. No, sir.

13 Q. You said you did read the
14 instructions on the bag?

15 A. Yes, sir, I did.

16 Q. Do you recall what it said?

17 A. No, sir, I don't.

18 Q. Do you recall seeing any roof
19 supports installed on either side of
20 the ---?

21 A. Cribs.

22 Q. Cribs. About how many cribs

1 The last day I was up there was on
2 Number One and I haven't been back in
3 there.

4 ATTORNEY WILSON:

5 Okay. So you don't
6 know if they were built later?

7 A. No, I have no idea.

8 ATTORNEY WILSON:

9 Okay.

10 BY MR. SWENTOSKY:

11 Q. Getting back to the Number One
12 seal, was there a water trap in that
13 seal?

14 A. There was stuff there to put
15 one in. We put it together and cut
16 out in the block to set it down in.

17 Q. Okay.

18 A. But we didn't finish it. I'm
19 sure there was because Marty said he
20 went back to put --- to fill that
21 water trap up.

22 Q. Okay. And how did you cut

1 that out for the ---?

2 A. We just took a hammer and
3 picked it out where the elbow would
4 sit down in it and then we poured the
5 cement over it.

6 Q. Okay. And you put the pipe
7 in?

8 A. We put the elbow in and we had
9 it all stuck together ---

10 Q. Okay.

11 A. --- but we didn't ---.

12 Q. Did you lay the pipe into the
13 little notch, so-called notch, that
14 you made for it?

15 A. Yes.

16 Q. You did.

17 A. We cemented that in. The pipe
18 was in it, but it wasn't --- the
19 elbows and stuff wasn't glued
20 together.

21 Q. Okay. And when you did that,
22 did you lay another block on top of

1 it? Were you there for that?

2 A. I'm not sure. I don't think
3 we did because we was out of block.

4 Q. Did you notice whether there
5 was any cables or any reels or
6 anything like that running through
7 there, pipes?

8 A. No, sir.

9 Q. Metallic pipes or anything,
10 cables?

11 A. There was rail in there. We
12 drug it out.

13 Q. Okay.

14 A. All the rail.

15 Q. It didn't --- the rail didn't
16 protrude ---?

17 A. It didn't extend in the seals,
18 it just went --- there was an intake
19 stopping after the return stopping
20 outby the seals one block and it went
21 --- I think it went through it and we
22 pulled it out of there.

1 Q. Okay.

2 MR. SWENTOSKY:

3 Brian, do you have
4 anything?

5 MR. MILLS:

6 Just a couple.

7 BY MR. MILLS:

8 Q. Do you remember names of
9 people that were at the Number One
10 seal the day you were working there?

11 A. Marty Conrad.

12 Q. Any others?

13 A. John Jackson.

14 Q. Okay.

15 A. Harmon Jordan. Skip and there
16 was two red hats.

17 Q. You don't recall the red hats'
18 names?

19 A. George --- I'm not sure of his
20 last name. George and Casey, Casey
21 Short.

22 Q. George something and Casey

1 Short. Are these --- the other two
2 seals you worked on, same guys?

3 A. The first one Jeff Snyder was
4 there.

5 Q. Instead of?

6 A. Skip.

7 Q. Okay. Who did Jeff Snyder
8 work for?

9 A. ICG.

10 Q. How about Skip?

11 A. I think Skip worked for a
12 contractor.

13 Q. Do you know which contractor?

14 A. No, I don't.

15 Q. How about the two red hats,
16 who were they employed by?

17 A. They were contractors, too.
18 I'm not positive but I think they
19 were.

20 Q. So the first couple seals you
21 saw were under the direction of Jeff
22 Snyder and he was an ICG employee?

1 A. The first one. Not the ---
2 the second one, I'm not sure who was
3 in charge of the second one.

4 Q. Was it Jeff or Skip? You
5 don't remember?

6 A. I don't remember.

7 Q. Okay. Then the Number One
8 seal ---

9 A. Skip.

10 Q. --- was Skip?

11 A. Yeah.

12 Q. And he was working for a
13 contractor, okay. The seal that you
14 helped put the fly boards on, the top
15 row was both sets of blocks on the
16 top row when you put the fly boards
17 on? What I'm saying, was the 16 and
18 the 24 up there?

