

0001

1 STATEMENT UNDER OATH
2 OF
3 JEFF BENENTT

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 12:17 p.m.

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

2
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23
24
25

0003

1 A P P E A R A N C E S (cont.)
2
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1	I N D E X	
2		
3	INTRODUCTION	6 - 13
4	WITNESS: JEFF BENNETT	
5	QUESTIONS	
6	By Mr. Swentosky	14 - 33
7	By Mr. Rutledge	33 - 40
8	By Mr. Swentosky	40 - 42
9	By Attorney Wilson	42 - 44
10	By Mr. Swentosky	44
11	By Mr. Rutledge	44 - 46
12	By Attorney Wilson	47 - 48
13	CONCLUDING REMARKS	48
14	CERTIFICATE	50

15
16
17
18
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0005

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

1
2 -----
3 MR. SWENTOSKY:
4 My name is Dennis
5 Swentosky. I am 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 Mr.
13 Dave Stuart, with the West
14 Virginia Office of Miners'
15 Health, Safety & Training.
16 I've been assigned to conduct
17 an investigation into the
18 accident that occurred at the
19 Sago Mine on January 2nd,
20 2006, in which 12 miners died
21 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 interviews
4 are an important part of that
5 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 hope that
19 greater awareness about the
20 causes of accidents can reduce
21 their occurrence in the
22 future. Information obtained
23 through witness interviews is
24 frequently included in these
25 reports. Your statement may

0008

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

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

0009

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

10 This interview is being
11 conducted at the U.S.
12 Bankruptcy Court in
13 Clarksburg, West Virginia, on
14 March 23rd, 2006. Questioning
15 will be conducted by

16 representatives of MSHA and
17 the Office of Miners' Health,
18 Safety & Training.

19 Mr. Bennett, this
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

0010

1 any statements that you make
2 in response to the questions.
3 After we have finished asking
4 questions, you will also be
5 given an opportunity to make a
6 statement and provide us with
7 any information that you
8 believe may be important. If
9 at any time after your
10 interview you recall any
11 additional information that
12 you believe may be useful in
13 the investigation, please
14 contact Richard Gates at the
15 phone number or e-mail address
16 provided to you on the
17 business card.

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

25 The court reporter will

0011

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

12 If any part of your
13 statement is based not on your
14 own firsthand knowledge but on
15 information that you learned
16 from someone else, please let
17 us know. Please answer each
18 question as fully as you can,
19 including any information you
20 have learned from someone

21 else. We may not ask the
22 right questions to learn the
23 information that you have, so
24 do not feel limited in the
25 precise question that we ask.

0012

1 If you have information about
2 a subject area of the
3 question, please provide us
4 with that information.
5 At this time, Mr.
6 Rutledge, do you have anything
7 you would like to add on
8 behalf of the Office of
9 Miners' Health, Safety &
10 Training?

11 MR. RUTLEDGE:

12 Yes. The Office of
13 Miners' Health, Safety &
14 Training is conducting this
15 interview session jointly with
16 MSHA. We're in agreement with
17 the procedures outlined by Mr.
18 Swentosky. The Director does,
19 however, reserve the right to
20 call or subpoena witnesses, if
21 necessary, or require the
22 production of any record,
23 document, photograph or other
24 relevant materials necessary
25 to conduct this investigation.

0013

1 MR. SWENTOSKY:
2 Thank you. Mr.
3 Bennett, are you aware that
4 you may have a personal
5 representative present during
6 the taking of this statement?

7 MR. BENNETT:

8 Yes.

9 MR. SWENTOSKY:

10 And do you have a
11 representative with you here
12 today?

13 MR. BENNETT:

14 No.

15 MR. SWENTOSKY:

16 And do you have any
17 questions regarding the manner
18 in which the interview will be
19 conducted before we get
20 started?

