

STATEMENT UNDER OATH

OF

CARL LEE CRUMRINE

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
Thursday, February 16, 2006, at 11:30
a.m.

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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 of the United States Department of Labor. With me is James B. Crawford,

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

6 I've been assigned to
7 conduct an investigation into
8 the accident that occurred at
9 the Sago Mine on January 2nd,
10 2006 in which 12 miners died
11 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
19 interviews are an important
20 part of that 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 a hope that a
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 today. 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 to make
7 the nation's mines safer. We
8 understand the difficulty for
9 you in discussing the events
10 that took place and we greatly
11 appreciate your efforts to
12 help us understand what
13 happened.

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

1 Health, Safety & Training into
2 the conditions and events and
3 circumstances surrounding the
4 fatalities that occurred at
5 the Sago Mine operated by the
6 International Coal Group in
7 Buckhannon, West Virginia on
8 January 2nd, 2006. This
9 interview is being conducted
10 at the U.S. Bankruptcy
11 Courthouse in Clarksburg, West
12 Virginia on February 16th,
13 2006.

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

22 Mr. Crumrine, the

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

16 If at any time after
17 the interview, you recall any
18 additional information that
19 you believe may be useful in
20 the investigation, please
21 contact Richard Gates at the
22 phone number and e-mail

1 address provided to you. And
2 this is the business card, Mr.
3 Crumrine, from Mr. Gates.

4 Your statement is
5 completely voluntary. You may
6 refuse to answer any question
7 and you may terminate this
8 interview at any time. If you
9 need a break at any time, just
10 please let me know.

11 The court reporter will
12 record your interview and will
13 later produce a written
14 transcript of the interview.
15 Please try to respond to all
16 questions verbally since the
17 court reporter cannot record
18 non-verbal responses. Also
19 please try to keep your voice
20 up. Copies of the written
21 transcripts will be available
22 at a later time.

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

20 At this time, Mr.
21 Collins, do you have anything
22 that you would like to add on

1 behalf of the Office of
2 Miners' Health, Safety &
3 Training?

4 MR. COLLINS:

5 Yes. Mr. Crumrine, the
6 West Virginia Office of
7 Miners' Health, Safety &
8 Training is conducting this
9 interview session in
10 conjunction with MSHA and
11 agree with the agreement with
12 the procedures that they've
13 outlined. But the Director
14 reserves the right, if
15 necessary, to call or subpoena
16 witnesses or require the
17 production of any record,
18 documents, photographs or
19 other relevant information
20 necessary to conduct this
21 investigation. And also,
22 here's a card, if you'd have

1 additional questions or wish
2 to provide additional
3 information.

4 MR. CRUMRINE:

5 Okay.

6 MR. COLLINS:

7 Thank you, Mr.
8 Crumrine.

9 MR. SWENTOSKY:

10 Mr. Crumrine, are you
11 aware that you may have a
12 personal representative
13 present during the taking of
14 this statement?

15 MR. CRUMRINE:

16 Yes.

17 MR. SWENTOSKY:

18 Do you have a
19 representative present here
20 with you today?

21 MR. CRUMRINE:

22 Yes, I do.

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MR. SWENTOSKY:

And that person?

ATTORNEY KILPATRICK:

Melanie Kilpatrick.

MR. SWENTOSKY:

Has anyone suggested to
you that you use this
representative?

MR. CRUMRINE:

No, I felt that I
needed it.

MR. SWENTOSKY:

Are you aware that your
representative may have a
conflict of interest in
representing you while being
provided by someone else, such
as the company?

MR. CRUMRINE:

Yes, I am.

MR. SWENTOSKY:

Have you been pressured

1 in any way to accept this
2 person as your representative?

3 MR. CRUMRINE:

4 Absolutely not.

5 MR. SWENTOSKY:

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

10 MR. CRUMRINE:

11 Yes, I do.

12 MR. SWENTOSKY:

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

18 MR. CRUMRINE:

19 No, I don't.

20 MR. STUART:

21 May I inquire?

22 MR. SWENTOSKY:

1 Sure .

2 MR. STUART:

3 Mr. Crumrine, is it
4 your understanding that Ms.
5 Kilpatrick and her firm are
6 here today representing your
7 personal interest?

8 MR. CRUMRINE:

9 They're here
10 representing me personally and
11 nobody else.

12 MR. STUART:

13 Very good. And you
14 anticipated my next question,
15 didn't you?

16 MR. CRUMRINE:

17 Yes.

18 MR. STUART:

19 And that is, is it your
20 understanding that she and her
21 law firm do not have any
22 representational interest with

1 respect to say, for example,
2 your employer or some other
3 entity interested in these
4 proceedings?

5 MR. CRUMRINE:

6 Right. Any conflict of
7 interest she had with --- or
8 any dealings she had had
9 nothing to do with Sago or
10 anything else.

11 MR. STUART:

12 Thank you very much.

13 MR. SWENTOSKY:

14 Can you swear in Mr.
15 Crumrine, please?

16 -----
17 CARL LEE CRUMRINE, HAVING BEEN FIRST
18 DULY SWORN, TESTIFIED AS FOLLOWS:
19 -----

20 BY MR. SWENTOSKY:

21 Q. Mr. Crumrine, could you please
22 state your full name and spell your

1 last name for us, please?

2 A. Carl Lee Crumrine,

3 C-R-U-M-R-I-N-E.

4 Q. Could you please provide us
5 with your address and your telephone
6 number, please?

7 A. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. Are you appearing here today
11 voluntarily?

12 A. Yes.

13 Q. How many years of mining
14 experience do you have?

15 A. Thirty-four (34).

16 Q. Now, can you give us a brief
17 description of your employment
18 history through the years?

19 A. When I got out of college, I
20 was six months at Consol. Then I
21 went to Upshur Coal Corporation. I
22 was at Upshur Coal until '86, when

1 they shut down. I was out of a job
2 for about six months. And then I
3 went to work at the old Kitt mines,
4 which is operated by Black Diamond,
5 as well as I remember was the name of
6 that. But that was --- the Philippi
7 mines, the Sentinel mine. And I
8 worked there 'til I believe it was
9 '98 whenever they opened up Spruce
10 One. I went to Spruce One 'til 2000.

11 In 2000, I went to Consol for
12 two weeks. The drive was too tough
13 for me, so I came back and went to
14 work at --- well, I went to work back
15 at Sago --- not Sago, but Spruce.
16 And from Spruce, about a week later
17 they sent me for a shift foreman's
18 job at Philippi. I worked at
19 Philippi until Jimmy Ryan's bunch
20 came in and took over, and then I
21 worked for Jimmy 'til 2003.

22 And I worked a little bit at

1 Philippi, about three months. About
2 three months at the Whitetail Mine. I
3 went back down with Jimmy Ryan down
4 at --- for nine or ten months down at
5 Slaughter's Creek. Just at Chelyan
6 just between Beckley and Charleston,
7 and then back to Spruce and then over
8 to Sago.

9 Q. You've been around.

10 A. Yeah. Yeah, especially in the
11 last couple --- three years.

12 Q. And how much time have you
13 spent at the Sago Mine?

14 A. I went to work officially at
15 the Sago Mine underground on March
16 17th. I did, however, dispatch for
17 them for about three months while I
18 was healing up from an operation,
19 where I had a disc replaced.

20 Q. Okay. When you say March
21 17th, is that 2005?

22 A. Yes.

1 Q. So that was your ---

2 A. That was my start date.

3 Q. --- start date for Sago Mine?

4 A. Yes. Yes, sir.

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

7 A. I am the mine foreman at the
8 Sago Mine.

9 Q. Okay. And how long have you
10 held that position?

11 A. Since the first part of June,
12 as well as I remember. I was
13 promoted to that position from shift
14 foreman's position.

15 Q. When you started on March
16 17th, then you started as a ---

17 A. Shift foreman.

18 Q. --- shift foreman?

19 A. Yeah. I had transferred from
20 Spruce.

21 Q. And did you hold the same
22 position on January 2nd, 2006, the

1 day of the accident?

2 A. Yes, sir.

3 Q. What other positions have you
4 held --- well, you already answered
5 that, shift foreman and mine foreman.

6 A. Basically, shift foreman and
7 mine foreman and section foreman.

8 Q. Okay. Thank you. Would you
9 please describe your normal duties on
10 the day of the accident?

11 A. I was off that day.

12 Q. You were off on the day of the
13 accident?

14 A. Yes. I did --- however, they
15 called me at home. They got ahold of
16 me at approximately --- somewhere
17 around 7:45 and I rushed to the
18 mines.

19 Q. Do you have any mining
20 certifications? Which I know you do,
21 but could you describe what mining
22 certifications you have?

1 A. I have a shop fireman's, a
2 foreman's certificate, dust sampling
3 card, of course a West Virginia
4 miner's card. There's probably
5 another one, too, I hold, but I don't
6 remember right now.

7 Q. Okay. Are these all in the
8 State of West Virginia?

9 A. Yes.

10 Q. Do you have any other
11 certifications in other states?

12 A. No. I don't have any
13 certifications at all in any other
14 states.

15 Q. In your capacity as the mine
16 foreman, do you sign or countersign
17 any mine record books?

18 A. All of them.

19 Q. All of them. And what books
20 are those?

21 A. It would be the fan book, the
22 airways book, the smokers' articles

1 book, all of the section books, the
2 weekly examination of hazardous
3 places, you know, like the returns,
4 the intakes. That would have been
5 the airways. I think that pretty
6 well covers it.

7 Q. Okay. Who is your immediate
8 supervisor?

9 A. Jeff Toler, the
10 superintendent.

11 Q. And how long has he been your
12 supervisor?

13 A. I think he came in it was
14 either late July or early August, as
15 far as I remember.

16 Q. And who was your supervisor
17 prior to that?

18 A. Johnny Stemple.

19 Q. And his position was?

20 A. He was superintendent at Sago.

21 Q. Was he superintendent whenever
22 you started in March?

1 A. No. When I started in March,
2 as well as I remember, let me see who
3 was the superintendent then. I
4 believe it was Johnny --- Johnny
5 Garrett was superintendent then. And
6 the mine foreman was Bill Kerns.

7 Q. Okay. And where is Mr.
8 Toler's office located?

9 A. Just across --- down the hall
10 from where I am.

11 Q. Okay. That's in the
12 bathhouse?

13 A. Right.

14 Q. And I realize that you were
15 not scheduled to work ---

16 A. Right.

17 Q. --- on the day of the
18 accident, but you did --- were
19 called.

20 A. Yes. I got up there as quick
21 as I could.

22 Q. Okay. Could you start at the

1 time --- well, just start whenever
2 you received the call and kind of go
3 through the day and tell me what all
4 occurred when you arrived and what
5 was done and what your participation
6 was in the day until the time you
7 actually left the property. And I'll
8 try not to interrupt you. And you
9 just kind of go through it and then
10 well, after that, kind of back up and
11 kind of fill in the gaps, if you
12 would, please.

13 A. Okay. My granddaughter
14 brought the phone to me and said that
15 the mines had called. So I knew
16 something had to have happened. And
17 I called the mine. They said that
18 they had had something happen. They
19 thought that they had had an
20 explosion. And I said, you couldn't
21 be talking explosion, you must be
22 saying a roof fall. And they said,

1 no, an explosion.

2 And so I threw my clothes on
3 and went out. Just as soon as I got
4 there, as well as I remember, Jeff
5 called and said, we've had an
6 explosion, how about getting your
7 stuff on and checking the
8 ventilation. We don't have as much
9 air up here where we are as what we
10 should have.

11 So I put my stuff on and was
12 starting out the door and Mr. Collins
13 came in, John, and said, you know,
14 what's happened. And I explained to
15 him what --- I didn't know, that
16 something had blown up. We had some
17 men we hadn't talked to. That was
18 the Second Left crew.

19 And I got --- I told him what
20 I wanted to do was go inside and just
21 check ventilation. He said, no, I
22 have a control --- I'm issuing a

1 control order, Carl. And, you know,
2 don't go in the mines because
3 anything you do might hurt the people
4 that are up there rather than help
5 them. So I did not go in.

6 And it all becomes kind of a
7 blur after that. John was there.
8 And then MSHA showed up. And of
9 course they issued a K ---. I think
10 they issued a K Order on the phone,
11 but they issued it to my --- as well
12 as I remember, they issued it to the
13 person taking the call. I'm not sure
14 who that was. And just, you know,
15 people --- you know, we were calling
16 everybody we could think of to call,
17 the rescue teams, the Barbour County
18 Rescue Team. And it just kind of
19 becomes a blur after that. It was a
20 blur for about three days for us.
21 You know, I wouldn't leave until they
22 got them outside.

1 I don't know ---. If you need
2 any more details than that, you're
3 almost going to have to coach me into
4 a detail.

5 Q. Okay. We can do that.

6 A. Okay. I appreciate that.

7 Q. Okay. You had mentioned that
8 you were at home and you had received
9 a call ---

10 A. Uh-huh (yes).

11 Q. --- from the mine. And who
12 was that from?

13 A. That was from the dispatcher.

14 Q. And who would that have been?

15 A. That would have been Bill
16 Chisolm.

17 Q. Bill Chisolm. And what did he
18 tell you?

19 A. He said, Carl, something bad
20 has happened up here. We think
21 there's an explosion. This may not
22 be verbatim, but we had an explosion.

1 And then of course I asked him about
2 the roof fall. I said, you must mean
3 roof fall. Surely you don't mean an
4 explosion. And he said, no, I mean
5 an explosion. So I just put my stuff
6 on and went to work.

7 Q. Okay. And that's the only
8 person you talked to on the phone?

9 A. That's the only person I
10 talked to.

11 Q. Then do you recall what time
12 you got to the mine? Or let me ask
13 you this, what time did you receive
14 that initial call from Mr. Chisolm?

15 A. I don't know what time the
16 caller ID said. I didn't look. And
17 it had been erased by the time I got
18 home.

19 Q. Okay.

20 A. As well as I remember, John,
21 you got there at --- well, I was
22 there five minutes before John, ten

1 minutes, no more.

2 Q. Okay. Do you recall what time
3 you got to the mine?

4 A. No. I don't. I'm guessing it
5 was right around 8:00. It was in the
6 vicinity of eight o'clock, give or
7 take 15 or 20 minutes.

8 Q. When you arrived at the mine,
9 were you able to get in the gate?
10 Had there been a guard or
11 anything ---

12 A. No.

13 Q. --- started at that time?

14 A. No, there had not been.

15 Q. And who was the first person
16 you spoke to when you got to the
17 mine?

18 A. I think it was my dispatcher.
19 I think he came over and talked to
20 me, but I honestly can't --- I
21 honestly don't remember.

22 Q. When you got there --- got to

1 the mine, where did you go?

2 A. I went right straight to my
3 office, because that's where my belt
4 and everything is. Here's my office,
5 Jeff's office and the bathroom in the
6 middle.

7 Q. Okay.

8 A. And I grabbed my stuff and put
9 it on. And as well as I remember,
10 Jeff called out then. I went to the
11 phone.

12 Q. So you arrived at the mine,
13 you went in the bathhouse, put your
14 gear on.

15 A. Right.

16 Q. And you had not talked to
17 anyone since --- or during that
18 period?

19 A. I can't remember. I can't
20 remember whether somebody come in and
21 talked to me right then or not. I
22 didn't check in. I come in a back

1 door, so I could have come in there
2 without anybody seeing or even had an
3 idea that I was there.

4 Q. Okay. Then you had --- I
5 think you did say that the first
6 person that you think that you spoke
7 to was Mr. Chisolm?

8 A. Yes, I believe he came over
9 and talked to me.

10 Q. To your office?

11 A. I believe so. I could be
12 wrong there.

13 Q. Okay. And what did he tell
14 you at that time?

15 A. He just reiterated that we
16 think we've had an explosion, you
17 know, and I've called ---. And I
18 said, who have you called? And he
19 said, well, you know, I called Johnny
20 and ---.

21 Q. Johnny?

22 A. Johnny Stemple.

1 Q. Stemple.

2 A. And that everything's being
3 ---. Is everybody --- I said, is
4 everybody being notified? And, yes,
5 everybody's being notified. And then
6 I believe Jeff called.

7 Q. Jeff?

8 A. Jeff Toler.

9 Q. Toler?

10 A. Yeah, on the mine phone.

11 Q. On the mine phone?

12 A. Yeah. He called to talk to
13 Bill or something and I recognized
14 his voice.

15 Q. And Bill, you mean, Mr.
16 Chisolm?

17 A. Yes.

18 Q. Did you speak to Jeff at all?

19 A. Yes, I did. I spoke to Jeff.

20 Q. Okay. Did you speak to him
21 before or after Mr. Chisolm or ---?

22 A. As well as I remember, it was

1 --- I talked to him after Mr.
2 Chisolm.

3 Q. Okay. Well, let's start with
4 Mr. Chisolm then. Do you know what
5 conversation took place between Mr.
6 Toler and Mr. Chisolm?

7 A. No. When I got on there and I
8 interrupted.

9 Q. While he was on ---? Okay.
10 Then you spoke to Mr. Toler?

11 A. I think Bill came over, okay,
12 and talked to me here at the office.
13 And then I don't remember whether he
14 went back and I was going ahead and
15 putting my belt and stuff on. And,
16 you know, the phone call come in from
17 Jeff.

18 Q. Okay. Then with Mr. Chisolm
19 on the phone, then you were
20 mentioning that you interrupted ---?

21 A. Yeah, I think I interrupted
22 him or ---.

1 Q. Okay. So you were on a
2 different phone?

3 A. Yeah. If he was still over
4 there. And I don't remember whether
5 he was in the trailer or whether he
6 was in the foreman's office that they
7 fill out the reports in, ---

8 Q. Okay.

9 A. --- I interrupted him on my
10 phone.

11 Q. So you were listening, to some
12 extent, to that conversation?

13 A. No. I wasn't listening to it,
14 I just heard him talking to him and
15 picked the phone up and said, Jeff.

16 Q. Okay. So you're --- okay.
17 Can you relate that conversation to
18 me, please?

19 A. Yeah. That conversation went
20 --- I can pretty much remember that.
21 He said, Carl, we've had some trouble
22 here. We think we've had an

1 explosion or a fire or something of
2 some kind. We don't have as much air
3 up here as we should have. But how
4 about checking the ventilation ---
5 how about walking the intake in and
6 checking the ventilation.

7 Q. Do you know where he was ---
8 Mr. Toler was at that time when he
9 was speaking to you?

10 A. I think he said he was around
11 One Left switch, somewhere around One
12 Left switch when I talked to him.
13 That's what I remember.

14 Q. The One Left switch?

15 A. Yeah, somewhere around One
16 Left switch or just --- somewhere
17 between 42 ---. There was a phone at
18 42 or 43 block and there was another
19 phone up at One Left switch. And he
20 was on one of those two phones. And
21 I was --- I'm thinking he said he was
22 at One Left switch when I talked to

1 him.