19 A. I think so, but I'm not
20 positive.

21 Q. Do you remember what row of
22 blocks the pipe through the Number

1 One seal for a water trap was in?

2 A. No, sir.

3 Q. And it was just a straight
4 pipe put in place and not the elbow?

5 A. There was a straight pipe and
6 it elbowed down and we put the elbow
7 down in the block and then the pipe
8 through it. We had it all together.
9 We had the long pipe, the elbow, and
10 everything stuck down in it.

11 Q. Okay. The elbow was part of
12 the block?

13 A. Yes, we had it stuck down the
14 block and cemented. It came down and
15 then back up.

16 Q. Okay. That was part of the 40
17 inches?

18 A. Yes, it was in the 40 inches.

19 Q. So in that 40 inches, we had a
20 section ---.

21 A. I think. Let me think, I may
22 be wrong. Now, that you mentioned

1 that, I don't remember.

2 Q. When you dug out for the trap,
3 the elbow, had you had a row of
4 blocks in?

5 A. Yes.

6 Q. So what would you have dug
7 out, out of the blocks or out of the
8 mine floor?

9 A. It was blocks. It was off the
10 floor.

11 Q. So the trap, you believe it
12 was in the section of block?

13 A. Yes, sir. I believe it stuck
14 out there, I believe it stuck ---
15 stuck out on the outside. I'm not---
16 I'm not sure now.

17 Q. You've seen other seals
18 before?

19 A. I've seen them. I never have
20 worked on them.

21 Q. I mean, throughout your career
22 in mining, you've seen other seals,

1 water traps on those seals, were they
2 part of the seal or away from the
3 seal, ---

4 A. I don't remember.

5 Q. --- the water trap? I'm
6 talking about the U part.

7 A. I think the U part was
8 outside, was away ---. I'm not sure.
9 I don't remember what it was. I just
10 remember putting it together.

11 Q. This first set of Omega blocks
12 seals, you worked on it?

13 A. Yes, sir.

14 Q. And you were up there, I think
15 you said Marty Conrad was your
16 immediate supervisor?

17 A. Yes, sir.

18 Q. Who directed the work at the
19 seals?

20 A. I guess Skip.

21 Q. Skip or Jeff?

22 A. Yeah.

1 Q. Okay.

2 MR. MILLS:

3 That's all I have.

4 A. But Marty told us what to do,
5 too.

6 BY MR. MILLS:

7 Q. So you kind of have two
8 bosses?

9 A. Well, he just --- he didn't
10 tell us what to with the seals, he
11 just --- if he wanted us to go do
12 something, he'd tell one of us to go
13 do it or --- you know, he was our
14 boss. But as far as the seals, I
15 guess Skip was the boss.

16 BY MR. SWENTOSKY:

17 Q. Speaking of Skip, did he give
18 you any instructions at all?

19 A. No.

20 Q. Okay. And who was the foreman
21 that was involved with the other two
22 seals that you worked on?

1 A. Jeff Snyder.

2 Q. Jeff Snyder. Did he give you
3 any instructions?

4 A. No, sir.

5 Q. No. And during those periods,
6 was Marty also your --- guy that you
7 were taking instruction from?

8 A. Yes.

9 Q. Was he up there at the seals
10 whenever you were ---

11 A. Yes, sir.

12 Q. --- working on those? And did
13 he tell you how to install them or
14 anything?

15 A. I asked the guys that was
16 working on them.

17 Q. And who would that have been?

18 A. The one other one on that
19 first one was Toler. I can't think
20 of his name. Jeff Toler's son.

21 Q. Would that have been Jeremy?

22 A. Jeremy. I asked Jeremy and

1 Jeremy told me how to install them.

2 Q. That would have been on the
3 Number One seal; is that correct?

4 A. Not Number One. He wasn't
5 working on it. He was on --- that
6 was the one on the right side, the
7 first one we worked on.

8 Q. Okay. And who would have
9 given you the instructions how to
10 install them in the other seals that
11 you worked on, do you recall?

