

STATEMENT UNDER OATH

OF

JOHN PATRICK BONI

Taken pursuant to Notice by Miranda  
D. Elkins, a Court Reporter and  
Notary Public in and for the State of  
West Virginia, at the MSHA Bridgeport  
Field Office, 105 Platinum Drive,  
Suite B, Bridgeport, West Virginia,  
on Monday, February 20, 2006, at  
10:47 a.m.

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

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3       DENNIS J. SWENTOSKY

4       Supv. MS&amp;H Specialist (Ventilation)

5       U.S. Department of Labor

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

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P R O C E E D I N G S

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MR. SWENTOSKY:

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

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

6 I have been assigned to  
7 conduct the investigation into  
8 the accident that occurred at  
9 the Sago Mine on January 2nd,  
10 2006 in which 12 miners died  
11 and one was injured.

12 The investigation is  
13 being conducted by MSHA and  
14 the West Virginia Office of  
15 Miners' Health, Safety &  
16 Training to gather information  
17 to determine the cause of the  
18 accident, and these interviews  
19 are an important part of the  
20 investigation.

21 At this time, the  
22 accident investigation team



1           intends to interview a number  
2           of people to discuss anything  
3           that may be relevant to the  
4           cause of the accident. After  
5           the investigation is  
6           completed, MSHA will issue a  
7           written report detailing the  
8           nature and causes of the  
9           accident.

10                        MSHA accident reports  
11           are made available to the  
12           public in the hope that  
13           greater awareness about the  
14           causes of accidents can reduce  
15           their occurrence in the  
16           future. Information obtained  
17           through witness interviews is  
18           frequently included in these  
19           reports. Your statement may  
20           also be used in enforcement  
21           proceedings.

22                        I would like to thank

1           you in advance for your  
2           appearance here today. We  
3           appreciate your assistance in  
4           this investigation. The  
5           willingness of miners and mine  
6           operators to work with us is  
7           critical to our goal in making  
8           the nation's mines safer.

9                        We understand the  
10           difficulty for you in  
11           discussing the events that  
12           took place and we greatly  
13           appreciate your efforts in  
14           helping us to understand what  
15           happened.

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

1 Administration and the West  
2 Virginia Office of Miners'  
3 Health, Safety & Training into  
4 the conditions, events, and  
5 circumstances surrounding the  
6 fatalities that occurred at  
7 the Sago Mine, owned by  
8 International Coal Group in  
9 Buckhannon, West Virginia, on  
10 January 2nd, 2006. This  
11 interview is being conducted  
12 at the MSHA Bridgeport, West  
13 Virginia Field Office on  
14 February 20th, 2006.

15 Questioning will be  
16 conducted by representatives  
17 of MSHA and the Office of  
18 Health, Safety & Training.

19 Mr. Boni, this  
20 interview will begin by my  
21 asking a series of questions.  
22 If you do not understand a

1 question, please ask me to  
2 rephrase it. Feel free at any  
3 time to clarify any statements  
4 that you make in response to  
5 the questions. After we have  
6 finished asking questions, you  
7 will also have an opportunity  
8 to make a statement and to  
9 provide us with any other  
10 information that you believe  
11 may be important.

12 If at any time after  
13 the interview, you recall any  
14 additional information that  
15 you believe may be useful in  
16 the investigation, please  
17 contact Richard Gates at the  
18 phone number or e-mail address  
19 provided to you. And it's on  
20 this business card. You can  
21 have that.

22 Your statement is

1           completely voluntary. You may  
2           refuse to answer any question  
3           and you may terminate your  
4           interview at any time. If you  
5           need a break at any time, just  
6           please let me know.

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

19                       If any part of your  
20          statement is based not on your  
21          own first-hand knowledge, but  
22          on information that you

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

15                         At this time, Mr.  
16          Collins, do you have anything  
17          you would like to add on  
18          behalf of the Office of  
19          Miners' Health, Safety &  
20          Training?

21                                 MR. COLLINS:

22                                 Yes. Mr. Boni, the

1 West Virginia Office of  
2 Miners' Health, Safety &  
3 Training is conducting this  
4 interview session jointly with  
5 MSHA and is in agreement with  
6 the procedures outlined by Mr.  
7 Swentosky today.

8 But the Director  
9 reserves the right, if  
10 necessary, to call or subpoena  
11 any documents that may be  
12 necessary to conduct this  
13 investigation. And also  
14 here's a card if you have  
15 additional comments or  
16 questions after the interview.  
17 Thank you.

18 MR. SWENTOSKY:

19 Mr. Boni, are you aware  
20 that you may have a personal  
21 representative present during  
22 the taking of this statement?

1                   MR. BONI:

2                   Yes.

3                   MR. SWENTOSKY:

4                   Do you have a  
5                   representative with you here  
6                   today?

7                   MR. BONI:

8                   Yes, Joe Yugas.

9                   MR. SWENTOSKY:

10                  Has anyone suggested  
11                  that you use Mr. Yugas as your  
12                  representative?

13                  MR. BONI:

14                  No.

15                  MR. SWENTOSKY:

16                  Are you aware that Mr.  
17                  Yugas may have a conflict of  
18                  interest in representing you  
19                  while being provided by  
20                  someone else, such as the  
21                  company?

22                  MR. BONI:



1 I don't think there's a  
2 conflict of interest. I think  
3 the company should provide us  
4 lawyers.

5 MR. SWENTOSKY:

6 Okay. Have you been  
7 pressured in any way to accept  
8 Mr. Yugas as your  
9 representative?

10 Mr. BONI:

11 No.

12 MR. SWENTOSKY:

13 Do you have any  
14 questions regarding the manner  
15 in which the interview will be  
16 conducted prior to us getting  
17 started?

18 MR. BONI:

19 No.

20 MR. SWENTOSKY:

21 Would you swear in Mr.  
22 Boni, please?

1 -----  
2 JOHN PATRICK BONI, HAVING FIRST BEEN  
3 DULY SWORN, TESTIFIED AS FOLLOWS:  
4 -----

5 BY MR. SWENTOSKY:

6 Q. Would you please state your  
7 full name and spell your last name  
8 for us, please?

9 A. John Patrick Boni, B-O-N-I.

10 Q. And could you provide us with  
11 your address and telephone number,  
12 please?

13 A. [REDACTED]  
14 [REDACTED]  
15 [REDACTED]

16 Q. And are you appearing here  
17 today voluntarily?

18 A. Yes.

19 Q. How many years of mining  
20 experience do you have, Mr. Boni?

21 A. Two.

22 Q. And these --- what mines have

1       you worked?

2       A.       I worked at Whitetail Mine for  
3       seven months and Sago Mine for 15  
4       months.

5       Q.       And what is your present  
6       position?

7       A.       Run the belts.

8       Q.       Okay. And when you say 15  
9       months, that's all at Sago Mine?  
10      That's your employment at Sago Mine?

11      A.       Right.

12      Q.       Okay. And how long have you  
13      worked in the beltman position?

14      A.       Since I've been here.

15      Q.       Okay. And you held the same  
16      position on January 2nd, the day of  
17      the accident?

18      A.       Yes.

19      Q.       Could you describe your job  
20      duties as a beltman?

21      A.       Clean it, dust it and keep the  
22      head clean and tail. Just generally

1 take care of the belt, keep it  
2 cleaned up and ---.

3 Q. And do you have any mining  
4 certifications?

5 A. Just underground card.

6 Q. And who is your immediate  
7 supervisor?

8 A. Well, right now, I'm not sure  
9 now because dad retired. He was.  
10 I'm not sure who's in there. John  
11 Boni was.

