

0001

1 STATEMENT UNDER OATH
2 OF
3 CASEY SHORT
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 Wingate Inn,
10 350 Conference Center Way,
11 Bridgeport, West Virginia, on
12 Wednesday, March 29, 2006, at 12:16
13 p.m.
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2

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

1
2 -----
3 MR. UROSEK:
4 My name is John Urosek.
5 I'm an accident investigator
6 with the Mine Safety and
7 Health Administration, an
8 agency of the United States
9 Department of Labor. With me
10 is James B. Crawford, from the
11 Solicitor's Office, and Mike
12 Rutledge, with the West
13 Virginia Office of Miners'
14 Health, Safety & Training.
15 I've been assigned to conduct
16 an investigation into the
17 accident that occurred at the
18 Sago Mine on January 2nd,
19 2006, in which 12 miners died
20 and one was injured. The
21 investigation is being
22 conducted jointly by MSHA and
23 the West Virginia Office of
24 Miners' Health, Safety &
25 Training to gather information

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1 to determine the cause of the
2 accident. This is a
3 continuation of the interview
4 of Mr. Casey Short previously
5 conducted by the accident
6 investigation team. Mr. Short
7 has agreed to come back so
8 that we may ask some follow-up
9 questions. This interview is
10 being conducted at the Wingate
11 Inn, in Bridgeport, West
12 Virginia, on March 29th, 2006.
13 I'd like to thank you
14 for your agreement to appear

15 here today. We appreciate
16 your assistance in this
17 investigation.
18 This interview with Mr.
19 Short is being conducted under
20 Section 103(a) of the Federal
21 Mine Safety & Health Act of
22 1977 as part of an
23 investigation by the Mine
24 Safety & Health Administration
25 and the West Virginia Office

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1 of Miners' Health, Safety &
2 Training. Questioning will be
3 conducted by representatives
4 of MSHA and the Office of
5 Miners' Health, Safety &
6 Training.
7 Mr. Short, as in the
8 last interview, we will ask
9 you a series of questions. If
10 you do not understand a
11 question, please ask me to
12 rephrase it. Feel free at any
13 time to clarify any statements
14 that you make in response to
15 the questions that I ask. If
16 at any time after the
17 interview you recall any
18 additional information that
19 you believe may be useful in
20 the investigation, please
21 contact Richard Gates at the
22 telephone number or e-mail
23 address that has been
24 previously provided to you.
25 Your statement is

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1 completely voluntary. You may
2 refuse to answer any question
3 and you may terminate your
4 interview at any time. If you
5 need a break for any reason,
6 just let me know.
7 As before, the court
8 reporter will review your
9 interview and will later
10 produce a written transcript
11 of the interview. Please try
12 and respond to all questions
13 verbally since the court
14 reporter cannot record
15 nonverbal responses.
16 At this time, Mr.
17 Rutledge, do you have anything
18 that you would like to add on
19 behalf of the Office of

20 Miners' Health, Safety &
21 Training?
22 MR. RUTLEDGE:
23 I have a short
24 statement I think you've heard
25 before. But in any case, the

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1 Office of Miners' Health,
2 Safety & Training is
3 conducting this interview
4 session jointly with MSHA and
5 is in agreement with the
6 procedures outlined by Mr.
7 Urosek for the interview to be
8 conducted today. However, the
9 Director of the Office of
10 Miners' Health, Safety &
11 Training does reserve the
12 right, if necessary, to call
13 or subpoena witnesses or to
14 require the production of any
15 record, document, photograph
16 or other relevant materials
17 necessary to conduct this
18 investigation.
19 We also appreciate you
20 taking the time to be here
21 today. If you have any
22 questions concerning the
23 State's part of this
24 investigation, you can contact
25 Mr. Brian Mills at the

0011

1 information that was
2 previously provided to you.
3 We thank you again for being
4 here.
5 MR. UROSEK:
6 Do you have any
7 questions regarding the manner
8 in which this interview will
9 be conducted?

10 MR. SHORT:

11 No, sir.

12 MR. UROSEK:

13 Mr. Short, do you have
14 a representative present with
15 you?

16 MR. SHORT:

17 Yes, sir.

18 MR. UROSEK:

19 Will you please
20 identify this person?

21 MR. SHORT:

22 Mr. Yuhas.

23 MR. UROSEK:

24 Will you please swear

25 in Mr. Short?

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1 -----

2 CASEY SHORT, HAVING FIRST BEEN DULY

3 SWORN, TESTIFIED AS FOLLOWS:

4 -----

5 BY MR. UROSEK:

6 Q. Will you state your full name

7 for the record, please?

8 A. Casey Short.

9 Q. Is your address and telephone

10 number the same as it was during the

11 last interview?

12 A. Yes, sir.

13 Q. Are you appearing here today

14 voluntarily?

15 A. Yes.

16 Q. As we had discussed before,

17 we're going to go into a little bit

18 more detail and ask you a few

19 questions about the seals that were

20 constructed in the old Two Left mains

21 area. Are you familiar with those

22 seals?

23 A. Yes, sir.

24 Q. Okay. Can you tell us how

25 many of those seals you worked on?

0013

1 A. Nine out of the ten.

2 Q. Nine out of the ten. Do you

3 know which one that you didn't work

4 on?

5 A. They asked me that last time.

6 I don't remember.

7 Q. Okay.

8 A. It was --- you all should

9 know. It was the one that had to be

10 rebuilt. It was the one that Jeremy

11 and them boys had built before. They

12 was built before we got hired, that

13 one.

14 Q. And when did you start?

15 A. Our first workday was either

16 October 31st or --- the last day of

17 October, the first day of November.

18 Q. And was that seal already

19 complete when you started?

20 A. My understanding is yes.

21 Q. Okay. And so your first

22 assignment at the mine was to begin

23 building seals?

24 A. Yes.

25 Q. Had you built any seals prior

0014

1 to that?

2 A. No.

3 Q. Well, let's talk a little bit

4 about the seals. And we're real
5 interested on any dates that you may
6 be able to remember for us. Do you
7 remember the last day that you worked
8 on the seals?
9 A. You know, I'm thinking it was
10 December 15th or 16th.
11 Q. Okay. Did you ---?
12 A. The reason why is --- maybe if
13 I looked at a calendar, I could be
14 more specific. Because it was a
15 weekend ---
16 A. Okay.
17 Q. --- and we had two days to
18 finish. I told this last time. Them
19 seals were more than just sealing off
20 a section. They was part of an air
21 change, too, you know. We had to
22 redirect our air and --- so we put
23 some seals in there. So pretty much
24 we needed to have the seals done and
25 our overcasts done to be ready. So

0015

1 we had two days to finish everything.
2 We had a regulator we had to put in
3 and things like that. So we had two
4 weekend days, around the 15th or 16.
5 I don't know. Right in there.
6 Q. On those two days, did you
7 have to completely build two seals?
8 A. No, sir.
9 Q. What was there? What did you
10 have to actually do to the seals on
11 those two days?
12 A. We had to finish --- we had to
13 leave enough in the far --- I'll say
14 the far Right and far Left seal, the
15 one in Number Eight entry and Number
16 One entry, you know. We had to leave
17 them open far enough for somebody to
18 go back in there fire bossing. Of
19 course, we had to leave them open for
20 enough air to get through there and
21 ventilate it.
22 Q. Okay.
23 A. So we had to finish what we
24 hadn't done up to that point.
25 Q. Okay. Can you describe for me

0016

1 what --- how big those openings were
2 in those two seals?
3 A. On the --- the one with the
4 water traps, Number One, ---
5 Q. Yes.
6 A. --- it actually had a bigger
7 opening in it because it was such a
8 big seal. I'd say the bottom of it

9 --- the top of it was probably six
10 foot and the bottom of it may have
11 been three or four foot, I don't
12 know, you know, but it was such a big
13 seal, you know. It left a pretty
14 good hole. They had to go in there
15 and fire boss it and stuff. It still
16 had to be ventilated, you know.
17 Q. Where was that hole at in the
18 seal?
19 A. On that one, we started from
20 the left and worked to the right.
21 So it would have been on the right
22 rib.
23 Q. Right rib. Was it at the top
24 or at the bottom of the seal?
25 A. Well, it had to have been the
0017
1 top.
2 Q. Okay.
3 A. But you know, like we was
4 building with blocks, so it was
5 staggered. You know, you have to tie
6 your blocks in together, so we built
7 from left to right. So we came this
8 way and then was stair-stepped down.
9 You know how you build any wall?
10 Q. Sure. Yes. I understand.
11 A. And then on the other one ---
12 I think on that one, at that point,
13 when we went back in to finish it
14 that day, I think it was pretty much
15 --- I think it was pretty much
16 straight across. I don't think we
17 finished --- hadn't finished up as
18 much of it as we had on the Number
19 One entry. I think the Number Nine
20 entry was --- or the far right seal
21 ---
22 Q. Yes.
23 A. --- was --- I think we just
24 pretty well finished it flat across.
25 I can't remember for sure. I'm just
0018
1 assuming.
2 Q. Do you remember how big that
3 opening was in that seal?
4 A. Well, that's what --- I can't
5 remember if we had finished it all
6 the way up one rib and stair-stepped
7 it down or if it was straight across
8 the top. I can't --- I would be
9 assuming if I told you. I don't know
10 for sure.
11 Q. Oh, okay. So to make sure I
12 understand that, there might have
13 been a row at the top that wasn't

14 complete versus an opening on one
15 side, is that what you're saying?
16 A. Right. We may have ---
17 instead of stair-step it down to
18 leave a hole big enough for a man to
19 walk through there and fire boss, we
20 may have just built it straight up
21 and not took it plumb up to the top
22 on one side. I can't remember on
23 that.
24 Q. I have a diagram here of a
25 seal and it has other things on it.

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1 But for the purpose so I can
2 understand what you just described,
3 if I give you a pen, can you draw
4 that on this picture so I can get a
5 better --- and I realize it's not
6 exact. The best you can remember.
7 A. The only thing I can't
8 remember, if --- on the Number One,
9 ---
10 Q. Yes.
11 A. --- I know for sure that we
12 had built it up and stepped it down.
13 Q. Okay. Could you just draw it
14 on here, as approximate as you can
15 for us?
16 A. It was more like this, you
17 know, say --- it wasn't all the way
18 up to the top, so say it was
19 somewhere in here. I'll put a ---.
20 And then, of course, it was so much
21 longer. To me, it was a long one.
22 Pardon?
23 Q. Make the lines dark.
24 A. I'd say we stopped here and
25 then came out and then stair-stepped

0020

1 it down here and came out, and
2 stair-stepped it down here and came
3 out, and stair-stepped it down here,
4 you know, so they could go in there
5 and fire boss. Because you couldn't
6 take this all the way across and
7 straight down because you was
8 staggering your blocks.
9 Q. Okay.
10 A. Do you understand what I'm
11 saying? And then on the ninth one, I
12 don't remember. Actually, it was the
13 tenth seal finished. I can't
14 remember if we had built it straight
15 across and stopped or if we had taken
16 it up and stair-stepped it down to
17 the hole. I can't recall ---
18 Q. Okay.

19 A. --- is what I was trying to
20 say.
21 Q. On the Number One seal, I
22 think you told me the distance from
23 the rib to the top --- on the top
24 block was approximately ---?
25 A. It may have been six foot or
0021 something like that.
1 Q. So if you could just ---.
2 A. Say from here, we'll put this
3 line like this, ---
4 Q. Okay.
5 A. --- and we'll put this ---.
6 Q. So this line would extend all
7 the way to the roof or it would be
8 staggered?
9 A. It was staggered down. That
10 kind of got --- this is an
11 assumption, ---
12 Q. Yes.
13 A. --- I mean.
14 Q. I mean, it looks like it's
15 further on this picture, but it's
16 actually only six feet across?
17 A. I'd say, yeah.
18 Q. Okay. And the bottom would
19 have only been about three feet?
20 A. That's --- again, that's just
21 an assumption. I can't remember.
22 Q. And how high off the bottom
23 would that bottom row have been; do
24 you remember that?
0022 A. You know, it was --- I know
1 for sure it was definitely high
2 enough that both our drainpipes was
3 through.
4 Q. Okay.
5 A. And I think the drainpipes
6 were in the wall 12 inches ---
7 Q. Okay.
8 A. --- up in. I'd remember it
9 better three months ago, guys,
10 especially them small details. But
11 we had two drainpipes coming out of
12 the Number One seal. And I know that
13 --- I think they had to be 12 inches
14 off the ground --- or 12 inches in
15 the wall because they had an elbow in
16 them.
17 Q. Okay.
18 A. And you know, in that six-inch
19 line --- or four-inch line, that
20 elbow came down and back up, it
21 almost took 12 inches. So it had to
22 at least be two blocks tall on this
23

24 end. You know what I'm saying?
25 Q. Okay.

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1 A. Because those drainpipes were
2 already in.
3 Q. Did you ever have to crawl
4 through that hole?
5 A. When we was building this part
6 of the wall. At that point, we'd
7 have had --- I'd have had to walk all
8 the way up to the ninth seal to get
9 back out. So yeah, I would have
10 crawled over that hole.
11 Q. Did you have to put any ---
12 I'm just trying to get an idea on
13 that bottom to help you remember.
14 Did you have to put any blocks up
15 against it to step through the hole
16 or were you just able to step right
17 through it or ---?
18 A. On this one?
19 Q. Yes.
20 A. Yeah, just pretty well walked
21 across it.
22 Q. That's the Number One?
23 A. Uh-huh (yes). But now at some
24 points, you now, say, you had a
25 ten-hour workday, you may have got a

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1 seal done up to a certain point,
2 yeah, you would have had to stack
3 blocks up and crawl across the top of
4 it. Either that or walk six blocks
5 around.
6 Q. Well, I understand that when
7 you're building. But I'm trying to
8 make --- on the Number One, the
9 opening that was left that you
10 finally closed on December the 11th.
11 I'm trying to get an idea how big
12 that hole was. That's where I'm ---.
13 A. I'm just assuming. I don't
14 remember.
15 Q. Okay.
16 A. Now, if you asked me --- if
17 you asked me how many guys was there
18 that day working on it, I remember
19 that fact. But I don't remember how
20 many ---.
21 Q. You just don't remember how
22 big that hole was?
23 A. We done a lot of work that
24 day. I mean, I just don't remember
25 how many blocks we laid in each seal.