12 A. No one really gave us any.
13 Skip, I guess.

14 Q. So then he gave you some
15 instruction on how to install them?

16 A. No. No one really ever
17 instructed us how to.

18 Q. Okay. You just got the
19 information from the people that were
20 working there ---

21 A. Yes, sir.

22 Q. --- prior to you coming there?

1 A. What it is, we'd be working
2 somewhere else and we may only go up
3 there an hour this day, maybe two
4 hours another day, maybe an hour
5 another day.

6 Q. Sure.

7 A. And we just jumped in and
8 helped them do whatever we could.

9 Q. Okay. You had mentioned
10 earlier about the planks, there was
11 two planks on top of the One seal.

12 A. I'm sure there was two. I'm
13 not sure how many.

14 Q. And you had mentioned it was
15 approximately four feet short?

16 A. Something like that.

17 Q. Something like that. Okay.
18 And wedges, how were those wedges
19 installed?

20 A. I don't know. I didn't see
21 that.

22 Q. You didn't see any wedges,

1 okay. Was the --- at that time when
2 there was just two planks, was that
3 seal installed completely to within
4 --- was the entire seal installed to
5 within, I think you had mentioned,
6 two or three inches of the roof?

7 A. I think so.

8 Q. Okay.

9 A. Or the one side was, the one
10 side I could see was.

11 Q. Okay. How about, did you ever
12 have an opportunity to plaster any of
13 those seals? In other words, face
14 the seals with ---

15 A. No, sir.

16 Q. --- any material?

17 A. We faced it as we went up.

18 Q. You faced it as you went up?

19 A. Yes.

20 Q. And did you face it with the
21 same material?

22 A. In the blue bag, yes. We

1 mixed it all the same. As we went
2 up, we just put one on top, one on
3 the front of it, too.

4 Q. Okay. And approximately how
5 thick did you put that on, do you
6 recall?

7 A. I'm guessing it was a quarter
8 inch, may have been a little less, a
9 little more.

10 Q. Okay. Did you ever see the
11 plan that was --- a copy of the
12 actual plan that was submitted to
13 MSHA and approved on how to install
14 those seals? Did you ever ---

15 A. No, sir.

16 Q. --- see that at all?

17 A. I saw the water --- the day we
18 put the water trap in, Marty had the
19 drawing on the water trap. That's
20 the only part of it that I saw.

21 Q. Okay. Marty would be Marty
22 Conrad?

1 A. Yes.

2 Q. And kind of tell me about
3 that, was he showing you how to do it
4 or did you just see it or --- you
5 know, what ---?

6 A. Well, he got it out. We was
7 putting pipe together and he got it
8 out and looked at it to see how it
9 went.

10 Q. Okay. Did he give you any
11 instructions, this is how you're
12 supposed to put it in or ---?

13 A. No, he stayed there and helped
14 us put it in.

15 Q. Put it in. In other words, he
16 was directing that installation?

17 A. I guess.

18 Q. When you were facing the
19 seals, did you put any additional
20 material on the ribs, the joint
21 between where the seal joined the
22 rib, that seam? Did you put any

1 additional ---?

2 A. Mud.

3 Q. Mud?

4 A. Yes. As we mudded them, we
5 went up and mudded them and they were
6 supposed to come back and re-mud
7 them.

8 Q. Okay.

9 A. Do the whole face of them. I
10 don't know if they did, but you're
11 supposed to.

12 Q. Just going back a moment to
13 the Number One seal, just for my
14 clarification and I apologize again.
15 But when you were leveling up the
16 initial row, did you have to put
17 additional pieces in? In other
18 words, small pieces in to get that
19 level or step that up or anything?

20 A. Not that I'm --- I don't think
21 so.

22 Q. Okay. Do you recall the rock

1 dusting on the inby side of the
2 seals, on the old working side of the
3 seals?

4 A. No, sir.

5 Q. How the rock dust was, do you
6 remember how that was ---?

7 A. Probably not very good.

8 Q. Okay. And why would you say
9 that?

10 A. Well, they pillared that ---
11 not pillared, but they cut the bottom
12 in there. I'd say it wasn't real
13 good.

14 Q. Okay. Right on the inby side
15 of the seals, immediately on the inby
16 side of the seals, was it white,
17 grey, black, do you recall?