12 Q. Okay. On the day of the  
13 accident ---?

14 A. John Boni, John Nelson Boni.

15 Q. And how long was he your  
16 supervisor?

17 A. Fifteen (15) months.

18 Q. Okay. He was your supervisor  
19 the entire time you were there?

20 A. Yes.

21 Q. And what time do you normally  
22 start your shift?

1 A. 6:00 a.m.

2 Q. And you were working on the  
3 day of the accident?

4 A. Yes.

5 Q. Okay. I wonder if you could  
6 just kind of start when you arrived  
7 at the mine and just kind of go  
8 through the events that occurred up  
9 until the time you left the property.  
10 And I'll try not to interrupt you.  
11 And just kind of go through it. And  
12 then after we're done with that,  
13 we'll kind of back up and start and  
14 fill in some blanks I may have. Can  
15 you do that for me, please?

16 A. I arrived at about --- I don't  
17 know, I usually get there about 5:15,  
18 get dressed, get a pop. I probably  
19 went over got my light. Just talked  
20 to the men. I always just talked to  
21 the guys until it was time to go in.

22 We went over the hill and Two

1 Left left, and we had to change a  
2 mantrip so we were behind them. And  
3 I got to my head about --- Four Head  
4 about probably 6:15, something like  
5 that. When I got there, I fueled my  
6 duster up, got it going. Ate a cake  
7 and drank a milk and just walked out  
8 on my belt line and that's when it  
9 happened, just poof and got dusted  
10 with --- air hit me.

11 I went to the phone and called  
12 the dispatcher and asked him what  
13 happened --- see what happened. He  
14 wasn't sure yet. Said the lightning  
15 had hit and knocked the power in the  
16 mine. I said I don't think that's  
17 what happened.

18 By the time I got down to the  
19 phone, like I said, it was real dusty  
20 and air was going back towards the  
21 face, so I didn't think that's what  
22 happened. So I asked him if the fan

1 was running and he got ahold of the  
2 guy down in the yard and he said  
3 yeah, it was running. Saw my  
4 supervisor. He was outby me. He got  
5 on the phone. He thought maybe there  
6 was a fall close, so I walked inby  
7 looking for a fall. I went up to  
8 Eight Block where the maintenance  
9 shack is and got back on the phone  
10 with the dispatcher and asked him if  
11 they figured out what was going on  
12 yet. And he said no. And I talked  
13 to Dick Wilfong on the phone. He  
14 said come on out. So I walked back  
15 down to Four Head and got my stuff,  
16 got in the intake and came out. I  
17 got out about 7:20, 7:25, right  
18 around there. That's pretty much  
19 what happened.

20 Q. Okay. And I believe you said  
21 you were --- what time did you get to  
22 the mine?

1 A. Probably around 5:15.

2 Q. Okay. And when you arrived at  
3 the mine then, you went in --- you go  
4 into the bathhouse, you went in the  
5 bathhouse and you got dressed?

6 A. Yeah.

7 Q. Okay.

8 A. Yes.

9 Q. And do you speak to anyone  
10 there at all? Just ---.

11 A. I usually talk to everybody,  
12 whoever's in there.

13 Q. Just general conversation?

14 A. Yeah.

15 Q. Okay. And then after you were  
16 dressed, what did you do next?

17 A. I went and got a pop, went  
18 over and got my light. I came back  
19 to the bathhouse. I was going to talk  
20 to Carl, see if there's anything  
21 special to do on that day.

22 Q. Okay. When you went in the



1 lamp house to get your light there,  
2 the dispatcher is in that shanty  
3 also?

4 A. Yes.

5 Q. Okay. Did you have any  
6 conversation with him or ---?

7 A. Just give him a, you know,  
8 how's it going.

9 Q. Okay. And did you hear  
10 anything different or was ---  
11 everything just seemed normal?

12 A. Everything was --- well, it  
13 wasn't normal because nobody worked  
14 the night before, so they was just  
15 starting a new shift. The mine was  
16 out.

17 Q. And did you --- you say you  
18 did have some conversation with the  
19 dispatcher?

20 A. Yeah.

21 Q. And what was the extent of  
22 that conversation?

1 A. Just good morning, you know,  
2 how you doing.

3 Q. Okay. Was there any CO  
4 monitor alarms or anything like that  
5 going off at all?

6 A. No.

7 Q. Do you recall any of that?

8 A. No.

9 Q. And then after you got your  
10 light, what did you do?

11 A. I went back over to the  
12 bathhouse. I always go back, sit  
13 down and Marty and I passed, you  
14 know, I sit and talked to him for a  
15 while. He was eating a sandwich. We  
16 talked.

17 Q. Okay.

18 A. All the guys just sit around  
19 and talk for a while and then ---  
20 until it's time to go over the hill.

21 Q. Anything unusual or --- was  
22 there a storm that day?

1 A. It was storming when we went  
2 in, yeah, pretty bad.

3 Q. Okay. During your time on the  
4 surface there, did you see any  
5 lightning flashes or anything like  
6 that?

7 A. Yes.

8 Q. Any close by, anything ---?

9 A. Yes.

10 Q. And where was that?

11 A. I don't know what direction it  
12 is. I'm not good with directions.  
13 But as we went over the hill, I think  
14 I walked over the hill with Junior,  
15 George Hamner. As we were going over  
16 the hill, out like across --- over  
17 from the stacker, there was a big  
18 lightning bolt that came.

19 Q. As you're looking in toward  
20 the mine --- in the pit looking in  
21 toward the mine, would that have been  
22 right, left, behind you?

1 A. The pit mouth would have been  
2 to the left and the stacker was kind  
3 of 45 degrees to the right, and like  
4 over the stacker there was a real  
5 bright lightning strike.

6 Q. Out at a distance?

7 A. Well, yeah. I couldn't tell  
8 you exactly how far it was or  
9 anything.

10 Q. Yeah.

11 A. It was a pretty good strike.

12 Q. Okay. So then on the surface  
13 there prior to going in the pit,  
14 nothing unusual or ---?

15 A. No.

16 Q. And then when you went to the  
17 pit to board the porta-bus, tell me a  
18 little bit about that. What was  
19 going on?

20 A. We went in down at the pit  
21 mouth, we put our stuff on the  
22 mantrip. I always ride in with One

1 Left. And I don't know why but Owie  
2 had the little mantrip and everybody  
3 wouldn't fit on it, so we had to  
4 change the mantrips. So he backed it  
5 out and went back over. Our charging  
6 stations have a track that runs out  
7 if you're looking at the pit mouth,  
8 to the left of the pit mouth. He had  
9 to go get a bigger mantrip, so he  
10 backed out and got a bigger mantrip.  
11 We waited for him, then we boarded  
12 the mantrip and went in. So we were  
13 probably ten minutes behind Two Left  
14 crew.

15 Q. Okay. The number of people on  
16 the mantrip, that's basically the  
17 normal number of people on the  
18 mantrip?

