

0001

1 STATEMENT UNDER OATH
2 OF
3 ERNEST EUGENE WHITE
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 Courthouse, 324 West Main Street,
11 Clarksburg, West Virginia, on
12 Tuesday, March 28, 2006, at 2:59 p.m.
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1 A P P E A R A N C E S
2

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1 A P P E A R A N C E S (continued)
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1 P R O C E E D I N G S

2 -----
3 MR. STOLTZ:
4 My name is Richard
5 Stoltz. I am an accident
6 investigator with the Mine
7 Safety and Health
8 Administration, an agency of
9 the United State Department of
10 Labor. With me is Bob Wilson
11 from the Solicitor's Office,
12 Mike Rutledge and Dave Stuart
13 with the West Virginia Office
14 of Miners' Health, Safety &
15 Training.
16 I've been assigned to
17 conduct an investigation into
18 the accident that occurred at
19 the 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 the
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.
12 I would like to thank
13 you in advance for your

14 appearance here. We
15 appreciate your assistance in
16 this investigation. The
17 willingness of the miners and
18 mine operators to work with us
19 is critical to our goal of
20 making the nation's mines
21 safer. We understand the
22 difficulty for you in
23 discussing the events that
24 took place, and we greatly
25 appreciate your efforts to

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1 help us understand what
2 happened.
3 This interview with
4 Mr. Eugene White is being
5 conducted under Section 103(a)
6 of the Federal Mine Health &
7 Safety Act of 1977 as part of
8 an investigation by the Mine
9 Safety and Health
10 Administration and the West
11 Virginia Office of Miners'
12 Health, Safety & Training into
13 the conditions, events and
14 circumstances surrounding the
15 fatalities that occurred at
16 the Sago Mine owned by
17 International Coal Group in
18 Buckhannon, West Virginia, on
19 January 2nd, 2006.
20 This interview is being
21 conducted at the U.S.
22 Bankruptcy Courthouse in
23 Clarksburg, West Virginia on
24 March 23rd, 2006 (sic).
25 Questioning will be

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1 conducted by representatives
2 of MSHA and the Office of
3 Miners' Health, Safety &
4 Training.
5 Mr. White, the
6 interview will begin by asking
7 you a series of questions. If
8 you do not understand a
9 question, please ask me to
10 rephrase it. Feel free at any
11 time to clarify any statements
12 that you make in response to
13 the questions. After we have
14 finished asking questions, you
15 will also have an opportunity
16 to make a statement and
17 provide us with any other
18 information that you believe

19 may be important.
20 If at any time after
21 the interview you recall any
22 additional information that
23 you believe may be useful in
24 the investigation, please
25 contact Richard Gates at the

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1 phone number and e-mail
2 address, which will be
3 provided to you.
4 Your statement is
5 completely voluntary. You may
6 refuse to answer any question
7 and you may terminate your
8 interview at any time. If you
9 need a break for any reason,
10 please let me know.

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

23 At this time, Mr.
24 Rutledge, do you have anything
25 that you would like to add on

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1 behalf of the Office of
2 Miners' Health, Safety &
3 Training?
4 MR. RUTLEDGE:
5 Eugene, I have a quick
6 statement here. That the
7 Office of Miners' Health,
8 Safety & Training is
9 conducting this interview
10 session jointly with MSHA, and
11 is in agreement with the
12 procedures outlined by Mr.
13 Stoltz for the interviews that
14 will be conducted today.
15 However, the Director of the
16 Office of Miners' Health,
17 Safety & Training reserves the
18 right, if necessary, to call
19 or subpoena witnesses or to
20 require the production of any
21 record, document, photograph
22 or other relevant materials
23 necessary to conduct this

24 investigation.
25 We appreciate you being
0012
1 here. You know, if you have
2 any questions there are
3 several people you can
4 contact. Thank you.
5 MR. STOLTZ:
6 Mr. White, are you
7 aware that you may have a
8 personal representative
9 present during the taking of
10 this statement?
11 MR. WHITE:
12 Yes, sir.
13 MR. STOLTZ:
14 Do you have a
15 representative present here
16 today?
17 MR. WHITE:
18 No, sir.
19 MR. STOLTZ:
20 Do you have any
21 questions regarding the manner
22 in which this interview will
23 be conducted?
24 MR. WHITE:
25 No, sir.

