

0001

1 STATEMENT UNDER OATH  
2 OF  
3 BRAD KAUFFMAN  
4

5  
6 Taken pursuant to Notice by Miranda  
7 D. Elkins, a Court Reporter and  
8 Notary Public in and for the State of  
9 West Virginia, at the U.S. Bankruptcy  
10 Court, 324 West Main Street,  
11 Clarksburg, West Virginia, on Friday,  
12 March 24, 2006, at 11:07 a.m.  
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1 A P P E A R A N C E S  
2

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25

0003

1 A P P E A R A N C E S (continued)  
2

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1                                    P R O C E E D I N G S

2                                    -----  
3        MR. O'DONNELL:  
4        My name is Joe  
5                O'Donnell. I'm an accident  
6                investigator with the Mine  
7                Safety and Health  
8                Administration, an agency of  
9                the United States Department  
10               of Labor. With me is Bob  
11               Wilson from the Solicitor's  
12               Office, Mike Rutledge and Dave  
13               Stuart with the West Virginia  
14               Office of Miners' Health &  
15               Safety & Training.  
16        I have been assigned to  
17               conduct an investigation into  
18               the accident that occurred at  
19               the Sago Mine on January the  
20               2nd, 2006, in which 12 miners  
21               died and one was injured. The  
22               investigation is being  
23               conducted by MSHA and the West  
24               Virginia Office of Miners'  
25               Health, Safety & Training to

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1               gather information to  
2               determine the cause of the  
3               accident. And these  
4               interviews are an important  
5               part of the investigation.  
6        At this time, the  
7               accident investigation team  
8               intends to interview a number  
9               of people to discuss anything  
10               that may be relevant to the  
11               cause of the accident. After  
12               the investigation is

13 completed, MSHA will issue a  
14 written report detailing the  
15 nature and causes of the  
16 accident. MSHA accident  
17 reports are made available to  
18 the public in the hope that  
19 greater awareness about the  
20 causes of accidents can reduce  
21 their occurrence in the  
22 future.

23 Information obtained  
24 through witness interviews is  
25 frequently included in these

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

18 This interview with Mr.  
19 Brad Kauffman is being  
20 conducted under Section 103(a)  
21 of the Federal Mine Safety &  
22 Health Act of 1977 as part of  
23 an investigation by the Mine  
24 Safety and Health  
25 Administration and the West

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1 Virginia Office of Miners'  
2 Health, Safety & Training into  
3 the conditions, events and  
4 circumstances surrounding the  
5 fatalities that occurred at  
6 the Sago Mine owned by  
7 International Coal Group in  
8 Buckhannon, West Virginia on  
9 January the 2nd, 2006.

10 This interview is being  
11 conducted at the U.S.  
12 Bankruptcy Courthouse in  
13 Clarksburg, West Virginia on  
14 March 24th, 2006. Questioning  
15 will be conducted by  
16 representatives of MSHA and  
17 the Office of Miners' Health,

18 Safety & Training.  
19 Mr. Kauffman, the  
20 interview will begin by my  
21 asking you a series of  
22 questions. If you do not  
23 understand a question, please  
24 ask me to rephrase it. Feel  
25 free at any time to clarify

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1 any statements that you make  
2 in response to the questions.  
3 After we have finished asking  
4 questions, you'll have an  
5 opportunity to make a  
6 statement and provide us with  
7 any other information that you  
8 believe may be important.

9 If at any time after  
10 the interview you recall any  
11 additional information that  
12 you believe may be helpful in  
13 the investigation, please  
14 contact Richard Gates at the  
15 phone number or e-mail address  
16 provided to you.

17 Your statement is  
18 completely voluntary. You may  
19 refuse to answer any question  
20 and you may end the interview  
21 at any time. If you need a  
22 break for any reason, please  
23 let me know.

24 A court reporter will  
25 record your interview and will

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1 later produce a written  
2 transcript of the interview.  
3 Please try and respond to all  
4 the questions verbally, since  
5 the court reporter cannot  
6 record nonverbal responses.  
7 And try to keep your voice up.  
8 Copies of the written  
9 transcripts will be available  
10 at a later time.

11 If any part of your  
12 statement is based not on your  
13 own firsthand knowledge, but  
14 on information that you  
15 learned from someone else,  
16 please let us know. Please  
17 answer each question as fully  
18 as you can, including any  
19 information that you've  
20 learned from someone else. We  
21 may not ask the right question  
22 to learn the information that

23 you have, so don't feel  
24 limited by the precise  
25 question asked. If you have

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1 information about the subject  
2 area of a question, please  
3 provide us with that  
4 information.

5 Mr. Rutledge, do you  
6 have anything you would like  
7 to add on behalf of the Office  
8 of Miners' Health, Safety &  
9 Training?

10 MR. RUTLEDGE:

11 Yeah. Mr. Kauffman,  
12 the West Virginia Office of  
13 Miners' Health, Safety &  
14 Training is conducting this  
15 interview session jointly with  
16 MSHA, and we're in agreement  
17 with the procedures outlined  
18 by Mr. O'Donnell for the  
19 interviews that will be  
20 conducted today. However, the  
21 Director of the Office of  
22 Miners' Health, Safety &  
23 Training reserves the right,  
24 if necessary, to call or  
25 subpoena witnesses, okay, or

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1 to require production of any  
2 record, document, photograph  
3 or other relevant materials  
4 necessary to conduct this  
5 investigation. Again, we  
6 appreciate you being here.

7 If you have any  
8 questions from --- for anybody  
9 from the State of West  
10 Virginia, that's Mr. Brain  
11 Mills, the inspector at large,  
12 that you'd need to contact.

13 Thanks.

14 MR. KAUFFMAN:

15 Okay. Thank you.

16 MR. O'DONNELL:

17 Mr. Kauffman, are you  
18 aware that you may have a  
19 personal representative  
20 present during the taking of  
21 the statement?