19 A. Yeah, you had the crew and  
20 myself, Ron Grall and John Boni.

21 Q. Approximately what time did  
22 you enter the mine on the trip?

1 A. I'd say it was probably 6:10,  
2 something like that. Around 6:10 or  
3 6:15, right around there.

4 Q. Okay. When you --- did anyone  
5 --- who called for clearance that  
6 day?

7 A. Owen Jones.

8 Q. Owen Jones. And how did he  
9 get that clearance --- how did he  
10 make that call?

11 A. On the radio, on the mantrip  
12 radio with the dispatcher.

13 Q. In what they call a trolley  
14 phone, I believe. Is that what they  
15 call it?

16 A. Right.

17 Q. And that's the phone on the  
18 porta-bus?

19 A. Yes.

20 Q. He used that phone to get  
21 clearance?

22 A. I'm pretty sure he did, yeah.

1 Q. Okay. You entered the mine on  
2 the porta-bus and what was the first  
3 stop that was made?

4 A. The bottom of the hill to the  
5 derail.

6 Q. Okay.

7 A. Stopped on derail and went  
8 through and then close the derail.

9 Q. Okay. And then what?

10 A. Airlock door, the first  
11 airlock door. Then went inby airlock  
12 door. And then we didn't stop until  
13 we got to Four Head --- no, we  
14 stopped down at One Right switch,  
15 Three Belt and let John Boni off. He  
16 was going to the return to check the  
17 pump there. That was the first stop,  
18 the airlock doors, I think.

19 Q. All right. And then continue.

20 A. Then at the Four Head where I  
21 got off. That's where I got off.

22 Q. Okay. Maybe we could look at

1       this map here and you could make some  
2       markings on it.  It's over here on  
3       that tray.  No on the tray, there's  
4       some on the tray.  Let's use a green  
5       marker.  You enter the mine at the  
6       --- on the track.  And if you could  
7       just draw a circle at the first place  
8       that you --- the one, I believe you  
9       said that was ---?

10       A.       The first place we let  
11       somebody off?

12       Q.       Yes.

13       A.       It would be here.

14       Q.       And you're drawing a circle  
15       around the intersection at One Right  
16       switch.

17       A.       Right.

18       Q.       That's correct?  And that's  
19       where you left Mr. Boni off?

20       A.       Yes.

21       Q.       And then where was the next  
22       place that you stopped?



1 A. Right here.

2 Q. You've drawn a circle in green  
3 marker around the intersection where  
4 you exited the mantrip and that is  
5 One crosscut outby the ---

6 A. Four Belt drive.

7 Q. --- Four Belt drive?

8 A. Yeah. It's here, the exit's  
9 here.

10 Q. Okay. And that's where you  
11 exited the mantrip ---

12 A. Right.

13 Q. --- on the track? Okay. And  
14 then --- had you had any conversation  
15 with Mr. Owens (sic) or any other  
16 conversations with anyone else at  
17 that point?

18 A. No. When I got off here, I  
19 told them to be careful and have a  
20 good shift.

21 Q. And then where did you go from  
22 there?

1 A. I went from the crosscut.

2 Right here's the power center. I had  
3 a trickle duster that sits there.

4 Q. You're pointing at the  
5 intersection where you exited?

6 A. Yeah.

7 Q. And that trickle duster sits  
8 ---?

9 A. It sits right here on the  
10 corner outby the belt. I just leave  
11 it at the intersection in the corner  
12 there in the crosscut.

13 Q. And you're locating the  
14 trickle duster just on the left side  
15 of the track entry toward the belt  
16 entry.

17 A. Right. It's over just inside  
18 the crosscut on the corner right  
19 here.

20 Q. So in the crosscut between  
21 belt entry and track entry?

22 A. Right.

1 Q. Okay. And what did you do  
2 there?

3 A. Filled my trickle duster up  
4 with gas, set the breaker up and  
5 turned it on, then I --- I'm not  
6 sure. I ate a snack cake or  
7 something and a milk. And then I  
8 walked down the belt and I had taken  
9 two steps and pop and just air hit me  
10 and the dust.

11 Q. So at that point there, you  
12 walked over into the belt entry at  
13 the same intersection?

14 A. Right. I just walked up the  
15 belt entry, taken two or three steps  
16 when it happened.

17 Q. Up to that point, was anything  
18 unusual or as per usual ---?

19 A. Just as it is every morning.

20 Q. All right. And then whenever  
21 this, as you called it, pop, were you  
22 facing inby in the belt entry?

1 A. Yeah, I was walking inby.

2 Q. Okay. You had already entered  
3 the belt entry and walked into it?

4 A. I walked outby the head and  
5 looked at the head, wasn't anything  
6 wrong down there. As I walked up, I  
7 was walking up to look at the take-up  
8 and took about three steps and that's  
9 when it happened. The take-up's just  
10 inby the drive here.

11 Q. If you would, please, take the  
12 green marker and draw a line from the  
13 point you think you were, draw the  
14 cross over into the white area and  
15 mark that as location whenever  
16 explosion occurred.

17 A. That would probably be right  
18 here.

19 Q. And then write there location  
20 when the explosion occurred or  
21 something like that.

22 Q. Okay. And when that --- you

1        were facing inby at that point?

2        A.        Yeah.

3        Q.        Okay.    And what did you see at  
4        that point?

5        A.        The air hit me and just got  
6        real dusty, was just dusty  
7        immediately.

8        Q.        Did it knock your hat off?

9        A.        I grabbed my hat.    I don't  
10       know that it was strong enough to  
11       knock it off me.    I always wear a hat  
12       and if you're in the wind that's just  
13       your instinct to grab your hat.    So I  
14       don't know if it was strong enough to  
15       knock my hat off or not or whatever,  
16       but I put my hat on and knew where I  
17       was at because there was a phone  
18       right here.

19       Q.        Just if I may, was there any  
20       smoke?    Did you notice any smoke?

21       A.        Just dust.

22       Q.        Just dust.    Did you smell any

1 smoke?

2 A. Didn't smell anything, just  
3 covered with dust.

4 Q. Just dusty. Okay. And what  
5 was the visibility would you say?

6 A. Probably a good bit away,  
7 probably 14, 15 feet or something  
8 like that.

9 Q. Did you get any dirt in your  
10 eyes or anything like that?

11 A. No, not real bad. I mean, it  
12 hit me in the face, but it really  
13 didn't get in my eyes. It just got  
14 real dusty and just dusted up.  
15 Immediately it was dusted up.

16 Q. And how long did that last?

17 A. The air?

18 Q. The air, the rush of air?

19 A. Maybe a second and a half or a  
20 second. It just hit me and that was  
21 it, it was over.

22 Q. And you say you thought it

1 might have been a roof fall?

2 A. That's that I thought at  
3 first. I thought there might have  
4 been a fall close.

5 Q. Okay. And then you said you  
6 walked. At that point, you then  
7 walked inby?

8 A. Yeah.

9 Q. Toward what is identified on  
10 this Exhibit One as --- identified as  
11 Number Four drive; is that correct?

12 (J.P. Boni Exhibit  
13 Number One marked for  
14 identification.)

15 A. That's correct.

16 BY MR. SWENTOSKY:

17 Q. Okay. And you at that point,  
18 made a telephone call?

19 A. Yes.

20 Q. I said telephone. I mean, the  
21 pager.

22 A. Yes.

1 Q. Okay. And what --- at that  
2 point, what did you say or ask?

3 A. Well, the belt box was right  
4 here in this corner out of the belt  
5 line. There's a mine phone right  
6 there. I got on the mine phone and  
7 paged the dispatcher, asked him what  
8 happened. He said lightning hit and  
9 knocked the power out. I said I  
10 don't think that's what happened and  
11 by that time, the dust was going up  
12 towards the face. I said, I don't  
13 think that's what happened. I asked  
14 him --- I said, was the fan running.  
15 He said, I don't know. Hold on a  
16 second. And he said the supply man  
17 was down in the yard and he said,  
18 yeah, the fan's running. So I said  
19 well, my air's going back toward the  
20 face. Something's wrong.

