

0001

1 CONTINUED STATEMENT UNDER OATH  
2 OF  
3 SETH OSBORNE  
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 Mine Safety and  
10 Health Administration Building, 818-D  
11 Arbuckle Road, Summersville, West  
12 Virginia, on Tuesday, March 28, 2006,  
13 at 6:09 p.m.  
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0002

1 A P P E A R A N C E S  
2

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0003

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

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P R O C E E D I N G S

1  
2 -----  
3 MR. UROSEK:  
4 My name is John Urosek.  
5 I'm a mining engineer with the  
6 Mine Safety and Health  
7 Administration, an agency of  
8 the United States Department  
9 of Labor. With me is Robert  
10 Wilson and Tim Williams of  
11 MSHA, and also of the State we  
12 have Mike Rutledge and Dave  
13 Stuart.  
14 This interview is being  
15 conducted as part of the  
16 investigation being conducted  
17 by MSHA and the West Virginia  
18 Office of Miners' Health,  
19 Safety & Training into the  
20 events surrounding the  
21 explosion accident that  
22 occurred at the Sago Mine  
23 owned by International Coal  
24 Group on January 2nd, 2006.  
25 This interview is being

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1 conducted pursuant to section  
2 103(a) of the Federal Mine  
3 Safety & Health Act of 1977.  
4 This interview of Mr.  
5 Seth Osborne is a continuation  
6 of an interview that was held  
7 on February 23rd, 2006. We  
8 are reconvening this interview  
9 for the purpose of asking Mr.  
10 Osborne additional questions.  
11 This interview is being  
12 conducted at the MSHA

13 Summersville field office in  
14 Summersville, West Virginia on  
15 March 28th, 2006 at about 6:00  
16 p.m.

17 The questioning will be  
18 conducted in the same manner  
19 as the previous interview was  
20 conducted. As before, you are  
21 permitted to have a  
22 representative with you during  
23 this interview, and you may  
24 consult your representative at  
25 any time. You may designate

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1 any person to be your  
2 representative.  
3 And the court reporter  
4 will record your interview and  
5 later produce a written  
6 transcript of your interview.  
7 And your representative is?

8 MR. OSBORNE:  
9 My mom, Louise Osborne.

10 MR. UROSEK:  
11 Okay. And Mike, is  
12 there --- do you have an  
13 opening statement?

14 MR. RUTLEDGE:  
15 Seth, I don't know  
16 whether you were advised  
17 before, but just for the ---  
18 the Office of Miners' Health,  
19 Safety & Training, is  
20 conducting this interview  
21 session jointly with MSHA, we  
22 are in agreement with the  
23 procedures that's been  
24 outlined by Mr. Urosek for the  
25 interviews that we'll do here

0009

1 today.  
2 However, the Director  
3 of the Office of Miners'  
4 Health, Safety & Training  
5 reserves the right, if  
6 necessary, to call or subpoena  
7 witnesses or to require the  
8 production of any record,  
9 document, photograph or other  
10 relevant materials necessary  
11 to conduct this investigation.  
12 We appreciate you being  
13 here. We thank you for taking  
14 the time to come out here and  
15 talk to us and give us what  
16 information you can. If you  
17 have any questions from the

18 State's side of the interviews  
19 or part of investigation, you  
20 could use that contact  
21 information there. And thanks  
22 for being here.

23 MR. UROSEK:

24 Do you have any  
25 questions regarding the manner

0010

1 in which this interview will  
2 be conducted?

3 MR. OSBORNE:

4 No, sir.

5 MR. UROSEK:

6 Okay. If you'd swear  
7 in Mr. Osborne.

8 -----

9 SETH OSBORNE, HAVING FIRST BEEN DULY  
10 SWORN, TESTIFIED AS FOLLOWS:

11 -----

12 BY MR. UROSEK:

13 Q. For the record, could you just  
14 state your full name?

15 A. Seth Monroe Osborne.

16 Q. Is your address and phone  
17 number the same as it was during the  
18 interview in February?

19 A. Yes, sir.

20 Q. And are you appearing here  
21 today voluntarily?

22 A. Yes, sir.

23 Q. And can I call you Seth?

24 A. Yes, sir.

25 Q. And I'm John.

0011

1 A. Okay.

2 Q. And if you ever need a break  
3 or anything during the interview,  
4 just let us know.

5 A. Okay.

6 Q. And as we mentioned earlier,  
7 the purpose really, of this  
8 discussion today is to learn some  
9 more about the seals and the seal  
10 construction. So we're going to  
11 focus in on a few different areas and  
12 try not to repeat some of the  
13 questions we had, but try to get in  
14 as much depth as we can, and we hope  
15 that you can remember as much as you  
16 can about it for us.

17 So the last time we talked, we  
18 did discuss the old Two main Left  
19 seals.

20 A. Yes, sir.

21 Q. And I think you told us at the  
22 time, on how many of the seals you

23 did help construct, but could you go  
24 over it again for us?

25 A. I was in entries Two, Three,

0012

1 Four, Five, Six, Seven and Eight.

2 Q. So you helped with most of the  
3 seals then that were constructed?

4 A. Yes.

5 Q. Was the construction method  
6 the same on all the seals?

7 A. Yeah, for the most part.

8 Q. For the most part. When the  
9 blocks were brought up to the seals,  
10 were they brought up for each  
11 individual seal, all the blocks to  
12 build that seal at one time, or did  
13 they bring some at a time and then  
14 bring some more later?

15 A. Yeah, because we'd use those  
16 blocks up, and then they'd bring us  
17 up some more.

18 Q. When they brought them up,  
19 were they wrapped in plastic?

20 A. Yes, sir.

21 Q. And what would you do with the  
22 ones in the plastic? Would you cut  
23 the plastic off, or ---?

24 A. Yes.

25 Q. Did you notice anything about

0013

1 the blocks, you know, when you first  
2 cut them off? Were they a grayer  
3 color than the ones that might not  
4 have been in plastic, or --- is there  
5 anything you remember about the  
6 blocks at all?

7 A. I can't remember exactly.

8 Q. Okay. So the color, whether  
9 they were damp --- did they feel damp  
10 to you as you remember?

11 A. I don't remember.

12 Q. Okay. Was there ever a case  
13 that some of the blocks that they  
14 brought up weren't in the plastic?

15 A. From what I remember, they all  
16 were in plastic.

17 Q. Okay. And in building the  
18 seals, I know that maybe there was a  
19 time that you didn't get them all  
20 completed in a day?