0013
1 MR. STOLTZ:
2 Okay. Will you please
3 swear in Mr. White.
4 -----
5 ERNEST EUGENE WHITE, HAVING FIRST
6 BEEN DULY SWORN, TESTIFIED AS
7 FOLLOWS:
8 -----
9 BY MR. STOLTZ:
10 Q. Please state your full name
11 and spell your last name.
12 A. Ernest Eugene White,
13 W-H-I-T-E.
14 Q. Please state your address and
15 telephone number, please.
16 A. [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 Q. Are you appearing here today
20 voluntarily?
21 A. Yes, sir.
22 Q. What is your present position?
23 A. I'm a district inspector for
24 the State of West Virginia Office of
25 Miners' Health, Safety & Training.
0014
1 Q. How long have you worked in
2 that position?

3 A. Fifteen (15) years in October
4 of this year.
5 Q. Who is your immediate
6 supervisor?
7 A. Harry Linville.
8 Q. Do you work on --- as a mine
9 --- in the mine rescue effort?
10 A. Yes, sir.
11 Q. Did you work on the day of the
12 accident?
13 A. Yes, sir.
14 Q. Do you work on West Virginia's
15 mine rescue team?
16 A. Yes, sir.
17 Q. How many years of experience
18 do you have on West Virginia's mine
19 rescue team?
20 A. I think it's right around 13.
21 Q. Thirteen (13) years? What is
22 your position on the team?
23 A. Whatever they need.
24 Q. Did you work on the day of the
25 accident?

0015

1 A. Yes, sir.
2 Q. Who notified you of the
3 accident?
4 A. Bill Tucker, one of the team
5 members, called me at my home. I'm
6 thinking it was between 10:00 and
7 11:00 a.m., and asked me if I heard
8 about the accident, and I told him
9 no. About that time I got a beep on
10 my phone, it was from Jim Hodge, who
11 kind of works for me some. He was
12 just notified to come to the mine
13 site as a representative of the State
14 Medical Examiner's Office, because he
15 is a medical examiner.
16 And so at that time, I then
17 told him I would have to call Mr.
18 Conaway, Doug Conaway. And I called
19 Doug on the phone, he was en route to
20 the mine. That's when he informed me
21 to proceed to the mine site.
22 Q. About what time did you arrive
23 at the mine site then?
24 A. Right around 2:00 p.m.
25 Q. Okay. Who was at the mine

0016

1 when you arrived?
2 A. When we arrived at the mines,
3 me and Bill Tucker kind of followed
4 each other. The first person that
5 came to us was Mr. Conaway, Doug
6 Conaway, the director.
7 Q. And Doug --- did Doug brief

8 you, or ---?
9 A. He told us a little bit about
10 what was going on, and then at that
11 time, Mike Rutledge, our trainer, was
12 in the process of setting up the
13 truck, and we then proceeded to help
14 set the truck up and get ready to ---
15 get our apparatuses ready, and to get
16 ready as a team.

17 Q. Okay. I guess, starting about
18 at that time then, would you, I
19 guess, please just in your own words
20 go over what events --- what you did
21 that day?

22 A. Okay. On the first day, like
23 I said, we arrived at the mine site
24 around 2:00 p.m. We got the truck
25 ready, got everything set up in our

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1 mine rescue truck. There was a lot
2 of activity going on and teams
3 arriving, team members arriving.
4 We stayed at the mine site up
5 until, I'm thinking it was around ---
6 I'm not for sure on the first day
7 when we went in. I'm thinking it was
8 right around 11:00. Yeah, around
9 11:00 p.m. I traveled in with one of
10 the Consol teams. I was at the ---
11 the backup team that was Blacksburg
12 (sic) Number Two, I think it was.
13 And I was a backup team with them.
14 We were in the mine, I think
15 around --- I know there's a little
16 shop --- I'm not familiar with the
17 mines that much, there was a little
18 underground shop. I know we was in
19 that area, I'm thinking it was on
20 Number Four or Five belt, I'm not for
21 sure, in the mainline track. We was
22 there, we was moving --- I don't know
23 the team that was advancing, but we
24 was like a backup team advancing like
25 1,000 foot at a time. We proceeded