2 Q. Okay. And what block is One
3 Left switch on?

4 A. It would have been about 48.

5 Q. Forty-eight (48). And there's
6 a phone right there?

7 A. Yeah. There is a phone at 42
8 and --- at that time. And there was
9 a phone at 48.

10 Q. Okay. So there were two
11 phones. And you mentioned that he
12 said that he did not have as much air
13 up there as he thought he had?

14 A. Yeah. He didn't have as much
15 volume as he thought he had. And he
16 thought he had a stopping blowed out
17 behind him, would I check the
18 ventilation into Two Right.

19 Q. Then how did --- did he relate
20 to you how he knew that? Did he give
21 you any reason?

22 A. Just by feeling. Just by

1 feeling. He said, I don't have the
2 velocity I should have. If you were
3 in this intake, you would feel the
4 velocity. You would know the
5 difference between --- you know, how
6 it is?

7 Q. Yes.

8 A. You've been there.

9 Q. Go ahead and relate to me more
10 of that conversation.

11 A. That was it, as far as that
12 conversation goes. I said, okay, I'm
13 on my way.

14 Q. Okay.

15 A. And I walked out of the office
16 and there was John.

17 Q. So then you met Mr. Collins.
18 Mr. Collins is the state inspector, I
19 believe? You're talking about ---

20 A. Yes.

21 Q. --- John Collins, the state
22 inspector?

1 A. Yes. Exactly.

2 Q. All right. Then what
3 happened?

4 A. He asked what had happened. I
5 told him what I knew about it. I
6 told him I thought we had had an
7 explosion or a fire. And he said,
8 well, Carl, I'm issuing a control
9 order. And he always goes through,
10 this is not a --- not necessarily one
11 that will be assessed. And, you
12 know, he said, don't go in the mines.
13 He said, anything you do might hurt
14 these guys, not help them.

15 Q. Okay. Then what did you do?

16 A. Well, I'm basically, you know,
17 just an outside guy now waiting for a
18 call from Jeff. I tried to call
19 Jeff. I called inside --- I tried
20 calling him. I couldn't contact him.

21 Q. Then you tried the ---?

22 A. Yeah. After he --- I didn't

1 want Jeff to think I was not on my
2 way, because I told him I would be on
3 my way. So I tried to call him and
4 was not able to get ahold of him.

5 Q. And you used the mine pager
6 phone for that?

7 A. Yes.

8 Q. Who else was in the mine at
9 that time, do you know?

10 A. I believe --- and I don't
11 remember --- I think Flea told me
12 this. Flea being Bill Chisolm.

13 Q. Yes.

14 A. That Dick Wilfong was in the
15 mines, Vern Hofer was in the mines,
16 Jeff was in the mines, Al Schoonover,
17 and Owie Jones, Owen Jones. They
18 were the five that was in the mines.
19 I don't think it was anybody else.

20 Q. Okay. Had the One Left crew
21 --- the One Left crew already exited
22 the mine?

1 A. I am not absolutely sure on
2 that. They were either just coming
3 up the hill whenever I got there or
4 --- you know, when I got to the mine
5 site, or just after I saw John they
6 were coming up the hill. I don't
7 remember.

8 Q. So then ---?

9 A. They were there just right
10 about that time.

11 Q. Okay.

12 A. I believe that they were
13 outside.

14 Q. When you were trying to get in
15 contact with Mr. Toler, to let him
16 know that you were not going
17 underground, the One Left crew had
18 already ---

19 A. I believe they had already
20 exited.

21 Q. --- been outside the mine? Do
22 you know approximately what time that

1 might have been?

2 A. I think they told me they got
3 out around 7:20, so they should have
4 been out by the time I was there.
5 But as I told you, I went in a back
6 door.

7 Q. Sure.

8 A. And I don't necessarily see
9 those guys.

10 Q. But you had mentioned, like
11 they had --- someone told you ---.
12 Did you look at your watch? I mean,
13 do you know from your own personal
14 knowledge what time that would have
15 been, I guess is my question?

16 A. No, somebody told me that it
17 was 7:20 that they got outside, or
18 they were making phone calls around
19 7:20. That came in a conversation
20 probably an hour or two after that.
21 Someone told me and I do not remember
22 who.

1 Q. Just tell me what happened
2 then after that. You tried to get
3 ahold of Mr. Toler and you were ---
4 were you unsuccessful in that
5 attempt?

6 A. I was unsuccessful.

7 Q. Okay.

8 A. I tried. I think John told me
9 to try every five minutes.

10 Q. John meaning?

11 A. John Collins. He said, you
12 know, I need to talk to those guys,
13 start calling. So I put somebody in
14 charge of calling every five minutes.

15 Q. You were trying to get ahold
16 of Mr. Toler?

17 A. Trying to get ahold of Mr.
18 Toler.

19 Q. And who might that have been?

20 A. I think it was Bill Chisolm,
21 but ---. I may have told somebody
22 else but I don't remember who.

1 Q. And after you --- then what
2 did you do next?

3 A. I don't remember. I really
4 don't.

5 Q. Did you happen to send anyone
6 to the pit to take any kind of CO
7 readings or methane readings, or did
8 you make any other assignments? I'm
9 just trying to prompt you a little
10 bit.

11 A. I honestly don't remember. I
12 don't remember. I was, you know,
13 concerned about Jeff and the people
14 that were still in there and of
15 course concerned about the One Left
16 crew. And I was mainly trying just
17 to contact these --- contact him.

18 Q. Were you at the mine whenever
19 Mr. Toler, Mr. Jones, ---

20 A. All of them come outside?

21 Q. --- Mr. Wilfong? Yes,
22 whenever they came outside.

1 A. Yes, I was.

2 Q. Okay. What can you tell me
3 about that?

4 A. They said they wanted to see
5 them as soon as they got out. And
6 this ---.

7 Q. Excuse me one second, when you
8 say they ---?

9 A. They as in the federal ---
10 federal and state or and/or state
11 wanted to talk to them when they got
12 outside. By this time, I don't
13 remember whether we had a control
14 room set up or not, but we had
15 several of our company people there.
16 I believe Ty was there, but I'm not
17 absolutely sure it was Ty. We had,
18 you know, several people there by
19 this time.

20 Q. Okay. Do you --- I'm sorry.

21 A. That's it.

22 Q. Do you recall after --- and

1 you had mentioned you thought that
2 One Left crew --- and by this time
3 you would have known that One Left
4 crew was out?

5 A. Yeah.

6 Q. Okay. Are you aware of any
7 person taking brattice material,
8 boars, or any type of equipment,
9 instruments, ---

10 A. Yeah.

11 Q. --- underground?

12 A. Yes. I don't remember who
13 told me, but somebody told me that
14 Dick had called out and had gotten
15 some brattice boards and some curtain
16 and everything. Bring everything you
17 think we would need, you know, nails,
18 this that and the other to
19 reestablish ventilation to go up to
20 try to establish ventilation in to
21 these people. And, you know, try to
22 keep their ventilation going with

1 them. I assumed to try and keep
2 their ventilation going with them as
3 they advanced towards the Two Left
4 section.

5 Q. Okay. When you said, Dick,
6 which person ---?

7 A. That would be Denver Wilfong.

8 Q. Denver Wilfong?

9 A. Yeah.

10 Q. And you say he called out.
11 Were you there whenever he called
12 out?

13 A. I was not there. And somebody
14 told me that he called out. The
15 story that I heard from Dick and then
16 is, you know, just what he's told me
17 afterwards.

18 Q. Okay. Go ahead.

19 A. That they did call out. I
20 guess they had met the One Left crew
21 walking the intake and come out. I
22 guess Jeff had called inside and

1 asked them --- or Owie called Jeff or
2 Jeff called Owie. Anyway, they were
3 --- Jeff told them to get in the
4 intake. And they jumped on the bus
5 and headed in to see what had
6 happened. And they met them at some
7 stopping along Four belt. Somewhere
8 outby or inby Second Right, but outby
9 First Left. And they said they were
10 having trouble with one of the ---
11 the mechanic, that he, you know, was
12 having trouble breathing.

13 Q. Okay.

14 A. And Dick brought them through
15 the door, wherever they had slid the
16 mantrip by. You know, the door
17 opened, they saw him and they slid by
18 and come back and got him. So Dick,
19 and I'm not sure who else, but Dick
20 and somebody brought them outside.
21 And then I guess they got a bunch of
22 boards and stuff and went back in.

1 Q. Okay.

2 A. Boards and curtain and this
3 that and the other.

4 Q. Okay.

5 A. But not all of them came
6 outside. I believe Jeff Toler and
7 somebody else, maybe Owie, but I'm
8 not sure who they told me had stayed
9 to continue to advance the
10 ventilation.

11 Q. You were at the mine whenever
12 they took the stuff back in?

13 A. No.

14 Q. No? That was prior to your
15 getting to the mine?

16 A. That was prior to me getting
17 to the mines, because I didn't get to
18 the mines 'til around 8:00. And this
19 would have had to have taken place
20 around 7:15 or so. I really don't
21 believe they got ahold of me much
22 before --- I think it was 20 'til

1 8:00. I'm not real sure what time
2 they got ahold of me.

3 Q. Did the mine operate prior to
4 the date of the accident? In other
5 words, January 1st?

6 A. No. We had rock dusters in
7 there, I believe. They were either
8 rock dusting or they were putting
9 ballast in. I believe they were
10 putting ballast in, but I don't
11 remember. I believe it was ballast.

12 Q. Okay. But there was some ---
13 the mine didn't produce, ---

14 A. No.

15 Q. --- but there were general
16 mine work being conducted?

17 A. Yeah. We were just ballasting
18 the track.

19 Q. Just ballasting the track?

20 A. Yeah.

21 Q. On the day before the
22 accident?

1 A. Uh-huh (yes).

2 Q. Were they rock dusting also?

3 A. I don't believe they were.

4 You know, I would normally do rock
5 dusting during that period, but I
6 believe our rock dusting was up to
7 par. I don't believe we were on
8 that. I knew we were doing one or
9 the other. And now that I think about
10 it, it was ballasting we were doing.

11 Q. Okay. What was the last
12 production shift?

13 A. It would have been Friday.

14 Q. On the 30th? That would be
15 Friday, the 30th?

16 A. Yes.

17 Q. On the afternoon shift would
18 have been the last shift?

19 A. We work a 12-hour shift on
20 that particular day. And they would
21 have started at 6:00. Well, it was
22 actually 13 and a half. They would

1 have started at 6:00 and finished at
2 7:30 p.m. And then there was another
3 crew that went in, the afternoon crew
4 on that particular shift went in.
5 And they were there for 13-and-a-half
6 hours. And then Lonnie, the shift
7 foreman on the weekend, he had Mike
8 Smith and two or three other people
9 --- or several other people, I guess,
10 in there rock dusting on the
11 sections, catching the bolting up,
12 you know, because we were going to be
13 down for a while. You know,
14 finishing up what midnight had not
15 accomplished.

16 Q. I think I lost something.

17 Okay. I'm sorry.

18 A. And then this is on Saturday.

19 Q. Okay. You're already on
20 Saturday. The last production shift
21 would have been ---?

22 A. The last production shift

1 would have been Friday.

2 Q. Friday afternoon shift?

3 A. Right. Well, no, it's not
4 an afternoon shift. They work a
5 13-and-a-half hour shift.

6 Q. All right.

7 A. Okay? So as far as they're
8 concerned, that's their dayshift.

9 Okay?

10 Q. All right.

11 A. Weekends are handled a little
12 bit different. You have a day and a
13 night.

14 Q. Okay. But I'm talking about
15 Friday. What would have been
16 the ---? Let's see how I want to ask
17 this. The production shift, the last
18 production shift on Friday, what
19 times would that have ---?

20 A. 7:30 p.m. is what time it
21 would have ended, but it started at
22 6:00 a.m. in the morning.

1 Q. Okay. And it ended at 7:30?

2 A. Yes, sir. They got outside by
3 7:30 p.m.

4 Q. On Friday?

5 A. On Friday.

6 Q. The day before the accident?

7 A. Two days before the accident.

8 Q. Or excuse me, the Friday
9 before the accident?

10 A. Right.

11 Q. I'll get it straightened out.

12 A. It's confusing.

13 Q. Okay. So then the shift from
14 7:30 on and toward midnight of
15 Friday, was there anyone working
16 during that period of time?

17 A. Yes, but they started at 6:00
18 p.m. and finished at 7:30 that
19 morning.

20 Q. So that would be Saturday
21 morning?

22 A. Yes, Saturday morning.

1 Q. All right.

2 A. Right. And then I'm not sure
3 what time Lonnie's dayshift started.

4 Q. When you say Lonnie, Lonnie?

5 A. Lonnie Short.

6 Q. Okay.

7 A. He is the shift foreman on the
8 dayshift. He basically runs the
9 weekend.

10 Q. Okay.

11 A. Okay? He worked people for
12 eight hours, extra shifts, on that
13 day, on Saturday.

14 Q. Okay.

15 A. But it was not a producing
16 Saturday, it was a dead work, if you
17 will, Saturday.

18 Q. And that shift there, what
19 hours would they have been working?

20 A. Well, that's a good question.
21 I think he probably worked 6:00 to
22 2:00 p.m. But lots of times on a day

1 like that, they won't come out 'til
2 7:00 or 7:30. And they'll go ahead
3 and switch with the midnight, which
4 is coming out at 7:30. And that's
5 probably what he did, but I do not
6 remember. He handles that, not me.

7 Q. And what would they have been
8 doing during that shift? And now
9 we're still --- now we're talking
10 Saturday?

11 A. Yeah. This is Saturday.

12 Q. Okay.

13 A. And he would have been rock
14 dusting, scooping and roof bolting.

15 Q. And that would have been in
16 the mine roughly where?

17 A. I think he did most of his
18 work on One Left, however they did go
19 up and do something on Two Left, but
20 --- I think they did anyway.

21 Q. And who would those have been
22 --- would they have been the last

1 ones in the Two Left section?

2 A. No. The crew that came in on
3 Sunday and ballast the track, I
4 believe they ballasted the Two Left
5 Saturday --- Sunday. I believe they
6 ballasted track on Sunday. That
7 would be Chester Runyon and Harold
8 Baisden.

9 Q. Okay. Those are two laborers?

10 A. Yes.

11 Q. And who would have been the
12 foreman for them?

13 A. I'm not sure. The foreman ---
14 Harold has his papers and he may have
15 fire bossed the men. That's the way
16 they may have done it. If not, then
17 Lonnie was there.

18 Q. Let me ask you this. Who
19 would have been the last person who
20 examined the Two Left section prior
21 to the day of the accident?

22 A. That would have been the

1 pre-shift, done by Fred Jamison, on
2 the morning --- the morning of the
3 accident.

4 Q. Was there any maintenance
5 performed over the weekend?

6 A. I don't know. They do
7 maintenance on the midnight shift, so
8 they might have done that on early
9 Saturday morning.

10 Q. Do you know if there was any
11 cutting or welding done?

12 A. Not to my knowledge.

13 Q. Did the fan operate
14 continually during the weekend
15 preceding the day of the accident?

16 A. As far as I know it did.

17 Q. Okay. So you actually had
18 some people in the mine --- over the
19 weekend at any one time, there would
20 have been a couple people there, but
21 there were people in the mine
22 continuously during the weekend?

1 When I mean continuously, I mean,
2 just for a break or so.

3 A. No. I don't think there was
4 anybody in the mine from --- on
5 afternoon shift on Sunday. I don't
6 believe anybody was in the mine then?

7 Q. What time would have been the
8 last time that someone was in the
9 mine?

10 A. I think, and I'm not positive,
11 we have people who fire boss all the
12 time, you know, 24/7. They're on
13 three on, three off. And I don't
14 remember whether they were there or
15 not. I don't remember whether they
16 were there or not. We'll just have
17 to look at the books and tell.

18 Q. Okay. You have work logs?
19 Work logs, in other words, logs that
20 indicate who worked a particular
21 shift and when they worked and so on?

22 A. Uh-huh (yes). Yes, we do.

1 Q. And you have maintenance logs?

2 A. Yes.

3 Q. And we may have that, but just
4 for the record here, if we don't have
5 that, can we get a copy of that?

6 A. Sure. I mean, I have to run
7 anything that anybody gets through
8 Johnny.

9 Q. And I understand that. And we
10 may have it. I mean, we got a lot of
11 things.

12 A. Yeah.

13 Q. And just off the top of my
14 head, I can't remember.

15 A. Yeah. Right offhand, I don't
16 think anybody worked on the afternoon
17 shift, but I could have had --- I
18 could have had two fire bosses there
19 and, you know, just forgot about
20 having them there.

21 Q. Okay. Was any of the
22 underground power de-energized for

1 any period of time, to your
2 knowledge, during the weekend?

3 A. Not to my knowledge.

4 Q. Do you recall any problems
5 that you may have been having with
6 any type of equipment, say chargers
7 or anything like that, power boxes or
8 anything up in let's say around the
9 Two Left --- the mouth of Two Left?

10 A. Not to my knowledge.

11 Q. Were there any additional
12 caches of self-rescuers stored
13 underground, any extra SCSRs stored
14 underground anywhere?

15 A. No. I believe because of them
16 containing oxygen, that we weren't
17 allowed to store them underground,
18 but that's hearsay also. But I
19 believe that's the way it was, but I
20 might be wrong on that. No, we did
21 not have them, to my knowledge.

22 Q. Who's responsible for changing

1 a fan chart?

2 A. Dick Wilfong's maintenance
3 force changes the fan chart.

4 Q. And who is responsible for
5 checking the fan alarm?

6 A. I check the alarm, you know,
7 at times, but I don't check the alarm
8 itself. I have Dick's people check
9 the alarm. But I do check the fan
10 water gauge quite often.

11 Q. Okay. And whenever they check
12 the fan to see if the alarm is
13 operating, how do they do that?

14 A. Dick said there's a button
15 down there which they push.

16 Q. Do they ever shut the fan down
17 to check the alarm?

18 A. I don't know. That's a
19 question I do not know.

20 Q. Do you ever change the fan
21 charts at all yourself?

22 A. No. Personally I don't change

1 the fan chart.

2 Q. But you go and --- or you
3 examine them?

4 A. I check it, but if the fan
5 charts run over then I tell somebody
6 else to go change them because I'm
7 afraid I'll tear it up.

8 Q. Okay.

9 A. I'm not very mechanically
10 inclined.

11 Q. All right. And why would the
12 fan chart run over?

13 A. Somebody forgot to change it.

14 Q. I'm going to show you a series
15 of fan charts. And I've stapled
16 these together as a matter of
17 convenience. They were provided to
18 us in the single fan charts. And we
19 just stapled them together for a
20 matter of convenience.

21 A. Fine.

22 Q. And we'll start with the last

1 one actually first. This would have
2 been the chart that was on the
3 pressure recorder at the time of the
4 accident.