21 A. Uh-uh (no).

22 Q. You may have left the blocks  
23 overnight that were there and come  
24 back the next day to rebuild them.

25 A. Uh-huh (yes).

0014

1 Q. Did you ever notice anything

2 different about the blocks that had  
3 sit overnight that might not have  
4 been in plastic? Were they a  
5 different color, or maybe more with  
6 kind of a dry material on them on the  
7 outside, or ---?  
8 A. I don't remember.  
9 Q. You don't remember?  
10 A. No.  
11 Q. Okay. When you were building  
12 these seals, did you ever notice that  
13 the blocks were a little bit  
14 different size, some of them a little  
15 bit bigger than others?  
16 A. It seems like I remember  
17 something about that.  
18 Q. For example, maybe when you  
19 were putting a row together, that one  
20 was kind of sticking up more than the  
21 other ones, or maybe you had to fill  
22 in or something?  
23 A. I don't remember nothing like  
24 that. There's something I forgot.  
25 Yeah, they brought us in, I think,

0015

1 some smaller block when we were  
2 getting close to the top, because we  
3 were cutting some of them in half, so  
4 they just brought us in smaller block  
5 so we wouldn't have to cut them, but  
6 that's all I remember.  
7 Q. Okay. That's fine. When you  
8 were handling the blocks for the  
9 different seals at the different  
10 times they'd come in, did you ever  
11 notice that some of the blocks might  
12 have been harder than some of the  
13 other ones?  
14 A. I wouldn't really know that.  
15 Q. How about heavier? Did you  
16 ever notice that some of them might  
17 have been a little --- seemed like  
18 they were a little heavier than the  
19 other ones?  
20 A. All I did, pretty much mix the  
21 mud, so ---. I didn't really handle  
22 much of the blocks.  
23 Q. Okay. Well, let's see what  
24 you can --- you can help us out on  
25 the actual construction methods.

0016

1 When you first started, okay, before  
2 you did anything, did someone mark  
3 for you exactly where you were going  
4 to put the seal?  
5 A. Yeah.  
6 Q. How did they do that? Did

7       they do it with a string, or with  
8       paint, or ---?  
9       A. I think they marked a few of  
10       them with paint.  
11       Q. With paint? Now, would they  
12       paint along the roof ribs and floor,  
13       or just on the ribs?  
14       A. Just put kind of a mark there  
15       on the rib where --- pretty much  
16       where it needed to go.  
17       Q. Along the rib?  
18       A. Yeah.  
19       Q. Okay. And after they marked  
20       it, or maybe even before they marked  
21       it, when would they have cleaned the  
22       area before they started the seal?  
23       Would they have done it before they  
24       marked it, do you remember?  
25       A. We did it, I guess, after.  
0017  
1       Q. After? So the area's now nice  
2       and clean, you took all the loose  
3       material off?  
4       A. We cleaned up the bottom.  
5       Q. Cleaned up the bottom. And  
6       how did you do that?  
7       A. I shoveled, hammered, block  
8       hammer.  
9       Q. Did you try --- were there  
10       ruts in the bottom?  
11       A. Uh-huh (yes).  
12       Q. And what did you do --- I  
13       mean, did you try to shovel those  
14       away, or ---?  
15       A. No. We shoveled them out,  
16       filled them in with some block --- or  
17       the mortar, or whatever you want to  
18       call it.  
19       Q. The BlocBond?  
20       A. Yes.  
21       Q. Okay. So let's start with  
22       that. After you cleaned the area  
23       off, okay, and you --- would you  
24       clean the whole --- the entire area  
25       off at the bottom where the seal  
0018  
1       would be?  
2       A. Yes.  
3       Q. Okay. And now you're going to  
4       put the dry --- or the BlocBond. Was  
5       it dry when you put it down?  
6       A. Yes, sir.  
7       Q. And would you do it the entire  
8       way across the seal, or would you do  
9       it a little bit at a time? How would  
10       you do that?  
11       A. From what I remember, we just



12 went all the way across to try to  
13 level it up.  
14 Q. So would you make it --- about  
15 how --- would it be as wide as the  
16 seal, the area that you leveled off?  
17 A. Yeah.  
18 Q. So it would be about --- a  
19 little over 40 inches wide, I guess?  
20 A. I think that's the measurement  
21 of it, yeah. Somewhere like that. I  
22 know it went from --- it was width of  
23 the seal.  
24 Q. Okay. And you would just dump  
25 the dry mortar on the ground in like  
0019  
1 a pile and spread it out, or how  
2 would you do that?  
3 A. Well, we put it down on the  
4 ground and smooth it out.  
5 Q. And what would you that, with  
6 your hands, or ---?  
7 A. Yeah.  
8 Q. Do you remember about how many  
9 bags you would put down when you did  
10 that?  
11 A. Just whatever we needed.  
12 Q. I mean, maybe as few as two or  
13 three, or 10 bags or 20 bags, any  
14 rough ideas on ---?  
15 A. I don't remember.  
16 Q. You can't remember that?  
17 A. No.  
18 Q. Do you remember how thick it  
19 would have been? In other words,  
20 were there places that it might have  
21 been maybe a half inch or a quarter  
22 inch, maybe places that were a couple  
23 inches, or ---?  
24 A. Yeah, I mean, pretty much what  
25 we used it for was to level it up.  
0020  
1 So I mean --- try to get a solid end  
2 that's all the way across, something  
3 like that. I know we just used it  
4 for leveling.  
5 Q. Okay. So before you did  
6 anything else, you put the mortar and  
7 you spread it across the entire  
8 bottom; is that right?  
9 A. Yeah.  
10 Q. Now, did you level it with a  
11 level, or you just kind of eyeballed  
12 it?  
13 A. Eyeball it.  
14 Q. Eyeball it. So now I have  
15 this nice --- the material down.  
16 Now, did it --- before you started

17 putting any blocks down, did it get  
18 damp at all, or did --- or was it  
19 still like dry looking; do you  
20 remember?  
21 A. What, when we laid block on  
22 it?  
23 Q. Well, before you put any block  
24 down, right, because I understand ---  
25 make sure I get the sequence right,

0021  
1 because this was really important to  
2 us. So you cleaned the area, and  
3 then you put the mortar down where  
4 the seal was going to go and you  
5 leveled that off; is that the first  
6 thing?

7 A. I don't remember. I just ---.

8 Q. Okay. As long as --- we just  
9 need the best you can remember.

10 OFF RECORD DISCUSSION

11 A. All I remember is just  
12 throwing some block on there.

13 BY MR. UROSEK:

14 Q. Okay. Well, let's go to when  
15 you started the block. Okay. Now,  
16 how would you do that? Where would  
17 you start putting your block down?  
18 Would it be in the middle, or on one  
19 side or the other?

