

STATEMENT UNDER OATH

OF

DENVER WILFONG

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 3:05  
p.m.

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

2

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4           A P P E A R A N C E S (Continued)

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P R O C E E D I N G S

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MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety & Health Administration, an agency of the United States Department of Labor. With me is Tim Williams of the Solicitor's

1 office, Brian Mills and Dave  
2 Stuart with the West Virginia  
3 Office of Miners' Health,  
4 Safety & Training.

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

20 At this time, the  
21 accident investigation team  
22 intends to interview a number



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

20 I would like to thank  
21 you in advance for your  
22 appearance here today. We

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

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

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

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

20 Mr. Wilfong, this  
21 interview is being conducted  
22 --- will begin by me asking a

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

1 a business card with his name  
2 on it.

3 Your statement is  
4 completely voluntary. You may  
5 refuse to answer any question  
6 and you may terminate the  
7 interview at any time. If you  
8 need a break for any reason,  
9 just ask.

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

22 If any part of your

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

18 At this time, Mr.  
19 Mills, do you have anything  
20 you'd like to add on behalf of  
21 the Office of Miner's Health,  
22 Safety & Training?

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MR. MILLS:

Mr. Wilfong, the West Virginia Office of Miners' Health, Safety & Training is conducting this interview session jointly with MSHA and are in agreement with the procedures outlined by Mr. Swentosky for these interviews that will be conducted here today. But the Director reserves the right, if necessary, to call or subpoena witnesses or require the production of any record, document, photograph or other relevant material necessary to conduct this investigation. And here's a card that we can be reached at with questions or comments.

MR. SWENTOSKY:

1                   Mr. Wilfong, are you  
2                   aware that you may have a  
3                   personal representative  
4                   present during the taking of  
5                   this statement?

6                   MR. WILFONG:

7                   Yes, sir.

8                   MR. SWENTOSKY:

9                   And do you have a  
10                  representative with you today?

11                  MR. WILFONG:

12                  Yes, sir.

13                  MR. SWENTOSKY:

14                  And who might that be?

15                  ATTORNEY KILPATRICK:

16                  Melanie Kilpatrick.

17                  MR. SWENTOSKY:

18                  Has anyone suggested to  
19                  you that you use this  
20                  representative?

21                  MR. WILFONG:

22                  Yes.



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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. WILFONG:

Yes.

MR. SWENTOSKY:

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

MR. WILFONG:

No, sir.

MR. SWENTOSKY:

With this understanding, do you still choose this person as your representative?

MR. WILFONG:

Yes, sir.

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MR. SWENTOSKY:

Do you have any questions before we conduct the interview?

MR. WILFONG:

No, sir.

MR. SWENTOSKY:

Could you swear in Mr. Wilfong, please?

-----  
DENVER WILFONG, HAVING FIRST BEEN  
DULY SWORN, TESTIFIED AS FOLLOWS:  
-----

BY MR. SWENTOSKY:

Q. Could you please state your full name and spell your last name for us?

A. My name is Denver Shirly Wilfong, Jr. The last name's spelled W-I-L-F-O-N-G.

Q. Could we have your address and phone number, please?

1 A. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Q. Are you appearing here today  
5 voluntarily?

6 A. Yes, sir.

7 Q. How many years of mining  
8 experience do you have, Mr. Wilfong?

9 A. I started the mines in '66,  
10 and I've got 39 and a half years.  
11 Thirty-nine (39) and a half years.

12 Q. Okay. Could you kind of give  
13 us a little, brief description of  
14 your mining employment history?

15 A. I worked for Piston Coal  
16 Company for 25 years. Started out in  
17 the Navy in 1966, in July. I worked  
18 there for them as a mechanic trainee  
19 and electrician. That was before  
20 they had electrician's cards. And I  
21 went to Federal II for a period of 16  
22 months. When they opened up Federal

1 II at Fairview. And I went back to  
2 Piston again and worked there a  
3 couple years as an electrician. I  
4 got my foreman's papers, and then I  
5 became a maintenance foreman, like  
6 assistant shift foreman for  
7 maintenance for Piston. And I worked  
8 with Piston at different mines, over  
9 in Philippi until they closed  
10 operations, and the company went out  
11 of business, out of the coal business  
12 in Northern West Virginia. And then  
13 for a short period of time, I went to  
14 Meadow River for them. But it was  
15 only like ten months.

16 And then after that, I worked  
17 for Rauer Coal Company for  
18 approximately ten months, and they  
19 went out of business. This was in  
20 the early '90s sometime, in that  
21 area. And then I worked a little bit  
22 at Global. Then I went to Alabama

1 for 16 months for Boone Resources in  
2 Alabaster, Alabama, that area. Then  
3 I came back to Buckhannon and worked  
4 at Spruce. And I've worked for Anker  
5 since, until ICG took over here a few  
6 months ago.

7 Q. That's quite an experience.

8 A. Yes. And I've had --- I've  
9 been on rescue teams and I filled in  
10 for a section foremen. I've done a  
11 little bit of everything.

12 Q. Okay. How much time have you  
13 spent at the Sago Mine?

14 A. I started Sago in March or  
15 April --- I've been at Spruce and  
16 went over there a couple times early,  
17 but not very much. They had other  
18 people there, and they were having a  
19 bunch of problems. We were  
20 shorthanded. The company was in  
21 bankruptcy. We was having a large  
22 turnover of people. And they got

1 short and they was having some  
2 problems, and they sent me over there  
3 probably in --- I don't know if it  
4 was March or April.

5 Q. March of?

6 A. March of last year.

7 Q. 2005?

8 A. Yes, sir.

9 Q. And from that time, then,  
10 you've been employed at Sago Mine  
11 exclusively?

12 A. No. I was driving over there  
13 every day for three or four months,  
14 and then I stayed over there after  
15 that. I had a Jeep and run from mine  
16 to mine. I went in both mines, as a  
17 matter of fact.

18 Q. I see. And what is your  
19 present position?

20 A. I'm a maintenance  
21 superintendent or maintenance chief  
22 at Sago Mine.

1 Q. Okay. And did you hold that  
2 same position on January 2nd, 2006,  
3 the day of the accident?

4 A. Yes, sir.

5 Q. And how long have you worked  
6 in your present position? Was that  
7 from each time, or ---? How long  
8 have you worked in that position at  
9 the Sago Mine?

10 A. Since March or April. I don't  
11 know ---.

12 Q. Okay. Could you describe your  
13 normal job duties from the day of the  
14 accident? What would have been your  
15 normal job duties on the day of the  
16 accident?

17 A. A maintenance foreman is  
18 responsible for the operation of the  
19 equipment, the belts, all of the  
20 equipment at the mines. The mines,  
21 the belts, the miners, whatever.

22 Q. Okay. And I believe you did

1 say that you had some mining  
2 certificates. Could you describe  
3 what mining certificates you have?

4 A. I don't know if I can list  
5 them all. I have --- I'm a certified  
6 mine foreman, certified electrician,  
7 certified shot-firer, certified gas  
8 tester, I guess it's a gas tester.  
9 I'm a trainer. I've been on mine  
10 rescues. I'm no longer --- I'm 61,  
11 I'm no longer on rescue teams. But I  
12 was captain of the rescue team for  
13 approximately 15 years for Badger, in  
14 competition and out. Have been in a  
15 couple mine fires. Have removed a  
16 couple bodies from mine fires and  
17 have got people out from under falls,  
18 and you know, all mine-related  
19 accidents one time or another.

20 Q. Okay. In relation to your  
21 mining certificates, are those all in  
22 West Virginia or do you have



1 certification ---?

2 A. No. All in West Virginia.

3 Q. All in West Virginia?

4 A. Yes, sir. I didn't have an  
5 Alabama mine foreman's card.

6 Q. Okay. And who is your  
7 immediate supervisor?

8 A. Jeff Toler, the mine  
9 superintendent.

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

12 A. You know, I don't know. In  
13 the fall he came up there from ICG.  
14 It was after ICG took over. John  
15 Stemple was there for a short period,  
16 and then he came up with him. I  
17 can't honestly say.

18 MR. SWENTOSKY:

19 Okay. At this time,  
20 I'm going to step out and let  
21 Mr. Art Wooten take over the  
22 questioning for a little

1                   while.

2           BY MR. WOOTEN:

3           Q.           Okay.  Denver, I'm just going  
4           to follow through on some of the  
5           stuff that he's left over, and then  
6           he's going to come back later.  And  
7           if this continues on through  
8           tomorrow, and pick up from that  
9           aspect.  Okay.  In your capacity of  
10          maintenance superintendent, do you  
11          sign any --- or countersign any  
12          records, the mine records?

13          A.           Yes, sir.

14          Q.           Which ones?

15          A.           Well, permissibility and stuff  
16          like that.

17          Q.           Have you countersigned any  
18          records that anyone else is required  
19          to sign?

20          A.           No.  I don't think I  
21          countersigned anything.

22          Q.           When was the last time that

1 anyone from your electrical  
2 department was in the mine prior to  
3 the mining accident, the morning of  
4 the accident?

5 A. Well, there was two people in  
6 there at the time of the accident,  
7 one on each section.

8 Q. Who were they?

9 A. One of the deceased, and then  
10 the other one was Hoy Keith.

11 Q. Hoy Keith?

12 A. Hoy Keith.

13 Q. Could you spell that last  
14 name?

15 A. H --- or last name is  
16 K-E-I-T-H. I think that's correct.  
17 I think the E's ---.

18 Q. Were they working together?

19 A. No. They were on different  
20 sections. He was on the First Left  
21 section. He was one of the guys that  
22 --- one of the survivors they brought

1 in.

2 Q. What were they doing?

3 A. They're section electricians.

4 Q. Okay.

5 A. Jackie Weaver was one of the  
6 deceased.

7 Q. Okay. Were they performing  
8 any electrical work at the time?

9 A. They were --- they were just  
10 traveling in. I don't know that they  
11 had done any electrical work that  
12 morning. No, sir.

13 Q. Okay. Now, what I mean is  
14 prior to that morning. Okay?

15 A. Oh, before they went  
16 underground?

17 Q. Yes.

18 A. No, sir.

19 Q. There was nobody?

20 A. No, sir.

21 Q. When was the last time, prior  
22 to that day that, any electrical work

1 was done?

2 A. I think we ran coal Saturday,  
3 so there would have been people there  
4 Saturday. And Saturday afternoon.

5 Q. But there was no maintenance  
6 work, idle maintenance work or  
7 anything like that done?

8 A. Sunday?

9 Q. Sunday.

10 A. No, sir. Not that I know of.

11 Q. But the work that was done was  
12 just on the mining sections; is that  
13 correct, sir?

14 A. Yes, sir.

15 Q. Did you have any outby work  
16 that was going on?

17 A. If I did, I don't know of it.

18 Q. Do you know if any cutting or  
19 welding had been performed on those  
20 shifts prior to the explosion?

21 A. Well, I know we were building  
22 a shop up there around Two Left

1 switch, up in there. We were trying  
2 to build an underground shop. How  
3 much work was done and all that, I  
4 don't know.

5 Q. You're talking about Two Left.  
6 That's Two Left active working of Two  
7 Left; right?

8 A. No. Right there around the  
9 switch ---

10 Q. Okay.

11 A. --- there was a set of tanks.  
12 They had a welder there. I'm sure  
13 you've seen that welder.

14 Q. I did see a welder there.

15 A. Okay. There was a welder and  
16 a set of tanks and we was trying to  
17 build a set of doors there. We was  
18 going to enclose that and make us a  
19 smoother shop from where it was at  
20 Nine drive, or Nine block on Four  
21 belt up to that location.

22 Q. Now, who was working in that

1 area, that you know of, that you can  
2 tell us about?

3 A. Well, sir, I can't say. I  
4 know the two foremen that were there,  
5 but I don't know who was there what  
6 day and who worked there last. I  
7 don't know who was on that shift. I  
8 don't know at this time.

9 Q. Who was the two foremen?

10 A. Vernon Hofer was one of them  
11 that was there the day of the  
12 accident. And I don't know what day  
13 he worked last, but he worked Monday.  
14 And Willard Anderson was the other  
15 one. But I don't know --- I don't  
16 know who was there Saturday.

17 Q. Okay.

18 A. I can't answer that.

19 Q. And do you know if they were  
20 qualified to use a methane detector?

21 A. Oh, yes. Yes, sir.

22 Q. Okay. Did they have methane

1 detectors with them?

2 A. I can't --- I wouldn't --- I  
3 don't know.

4 Q. Was any underground power  
5 de-energized during the holiday  
6 shutdown?

7 A. Was underground power  
8 energized?

9 Q. Yes.

10 A. Yes, sir.

11 Q. Was it all energized, or ---?

12 A. The sections wouldn't be.

13 Q. Not the sections.

14 A. The power would be at the  
15 section power center. But as far as  
16 the equipment, no. At the face. And  
17 the belts wouldn't have been  
18 energized or running during the other  
19 shift.

20 Q. You had all your pumps  
21 energized; is that correct, outby  
22 pumps?



1       A.       I don't know how many pumps  
2       was running. They started them and  
3       stopped them. I can't say. Some of  
4       them are. And I know the one on One  
5       tail was. Some of them were, yes.

6       Q.       Was there any pumps up around  
7       Two Left section, right at the mouth  
8       of Two Left?

9       A.       Well, I don't know. If there  
10      was any running, I don't know.

11     Q.       Had any problems been reported  
12     on those mantrips that they use up on  
13     the Two Left section?

14     A.       No. Or they wouldn't have  
15     taken them in.

16     Q.       Do they use the same mantrips,  
17     or do they switch out?

18     A.       Well, they generally take ---  
19     they generally switch out when  
20     everybody's working. But that was an  
21     idle shift, and they took in two  
22     mantrips and were going to stay there

1       that day.

2       Q.       Okay.

3       A.       But the way it usually works  
4       is you've got a crew in there and the  
5       crew that follows them takes in two  
6       mantrips.  And that crew that's there  
7       brings those two mantrips out.  Or  
8       the two crews.  One crew will bring  
9       each one out.

10      Q.       And you don't --- do you  
11      recollect what mantrip the Two Left  
12      section crew used that day?

13      A.       No.  Six and Eight were the  
14      two that were in there.  But I don't  
15      know which one was on which section.

16      Q.       Okay.  And do you recall the  
17      last time any maintenance was done on  
18      either of those mantrips?

19      A.       No.  But we do maintenance,  
20      routine maintenance on them all the  
21      time.

22      Q.       Okay.  I'm going to refer back

1 to the Two --- the mouth of Two Left  
2 section again; okay?

3 A. Yes, sir.

4 Q. Was there pumps, charging  
5 stations, transformers and battery  
6 equipment? Was there any of that in  
7 the ---?

8 A. There was a charging station  
9 there for a mantrip, right at the  
10 spur of Two Left. Right straight  
11 ahead of the belt drive. Of course,  
12 there was a belt take-up and a belt  
13 drive and ---.

14 Q. Is the charger you're  
15 referring to, is that the one that  
16 was blowing down the track?

17 A. Yes, sir. Had the cable  
18 stress clamp tore up.

19 Q. Do you know if it was  
20 energized at the time?

21 A. No, sir, I do not. I wouldn't  
22 have any way of knowing.

1 Q. Do you know if it was plugged  
2 to the batteries at that time?

3 A. I wouldn't think so with a  
4 jeep up there, no, sir. I'd say no  
5 jeep was up there when we plugged up  
6 that.

7 Q. Okay. What's the closest  
8 transformer in that area?

9 A. Six drive. Belt transformer?

10 Q. Uh-huh (yes).

11 A. Six drive was the closest one.

12 Q. Is that where that charge  
13 would have been powered from?

14 A. Yes, sir, I think so.

15 Q. The cable that you was doing  
16 that, was it --- can you tell me if  
17 it was hung on insulators?

18 A. It was hung. I would say it  
19 was hung on insulators, but it could  
20 have been hung on those ropes, those  
21 yellow highline ropes. I don't ---.

22 Q. But it was hung?

1 A. It was --- I would say yes,  
2 sir, it was hung across the track.  
3 It had to be.

4 OFF RECORD DISCUSSION

5 BY MR. WOOTEN:

6 Q. Was there any pumps or any  
7 other electrical equipment located in  
8 the vicinity of the old Two Left main  
9 seals? Back next to the seals  
10 or ---?

11 A. They left the pump up in  
12 there, I understand. But I wasn't  
13 aware of it until ---.

14 Q. Do you know what number that  
15 pump was?

16 A. According to the --- what I  
17 heard, it was 13.

18 Q. Do you know why it was left?

19 A. It supposedly went down and  
20 was in a hole and they didn't get it  
21 out.

22 Q. They didn't get it out?

1 A. They shorted it out. Now, I  
2 don't --- that's hearsay. I don't  
3 know that.

4 Q. Can you remember where it was  
5 powered from when it was in use?

6 A. No, sir. I assume it was  
7 powered from the old Six belt load  
8 center when it was up in the sealed  
9 area. But I don't know if that's  
10 correct or not.

11 Q. It wasn't at the time of the  
12 explosion, run down through the  
13 seals ---

14 A. No, sir.

15 Q. --- and powered up?

16 A. No, sir.

17 Q. Have you had any recent  
18 problems with your electrical  
19 equipment, electrical system, the  
20 grounding issues or anything of that  
21 nature?

22 A. As far as ground faulting and

1       stuff?

2       Q.       Yes.

3       A.       No.    We ground fault ---  
4       that's one thing we do.   Ronnie  
5       Tenney, our man that does most of  
6       that on the --- does a good job, the  
7       ground faulting is always usually ---  
8       we keep that up.   And that's ---.

9       Q.       But you hadn't had any recent  
10       faults or anything of that nature?

11       A.       No, not the morning of that  
12       accident.

13       Q.       No cable problems?

14       A.       Now, highline problems ---  
15       well, we've had problems now and  
16       then, yes, sir.   But not that --- not  
17       as far as I know that weekend, no,  
18       sir.

19       Q.       Okay.   I think I've already  
20       asked you about the maintenance over  
21       the weekend?

22       A.       Yes, sir.

1 Q. Okay. The AMS system that ---  
2 talking about at your mine, is it  
3 really an AMS system or is it a CO  
4 system?

5 A. A CO system.

6 Q. It is a CO?

7 A. It's for CO monitoring. We  
8 use it for our belt bosses. It  
9 controls --- you can tell what the  
10 belt went off on.

11 Q. Okay.

12 A. It's a Pyott-Boone belt boss  
13 CO combination system, I guess you'd  
14 call it.

15 Q. Okay.

16 A. And what it does, it monitors  
17 slippage, sequence. You can look at  
18 that and tell what the belt's, it's  
19 running, what RPMs it's running, and  
20 if there's a problem with it, whether  
21 it goes down on like pull switch, or  
22 if it goes out on sequence or



1 slippage.

2 Q. Are you pretty familiar with  
3 this system?

4 A. Well, I'm familiar with the  
5 belt boss better than I am the CO  
6 part. But I am familiar with it.  
7 Yes, sir.

8 Q. How often does the sensors  
9 have to be located on this system?

10 A. 1,000 feet.

11 Q. Every 1,000 feet?

12 A. Within 50-foot of each belt in  
13 the direction of the air outby the  
14 tail and whatnot.

15 Q. I'm going to let you look at  
16 this and we might mark it as an  
17 exhibit. I don't know yet.

18 MR. WOOTEN:

19 Do you want to mark  
20 that as an exhibit? I'll have  
21 it be Exhibit One for this  
22 meeting.

1 (Wilfong Exhibit One  
2 marked for  
3 identification.)

4 BY MR. WOOTEN:

5 Q. Okay. In regard to the  
6 system, explain what each readout  
7 means from January the 2nd, 2006, if  
8 you can, just briefly.

9 A. January the 2nd. Okay. This  
10 is 1/2. All right. It's --- okay.  
11 It's saying that the belt started,  
12 the Number One belt.

13 Q. Uh-huh (yes).

14 A. At the station, Number One  
15 belt boss, belt start. Belt boss  
16 went to run. After the belt start,  
17 it goes from start into run.

18 Q. Okay.

19 A. And then two belts ---.

20 ATTORNEY KILPATRICK:

21 Wait. Excuse me. Are  
22 you asking January 1st or

1           January 2nd?

2           A.           This is 1 here. I'm sorry.  
3           I'm on the wrong date. Down here's  
4           the 2nd.

5           BY ATTORNEY WOOTEN:

6           Q.           Yeah. That's the 2nd.

7           A.           Okay. I'm sorry. Back down  
8           here.

9           Q.           Then we can go back to the  
10          1st.

11          A.           Number One belt start. It's  
12          still the same thing.

13          Q.           Okay.

14          A.           And it started at 5:27 a.m.,  
15          according to the time on the  
16          computer.

17          Q.           Okay.

18          A.           And at 5:27:40, that was .16  
19          seconds, I guess, and 47 --- it went  
20          from start to run. The Number Two  
21          belt started after the starting of  
22          Number One. We have a delay on them

1       so they won't spill. So it started a  
2       few seconds later. And Number Two  
3       belt started. Then Number Three belt  
4       started at --- that was 5:28. And at  
5       5:30, Number Three belt started. At  
6       5:32, Number Four belt started. And  
7       at 6:09, 199 One Left alarm, CO  
8       monitor taken off.

9       Q.       Okay. Now, what does that 199  
10       mean?

11       A.       199? That's what it's reading  
12       --- like, that's the station.

13       Q.       That's the station ---

14       A.       Uh-huh (yes).

15       Q.       --- at the tail?

16       A.       Well, I'd have to have a map.  
17       I suppose that section, One Left  
18       section alarm, CO monitor.

19       Q.       How long does it --- I know  
20       this ---.

21       A.       He pushed --- it looks like it  
22       alarmed and he shut it off. He hit

1 the mouse and acknowledged it or  
2 whatever.

3 Q. Okay.

4 A. And he was going to have them  
5 check it.

6 Q. Okay.

7 A. Okay?

8 Q. On the CO system, it usually  
9 takes about 30 seconds for it to  
10 complete its cycle, and then it will  
11 go back and read those sensors again;  
12 correct?

13 A. Yeah. It's not instant. It's  
14 not instant.

15 Q. Okay. Look down next to the  
16 bottom of the page down there. It's  
17 probably --- before it gets to the 10  
18 parts per million and then 15 parts  
19 per million there at the Number Four  
20 belt. Do you see that?

21 A. In a minute. I'm not done  
22 here. Number Four. Number Four belt

1 boss by our seals on that morning.

2 Ten parts per million, 37 break

3 Number Four belt, CO monitor,

4 warning, ten parts per million.

5 Q. Okay. Look at the time on

6 that. That's ---.

7 A. 7:16.

8 Q. Yeah. Okay. And then it took

9 it three minutes again to read that

10 the second time.

11 A. Uh-huh (yes).

12 Q. Can you explain to me why it

13 took so long for that to make that

14 cycle again?

15 A. No.

16 Q. And is that unusual?

17 A. Well, ours is not the fastest

18 system, but it --- I can't honestly

19 say. I don't know.

20 Q. Okay.

21 A. But I do know this was after

22 it occurred --- the accident

1        occurred.    And my first  
2        acknowledgment that there was a  
3        problem was when the dispatcher  
4        called and told us that we had a CO  
5        alarm and he wanted the crew to check  
6        it.    And when he looked at the  
7        monitor, parts of it was dead at that  
8        time.    And we thought that fuses had  
9        blown, because that occurs during  
10       storms a lot.    Those little 250  
11       milliamp fuses in those boxes.

12       Q.        Okay.    Now, getting back to  
13       that same place, though, that 1.43,  
14       is that --- again, is that the number  
15       of the sensor on the Number Four  
16       belt?

17       A.        Yeah, I'd say.    Yes, sir.

18       Q.        And is that near the tail  
19       area?

20       A.        Thirty-seven (37) break is not  
21       --- it's near the One Left switch  
22       area.

1 Q. The old One --- or the ---?

2 A. One Left, where they're at.  
3 They're only on One Left. There's  
4 only one One Left switch.

5 Q. Okay. Go back up to the top  
6 there again.

7 A. Okay.

8 Q. Where it starts on the 1st,  
9 January the 1st.

10 A. Okay.

11 Q. Those belts started?

12 A. Yes, sir.

13 Q. Do you know who started those  
14 belts?

15 A. Probably the dispatcher.

16 Q. The dispatcher can start the  
17 belts ---

18 A. Yes.

19 Q. --- from the surface?

20 A. Yes, sir. You can start it  
21 with the computer.

22 Q. Okay.



1 A. If there's power on them and  
2 stuff.

3 Q. Okay. How did they stop on  
4 sequence?

5 A. How do they stop?

6 Q. How did they stop on sequence?

7 A. You have a sensor that ---.

8 Q. I understand that. But look  
9 at the time on it. The back belt  
10 stopped before the first one did. Is  
11 that not right? It looks like Number  
12 Four stopped ---

13 A. Yeah.

14 Q. --- before Number Three did.

15 A. Well, that's that computer  
16 reading it. I can't --- no, I ---.

17 Q. Was there someone in the mine  
18 at that time?

19 A. Well, now, this is 9:49, 2006.  
20 1/1. Is that evening --- that's  
21 morning; isn't it?

22 Q. That's morning.

1 A. Because it's listed as like  
2 military time; right?

3 Q. Yes.

4 A. Okay. No. I don't know if  
5 they were out splicing, they had a  
6 belt crew working or what. I can't  
7 --- I don't know why they'd even have  
8 the belts running. Because we didn't  
9 run coal on Sunday. So they might  
10 have had men out there splicing  
11 belts. I don't know.

12 Q. Okay.

13 A. But as far as I know, I didn't  
14 have a maintenance crew working,  
15 though.

16 Q. Okay. Did the dispatcher  
17 report any CO alarms to you that  
18 morning?

19 A. Yeah. That's when he told me  
20 the monitors was out.

21 Q. Do you know what levels he  
22 said they were?

1 A. He didn't --- he just said  
2 that he had gray and he thought  
3 they'd just went out. He thought it  
4 was a power loss. And that's when we  
5 --- I was getting fuses out to give  
6 to Vernon to take underground to ---

7 Q. Okay.

8 A. --- that's what we thought had  
9 occurred.

10 Q. Okay.

11 A. And of course, I didn't see  
12 the monitor in my office.

13 Q. Well, does your CO system ---  
14 on low alarm, what does it show  
15 usually?

16 A. Low alarm CO, usually.

17 Q. I mean, how many parts per  
18 million?

19 A. Ten. It'll start, you know  
20 --- it'll read it all the time, but  
21 it will alarm at ten.

22 Q. Okay. Is that high alarm or

1 low alarm?

2 A. Low.

3 Q. Low. What about high?

4 A. I think it's 15, I think.

5 Q. Fifteen (15). Have you had  
6 training on this system?

7 A. Well, not per se. Not like  
8 Pete and Vernon. They're the ---.

9 Q. Do you work on it?

10 A. Now and then, yes, sir.

11 Q. Okay. And you said Pete and  
12 Vernon; right?

13 A. Pete Capaldo is a --- does  
14 most of our CO at that mine. At  
15 Spruce Fork Mine. And Vernon Hofer  
16 does most of it at --- of course,  
17 Pete's helping him now, 'cause he's  
18 over there.

19 Q. Okay. Do you know how to  
20 spell Pete's name?

21 A. C-A-L-A-P-D-O (sic).

22 Q. Okay.

1 A. P-A-D-O.

2 Q. And he has had training on  
3 this system?

4 A. Oh, yeah.

5 Q. How long's ---?

6 A. We've all had some, you know.

7 Q. How long has this system been  
8 at this mine, do you know?

9 A. Ever since Anker started it  
10 up, we got the system. We tried to  
11 get something that was compatible  
12 with Spruce's so we could use their  
13 parts.

14 Q. Okay.

15 A. And that may be why it's a  
16 little bit slow, but ---.

17 Q. Okay. With the information  
18 that the dispatcher gave you, what  
19 did you do with this information?

20 A. Well, I gave Vernon fuses and  
21 told him to go to the bottom and get  
22 a jeep and go in there and see what

1       was going on with the system, if we  
2       had power fuses blown or what in  
3       those boxes.

4       Q.       Okay. Did you lose  
5       communication? Did the dispatcher  
6       lose communication underground at  
7       this time or anything with the  
8       people?

9       A.       He hadn't talked to anybody at  
10      that time. But he tried to get ahold  
11      of One Left crew to tell them to  
12      check their COs. Owie Jones and them  
13      to stop and check their COs, from  
14      what I understand. And he called me,  
15      he had power. You know, he had grey  
16      --- well, he thought he just had a  
17      power outage in those fuses. And  
18      that's what me and Vernon thought.  
19      Of course, we couldn't see the screen  
20      in my office. And I just got in my  
21      drawer and got a box of fuses out and  
22      gave Vernon some fuses so ---. We

1 keep extras in those boxes. There's  
2 little spare holders down there with  
3 --- we usually have two in there.  
4 But I gave him some fuses and told  
5 him if he had to use any, to put new  
6 ones in.