5 A. Okay.

6 Q. And I notice that it has on
7 there the date 12/24/05.

8 A. '05.

9 Q. Does that represent the date
10 that it was put on or what does that
11 date represent?

12 A. I think it does but I'm not
13 sure. I honestly don't know how he
14 does that. I've seen the date there
15 but just didn't pay any attention to
16 it.

17 Q. Okay. If that was the last
18 one that was put on, and if that was
19 the 24th that it was put on, then
20 that would be approximately, what,
21 nine days?

22 A. Yes, it would be.

1 Q. And this next fan chart is
2 dated 12/14/05; correct?

3 A. Yes.

4 Q. And that would --- for the
5 record, that would be the next fan
6 chart from the bottom? Okay.

7 A. If that's the case, yes.

8 Q. Yes. And it has a date on it.
9 And that's ---?

10 A. It has 12/14/05.

11 Q. Okay.

12 A. It would have been ten days on
13 that one.

14 Q. And we'll go to the third one
15 from the bottom. It has the date,
16 11/14/05. And I was curious, I
17 noticed that it only goes --- it's
18 not a full chart. It stopped. And
19 would you know why that ---?

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

21 Q. So actually you can't really
22 tell me about these charts ---

1 A. No, sir, I can't.

2 Q. --- to any degree.

3 A. No, sir. Usually all I do is
4 go in and check my reading, write the
5 reading down and then sign it and
6 then, you know, Dick and those guys
7 come down and they change the fan
8 charts and stuff.

9 MR. SWENTOSKY:

10 We'll mark this as
11 Exhibit One.

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

15 BY MR. SWENTOSKY:

16 Q. But you do know that the
17 charts are supposed to be changed
18 before the starting of a second
19 revolution?

20 ATTORNEY KILPATRICK:

21 You can answer if you
22 know.

1 A. Yeah. They should have been
2 changed and sometimes they forget.

3 BY MR. SWENTOSKY:

4 Q. Okay.

5 A. And it's ---.

6 Q. Do you examine the chart every
7 day?

8 A. Whenever I get down there and
9 examine that, yeah, I'll look at the
10 chart or I'll look over at the water
11 gauge, one or the two.

12 Q. Do you go every day or is
13 there someone else that does that?

14 A. I don't necessarily go every
15 day.

16 Q. Okay. Who else would go?

17 A. At least I wasn't then. I do
18 now.

19 Q. Okay.

20 A. I pretty much --- I took the
21 fan book and put it down there so I
22 could --- you know, so I could make

1 sure that ---. I went down there
2 every day to sign it, and looked
3 up, ---

4 Q. Okay.

5 A. --- and pay a little more
6 attention to it now than I used to, I
7 guess.

8 Q. Who else would go down there,
9 or who else would be examining the
10 fan whenever you don't do that?

11 A. Usually a mechanic will do it.
12 Any certified person, as well as I
13 remember can do it.

14 Q. Have you ever ---?

15 A. Lonnie has done it before.

16 Q. Have you ever found that the
17 fan chart had not been changed and
18 instructed --- and based on that
19 information, instructed anyone that,
20 hey, we've got to change these fan
21 charts before the second revolution
22 or, you know, anything to that

1 effect?

2 A. Yes, I've gone to them and
3 said the fan chart --- hey, the fan
4 chart needs to be changed.

5 Q. Okay. Do you tell them why?

6 A. Yeah. It was obvious to me.
7 I didn't have to tell them why, it
8 was obvious to me that you needed ---
9 you know, they knew why it needed to
10 be changed.

11 Q. Okay. But what I mean is,
12 have the people that changed fan
13 charts or make those examinations,
14 have they been instructed that the
15 chart has to be changed before the
16 start of the second revolution?

17 A. I think everybody knows that.

18 Q. But you have not instructed
19 them?

20 A. I have not instructed them,
21 but I would go to Dick and say, the
22 fan chart needs changed, you know.

1 Q. How familiar are you with the
2 old Two Left main seals? Do you know
3 what I mean by the old Two Left main
4 seals?

5 A. You're talking about the seals
6 that --- the Two Left turns to the
7 left on an angle, about a 60-degree
8 angle, the ones that blew out?

9 Q. Yes.

10 A. I'm pretty familiar with them.

11 Q. Okay. Do you know when they
12 started building those and when they
13 finished building those?

14 A. I don't remember exact dates.
15 We started, as well as I remember,
16 the last of November or first of
17 December. And I believe that the
18 completion date was the 13th or
19 something like that. I don't
20 remember right offhand what the dates
21 were.

22 Q. And were you involved in the

1 construction of those seals?

2 A. I did not physically lay any
3 blocks to any of those. Jeff
4 basically handled the seals because
5 he had built them before.

6 Q. And that would be ---?

7 A. Jeff Toler. He showed me a
8 diagram of it. I read the diagram,
9 how they ought to be built, so
10 consequently any time I was up in
11 that area, I went up in that area.
12 If I was going to Two Left, I would
13 stop at the seals and see how they
14 were getting along. I probably
15 checked on them six, seven times
16 during the time that they were being
17 constructed.

18 Q. Okay. When you said the
19 diagram, what diagram would that have
20 been?

21 A. I think you have the diagram
22 of it here, of the way the seals are

1 supposed to be constructed.

2 Q. I guess that's a prompt for me
3 to get to the diagram, huh?

4 A. Yeah. I'm pretty sure you
5 have one of those.

6 MR. SWENTOSKY:

7 We'll mark this as
8 Exhibit Two.

9 (Crumrine Exhibit Two
10 marked for
11 identification.)

12 BY MR. SWENTOSKY:

13 Q. Does this represent the plan
14 that was approved for the
15 construction of those seals? And,
16 again, it's stapled together as part
17 of a plan, for convenience.

18 A. Yes, this is the plan.

19 Q. Okay. And you've seen that
20 before?

21 A. Yes.

22 Q. Is that the diagram --- or

1 does that represent the diagram that
2 you looked at that you had referred
3 to a moment ago?

4 A. Yes.

5 Q. And who showed that to you?

6 A. Jeff Toler.

7 Q. Toler. And was he the one
8 that was in charge of the seals?

9 ATTORNEY KILPATRICK:

10 Can we just clarify,
11 when you're talking about the
12 diagram, are you talking about
13 the last --- you're looking at
14 the last page of this exhibit?

15 MR. SWENTOSKY:

16 Yes. I'm looking at
17 the last page of this exhibit.
18 And also for the record, the
19 entire package of --- there's
20 five pages to this.

21 ATTORNEY KILPATRICK:

22 Are you asking him if

1 that's the final approved
2 version of the plan for
3 building the seals or ---?

4 MR. SWENTOSKY:

5 Yes. That's the
6 approved ---.

7 BY MR. SWENTOSKY:

8 Q. Is that the approved plan ---?

9 A. To my knowledge, this is the
10 approved plan, that I was showing.

11 Q. Okay.

12 ATTORNEY KILPATRICK:

13 Are you comfortable
14 with --- do you know whether
15 there were amendments or
16 anything?

17 A. To my knowledge, there weren't
18 any amendments.

19 BY MR. SWENTOSKY:

20 Q. So, again, this was the
21 diagram --- represents the diagram
22 that you saw, ---

1 A. Uh-huh (yes).

2 Q. --- that Mr. Toler had shown
3 you?

4 A. Yeah.

5 Q. And who was it that was
6 working with those seals or the
7 construction of those seals?

8 A. Well, Jeff Snyder was up
9 there. We called him Skip. I forget
10 his name right offhand.

11 Q. Would that have been James
12 Scott?

13 A. James Scott. James Scott was
14 up there then, plus I had Marty
15 Conrad, Mike Triplett. Let's see,
16 John Jackson and Harmon Jordan.
17 Therefore, four people from the
18 Spruce Mine, that were kind of on
19 loan to us. And they are --- Marty
20 was the mine foreman at Spruce.
21 Harmon was the weekend midnight shift
22 --- or not midnight shift but the

1 nightshift person that was in charge
2 of that. And Mike Tripplett was the
3 afternoon shift shift foreman and
4 John Jackson was the person in charge
5 of outby work that was at the Spruce
6 Mines. So these were four really
7 top-notch people that we had up there
8 with them with an awful lot of the
9 seal building, plus Jeff and James
10 Scott.

11 Q. Okay. Does the name of Seth
12 --- is there a Seth or someone that
13 may have ---? Does that ring a bell
14 at all? That was a name that came
15 up. We thought that name came up.
16 And I was trying to clarify, is there
17 someone by that name?

18 A. I don't know. We had a red
19 hat that was named Seth, but I don't
20 remember where he was from.

21 Q. What was his last name?

22 A. I don't remember. I just

1 remember the first name.

2 Q. And he was a red hat?

3 A. Yeah.

4 Q. When you say a red hat, what
5 do you mean by red hat?

6 A. An inexperienced coal miner, a
7 laborer, a general laborer. We have
8 those --- we have people in our
9 industry that we put red hats on when
10 they very first come in the coal
11 mines. They're being taught
12 everything that goes on. And you
13 would normally use them on seal work
14 or work such as brattice building,
15 you know, away from equipment.

16 Q. Yes. And this Seth, he no
17 longer works at the mine or ---?

18 A. I don't think. I don't think
19 he does. I think he's a --- I'm not
20 sure where he's working at now. Jeff
21 knows him. I don't remember his last
22 name.

1 Q. Okay. Would you be able to
2 provide us with a telephone number or
3 something or find out who that
4 individual might be? And let me ask
5 you ---.

6 ATTORNEY KILPATRICK:

7 So a red hat named
8 Seth?

9 MR. SWENTOSKY:

10 Yes.

11 ATTORNEY KILPATRICK:

12 You want to know the
13 last name?

14 MR. SWENTOSKY:

15 Yes.

16 BY MR. SWENTOSKY:

17 Q. Do you recall whether he was
18 involved in working at the seal in
19 the mine?

20 A. I believe he was. As well as
21 I remember, he was.

22 Q. Were there any other persons

1 that were working on the seals that
2 no longer works at Sago Mine?

3 A. Well, I don't think so, but
4 there could be somebody I forgot. I
5 forgot about him.

6 Q. Okay. Getting back to the
7 plan for the installation of those
8 seals that we were talking about a
9 moment ago. Did you review that with
10 any of the individuals who worked on
11 the seals?

12 A. I think --- I believe that
13 Jeff reviewed all this. He brought
14 everybody in his office to show them
15 how to build these seals.

16 Q. Okay. When you say everybody,
17 who would ---?

18 A. Everybody. Anybody who was
19 ever involved with doing that. He's
20 brought them in and showed them this
21 diagram, to my knowledge.

22 Q. When you say, to my knowledge,

1 were you there present whenever he
2 did that?

3 A. No, I don't believe I was.

4 Q. So you know that through
5 discussions?

6 A. I might have been there with
7 one or two of those people that came
8 in there. They may have just
9 happened in as I was setting in there
10 talking. I don't remember.

11 Q. Okay. So you personally never
12 had the opportunity to review that
13 with any individuals who worked on
14 those seals; is that correct?

15 A. I don't remember that I did.
16 Now, I did go up there. And if they
17 weren't laying them like I wanted or
18 like I felt the plan did, and I may
19 have told them, well, stagger this
20 joint more or something like that.

21 Q. Did you ever have an occasion
22 to do ---? You say you may have, but

1 I mean do you recall having an
2 occasion to have to do that?

3 A. Well, as a foreman, I usually
4 go in there and try to check on it.
5 And if it doesn't suit me, I say,
6 well, stagger this joint more, don't
7 have them that close. And I think
8 there was one occasion I thought the
9 joints were a little close and I made
10 them spread them out.

11 Q. Okay. Can you describe to me
12 --- well, let me ask you this way.
13 Were you ever at a location during
14 any of your examinations where they
15 were starting a seal out?

16 A. Well, I remember seeing ---
17 all of them I saw were at least two
18 blocks high, or maybe even three
19 blocks high, but at least two blocks
20 high and on the way.

21 Q. You never saw them then start
22 one?

1 A. No, I never actually saw them
2 start one from scratch. I was either
3 outside and came in later or
4 something.

5 Q. Describe to me a little bit
6 the installation that you observed,
7 what they were doing at the time, and
8 kind of just go through that.

9 A. Of course there was always ---
10 there was always one of those guys
11 mixing up material. And it was the
12 BlocBond. We had to use a special
13 type of BlocBond. It had a blue
14 label.

15 Q. The infamous blue label?

16 A. Yeah. The infamous blue
17 label. Okay. You know, they made
18 sure that was the type they used.
19 And they would lay their blocks
20 longways in one row --- on half the
21 row. And the other half of the row
22 would be laid in the other direction.

1 So you had a 40-inch seal when you
2 were done.

3 Q. Okay.

4 A. Okay. Then as you made the
5 next --- you know, of course there
6 would be sealant all through this,
7 the BlocBond put on this at least a
8 quarter-inch thick.

9 Q. Okay. And how did they do
10 that?

11 A. They mixed it up by hand and
12 poured it on. They mixed it up with
13 a hoe and then bucketed it in or put
14 it on by hand. You know, they had
15 gloves, rubber gloves on.

16 Q. Okay. Did they wet any of the
17 block whenever they were laying the
18 block?

19 A. I don't know. They carried an
20 awful lot of water back there. They
21 might have, but I don't remember
22 whether they did that or not.

1 Q. When they would lay the block
2 down, they laid the block down like
3 on top of mortar?

4 A. Yeah.

5 Q. And would they leave a space
6 so that the mortar could be pushed
7 down in or how did they do that?

8 A. I don't know. You mean, did
9 they leave a space so you would be
10 actually ---? No. I mean, they're
11 laid tight. I don't know. I don't
12 remember them --- I don't remember
13 there being a mortar joint in
14 between.

15 Q. The blocks.

16 A. This way in between the
17 blocks, but there might have been. I
18 don't remember.

19 Q. When you were watching them,
20 did they put any mortar on the block
21 itself before laying it down?

22 A. Yeah. Well, you would mortar

1 everything ---. You'd mortar this
2 row here and then you'd set this one
3 on.

4 Q. Okay.

5 A. And then you would mortar
6 around that one again.

7 Q. When you say all around, what
8 do you mean?

9 A. Well, after --- you know, I
10 presume that they just --- they
11 mortared the sides and they mortared
12 the top. But whether I actually saw
13 mortar inside, no, I don't remember
14 that I did. I just assumed that's
15 what they were doing.

16 Q. Okay. So you didn't --- did
17 you observe them putting the blocks
18 down?

19 A. I observed them putting the
20 blocks down but I don't remember that
21 part.

22 Q. When they got a row down ---

1 when a row was laid down then, how
2 did they put the mortar on the new
3 surface of the block?

4 A. They put it on with their
5 hands. Put it on ---.

6 Q. Did they ever just take it and
7 just dump it on and then ---?

8 A. They might have. As well as I
9 remember, they had little buckets and
10 they poured it on. I honestly didn't
11 watch that much of it being done, ---

12 Q. Okay.

13 A. --- because I did have
14 excellent people there making sure it
15 was done right.

16 Q. How did they anchor the sides
17 or the end of the seal to the rib?
18 In other words, between the block and
19 the rib, how was that accomplished?

20 A. I'm not sure.

21 Q. Did they ever --- you know,
22 like when you're building stoppings,

1 sometimes you have a little hole and
2 you put a piece of paper in there.
3 Is that kind of like what they did if
4 they needed it there?

5 A. Oh, I don't think so. I would
6 think if you were going to put
7 anything in there it would be a
8 wedge, ---

9 Q. Okay.

10 A. --- and pound the wedge in
11 there because you'd want that solid.
12 You know, paper, paper won't stuff, a
13 wedge will. I mean, if I was going
14 to do it, I believe that's the way I
15 would do it. But I don't remember
16 actually seeing them do that, no.

17 Q. What about the wire mesh? In
18 the Number Four and Five and maybe
19 --- the entries that had wire mesh
20 in ---.

21 A. Five, Six and Seven.

22 Q. Five, Six and Seven. Was that

1 wire mesh taken down or ---?

2 A. It was cut out.

3 Q. It was cut out?

4 A. Yes, sir.

5 Q. How did they accomplish that?

6 A. With wire cutters.

7 Q. Something like bolt cutters?

8 A. Yes, exactly like bolt
9 cutters.

10 Q. Okay. And there was room
11 enough cut out so that the seal could
12 be ---?

13 A. There was an entire --- there
14 was an entire screen cut out,
15 sometimes more. But, yes --- first
16 of all, you could not ---. You would
17 be silly to try to put it up any
18 other way because I don't know if
19 you've ever tried to anchor a
20 stopping you put in in that wire, but
21 it's tough to do. You would want
22 that wire out of there if you were

1 doing it. Besides that, it was a
2 conductive thing, so they wouldn't
3 have --- they didn't leave any
4 wiring.

5 Q. During any of your
6 examinations there in observing them
7 install the seals, was there ever an
8 occasion whenever you were around
9 whenever they were topping one off?

10 A. No. I was never there when
11 they were topping one off. It seemed
12 like I always run in just whenever
13 they were right here to maybe outlet.

14 Q. Meaning? Right here meaning
15 three feet?

16 A. Yeah, meaning two foot to
17 outlet. I didn't seem to ever get in
18 there whenever they were doing that.
19 And I was always in a hurry, going on
20 up to the section to take care of the
21 other business. Like I said, I had
22 very good people working there,

1 people I trusted. And Jeff was
2 basically in charge of the seal
3 project.

4 Q. Jeff being Toler?

5 A. Jeff being Toler, yeah.

6 Q. Were you ever up there with
7 him?

8 A. I don't believe I was. I
9 don't believe I was ever there with
10 him. He and I don't travel together
11 much because we split up and one guy
12 --- one person goes one place and one
13 person goes another.

14 Q. Were there ever any --- did
15 you ever measure the ---? Let's talk
16 about the Number One seal. That
17 would have been in Number One entry.
18 And I believe that seal was placed on
19 an angle?

20 A. Uh-huh (yes).

21 Q. Do you know the distance rib
22 to rib at that seal?

1 A. No, I don't remember.

2 Q. Did you ever measure it?

3 A. No, I didn't. I don't think I
4 ever measured it.

5 Q. What about the height?

6 A. I told them to keep the height
7 under seven foot --- or seven or
8 eight foot, whichever one was in the
9 plan.

10 Q. I'm sorry.

11 A. That way you didn't have to
12 put a pilaster or anything in the
13 middle of it. There was a certain
14 --- it says up to eight foot high, so
15 we kept it under ---. I told them to
16 keep it under eight foot. That's the
17 reason a couple of those seals are
18 setting way back in there, to keep it
19 under eight foot.

20 Q. When you said you told them,
21 who do you mean?

22 A. The people doing the seal

1 work.