0018

1 advancing, was moving pretty quick,
2 and I think around --- I'm not sure
3 what break it was, the team advancing
4 ran into an intake stopping that had
5 been damaged, and they also run into
6 some CO on the track. And they also
7 had noticed some kind of a light they
8 thought was a cap light in the belt
9 entry. They were given permission to
10 go up and check that light, or check
11 that out. And they come to find out
12 it was their CO backup system that

13 kicked in.
14 Shortly after that we were
15 told to exit the mines. We was
16 commanded through the command center
17 to leave the mines immediately. Once
18 we got on the surface, we didn't know
19 for sure what --- why they had us
20 come out. I think a lot of it was to
21 do with the backup light on the CO
22 system. And at that time, there was
23 a lot of discussion in the command
24 center about --- they was in
25 preparations of drilling the borehole

0019

1 through at the section tailpiece on
2 Two Left section. I think it was Two
3 Left section. They were in the
4 process of getting that close to
5 drilling through, and then there was
6 also some discussion in the command
7 center about use of the robot.

8 At that time --- not too long
9 after that, me and Bill Tucker left
10 the mine site and went to our room to
11 get some sleep. And that was on the
12 first day.

13 Q. Okay. When you come out of
14 the mine, did you all participate in
15 the command center activities, or
16 just kind of eavesdropped?

17 A. I was in and out of the
18 command center a lot prior to going
19 underground the first time. And we
20 did voice some opinions as we came
21 out. Certain issues or whatever was
22 going, we was trying to find out what
23 was going on, but yeah, we was in the
24 command center a lot, eavesdropping,
25 listening, whatever --- however you

0020

1 want to call it.

2 Q. Okay. Then you said one you
3 were out, then you left the mine
4 property?

5 A. Yes, sir.

6 Q. And went back to the hotel and
7 got some sleep?

8 A. Yes, sir.

9 Q. I guess, starting with the
10 second day, would you want to tell us
11 of your events the next day?

12 A. Okay. I'm trying to think.
13 We slept very little that night. I
14 mean, it's hard to sleep when you ---
15 you know, you got people unaccounted
16 for and you're trying --- I think we
17 arrived --- once we got up and went

18 and ate a bite, I think we arrived
19 back at the mine, it would be on
20 January 3rd, I think it is. I think
21 we got back at the mine close to 2:00
22 p.m. And we, I think at some point
23 off and on during that afternoon we
24 were like backups for some other
25 teams, plus we was in and out of our

0021

1 truck.
2 And then I'm thinking it was
3 right around --- I'm not sure on the
4 time, but it was sometime in the late
5 afternoon, like seven or eight
6 o'clock. They were making
7 preparations --- I think they had
8 found one of the victims, and they
9 were making preparations for me to go
10 with the Viper team to retrieve the
11 victim and bring him to the surface.
12 And shortly before this was done, we
13 had already gathered up the equipment
14 that we thought we would need to take
15 with us. We were getting ready to do
16 that, and at some point the team that
17 was in the mine exploring had found,
18 I think the mantrip --- they done
19 explored the seal area, and I think
20 they had found the mantrip.

21 And the orders were changed
22 that we was going to make a push to
23 go to the face area of the Two Left
24 section. So me traveling with the
25 Viper team to retrieve the victim

0022

1 was, you know, stopped. I was then
2 to travel with --- I was going to go
3 in with the --- I'm not sure what
4 team it was. There was a couple
5 teams underground. We went in, me
6 and Bill Tucker was one of the teams.
7 I'm not sure what team it was, but I
8 ended up at the fresh air base with
9 the Tri-State team, I think is what
10 they're called. It's association
11 team. Mr. Tucker, Bill Tucker
12 traveled with the other team to do
13 that final push from --- it's
14 somewhere around the mouth of Two
15 Left section. They was going to make
16 that final push --- well, we was
17 directly in front of the sealed area,
18 I know that, not too far from it.
19 Bill Tucker and them was going
20 to make that final push, and they got
21 ready to take out, and we realized
22 that we didn't have enough people in