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1 Q. Okay. The part of the seal
2 that was completed, do you know when

3 that would have been completed?
4 A. Uh-uh (no). No, sir.
5 Q. Do you ---?
6 A. Especially on this one, if
7 you're talking ---.
8 Q. This is the Number One we're
9 talking ---?
10 A. If you're talking about Number
11 One ---.
12 Q. Yes.
13 A. There were stages of it that
14 was spread out more than some of the
15 other ones. Some of the other ---
16 there was a couple that we had built,
17 we started in the morning, we'd have
18 it done.
19 Q. Okay.
20 A. You know, four men, it's done
21 in a shift. No big deal, you know.
22 But this one, we had to build it up
23 and had to let it dry so we could put
24 our drainpipes in it ---
25 Q. Okay.

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1 A. --- because, you know, we
2 didn't have anything to drill those
3 pipes. So what we done, we built it
4 up to that point where we were going
5 to put our drainpipes in, and we had
6 to cut out a groove to lay our
7 drainpipes through.
8 Q. Okay.
9 A. Then that day, once the
10 drainpipes was laid through, they had
11 to be completely sealed and leveled
12 out with mud. Well, that had to dry
13 because if you didn't let it --- and
14 then let that dry around them pipes.
15 And then --- and actually me and
16 Harmon --- you know him?
17 Q. Yes.
18 A. I'm sure you talked to him.
19 Me and him went back there one day
20 --- I'm pretty sure it was me and
21 him, and where that mud had settled,
22 we put more mud in those grooves. I
23 think it was --- I can't be sure. Me
24 and somebody done that, I'll put it
25 that way, ---

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1 Q. Okay.
2 A. --- and filled those grooves
3 up more level, you know, because that
4 stuff seeps out, you know what I
5 mean?
6 Q. Okay. The mortar? The mortar
7 seeps out?

8 A. Yes, mortar. So we went back
9 there and leveled them up again. And
10 then I guess on the --- you said the
11 11th?

12 Q. Well, I think you said the
13 15th or 16th.

14 A. Yeah. The 15th or 16th, then
15 we went back in and finished them.

16 Q. Okay.

17 A. You know, actually, that
18 statement there wasn't true either
19 because after this was --- after
20 these two drainpipes were put in,
21 then another day we built this part
22 of the wall.

23 Q. Okay. Do you know what day
24 that would have been?

25 A. No, sir.

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1 Q. Can you give me any idea? I
2 mean, was it a couple days before you
3 put the --- you finally closed it up?
4 Was it a couple weeks before you
5 finally closed it up?

6 A. Well, the whole period was
7 only a month and a half, so I
8 wouldn't say it would be a couple
9 weeks.

10 Q. Okay.

11 A. I could assume something, but
12 that's all it would be, would be an
13 assumption.

14 Q. Okay. And I'm trying to ---
15 it's really important to us to try
16 and figure out when the majority of
17 the part was --- the majority of the
18 seal was completed. Do you remember
19 if it was around Thanksgiving, it was
20 at Thanksgiving vacation? Did you do
21 any work around that time?

22 A. You know, during Thanksgiving
23 vacation, I worked Monday, Tuesday,
24 Wednesday. And on Monday and
25 Wednesday I dispatched, so ---. And

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1 then on Tuesday, we set --- we had
2 had a fall across the track. I'm
3 sure you're aware of that. And all
4 what I done that whole day that day
5 was set super timbers. And that
6 Saturday they called me back in to
7 work. And what I done that day was
8 pack six-inch blocks all day. I'll
9 not forget that day.

10 Q. So would this seal have been
11 completed before that Thanksgiving or
12 ---

13 A. Oh, heavens no.
14 Q. --- after?
15 A. No, it was completed after.
16 Q. So it was after that?
17 A. Uh-huh (yes).
18 Q. Okay.
19 A. But there again, though,
20 you're talking about, you know, those
21 weeks still that --- I can't narrow
22 it down any more, I don't think, than
23 that.
24 Q. When you actually built this,
25 did you do it on the weekend when you

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1 finished it? Was it a weekend that
2 you finished this?
3 A. Uh-huh (yes).
4 Q. Can you remember if you would
5 have worked on the rest of the seal
6 that week?
7 A. You know, I don't know.
8 Indeed, I don't. And I hate to say
9 that, but at that point, we was ---
10 we had a lot of --- you know, we had
11 overcasts to build and we had a lot
12 of stoppings and stuff we had to
13 build. And we was --- they were
14 allowing us to get a lot of hours.
15 You know, when you work six, seven
16 days in a row, those days kind of
17 bleed in together. You really don't
18 remember what you done on the 7th or
19 the 14th. You know what I mean?
20 Q. If at any time something jogs
21 your memory on when you would have
22 completed that, if you can contact
23 us. Or if it's while we're here,
24 just interrupt me and let me know.
25 A. Probably I shouldn't ask this.

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1 Is that something that some of the
2 other guys could remember the day
3 they ---? I mean, because I can't
4 remember. I ---.
5 Q. We are asking everyone we've
6 talked to the same ---.
7 A. I mean, I'll try to remember
8 real hard today if I can. I don't
9 think --- I don't know that it will
10 come to me, though. I didn't know
11 what the day was until a little bit
12 ago. I was using the bathroom and I
13 seen on my watch it was the 29th.
14 That's the dead's honest truth.
15 Q. That's fine. That's fine.
16 You're doing a great job. We
17 appreciate the help that you can

18 give. I just thought if you do
19 remember, we appreciate that.
20 Let's go back and talk about
21 the actual construction of these
22 seals a little bit. The blocks, when
23 they brought the blocks in to you,
24 did they bring them in on a scoop, or
25 how would they deliver them to where
0032

1 you were building a seal?
2 A. They came in on track up there
3 at 60 wall. And then we got them off
4 the flat cars on a scoop, most of the
5 time, and drove them around.
6 Q. When they got them to you, to
7 the seal construction site, were they
8 still wrapped in plastic?
9 A. Yeah. I mean, there would be
10 some that --- say you had a few left
11 over on the Seventh seal that, yeah,
12 you'd put in a scoop and take down to
13 Six seal to build. You know, you
14 wouldn't want to waste all those.
15 Now, when you do have a lot of waste,
16 because if the blocks were cracked or
17 something, you know, you'd throw them
18 by the rib.
19 Q. Okay.
20 A. But most of them, yeah, they
21 was all real good block. I'll say
22 they were all real good block. But
23 now you know as well as I do, if
24 you've dealt with Omega blocks, you
25 can get them right off a flat car and

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1 some of them ain't no account. And
2 then you use the good ones out of the
3 pack and then --- unfortunately,
4 there's a lot of waste in those.
5 Q. When you say no account,
6 what's wrong with them?
7 A. Well, when you go to get it
8 off of a pallet, you know, you start
9 carrying it over to the seal and it
10 may break right in the middle. You
11 know what I mean? Well, and it ain't
12 no good unless you got one that needs
13 cut, and then you can use it.
14 Q. Okay.
15 A. But then, yeah --- but most of
16 them are still wrapped in plastic.
17 You know, a lot of times, say the
18 motormen brought them in in the
19 evening shift. Well, we got them in
20 a crosscut somewhere, had been loaded
21 off. And I wouldn't say we unloaded
22 every pallet off a flat car because

23 that wouldn't be so. A lot of times
24 we just get them out of a crosscut
25 and take them around.

0034

1 Q. Of the ones that --- when you
2 got a pallet full and you said there
3 were a number of them that would be
4 broken, about how many out of a
5 pallet would you ---?

6 A. It depends on where the ---.
7 Like if you load them up in a scoop
8 bucket, well, the only way to get
9 them out of a scoop bucket is with a
10 ram. Well, that ram's got a big
11 thing that comes out of the middle.
12 Well, that's got to push those out.
13 Well, you know what it does to the
14 ones that it hits, it's going to
15 break those. When you go to pick
16 them up again, well, if you try to
17 get two lifts at one time, what's it
18 going to do where the ram's at in the
19 middle? It's going to break those.

20 Q. Okay.

21 A. It's just --- you know, it's a
22 shame that coal mines have so much
23 waste, but they do, you know. We'll
24 say the ones that --- the blocks ---
25 in a pallet of blocks, the --- let's

0035

1 say there would be almost guaranteed
2 in every pallet of blocks, if they
3 weren't loaded straight off the flat
4 car and brought straight to you, if
5 they had to be picked up three or
6 four times with a scoop before you
7 got them, the percentage of the
8 number of broken blocks would get
9 greater every time. Let's say to
10 start with the pallet had ten percent
11 broken out of 40. Well, the more
12 times you drop them off the scoop and
13 pick them back up, it probably
14 increased by ten percent. You know
15 what I mean? It's a shame, but it
16 just does.

17 Q. Is that how many is on a
18 pallet, 40?

19 A. I could --- let me --- I could
20 --- there's four rows, you know, on a
21 pallet like this, and there's --- I
22 think there's darn --- I think
23 there's 40, yeah.

24 Q. So ---.

25 A. Ten in each. I think there's

0036

1 40.

2 Q. So of the 40, you're saying
3 about four of those would be broken,
4 if you treated them gently?
5 A. If you treated them gently.
6 If you didn't treat them gently, I
7 mean, shoot, they've brought us ---
8 they've run skids around that just
9 almost every one of them were call
10 blocks that we could only use to cut
11 along the --- you know, use along the
12 ribs if we need one cut in half. I
13 mean, but you know, in the perfect
14 world, yeah, you'd be lucky if you'd
15 get a whole pallet across there and
16 only have to throw four away. You
17 know what I mean?

18 Q. Okay.

19 A. I mean, them blocks --- you've
20 dealt with them, I'm sure.

21 Q. Okay.

22 A. They're Styrofoam.

23 Q. Some of them you might have
24 used in the seals, the ones you
25 could. But the ones that were extra,

0037

1 there were too many broken ones, what
2 did you do with those broken ones?

3 A. We used them for --- well, I
4 mean, if you couldn't use them at all
5 in a seal?

6 Q. Yes.

7 A. Well, we had to clean and
8 clean and clean back there along ---
9 so some of them were hauled out.
10 Some of them were crushed in
11 roadways, you know, to fill up holes
12 and things like that.

13 Q. Okay.

14 A. I mean, those seals --- I
15 think Mr. Conn, who I think's back
16 there now, he made us really clean up
17 around those. And we put a lot of
18 shifts in rock dusting and cleaning
19 because he didn't like the way it
20 looked.

21 Q. How many do you think were run
22 over on a roadway and smashed up if
23 you had to venture a guess?

24 A. That would be just exactly
25 what it would be, it would be a

0038

1 guess.

2 Q. Would it be a lot of them or a
3 few?

4 A. Well, I mean, a lot of pieces.

5 Q. A lot of pieces?

6 A. Yeah. Because I mean on that

7 Number One seal, every course of
8 blocks took one whole skid.
9 Q. Okay.
10 A. So just right there, you're
11 talking about a lot of call blocks
12 just right there.
13 Q. Did you ever get a whole skid
14 in that was --- they were all bad?
15 A. I wouldn't say a whole skid
16 where every one was bad.
17 Q. Okay.
18 A. But now in mines, just like
19 with every job, I'm a new coal miner.
20 So my ability on a scoop is way less
21 than probably what some of yours is.
22 So if I had to pick up two skids of
23 Omega block three or four times, the
24 number of blocks I'm going to break
25 is going to be greater than, say, the
0039
1 section boss, because he's going to
2 be able to handle them better. And
3 it all depends on who handled those
4 blocks before they got to us.
5 Q. Okay. So the function of how
6 many broken blocks is how much the
7 blocks were handled?
8 A. Exactly.
9 Q. Now, these blocks, the good
10 ones that were in the plastic, what
11 were they like? Were they wet or
12 were they dry? Can you tell me
13 anything about those blocks?
14 A. You know, it really varied. I
15 mean, you may go in there and have a
16 whole pile of blocks that were nice
17 and light, and the other ones would
18 be --- we always called them green
19 because they would be heavy. It felt
20 like they was damp or just heavier
21 blocks, like they hadn't dried good
22 or something. I don't know. But the
23 same way with cinder blocks. I mean,
24 you'll get cinder blocks sometimes
25 that you'll consider green, that
0040
1 haven't set up completely or
2 something like that, and you try to
3 cut them with an ax or whatever and
4 they seem like they crumble worse or
5 whatever. The thing with those,
6 sometimes you'd get real nice Omega
7 blocks that you didn't care to lift
8 above your head all day, and then
9 sometimes you'd get ones that were
10 heavy.
11 Q. Were heavy. When you had them

12 and you took them out of the plastic
13 --- so they could vary even coming
14 out of the plastic then? Some of
15 them could be green and some of them
16 would be kind of dry?
17 A. Yeah. But most of the time it
18 seemed like the whole skid was going
19 to be that way.
20 Q. Oh, okay.
21 A. You know what I mean? Now, I
22 don't know if that's --- my knowledge
23 of Omega blocks is very limited. I
24 don't know if maybe that's where they
25 set out in the weather, you know, or

0041

1 --- I don't have any idea.
2 Q. The ones that were green
3 versus the ones that were dry, were
4 they any stronger or did they seem to
5 hold together better than the dry
6 ones or --- did you ever notice
7 anything in that way?
8 A. Those blocks, some of them's
9 heavier than others. I don't know if
10 you've ever noticed that. Some of
11 them's real heavy. And it did seem
12 like those were stronger. I mean,
13 just like when you set --- I mean,
14 maybe it was a mental thing, just
15 because they were heavier and stuff
16 like that. Now, I don't know. I
17 don't know. I never tested any ---
18 you know what I mean? I never
19 dropped them on purpose or nothing
20 like that just to test them or saw
21 --- I don't remember the saw going
22 through them any harder or the ax
23 cutting them any harder. So no, I
24 don't know.
25 Q. Were they all pretty much the

0042

1 same size?
2 A. They vary in size.
3 Q. Do they?
4 A. Uh-huh (yes).
5 Q. By about how much, if you were
6 to ---?
7 A. Well, just like the other day,
8 we was doing that re-cut --- when we
9 was rehabilitating the lines, there
10 was one block in there, I would have
11 swore came off a six-inch pallet.
12 But I know it didn't because I
13 hand-loaded them into the scoop
14 buggy. I mean, it varied a lot.
15 Most of them didn't vary bad.
16 Q. By a half inch, an inch,

17 quarter inch?
18 A. One block may be --- 16 blocks
19 may be perfect, and then you'd have
20 one that looked like it came out of
21 the form wrong or something. I don't
22 know how they pour them, but I mean
23 it may have sloped off to one side
24 or, you know, may have been a good
25 eight-inch block on one side and

0043

1 seven-inch block on the other. You
2 know what I mean? It was just --- it
3 wasn't like building with regular
4 cinder blocks. They're just not
5 perfect cut every time it didn't seem
6 like.