22 MR. KAUFFMAN:

23 Yes.

24 MR. O'DONNELL:

25 And do you have a

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1 representative with you here

2 today?  
3 MR. KAUFFMAN:  
4 I do.  
5 MR. O'DONNELL:  
6 And could you identify  
7 him?  
8 MR. KAUFFMAN:  
9 Marco, sitting here  
10 beside me.  
11 ATTORNEY RAJKOVICH:  
12 Rajkovich. And just  
13 for the record, I assume  
14 everyone in the room is still  
15 on the investigation team?  
16 MR. O'DONNELL:  
17 That's correct. Please  
18 state your full name and spell  
19 your last ---.  
20 -----  
21 BRAD KAUFFMAN, HAVING FIRST BEEN DULY  
22 SWORN, TESTIFIED AS FOLLOWS:  
23 -----  
24 BY MR. O'DONNELL:  
25 Q. Please state your full name

0015

1 and spell your last name.  
2 A. Bradley J. Kauffman,  
3 K-A-U-F-F-M-A-N.  
4 Q. And your address and telephone  
5 number, please?  
6 A. [REDACTED]

7

8

9 Q. And are you appearing here  
10 today voluntarily?  
11 A. Yes, sir.  
12 Q. Okay. What mining company do  
13 you work for?  
14 A. ICG Viper Mine in  
15 Williamsville, Illinois.  
16 Q. Okay. And what do you do at  
17 that mine?  
18 A. Shift mine manager.  
19 Q. And what's your position on  
20 the team?  
21 A. I was serving as a map man  
22 during this operation here.  
23 Q. Okay. So how were you  
24 notified of the explosion at Sago?  
25 A. I was the on-shift mine

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1 manager January 2nd. And the general  
2 manager of the mine received a call  
3 about 8:30 Illinois time, and by 11  
4 o'clock he had chartered a plane, and  
5 our equipment was in the air with us  
6 at 11 o'clock.

7 Q. Okay. What I'm going to do  
8 now is, I'm just going to let you  
9 tell us the story, tell us about when  
10 --- where you just left off, when you  
11 were notified, got in the air with  
12 your equipment and as the events  
13 unfolded with the involvement of the  
14 Viper team.

15 A. Once we contacted everybody on  
16 the team, I think we had --- we only  
17 had one person underground that was  
18 part of the team. Everybody else was  
19 either off shift or on vacation. We  
20 had arrangements to get them gathered  
21 up and headed to the airport. The  
22 guys that could come in did, and we  
23 rounded up equipment, chartered two  
24 planes. Met the first plane, and  
25 then got in the air about 11 o'clock

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1 central standard time. The second  
2 plane brought our equipment. We flew  
3 into Charleston.

4 We had a State Police escort  
5 once we got to Charleston. We were  
6 there by, I think an hour and 40  
7 minute flight, so 1:40 West Virginia  
8 time. And we were at the mine by  
9 3:30, at Sago. We had a high speed  
10 escort from the State Police, as fast  
11 as we could go. So we got there  
12 safely. Our gear followed us about  
13 an hour and a half later. It came in  
14 a box truck from Charleston, so it  
15 took it longer. At that point, we  
16 were part of the congregation in the  
17 parking lot, which was, as you know,  
18 very crowded, kind of a rainy day,  
19 and we --- we pretty much set up on  
20 the edge of the parking lot, waited  
21 for our gear.

22 Pretty informal. We got ahold  
23 of Tim Martin, told him we were  
24 onsite and available, and told us to  
25 stand by, he'd get back with us as

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1 soon as he had further information.  
2 So once our gear arrived, probably in  
3 the five o'clock ballpark, right  
4 there, our oxygen bottles were empty.  
5 We had to empty them to get them on  
6 the plane. We set out to find Haskel  
7 pump medical grade oxygen, an adapter  
8 and air compressor, the things we  
9 needed to get bottles filled. And I  
10 think we had all our bottles filled  
11 shortly after dark, maybe 6:30 or



12       ballpark, in that area.  
13       Briefings were pretty sparse.  
14       Everything we learned at that point  
15       was pretty secondhand, so we spent a  
16       lot of time just standing by in a  
17       tent pretty close to the main gate  
18       coming in. We did get --- I mean, we  
19       just picked up from talking to folks  
20       that we were monitoring the return  
21       for gas, that gas had been climbing,  
22       but we didn't really have much of a  
23       formal briefing until pretty late in  
24       the evening. Tim came out and told  
25       us that there would be a regular

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1       rotation established, and our shot  
2       would be midnight the following  
3       night. So we had about 24 hours to  
4       go back to the hotel and rest up. He  
5       made sure we had all the phone  
6       numbers and room numbers, and we  
7       headed back to the hotel at that  
8       point. We really didn't have much of  
9       a formal briefing. We knew there was  
10       no contact, we knew the CO content  
11       coming out of the return, and we had  
12       heard the things, like the building  
13       had been evacuated for the CO  
14       content.

15       Other than that, most of the  
16       information that we gathered was from  
17       other teams, or what appeared to be  
18       official looking folks in the parking  
19       lot. The parking lot was such a  
20       bustle of activity, and everybody  
21       seemed official and like they were on  
22       a mission, but we didn't really have  
23       any formal contact or formal  
24       briefing. That's pretty much it  
25       until we were contacted the next day.

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1       Our rotation was scheduled for  
2       midnight the following night. Tim  
3       called somewhere early afternoon,  
4       5:00, 5:30 in the afternoon, and  
5       said, we need you at the mine as soon  
6       as you can get here. We gathered the  
7       guys up and headed back to the mine.  
8       Tim told us at the time that they had  
9       found a victim and that our primary  
10       role at that point would be recovery,  
11       that they had --- tradition had  
12       always kind of held that home team  
13       took care of recovering victims, and  
14       that that would be our primary  
15       function at that point.