23 the fresh air base to cover the whole
24 team that they were sending, so we
25 stopped, and they had to leave one of

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1 the guys with us. They took out, we
2 sat around the fresh air base for a
3 while, and at --- I don't know what
4 time it was, but the call came over
5 the radio, because we're there
6 together as a group, that they ---
7 the words that I heard, and I think
8 most of the team members heard was,
9 we found them alive. As soon as we
10 heard that, and I'm talking about
11 people at the fresh air base, we
12 started jumping up and down screaming
13 and laughing, and you know, we were
14 excited.

15 Shortly thereafter, and I mean
16 within a couple of minutes, the call
17 came over that we need help now. So
18 we immediately donned our apparatuses
19 and I think later we started looking
20 at the map, it was probably a half a
21 mile. We done a fast walk, if not
22 run under apparatus from the fresh
23 air base to the Number Three face of
24 the Two Left section. And we
25 traveled up the track entry, like I

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1 say, at a fast --- a fast, fast walk.
2 We went by the mantrip, and we
3 did stop just for a second to --- we
4 seen a rescuer or a SCSR rescuer, and
5 we're running up there thinking that
6 we're going up to bring out live
7 people, that there's some injured
8 persons, and we're going to get them
9 and bring them out. And as we're
10 going --- running up through there,
11 we're looking for things that we
12 think we may be able to use to help
13 us to bring those folks out.

14 And we get up to the section,
15 and I put the --- I told the captain
16 of the Tri-State team to be in the
17 lead. We tried to do it somewhat
18 like a mine rescue team. I just
19 didn't want all of us to take off
20 running. We tried to do it in some
21 kind of order, and I told him --- I
22 said, to him whoever the captain is,
23 you get in the lead and you lead us.
24 Go straight up the track and then
25 we'll go to the last open break and

0025

1 cut across, because we already knew

2 they was somewhere at Number Three
3 entry in the last open break.
4 As we're running up through
5 there, again, we're scanning the
6 crosscuts, just looking along ---
7 just looking to see if we see
8 something we need like stretchers.
9 We get up to the curtain, and I can
10 remember pulling the curtain back,
11 and then that's when I realize that
12 it's not what we thought. I just
13 remember that. If you want me to go
14 on through what I seen, I can tell
15 you.

16 Q. Well, I guess once you reached
17 that point, could you tell us, you
18 know, did you jump in at the time,
19 was the team members assessing the
20 various ---?

21 A. I don't know what order it was
22 when I went through the curtain, but
23 I remember opening the curtain up,
24 and actually there were detectors
25 going off, there was people --- you

0026

1 could hear people talking loud. I
2 could hear Mr. McCloy breathing, that
3 loud breath. I think I may have
4 stood there for a second or two, I
5 don't know. But I remember as soon
6 as I looked in, I started looking to
7 my left, and I can see the victims,
8 and then I scanned on around, and I
9 could see the rest of the victims,
10 and then I automatically --- I
11 started going to them. Some of them
12 I physically touched, some of them I
13 did not, because it appeared to me
14 --- it was obvious from what I was
15 seeing that they were deceased.

16 There was, I think three guys
17 preparing Mr. McCloy on a stretcher.
18 I could see that they were doing
19 that. So we were --- and I don't
20 know who all did it, but I know I
21 did. I went to at least four or five
22 of them trying to holler at them,
23 tell them to wake up. I even put my
24 hands on them, shaking them. Some of
25 them I did not do that way. I

0027

1 remember that they took time to place
2 curtain on the mine floor for them to
3 sit on, that they had fixed
4 theirselves --- what we coal miners a
5 bed to sit on. You know, coal miners
6 just don't sit on the mine floor,

7 they always lay something out. And
8 that's one of the things that stuck
9 out in my mind is, they had done
10 that.

11 The victims that --- like I
12 said, some of them I did physically
13 --- I didn't do an assessment as far
14 as for a pulse. What I done was I
15 touched them and I shook them, trying
16 to get some kind of a response, and I
17 didn't get any.