21 Q. And what person were you  
22 speaking to? You say the dispatcher.



1 Who would that have been?

2 A. Flea. I'm not sure what his  
3 name is. I mean, I just know him as  
4 Flea.

5 Q. And he said the power --- when  
6 the lightning struck, the power  
7 went ---?

8 A. He said they had a lightning  
9 strike and it killed the power. I  
10 said, well, I'm not sure that's what  
11 happened.

12 Q. And why did you think that?

13 A. Because by that time, air was  
14 going back toward the face.

15 Q. And normally which way is the  
16 air going?

17 A. Outby on the belt.

18 Q. So it would be hitting you in  
19 the face?

20 A. Yeah. The dust was going back  
21 toward the face.

22 Q. And how long did that --- did

1       that remain ---?

2       A.       A little while, yeah. It was  
3       still going back to the face when I  
4       left out of there.

5       Q.       Then you had this conversation  
6       and he said that the lightning struck  
7       and power went off. And you had  
8       asked him --- or said you didn't  
9       think that's what happened; is that  
10      correct?

11      A.       Yes. I asked if he had any  
12      belts running and he said One, Two,  
13      Three. Of course Three tail is right  
14      here and I said Three is not running.  
15      I'm right here. I said Three is not  
16      running, Four is not running.

17      Q.       And when you say right here,  
18      that was at Four --- still at Four  
19      Drive?

20      A.       Yeah, Four Drive. I said  
21      Three and Four are not running and I  
22      have no power. My duster wasn't

1 running. My power center was dead.

2 Q. Was it running when you got  
3 there?

4 A. Yeah, I had my duster running.  
5 So in the meantime, my supervisor got  
6 on the phone and he ---.

7 Q. And you say your supervisor is  
8 Mr. Boni?

9 A. Yes. He came out of the  
10 return and got on the other phone. I  
11 told him what it looked like up where  
12 I was. I said there might be a fall  
13 close. He said, well, there could  
14 be. So I said, well, I'm going to  
15 walk up the track a little ways, see  
16 if I can find a fall.

17 Q. A clarification, when I say  
18 your supervisor, Mr. Boni, I'm  
19 talking about John Boni?

20 A. Yeah.

21 Q. That's who you was talking to  
22 you?

1 A. Well, that's my name, too.

2 Q. All right. So you exited the  
3 belt entry?

4 A. Yeah.

5 Q. Went over into the track  
6 entry?

7 A. Yeah. Right. I came in  
8 through right here.

9 Q. And that's at Four drive?

10 A. One block of Four Drive and I  
11 came up to Eight Block which is right  
12 here. Right here, the little  
13 maintenance shanty right here.

14 Q. Draw a circle around it and  
15 just draw a line.

16 A. Here's the maintenance shed  
17 here.

18 Q. And you've drawn a circle  
19 around the maintenance shanty at  
20 Eight Block; is that correct?

21 A. Right.

22 Q. All right.

1       A.       That's where I came to the  
2       phone and hollered to the dispatcher.  
3       Have you figured out what was going  
4       on.   No.   He said, well, ---.

5       Q.       Just a second, may I ask from  
6       Four Drive to Eight Block, the  
7       maintenance shanty, at that point  
8       there, what were the conditions like  
9       on the track entry?

10      A.       It was just dusty.

11      Q.       Just dusty.   At that point,  
12      did you smell any smoke or ---?

13      A.       No smoke, no nothing, just  
14      dusty.

15      Q.       Just dust.

16      A.       It was just dust.

17      Q.       And do you recall which way  
18      that air was traveling at that point?

19      A.       It was still going to the  
20      face.

21      Q.       And how did you know?

22      A.       Just looking at the dust.   I

1       could tell it was just moving toward  
2       the face.

3       Q.       Go ahead.

4       A.       So I asked him, you know, if  
5       they had figured out what was going  
6       on. And he said no, they didn't  
7       know. I told him, I said I think  
8       something has happened up on the  
9       section, somewhere up at Two Left  
10      because I knew One Left didn't have  
11      time to make it to the section. I  
12      said, we've got a fire, explosion in  
13      there, something, because my air is  
14      still going toward the face.

15     Q.       And why did you --- is that  
16     the first --- was that the first  
17     point that you felt that you had an  
18     explosion or something?

19     A.       Yeah.

20     Q.       And how did you arrive at  
21     that?

22     A.       Well, knowing --- the only way

1 I figured the air to go back toward  
2 the face is if you have a fire or  
3 something in there, with the oxygen  
4 pulling it back.

5 Q. So then ---.

6 A. I talked to the dispatcher  
7 there, got the maintenance foreman  
8 back on the phone and he said get to  
9 the intake, come out. And so that's  
10 when I left.

11 Q. You said dispatcher and who  
12 else?

13 A. The maintenance foreman.

14 Q. Who's that?

15 A. Dick Wilfong. He got on the  
16 mine phone. He said get in the  
17 intake.

18 Q. Okay.

19 A. That's when I left the mine.

20 Q. And how did you travel out of  
21 the mine?

22 A. By the escapeway.

1 Q. So you were able to enter the  
2 primary escapeway at Eight Block?

3 A. No. I knew I had good air. I  
4 walked back and got my dinner bucket  
5 and I got my coat. Right across from  
6 the head there's a man door. I got  
7 into the escapeway right here.

8 Q. Okay. Use the red marker and  
9 draw a circle where you entered the  
10 primary escapeway.

11 A. It would be right here. Right  
12 there is my intake.

13 Q. Just draw a line and just put  
14 man door.

15 So then you walked from the  
16 Number Eight block back to the track  
17 and got your dinner bucket and  
18 belongings and at that point, you  
19 entered the primary escapeway. And  
20 then did you see anybody else on the  
21 way out?

22 A. I didn't. Didn't see anybody.



1 Q. So you exited the mine through  
2 the primary escapeway to the surface?

3 A. Up to the man door at Four  
4 Block on the track, then got back on  
5 the track, which is a man door ---  
6 the man door right here.

7 Q. And so you followed the ---.

8 A. The primary and then opened  
9 this man door here and I didn't see  
10 any smoke so I got on the track.

11 Q. Okay. Just draw a line across  
12 there and just --- track and put an X  
13 then to track entry. Now, at that  
14 point then, you went the last four  
15 blocks on the track entry to the  
16 surface?

17 A. Yes, and got to the pit mouth  
18 and got on the mine phone at the pit  
19 mouth with the dispatcher.

20 Q. Okay. We can sit down. And  
21 approximately what time did you get  
22 out of the mine?

1 A. About 7:25.

2 Q. Your conversation whenever Mr.  
3 Wilfong was at Eight Block there,  
4 what all did he --- just explain to  
5 me again, what all he said at that  
6 point?

7 A. All he said was get in the  
8 intake and get out. That's what he  
9 said.

10 Q. Okay. Did you at any time don  
11 your SCSR?

12 A. No.

13 Q. Okay. And why was that?

14 A. I knew I was in good air.

15 Q. Okay. At any time did --- I  
16 guess there was never a time that you  
17 smelt smoke, saw smoke,

18 A. No.

19 Q. Okay. At any time, did you  
20 feel a second rush of air at all?

21 A. No.

22 Q. Was there ever a --- what

1       about whenever you had that first  
2       that rush of air, did your ears pop  
3       or anything like that?

4       A.       I don't know if my ears popped  
5       or not. I heard a --- I just heard a  
6       noise.

7       Q.       When you ---?

8       A.       I can't explain what it was, I  
9       just heard a noise.

10      Q.       When you walked back from  
11      Eight Block in the track entry to the  
12      number Four Head and before entering  
13      the primary escapeway, at that point  
14      there, do you recall was the air  
15      direction from outby, still from  
16      outby to inby?