16       We had a very low-key and

17 quiet briefing, explaining how we  
18 should handle the body, and we passed  
19 out rubber gloves to everybody, and a  
20 body bag and a kit bag to go with it.  
21 And at that point, our goal was to go  
22 in and take care of the first victim  
23 they found on the track line. We  
24 proceeded into the mine, I'm guessing  
25 8:00 or 8:30. I don't have it

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1 written down. When we got --- I  
2 think we parked at crosscut 41 or so,  
3 where the track lines had been --- at  
4 the end of the track line that you  
5 can travel. There's an isolation  
6 line established across there. So we  
7 walked past the first mantrip over  
8 the debris of the overcast that was  
9 down, and as soon as we could see  
10 farther on up the track, somebody up  
11 the track was yelling for us to come  
12 up here now, your plans have changed,  
13 get up here now. Stop what you're  
14 doing. So we had a Stokes basket  
15 with us and a moderate amount of  
16 supplies. We carried that with us, I  
17 can't tell you who it was at the end  
18 of the track, but he was very  
19 excited. We need help now.

20 When we got there --- when we  
21 got within hollering range, he said  
22 they found them, they're coming out.  
23 We need help carrying an injured man.  
24 And of course, when they said we  
25 found them, it was the high-five

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1 attitude amongst our group. Pretty  
2 excited that they found them. We got  
3 up to the turn in the track, which I  
4 think is cross --- break 58. The  
5 switch in the track is right where  
6 this fellow was standing. There was  
7 several other people around. It  
8 became obvious to us that the fresh  
9 air base was a block or two behind us  
10 to the right in the intake. That's  
11 where the fresh air base actually  
12 was, but they did have a twisted wire  
13 communication up to the switch.

14 Within minutes of the time we  
15 got to the switch, we could see  
16 people coming out the track line, see  
17 the lights coming. And they had a  
18 man on a stretcher, and they were  
19 physically spent. A couple of them  
20 collapsed as they got to us from  
21 exhaustion. Several of our team

22 members, five of whom are EMTs,  
23 started helping with the fellow they  
24 were bringing out. And I believe  
25 they put an apparatus that was a West

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1 Virginia inspector's apparatus on  
2 him. At the time, I thought it was  
3 one of our apparatus that they put on  
4 him, but I think it was Jeff's, and  
5 I'm not sure, a hundred percent. But  
6 they got an apparatus on him.

7 One of our guys is a much more  
8 experienced EMT than the other four  
9 of us that are EMTs, just from local  
10 fire department work, and he helped  
11 do an assessment as they were getting  
12 oxygen on him, and then two of our  
13 guys helped carry that next 14 or so  
14 blocks, 16 or so blocks back to the  
15 trip. It was pretty much pandemonium  
16 at that point. The fellow that had  
17 hollered at us, which I took to be an  
18 MSHA inspector, told me to get on the  
19 head phone and tell them what was  
20 going on, tell them that they're  
21 coming out alive and directed Pete to  
22 the fresh air base to get on the  
23 telephone at the fresh air base.

24 I never was able to raise  
25 anybody on the headset, between the

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1 noise at the switch there in the  
2 track --- I never did make contact  
3 with anybody that I know of. I mean,  
4 I hollered several times, but I never  
5 did get through. At that point, a  
6 couple of the fellows that had been  
7 on the team carrying the man out, I  
8 asked him where everybody else was,  
9 and it was, where's who. And that is  
10 --- that's the point, that reality  
11 set in, and we realized there were no  
12 --- there were no other survivors.

13 So it was kind of a time of  
14 shock there for a few minutes as  
15 reality set in. Two of our team  
16 members were already gone. There was  
17 a whole lot of people not knowing  
18 what to do or where to proceed at  
19 that point. And within, I know it  
20 seemed like hours, but 20 minutes or  
21 a half hour, we got a call on the  
22 phone from outside to evacuate the  
23 mine. So we did --- we left the  
24 stokes basket --- I don't think we  
25 did leave the Stokes basket. I think

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1 we secured the Stokes basket and left  
2 the kit bag near the victim laying on  
3 the track line and went back to the  
4 mantrip and retreated from the mine.  
5 Everybody left the mine at that  
6 point.  
7 As we got outside, of course,  
8 all of the ambulances were there, and  
9 that throng of people down in the  
10 pit, it seemed like hundreds. I  
11 think it probably was hundreds of  
12 people down in the pit. We grabbed  
13 our gear as quick as we could, went  
14 to the top of the hill, got somebody  
15 that was in charge, because at that  
16 point, there was a little bit of  
17 confusion over whether or not there  
18 actually may have been more  
19 survivors. Although, the fellows  
20 that came out said they didn't think  
21 there were, there was some ---  
22 obviously some confusion.  
23 And we were rebriefed at the  
24 top of the hill. I think Ty Coleman  
25 was there. There were several people

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1 there. The fellow from MSHA that had  
2 been writing down everybody's names  
3 as you went past the trailer was  
4 there, and we got a map, they brought  
5 out 11 self-rescuers. I say they,  
6 the folks at the top of the hill  
7 brought us 11 new self-rescuers, and  
8 Tim Martin told us to get back in  
9 there as fast as you can, and if  
10 there are any signs of life on  
11 anybody, get a self-rescuer on them  
12 and get them out of the mine now.  
13 So we went with a state and  
14 federal inspector and went back in as  
15 quickly as we could. Went back to  
16 crosscut --- well, we parked again  
17 where you had to at the end of the  
18 track and walked back in this time  
19 with a Stokes basket with 11  
20 self-rescuers, two kit bags with  
21 supplies and a first-aid bag, and got  
22 to the end of the track line and  
23 proceeded into the mine. We got  
24 about two blocks past the switch when  
25 all of our spotters went off. We got

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1 up to --- in the 200 parts per  
2 million range of CO. So we got under  
3 apparatus at that point. The state  
4 and federal inspector had kept on  
5 going. They were several blocks

6 ahead of us at that point. I don't  
7 know at what point they went ahead  
8 and put their apparatus on, but it  
9 wasn't with us. They were several  
10 blocks ahead.