7 Q. Now, why couldn't you see your  
8 screen?

9 A. I don't have one in my office.

10 Q. Well, you said you couldn't  
11 see your screen in your office.

12 A. Well, I can't see the screen,  
13 not my screen.

14 Q. Oh, okay.

15 A. I don't have a screen.

16 Q. I know in previous interviews  
17 we've heard that you have a four-hour  
18 backup on that system. Does that ---

19 A. Batteries.

20 Q. --- four-hour backup --- does  
21 it keep the monitor up, too, or does  
22 it just give ---?

1 A. It's supposed to have  
2 batteries in there to keep the  
3 monitor up, yes.

4 Q. It keeps the monitor up also?

5 A. From what I understand,  
6 everything's supposed to be.

7 Q. Okay. What other types of  
8 communication do you have  
9 underground?

10 A. Just the mine telephone  
11 system, the mine phones, battery  
12 phones.

13 Q. Okay. Are they connected  
14 together with your trolley phones in  
15 any manner?

16 A. Yeah. The outside.

17 Q. Can you call?

18 A. Yeah. We've got trolley  
19 phones on the jeeps.

20 Q. Can you talk from ---?

21 A. Yeah. You're supposed to be  
22 able to.



1 Q. Can you talk from your mine  
2 pager system to your trolley phones?

3 A. The dispatcher can hear you,  
4 you can't. I mean, the dispatchers  
5 can.

6 Q. Do you have --- is either one  
7 of those communication systems  
8 considered your primary system?

9 A. The phone line is.

10 Q. The phone line is?

11 A. Yeah.

12 Q. Okay. What is the location of  
13 your pagers, the phones in the mine?

14 A. All of them at all belt  
15 drives, and a lot of places just  
16 along the middle of the track,  
17 depending on where they're going to  
18 splice belt. At about all switches,  
19 they have one of them. But at every  
20 belt drive in each section. And like  
21 a supply hole. Just mostly an  
22 important place where somebody's

1 usually around.

2 Q. Okay. Do you use --- do you  
3 know that if they use the CO system,  
4 sometimes the alarm at the tailpiece?

5 A. We did. Yes, sir.

6 Q. You did?

7 A. We won't any more, but we did.

8 Q. Okay. What does --- I mean,  
9 what does it do? I mean, does it  
10 give an audible and visual alarm?

11 A. Yes, sir.

12 Q. And then is that the same  
13 alarm that you would get if you had a  
14 fire or high CO?

15 A. Yes. On that particular belt,  
16 yes.

17 Q. On the Two unit belts; is that  
18 correct?

19 A. Yes, sir.

20 Q. And they were --- usually, if  
21 that goes off, how long does it take  
22 them to come to a phone booth?

1 A. They come and answer.

2 Q. They come right then?

3 A. Yeah. Because the buggy  
4 runner is down there, is why they  
5 used it.

6 Q. But they do answer  
7 immediately?

8 A. Yes, sir.

9 Q. Every time?

10 A. Yes. They're there. They'll  
11 always answer that.

12 Q. Okay.

13 A. They always have. They won't  
14 anymore, but we won't put them off  
15 anymore, but we did in the past.

16 Q. Okay. Kind of briefly  
17 describe your --- the way your  
18 trolley phone system works.

19 A. Our trolley phone system has  
20 number eight wiring in for an antenna  
21 line. It runs from the --- it's not  
22 that size outside, but at the pit

1       going in, it should be at number  
2       eight wire. And it runs to the end  
3       of each track. It has an end line  
4       resistor on the end of Two Left and  
5       an end line resistor on the end of  
6       the track at One Left. And we have a  
7       repeater at the supply hole. It was  
8       at Two head, and we just moved it to  
9       the supply hole, just a little bit  
10      before this accident, because we was  
11      having communication problems at  
12      sections. You couldn't talk clearly.

13      Q.       And the supply hole, about  
14      what break is that?

15      A.       Nine break on Four belt.

16      Q.       Is that the only repeater you  
17      use, just one ---

18      A.       Yes, sir.

19      Q.       --- in that whole system?

20      A.       Yes, sir.

21      Q.       Can you talk from the trolley  
22      phone to the other phone systems?

1 A. Yeah.

2 Q. I know I asked you a while ago  
3 if you could just do the other way?

4 A. Yeah.

5 Q. Okay. You can?

6 A. They come over the trolley ---  
7 they come over the pager when they're  
8 working on the mine phones. You can  
9 hear them squalling on it, yeah.

10 Q. Do you have any amplification  
11 devices in the system, other than the  
12 repeaters?

13 A. No. Whatever they got in the  
14 trailer, I don't know how that ---  
15 right there in the dispatcher's  
16 office, whatever's in there.

17 Q. Okay. Well, the morning of  
18 the explosion, did the high voltage  
19 power ever trip?

20 A. Yes, sir.

21 Q. Where did it trip?

22 A. It tripped at Two head.

1 Q. Two head?

2 A. Uh-huh (yes). Number Two belt  
3 head, where the splitter is there.

4 Q. It never did trip completely  
5 to the outside?

6 A. No, sir. Not until I shut it  
7 off. But it didn't trip itself. I  
8 shut it off after going in the mine.

9 Q. Why did you shut it off?

10 A. Well, I knew we had an  
11 accident. We had problems.

12 Q. Okay.

13 A. When I come outside, the first  
14 thing I did was pull the power ---  
15 knock the power, I shut off the  
16 monitor and everything. The breaker  
17 and everything and had Vernon pull  
18 the disconnect switch and lockout the  
19 air switch at the pit mouth.

20 Q. How long was that off before  
21 they put it back on?

22 A. It was off until the

1       investigator --- until they got the  
2       team to go in there and turn the pump  
3       on and stuff. I don't know how many  
4       hours that was.

5       Q.        Could you kind of give me some  
6       kind of idea?

7       A.        Buddy, that was a heck --- I  
8       don't --- honestly, I think it was in  
9       the afternoon, but I ---.

10      Q.        Now, you sent an investigator.  
11      Who would that be?

12      A.        Well, there was --- I don't  
13      know. I mean, as far as a name, you  
14      mean?

15      Q.        Uh-huh (yes). Who'd he work  
16      for? Did he work for you guys, MSHA?

17      A.        Oh, no. The investigator is  
18      MSHA. I don't know --- the  
19      inspectors. I don't know the guys  
20      over the teams and stuff, at the  
21      communications room or whatever.

22      Q.        Okay. Do you know if they was

1 federal or state?

2 A. They was all together

3 Q. Together?

4 A. Yes, sir. It was a joint  
5 decision to do the study.

6 Q. Was that one of the rescue  
7 teams?

8 A. The rescue teams installed the  
9 power down there, yes, sir.

10 Q. They did?

11 A. Yeah. We couldn't go in the  
12 mine or anything.

13 Q. Will your trolley phone system  
14 work if you don't have --- if the  
15 repeater's bad?

16 A. No.

17 Q. Had you had any trouble with  
18 the repeaters?

19 A. I had changed them out before.  
20 That's why I have the spare.

21 Q. Just in this time. I mean,  
22 like the day before or something of



1       that nature.

2       A.       They have had --- they had  
3       trouble.    Supposedly Saturday, a guy  
4       that dispatched said it didn't work  
5       all day.    And then that motorman that  
6       worked Sunday said it worked a little  
7       bit, but I don't know if it did or  
8       not.    I wasn't there Sunday, so I  
9       couldn't say.

10      Q.       Could you give me some kind of  
11      estimate about what time you went  
12      underground?

13      A.       Yeah.    I went underground ---  
14      when they --- when he told me we had  
15      trouble with the CO system, I gave  
16      Vernon those fuses.    Vernon went down  
17      on the bottom and it wasn't but a  
18      minute or two after Vernon left the  
19      office, we looked at both fuses and  
20      stuff.    And Vernon went down over the  
21      hill to get a jeep to go in to check  
22      those boxes.    Owen Jones called and

1        called the dispatch. He had a  
2        problem. He didn't know what was  
3        going on. I got on the phone and he  
4        said he didn't know what had  
5        happened. They had a big force of  
6        air. And while I was talking to  
7        Owen, I hollered at Jeff Toler and he  
8        got on the phone and got on there,  
9        instructed Owen to get his crew and  
10       get in the intake. At that same  
11       time, Pat Boni got on the phone, and  
12       he was at Four and he had lost his  
13       power. He said that he felt --- I  
14       asked him when he was on there if he  
15       was okay, if he had any --- because  
16       Owen said they was in dust and smoke  
17       and stuff. I asked him if he had any  
18       smoke or dust at Four head. Four  
19       drive. He said, no, sir, they didn't  
20       have any --- there wasn't anything  
21       there. The only thing he felt was  
22       like a pop in his ears, like he had

1 topped a mountain and your ears pop.  
2 I told him to get in the intake and  
3 come outside.

4 Q. And what's his ---?

5 A. Then I went down there.

6 Q. What's his normal job?

7 A. He's a belt man at Four. He  
8 was working at Four head. He's an  
9 outby belt person.

10 Q. Okay. How long was it after  
11 you went in the mines that you came  
12 back out and knocked the power? Do  
13 you have any recollection about what  
14 time you knocked the power?

15 A. I had those --- I went into  
16 Four belt. We went in to see what  
17 had occurred, me and Jeff, Al and  
18 Vernon. Because I hollered at Vernon  
19 and told him not to go in, to get a  
20 jeep ready, we was going in, we had  
21 --- something had happened. And we  
22 went down the hill and I checked the

1 fan chart. I went over to see if  
2 there was anything on the fan chart.  
3 And that fan needle spiked that fan  
4 chart, and I did not notice it. I  
5 mean, I was excited and run over and  
6 looked at it and it had spiked that  
7 fan chart. And the fan chart was  
8 over, I stuck a fan chart in there  
9 and run in the mines.

10 Q. And we went directly --- well,  
11 when we started in the mines, we got  
12 about two blocks in the mines, or  
13 maybe three, and we met Fred Jamison,  
14 who is another outby belt man. He  
15 was walking out the track entry  
16 almost outside. Two or three breaks  
17 underground, I'd say. And we did not  
18 stop. But Jeff asked him if he was  
19 okay and he said yeah. He said he  
20 --- you know, well, get on out there,  
21 we'll see you in a little bit.

22 And we went on down right

1 directly to Four belt. And we  
2 couldn't talk on the trolley. I told  
3 --- Al was running the jeep. And I  
4 told Al --- I asked him to stop at  
5 the first phone. I wanted to stop at  
6 a supply hole, but I didn't tell him  
7 in time. And he stopped somewhere on  
8 Four belt. I think it was around 27  
9 or 28 break, I'm not positive.  
10 There's a phone there. There was a  
11 phone there at that time. It's not  
12 there today, but it was then. The  
13 rescue teams moved it or something.  
14 But anyway, I stopped at that phone  
15 and called the dispatcher on that  
16 phone to see if he had heard from any  
17 other crew, because we had only heard  
18 from that one crew. I asked him if  
19 he had heard from the second crew,  
20 Two Left crew. He said he has heard  
21 nothing from anybody after he talked  
22 to Owie.

1 Q. Okay.

2 A. And we got on the jeep to go  
3 on and that's when one of the members  
4 of the crew was walking out, said  
5 that they were having trouble with  
6 Hoy. It was the bolt man, Joe Ryan,  
7 stuck his head through a man door.  
8 He had heard us on the track. And  
9 they had donned their rescuers and  
10 everything. He stuck his head  
11 through that door, hollered, hey,  
12 we're having trouble with Hoy. I  
13 said how many is there? We're all  
14 here. You know, the crew's here,  
15 except for --- I never can ---  
16 Avington. Paul Avington and Ron  
17 Grall was a belt man that rode in  
18 with them. And they had --- you  
19 know, they had got ahead of them  
20 guys. But the rest of them, they was  
21 having trouble with Hoy. He's an  
22 older guy. And he was having trouble

1       going.    And there's one guy, a miner  
2       man, Roger Perry.   He's an older  
3       fellow.    He has a wooden leg.   They  
4       were having some trouble with him and  
5       Hoy keeping up.   So I said, get them  
6       out of there, get them on this jeep  
7       and we'll take them outside.

8                So on the way in, we had  
9       stopped and picked up John Boni, who  
10      was a belt boss.   Outby belt, a  
11      pumper and whatnot, foreman.   We  
12      picked him up and he had went down  
13      there with us.   I said, do a head  
14      count on these guys, get them all in  
15      the jeep.   And I run to the phone and  
16      called the dispatcher and asked for  
17      mine rescue teams and notify both  
18      agencies that we had an explosion,  
19      because those guys were covered in  
20      smoke and told me what had happened.  
21      And they told me there was stopping  
22      out at 32 break.

1 Q. Do you know what time it was  
2 you called the dispatcher?

3 A. I'd say that was right around  
4 7:00. I can't honestly say. Maybe a  
5 couple minutes before 7:00, couple  
6 minutes after. Somewhere in that  
7 area. It had to be in that time  
8 frame, because I had those guys  
9 outside by 7:20.

10 Q. Okay.

11 A. And we left there when we got  
12 them on the jeep. So it was probably  
13 a little bit before 7:00. I can't  
14 honestly --- it was right around  
15 7:00.

16 Q. Getting back to some  
17 communication system, can you talk  
18 from the walkie-talkies that they  
19 were using on the faces? Can you  
20 talk from those outby? You can't,  
21 just only use them ---?

22 A. Yeah, just only 1,000 feet in



1 a straight line is what they would  
2 work, pretty much. You had to be  
3 pretty much in a straight line, too.  
4 They won't talk very far.

5 Q. About what time did you get up  
6 there and realize the extent of the  
7 problem underground?

8 A. I'd say around 7:00, when I  
9 got there and seen Joe and them.

10 Q. Okay.

11 A. Because that man at the drive  
12 didn't tell me, you know. And I  
13 didn't --- I mean, I didn't know for  
14 sure what had happened. But as soon  
15 as I got in there and seen those guys  
16 and seen the smoke on them, and they  
17 told --- you know, that they got  
18 blown off the jeep, I didn't realize  
19 the extent of it until that time.  
20 Then when they said 32 stopping was  
21 out, and 32 stopping is a good bit  
22 back from the face, I was concerned.

1 That's when I went to the phone and  
2 called for help.

3 I told them notify both  
4 agencies and get a rescue team or two  
5 there, get us some help. We needed  
6 help. And that was before I ever got  
7 the crew outside. Then we stopped at  
8 the supply hole that Ron Grall ---  
9 while I was on the phone telling him  
10 to get ahold of the agencies, Ron  
11 Grall come on the phone and said they  
12 were at the supply hole, they was  
13 already at Nine block on the Four  
14 belt. And they had heard us go by,  
15 too, I guess, on that jeep. And they  
16 come through in the supply hole to  
17 that phone.

18 Q. Did they call the agencies at  
19 that time?

20 A. I have no clue. I don't know.  
21 I took that crew outside immediately.  
22 Run right straight up to the

1       substation and pulled the power and  
2       locked those disconnects out and went  
3       down into my office to get some  
4       stuff. And Jeff called me and said  
5       he needed a curtain. The  
6       superintendent called. He wanted  
7       curtain nail spads. And he got with  
8       Owie Jones.

9               Well, while I was on the phone  
10       with the dispatcher also, Owie got on  
11       there. And I told him to get his  
12       you-know-what butt back to --- I  
13       don't know exactly how I said it, but  
14       I told him to get back out of that  
15       smoke before we'd have to carry him  
16       out of there. And then when I left  
17       there with the crew, me and Vernon  
18       took the crew out, the two  
19       maintenance foremen. And I told ---  
20       I asked Jeff and Al to go get Owie  
21       and gather him up before we had a  
22       problem with Owie, because he didn't

1       have his rescuer on. His hat had  
2       been knocked off. Of course, I  
3       didn't know that at the time. But I  
4       said, gather him up before he ---  
5       because his brother was up there, and  
6       he was wanting to get to his brother.  
7       His brother was a crew member on the  
8       other crew.

9       Q.       So you came out and then went  
10       back in?

11       A.       I went right straight out with  
12       that crew as quick as I could and got  
13       them outside, and they was all okay.  
14       And as soon as I got outside, I  
15       checked on that Boni boy that was at  
16       Four drive, and he had already beaten  
17       us out. He was in the trailer,  
18       because I looked for him to make sure  
19       he was out. Then he said, I'm okay.  
20       And I said, good. And I run up there  
21       and pulled the power.

22       Q.       What time was that?

1 A. I'd say that was probably 15  
2 or 20 minutes after 7:00. I'd say  
3 close to 20 after 7:00. I can't ---.

4 Q. You didn't go back underground  
5 after that?

6 A. Immediately.

7 Q. So immediate ---.

8 A. I got that curtain and --- I  
9 mean, not immediately, I was ---. I  
10 don't know. We gathered up curtains,  
11 nail spads, phones, detectors,  
12 everything Jeff ---.

13 Q. Who went with you?

14 A. Vernon again.

15 Q. Vernon?

16 A. Hofer.

17 Q. Hofer.

18 A. Yes, sir. I went back in to  
19 try to get to the other crew.

20 Q. Okay.

21 A. But we never did hear from the  
22 other crew, you know, of course.

1 Q. There was a conversation  
2 between you and Hofer. I don't know  
3 which trip it was coming out or which  
4 time it was. Okay? But he said  
5 something to you about why would you  
6 open and use the manual doors instead  
7 of the electrical doors.

8 A. Because I was going to shut  
9 the power off.

10 Q. Because you was going to;  
11 right?

12 A. Yeah. It wasn't off at the  
13 doors yet. Because it knocked at Two  
14 head initially.

15 Q. Okay.

16 A. I shut it off at the pit mouth  
17 when I got outside. I shut it off  
18 everywhere else.

19 Q. So you knew then you was going  
20 to shut the power off?

21 A. Oh, absolutely.

22 Q. Did that --- when you shut the

1 power off, did it shut the fan off,  
2 too?

3 A. No. I shut the underground  
4 power off, not the fan. I would  
5 never stop a fan unless I was told so  
6 by the agencies. We never stopped  
7 the fan. That's bad business.

8 Q. Okay. We're going to get down  
9 to some of the power questions now.  
10 What power company provides  
11 electricity for your mine?

12 A. I guess it's Allegheny Power.

13 Q. Where are they located? Do  
14 you know their office?

15 A. No, I don't. I don't deal  
16 directly with them.

17 Q. What voltage level do they  
18 provide?

19 A. We have 7,200 going  
20 underground. What they bring in the  
21 substation, I don't know if that's  
22 12,470 or 15,000. I don't know.

1 Q. You have two substations?

2 A. Yeah. We have one on French  
3 Creek, the main, I guess.

4 Q. Okay.

5 A. And then we have the one at  
6 the mine. The only one I worked with  
7 is the one at the mine.

8 Q. What's coming into the mine,  
9 then?

10 A. I don't ---.

11 Q. Is it 12,470? You've got  
12 7,200?

13 A. I think it's 12,470, but I'm  
14 not positive of that. You would know  
15 that, I would think.

16 Q. Okay.

17 A. But it's 7,200 going  
18 underground, is what I work with.

19 Q. Okay. So in other words, your  
20 mine picks up power at the French  
21 Creek sub; right?

22 A. Yes, sir. Yes.



1 Q. And it comes up and it splits  
2 off. It also feeds your preparation  
3 plant; is that correct?

4 A. Yes, sir.

5 Q. And it splits off and goes to  
6 the mine at their location?

7 A. Yes, sir. It feeds our fan,  
8 and it's broke down to 4,160 for the  
9 fan right there, too.

10 Q. What electrical protection is  
11 provided at the French Creek  
12 substation, do you know?

13 A. I suppose over current or  
14 short circuit and grounding and  
15 stuff.

16 Q. You really don't know much  
17 about that sub?

18 A. No. No, sir.

19 Q. Who does the monthly  
20 examination on that?

21 A. I can't answer that. I don't  
22 know if --- I don't. I don't have

1 anything to do with that. I don't  
2 know.

3 Q. So you don't know whether it's  
4 a resistant grounded circuit or not?

5 A. I assume it is, but I can't  
6 --- I don't really know.

7 Q. Okay. What electrical  
8 protections are provided to mine  
9 substations, from what you're  
10 familiar with?

11 A. Well, we have face overturns  
12 and undervoltage and monitors and all  
13 that outside. Time instantaneous on  
14 the ground, on faults.

15 Q. Kind of describe ---

16 A. Or current.

17 Q. --- basically what each one of  
18 them will do for us, would you?

19 A. Well, if you have like an over  
20 current condition, like say two  
21 phases are burning together in the  
22 cable, it'll --- you have a time on  
23 it. If it pulls so many amps, it

1       trips the breaker on that particular  
2       face. And then ground fault is more  
3       or less instantaneously. It's real  
4       quick. If you have a current from  
5       the ground to a face, it'll trip you  
6       out immediately. You have resistors  
7       on to keep it bled down to like 25  
8       ohms or whatever.

9       Q.       That resistor, that's for your  
10       underground circuit; is that correct?

11       A.       Yes, sir.

12       Q.       Do you know anything about  
13       that ground field that's fed in that  
14       resistor?

15       A.       No. No. They checked them  
16       when they opened that mine up. I  
17       didn't have anything in that.

18       Q.       You've never been involved in  
19       none of that?

20       A.       No.

21       Q.       Do you know where ---  
22       basically where it is?

1 A. Yes. Above the substation  
2 there on the bank, as far as I know.

3 Q. Okay.

4 A. I've seen them up there  
5 checking. I was over there when they  
6 checked it that day, but I didn't do  
7 any of the checks. Dave Mason does  
8 our contracting on our ---.

9 Q. Now, who does the monthly  
10 examination on this one?

11 A. I do at the trips at the  
12 station. Or I have been since Doug  
13 Tinnel (phonetic) left. He was doing  
14 them, then I've been doing them since  
15 I've been there.

16 Q. Does Dave Mason's crew --- he  
17 maintains, in other words, that  
18 substation; is that correct?

19 A. Uh-huh (yes).

20 Q. Do you know if he checks the  
21 ground field?

22 A. Annually or ---?

1 Q. Yeah.

2 A. I can't answer that. No, I  
3 don't --- that's set up through the  
4 --- mostly, his work's set up through  
5 the office, through our engineer.

6 Q. Can you tell me why you use a  
7 resistance around the circuit for  
8 underground?

9 A. Just to keep it bled down  
10 under and only convey, like 25 ohms  
11 or amps or whatever. As far as I  
12 know, just to keep it from killing a  
13 man, where it won't --- it'll bleed  
14 it off if it wouldn't ground fault.

15 Q. Do you know if there's  
16 lightning registers for that  
17 substation for that particular piece?

18 A. Oh, yes.

19 Q. Do you know where they're  
20 connected to?

21 A. No. They done that. I don't  
22 know anything about that.

1 Q. Do you know where they're  
2 supposed to be connected to?

3 A. Well, they would be on each  
4 face, I would say.

5 Q. The grounding side of it,  
6 where does it bleed it off to? If  
7 lightning were to strike that system,  
8 where would that lightening ---?

9 A. It would bleed off in a  
10 separate ground field, I would think.

11 Q. On a separate ground?

12 A. Separate ground rods, yes,  
13 sir.

14 Q. Do you know how much  
15 separation there's supposed to be on  
16 that?

17 A. I think it's 25 feet, but I'm  
18 not sure.

19 Q. Where does your power enter  
20 the mine?

21 A. It enters the track entrance.

22 Q. Enters the track entrance?

1 A. Uh-huh (yes).

2 Q. You've got two different  
3 ground fields on the substation.  
4 You've got the safety ground system  
5 from your resistance around the  
6 system that goes underground, and  
7 then you've got your utility ground  
8 system. Do you really know the  
9 difference in those two systems, how  
10 they work and why they had to be  
11 separated?

12 A. No. No.

13 Q. Do you know what the 25-foot  
14 separation is for?

15 A. So they don't get together, I  
16 guess. But they're not common, I  
17 guess.

18 Q. In other words, so lightning  
19 don't get on your underground power  
20 source; right?

21 A. Right.

22 Q. Okay. Do you know of any

1 other lightening arrestors or  
2 anything else that's connected to the  
3 safety ground system feeding it  
4 underground?

5 A. To the underground?

6 Q. Uh-huh (yes).

7 A. Well, we have them on the CO  
8 system. Is that what you're asking?

9 Q. Basically some of that.

10 A. Okay. Well, we have it on the  
11 CO system. We failed to have them on  
12 the trolley. They should have been  
13 on there. And on the telephone. And  
14 all the power lines going in the  
15 mines should have lightning  
16 arrestors.

17 Q. Okay. Who checks those  
18 systems out to be sure they're  
19 maintained and working, functional?

20 A. Well, I guess I should have  
21 it. I failed to --- as an oversight,  
22 I got over there, that was all in,



1 and I did not check it. But the  
2 trolley system was put in by --- use  
3 electric. They should have been on  
4 their on installation.

5 Q. By who, did you say?

6 A. Hughes Electric. Hughes  
7 Supply.

8 Q. How do you spell that?

9 A. H-U ---.

10 Q. G-H-E-S?

11 A. I'm not --- yeah. I think so.

12 Q. Do you know if, when they put  
13 it in, did they put lightning  
14 arrestors in?

15 A. I wasn't over when they put it  
16 in. Evidently they didn't. There  
17 wasn't any on it. I --- Doug Tinnel  
18 was there. Him and Vernon. And  
19 Vernon might answer that. I can't.

20 Q. Do you know where they're  
21 located?

22 A. Yes.

1 Q. Where Hughes is?

2 A. They're --- no. I've got  
3 cards at the mine. But no, I don't  
4 --- I've never been there.

5 Q. Could you get that information  
6 to us later?

7 A. Absolutely. Yes, sir.

8 MR. WOOTEN:

9 You don't have a  
10 problem with that, do you,  
11 ma'am?

12 ATTORNEY KILPATRICK:

13 No.

14 MR. WOOTEN:

15 Okay.

16 BY MR. WOOTEN:

17 Q. So you really don't know what  
18 other equipment is connected to that  
19 safety ground field?

20 A. (Indicates no).

21 Q. Okay.

22 A. I assume a fan is.

1 Q. What do you do to ensure that  
2 it's not connected together and the  
3 25-foot separation is maintained?

4 A. That's done by Mason and them.  
5 I don't have any --- I never have  
6 done that.

7 Q. Do you know if they signed any  
8 records to that effect?

9 A. No, I don't.

10 ATTORNEY WILLIAMS:

11 Excuse me. I'm not  
12 sure if we got who Mason was.  
13 Is he a contractor?

14 A. Dave Mason's ElectroTech. His  
15 company is ElectroTech.

16 BY MR. WOOTEN:

17 Q. Do you know where they are?

18 A. They're just out of  
19 Buckhannon.

20 Q. You don't know their phone  
21 number, do you?

22 A. Yes, I think so.

1 Q. Could you give it to us?

2 A. 472-0127.

3 Q. Who performs the monthly high  
4 voltage examination?

5 A. I do.

6 Q. Is it the whole mine?

7 A. No. Just the surface.

8 Q. Just the surface?

9 A. Yes, sir.

10 Q. Okay. Who does the  
11 underground area?

12 A. Ronnie Tenney.

13 Q. He does the high voltage part?

14 A. Him and Vernon Hofer, since  
15 Vernon came over. But it's been  
16 usually Ronnie Tenney.

17 Q. Do you know what ---.

18 A. Underground, our monthly  
19 transformer checks.

20 Q. Okay. I'm talking about the  
21 high voltage part. The cables, the  
22 ground check, the stuff of that

1 nature. The PLM plugs?

2 A. Yeah, he would.

3 Q. Okay.

4 A. And he checks his boxes and  
5 stuff.

6 Q. Do you know what that exam  
7 consists of?

8 A. He trips the monitors at each  
9 section and inspects the cables and  
10 the plugs and the boxes. And he does  
11 a tripping of the relays and stuff on  
12 the switch houses underground.

13 Q. You have high voltage  
14 splitters ---

15 A. Yes, sir.

16 Q. --- at the mouth of each unit?

17 A. Yes, sir.

18 Q. And there's some in between?

19 A. One at Two head.

20 Q. He actually rotates the disc  
21 on the over current, I'm assuming?

22 A. I assume, yes, sir.

1 Q. Do you have a map of his  
2 electrical --- of the underground  
3 electrical installations?

4 A. Not with me, but we have a  
5 map.

6 Q. You do have a map?

7 A. Yeah. And you guys ought to  
8 have several of them. Because I had  
9 several made and I don't have any but  
10 one left.