20 A. You go from one rib to  
21 another.

22 Q. One rib to the other?

23 A. Uh-huh (yes).

24 Q. So you'd start on one side,  
25 and you'd --- would you put --- you

0022  
1 know, there's two courses of blocks;  
2 right? One in the front ---  
3 A. Right.  
4 Q. --- and one in the other  
5 direction.  
6 A. Right.  
7 Q. Would you put one course all  
8 the way across first and then come  
9 back and put the second, or would you  
10 just work your way across?  
11 A. No, I don't know that. Like I  
12 said, I was mixing mud while they  
13 were doing that, so ---.  
14 Q. Okay. On that first row, you  
15 know, it's --- you have the dry  
16 mortar and you have the blocks. And  
17 when they'd go to put them in place,  
18 the first row, would they put mortar  
19 on the block as they put each block  
20 down, or would they lay the blocks  
21 and then put the mortar down?

22 A. I don't know. All I can tell  
23 you is the ones I laid ---.  
24 Q. Okay. Well, I mean, if you  
25 can --- whatever you remember.

0023

1 A. The ones I laid, I put some on  
2 the side, made sure some on the block  
3 under it and lay it, so ---.  
4 Q. On the first row, or was that  
5 on ---?  
6 A. I didn't start the first tray.  
7 I was started --- I was too busy  
8 mixing ---.  
9 Q. Mixing the mud?  
10 A. Yeah.  
11 Q. Okay. So that's a pretty ---  
12 that job keeps you pretty busy from  
13 what we've learned?  
14 A. Oh, yeah.  
15 Q. And in that mixing that, when  
16 --- the mixture of the mud itself,  
17 can you explain what the texture  
18 would be like that you tried to keep  
19 for it?  
20 A. It wasn't runny, but it --- I  
21 mean, it wasn't thick either. It was  
22 medium grade, you know.  
23 Q. Uh-huh (yes).  
24 A. I don't know what to describe  
25 it as.

0024

1 Q. Kind of a cement-like finish,  
2 like if you were pouring cement  
3 outside or something?  
4 A. I --- more of your mortar,  
5 like if you're laying brick.  
6 Q. Thicker. A little thicker  
7 than that?  
8 A. Yeah.  
9 Q. Okay. When --- I know you  
10 don't remember the first course, but  
11 I'm trying to think, you know, the  
12 way you were making the mortar, when  
13 they would start really using it  
14 more. For example, would they move  
15 the block to try and get the mortar  
16 down in the joints and use more  
17 mortar that way? Do you remember how  
18 they were actually trying to get the  
19 mortar on the joints?  
20 A. I don't know. I mean, I've  
21 seen a few of them, you know, just  
22 rub it across there, and it would  
23 drop down in there, and they'd rub  
24 some more on it, you know.  
25 Q. Do you remember the gaps that

0025

1 would be in between the blocks? I  
2 mean, was it, I mean, pretty big that  
3 you could get the mortar in, or was  
4 it pretty small and kind of hard to  
5 get the mortar in? Maybe you'll have  
6 to make the mortar maybe even a  
7 little thinner to get it in there or  
8 something?  
9 A. I don't know.  
10 Q. You don't remember?  
11 A. I don't know, I just seen a  
12 few of them just --- you know, I  
13 could see, you know, where it would  
14 fall down in there.  
15 Q. Uh-huh (yes).  
16 A. You know, you have a gap, it  
17 would fall down in there, you know.  
18 That's just what I've seen.  
19 Q. Well, that's --- you're doing  
20 good giving us what you can for us.  
21 We appreciate that. When they put  
22 the rows down, can you remember --- I  
23 think you said they would put an  
24 entire row across, and you know how  
25 sometimes when you lay blocks you

0026

1 start the second row while the first  
2 row's already down. Would they go  
3 all the way across before they  
4 started the second row, or would  
5 they, you know, have the first row  
6 started like halfway and then start  
7 at the second one? Do you remember  
8 --- can you remember any of that for  
9 us?  
10 A. Yeah, I seen them do it a few  
11 times like that.  
12 Q. Okay. So they might have  
13 actually two rows going at a time?  
14 A. Yeah.  
15 Q. On the edges, you know, where  
16 the blocks met the rib, there might  
17 be a bigger gap there. Do you know  
18 what they would fill that in with if  
19 they filled it in with anything?  
20 A. They usually told me to mix  
21 some thicker mud and put it down in  
22 there.  
23 Q. And fill it up with mud from  
24 that?  
25 A. Yeah.

0027

1 Q. The blocks, when they were  
2 putting them across, did they fit the  
3 entire entry, or did someone have to  
4 cut them?  
5 A. We had to cut some of them.

6 Q. Okay. And would you help them  
7 cut those sometimes?  
8 A. I cut a few if I had time.  
9 Q. And would you use like a hand  
10 saw, or ---?  
11 A. Yeah. We call it a buck saw.  
12 Q. A buck saw.  
13 A. I guess that's what you're  
14 talking about.  
15 Q. Okay. And when you put those  
16 across, or if you saw them put them  
17 across, would they lay the full  
18 blocks to the very end, and then put  
19 the piece of the block in the end, or  
20 how would they do that? Do you  
21 remember that at all?  
22 A. I don't know. They just told  
23 me what they need, and that's what I  
24 cut them, so ---.  
25 Q. Okay. So they said cut me  
0028  
1 one, what, six inches or something,  
2 and you'd cut six ---?  
3 A. Yeah, something like that.  
4 Q. Okay.  
5 A. If I could reach over and grab  
6 one and cut it.  
7 Q. Did you always cut it with a  
8 saw, or did you ever use an axe to  
9 cut those?  
10 A. No.  
11 Q. Did you cut them with a saw?  
12 A. Yeah.  
13 Q. Do they cut pretty easy?  
14 A. Some of them.  
15 Q. Some of them. Some of them  
16 are a little tougher?  
17 A. Yeah, sometimes.  
18 Q. Did you ever have to cut any  
19 --- like a wedge, where you had to  
20 cut at an angle, or maybe something  
21 to fit into the rib or something on  
22 those blocks?  
23 A. Yeah.  
24 Q. Okay. I know this is hard for  
25 you to remember, and I do appreciate  
0029  
1 you trying for us. When you were  
2 making like a row of blocks, if you  
3 were putting a row in, do you  
4 remember how much mud you would  
5 usually make for that? How were you  
6 making them, or what were you making  
7 it in?  
8 A. A wheelbarrow.  
9 Q. A wheelbarrow. And about how  
10 many bags would you put in there at a