17      A.       It was --- I recall when I  
18      went --- when I got in the escapeway,  
19      it was still going to the face.

20      Q.       And we're talking about in the  
21      track entry, the air was still going  
22      toward the face?

1 A. Yes.

2 Q. Okay. What direction was the  
3 air going in the primary escapeway?

4 A. Toward the face.

5 Q. Okay. And what was the  
6 conditions like in the primary  
7 escapeway, was there any dust or  
8 anything like that?

9 A. Nothing.

10 Q. It was clear?

11 A. It was normal, yeah.

12 Q. Normal. Do you carry a  
13 detector with you?

14 A. No.

15 Q. In your conversations with the  
16 dispatcher, was there ever an  
17 occasion during that conversation  
18 that CO levels were discussed or  
19 anything about the CO monitoring  
20 system, anything like that?

21 A. No.

22 Q. Were you injured in any way at

1 all?

2 A. No.

3 Q. Your eyes, just dust in there,  
4 it wasn't ---?

5 A. No.

6 Q. Okay. And the calls that you  
7 were involved in, and I'm talking  
8 about on the pager phone, were all  
9 those calls that you initiated?

10 A. Yes.

11 Q. Okay. When you arrived on the  
12 surface and you said you called the  
13 dispatcher on the pager phone from  
14 the surface?

15 A. Yes.

16 Q. And you told him --- to inform  
17 him you were outside. What other  
18 parts of that conversation do you  
19 recall?

20 A. I just let him know I was out  
21 and I was heading up to the lamp  
22 house.

1 Q. And you never re-entered the  
2 mine?

3 A. No.

4 Q. When you went up to the --- at  
5 that point then, you went up the hill  
6 to the lamp house?

7 A. Yes.

8 Q. Okay. And do you speak to  
9 anyone in the pit prior to going up  
10 there or ---?

11 A. No. Wasn't anybody down  
12 there.

13 Q. Okay. No one was in the pit  
14 at that time?

15 A. No.

16 Q. When you went up to the lamp  
17 house, then what did you do?

18 A. Then I took my light off and  
19 hung it up and went into the  
20 dispatcher's office, started watching  
21 the monitors.

22 Q. Okay. Can you tell me

1 anything about what you saw on there  
2 or what conversations were going on  
3 at that time, please?

4 A. I think there were two  
5 monitors dead.

6 Q. Which two were that --- which  
7 two were they?

8 A. The two right at the turn of  
9 --- right at the turn, it would be  
10 the turn at the belt, the first two  
11 there I think were dead.

12 Q. When you say the first turn,  
13 you mean inby the pit mouth?

14 A. Where the belt turns at Four  
15 Head --- at Four Tail and the section  
16 belt starts, those first two CO  
17 monitors there were dead.

18 Q. Okay. And I apologize.

19 A. That would have been right in  
20 there.

21 Q. You're talking about One Left?

22 A. Two Left.

1 Q. Two Left, okay.

2 A. The Four Tail was at the Two  
3 Left switch.

4 Q. At the mouth of Two Left?

5 A. And Six Belt starts, right  
6 there. Those two were dead I think,  
7 as I recall. I think those two were  
8 dead. The next two inby toward the  
9 section were pegged out. I think the  
10 two outby on the Four Belt or Three  
11 maybe were pegged out.

12 Q. When you say pegged out, what  
13 do you mean, pegged out?

14 A. They were just --- they  
15 wouldn't register any higher.

16 Q. Okay. What were they reading?

17 A. I can't remember if it was 107  
18 or 170, it was one of the two of  
19 them.

20 Q. Okay.

21 A. Then they just kept coming.

22 Q. And when you say kept



1 coming, ---?

2 A. Kept getting worse on the  
3 outby.

4 Q. Outby, the outby sensors were  
5 starting to pick up CO?

6 A. It took a good while, but once  
7 it started, they started moving  
8 slowly. A couple of more of them  
9 picked up and pegged out. Then I  
10 went to the bathhouse.

11 Q. And where were the --- what  
12 was the last entry that you recall  
13 that was registering CO whenever you  
14 left?

15 A. As I recall, I think the last  
16 time I was in the dispatcher's  
17 office, it was around noon. I think  
18 it was up about --- I'm not really  
19 sure. It was on Four Belt somewhere  
20 I think.

21 Q. When you say you were --- the  
22 last time you were in there, did you

1 go back into the ---?

2 A. I went to the lamp house a few  
3 times, not actually in the  
4 dispatcher's office, because Denver  
5 Anderson was having some trouble and  
6 we were taking care of him.

7 Q. Okay. The initial point after  
8 exiting the mine and you went in and  
9 was observing the CO monitor screen.  
10 And what time did you leave there,  
11 that initial time?

12 A. Probably 8:30.

13 Q. 8:30. And at that point  
14 there, the CO level, where was it,  
15 the most outby sensor that was  
16 registering CO?

17 A. I don't know. I couldn't tell  
18 --- I don't recall. I think two of  
19 them on Four Belt were pegged out as  
20 high as they would read at like 8:30.

21 Q. And were there any phone  
22 conversations that you recall during

1       that period of time with anyone that  
2       you ---?

3       A.       No.    I recall Hoy Keith kept  
4       every ten minutes or so he was  
5       hollering for Two Left.   That's --- I  
6       didn't stick around the dispatcher's  
7       office after that.   I just --- I went  
8       to the bathhouse, ---

9       Q.       Okay.

10      A.       --- changed my clothes  
11      and ---.

12      Q.       Did you have a walkie-talkie  
13      with you that day?

14      A.       No.

15      Q.       Were you assigned any duties  
16      on the surface at all?

17      A.       No.

18      Q.       No.    Do you recall anyone  
19      being sent to the pit to make any CO  
20      readings in the pit mouth at all?

21      A.       No.    I know my dad went down  
22      there.

1 Q. Okay.

2 A. But I don't think he was sent.  
3 He just went down to do it.

4 Q. To do what?

5 A. Take a --- see what was coming  
6 out.

7 Q. Okay. And what was the  
8 results of that examination?

9 A. I think the first couple times  
10 he went down there, he didn't find  
11 anything. I don't think he went  
12 back after that. Jeff Bennett was  
13 there and I don't know who else.

14 Q. Of anyone that went down to  
15 the pit to make examinations, do you  
16 recall what the results of those  
17 readings were, what they brought back  
18 up or ---?

19 A. I talked to Jeff Bennett. I'm  
20 not sure what time it was, it was  
21 around noon I think, 11:30 or so,  
22 something like that. And if I recall

1       correctly, he was reading about 4,000  
2       parts per million coming out of the  
3       return.

4       Q.       And that's the only readings  
5       that you recall?

6       A.       Yeah.

7       Q.       And after you left the  
8       dispatcher's office, and you said it  
9       was around 8:30, what did you do  
10      then?

11      A.       Went to the bathhouse, changed  
12      my clothes, put my mining stuff up,  
13      went over and one of the offices  
14      weren't done yet --- they were still  
15      working on the bathhouse. We just  
16      went over and sat down.

17      Q.       Did anyone --- any person from  
18      the company talk to you about or ask  
19      you what happened or talk to you  
20      about what you did, anything like  
21      that?

22      A.       Not at that time.

1 Q. Okay.

2 A. We were just talking amongst  
3 ourselves.

4 Q. And you said not at that time.  
5 Did anybody ever speak to you about  
6 that?

7 A. Just talking amongst  
8 ourselves. I don't think anybody  
9 from the company has ever.

10 Q. Okay. And whenever you ---  
11 you say you guys were just talking  
12 and that and what did you do after  
13 that or ---?