11 Q. Is it ---.

12 A. I've got to get it made after  
13 the ---.

14 Q. Is it up to date and current?  
15 I mean ---.

16 A. Well, the new boxes we just  
17 put in --- we just energized the  
18 power last night. They're not on  
19 there, I would say. I'm not there  
20 today, but they --- yes, it was  
21 current up to ---.

22 Q. Up until it occurred?

1 A. Yes. Yes, sir.

2 Q. How many underground belt  
3 drives are there installed in the  
4 mine?

5 A. There's six that we were  
6 running and one that we just ---  
7 there were seven total, but the  
8 seventh one wasn't running.

9 Q. Is that ---?

10 A. We just done away with it on  
11 --- it was left off of One Left.

12 Q. What's the voltage supply to  
13 each belt drive?

14 A. 575 volts.

15 Q. 575?

16 A. Yes, sir.

17 Q. Do you have any idea of what  
18 the horsepower rating is of each  
19 drive?

20 A. Yes, sir, I would know.  
21 Number One drive is dual 250, and  
22 we're running one right now, because

1 we have a problem with it. Number  
2 Two is 100 horsepower single motor.  
3 Number Three is dual 200. Number  
4 Four is dual 200. Number Five is  
5 dual 200. Number Six was running on  
6 one 200, but it's supposed to be  
7 dual. But the speed reducer was out  
8 and we was running it as a brand new  
9 drive when the seal and stuff failed  
10 --- the fan and stuff failed on the  
11 speed reducer. So we was running  
12 with one 200. But it is a dual 200  
13 drive, starter and ---. It should  
14 have been --- it should have had two  
15 motors on it, but it did not.

16 Q. Okay. What type of protection  
17 is provided for each of these belt  
18 drives?

19 A. An over current, undervoltage,  
20 ground fault, everything.

21 Q. What types of starters are you  
22 using?



1       A.           Continental, except for the  
2       pit mouth.   Number One is a homemade  
3       --- not a homemade, but just a single  
4       starter in there.

5       Q.           Do you have any PLC drives?

6       A.           No.

7       Q.           Programming?

8       A.           No.

9       Q.           Logical computer controls?

10      A.           No, sir.   No.   The only thing  
11      we have that is the belt boss.

12      Q.           You don't have any solid  
13      state?

14      A.           No.   No.

15      Q.           Okay.   Who performs the  
16      monthly examination over the low and  
17      medium voltage circuit breakers?

18      A.           Ronnie when he checks them.

19      Q.           What does that exam consist  
20      of?

21      A.           He ground faults and checks  
22      the monitor on every breaker on every

1 power center, including the section  
2 power centers.

3 Q. How about short circuit?

4 A. Yeah.

5 Q. The surface conveyor belt  
6 structuring ropes, are they protected  
7 against stray current from coming in  
8 the mine in any manner?

9 A. Not as far as I know.

10 Q. How's the conveyor belts, the  
11 structure all secured in the mine,  
12 throughout the mine?

13 A. Some of them are roof bolts.

14 Q. They're on roof bolts with  
15 chain?

16 A. Yes, sir. Every ten foot, I  
17 think it is.

18 Q. Do you use any rope as far as  
19 holding the structure? Is the  
20 structure ---?

21 A. I don't think we have any rope  
22 structure in there. It's all rigid.

1 Unless that Seven section belt might  
2 have been the old belt. But it's all  
3 rigid structure, as far as I know.

4 Q. Is it ---?

5 A. And I don't put any of them,  
6 but I know it's all rigid.

7 Q. Okay. Do you oversee the  
8 installation of the belts? Are you  
9 in charge of that also, the belt  
10 drives and the motors and all that?

11 A. The ones that they've been  
12 putting in, Butch Travey (phonetic)  
13 sets them and everything and we wire  
14 them up.

15 Q. Okay. Do you ---?

16 A. Our people wire them up.

17 Q. Now, who is the electrical  
18 supervisor that looks at those  
19 installations, that's responsible for  
20 putting those in?

21 A. I am.

22 Q. You are. And you do look at

1 each one of them?

2 A. Yes. I have looked at each  
3 one of them.

4 Q. Okay. Is the mine track  
5 separated at any point to prevent  
6 stray current from entering the coal  
7 mine?

8 A. Not as far as I know.

9 Q. And we've already come ---  
10 we've covered the lightning resistors  
11 on the AMS circuit. You don't have  
12 any. Can you tell us how the  
13 lightning protection, per se, as the  
14 system is now, how do you have any  
15 lightning protection at that mine?  
16 Can you tell me that?

17 A. The outside services have got  
18 the arrestors at the substation. And  
19 then the CO system has the lightning  
20 arrestors at the pit and the rest of  
21 it does not.

22 Q. Okay. Now, tell me this.

1 With the system that you've got now,  
2 how does the lightning arrestors ---  
3 if lightning hits that line, how does  
4 it dissipate the lightning?

5 A. It goes through a grounding  
6 rod into the ground.

7 Q. Okay. Can you tell me where  
8 those rods are at?

9 A. No. Not up at the top I  
10 can't. Down at the pit, where the  
11 one on the CO is, I can. It's right  
12 there to the right of the belt.

13 Q. Is the 25-foot separation that  
14 is supposed to be in your system that  
15 you don't have, is that for lightning  
16 protection?

17 A. I can't answer that.

18 Q. You don't know or you won't  
19 answer?

20 A. I don't honestly know. I  
21 never did --- like I said, I didn't  
22 have anything to do with any of that.

1 I don't know.

2 Q. I mean, but the knowledge ---  
3 to your knowledge, you do understand  
4 that the 25-foot separation is for  
5 lightning purposes?

6 A. Yeah, I'd say so. But I ---.

7 Q. Is it insulated ---?

8 A. It's supposed to be there.

9 Q. Okay. Have you had any recent  
10 history of a lot of high voltage loss  
11 on the surface?

12 A. No.

13 Q. How about your ground monitor?

14 A. No.

15 Q. Any nuisance tripping?

16 A. No. Not until this ---  
17 actually, we had a little bit when we  
18 first started those pumps and stuff.  
19 But I don't know --- where we was  
20 fooling around there at Two drive, I  
21 don't know we lost the monitor a  
22 couple times. I got another monitor

1 off of Dave but never did need it.

2 Q. There's one particular ---  
3 well, there's two particular pieces  
4 of equipment that's underground in  
5 the mine. But I haven't seen on any  
6 of your electrical books, and I'd  
7 like a little information on that.  
8 The mini track. You have a mini  
9 track and charger?

10 A. Yes, sir. It was taken in and  
11 it was an oversight. It wasn't put  
12 in the book.

13 Q. Okay.

14 A. And it was on Number One Left  
15 section.

16 Q. One Left section?

17 A. Yes, sir.

18 Q. And it's used on that section?

19 A. Yes, sir. It just hasn't been  
20 in there too awful long. I don't  
21 know what day it was taken in. But  
22 it was an oversight on my part, not

1 getting anybody to put it in the  
2 book.

3 Q. Do you know where that charger  
4 is powered from?

5 A. I assume the section load  
6 center. But I can't --- I'm not sure  
7 of that, either.

8 Q. Okay. You have a  
9 three-wheeled permissible piece of  
10 equipment? A little battery-operated  
11 piece of equipment? Something  
12 similar to a golf cart that holds two  
13 people?

14 A. I do? I don't know of  
15 anything ---.

16 Q. You don't know anything about  
17 that?

18 A. A three-wheeled permissible  
19 piece of equipment?

20 Q. That's similar to a golf cart  
21 that they use?

22 A. We have a four-wheeled piece



1 of equipment.

2 Q. Is it --- how big is it?

3 A. It's a Damascus ride ---.

4 Q. Two seater? Okay.

5 A. No. We don't have anything  
6 underground battery three-wheeler  
7 that I'm aware of.

8 Q. When was this mini-track put  
9 in service? Can you tell me that?

10 A. I can't. I said I didn't  
11 know.

12 Q. It slipped by?

13 A. It was --- it set outside for  
14 a good while. We were working on it.  
15 Then they just took it in.

16 Q. Okay. I've got a couple of  
17 questions. Probably going back the  
18 other way again. While you were  
19 underground, did you have any  
20 conversations with anyone on the  
21 surface?

22 A. Yeah. I called and told them

1 to get the --- I called the  
2 dispatcher.

3 Q. Who was that?

4 A. William Chisolm, Bill Chisolm.

5 Q. Did Vernon Hofer --- is that  
6 how you pronounce that?

7 A. Hofer (corrects  
8 pronunciation).

9 Q. Hofer.

10 A. Hofer, yes.

11 Q. Or anyone else relay  
12 information to you on the surface?

13 A. Vernon Hofer was with me. I  
14 don't think ---.

15 Q. Okay. Was he with you all the  
16 time?

17 A. Well, now, he got out of ---  
18 when we was building those curtains,  
19 he was running back and getting  
20 material and we was advancing ahead,  
21 trying to take air up there to get to  
22 Two Left crew. He wasn't in my

1       sight, if that's what you're asking  
2       me, all the time. But he was all the  
3       time we was getting that crew, as far  
4       as I know. And then I went up on the  
5       hill and pulled the substation power  
6       and flagged him to pull the air  
7       switching off of that. And then we  
8       went right back in together and he  
9       was with me all that period of time,  
10      yes, sir.

11      Q.        Okay. I'm going to give you a  
12      couple --- or a booklet here. This  
13      will be another exhibit, please.

14                               (Wilfong Exhibit Two  
15                               marked for  
16                               identification.)

17      A.        Okay.

18      BY MR. WOOTEN:

19      Q.        Can you tell me who signed  
20      that?

21      A.        I did.

22      Q.        You did?

1 A. Uh-huh (yes).

2 Q. Can you go to the next page?

3 A. Yes, sir.

4 Q. And could you go back and  
5 identify what this first page is?

6 A. That's the trailer out there  
7 where the dispatcher sits in.

8 Q. Is this the weekly or monthly  
9 examination?

10 A. Weekly.

11 Q. Weekly?

12 A. Yeah.

13 Q. And what all do you check on  
14 this examination?

15 A. Well, we just go in there and  
16 check the receptacles and the lights  
17 and that's about it.

18 Q. Okay.

19 A. In the trailer.

20 Q. Now this is all on the  
21 surface; right?

22 A. Yes, sir.

1 Q. And these Number Three and  
2 Number Four mantrip chargers, are  
3 they the ones that's powered from  
4 underground?

5 A. Yes, sir.

6 Q. Okay. Do you also check the  
7 underground portion of that or just  
8 the surface portion?

9 A. Just the surface. He checks  
10 --- when he ground faults it and  
11 stuff, Ronnie checks that weekly.

12 Q. Who checks the cable?

13 A. Well, we can see the cable.  
14 It hung across the pit. I guess I do  
15 when I check the charger.

16 Q. Okay. On the second page  
17 there?

18 A. Yes, sir.

19 Q. Do you recognize that name?

20 A. Yes, sir.

21 Q. Who is that?

22 A. That's Pete Capaldo.

23 Q. Can you spell that?

1 A. C-A-P-A-D --- I don't know,

2 A-L-D-O. A-L-D-O, I believe.

3 Q. Pete ---?

4 A. C-A-P ---.

5 Q. It is Pete?

6 A. Yes. It's Pete or Paul, or  
7 whatever would be correct.

8 Q. Now, he's checking the same  
9 thing that you checked before; is  
10 that correct?

11 A. Yeah.

12 Q. Just a different week?

13 A. Yes.

14 Q. Go to the third page. Who is  
15 this guy?

16 A. Doug Tinnel, the guy that you  
17 used to be there before me and  
18 sometime while I was there.

19 Q. Tintel (phonetic).

20 A. Tinnel (corrects  
21 pronunciation).

22 Q. He's not there anymore?

1 A. No. I was there with him  
2 until he left about this time.

3 ATTORNEY WILLIAMS:

4 Just so it's clear,  
5 you're identifying the people  
6 who have signed these pages;  
7 right?

8 A. Sir?

9 ATTORNEY WILLIAMS:

10 You've identified the  
11 people who have signed these  
12 pages; is that ---?

13 A. Yeah.

14 ATTORNEY WILLIAMS:

15 Okay. In the bottom  
16 right portion ---

17 A. Yes.

18 ATTORNEY WILLIAMS:

19 --- of each page?

20 A. Yes.

21 BY MR. WOOTEN:

22 Q. Okay. The top right-hand side

1       there on number four, can you  
2       identify that?

3       A.       No.

4       Q.       Was you here then?

5       A.       No.

6       Q.       You wasn't there then?

7       A.       No, but I don't know who that  
8       --- I can't ---.

9       Q.       Okay. How about the next one  
10       down?

11       A.       That next one is Everett  
12       Huffman. It's E. Huffman, but it'd  
13       be Everett.

14       Q.       Does he work ---?

15       A.       You mean this guy here?

16       Q.       Yes.

17       A.       That's Everett.

18       Q.       Does he work there now?

19       A.       No.

20       Q.       He doesn't work there now?

21       A.       No.

22       Q.       Do you know if these were



1 qualified electricians?

2 A. Yes. I don't know about this  
3 one, I don't know who he is. I don't  
4 know. I can't answer that.

5 Q. Doug Tinnel, is he a qualified  
6 electrician?

7 A. Oh, yes, sir.

8 Q. He is ---

9 A. Yes.

10 Q. --- a qualified electrician?

11 A. Yes, sir.

12 Q. Are you a qualified  
13 electrician?

14 A. Yes, sir.

15 Q. You didn't mention that when  
16 you first gave your certificates.

17 A. Yeah, I did.

18 Q. Did you?

19 A. I said a certified  
20 electrician. I'm sure I did.

21 Q. Number five, that's you again,  
22 is it not?

1 A. Where are we at here?

2 Q. Page five.

3 A. Yes.

4 Q. Okay. That's the same  
5 examination, same area before;  
6 correct?

7 A. That's substation, no, that's  
8 different. That's high voltage.

9 Q. Okay. Then tell me what you  
10 did on these, on the instantaneous  
11 setting, what did you do?

12 A. I'll spin the dials usually  
13 and trip them out.

14 Q. What about ground monitor?

15 A. Ground monitor, I'll ---  
16 sometimes I'll push that button,  
17 sometimes I'll have them push it down  
18 to drive. Usually Vernon or somebody  
19 will push it down to belly it for me.

20 Q. The ground fault?

21 A. Yeah, ground fault. I'll just  
22 flip it usually.

1 Q. And over here did you rotate  
2 the disc; is that ---?

3 A. Yeah.

4 Q. Do you do a ---?

5 A. And sometimes I'll  
6 instantaneously.

7 Q. Do you --- I know you do this  
8 each month.

9 A. Yes.

10 Q. Do you do a different disc  
11 each month ---

12 A. Yes.

13 Q. --- or do you do all three of  
14 them?

15 A. Try to do a different phase.  
16 Sometimes --- I've been doing them  
17 all ---

18 Q. Okay.

19 A. --- when I was doing them on  
20 that one.

21 Q. Okay.

22 A. We ain't had any trouble with

1       that thing.

2       Q.       Okay. Go to page six. The  
3       circled name there, can you tell me  
4       who that is?

5       A.       I think that's Mr. Tinnel  
6       again, but I ---. I think that's  
7       Doug Tinnel. But no ---.

8       Q.       How about going to the --- you  
9       flip over and you'll see the backside  
10      of one is marked number seven, page  
11      seven. Right there. Can you  
12      identify those people or that person?

13      A.       One is George Singleton. I  
14      don't know who that other one is.  
15      Ronnie Tenney is the top person.

16      Q.       I'm talking about the two in  
17      circle there.

18      A.       All these in circle, I can't.

19      Q.       You can't. Was you here at  
20      this time?

21      A.       11/28/05? Yes, sir. I should  
22      have been at the mine at that time.

1 Q. Okay. Do you review these  
2 weekly or how do you do these? Do  
3 you review your record or do you have  
4 these assigned to someone that does  
5 review these?

6 A. I have them assigned, and the  
7 reason that we started printing them  
8 out on paper like that instead of  
9 using the books is because I didn't  
10 have them --- when I come over there,  
11 they wasn't assigned, we had  
12 violations where stuff wasn't getting  
13 checked and we didn't know who was  
14 responsible for checking what. So I  
15 --- the state inspector, John Scott,  
16 suggested that we type up the  
17 equipment on each section and that's  
18 how that oversight on that forklift  
19 came. I suppose they took it and it  
20 wasn't on hat sheet and I didn't know  
21 the day they took it. I didn't get  
22 it put on that sheet, so that was an

1 oversight on my part. It's not that  
2 --- you know, if you assign somebody  
3 something and they're not doing it, I  
4 can go back there and see. I know  
5 who's supposed to do it and who to go  
6 see to get it done. But I tried to  
7 check these at the end of each week,  
8 but each --- they more or less police  
9 themselves, too. But I ---.

10 Q. Let's go on to page eight.

11 You went past it.

12 A. Oh, okay. Wait a minute.

13 Q. Who is C.C.?

14 A. That's G.C. I think.

15 Q. Oh, G.C.

16 A. I think that's George Cutlip.

17 Q. George Cutliff?

18 A. Cutlip (corrects  
19 pronunciation).

20 Q. Is he a certified electrician?

21 A. Yes, sir. That's his  
22 initials. I think that's him. It

1 looks like G.C. to me.

2 Q. Who is S.W.?

3 A. Stan Wegman.

4 Q. Wegman?

5 A. W-E-G-M-A-N. They call him  
6 Wagman, but ---.

7 Q. Is he a certified electrician?

8 A. Yes, both those people are.

9 Q. Can you tell me who R.B. is  
10 over on the left side?

11 A. We have a Russell Bennett.

12 Q. Is he a certified ---?

13 A. He's a certified electrician.  
14 And the I.B. is Ivan Bell. He's a  
15 certified electrician and he works  
16 One Left section.

17 Q. Ivan Bell?

18 A. Ivan Bell. If that's I.B.  
19 down there. I think it is. That's  
20 the next one. I think it's I.B.,  
21 Ivan Bell. I'm going to have to get  
22 them to write their names out, I can

1 see that.

2 Q. Go to page nine.

3 A. Page nine. Is this nine?

4 ATTORNEY KILPATRICK:

5 No, wrong number.

6 A. No. What's this one? Is this  
7 it?

8 BY MR. WOOTEN:

9 Q. Yes.

10 A. What's it look like Thomas?

11 Q. Yes, it looks like Thomas the  
12 first name. That number that's out  
13 beside there, is that a state?

14 A. I'd say that's a state  
15 electrical registration card, but I  
16 don't know that --- I can't say who  
17 that name is. I mean, they ain't got  
18 that many people. 4042, I'd say was  
19 his certification number. Most of  
20 them don't do that but he's got it on  
21 there.

22 Q. Okay. Go to page ten. Tell



1 me who R.W. is.

2 A. Roy Williams.

3 Q. Roy Williams?

4 A. Yes, sir. Can I look at this  
5 one again?

6 Q. Yes.

7 ATTORNEY KILPATRICK:

8 Is that a J maybe?

9 MR. WOOTEN:

10 Can we go off?

11 OFF RECORD DISCUSSION

12 A. I don't --- I can't say, but I  
13 think that number would be ---.

14 BY MR. WOOTEN:

15 Q. Okay. Go to page 11, the  
16 bottom left-hand corner. It looks  
17 like it might be a midnight crew or  
18 something.

19 A. It's a weekend midnight crew,  
20 yeah. This is on 11/1/05. I had  
21 Mike Webb. I got --- it ain't Mike  
22 Webb.

1 Q. Okay.

2 A. And I don't --- I can't.

3 Q. If you can find out who they  
4 are, ---

5 A. I'll find out ---.

6 Q. --- could you give that to us?

7 A. Yes, sir. If I can keep this,  
8 I'll have it --- I'll know who they  
9 are.

10 Q. That will be an exhibit.

11 ATTORNEY WILLIAMS:

12 We'll get you a copy.

13 BY MR. WOOTEN:

14 Q. We'll get you a copy of those  
15 pages.

16 A. Okay.

17 Q. Okay. Do you know Russell  
18 Bennett?

19 A. Yes, sir.

20 Q. What's his normal duties?

21 A. He's an electrician.

22 Q. He is an electrician.

1 A. Uh-huh (yes).

2 Q. So he does perform electrical  
3 work?

4 A. Yes, sir.

5 Q. Does he do electrical tests  
6 and examinations also?

7 A. I assume, yeah. He's --- R.B.  
8 was in here.

9 Q. Okay. Christopher Bradbury?

10 A. He's a trainee.

11 Q. He's a trainee. Does he do  
12 --- what's his normal duties?

13 A. Works with electricians.

14 Q. He works directly with them?

15 A. Uh-huh (yes).

16 Q. Does he perform any electrical  
17 work?

18 A. With him he does, yeah. Under  
19 their supervision.

20 Q. Does he perform any of the  
21 required electrical tests and  
22 examinations?

- 1 A. Not as far as I know.
- 2 Q. And he doesn't sign any books?
- 3 A. No.
- 4 Q. How about Peter Capaldo?
- 5 A. Yes.
- 6 Q. He is a qualified electrician?
- 7 A. He's a foreman, yes.
- 8 Q. He's a foreman?
- 9 A. Yeah, and a electrician.
- 10 Q. What shift is he on?
- 11 A. He's on dayshift.
- 12 Q. He is maintenance foreman?
- 13 A. Yeah.
- 14 Q. Okay. How about Junior
- 15 Collins?
- 16 A. Junior Collins is trainee.
- 17 Q. He's a trainee?
- 18 A. Uh-huh (yes).
- 19 Q. What's his normal duties?
- 20 A. Working with electricians.
- 21 Q. Does he perform any electrical
- 22 work ---

1 A. No.

2 Q. -- himself? Does he perform  
3 any required electrical tests and  
4 sign any records?

5 A. No.

6 Q. Roy Williams?

7 A. Roy Williams is a certified  
8 electrician.

9 Q. Certified electrician. So he  
10 does all the ---?

11 A. Yes, sir.

12 Q. When's the last time you  
13 received your electrical retraining?

14 A. Last year, I don't know.

15 Q. Was it ---

16 A. February.

17 Q. --- in the year of '05?

18 A. Yes, sir.

19 Q. Is all the people that you've  
20 got working for you, have they had  
21 their required training also?

22 A. Oh, yeah.

1 Q. As far as electrical?

2 A. Yes, sir.

3 Q. How does the company ensure  
4 that the required electrical tests  
5 and examinations are performed  
6 correctly and on time? Do you have a  
7 program or anything for that?

8 A. Yeah, we --- the monthly  
9 checks are done each month and the  
10 weekly checks are done each week.  
11 And the ones --- that's why we come  
12 up with that paper to sign it so that  
13 would be each guy were doing a ---  
14 everybody wasn't doing it all and  
15 each one was supposed to do their  
16 share is how it's supposed to work  
17 it.

18 Q. These examinations that they  
19 are required to do, they are covered  
20 under 7512 of the regulations. Can  
21 you tell me what that entitles,  
22 basically all they have to check on?

1       A.       They have to check the  
2       operation, the safety, the cables,  
3       everything, all the --- make sure  
4       everything's ---.

5       Q.       For any potential hazardous  
6       conditions?

7       A.       Yes, sir.

8       Q.       Do these people know when they  
9       find a potential hazardous condition,  
10      what they have to do?

11      A.       Yes.

12      Q.       What they are required to do?

13      A.       Yes, they should.    Yes.

14      Q.       Do they have that authority to  
15      take a piece of equipment out of  
16      service?

17      A.       Yes, I hope so.

18      Q.       Are they given that authority?

19      A.       Yes.    If it's a hazardous  
20      situation, yes, sir.    Hazardous  
21      condition, yes.

22      Q.       How often do you check your

1 power suppression systems?

2 A. On the drives? On what?

3 Q. On your electrical equipment.

4 A. Every week.

5 Q. Every week. I haven't seen it  
6 reported as weekly, but I haven't got  
7 all the records neither.

8 A. On the miners we check.

9 Q. What about your bolters?

10 A. Eventual every week. We don't  
11 set the counters that far.

12 Q. But do you keep a record of  
13 that, those examinations?

14 A. Annually on the bolter. I  
15 don't think it's been done though.  
16 They're all new, they ain't very old.  
17 Weekly.

18 Q. Weekly, they're reported  
19 weekly?

20 A. No. No.

21 Q. Let's go back to one other  
22 page ---.



1 A. Other than a permissibility  
2 check.

3 Q. One other page is here. I  
4 think it's the miner. You've got a  
5 miner listed. Okay. They do the ---  
6 the examinations of methane monitors.  
7 How often do you calibrate those?

8 A. Weekly.

9 Q. You calibrate them weekly?

10 A. Yes, sir.

11 Q. What percent of gas do you  
12 use?

13 A. 2.5.

14 Q. What does this say right here?

15 ATTORNEY WILLIAMS:

16 What page is that of  
17 Exhibit Two?

18 MR. WOOTEN:

19 That's page ten.

20 A. Two percent.

21 BY MR. WOOTEN:

22 Q. That's two percent?

1                   ATTORNEY WILLIAMS:

2                   I'm sorry, but she ---  
3                   did you get that, it's page  
4                   ten of Exhibit Two? And what  
5                   line are you pointing to?

6           A.       Right there.

7                   MR. WOOTEN:

8                   The bottom two lines,  
9                   miner One and miner Two.

10          A.       Well, he made a mistake on it.  
11          That's 2.5.

12          BY MR. WOOTEN:

13          Q.       Okay. You have CSE type  
14          monitors; ---

15          A.       Yes, sir.

16          Q.       --- is that correct? Do you  
17          use CSE type calibration kits ---

18          A.       Yes, sir.

19          Q.       --- for those?

20          A.       Yes, indeed.

21          Q.       Were they adjustable?

22          A.       Gas. Adjustable.

1 Q. Deregulators, are they ---?

2 A. Yes.

3 Q. Are they ---?

4 A. Yes.

5 Q. They are adjustable?

6 A. The flow, yes.

7 Q. But you are using 2.5 and not  
8 2?

9 A. Yes, sir. It has to kick off  
10 above 2, and we use 2.5.

11 Q. Okay.

12 A. That's a mistake and I didn't  
13 see it.

14 Q. In one of the other  
15 interviews, I overheard some ---  
16 about a 40-foot piece of pipe going  
17 through those seals. Do you know  
18 anything about those?

19 A. I never even seen the seals.

20 Q. You've never been up around  
21 the seals?

22 A. I never was around the seals.

1 I didn't have anything to do with the  
2 construction.

3 Q. Okay.

4 A. And that's not my --- or I  
5 don't know anything about them. I  
6 know where they examined and they  
7 were examined by both the federal and  
8 the state. I can't --- I don't know  
9 anything about any piping or anything  
10 like that. I haven't even seen it.

11 MR. WOOTEN:

12 That's basically all I  
13 have.

14 ATTORNEY WILLIAMS:

15 Take a break.

16 MR. WOOTEN:

17 Let's take a break just  
18 a minute.

19 SHORT BREAK TAKEN

20 BY MR. WOOTEN:

21 Q. Again, we need to kind of  
22 clarify something if we can, Denver.

1 The mini track and the charger,  
2 again, we need to know basically  
3 about how long it's been underground  
4 that you know of? Has it been a  
5 month?

6 A. I'd say three weeks, a month,  
7 something like --- before the  
8 accident happened maybe. I don't  
9 know. Honestly I don't know.

10 Q. Do you know who took it under  
11 there or who gave ---?

12 A. Carl. I'm sure Carl took it  
13 under there, the mine foreman, had it  
14 taken under there. There was a  
15 problem with the four-wheel drive  
16 that we were working on outside and  
17 we had a guy come from ALE and help  
18 us with it because it wasn't --- it  
19 sat outside a good while.

20 Q. Okay.

21 ATTORNEY WILLIAMS:

22 Who did you have come

1 help you?

2 A. ALE, the manufacturer, a field  
3 rep. A field ---.

4 ATTORNEY WILLIAMS:

5 ALE?

6 A. ALE.

7 BY MR. WOOTEN:

8 Q. Lester --- they're from  
9 Lester, West Virginia?

10 A. I have no idea where their  
11 office is. We just called for help.  
12 We got ahold of the salesman at  
13 Bridgeport.

14 Q. Okay.

15 A. Lopez, John Lopez is their  
16 salesman.

17 Q. Okay.

18 A. That's who I got ahold of and  
19 he got me some help out there.

20 Q. Okay. We've got one other  
21 thing that we need to do and then  
22 we're going to break for today and

1       you're --- as far as I understand,  
2       you're willing to come back tomorrow;  
3       is that correct?