11 time?  
12 A. I'd start off with one bag.  
13 Q. One bag.  
14 A. And usually I'd end up using  
15 two.  
16 Q. Okay.  
17 A. Throwing another one in there.  
18 Q. And about how far did that go?  
19 How many blocks would they get laid  
20 with that wheelbarrow filled?  
21 A. I don't know about that. I  
22 know it was about four buckets full.  
23 Q. Four buckets full?  
24 A. Yeah.  
25 Q. Okay. That's how much you'd  
0030  
1 get out of a wheelbarrow, is ---  
2 A. Yeah.  
3 Q. --- four buckets?  
4 A. Yeah.  
5 Q. And can you remember at all  
6 like on a row how many buckets they  
7 would use?  
8 A. I know the buckets were always  
9 coming in, so there was buckets  
10 always to fill up.  
11 Q. Okay. So you just had a tough  
12 time keeping up ---  
13 A. Uh-huh (yes).  
14 Q. --- up with the buckets?  
15 A. Yeah.  
16 Q. Okay. Do you remember  
17 anything different when they were  
18 putting each row up? In other words,  
19 from the first row to the second,  
20 third or fourth, some of them you  
21 could reach fairly easily.  
22 A. Uh-huh (yes).  
23 Q. But did they do anything  
24 different on that lower set, or the  
25 lower half of the seal when they put  
0031  
1 the blocks on? For example, did they  
2 always put the mortar on the joints,  
3 on the lower half, or did they just  
4 save that for the upper half? Do you  
5 remember any of that?  
6 A. I don't really know.  
7 Q. Okay. When they were putting  
8 the rows in, do you remember, did  
9 they coat the front of the block, or  
10 each row of blocks as they went, or  
11 did they coat those later?  
12 A. Like the face of them?  
13 Q. The face of them, yes.  
14 A. I don't know.  
15 Q. You don't remember?

16 A. Uh-uh (no).  
17 Q. Okay.  
18 A. I know I helped go back and  
19 put a second coat on them, but ---.  
20 Q. Well, when you did that, did  
21 you do that when the entire seal was  
22 completed, or ---?  
23 A. Yeah.  
24 Q. Oh, when it was completed, ---  
25 A. Yeah.

0032  
1 Q. --- you'd go back and put  
2 another coat on it?  
3 A. Uh-huh (yes).  
4 Q. Okay. And were there a lot of  
5 areas to fill in when you had to do  
6 that, or was ---?  
7 A. No, just small holes and  
8 stuff, but nothing too major.  
9 Q. Okay. And that just filled in  
10 pretty easily?  
11 A. Yeah.  
12 Q. How deep would some of those  
13 --- what would have been the --- like  
14 the deepest you had to put in in some  
15 of those holes?  
16 A. Maybe a couple inches.  
17 Q. A couple inches?  
18 A. Yeah.  
19 Q. Okay. Would your crew ---  
20 normally how many guys would you have  
21 with you on a --- building a ---  
22 building one of those seals?  
23 A. I'd say about five or six.  
24 Q. It would be five to six?  
25 A. Yeah.

0033  
1 Q. Five or six of you there? So  
2 you would be mixing the mud, and what  
3 would there be --- where would the  
4 other folks be?  
5 A. Laying block, spreading mud.  
6 Q. Would they all be on the same  
7 side of the seal as you were, or  
8 would some of them be on the other  
9 side?  
10 A. No, we --- once it got so high  
11 a couple went on the other side.  
12 Q. Okay. And would you supply  
13 mud to both sides?  
14 A. Uh-huh (yes).  
15 Q. And what would they do, just  
16 hand it over the seal to the guys on  
17 the back side?  
18 A. Yeah, hand them buckets.  
19 Q. Just back and forth?  
20 A. Yeah.

21 Q. Okay. As they got --- as the  
22 rows went up, of course, when you got  
23 closer to the top now, and the guy  
24 --- you still had the guys on the  
25 other side?

0034

1 A. Right.

2 Q. How would you do the buckets,  
3 getting them back and forth? At some  
4 point when it gets so high, would the  
5 buckets --- how would you get them  
6 across? How would you do that?

7 A. Well, we had to --- we'd get  
8 it close to a corner as well as we  
9 could, leave no space, just keep  
10 passing buckets, and once we had to  
11 close that corner off, I'd mix as  
12 much mud as I could, fill up as many  
13 buckets as it would take to finish  
14 them off, and just pass them all over  
15 there, close up the hole.

16 Q. Okay. So let's see if I  
17 understand that. When you get to the  
18 last full row, you have the last full  
19 row, and now that you're going to put  
20 the top, the very top row on, did you  
21 have to cut that row sometimes to  
22 make it fit?

23 A. Uh-huh (yes).

24 Q. And how close to the roof  
25 would you actually cut that row?

0035

1 A. Well, if I remember, just  
2 enough to leave, you know, for the  
3 fly board and stuff.

4 Q. Okay. And would you have the  
5 next to the last row all the way  
6 across before they started that last  
7 row?

8 A. Say again.

9 Q. Well, you know, as you're  
10 building your seals up in the  
11 different rows, before you get to  
12 that final row, that's right up  
13 against the roof before the fly  
14 board, did you have the next to the  
15 last row the entire way across from  
16 rib to rib before you started that  
17 last one?

18 A. I don't remember. I just  
19 remember we just had enough room to  
20 pass them buckets back and forth.

21 Q. That's what I was thinking.  
22 Like, could it have been that maybe  
23 the ---?

24 A. I'd say it about --- it had to  
25 have been.



0036

1 Q. So there would have been some  
2 opening? You wouldn't have it  
3 completely filled?  
4 A. Right.  
5 Q. So you could get the buckets  
6 across?  
7 A. Right.  
8 Q. Do you remember how they would  
9 do it then? In other words, would  
10 you make the blocks for the top ---  
11 and how would you put those in? In  
12 other words, would somebody put them  
13 in from one side and somebody would  
14 be putting them in from the back  
15 side?  
16 A. Yeah.  
17 Q. And what --- would you be  
18 cutting them on the side that you're  
19 on, or how would you --- do you  
20 remember how they did that?  
21 A. They had some block on their  
22 side, too, so they just cut what they  
23 needed to fill that hole, you know.  
24 Q. So they would be cutting the  
25 blocks also?

0037

1 A. Right.  
2 Q. And they would be fitting them  
3 in at the top?  
4 A. Right.  
5 Q. So you would be putting the  
6 top, or they would be working the top  
7 row across until they got to the hole  
8 where you were putting mortar back  
9 and forth?  
10 A. Yeah.  
11 Q. And how would they do that  
12 then? They'd just put the --- can  
13 you explain how they would fill that  
14 hole at the end?  
15 A. Put --- cut your block to fit,  
16 cap it off, cover it up with mud.  
17 Q. Okay. So now I have --- I  
18 have my rows almost to the top.  
19 There's just enough gap at the top to  
20 put the fly board in?  
21 A. Uh-huh (yes).  
22 Q. And how would you put the ---  
23 how would they put the fly board in?  
24 Did you ever help them put the fly  
25 board in?