21 MR. BENNETT:

22 No.

23 MR. SWENTOSKY:

24 Could you swear in Mr.
25 Bennett for us, please?

0014

1 -----
2 JEFF BENNETT, HAVING FIRST BEEN DULY
3 SWORN, TESTIFIED AS FOLLOWS:
4 -----

5 BY MR. SWENTOSKY:

6 Q. Could you please provide us
7 with your full name, and spell your
8 last name for us, please?

9 A. Jeffrey Arvel (phonetic)
10 Bennett, B-E-N-N-E-T-T.

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

13 A. [REDACTED]
14 [REDACTED]

15 Q. And the telephone number?

16 A. [REDACTED]

17 [REDACTED]
18 Q. And are you appearing here
19 voluntarily?

20 A. Yes.

21 Q. And what is your present
22 position?

23 A. I'm a district inspector for
24 the Office of Miners' Health & Safety
25 Training.

0015

1 Q. And how long have you worked
2 in that position?

3 A. Approximately three and a half
4 years. I started September 23rd,
5 2002.

6 Q. And who is your immediate
7 supervisor?

8 A. Brian Mills.

9 Q. And how long have you been a
10 member of the mine emergency unit?

11 A. Since approximately November
12 of 2002, with the State. I had
13 previous experience with other teams.

14 Q. And what other teams did you
15 have experience with?

16 A. I was first certified in mine
17 rescue training with Badger Coal
18 Company. It was a Pittston company.
19 And that was in the early '80s,
20 approximately '83. And then I was on
21 the Barbour County Mine Rescue Team
22 from approximately '96 until 2002,
23 until I got this job.

24 Q. And what position do you hold
25 on the team?

0016

1 A. I'm just a map man.

2 Q. Don't say just. That's
3 important. And who notified you of
4 the explosion?

5 A. Brian Mills. He notified me,
6 yes.
7 Q. And do you remember
8 approximately what time that was?
9 A. On my caller ID, it was 7:59
10 a.m., Tuesday morning, January 2nd.
11 That was a Monday. I'm sorry,
12 Monday.
13 Q. And when you were notified,
14 what did you --- did you go directly
15 to the mine?
16 A. Yes, I did. Yes.
17 Q. And when you arrived, do you
18 know approximately what time that
19 was?
20 A. It was at 8:23.
21 Q. And when you arrived there,
22 who else was there, like State,
23 company and federal officials?
24 A. From the State, John Collins
25 was there. And Barry Fletcher, he
0017
1 was there.
2 Q. And who is Barry Fletcher?
3 A. Barry Fletcher is another
4 district inspector from the State
5 that works out of the same region
6 that I do.
7 Q. And was there any federal
8 officials there?
9 A. Not at that time, no.
10 Q. Okay. And what activities
11 were ongoing at that time?
12 A. John Collins, he --- I
13 remember that he was making sure that
14 the gate was secured outside. He
15 gave me some job duties which I had
16 to do. John wanted me to find out
17 who all was on the First Left
18 mantrip, who all on that mantrip was
19 outside, and try to get who all was
20 underground at that time. Then after
21 that, he wanted me to secure the
22 record books and also start
23 monitoring the atmosphere coming out
24 of the return. And that was
25 approximately a little after 9:00.
0018
1 Q. And were you the initial
2 person that took reading ---?
3 A. There was one reading taken
4 prior to me doing it, from the
5 company, James Scott.
6 Q. What were the readings that
7 you got?
8 A. Right now, I'd have to look
9 back at my notes, and I really don't

10 know.

11 Q. I understand.

12 A. I did submit that to MSHA.

13 Q. Okay. Maybe just start from
14 that point there and just kind of go
15 through your activities that the ---
16 during the 2nd --- January 2nd and
17 January 3rd, your activities during
18 the rescue and recovery.

19 A. Well, you know, I was told to
20 take, you know, air readings at the
21 return and to monitor the fan every
22 15 minutes. And at the Sago Mine, by
23 the time you walk in the pit and take
24 your air readings and go back out of
25 the pit on the surface and give them,

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1 I think, to one of the company
2 officials, I forget right now who
3 that was, but I did that from shortly
4 after 9:00 until four o'clock that
5 evening. Now, in the early
6 afternoon, the Barbour County Mine
7 Rescue Team, the CO levels picked up.
8 They were under apparatus and did
9 that. But I would stay at the top of
10 the pit and watch those guys down in
11 until they came back out. So I had
12 that job until about, you know, four
13 o'clock.