11 By the time we got apparatus  
12 on and got back moving again, we had  
13 lost sight of those fellows. We came  
14 to the --- the track made that jog to  
15 the left, and about four blocks in,  
16 it jogged over 40 or 50 feet. So you  
17 didn't really have line of sight  
18 anymore, so they got away from us  
19 pretty quick once they got around the  
20 corner. As we got around the corner,  
21 and it must have been Seven or Eight  
22 block where it was flooded for a  
23 couple hundred feet. We were unsure  
24 how deep the water was. We couldn't  
25 see the two fellows that were ahead

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1 of us and couldn't get them on the  
2 radio, so we jogged over to the belt  
3 line, and the water didn't look as  
4 bad at the belt line, so we went to  
5 the belt line, and there were bridge  
6 boards along there. I know I fell in  
7 there, which slowed up the team. We  
8 got pretty tangled up in that deep  
9 water in there. Nobody really got  
10 hurt. I mean, skinned up knees and  
11 stuff.

12 We got back on the track, I  
13 think one block after we got to the  
14 belt line. We went around what  
15 looked like the deepest part and got  
16 back on the track. When we got to  
17 the mantrip, which I think was at  
18 crosscut Ten or right in that area,  
19 the map was incredibly difficult to  
20 read. It was a terrible scale, like  
21 1 to 300. And our masks fogged up so  
22 bad, like you would expect being in a  
23 January mine environment. It was  
24 very difficult to tell on the map at  
25 that scale where we were exactly.

0029

1 But when we got to the mantrip, our  
2 two inspectors were there. We did  
3 gas readings, had 235 parts of CO.  
4 We had a tough time getting ahold of  
5 the fresh air base. We had no  
6 methane, and we --- that group of  
7 nine of us, our 17 members then and  
8 the two inspectors agreed that it was  
9 in our best interest to energize that  
10 mantrip and see how far we could move

11 it in on the track.  
12 So we did. We energized both  
13 battery leads, moved it in the track  
14 as far as we could get, right up to  
15 the back of the supply car, the rail  
16 supply cars, which was a few blocks.  
17 We got a few blocks with it. The  
18 intent being, if we did find more  
19 survivors, we could get them back on  
20 that ride to get them out quicker.  
21 At that point, we had lost  
22 communication with the fresh air  
23 base. One of our guys volunteered to  
24 walk backwards to try to re-establish  
25 communication. We had three radios

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1 with us. It was pretty obvious at  
2 that point, three radios was not  
3 going to be enough to cover the gap.  
4 It was going to take at least four,  
5 the fourth radio being at the fresh  
6 air base. So our inspectors had one,  
7 I had one, we left one with the  
8 fellow that stayed behind the trip,  
9 he had to walk back out. He walked  
10 out all the way to the waterhole  
11 before he could get any kind of  
12 communication with them, and by the  
13 time he got to the fresh air ---  
14 could communicate with the fresh air  
15 base, he couldn't talk to us.  
16 We pretty collectively told  
17 him to come with us. So at that  
18 point, our primary objective was to  
19 get to that barricade to see if we  
20 could find anybody else and get them  
21 out. We all felt like the area had  
22 been explored, there was no methane  
23 hazard that anybody had talked about  
24 or that we knew of. No fire, so we  
25 felt it was safer to stay together as

0031

1 a team.  
2 We headed in --- once we got  
3 to the end of the track and come  
4 around the --- got out past the end  
5 of the track, we hit a couple places  
6 that it was pretty deep water. To be  
7 honest, carrying that Stokes basket  
8 full with a couple hundred pounds of  
9 material in it was pretty tough. We  
10 let a couple fellows go ahead and  
11 find exactly where the barricade was.  
12 I think Pete was one of those, as the  
13 captain that went ahead. We were  
14 real close, and within just a few  
15 minutes we got up into the barricade

16 area.  
17 We had five stethoscopes with  
18 us for the five EMTs. We followed  
19 the one fellow with the more  
20 experience's lead. He went  
21 immediately to the folks that looked  
22 like they were more sitting or  
23 resting than those that were more  
24 sprawled out on the ground. We all  
25 picked several people and looked and

0032

1 listened for signs of life, and there  
2 were none that we could find at all.  
3 Some were, obviously, beyond any sign  
4 of life, but there were a couple that  
5 were not necessarily as rigid or  
6 seemed to be in a position of maybe  
7 arms drawn up, or things where they  
8 were obviously gone.  
9 Once we got to that point, it  
10 was pretty obvious that we were at  
11 recovery. We followed the lead of  
12 the federal inspector with us, and he  
13 was doing a lot of sketch work as we  
14 found ID on a person, which was  
15 pretty painstaking, it took a lot of  
16 time. These were big men, and  
17 they're --- like all of us, our tags  
18 on the belts on the right place. So  
19 it took quite awhile to get  
20 information on who was where. He  
21 sprayed a green paint outline around  
22 everybody and began --- he was in the  
23 process of recording who was where  
24 and position and anything else that  
25 we could note behind that barricade

0033

1 area.  
2 At that point, the next team  
3 arrived. They had been working  
4 toward clearing debris off the tracks  
5 so that if, indeed, we did find  
6 someone, we could put them on that  
7 trip and get all the way out. And  
8 again, that was under --- that was  
9 everybody's consensus. As we got  
10 into the fresh air base we knew that  
11 our backup team was going to be  
12 working to clear the track line. As  
13 they got up there, they said they had  
14 --- and they had left two people with  
15 that scoop that was stuck in the mud  
16 by the isolation line right at the  
17 end of the track, to try to free up  
18 that scoop to see if they could bring  
19 it forward and need some help.  
20 We went through a --- kind of

21 a work in progress as to how we were  
22 going to do the body bags, how to be  
23 as courteous and caring with all the  
24 bodies as we could. A great deal of  
25 respect was shown by everybody in the

0034

1 handling of these folks. We tried as  
2 best we could to get folks in the  
3 bags, because again, it was a pretty  
4 gruesome job. The guys did wonderful  
5 working together on it. And I think  
6 there was 13 of us up there behind  
7 the barricade at that point. So once  
8 we had everybody in bags, there was  
9 still some confusion as to whether or  
10 not we were going to be able to get  
11 that scoop up there and do us any  
12 good.