0038

1 A. Yeah.  
2 Q. Okay. Can you explain that  
3 the best you can for us, how you got  
4 it in there?

5 A. A man got in on each side and  
6 just shoved it up in there.  
7 Q. Okay. So how about the guys  
8 on the back of the seal, they would  
9 just put it up on top of that row?  
10 A. They would put a fly board on  
11 their side, too.  
12 Q. Okay.  
13 A. So they'd put theirs up ---  
14 we'd put one up, then we usually ---  
15 we had one for the middle, you know,  
16 they'd get it up there, put ours in.  
17 Q. Okay.  
18 A. Wedge that.  
19 Q. On the ones that you were  
20 putting in --- okay, yours would have  
21 been the one that's on the, I guess  
22 the ---  
23 A. The face.  
24 Q. --- the face side of it. And  
25 would that --- those boards were not

0039

1 as long as the entry?  
2 A. Right.  
3 Q. So how would --- where would  
4 you put them? In other words, would  
5 you cut other boards to fit, or how  
6 would you do that?  
7 A. Center it up. The ones I put  
8 up, we centered it up and filled it  
9 in with wedges, put them in.  
10 Q. So that gap on the edges where  
11 there was no wood, you would fill  
12 those with wedges?  
13 A. Yes.  
14 Q. Okay. The boards --- the edge  
15 board that you're working on, how did  
16 you put the wedges into that? Would  
17 you put them in the same direction as  
18 the board, or would you drive them  
19 into the board?  
20 A. No. We usually put them in  
21 the same direction as the board.  
22 Q. Okay. So when I looked at  
23 this before you put mud on it, would  
24 I see pretty much wedges continuously  
25 across the face of the board, across

0040

1 the top of the seal?  
2 A. Yeah.  
3 Q. How did you tighten those  
4 wedges up?  
5 A. A hammer.  
6 Q. Like a little claw hammer,  
7 or ---?  
8 A. A block hammer.  
9 Q. A block hammer. Those are

10 about a two-pound hammer? Do you  
11 know what those are?  
12 A. I know mine's ---.  
13 Q. About how long is it?  
14 A. Probably about that long. I  
15 think about an 18-ounce hammer.  
16 Q. About 18, okay. Okay. And  
17 you would drive those wedges in tight  
18 all the way across. And then on the  
19 ends you would just build those  
20 wedges in also, ---  
21 A. Right.  
22 Q. --- to fill the gap in? So it  
23 would be a solid board the whole way?  
24 A. Yeah.  
25 Q. Okay. Now, before you put the  
0041  
1 --- your end board on, the middle  
2 board, how would you get it in there?  
3 How did you get it back --- back into  
4 the seal?  
5 A. Shove it back in there.  
6 Q. You'd just shove it back in  
7 there? And how would you get back in  
8 there to --- because you got a small  
9 gap; right? How would you get back  
10 in to put wedges on that?  
11 A. I don't remember really  
12 putting any wedges on it.  
13 Q. Okay. And how about mortar on  
14 top of that. You know, you put the  
15 middle board in, how would you get  
16 mortar up in that little gap?  
17 A. I've seen some of it fling up,  
18 flung in there. It's pretty much how  
19 most of it was done, I guess.  
20 Q. Was it hard to do?  
21 A. I don't know. I didn't do  
22 that.  
23 Q. Okay. You just made the  
24 mortar for them to fling up in ---?  
25 A. Yeah. I'd set the boards for  
0042  
1 them and they'd do the rest.  
2 Q. Do the rest with that. Do you  
3 remember at all about how much mortar  
4 you would have had to make --- once  
5 they have the top row on and now  
6 they're going to put the boards in,  
7 did it take a lot of mortar ---  
8 A. Yeah.  
9 Q. --- to finish that top area?  
10 A. Yeah.  
11 Q. Do you have any recall how  
12 many wheelbarrows you might have made  
13 or buckets to do that?  
14 A. I'd say about two wheelbarrows

15 full.  
16 Q. Two wheelbarrows full?  
17 A. Yeah.  
18 Q. So it'd be about eight  
19 five-gallon buckets or so ---  
20 A. Yeah.  
21 Q. --- to do that? Okay. On  
22 that top row, did you ever have to  
23 cut the block in like a wedge to get  
24 them to fit up there or around any  
25 roof bolt or anything coming down  
0043  
1 from the roof to get that to fit?  
2 A. I don't know. I don't  
3 remember.  
4 Q. You don't remember? Okay.  
5 Going back to that first row again,  
6 when that was put down, did you use a  
7 level or anything to level that off,  
8 or you just kept building the rows  
9 up?  
10 A. Yeah, just kind of eyeballed  
11 it.  
12 Q. Okay. Eyeballed it especially  
13 on the first row, I mean, because  
14 that's the hardest one to kind of get  
15 it level.  
16 A. Right.  
17 Q. Did it take more mortar on  
18 that row to get it level? I mean,  
19 because some of the blocks might have  
20 been fitting the side of --- the way  
21 the mine floor was?  
22 A. Yeah. I was remembering now.  
23 It took a little bit more when they  
24 first started.  
25 Q. On the first row ---  
0044  
1 A. Yeah.  
2 Q. --- to get it right? Because  
3 the blocks would have not been  
4 sitting perfectly level on that first  
5 row, because the floors might not  
6 have been quite level, ---  
7 A. Right.  
8 Q. --- there might been some gaps  
9 in the blocks the way they were  
10 sitting, do you remember how they ---  
11 what they did there to try to --- did  
12 they do anything to try to get that  
13 mortar in there?  
14 A. I don't know. They might push  
15 more in, I don't know. I don't  
16 remember.  
17 Q. Okay. Against the rib when  
18 they had the gaps, do they ever put  
19 pieces of block in there to try and

20 fill some of that gap, you know,  
21 rather than just fill it the thicker  
22 mortar as you said?  
23 A. Yeah. I remember something  
24 about that.  
25 Q. Could they have used some  
0045 wedges in there maybe, to fill that?  
1 A. I don't remember. I remember  
2 using some kind of small block to  
3 fill in there, but ---.  
4 Q. Could it have been some of the  
5 pieces, maybe that you'd cut off?  
6 A. Yeah, cut off the Omega block.  
7 Q. Okay. When you were getting  
8 those Omega blocks off the pallets,  
9 were there any of them you just had  
10 to throw away because they were  
11 either busted or even with like  
12 cracks in them and things?  
13 A. Yes. Some of them would be  
14 busted up pretty bad, and we just  
15 throw them off the rib or something.  
16 Q. Okay. If you were to --- how  
17 about how many per pallet do you  
18 remember might have been bad? Was it  
19 one just one or two, or was it five  
20 or six, or ---?  
21 A. It was whoever was running the  
22 scoop.  
23 Q. Whoever run the scoop. So  
24 basically if they ran into something,  
0046 they were going to have more ---?  
1 A. Yeah.  
2 Q. Okay. When the boards were  
3 being installed against the roof,  
4 what board would be put in first? I  
5 realize you have a crew in the back  
6 and a crew in the front. Do you  
7 remember which one would have ---  
8 would the middle one have been put in  
9 first?  
10 A. Well, I mean, no, not really.  
11 I mean, usually as soon as we gave  
12 them one, so we'd wait for them to  
13 put theirs in, shove that one back in  
14 there.  
15 Q. You mean the middle one?  
16 Shove the middle one ---?  
17 A. Yeah.  
18 Q. After they put theirs all the  
19 way across, would they complete it?  
20 I mean, get it in and get it wedged,  
21 and then you'd put the middle one in?  
22 A. I don't know if they had it  
23 completed or not, but ---.  
24