14 A. They made us leave the mine  
15 site. I'm not sure what time it was,  
16 around one o'clock I think.

17 Q. All right. And did you ---  
18 during that period that you were ---  
19 after you left the dispatcher's  
20 office and then you left the  
21 property, were you ever back over in  
22 the dispatcher's office?

1 A. After I left the property?

2 Q. No. From the --- from the  
3 8:30 when you initially left the  
4 dispatcher's office until the time  
5 you left the property, were you ever  
6 at the dispatcher's office again at  
7 any point?

8 A. I was there a couple times.

9 Q. Okay. And tell me about those  
10 times, what was going on or ---.

11 A. Just went over to talk to Flea  
12 and dad was in there, see what was  
13 going on. See, nothing --- nothing  
14 yet. Just trying to see what was  
15 going on, getting rescue teams going  
16 on over there.

17 Q. Okay. Were you involved at  
18 all in making any telephone calls or  
19 anything like that?

20 A. No.

21 Q. And when you --- after you ---  
22 you said it was around one o'clock

1       that you were asked to leave mine  
2       property?

3       A.       I think it's right around one  
4       o'clock, yeah.

5       Q.       Why was that, do you recall?

6       A.       I don't know. They just told  
7       us to go to the prep plant.

8       Q.       Okay. And you went ---

9       A.       So everybody that come out  
10       went to the prep plant except for  
11       Owen Jones and John Boni, the  
12       supervisors.

13       Q.       Okay. Did you ever have any  
14       additional conversations with anyone  
15       underground?

16       A.       No.

17       Q.       No. And while on the surface  
18       there, you didn't have any  
19       conversations with any company  
20       personnel or ---?

21       A.       I talked to Jeff Toler.

22       Q.       Jeff Toler. And what was the



1 extent of that conversation?

2 A. After they came out, I talked  
3 to Jeff. I found him over in the  
4 offices that hadn't been done yet. I  
5 talked to him for a couple minutes.

6 Q. What did --- what was the  
7 extent of that conversation, do you  
8 recall?

9 A. I just asked him how far they  
10 got and he said 58 block. He said  
11 they couldn't go any farther. That  
12 was it.

13 Q. Okay. Did you have any  
14 conversation with anyone else, Mr.  
15 Wilfong or anyone else that we  
16 haven't talked about yet?

17 A. Never even saw Dick.

18 Q. And Mr. Toler would be the  
19 only other person that you had a  
20 conversation with?

21 A. Yep.

22 Q. Are you familiar with the old

1 Two Left Mains seals?

2 A. Never saw them.

3 Q. Never saw them. Okay. Were  
4 you ever --- while they were mining  
5 up in that area, were you ever up in  
6 that area, in the old Two Left Mains?

7 A. Yeah, a couple times. When  
8 I'd have to run motor or something.

9 Q. Okay.

10 A. Take supplies up or something.

11 Q. Okay. You do work on any of  
12 those belts up there?

13 A. I never worked on anything  
14 past Four Tail. I never worked on  
15 there.

16 Q. Four Tail and that's at the  
17 intersection of the present Two Left  
18 Section; is that correct?

19 A. Yeah. I was never on ---  
20 well, I was never on that belt up in  
21 there, no.

22 Q. Okay. And you ---?

1       A.       I might have gone up there  
2       just to tell them about the train, I  
3       might have done that.  But I'm not  
4       sure.  As they were driving the  
5       motors up, I was up in there and  
6       probably someone, just to train the  
7       belt.

8       Q.       All right.

9       A.       But I didn't have --- I just  
10      had the first 30 blocks at Four.

11     Q.       Okay.  And you said a moment  
12     ago, you weren't involved in the  
13     construction of the old Two Left  
14     Mains seals, the ones that blew out?

15     A.       No.

16     Q.       No.  Did you ever help deliver  
17     any supplies or anything up there?

18     A.       I don't know if I --- I  
19     couldn't really tell you if I  
20     delivered any supplies for the seals  
21     or not.  I delivered supplies up in  
22     there once in a while if a motorman

1 was off or something.

2 Q. Okay.

3 A. But I don't know if I  
4 delivered any supplies for the seals  
5 or not.

6 Q. And you weren't up there  
7 whenever they were --- during the  
8 construction of them, even just to  
9 observe or anything like that?

10 A. No.

11 MR. SWENTOSKY:

12 Do you have anything,  
13 John? Anything?

14 MR. COLLINS:

15 I just have a couple,  
16 please.

17 BY MR. COLLINS:

18 Q. Mr. Boni, when you walked the  
19 escapeway out, did you have any  
20 trouble with the escapeway?

21 A. No.

22 Q. And I think you said no one

1 walked out with you?

2 A. No. I was by myself. I  
3 didn't see anybody.

4 Q. Did you see any ventilation  
5 damage?

6 A. No.

7 Q. And then I think you talked  
8 some about the air normally travels  
9 outby in the track and belt entry?

10 A. Yes.

11 Q. And once this event occurred,  
12 it immediately started traveling  
13 inby?

14 A. Yeah, as far as I know. When  
15 I got to the phone, there's a belt  
16 box there, I leaned up against the  
17 belt box and called the dispatcher  
18 and my air was going inby.

19 Q. And you mentioned earlier  
20 something about you were checking  
21 your take-up. This is one of the  
22 duties of the beltman?

1 A. Just for spillage or whatever.

2 Q. But you weren't examining the  
3 belt, so you don't fill out any  
4 records on the belt?

5 A. No. I never made it to the  
6 take-up.

7 Q. And I think you answered  
8 earlier that you don't carry a  
9 detector?

10 A. No.

11 Q. When the air reversed on the  
12 track in the belt, was it about ---  
13 that you had a certain volume that  
14 normally traveled outby and you now  
15 have a normal volume that traveled  
16 inby?

17 A. It wasn't strong. You  
18 couldn't feel it, you could just see  
19 the dust was going back toward the  
20 face.

21 Q. But once you got in the intake  
22 there, from there to the outside, did

1       you observe any ventilation damage?

2       A.       No.    I had strong air from ---  
3       where I got in the intake at Four  
4       Head it was strong, just like normal.

5       Q.       And when you went up to the  
6       underground shop, which is at Eight  
7       Block or Nine Block, ---

8       A.       Right.

9       Q.       --- of Four Belt, did you  
10      observe any ventilation damage in  
11      that area?

12     A.       No.

13     Q.       And you said something about  
14     visibility was 15 feet or so when you  
15     went out; right?

16     A.       I would say 15 feet good  
17     visibility.   I could see farther than  
18     that, but it was cloudy, a dusty  
19     cloud.

20     Q.       And you went inside that  
21     little shop to use the phone, didn't  
22     you?

1 A. Uh-huh (yes).

2 Q. When you came back out, was it  
3 about the same?

4 A. Yeah.

5 Q. Stayed the same?

6 A. Yeah.

7 Q. Do you have any idea what  
8 happened?

9 A. Nope. Just theories.

10 Q. Would you like to share those  
11 theories with us?

12 A. I think the lightning did it.  
13 And I know --- that's what I think.  
14 That's what dad said as soon as I got  
15 out --- well, as soon as he got  
16 outside. He got out after I did. He  
17 said that lightning did it. He said,  
18 I don't know how. He said the  
19 lightning did it. I thought at first  
20 they might have got to the section  
21 and it happened, but it didn't.  
22 That's not where it happened.