13 We were running low on oxygen.

14 We still had the over 200 parts CO.  
15 We had shut our spotters off a long  
16 time ago, because you couldn't even  
17 communicate with all the beeps going  
18 off on the M40s and Solaris, they're  
19 so loud, so we had just turned them  
20 back on periodically and everything  
21 was staying pretty constant at over  
22 200 parts of CO. It became obvious  
23 to us at the time that the men we're  
24 going to leave behind that barricade,  
25 we were going to have to carry them.

0035

1 So we loaded two men up, one on a  
2 stretch and one in the stokes basket.  
3 Our group took the farthest outby man  
4 in the Stokes basket, and we  
5 proceeded to head out to the mantrip.

6 The second group had one of  
7 the radios, and they were not as  
8 successful. There was only five of  
9 them, there was seven of us.  
10 Actually, there was six of us. We  
11 had Pete blaze us a trail and pick  
12 the easiest way out. Hopefully not  
13 the way we came in, because of the  
14 mud and water. So as we got a trail  
15 and we started out, we got almost to  
16 the end of the track, within a block,  
17 and the other team couldn't make it.  
18 They needed help. We sent two men  
19 back to help them with the body. And  
20 they must have gotten mired down in  
21 the mud. It was pretty tough on  
22 them.

23 At that point, we could hear  
24 on the radio, somebody yelling on the  
25 radio, obviously annoyed, calling for



0036

1 the Viper team. And it was an  
2 inspector with our backup team coming  
3 in. He was pretty excited that we  
4 had broke communication, to the point  
5 that he was yelling on the radio,  
6 made it very difficult to understand.  
7 And tensions were high. I understand  
8 that he was pretty excited. We felt  
9 like we had been doing the right  
10 thing, and he was pretty annoyed with  
11 the fact that we broke communication.  
12 Pretty loud on the radio, which,  
13 again, made it hard to understand.  
14 As he got up there, and it's  
15 very hard to identify anybody with  
16 the masks on. I don't know if I  
17 could tell you who he was if he  
18 walked in. And again, I'm not  
19 faulting him, he was just like  
20 everybody was, pretty excited at that  
21 time. How he wanted us to stop where  
22 we were with the body, put him down  
23 and not proceed any farther. And if  
24 on the map you can find where the  
25 tool chest was, and I think it was in

0037

1 entry Six, I think there was a work  
2 toolbox, that's where we set him  
3 down. We didn't set him down in the  
4 mud. We got him on top of that  
5 toolbox. It was a big toolbox. Set  
6 him down there. He wanted our radio,  
7 we gave it up. It kind of put us in  
8 limbo, because we had two of our men  
9 with that other team, and we were  
10 running pretty low on oxygen. We  
11 were down to 1,400 pounds and knew we  
12 had 26 or so blocks to get back to  
13 fresh air. It took about 15 minutes  
14 or so. We ended up sending two more  
15 people to find our other two guys and  
16 get back together.  
17 We did. And we got back  
18 together. We made sure that the team  
19 behind us knew exactly where we had  
20 left the first victim, because we  
21 didn't want him to get lost in the  
22 communication. At that point, we  
23 walked out the travelway adjacent to  
24 the track and helped clear solid  
25 blocks that had blown out from the

0038

1 stoppings out of that travelway, a  
2 lot of them. Almost every  
3 intersection was full of concrete  
4 blocks. And we tossed those blocks

5 out of the way, all the way out to  
6 make room for the scoop, to help keep  
7 the scoop from getting stuck on the  
8 way out. And that was under the  
9 direction of the inspectors with us.  
10 So the seven of us walked all  
11 the way out to where --- and again,  
12 at this point, I had lost all control  
13 of where I was on the map. I knew  
14 that we were generally in the face,  
15 26 blocks up the track, but I didn't  
16 have any good, clear count of what  
17 intersections we moved blocks from.  
18 Several of us were down to the point  
19 we were going to start alarming on  
20 oxygen, any minute. So we cleared  
21 stoppings all the way back to ---  
22 directly on the end of the Number  
23 Three, Four track line, probably  
24 where that charger had sat, the  
25 mantrip charger, and we came back

0039

1 through the stopping that was blown  
2 out behind that charger and came out  
3 the end of the track. Either at the  
4 end of the track or one block inby.  
5 Once we got out there, we had two  
6 extra oxygen bottles, two of our guys  
7 offered to help put together another  
8 backup team so folks could keep going  
9 in. And we had two people that had  
10 1,400 pounds left in their tanks, and  
11 they also offered to be backup.

12 You needed to have 1,400 as  
13 the conversation --- I wasn't aware  
14 of it, but the conversation we had at  
15 that immediate time was as long as  
16 you had 1,400 pounds, you could act  
17 as a backup. I think five out of our  
18 seven were down to 1,000. So we had  
19 two guys that had 1,400, they offered  
20 to be backup, and then two more guys  
21 changed out their bottles to go in  
22 with the teams going back in. They  
23 ended up not being needed, but they  
24 did switch out those oxygen bottles.  
25 And we waited as backup team for

0040

1 several hours, just to make sure if  
2 they had more problem or any problem  
3 that they had help there. And we  
4 stayed until --- the sun was coming  
5 up when we came out of the mine. We  
6 tried to stay and help escort the  
7 fellows out of the mines, but we  
8 ended up --- we couldn't stay that  
9 long. We were shot.