18 Q. You mentioned that you seen
19 --- you remember seeing three people
20 preparing McCloy?

21 A. Yes, sir.

22 Q. Did other people then assist
23 with that, you know, --- can you
24 recall?

25 A. I can't remember who done

0028

1 what. I just --- I know what I done.
2 You know, I've had people ask me what
3 was in the --- I can't remember what
4 was in the barricade, or even behind
5 the curtain. I don't know what the
6 other guys done. I'm sure they did,
7 I think we all did. I'm pretty sure
8 we did. I'm thinking there was
9 probably somebody that went behind me
10 and done the same thing I just done.

11 You know, I talked to Bill
12 Tucker. One of the ways I've dealt
13 with this was to talk about it. And
14 I remember talking to Bill, and he
15 said --- and Bill's a good friend of
16 mine, and Bill said, well, don't you
17 remember me telling you --- because
18 he said I was over one of the
19 victims, I was just standing there
20 hollering for them to get up. But
21 I'm sure we all did.

22 And once they got Mr. McCloy
23 ready to exit the mine, we stopped
24 and we done a fast, fast walk from
25 the curtained area back to the end of

0029

1 the track, and I think that's
2 probably at stopping --- it's in the
3 40s. Once we got him to that area
4 where the atmosphere was safe enough,
5 we took the rescuer off of him, and
6 put a BG-4 positive pressure
7 apparatus on him, and then proceeded
8 to the mantrip with him. That's the
9 only time we stopped with Mr. McCloy
10 once we left the face. And it's the
11 hardest I've been in my life, was

12 that trip from that barricade area
13 back to the end of the track. I
14 honestly thought I was going to have
15 a heart attack.
16 I don't know --- but anyway,
17 once we got him loaded on the
18 mantrip, I don't know how I ended up
19 in the mantrip, but I did. And I
20 don't know why I was on it, but I
21 did. I ended up in the backend of
22 the mantrip, and I remember one of
23 the other --- some other mine rescue
24 team member --- I can remember saying
25 something about him being a paramedic

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1 or an EMT or something. I know that
2 Jeff Bennett, one of my co-workers
3 was in the front with Mr. McCloy, and
4 another mine rescue team member, who
5 was a --- I know he was an EMT or
6 paramedic, I don't know which. And I
7 can remember the one gentleman in the
8 back, and I still to this day don't
9 know who he was, but I can remember a
10 couple times him looking at me, sir,
11 are you okay? Because I guess I ---
12 actually, I don't know how I ended up
13 in the manbus, but once we started
14 out and we're on our way out with
15 him, and --- we're getting close to
16 the surface, and then run into a
17 motor coming in with a supply car,
18 and there's all kinds of people on
19 it.

20 Well, they're blocking us from
21 getting to the outside, and it just
22 so happened we kind of met at a
23 switching spot. Well, we had to
24 switch the manbus out, because their
25 motor supply car wouldn't clear. And

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1 we were kind of upset with them,
2 because they're in our way, we got an
3 injured person, we need to get him to
4 outside. There was a lot of
5 hollering, and ---. Finally, we get
6 it switched out, and as they're going
7 by, I don't know if it was me or
8 somebody, hollered and said, you
9 know, is there a doctor on there,
10 we've got an injured person. And one
11 guy got off the motor, I don't know
12 who he was. And he came over, and
13 we're still in the switch, and he
14 came over and said, you know, I'm a
15 doctor, and --- we said, well, we got
16 an injured person here, we need to

17 get him outside. And he came around
18 on the back side of where there
19 wasn't --- where he couldn't enter
20 into the trip, and he kind of leans
21 up on the trip and he's just talking
22 to us.

23 And I don't know, we stayed
24 there a minute or two. This doctor
25 never did reach inside the mantrip

0032

1 and make contact with Mr. McCloy. We
2 get him on outside. We take --- we
3 took --- we go on out, and we're not
4 too far from the doors, so what I do,
5 instead of getting back in the
6 mantrip, I just --- maybe we are ---
7 now wait a minute. I get back in the
8 trip and we get up there to where the
9 airlock doors are, and we thought,
10 well, surely they're going to have
11 the doors open for us, they know
12 we're coming, they'll be waiting on
13 us. Well, they didn't. So I jump
14 out of the mantrip, I run ahead of
15 the mantrip, because we don't want to
16 stop with him, and I swing the doors
17 open, and the guy that was in the
18 back with me, falls in behind the
19 trip, and he closes them so we could
20 keep moving.