1 Q. I think you said when you got  
2 off the mantrip, the Number Four ---  
3 Three and Four belt was running?

4 A. Yes.

5 Q. And when this event occurred,  
6 they both stopped?

7 A. Yes, they did.

8 Q. And the power also went off at  
9 your box there?

10 A. Yes.

11 Q. Now, when you got outside you  
12 said --- or you were outside when  
13 Jeff Toler got outside?

14 A. Yeah, I was out there.

15 Q. And do you know what time that  
16 was?

17 A. I have no idea. I don't know  
18 what time they got out. When I went  
19 to the part of the bathhouse that  
20 wasn't done yet, he was over there.  
21 He was in the room over there by  
22 himself.

1 Q. And before you got to the fan,  
2 you went out of the intake, the  
3 escapeway and went over to the track  
4 and you just decided to go that way?

5 A. Yeah, I just --- I opened the  
6 door there. There was a door there  
7 at Four Block on the track. I opened  
8 the door there and looked out and I  
9 don't have any dust or anything. It  
10 was normal air. I was --- got out  
11 there and went out to the pit mouth.  
12 I didn't want to open that door on  
13 the fan housing. I didn't know what  
14 kind of air we had up in there. I  
15 didn't want to chance it.

16 Q. Do you have anything else  
17 dealing with the explosion or the  
18 events surrounding that you'd like to  
19 add or ---

20 A. No.

21 Q. --- tell us?

22 A. That's all I know. I mean,

1       that's where I was and what I did.

2       That's what I felt and saw.

3                               MR. COLLINS:

4                               That's all I have.

5                               Thank you.

6       BY MR. SWENTOSKY:

7       Q.       Okay. Do you recall when the  
8       last annual retraining class you  
9       participated in?

10      A.       Yeah, February 2nd I think.  
11      It was on Friday, the first Friday in  
12      February.

13      Q.       This February?

14      A.       This month, yeah.

15      Q.       Okay. What about the one  
16      prior to that?

17      A.       That was my first one. I just  
18      got my black hat last summer.

19      Q.       I'm sorry?

20      A.       I just got my black hat last  
21      year. That was the first one I was  
22      due for, retraining.

1 Q. Okay. So you had initial  
2 training when you started at Sago  
3 Mine?

4 A. Yeah.

5 Q. Okay. And then when was the  
6 next training you had after that?

7 A. February.

8 Q. February of?

9 A. This year.

10 Q. This year?

11 A. Yeah. I was a red hat when I  
12 started at Sago.

13 Q. Okay.

14 A. I wasn't due for annual  
15 retraining yet 'til February.

16 Q. Do you recall around the date  
17 that you started at Sago? I know you  
18 said 15 months in general, but do you  
19 recall that date?

20 A. It hasn't been quite 15  
21 months. It was --- my hire date was  
22 in December of 2004.

1 Q. December of 2004?

2 A. Yeah.

3 Q. Okay. And at that point  
4 there, you received initial training?

5 A. Yeah, hazard training and  
6 stuff. I was a red hat when I  
7 started.

8 Q. Okay. You were a red hat,  
9 okay. And then the next training  
10 that you received was here just in  
11 February?

12 A. That's when my annual  
13 retraining was, yes.

14 Q. Okay. So between December of  
15 2004 and February 6th --- or excuse  
16 me, February 2nd of 2006, that's ---  
17 you hadn't received any additional  
18 training?

19 A. Just task training, hazard  
20 training, safety training.

21 Q. Okay. But not --- did not  
22 attend like an eight-hour training

1 course through those periods?

2 A. No.

3 Q. Okay. As part of that  
4 training, did you receive SCSR  
5 training?

6 A. Yes.

7 Q. And can you kind of describe  
8 that a little bit to me and how that  
9 was conducted and what you did during  
10 that training?

11 A. Well, they showed us how to  
12 --- how the rescuers worked and told  
13 us how they worked, what the  
14 chemicals and if you take them out  
15 and they don't --- and you pull the  
16 thing and they don't inflate by  
17 themselves, blow into them three  
18 times and it will activate them and  
19 continue putting them on and put your  
20 goggles on, your nose clips on and  
21 go.

22 Q. Okay. Did you --- did it have

1 a training model there, one that they  
2 put together and pulled apart?

3 A. Yes.

4 Q. And did you actually have to  
5 go through the training of opening up  
6 and putting on the goggles and the  
7 nose piece?

8 A. No.

9 Q. No? Did they just talk about  
10 it?

11 A. He showed us how to do it.

12 Q. And you did not --- they  
13 didn't --- you didn't have to  
14 demonstrate at all?

15 A. No.

16 Q. No. So it was just a sit and  
17 listen type class I guess. And they  
18 showed --- they did that in December  
19 of 2004 like when you were first  
20 hired?

21 A. What's his name? Al  
22 Schoonover did, yeah, when I started

1       there.

2       Q.       Okay.  And the training course  
3       that you just participated in here  
4       --- you said February 2nd, somewhere  
5       in there?

6       A.       I think it was the 2nd, it was  
7       the first Friday in February.  It  
8       might have been the 4th.  I'm not  
9       sure ---.

10      Q.       And during that training  
11      there, did you have to ---

12      A.       I didn't have to don ---.

13      Q.       --- don the SCSR?

14      A.       No.

15      Q.       No.  You just talked about  
16      them?

17      A.       He showed us.

18      Q.       Showed you ---?

19      A.       He went through it step by  
20      step on ours, the SCSR 100s and the  
21      W65s and the ones they store  
22      underground.  See, I was working at



1       Philippi with the annual retraining.  
2       They had the W65s down there and they  
3       store rescuers underground.

4       Q.       Okay.  So the training that  
5       you received was from Philippi?

6       A.       Yeah.

7       Q.       And who conducted that class?

8       A.       Dick Curry.

9       Q.       Dick Curry.  Okay.  And it was  
10      a discussion on how to don them?

11      A.       Yeah, he showed us how to don  
12      them.

13      Q.       Showed you how?

14      A.       He put it on.

15      Q.       Okay.  And you didn't have to  
16      --- but you didn't have to do that?

17      A.       No.

18      Q.       Okay.  Do you feel the  
19      training that you received for the  
20      Sago Mine was adequate?

21      A.       Yes.

22      Q.       And you said Schoonover is the

1 one that did that?

2 A. Yes.

3 Q. Is there anything additional  
4 that you would add to a training  
5 session that you think should be  
6 added to the training session?

7 A. I think they should have you  
8 --- a smoke room and everything while  
9 they're retraining. You should have  
10 to go through it. You should have to  
11 don the rescuer, go through a smoke  
12 room. I think we should also retrain  
13 --- everybody underground should be  
14 trained for fire extinguishing, what  
15 to do when there's a fire, not just  
16 certain people. I think everybody  
17 should be.

18 Q. Okay.

19 A. Everybody's under there.  
20 Everybody should be trained. Because  
21 one man can't save everybody. On the  
22 motor if you have a fire, especially

1       like for Philippi, you intake's your  
2       track. You have a fire on that  
3       motor, you better get it put out.

4       Q.       Okay. Have you ever been  
5       searched for smoking articles?

6       A.       Pardon?

7       Q.       Have you ever been searched  
8       for smoking articles?

9       A.       Yes.

10      Q.       And how do they do that?

11      A.       They search your lunch bucket  
12      and pat your pockets.

13      Q.       Okay. And how often do they  
14      do that, do you recall?

15      A.       It ranges from every couple  
16      weeks to sometimes every month or so.  
17      I know at Philippi, they do it --- I  
18      think they did it more at Philippi  
19      than they do at Sago.