10 So we came out right at dawn,  
11 and we --- I mean, that's the  
12 ballpark stuff around our first day  
13 there, so ---.  
14 Q. Okay. Let me just back up a  
15 little bit. That would have been the  
16 second day; right?  
17 A. Our first trip in.  
18 Q. Yeah. Okay.  
19 A. Our first trip in.  
20 Q. All right. So the first day  
21 you got notified at the mine, would  
22 you say you didn't get any kind of  
23 briefing, any formal briefing the  
24 first day you were there?  
25 A. We got a couple of real

0041

1 informal ones from Tim Martin. Very  
2 brief, scant information. No word  
3 from inside, nobody was being allowed  
4 to proceed, that there was gas  
5 testing being done at the mine mouth,  
6 and then that was pretty much it. We  
7 heard just through the grapevine that  
8 teams had started going in a little  
9 bit after dark.  
10 Q. Was your team involved in any  
11 --- at any time with the monitoring  
12 in the return at the ---?  
13 A. No. No, we were not.  
14 Q. So you guys really didn't do  
15 --- you just reported, got your  
16 equipment, ready to go, and then back  
17 to the hotel, and then you were told  
18 not to go back until 12 o'clock the  
19 next shift?  
20 A. Our first shot in the rotation  
21 was going to be midnight, Wednesday.  
22 Q. Okay.  
23 A. 12:00 a.m. Wednesday.  
24 Q. So then you got --- you went  
25 back, did all that, got called back

0042

1 to the mine a few hours early?  
2 A. Yeah, five or six, seven hours  
3 early, something like that.  
4 Q. Okay.  
5 A. And Tim said that at the time  
6 is because they had found --- I mean,  
7 this was just on the phone, said they  
8 found footprints, they found some  
9 covers for SCSRs, they had teams  
10 actively looking, but they had found  
11 a victim, and they wanted us to come  
12 be that recovery team.  
13 Q. Okay. So at that time, it was  
14 only one person had been found, and

15 all the rest were still unaccounted  
16 for?  
17 A. Correct.  
18 Q. There was no ---.  
19 A. No one had been accounted for  
20 when we went underground.  
21 Q. Okay. So you were still in  
22 rescue mode?  
23 A. Yes, sir.  
24 Q. What type of apparatus do you  
25 have?

0043

1 A. Biopacks, Biomarine.  
2 Q. Okay. And what kind of --- do  
3 you have any wireless communication?  
4 A. No. We had the radios that  
5 all the teams had been using with  
6 backup batteries.  
7 Q. Okay. So you went in to do  
8 the first recovery, and you were  
9 called by someone at the fresh air  
10 base?  
11 A. At the end of the track, yes.  
12 Q. And what did they tell you?  
13 They said change of plans?  
14 A. Your plans have changed. I  
15 mean, he was literally hollering,  
16 flagging with his light, circling his  
17 light to get up here now, your plans  
18 have changed, stop what you're doing,  
19 come here now, we've found them.  
20 Q. So you got up there and he  
21 told you they found them. And what  
22 did he tell you about the condition?  
23 A. He said found them, they're  
24 walking out. They're walking out,  
25 they've got an injured man. We need

0044

1 help with an injured man.  
2 Q. So everybody got excited  
3 because ---?  
4 A. We found them. That's  
5 why ---.  
6 Q. And you were still in rescue  
7 mode? I mean, you were ---  
8 A. Right.  
9 Q. --- going to get these guys  
10 out?  
11 A. Right. At that point,  
12 obviously, our plans changed.  
13 Q. So you went to the fresh air  
14 base, and you said something about a  
15 communication, somebody got on the  
16 headset?  
17 A. I got on the headset. He  
18 directed me to get on the headset so  
19 I could tell the fresh air base what

20 was going on. But I never did raise  
21 anybody on the headset. The fresh  
22 air base was one or two blocks behind  
23 us and one block to the right in the  
24 intake.  
25 Q. Okay.

0045

1 A. Pete went back, back two  
2 blocks and through the stopping,  
3 where the stopping had been to the  
4 fresh air base.  
5 Q. Okay. And there was someone  
6 there?  
7 A. There were people there, yes.  
8 Q. Oh, there were other people?  
9 Do you know how many?  
10 A. I don't. I'm assuming we  
11 walked into the heart of the backup  
12 team and the inspectors that were  
13 escorting that backup team.  
14 Q. Okay.  
15 A. It was my assumption that  
16 that's who we were dealing with.  
17 Q. So when you got there and they  
18 said, okay, we got to get in there,  
19 and we're going to recover these  
20 guys, rescue these guys, did they  
21 give you any kind of instructions  
22 about how you were going to string  
23 out your communications and who was  
24 going to post where? Did they give  
25 you their radios and say here's how

0046

1 we're setting this up?  
2 A. Well, at that point, the fresh  
3 air base was total pandemonium of ---  
4 it was a loss of control of the fresh  
5 air base, first from the excitement,  
6 then the panic of bringing this man  
7 out on the stretcher, and he was  
8 obviously in terrible distress. He  
9 was not making breathing noises, he  
10 was making gurgling noises. So it  
11 was pretty tough. We really had  
12 doubts at the time that he'd make it  
13 out of the mine. And so all --- a  
14 hundred percent of all focus was  
15 directed to him, and as soon as they  
16 could get him moving again, they did,  
17 and got him on his way out of the  
18 mine.  
19 And like I say, that's when it  
20 was --- it seemed like everything  
21 stopped. There was no direction of  
22 what we were doing. And it was just  
23 through conversation with these men  
24 coming out, when we said, where are

25 the rest of them? And it was, where  
0047

1 are who that we realized these men  
2 coming out knew the truth. So then  
3 --- I don't know where the  
4 communication glitch was, but  
5 somewhere in that radio to radio, ---  
6 Q. Yeah.