14 Q. Just start at that time and
15 kind of go through the activities,
16 you know, just your complete
17 activities from that time until ---
18 and then during the rescue and
19 recovery. Could you do that for me?

20 A. Well, I benched my machine
21 approximately between four and five
22 o'clock, and I was ready to go. And
23 I didn't go underground until Tuesday
24 morning, at approximately nine
25 o'clock. I went underground with the

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1 Blacksville Two team. And at that
2 time, I think it was approximately at
3 --- on Three track, 30 block
4 approximately, we had to go in and
5 take air quality and quantity. And
6 that was at the same time that the
7 robot went in. And I came out of the
8 mine approximately 11 o'clock that
9 morning, and I got home 12:06 Tuesday
10 afternoon.

11 Q. So you were underground with
12 the Blacksville team?

13 A. Yes.

14 Q. And how far did they explore

15 to?
16 A. I'd have to look at my notes.
17 I'm really not sure.
18 Q. Then you went home and then
19 you came back?
20 A. Yes.
21 Q. And what time did you get
22 back?
23 A. I got back at the mine shortly
24 after 10:00 p.m.
25 Q. That would be ---?

0021

1 A. Monday evening, yes.
2 Q. That would be Tuesday evening,
3 January --- the day after the
4 accident?
5 A. Tuesday evening. You're
6 right. Yes.
7 Q. January 3rd?
8 A. Yes. And when I got back to
9 the mine, I think Mike told me ---
10 Mike Rutledge told me and Mark
11 Wilfong told me that I was going to
12 go in with the Viper team to bring
13 out the first body that they found.
14 Q. And you went in the mine with
15 the Viper team?
16 A. Yes.
17 Q. And just tell me the events
18 that took place during that period of
19 time?
20 A. Well, Mark Wilfong gave me a
21 mine map to, you know, plot Terry
22 Helms or this first victim. We
23 didn't know, but I thought it would
24 probably be Terry Helms, and I was
25 under that assumption. But I told

0022

1 those guys from the Viper team going
2 in that, you know, we had to take a
3 lot of measurements and I knew this
4 guy personally and, you know, I said,
5 I need some help. So on the way in,
6 they told me that they'd help me.
7 And when we got off the mantrip,
8 which was parked outby the other ---
9 I believe there was two mantrips in
10 there at that time. It was parked
11 out the First Left switch, we started
12 walking in the vicinity where this
13 first body they had found, and they
14 started hollering at the fresh air
15 base, and they said that they needed
16 help. There was an emergency, for us
17 to run up there, that they needed
18 help. So we proceeded to run up
19 there at that location. I think it

20 was at the Two Left switch where they
21 was hollering. And as soon as we got
22 there, I looked to the left and they
23 were bringing a person out on a
24 stretcher from the --- which would be
25 the Two Left section or Two Left

0023

1 area.
2 At that time, they brought him
3 out to the switch, and I didn't know
4 who it was at that time. I didn't
5 know if it was somebody from the mine
6 rescue team had went down or if it
7 was one of the miners. We didn't ask
8 any questions. He needed to get to
9 the outside. So we put my apparatus
10 on him. And I think at that time he
11 had an SCSR on, but we put my
12 apparatus on him, and I know that he
13 was really struggling to breathe.
14 And it seemed like every breath that
15 he took, you'd just hear him gasp for
16 breath and then he was taking a
17 breath about every five seconds. And
18 when he did so, you could see his
19 neck collapse. So we put my machine
20 on him. And then, like I say, I
21 didn't ask who it was. I don't think
22 anybody else did. At that time, we
23 immediately took him out to the
24 mantrip that we had came in on and we
25 was going to take him outside. And