25 Q. Okay. So they might still be  
0047  
1 working on it, then you'd start  
2 putting the middle one in?  
3 A. Uh-huh (yes).  
4 Q. Okay. And the mortar, would  
5 they throw mortar in from the back  
6 side also, or was it all coming in  
7 from the front side, do you remember?  
8 A. They might have. I don't  
9 know.  
10 Q. Okay. And the wedges that you  
11 were using, were you putting them on  
12 top of the board, or were you putting  
13 them between the board and the seal?  
14 A. Mostly between the top and the  
15 board.  
16 Q. Okay. And as you put those  
17 in, did you notice that it would kind  
18 of squeeze the top joint at all? Did  
19 you ever kind of notice mortar kind  
20 of coming out of there when you were  
21 doing that?  
22 A. I don't remember.  
23 Q. You don't remember? Okay.  
24 Were there any tools --- other than  
25 the hammer that you mentioned that  
0048  
1 you had and the saw, any other tools  
2 that you had during the construction  
3 of the seals?  
4 A. A wheelbarrow and hose.  
5 Q. Wheelbarrow and hose. Any  
6 kind of trowel or anything like that,  
7 was it done pretty much done with  
8 rubber gloves?  
9 A. Yes.  
10 Q. Do rubber gloves last very  
11 long?  
12 A. No.  
13 Q. Do you change those out quite  
14 a bit?  
15 A. Yeah. Once they start getting  
16 down in there, they weren't worth  
17 much.  
18 Q. Yeah. And the guys that were  
19 especially near the top of the  
20 seal ---  
21 A. Yeah.  
22 Q. --- were they getting a lot of  
23 mortar all over them ---  
24 A. Oh, yeah.  
25 Q. --- as they were kind of going  
0049  
1 on that?  
2 A. Yeah.  
3 Q. Okay. Did you have some way

4 to --- like, did you have a hose  
5 there or something to kind of wash  
6 all that off, or ---?  
7 A. Not really.  
8 Q. Okay. The area around the  
9 seals, was it --- do you remember  
10 seeing any water there?  
11 A. It was kind of mud, kind of  
12 muddy.  
13 Q. Kind of muddy?  
14 A. Yeah.  
15 Q. And did it stay that way the  
16 whole time you were building the  
17 seals?  
18 A. Pretty much.  
19 Q. Do you remember seeing any  
20 water, I mean, like standing water,  
21 or was it just kind of muddy?  
22 A. I don't remember any standing  
23 water.  
24 Q. Okay. And then, of course,  
25 where the dry mortar was, that was  
0050  
1 dry ---  
2 A. Right.  
3 Q. --- when you started?  
4 A. Right.  
5 Q. Okay. Do you know if they  
6 ever used any paper, either on the  
7 top in between the boards or along  
8 the side to kind of fill in the gaps,  
9 or --- say, like mortar bags?  
10 A. I don't know.  
11 Q. You don't remember that? And  
12 when you were building these seals,  
13 did you usually get them done in a  
14 day?  
15 A. No.  
16 Q. About how far would you get in  
17 a day?  
18 A. Well, there was a couple ---  
19 there was three or four bosses that  
20 if they would help us, we could get  
21 one done a day, and then we could get  
22 started on another one, maybe get two  
23 or three rows done on it and be done  
24 for the day.  
25 Q. Okay. And you would just  
0051  
1 leave that. And when you came back  
2 the next day, or before you left,  
3 actually, on the one that you just  
4 finished, what would you leave it  
5 like? Would you put mortar on the  
6 top and leave it, or would you leave  
7 the top there dry, or --- do you  
8 remember how you did that?

9 A. We usually put mud, covered it  
10 up before we headed out for the day.  
11 Q. Okay. So you'd cover it up.  
12 Would you coat the faces, the front  
13 and the back of it before you left?  
14 A. I would say. I know they got  
15 the top of it before we left.  
16 Q. Okay. And then --- and then  
17 when you came back the next morning  
18 to start again, how would you  
19 restart? What would you do?  
20 A. Put a fresh coat of mud on.  
21 Q. Oh, you'd put a fresh coat of  
22 mud --- would you cover the whole way  
23 across ---  
24 A. Yeah.  
25 Q. --- and then start the blocks  
0052  
1 from there?  
2 A. Fresh row of mud on ---.  
3 Q. Would you put a fresh row of  
4 mud all the way across the top of the  
5 blocks that had been left from the  
6 night before?  
7 A. Yes, sir.  
8 ATTORNEY WILLIAMS:  
9 I think you're going a  
10 little fast sometimes, John.  
11 He's not getting all the  
12 answers out on the record.  
13 MR. UROSEK:  
14 Oh, I apologize.  
15 BY MR. UROSEK:  
16 Q. The blocks, as far as coating  
17 the blocks, when they would do that,  
18 would they do that away from the  
19 seal, or where would they actually  
20 put the mud on the blocks before they  
21 put it up?  
22 A. I just know they kept the mud  
23 there with them. What they did there  
24 with it, I don't know.  
25 Q. Okay. And you don't remember  
0053  
1 where all they put it on the blocks,  
2 before they put them up?  
3 A. No, I don't know.  
4 Q. Okay. That's okay. The  
5 mortar, when it came in, did it come  
6 in on a pallet?  
7 A. Yes, sir.  
8 Q. Do you remember about how many  
9 pallets you would use per seal?  
10 A. I think it was usually at  
11 least one.  
12 Q. At least one?  
13 A. Yeah.