7 A. --- we found him, we're  
8 bringing him out, sounded like we  
9 found them, and we're carrying them  
10 out. So ---.

11 Q. So how long did you stay there  
12 before you were all taken out of the  
13 mine? Was it shortly after that?

14 A. It seemed like longer than it  
15 probably was. I would guess 20  
16 minutes before we got the call, maybe  
17 30.

18 Q. So everybody goes out of the  
19 mine, and then outside there ---  
20 well, tell me about the briefing that  
21 you got there.

22 A. The briefing we got was,  
23 again, pretty informal. I was given  
24 a copy of the big map, then it was  
25 probably a three-foot long version of

0048  
1 the whole mine, so it was maybe a 300  
2 to 1 scale. And they talked exactly  
3 about where the men were found. I  
4 mean, there was confusion about who  
5 they were even talking to when we  
6 were at the top of the hill. Of  
7 course, people were scrambling,  
8 trying to get us self-rescuers.

9 And then it was a very  
10 clear-cut goal. Our goal was to get  
11 to that barricade as fast as  
12 possible, look for signs of life, and  
13 if anybody has any signs of life at  
14 all, get them out of the mine. And  
15 that was it. The entire briefing  
16 lasted minutes.

17 Q. Okay. So you were still in a  
18 rescue mode?

19 A. Yes.

20 Q. As far as you thought, there  
21 may have been ---.

22 A. Absolutely.

23 Q. So how many of you re-entered  
24 the mine?

25 A. Nine on our trip. We went to

0049  
1 the seven members of our team and a  
2 state and federal inspector.

3 Q. Okay. Do you know who those

4 --- do you know their names?  
5 A. No. I think if you told me  
6 who they probably were, I could give  
7 you a ---.  
8 Q. Okay. So all nine of you go  
9 to the fresh air base, and you were,  
10 obviously, the only people in the  
11 mine at that time?  
12 A. Right. We had another trip  
13 --- we could see the lights coming  
14 behind us, so they were close.  
15 Q. So there was another group of  
16 people behind you?  
17 A. Right. And their goal was to  
18 start clearing debris off the track.  
19 Q. So how did you set up from  
20 there? You said that you were  
21 dropping people then?  
22 A. Yeah, there wasn't much setup.  
23 We got to the track switch, and all  
24 of us proceeded. Again, we felt like  
25 at the time that our escorts --- when

0050

1 I say escorts, that's how we viewed  
2 our federal and state inspectors. We  
3 treated them as kind of the judge, or  
4 as you will, this is the referee  
5 that's going with us. We stopped  
6 long enough to make sure we had our  
7 bearings at the track switch, and we  
8 were in. There was no --- no  
9 dilly-dallying around. We got right  
10 with it. And I'm not sure if it was  
11 the first block that we got to where  
12 the spotters went off or the second,  
13 but it was either the first or  
14 second.  
15 Q. And what kind of detectors did  
16 you have with you?  
17 A. We had M40s and Solaris, and  
18 an iTX. All spotters went off.  
19 Q. And you said earlier that the  
20 --- what were the parts per million?  
21 A. It was over 200 parts per  
22 million in the first --- when the  
23 spotters first went off. We walked  
24 right into 200 parts per million. So  
25 we immediately put apparatus on.

0051

1 Q. But did any of your team, did  
2 you drop anybody off at the fresh air  
3 base, or did somebody already have  
4 that position, manning?  
5 A. We had people walking right up  
6 behind us at the fresh air base.  
7 Q. So they were manning?  
8 A. Yeah.

9 Q. And you had the other wireless  
10 radios with you?  
11 A. We had three radios with us.  
12 Q. Because I know you said that  
13 earlier that as you did go, you  
14 dropped.  
15 A. We --- well, we got --- we  
16 could still maintain some contact  
17 until we got around that end in the  
18 travelway, which is probably five  
19 breaks or six breaks in. But once we  
20 got to that point, we had a lot of  
21 trouble. You could hear them one  
22 minute, and the next minute you  
23 couldn't. And as soon as we got off  
24 the track and got along the belt  
25 line, we lost them. We couldn't talk

0052

1 anymore. So when we got back on the  
2 track line, we could hear them again,  
3 and that's when one of our guys  
4 volunteered to stay with them. We  
5 got the mantrip going, moved it  
6 forward, he came with us and then he  
7 walked back.  
8 Q. So you didn't just disregard  
9 the communication, you tried to  
10 maintain it, and you did maintain it  
11 for a good period?  
12 A. For a good distance.  
13 Q. Yeah.  
14 A. But once we got around the  
15 bend in the track, line of sight is  
16 what corrupted our radios.  
17 Q. Right.  
18 A. We just didn't have it with  
19 that bend in the track. So yeah, we  
20 did try to maintain it, but when it  
21 became obvious that there was not  
22 going to be enough radios to get from  
23 the barricade to the fresh air base,  
24 that's when our farthest person outby  
25 came in with us.

0053

1 Q. But you were --- still your  
2 mindset was that you were in rescue  
3 mode?  
4 A. Yes, sir.  
5 Q. You were not in recovery mode,  
6 that you, in fact, thought that there  
7 may had been some hope; right?  
8 A. That was our understanding,  
9 that there were no EMTs on the team  
10 that actually breached the barricade,  
11 and there may have been some doubt in  
12 their mind.  
13 Q. Okay.



14 A. I didn't hear that from them  
15 personally, but that was the flavor  
16 of when we got to the surface, that  
17 there may have been some doubt in  
18 their mind as to whether some of  
19 those men may have had some sign of  
20 life.

21 Q. Okay.

22 MR. O'DONNELL:

23 Mike, do you have any  
24 follow-up questions?

25 MR. RUTLEDGE:

0054

1 I think you've covered  
2 most of everything I had.

3 BY MR. RUTLEDGE:

4 Q. When the survivor was taken  
5 outside, a couple of your guys helped  
6 carry him up?

7 A. Yes.

8 Q. Okay. You had come by this  
9 Two Left track switch and then get  
10 him down to the mantrip there. I  
11 think Mr. O'Donnell just asked you,  
12 how long was it after that happened  
13 that you got the order to come  
14 outside?