18 A. No, sir, I don't. Most of
19 them had a stopping behind them. All
20 of them had stoppings, except one of
21 them, Nine or Ten, whichever one it
22 is.

1 Q. Did you ever see any --- while
2 you were up there, any other company
3 personnel, like the superintendent,
4 mine foreman or anything, anybody
5 like that up there?

6 A. Yes, sir. The one day I was
7 up there, I just got there, Carl came
8 and got me and told me to go --- you
9 know, stopped me on the section.

10 Q. Yes.

11 A. Carl Crumrine, the mine
12 foreman. There was another day he
13 brought an inspector up there.

14 Q. And who would that have been?

15 A. I'm not sure. I think it was
16 --- it may have been Marty Farber
17 (phonetic), I'm not sure.

18 Q. The state inspector?

19 A. It was federal.

20 Q. Federal inspector?

21 A. I'm not sure that he checked
22 the seals but he was up there with

1 him.

2 Q. Okay. Did he converse with
3 you at all about the seals?

4 A. No.

5 Q. No. Do you recall any
6 conversation that he might have had
7 with Mr. Snyder or Skip? Did they
8 converse any or do you recall any
9 conversations that they might have
10 had between each other?

11 A. I think Marty Farber told ---
12 the red hat said that he told him to
13 make sure that he got a quarter inch
14 mud on it, but that's the only thing
15 I've heard.

16 Q. And Mr. --- and that would
17 have been the federal inspector ---

18 A. Yes.

19 Q. --- you're speaking about?

20 A. Yes, sir.

21 Q. Okay. Mr. Crumrine, did he
22 have any conversations with you or

1 anyone there at the time?

2 A. No, sir.

3 Q. Is he the only one that you
4 recall ---?

5 A. I know before we went up
6 there, they said that they had torn
7 one down and moved it. Said that
8 Toler had wanted it, said it was too
9 --- wrong or something. He made them
10 tear it down and move it.

11 Q. Okay. You mentioned that you
12 have built stoppings before in Sago
13 Mine?

14 A. Yes.

15 Q. Okay. Can you describe to me
16 how you installed those stoppings?
17 Were they out of Omega block that you
18 installed?

19 A. Some were. Most stoppings
20 there are hollow block, hollow
21 concrete block.

22 Q. And did you install any Omega

1 block ---

2 A. Yes.

3 Q. --- seal --- or excuse me,
4 stoppings? And we're talking
5 stoppings now ---

6 A. Yes.

7 Q. --- not seals. Okay. And you
8 have installed some Omega block ---

9 A. Yes.

10 Q. --- stopping? Could you tell
11 me how you built those? Were they
12 dry wall or ---

13 A. Yeah.

14 Q. --- just describe to me ---.

15 A. They were laid up real high
16 and plastered on both sides.

17 Q. Full face plaster?

18 A. Yes.

19 Q. On both sides?

20 A. Most of them. The ones we did
21 were. Now, some of them may not be,
22 some of them may just have seams on

1 one side.

2 Q. Okay. But the ones you
3 installed were ---

4 A. Full face both sides.

5 Q. --- on both sides?

6 A. Yes.

7 Q. And do you recall what part of
8 the mine that you installed those or
9 was it different parts of the mine?

10 A. Well, they had a fall along
11 the track somewhere and we built some
12 stoppings down there in the intake
13 and return. We took equipment
14 through to clean them up and built
15 those.

16 Q. Okay.

17 A. But everything I can recall on
18 the section was hollow block.

19 Q. Okay. And this area that you
20 built the Omega blocks stoppings, was
21 that along the mains in Two North
22 mains?