14 Q. Okay. So you'd mix a pallet  
15 full of mortar every day?  
16 A. Pretty much.  
17 MR. UROSEK:  
18 Mike?  
19 BY MR. RUTLEDGE:  
20 Q. Seth, you --- if I can call  
21 you Seth; is that all right?  
22 A. Yes, sir.  
23 Q. You said that you worked on  
24 Number --- probably Number Two,  
25 Three, Four, Five, Six, Seven and  
0054  
1 Eight; does that mean you didn't work  
2 on the far left and the far right  
3 seals?  
4 A. From what I can remember,  
5 yeah, I didn't --- I know I didn't  
6 have nothing to do with Number One.  
7 And I can't remember nothing on  
8 Number Nine either, so I'm pretty  
9 sure I didn't work on it.  
10 Q. Okay. And you think --- why  
11 would that have been? Why would you  
12 have not worked on either of those  
13 two?  
14 A. I know a gas line was going in  
15 Number Nine. And the water trap and  
16 all that was going in Number One, and  
17 that's all I know about it.  
18 Q. Uh-huh (yes).  
19 A. That's all they told me.  
20 Q. Then the actual product that  
21 you were using, have you all  
22 identified that, or have you --- have  
23 these guys asked you, what --- what's  
24 the brand name on the bag of the  
25 stuff you're mixing?  
0055  
1 A. I don't remember. It was bond  
2 sealant or something like that on it.  
3 Q. Okay.  
4 A. I remember it was in a green  
5 bag.  
6 Q. The green bag. And did it  
7 have a lot of fibers in it, like  
8 fiberglass or whatever in it?  
9 A. Yeah.  
10 Q. And that's --- you always wore  
11 gloves?  
12 A. Yes, sir.  
13 Q. Anybody get it on their hands  
14 and get it to burning right good?  
15 A. Yeah. I remember a couple  
16 boys they --- I got it a little bit.  
17 Q. Uh-huh (yes). Were you there  
18 --- or were there ever any

19 inspectors, any state or federal  
20 inspectors that were there while you  
21 were building those seals, or helping  
22 with those?

23 A. I don't remember any.

24 Q. And where did you get your  
25 water for mixing?

0056

1 A. Usually from the water supply  
2 there at the feeder.

3 Q. Uh-huh (yes).

4 A. We took the hydraulic oil cans  
5 down there, ---

6 Q. Uh-huh (yes).

7 A. --- filled them up.

8 Q. Okay. So you would have  
9 carried them from just right down  
10 below Two Left switch?

11 A. Well, they'd put them in a  
12 scoop and brought them to us.

13 MR. RUTLEDGE:

14 That's all I have.

15 MR. UROSEK:

16 Okay. We can just take  
17 about a two-minute break and  
18 we'll finish up.

19 SHORT BREAK TAKEN

20 BY MR. UROSEK:

21 Q. I just have a couple more  
22 questions. When they were trying to  
23 put mortar on the blocks, do you know  
24 if anyone --- do you remember you or  
25 anyone using a tool to try and

0057

1 separate the blocks to get the mortar  
2 in between them after they were down?

3 A. I never did. I didn't see  
4 anybody else.

5 Q. Okay. And we talked before  
6 about the blocks, and you would start  
7 out the row of blocks with a full  
8 block along the rib, and then work  
9 your way across the entry. Did they  
10 do that on each row, do you remember?

11 A. I think for the most part,  
12 yeah, from what I remember.

13 Q. So basically each row would  
14 start against the rib and work its  
15 way across?

16 A. Oh, yeah. We always start  
17 from that rib and ---

18 Q. Okay.

19 A. --- go to the other.

20 Q. Okay. And to get the joints  
21 to be offset, did they ever start  
22 that with maybe a half a block or  
23 something to adjust the joints?

24 A. They never really had to.  
25 Q. Okay. I was a little confused  
0058  
1 on the top of the block and before  
2 you put the boards in and how you got  
3 the mortar back and forth. I have a  
4 picture, and this isn't intended to  
5 confuse at all, but this is a picture  
6 of construction of the seal.  
7 ATTORNEY WILSON:  
8 It's actually a  
9 diagram, it's not a --- just  
10 so the record's clear.  
11 BY MR. UROSEK:  
12 Q. And just to make sure that I  
13 can understand, so that you can get  
14 the mortar, you know, back and forth,  
15 could you kind of draw for me what  
16 the seal would look like so that you  
17 could get the ---?  
18 A. Passing the mortar back and  
19 forth?  
20 Q. Yes, yes.  
21 A. Leave these two out.  
22 Q. You would leave the two blocks  
23 out that you're marking with an X.  
24 A. Right.  
25 Q. And then you could put the  
0059  
1 mortar back through there?  
2 A. Yeah. I mean, whatever  
3 direction you're going through, and  
4 then that way and, you know, that  
5 way.  
6 Q. It would be the opposite side  
7 that would have the opening?  
8 A. Yeah, you know. Only, we were  
9 always passing them back and forth  
10 through there, so I mean, you know,  
11 you always had this open, you know,  
12 until you got this done.  
13 Q. So what you're referring to is  
14 the top row. As they were working  
15 the top row across, you left one edge  
16 of the seal or the other edge, you  
17 would leave the first two courses of  
18 the corner off?  
19 A. Yeah, until they got all they  
20 needed and filled it in and finished  
21 it up.  
22 Q. Okay. And on this diagram,  
23 you also see that they have boards  
24 across the top, and that top board,  
25 or the middle board, I guess, were  
0060  
1 you always able to get that board in  
2 there?

3 A. Uh-uh (no). A remember a few  
4 we couldn't get it in.  
5 Q. It was just too tight to get  
6 your hand in there, or too tight to  
7 get the board in there?  
8 A. Yeah. It was too tight.

9 MR. UROSEK:  
10 Okay. We'll use that  
11 as Exhibit One.  
12 (Osborne Exhibit One  
13 marked for  
14 identification.)

15 BY MR. UROSEK:  
16 Q. We talked a little about the  
17 amount of mortar that you would try  
18 to put on the top of that, and I  
19 think you said you used two  
20 wheelbarrows full ---

21 A. Yes.  
22 Q. --- to get up in there?  
23 A. Once all that was finished  
24 through there, you probably used  
25 about two wheelbarrows full.

0061  
1 Q. Two wheelbarrows. And then  
2 would that be pretty much what's on  
3 --- I guess the --- I guess the  
4 question that I'm searching for is,  
5 the fly boards at the edge, would  
6 they be right at the edge of the  
7 blocks?

8 A. Yeah.  
9 Q. So the mortar that you're  
10 using these two wheelbarrows would be  
11 mortar that's inside the fly board,  
12 between the fly board and the top of  
13 the block?

14 A. Do you mean does that include  
15 it?

16 Q. Yes.

17 A. Yeah.

18 Q. Okay.

19 A. Yeah. That two wheelbarrows  
20 included flinging it back in there,  
21 setting the fly board and then  
22 covering all that up.

23 Q. And covering all that up?

24 A. Yeah.

25 Q. Okay. Now, those wedges, do

0062  
1 you remember --- did the wedges come  
2 in a --- were they wrapped together  
3 with wire or something when they  
4 came ---?