0024

1 then going outside, I was on the
2 outby end of the mantrip, which I
3 didn't know at the time was McCloy,
4 and there was a person from the
5 Tri-State Mine Rescue Team, and I was
6 on the same end of the mantrip as
7 they were. And we was going outside
8 and I looked at this --- now, I
9 didn't know who it was. And I asked
10 this boy, he was on the Tri-State
11 Mine Rescue Team, I asked him, I
12 said, who is this. He said, this is
13 one of the miners. I said, this is
14 one of the 13 miners? He said, yes.
15 I said, did you see the other miners.
16 And he said, yeah. I said, how many
17 did you see together, because I knew
18 that there was one outby. And he
19 said, well, I seen 12. I said, are
20 they living? He said, no. I said,
21 you're telling me that there's 11
22 dead miners up there then together?
23 And he said, yes. Then I said, this
24 is the only survivor? And he said,

25 yes.

0025

1 Q. And prior to that, did you
2 think that there were more persons
3 that were alive?

4 A. I didn't know. I did not
5 know. And like I say, I didn't know
6 that Randal McCloy was one of the
7 miners or somebody from the mine
8 rescue team.

9 Q. All right. Go ahead.

10 A. But bringing him outside, I
11 just didn't think that --- I didn't
12 think that this boy was going to make
13 it, you know. After we put my
14 machine on him, I felt like he was
15 breathing a little bit quicker. You
16 couldn't hear him gasp for breath,
17 but his fingers was drawn up. And
18 the track --- and going outside, the
19 track, if the mantrip would hit a
20 kink or bump in the track, his
21 eyelids was opening, and you'd see
22 his eyes were rolled back in his
23 head. You'd just see the whites of
24 his eyes. And then going outside, I
25 didn't think that this boy was going

0026

1 to make it. And I knew that --- I
2 thought maybe time might be a factor
3 in going outside. I seen --- there
4 was a bunch of lights approaching us,
5 and I didn't know at that time if
6 they were on foot, if it was another
7 mantrip coming in. I couldn't make
8 it out. And as we got closer, I
9 realized it was a motor that was on
10 the inby end, pulling a flat car, and
11 there were several people on it, and
12 there was a mantrip outby that flat
13 car. And we just came to a stop on
14 the track, and I told those guys, we
15 have --- I said, we've got to get ---
16 we got to get outside. And somebody
17 said, you're at a switch. And I
18 screamed, I said, guys, throw the
19 switch, so somebody threw the switch.
20 And the mantrip operator said, I
21 don't know if I'm clear or not. And
22 I told him, I said, back up until you
23 hit something. So he was backing up.
24 And I've ran them over a lot before,
25 and I'm looking out the windshield, I

0027

1 could see the mainline track and I
2 told him, I said, stop, because
3 they'll clear. I said, guys, throw

4 the switch and get out of the way.
5 So then the motor and flat car and
6 mantrip went inby. How far they went
7 inby, I don't know. But at that
8 point, the mantrip operator was
9 talking to somebody, and I told him
10 that we had to go. I didn't --- I
11 turned around and looked and I think
12 that he identified himself as being a
13 doctor. And he was standing --- this
14 was either at One Right or Two Right
15 switch. And he was standing on the
16 tight side of the mantrip, which is
17 all enclosed, except for that little
18 window that he was able to look
19 through, which is about approximately
20 10 or 12 inches high the width of the
21 mantrip. And he just made a
22 statement like, is he breathing. And
23 I said, yes. And he said, is he on
24 oxygen? I said, yeah. And the only
25 question I asked him was, I mean, can

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1 you give him too much, because there
2 is bypass on that BG-4, and he said
3 no. Then he stood there and I told
4 him that we've got to go. And I told
5 the mantrip operator, I said, let's
6 go. And that's when we left.
7 Q. Okay. And you say you're
8 around One or Two Left --- or excuse
9 me, One or Two Right?
10 A. That's where I thought, yes.
11 That's where I thought, yeah.
12 Q. And when you came out and you
13 stopped and you said about them
14 throwing the switch, are you talking
15 about throwing a switch for them to
16 go into One or Two Right or wherever
17 you were so they could get out of the
18 way and you could go past, is that
19 what you were meaning?
20 A. Yeah. I told them to throw
21 the switch because I knew that we was
22 closer to the switch. The mantrip
23 operator said that we can't clear.
24 And I thought, well, he didn't know
25 if we'd clear or not. And I thought,

0029

1 well, if he's in doubt that our
2 mantrip would clear, then I know that
3 the motor and the flat car and the
4 other mantrip won't clear, so we had
5 to switch out.
6 Q. Yes. So you ---?
7 A. And I thought all along, too,
8 that if we did jump track, I knew

9 that there's a mantrip outby where we
10 could transport this boy from our
11 mantrip to the other one.