15 A. I'm guessing in the 20 or  
16 30-minute range. I couldn't tell you  
17 exactly.

18 Q. And again, you can't --- you  
19 mentioned several times a state and  
20 federal man, but you have no  
21 idea, ---

22 A. I'm not sure ---.

23 Q. --- you couldn't guess who  
24 those were?

25 A. The two fellows that went in

0055

1 with us, I think they were just as  
2 urgently trying to get where we were  
3 going as everybody else. I don't  
4 think they intentionally left us  
5 behind, but it left --- it left some  
6 real doubt as to where they were once  
7 we got apparatus on and they got  
8 around the corner. And then again,  
9 when we hit the water, and they ---  
10 we couldn't see them anywhere, so we  
11 didn't know if they got off the track  
12 line. It just left some doubt. They  
13 did have a radio with them, but they  
14 were far enough ahead a couple times  
15 that we couldn't hear them, so ---.  
16 Again, once we got back up and moved  
17 the trip inby, they were with us the  
18 rest of the time. But it took awhile

19 to get to that point.  
20 Q. Okay. Had anybody, at any  
21 time, discussed a code system with  
22 you all as to use as far as ---?  
23 A. Yeah. Tim Martin and Ty  
24 Coleman did when we had our briefing,  
25 to go in and do the recovery of the

0056

1 first victim, that we wanted to make  
2 sure that we didn't talk about in the  
3 parking lot any victims or bodies, or  
4 casualty or any word like that in the  
5 parking lot, because they felt at the  
6 time that the media was listening to  
7 the parking lot and listening to all  
8 wireless and wired communication.  
9 They didn't know how, but wanted us  
10 to use the phrase item for any  
11 victims we had found in the mine, and  
12 literally gave us a list with the  
13 men's names, and this would be item  
14 number 1 through 12.

15 Q. Okay. Gave you a physical  
16 paper list?

17 A. And I don't know which one of  
18 our guys or if it was one of the  
19 inspectors that had it, but it was in  
20 the possession of the team. We had  
21 that with us. We knew that if we  
22 found people, we could look on the  
23 list, and we could call out that we  
24 found item seven, instead of using  
25 victim or casualty.

0057

1 Q. And you have no idea what  
2 might have happened to that piece of  
3 paper or that list?

4 A. I don't know. And I don't  
5 know who was in possession of it.  
6 But I know that when we went into the  
7 mine, we did have a list, a numbered  
8 list, and the intent was to use the  
9 phrase item.

10 Q. And you don't happen to know  
11 what Randal McCloy's number was on  
12 that list, would you?

13 A. No, I don't.

14 MR. RUTLEDGE:

15 Okay. Thanks.

16 BY MR. O'DONNELL:

17 Q. Just to review, you said that  
18 your team carried a lot of supplies  
19 up to the barricade also. You SCSRs.  
20 How many SCSRs did you carry?

21 A. Eleven (11).

22 Q. And did you carry them in  
23 your ---?

24 A. In the Stokes basket.  
25 Q. In the Stokes basket. And  
0058  
1 each of those weighed several pounds;  
2 is that right?  
3 A. Uh-huh (yes).  
4 Q. So what else did you carry  
5 besides the ---?  
6 A. We carried a first-responder  
7 EMT kit, I can't tell you the brand  
8 name, but it's a pretty good sized  
9 basic EMT pack, first-aid supplies.  
10 And --- like a jump kit, an EMT's  
11 jump kit, and then two canvas bags,  
12 and they were --- had spray paint,  
13 body bags, notepads. It was mainly  
14 items for the federal inspector to  
15 help document and do the drawings  
16 when we got up to that point. But we  
17 just tossed them in the basket. It  
18 was a lot easier for us to have all  
19 that stuff in one basket.  
20 Q. So you returned to the surface  
21 that morning?  
22 A. Yes.  
23 Q. And was that the last time you  
24 were at the Sago Mine?  
25 A. No. We went back several days

0059  
1 later and were the teams in the  
2 recovery operation.  
3 Q. Part of the exploration  
4 recovery of the mine?  
5 A. Yeah. And our team split into  
6 two groups, and we did almost the  
7 entire recovery between one or the  
8 other of our teams. They may have  
9 had eight hours of other teams in the  
10 recovery, and the other 48 hours or  
11 so was our teams were actively  
12 exploring.

13 MR. O'DONNELL:  
14 Okay. Mike, do you  
15 have any other follow-up  
16 questions?

17 MR. RUTLEDGE:  
18 No, not right now.

19 MR. O'DONNELL:  
20 If we could just go off  
21 the record?

22 OFF RECORD DISCUSSION

23 MR. O'DONNELL:  
24 On behalf of MSHA, I  
25 want to thank you for

0060  
1 appearing and answering  
2 questions today. Your

3 cooperation is very important  
4 to the investigation as we  
5 work to determine the cause of  
6 the accident.

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

17 After questioning other  
18 witnesses, we may call you if  
19 we have any follow-up  
20 questions that we may need to  
21 ask. If you, at any time,  
22 have additional information  
23 regarding the accident that  
24 you would like to provide to  
25 us, please contact us at the

0061

1 contact information that we  
2 gave you earlier.

3 A. Okay.

4 MR. RUTLEDGE:

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've  
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've  
17 given during this interview,  
18 and you may also make a  
19 statement that you would like  
20 to make at this time.

21 A. I don't think I have any  
22 statement.

23 MR. O'DONNELL:

24 Okay. Again, we'd like  
25 to thank you, Brad, for your

0062

1 cooperation. Appreciate it.

2 \* \* \* \* \*

3 SWORN STATEMENT CONCLUDED

4 AT 11:57 A.M.

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