7 Q. When you were building this,
8 and we'll get into it in a little bit
9 more detail, but if you had a block
10 --- did you ever have a block in a
11 row that you were putting down that
12 would stick up a half inch or
13 something more than the other blocks?

14 A. Yeah, you'd have --- I mean,
15 we was building in the mines and not
16 --- unfortunately, your base wouldn't
17 always be perfectly level. And
18 sometimes maybe you would have a
19 little sway in your wall. And what
20 you'd really try to do is try to take
21 that out, you know, but you couldn't
22 always do it.

23 Q. Okay. Did the mortar stick to
24 the ones that were green better than
25 it stuck to the dry ones or ---?

0044

1 A. No. But I'll tell you right
2 now, that mortar don't stick to the
3 furry blocks very good.

4 Q. To the what?

5 A. To the furry ones. And if you
6 all have ever messed with Omega
7 blocks, you know which ones I'm
8 talking about. They're kind of fuzzy
9 on one end.

10 Q. No. Explain that.

11 A. You know; don't you?

12 Q. If you could explain what ---.

13 A. There's a good side you can
14 mud and a bad side on them Omega
15 blocks that you can mud.

16 Q. Okay.

17 A. And anybody that worked on
18 those with us, they'd know exactly
19 what I was talking about, the furry
20 side.

21 Q. The free side you're calling

22 it?
23 A. The furry.
24 Q. Furry side. Furry side, okay.
25 I'm sorry.

0045
1 A. Like where it would be ---
2 like say it was the bottom of the
3 skid of blocks.
4 Q. Okay.
5 A. And a lot of times, if you
6 take them blocks off, there would be
7 about that much, like ---
8 Q. You're indicating about what,
9 a half ---?
10 A. --- maybe a quarter of an inch
11 ---
12 Q. Quarter of an inch, okay.
13 A. --- on the bottom row or
14 something that was against the form.
15 When that would come off, there would
16 be a lot of fibers sticking out
17 because it's an Omega --- it's a
18 fiber block, you know. It's made up
19 of fiberglass and stuff.
20 Q. Sure.
21 A. And with all those fibers
22 sticking out and that wet mud, it
23 wants to roll off as you're smearing
24 it on. And it don't stick to the
25 furry blocks very good.

0046
1 Q. Are all the blocks furry ---
2 A. No. I mean, ---.
3 Q. --- or just certain ones?
4 A. What you really try to do is
5 put --- I know this sounds silly, but
6 you try to put your furry side in to
7 where the mud has to stay against it.
8 Q. I guess what I'm getting to,
9 on each block, I mean, is there one
10 side that's that way of every block
11 ---
12 A. No.
13 Q. --- or just certain ones that
14 they were put in the pallet that way?
15 A. Well, in some of them, like if
16 they were broke, ---
17 Q. Sure.
18 A. --- the broke side wouldn't be
19 the side you'd want to try to have
20 facing where mud could roll off on
21 its own. You'd want the side that
22 was broke and uneven and with all the
23 fibers sticking out where mud would
24 have to sit against it, ---
25 Q. Okay.

0047

1 A. --- like inside, where you was
2 filling your seams up with mud.
3 Q. Okay.
4 A. You see what I mean? Mud has
5 to stay there as opposed to your face
6 of your seal, where you're smearing
7 mud on it. It doesn't have to stay
8 there because gravity is forcing it
9 off.
10 Q. Okay. The ones that were
11 green, would they look darker than
12 the ones ---?
13 A. Sometimes.
14 Q. Okay.
15 A. They kind of looked like they
16 was damp.
17 Q. Did you ever notice that some
18 of the blocks were harder than other
19 ones?
20 A. Well, that's like I said. It
21 seemed like they were. The
22 damp-looking blocks, the ones we're
23 calling green, it seemed like they
24 were. But as far as ever really
25 doing a durability test --- you know

0048

1 what I'm saying?
2 Q. Yes.
3 A. I mean, trying to recall
4 whether the draw saw went through
5 them harder, things like that --- the
6 ones that sawed harder were the ones
7 that had the most fiber in them.
8 Q. Okay.
9 A. I mean, that's whether they
10 were green or --- it seemed like the
11 more fiber that you ran through when
12 you're running your buck saw through
13 them, if you start getting cotton
14 balls on the other --- on your off
15 side of your saw, all that fiber,
16 those were the hardest ones to saw
17 through.
18 Q. Did some of them appear to
19 have more fiber in it than others?
20 A. Fiber? Oh, yeah. You may ---
21 sometimes you'd cut through and you'd
22 find a bundle of fiber in them. You
23 know what I mean? Just you know,
24 some of them had a lot of fiber and
25 some of them --- I'm sure there's a

0049

1 certain amount of fiber they all have
2 to have by Omega seal --- or Omega
3 block standards, but ---. And with
4 anything, you're going to get little
5 places where there's going to be more

6 fiber.
7 Q. So that was normal, to find
8 some of them that had more fiber?
9 A. Seemed like it.
10 Q. Okay.
11 A. And you got to understand, my
12 first day in the coal mines, this is
13 what I was doing. So I didn't know
14 what to expect, the very first day.
15 I never seen an Omega block before.
16 Q. There's nothing --- we're not
17 saying there's anything wrong. We're
18 just trying to understand.
19 A. You know, I didn't have
20 nothing to compare it to, whether or
21 not this had more fiber in it as
22 opposed to the ones I had cut before.
23 Q. Okay.
24 A. But over the course of a month
25 and a half, doing it day in and day
0050
1 out, you start seeing differences.
2 You know what I mean?
3 Q. Okay. Let's go down and take
4 the construction method for each seal
5 and just take it apart from the
6 beginning when you do it. The first
7 thing that --- you're going to build
8 a seal in an entry. What would you
9 do, the very first thing, in that
10 entry?
11 A. Well, a lot of the entries,
12 when we would start, a lot of them
13 already seemed to have been scooped
14 out and taken care of. Probably ---
15 maybe whenever they were up there
16 mining it was just nice and clean to
17 start with. I don't know. I hadn't
18 seen it before. But the first thing
19 you do is try to level it out. We
20 always had a hoe there. And of
21 course, we had a hammer, an ax and
22 everything. Try to level it out the
23 best you could.
24 Q. Well, then did you --- who
25 picked the area where the seal was
0051
1 going to be?
2 A. That was already done before
3 we ever got there, I guess.
4 Q. Did they put any marks ---?
5 How did you know where it was going
6 to be?
7 A. The boss would tell us.
8 Q. But I mean, did you draw ---?
9 A. But you know, most of the time
10 --- like I know for sure --- now, I

11 can't say on every one because most
12 of the time I'd be packing blocks or
13 smearing mud. I mean, where they was
14 going it didn't matter. I just
15 followed everybody else, where they
16 was wanting me to work. I was just a
17 red hat and I done what everybody
18 said. But I know for sure on that
19 Number One there was lines on the rib
20 where it needed to be built because
21 it was at an angle. And I guess
22 because of the height or maybe
23 because of the length of it, it had
24 to be built in a certain exact spot.
25 And I know there was some chalk lines

0052

1 on the ---.
2 Q. So for the Number One seal,
3 you think there were lines on ---
4 A. I know there was.
5 Q. --- both ribs, on both sides?
6 A. I know there was. I know for
7 sure I seen lines on the right rib.
8 Q. On the right rib?
9 A. Uh-huh (yes).
10 Q. Do you remember if there were
11 lines on the left?
12 A. I'm sure there was. You know
13 what I mean? There would have had to
14 have been. But I know for sure I
15 seen lines on the right rib.
16 Q. On the other ones, were there
17 lines on the ribs? Or how did you
18 know which place you were going to
19 build it?
20 A. Most of the time somebody
21 said, you know --- I was the lowest
22 man on the totem pole. You know what
23 I mean? Well, they'd say, we're
24 going to build a seal here.
25 Q. Okay. And so the first thing

0053

1 you did --- in that area where they
2 said they're going to build the seal,
3 what would you do to the bottom in
4 that area?
5 A. Well, you want to try to level
6 it out as best you could.
7 Q. And how would you do that?
8 A. Well, like I said before, we
9 always had a hoe with us because we
10 was mixing so much mud, mortar, that
11 we was using the wheelbarrows. So we
12 always had a hoe with us. You always
13 had the poleaxes with you because you
14 was going to be driving wedges and
15 stuff. And of course you always

16 carried your hammer and everything.
17 So you had plenty of tools to flatten
18 the bottom up best you could. That's
19 how you flattened it up.
20 Q. Was there any dust left in
21 that area where the seal was going to
22 be built from --- or how did you
23 clean that area, sweep it off or just
24 shovel it off or ---?
25 A. We couldn't sweep down there.

0054

1 Q. Okay.
2 A. I mean, most of that stuff is
3 pretty --- I mean, I wouldn't say it
4 was --- that's actually a pretty nice
5 part of the mines, but you still
6 wouldn't want to run a broom over the
7 bottom there.
8 Q. Was it wet?
9 A. You know, it wasn't wet, wet,
10 but it seems like everything in the
11 coal mine draws --- sometimes seems
12 like it's moist. You know what I
13 mean?
14 Q. So you'd call it damp?
15 A. Yeah. It's definitely damp.
16 Q. Was there any little puddles
17 of standing water around or ---?
18 A. We never built a seal on any
19 standing water. Thank goodness.
20 Q. I mean, just in the area, in
21 the general area around.
22 A. Yeah. On that Ninth seal ---
23 or the Tenth one that we built, you
24 know, it --- they bottom mined right
25 behind it. So yeah, one break in by

0055

1 there was a sump.
2 Q. Okay. But where you were at,
3 you didn't get water ---?
4 A. We never had to walk through
5 mud.
6 Q. There was no mud?
7 A. Not there.
8 Q. Okay. So now we've got it
9 cleaned off and we got it kind of
10 level. What would be the next thing
11 that you would do there?
12 A. You dumped a lot of bags of
13 --- and I'm sure you're going to want
14 to know how many, and I can't tell
15 you, but we'd dump a number of bags
16 of BBond, blue bags, out on the
17 bottom.
18 Q. On the bottom?
19 A. Uh-huh (yes).
20 Q. Would you spread it across the

21 entire entry?
22 A. Oh, yeah. Yeah. Yeah,
23 because what you was wanting to do
24 because now --- I know that I'm sure
25 most of you --- I won't assume that
0056
1 you've been in Sago. But in any coal
2 mine, I'm sure it's not going to be
3 perfectly level. And you're not
4 going to get it perfectly level
5 unless you bring the miner in there
6 and maybe --- because you know, we
7 try to --- we're on rock most places
8 up there, so if --- you do the best
9 you could leveling it out, and then
10 you use that mud to --- or the mortar
11 to level it out the best you could
12 and things like that. So you know,
13 ---.
14 Q. So you would get bags of dry
15 mortar. What would you --- I mean,
16 exactly how would you do it? Would
17 you get a bag and just go dump it and
18 then start to spread it or would you
19 put multiple bags and then start to
20 spread it? How would you do that?
21 A. Well, you'd dump a bunch of
22 bags out, you know. I mean, there
23 was like certain --- it depended on
24 how many guys was working, too.
25 Q. Okay.
0057
1 A. I mean, like on the days all
2 the bosses, all the foremen was up
3 there, I mean, we was getting them
4 bags over there quick.
5 Q. Okay.
6 A. I mean, because we had an
7 assembly line and we was busting the
8 bags and somebody was leveling it
9 off. On the days it was just me,
10 Skip and George, well, it didn't go
11 quite that quick. We'd carry a bag
12 from a pile over there and open it up
13 and dump it out and carry another one
14 all the way across the length of the
15 entry, and then you'd kind of level
16 it out. And it may take 20 bags. It
17 may take 10 bags. You know, I don't
18 have the number of bags, but ---.
19 Q. Would it be more than two
20 bags?
21 A. Oh, guaranteed.
22 Q. Would it be more than five
23 bags?
24 A. Them's big --- yeah, it would
25 take --- even if it was just a

0058

1 quarter of an inch thick, it would
2 take more than five bags, I'd say, to
3 go across one of those whole entries,
4 you know, four foot wide.