21 And once we get through the
22 doors, then I ride on top with the
23 operator of the ride. We get to the
24 surface --- and I'm probably
25 exaggerating. It looked like a

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1 hundred people standing around, but
2 all --- I remember all these people
3 standing around and this line of
4 ambulances. When we pull out there,
5 nobody makes a move to come toward
6 us. And so I jump off the trip and I
7 say, hey, we've got an injured miner
8 here. We need help. Then they came
9 over, and they help us get him into
10 an ambulance. And then they leave,
11 and ---. I don't know where I went
12 for a little while. I don't know
13 what I did. But later on I ended up
14 back in my Jeep, the State vehicle.
15 I don't know how many cigarettes I
16 smoked, I smoked several, and then I
17 ended up in our mine rescue truck
18 with Mike and the other team members.
19 That's where we ended up at.
20 Q. Okay. I guess I got a few
21 follow-up questions to just go over

22 with you then, you know, for
23 clarification. When you said you
24 were in the fresh air base, and you
25 heard from the --- I guess the hard

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1 line, the statement come out from the
2 hard line that they had --- they were
3 all alive, or how did you put that?
4 A. No, it came through --- that
5 statement came from the --- somebody
6 inby in the exploration. It was
7 being relayed through different
8 folks. No, it didn't come over the
9 hard line.

10 Q. Okay. And I guess the hard
11 line I'm thinking of would be the
12 mine rescue line that my
13 understanding was laid from the fresh
14 air base to the Two Left track, a
15 couple breaks inby?

16 A. No, it wasn't that. It was a
17 radio.

18 Q. It was a radio?

19 A. Yes.

20 Q. Okay. And what was the
21 statement you all heard there?

22 A. I heard --- this is what I
23 heard, is we found them alive.
24 That's what I heard.

25 Q. Okay.

0035

1 A. That's what the guy relayed.
2 That's what he said.

3 Q. Okay.

4 A. He relayed it to the other guy
5 who was calling --- going to make the
6 call outside.

7 Q. Okay.

8 A. And we're all excited. I
9 mean, it's a good thing. And then,
10 like I said, within a matter of a
11 minute or two minutes, the excitement
12 goes in, let's hurry up, we need
13 help.

14 Q. Okay. Then you all
15 immediately --- did you all request
16 then to go assist them from the
17 command center?

18 A. I don't think we did. We know
19 what we need to do, and we done it.

20 Q. Okay.

21 A. We donned our apparatuses in
22 the fresh air base, and we --- like I
23 said, took a fast walk if not run all
24 the way to the face.

25 Q. Okay. I guess coming ---

0036

1 coming out of the --- your way back,
2 you came back to the Two Left switch
3 again, and that's where you said you
4 were ready to have the big one, you
5 thought, if I remember correctly.
6 A. No, I was all the way down to
7 break 43, where we had the mantrip
8 parked. We didn't take our
9 apparatuses off until we got ---
10 Q. To break 43.
11 A. --- when we knew we was in
12 fresh air.
13 Q. Okay. At any time between
14 there, did you all stop with ---?
15 A. No, sir.
16 Q. When did Mr. McCloy get an
17 apparatus on him at any time, a BG-4
18 or anything?
19 A. En route?
20 Q. Yes.
21 A. Not until we got him to fresh
22 air.
23 Q. And where was that then?
24 A. If I'm --- I think we done it,
25 it was out of the --- it would be

0037

1 down --- they had had a curtain
2 across break --- I think it's break
3 43. And then right on the other
4 side, that's where we broke the
5 rails. I forgot to tell you about
6 that. When we first went in that
7 night, the second night, we had to
8 stop and break the rails and unload
9 supplies.
10 There's mantrips there, and I
11 think that is where we stopped, you
12 know. I may be wrong, but I thought
13 that's where we stopped at with him.
14 Q. Okay.
15 A. But no, we never did, as I
16 remember, because trust me, I thought
17 we was going --- I was afraid we was
18 going to drop him, that's how tired I
19 was. And all the other guys were.
20 Q. I imagine.
21 A. It took six to carry, one to
22 hold the rescuer off of him. We
23 didn't want it laying on him. And
24 plus the --- and I think the captain
25 of the Consol team is the one that