2 Q. Any specific person doing the
3 seal work that you told that to?

4 A. I thought I told --- I believe
5 it was Jeff Snyder that I told to
6 make sure he kept it under eight
7 foot.

8 Q. When you spoke about the
9 joints, when you were telling them to
10 lay them up there, ---

11 A. Uh-huh (yes).

12 Q. --- and you said they were too
13 close, what do you mean by that?

14 A. Too close?

15 Q. Yes. You were instructing the
16 individuals about the placement of
17 the blocks. You said the mortar
18 joints ---.

19 A. Oh, when you're laying them,
20 you need to stagger the next row that
21 you put on.

22 Q. Okay.

1 A. And if they staggered them and
2 they got the joints this ---. They
3 should be staggered right in the
4 middle. And they were staggered, one
5 of them --- one row I saw only had
6 about a four or five-inch offset.
7 And I wanted to --- you know, I said,
8 the next row you put up, you make
9 sure you stagger them in the middle,
10 so your ---. None of your joints
11 ever line up.

12 Q. So the seam, you're talking
13 about?

14 A. Yeah. So this row here and
15 this row here, that you don't have
16 seams lining up, that would weaken
17 the seal.

18 Q. And what you're describing is
19 a lower row. And when you ---?

20 A. Right, the next row.

21 Q. The next row up, you wanted
22 the seams staggered?

1 A. Right.

2 Q. And where they may only have
3 been four to five inches, you wanted
4 them ---?

5 A. I wanted them staggered in the
6 middle.

7 Q. In the middle?

8 A. Right.

9 Q. Do you recall, was it ever a
10 situation where they were directly
11 over each other?

12 A. Not that I can recall.

13 Q. Mr. Wilfong, did he have
14 anything to do with the seals?

15 A. I don't think he was ever on
16 the seals.

17 Q. What was your last examination
18 of the seal area prior to installing
19 the --- let's call it sealing it up,
20 putting the last seal in?

21 A. I wasn't there that day, as
22 far as I can remember. I don't

1 remember where I was, but I believe
2 Marty and John Collins went in. They
3 crawled up overtop of the Number One
4 seal and they checked the back side
5 of all the seals and made sure that
6 the pipe was on cribs, the pipe that
7 you put in on the right side was on
8 cribs, and that everything was ---.
9 You know, that John and Marty could
10 see that everything was done as it
11 should have been, as the approved
12 seal.

13 Q. When you say Marty ---?

14 A. Marty Conway and John Collins
15 John told me for sure not to block it
16 up until he went back. And he had to
17 check the back side of all the seals.

18 Q. What about rock dust? Did you
19 rock dust back in the sealed area?
20 In other words, on the abandoned side
21 of the seals, did you guys provide
22 any additional rock dust back in

1 there? Or how was it rock dusted?

2 When was it rock dusted?

3 A. I don't remember.

4 Q. Were there any instructions to
5 rock dust back there?

6 A. I don't remember that. I
7 don't remember whether I gave the
8 instructions to that or not, or
9 whether Jeff did either.

10 Q. Meaning Jeff Toler?

11 A. Yes.

12 Q. Was there any --- what
13 procedure did you use when mining the
14 bottom in behind the seals in that
15 old Two Left area? What procedures
16 were used for rock dusting that area?
17 Were there any requirements, or do
18 you put any bulk dust on that area or
19 what can you tell me about that
20 little ---?

21 A. Well, you're not allowed back
22 up in that area.

1 Q. Okay.

2 A. The only thing you could do
3 would be to take pan dust and throw
4 it back up in that area or take a
5 blower and blow back in that area.

6 Q. Did you do that?

7 A. I don't remember whether I did
8 it or not.

9 Q. Did you give any instructions
10 to have that done at all, do you
11 recall?

12 A. I don't remember.

13 Q. Did you ever examine those
14 seals after they were completed?

15 A. John Maholick (phonetic) and I
16 examined those seals, went through
17 there after they were completed,
18 probably a week and a half prior to
19 ---. And I'm not --- I don't
20 remember what date it was, but it was
21 probably a week and a half prior to
22 the explosion. And we had gone

1 through there and he checked the rock
2 dusting on that side, on the front
3 side of the seals. Of course,
4 obviously he couldn't see the back
5 side of the seals. And we had put
6 --- I had instructed them to make
7 sure everything was cleaned up out of
8 that area and all the roof control
9 was taken care of. We had one little
10 place where the top wasn't --- had a
11 little cutter on the right-hand rib
12 of the mine. I had them put cribs in
13 that.

14 Of course, you had two cribs
15 on each side of every seal. I had to
16 make sure the ventilation was put up
17 and all completely rock dusted with
18 bulk dust and a bucket duster on a
19 scoop.

20 And Skip told me that he put
21 off 12 bags of those, of that rock
22 dust. I guess that would be --- if

1 they're ton bags, that would be 2,400
2 --- or 24,000 pounds of dust. But,
3 you now, then John and I went in
4 there and examined the seals and
5 everything. And he made a statement
6 to me that I kind of stuck my chest
7 out on. He said that that was among
8 the three best seals that he had ever
9 seen for ventilation, rock dust, and
10 appearance of the seals and roof
11 control at the seals.

12 Q. And when you say John
13 Maholick, who is he?

14 A. He's a federal inspector. He
15 inspected me at Upshur Coals back in
16 the '80s, so he's seen a lot of
17 seals. So I took that as a very high
18 compliment on his part.

19 Q. Is that the only time you were
20 up there after the completion?

21 A. No, you might be referring to
22 when me and John Boni went through

1 there on Wednesday.

2 Q. I'm not referring to anything.

3 I'm just ---.

4 A. John Boni went through there

5 on Wednesday and made a run through

6 there and told me that he found

7 two-tenths at the seals. And that

8 he ---.

9 Q. Can I just interrupt you for a
10 minute?

11 A. He is my --- the guy who does
12 the wood plate.

13 Q. That's John Boni?

14 A. That's John Boni.

15 Q. And what day were you
16 referring to?

17 A. Wednesday before the accident.

18 Q. Okay.

19 A. And he called me and told me

20 that he had found two-tenths at

21 seals. And I thought, well, the

22 water's coming up. And I mentioned

1 to Jeff, well, hey, Jeff, we're going
2 to --- the water must be pushing ---
3 you know, pressurizing those seals
4 and pushing a little bit of gas out.
5 And we're probably going to have to
6 fix our sump up before we figured we
7 might. And I told John, I said,
8 well, maybe your spotter's off. I'll
9 check it the next day. So the next
10 day I walked in. I walked the entire
11 intake and stopped going through by
12 the seals and I found two-tenths.
13 And that would have been on Thursday
14 before the accident.

15 Q. And when you say you found
16 two-tenths, where would that have
17 been?

18 A. Right up at the seals
19 themselves. I don't remember whether
20 I checked, you know, the area. I
21 don't remember looking at my spotter
22 coming back out the entire time. I

1 just went up and checked two-tenths.
2 I found two-tenths at three or four
3 of the seals and the seals that were
4 on over toward the left, which would
5 have been, One, Two, Three, Four. It
6 just flickered between, you know,
7 one-tenth and two-tenths, as far as,
8 you know, methane. Had no CO and
9 20.8 oxygen, as well as I remember.

10 Q. Did you check the water trap?

11 A. No, I didn't.

12 Q. Do you know if there was ever
13 water put in the water trap?

14 A. No, sir, I do not know.

15 Q. Did anybody ever tell that
16 they did put water in the water trap?

17 A. No, sir. I don't have any
18 recollection of the water trap.

19 Q. What about the sampling pipe?

20 A. John said he cracked the
21 sampling pipe and had found, as well
22 as I remember, he told me 1 or 1.2.

1 Q. Okay.

2 A. I did not crack the sampling
3 pipe.

4 Q. Mr. Boni, is he the only one
5 that ever spoke to you about methane
6 at the seal?

7 A. Yes, sir.

8 Q. And on the Thursday before the
9 accident, is that the last
10 examination that you made of these
11 seals?

12 A. Yes, sir. Friday, I did not
13 --- I went inside, but I only went as
14 far as One Right. And then I was off
15 Saturday and Sunday. I left early
16 Friday.

17 Q. Was that the only time or the
18 only --- Mr. Boni, the only person
19 that ever spoke to you about methane
20 at the seal?

21 A. Yes, sir.

22 Q. Did he indicate at all the

1 extent of the two-tenths percent of
2 methane, like where it was, from
3 where to where, or anything like
4 that?

5 A. I don't remember. I don't
6 remember.

7 Q. In the old Two Left, why was
8 mining stopped there?

9 A. It was bad top, water coming
10 out of the top.

11 Q. Did you ever --- what were the
12 methane liberations up in that area?
13 Do you recall what ---?

14 A. Not a great deal at all, to my
15 knowledge, to what I remember. We
16 had a lot of air going up in there.

17 Q. In the mains there, inby the
18 seals, not the old Two Left main but
19 the main ---?

20 A. In the sealed area, along Four
21 belt line, or what would have been
22 Four belt line, that went up in

1 there?

2 Q. Yes.

3 A. Okay.

4 Q. Was there ever any additional
5 methane accumulations found in that
6 area that you recall?

7 A. No, sir, not that I recall.

8 Q. Did anyone ever find any ---
9 like at the beginning of a shift they
10 went in and found any additional ---
11 or methane over one percent or two
12 percent or three percent or anything
13 like that?

14 A. Not that I recall, no, sir.

15 Q. What's the history for the
16 methane in Sago Mine? I mean, what
17 type of liberations do you usually
18 get?

19 A. Well, a lot of the --- most of
20 the time you don't get anything.
21 Sometimes you'll get one or two.
22 Seldom do you ever see four-tenths,

1 even when you're --- you know, when
2 you're mining or anything.

3 Q. Was there ever any --- do you
4 recall having ever cut into any
5 uncharted boreholes or charted
6 boreholes or boreholes of any kind?

7 A. No, sir, not to my knowledge.

8 Q. What about the power lines,
9 pipes, cable, that extended into the
10 inby the seals, is there anything
11 left in there?

12 A. No, sir, not --- to my
13 knowledge, there wasn't anything left
14 in there. There was a pump cable
15 that ---. We had a pump that was set
16 clear up at the face and it pumped
17 into ---. We were pumping it into a
18 sump. And when we came back past the
19 sump, we pulled the pump out of the
20 sump and brought it outside. The
21 other pump that was up in --- that
22 was pumping to that one in the sump,

1 we just pumped that water into the
2 bottom mining in toward the face
3 because it all laid down that way.
4 Well, we wanted to keep that clear so
5 we could go to our EP point. So we
6 kept it running up until ---
7 practically as we moved off that
8 panel. And I told them to get the
9 pump but I don't think they ever did.
10 I think they left the pump and the
11 cable lay there.

12 Q. And where would that cable
13 extend to?

14 A. It would have extended almost
15 to where the entries go off to the
16 left, off of main Four, off to the
17 left, on the angle. There was a
18 place there in our track entry where
19 we got our centers off and the track
20 and the belt were cut together or
21 almost cut together, within about 15
22 feet of being cut together.

1 Q. Like the intersection of
2 the ---

3 A. It would have been the ----.

4 Q. --- main Two Left?

5 A. No. Yeah, it was inby.

6 Q. Yes.

7 A. It was inby that point. That
8 cable, as well as I remember, come
9 back to there.

10 Q. Okay. Did it extend through
11 the location of the seals?

12 A. No. Goodness, no. No. You
13 asked about a cable being left up in
14 there, that's the only cable I know
15 that was actually left up in there,
16 but it was --- there was never
17 anything that went through the seals
18 or even remotely went through the
19 seals. No trolley line, with the
20 little green line that, you know, you
21 used for your radios on your buses.
22 There was no --- every piece of metal

1 was cut. The track all came out and
2 was used in the present Two Left.

3 Q. So that's the only piece of
4 equipment that would have been left
5 up in there; is that right?

6 A. To my knowledge, that's the
7 only piece of equipment that was ever
8 left up in there.

9 MR. SWENTOSKY:

10 Now, we'll take a
11 break.

12 SHORT BREAK TAKEN

13 BY ATTORNEY SWENTOSKY:

14 Q. The bags of mortar that were
15 used on those seals, were there
16 instructions on those seals --- on
17 the bag?

18 A. I didn't read the bag.

19 Q. Did Mr. Toler, Mr. Jeff Toler,
20 did he travel with you underground to
21 the seals when they were being built?

22 A. I can't remember when he and I

1 were ever there together. There may
2 have been one instance where we were,
3 but I don't remember that.

4 Q. Do you know if he was ever at
5 those seals?

6 A. Oh, yes, he was at the seals
7 several times.

8 Q. Several times? Approximately?

9 A. I don't know.

10 Q. More than five? Did you and
11 him ever have any discussions
12 concerning the seal construction?

13 A. No, not concerning --- other
14 than he showing me how to build them,
15 and, you know, the measurement, that
16 they had to be at least ten foot back
17 in. I do remember one time when he
18 and I were at the seals together. I
19 believe he and I were there ---. No.
20 I'm sorry. We weren't there that
21 same day. I was thinking that the
22 day he made them move the seal,

1 because it was too close toward the
2 outside.

3 Q. Okay.

4 A. Or toward the intersection. I
5 was thinking I was up there that day
6 but I wasn't. I don't think he and I
7 were ever at the seals at the same
8 time.

9 Q. Going back, we were talking
10 about the miners that were
11 constructing the seals.

12 A. Uh-huh (yes).

13 Q. Most of the people up there
14 seemed to be foremen or supervisors
15 or whatever. Who was actually in
16 charge of those seals, the
17 construction of those seals?

18 A. Jeff was actually in charge.
19 I mean, Jeff told me he would handle
20 that. And whoever's up there,
21 whoever's in charge is the foreman
22 that's there, the most senior

1 foreman. Lot of times it would be
2 Marty would be the most senior
3 foreman. Or after that it would be
4 --- if there wasn't any foreman up
5 there, then it would be Skip or James
6 Scott. James Scott wasn't there by
7 himself very much, but he is a
8 foreman and he was ---. He would
9 have been in charge of the people
10 that he had there.

11 Q. Okay. So Mr. Jeff Toler was
12 the overall person in charge of the
13 seals; is that correct?

14 A. Yeah. As far as I was
15 concerned he was, yes.

16 Q. And whenever there was a crew
17 of men working at the seals,
18 constructing them, ---

19 A. Uh-huh (yes).

20 Q. --- was there an individual
21 who had overall charge on that
22 particular shift that would be

1 responsible for seeing that those
2 seals were constructed as per the
3 ventilation plan that was approved
4 for construction?

5 A. Each and every foreman that
6 would have been up there would have
7 been in charge of that. If one guy
8 --- if one foreman saw something that
9 he didn't --- that wasn't going ---
10 you know, that wasn't being done like
11 he wanted it, he would have said
12 something. Was there one single
13 person that was in charge up there?
14 There were several days that Marty
15 might not have been there, then it
16 would have been Jeff, Jeff Snyder.
17 If Jeff Snyder wasn't there, then it
18 would have been James Scott.

19 Q. Well, would it be like
20 everybody's in charge of themselves?
21 I don't mean that as a smart remark.

22 A. No.

1 Q. I'm just trying to figure out
2 what's going on.

3 A. Not in charge of themselves,
4 to make sure that ---. They were all
5 kind of checking themselves, yes ---
6 you know, checking each other, I
7 guess you would call it.

8 Q. Is there or was there a seal
9 construction book, other than the
10 normal weekly examination, the
11 on-shift examination? Is there a
12 seal construction book that was only
13 for that purpose, that you recall?

14 A. Yeah. I recall a book that we
15 had. Just like you would have a
16 section book, we had a seal book.

17 Q. Just for that purpose?

18 A. Yes.

19 Q. That particular ---?

20 A. And that, to my knowledge,
21 wasn't necessarily the construction
22 of the seals but the examination of

1 the area.

2 Q. But there was a book called
3 that?

4 A. Yeah.

5 MR. SWENTOSKY:

6 Okay. And I believe
7 we're requesting that, but if
8 we didn't, we'll let you know.

9 ATTORNEY KILPATRICK:

10 You know, I guess that
11 stuff would have to come from
12 the company, other than ---.

13 MR. CRAWFORD:

14 We asked them for that.

15 A. I'm surprised you couldn't
16 find it there, you didn't already
17 have it.

18 MR. SWENTOSKY:

19 I didn't look. I
20 wasn't there to look.

21 A. I'm pretty sure there was a
22 seal book there ---

1 MR. SWENTOSKY:

2 All right.

3 A. --- that we signed.

4 MR. CRAWFORD:

5 We've asked for it.

6 BY MR. SWENTOSKY:

7 Q. Do you know if there were any
8 5023 forms filled out for the seal
9 trainees? You know what I mean?
10 That's the task-training type ---.

11 A. As far as I know, there would
12 have been, yeah. I'm pretty sure
13 that Jeff had --- you know, had
14 everybody that was working on the
15 seals sign those forms.

16 Q. Okay. The trolley phone, as
17 you call it, that's the one ---
18 that's the phone on the mantrip;
19 right?

20 A. Uh-huh (yes).

21 Q. That was a yes?

22 A. Yes. Yes, it was.

1 Q. During your last visit, prior
2 to January 2nd, the day of the
3 accident, were those phones
4 operative?

5 A. Yes. That would have been on
6 a Friday.

7 Q. Okay.

8 A. Or do you mean ---.

9 Q. The last day that you worked,
10 that you were at the mine. The last
11 day you worked there.

12 A. Yeah. The last day I worked,
13 yes, they were operative.

14 Q. Okay.

15 A. That would have been on a
16 Friday. And I left around one or two
17 o'clock on that Friday afternoon.

18 Q. Are you aware of any time that
19 they became inoperative?

20 A. No, sir.

21 Q. When you were at the seals
22 making your --- the seals, after they

1 were completed and you made the
2 examination, what's the quantity of
3 air that was passing through the
4 entry that was for the purpose of
5 ventilating those seals?

6 A. John Boni told me it was
7 11,000 --- somewhere between 11,000
8 and 12,000 is my recollection.

9 Q. Did you ever measure that
10 quantity of air?

11 A. No, I did not.

12 Q. You mentioned that John Boni
13 had cracked the sampling pipe, which
14 was in Number Nine entry. And I
15 believe they call it Number Ten seal.
16 And he observed one to --- 1.2 ---?

17 A. He told me --- and this is my
18 recollection of what he told me, and
19 my understanding of what he told me
20 that he found 1.2. I mean, with the
21 meter stuck right up against the pipe
22 is what I assumed that he meant.

1 Q. Yes. And you said you didn't
2 crack the pipe?

3 A. No.

4 Q. Why?

5 A. I have no reason to crack a
6 pipe. Whatever's behind the seals is
7 behind the seals. What's in front of
8 the seals is what I have to worry
9 about.