5 Q. So could it have been ten
6 bags? I'm not trying to trick you.
7 I'm just trying to get an idea in my
8 mind how many ---.

9 A. It took a few. I don't ---.

10 Q. Okay.

11 A. I would say it definitely took
12 --- I'd say it definitely took ten
13 bags. And I'd say that it never took
14 more than 25.

15 Q. Okay. Were there places that
16 --- what would be the thinnest it
17 would be?

18 A. Well, you know, you're putting
19 this down on powder. And I learned
20 something real quick up there,
21 because after we'd lay our mortar on
22 the bottom, and then you'd go to put
23 your blocks down, you know, that
24 first layer you had to lay down
25 pretty soft. But still, as you laid

0059

1 that block down, it would squeeze
2 that powder out, you know, to a
3 certain extent.

4 Q. Oh, it would?

5 A. Yeah, to a certain extent.
6 You'd lay it down there the best you
7 could. The thinnest it would
8 probably be? I'd say the thinnest
9 --- well, underneath the block it's
10 hard to tell how much it squeezed
11 out. You know what I mean? But I'd
12 say probably the thinnest it ever was
13 was probably something like that
14 probably.

15 Q. About an inch?

16 A. I'd say an inch. Inch to an
17 inch and a quarter, something like
18 that.

19 Q. And were there ruts that you
20 had to put more than that in to level
21 it off?

22 A. Well, like I said, we was
23 pretty fortunate up there. Most of
24 those entries were pretty clean. You
25 know what I mean? But yeah, I mean,

0060

1 the bottom's not ever --- don't run
2 fairly level, you know.

3 Q. Yes.

4 A. But it didn't have a lot of

5 bad ruts. I mean, somebody done a
6 good job scooping in there. I didn't
7 see them do it. The only one I ever
8 seen anybody really scoop out for us
9 was --- you know how the seals were
10 built. You had two that were further
11 inby than the other row?

12 Q. Yes.

13 A. So the only one --- I think
14 --- yeah. The only one I ever seen
15 anybody scoop out was the third one,
16 the one that was like --- angled from
17 --- you know, instead of running
18 across the entries, it run ---.

19 Q. It was perpendicular to the
20 other ones.

21 A. Well, I seen Skip scoop it
22 out. That was the only one I seen
23 actually get scooped out so we can
24 build up.

25 Q. What do you think the thickest

0061

1 you ever had to have it put in there?

2 A. You know, this is a little bit
3 different than the last interview
4 because they didn't want me to assume
5 so much. They wanted me to tell them
6 just facts.

7 Q. To the best that you know, the
8 best that you know. And I realize,
9 you know, we're looking at distances,
10 and you're giving us the best
11 information that you can.

12 A. I'd say --- I wouldn't think
13 that we ever probably had to put any
14 thicker than three inches. I mean,
15 that's not three inches. That's
16 about two inches right there. I'd
17 say, on average, probably no thicker
18 than two inches. Two or three inches
19 tops probably, because if you put any
20 more powder than that, you know, it's
21 going to --- you put your blocks in,
22 you know what it's going to do, it's
23 going to come out from underneath it,
24 you know.

25 Q. Okay.

0062

1 A. I mean, you really tried to
2 --- like I said, we was real
3 fortunate. Most of that bottom up
4 there wasn't real bad. Now, there's
5 some places that if you tried to
6 build a seal you'd have ---
7 especially on a buggy road or
8 something, you'd have, you know, ruts
9 that were eight inches, ten inches

10 deep that you'd have to do something
11 with, you know, but we didn't have
12 that so bad up there.
13 Q. Now, just getting back to that
14 area, the seals, about how thick?
15 A. Well, you've got one course
16 running length-ways and one course
17 running width-ways. And I think
18 they're about 40 inches thick.
19 Q. And how wide would you put the
20 mortar? Would it be wider than that,
21 this path that you --- this form that
22 you built on the bottom?
23 A. Not a whole lot wider.
24 Q. A little bit?
25 A. Well, you --- most of the time
0063
1 you didn't have any blocks laying
2 there in the direction you was going
3 to go. And you was leveling this
4 out, just trying to make you a good
5 worksite. You know what I mean? And
6 you'd lay your mortar out there and
7 spread it out. So it may have --- I
8 mean, after you built nine of them,
9 you started getting better at it,
10 which you know, whenever we was first
11 dumping bags of stuff, it may have
12 went a little wider.
13 Q. A little wider. Now, do you
14 finish that all the way across before
15 you put your first block in?
16 A. There again, it depended on
17 how we men was working. Like I can
18 remember one --- I don't remember
19 which seal it was, but I remember one
20 day we had all them bosses with us.
21 Them guys right there, buddy, they're
22 go-getters, which is great. But like
23 they was laying blocks on the left as
24 some of us was still opening bags and
25 smoothing it out on the right. You
0064
1 know what I mean?
2 Q. Okay.
3 A. Well, we had --- and if it was
4 me, George and Skip, well, you only
5 got two red hats and a boss. So we
6 have to --- we didn't really slow
7 down, but it was just the number of
8 workers decreased, so productivity
9 decreased, too. But we would usually
10 take our mortar all the way
11 across ---
12 Q. All the way across.
13 A. --- and then start laying our
14 blocks. Because there was just two

15 of us.
16 Q. Okay. Now, after you got the
17 mortar --- it's dry, right, it's dry
18 mortar, all the way across, did you
19 put any water on top of that? Did
20 the ground start ---?
21 A. Like I said before, it was
22 damp in there.
23 Q. Yeah.
24 A. And so me being --- especially
25 the very first day, you didn't
0065
1 realize, you know, that it would get
2 hard. But now I've seen evidence of
3 it that afterwards it gets hard real
4 quick. Even a bag of steel, if you
5 leave it in the mines, laying under
6 plastic, most of the times they'll
7 start to set up on their own. You
8 know how it is. But no, we didn't
9 have to wet it down. We, I guess ---
10 I don't know if we should have or
11 not, but we weren't wetting it down.
12 We'd put it down, then lay our blocks
13 on it, which of course your blocks
14 were muddy. So there was dampness
15 from the mud in the --- you know, the
16 blocks had mortar on them, not actual
17 mud.
18 Q. I understand.
19 A. Okay. So you'd lay that on
20 top of the mortar. The moisture from
21 the bottom, I guess --- I guess it's
22 supposed to set it up real good and
23 hard.
24 Q. Okay. But I mean, when you
25 looked at it, it was --- it still
0066
1 looked white. It was still a light
2 color.
3 A. Oh, it was white.
4 Q. Okay. So let's get to that
5 first row now. Now we've got the
6 mortar down. And it's all the way
7 across if it's just a few of you.
8 But if there's more of you, you might
9 be putting it across and someone
10 starting the blocks?
11 A. Right. Right.
12 Q. Okay. So let's get to that
13 first row of blocks now. That first
14 row of blocks, the very first block
15 you would put in, where would you put
16 it?
17 A. You know, most of the time it
18 seemed like we built left to right.
19 Q. Would it be against the rib?

20 A. Oh, yeah.
21 Q. So you would start with a full
22 block against the rib?
23 A. Yes, sir.
24 Q. And using this picture, there
25 are two --- and I'll call it two rows
0067
1 per layer. Would you put the first
2 row all the way across before you
3 started the second, or would you just
4 work your way with the two on the
5 first?
6 A. That varied, too. If you had
7 supplied on the inby side and
8 supplies on the outby side, well,
9 most of the time you'd have two men
10 on the inby side laying block, you'd
11 have two men on the outby side laying
12 block. And these guys on the outby
13 side were the ones mixing the mud,
14 reaching the mud to you in buckets to
15 mud your blocks and everything.
16 Well, you had blocks back there, so
17 these guys were laying --- you know,
18 your courses vary. You got your
19 length-ways and your width-ways, and
20 then the next row they vary.
21 Q. Yes.
22 A. So a lot of times I was on
23 this back side and when we were ready
24 to lay blocks, well, with these guys
25 up here, we'd lay together. We'd
0068
1 just go with the wall.
2 Q. So you'd work your way all the
3 way across?
4 A. Uh-huh (yes).
5 Q. Would you lay the entire first
6 course in before you started the
7 second? In other words, this entire
8 course would be in before you would
9 start this second row?
10 A. Almost always.
11 Q. Okay.
12 A. There again, it depended on
13 how many men you had working. If you
14 had all them bosses up there and me
15 and --- say me and George and Jeremy
16 would be almost done with this row
17 while them guys was back here getting
18 ready to start on the next row. You
19 know what I mean?
20 Q. Okay.
21 A. If it was me, George and Skip,
22 yeah, we'd finish a whole row, unless
23 we knew we had to leave a hole in it.
24 Q. Okay.

25 A. Like on that one, yeah, we
0069
1 finished two or three rows, and then
2 the next day or whenever we finished,
3 you know.
4 Q. So let's go back to that first
5 row. The first block you put in,
6 would it be dry? Would it be just a
7 dry block? You'd set a dry block up
8 on the first very row? Would you put
9 any mortar on that block or would you
10 just --- you would put it in place
11 first?
12 A. Each row was completely
13 mudded.
14 Q. At some point, it was. But I
15 mean, when you first started laying
16 these blocks, would you use a dry
17 block and just keep stacking the dry
18 blocks all the way across?
19 A. Yeah. And then we'd mud them
20 all.
21 Q. Okay. So we would put ---
22 would you leave a gap in between each
23 block?
24 A. If you mess with them Omega
25 blocks very much, they'll almost
0070
1 always leave a gap theirselves, yeah.
2 But you always had a gap between them
3 that you'd fill with mud.
4 Q. About how much would that gap?
5 A. Sometimes it varied. You know
6 what I mean? Sometimes it may be
7 like that. In all honesty, back
8 --- it seemed like your middle row
9 back here, where your blocks did vary
10 in size, sometimes you may have ---
11 sometimes you may have a gap like
12 that.
13 Q. So you're indicating ---?
14 A. Sometimes you may have a
15 quarter-inch gap and sometimes you
16 may have an inch-and-a-half gap.
17 Q. So it would vary depending on
18 the bottom or how --- where the block
19 was going?
20 A. Most of the time, though, your
21 biggest --- I mean, your biggest
22 variance in your gap would be in your
23 middle seam.
24 Q. In the middle seam between the
25 two portions of the block?
0071
1 A. Right.
2 Q. So would you lay the first row
3 all the way across before you started

4 putting the mud in?
5 A. Most typically.
6 Q. Okay. So on the first row
7 that's how you would ---?
8 A. It depended on how many men
9 was there.
10 Q. Okay.
11 A. I mean, because you had all
12 these --- we didn't always have that
13 many men.
14 Q. Right.
15 A. But like when we had all those
16 men, like I said before, I had
17 already stated that me and --- me,
18 George and Jeremy may be still laying
19 out here while these guys here is
20 mudding. And then as soon we get ---
21 we'd start mudding. You know what I
22 mean?
23 Q. Let's go back and make sure I
24 understand that. So if you had
25 enough people, you would put the dry
0072
1 course --- you would start putting
2 them across the entry, maybe get
3 halfway across the entry, then
4 somebody would come behind you ---
5 A. Yeah.
6 Q. --- and start filling in the
7 mud ---
8 A. And most usually ---.
9 Q. --- on that first course; ---
10 A. Exactly.
11 Q. --- is that right? Okay. And
12 then if you had enough people, then,
13 of course, they may start the second
14 row on top of that mud?
15 A. Right.
16 Q. Okay. Let's go back to that
17 mud that you put in there. Okay. If
18 you didn't have enough help and you
19 were doing it with just a few of you,
20 you would lay the entire row and then
21 you would put mud on top of that.
22 Explain to me how you would do that.
23 A. Well, if you had a row laying
24 there and you was going to mud it,
25 well, you'd just --- you'd pour your
0073
1 mud on top of the blocks.
2 Q. Okay. Dump it out of the
3 bucket on top?
4 A. You may use a bucket or you
5 may use the wheelbarrow. If you were
6 on your first course, you could push
7 the wheelbarrow right over next to
8 the wall, dump the whole wheelbarrow

9 out and let the other guy keep mixing
10 mud while you and --- a lot of times
11 it was me and George and Skip. Skip
12 would mix the mud and me and George,
13 the first row, they'd wheel the
14 wheelbarrow right over there, dump it
15 out and we would smear it on top them
16 blocks and, of course, you know,
17 against your ribs. Your ribs aren't
18 perfectly level. They're not
19 perfectly flat. You have to get in
20 that rib real good with your mortar.
21 You know what I mean? And you have
22 to ---.

23 Q. So you would just kind of
24 stuff it in against the rib. Would
25 you just try to put it down with your

0074

1 gloves to try and fill in that area
2 in between the first block and the
3 rib?

4 A. Well, I mean, that mortar will
5 go in itself. You know what I mean?
6 You can try to stuff it in, but ---
7 and you can push it in as good as you
8 can. But once you fill that up, then
9 you start leveling it out, you know.

10 Q. Okay.

11 A. It will ---

12 Q. So the mortar was ---?

13 A. --- find the path of least
14 resistance. And you know, it's going
15 to go into the crack as good as you
16 can shove it in there. You know what
17 I mean?

18 Q. What was that mortar like, I
19 mean, the consistency of it? Was it
20 like a more liquid or was it more
21 like mortar like when you lay a wall?