1 A. No. It was outby.

2 Q. Outby? And approximately
3 where?

4 A. Thirty-some block belt --- 30
5 or 40 block on Four belt.

6 Q. And that would have been on
7 that mains area?

8 A. Yes.

9 Q. Okay. When you build the
10 hollow core blocks, those are
11 concrete blocks; correct?

12 A. Yes, sir.

13 Q. And when you plaster those, do
14 you plaster just the seams or full
15 face or ---?

16 A. Full face.

17 Q. Full face. On both sides?

18 A. Yes. Now, sometimes they use
19 bucket mud on those or --- you know,
20 they don't always use cement on
21 those.

22 Q. Okay. On the Omega blocks,

1 what type of mortar do you use on
2 those?

3 A. Green bag.

4 Q. A green bag?

5 A. Yes.

6 Q. Okay. So that's a different
7 mortar than what you use on the
8 seals?

9 A. I suppose, I don't know.

10 Q. Okay. Just a different color
11 bag?

12 A. A different bag is all I know.

13 Q. Okay.

14 A. We use the green bag on the
15 hollow blocks, too.

16 Q. Okay. You had mentioned very
17 early on that you were only at this
18 mine for three months; correct?

19 A. Yeah, probably, if that.

20 Q. Okay. So you weren't up in
21 roof bolting up in the old Two Left
22 area or anything like that?

1 A. No.

2 Q. Okay. Did you ever have an
3 opportunity to install belt hangers
4 or any roof bolt plates during those
5 three months ---

6 A. No, sir.

7 Q. --- at all? Did you ever see
8 anybody doing that?

9 A. No, sir.

10 Q. Did you ever have opportunity
11 to install belt during that short
12 period of time?

13 A. We set drives, we didn't
14 install belt.

15 Q. Okay. Would they be ---
16 during the drive installation, would
17 there have been an opportunity for
18 you to install, like I say, the
19 beginning chains and so on to hang
20 the ropes on?

21 A. Well, they didn't really use
22 chains --- well, they used chains on

1 the hangers for this structure. We
2 may hang --- we set the drive, we may
3 hang three or four pieces of
4 structure to get the ---- from the
5 drive in.

6 Q. And you hang them off of the
7 belt hangers?

8 A. Yes.

9 Q. The angle iron piece ---

10 A. Yes.

11 Q. --- that they install at the
12 roof or on the roof; is that correct?

13 A. Yes, sir.

14 Q. Okay. When you had that
15 opportunity to install those, did you
16 ever have to adjust them, adjust the
17 hangers themselves, like hammer them,
18 just to maneuver them around to line
19 them up?

20 A. I had before, but I don't
21 think I have at Sago.

22 Q. Okay. You never did at Sago?

1 A. I don't think so.

2 Q. Well, these hangers, would
3 they be always straight up and down
4 or would they be bent at times
5 or ---?

6 A. Well, they can be bent, turned
7 or ---.

8 Q. Okay. To straighten things up
9 sometimes, then you have to say
10 hammer on them to adjust them and
11 sometimes bend them or something like
12 that to adjust them; is that ---?

13 A. I never have bent them.
14 Sometimes you may have to knock them
15 around a little bit.

16 MR. SWENTOSKY:

17 Do you have anything?

18 MR. MILLS:

19 Yeah, a couple more.

20 BY MR. MILLS:

21 Q. The water traps in Number One
22 seal, what kind of pipe did you use?

1 A. Plastic.

2 Q. Do you know the diameter?

3 A. No, sir. Six inch probably.

4 I'm not sure. And I'm saying six to
5 eight. I don't know.

6 Q. There was only one pipe in
7 that seal for a water trap?

8 A. That's all that was there when
9 I was there.

10 Q. And you mentioned somebody
11 told you they filled the water trap
12 full of ---?

13 A. Marty.

14 Q. Marty Conrad?

15 A. Yes.

16 Q. Do you know what he used,
17 water --- did he mention what type
18 filler?

19 A. I think he used water. He was
20 hunting antifreeze and I don't think
21 he found the antifreeze so I think he
22 used water. I'm not sure. You'll

1 have to ask him.

2 MR. MILLS:

3 That's all I've got.

4 MR. SWENTOSKY:

5 Just take a short
6 break, just five minutes.

7 SHORT BREAK TAKEN

8 BY MR. SWENTOSKY:

9 Q. Just a clarifying question
10 concerning the water trap, Mr.
11 Triplett, the --- how was that water
12 trap put together, was it --- can you
13 describe that to me a little bit?