5 A. Yeah, they came in bundles.

6 Q. Came in a bundle?

7 A. Yeah.

8 Q. Do you remember about how many  
9 bundles you would use per seal?  
10 A. I don't remember.  
11 Q. Was there quite a few bundles  
12 of these?  
13 A. Oh, yeah. They brought us  
14 quite a few.  
15 Q. Were they pretty much all the  
16 same size? Did you ever use a  
17 thicker wedge when you were building  
18 these?  
19 A. From what I seen, they're all  
20 the same.  
21 Q. Okay. Do you know what a  
22 gluck is?  
23 A. Yeah. It's bigger than a  
24 wedge.  
25 Q. Did you ever use any glucks in

0063

1 building these seals?  
2 A. I was thinking glucks was  
3 pretty much what we used.  
4 Q. Okay. Instead of the standard  
5 thinner wedge, glucks you used, the  
6 thicker ---?  
7 A. Yeah.  
8 Q. And they're twice as big as a  
9 normal wedge, and on the thick side  
10 of a gluck, approximately how thick  
11 would that be?  
12 A. I'd say it's as big as a half  
13 header.  
14 Q. And that's about an inch and a  
15 half or two inches?  
16 A. I guess, I don't know really  
17 what the measurement is on it.  
18 Q. Okay. Do you know how long,  
19 approximately, they would be?  
20 A. I'd say they're about ten  
21 inches.  
22 Q. About ten inches long. Okay.

23 OFF RECORD DISCUSSION

24 MR. UROSEK:

25 Okay. Mike? Well,

0064

1 Seth, I really appreciate your  
2 assistance today in helping us  
3 out. You've helped us  
4 tremendously try to get an  
5 understanding of these  
6 construction techniques. And  
7 if you can think of anything  
8 on these techniques, any of  
9 the questions that maybe you  
10 just couldn't remember today,  
11 I would greatly appreciate it  
12 if you'd call us, because it's

13 very important to us to try  
14 and understand on how you did  
15 the --- how this was  
16 constructed.

17 A. All right.

18 MR. UROSEK:

19 Okay. Thank you very  
20 much.

21 \* \* \* \* \*

22 SWORN STATEMENT CONCLUDED

23 AT 7:02 P.M.

24 \* \* \* \* \*

25

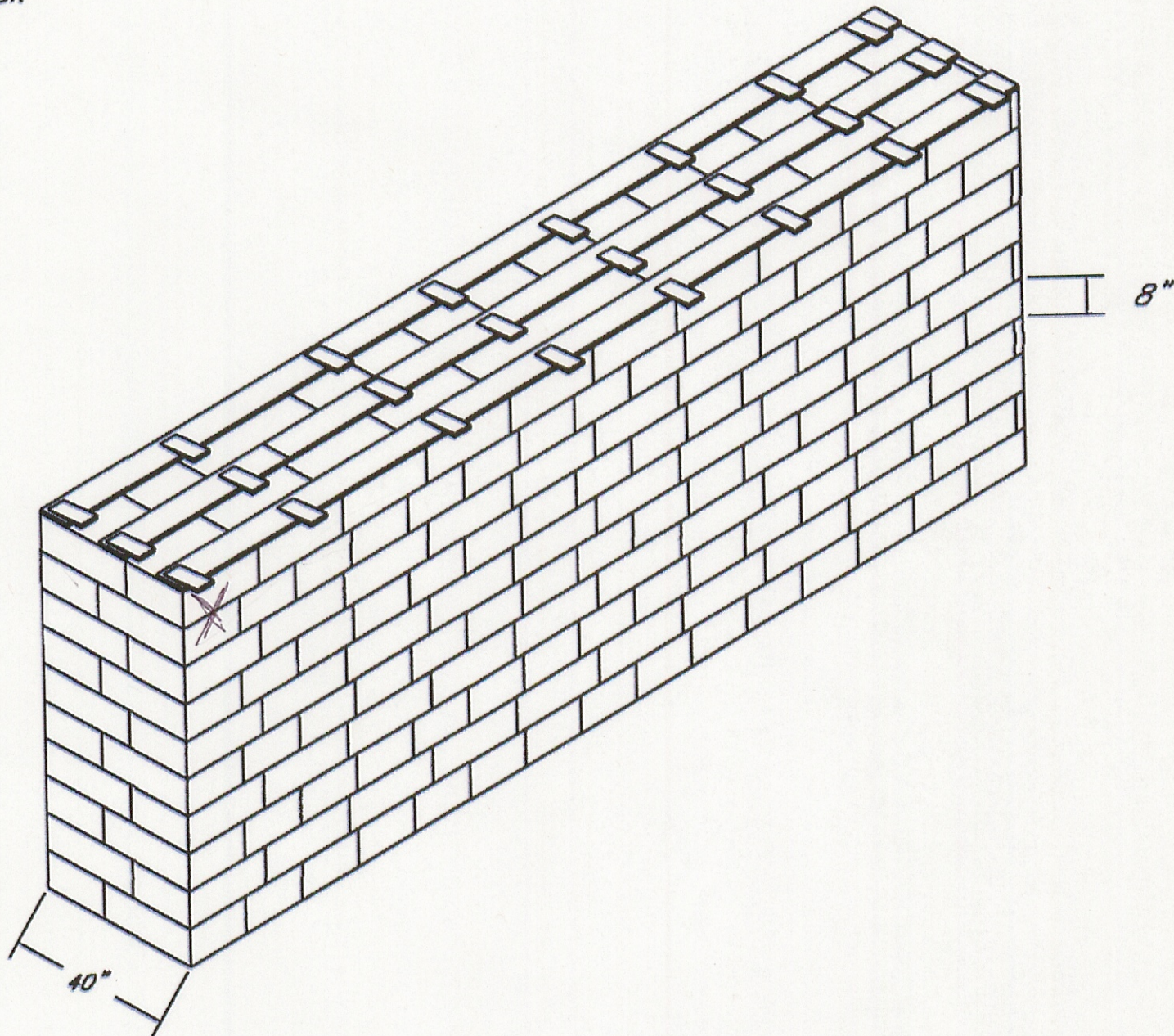


# SAGO MINE

## 40" THICK OMEGA BLOCK SEAL

FOR USE WITH SEALS UP TO 8 FT HIGH BY 20 FT WIDE

1. Total thickness 40 inches
2. No hitching required
3. Joints must be staggered
4. All joints shall be a minimum  $\frac{1}{4}$  inch thick and be motared using an approved motor/sealant
5. Three rows of wood planks running the entire length of the seal shall be installed across the top of the seal
6. Wedges will be placed on 1' centers or less with an approved sealant used to fill the gaps
7. An approved sealant shall be used as full face coating on both sides of the seal.



- Seals shall be at least 10 feet from the corner of the pillar
- Sampling pipes shall be installed as per 75.335