22 A. The consistency of that BBond
23 most of the time was about like what
24 you'd want if you was laying brick.

25 Q. Okay.

0075

1 A. You know what I mean?

2 Q. Yeah.

3 A. It's got to be solid enough to
4 --- it will stand on its own a little
5 bit. I mean, it can't be pure water
6 because it would run off your blocks.
7 And it can't be so thick that you
8 dump it out of the bucket and there
9 it sets. You know, it's in between
10 --- it's in between Playdough and ---
11 I don't know, biscuit dough or
12 something like that. You know what I
13 mean? It's not thick enough that it

14 will hold its own shape, ---
15 Q. Okay.
16 A. --- but it's not thin enough
17 that it will run plumb off the
18 blocks.
19 Q. So how would you get it in
20 between the joints of each block?
21 You put it on top, right, and then
22 you tried to push it into the joints
23 or ---?
24 A. Well, a lot of times, like I
25 said before, as you was laying a row
0076
1 across, depending on how many men you
2 had, you didn't always lay a whole
3 row across. Most of the time that
4 was just on your first row.
5 Q. Okay.
6 A. You would mud as you went ---
7 Q. Okay.
8 A. --- because --- or else you
9 couldn't get your blocks all mudded.
10 That was almost always typically the
11 case once you started building a
12 wall. Then somebody would be ---.
13 Q. Once you got past the first
14 row ---?
15 A. Somebody would be mixing mud,
16 reaching it to you, you'd lay a few
17 blocks up there, you'd start mudding
18 the tops of them and down the sides
19 of them. And then you'd lay some
20 block. Well, you had two or three
21 buckets of mud. Well, once --- and
22 it just varies. I mean, especially
23 this guy on the back, once he got
24 caught up, because he's having to
25 reach his mud over the wall and use
0077
1 it, well, when he got ahead, he'd
2 start mudding the face of the wall.
3 So I mean, you just done ---.
4 Q. So you may put three or four
5 blocks in, then put the mortar on the
6 top, and then try to smear it down
7 in?
8 A. Yeah. There wasn't a perfect
9 ---.
10 Q. There was no one particular
11 way to do it?
12 A. Exactly.
13 Q. Okay.
14 A. I mean, I could --- which
15 method we used the most, I can't tell
16 you which. You know, it varied,
17 depending on your number of men and
18 who was there, I mean, how --- I

19 mean, you know, if it was just me and
20 George, we kind of --- you know, we'd
21 lay a few blocks and mud them and go
22 because that's the best you could do.
23 You wouldn't want to lay two or three
24 courses and then it's quitting time
25 and you can't get them muddled. You

0078

1 know what I mean?

2 Q. Sure. Did you --- when you
3 tried to put it down in a gap, I
4 mean, did you use any tools or did
5 you just use your hand and kind of
6 rub it? How did you try ---?

7 A. We always used our hands.

8 Q. You just used your hands. You
9 didn't have a trowel or anything like
10 that?

11 A. Uh-uh (no).

12 Q. Did you ever try to --- did
13 you ever have to move the blocks
14 apart to try to get it to go down in?

15 A. Well, as you're building your
16 wall across, most of the time you can
17 see --- you can always see three
18 faces of your block, top, the side
19 facing you and the side that's
20 getting ready to butt up against the
21 next block. So most of the time you
22 didn't have a lot of problem getting
23 mud on most of your sides. You know
24 what I mean? Do you understand what
25 I'm saying?

0079

1 Q. I'm not sure if I'm clear with
2 that. My understanding --- let's
3 make sure I understand. When you put
4 the blocks in across and you're
5 working the blocks across the rows,
6 okay, let's suppose you put the first
7 three blocks in ---

8 A. Okay.

9 Q. --- and now you poured mortar
10 on top of those, right, ---.

11 A. You just said we laid three
12 blocks here.

13 Q. Yes.

14 A. Well, you know, I can see this
15 face on this block ---

16 Q. Okay.

17 A. --- and I can see this face of
18 this block, ---

19 Q. Right.

20 A. --- and I can see the top of
21 that block.

22 Q. Okay.

23 A. Well, that block there is easy

24 to mud. And if the guy on the back
25 hasn't caught up, guess what else I
0080
1 can see? I can see that back side.
2 You know what I'm saying?
3 Q. You can see the back side of
4 his block. I understand.
5 A. That's easy to mud.
6 Q. What if you --- I mean, is
7 there any --- so many that you would
8 do --- I mean, it would be easy to
9 get to this --- the vertical joint on
10 the last row of blocks that you're
11 working on.
12 A. These vertical joints is easy,
13 too. That mud would go right inside
14 of them.
15 Q. Oh, you'd just squeeze it
16 right down through there?
17 A. Yeah. And most of the time it
18 would start running out your sides
19 here.
20 Q. Start running out the front?
21 A. You know, and I'll tell you
22 this, too. They wanted a quarter
23 inch mud in all your seams. And
24 that's all well and good, but as this
25 wall gets bigger, higher, it gets
0081
1 heavy. You know what I'm saying?
2 Well, your mortar starts squeezing
3 out of your lower seams of blocks.
4 You know what I'm saying? So yeah,
5 it's good that you put a quarter inch
6 in there. But as you build this wall
7 up, guess what it's going to start
8 doing? It's going to start squeezing
9 out of these bottom seams if it don't
10 set up fast enough. But we tried to
11 put as much mud in as we can make
12 them hold. And the same way on here.
13 We built --- say these three blocks
14 was in. We'd pour mud in there.
15 We'd mud around them. We'd maybe lay
16 three, four, five more. You know, it
17 just varied.
18 Q. So the mortar was of the
19 consistency that it would go down
20 through the joints? You had no
21 trouble getting it through the
22 joints?
23 A. No. Like I said, it was ---
24 it wouldn't hold its own shape.
25 Q. Okay.
0082
1 A. It's enough that it would ---
2 it was thin enough that it would ---

3 you know, I can't say that it was
4 soup, but --- because it would stick
5 on the blocks, but it wasn't thick
6 enough that it would hold its own
7 shape. You could definitely get it
8 in the grooves, no problem.
9 Q. When you used the example of
10 the three blocks, was that typical,
11 you would go three and then mud it or
12 --- and I realize it depended on how
13 many people you had. Or was it more
14 typical that you may go five and then
15 mud it or ---?
16 A. You may go a good ways.
17 Q. Could you go the whole way
18 across and then come back and mud it?
19 A. You didn't usually get that
20 far before another batch of mud was
21 done being mixed. You know what I
22 mean?
23 Q. So would it be a factor of
24 when you ran out of mud, you'd stop
25 and just put solid blocks?

0083

1 A. When you smeared all your mud
2 and the guy was mixing more mud, that
3 was the time you laid more blocks.
4 You know what I mean? And then
5 whenever he got done with some more
6 mud, well, you were ready to start
7 mudding so he could --- you wanted to
8 keep him busy, so ---.
9 Q. He wasn't happy about that?
10 A. Well, it was Skip, so --- I
11 mean, it was the boss. You wanted to
12 keep him sweating if you could.
13 Q. Okay. Now, the block layers,
14 would you have one block layer in the
15 back and one block layer in the front
16 usually?
17 A. Almost always, yeah. Well,
18 not just one. Like a lot of times me
19 and Jeremy was in the back.
20 Q. Okay.
21 A. But then when it was just me
22 and Skip and George, there would
23 always be one person in the front and
24 always be one person in the back,
25 always.

0084

1 Q. And would you use that
2 construction method --- let's go to
3 the next-to-the-last row. Let's just
4 talk from everything below the next-
5 to-the-last row, where I just drew
6 the arrow from.
7 A. Okay.

8 Q. Would it be all the blocks
9 below the next-to-the-last row you
10 would use that same construction
11 technique?

12 A. Pretty much.

13 Q. Did it change as they got
14 higher at all? Because I realize
15 it's sometimes hard to get those
16 blocks up?

17 A. Still the same.

18 Q. Still the same. And where the
19 blocks met the rib, how did you get
20 the mortar in into those joints?

21 A. Like I said, it wasn't very
22 hard.

23 Q. Wasn't hard.

24 A. I mean, as long as you had
25 this much room on top of your wall,

0085

1 which is, you know, ---.

2 Q. Which is about a foot and a
3 half or so that you're indicating?

4 A. Foot and a half. Big enough
5 to get a bucket there, pour it over.

6 I mean, it wasn't hard to fill up
7 against your rib. That was ---

8 getting the rib mudded good and
9 sealed off good is way easier than
10 the way that you all have it written
11 down there for us to seal the top of
12 those.

13 Q. Okay.

14 A. I mean, it just is. I mean,
15 because, you know, that's --- your
16 mortar is going to want to run down
17 through your cracks.

18 Q. Okay.

19 A. I mean, gravity is going to
20 try to force --- and the same thing
21 on the top. And you know, when
22 you've got a space on top to try to
23 fill, it's a whole lot harder to fill
24 that space because this here is
25 pretty easy to fill, I mean, as far

0086

1 as shoving it down in there and
2 things like that. That wasn't hard.

3 Q. Did you ever have to use any
4 blocks or wedges along the side?

5 A. We never had to use any wedges
6 on the side. Pieces of block?

7 Q. Yes.

8 A. You may have had to --- say
9 your wall was built like this. Well,
10 say your wall was built perfectly
11 straight.

12 Q. Perfectly straight to the rib,

13 okay.
14 A. Well, say your rib run at an
15 angle.
16 Q. Okay.
17 A. You're using square blocks in
18 unsquare surroundings. I mean, you
19 know, it's just not square down
20 there. I mean, they shoot center
21 lines and things like that, but it's
22 just never square down there. So you
23 may try to butt your blocks up there.
24 Well, you may have to cut a block
25 kind of shaped like a piece of cheese

0087

1 on the end, ---
2 Q. Okay.
3 A. --- a wedge of cheese or a
4 piece of pizza, I don't know, to fill
5 in that gap against your rib and your
6 wall.
7 Q. Okay.
8 A. And you had to do things like
9 that.
10 Q. Did you ever use anything like
11 paper or anything like that?
12 A. You're not allowed to use
13 paper.
14 Q. You didn't use any mortar bags
15 to kind of fill that in?
16 A. Well, like those guys that
17 came down there and seen where we
18 built those, no, we didn't use no
19 mortar bags. They had to all be
20 cleaned up and picked up. But no ---
21 you didn't use anything like that.
22 And at that point, with us being
23 brand new, the thought of using paper
24 wouldn't have crossed my mind. You
25 know what I mean? That may --- now,

0088

1 on a stopping, you know, that may
2 happen on a stopping or something
3 like that. It shouldn't. But now
4 that you've been around and seen
5 things like that, you know --- but at
6 that point we was just doing exactly
7 what we knew to do, smear the mud in
8 there the best you can. Get her,
9 boys.
10 Q. When you were building the
11 rows across, did it always fit or at
12 some point did you have to cut a
13 block to make it --- for the row to
14 fit?
15 A. Yeah. And actually sometimes,
16 you know, these courses were
17 staggered.

18 Q. Yes.
19 A. And it seemed like after so
20 many rows, sometimes you would get a
21 seam that wouldn't stagger far
22 enough. Well, I never caught that.
23 Q. Okay.
24 A. One time --- and I don't know
25 which inspector it was was down
0089
1 there, and we did --- they was still
2 staggering them, but it was only
3 staggered like that far.
4 Q. And you're indicating about an
5 inch, inch and a half?
6 A. I'm indicating an inch, inch
7 and a half. And he was down there, I
8 think, with Carl. And he watched me
9 work for a long time. I didn't know
10 what --- I thought I was maybe doing
11 something wrong.
12 Q. That was Carl Crumrine?
13 A. Uh-huh (yes).
14 Q. Okay.
15 A. And he watched for a long
16 time. And I completely finished that
17 area right there, and I thought it
18 was looking pretty good, and he
19 indicated at that point, you know,
20 those seams need to be staggered
21 maybe a little more. He said, that's
22 fine there, he said, but watch your
23 seams. If your blocks would run
24 together, you need to cut them. So
25 from that point forward, you know,
0090
1 that was something we knew to look
2 for.
3 Q. Okay.
4 A. But yeah, sometimes you'd have
5 to cut blocks to make them fit. They
6 just didn't always fit right.
7 Q. And if you had a --- on a row
8 that you were working across and you
9 had to cut a block, did you put the
10 cut block on the end or did you put
11 it one or two blocks in from ---?
12 A. It almost always goes on the
13 end.
14 Q. Almost always on the end. And
15 did you have to sometimes cut those
16 blocks more than once, I mean, like
17 you said, a pizza shape or a pie
18 shape, to fit tight against the rib?
19 A. Did my cuts usually be right
20 the first time? Is that what you're
21 asking?
22 Q. No. Sometimes you might have

23 to cut it at one angle and then you
24 have to cut another angle just to
25 make it fit into the rib tightly?

0091

1 A. Yeah, most of the time. I
2 mean, you may have to cut them twice.
3 Q. Okay. And what would you cut
4 them with?
5 A. Well, you'd use a buck saw. I
6 mean, we had buck saws. And you
7 know, say you had a piece that needed
8 to --- let's say you had a piece that
9 needed to be an eight inch square,
10 well, your blocks are eight inches.
11 You could cut them with a --- you
12 could cut them with an ax.

13 Q. And did they cut pretty easy
14 with an ax?

15 A. If it's just a small piece you
16 need.

17 Q. Okay. We talked about the
18 rows, except the next-to-the-last
19 row. Now, when we get to the next-
20 to-the-last row, assuming the last
21 row is only --- you're going to have
22 to cut the blocks for that, so this
23 is the last full solid row that you
24 put across, was it put in the same
25 way as the courses below that, as far

0092

1 as put the dry block up and try to
2 mortar the top? Or how would you do
3 that?