14 A. It was just stuck together.
15 We didn't glue it. We didn't have it
16 glued the day I was there. It was
17 plastic that was stuck together and
18 we glued it.

19 Q. Okay.

20 A. But it wasn't together.

21 Q. So the pieces were just laying
22 there?

1 A. No, they were stuck together
2 but it wasn't glued.

3 Q. Okay.

4 A. They had the glue and
5 everything there, but it wasn't
6 glued.

7 Q. Okay. Did they have any
8 screws or anything laying around
9 where they would screw the joints or
10 anything?

11 A. I didn't see any.

12 Q. Okay. What was the last day
13 that you worked before the accident?

14 A. Thursday.

15 Q. And what did you do that day?

16 A. I was on the evening shift,
17 filling in --- I was the shift
18 foreman on the evening shift.

19 Q. The shift foreman on ---

20 A. Evening.

21 Q. --- evening of Thursday prior
22 to the accident?

1 A. Yes.

2 Q. Okay. And where were you that
3 night?

4 A. I was outby, walked the belts
5 that night, had to fire boss. I
6 walked the belts to One Left out and
7 up in Two Left and then tracked back
8 to Four head.

9 Q. In the Two Left section,
10 approximately what time were you up
11 --- do you recall what time you would
12 have been up there?

13 A. No, sir.

14 Q. Were they mining when you were
15 up there?

16 A. Yes, sir.

17 Q. Was it before the end of the
18 shift?

19 A. Yes, sir.

20 Q. Do you recall like ---?

21 A. I'd say probably 10:00 or
22 after.

1 Q. Okay. So that would have been
2 a couple hours ---?

3 A. I'm not sure. I may ---.

4 Q. But a couple hours before ---

5 A. Yeah.

6 Q. --- the end of the shift?

7 Okay.

8 MR. SWENTOSKY:

9 And Brian, I'm going to
10 go into these training
11 questions, do you need
12 anything before that?

13 MR. MILLS:

14 No.

15 MR. SWENTOSKY:

16 Okay.

17 BY MR. SWENTOSKY:

18 Q. I know you only started three
19 months ago, but when was your last
20 annual retraining?

21 A. I'm not sure. I remember
22 having it, but I don't remember what

1 the date was.

2 Q. Okay. Who would have
3 conducted that? Who was the
4 instructor on that?

5 A. I'm not sure. Main Street Inn
6 is where we had it, but I'm not sure
7 --- I'm not sure who taught it.

8 Q. Okay. At the end of that, did
9 they fill out a ---

10 A. Yes, sir.

11 Q. --- one of those little pink
12 slips?

13 A. Yes, sir.

14 Q. And you signed it?

15 A. Yes, sir.

16 Q. And the instructor, he signed
17 it also?

18 A. Yeah.

19 Q. Did he give you a copy of
20 that?

21 A. Yes, sir.

22 Q. Okay. When you went to Sago

1 Mine, what type of --- let's just say
2 your first day there, what did they
3 --- what type of training did you get
4 there?

5 A. They talked to all of us
6 outside and then they took us inside,
7 a tour of the mine.

8 Q. Who was all there? You say
9 all of us, what do you mean?

10 A. Me and Jackson and Marty and
11 Harmon Jordan.

12 Q. Okay. Jackson, that would
13 have been John Jackson?

14 A. John Jackson, Harmon Jordan
15 and Marty Conrad.

16 Q. Okay. And what did they tell
17 you or what did they talk about?

18 A. They just went over the mines
19 and things like that. Had a map of
20 the mines and they reviewed it with
21 us and then they took us inside and
22 took us around.

1 Q. The escapeways?

2 A. No, sir.

3 Q. Okay. On the surface, did
4 they show you on a map where the
5 escapeways are?

6 A. Yes, sir.

7 Q. Okay. As part of the training
8 that you received, did they talk
9 about the mine emergency evacuation
10 plan when you had your retraining?