20      Q.       At Sago. And at Sago, you  
21      think about a month you said? Is  
22      that what you ---?

1 A. Yeah.

2 Q. Okay. Have you ever ---?

3 A. I don't think you should have  
4 to search for smoking articles.

5 Q. Pardon me?

6 A. I said I don't think you  
7 should have to search for smoking  
8 articles.

9 Q. And why is that?

10 A. Because you're working down  
11 there with people if they had a smoke  
12 down there, you should take care of  
13 it yourself. There should be nobody  
14 dumb enough to go underground and  
15 smoke.

16 Q. Okay. Have you ever observed  
17 anyone smoking underground?

18 A. No.

19 Q. Have you ever found any  
20 smoking articles underground?

21 A. No.

22 MR. SWENTOSKY:

1 Do you have anything,  
2 John?

3 MR. COLLINS:

4 No, I'm finished.

5 Thank you.

6 BY MR. SWENTOSKY:

7 Q. Has anyone offered you  
8 anything or made any promise to you  
9 in exchange for your appearing here  
10 today?

11 A. No.

12 Q. In closing, do you have  
13 anything that you would like to add?

14 A. I'd like to know why it took  
15 so long to get rescue teams in that  
16 mine. If there hadn't been a (k)  
17 order in that mine we would have  
18 gotten them out of there ourselves.

19 Q. Well, I can't answer that  
20 question right now.

21 A. I mean, we were at 58 block  
22 with no rescuer.

1 Q. I'm sorry?

2 A. They were at 58 block without  
3 air of any kind, no rescuer, no  
4 nothing. They were at 58 block.

5 Q. And you say they ---?

6 A. They're at the mouth of the  
7 section with no rescuer.

8 Q. Okay.

9 A. They knew there was no phone.  
10 Why did it take so long to get rescue  
11 teams in that coal mine?

12 Q. Well, ---.

13 A. That delay cost 11 people  
14 their life.

15 MR. SWENTOSKY:

16 Well, as we continue  
17 our investigation, we can  
18 certainly look into --- will  
19 be looking into those things.

20 Okay. On behalf of  
21 MSHA, I would like to thank  
22 you for appearing and

1           answering the questions today.  
2           Your cooperation is very  
3           important to the investigation  
4           as we work toward determining  
5           the cause of the accident.

6                         We ask that you not  
7           discuss your testimony with  
8           any person who may have  
9           already been interviewed or  
10          who may be interviewed in the  
11          future. This will ensure that  
12          we obtain everyone's  
13          independent recollection of  
14          the events surrounding the  
15          accident.

16                        After questioning other  
17          witnesses, we may call you if  
18          we have any follow-up  
19          questions that we feel that we  
20          need to ask you. If at any  
21          time you have additional  
22          information regarding the

1           accident that you would like  
2           to provide to us, please  
3           contact us at the contact  
4           information that was  
5           previously provided to you,  
6           and those were the business  
7           cards that we provided to you.

8                         The Mine Act provides  
9           certain protections to miners  
10          who provide information to  
11          MSHA, and as a result, are  
12          treated adversely. If at any  
13          time, you believe that you  
14          have been treated unfairly,  
15          please --- because of your  
16          cooperation in this  
17          investigation, you should  
18          immediately notify MSHA.

19                        If you wish, you may  
20          now go back over any answer  
21          that you have given during  
22          this interview and you may



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also make any statement that  
you would like to make at this  
time.

Anything else?

A. No.

MR. SWENTOSKY:

Okay. Thank you for  
your cooperation in this  
matter, Mr. Boni. We really  
appreciate it. Thank you.

\* \* \* \* \*

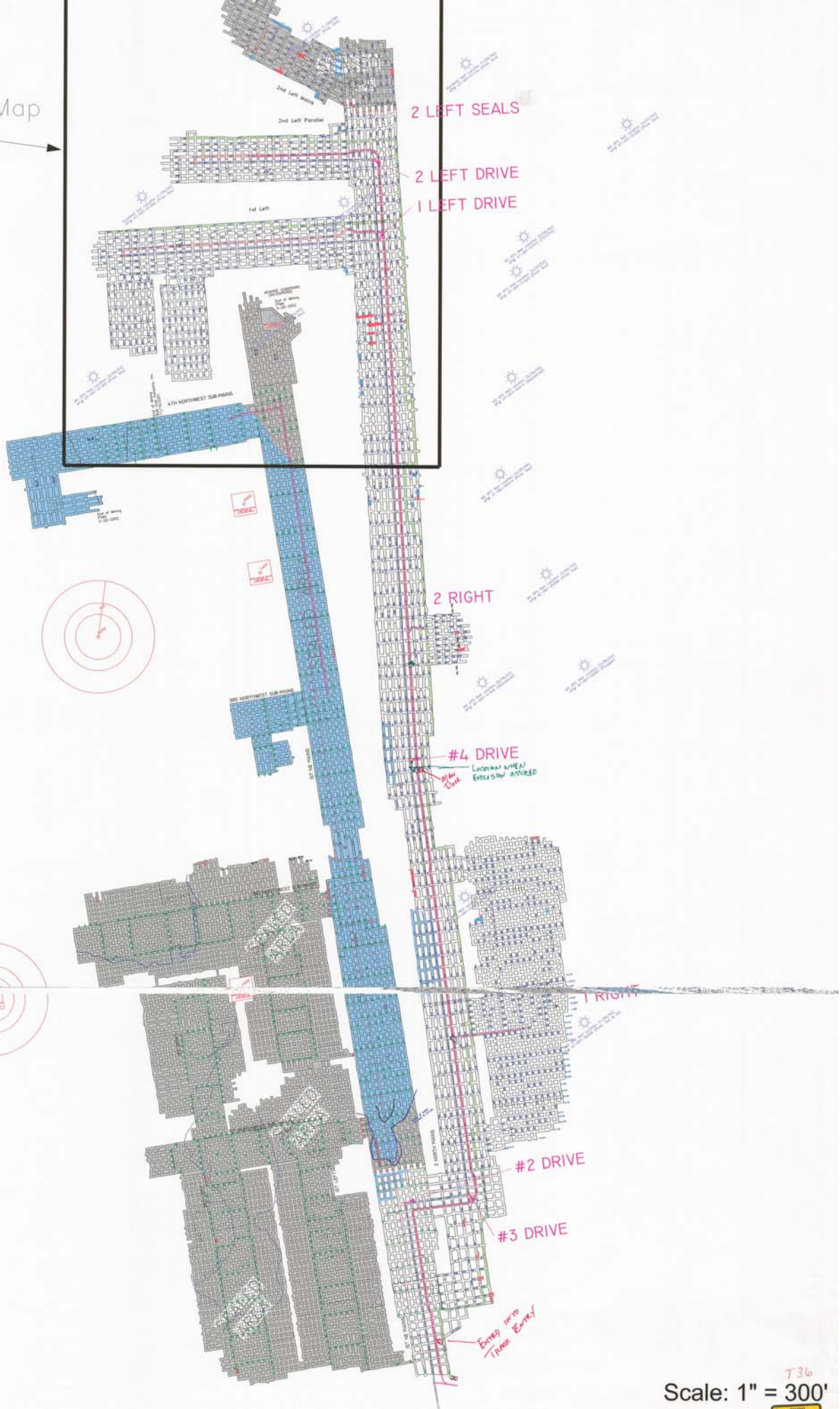
SWORN STATEMENT

CONCLUDED AT 11:51 A.M.

\* \* \* \* \*

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Area Shown on Map  
Scale: 1"=100'



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Scale: 1" = 300'