12 Q. So you're the one that pulled
13 into the switch?

14 A. Yes.

15 Q. And then the motor moved inby
16 and then you cleared and went ---?

17 A. Correct. But there's only
18 three right-handed switches in the
19 mine. I think there's one off the
20 bottom, which I think they call it
21 the motor switch, and One Right and
22 Two Right switch. But I think it was
23 one of the ---.

24 Q. So this person that --- he
25 identified himself as a doctor, you

0030

1 said?

2 A. I don't know if he did or not,
3 but I think he had a stethoscope
4 around his neck, which made me think
5 that. But he possibly could have
6 said that he was a doctor.

7 Q. So I guess if --- we don't
8 have a name. Did he say who he was?

9 A. I heard later if --- I heard
10 later it was Robert Blake, I think.

11 Q. And did he get out of he
12 mantrip at all?

13 A. Out of what mantrip?

14 Q. The trip that he was in.

15 A. The trip that he was in he got
16 out, yes. The switch that we was
17 parked in, he was on the tight side
18 of that mantrip that McCloy was in.
19 And it's all enclosed except for that
20 little window at our backs.

21 Q. But he came in on the trip
22 ---?

23 A. That we ran it or ---?

24 Q. Yes. He was on your trip
25 then?

0031

1 A. He came in on a mantrip with
2 that motor crew.

3 Q. Oh, with the motor crew?

4 A. I think that he was probably
5 possibly on that flat car.

6 Q. Okay. Oh, on a flat car?

7 A. Yes.

8 Q. So then he got off and then he
9 looked in that window on the side
10 there and spoke to you?

11 A. Yeah. He was just asking us,
12 you know, if he was breathing
13 and ---.

14 Q. Okay. And then that was the
15 last conversation that you had with
16 him?

17 A. Yes.

18 Q. And then you told the --- at
19 that point then you told the trip
20 operator ---

21 A. We had to go.

22 Q. --- you had to go?

23 A. Right.

24 Q. And then you --- at that
25 point, you left?

0032

1 A. Right.

2 Q. And you started out of the
3 mine?

4 A. Yes.

5 Q. And then kind of pick it up
6 from there.

7 A. Well, we --- you know, it just
8 seemed like it --- with the track,
9 you know, it's not --- we didn't jump
10 track or anything, but it was a slow
11 process bringing him outside. And by
12 the time we got outside, I remember
13 Eugene White, he was on the other end
14 of the mantrip, and he hollered at
15 people, he said, hey, you know, we
16 need some help. And that's when we
17 put --- as soon as we got him
18 outside, we put McCloy in the
19 ambulance that was in the pit, and
20 then I didn't go back in the mine
21 after that.

22 Q. So then after he was loaded in
23 the mantrip and then you went up to
24 the --- what did you do then?

25 A. I went up to the mine --- out

0033

1 in the mine yard, I guess right
2 outside of the office, and I asked my
3 assistant supervisor, Mark Wilfong, I
4 said, Mark, I said, you know, why did
5 you allow those people to go in the
6 mines when this boy is, you know,
7 fighting for his life and you know.
8 And he said that there was some
9 miscommunication and that, you know,
10 they said that they reported that the
11 miners were alive when they weren't.
12 He said we sent some personnel in
13 there to take care of those people,
14 and you know, he said that's the only
15 reason. He said, we didn't know. We
16 did ---.

17 Q. So the reason the doctor and
18 this other trip came in was because

19 they were under the impression that
20 there was more alive miners?
21 A. That's what I had heard, yes.
22 Yes.