11 A. I think the retraining I had
12 was Spruce.

13 Q. Okay. But did they talk about
14 ---

15 A. Yes.

16 Q. --- the emergency evacuation
17 plan for that mine? Okay. Do you
18 know where the escapeways are in Sago
19 Mine?

20 A. Yes, sir.

21 Q. And how is the primary
22 escapeway marked?

1 A. Green, it's got green
2 reflectors.

3 Q. Okay. And the alternate?

4 A. Red.

5 Q. And who is the responsible
6 person at the Sago Mine? In other
7 words, the person who is responsible
8 for directing the evacuation of the
9 mine? Did they tell you that?

10 A. The dispatcher as far as I
11 know.

12 Q. Okay. As part of the
13 retraining that you did have, did
14 they talk about the hazards of carbon
15 monoxide?

16 A. Yes, sir.

17 Q. How about self-rescuer
18 training, did you have that? And
19 tell me a little bit about that?

20 A. They have a training model,
21 you just take it apart and you put it
22 on.

1 Q. Okay. And you went through he
2 motions?

3 A. Everything but the mouthpiece.

4 Q. Okay. Did they review the
5 roof control plan, ventilation plan
6 with you?

7 A. They reviewed some of it, not
8 all of it.

9 Q. Okay. And I'm talking about
10 Sago Mine?

11 A. Yeah. They came over a couple
12 days before we went over there and
13 went over what the roof control plan
14 was.

15 Q. Okay. Do you feel the
16 training was adequate?

17 A. Yes, sir.

18 Q. Anything that should be added
19 to that training?

20 A. Maybe they should walk the
21 escapeway.

22 Q. While you were at the Sago

1 Mine, did you ever have an
2 opportunity to walk the escapeway out
3 with a foreman, ---

4 A. No.

5 Q. --- escapeway drills? No?
6 How about the other mine?

7 A. Spruce, yes.

8 Q. Spruce. You and the foreman
9 walked out together?

10 A. No. I was usually the one ---
11 the foreman walking out.

12 Q. Walking out with the other
13 individuals?

14 A. Yes.

15 Q. Okay.

16 MR. SWENTOSKY:

17 Do you have anything,
18 Brian? Okay. On behalf of
19 MSHA, I would like to thank
20 you for appearing here and
21 answering the questions today.
22 Your cooperation is very

1 important to the investigation
2 as we work to determine the
3 cause of the accident.

4 We ask that you not
5 discuss your testimony with
6 any person who may have
7 already been interviewed or
8 who may be interviewed in the
9 future. This will ensure that
10 we obtain everyone's
11 independent recollection of
12 the events surrounding the
13 accident. After questioning
14 other witnesses, we may call
15 you if we have any follow-up
16 questions that we feel that we
17 need to ask you. If at any
18 time you have additional
19 information regarding the
20 accident that you would like
21 to provide to us, please
22 contact us at the contact

1 information that was
2 previously provided to you,
3 and that was on the business
4 card of Mr. Gates.

5 The Mine Act provides
6 certain protections to miners
7 who provide information to
8 MSHA, and as a result, have
9 been treated adversely. If at
10 any time, you believe that
11 you've been treated unfairly
12 because of your cooperation in
13 this investigation, you should
14 immediately notify MSHA.

15 If you wish, you may go
16 back over any answer that you
17 have given during this
18 interview and you may also
19 make any statement that you
20 would like to make at this
21 time. Is there anything that
22 you would like to add or ---?

1 A. I may have got some things
2 wrong or mixed up because that's ---
3 I didn't --- you know, when we was
4 doing this, we didn't know this was
5 going to come up.

6 MR. SWENTOSKY:

7 That's right.

8 A. We don't remember a lot of it.
9 I may have got a few things wrong.

10 MR. SWENTOSKY:

11 Well, that's fine. You
12 do it the best of your ability
13 and that's all we ask.

14 A. I answered them the best I
15 could.

16 MR. SWENTOSKY:

17 Thank you. Okay.
18 Again, we'd just like to thank
19 you for your cooperation in
20 this matter. Thank you, Mr.
21 Triplett.

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SWORN STATEMENT

CONCLUDED AT 3:59 P.M.

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