10 Q. Did you have any involvement
11 in preparing the plan, which is
12 Exhibit Number Two? Did you have any
13 involvement in preparing that plan?

14 A. None whatsoever.

15 Q. Did anybody ever talk to you
16 about Omega seals or should we use
17 Omega seals or should we not or
18 anything like that?

19 A. Jeff said that he thought we
20 ought to use Omega seals. He said it
21 was a good seal, it was an approved
22 seal. He had used them many times

1 before he said.

2 Q. Did you have any reason to
3 question that?

4 A. No, sir.

5 Q. Did you ever have a reason to
6 question how those seals were being
7 built, ---

8 A. No, sir.

9 Q. --- and whether they were
10 installed properly?

11 A. Did I ever have a question of
12 it?

13 Q. Yes.

14 A. Well, if I saw a joint that I
15 thought was too close, I told him to
16 move the joint. Other than that, no.

17 Q. Okay. From your observations,
18 the occasions that you were at the
19 seal, they were being installed
20 properly?

21 A. Yes, sir.

22 Q. Up in the old Two Left area,

1 you're familiar with that?

2 A. Yes, sir.

3 Q. Do you know anyone who
4 performed roof bolting up in that old
5 Two Left area?

6 A. Yes, sir.

7 Q. And can you provide me with
8 those names? Do you recall who
9 bolted in those areas, other than the
10 unfortunate miners who perished in
11 the ---?

12 A. I'm drawing a blank on that
13 right now, but I can get back with
14 you on that.

15 Q. Okay. That would be fine.
16 The roof bolters, operators that roof
17 bolted in the old Two Left ---.

18 A. Yes, sir, I can ---.

19 Q. Okay.

20 A. I'm kind of drawing a
21 blank on it. I mean, I can sit here
22 and think about it a while and come

1 up with some names for you, but, you
2 know ---.

3 Q. Okay.

4 A. It would be easier for me
5 to ---.

6 Q. Sure. I understand. Do you
7 recall at any time seeing streaks on
8 the mine roof up in the old Two Left
9 main area? And I'll show you a
10 picture of the mine roof. And if you
11 would ---.

12 MR. SWENTOSKY:

13 And we'll mark that as
14 Exhibit Three.

15 (Crumrine Exhibit Three
16 marked for
17 identification.)

18 A. I've seen this streak. I
19 don't recall seeing this streak
20 before the explosion. But they have
21 shown this streak to me and I have
22 been to this point two or three

1 times.

2 BY MR. SWENTOSKY:

3 Q. And have you ever seen any
4 streaks anywhere in the coal mine
5 like that?

6 A. No, sir, not straight lines,
7 parallel lines like that. Generally
8 when you see fossils, you don't see
9 this kind of a straight line.

10 Q. The belt hangers that you use
11 in the mine to hang the belt change
12 from, ---

13 A. Uh-huh (yes).

14 Q. --- that hold the belt up, ---

15 A. Yes, sir.

16 Q. --- how were those installed?
17 Meaning ---.

18 A. They're bolted to the roof
19 with a roof bolt.

20 Q. Okay. These hangers are they
21 always installed facing the same
22 direction?

1 A. They try to, yes, sir.

2 Q. Do they ever --- do you recall
3 them ever being installed in a
4 different direction?

5 A. Turned right or left, is that
6 what you're asking?

7 Q. Yes.

8 A. I've seen them turned right
9 and left occasionally. They'll spin
10 the bolt and it might catch right at
11 the last instant and turn it slightly
12 to the right or slightly to the left.

13 Q. Okay. And when we're saying
14 right or left, is that from a
15 position of outby direction looking
16 inby?

17 A. If I'm outby and I'm looking
18 inby, it can go to either side, you
19 know. You rotate the bolt and when
20 you rotate the bolt, the bolt could
21 turn the belt hanger slightly, you
22 know, to your right or to your left.

1 Q. Okay. But you try and install
2 those ---?

3 A. We try to install them facing
4 so that the hole is right along the
5 straight line. So that the holes
6 should actually line up. But coal
7 mining's not quite that precise.

8 Q. So on occasion they get
9 installed in different directions?

10 A. On occasion they would.

11 Q. And whenever they are
12 installed in different directions,
13 when you go to hang the belt, how do
14 they straighten those things out so
15 that they align the belt?

16 A. They don't. They'll just hang
17 the hangers on. And the weight of
18 the belt itself will allow it to
19 swing whichever way it needs to.

20 Q. Okay. So they don't actually
21 stay in the same --- in that same
22 direction as installed? When a

1 belt's hung on them, they kind of
2 position themselves?

3 A. No, the chain is what will do
4 the positioning, ---

5 Q. Okay. But ---.

6 A. --- not the hanger.

7 Q. But on occasion, to train the
8 belt, as they say, ---

9 A. Uh-huh (yes).

10 Q. --- does it, on occasion, have
11 to move those hangers?

12 A. Not to my knowledge. You
13 know, I wouldn't say that they
14 wouldn't have to but I can't
15 imagine ---. Are you asking if we
16 would get them off the center line,
17 would they put another set of hangers
18 up?

19 Q. No. What I mean is --- well,
20 let's put it this way, sometimes
21 whenever you have to train a belt,
22 you'll take a hammer and move them in

1 some fashion?

2 A. Generally, I would move the
3 rollers, if I was going to train the
4 belt. I would never move the
5 hangers.

6 Q. Do you ever see any bent
7 hangers?

8 A. Yes, sir.

9 Q. What causes that?

10 A. There are occasions where a
11 miner --- the boom of a miner or even
12 the head of a miner could get up in
13 the top and bend a hanger. Generally
14 you won't find them side by side,
15 you'll just find an occasional one
16 bent here or there --- here and
17 there.

18 Q. Sure.

19 A. You won't find it in one area
20 for a long ways.

21 MR. SWENTOSKY:

22 John, do you have

1 anything?

2 MR. COLLINS:

3 Just a couple of
4 questions, please, Carl, about
5 the seals.

6 A. Yeah.

7 BY MR. COLLINS:

8 Q. If I might, the ventilation of
9 the seals, the finished ventilation
10 of the seals, where the air comes up
11 the right-hand side of northeast
12 main, ---

13 A. Uh-huh (yes).

14 Q. --- splits, puts the seals on
15 their own split.

16 A. Uh-huh (yes).

17 Q. Goes across and ventilates
18 them. Hits the little diagonal, goes
19 up the tube, ---

20 A. Uh-huh (yes).

21 Q. --- through Three, Two and One
22 seal and back out; correct?

1 A. Yeah.

2 Q. Okay. When that was
3 completed, as far as you know, how
4 much air did you have?

5 A. At first we had 4,500 cubic
6 feet of air. Then we weren't getting
7 enough air on our belt lines in One
8 Left. In other words, we weren't
9 forcing enough intake into One Left.
10 We went to 60 block and we put up an
11 intake regulator at 60 block, between
12 Number Six and Number Seven, as well
13 as I remember. That would be Number
14 --- yeah, it would be between the
15 track and the intake, Number Six and
16 Number Seven.

17 And we used a Kennedy stopping
18 and we had like four panels here and
19 four panels here on each side, with a
20 road through the middle. And we used
21 that to regulate that air going up to
22 Two Left section. And it allowed

1 more air to go up in One Left, but it
2 also forced more air across the
3 seals. And when we checked the
4 seals, it was 11,000 --- between
5 11,000 and 12,000 then. We actually
6 gained air at the seals.

7 Q. Between 11,000 and 12,000. Do
8 you know when this change was made?

9 A. I don't remember.

10 Q. Okay. At 60 block, you say
11 you did that?

12 A. Yes, sir.

13 Q. Which that's about --- I think
14 the Two Left switch is at 58?

15 A. Yeah.

16 Q. And then is it two blocks
17 inby, we're pretty close to the
18 seals?

19 A. We were within two blocks of
20 the seals. And that was made right
21 at where the intake turned
22 left-handed for main Two Left, where

1 the intake turn left-handed off of
2 Four belt and was going across what
3 would have been old Four belt mains.
4 Right where that intake turn is where
5 the regulator was.

6 Q. So these air results will be
7 in the weekly examination book?

8 A. They should be, yes, sir.

9 Q. When John Boni found this
10 methane, the small amount of methane
11 on the Wednesday before the
12 explosion, had the ventilation
13 changed, that you're speaking of now?
14 It had already been made?

15 A. Yes, sir.

16 Q. And how do you know it was
17 between 11,000 and 12,000? Did you
18 take that reading?

19 A. That was what they told me it
20 was. It was whoever took the reading
21 told me it was.

22 Q. Do you have a theory on why

1 installing a regulator at 60 block
2 and Six and Seven entry would have
3 increased the air going through the
4 seals pit?

5 A. It put more pressure on it,
6 because air goes basically to its
7 quickest route to a return or to a
8 neutral that is heading outside. And
9 we had too much air going up to the
10 Two Left section and was forcing it
11 out the track, therefore the track in
12 the belt had a lot of air on them up
13 in that area there, and they didn't
14 have very --- didn't have enough air
15 on the belt in the track in One Left.
16 And the reason we made the change was
17 to force more air down here. And the
18 benefit of forcing more air down here
19 was that you picked up air also at
20 the seals. Because of the pressure,
21 it became less --- it was, you know,
22 less restriction going around the

1 seals and down over the overcast than
2 it was --- you know, than it was
3 before.

4 Q. Okay. Carl, when was the
5 first time that you noticed that the
6 pump that I think is identified as
7 Number 13 pump maybe, there was a
8 pump that we believe was left up in
9 the head of old Two Left?

10 A. Uh-huh (yes).

11 Q. When was the first time you
12 knew that pump had been left?

13 A. Oh, probably about the time we
14 came out of the seals. I knew that
15 there was a pump left up in there. I
16 thought they cut the cable off and
17 brought the cable out.

18 Q. And I'm sorry, I missed the
19 comment about the cable?

20 A. I thought they had cut the
21 cable and brought the cable out.

22 Q. I know we covered that pretty

1 good, but this cable did not extend
2 outby to where the seals were?

3 A. Oh, no sir. There was no
4 cables or anything going through the
5 seals.

6 Q. Okay. There's a question here
7 that says, after you built --- after
8 the seals were built, could you tell
9 how the blocks were laid? If someone
10 went up and looked at the seals after
11 the seals were built, could you tell
12 how the seals --- how the blocks were
13 laid?

14 A. I don't believe you could,
15 because they were coated heavy on the
16 back and heavy on the front and you
17 probably couldn't tell the difference
18 between the seal and the stopping.

19 Q. And did you give any
20 instructions to say John Boni about
21 this ventilation tube or sampling
22 tube, to check it or to open it?

1 A. I didn't tell him to open that
2 seal, absolutely not.

3 Q. When you went up, as I recall
4 the follow-up days was that --- did
5 you observe the valve?

6 A. I did not observe the valve.

7 Q. Did you ever --- what kind of
8 valve was it? Do you know what kind
9 of valve it was?

10 A. It was --- well, I didn't
11 observe the valve. I didn't look at
12 the valve, but I knew what it was, so
13 that's the reason I didn't look at
14 it. It was a half-inch --- they call
15 it a ball valve. It's got a handle
16 that turns to like from right to left
17 and opens up. It's called a ball
18 valve. It was a half-inch copper
19 valve.

20 Q. Just a clarifying question.
21 If I'm correct on this, way back in
22 the interview, we were talking about

1 power being off in the mine. And I
2 think you stated that as far as you
3 knew there was no power off in the
4 mine.

5 A. By this, I meant the 12,000
6 power wasn't off in the mines. I'm
7 sure that every breaker was not, with
8 the exception of breakers on whatever
9 pumps that were running.

10 Q. I think the question was,
11 during the time before the examiners
12 came out --- I think that's what they
13 were talking about.

14 A. Yeah.

15 Q. And I just got a little turned
16 around on that, you know, myself.
17 Carl, as far as you know, were there
18 any --- was there any metal left
19 going through the seals?

20 A. No, sir, there was not.

21 Q. And I'd like to ask you about
22 the two-tenths methane that was

1 reported by John Boni when he
2 reported that to you.

3 A. Uh-huh (yes).

4 Q. What did that mean? Did you
5 have a question in your mind about
6 what that might have meant?

7 A. No. The only thing that meant
8 to me was that the seal --- behind
9 the seals was happening, what was
10 supposed to happen behind the seals.
11 It was supposed to build up with
12 methane or become inert --- inert
13 behind the seals. There's no way for
14 me to check inby the seals and
15 whatever's there is there. You know,
16 that's what seals are for. You know,
17 once you seal that off, that area is
18 --- inby by the seals is no longer in
19 your control. You only control what
20 is in front of the seals when you
21 check it.

22 MR. COLLINS:

1 I think that's all we
2 have to ask, Dennis. Thank
3 you, Carl.

4 BY MR. SWENTOSKY:

5 Q. And you may have answered this
6 with Mr. Collins, but as we all say,
7 clarifying.

8 A. Okay.

9 Q. We have a lot of ---.

10 A. Yes, sir.

11 Q. After the ventilation change
12 was made, and when the ventilation
13 --- the intake air started on the
14 right side, meaning at Number Nine
15 seal, ---

16 A. Uh-huh (yes).

17 Q. --- and moved across towards
18 Number One and you had a set of
19 overcast across the ---

20 A. Uh-huh (yes).

21 Q. --- Two Left, was there a
22 regulator on top of those seals?

1 A. No. There was four --- there
2 was four overcast.

3 Q. Yes.

4 A. Okay? The fourth overcast,
5 the most inby overcast, just had a
6 small area overtop of it. And we
7 were using that to regulate with.

8 Q. So it was self-regulating?

9 A. Yeah, until we had to do
10 something else. You know, we thought
11 we would try that. And then if we
12 had --- if we had to cut more air
13 down on the seals, then we were going
14 to put up a regulator.

15 Q. Okay. So there was no
16 regulator on the seal?

17 A. No. It was self-regulating by
18 the smallness of that one overcast.

19 Q. How high was that?

20 A. Well, the area overtop the
21 ---?

22 Q. Yes.

1 A. I'm not real sure. I think it
2 was --- I believe it was between a
3 foot and a half and two foot.

4 Q. So it would be difficult to
5 crawl over?

6 A. But we had doors on each side.

7 Q. Okay.

8 A. But I told them to make sure
9 that a person could crawl over it,
10 but we would put doors on each side
11 so they wouldn't have to, on each
12 side of the overcast.

13 Q. So it was roughly, you say, a
14 foot and a half?

15 A. I'm saying a foot and a half
16 to two foot. Probably two foot.
17 Now, James Scott would probably know
18 how much area was there and probably
19 so would John Boni.

20 MR. SWENTOSKY:

21 Off the record.

22 OFF RECORD DISCUSSION

1 BY MR. UROSEK:

2 Q. Good afternoon, Mr. Crumrine,
3 I'm Mr. Urosek of the Mine Safety &
4 Health Administration, part of the
5 Sago investigation team. And I was
6 going to hopefully work with you a
7 little bit to jog your memory a
8 little bit on some of the
9 post-explosion activities.

10 A. Uh-huh (yes).

11 Q. Can I call you Carl?

12 A. Sure.

13 Q. I know that a lot of
14 activities occurred after the event
15 and kind of ran together because it
16 was a long period of time and no one
17 got too much sleep.

18 A. Exactly.

19 Q. So I know it's going to be
20 tough to remember a lot of these
21 things, but we do appreciate anything
22 that you can remember, especially if

1 you remember any times ---

2 A. Uh-huh (yes).

3 Q. --- of what may have occurred.

4 I guess we'll pick it up from the
5 time you and Jeff Toler and the crew
6 had come out of the mine.

7 A. Uh-huh (yes).

8 Q. And at some point after that,
9 you mentioned about a command center
10 was established.

11 A. Uh-huh (yes).

12 Q. And this command center, what
13 entities comprised that command
14 center?

15 A. We had the state and federal
16 officials. And we had our ICG head
17 of safety, Ty ---.

18 Q. That would be Ty Coleman?

19 A. Ty Coleman. And of course had
20 an open telephone that goes to the
21 rescuers. And that's basically it.

22 Q. Let's talk about that a little

1 bit. You said MSHA was involved
2 there?

3 A. Yes, sir.

4 Q. Were you involved in notifying
5 MSHA at all about the accident?

6 A. I did not notify MSHA. That
7 was already being done by Johnny
8 Stemple, I believe.

9 Q. Okay. How about the state?
10 That was the same?

11 A. Somebody had notified John,
12 because obviously he got there within
13 five minutes of me.

14 Q. And you had mentioned that you
15 got the call about 7:45 or ---?

16 A. Well, 7:45 or something like
17 that. And I got there as quick as I
18 could. I don't remember what time I
19 got there though.

20 Q. You must live pretty close.

21 A. About six to eight miles from
22 there, ---

1 Q. Okay. So it didn't take
2 you ---?

3 A. --- depending on which road I
4 take.

5 Q. Okay. So it didn't take you
6 very long?

7 A. No, it didn't take me very
8 long.

9 Q. Now, you had mentioned also
10 that the dispatcher --- you had
11 spoken with the dispatcher ---

12 A. Uh-huh (yes).

13 Q. --- when you got there. Do
14 you remember him telling you anything
15 about the CO-monitoring system or
16 about what might be ---?

17 A. It seems to me like he said
18 that all the COs in that area were
19 reading, you know, extremely high.

20 Q. Extremely high. Did he say
21 anything, that part of the system ---
22 there was communication failure or

1 anything?

2 A. He said that we had no
3 communication with Two Left.

4 Q. As far as the seal system?

5 A. No, as far as the
6 communication to the people.

7 Q. Okay. You had not heard from
8 the people?

9 A. Right.

10 Q. Did he say anything about the
11 CO-monitoring system and whether it
12 was just --- had high CO readings in
13 the Two Left, or whether it was ---?

14 A. He said we had high CO
15 readings from I don't remember where
16 exactly, but it was ---. At least
17 from one CO monitor maybe inby one
18 ---. I'd be speculating on that.
19 Basically, two --- basically, it was
20 from One Left up.

21 Q. One Left up?

22 A. Yeah.

1 Q. Okay.

2 A. And he said that --- then
3 whenever I went over and looked at
4 them, I went over to the dispatcher
5 shack at some point in time there in
6 the morning and then my recollection
7 was 107 and 117 on all of them. Some
8 of them were reading dead going in
9 towards Two Left. And they had some
10 high CO readings going in to One
11 Left.

12 Q. Into One Left also?

13 A. Yeah.

14 Q. When you first got the
15 information, you know, the CO
16 readings and after you talked to Mr.
17 Toler, what did you think had
18 happened? I mean, did you have any
19 idea at that point in time?