23 MR. SWENTOSKY:
24 Do you have anything?

25 BY MR. RUTLEDGE:

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1 Q. Jeff, if you would, please,
2 tell us --- you said that when this
3 person came and hollered at you
4 about, you know, something was wrong,
5 they needed help up there going
6 toward the Two Left switch, and as
7 you got there to the Two Left switch,
8 then they were bringing this man out
9 on a stretcher.

10 A. Yes.

11 Q. At what point did you put your
12 apparatus on?

13 A. Immediately. As soon as he
14 got to the switch, that's when we did
15 it.

16 Q. So right there they stopped
17 then at Two Left switch?

18 A. Yes.

19 Q. Put that apparatus on ---

20 A. Okay.

21 Q. --- what turned out to be Mr.
22 McCloy?

23 A. I remember that I took my
24 apparatus off and somebody grabbed
25 the backpack of it, and there was

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1 somebody else assisting me in putting
2 a mask on him. And as soon as it was
3 put on, the oxygen was immediately
4 turned on. And I know that the guys
5 that had brought him out to the Two
6 Left switch were exhausted, and they
7 said that they needed help. And I
8 don't think that really ---

9 time-wise, it was quick in putting
10 the apparatus on him. And as soon as
11 we did that, people changed positions
12 and grabbed ahold of the stretcher,
13 and we proceeded outby with him to
14 the mantrip where we came in on.

15 Q. So was somebody walking
16 alongside that stretcher, holding
17 that apparatus?

18 A. Carrying the backpack, that's
19 exactly right. Yes. The backpack
20 was never rested on him or anything.

21 Somebody was just carrying my
22 backpack with him. Yes.

23 Q. Walking alongside the

24 stretcher?
25 A. Walking alongside the
0036
1 stretcher, yes.
2 Q. And then you had to go to just
3 outby One Left to where the mantrip
4 was parked?
5 A. Yes.
6 Q. Okay. And what --- you put
7 the man on the stretcher in through
8 the door or the opening on the wide
9 side of the mantrip?
10 A. Exactly.
11 Q. Was that difficult to do or
12 was it ---?
13 A. No. This boy from Tri-State,
14 he positioned himself in the deck of
15 the mantrip with his knees, and these
16 guys --- I mean, they had to swing
17 around a little bit like moving a
18 couch, but it wasn't --- time wasn't
19 a factor. But as soon as he got the
20 end of it, he carried the end of the
21 stretcher and walked back on his
22 knees and put McCloy in. And the
23 stretcher was a perfect fit. I know
24 that the stretcher was hitting both
25 ends of the mantrip or both sides of
0037
1 the mantrip, but it was a perfect
2 fit.
3 Q. Okay. Again, you or somebody
4 else was still holding this
5 apparatus?
6 A. Yes. When they was putting
7 the stretcher in, I knew that I had
8 to get outside with my machine. So I
9 grabbed my backpack at that time,
10 when they was putting the stretcher
11 in, then I was walking along the
12 stretcher, and then I got in the
13 mantrip on my knees, making sure
14 that, you know, they didn't pull the
15 face piece off, yes. And even going
16 outside, I didn't say this, but going
17 outside, I had to position my
18 backpack to where the hoses wouldn't
19 kink, which I felt, too, when the
20 doctor was there, that would have
21 been obstruction for him to see
22 McCloy as well. Because this was ---
23 they have a couple different styles
24 of mantrips up at the Sago Mine, but
25 this mantrip only had a bench seat on
0038
1 both ends, one bench seat, and it's a
2 lower mantrip, which you know, ---.

3 Q. So you all were stopped when
4 you met these other trips coming in,
5 ---
6 A. Yes.
7 Q. --- you all were stopped? You
8 all switched off the mainline?
9 A. Right.
10 Q. And at that point, this fellow
11 you said that you thought identified
12 himself as a doctor, ---
13 A. Right.
14 Q. --- that's when he came to,
15 you said, the tight side?
16 A. The tight side of the mantrip,
17 yes, which you know, the mantrips up
18 at Sago, on the tight side they're
19 all enclosed except for that little
20 short window on the back side, the
21 width of the mantrip.
22 Q. And he asked you if this
23 person was breathing?
24 A. He asked if he was breathing.
25 And I said, yes.