4       A.       Uh-huh (yes).

5       Q.       Because we need to get out of  
6       here. Okay. We have a map over  
7       here. I'd like for you to go over  
8       here and look at his map with me.  
9       Okay.

10                               MR. WOOTEN:

11                               And we'd like to make  
12                               it Exhibit Three. Is that  
13                               correct?

14                               ATTORNEY WILLIAMS:

15                               Yes.

16                               (Wilfong Exhibit Three  
17                               marked for  
18                               identification.)

19       OFF RECORD DISCUSSION

20       BY MR. WOOTEN:

21       Q.       Okay. I'd like for you to  
22       look at this area right in here and

1 tell me if that is electrical  
2 equipment that is around Second Left?

3 ATTORNEY WILLIAMS:

4 Are you pointing to the  
5 mouth of Two Left general  
6 area?

7 MR. WOOTEN:

8 The mouth of Two Left  
9 general area, yes.

10 A. Well, as far as the serial  
11 numbers and all that, I can't say,  
12 but the drive was there, the load  
13 setter was there, the --- well, it  
14 don't show the starter box, but there  
15 should have been a started box and a  
16 tank up right there on the corner by  
17 the drive. It's not showing it on  
18 there. It usually shows it on there.

19 ATTORNEY WILLIAMS:

20 Could you show where  
21 that should be?

22 A. They were in this ---.



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ATTORNEY WILLIAMS:

Why don't you take this purple marker and show where the starter was?

A. Near around there, they were right here. Right next to the drives right here, so they're right there. Right in that area there.

ATTORNEY WILLIAMS:

What entry is that?

A. Well, if you're counting from this end before it went up in there, it would be One, Two, Three, Four. That was when they was up the straight.

BY MR. WOOTEN:

Q. Was there a pump in this area also?

A. I don't know. I don't know. I don't know.

Q. Okay. So to the best of your knowledge, that map, is that ---?

1 A. Yeah. When you add this  
2 starter and stuff.

3 Q. Okay.

4 ATTORNEY KILPATRICK:

5 Do you want to put the  
6 starter on there?

7 MR. STUART:

8 Yeah, can you just  
9 print a line down here and put  
10 it right there?

11 A. Yes, sir. It's a belt starter  
12 and belt take-up power pack, belt  
13 starter, it's Five.

14 BY MR. WOOTEN:

15 Q. What belt is it?

16 A. Five.

17 Q. Five?

18 A. Number Six. Number Six.

19 Number Six belt starter, and it's  
20 575EC. And then the take-up power  
21 pack was there, and it's 575 also.

22 Q. And you mentioned earlier,



1       damaged.  You guys said it wasn't  
2       damaged, but when we went up there,  
3       the table was tore out of it and  
4       everything.  It had damage.  It's  
5       sitting up there somewhere.  But I  
6       don't know if they brought it on  
7       outside.  I was wanting to use it  
8       where they was working on that drive,  
9       down on Two drive.  They were  
10      shorting that boom up.  But when they  
11      went up there to get it, it wasn't  
12      usable.

13                                    ATTORNEY WILLIAMS:

14                                    Was it in the area  
15                                    where ---?

16    A.       Yes, sir.

17                                    ATTORNEY WILLIAMS:

18                                    Do you want to mark it?

19                                    MR. WOOTEN:

20                                    Yes, go ahead and mark  
21                                    that welder on there also?

22    A.       Well, it was where we was

1 building that supply hole, and I'm  
2 not sure what ---. It was right in  
3 that area somewhere. Somewhere right  
4 in this, I'm not positive.

5 BY MR. WOOTEN:

6 Q. Right here in ---?

7 A. Right there, yeah, right in  
8 there somewhere it ought to be in.  
9 It was a --- it was a --- Workhorse  
10 is the name of it.

11 Q. Workhorse?

12 A. Workhorse welder. It's a  
13 little plastic cased welder. It was  
14 a 575. They were probably powering  
15 it off that belt and welder there.

16 Q. Can you identify that as ---  
17 what block of coal is that? Did you  
18 guys go by blocks?

19 A. I didn't know for sure. You  
20 said that's where. I don't know.

21 Q. No. I mean, what block is  
22 this, do you know?

1 A. What block?

2 Q. Yeah.

3 A. It's the track entry.

4 Q. It's the track entry of the  
5 Number Four belt?

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

7 Q. Okay.

8 A. It was a straight --- the old  
9 track one up in there. We built it  
10 right on that spur there.

11 MR. WOOTEN:

12 Okay.

13 ATTORNEY KILPATRICK:

14 So were you saying you  
15 didn't know for sure it was  
16 there or you do know?

17 A. No. I know the water was  
18 there. That's what those guys on  
19 that supply hole there.

20 MR. STUART:

21 I think what he was  
22 saying was he wasn't sure that

1           there was pump in there.

2           A.       No.    I'm not.   I'm not.   I  
3           don't --- I can't answer that.

4                       MR. WOOTEN:

5                       Okay.   We're going to  
6                       adjourn this part of the  
7                       investigation until tomorrow.  
8                       I think all parties is agreed  
9                       on that.   Do you have any  
10                      comments?

11                      ATTORNEY WILLIAMS:

12                      Are you willing to come  
13                      back down at 8:30 in the  
14                      morning, Mr. Wilfong?

15           A.       Yeah.

16                      ATTORNEY WILLIAMS:

17                      Okay.   We appreciate  
18                      that.

19           A.       8:30?

20                      ATTORNEY WILLIAMS:

21                      Please.   That's it.

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SWORN STATEMENT

CONCLUDED AT 4:47 P.M.

\* \* \* \* \*



CONTINUED STATEMENT UNDER OATH  
OF  
DENVER WILFONG

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  
Friday, February 17, 2006, at 8:37  
a.m.

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A P P E A R A N C E S

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P R O C E E D I N G S

-----

MR. SWENTOSKY:

My name is Dennis Swentosky with the Mine Safety & Health Administration, here at the U.S. Bankruptcy Court in Buckhannon, West Virginia, on February 17th.

ATTORNEY WILSON:

Clarksburg, West Virginia.

MR. SWENTOSKY:

Clarksburg, West Virginia. On February 17th to continue our interview with Mr. Denver Wilfong.

ATTORNEY WILSON:

We'll just remind you --- you realize you're still under oath?

A. Yeah.

-----

DENVER "DICK" WILFONG, HAVING BEEN PREVIOUSLY SWORN, TESTIFIED AS

1       FOLLOWS :

2       -----

3       BY MR. SWENTOSKY:

4       Q.           Okay.  Yesterday, you went  
5       over the --- a lot of the electrical  
6       things.  And I'll kind of try to stay  
7       away from that.  And I wonder if we  
8       could just kind of go back.  And I  
9       know you've mentioned some of these  
10      things that I'll be reiterating on.  
11      But to just kind of get a timeline  
12      here.  But anyway, what time did you  
13      arrive at the mine on the morning of  
14      the accident?

15      A.           I usually arrive at five  
16      o'clock.  Right around ---.

17      Q.           And did you arrive at that  
18      time?

19      A.           Right around there, yeah.  I  
20      don't have an exact time.

21      Q.           Okay.  That's fine.

22      A.           I'm usually there an hour  
23      before work time.  We start at 6:00,  
24      so I'm there at 5:00.

25      Q.           And that's your normal time

1 that you arrive?

2 A. Yes, sir.

3 Q. Okay. Okay. From that  
4 morning, can you kind of just kind of  
5 briefly go through what activities  
6 you performed?

7 A. That morning, the midnight  
8 shift wasn't working. I mean, they  
9 had some fire bosses there, I guess,  
10 the pre-shifters.

11 Q. Sure.

12 A. But the crews weren't working  
13 as usual, because it was a holiday.  
14 And they were off that Sunday. And  
15 we were just --- those guys was  
16 getting their stuff ready. I was  
17 talking to the mechanics, Jackie  
18 Weaver and Hoy Keith.

19 Q. I didn't have any --- I didn't  
20 know what was going on. I assumed  
21 everything was okay and told them if  
22 they needed anything when they got in  
23 there, if they realized they needed  
24 any materials or parts or help,  
25 holler at us. Me and Vernon was



1       there --- Vernon Hofer, my  
2       maintenance foreman, was there to  
3       help them if they needed anything.  
4       And then, you know, we was drinking  
5       coffee and talking. And then they  
6       --- course, they went in around six  
7       o'clock.

8       Q.       When you say they ---?

9       A.       The crews, the mechanics and  
10      the boss --- both two crews and the  
11      outby people that were out there went  
12      in.

13     Q.       Okay.

14     A.       And then about 6:30, near as I  
15     can tell, or I thought it was 6:30,  
16     is when the --- Vernon was standing  
17     next to the window there and he said,  
18     my goodness, what a bolt of  
19     lightning, you know, went through  
20     there, it looked like.

21     Q.       And you were --- at that time,  
22     you were in your office?

23     A.       Yeah, in there with the  
24     window. It lit the sky up out there.  
25     I looked out there and it was just

1 all ---. And he said, my, what a  
2 bolt of lightning. And a big clap of  
3 thunder, like. And that's unusual  
4 for January the 2nd, so ---. Then it  
5 wasn't but a minute or two is when  
6 Bill Chisolm called and said ---.

7 Do you just want the story, or  
8 what? Do you want to ask specific  
9 questions? I'm sorry.

10 Q. No, no. That's fine. I mean,  
11 we're just kind of ---.

12 A. Well, Bill called in, Bill  
13 Chisolm, and said that he lost  
14 communications on the CO. That's  
15 when we thought we had fuses blown.  
16 That's what I --- you know, that's  
17 what we thought. That's what I said  
18 yesterday. It's the same thing. We  
19 thought we had those little 200  
20 milliamp --- or 250 milliamp fuses in  
21 those boxes have blown in storms.  
22 And just at times, a spike in the  
23 power or anything, they'll blow those  
24 fuses.

25 Q. And Bill Chisolm, he ---?

1 A. He's the dispatcher.

2 Q. Right. And he called you?

3 A. Yeah. He called --- yeah. He  
4 called me and said the CO system was  
5 acting up. He didn't realize what  
6 had occurred, I guess. He just  
7 thought he had power outages. It  
8 turned grey in some areas. And it'll  
9 do that when it blows fuses and  
10 stuff.

11 Q. Okay. And he called you on  
12 the mine phone?

13 A. Huh?

14 Q. Did he call you on the ---?

15 A. Mine phone.

16 Q. Mine phone.

17 A. Yes, sir.

18 Q. That's the pager phone?

19 A. Yes, sir. Yes, sir. That's  
20 what he called us on. And I don't  
21 have any other phone in my office.

22 Q. Okay.

23 A. I mean, other than an outside  
24 telephone.

25 Q. Yeah. I understand.

1       A.           And I answered.  And that's  
2       when I gave Vernon those fuses and  
3       told him to go down there and check  
4       the system and replace what fuses he  
5       needs and be sure to put the spares  
6       back in the boxes.  And I gave him a  
7       handful of fuses.

8       Q.           Uh-huh (yes).

9       A.           And he mentioned that they  
10      wasn't the right fuses and he had to  
11      look in his meter and check them and  
12      they were and he left.  And then he  
13      went down on the bottom.  It  
14      wasn't --- I don't know how many  
15      minutes occurred and then Owie ---  
16      Owen Jones called and he said he had  
17      a problem.  He didn't know what  
18      happened.  But the dust, the smoke,  
19      boy, he didn't know what was going  
20      on.

21      Q.           Did he talk to you?

22      A.           I was on the phone when he  
23      called.  I got Jeff.  I hollered at  
24      Jeff Toler ---

25      Q.           Uh-huh (yes).

1 A. --- to get on the phone, the  
2 superintendent. And he got on the  
3 phone also. Bill --- or William  
4 Chisolm was on the phone. And Owie  
5 said he was putting his crew in the  
6 intake, and they was coming outside.

7 Q. And what exactly --- do you  
8 recall what exactly he said?

9 A. Not word for word, no. I was  
10 excited. No, I don't. And as far as  
11 the time, according to what they  
12 found later, it was like 26 or  
13 something like that after I --- when  
14 that occurred. I'm not sure. But it  
15 was a little bit before he called,  
16 because they was in that blast. They  
17 felt that, it knocked them off the  
18 jeep and all that stuff. They had to  
19 get gathered up there.

20 Q. Yeah.

21 A. And I don't know why they  
22 didn't try the jeep, but they didn't.  
23 I mean, I would have thought they  
24 would have tried the jeep, but I  
25 guess they was so shook up they

1 didn't. Because the jeep ran and it  
2 wasn't off the track, so ---.

3 Q. Okay. Whenever Mr. Jones  
4 called --- and I had asked you, do  
5 you remember exactly what he said.  
6 But what do you remember?

7 A. I just remember him saying  
8 something occurred. He didn't know  
9 what happened. He just felt a big  
10 gush of air.

11 Q. Okay.

12 A. And heck, I've seen big roof  
13 falls, you know.

14 Q. Sure.

15 A. I didn't know what happened.  
16 And he didn't know what happened for  
17 sure. But he said he felt a lot of  
18 wind. And that'll happen in a fall  
19 and that'll happen in an explosion,  
20 you know. And dust. And they got  
21 out of the --- and he was putting his  
22 crew in the intake. And then I  
23 hollered at Jeff. Course, Jeff got  
24 on there with him. And I grabbed my  
25 stuff, my belt and stuff, my hat.

1 Q. Uh-huh (yes).

2 A. And I hollered at Vernon and  
3 told him not to go in the mines. Get  
4 a jeep ready, that we was going in  
5 the mines to see what had occurred.

6 Q. And you told who not to go in  
7 the mine?

8 A. Vernon. I told him not to  
9 leave yet.

10 Q. Oh, okay.

11 A. That we wanted to go in with  
12 him. Just to get a jeep ready, we  
13 was all going in.

14 Q. Okay. And who --- when you  
15 say all, who ---?

16 A. That was me. And I didn't  
17 know who all was going. I knew Jeff  
18 was going. I knew I was going. I  
19 didn't know ---.

20 Q. Yeah.

21 A. And Jeff Toler, of course, he  
22 come. He was ready to go. And Al  
23 Schoonover was ready to go. And I  
24 don't know how many detectors --- I  
25 didn't have anything.

1 Q. When you say anything,  
2 meaning?

3 A. My hands and feet and my belt  
4 and hat and light. I didn't have  
5 anything. And maybe a Crescent  
6 wrench, a little one in my pocket or  
7 something. I didn't have anything as  
8 far as a detector.

9 Q. Okay.

10 A. You know, anything at that  
11 time. I didn't have nothing.

12 Q. Well, did you go in the ---?

13 A. I run down over the hill  
14 first. And run to the fan to see.  
15 And that little spike was on that fan  
16 chart, and I swear I didn't see it.  
17 And I mean, I went over to look for  
18 it. And it was just a little fine  
19 spike plumb up off the chart and  
20 back. It went --- just that real  
21 thin line.

22 Q. Yes.

23 A. And that fan chart runs a  
24 chart about that wide. And I didn't  
25 notice that spike. I went down there



1 to see it. But it wasn't big, I  
2 guess and I was excited. I didn't  
3 see it.

4 Q. So at that time, you didn't  
5 see it, but you know it's there now?

6 A. I seen it when I come out.  
7 When I come back out of the mine.

8 Q. Okay.

9 A. They wanted the fan chart and  
10 I went down there and got it. And I  
11 seen it at that time. But when I  
12 first run down there, I don't know if  
13 it was just excitement or I was  
14 looking for something bigger, I  
15 guess, you know.

16 Q. Sure.

17 A. Maybe I thought it --- I  
18 thought it was going to be out of  
19 kilter with what it normally ran.

20 Q. Uh-huh (yes).

21 A. And it had ran over. And I  
22 changed it and run over to the jeep,  
23 because them guys was getting their  
24 stuff. You know, everybody was  
25 getting ready to go. And I run over

1 and we all got on the jeep, the four  
2 of us.

3 Q. Can we just back up a second?

4 A. Yes, sir.

5 Q. Okay. And that's fine. I  
6 appreciate all the information.

7 A. Okay.

8 Q. But I just want to fill in.  
9 Once you were getting prepared to go  
10 on the ground and you had been on the  
11 phone with Mr. Chisolm and ---.

12 A. Mr. Jones, yeah.

13 Q. And Mr. Jones. Okay. But did  
14 you go back --- did you go into the  
15 lamp house? I assume you did that to  
16 get your light?

17 A. No. My light's in my office.

18 Q. Okay.

19 A. And I was carrying it in my  
20 hand. I don't even think I had it  
21 all on. I was putting it on going  
22 down the hill.

23 Q. Did you go into the lamp house  
24 trailer at all?

25 A. I might have went in there and

1       stuck my check on the board. I  
2       probably jumped up on there and maybe  
3       even Bill Chisolm put that on for me.  
4       I'm not even sure. Because he'll do  
5       that.

6       Q.       Okay.

7       A.       Because he knows --- he'll  
8       say, I'll get your tag. And whether  
9       he did or not, I can't answer that.

10      Q.       Okay. Do you remember looking  
11      at the CO monitor screen?

12      A.       No. I didn't go in the --- I  
13      didn't look at the screen. I know  
14      that.

15      Q.       Okay.

16      A.       I just run over the hill ---.

17      Q.       Did you have any additional  
18      conversations with Mr. Chisolm at  
19      all?

20      A.       Right then?

21      Q.       Yes.

22      A.       If I did, I don't remember. I  
23      don't know --- I know I told him we  
24      was going inside.

25      Q.       Okay.

1 A. And we'll try to see what was  
2 going --- try to get ahold of them  
3 crews.

4 Q. Yes.

5 A. I told him to try to get ahold  
6 of Two Left. We done heard from One  
7 Left. I said, try Two Left and just  
8 keep trying Two Left. And then I run  
9 down and got on a jeep. I got that  
10 chart and then we got on the jeep.

11 Q. What'd you do with the chart?

12 A. I just --- I changed the chart  
13 in the fan when I was in there and  
14 left the old one lay right there  
15 beside of it and run in the mines. I  
16 didn't put it up or do nothing with  
17 it. I just took off.

18 Q. You just changed it?

19 A. Yeah. I just put a new one in  
20 there and took off.

21 Q. Okay. Did you say it ran  
22 over?

23 A. It had ran over, yes.

24 Q. Okay. And why is that?

25 A. It wasn't changed on the

1 weekend. It was a miscue, I guess.

2 Q. Okay.

3 A. I think that one ran over.  
4 I'm sure it did, or I wouldn't --- I  
5 think that's why I changed it.

6 Q. Okay. The fan did operate on  
7 the day prior to the accident?

8 A. Oh, yes. Oh, yes.

9 Q. It wasn't shut off?

10 A. No.

11 Q. I see. Okay. When you went  
12 underground, did you take any  
13 walkie-talkies or anything like that  
14 with you?

15 A. I didn't have anything.

16 Q. Nothing?

17 A. And I don't know that --- I  
18 don't think anybody else did, because  
19 everybody was just excited and run  
20 off, I think.

21 Q. Okay.

22 A. I don't even know if Toler had  
23 a detector. I can't answer. I don't  
24 know. I know I had nothing.

25 Q. Okay.

1 A. And I wish I had some stuff,  
2 but I didn't.

3 Q. And there was Mr. Toler, Mr.  
4 Jeff Toler?

5 A. Yes, sir.

6 Q. And Mr. Schoonover?

7 A. Yes, sir.

8 Q. And ---

9 A. Hofer ---.

10 Q. Mr. Hofer?

11 A. And myself.

12 Q. And yourself?

13 A. Yes, sir.

14 Q. Okay. And no one had a  
15 detector that you can recall?

16 A. Well, if they --- Al might. I  
17 don't think anybody did at the time.

18 Q. Okay.

19 A. But anyway, we went in the  
20 mine and met Jamison just two or  
21 three breaks in there. He was  
22 walking up the hill. He's an outby  
23 belt man.

24 Q. Would that --- you was talking  
25 about two or three breaks in there.

1 That's in by the portal?

2 A. Yeah. We started down the  
3 hill. We started in the mine.

4 Q. Okay.

5 A. And he was right there near  
6 the top of the hill. But I don't  
7 know exactly how far it was. It  
8 wasn't very far. And he was headed  
9 out. And Jeff asked him if he was  
10 all right. We didn't even stop. We  
11 just slowed down, asked him if he was  
12 okay and he said, yeah, he was going  
13 out. He said, okay. Get out of  
14 here. And we went on down the hill.

15 Q. Okay.

16 A. And we didn't see anybody else  
17 'til we got down to about --- I think  
18 it was One Right switch. And I told  
19 that Boni boy to come outside when  
20 Owen was on the phone and he got on  
21 there and said he felt a pop in his  
22 ears. I asked him if there was any  
23 smoke or dust where he was ---

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

25 A. --- he was in Four drive. Pat

1 Boni.

2 Q. Pat Boni?

3 A. Yeah.

4 Q. And what is his position?

5 A. He's a belt man. He's an  
6 outby belt man.

7 Q. So when you were on the phone  
8 with Mr. Jones on the surface ---?

9 A. Yeah. When Jones called out,  
10 that boy got on the phone. And I  
11 asked him if there was any smoke or  
12 dust or anything where he was. And  
13 he said no. And he was at Four  
14 drive, which is right about halfway  
15 in there. And I thought, you know,  
16 if we had anything severe, he would  
17 have seen it. But all he said he  
18 felt was a pop in his ears, like he  
19 topped a mountaintop.

20 Q. And Four drive is along --- is  
21 that called Two North Mains, or what  
22 do they call that?

23 A. That's just the mains. I  
24 don't know.

25 Q. The mains? Okay.



1 A. I don't know what they call it  
2 on the map.

3 Q. Okay. So you had told him  
4 just to come outside?

5 A. I told him to get in the  
6 intake and come out of there. Yes,  
7 sir.

8 Q. Okay.

9 A. And then we picked up his  
10 father at One Right switch, or right  
11 in that area.

12 Q. Okay.

13 A. John Boni.

14 Q. John Boni.

15 A. And he's a foreman and he had  
16 --- he had a detector with him, now.

17 Q. Okay. What conversation did  
18 you have with him?

19 A. We just slowed down there and  
20 he jumped on the jeep. I asked him  
21 if he knew what happened and he said  
22 something happened, but he didn't  
23 know what happened. He thought we  
24 might have had a little explosion or  
25 something, he said. So that was at

1        --- when we picked John up and we run  
2        right --- he jumped on the jeep with  
3        us, which made five people on the  
4        jeep. And we run down there to that  
5        phone. That's when I was saying we  
6        couldn't talk on the trolley. I was  
7        saying, stop at the next phone. And  
8        I missed it. We went by the supply  
9        hole before I could tell Al that.  
10       There's a good phone there, you know,  
11       where we always talked. And I wanted  
12       to stop. That's at Nine block on the  
13       Four belt. But we went by that  
14       phone. And I said, stop at the next  
15       phone. And they said, there's a  
16       phone right down the heading here at  
17       20-some block. So we stopped at that  
18       phone and that's when ---.

19       Q.        And where did you see Pat Boni  
20       at?

21       A.        I never did see Pat Boni 'til  
22       I got outside.

23       Q.        Okay. So ---.

24       A.        I told him to get in the  
25       intake and come outside, which he

1 done. And I told John when John got  
2 on the jeep that I'd sent his son ---  
3 maybe John knew it. I don't know.  
4 But anyway, that boy had left there.

5 Q. Okay. So the only people you  
6 saw was the gentlemen at the portal?

7 A. Pit mouth there, yeah, close.

8 Q. And ---.

9 A. John Boni.

10 Q. John Boni was ---?

11 A. Yes, sir. At that time,  
12 that's all we'd seen, those two  
13 people. And we picked John up. Like  
14 I said, he got on the jeep with us.

15 Q. Okay.

16 A. Because he's an experienced  
17 miner.

18 Q. Sure.

19 A. And a good miner. And he went  
20 with us.

21 Q. Okay.

22 A. And then we stopped at that  
23 phone. Because I wanted to call the  
24 dispatch to see if he'd got ahold of  
25 Two Left, if he'd heard anything from

1       anybody else. I stopped at that  
2       phone and called Bill Chisolm,  
3       because I was setting on the edge of  
4       the jeep. I jumped out of there and  
5       grabbed that phone, called outside.  
6       I said, did you hear from anybody?  
7       He said he hasn't heard from another  
8       soul.

9       Q.       And is that the only person  
10       that you spoke to, was Mr. Chisolm,  
11       at that point?

12       A.       At that point there, I think  
13       --- I'm not sure if that's when Owie  
14       got on there. I don't know. I  
15       talked to Owie one time and I know I  
16       told him to get the hell out of  
17       there. I don't know exactly how I  
18       told him. But I told him to get his  
19       butt back there before he got down.  
20       Because he was trying to go get his  
21       brother, had no rescuer, no hat. He  
22       didn't ever put his self-contained  
23       self-rescuer on.

24       Q.       Okay.

25       A.       But I don't think that was

1       when I talked to him. I think it was  
2       the next time. I'm not positive,  
3       though. But anyway, I asked if he  
4       had heard from anybody.

5       Q.       So you spoke to him on the  
6       surface, but you're not sure whether  
7       you spoke to him at Nine block?

8       A.       I spoke to him. It wasn't  
9       Nine block where I talked. It was  
10      20-some block.

11      Q.       Or excuse me. Twenty  
12      (20)-some block.

13      A.       Okay. When I stopped at that  
14      phone, I jumped back on the jeep and  
15      the jeep just moved a little bit, and  
16      that's when Joe Ryan stuck his head  
17      out. I don't know how many blocks,  
18      you know, how far we moved. But we  
19      didn't move very far. And Joe Ryan  
20      and the crew had heard our jeep on  
21      the track.

22      Q.       Okay.

23      A.       And they stuck their --- Joe  
24      stuck his head through the man door.  
25      We hadn't seen anybody until that

1 point, other than John Boni.

2 Q. Okay. At that point there,  
3 had you seen any indications of  
4 explosion or dust or anything?

5 A. No. No.

6 Q. Everything seemed to be clear?

7 A. It was clear.

8 Q. Okay. It was clear.

9 A. But I didn't --- we had passed  
10 some damage, but we didn't know it.  
11 You know, we wasn't really looking  
12 for it. Because the air was clear.  
13 There was no dust or smoke.

14 Q. So when you passed --- you say  
15 you passed damage --- when you say  
16 you passed damage that you didn't  
17 know about, you found that out ---

18 A. That was later.

19 Q. --- later?

20 A. That was later. Yeah. It was  
21 clear and we didn't see any smoke or  
22 dust or anything outby there. That  
23 overcast was definitely damaged, but  
24 we didn't realize it at that time.

25 Q. You say that overcast. You

1 mean that One Right?

2 A. Yeah. Somewhere. Two Right.  
3 Somewhere in there. Where that  
4 overcast was damaged in there. There  
5 was damage and we hadn't seen it.

6 Q. Okay.

7 A. And when I --- of course, we  
8 wasn't really looking for it.

9 Q. Sure.

10 A. We was looking for people.

11 Q. I understand.

12 A. And the air was clear. And we  
13 seen no debris in the track, you  
14 know, nothing to indicate a problem.  
15 Readily noticeable, we'll put it that  
16 way.

17 Q. Okay.

18 A. So then, when we started to  
19 move again, that's when Joe hollered.  
20 And he --- I said, who all's there?  
21 He said, we got the whole crew except  
22 for that Paul Avington and there's a  
23 belt man with him.

24 Q. Would it be Ron Grall?

25 A. Ron Grall. And they had left

1       them and was ahead of them. And I  
2       told them to get out of there.

3       Q.       Ahead meaning outby?

4       A.       Yeah. Outby. They was at  
5       Nine. They was getting close to Nine  
6       block. Because when I got on the  
7       phone the next time, that's when Ron  
8       got on there, said he was at Nine  
9       block. And I asked him ---.

10      Q.       Sorry to keep interrupting  
11      you.

12      A.       Okay.

13      Q.       But you're going pretty fast  
14      for me.

15      A.       All right. Well ---.

16      Q.       I'm trying to keep up here.

17      A.       I thought about this millions  
18      of times, you know.

19      Q.       Yeah. Yeah. But like I say,  
20      I'm sorry. But I'm going to have to  
21      do that.

22      A.       Okay. All right.

23      Q.       Because you're moving.

24      A.       I want out of here today.

25      Q.       We can guarantee that.



1       A.       Well, anyhow --- anyhow,  
2       he --- Joe Ryan stuck his head  
3       through there and said they was  
4       having trouble with Hoy and Roger  
5       Perry, that miner operator that has  
6       the wooden leg. I said, get  
7       everybody out here. It's fresh air.  
8       Get out here and we'll get you on the  
9       jeep and get you outside.