20 A. I just knew there had been an
21 explosion. And I believe the
22 lightning strike was mentioned. I

1 thought, well, it's my --- my first
2 thought was that what had happened,
3 it had blown in behind the seals. I
4 don't remember if I had --- if I
5 mentioned that to anybody. I just
6 said, well, how could a lightning
7 strike, you know, have caused the
8 explosion? They just --- everybody
9 felt that that's what had happened
10 because it was just --- they had the
11 lightning strike, they had --- the
12 COs went out. Owen Jones called
13 within a minute. You know,
14 everything is within a very tight
15 time frame. It's just kind of simple
16 addition.

17 Q. Was there any thought ---
18 you're aware of what the normal
19 activities of the Second Left crew
20 would be when they entered the mine?

21 A. Yes, sir.

22 Q. And was there any thought as

1 to where they would have been at the
2 time, you know, when you first got
3 there, right when the command
4 center's being formed to try and find
5 them, of where they might be?

6 A. I felt that they would have
7 just reached the section but would
8 not have had time to turn on any of
9 the equipment.

10 Q. And is that based on what you
11 expected the travel times were?

12 A. Yes, because they told me what
13 had happened at One Left, that One
14 Left was about five minutes behind
15 them. And One Left people --- when
16 they were at One Left, they could
17 have looked up and seen them if they
18 were at the turn. And since they
19 never saw them or nobody ever said
20 that they saw those guys, you know,
21 when they got to One Left switch, I
22 knew almost for sure that they had

1 reached the section or were very,
2 very near the section when the event
3 happened.

4 Q. I'll jump ahead a little bit
5 because I know that you were involved
6 and see where the mantrip eventually
7 was. Do you believe the mantrip,
8 when you found it, was where it was
9 where the men had gotten that far or
10 they had moved it?

11 A. I believe that they had moved
12 it and come back from ---. I was
13 never in there to see where the
14 mantrip was. Were you talking One
15 Left mantrip?

16 Q. The Second Left mantrip.

17 A. Okay. The Second Left mantrip
18 they used to bring the people out on,
19 so I never was --- I never saw where
20 it set. I was never --- I wasn't
21 with a rescue team.

22 Q. Okay. Were you aware that it

1 was somewhat outby by the ---

2 A. Yes, sir.

3 Q. --- end of ---?

4 A. I assumed that they had gotten
5 back in the mantrip and had tried to
6 come out.

7 Q. And, again, I'm jumping ahead
8 and I apologize for that, but at that
9 period of time, when they had found
10 the mantrip, were you in the command
11 center when the mantrip was found?

12 A. I don't remember.

13 Q. I know that in the various
14 offices there were telephones.

15 A. Yes.

16 Q. Were you at least on the
17 telephone or near by a telephone at
18 the time?

19 A. I believe I was, but, you
20 know, I honestly don't remember.

21 Q. And I guess the question I'm
22 coming to is, there was a report now,

1 of course, that when they found the
2 mantrip, there was no one in the
3 mantrip. And then shortly after that
4 I think a report came out that there
5 were some footprints ---

6 A. Yes, sir.

7 Q. --- that were found.

8 A. And that they were going to
9 follow those footprints.

10 Q. Yes. And those footprints, I
11 believe, were in the intake
12 escapeway?

13 A. Yes. What I understood was
14 that they had found where they put
15 their rescuers on, they followed
16 footprints over and out the intake
17 escapeway. And we were saying ---
18 wondering if they forgot about the
19 sump and fell in the sump.

20 Q. I think I remember that. At
21 some point, did those footprints
22 disappear?

1 A. Yes, sir. They said that they
2 lost them.

3 Q. And at that point, it was ---
4 everyone was wondering what direction
5 they may have gone?

6 A. Yes. And I believe that they
7 were low on oxygen and they had to
8 --- I believe that the crews were low
9 on oxygen and had to change out at
10 the time. It was real close to that
11 time anyway.

12 Q. Then so subsequently I believe
13 that the mine rescue teams did make
14 a ---?

15 A. Yes, sir, they did push in,
16 yes, sir.

17 Q. There was some discussion also
18 during that time that someone had
19 found another piece of equipment,
20 possibly?

21 A. Yeah. What they said was
22 before this area here, they said that

1 they had found an item, so I had a
2 pretty good idea of what item they
3 were talking about, an item being a
4 body.

5 Q. Yes. I was referring to on a
6 section --- on Two Left section
7 though, there was some discussion
8 that a piece of equipment, and I'm
9 not sure exactly what it was, maybe a
10 scoop or something, that normally
11 would have been further into the
12 section may have been found outby.
13 Do you recall any discussions like
14 that, if there were any ---?

15 A. No, I do not recall that, but
16 it wouldn't have been unusual to have
17 found a scoop outby, because they
18 might have been unloading supplies or
19 they knew they were going to have to
20 have --- well, they rock dusted up
21 there. They had a rock duster in
22 that one scoop. So it wouldn't be

1 terribly unusual to find one down
2 next to the track, to the end of the
3 track.

4 Q. How about the three-wheeler?
5 Was there a discussion about the
6 three-wheeler, where it was at?

7 A. We don't have a three-wheeler.

8 Q. Some type of little flat car?

9 A. Yeah, there's a four-wheel
10 little mantrip.

11 Q. Yes. Was that located ---
12 could that have been what I'm
13 thinking of, that the mantrip was in
14 a different location maybe then?

15 A. No, I think it was pretty well
16 ---. I know that one of the rescuers
17 jumped on that, what I was told,
18 whenever they found the bodies and
19 stuff and were trying to get people
20 there. They tried to get in that.
21 And one of the rescuers moved that,
22 is what ---. I was told that by

1 somebody, but I don't remember who
2 told me that.

3 Q. Okay. So other than --- and
4 this is just your opinion --- other
5 than the thoughts of the miners may
6 have tried to use the mantrip to come
7 out and subsequently they attempted
8 to walk out, at that point, we don't
9 --- is it your thoughts that they
10 probably went to the face,
11 subsequently?

12 A. Yes. I think that they did
13 not know where the explosion came
14 from. And why they didn't go over
15 and try the belt, I don't know. They
16 might have tried the belt. They may
17 have tried it, go down the belt and
18 had gotten into debris and said,
19 well, you know, we've already used a
20 half hour of our oxygen, we need to
21 get back to the face and barricade.
22 And they could have reached CO before

1 --- you know, before this whole
2 event, they may have jumped on the
3 mantrip and come down there before
4 they put their rescuers on, I don't
5 know. I can't imagine anybody doing
6 that. You know, if you felt that
7 puff of wind, I think you'd want to
8 put your rescuer on right now because
9 CO is colorless and odorless.

10 Q. The curtains and --- I know
11 you were up on the Two Left section
12 subsequent to the ---

13 A. Yes.

14 Q. --- event. And the curtains
15 that we saw in place ---

16 A. Uh-huh (yes).

17 Q. --- were basically --- some of
18 them were already torn down.

19 A. Uh-huh (yes).

20 Q. Do you believe that they were
21 pretty much the way that they were
22 when the section was idle, either on

1 Friday or Saturday?

2 A. No, they tried to barricade
3 with the curtain. If that's what
4 you're asking.

5 Q. Well, which curtains do you
6 believe were installed by the crew,
7 versus the ones that were intact?

8 A. I'm not sure what you're
9 asking.

10 Q. There were some other
11 curtains, other than the curtains
12 associated directly with the
13 barricade on the section. Do you
14 believe that the crew, from your
15 recollection the way the curtains
16 normally would have been on a
17 section, made any other adjustments,
18 other than the curtains associated
19 directly with the barricade?

20 A. I believe that the wind, or,
21 you know, the explosion, thrust of
22 air blew several of the curtains,

1 especially the curtains that went
2 across the intake that would force
3 air up around.

4 Q. Yes.

5 A. I believe that those were
6 blown down by the explosion. And I
7 don't know if that's what you're
8 asking or not.

9 Q. Well, yes, that's part of it.
10 And also, were there any of the other
11 curtains that were there that were
12 still intact, that they were pretty
13 much --- that's the way they had
14 been. Other than the curtains
15 associated with the barricade, the
16 rest of the curtains on the section
17 were probably where they were at the
18 time before the event occurred?

19 A. Well, the mine curtains were
20 blown down. The ends of the mine
21 curtains and stuff were blown down
22 and I believe that they were up. I

1 had people who went up there and told
2 me that the ventilation was just like
3 it should have been.

4 Q. Okay.

5 A. And whenever I went there, it
6 appeared to me that everything was
7 there that should have been there
8 with the exception of a couple line
9 curtains that those guys had taken
10 out of the place, had yanked down out
11 of the place, to take over and try to
12 barricade it, those longer curtains
13 that they had barricaded with.

14 Q. Okay. The victim that was
15 found at the Two Left switch, ---

16 A. Yes, sir.

17 Q. --- there was some discussion
18 as to why he would have been in that
19 particular area at that particular
20 time. As part of his normal work
21 routine, do you know why he may have
22 been in that area?

1 A. In the track rather than at
2 the belt line?

3 Q. Yes.

4 A. Well, my only thinking on that
5 was, he had already put in four
6 hours. You know, he had already been
7 in there probably four hours, fire
8 bossing. He probably come out at
9 least three hours before to go in and
10 fire boss. And he was probably just
11 setting down to have him a sandwich
12 or maybe a drink of water or just
13 resting and then was going to go
14 ahead and walk down the belt to get
15 his bucket, and the explosion
16 happened.

17 Q. Okay. The CO readings, I know
18 you did mention that you went in and
19 you did look at the monitoring system
20 at some point.

21 A. I went in and had a hand-held
22 --- stuck it up against the seals, if

1 that's what you're asking me.

2 Q. I switched gears on you. I'm
3 sorry. Back at the dispatcher
4 shanty, ---

5 A. Oh, yes. Okay.

6 Q. --- at some point you
7 mentioned you went in and you looked
8 at the CO-monitoring system and ---.

9 A. Seal monitoring?

10 Q. CO.

11 A. CO. Okay. I'm sorry.

12 Q. I'm sorry, ---

13 A. I'm sorry. Okay. I'm
14 understanding you now.

15 Q. --- I wasn't very clear there.
16 So you did get to see firsthand that
17 some of the readings were high?

18 A. As well as I remember, the
19 highest reading was 117, but it may
20 have been 107. It was something like
21 that. And it was on a lot of them
22 through that area right there.

1 Q. Do you know about when that
2 would have been when you went in
3 there?

4 A. Before noon.

5 Q. Before noon. Okay. At some
6 point, you began --- or someone began
7 monitoring the gases that were coming
8 out of the return.

9 A. Uh-huh (yes).

10 Q. Were you involved in that at
11 all?

12 A. No. That was handled by the
13 rescue squad. I believe it was the
14 Barbour County Rescue Squad that got
15 there. They were there, I believe,
16 around 11:30 or ---.

17 Q. Around 11:30?

18 A. Yeah. They were there early.

19 Q. Now, when they came on to the
20 property, did they report to you
21 or ---?

22 A. No. Basically, once I saw ---

1 got going the safety department, Ty
2 and his bunch come in, the ICG people
3 came in and handled this.

4 Q. Okay. And that gets us back
5 to the command center. The command
6 center, when was it --- do you have
7 an idea when it was approximately ---
8 when it was formed, about what time
9 of the day?

10 A. I don't remember. It was
11 daylight.

12 Q. It would have been before the
13 teams actually started underground?

14 A. Oh, most assuredly, yes.

15 Q. But you weren't actually part
16 of that command center?

17 A. Well, yeah, I was in and out
18 of the command center.

19 Q. Okay. I don't remember a
20 time.

21 A. The command center, as far as
22 the organization for the company, who

1 would have --- was Ty the one that
2 was in charge of the command center?

3 Q. Well, I thought that Ty was in
4 charge of our end of it.

5 A. Okay. I'm not so sure anybody
6 was in charge, just to be honest with
7 you. I mean, I didn't feel like I
8 was in charge of it.

9 Q. Well, they were working
10 together, ---

11 A. Yeah. Uh-huh (yes).

12 Q. --- I think, at the command
13 center, to make the decisions?

14 A. Yeah.

15 Q. And as far as the decision
16 early on to monitor the gases that
17 was coming out of the turn before it
18 was decided to let the teams go in,
19 were you part of that at all?

20 A. A part of the decision to
21 monitor?

22 Q. To monitor and then to hold

1 the teams up for a period of time
2 until they were comfortable that the
3 gases were reasonable to go in?

4 A. I don't remember having any
5 input in it. They may have said, you
6 know, this is what we're going to do,
7 Carl. Well, you know, I mean, this
8 is my first time, my first rodeo, as
9 far as that. And thank goodness it
10 is.

11 Q. And the mine rescue teams, do
12 you remember --- you didn't notify
13 --- you weren't the one that notified
14 those?

15 A. No, sir.

16 Q. How about the police or EMS?

17 A. No, sir, I didn't handle any
18 of that.

19 Q. Okay. And I believe you did
20 mention that you spoke to Jeff Toler
21 on the telephone. So the telephone
22 system was operative after the event?

1 A. Yes, but I believe that they
2 grabbed the phone here, there and the
3 other, and had stretched it over from
4 the track to the intake because they
5 were working their way in.

6 Q. This would have been Jeff
7 Toler and ---?

8 A. It would have been Jeff Toler
9 and Owie and Dick.

10 Q. Do you know why they did that?

11 A. Because they were going up the
12 intake, and the intake's the safe
13 place to be, rather than the return,
14 because the return is ---. The track
15 is in neutral and the neutral goes
16 outby. So if it were me, I would be
17 working from the intake. I'd be
18 working from a position of strength
19 and a position of good air.

20 Q. In your telephone
21 conversation, did they mention to you
22 what kind of CO readings and methane

1 readings they were getting?

2 A. No, they didn't, but I would
3 assume that they had a meter and was
4 watching the meter, and would say,
5 well, okay, we got high CO here so we
6 have to put this curtain up. And
7 then they'd move into the next one
8 and then they would do the same
9 thing. And they would wait until
10 that CO cleared. If it was me and I
11 was doing it, that's the way I would
12 do it, but how they did, you would
13 have to ask them.

14 Q. Okay. The telephones at the
15 mine, the actual outside Bell
16 telephone service, ---

17 A. Yeah.

18 Q. --- were you aware, was it
19 interrupted at all during the time of
20 the event?

21 A. Only as far as I know, I know
22 that Owie called outside from One

1 Left, on the telephone, the mine
2 phone.

3 Q. The mine phone?

4 A. Right. And I know that they
5 could not get ahold of Two Left after
6 the explosion. That's all I know
7 about it.

8 Q. But I guess I was asking if
9 you know at all about the Bell
10 telephone, the normal telephone that
11 you could call your home from?

12 A. Oh, the Bell telephone?

13 Q. The Bell telephone. Do you
14 know if there was any interruption in
15 that at all?

16 A. I don't know.

17 Q. Did anyone ever talk about
18 that?

19 A. I don't know.

20 Q. And the same with the power
21 interruptions, did anyone mention to
22 you that the power had blinked for a

1 second or ---?

2 A. No, but they mentioned that
3 just as soon as this event occurred,
4 you know, and the COs went off, that
5 the power knocked back to Two Left
6 --- or Two belt head.

7 Q. The power knocked back to Two
8 belt head?

9 A. Yeah.

10 Q. What do you think would have
11 caused that? I mean ---.

12 A. The explosion hitting one of
13 those switches or --- well, we found
14 damaged tile. I'm saying that's what
15 took it out was the damaged tile from
16 the explosion.

17 Q. Okay. I'll switch gears a
18 little bit on you. Are you aware
19 that they did drill a few boreholes
20 into the mine?

21 A. Yes, sir.

22 Q. Were you involved in any of

1 the drilling program?

2 A. No. Brad Phillips came up
3 from Sycamore. And he was basically
4 in charge of that.

5 Q. Early ---.

6 A. Or at least up there with them
7 helping them locate this --- you
8 know ---.

9 Q. Early on, a decision --- was
10 there a decision made, and were you
11 part of it, to drill a borehole into
12 the mine?

13 A. I wasn't part of that
14 decision.

15 Q. So no?

16 A. I don't know. I know I heard
17 them talking about it, but I wasn't
18 part of the decision to do that.

19 Q. At what point in time do you
20 remember that they were talking about
21 drilling a borehole?

22 A. I don't remember. I

1 think ---.

2 Q. Would it have been earlier,
3 before noon or sometime early
4 afternoon?

5 A. I'm thinking early afternoon,
6 but I honestly don't remember.

7 Q. Okay. So you didn't have any
8 role in basically any drilling or
9 selecting the drilling company?

10 A. No, sir. I heard somebody
11 come in and say, okay, we're going to
12 --- you know, they're going to drill.
13 And I don't remember when it was.
14 And they said, call Mike Ross.

15 Q. Mike Ross?

16 A. Right. Mike Ross.

17 Q. And who's Mike Ross?

18 A. He's the guy that's over ---
19 he used to be one of our state
20 representatives and lives over around
21 Colton. And he has some drilling
22 rigs, I guess.

1 Q. Okay. But you didn't call
2 Mike Ross?

3 A. No, sir, I had nothing then to
4 call him.

5 Q. Okay. I think I may have
6 asked you, in the decision to first
7 send the mine rescue teams
8 underground, there was a period of
9 time when they were evaluating the
10 gases. Were you part of that
11 evaluation or the decision to send
12 the teams underground?

13 A. I don't remember being part of
14 it. They may have said, okay, Carl,
15 we're going to send them underground.
16 Personally, I wondered why we didn't
17 send them under before, but I don't
18 know why. I don't know why or what
19 their procedures are in a case like
20 this. Unfortunately I have no
21 knowledge of mine rescue work.

22 Q. That's fine. This is just a

1 series of questions to try and
2 establish why --- you know, what went
3 on that day. When they finally did
4 go underground, ---

5 A. Uh-huh (yes).

6 Q. --- and they traveled into the
7 mine, was there any area that they
8 first encountered where there was
9 water? Are you familiar with that?

10 A. Well, I ---.

11 Q. I believe there was an area
12 that they may have started a pump,
13 put some power on to it.

14 A. Okay. We did --- I think the
15 second team went up to One tail. And
16 they were asking me --- during this
17 period of time, okay, I told them we
18 need to run this pump, because if we
19 don't run this pump, it will shut our
20 return off. And so they started the
21 pump at One tail.

22 Q. Okay. So there was a period

1 of time that ---?

2 A. That pump was off, yes.

3 Q. And the water ---?

4 A. Dick, on his way out, pulled
5 the power.

6 Q. He removed the power from the
7 old mine?

8 A. He removed the power from
9 Second Left out --- or not from
10 Second Left, from the tail One.
11 There's a mine splitter right there
12 at Number Two head.

13 Q. Okay.

14 A. And he knocked the mine
15 splitter at Two head on his way out.

16 Q. Which would have de-energized
17 that pump?

18 A. Yes, sir. It would have
19 de-energized that pump. It had
20 de-energized --- he was afraid the
21 levels might be too high for that
22 pump, I guess.