4 A. A lot of times on the top
5 block, what you could do --- you'd
6 set them up there.

7 Q. This is the last full block?

8 A. Last full block.

9 Q. Not the last piece, the last
10 full block?

11 A. Well, and I don't know if you
12 all knew this. After we started
13 building those, I guess maybe Jeremy
14 mentioned that six-inch blocks would
15 come in handy, too, for the top row,
16 which that was nice. We didn't
17 always have to use them, but that did
18 make it nice. It made a better fit
19 some places and things like that.
20 But on that top row, a lot of times
21 what you do, you set a block up
22 there. I mean, some of these were
23 high. Or you could mud it --- of
24 course you tried to build your ladder
25 out of Omega blocks. You can mud it

0093

1 and set it in there. You could

2 mud ---.
3 Q. Okay.
4 A. Because you couldn't --- you'd
5 kind of have to do this. You
6 couldn't pour your mud out on them no
7 longer. You know what I mean? You'd
8 have to kind of mud as you went in,
9 definitely, because you just couldn't
10 --- you can't get a bucket on top,
11 pour mud out. You'd kind of have to
12 mud as you went.
13 Q. So that would be the --- the
14 very top row, did you have to
15 sometimes cut the block to fit the
16 top row?
17 A. Oh, yeah. Sometimes you
18 didn't --- there wasn't always
19 necessarily a straight line that you
20 had to cut them. I mean, it depended
21 on how your top was. It depended on
22 how straight your wall was. It
23 depended on --- you know, it depended
24 on a lot of things, you know.
25 Q. I want to make sure that we're

0094

1 talking about the --- not the road
2 that you're going to cut, the road
3 below that that's a solid --- you
4 know, a solid block. There's no cuts
5 on it. And when you would mortar
6 those to put them up in there,
7 because you said you had to do those
8 a little different, how would you ---
9 A. Well, you have to understand
10 ---.
11 Q. --- put the mortar on those?
12 A. Well, most of the time, as you
13 went across, --- you're talking your
14 second-to-last row?
15 A. Yes.
16 Q. Well, as you went across this
17 other row, it was two rows from the
18 top. So you could set your mud
19 bucket there. Do you see what I
20 mean? And get down and get a block
21 and put it up there. You had your
22 mud bucket sitting right there.
23 You'd lay a good seam of mud down.
24 We had mud buckets sitting there. So
25 if you needed some mud, you could

0095

1 smear mud on the block as you went.
2 Q. Okay.
3 A. If you need to, vice --- you
4 know, depending on what you needed to
5 do, you could ---
6 Q. Sure.

7 A. --- you kind of just done the
8 best you could with different
9 situations. You know what I mean?
10 Q. Would you mud all the joints
11 on the ones that you couldn't pour it
12 on top or there's just certain joints
13 you would do, or how ---?
14 A. No, there wasn't no certain
15 joints.
16 There was never --- no one
17 said that you could not mud this
18 joint. All of your joints are
19 supposed to have a quarter inch of
20 mud.
21 Q. Okay.
22 A. Meaning, you done the best you
23 could.
24 Q. So if you couldn't get it from
25 the top, then you would put it on the
0096
1 blocks itself and put them up there?
2 A. Most of the time, as you're
3 doing that top row, you kind of ---
4 like I said before, and I won't say
5 that every inch of the block got hit
6 now. You know, you done the best you
7 could.
8 Q. Sure.
9 A. You'd set the block up there
10 and you'd mud as you went on that
11 last --- second-to-last row. And the
12 same thing on your very last row, ---
13 Q. Okay.
14 A. --- kind of the same type
15 deal. You know what I mean? And
16 then you all know as well as I do ---
17 well, we'll get to that when you ask
18 me, I guess.
19 Q. No. Go ahead.
20 A. You know, it's ---.
21 Q. Because I'm going to ask you
22 that anyway, so ---.
23 A. On your very last row, I mean,
24 you start having to throw mud in
25 there, ---
0097
1 Q. Okay.
2 A. --- I mean, you know, to try
3 to fill up your gaps and stuff. And
4 they asked me last time, how did you
5 fill up your gaps. And I said, with
6 mud and pieces of block because ---
7 you know, the best you could, in
8 between your wedges or in between
9 your fly boards. You may have to cut
10 blocks. Like we went over before, a
11 lot of these blocks were junk anyway.

12 So you had all these pieces at the
13 bottom of the --- that you could fill
14 in holes, that you could, you know,
15 across the top. And you'd kind of
16 like --- you'd just have to mud as
17 you went, throw mud in there, do the
18 best you could.
19 Q. On this last row, ---
20 A. Uh-huh (yes).
21 Q. --- let's make sure I
22 understand on the last row. There's
23 only, what, about six inches or
24 something there. And you're cutting
25 the block so that ---

0098

1 A. It varied.
2 Q. --- there's some room at the
3 top of it; is that right?
4 A. Well, as far as your six
5 inches or whatever, that would vary.
6 Sometimes whole blocks would fit in
7 and be fairly tight.
8 Q. Oh, okay.
9 A. It would be a pretty good fit,
10 you know, enough room to drive a
11 wedge or whatever. And sometimes it
12 would be loose. You may have to fill
13 it in a little bit with another piece
14 of block. Or sometimes it would be
15 so tight, yeah, you would have to cut
16 a block, depending on the ---.
17 Q. Did you ever have to beat the
18 blocks in or ---?
19 A. You can't beat them Omega
20 blocks very good. You know what I'm
21 saying? I mean, you just really
22 can't beat them. I mean, they start
23 --- if you tried to pound an Omega
24 block in there that's sitting real
25 tight, the next thing you got to do

0099

1 is mud a furry block because you beat
2 the side of it. You know what I'm
3 saying? So you really couldn't beat
4 them a whole lot with anything.
5 Q. It would be pretty hard to get
6 the mortar in there.
7 A. It is hard.
8 Q. How did you --- did you coat
9 those on the ground and then stick
10 them up in there or how did you get
11 the mortar on that last course?
12 A. Like I said, most of the time
13 you was throwing. You was up there
14 and there again, on your very last
15 course, ---
16 Q. Yes.

17 A. --- well, this first block
18 goes in. You still got room here to
19 work as you went across. Now, over
20 here, you're about out of room.
21 Q. Right.
22 A. You know what I mean?
23 Q. You're mentioning the other
24 end of the ---?
25 A. The side opposite the side you
0100 started on.
1 Q. Right. Correct.
2 A. Well, as you went across, you
3 still had room a little bit to mud, a
4 little bit to work a little bit up
5 there. So you was doing the best you
6 could. You could mud and go as you
7 went.
8 Q. So you're indicating you would
9 put mud on the next-to-the-last
10 course. You'd reach up in there and
11 put mud on it. Now you have the
12 block that you're going to put on
13 top?
14 A. Yeah. So your building
15 surface is mudded.
16 Q. Okay.
17 A. You can set a block up there
18 and you can mud it, put it against
19 the rib.
20 Q. Would you put mud on it on the
21 floor, on the sides before you put it
22 in?
23 A. No, because then you're coated
24 with mud.
25
0101 Q. Okay.
1 A. So you could set it up there
2 ---.
3 Q. You set it up in there dry?
4 A. Yeah, as much --- but now your
5 building surface is mudded. It's got
6 mud on the bottom. And as you go to
7 scoot it against the rib, you got mud
8 there. Because once again, you're
9 one layer across, you can dump some
10 mud up there to work with ---
11 Q. Okay.
12 A. --- the best you can now.
13 Q. Sure.
14 A. And then you can mud as you go
15 --- kind of the same deal. But I'm
16 going to tell you, that top row, just
17 like the last chunk of the last seal
18 you build, it's not going to be as
19 strong as your first ten rows. You
20 know what I mean? It's real hard to
21

22 get --- I'm sure you got this space
23 in between your fly boards. You got
24 all this --- there's more air up
25 there ---

0102

1 Q. Okay.
2 A. --- to fill with mud.
3 Q. I just want to make sure I
4 understand this top row on how you
5 did get the mud on it, because ---.
6 A. As best you could.
7 Q. The next-to-the-last row had
8 mud. You put a dry block up in
9 there?
10 A. Uh-huh (yes).
11 Q. Could you reach on top of that
12 to put mud up there?
13 A. Very --- sometimes you could.
14 Like I said before, sometimes block
15 had to be cut. And remember, you
16 still had to leave room for fly board
17 and the wedge, if you could fit one
18 in, you know, the best you could. So
19 sometimes you could mud it pretty
20 fairly easy. Sometimes you had to
21 throw mud on top of it.
22 Q. So now on the last row, would
23 you complete the last row all the way
24 across?
25 A. Uh-huh (yes).

0103

1 Q. Now, all the blocks are
2 basically completed. And let's talk
3 a little bit about the wood that
4 would go on top of that. How would
5 you do that?
6 A. The first time I really got to
7 see one of these was the last time I
8 sat in front of you all.
9 Q. I'm just using this as an
10 example.
11 A. Well, but I mean, this thing
12 with the wedges, it looks like maybe
13 approximately three foot apart on
14 this diagram.
15 Q. Sure.
16 A. They never said let's put our
17 wedges three feet apart in a certain
18 direction drove in.
19 Q. Okay.
20 A. My objective when I was
21 building that was I thought --- I was
22 under the impression this was a seal
23 and you wanted them tight. You know
24 what I mean? You wanted your wedges
25 in there. And when I seen that they

0104

1 only put a few wedges, I told the
2 gentleman that questioned me last
3 time, how many wedges did you put in?
4 We put more wedges than that.
5 Q. Well, let's talk about the
6 first board.
7 A. The first board.
8 Q. Did you put a fly board in the
9 back? Where would you be when they
10 were going to put the fly boards on?
11 Would you be in the front of the seal
12 or would you be in the back?
13 A. A lot of times I was in the
14 back, and sometimes I was in the
15 front. You know what I mean?
16 Q. Okay.
17 A. We never had a set place we
18 worked. Sometimes I'd be in the
19 back. A lot of times I was in the
20 back.
21 Q. Let's start at the back then.
22 So you have all of the blocks all
23 the way across and you're going to
24 put the board up in --- did you
25 always put the board up in, the first

0105

1 board, the back board first? Is that
2 what you would do?
3 A. Before you put what?
4 Q. The top course of blocks is
5 complete, right, ---
6 A. I understand.
7 Q. --- it's all the way across.
8 Okay. Now, would you put a board, a
9 long board, a fly board, up on top of
10 that, between the last course of the
11 Omega block and the roof? Is that
12 where you would start? How would you
13 start to finish that off?
14 A. Are you asking --- let me make
15 sure I understand the question
16 correctly. Are you asking me if I
17 was in the back, would I try to reach
18 a board across the front or would I
19 try to reach a board in the middle or
20 would I try to reach the inby ---?
21 Q. What would you do? I mean, if
22 you're in the back, what would you
23 do? Would you try to put the middle
24 one in, the front one or the back
25 one?

0106

1 A. If I had --- if I would have
2 been in the back, me being brand new
3 building these, and I had two fly
4 boards back there, I would have tried
5 to put the first one in, I mean, so I

6 wouldn't have had to work with ---
7 the middle one.
8 Q. The one closest to you? Oh,
9 the middle one? You would put the
10 middle one in?
11 A. If I would have had two fly
12 boards back there.
13 Q. Okay.
14 A. Because if I would have put
15 the one closest to me, then how could
16 I have reached the one inby --- or
17 outby.
18 Q. Well, let's talk the scenario.
19 Did you ever do that, where you put
20 the middle fly board in from the
21 back?
22 A. No. Most usually --- the guy
23 on the back seemed like most usually
24 done the back fly board and the
25 wedges, finished up the back side of
0107
1 it.
2 Q. Okay. Let's talk about that.
3 How would you put that fly board in
4 in the back?
5 A. Well, I told the guys last
6 time, your top changes like that.
7 Sometimes the fly board would go all
8 the way across. Sometimes it
9 wouldn't. Sometimes it had to be cut
10 because of a big sway in your top.
11 Q. Okay.
12 A. You know, you may have ten
13 foot. Something like this you
14 couldn't bend your board around.
15 Because if you would have tried to
16 bend it around, it would have went
17 down inside of your seal. You know
18 what I mean? Maybe we should have
19 put the fly board up, finished this
20 side and --- I don't know. I'll tell
21 you the way we done it.
22 Q. That's what we want to know.
23 How did you do it?
24 A. You may have to cut your board
25 --- we done it the best we knew how.
0108
1 Q. Okay.
2 A. The best the condition suited
3 for.
4 Q. So when I looked at the ---.
5 A. If it would take a whole fly
6 board and it was just laying there
7 real nice and pretty, we would put a
8 whole fly board in there and it would
9 lay real nice and pretty and we'd put
10 wedges above it.

11 Q. The fly boards were how long?
12 A. You know, I think our fly
13 boards are --- I think they're 17
14 foot long or something, 16 foot long.
15 I think they're 17.
16 Q. The entry is wider than that;
17 is that correct?
18 A. Well, we try to cut our
19 entries, my understanding is 18 foot.
20 Our roof control plan allows us to
21 cut 20 foot.
22 Q. Okay.
23 A. So they could be 20 foot.
24 They could be 18 foot.
25 Q. The fly board isn't long
0109
1 enough to go from rib to rib. What,
2 would you cut a piece of it, or how
3 would you ---?
4 A. I do remember now we didn't
5 always cut a piece. I can remember
6 cutting some fly boards.
7 Q. Okay.
8 A. But now --- and I know we're
9 going to get this later, and I
10 answered this question before, the
11 last time I was --- they asked, did
12 you always use three fly boards.
13 Q. Okay.
14 A. And no, we didn't. Most of
15 the time --- I mean, this fly board
16 on the inby side and your fly board
17 on the outby side was almost --- you
18 know, they was used.
19 Q. Okay.
20 A. Was the one in --- I can ---
21 I'm sure that we did not always use
22 three fly boards. And their next
23 line of questioning was this. How
24 often did you not use three fly
25 boards? And then we're getting back
0110
1 to assumptions. You know what I
2 mean? We done the best we could with
3 what we had to work with. You know
4 what I mean? Your top changes in the
5 way it runs. And you may not
6 actually be able to squeeze that
7 third --- that middle fly board in
8 there because you may have your top
9 like this or it may have swayed right
10 in the middle. You know what I'm
11 saying?
12 Q. You're indicating that the top
13 would be ---
14 A. It wouldn't be perfect.
15 Q. --- down closer ---?