0038

1 kept the mouthpiece in his mouth,
2 because it kept falling out to where
3 he had stiffened up a little bit, he
4 wasn't getting --- so you had to kind
5 of hold it in there. But I don't

6 remember stopping him at all until we
7 got down to where we put a BG-4 on
8 him. And I'm quite sure. I think
9 that was in fresh air. I would
10 almost imagine it was. I don't think
11 we'd stop anywhere else and put it on
12 him.

13 Q. Okay. And if I recall then,
14 once you all got Mr. McCloy in the
15 mantrip, you said you ended up in the
16 back of the mantrip, and he was in
17 the front?

18 A. Yes, sir.

19 Q. And you proceeded out, and you
20 went to the track and had to make a
21 switch out, or had to switch?

22 A. Yes, sir.

23 Q. And then you got out of the
24 trip, did I hear you correctly,
25 after ---?

0039

1 A. When we switched out?

2 Q. Yes.

3 A. Yes, sir. I got out and
4 hollered if there was --- was there a
5 doctor on that motor. They was ---
6 they had like a track motor, battery
7 motor with a supply cart pushing in
8 the mines, and there was all kinds of
9 individuals on that. I didn't know
10 what they were doing. We didn't make
11 any statement to them while they were
12 all rushing in the mines. I didn't
13 know that they didn't know that the
14 others were deceased. We didn't say
15 nothing to them about that, we just
16 told them we have one, and we needed
17 assistance, if there was a doctor
18 there.

19 And that's when --- like I
20 said, the one gentleman came over. I
21 don't know that he could even see him
22 the way Mr. McCloy was laying in the
23 front end of the mantrip with the one
24 individual on the front of him, and
25 then Jeff Bennett, one of our team

0040

1 members from the state was kind of
2 leaned over and pulled an apparatus
3 off of him so it wouldn't lay on him.
4 I don't know if this doctor even
5 could actually see. I don't know.
6 But I know he did not --- he did not
7 reach inside that trip and do any
8 type of hands-on treatment to Mr.
9 McCloy.

10 Q. I guess when you got out of

11 the trip and then proceeded alongside
12 the trip, then went to the front end
13 of it, and asked about the doctor,
14 was there any doctors there?

15 A. At the switch?

16 Q. Yes.

17 A. Yeah, there's one individual
18 that got off the motor and came over
19 and said he was a doctor. And he
20 didn't come around to the side where
21 you enter into the end of the ride,
22 he came around to the off side where
23 there's no way you can get in.
24 There's a little opening that he
25 could possibly see in. I don't know

0041

1 if he could see or not. And then we
2 wasn't there but a minute or two and
3 we left, because we told them, we
4 need to get him outside. And that's
5 when we proceeded on out. We got to
6 the airlock doors, I got back out of
7 the ride, I opened them and then kept
8 the ride moving. I never did stop
9 with him until we got to the surface.

10 MR. STOLTZ:

11 Mike, do you got some
12 questions?

13 BY MR. RUTLEDGE:

14 Q. Eugene, you said on the way
15 into --- after they called for help
16 and you were on your way to the face
17 of Two Left, and you come up on the
18 mantrip that was sitting up on Two
19 Left and that you noticed some
20 rescuers on there.

21 A. One.

22 Q. Okay.

23 A. We actually picked it up and
24 took it with us.

25 Q. Okay. That was my question.

0042

1 Did you pick that up ---

2 A. Yes, sir.

3 Q. --- and take that with you? I
4 realize this may sound a little odd,
5 but in carrying Mr. McCloy out, did
6 you notice what kind of boots he had
7 on?