10      Q.       Was Mr. Toler or Mr.  
11      Hofer ---?

12      A.       All of them was with us.

13      Q.       Okay.

14      A.       We was still on the jeep.

15      Q.       Okay. But did they say  
16      anything or did they have any  
17      conversation?

18      A.       They did, I'm sure. But when  
19      I seen them guys, they started  
20      telling us about the stopping out at  
21      32 break. And they'd come through  
22      the stopping and what all they'd  
23      felt. You know, what all had  
24      happened to them, knocked them off  
25      the jeep and all that stuff.

1 Q. And who told you that?

2 A. The crew. Those guys as they  
3 was coming in. Which ones, I can't  
4 honestly --- I don't know.

5 Q. Okay. And ---.

6 A. I know them all and they was  
7 all --- all of them had something to  
8 say, you know.

9 Q. Okay.

10 A. I mean just about all of them.  
11 Except for old Hoy. He couldn't  
12 hardly move. He --- they was getting  
13 him out of there.

14 Q. Did they have SCSRs on?

15 A. Yes, sir. Yeah. Joe did when  
16 he stuck his head through and I told  
17 Toler that I was going to the phone.  
18 And I don't know if we stopped at the  
19 phone or I run back to the phone to  
20 call out. I think I run back to the  
21 phone while I told John and them to  
22 do a head count and get them men on  
23 the jeep. And I went to the phone  
24 and called Bill Chisolm and told him  
25 we needed to alert both agencies and

1 we need rescue teams and we needed  
2 help immediately, we had a problem.

3 Q. Okay. Excuse me. Did any one  
4 of those --- the crew members from  
5 the One Left that came through the  
6 stopping, did any of those people  
7 have any walkie-talkies at all; do  
8 you recall?

9 A. I'm sure they did. But we  
10 didn't even think to get them.

11 Q. Okay.

12 A. I'm sure they did.

13 Q. So then ---.

14 A. They always carry them, you  
15 know.

16 Q. Okay. Let me just ask you  
17 this question up front, and then we  
18 can get rid of this one.

19 A. Okay.

20 Q. Did anyone use --- attempt to  
21 use any walkie-talkies to contact Two  
22 Left crew at all; do you recall?

23 A. If they did, I did not hear  
24 them do so, no, sir.

25 Q. And you didn't do that ---?

1       A.       No, sir. I didn't have one.  
2       I didn't do that. And we didn't  
3       think to get them. I think that was  
4       just excitement and oversight. I  
5       don't know whether Owen had when he  
6       was down there at the switch or not.  
7       I think maybe he --- now this is  
8       hearsay. I think I heard him say  
9       that he did, but he didn't tell me  
10      that directly then. I don't know.

11     Q.       Who did attempt to call?

12     A.       I don't know. I think maybe  
13     Owen Jones did. But I don't know  
14     that --- the boss. But I don't know  
15     that for sure.

16     Q.       So anyway, the walkie-talkies,  
17     to your knowledge, were never used to  
18     contact the Two Left crew?

19     A.       I didn't use any. I didn't  
20     see anybody else use any in my  
21     presence.

22     Q.       Okay. Do you recall or has  
23     anyone told you that they did or not  
24     since that time?

25     A.       No. Not definitely, no.

1 Q. Okay. Okay. So you ran back  
2 to the telephone?

3 A. Yes, sir.

4 Q. And then what did you do?

5 A. I called Bill Chisolm and told  
6 him to notify the two agencies, state  
7 and federal, to get rescue teams,  
8 that we needed help.

9 Q. Okay.

10 A. We had an explosion and we had  
11 a bad situation. We needed help.  
12 And I knew ---.

13 Q. And at that point, then ---.

14 A. Ron Grall got on the phone at  
15 that point and said they was at the  
16 supply hole, Nine block.

17 Q. Okay. And you said explosion.  
18 And how did you --- what made you  
19 think you had an explosion?

20 A. Those guys --- what they told  
21 me.

22 Q. Okay.

23 A. And looking at them, they were  
24 dusty, you know.

25 A. Yeah. Sure.

1 Q. It was a lot more severe than  
2 what I thought when I seen those men.  
3 I didn't realize until I seen that  
4 crew how severe the situation was.

5 Q. And I apologize. But getting  
6 back to those walkie-talkies, what is  
7 their capabilities?

8 A. Those that we had had to be  
9 pretty much a straight line. They  
10 would talk around 1,000 feet.

11 Q. In a straight line?

12 A. Yes, sir. If you was around  
13 corners and stuff, not that good.

14 Q. So someone in Number One entry  
15 would not be able to speak to someone  
16 in Number Two entry if they were in by  
17 the crosscut in some fashion?

18 A. Well, if they was close, they  
19 could maybe. But if they was very  
20 far, you know, around a couple  
21 blocks, no.

22 Q. When you say very far, do you  
23 have any ideas?

24 A. No. I don't use them. I  
25 never had them. They use them on the

1 section. The boss --- you know,  
2 having them for the crew to get ahold  
3 of the belt crew and the buggy  
4 runners and them carry them. I don't  
5 carry one.

6 Q. Okay. So after you spoke to  
7 Mr. Chisolm and you informed them to  
8 get ahold of the agencies, and did  
9 you say mine rescue teams, too?

10 A. Yes, sir. I asked for mine  
11 rescue teams, that we needed help.

12 Q. And was that the extent of the  
13 conversation at that point?

14 A. With him it probably was.  
15 That's when Owie got on there. And I  
16 think that's when I told him to get  
17 his butt back there before he got  
18 down. And I told ---.

19 Q. And where was he at that  
20 point?

21 A. He was up around the switch,  
22 One Left switch, trying to get up  
23 toward his brother, towards Two Left.

24 Q. Is there a ---?

25 A. About 50 block or so.

1 Q. What did he say that made you  
2 think that?

3 A. What?

4 Q. That he was trying to get ---.

5 A. Well, he didn't have --- he  
6 wanted to go up there and he was  
7 telling me how much smoke and stuff  
8 he was in.

9 Q. Okay. He was telling you ---?

10 A. And he said it was smoke. He  
11 said he was in a lot of smoke, he  
12 couldn't hardly see. I said, get the  
13 heck back out of there before you go  
14 down. And he didn't even have his  
15 rescuer on. Course, I didn't know  
16 that.

17 Q. Did he tell you that he wanted  
18 to go inby?

19 A. Yes. He wanted to go get his  
20 brother. And I told him forget it,  
21 you know, we'll get him in a minute.

22 Q. Yeah.

23 A. And I don't know exactly what  
24 I told him.

25 Q. I understand.



1 A. But I didn't want him going in  
2 there.

3 Q. Something to that effect?

4 A. I didn't want him going in  
5 there. It wasn't good when I told  
6 him to get back.

7 Q. Okay.

8 A. And then that's when Ron Grall  
9 got on there at the same time and  
10 said he was at Nine block at the  
11 supply hole and I told him we was  
12 loading the crew up. We had good  
13 air. We was going out. And he said,  
14 maybe they'll walk in. And Paul  
15 Avington, he said something to him.  
16 He said no, we'll ride, we'll catch  
17 you right here. I said, we'll be  
18 right there.

19 And John had them guys head  
20 counting, me and John Boni and Vernon  
21 took the crew out and Jeff Toler and  
22 Al Schoonover stayed there. And I  
23 told them to gather Owen Jones up and  
24 get with Owen Jones and assess the  
25 damages, what they could, get as far

1 as they could get. And that stopping  
2 was out at 32 break, which was right  
3 inby us a little bit. And we took  
4 the crew and went outside.

5 Q. Can we just stop there for a  
6 second? Maybe it'd be --- this'd be  
7 a good time to maybe move over to the  
8 map and you can kind of show me ---

9 A. Okay.

10 Q. --- where we're at and kind of  
11 go from there.

12 A. Those boxes numbered, I can  
13 show you. If they're spad numbers,  
14 we're in trouble.

15 Q. Okay. Just before you start,  
16 we want to move this microphone over  
17 this way.

18 A. This is the man door. This  
19 represents a man door. Yeah. I  
20 think that's the one that Joe Ryan  
21 come through. I think that's the one  
22 they come through.

23 Q. Okay. So you ---.

24 A. I think.

25 Q. Can you circle that with the

1 black marker?

2 A. I think that's the one. I  
3 think it's this right here that they  
4 come through, I think.

5 Q. Okay. So wait a minute.

6 A. Okay.

7 Q. Okay. So you had circled a  
8 stopping in between the track entry  
9 and ---?

10 A. The intake.

11 Q. The intake, which is on the  
12 right of the track?

13 A. Number Seven entry.

14 Q. Okay. Between Seven ---?

15 A. Six and Seven.

16 Q. Six and Seven entry crosscut  
17 inby --- or that's the 27 block?

18 A. Yeah. I think that's the  
19 stopping they came through.

20 Q. Okay.

21 A. I think that's where Joe stuck  
22 his head through and I told him get  
23 the crew out of there. And they told  
24 me that that stopping back there was  
25 blown out.

1 Q. Which one.

2 A. Thirty-two (32).

3 Q. Thirty-two (32).

4 A. Yeah. That's the first ---

5 Q. Would you circle 32?

6 A. --- that's the first damages.

7 Q. Okay.

8 A. I hadn't --- I didn't see them  
9 yet. I couldn't see it from --- I  
10 don't think when I took that crew  
11 out.

12 Q. Okay. And that's --- you're  
13 indicating at 32 block between Six  
14 and Seven entry?

15 A. Yeah. That's the first  
16 damages I knew of.

17 Q. You circled this stopping with  
18 the black marker. Okay. All right.  
19 Go ahead.

20 A. Then Owen Jones --- they were  
21 right in this track switch here when  
22 the explosion occurred. And they  
23 would come through a man door --- I  
24 think the second one in here. And  
25 they said they tried to get through

1 one, I don't know if this one or this  
2 one. This one, maybe. They told me  
3 that.

4 Q. They meaning who?

5 A. The crew.

6 Q. The crew told you?

7 A. Yes, sir.

8 Q. That they traveled  
9 between ---?

10 A. They went through a man door.  
11 I think they said they tried the  
12 first one and couldn't get through  
13 it. It was too smoky or something.  
14 And they went to this one, I think,  
15 and went through it. And it'd be 48  
16 block, I think. That's what they  
17 said and they come back down the  
18 intake.

19 Q. Okay. But stopping, you're  
20 indicating that they --- that the  
21 crew, One Left crew traveled through  
22 that 48 block?

23 A. Yeah. I'm thinking. I think  
24 that's the one.

25 Q. Between Six and Seven entry.

1 A. Yeah.

2 Q. Okay. That's circled with the  
3 black marker.

4 A. That may not be accurate, but  
5 that's what I understood them to say.  
6 They couldn't get through that first  
7 door, then they come back a door.

8 Q. Okay. You've got to slow down  
9 a little bit.

10 A. Okay.

11 Q. To get this in the record, you  
12 have to ---.

13 A. I think ---.

14 Q. Okay. All right. Then what  
15 happened?

16 A. Well, I took the crew and left  
17 and told Jeff and them to get with  
18 Owie, which they did. And I took the  
19 crew outside. Me and Vernon, and  
20 John Boni went out with us.

21 Q. Did they give you any --- did  
22 Mr. Schoonover or Mr. Toler, did they  
23 give you any instruction at all?

24 A. Not at that time. I just told  
25 them to go get Owie, they ---.

1 Q. So you gave them instructions?

2 A. Well, I asked them to. Yes.

3 I did. And then we went outside.

4 And then when I got outside, I told

5 Vernon to stay there at the --- we

6 got the crew off that jeep and they

7 started up the hill. And I run up

8 the hill to knock the power.

9 Q. To knock the power ---?

10 A. Outside. It was off at Two

11 head, which I didn't even know where

12 it was off at. But I went up to

13 check the substation and the yard,

14 because I knew we had an explosion

15 and I was going to get the power off

16 the mine. I told Vernon to stay

17 there at the air switch.

18 Q. And approximately what time

19 was it? Do you remember?

20 A. I'm thinking --- I never did

21 look at my watch. But I think it was

22 around --- those guys called home,

23 some of them, at 20 after 7:00 or so.

24 Q. When you say them guys, you're

25 talking about One Left crew?

1 A. The crew, yes, sir, called out  
2 --- called their families. Ron Grall  
3 told me he called before 7:30. Some  
4 of them guys called ahead of him. So  
5 he thinks --- and that's hearsay. I  
6 don't --- honestly, I didn't look.  
7 But I know I wasn't in there very  
8 long getting that crew and we wasn't  
9 very long getting them out.

10 Q. So when you came outside, you  
11 went up and knocked ---

12 A. The substation.

13 Q. --- the power to the  
14 underground portion of the mine?

15 A. Yes. Knocked the breakers and  
16 everything on the monitors and  
17 everything.

18 Q. Okay.

19 A. And told Vernon to pull the  
20 air switch, disconnect at the pit  
21 mouth and lock it out, which he done.  
22 Tag it, and he did. And we --- on  
23 the way out on the doors, we opened  
24 the electric doors and closed the  
25 manual doors because we knew we was



1 going to knock the power and we  
2 wouldn't be able to use those doors.  
3 I mean, I knew I was going to shut  
4 that power off as soon as I got  
5 outside.

6 Q. So when you got on the  
7 surface, you went and knocked the  
8 power off at the substation?

9 A. Yes.

10 Q. Mr. Hofer knocked the power at  
11 the pit mouth?

12 A. Yeah. He disconnected --- he  
13 pulled them after I hollered at him  
14 and flagged him and told him to pull  
15 them.

16 Q. Okay. What'd you do then?

17 A. I went into my office and  
18 about the time I got in there, Jeff  
19 Toler called.

20 Q. Okay.

21 A. And there was a couple men in  
22 there. One guy was wanting his eyes  
23 --- Roger Perry had dirt and debris  
24 in his eyes.

25 Q. Okay.

1 A. And he wanted help with his  
2 eyes. And I was trying to --- I was  
3 getting something to help him with  
4 his eyes. And then Jeff hollered on  
5 the phone and said he needed curtain,  
6 nails, spads, detectors. Because I  
7 guess he hadn't --- he didn't have  
8 any and maybe just Owie's is the only  
9 one they had. He wanted detectors  
10 and ---.

11 Q. Let me ask you this. You're  
12 talking about detectors. Now, you  
13 had Mr. Boni with you, you picked him  
14 up on the way in?

15 A. Yes. Yes.

16 Q. Did he have a detector?

17 A. Yes, he did.

18 Q. Okay.

19 A. But I don't know if Jeff got  
20 it or who got it.

21 Q. Okay. But I mean, did ---?

22 A. I don't know if he brought it  
23 outside with him. I can't answer. I  
24 don't know.

25 Q. Okay. Do you recall it ---

1 the alarm going off on it at all?

2 A. No. No.

3 Q. It didn't go off?

4 A. Not as far as I know, it  
5 didn't.

6 Q. Okay.

7 A. I didn't hear any alarms on  
8 the jeep.

9 Q. Did anybody ask, like check  
10 the methane and the --- or make a  
11 detection at all?

12 A. Not when we got the crew. We  
13 hadn't encountered anything.

14 Q. Okay. Well, we're just ---.

15 A. I assume --- Jeff might have  
16 had a detector. I can't honestly  
17 say. I know I didn't have one. I  
18 did when I went back, but I didn't  
19 have any the first trip.

20 Q. All right. Go ahead.

21 A. All right. Then Jeff called  
22 and said he needed materials, so I  
23 started gathering up telephones.  
24 Vernon started gathering up  
25 detectors. We started gathering up

1 everything that he had asked for.

2 Q. Okay.

3 A. And the yard man, Marsh, Gary  
4 Marsh, gathered up curtain that was  
5 down at the jeep. He gathered up  
6 nails and spads, put them on the  
7 forklift and run them down there and  
8 we load --- there's two men that  
9 usually start at 7:00, an hour after  
10 the crews --- general laborers, like  
11 red hats, I think. They helped us  
12 load that material. I don't know who  
13 they were. Young boys.

14 Q. Okay.

15 A. Young men. And they helped us  
16 throw curtain --- we filled that jeep  
17 full of curtain and nails, spads,  
18 phones, hammers, what materials we  
19 could get.

20 Q. Where would those materials  
21 have come from?

22 A. The curtain was sitting right  
23 there on a pallet in the yard. I  
24 don't know if Gary had carried it  
25 down there or it was already there.

1 But there was a whole pile of curtain  
2 right there by the track.

3 Q. Okay.

4 A. And they keep it there,  
5 usually.

6 Q. Okay.

7 A. So them guys can just grab a  
8 roll when they go in.

9 Q. Were the nails and all that  
10 stuff out there, too?

11 A. They're at the trailer, up at  
12 the top in the building. And Gary  
13 had taken them boxes. And then we  
14 had cans of spads and nails.

15 Q. When you say Gary, Gary ---?

16 A. Gary Marsh.

17 Q. Okay.

18 A. The yard man. And we loaded  
19 that jeep full of material with the  
20 phones. And Vern said, we'll stop at  
21 the supply hole, because he had a  
22 tool box there. He'd get a couple  
23 more hammers and an axe or something.

24 Q. Well, how many detectors did  
25 you have with you at that time?

1       A.       I don't know. We had rescuers  
2       too, you know. We had self-contained  
3       self-rescuers, some extra ones. But  
4       how many detectors and how many  
5       rescuers we had, I don't know.

6       Q.       Were they already there or did  
7       you pick them up?

8       A.       Vernon gathered most of that  
9       up.

10      Q.       Gathered that stuff up?

11      A.       Uh-huh (yes). I gathered up  
12      telephones and hammers and stuff like  
13      that.

14      Q.       Okay.

15      A.       Well, we loaded that material  
16      on the jeep and we went in the mine  
17      and we stopped at the supply hole at  
18      Nine block and Vernon jerked his  
19      toolbox open and looked in there. I  
20      think he had a an axe or maybe  
21      another hammer. I don't know what he  
22      did get out of it. He got some tools  
23      out of the box, throwed them on the  
24      jeep. It's right by the track.

25      Q.       And that's Nine block ---

1 A. On Four belt.

2 Q. --- on Four belt?

3 A. Yeah. By the supply hole.  
4 His toolbox sits right outside it.  
5 He has a couple boxes there. He  
6 opened up that box and got a couple  
7 more hammers out.

8 Q. Do you have any idea what time  
9 that might have been?

10 A. No. It couldn't have been too  
11 long. I don't know. I have no idea  
12 of the time. I didn't realize it was  
13 that late when we came out.

14 Q. But I just want to ask you for  
15 the record.

16 A. Yeah. I understand. But I  
17 never looked at my watch. I don't  
18 have a clue what time it was. I was  
19 running as hard as I could. We got  
20 on the jeep then and we went down to  
21 32 break and Al ---.

22 Q. And 32 break ---?

23 A. That's where the stopping was  
24 out.

25 Q. Okay.

1 A. The first one, half out or  
2 whatever, had damage.

3 Q. All right.

4 A. We stopped right there and Al  
5 and all of them was back there. Owen  
6 and them come back there. We hung  
7 our first curtain right there. And  
8 then we got on the ---.

9 Q. Whoa, whoa. Wait a minute.  
10 Let's use a purple marker.

11 A. Okay.

12 Q. And if you could identify ---  
13 or just draw where you put the first  
14 curtain.

15 A. The first curtain was right  
16 there. And I got out my ---.

17 Q. And that's at 32 block between  
18 the track entry and ---

19 A. That's the same one the  
20 door ---.

21 Q. --- Six and Seven entry at 32  
22 block?

23 A. Correct.

24 Q. Okay. You installed that?

25 A. We hung that curtain. And we



1 got on the jeep and we rode to 42  
2 block. That was the next curtain.  
3 That's where we parked the jeep,  
4 unplugged the batteries. And this  
5 stopping was out right here.

6 Q. Okay. Was there any other  
7 stoppings that you --- or were you  
8 checking the stoppings at the inby?

9 A. Yes. Yes, sir. We was trying  
10 to keep, you know, on the track. We  
11 just wanted to go as far as we could  
12 in there on the jeep. And we got to  
13 here. That was the next ---.

14 Q. Did you notice any stoppings  
15 out between your return and ---?

16 A. No. I didn't look. Because  
17 we was going to take the intake. I  
18 wasn't concerned about the return. I  
19 didn't even look at returns. And  
20 there was some out. I know now. But  
21 at that time, I didn't look.

22 Q. Did anyone take any methane  
23 readings or any CO readings or  
24 anything like that?

25 A. The detectors, I think, might

1 have been starting alarming and stuff  
2 when we got down in there.

3 Q. Okay. But prior to that, when  
4 you arrived at 32 block ---?

5 A. It still didn't go off, as far  
6 as I know.

7 Q. Did anybody look at any?

8 A. I didn't. I had one in my  
9 belt in my shirt and I didn't look at  
10 it.

11 Q. Did anyone have a conversation  
12 about, well, I've detected so much  
13 methane, or I've detected so much  
14 carbon monoxide?

15 A. Owen and Jeff, I don't  
16 remember if they did.

17 Q. Okay.

18 A. All I was interested in was  
19 getting the curtains up. When we got  
20 to 42 block, we took all of our  
21 curtains --- a lot of our curtains.  
22 I had like two rolls, one under each  
23 arm. I had a big coat on. I had it  
24 full of spads and nails, the pockets,  
25 and I had like a mine axe, I think.

1 And I had a roll of curtain under  
2 each arm, a detector on my belt and I  
3 went through that stopping. We  
4 unplugged the jeep. Vernon and --- I  
5 told him to unplug the batteries on  
6 the jeep and he unplugged the jeep.

7 Q. And this is 42 block along  
8 Four belt?

9 A. Four belt, yes.

10 Q. Okay.

11 A. And then we hung that curtain  
12 right there.

13 Q. Will you draw a purple circle  
14 around the jeep --- no, the stopping  
15 that you --- curtain that you put up.  
16 That represents where you installed  
17 the curtain?

18 A. Yes.

19 Q. At 42 block, between Six and  
20 Seven entry?

21 A. Yes, sir.

22 Q. Okay. And what about the ---  
23 was there any blocks laying along the  
24 track or ---?

25 A. There was in here a little

1 bit. Back here, there was some next  
2 to the track. But we didn't move  
3 any.

4 Q. And that circle was indicating  
5 at 33 block?

6 A. Yeah. That's the first damage  
7 we seen.

8 Q. Okay. And at 42 block, what  
9 did you have?

10 A. We had some --- I don't know  
11 if they was in the track bed or not,  
12 but we stopped there because there  
13 was smoke and curtain. You know, the  
14 stopping was out. And we was getting  
15 some dust. I don't know if it was  
16 really smoke ---.

17 Q. Okay. Is that the first place  
18 that you found dust or smoke or  
19 whatever?

20 A. That had anything to amount to  
21 anything, yes. As far as I know.  
22 Yeah. We didn't have anything on, so  
23 it wasn't too bad.

24 Q. Now, wait a minute.

25 A. We didn't have our SCSRs on.

1 Q. I understand that.

2 A. Okay.

3 Q. Okay. Now, where was the  
4 first point that you encountered any  
5 smoke or dust or anything like that?

6 A. Near as I can say, right in  
7 this area.

8 Q. This area meaning 42 block?

9 A. Yes, sir. If we was in any  
10 back in here, it was real thin. And  
11 then we started --- we hung that  
12 curtain. And then we went up to ---  
13 I don't know if the next one was out.  
14 I don't think it was. I don't  
15 remember. But there was some --- it  
16 wasn't as bad down in here as it was  
17 when we got on up. But we --- well,  
18 all we did was go down the intake  
19 then.

20 Q. At 42 block, you were in the  
21 intakes?

22 A. We went over in whichever ---  
23 Seven Entry.

24 Q. Seven?

25 A. We stayed in Seven Entry. And

1 as we come to a damaged stopping, we  
2 would hang a curtain. And we would  
3 hang it on the left side so the smoke  
4 and the air would --- the dustiness  
5 --- and we was getting some CO then  
6 when we went up through here.

7 Q. Okay. Where's the first  
8 indication that you knew that you had  
9 CO?

10 A. I couldn't say exactly where.  
11 I don't know. The detectors was  
12 going off. And before we got up to  
13 where we ended, we ended --- we hung  
14 our last curtain at 57 break.

15 Q. Okay. What I want to do is,  
16 let's start at 42 block.

17 A. I know. But I can't.

18 Q. Well, to the best of your  
19 recollection at 42 block. Just kind  
20 of ---.

21 A. I don't think the next  
22 stopping was out. I ain't sure. But  
23 all we was doing was like hanging  
24 this curtain. And the air, at that  
25 time, was moving. Was mostly dust,

1       some smoke, but very --- you know,  
2       not a lot of CO then. And the air  
3       was moving. It seemed to be moving a  
4       little bit, pretty good right in  
5       there. So we was hanging our ---  
6       checking our stopping damage and  
7       hanging our curtains. And what I was  
8       doing, as soon as they got a curtain  
9       up, I was going ahead to the next  
10      block, looking what I had and trying  
11      to throw a curtain in if it was out.

12                I started hanging it on the  
13      left side because that's where the  
14      air was. We was hanging it next to  
15      the mouth of the entry, you know, so  
16      the air would stay with us more or  
17      less. And we wasn't in CO a lot.

18      Q.        Okay. What's the first  
19      indication that you had that you can  
20      recall that you had CO? Did anyone  
21      ever ---?

22      A.        I'd say a little bit right  
23      there at 42. But I don't know.

24      Q.        Okay. But did anyone ever  
25      say, we have 50 parts per million or

1 give a number of ---?

2 A. If they did, I don't know.  
3 All I know, the detector went off a  
4 couple times. But where the heck it  
5 was at, I don't know. I looked at  
6 it. And once, it malfunctioned, and  
7 I said, I don't know if this thing's  
8 hot and messed up or if it's over or  
9 what. But in just a minute or two,  
10 the air would clear. You know, I  
11 mean, we hung the curtain here and it  
12 would clear up. Good. And our CO  
13 would go down.

14 Q. How do you know that it went  
15 down?

16 A. It quit --- didn't alarm as  
17 loud. It malfunctioned a time or  
18 two, though, on the --- when we got  
19 up next to 57 break. But I don't  
20 know. That's when we --- about when  
21 we got up in here --- of course, we  
22 just worked our way up through here  
23 and we hung up curtains as good as we  
24 could. And somewhere in this area,  
25 there was a stopping blowing



1 backwards. All of them had blown  
2 toward the track. And then somewhere  
3 in this area, one had blown at us.

4 Q. Okay. And just ---.

5 A. And that was the first  
6 encounter.

7 Q. When you say somewhere ---

8 A. I don't know.

9 Q. --- you're pointing at ---.

10 A. I don't know.

11 Q. Wait a minute. Near the mouth  
12 ---

13 A. Mouth of One Left.

14 Q. --- of One Left?

15 A. Yes.

16 Q. Okay. At some point in there,  
17 you had a stopping which was blown  
18 out in the direction of the intake?

19 A. Yes, sir.

20 Q. Okay.

21 A. Somewhere in this area. I'm  
22 not sure if it was just inby there.  
23 But it come the opposite direction.  
24 All the rest of them had been going  
25 toward the track, the materials.

1 Q. Okay. And you were repairing  
2 the stoppings as you went up with  
3 curtain?

4 A. Yeah. We wasn't repairing the  
5 stoppings.

6 Q. But you don't know exactly  
7 which ones?

8 A. No. And all I did was write  
9 down where we hung the first one,  
10 where we hung the first one in the  
11 series. Most of them at 42 break,  
12 where we parked the jeep, and then I  
13 wrote down on my notepad where we  
14 hung the last one so I could tell the  
15 inspectors and stuff outside when we  
16 went outside, because I knew they was  
17 going to want to ask. And I know I  
18 get excited then forget. When I got  
19 to 57 break, we hung our last curtain  
20 and it got so smoky. The air, it was  
21 all --- I told them it was  
22 devastating in this area. And it  
23 was. And you couldn't see your hand  
24 in front of you. When we hung this  
25 curtain at 57 break ---.

1 Q. And let's circle that one  
2 there.

3 A. We walked to --- right there  
4 is the last curtain we hung. Oh, I'm  
5 sorry, that's ---.

6 Q. Put it --- okay. Wait, wait,  
7 wait. Now, you say you put ---.

8 A. I circled the 57, is what I  
9 done.

10 Q. We've got to get this right.

11 A. Okay.

12 Q. The initial circle that you  
13 made was between Five and Six entry  
14 around 57, which indicates the block  
15 number.