16 A. Right.
17 Q. Okay. When I looked at the
18 top of this, okay, would I --- what
19 would the top between the last Omega
20 block and the roof look like? Would
21 it be completely full of wood before
22 you put mortar up in there?
23 A. Uh-uh (no).
24 Q. What would it look like?
25 A. No. If you was looking --- if
0111
1 we was finishing the very last ---
2 you know, the very top ---.
3 Q. We're only talking about the
4 back one now.
5 A. Right.
6 Q. Okay.
7 A. You'd have a fly board up
8 there.
9 Q. Okay.
10 A. And it shows on this diagram,
11 it looks like it's completely flush
12 with the wall the whole way across.
13 Well, that's indicating a perfectly
14 straight wall and a perfectly
15 straight fly board, you know. And
16 that would have been great if we had
17 stuff like that to work with, but we
18 didn't always have --- you know what
19 I mean?
20 Q. Okay.
21 A. So a lot of times our fly
22 boards may have set in just, you
23 know, a little bit. They may have
24 set in two inches or ---.
25 Q. Set in --- you mean from the
0112
1 outside face?
2 A. Right.
3 Q. They were in about two inches?
4 A. Maybe sometimes.
5 Q. Okay.
6 A. And then being that --- you
7 know, like I said, our walls were
8 never this pretty. You know what I
9 mean?
10 Q. Okay.
11 A. But we done the best we could.
12 So you'd have a fly board up there,
13 then you'd drive some wedges in
14 there. Well, you'd have all this
15 room. You know what I mean?
16 Q. You mean above the top of the
17 fly board or ---?
18 A. You'd have some space in
19 there.
20 Q. Okay.

21 A. And the last time they asked
22 me, how did you fill that in? Well,
23 you tried to throw as much mud in as
24 you could. Well, you had to fill
25 that gap with something else.

0113

1 Because like I said, the consistency
2 of that mud wouldn't let you just
3 keep throwing mud in there without it
4 wanting to come back out.
5 Q. Okay.
6 A. So you would fill in some of
7 your gaps with pieces of Omega block
8 so that you can --- you know, so that
9 you could seal this thing up real
10 good.
11 Q. So when I looked at --- I
12 would look above the last course of
13 Omega block and I would see a fly
14 board, ---
15 A. Right.
16 Q. --- most cases? Would it go
17 all --- it wouldn't go all the way
18 across. There would be an opening
19 that you would fill with something
20 else so that it would --- would there
21 be wood going all the way from rib to
22 rib?
23 A. Of some type.
24 Q. Of some type.
25 A. I mean, like I can remember,

0114

1 like I said, we have cut fly boards
2 to make them fit. We didn't always
3 have to. The fly board may be ---
4 let's say the fly board was 18 foot,
5 17 foot long, and your entry was 18
6 foot wide. You'd have six inches or
7 less on either side. You're talking
8 about a piece --- right there's ---.
9 Q. Do you know what might be
10 easiest? Let's try something. I'm
11 really having a tough time
12 understanding, so I'm going to ask
13 you to draw something for me. What
14 I've drawn on this paper is the ---
15 this is the Omega block. This is the
16 Omega block wall.
17 A. Uh-huh (yes).
18 Q. Somewhere above this is the
19 roof.
20 A. Right.
21 Q. And you've told me that the
22 roof isn't always straight.
23 A. Yeah.
24 Q. So rather than me try to guess
25 what you're --- could you draw

0115

1 approximately what you think the roof
2 would have looked like there? And I
3 realize it's going to ---?

4 A. We built ten of them. I mean,
5 --- and I can remember, I think it
6 was Number One there was a good roll
7 in that top there that the fly board
8 had to be cut. I can't draw you a
9 thing that would represent all ten
10 entries there. I mean --- you know,
11 and I don't want to be difficult.
12 Q. I understand.

13 A. You all have been real nice to
14 me and everything, but you're talking
15 about a lot of variances, and I can't
16 --- if I would try to draw you --- we
17 have some top up there that's
18 absolutely beautiful, but then we
19 --- and you know, if I tried to draw
20 you one diagram to represent every
21 top --- piece of top we have in Sago
22 Mines, I could not --- I couldn't do
23 that.

24 Q. Well, let me try to put
25 something here then. Let's say the

0116

1 mine roof looks something like that.

2 A. Okay.

3 Q. Typical --- this is not ---
4 this isn't one particular. This is
5 typical. If you had a mine roof that
6 looked something like that, and the
7 board --- the fly board was thicker
8 in this area that I just drew an
9 arrow. So the fly board wouldn't fit
10 through there. It was --- the fly
11 board is three-quarters of an inch
12 thick and this area is only a half
13 inch. How would you put the fly
14 board in?

15 A. Like I said before, I can
16 definitely remember us having to cut.
17 So you would have a fly board running
18 to that point. And the remainder of
19 that fly board you just cut, you'd
20 stick right here.

21 Q. So I'm just going to draw that
22 in.

23 A. Uh-huh (yes).

24 Q. So I'd have a fly board ---
25 and this isn't a very good drawing,

0117

1 but that would extend on either side.

2 A. Right. That looks good.

3 Q. So it would look something
4 like that?

5 A. Yep.
6 Q. Okay. Now, above the fly
7 board, ---
8 A. Uh-huh (yes).
9 Q. --- some places I have a
10 little bit of an opening and some
11 places it's pretty tight?
12 A. You're doing a good job of
13 describing it. This is exactly what
14 I was trying to tell you a minute
15 ago.
16 Q. Okay. You're doing a good
17 job. That's why I said we're getting
18 across what we want to do. How would
19 you --- in this wide area that's
20 bigger than a wedge, ---
21 A. Right.
22 Q. --- can you show me how you
23 would put a wedge in there, what it
24 would look like in the --- like here
25 the wedge fits.
0118
1 A. Like I told you before, you
2 would have bigger areas that you may
3 have to fill. And you may have to
4 put a piece of block right here to
5 fill in some space.
6 Q. To fill in that space.
7 A. Right.
8 Q. So you may put a --- let's say
9 you may put a piece of block, and
10 that little area that I've just drawn
11 is block, you put a piece of block in
12 there. Now, above the block there's
13 still a little bit of a gap.
14 A. Uh-huh (yes).
15 Q. Would you put a wedge in
16 there?
17 A. Yeah. We're supposed to wedge
18 the fly board down tight against the
19 ---.
20 Q. So would this be --- this gap
21 in between here, would it be solid
22 wedges?
23 A. Not necessarily. We wouldn't
24 necessarily wedge every inch across
25 there.
0119
1 Q. Okay.
2 A. Our wedges and things, we done
3 the best we could. I mean, we may
4 put 12 wedges across the top on the
5 front side. We may put ten wedges
6 across on the back side.
7 Q. Okay.
8 A. We may have put a total of 27
9 wedges in on the Ninth seal and only

10 put 26 wedges in on Eight. You know
11 what I mean? Never at any time was
12 we sat down and told to put 15 wedges
13 in each seal. You know what I mean?
14 Q. Okay. We're just trying to
15 figure out what we did do on there.
16 If you were to start this, okay, you
17 put the board up first, right, the
18 fly board?

19 A. Right.

20 Q. The fly board is put up on
21 either side. And then if there's a
22 place that's higher than that, you
23 would put some block --- cut some
24 block and put it in there?

25 A. If you needed it.

0120

1 Q. If you needed it. If you
2 didn't need it, ---

3 A. Then you just drove your wedge
4 ---.

5 Q. --- you just drove ---? Where
6 would you start with your wedges?
7 Would you start with your wedges
8 against the rib?

9 A. A lot of times you can work
10 one way to the other, but not always.
11 I mean, you may --- your first wedge
12 may be driven right here.

13 Q. It may be driven in the
14 middle, where we have the arrow
15 pointing, is that what you're saying?
16 So I'll just draw a wedge. For
17 example, could the first wedge be put
18 something like ---?

19 A. We could very well put the
20 first wedge here.

21 Q. Okay. And would you continue
22 just driving wedges against that
23 wedge or would you turn it around and
24 put the thick side of the wedge
25 against that wedge and have the thin

0121

1 side and drive it into that? How
2 would you --- that's what we're
3 trying to get an understanding of,
4 how you did that.

5 Q. That varied. I'll tell you,
6 it did. It varied. I mean, my
7 understanding now, after all this,
8 that the wedges --- I mean, I seen
9 these diagrams now, that the wedges
10 were all supposed to be driven in
11 length-wise. And no, all of our
12 wedges weren't driven in length-wise.
13 Most of the time, the way we'd drive
14 them in is the best way to get a

15 good, tight seal. And you know if we
16 could drive them from rib to rib, ---
17 Q. Yes.
18 A. --- have less wood exposed and
19 get that real good and tight, that
20 makes more sense to me, especially
21 now, knowing that wood is combustible
22 and all that --- you know, you have
23 less wood exposed on the outside of
24 the --- I mean, all of our wedges
25 weren't driven in.

0122

1 Q. They weren't driven in from
2 ---
3 A. Like the ---.
4 Q. --- like they're shown on the
5 picture?
6 A. Right. Not all of them were
7 driven in that way.
8 Q. Well, let's go back to how we
9 did do it. And I'm just trying to
10 get an understanding because, for
11 example, if a wedge fit, you would
12 put one wedge in?
13 A. Uh-huh (yes).
14 Q. And if there was room for a
15 wedge against that, would you put
16 another wedge, if there was room,
17 against the first wedge?
18 A. Oh, you mean like if there was
19 this much space and it took two
20 wedges to get a good tight seal,
21 yeah, we may have put two wedges
22 right there.
23 Q. Okay. So would you drive one
24 wedge into the first wedge, is that
25 how you would do it, to tighten that

0123

1 up or ---?
2 A. I can show you maybe better.
3 Q. Yeah. That's what I'm trying
4 to understand.
5 A. If this was my seal, ---
6 Q. Okay.
7 A. --- this is the top, and I
8 drove a wedge this way, ---
9 Q. Yes.
10 A. --- and I'll point an arrow so
11 there's no confusion.
12 Q. Okay.
13 A. The thick side right here.
14 Q. Okay.
15 A. Thick side right here. And
16 this wasn't real tight, yeah, I may
17 come right here and start a thin
18 wedge --- the thin side here and
19 drive it into the thick side.

20 Q. Okay.
21 A. And I got a good, tight ---
22 that's good and tight there now. You
23 know what I mean?
24 Q. Okay.
25 A. And then it's good and tight
0124
1 there. I can --- I may move right
2 here and put another one.
3 Q. So would there be a gap
4 between these two and the next set?
5 A. Yeah. Sometimes there would
6 be.
7 Q. So there could be a gap in
8 between. It wasn't solid wood all
9 the way across there?
10 A. No, I wouldn't say all the way
11 across it was ever solid wood.
12 Because like I said before, a lot of
13 times you'd have to use pieces of
14 Omega block to fill in those gaps.
15 Q. Okay. So in between where
16 these two wedges were located, and
17 I'll put something like that, that
18 might be Omega block?
19 A. Well, there may be a piece of
20 --- you know, and I'm not talking
21 we'd cut an inch thick by --- if you
22 had all these pieces laying there,
23 ---
24 Q. Sure.
25 A. --- you'd want to try to fill
0125
1 in your gap so you got a real good
2 seal.
3 Q. So this could be a piece of
4 Omega block in between there?
5 A. It could be.
6 Q. Did you ever fill it with just
7 mortar in between there?
8 A. Yeah, if the mortar would
9 stick. I mean, like I said, that
10 mortar is going to want to run out.
11 So if you've got too much space in
12 there, ---
13 Q. Okay.
14 A. --- it wouldn't hold itself
15 in.
16 Q. So that's why you put the
17 piece of Omega block ---?
18 A. You put a piece of Omega block
19 in there to fill up so something
20 would be mortared in there. You know
21 what I mean?
22 Q. Okay. So we wouldn't have
23 wedges back to back, and anywhere
24 there was a gap in between, in order

25 to get the mortar to stick you'd fill

0126

1 Omega block in between?

2 A. It depended on how much space
3 there was. If it was --- if you had
4 an inch space above, you could fill
5 that pretty easy with mud.

6 Q. Okay.

7 A. It will hold itself in there
8 good enough to set up and not fall
9 from the top before it dried.

10 Q. Okay. This is --- and we're
11 describing the back block --- or the
12 back installation of the board
13 across. Would that be similar to the
14 way you did the front?

15 A. Yes, sir. They would be
16 almost identical.

17 Q. And the middle one, it was
18 sometimes it was in there and
19 sometimes it wasn't?

20 A. We did not always use three
21 boards. And like they wanted me to
22 give them a for instance on how many
23 times. I can't tell you how often
24 there was three boards put in.

25 Q. At any time that you did get

0127

1 the middle board in, did you get it
2 wedged in at all?

3 A. Well, you showed with your top
4 there it would have been different.

5 Q. Yes.

6 A. A lot of times it would be
7 tight on its own in certain areas. I
8 honestly cannot recall reaching back
9 in and driving wedges in that top ---
10 in that middle fly board.

11 Q. Okay. The mortar --- now,
12 let's talk about the mortar that
13 would be in between the front and the
14 back. And then there would be a gap
15 in there; is that right?

16 A. Uh-huh (yes).

17 Q. What would you do in that gap
18 in between the front board and the
19 back one?

20 A. You would throw as much mud in
21 there as you could. You'd try to
22 seal it off as good as you could.

23 Q. And trying to get an idea of
24 about how much mud you would put in
25 there, would it be a wheelbarrow

0128

1 full, you know, across the whole
2 seal? Would it be ten wheelbarrows
3 filled or ---?