8 A. No. I'm going to tell you,
9 the only thing --- carrying Mr.
10 McCloy out, I was on the right-hand
11 side in the back, close to his head.
12 And what I was doing, and we all were
13 doing it, we were talking to him all
14 the way out. Hang in there, we're
15 going to get you out. And I put

16 myself, my eyes on his hand, and I
17 noticed he had a wedding band on, and
18 I'm thinking about this young man.
19 And I watch his hand all the way out
20 to see if he moved any, and that's
21 what I did. I was watching to see if
22 I could see any movements. But I did
23 notice his wedding band on his hand.
24 He never did move his hand that I
25 could see.

0043

1 And at one point when --- and
2 we did switch out some, as far as
3 we'd scream out, I can't --- you
4 know, I need help, I need somebody to
5 take my place, and we kept doing
6 that. I ended up on the backend on
7 the left-hand side, because I'm left-
8 handed, it's easier for me to carry
9 with my left hand. At some point I
10 ended up on the left-hand side in the
11 back of his head. I never did notice
12 anything about his face.

13 Q. So he was being carried out
14 feet first?

15 A. No. Yeah. Yeah, he was.

16 Q. Okay. Because you said ---

17 A. Yes, sir, he was.

18 Q. --- back of his head.

19 A. His feet was in the front. I
20 was at his head, because I was --- as
21 a matter of fact, the captain of the
22 Consol team was in between. He never
23 did change his position, because
24 basically what he was doing was just
25 holding the mouthpiece in and the

0044

1 rescuers. He wasn't having the load
2 that we were carrying. Yeah, his
3 head was --- I was at the back of his
4 head. He was going out feet first.

5 Q. And you couldn't say if he had
6 on ---

7 A. I can't ---.

8 Q. --- rubber boots, leather
9 boots or any boots?

10 A. No. I can't tell you --- no,
11 I can't. I don't even know --- I
12 don't think they had a blanket on
13 him, but I could remember his hands
14 as plain as day and his wedding band
15 on his left hand.

16 Q. You don't know what happened
17 to that self-rescuer that you picked
18 up on the way in, do you?

19 A. I have no idea. It was took
20 to the curtain. What happened then

21 there, I don't know.

22 MR. RUTLEDGE:

23 That's all I have.

24 BY MR. STOLTZ:

25 Q. Well, I'm going to diverge and

0045

1 just ask you a couple other quick
2 questions, maybe only one. Did you
3 happen to, at any time, ever inspect
4 the old seals at the Two --- in the
5 Sago Mine? When I say old seals, I'm
6 referring to the old Second Left
7 seals, the seals that blew out, prior
8 to the accident.

9 A. January 6th --- January the
10 2nd, 2006 was the first time I had
11 ever been in that mine.

12 Q. Okay. That's out of your
13 district, I guess.

14 A. It's out of my area, yes, sir.

15 MR. RUTLEDGE:

16 Okay.

17 BY MR. WILSON:

18 Q. Just one question. When you
19 were at the fresh air base and you
20 heard that communication come across,
21 we found them alive, you don't know
22 the individual who made that
23 statement to him?

24 A. I have no idea.

25 MR. STOLTZ:

0046

1 Okay. Do you have any
2 additional --- or anything
3 else that you'd like to say
4 that might be relevant to this
5 investigation?

6 A. No, I think I've ---.

7 MR. STOLTZ:

8 Okay. On behalf of
9 MSHA, I want to thank you for
10 appearing and answering
11 questions today. Your
12 cooperation is very important
13 to the investigation as we
14 work to determine the cause of
15 the accident.

16 We ask that you not
17 discuss your testimony with
18 any person who may have
19 already been interviewed or
20 who may be interviewed in the
21 near future. This will ensure
22 that we obtain everyone's
23 independent recollection of
24 events surrounding the
25 accident. After questioning

0047

1 other witnesses we may call
2 you if we have any follow-up
3 questions that we feel that we
4 may need to be --- to ask you.
5 If at any time you have
6 any --- have additional
7 information regarding the
8 accident that you would like
9 to provide to us, please
10 contact us at the contact
11 information that will be
12 provided to you.
13 Again, I want to thank
14 you for your cooperation in
15 this matter.

16 * * * * *
17 SWORN STATEMENT CONCLUDED
18 AT 3:37 P.M.
19 * * * * *

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