16 A. Yeah.

17 Q. Okay. Put an X over that,  
18 which would indicate that that is not  
19 the correct place.

20 A. Right. Right here's where we  
21 built.

22 Q. Okay. All right. Now, you've  
23 ---.

24 A. Well, we put that ---.

25 Q. Wait.

1 ATTORNEY KILPATRICK:

2 Let him say ---.

3 A. Okay.

4 BY MR. SWENTOSKY:

5 Q. With the purple marker, you  
6 have now indicated at 57 block  
7 between Six and Seven entry that that  
8 stopping was out and you installed a  
9 curtain at that location; is that  
10 correct?

11 A. That's very correct. Yes,  
12 sir.

13 Q. And that is the last curtain  
14 that you installed; is that correct?

15 A. Yes, sir.

16 Q. Okay. At that point there,  
17 what was the --- did you have a lot  
18 of smoke or had it cleared?

19 A. We had a lot of smoke. We had  
20 charred roof.

21 Q. What was the visibility?

22 A. Visibility was bad. It  
23 cleared a little bit here. But as  
24 that --- when we walked up to 58  
25 break, as we was going down through

1 here, we was hanging a stopping ---  
2 or a curtain, you know, I reckon a  
3 temporary stopping, whatever,  
4 curtain, and then we'd go to the next  
5 one. It would clear up pretty  
6 quickly.

7 As we got up in this area, it  
8 slowed down. We had to wait a while  
9 before it would clear before we could  
10 hang these last few curtains. And  
11 then when we hung the one at 57  
12 break, we waited I don't know how  
13 long. But the smoke and the CO and  
14 everything got worse. As that air  
15 went in, it was bringing it back. It  
16 was a dead end --- all this was out  
17 here. And it was just forcing air  
18 in. It was bringing debris, smoke  
19 and CO back.

20 Q. Okay.

21 A. And it was worse.

22 Q. And you're indicating that in  
23 the area of the mouth of Two Left  
24 section?

25 A. Yes, sir.

1 Q. Okay.

2 A. Fifty-eight (58) break.

3 Q. Well, you said the CO was  
4 getting higher. What was the  
5 readings at that time?

6 A. It was out of the --- mine was  
7 malfunctioning in that area.

8 Q. Okay.

9 A. And so we backed up back down  
10 here and waited a few minutes, and I  
11 asked Vernon. He went back to get  
12 more curtains. And he went clear  
13 back to the 42 break to get more  
14 curtains.

15 Q. Who?

16 A. Vernon Hofer. He went back a  
17 couple times and got materials as we  
18 was hanging, because we was running  
19 out. You know, like I had two rolls.  
20 Everybody had a roll or two. But we  
21 ran out of curtain. And he was like  
22 a --- he was going back and getting  
23 curtains. He got a couple rescuers  
24 and brought up there to us, extra.

25 Q. Was there anyone who had a

1 rescuer on at that time? Did you  
2 guys put on a rescuer?

3 A. We had them on our belt. We  
4 didn't put them on.

5 Q. Didn't put them on?

6 A. Nobody put any on.

7 Q. Why?

8 A. We were stupid, I reckon. I  
9 was saving it 'til I needed it, I  
10 guess. But I --- when we got here,  
11 we stood here ---.

12 Q. And you're pointing at 57  
13 block?

14 A. Yeah. We tried to get up here  
15 and it was smoky as heck. And it got  
16 worse and we backed up back to 57.  
17 And we was talking. I asked Vernon  
18 and Owen --- Owen was there. I asked  
19 him to go back, because we didn't  
20 have any velocity. And I knew we  
21 were hanging curtains on the intake,  
22 and I knew we had missed something  
23 behind. That's when I knew for sure  
24 we had damage that we hadn't seen  
25 behind us on the intake side. But I

1 didn't know where it was at. And I  
2 asked them if they would go ---.

3 Q. Let's just stop there.

4 A. Okay.

5 Q. So your furthest travel inby,  
6 could you draw me a line with the  
7 purple marker across the entries of  
8 the furthest travel that you ---?

9 A. In this area here. Maybe Jeff  
10 might have went just a little bit  
11 further. But I went right in this  
12 area here.

13 Q. Okay. Just draw a straight  
14 line across.

15 A. Oh, okay. Right there.

16 Q. Okay. So you're in ---?

17 A. And we didn't stay there. We  
18 didn't hang any curtain there.

19 Q. Okay. But you've indicated  
20 this line across Number Seven entry,  
21 and that is just inby 58 block; is  
22 that correct?

23 A. Yes. Yeah.

24 Q. Okay. And did you --- was 58  
25 block ---?



1 A. Open.

2 Q. That was open?

3 A. Yeah.

4 Q. And you did not hang a curtain  
5 at that point?

6 A. No. It was too smoky. It  
7 never cleared out enough to get up in  
8 there to do it. And we didn't don  
9 our stuff. We didn't do that.

10 Q. And at that point there,  
11 visibility was ---?

12 A. It was getting worse. When we  
13 first got there, we heard some noise.  
14 You know, it was quiet. You know,  
15 nothing on. And then with debris  
16 falling from the roof or from  
17 somewhere, and every time it would  
18 fall, Jeff would shout. Jeff Toler  
19 or myself, to see if we could get a  
20 response, like if it was somebody, a  
21 person.

22 Q. Okay.

23 A. The noise.

24 Q. What was your conversation at  
25 that point there, between the three

1 of you?

2 A. Well, when I sent them guys  
3 out, Jeff was --- said he was going  
4 to try to go on. I said --- and I  
5 told him the damages that I seen and  
6 the smoke and the CO that I was  
7 seeing ---.

8 Q. And the CO that you were  
9 seeing was how much?

10 A. We was --- when we went in  
11 there, we was pegged out. I don't  
12 know.

13 Q. Okay. Did you ever look at  
14 the screen?

15 A. It malfunctioned. Mine was  
16 malfunctioning.

17 Q. Did the screen indicate any CO  
18 level at all, do you recall?

19 A. I don't know. It had read  
20 everything. I don't know. When it  
21 malfunctioned, I don't think it  
22 showed any. I'm not sure, but I  
23 don't think it did. But anyway, I  
24 just --- I talked to Jeff and Jeff  
25 said --- course, his uncle was up

1       there, which was the section boss,  
2       Junior Toler. And he said he wanted  
3       to go in. And I said, Jeff, I don't  
4       think we can at this time. The best  
5       thing we can do is go out and tell  
6       them what we have, what we've seen,  
7       and where we've been. And that's  
8       what we did. And then he concurred  
9       after a little bit. But we did hear  
10      noises in here of stuff falling. And  
11      the guys were in the same location  
12      and never --- you know, real close  
13      together.

14      Q.       Okay. And you tried to make  
15      contact by shouting?

16      A.       Yeah. But we didn't ---  
17      nobody ever did. And like I said,  
18      the noise didn't come two times in a  
19      row or anything like that. That's  
20      when we left ---.

21      Q.       How long were you there, do  
22      you think?

23      A.       I'd say 15 or 20 minutes. But  
24      it might have been longer than that,  
25      because I sent Vernon and Owen back

1 to check for damages. And like I  
2 said, I don't know how, you know, we  
3 was --- we talked a little bit, you  
4 know, about what we should do and  
5 about what we maybe could do. But I  
6 had no idea that it was the seals.  
7 Never even entered my mind. I  
8 assumed it was there. And if it had  
9 been in here, ---.

10 ATTORNEY KILPATRICK:

11 When you say there,  
12 where do you ---?

13 A. The section, Two Left section.  
14 And it would have come back and hit  
15 this corner the same way, in a  
16 straight line.

17 BY MR. SWENTOSKY:

18 Q. And hit the corner, you mean  
19 back in the mains?

20 A. Where we was. Yeah. Where we  
21 could see all the damages. You  
22 couldn't see everything up in here.  
23 But back in here, where we was  
24 hanging some of the curtains, you  
25 could see over in the track in these

1 areas here that stuff was torn up,  
2 you know, outby here.

3 Q. Okay. And you're indicating  
4 in the vicinity of block 56, 55?

5 A. Yeah. Up in through here,  
6 back --- well, I don't even know if I  
7 could see good up in here. Down in  
8 here you could see these overcast and  
9 stuff. You could see some damages.

10 Q. Okay. And that was just inby  
11 One Left?

12 A. Yeah. You could see --- yeah.  
13 It was just tore up.

14 Q. Did you ever go over into the  
15 track or the belt entry area?

16 A. Jeff got a phone back near the  
17 switch, and brought it over there  
18 somewhere.

19 Q. Okay. But you never --- were  
20 you ever over there?

21 A. I never was, no.

22 Q. Between Two Left ---

23 A. No.

24 Q. --- and One Left ---

25 A. No.

1 Q. --- you were never on the left  
2 side?

3 A. I was never out of that  
4 intake.

5 Q. Okay.

6 A. I never was once I was in  
7 there.

8 Q. Okay.

9 A. Other than --- and like I  
10 said, we didn't get a curtain hung up  
11 here. We did venture up in there a  
12 couple times.

13 Q. All right. So then after you  
14 --- the furthest point of travel, and  
15 you listened, and you tried to make  
16 some contact by shouting. Okay. And  
17 then at that point there, did you  
18 start outby at that time?

19 A. Yeah. After we talked it  
20 over, we didn't think we could do  
21 anything. And the only thing we  
22 thought we might do is get down to  
23 One Entry, down in here, in One  
24 entry, and try to go up through  
25 there. But with what I had seen and

1 the amount of CO I was seeing, I  
2 thought it was time to get out.

3 Q. Then what did you do next?

4 A. Then we left there.

5 Q. You and Jeff?

6 A. Me and Jeff and Al.

7 Q. Okay.

8 A. Al was still with us, yes,  
9 sir.

10 Q. Okay.

11 A. And Vernon and Owen had went  
12 back checking damages. We went back  
13 that direction. And when we got down  
14 to them ---.

15 Q. You went in the outby  
16 direction from the 58 block outby?

17 A. Yes. We stayed right in this  
18 entry, yes, sir.

19 Q. And you're indicating Number  
20 Six entry, which is the intake?

21 A. Yes. Yes. Right. We stayed  
22 right there in that entry next to  
23 these turns. When we got back to 42  
24 break, I thought, maybe we'll take  
25 that jeep. Well, when I looked

1 through that curtain, I didn't want  
2 that jeep. I decided I didn't want  
3 that jeep.

4 Q. Why's that?

5 A. It was smoky then. The smoke  
6 had come back down in here some. And  
7 the dust and ---.

8 Q. Okay. Okay.

9 A. And it wasn't near that bad  
10 when we parked the jeep.

11 Q. Okay. So at 42 block, did you  
12 look through the curtain?

13 A. Yes, sir.

14 Q. The curtain that you had  
15 installed?

16 A. Yes, sir.

17 Q. And at 42 block, you saw more  
18 smoke than what you had seen before?

19 A. Oh, yes, sir. More smoke than  
20 when we parked the jeep, a lot more  
21 smoke. Where we put this air up  
22 through here was, I guess, forcing it  
23 back or whatever, what little bit of  
24 air we had.

25 Q. Okay. Could you see the jeep?



1 A. Yes.

2 Q. Okay. From that curtain?

3 A. Yes, I could see it. I could  
4 see it.

5 Q. But it was smoky?

6 A. Yeah. It was pretty smoky,  
7 pretty dusty.

8 Q. Did you ever see any flame or  
9 anything like that?

10 A. No.

11 Q. What'd the smoke smell like?

12 A. It was pretty rotten. But I  
13 did tell them, when I got outside,  
14 that I seen no wedges or wood  
15 burning.

16 Q. Okay.

17 A. And the explosions that I've  
18 been in before, I've always seen  
19 combustible material, like if the  
20 flash come this way, this side of the  
21 post would be burning. And I've took  
22 my hands and rubbed them out before.  
23 The wedges that were in these  
24 stoppings up in here, even at 57, the  
25 last one we hung, weren't charred.

1       What material you could see there,  
2       you know, what wood we could see in  
3       that there, wasn't none of it burnt.  
4       I told them that when we went out.

5       Q.       Okay. So you're back at 42  
6       block, you look and you don't want to  
7       take that jeep.

8       A.       No. We walked. We walked and  
9       just left it there.

10      Q.       You walked. Where did you  
11      walk?

12      A.       We walked all the way outside.  
13      But we come down in here somewhere  
14      and got with Vernon and Owen, we  
15      caught them, because they was looking  
16      for stopping ---.

17      Q.       Okay. Do you have any idea  
18      where you might have met with them?

19      A.       I think it was Two Right area,  
20      somewhere in there. But you'd have  
21      to ask ---.

22      Q.       Okay. When you met up with  
23      them, were they on the track or were  
24      they in ---?

25      A.       No. They were over in there

1 checking those curtains in the intake  
2 where we were. And we just got all  
3 together and walked the intake out.

4 Q. Okay. You didn't walk any of  
5 the track out?

6 A. No.

7 Q. So you walked from the --- in  
8 the primary escapeway ---

9 A. All the way.

10 Q. --- all the way to the  
11 surface?

12 A. Yes, sir.

13 Q. You never went over onto the  
14 track?

15 A. No, sir. Other than looking  
16 at that jeep, I didn't go in there,  
17 no. I didn't go through there,  
18 either. I just looked.

19 Q. Okay. Up around One Right,  
20 where the overcasts were --- you had  
21 mentioned that earlier --- was there  
22 any additional repairs or anything  
23 done?

24 A. Those guys had hung some  
25 curtains up. I didn't hang anything

1 on the way out. I just came out. I  
2 don't know ---.

3 Q. And that's Owen and ---

4 A. Owen and Vernon.

5 Q. --- Vernon?

6 A. But where they hung them,  
7 you'd have to ask them. I don't  
8 know. Because they didn't hang any  
9 when I was with them. We didn't see  
10 any more damages after we got --- you  
11 know, on Three Belt there, when we  
12 done ---.

13 Q. Did they relate anything to  
14 you concerning where they ---?

15 A. They did to Jeff. I didn't  
16 really --- I was walking with Al.

17 Q. So during this whole episode,  
18 did anyone relate to you what the CO  
19 levels were at all?

20 A. Yeah. Jeff was saying at  
21 times, you know, he had 400 parts per  
22 million and once maybe 700. But he  
23 did run over in the track and get  
24 that phone. I don't know where he  
25 got the most CO, whether he got it on

1 up at the --- next to where we quit.

2 Q. And that phone, was that ---?

3 A. The phone, I think, was around  
4 the switch. But I'm not sure. He  
5 got the phone wherever the phone was  
6 hanging there. And he --- maybe he  
7 just got wire to it. I don't know.  
8 We had a phone. Maybe he just got  
9 wire and run a hook on the line, run  
10 the phone over. He talked to them  
11 somewhere in here.

12 Q. Okay.

13 A. But I didn't go ---.

14 Q. Okay. And you're indicating  
15 around the 46 block?

16 A. Yeah. Forty-five (45),  
17 somewhere in that area. He had a  
18 phone and he talked to --- maybe it  
19 was 42 block, too. I don't know.

20 Q. So you say Owen said around  
21 400 or 700 or something?

22 A. Yeah. Them guys were giving  
23 numbers. I didn't ---.

24 Q. Jeff or Al or Vernon, did they  
25 indicate to you any CO levels that

1 they might have detected?

2 A. Everybody was saying numbers  
3 but me. I didn't look at mine. When  
4 it beeped, I mean, I heard it. And a  
5 couple times, I looked at it and it  
6 was malfunctioning. I said, mine  
7 ain't no account anyway. So I didn't  
8 pay any attention to mine. Because I  
9 thought it was just a bad ---. And  
10 whether it was --- it couldn't have  
11 been malfunctioning and high all the  
12 time, because I was in the good air a  
13 good bit and I didn't ever get down  
14 or nothing. So it couldn't have been  
15 too awful bad. But Jeff was watching  
16 the CO pretty close and Al was  
17 watching the CO pretty close. I was  
18 trying to hang curtains.

19 Q. Okay.

20 A. And get up there by ---.

21 Q. And you say that they were  
22 hanging --- I mean, they were  
23 actually looking at their detectors  
24 and stuff?

25 A. Yeah. Oh, yeah. Well, they

1       went in --- when we advanced ahead,  
2       Jeff would look at his CO as he went.

3       Q.       Did he ever pop off any  
4       numbers to you?

5       A.       He was --- I don't remember  
6       him ---. I know he said numbers at  
7       times, but I don't remember. You'd  
8       have to ask him to find that out.

9       Q.       All right. Then you walked to  
10      the outside?

11     A.       Yes, sir.

12     Q.       Okay. And approximately what  
13     time did you get to the surface, do  
14     you recall? I know you don't know  
15     the times.

16     A.       I have no idea. I mean, they  
17     told me it was after ten o'clock. I  
18     can't believe it was that long, but  
19     it probably was. It must have been.  
20     They said 10:30. I don't know.

21     Q.       What was your conversation?

22     A.       John Collins and people was in  
23     the room. We wasn't there two  
24     minutes and they had us in the room  
25     like debriefing us or whatever,

1 asking us what had happened. And  
2 what time that was, I can't tell you.

3 Q. By the way, that exhibit with  
4 the --- that scale map --- okay. I'm  
5 going to put the scale map to be  
6 exhibit whatever.

7 A. I would like to clarify one  
8 thing before ---.

9 Q. Sure.

10 A. Where I said them guys come  
11 through, they probably didn't come  
12 through that 40-some block there.  
13 Because I don't even know if there  
14 was a stopping there or not.

15 Q. Okay.

16 A. They might have come on back.  
17 I know they tried a door and couldn't  
18 get through it because of the smoke  
19 they said or something. But I don't  
20 know where they come through at,  
21 because I wasn't with them. But I  
22 did --- they did say they tried  
23 somewhere and couldn't get through it  
24 and they went to the next one because  
25 of the smoke. But now, they was up



1 to One Left Switch, so wherever they  
2 found the first door, they tried and  
3 couldn't get through, and then they  
4 went to the next one.

5 Q. And when you say them guys,  
6 you're meaning?

7 A. Well, I'm talking about the  
8 One Left crew.

9 Q. One Left crew. Okay. During  
10 your re-enter of the mine and so on,  
11 were you in charge of that, kind of,  
12 that event? Who suggested to go  
13 underground?

14 A. Jeff, I suppose. I knew I was  
15 going. Jeff said he was going. And  
16 I knew I was going. I think Jeff  
17 hollered at Al and they went, but I  
18 was already getting my stuff. When I  
19 talked to Owen, I knew I was going  
20 inside.

21 Q. So Jeff Toler is the one that  
22 --- was he kind of in charge, then of  
23 ---

24 A. He's the superintendent.

25 Q. --- the underground ---

1 entering the mine? He was in charge  
2 underground during that episode, or  
3 was everybody kind of in charge?

4 A. Me and him, mainly. He's the  
5 superintendent, though. He was ---  
6 he's the boss.

7 MR. SWENTOSKY:

8 Okay. While I look  
9 through this, Brian, do you  
10 have any questions?

11 MR. MILLS:

12 Are you going to go on  
13 to recovery and rescue?

14 MR. SWENTOSKY:

15 In a little while.

16 MR. MILLS:

17 Well, I'll ask these,  
18 then. Just a couple quick  
19 ones here.

20 BY MR. MILLS:

21 Q. I think you mentioned you had  
22 some mine rescue experience?

23 A. Yes. I was on Badger's rescue  
24 team.

25 Q. For?

1 A. Several --- I was captain for  
2 15 years or more. Badger Coal  
3 Company's rescue team.

4 Q. And did you --- were you ever  
5 involved in any mine rescue attempts  
6 or mine fires or ---?

7 A. I was in Dola Number Two Mine,  
8 Compass Number Two Mine, and carried  
9 out the superintendent, Baxter  
10 Allison, who was --- that was where I  
11 seen the fire, wood a-burning and the  
12 posts a-burning. And we recovered  
13 his body. I was in the team that  
14 recovered his body. I was on the  
15 state team at that time. I was not  
16 the captain. I was a member of a  
17 company team at Compass Number Two  
18 Mine. That was in the '60s. '69 or  
19 --- one fatality that I --- the  
20 superintendent was the ---.

21 Q. Okay.

22 A. Baxter Allison was who got  
23 killed. And I brought the body out.  
24 I was on the team that brought the  
25 body out. And we was in that fire.

1 And then we was in the recovery of  
2 building the seals and stoppings in  
3 the back and recovery of the mine for  
4 a while. And then I've been in  
5 several --- I went in mines exploring  
6 that wasn't on fire that had high  
7 methane and what not under machine at  
8 Number Three Mine. And I've been in  
9 --- for the rescue team getting  
10 bodies out like at Bergoo and some of  
11 those places where people's been  
12 covered up. Digging them out and  
13 recovering bodies. But that wasn't  
14 under machine.

15 Q. But you do have some  
16 experience under apparatus?

17 A. Yes. We practiced every ---  
18 we was on competition teams. And we  
19 practiced all the time. We had play  
20 smoke. And we went backup several  
21 times and never did go in, you know.

22 Q. Of the four guys who were with  
23 you that day, do you know if any of  
24 those guys had mine rescue ---?

25 A. Al Schoonover. I don't think

1 Vernon does. Al Schoonover was a  
2 rescue man.

3 Q. On your way out, you and Toler  
4 and Schoonover were in by Owie Jones  
5 and Vern? They were headed ---?

6 A. Well, they was with us for ---  
7 on our way out?

8 Q. Out. The last trip there.

9 A. No. Owen and Vernon was ahead  
10 of us hanging the curtains, checking  
11 the stoppings. And then we caught  
12 them and we all just went out  
13 together.

14 Q. Okay.

15 A. We all five walked pretty  
16 much ---.

17 Q. At any time that you were  
18 separated from them on your way out,  
19 did you feel an increase in the  
20 velocities in the entry you were in?

21 A. Where they hung the curtains,  
22 you mean?

23 Q. Yeah.

24 A. No. We was --- I think we  
25 were about back there by the time

1 they got them hung, you know, because  
2 we hustled a good bit when we first  
3 started out of there.

4 Q. Okay. At any time on your way  
5 out, did you feel an increase in the  
6 velocity?

7 A. Well, I don't know if I felt  
8 an increase or it just got colder,  
9 Brian, as I got ---.

10 Q. Closer to ---?

11 A. Yeah. As I got closer toward  
12 the pit mouth, you know, the air was  
13 colder, of course. But I can't say  
14 that I felt an increase. I'm sure I  
15 did.

16 Q. Do you believe all the intake  
17 stoppings were intact or repaired  
18 from 57 block to the outside?

19 A. I can't answer that because I  
20 didn't check them. After I got with  
21 Vernon and Owen, we walked out then.

22 Q. At 26 block?

23 A. Yeah. I didn't concentrate on  
24 staying. Wherever they were when we  
25 met. I don't know exactly where that

1 was .

2 MR. MILLS:

3 Okay. That's all.

4 BY MR. SWENTOSKY:

5 Q. The trolley phones --- and  
6 that's the phones on the mantrip ---  
7 is that what you call those, the  
8 trolley phones?

9 A. Yes, sir.

10 Q. Okay. Were they operating  
11 that day?

12 A. They never --- we never talked  
13 on them. And I don't know. You'd  
14 have to ask William Chisolm when the  
15 crews went in if he ---. I don't ---  
16 I can't answer that. But I had a  
17 dispatcher tell me Saturday they  
18 didn't work, and then I had a  
19 motorman tell me Sunday they worked.  
20 So I don't know.

21 Q. When you say Saturday and  
22 Sunday?

23 A. Saturday, Gary Marsh  
24 dispatched.

25 Q. Okay. When you say Saturday,





1 BY MR. SWENTOSKY:

2 Q. Okay.

3 A. He said that he talked on them  
4 Saturday --- or Sunday, I mean.

5 Q. He said that he used them on  
6 Sunday?

7 A. He did, yes.

8 Q. Okay.

9 A. But I wasn't there Sunday or  
10 Saturday. I know they worked Friday.

11 Q. They worked Friday and someone  
12 had told you they were not working  
13 Saturday?

14 A. Yes. And then the motorman  
15 told me they were working on Sunday.  
16 He talked on them Sunday.

17 Q. Okay. And when did they tell  
18 you this?

19 A. Since the accident occurred.

20 Q. Okay.

21 A. I don't know what dates, you  
22 know.

23 Q. On the Saturday when they  
24 weren't working, whenever he told you  
25 that they were not working then, was

1       there an attempt made to fix them?

2       A.       I wasn't there. I don't know.

3       Q.       Okay. So the last day you  
4       worked, then was ---?

5       A.       Friday.

6       Q.       Friday before the ---.

7       A.       Yes, sir.

8       Q.       Whenever --- just for the  
9       record here, did you, or do you know  
10      if there were any controls that were  
11      re-established that had been out  
12      prior to the accident? Do you want  
13      me to repeat that?

14      A.       Prior to the accident?

15      Q.       Yeah. Were there ---?

16      A.       You mean like stoppings?

17      Q.       Stoppings or any ventilation  
18      controls that may have been out prior  
19      to the accident. Did you re-  
20      establish any of those, if there were  
21      any out?

22      A.       No. I don't know.

23      Q.       Okay.

24      A.       Down in there where we were  
25      at, I'm pretty sure they were ---

1 they occurred that day.

2 Q. Okay.

3 A. From 32 block on. If there  
4 was anything behind the damage, I'm  
5 not aware of it.

6 Q. Okay. And then getting back  
7 to these trolley phones. On January  
8 2nd, the day of the accident, do you  
9 know if the trolley phones were  
10 working?

11 A. They weren't working when we  
12 went in, because we couldn't talk to  
13 them. That's why I had to stop at  
14 that mine phone.

15 Q. Okay.

16 A. But now, whether they was  
17 working when the crews went in before  
18 that, I can't answer that.

19 Q. Okay. And I think you already  
20 mentioned that you --- the four of  
21 you that went underground did not use  
22 an SCSR at any time.

23 A. (Indicates no).

24 Q. Okay. Whenever the crews ---  
25 One Left ---.

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ATTORNEY WILSON:

He shook his head.

Make sure the record ---.

A. Yeah. No. We did not wear an  
SCSR. No.

BY MR. SWENTOSKY:

Q. Okay. At any time underground  
during your rescue efforts?

A. No.

Q. Okay. Whenever the One Left  
crew --- you met them and you had  
mentioned earlier that they had an  
SCSR. Some of them had SCSRs.

A. I think they all did.

Q. Okay.

A. But I can't say for sure,  
because ---.

Q. Okay. Did you have any  
conversation or do you recall anyone  
saying they had trouble with the SCSR  
or they worked, they didn't work, or  
any type of conversation about the  
use of the SCSR, difficulties?

A. I heard that one or two of  
them had some trouble. But I didn't

1 talk to them about that.

2 Q. Okay.

3 A. When we got there, I told them  
4 there was fresh air there. They come  
5 through there and they was jerking  
6 them off getting on the jeep,  
7 counting their heads and trying to  
8 get them on there.

9 Q. Okay. But that conversation  
10 that you mentioned about you heard  
11 that someone --- was that at that  
12 time or was that later on?

13 A. No. It was later on.

14 Q. Later on?

15 A. That was like two or three  
16 days --- while the accident recovery  
17 was going on, you know.

18 Q. Okay.

19 A. Those guys was around there,  
20 you know, a lot. People was talking.  
21 But as far as them telling me that  
22 morning, I didn't --- we didn't have  
23 that much of a conversation then.  
24 Just got them on there and got them  
25 out and got up there and got them

1 other two men at Nine block and took  
2 them outside.

3 Q. Okay. Do you know if there's  
4 any self rescuers stored underground,  
5 extra SCSRs stored underground?

6 A. I don't think so.

7 Q. Okay.

8 A. I mean, there might have been  
9 a couple left on the section where  
10 them guys are supposed to carry them  
11 who left them. But ---.

12 Q. No. What I mean is there's  
13 not ---

14 A. No. Storage area ---.

15 Q. --- a given storage of ---?

16 A. No. Not as far as I know.

17 Q. Okay. You mentioned when we  
18 were at the map that you had written  
19 some notes down.

20 A. I just wrote down where we  
21 hung the first ---.

22 Q. Do you have --- do you still  
23 have those notes?

24 A. I think it's in my pocket at  
25 work. In my --- it's in my hat now.

1 I put my notes in my hat. But I  
2 think it's still in there.

3 MR. SWENTOSKY:

4 Okay. Could we ---

5 ATTORNEY KILPATRICK:

6 We'll consider that.

7 Yes.

8 MR. SWENTOSKY:

9 --- get a copy of that?