0039

1 Q. And did he ask you something
2 else? I'm sorry if I'm repeating
3 what you've already said or asking
4 ---.
5 A. I think that he asked if he
6 was on oxygen. And I said, yes. And
7 my only question was to him, can I
8 give him too much. And he said, no.
9 Q. And that was --- was there any
10 more conversation?
11 A. No. I told him that we had to
12 go.
13 Q. I know it's hard to estimate,
14 but that whole conversation may have
15 taken a minute or what?
16 A. I would say no more than a
17 minute. No more than a minute. But
18 looking through this short window on
19 the tight side of the mantrip --- and
20 it can't be --- I don't know what
21 number bus it was at the Sago Mine,
22 but it was a low --- it can't be ---
23 I don't think that you could sit in
24 the seat and sit up. You got to bend
25 over. But I know that there was a

0040

1 boy from the Tri-State team at
2 McCloy's head and shoulders. And I
3 believe that he was on his knees,
4 which would have obstructed vision
5 from this doctor. And also, I had my
6 machine upright to keep the hose from
7 kinking. And prior to going out to

8 the switch, I got uncomfortable and I
9 had to straddle McCloy. So my left
10 foot is on the other side of McCloy,
11 and this is a low mantrip. So my
12 opinion was, where this doctor was
13 at, he would have been lucky to have
14 seen McCloy's boots. But for the
15 doctor to go in on the opening of the
16 mantrip to look at McCloy, it never
17 happened.

18 MR. RUTLEDGE:

19 That's all I have for
20 now.

21 BY MR. SWENTOSKY:

22 Q. And once you got on the
23 surface and then they loaded him
24 directly into the ambulance?

25 A. Right.

0041

1 Q. And that's the last time that
2 you had any contact with any of the
3 --- was the doctor out there?

4 A. At that time?

5 Q. Yes.

6 A. No, not to --- was there a
7 doctor or this doctor?

8 Q. Well, let's start with this
9 doctor.

10 A. No, not to my knowledge. No,
11 he was not.

12 Q. Was there any doctors or any
13 other doctors out there; do you know?

14 A. I really couldn't answer. I
15 mean, I really don't know. I know
16 that I assisted in carrying McCloy to
17 the ambulance, and I really don't
18 know.

19 Q. Okay. Did you have an
20 occasion to --- do you inspect Sago
21 Mine at all?

22 A. I inspected Sago Mine in 2004,
23 and I had in the first quarter of
24 2005.

25 Q. Okay. And so I guess from

0042

1 that then you would have had not had
2 an opportunity to see the seals there
3 because they weren't even in; is that
4 correct?

5 A. Correct. That is correct.
6 They were not built whenever I was
7 there.

8 Q. And were they mining up in the
9 old Two Left area during your
10 inspection at all?

11 A. No. They was getting ready to
12 go up to, I think, Second Right at

13 that time.
14 Q. Okay.
15 A. I remember that they were
16 constructing a maintenance shanty
17 along --- I think Four track, Eight,
18 Nine block, that was so.
19 Q. Okay.
20 BY ATTORNEY WILSON:
21 Q. If I could just clarify
22 something. You said when you went in
23 with the Viper team ---
24 A. Uh-huh (yes).
25 Q. --- you got up near the fresh

0043

1 air base, somebody called you over?
2 A. Yeah. They were hollering up
3 to inform us that they needed help.
4 Q. Do you recall who that was?
5 A. Kerry Lilly. He's on the
6 Tri-State Mine Rescue Team.
7 Q. And do you recall what he
8 said?
9 A. He just said that we have an
10 emergency. You guys need to get up
11 here. Get up here quick. He said,
12 Brian, he said, we need help. That's
13 basically it.
14 Q. And then what happened when
15 you got over there?
16 A. As soon as we got to the Two
17 Left switch, that's when I looked to
18 the left and they was bringing this
19 person out on a stretcher. And it
20 was only approximately 10 or 12 feet
21 from where I was at. So you know, I
22 didn't hear this person say anything
23 else after that.
24 Q. And at that point, you didn't
25 hear any conversation about anybody

0044

1 else being alive at that point?
2 A. No. And like I say, I didn't
3 know who this boy was. I didn't know
4 if he was one of the miners or
5 somebody from the mine rescue team.
6 I know that he needed to go outside,
7 and that's when we put my machine on
8 him. And you know, I didn't ask any
9 questions. I didn't want to delay
10 anything.