1 Q. How long would it have taken
2 to flood that return out, based on
3 your estimation of that area?

4 A. Well, I used to think the
5 mines would flood out in two or three
6 weeks, but I got proved wrong on
7 that, I think a lot of people did.
8 But if that thing is down 24 hours,
9 we're going to be hurting because of
10 the amount of water that will come
11 out of the old seals that are down
12 there.

13 Q. So you believe ---?

14 A. I believed that if you want to
15 keep that return open, we needed to
16 get that thing running within 12
17 hours, so I could keep up with what
18 water was coming out of there and I
19 wouldn't have to gain back on it.

20 Q. So there was a concern, that
21 you were part of, ---

22 A. I was part of that, yes, sir.

1 Q. --- that if we would have
2 continued on without pumping the
3 water, possibly ---?

4 A. Well, without starting the
5 pump.

6 Q. Without starting ---.

7 A. Not necessarily without
8 pumping the water. I think it would
9 have taken a day to two days to shut
10 the return down. But the starting of
11 the pump --- well, I was very adamant
12 that we start that pump.

13 Q. Okay. So you were part of the
14 command center, at least advising
15 them at this point?

16 A. Right. Basically, that's all
17 I did with the command center, was
18 come in and set in and advise when I
19 was asked a specific question.

20 Q. Okay. As they continued into
21 the mine, there were some areas of
22 the mine that the mine rescue team,

1 through the command center, elected
2 to bypass as they continued down the
3 mains. And I believe the first area
4 would have been One Right. Did you
5 advise the command center anything on
6 that decision?

7 A. I don't remember advising them
8 on it, but as far as I was concerned,
9 they could go to One Left without any
10 problem.

11 Q. Okay. So as far --- you
12 weren't involved, though, in the
13 decision ---?

14 A. I don't remember being
15 involved in that.

16 Q. And the same thing goes for
17 Second Right? Isn't there a Second
18 Right?

19 A. Oh, yeah, that little section
20 of Second Right, yes, as far as I'm
21 concerned, that was no problem. That
22 was no problem.

1 Q. Okay. But they didn't
2 specifically come consult you, as you
3 remember?

4 A. Not that I remember.

5 Q. Okay.

6 A. Like I said, it all became a
7 blur after a while.

8 Q. On the power, there was some
9 question later on in the efforts by
10 the mine rescue teams about the
11 CO-monitoring system and whether or
12 not the power was on or not on. I
13 believe the light was seen on one of
14 the instruments. Do you recall that?

15 A. Uh-huh (yes).

16 Q. Do you know --- can you
17 describe whether the power was on or
18 off of the CO-monitoring system and
19 who was involved in that decision?

20 A. The power was off, but it has
21 a battery backup. And that's as much
22 as I know about it.

1 Q. So the light was just ---?

2 A. The light was a battery
3 backup, yes, sir.

4 Q. Were you involved at all in
5 the decision --- when we reached ---
6 the mine rescue team reached One
7 Left, ---

8 A. Uh-huh (yes).

9 Q. --- and they decided to check
10 One Left and not explore it, were you
11 involved in any discussions on that?

12 A. No, I wasn't involved in that.
13 I remember that discussion being they
14 --- they didn't --- they, as being
15 whoever was head of Consol's Rescue
16 Team, I believe he was in there quite
17 a bit. I think that's who it was.
18 And everybody kind of got together
19 and said, well, we don't feel
20 comfortable going in by that point
21 without checking here first. So
22 consequently they checked there

1 first.

2 Q. Okay. Did you provide any
3 input with that?

4 A. No. I don't believe I did.
5 No. I wasn't concerned with Two Left
6 --- or with One Left, with what Jeff
7 and them had told me about being up
8 to that point, and there not being
9 any burnt wedges or any burnt timbers
10 or anything laying around that was
11 burnt, and the way the stoppings were
12 blown. By that time I had pretty
13 much come to the conclusion that it
14 had come from the seals, but you
15 don't know that for sure. It's a
16 remote possibility that it came from
17 the section, but I'd just be
18 guessing.

19 Q. Sure. I think there was ---.
20 I don't think anybody knew. I think
21 there was a lot of trying to figure
22 out what happened at that point in

1 time.

2 A. I think we're still trying to
3 figure it out.

4 Q. That's why we're here today.

5 A. Uh-huh (yes).

6 Q. And Second Left, and of course
7 when we got --- when the teams got to
8 the intersection of Second Left, ---

9 A. Uh-huh (yes).

10 Q. --- there was some discussion
11 as to what direction they should go
12 and what should be done at that
13 point. Were you involved in any of
14 those discussions?

15 A. I didn't have any input in it.
16 I may have been there. But at this
17 time --- at this time you're looking
18 at I've been up since early that
19 morning, eight o'clock that morning
20 on Monday, and by this time we're
21 probably into late Tuesday. And I
22 haven't gone home, I haven't slept.

1 I went out to the car a couple times
2 and tried to sleep, but it didn't
3 work.

4 Q. I'll just go over some of
5 these things, trying to jog your
6 memory. The decision was ultimately
7 to check where the seal's location
8 was.

9 A. Yeah, they did. They decided
10 to go in there. And I remember them
11 --- I was there. I remember them as
12 they went in said, well, we're going
13 in to a big high area. And I believe
14 I stated that, hey, you know, well,
15 you're going in --- you're past the
16 seals, you're past that point. Those
17 seals are gone. Because you're going
18 into the bottom mined area.

19 Q. Okay. I believe after they
20 explored all the seals, do you recall
21 where they headed next, after they
22 completed that?

1 A. Well, I believe that they went
2 down into Two Left. I mean, that
3 would be the next point that you
4 would go to.

5 Q. Okay.

6 A. I don't remember when that
7 push was made or how soon it was
8 made, probably an hour, two hours,
9 three hours after that. There was
10 some point where they were drilling
11 and they had took everybody out of
12 the mines.

13 Q. Do you recall a period of time
14 when there was some discussion as to
15 whether there was power on the
16 CO-monitoring system and it was
17 decided to pull the teams at the mine
18 while the drill hole was being ---?

19 A. Yeah. I didn't realize --- I
20 didn't know why they pulled it. I
21 didn't realize that the power on the
22 COs is the reason they pulled them.

1 I thought they just pulled them
2 because they was afraid they could
3 come down the screen, in a screened
4 area and that it would make a spark
5 on the screen or on a roof bolt as it
6 came through. I mean, that's why I
7 thought they took them out.

8 Q. Okay. When they went up into
9 Second Left and they found the empty
10 mantrip, and subsequent to that there
11 was a decision, based on the other
12 information they had obtained to make
13 a run to the face of the section.
14 And in doing that, that was quite a
15 distance they were going to have to
16 go. And there was going to be some
17 communication lapse to do that. Were
18 you involved in that decision to make
19 that run to the face?

20 A. No, I don't believe I was.
21 This was real close to the time that
22 they found the people. I was out in

1 the car trying to sleep --- trying to
2 sleep at the time that they found
3 those people.

4 Q. Okay.

5 A. So, you know, I might have
6 been there at that time. I don't
7 remember.

8 Q. Okay.

9 A. But if we're getting real
10 close to that time, why then I was
11 out in the truck. I was out in the
12 truck trying to sleep.

13 Q. Do you remember what the last
14 thing was going on in the command
15 center, right before you left?

16 A. I think we were trying to make
17 that decision.

18 Q. Okay.

19 A. Or at that time, I think I was
20 going to get something to eat. And
21 somebody said, you better --- you go
22 get some sleep.

1 Q. Okay. Did you subsequently
2 come back into the command center
3 when they found the miners?

4 A. Yeah.

5 Q. Were you in the command center
6 when the information came out that
7 all the miners were alive?

8 A. No, I was outside in the car.
9 And I heard the hoopla, the oh, boy,
10 oh, boy. And of course they had
11 found them. Of course I was hugging
12 everybody I could find to hug. Of
13 course then it came back, well, no,
14 it was 11 and 1.

15 Q. Were you in the command center
16 when that ---?

17 A. Yeah, I was real close at that
18 point. And then I was in the command
19 center when it was 1 and 11.

20 Q. Oh, you were in there
21 when ---?

22 A. Yeah. Jeff and I were arguing

1 which one was going to have to stay
2 there, because he wanted to go in and
3 get Junior then. That's Junior, his
4 uncle, who was a foreman on that
5 crew. So he wanted to be a part of
6 going in. But Ty said --- Ty or
7 somebody said, no, one of you two has
8 to stay here, in case we have any
9 questions, so I got elected to stay
10 there. So I was there whenever that
11 was going on.

12 Q. Do you recall any of that
13 conversation when they called out?

14 A. Yeah. He said, no, you don't
15 understand, it's 11 items and 1
16 survivor. And then he said --- they
17 said, well, what happened, say that
18 again. And they said it again. And
19 then forget the jargon, the item bit,
20 give me exact --- you know, how many
21 people do we have alive, how many
22 people do we have deceased. He said,

1 11 deceased and 1 alive. And of
2 course Jeff and those guys were
3 already taken off inside, them and
4 everybody else, the doctors and
5 everybody you could imagine was
6 trying to, you know, going in because
7 they thought they were just going to
8 have 12 very sick coal miners coming
9 out. And of course when we found out
10 that it was the other way around,
11 then the guy said, well, what in the
12 world happened on the --- you know,
13 what happened? Why did you call us
14 out? And he said, I'll explain it
15 later.

16 Q. And that was pretty much the
17 end of the conversation?

18 A. That was pretty much the end
19 of the conversation.

20 Q. Okay. Since that time you've
21 had an opportunity to go back into
22 the mine and look at the mine and the

1 conditions of the mine and compare
2 what it was before to what you saw
3 afterwards.

4 A. Uh-huh (yes).

5 Q. What do you think happened on
6 that morning, on the 2nd?

7 A. I believe the lightning came
8 down in behind the seals, exploded
9 the methane. And I believe that it
10 hit the seals the first time. The
11 seals held, it bounced back against
12 the face of the --- of Four belt.
13 And when it come out, it come out
14 double strength and ripped the seals
15 and everything else. And if I hadn't
16 had the rock dusting and stuff done
17 like it was supposed to be, there
18 would have been 14 more dead.

19 Q. So do you think methane was
20 involved, methane was what was
21 ignited?

22 A. I believe so.

1 Q. Do you think coal dust had a
2 factor in any of that?

3 A. There wasn't any burning.
4 There wasn't that much burning. You
5 see the blue haze on the top like
6 where rock dust has been burnt, but
7 you find very little curtain, very
8 little wedges burnt. And two or
9 three weeks earlier, I had been down
10 to a thing at Beckley, going through
11 the school down there.

12 Q. At the National Mine Academy?

13 A. Yes, the National Mine
14 Academy. And they showed what just
15 teaspoons of dust did to this. And
16 you guys rattled windows for, you
17 know, seven, eight miles around. And
18 there's almost no way that dust had
19 anything in this. It was pure
20 methane. I don't believe that there
21 was any dust whatsoever. I honestly
22 don't. I just feel that if it had

1 have been, even the dust I had and
2 the water that maybe had accumulated
3 here, there and yonder, it wouldn't
4 have put it out, not with the little
5 bit --- the little bit of dust or
6 float dust that it takes to really
7 profugate (sic) an explosion.

8 I think you guys pretty well
9 proved that with your little
10 teaspoons of stuff, you know, on
11 those beams and stuff, you know, the
12 way they did that. That was very
13 little dust that was put there.

14 Q. The actual ignition of the
15 methane, what do you think actually
16 ignited the methane?

17 A. Somehow a lightning strike got
18 in there and got down into the ---
19 and just happened to hit the right
20 mixture of gas and air.

21 Q. Do you have any idea how it
22 might had gotten back there?

1 A. I wish I did. I'd sure like
2 to be the guy that finds it.

3 Q. There was some question as to
4 the seals themselves. And of course
5 you were able to see the remnants of
6 the seals?

7 A. Yes, sir.

8 Q. Why do you think the seals
9 ended up in the condition that they
10 were?

11 A. Because of the violence of the
12 explosion. I feel the PSI was above
13 what any seal would have stood.

14 Q. Do you think that's what
15 resulted in the small pieces of
16 seal ---

17 A. Yes, sir.

18 Q. --- that were scattered?

19 A. Yes, sir, I do. I feel that
20 the length that those crib blocks
21 were thrown --- the seal in the track
22 entry, you had a seal, you had a

1 block wall, two breaks, another block
2 wall. It went through both block
3 walls --- the seals, two block walls.
4 And one break down, picked up a
5 charger that weighed 1,500 pounds and
6 threw it down the entry for 120 feet,
7 through a belt that was laying in the
8 middle of the track up on a steel
9 arch that was another four breaks
10 down there, and tore up an overcast,
11 bent four-inch beams in a J-hook
12 shape down there, and threw it down
13 almost to where those other guys were
14 on the mantrip. And I think that it
15 was a pretty violent explosion.

16 Q. You had mentioned about the
17 seals. If I can get you to come over
18 to one of the maps that we have.

19 A. Sure.

20 MR. UROSEK:

21 This is the first
22 exhibit? Fourth exhibit.

1 BY MR. UROSEK:

2 Q. This is a map of the seal.

3 ATTORNEY KILPATRICK:

4 Mr. Swentosky, the
5 microphone.

6 MR. SWENTOSKY:

7 Would you folks stop
8 just for a minute until I get
9 this microphone over there, so
10 if anybody wants to mumble,
11 the court reporter can even
12 pick that up. Sorry about
13 that.

14 BY MR. UROSEK:

15 Q. Carl, I don't know if I have
16 this backwards for you, or whatever's
17 easier. But you had mentioned about
18 the seals and it has just reminded me
19 of a question that I had wanted to
20 ask you. You had mentioned there
21 were a number of cribs.

22 A. Uh-huh (yes).

1 Q. And, in fact, there was also a
2 discussion of possibly stoppings that
3 were located inby the ---

4 A. Yes, sir.

5 Q. --- seals themselves. Would
6 you mind taking this purple marker.
7 And to the best that you can recall,
8 mark where you think or you remember
9 the cribs would have been prior to
10 the explosion.

11 A. Each and every seal, you want
12 me to mark all of them?

13 Q. Yes, if you don't mind. At
14 what point is, inby and outby, each
15 seal location, ---

16 A. There are two cribs.

17 Q. --- just draw square blocks
18 which indicates that there were cribs
19 there.

20 WITNESS COMPLIES

21 MR. UROSEK:

22 What he's drawing on

1 --- this is the Number Nine
2 entry. There are some
3 additional cribs along the
4 right and left rib.

5 A. Okay. These are the cribs
6 where we're talking --- where we set
7 --- after the seals had been built,
8 we had them put a cutter that was
9 right here, so we built these here to
10 make sure that the seals would all
11 stand.

12 BY MR. UROSEK:

13 Q. And then mentioned then the
14 seals --- the cribs that were
15 outby ---

16 A. Yeah, that's the outby.

17 Q. --- the seal of the Number
18 Nine entry. You've indicated that in
19 addition to the two that are located
20 just outby the seal, there were an
21 additional six ---?

22 A. Six or seven.

1 Q. Six or seven were in that
2 location?

3 A. Then there was a line of seals
4 --- or a line of cribs back here that
5 had the steel piping.

6 Q. What you're indicating there
7 is there are four --- it looks like
8 four cribs?

9 A. Yeah. I think there was four,
10 but I'm not for sure that I remember.

11 Q. But they're along the left rib
12 looking into the seal along the rib?

13 A. Yeah.

14 Q. And you indicated that the
15 sampling pipe was tied to those?

16 A. The sampling pipe was run
17 through right there. And they
18 supported the two-inch steel pipe.
19 And there was a copper pipe in the
20 middle, about a half inch low copper
21 pipe, which was restricted to crib.

22 Q. Okay.

1 A. And it stuck out in the back,
2 right here where it's supposed to
3 stick out in the back right there. I
4 did not form those seals, but I'm
5 sure it did.

6 Q. And what you're indicating is
7 inby in the seal, somewhere near ---

8 A. Right.

9 Q. --- by 3958?

10 A. Correct.

11 Q. And that would be inby the
12 side of the pipe.

13 A. And then the outby side, this
14 is the one with the sample tubing.

15 Q. Now, at the end of that, did
16 it have a valve on the copper pipe?

17 A. Yeah, it has a half-inch
18 valve, ball valve.

19 Q. Did you actually see this pipe
20 installed?

21 A. Did I watch the pipe being
22 installed?

1 Q. Or did you ever see it or
2 signs of it?

3 A. I saw this side of it.

4 Q. Okay. And how was it attached
5 --- or do you know, how was it
6 attached to the cribs?

7 A. I don't remember.

8 MR. CRAWFORD:

9 When you said you saw
10 this side of it ---?

11 A. I didn't see the back side.

12 BY MR. UROSEK:

13 Q. You saw the outby side?

14 A. Yeah. I just the --- I just
15 saw the pipe sticking through.

16 Q. But you did not see the inby
17 side because it was behind the seals?

18 A. No, sir, I did not.

19 Q. Okay. And as far as you know,
20 that pipe, there were two joints of
21 pipe; is that correct?

22 A. Yeah. There was 20-foot

1 joints.

2 Q. And they were screwed
3 together?

4 A. Yeah, with a couplet.

5 Q. With a couplet?

6 A. Yes, sir.

7 Q. Do you recall seeing those
8 pipes after the event?

9 A. No, sir.

10 Q. They were separated?

11 A. Yes, sir, they were separated.

12 Q. And they appeared to be
13 unscrewed?

14 A. They appeared to be unscrewed.

15 Q. Any thoughts on that?

16 A. Somebody didn't screw it in
17 far enough, it looked to me like. I
18 mean, but the protection I'm sure was
19 still there.

20 Q. Okay. And inby the seals
21 themselves, ---

22 A. Uh-huh (yes).

1 Q. --- there are stoppings in,
2 for example, between Eight and Nine
3 entry between spad 3958 and 3959.
4 Would those stoppings have been
5 removed prior to this?

6 A. I'm not sure. I think that
7 one was probably removed when we were
8 building the seals.

9 Q. Could you circle that one and
10 just mark it?

11 A. I'll just put a question mark,
12 because I don't know whether it was
13 sealed or not.

14 Q. Okay.

15 A. I don't know. Know when we
16 were constructing the seals, we had a
17 stopping here.

18 Q. And the location you're
19 pointing to ---

20 A. Yeah.

21 Q. --- is between Eight and Nine
22 entry ---

1 A. Right.

2 Q. --- and across the ---

3 A. Right.

4 Q. --- just outby the seals?

5 A. Right. What we were doing was
6 we were bringing the air over to
7 here, ---

8 Q. So the ---.

9 A. --- bringing it all the way up
10 around. We came back down here and
11 then went down an old return and went
12 down this way right here, down in the
13 mine.