10 A. But also on there's where we  
11 hung the first stopping, where we  
12 seen the first damages. I just wrote  
13 that down so I wouldn't forget about  
14 it.

15 BY MR. SWENTOSKY:

16 Q. Sure.

17 A. I didn't forget it anyway, but  
18 I wrote it down to give the ---.

19 Q. Okay. Did anyone else take  
20 any notes while you were underground  
21 that you recall?

22 A. I don't know if Jeff did. I  
23 did. That's the only ones I took. I  
24 was just concerned about what we'd  
25 see. I know when we got up there

1 close to the --- to the farthest we  
2 went, I rubbed a roof bolt and showed  
3 them the soot and stuff on the bolt,  
4 the bolt plate. I rubbed the plate.  
5 And of course, that's where it was  
6 real stinky and real bad, right in  
7 that area.

8 Q. Okay.

9 A. And I showed them my fingers.

10 Q. Was there ever any air  
11 quantity readings taken?

12 A. Oxygen and stuff?

13 Q. No. Quantity readings. Air  
14 measurements.

15 A. No.

16 Q. Okay.

17 A. Not as far as I know.

18 Q. And I'm speaking about during  
19 the ---.

20 A. Yeah, I know. CFMs. No.

21 Q. Okay. But I'm speaking of  
22 whenever you were installing the  
23 curtains and during that period of  
24 time.

25 A. I didn't hear them say any. I



1 didn't do any. Only thing I was  
2 concerned about was the amount of  
3 oxygen we had. And it was always  
4 good, you know. It was never any low  
5 oxygen. And I never did feel any  
6 heat. But I told them that when I  
7 got outside. And if there's much of  
8 a fire, it'll be sucking the oxygen.  
9 Especially if you don't have a lot of  
10 air and, you know, a lot of velocity.

11 Q. Okay. You had mentioned  
12 earlier about a conversation on a  
13 mine phone. Do you recall at any  
14 time a conversation concerning a (k)  
15 order that was put on the mine?

16 A. Not when I was on the phone.

17 Q. Okay. You don't recall any of  
18 those? Or did anyone say that at  
19 all? Do you recall those?

20 A. I never talked on the phone  
21 after I talked to the --- after I  
22 called the dispatcher and told them  
23 about the accident and got outside  
24 and got back in, I never come back to  
25 a phone again. The only one to talk

1 on the phone in our crew that I know  
2 of was Jeff Toler.

3 Q. And again, you don't recall  
4 --- do you recall what time you  
5 exited the mine?

6 A. No, sir.

7 Q. For the last time?

8 A. No, sir.

9 Q. When you --- whenever you  
10 exited the mine, did anyone ever go  
11 back underground prior to the mine  
12 rescue team going underground?

13 A. Not as far as I know. Can we  
14 take a break?

15 Q. Take a break?

16 A. It's up to you guys.

17 SHORT BREAK TAKEN

18 BY MR. SWENTOSKY:

19 Q. The detectors that you had  
20 with you, what was the model of those  
21 detectors? Do you recall?

22 A. No, I don't know what it would  
23 be.

24 Q. What color were they?

25 A. We had three or four different

1 kinds.

2 Q. Okay. What color were they?  
3 Describe them to me.

4 A. I don't even know if I can or  
5 not. It's just --- which one is it?

6 Q. Is it silver?

7 A. Yeah. Silver and red. Silver  
8 and dark blue-like ink, I think, you  
9 know, where it prints out. It's a  
10 digital, whatever.

11 Q. But the case of the  
12 instrument?

13 A. The machine was silver, yes.

14 Q. Silver in color?

15 A. I think.

16 Q. Okay. Just going back to your  
17 furthest point of travel, again, just  
18 to kind of nail this down, the  
19 visibility at --- and I believe you  
20 said you went just inby 58 block. At  
21 that point there, you had mentioned  
22 the smoke was thick.

23 A. Uh-huh (yes).

24 Q. Could you see like two feet,  
25 three feet approximately?

1 A. You couldn't hardly see at  
2 all. You know how that soot and  
3 stuff is on the mine.

4 Q. Yes.

5 A. And then with the smoke that  
6 was there, there was no visibility.  
7 That's why we were just hollering in  
8 the direction of the sound. You  
9 couldn't see anywhere in that  
10 direction to amount to anything.

11 Q. Okay.

12 A. But it was like there. You  
13 could just barely see.

14 Q. Barely see, like ---?

15 A. Yeah.

16 Q. Put it in feet. Like five  
17 feet?

18 A. I don't think you could see  
19 that far.

20 Q. Okay. Less than that.

21 A. Maybe when we first got there,  
22 you could. But then after a few  
23 minutes, it got worse.

24 Q. So when you left, it was,  
25 would I be safe in saying, less than

1 five feet?

2 A. Yes.

3 Q. Okay. And then whenever you  
4 looked through the curtain and looked  
5 at the jeep ---?

6 A. You could see --- I could see  
7 the jeep. So it was ---.

8 Q. Okay. So ---.

9 A. So it was probably 20 feet  
10 away or 15, maybe.

11 Q. Okay. And could you see  
12 beyond that or is that pretty much  
13 the limit of visibility?

14 A. That's all. I didn't try to  
15 look any further. Because it was  
16 that old, yellow-looking smoke and  
17 dust and stuff. All that dark  
18 gold-looking color. It wasn't real,  
19 real black yet like it was up there.  
20 It was yellow and black or whatever.

21 Q. Yeah. And that was at the  
22 jeep?

23 A. Yes, sir.

24 Q. And the jeep was approximately  
25 20 feet away, you said?

1 A. Yes. Probably.

2 Q. Okay. And was that pretty  
3 much the limit of the visibility at  
4 that point?

5 A. I'd say. I didn't go over in  
6 there to ---.

7 Q. Yeah, I understand.

8 A. I just looked for the jeep  
9 because I thought maybe we might take  
10 it. And then when I seen the smoke  
11 and the dust, that was ---.

12 Q. Which it was like a gold  
13 color?

14 A. Yeah. Gold, yellow-looking.  
15 That old, yellow-looking,  
16 dirt-looking stuff. And some black  
17 dust.

18 Q. When you were on the surface  
19 and you were speaking to Mr. Chisolm,  
20 did the --- and you said the  
21 lightning. Were you on the phone at  
22 that time, when the lightning struck?

23 A. No. That was before we talked  
24 to Bill Chisolm.

25 Q. Okay. Well, at any time you

1 were on a telephone, did you hear any  
2 crackling or was there any noise on  
3 the phone, unusual noise?

4 A. Not that I recall.

5 Q. Okay. What I want to do is  
6 --- there's a copy of eight fan  
7 charts. And I've stapled them  
8 together for convenience. And if you  
9 take a look at these, if you would,  
10 please, and we'd mark that as Exhibit  
11 Five.

12 (Wilfong Exhibit Number  
13 Five marked for  
14 identification.)

15 BY MR. SWENTOSKY:

16 Q. And are those copies of fan  
17 charts from the Sago Mine?

18 A. Yes, sir. I'd say.

19 Q. Okay. Who is responsible for  
20 changing the fan chart or examining  
21 the fan chart at the mine?

22 A. I guess that's me. Like right  
23 here where Pete done it on the 11th,  
24 I was on vacation. Vernon ---.

25 Q. Well, let's just do it this

1 way. Let's just start at the top.  
2 And I've numbered those pages  
3 sequentially.

4 A. Okay.

5 Q. From number one to number  
6 eight.

7 A. Okay.

8 Q. And those numbers appear in  
9 the bottom right-hand corner.

10 A. Yes.

11 Q. Okay. In the first fan chart,  
12 which is Number One, it's dated  
13 October 14th.

14 A. Yes, sir.

15 Q. And is that your ---

16 A. Yes, sir.

17 Q. --- initial and name?

18 A. Yes, sir.

19 Q. Okay. And if you look at the  
20 --- and does that represent the day  
21 that you installed the fan chart?

22 A. Yes, sir.

23 Q. Okay. And then if you look at  
24 page two.

25 A. Yes, sir.



1 Q. And it's identified as October  
2 24th of 2005; is that correct?

3 A. Yes, sir.

4 Q. Okay. And right below the  
5 date in the center of the chart,  
6 there's a W.A. What does that  
7 represent?

8 A. Willard Anderson.

9 Q. Okay. Does that represent  
10 ---?

11 A. He's a maintenance foreman.

12 Q. Okay. Is that who changed  
13 this chart?

14 A. Yes, sir.

15 Q. Or installed this chart?

16 A. Yes, sir.

17 Q. Okay. And do you notice the  
18 time between the two charts are ---  
19 represents about ten days?

20 A. Yes, sir.

21 Q. Okay. And I notice, even  
22 though that's ten days, if you notice  
23 that there's a little --- where the  
24 pressure increased, and that was  
25 around noontime, between noontime and

1 about six o'clock on Sunday?

2 A. Yeah.

3 Q. On that chart.

4 A. Yes, sir.

5 Q. Do you know what that  
6 represents?

7 A. No, sir. I don't know whether  
8 that's --- that was a Sunday. I  
9 don't know whether the weekend crew  
10 had the doors open. I can't answer  
11 that. I don't know.

12 Q. Okay. And I see that that  
13 chart was removed about six o'clock  
14 p.m. on that Sunday, which would have  
15 been the 30th?

16 A. Yes, sir.

17 Q. Of October. And then it ---  
18 and why would that chart have been  
19 removed at that time, before the full  
20 revolution?

21 A. I don't know ---

22 Q. Okay.

23 A. --- whether they was just  
24 trying to keep it from running over  
25 or what.

1 Q. Okay. If we look at page  
2 three.

3 A. Yes, sir.

4 Q. And that date on there is  
5 October 30th; is that correct?

6 A. Yes, sir.

7 Q. Of 2005?

8 A. Yes, sir.

9 Q. And it says 5:00 p.m. And  
10 then W.A. What does that represent?

11 A. Willard Anderson again.

12 Q. Okay. Would he have been the  
13 person that changed ---

14 A. Yes, sir.

15 Q. --- installed this chart?

16 A. Yes, sir.

17 Q. Okay. Then you look at page  
18 four?

19 A. Yes, sir.

20 Q. And that chart is dated  
21 November 8th of 2005; is that  
22 correct?

23 A. Yes, sir.

24 Q. And the initial there, P.C.,  
25 who does that represent?

1 A. Pete Capaldo.

2 Q. Pete Capaldo. And what is his  
3 position?

4 A. Maintenance foreman.

5 Q. Okay. And if you notice, the  
6 chart on 10/30 on 2005, and then the  
7 next chart that was put on was the  
8 one we just looked at on page four.  
9 It was 11/8. And that represents  
10 approximately nine days. So there  
11 --- I guess my question, there was an  
12 overrun on the chart which is dated  
13 October 30th; is that correct?

14 A. Yes.

15 Q. And why would that be?

16 A. I was on vacation. Pete was  
17 taking my place. And I don't know.  
18 We had a big turnover of people, is  
19 all I can tell you, at our mine. And  
20 the guys from Spruce --- when I was  
21 at Spruce, I had one man take care of  
22 the fan chart. We just got enough  
23 people on board here recently at this  
24 mine to get things where we get them  
25 halfway right. Because we've been

1 short. We've lost all kinds of  
2 people. Trainees, they get their  
3 cards. People leaving.

4 I know the coal industry, as a  
5 whole, is hard to get employees and  
6 hard to get electricians. And we've  
7 trained several. And we've lost  
8 several. And a lot of that's  
9 turnover and people leaving and some  
10 of these things that have occurred is  
11 because a guy knows he ain't going to  
12 stay. You ain't going to do your  
13 best work if you're going to --- if  
14 you know you're going to leave. And  
15 some of this stuff that we have has  
16 been going on for that.

17 And then when I see --- we was  
18 in bankruptcy with Anker. And it was  
19 hard to get materials, let alone  
20 people. Nobody wants to come to work  
21 for a company that's in bankruptcy.  
22 And some of this stuff, I guess, is  
23 probably --- we never had the people.

24 And then when I --- I was  
25 trying to take care of this fan

1 chart. And then when I took  
2 vacation, then Pete tried to take it  
3 over. And nobody was ever really  
4 assigned to it. And that's been  
5 remedied, but it's too late for these  
6 charts. But it's been taken care of.

7 And ICG, as soon as they took  
8 over, they had a drug test. I lost  
9 some people through that test. But I  
10 mean, that's no excuse for this. But  
11 that --- I'm just --- we're short on  
12 people. Or were short on people.

13 Q. Okay. Let me just ask you  
14 another question.

15 A. Okay.

16 Q. Okay. If you notice the chart  
17 on --- that's dated November 8th of  
18 2005, I believe that's our last one  
19 we looked at. And that's on page  
20 four.

21 A. Yes, sir.

22 Q. Okay. And if you notice, the  
23 day it was taken off would have been  
24 Monday at 8:00 a.m. Do you notice  
25 that?

1 A. Yes, sir.

2 Q. Okay. And that was on ---  
3 that would have been the 14th?

4 A. Yes, sir.

5 Q. Okay. And if you look at page  
6 five.

7 A. Yes, sir.

8 Q. And this chart here, which is  
9 dated November 14th of 2005.

10 A. Yes, sir.

11 Q. Okay. And if you notice that  
12 the first indication of pressure is  
13 11:00 p.m. on the 14th. So there's a  
14 gap between 8:00 a.m. and 11:00.  
15 Okay?

16 A. Yes.

17 Q. All right. And who would have  
18 changed this chart? Who would have  
19 put the chart on on the 14th on page  
20 five?

21 A. That's my writing.

22 Q. Okay.

23 A. I put that chart on.

24 Q. You put this chart on?

25 A. Yes, I did. I just didn't

1 initial it, but that's mine.

2 11/14/05.

3 Q. Okay. And why would there be  
4 a gap? Since it was taken off at  
5 8:00 a.m., and then it shows that the  
6 first indication of pressure is 11:00  
7 p.m. on that evening?

8 A. I don't know, unless it  
9 skipped. This is --- whether the  
10 thing didn't make it when I put it on  
11 there. You know, whether it hung up  
12 a little bit. I don't know if it  
13 shows you back --- well, we've had  
14 --- we had charts when we first  
15 changed this fan chart to this new  
16 --- we changed the fan chart and the  
17 anemometer or whatever you call it.  
18 We changed everything and had the fan  
19 stepped up after ICG took over. And  
20 that --- when we first put that on,  
21 that thing wasn't --- there's a  
22 little screw on there you have to set  
23 to make that ink cartridge hit that  
24 fan chart. That thing wasn't  
25 adjusted properly and we had some



1 skipping. I don't know if that's  
2 what happened right there or not.  
3 But we did have that problem. And  
4 one chart we was short and looking  
5 for, I think is one of them that was  
6 a blank, is why we didn't find it. I  
7 think it ran like four or five days  
8 and didn't mark anything because of  
9 that. When we first put that chart  
10 on there, it marked a little bit and  
11 then it just skipped. I mean, it  
12 skipped a lot. And I had --- I  
13 didn't know what --- I had to adjust  
14 it. It took me a little bit to get  
15 it to where it was marking it. So I  
16 didn't know what was going on with it  
17 for a little bit. You'd put it on  
18 one time, it'd mark a little bit,  
19 then it wouldn't. So we had that  
20 problem, also.

21 Q. So looking at the 14th,  
22 November 14th chart on page five ---.

23 A. Yes, sir.

24 Q. And it shows that it was put  
25 on. Or the first indication of a

1 line was 11:00 p.m.

2 A. Yes, sir.

3 Q. On the 14th. And then the  
4 last indication of a pressure line is  
5 on the 17th, which is Monday, at  
6 12:00 midnight. Okay. Was that ---  
7 are you indicating that chart was  
8 taken off early?

9 A. I'd say so.

10 Q. Or it didn't have a line?

11 A. I don't know. I don't know.  
12 I know we was having trouble there  
13 for a little while.

14 Q. Okay. Then the next chart,  
15 which is page six?

16 A. Yes, sir.

17 Q. Now, that one there doesn't  
18 have a date on it.

19 A. Yes, sir.

20 Q. And so I guess we don't really  
21 know ---.

22 A. I don't know who did --- who  
23 changed that chart.

24 Q. Okay. But from 11/14, which  
25 is on page five, and then we have the

1 chart which is page six.

2 A. Yes.

3 Q. And then the next one is  
4 12/14. So we only have one chart for  
5 those 30 days. So there'll be some  
6 weeks missing; would that be correct?

7 A. Yeah.

8 Q. Was there a certain period of  
9 time that there wasn't a chart put  
10 on?

11 A. No. Not as far as I know. We  
12 left them down there in the fan  
13 building and they got --- but I don't  
14 know where they're at. I tried to  
15 find them when this --- when they  
16 asked for them. I searched  
17 everywhere and I couldn't --- I found  
18 all the charts I could find.

19 Q. Okay. Is it possible that  
20 there wasn't a chart put on for those  
21 other weeks?

22 A. I guess it's possible, you  
23 know.

24 Q. Okay. All right. Let's look  
25 at the last chart, which is page

1 eight. And the date on that is  
2 12/24; is that correct?

3 A. Yes, sir.

4 Q. Of 2005?

5 A. Yes.

6 Q. Okay. Then this was the chart  
7 that was on during the explosion; is  
8 that correct?

9 A. Yes, sir. That's the one that  
10 has the spike, yes, sir.

11 Q. And I believe you mentioned  
12 that right after the explosion, you  
13 went down and took this chart off?

14 A. Yes, sir. You can see where  
15 it overlapped right here.

16 Q. Yes. Okay. So there is an  
17 overlap there.

18 A. Yeah.

19 Q. This chart was on  
20 approximately nine days?

21 A. Yes, sir.

22 Q. And when these people --- who  
23 would have put that chart on?

24 A. I put that chart on.

25 Q. Okay.

1 A. On the 24th.

2 Q. And you say this condition's  
3 been corrected?

4 A. (Indicates yes).

5 Q. Okay.

6 A. It's been corrected.

7 Q. Okay. When you came to the  
8 surface --- let's go back to when you  
9 came to the surface and kind of pick  
10 it up from there. What did you do?

11 A. Well, when I got outside, we  
12 went in the superintendent's office.

13 Q. Sure.

14 A. And told him what we'd seen  
15 and what occurred. And then we went  
16 to get ---

17 Q. And who was there at that  
18 time?

19 A. --- maps, I think. Huh?

20 Q. Who was there at that time?

21 A. I can't --- I know John  
22 Collins was there. I know the guys  
23 that were with me were all in there.

24 Q. Uh-huh (yes).

25 A. And I honestly don't know who

1 all was in there. I think Tyrone was  
2 in there. But I don't know. I was  
3 in there several times that day, you  
4 know. They asked me to hook up a  
5 pager on the phone to where it would  
6 loud speak all the time so that all  
7 of them could hear the conversations  
8 and stuff when they got going. That  
9 was later that night or whatever when  
10 they started using the rescue teams.  
11 They wanted to be able to hear the  
12 mine phone over the loudspeaker so  
13 everybody in there could hear it.

14 Q. Okay. But whenever you got on  
15 the surface and you went into the  
16 room and there was several people in  
17 there ---?

18 A. Yeah.

19 Q. Okay. And what was that  
20 conversation about?

21 A. What we had seen underground  
22 and where we had went and all that.

23 Q. Okay.

24 A. What we had done and, you  
25 know, what we had seen. I tried to

1 tell them everything that I seen. As  
2 a matter of fact, John Collins asked  
3 me to ---.

4 Q. When you say John Collins ---.

5 A. He's a state mine inspector.

6 Q. State mine inspector. Okay.

7 A. He's the one that asked me to  
8 speak.

9 Q. Okay. Is there any --- was  
10 there any federal inspectors there at  
11 that time?

12 A. Oh, yes. Yes. But I don't  
13 know who they were.

14 Q. Okay.

15 A. I mean, I don't remember them.  
16 I don't remember who was in there.

17 Q. Yeah, I understand. Okay.  
18 Well, then what was the extent of  
19 that conversation?

20 A. I just told them what --- like  
21 I told you guys. What we'd done and  
22 what we had seen, where we'd hung the  
23 last curtain, where we hung the first  
24 curtain and that's it.

25 Q. Okay.

1 A. And we had good air into that  
2 point.

3 Q. Okay.

4 A. On the intake side.

5 Q. Okay. After that  
6 conversation, then what did you do?

7 A. Mainly started gathering up  
8 maps, drawing them ---

9 Q. No.

10 A. --- where all the scoops were.

11 Q. I mean what you did.

12 A. I don't know. I don't know.  
13 I don't know what I did first. We  
14 left there. I don't know. They  
15 wanted to know where all the battery  
16 equipment was.

17 Q. Okay.

18 A. And we were working at getting  
19 --- trying to tell them where all the  
20 scoops were, where all the charging  
21 stations were. And that stuff moves  
22 and we didn't work the weekend. And  
23 we didn't really know. We were  
24 assuming where they usually were.  
25 And I --- we spent most of the day



1 map --- you know, trying to get maps  
2 and marking up where everything was  
3 to tell the teams and the  
4 investigators what was going on.

5 Q. Okay.

6 A. And just ---.

7 Q. So your activities that day  
8 was to provide information with maps  
9 and so on?

10 A. Try to, yes. Mostly, yes,  
11 sir.

12 Q. Okay. Was there --- did  
13 anyone ask you to do any monitoring  
14 of any sort? And I mean monitoring  
15 --- by that I mean making any methane  
16 or CO test down in a pit at all or  
17 any other ---?

18 A. No.

19 Q. Okay. Were you involved at  
20 all in any of the decisions for  
21 drilling the boreholes or anything  
22 like that?

23 A. No, sir.

24 Q. So after preparing the maps  
25 and providing information there to

1 the rescue command center, what other  
2 work did you do?

3 A. I went up to the MSHA trailers  
4 powering them and hunting extension  
5 cords and hooking up phones to them  
6 and hooking up another communication  
7 --- extension cords by the hundreds  
8 and hooking up compressors for the  
9 rescue teams and air stations and  
10 what not. Helping them with their  
11 trailers. Everybody was coming in, I  
12 mean, you know, one after another.  
13 And everybody was wanting power. And  
14 we had to unhook our supply trailer  
15 we keep our parts in to give power to  
16 --- give one of those boxes to MSHA  
17 so they can --- and the state and  
18 everybody. We was hooking up  
19 equipment for all these teams. And  
20 if they didn't have a big thing, they  
21 wanted an extension cord for an air  
22 compressor or for something. And  
23 getting heaters in the building and  
24 just stuff like that to accommodate  
25 the teams and the people.

1 Q. Okay. Were you involved in  
2 any of the decision making of the  
3 rescue efforts?

4 A. No, sir. I was in --- they  
5 had a command center set up with all  
6 these people in there. I wasn't one  
7 of them.

8 Q. The old Two Left Mains, the  
9 seals that blew out, were you ever  
10 involved in any of that?

11 A. No.

12 Q. Were you ever up there?

13 A. No. Not until after this  
14 accident. I walked up there to look  
15 where they were, but ---.

16 Q. Yes, yes.

17 A. No, sir.

18 Q. Prior to that, you were never  
19 actually in where the seals are at?

20 A. No. No, sir.

21 Q. Okay. Even after they were  
22 put in?

23 A. No. There at that charger in  
24 the spur, that's as far as I've been.

25 Q. How was the high voltage cable

1       hung when they were up in the old Two  
2       Left main area?

3       A.       It just hung on those hooks,  
4       those insulators. The ones where you  
5       block ---.

6       Q.       You didn't have a messenger  
7       wire or anything?

8       A.       No, sir.

9       Q.       Okay. Do you know anything  
10      about the methane history for the  
11      Sago Mine? Meaning, you know, how  
12      many ---?

13     A.       We don't liberate a lot of  
14     methane. And here --- I don't know  
15     how --- sometime back before the  
16     accident, they called up, they had a  
17     bunch of methane in there one  
18     evening. That's all I know about it.  
19     As far as myself seeing it, I haven't  
20     seen a lot of methane.

21     Q.       When you say a bunch of  
22     methane ---.

23     A.       Well, they called up. They  
24     had a problem with methane one night  
25     --- one afternoon.

1 Q. When was that?

2 A. I don't know what the date  
3 was, but it was ---.

4 Q. A month ago? Two months ago?

5 A. Before --- well, a month  
6 before the accident or so. Somewhere  
7 in that area. I'm not sure even when  
8 that was. But I did hear them  
9 talking about that.

10 Q. Okay. Just tell me a little  
11 bit about that. Just what you know  
12 about it.

13 A. That's all I heard. That's  
14 all I know about it. You know, I  
15 just heard them say they hit it up on  
16 Two Left.

17 Q. Two Left meaning?

18 A. The section where the ---  
19 well, not on the seals, but up at the  
20 face. Where the men were running  
21 coal.

22 Q. Okay. The present Two Left  
23 section?

24 A. Yes, sir.

25 Q. Okay.

1 A. But now, what block that was,  
2 I can't say.

3 MR. SWENTOSKY:

4 Do you have any, Brian?

5 MR. MILLS:

6 Yes.

7 BY MR. MILLS:

8 Q. Dick, when you get outside on  
9 the 2nd for the second time ---

10 A. Yes, sir.

11 Q. --- did you see mine rescue  
12 teams there?

13 A. Shortly thereafter. I don't  
14 know if I seen them right off the bat  
15 or not, Brian. When I first went in  
16 that room, I didn't get to see  
17 anything. It was no time that I seen  
18 them. But I don't know --- I can't  
19 say what time I seen the first rescue  
20 person, no, sir.

21 Q. You mentioned Toler had a  
22 phone in the intake. Do you remember  
23 where that was at?

24 A. It was down around where we  
25 started hanging those curtains, 42

1 block. Somewhere in that first  
2 couple, three blocks there, he hung a  
3 phone.

4 Q. But that was in the intake,  
5 not the track head?

6 A. Yeah. He went over and got a  
7 wire and attached it to --- and  
8 brought it over through the curtain  
9 so he could talk on it.

10 Q. Okay. There was some  
11 discussion then, and a decision made  
12 to go outside from 57 block.

13 A. Yes, sir.

14 Q. Who all was part of that?

15 A. Me and Jeff and Al.

16 Q. And go through that again for  
17 me.

18 A. Well, when we first arrived at  
19 57 block and hung that curtain, and  
20 the air didn't move, you know, as  
21 good. And we went up to 58 block and  
22 it was black. And as we --- and then  
23 we backed back to 57, where the  
24 curtain was. And the smoke, if  
25 anything, come back to us more. But

1 we did run up in there when we heard  
2 those sounds and hollered in those  
3 directions of where we thought the  
4 sounds were. But we never did hear,  
5 like I said, two sounds at one time.  
6 And Jeff was reluctant to go out.

7 And with the smoke and stuff  
8 as heavy as it was and the damage  
9 that I seen, the place was  
10 devastated. I didn't think we could  
11 get any further. One of us would go  
12 down. We was going to have to ---  
13 well, I knew we was going to have to  
14 put our self-contained self-rescuers  
15 on. And we didn't have but a couple  
16 extras with us. And there was three  
17 of us there at that time, after Owen  
18 and them had went out. And I knew if  
19 we put those --- if we all put our  
20 rescuers on and tried to go in there  
21 with no line or no ways to  
22 communicate other than hollering at  
23 each other, that we would ---  
24 somebody would --- maybe all of us  
25 would perish or one of us, at least.



1 I was concerned about that.

2 I told Jeff that we didn't  
3 know what we had. You couldn't see  
4 where the damn --- you know, you  
5 couldn't see to go. And I didn't  
6 think it was a good idea to stay  
7 there. And Al concurred with me.  
8 And we left at that point. And then  
9 Jeff, reluctantly, he decided to go.

10 But I would not have left him  
11 there, but I didn't think we could do  
12 any more at that time. And I knew if  
13 we did, we definitely was going to  
14 have to put those on. And even if we  
15 went in there and found somebody,  
16 what was we going to do then?

17 Say if we would have found six  
18 men or five men or four men. Then  
19 you got two rescuers and you've got  
20 one on yourself, you know. Who do  
21 you give them to, you know, if you've  
22 got more people than you've got  
23 rescuers? What do you do in a case  
24 like that? But that didn't happen.

25 But I knew, you know, if we

1 did find anybody, we was in a bad  
2 situation. But I did hope every time  
3 we heard something that there would  
4 be somebody stumbling out of there.  
5 There never was.