11 ATTORNEY WILSON:

12 That's all I have.

13 BY MR. SWENTOSKY:

14 Q. Do you have anything else that
15 you would like to add?

16 A. No, I don't.

17 MR. RUTLEDGE:

18 Excuse me. May I ask
19 another question?

20 MR. SWENTOSKY:

21 Sure.

22 BY MR. RUTLEDGE:

23 Q. Jeff, did you hear at any time
24 about a code system that was to be
25 used by teams finding either

0045

1 fatalities or survivors?

2 A. I think that they was supposed
3 to be referred to as items rather
4 than bodies or, you know, --- yeah.

5 Q. But that's all you really know
6 of that, and you more or less gained
7 that secondhand knowledge or just by
8 word of mouth that ---?

9 A. Mike, I can't answer that. I
10 really don't know, you know.

11 Q. Did you know anything about
12 any kind of a written list of names
13 or numbers that would identify or
14 would be used to identify specific
15 people?

16 A. Yeah, I remember our state
17 mine rescue truck, yes, that there
18 was numbers that was going to be
19 identified and used at bodies, if
20 they found bodies, or people that
21 they had found, yes.

22 Q. Did you see a written list of
23 numbers 1 through 13 with the miners'
24 names on that so that those
25 individual miners could be

0046

1 identified?

2 A. No. I know that there was
3 tags, but no, I didn't see the list.
4 When I got to the mine Tuesday
5 evening, I wasn't supposed to start
6 until midnight. And I had to go in
7 early to get that Terry Helms --- I
8 was kind of rushed getting in.

9 Q. Okay. Thanks.

10 MR. SWENTOSKY:

11 On behalf of MSHA, I
12 would like to thank you for
13 appearing and answering
14 questions today. Your
15 cooperation is very important
16 to the investigation as we
17 work to determine the cause of
18 the accident.

19 We ask that you not
20 discuss your testimony with
21 any person who may have
22 already been interviewed or

23 who may be interviewed in the
24 future. This will ensure that
25 we obtain everyone's

0047

1 independent recollection of
2 the events surrounding the
3 accident. After questioning
4 other witnesses, we may call
5 you if we have any follow-up
6 questions that we feel we need
7 to ask you. If at any time
8 you have additional
9 information regarding the
10 accident that you would like
11 to provide to us, please
12 contact us at the information
13 that was previously provided
14 to you.

15 ATTORNEY WILSON:

16 Excuse me. Let me just
17 ask one quick follow-up
18 question.

19 BY MR. WILSON:

20 Q. When they brought Mr. McCloy
21 to the fresh air base where you were

22 ---

23 A. Yes.

24 Q. --- at, did he have any sort
25 of apparatus on him at that point?

0048

1 A. I'll tell you what, fellows, I
2 think that he had an SCSR on. I
3 believe that he did.

4 Q. And then you switched that
5 out?

6 A. Yes. I wasn't involved in
7 taking the SCSR off, but I did assist
8 in putting my mask on him, yes.

9 Q. Do you know what happened to
10 that SCSR?

11 A. No, I don't. I really don't.

12 ATTORNEY WILSON:

13 Denny.

14 MR. SWENTOSKY:

15 If you wish, you may no
16 go back over any answer that
17 you may have given during this
18 interview or you may make a
19 statement, if you choose, at
20 this time.

21 A. No, I don't have anything
22 else.

23 MR. SWENTOSKY:

24 All right. Thank you
25 for your coming here.

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SWORN STATEMENT CONCLUDED
AT 12:51 P.M.
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