14 Q. Okay. Let's try to describe
15 that with entries. So correct me if
16 I get it wrong.

17 A. Okay.

18 Q. The air was coming up the
19 Number Eight entry; is that correct?

20 A. Well, the air was coming up
21 Seven --- Seven and Eight.

22 Q. Seven and Eight.

1 A. Seven and Eight.

2 Q. It came across the front where
3 the seals are located?

4 A. It came across the front of
5 where the seals were getting ready to
6 be built.

7 Q. Getting ready to be built.
8 And were there stoppings constructed
9 where ---

10 A. Yeah.

11 Q. --- these seals were located?

12 A. Just inby there were
13 stoppings.

14 Q. Just inby each of the seal
15 locations, each one of the stoppings?

16 A. Each one of the seals, right.

17 Q. Each one of the seals.

18 A. And then right here and then
19 right here.

20 Q. And the inby ---?

21 A. And the only open one would
22 have been Number One.

1 Q. Those would have been --- the
2 two that you just mentioned would
3 have been seal Number Three and seal
4 Number Two?

5 A. Right.

6 Q. And where seal Number One is
7 located, there was ---?

8 A. Was located was wide open.

9 Q. Was wide open?

10 A. Yes, sir.

11 Q. So the air would have come
12 across the front where the seals are
13 located or just outby where the seals
14 are located, ---

15 A. Uh-huh (yes).

16 Q. --- would have gone into the
17 area of the Number One entry?

18 A. Yeah.

19 Q. And then it would have ---
20 where would it have gone from there?

21 A. It would have had to go up
22 right here.

1 Q. Which would have been the ---?

2 A. Number One and Number Two.

3 Q. Number One ---?

4 A. Of old Two Left.

5 Q. Of old Two Left. It would
6 have traveled up those entries?

7 A. Right. And then it goes clear
8 up to the EP point ---.

9 Q. All the way to the back of the
10 panel?

11 A. Right. And then comes all the
12 way down.

13 Q. And then it would have came
14 back out of the old Two Left?

15 A. Right. Out of the old Two
16 Left and down Number Nine of Number
17 Four belt.

18 Q. And the air would have exited
19 the area through the Number Nine ---
20 where the Number Nine seal is
21 located?

22 A. Yeah, where the Number Nine

1 seals were. And of course this one
2 in here, once we changed this all in
3 the common end, you know, then the
4 air came up here.

5 Q. And you're indicating that the
6 stopping that you ---

7 A. Right, that stopping ---.

8 Q. --- had indicating that it
9 would be between Eight and Nine would
10 be removed?

11 A. Would be removed, right.

12 Q. And the air would be coming up
13 the intake entries, across the front
14 of the seals?

15 A. Across the front of the seals,
16 each one of the seals. There's a
17 catty-corner stopping across Number
18 Two.

19 Q. Across Number Two entry?

20 A. Right.

21 Q. Near spad 3957?

22 A. Right. And the air goes in by

1 and sweeps these two seals, ---

2 Q. Which would be the Number One
3 and Number Two seals?

4 A. --- right, and then it comes
5 back outby and comes over ---.

6 Q. Down Number One entry and then
7 over the Number Two entry and then
8 back up across the overcast?

9 A. Right.

10 MR. UROSEK:

11 Okay. John, do you
12 have any questions while we're
13 on this area?

14 MR. COLLINS:

15 No.

16 MR. UROSEK:

17 Okay. Thank you.

18 Does the state have any
19 questions that they would like
20 to ask at this point?

21 MR. COLLINS:

22 No, we don't. Thanks,

1 John.

2 MR. UROSEK:

3 I'd like to take a
4 five-minute break.

5 MR. SWENTOSKY:

6 Okay.

7 MR. UROSEK:

8 Before we take that
9 break, can we mark this map as
10 an exhibit?

11 (Crumrine Exhibit Four
12 marked for
13 identification.)

14 SHORT BREAK TAKEN

15 MR. SWENTOSKY:

16 I am back, Dennis
17 Swentosky.

18 A. Yes, sir.

19 BY MR. SWENTOSKY:

20 Q. Okay. Let's talk about
21 training for a few minutes.

22 A. Okay.

1 Q. Do you recall the last annual
2 retraining class that you
3 participated in?

4 A. March 17th was when I was
5 hired on.

6 Q. Okay. And as part of --- did
7 you have annual retraining?

8 A. Yeah. Al Schoonover gave it
9 to me personally.

10 Q. Okay. And you were the only
11 one that particular day?

12 A. Yes.

13 Q. What did he cover during that
14 training session?

15 A. Roof control, ventilation. He
16 didn't have to cover first aid,
17 because I was an EMT. He just went
18 over general things that you go over,
19 you know, in that class. He went
20 over a couple violations that we had
21 gotten and stuff to look for, went
22 over, you know, what they expected as

1 far as their roof control and their
2 cleanup plans.

3 Q. Okay. Did he sign a 5023
4 form? You're familiar with that?

5 A. Yes.

6 Q. I think that's what it was
7 called. And he signed that and you
8 signed it?

9 A. Yes, sir.

10 Q. Okay. Did he go over the
11 firefighting evacuation plan?

12 A. Yes, sir. I always like to
13 know when I move from mine to mine if
14 there is any difference, you know.
15 And do we have --- from different
16 mines you have different amounts of
17 personnel and you have different
18 duties that people were supposed to
19 do whenever they go for firefighting
20 --- or, you know, they're fighting a
21 fire.

22 Q. Okay. Who is the responsible

1 person as far --- as it relates to
2 the firefighting evacuation plan at
3 the Sago Mine?

4 A. The section foreman. If
5 you're asking during a fire drill,
6 the section foreman would be in
7 charge until the ---. In his
8 absence, then the mechanic takes
9 over.

10 Q. Okay. But what I was meaning
11 is, in the firefighting evacuation
12 plan there's a responsible person who
13 takes charge in the event of an
14 emergency fire or explosion and
15 conducts the evacuation of the mine.

16 A. They have that list of people
17 that are outside on the wall. You
18 know, basically, they notify me. And
19 even if I --- or the people in charge
20 that are outside.

21 Q. Okay. Do you recall seeing
22 any firefighting evacuation plan, a

1 listing of who the responsible person
2 is that would conduct the evacuation
3 of the mine in case of a fire or
4 explosion, water inundations?

5 A. As far as the --- the
6 dispatcher's in charge of getting the
7 people out. You know, he has a map
8 on the wall. And if you call and
9 tell him where you are, he can tell
10 --- you know, and what you have, he
11 can tell you how to evacuate the
12 mines.

13 Q. Okay. Is he the one that
14 takes over whenever that --- when the
15 explosion occurs?

16 A. He's the one who's handling
17 the phone. He would call Jeff or me
18 or somebody and get us over there
19 because that's an excitable position.
20 You know, you want to make sure
21 you're right, so the more people ---
22 you know, the more people that are in

1 charge over there, the better off you
2 area.

3 Q. Do you know where the
4 emergency materials are located?

5 A. Yes, sir. I put them there.

6 Q. Okay. Where's that at?

7 A. Forty-four (44) block.

8 Q. Forty-four (44) block. Okay.

9 Thank you.

10 A. That's the barricading
11 material.

12 Q. Yes.

13 A. I think after you get in so
14 far in the coal mines, that you have
15 to establish a ---.

16 Q. Okay. And we're talking about
17 training. Did anyone explain to you
18 the procedures that you're to follow
19 in case of an explosion?

20 A. Well, that would be in
21 firefighting. That would be in
22 evacuation. You get everybody in the

1 fresh air and go from there, yes,
2 sir. Make sure everybody's there.
3 And if you have to go through smoke,
4 you tie --- everybody knows to hold
5 on to each other, whether you use a
6 rope or whether you grab your belt.

7 Q. Was barricading part of the
8 training that you received?

9 A. Yeah. You need to barricade
10 enough area. You know, you wouldn't
11 want to barricade CO. If you were
12 --- and CO, at a certain point, you'd
13 want to go as far as you could and
14 get as much oxygen as you could.

15 Q. Okay. Did they talk about
16 when you should barricade and when
17 you shouldn't?

18 A. Barricading is supposed to be
19 your last resort.

20 Q. And I would assume that you're
21 certified for methane and oxygen
22 tests?

1 A. Yes, sir.

2 Q. Okay. And during the
3 training, did they discuss the carbon
4 monoxide --- hazards of carbon
5 monoxide?

6 A. Yes, colorless, odorless,
7 poisonous gas that the lungs accept
8 better than oxygen. They force the
9 brain into thinking it's got plenty
10 of oxygen. In other words, your
11 blood cells, your capillaries, will
12 take the CO before it will take
13 oxygen.

14 Q. And do you have fire drills at
15 the Sago Mine?

16 A. Each section is supposed to
17 have their own --- you know, their
18 own fire drill every six weeks.
19 Well, you're supposed to go --- an
20 escapeway drill every six weeks. And
21 you're supposed to do another
22 escapeway and a fire drill every 12

1 weeks.

2 Q. And do you see that that's
3 done ---?

4 A. Yes, sir. Absolutely. I went
5 in and I keep an eye on the books.
6 And whenever everybody starts to
7 getting --- starts getting close on
8 their fire drills, I say, hey,
9 fellas, if you haven't had a fire
10 drill, it's time.

11 Q. Did you ever take part in one
12 of those fire drills?

13 A. Yeah, at the Sago Mines I've
14 led a few fire drills, you know,
15 outby people and stuff like that.
16 You know, I say, okay, fellows, what
17 if we have a fire right here? You
18 know, the first thing you do, you
19 make sure you're in fresh air, this,
20 that and the other.

21 Q. As part of your training do
22 you receive SCSR training?

1 A. Oh, yes, sir.

2 Q. And where was that that you
3 received it?

4 A. Right in the office there, at
5 --- he has a training module.

6 Q. Is that at Sago Mines?

7 A. At Sago Mine, yes, sir.

8 Q. Okay. When was the last time
9 that occurred?

10 A. March 17th, I guess. I mean
11 --- well, no, as a matter of fact, it
12 was just not very long ago. It was
13 about three days ago he went over
14 that with everybody.

15 Q. Okay. But I meant prior to
16 the accident.

17 A. It's a yearly thing done.
18 They do it once a year.

19 Q. So that would have been on
20 March 17th, ---

21 A. Yes, sir.

22 Q. --- you received the training?

1 A. That would have been when I
2 received that.

3 Q. Who was instructing that?

4 A. Al.

5 Q. Al Schoonover?

6 A. Yes, sir, Al Schoonover.

7 Q. And how was that conducted,
8 that training of the SCSR? What did
9 you have to do to ---?

10 A. Well, first of all, he shows
11 you how to test the SCSR. And it has
12 to be tested daily. You check the
13 bottom, make sure it's blue not
14 green. And the top, little eyelet,
15 make sure it's blue not green. That
16 means it's good. You pop the sides
17 on it. You bring the unit out, you
18 put it across your neck. You put
19 your goggles on your arm, you hit the
20 actuating button.

21 Generally, the bladder will
22 fall out. And you got your nose

1 clips and your mouth, you breathe
2 into it to get the thing, you know,
3 to going. And then put your nose
4 clips on and adjust your neck strap,
5 so you know it's not bouncing against
6 you like this. And then you hook it
7 around here and put your goggles on
8 and put your hat back on and go.

9 Q. Okay. You said you breathe
10 into it to get it started, but ---?

11 A. You blow into it.

12 Q. Okay.

13 A. But there's actually a button
14 you turn on.

15 Q. A button?

16 A. No, a lever.

17 Q. A cord like?

18 A. Yeah, there's a cord. There's
19 a cord or a lever on it, I forget
20 which it is. I'd know if I saw it
21 real quick. There's a cord that, you
22 know, you pull out of the hose. And

1 then there's a lever or something you
2 pull down there. I think it's a
3 cord, now that you mention it. I
4 forgot which it was.

5 Q. When ventilation changes are
6 made, ---

7 A. Uh-huh (yes).

8 Q. --- what procedures do you
9 use?

10 A. Anybody that's not involved in
11 the ventilation has to be outby, has
12 to be out of the mines. And then you
13 make the ventilation change which you
14 can make it in small changes as long
15 as it's not over all --- I think it's
16 over 5,000 or 6,000 or 7,000,
17 something like that, as far as a
18 change. I don't think that, you
19 know, that's considered a change.

20 Q. When you say you're making
21 small changes, what do you mean?

22 A. Less than 7,000 CFN.

1 Q. Okay. And you do it in
2 graduations, like over a period of
3 time?

4 A. You could. I'm saying you
5 could, I didn't say we did. I said
6 you could.

7 Q. Okay. Any time you've made
8 ventilation changes, you ---?

9 A. We had people out, as far as I
10 know.

11 Q. When there's a ventilation
12 change, do you review it with the ---
13 if it affects the miners or any
14 escapeway changes or anything like
15 that, ---

16 A. Sure.

17 Q. --- do you review it with them
18 before you do it?

19 A. Sure.

20 Q. Do you think the training that
21 you received was adequate?

22 A. Yes, I do.

1 Q. Is there anything that should
2 be added to the training that you can
3 think of?

4 A. That's a good question. I
5 think that people should --- and I've
6 heard people tell this to other
7 people before. Okay, if you're
8 barricading yourself and you have an
9 oxygen tank, take that oxygen tank
10 with you. I think that that's a good
11 thing to tell people. A tire has air
12 in it. It's not very good air, but
13 at least it's better air than --- if
14 you run out of oxygen, it's better
15 air than you'd have. And, you know,
16 just think when you are barricading,
17 make sure you're barricading enough.
18 You know, I'm sure this stuff is gone
19 over, but, you know, I'd like to see
20 it emphasized as far as that goes.
21 Because I know we saw two oxygen
22 tanks on the back on the sled down at

1 the end of the track that hadn't
2 been used. I was a little bit
3 disturbed with that.

4 Q. Anything else?

5 A. No, sir.

6 MR. SWENTOSKY:

7 Do you have anything
8 else?

9 MR. COLLINS:

10 Yes. If I might, just
11 a second, please.

12 MR. SWENTOSKY:

13 Sure.

14 BY MR. COLLINS:

15 Q. Mr. Crumrine, if I could, I
16 believe you said later (sic) that you
17 believed that the explosion occurred
18 behind the seals?

19 A. Yes, sir.

20 Q. And you said that you believed
21 that lightning caused that?

22 A. Yes, sir, I do.

1 Q. Do you have any idea how the
2 lightning got into that area?

3 A. No, sir. I wish I did.

4 Q. And then I think you said that
5 when you were talking about the
6 miscommunication or whatever that
7 was, about these people being alive
8 or not?

9 A. Yes, sir.

10 Q. Then the person that reported
11 that, no, we have 11 deceased and 1
12 survivor, and I'll explain that to
13 you when I get outside. Did anyone
14 ever explain that to you?

15 A. It was never explained to me.
16 He was talking to --- the guy that
17 was talking to him was either one of
18 the heads of the teams or it was one
19 of the MSHA guys he was talking to.
20 And they asked him to repeat it
21 several times because we didn't want
22 to give out any misinformation. And

1 that's a lot the reason that those
2 people at the church didn't get any
3 information for that period of time,
4 because we wanted to make sure and
5 send people back to make sure that
6 that's what we were telling them. We
7 didn't want to give them any
8 misinformation.

9 And I think that the
10 misinformation probably came from ---
11 it had probably wrote on the curtain
12 12 alive. And they looked over there
13 and saw that on the curtain, 12
14 alive. I mean, that's what you're
15 supposed to do when you barricade,
16 you know, I have so many people in
17 here alive. And I think that
18 somebody looked at that and said that
19 and then they said, no, it's 11 and
20 1. And we assumed they meant 11
21 living and 1 deceased.

22 Q. Did you see that information

1 on that curtain?

2 A. I never saw that information.

3 Q. Did anyone tell you that
4 information was on that curtain?

5 A. No. I think I just assumed
6 it. That's the only way that could
7 have happened. That somebody would
8 have said, we have 12 alive. That
9 would have been my only assumption of
10 why that would have been like that.
11 And it is nothing but an assumption.
12 Maybe I shouldn't have even brought
13 it up.

14 MR. COLLINS:

15 That's okay. All
16 right. Thank you very much,
17 Carl. I appreciate it.

18 BY MR. SWENTOSKY:

19 Q. Have you ever been searched
20 for smoking articles?

21 A. Yes. And I have searched
22 people for smoking articles.

1 Q. And how do you do that?

2 A. Pat them down.

3 Q. Have you ever observed anyone
4 smoking in the underground mine?

5 A. Absolutely not.

6 Q. Have you ever found any
7 smoking articles underground?

8 A. In any time during underground
9 mining or just at Sago?

10 Q. Any time.

11 A. I have seen --- I've had some
12 people bring to me different times,
13 Carl, this cigarette fell out of such
14 and such, you know, here take it, get
15 rid of it, I don't want it, it wasn't
16 mine. You know, somebody --- it
17 probably just dropped out of
18 somebody's pocket.

19 Q. But not at Sago Mine?

20 A. Not at Sago, no, sir.

21 Q. Has anyone offered you
22 anything or made any promise to you

1 in exchange for your appearance here
2 today?

3 A. No.

4 Q. Do you have anything that you
5 would like to add that may be
6 relevant to the investigation at this
7 point?

8 A. No, sir, not that's relevant
9 to the investigation.

10 MR. SWENTOSKY:

11 On behalf of MSHA, I
12 would like to thank you for
13 appearing and answering the
14 questions today. Your
15 cooperation is very important
16 to the investigation as we
17 work to determine the cause of
18 the accident. We ask that you
19 not discuss your testimony
20 with any person who may have
21 already been interviewed or
22 who may be interviewed in the

1 future. This will ensure that
2 we obtain everyone's
3 independent recollection of
4 the events surrounding the
5 accident.

6 After questioning other
7 witnesses, we may call you if
8 we have any follow-up
9 questions that we feel that we
10 need to ask. If at any time
11 you have additional
12 information regarding the
13 accident that you would like
14 to provide to us, please
15 contact us at the contact
16 information that was
17 previously provided to you.
18 And that was the business
19 cards with the investigators'
20 names.

21 The Mine Act provides
22 certain protections to miners

1 who provide information to
2 MSAH, and as a result are
3 treated adversely. If at any
4 time you believe that you have
5 been treated unfairly because
6 of your cooperation in this
7 investigation, you should
8 immediately notify MSHA.

9 If you wish, you may
10 now go back over any answer
11 you have given during this
12 interview and you may also
13 make any statement that you
14 would like to make at this
15 time.

16 A. I don't have anything to say.

17 MR. SWENTOSKY:

18 And, again, we thank
19 you for your cooperation in
20 this matter. Thanks, Carl.

21 * * * * *

22 SWORN STATEMENT

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CONCLUDED AT 2:56 P.M.

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Scale: 1" = 50'