6 Q. Okay. Denny talked a little  
7 bit about fan charts. Is there a  
8 daily exam book kept of the fan  
9 charts?

10 A. Yes. Yes, sir.

11 Q. And who does those exams?

12 A. Whoever checks them.

13 Q. Certified electrician, maybe?

14 A. Yeah. And then Carl co-signs  
15 it, I think.

16 Q. And those are done every day?

17 A. Yes, sir.

18 Q. Do you guys have a U-tube at  
19 that fan?

20 A. Yeah.

21 Q. A U-tube?

22 A. Yes.

23 Q. Is it working?

24 A. Yes, sir.

25 Q. You don't rely just on your

1 fan charts? You use a ---?

2 A. No. We've got a U-tube. Yes,  
3 sir.

4 Q. Do you record the U-tube  
5 readings or the fan chart pressure?

6 A. Well, they put the reading on  
7 the fan chart, yes.

8 Q. In the book?

9 A. In the book, yes, sir.

10 MR. MILLS:

11 That's all.

12 BY MR. SWENTOSKY:

13 Q. Okay. Well, I have a photo  
14 here of the roof area. And we'll  
15 mark it Exhibit Five.

16 ATTORNEY WILSON:

17 Six.

18 MR. SWENTOSKY:

19 Six. Okay.

20 (Wilfong Exhibit Number  
21 Six marked for  
22 identification.)

23 BY MR. SWENTOSKY:

24 Q. And if I could just show you  
25 this? There's some streaks on a roof

1 and a roof bolt. Have you ever seen  
2 anything like this in the Sago Mine?

3 A. No. I haven't been up in that  
4 area. And I don't know ---.

5 Q. Have you ever seen anything  
6 like this in the Sago Mine anyplace  
7 in the past? And I'm referring to  
8 the streaks on the roof.

9 A. I don't know if that's clay.  
10 I don't know what that is. I don't  
11 know that I have or haven't. I can't  
12 really --- I can't tell much about  
13 this picture. So I don't know.

14 Q. Okay. Okay. What I'm going  
15 to do is ask you some training  
16 questions. And then after I'm done  
17 there, we'll take a very --- a couple  
18 minute break, just to get to the  
19 last, see if anybody else has any  
20 questions they need to ask you.  
21 Okay?

22 A. Okay.

23 Q. Do you recall when the last  
24 annual retraining class that you  
25 participated in was?

1 A. Last year. But I don't know  
2 when.

3 Q. Last year meaning 2005?

4 A. Yes, sir.

5 Q. Okay. Do you recall if it was  
6 the first part of the year, last part  
7 of the year?

8 A. Well, our electrical  
9 retraining was --- I think it was in  
10 February or March. And I don't know  
11 when the other retraining was.

12 Q. Did you participate in an  
13 annual retraining, other than the  
14 electrical, in other words?

15 A. I don't know. We have one  
16 every year. I'm sure I did, but I  
17 don't remember it specifically.

18 Q. Okay. If you don't recall  
19 when, do you recall what was covered  
20 in that training session?

21 A. Well, they covered first aid  
22 and everything. Mining practices and  
23 everything.

24 Q. Who would have been training  
25 during that time --- the trainer

1 during that training session?

2 A. If we had one, it would have  
3 been Schoonover, I would assume, or  
4 Johnny Stemple. One of those two.  
5 Al Schoonover or John Stemple.

6 Q. You say if you had one. What  
7 do you mean by if you ---?

8 A. Well, if I was there, that's  
9 who would have been teaching. That's  
10 who teaches them, is Johnny and ---.

11 Q. Okay. Do you recall whether  
12 the mine emergency and evacuation  
13 plan was covered during that  
14 training?

15 A. Every retraining it's covered.  
16 The escapeways and what not, yes,  
17 sir.

18 Q. All right. As part of that  
19 plan, that being the firefighting and  
20 evacuation plan, as part of that  
21 plan, do you know who the responsible  
22 person is at the mine? That would be  
23 the responsible person meaning the  
24 person who is in charge of the  
25 evacuation of the mine in case of an

1 explosion?

2 A. The dispatcher.

3 Q. Dispatcher?

4 A. Yes, sir.

5 Q. He is the one that takes  
6 control and orders the mine for  
7 evacuation?

8 A. Yes, sir.

9 Q. Do you know where the  
10 emergency materials are underground?

11 A. They was down there around the  
12 switch. I don't know. And then  
13 outby the section, there's emergency  
14 materials within --- I don't know how  
15 many breaks, but they're always right  
16 up at the face.

17 Q. Okay. But there's a ---.

18 A. And then there's another one  
19 down there about One Left switch.  
20 There's a ---.

21 Q. Okay.

22 A. I don't know exactly what  
23 block it is, but it's right there  
24 close to that switch. And there's  
25 stuff on each section.

1 Q. Okay. Are you familiar with  
2 the evacuation procedures at the  
3 mine?

4 A. Yeah. About the escapeways  
5 you mean?

6 Q. No. I mean, in this case, an  
7 explosion. Can you just describe  
8 that to me a little bit?

9 A. Well, they was to go to the  
10 phone and the dispatchers would tell  
11 them what to do, I guess.

12 Q. During the training, was the  
13 procedures that you were to follow in  
14 case of an explosion, was that  
15 covered during the training session?

16 A. I don't know.

17 Q. Do you recall whether the  
18 procedures for barricading were  
19 covered during that training?

20 A. No, I don't. Barricading used  
21 to be in every training. I'm not  
22 sure that it was in the last one I  
23 had or not. But it used to be a big  
24 part of it.

25 Q. Okay. And what were those



1 procedures when they were discussed?

2 A. About barricading?

3 Q. Yes.

4 A. You'd get all the materials  
5 needed, get all the men together.  
6 First, you try to escape, unless it's  
7 --- you know, you don't barricade  
8 only as a last resort. You try to  
9 escape any way you can. And then as  
10 a last resort, you barricade. And  
11 when you barricade, you take all the  
12 materials that you can find, your  
13 brattice materials and stopping off  
14 as large an area as possible and seal  
15 yourself the best you can using  
16 block. Anything you can find to make  
17 a good seal with. And if you have  
18 oxygen, take the oxygen with you and  
19 all. That's the way I would  
20 barricade if I was going to  
21 barricade.

22 Q. Okay. Are you certified to  
23 make methane and oxygen tests?

24 A. Yes, sir.

25 Q. Okay. And where would that

1       have been that you have been  
2       certified?

3       A.       I'm a certified mine foreman  
4       in West Virginia and have been for  
5       several years.

6       Q.       So you did that during ---?

7       A.       Well, I did. And then I've  
8       retrained, you know.

9       Q.       Okay.

10      A.       But I've been one since '72, I  
11      think.

12      Q.       Okay. Have the hazards of  
13      carbon monoxide been discussed with  
14      you?

15      A.       Oh, yeah.

16      Q.       During the training and any  
17      time?

18      A.       Oh, yeah. And all my rescue  
19      training and everything. Yes, sir.

20      Q.       Did they discuss the  
21      escapeways with you?

22      A.       Oh, yeah.

23      Q.       And how was the primary  
24      escapeway marked?

25      A.       Primary's in green, I think.

1 Q. Okay. And the alternate?

2 A. Red.

3 Q. Did you ever travel the --- or  
4 walk the escapeway from any of the  
5 sections?

6 A. No. I walked the main line  
7 there from the second, but I never  
8 walked the sections.

9 Q. Okay. The primary escapeway  
10 from the sections, you never walked  
11 those?

12 A. No. No.

13 Q. Did you ever participate in  
14 any fire drills?

15 A. No, sir.

16 Q. As part of the training, did  
17 they --- or did you participate in  
18 training sessions with the SCSRs?

19 A. Yes.

20 Q. And how to put those on, don  
21 those SCSRs?

22 A. Oh, yes, sir.

23 Q. Okay. And kind of explain  
24 that to me a little bit, will you  
25 please? What training they provided

1 you concerning ---.

2 A. Well, they have a mock version  
3 of an SCSR, and they instruct you how  
4 to open it and put it on and  
5 everything. And getting down on your  
6 knees and opening the thing up. It's  
7 just a bag --- you open the canister  
8 up and pull it out of there. Pull  
9 the activator, put your thing in your  
10 mouth and your nose clip on and then  
11 your goggles last and your hat.

12 Q. Okay.

13 A. Just put the strap around you.

14 Q. Okay. And how do you activate  
15 it?

16 A. You pull the ring. It's got a  
17 ring on it.

18 Q. Is that on the bottom or the  
19 top?

20 A. It's on the side like right at  
21 the top where you've got to pull it  
22 out.

23 Q. Okay. Did they discuss the  
24 roof control plan and ventilation  
25 plan?

1 A. Yes, sir.

2 Q. And I think you already  
3 mentioned first aid.

4 A. Yes.

5 Q. Is there anything additional  
6 that you think should be covered  
7 during the training that they didn't  
8 cover?

9 A. Well, I asked them after this  
10 explosion --- I think they ought to  
11 get them some smoke training in a  
12 smoke atmosphere, for the men that  
13 has never seen it. There's some  
14 people, you know, that's never been  
15 in smoke, and I think you ought to  
16 get the mock smoke room. And put the  
17 people in there and let them put  
18 their self-contained self-rescuers on  
19 in a mockup of being smoked. And I  
20 asked Al and them to do that, if they  
21 could do that.

22 Q. Okay.

23 A. And I think they're going to  
24 do so.

25 Q. Have you ever been searched

1 for smoking articles?

2 A. Oh, yeah.

3 Q. And how did they do that?

4 A. They just pat you down  
5 usually. But I don't --- I never  
6 have smoked, so they can pat on  
7 forever.

8 Q. Okay. All right. Have you  
9 ever observed anyone smoking  
10 underground?

11 A. No. Not in the --- everything  
12 where I've ever worked, I've never  
13 seen nobody smoke underground. I've  
14 heard of it, but I never have seen  
15 anybody with any smoking materials,  
16 either.

17 Q. Have you ever found smoking  
18 articles underground?

19 A. At Badger a few years ago. I  
20 didn't find them, but my mechanics  
21 found them, some cigarettes on a  
22 section one time at Badger. That was  
23 in the '80s.

24 Q. Okay. How about Sago Mine?

25 A. No.

1                   MR. SWENTOSKY:

2                   Okay.

3                   MR. WILSON:

4                   Denny, let me just ask  
5                   one thing.

6                   BY MR. WILSON:

7                   Q.           You said you had never  
8                   participated in the fire drills. Do  
9                   you know ---?

10                  A.           Oh, I have in the past. Not  
11                  this year.

12                  Q.           Well, at Sago. But are you  
13                  aware of whether or not fire drills  
14                  were given at the mine?

15                  A.           I assume they've had them for  
16                  the section. Them guys is assigned  
17                  like the mechanic's assigned to break  
18                  a waterline and get the --- you know,  
19                  help them get the water up there and  
20                  knock the power and stuff like that.  
21                  Each one of them's got an assignment.  
22                  I have heard them discussing that.  
23                  Now, whether they've actually had the  
24                  drill, I've never been there when  
25                  they had it. I can't say. But I do

1 know the maintenance man, his job's  
2 to knock the power, get tools to the  
3 guys, and to break the waterline,  
4 help them if they need it to get the  
5 firefighting material, you know, the  
6 waterline and whatever. They can get  
7 their fire extinguishers and what  
8 not. But if there's a serious fire,  
9 he's to knock the power and all that  
10 stuff. That's what my people are  
11 assigned to do. But now, a buggy  
12 runner, one of them mans the phone.  
13 You know, and one of them helps get  
14 the waterline and all that stuff.

15 Q. Well, did you say --- your  
16 people are assigned to do that. Did  
17 you ever have a fire drill with your  
18 people?

19 A. No. They're on the crews.  
20 They have the section foremen and  
21 them does that.

22 Q. Okay.

23 A. But that's what my men's  
24 responsibilities are.

25 Q. Okay.



1 A. And I heard them talking about  
2 it and stuff like that.

3 MR. SWENTOSKY:

4 Okay. Just before we  
5 get into the closing statement  
6 here, we'll go off the record  
7 for two minutes.

8 SHORT BREAK TAKEN

9 BY MR. SWENTOSKY:

10 Q. At one point during the rescue  
11 effort, the teams indicated that  
12 there was a red light on on the CO  
13 monitoring system underground. Do  
14 you recall that?

15 A. Yes, sir.

16 Q. Can you describe your  
17 involvement in that or what went on?  
18 Just tell me, you know, what someone  
19 told you and then through that  
20 process?

21 A. Well, the 1703s are powered  
22 from the outside in the dispatcher's  
23 office.

24 Q. The 1703s, what is that?

25 A. That is the CO monitors

1 themselves.

2 Q. The sensors?

3 A. Yes, sir.

4 Q. Okay.

5 A. And then the belt bosses are  
6 powered from the belt boxes.

7 Q. And the belt ---.

8 A. And the belt boss has got a  
9 backup battery that keeps it going  
10 for like four hours or whatever after  
11 the power is removed. But when the  
12 power's off, it doesn't have any more  
13 power other than that little battery.  
14 And they can shut that off from  
15 outside on the computer.

16 Q. Okay.

17 A. And Mr. Brown, Virgil Brown,  
18 went in there and had the dispatcher  
19 shut off each belt boss.

20 Q. When you say went in  
21 there ---.

22 A. Went in the dispatcher's  
23 office. That's where it's at.

24 Q. Okay.

25 A. They had to get on the

1 computer and have a password and all  
2 that and go in there and do that.  
3 Everybody can't do that. And I can't  
4 do it. I don't know what the  
5 password is.

6 Q. Okay. So the main power, it  
7 was off?

8 A. The main --- yeah, the mine  
9 power was off.

10 Q. Okay.

11 A. And that's where those belt  
12 bosses get their power, from each  
13 location where they're located. But  
14 then the CO monitors themselves, this  
15 is a two-pair system. There's four  
16 wires. And two of those wires are  
17 powered from the dispatcher's office.  
18 And that was the red light those guys  
19 were seeing.

20 Q. Okay. And that battery, that  
21 battery is on the surface or is that  
22 an individual battery underground?

23 A. No. This is a 110-120 volt  
24 supply that puts out a signal. It's,  
25 I think, 24 volts and 12 volts or

1       whatever.    It puts out different  
2       voltages.    It's like a power pack or  
3       whatever.

4       Q.        Okay.    But that's located on  
5       the surface?

6       A.        Yes, sir.

7       Q.        There aren't any batteries  
8       physically underground?

9       A.        Not in those boxes, no, sir.

10      Q.        Okay.

11      A.        They are in the belt bosses,  
12      but not in those 1703s, the sensors,  
13      your alarm box, whatever you want to  
14      call it.

15      Q.        Okay.

16      A.        It's the one that senses the  
17      CO.

18      Q.        Well, the batteries --- those  
19      batteries that you're telling me are  
20      physically underground in the belt  
21      bosses ---?

22      A.        Yes.

23      Q.        Are those able to be  
24      disconnected on the surface?

25      A.        Yes, I think they --- that's

1        what they was doing. That's what  
2        they wanted done.

3        Q.        Okay. So that battery  
4        underground was what you were  
5        disconnecting?

6        A.        Yes. That's what they  
7        disconnected, yes, sir. But I don't  
8        think Virgil understood the system.  
9        And I think they unhooked the wrong  
10       thing. They wanted to unhook the  
11       1703.

12       Q.        Okay. So this initial  
13       disconnect that you're talking  
14       about ---.

15       A.        Yeah. They brought those guys  
16       out and they shut the computer ---  
17       they shut all the belt bosses off,  
18       took them off line and whatever.  
19       But that didn't do anything to the  
20       1703s. They were still energized.

21       Q.        They were still energized?

22       A.        Yes, sir.

23       Q.        Okay. That --- so the initial  
24       attempt to disconnect ---?

25       A.        Didn't ---.

1 Q. Was not successful?

2 A. That's correct.

3 Q. Okay.

4 A. Then later, when they found  
5 out the others was on, we  
6 disconnected them at the power source  
7 outside.

8 Q. Okay. And is that ---?

9 A. Unhooked the wires.

10 Q. Is that the point ---?

11 A. When I got involved or  
12 whatever.

13 Q. Okay. Just so I can  
14 understand ---. You're going ahead  
15 of me.

16 A. All right, sir. Okay.

17 Q. So the initial attempt to  
18 disconnect did not disconnect the CO  
19 boxes?

20 A. The 1703s. They disconnected  
21 the belt bosses, but didn't  
22 disconnect the 1703s.

23 Q. Okay.

24 A. There was still power going  
25 from the dispatcher's office through

1       them wires into those boxes.

2       Q.       Okay. Do you know  
3       approximately what time that was?

4       A.       It was like the next morning  
5       or late that night or whatever.

6       Q.       Late that night meaning ---?

7       A.       The day of the accident. I  
8       don't know if it was the next day. I  
9       don't know. I was there two days.

10      Q.       Okay. So then that first  
11      attempt was not successful. Okay.

12      A.       Yeah.

13      Q.       Then the rescue teams saw a  
14      red light; is that correct?

15      A.       Yes, sir. Yes, sir.

16      Q.       Okay. And then --- and that's  
17      whenever Mr. Brown --- or how was  
18      that done, once you found out about  
19      the red light?

20      A.       Mr. Brown --- I think that may  
21      be when he unhooked the belt bosses  
22      and he still failed to unhook the  
23      1703s. I think that was the initial  
24      attempt right there.

25      Q.       Okay.

1 A. When they first seen the  
2 light, they unhooked the wrong thing.

3 Q. All right. So then you were  
4 --- who told you to go further?

5 A. It was later. It was later,  
6 when --- I don't know. Well, they  
7 talked about unhooking them, not  
8 unhooking them, because they was  
9 showing CO, you know.

10 Q. When you say they ---?

11 A. The team. I don't know.

12 Q. Okay.

13 A. But you'd have had to've been  
14 there.

15 Q. Okay. I'm glad I wasn't.

16 A. Yeah. Well, I mean, it was  
17 --- I mean, decisions were made and  
18 cancelled and made and cancelled.

19 Q. Okay.

20 A. And some of that was in that.  
21 They had me cutting all the belt  
22 control line, the CO line at times,  
23 you know, they was going to cut all  
24 those wires. And then, five minutes  
25 later, no, no, no. Don't want to cut



1 nothing.

2 Q. All right. But let's get back  
3 to this CO system.

4 A. Okay.

5 Q. Okay. So the rescue team then  
6 saw a light?

7 A. Uh-huh (yes).

8 Q. And then what were you told  
9 after that?

10 A. I don't know.

11 Q. Okay. Well, ---.

12 A. Oh, one time I was ---. I  
13 don't know when. But after Mr. Brown  
14 and them unhooked the battery, then  
15 the light --- that didn't fix the  
16 light.

17 Q. Right.

18 A. And I don't know when they  
19 found out it didn't, but ---.

20 Q. Okay.

21 A. When they did find out it  
22 didn't, then at one point, they asked  
23 to unhook them. So I went in there  
24 and unhooked all the wiring in the  
25 box.

1 Q. Who asked you to do that?

2 A. I don't know.

3 Q. Okay.

4 A. I don't know. I don't know  
5 what ---.

6 Q. And do you know when that was?

7 A. No, I don't.

8 Q. Okay. Was that the next day?

9 All right. What'd you do then?

10 A. I don't know.

11 Q. Okay. So you then went  
12 into ---.

13 A. If I knew, I'd tell you. I'd  
14 like to have the minutes of all this  
15 stuff.

16 Q. All right. That's fine. So  
17 then you went in the dispatcher's  
18 office?

19 A. Yes, sir. I don't know who  
20 was in there when I done it. There  
21 was inspectors in there, though.

22 Q. All right. Then just tell me,  
23 then, what you did.

24 A. I opened up that box and  
25 disconnected all of the wires.

1 Q. Okay.

2 A. Physically from the thing.  
3 Because I couldn't --- we tried to  
4 find the plug. And my God, we'd have  
5 had to move everything. And I said,  
6 it's easier just to take them wires  
7 off. So I took the wires off.

8 Q. Okay.

9 A. And then they were hooked up  
10 later. But it was --- I don't even  
11 know when that was.

12 Q. Okay. And did anyone ever ask  
13 you, then, after that was done, did  
14 you unhook these or was the power  
15 off?

16 A. Yes. Yeah. We knew that ---  
17 they knew that it was off then, but I  
18 don't know ---.

19 Q. Okay. No one ever questioned  
20 you after that, then, whether it was  
21 on or off?

22 A. I don't think so. Not until  
23 the recovery team come. They started  
24 checking it.

25 Q. Okay.

1 A. But as far as I know,  
2 that's ---.

3 Q. Whenever the --- when we were  
4 at the map and you had mentioned, for  
5 clarification --- the CO readings,  
6 you had mentioned 400, 700. Just to  
7 the best of your recollection, what  
8 was the highest number that you had?

9 A. Mine would malfunction.

10 Q. And I understand that.

11 A. That had been the highest. I  
12 don't know ---.

13 Q. You had mentioned the 400 or  
14 700.

15 A. Well, we was in 400 a good bit  
16 hanging them curtains. I'll tell you  
17 that.

18 Q. Okay.

19 A. Before it malfunctioned.

20 Q. And how do you know that?

21 A. 'Cause that's what they was  
22 reading.

23 Q. Okay.

24 A. They was reading 350, 400.

25 Q. Who was reading that?

1 A. Jeff mostly, I think.

2 Q. Okay. And he related those  
3 numbers to you?

4 A. Yeah.

5 Q. Or you saw those numbers on  
6 his detector?

7 A. He related them most of the  
8 time. He was saying --- I had asked  
9 him how much he had had.

10 Q. Okay.

11 A. And he told me 400. And at  
12 times, it was 700 when he went over  
13 in the track. That's --- I might  
14 have --- I don't know when he got the  
15 700.

16 Q. And you say he went over in  
17 the track?

18 A. He went over and got wire.  
19 That's when he hooked up that phone  
20 once.

21 Q. Oh, okay. That was --- okay.

22 A. Yeah. But he never went in  
23 the track after that. I mean ---.

24 Q. Yeah. Okay.

25 A. Other than when we'd run in

1       there to hang a curtain, we never  
2       went into the track. But he went in  
3       there and freed the wire at one  
4       point, when he put that phone in.

5       Q.       Okay. So in the intake entry,  
6       where you were hanging the curtains,  
7       so it was somewhere around 400 to 450  
8       was the highest that you --- am I  
9       correct in saying that's what you  
10      said?

11     A.       Well, not all the time.

12     Q.       I understand.

13     A.       Because it had to be higher  
14     than that to malfunction. But I  
15     never tried to get in any more than  
16     that. I'll tell you that.

17     Q.       I understand.

18     A.       I didn't want to. And I  
19     didn't want to stay in it no period  
20     of time. But ---.

21     Q.       And I understand all that. I  
22     was just trying to get, you know,  
23     what may have been the highest that  
24     Mr. Toler had mentioned to you. And  
25     I believe you said ---.

1 A. The highest, I'm sure, is  
2 where we ended up up there at 57, 58  
3 break.

4 Q. And what was that?

5 A. I don't know.

6 Q. Okay.

7 A. I don't know what the highest  
8 he had there was.

9 Q. What's the highest he ever  
10 told you?

11 A. I think 700 maybe.

12 Q. Okay. And that was Mr. Toler?

13 A. I think so.

14 Q. All right. When you were at  
15 the furthest point of travel that you  
16 went, at 58, we talked about the 58  
17 block ---.

18 A. Yes.

19 Q. At that point there, you were  
20 concerned with fire or another  
21 explosion or anything; would that be  
22 correct?

23 A. Well, I hadn't --- I didn't  
24 feel any heat and we had no low  
25 oxygen. I didn't know what was up at

1 the face, you know, up the Two Left.  
2 I assumed it came off of Two Left  
3 section. And I didn't know what they  
4 might have up there and what we might  
5 run to them.

6 Q. Uh-huh (yes).

7 A. And then I done told those  
8 guys to try to hang that curtain.  
9 And we might have got more velocity  
10 up there. I didn't know what we  
11 might do there. And I didn't think  
12 that was a good thing to do.

13 Q. Because ---.

14 A. That's when I decided to leave  
15 and talked to Jeff and Al. And we  
16 chose to leave at that time. But I  
17 didn't think --- I didn't feel that  
18 we had a fire because of the oxygen  
19 content.

20 Q. Okay.

21 A. And no more air than we had,  
22 if we had much of a raging fire, it  
23 would have been sucking the oxygen  
24 out of the atmosphere where we were.  
25 And our oxygen was never low. And I



1 never did feel any heat and I had  
2 nothing on my hands or my face. And  
3 there was never any heat. And those  
4 guys --- but I didn't know it at the  
5 time. But those guys said they only  
6 just felt warmth for just (snaps his  
7 fingers) a little bit, just right a  
8 little bit, the crew. That One Left  
9 crew. So ---.

10 Q. So one of the reasons you  
11 didn't want to go up ---?

12 A. I couldn't see is why I didn't  
13 want to. I didn't know where I was  
14 going. I couldn't tell where I was  
15 going. And I didn't know if it was  
16 going to --- you know, if there was  
17 any life in there, to be honest with  
18 you. And I thought the best thing I  
19 could do is transfer --- is go out  
20 there and tell the crew --- the  
21 inspector or investigator that. The  
22 inspectors and what not.

23 Q. Okay.

24 A. But I couldn't tell what was  
25 there, buddy. I couldn't see. I

1 didn't know.

2 Q. I understand.

3 MR. SWENTOSKY:

4 And before I go into  
5 the ending, anything else?

6 MR. MILLS:

7 No. Go ahead.

8 BY MR. SWENTOSKY:

9 Q. Okay. Has anyone offered you  
10 anything or made any promise to you  
11 in exchange for your appearing here  
12 today?

13 A. No.

14 Q. Okay. Do you have anything  
15 that you would like to add that may  
16 be relevant to the investigation at  
17 this point?

18 A. No, sir.

19 MR. SWENTOSKY:

20 Okay. On behalf of  
21 MSHA, I would like to thank  
22 you for appearing here today  
23 and answering questions. Your  
24 cooperation is very important  
25 to the investigation as we

1 work toward determining the  
2 cause of the accident. We ask  
3 that you not discuss your  
4 testimony with any person who  
5 may have already been  
6 interviewed, or who may be  
7 interviewed in the future.  
8 This will ensure that we  
9 obtain everyone's independent  
10 recollection of the events  
11 surrounding the accident.

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

24 A. The cards.

25 MR. SWENTOSKY:

1                    --- two cards that we  
2                    provided to you.

3                    A.                Yes.

4                    MR. SWENTOSKY:

5                    The Mine Act provides  
6                    certain protections to miners  
7                    who provide information to  
8                    MSHA, and as a result are  
9                    treated adversely. If at any  
10                   time you believe that you have  
11                   been treated unfairly because  
12                   of your cooperation in this  
13                   investigation, you should  
14                   immediately notify MSHA. If  
15                   you wish, you may now go back  
16                   over any answer that you have  
17                   given during the interview and  
18                   you may also make any  
19                   statement at this time. Do  
20                   you have anything that you  
21                   would like to say?

22                   A.                I'd like to say ---. I'd like  
23                   to know if I ever told Art Wooten  
24                   that I thought them systems were tied  
25                   together, the grounding systems. And

1 if I did, I made a mistake. But I  
2 don't think they are. I don't think  
3 I said that. If I've said that, I  
4 want to clarify. I do not believe  
5 that they are. And as far as that  
6 grounding, I don't know nothing about  
7 it. And I hope I got that across  
8 correctly. And he asked me one  
9 question about the wire, which is the  
10 trolley wire. The phone, the trolley  
11 phone wire.

12 MR. SWENTOSKY:

13 Yes.

14 A. And I said it was number  
15 eight. And I'm not positive it's all  
16 number eight, because I thought about  
17 that last night. And there could be  
18 --- that may not be all accurate. I  
19 mean --- and I don't want to --- I  
20 mean, I ain't going to --- I don't  
21 know that there ain't some ten or  
22 something else in it. I hope it's  
23 number eight, but ---.

24 MR. SWENTOSKY:

25 Okay.

1       A.           So that's all I have to ---  
2       those two things right there. That  
3       grounding. That grounding out there,  
4       I know nothing about that. And as  
5       far as isolating those belts and all  
6       that, I don't know. They checked  
7       that out, Mr. Wooten and his team,  
8       and our engineer, and Mr. Dave Mason.  
9       And I know nothing about that outfit,  
10      you know, nothing about that system.  
11      And if I got confused yesterday and  
12      admitted to something I didn't want  
13      to, I want to correct it now.

14                               MR. SWENTOSKY:

15                               Okay. Anything else?

16      A.           That's all.

17                               MR. SWENTOSKY:

18                               Okay. We thank you.

19      A.           Thank you, sir.

20

21

22

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23

SWORN STATEMENT

24

CONCLUDED AT 10:52 A.M.

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