4 A. A lot of times when you got to
5 the very top, ---
6 Q. Yes.
7 A. --- you'd always need on the
8 back side, if you was working on the
9 back side --- and the reason I can
10 say this is because most of the time
11 I was working on the back side, you
12 would need at least four or five
13 buckets of mud.
14 Q. So when you're putting this
15 --- the first board in ---?
16 A. To seal that top?
17 Q. Yes.
18 A. You'd need --- if we're using
19 five-gallon buckets, you're talking
20 25 gallon of mud across that top.
21 Q. That would be on the back.
22 Okay.
23 A. And that's --- how many gallon
24 are those black buckets? I don't
25 think they're --- I think they're
0129
1 three and a half gallon or something
2 like that.
3 Q. Three and a half gallon.
4 Would you throw mortar up on top?
5 Does that include the mortar that you
6 threw up on top before you put the
7 board in?
8 A. Well, yeah. I mean, most of
9 the time when you were completely
10 ready to finish ---.
11 Q. Ready to finish means before
12 you put the board in or after, just
13 so I understand?
14 A. You know, let's say it was ---
15 I'd get my mud over there. I'd have
16 my mud on my side of the wall, on the
17 inby side of the wall.
18 Q. Okay.
19 A. I'm ready to start finishing
20 this wall, okay.
21 Q. And by finish you mean put the
22 board up, put the wedges in and
23 finish her out?
24 A. Exactly.
25 Q. Okay.
0130
1 A. I'm starting --- the outby
2 crew people, whoever it was, would be
3 finishing their side.
4 Q. Okay.
5 A. They're filling in on that
6 side while I'm starting to fill in on
7 my side.
8 Q. So you're trying --- you're

9 filling in --- this is before the
10 board goes in now?
11 A. Right. We're going to fill
12 some of that space in with pieces of
13 block and mud. You know what I mean?
14 Because sometimes there would be a
15 gap in there.
16 Q. Okay.
17 A. And then you'd put your board
18 in, ---
19 Q. Okay.
20 A. --- wedge it down. Then
21 you've got four or five buckets of
22 mud that you can go across your top
23 with. And at that time, you know,
24 your whole face was already mudded,
25 so you didn't have to mud your face.

0131
1 Q. Okay. Then before you put
2 this board in, did you try to throw
3 mud up on top of the seal?
4 A. Yeah. You tried to seal it as
5 good as you could.
6 Q. Okay. About how much? Is
7 that the ---?
8 A. That included the five 25, 30
9 gallon of mud. You know what I mean?
10 So you get a little bit of mud.
11 Q. And you think that --- on the
12 front side now, when you did the
13 front, was a similar technique used?
14 A. Oh, yeah.
15 Q. So about five buckets of this?
16 A. Let's say --- we'll assume it
17 was five buckets. I mean, it's going
18 to vary with the size of your --- how
19 many holes you have. I mean, ---.
20 Q. I mean, it may be three and it
21 may be ---?
22 A. No, I wouldn't say you ever
23 could get one done with three.
24 Q. So five would be your minimum?
25 A. Yeah. I'd say ---.

0132
1 Q. Probably if you were going to
2 look at a maximum, I mean, was it 50,
3 was it 20, was it ---?
4 A. No. Well, I mean, like on
5 that first seal, ---
6 Q. Yes.
7 A. --- that seal was big.
8 Q. Yes.
9 A. I would say to finish that
10 seal it took probably four
11 wheelbarrow loads of mud.
12 Q. Oh, okay. To finish the top?
13 A. Yeah.

14 Q. Is that both sides, front and
15 back?
16 A. To do both sides, it may have
17 took a shade more than that. I mean,
18 ---.
19 Q. You mean more than ---?
20 A. We used a lot of mud. That
21 was a big one.
22 Q. That was a big one.
23 A. Uh-huh (yes).
24 Q. So you could have used four
25 wheelbarrows total or four in the

0133

1 back and four in the front?
2 A. No, I wouldn't say ---
3 probably total --- yeah, well, nine,
4 eight. I wouldn't say eight
5 wheelbarrow loads because that would
6 be 16 bags. Most of the time you
7 mixed two bags up at a time, so ---.
8 Q. Two bags? That was the next
9 question I was going to ask you.
10 A. Let's say six.
11 Q. Six wheelbarrows? That would
12 be on the first one? That was the
13 big one?
14 A. That would be --- it took a
15 little more mud, but we used a lot of
16 mud on all the seals, so ---.
17 Q. So six wheelbarrow loads per
18 seal on the top would ---
19 A. Close.
20 Q. --- somewhere in that
21 neighborhood? I mean, it could have
22 been eight, it could have been five?
23 A. That's probably a pretty close
24 guess. And that's only 12 bags of
25 mud.

0134

1 Q. Okay.
2 MR. UROSEK:
3 For the record, the
4 drawings we've been referring
5 to ---
6 A. Will be entered in as --- we
7 done that last time, exhibits.
8 MR. UROSEK:
9 --- are at the bottom
10 of Exhibit One for the March
11 29th interview for Mr. Short.
12 (3/29/05 Short Exhibit
13 One marked for
14 identification.)
15 BY MR. RUTLEDGE:
16 Q. You said at one time an
17 inspector watched you work a while
18 and said something about a joint

19 being close?
20 A. Uh-huh (yes).
21 Q. Did he make you take a block
22 out or ---?
23 A. No. He said it was fine. I
24 mean, Carl was there. And he said
25 that it was fine. He said, just
0135
1 watch that, you know, ---.
2 Q. Don't let them lined up?
3 A. Exactly. And you never want
4 them lined completely. It's just the
5 same as building a house, but ---.
6 Q. And do you know who that
7 inspector was?
8 A. You know, I think that --- I
9 think I've heard his name as Mehaulic
10 or --- I don't know. I think that
11 was the fellow that was there
12 watching me work. But I'll be real
13 honest with you, I didn't care who he
14 was. I mean, I knowed he was way
15 more important than me, and I didn't
16 want to --- you know what I mean?
17 Q. Yeah.
18 A. I was just ---.
19 Q. Did he have any plans or
20 paperwork or did he --- how much time
21 did he spend there?
22 A. He watched me work for a
23 while, he did.
24 Q. Did he go over anything that
25 you should or shouldn't be doing with
0136
1 you?
2 A. Yeah. He said --- you know,
3 he said, you want to watch --- you
4 know, you want to make sure you get
5 the quarter-inch mud, which I think,
6 being fairly honest, we was always
7 getting, if not more than that. He
8 said you wanted to watch your seams
9 being staggered. And I think that
10 was really the only two things he
11 knocked on us about, that I can
12 remember. Now, I know that he was
13 asking about a plan, where was the
14 plan at, I know. And at that time,
15 Carl didn't have one with him. And I
16 don't know if he seen somebody's
17 plan, if he went and found Jeff's ---
18 whose plan he looked at, but I guess
19 he did find a plan.
20 Q. But on the seals that you
21 worked on, you feel confident,
22 comfortable, whatever, that wherever
23 two blocks joined together, two

24 vertical sides of those blocks joined
25 together, that there was enough crack

0137

1 in there that you guys got plenty of
2 mud down in between those cracks or
3 in those seams between the two
4 blocks?

5 A. I feel real confident that
6 there was mud --- I don't figure that
7 on these walls we built there was any
8 dry blocks touching each other. And
9 if it would have been, it would have
10 just been by happenstance. I mean,
11 it was --- you know what I'm saying?
12 We almost always --- we wasn't in
13 short supply of mud.

14 Q. You're saying then --- and I
15 don't want to put words in your mouth
16 or anything, but if there's any place
17 there in the blocks --- or in the
18 seals that you worked on where
19 there's two dry joints together,
20 you'd think that would be very
21 unusual?

22 A. It would be unusual.

23 Q. Okay.

24 A. I mean, because you've got
25 these blocks here. And like I said,

0138

1 you've got a substance that you're
2 smearing on these blocks that doesn't
3 hold its own shape, you can
4 definitely very easily get it in the
5 seams as you go across. And like I
6 said before, as you got up higher, as
7 you couldn't, then you'd have to
8 start mudding as you went. You know
9 what I mean? You couldn't rely on
10 gravity to force that mud to --- you
11 kind of had to go as you went at that
12 point. And I don't mean to be rude
13 --- and I hope I don't come across
14 --- but I mean, these drawings and
15 stuff are perfect, I mean, the ones
16 that --- and we never --- I don't
17 know that we ever built, like I said,
18 a seal that was --- all the blocks
19 were perfectly square, the entry was
20 perfectly square and the bottom was
21 perfectly level. I mean, it just
22 didn't happen for us that way. And
23 we just really done the best we could
24 with what we had.

25 Q. And that was the only

0139

1 inspector that you saw during the
2 time you were working on those, was

3 this one instance?
4 A. Now, one day we was almost
5 finished, and Mr. Collins was there.
6 And I know he went back there with
7 Marty because they came back out, and
8 we had forgotten --- we hadn't
9 forgotten, we just hadn't done it
10 yet, we hadn't sealed off the area.
11 We hadn't finished building a crib
12 behind, I think it was Number six.
13 And he told us that needed built, you
14 know, of course before it was sealed
15 off. And then we did build that.
16 And that was --- I seen Mr. Collins
17 and that other fellow. I think those
18 were probably the only two that I
19 seen.
20 Q. Did you help build cribs
21 behind the ---?
22 A. I built --- yeah, I helped
23 build a lot of cribs.
24 Q. How about behind the ones in
25 Number Ten and farthest to the right?

0140

1 A. Yeah, we built those.
2 Q. And did you help put the gas
3 sample pipe up there?
4 A. Sure did.
5 Q. And how long was that from the
6 seal inby?
7 A. It was two sections of pipe,
8 and I think they were 20-foot
9 sections. I mean, it was a long
10 pipe, it really was. And we had to
11 have cribs, one, to --- you know, to
12 support that pipe because as you got
13 so far away from the seal, I mean,
14 that pipe would have been on the
15 ground. It needed --- I think it
16 needed to be 12 inches from the top
17 so we could --- worked out pretty
18 good. We could slide it through
19 those cribs to hold the weight of it.
20 Q. And you and some other guys,
21 did you put those two joints
22 together?
23 A. Yeah. Yeah, we had to screw
24 them together.
25 Q. And did it go together easy or

0141

1 was it hard?
2 A. I mean, it was threaded. It
3 went together pretty easy.
4 MR. RUTLEDGE:
5 That's all I got.
6 Thanks.
7 BY MR. UROSEK:

8 Q. On that gas-sampling pipe, did
9 you use a wrench to tighten it up; do
10 you remember?
11 A. I don't think we needed --- I
12 don't believe we did use a wrench.
13 Q. And that pipe would have been
14 resting on the crib blocks?
15 A. It was through the cribs and
16 then it rested in the wall. You
17 know, we had to cut out a hole for
18 it, the same as we did for the, you
19 know, waterlines.
20 Q. Were there any --- did you tie
21 it to the roof at any place with wire
22 or anything like that?
23 A. We didn't have to. That's why
24 we had the cribs. We had cribs inby
25 and outby, so ---.

0142

1 Q. Were you involved in putting
2 the copper tubing through the middle
3 of that?
4 A. Uh-uh (no).
5 Q. Did you ever see that copper
6 tubing go through there?
7 A. I didn't see it go through
8 there. I seen both bundles of copper
9 wire that went in to do it, but I
10 never seen it done.
11 Q. After it was done, you didn't
12 see what it looked like on the
13 inside?
14 A. Uh-uh (no).
15 Q. And the cribs that you said
16 you built, how close were they to the
17 seals?
18 A. I think --- I thought that our
19 plan called for cribs. Now they
20 didn't by looking at that, but I
21 think they were five foot.
22 Q. About five foot. Okay. So
23 you could walk between the cribs and
24 the seals?
25 A. You could work between the

0143

1 crib and seals. I mean, some of the
2 cribs were built before the seals
3 were done, so we did work between the
4 cribs.
5 Q. And how did you tighten those
6 cribs up?
7 A. With wedges and half-headers
8 and a poleax, the same way we used
9 poleaxes a lot.
10 Q. Would you say they were pretty
11 tight?
12 A. Oh, yeah.

13 Q. Behind those cribs on some of
14 the --- inby some of the seals, was
15 there a stopping built there?
16 A. A stopping left standing?
17 Q. Yes.
18 A. I never seen one, no, sir.
19 Q. You never saw one? And it
20 would have been in the same crosscut
21 as the seal was?
22 A. Oh, no. Oh, yeah. Yeah.
23 Matter of fact, but it wasn't --- you
24 know, it wasn't left standing. I
25 mean, there was, you know, maybe

0144

1 pieces of block where it had been
2 knocked out, you know, so we could
3 get in there and work. But now that
4 was --- there wasn't one --- I think
5 maybe that was only in --- I can only
6 remember that been standing there and
7 still left standing there maybe two
8 or three, and then of course, it was
9 knocked out, you know, so you could
10 get in there and out of there to
11 work. And there was a stopping in
12 the Number Third one --- in the
13 Number Three one --- the third seal,
14 I'm sorry, ---
15 Q. Yes.
16 A. --- whenever it was scooped
17 out. And it was scooped --- you
18 know, it was scooped out and taken
19 care of.
20 Q. On the ones that had some of
21 the stopping left, was it about
22 halfway removed or was it mostly
23 removed?
24 A. I can remember after we had to
25 go back in there and build that one

0145

1 crib, if that was the sixth seal that
2 needed a crib built, then on the
3 seventh seal there was part of a
4 stopping left, as best as I can
5 remember, and the whole middle of it
6 was gone, you know, had been knocked
7 out.
8 Q. Do you remember what they were
9 made of? Were they Omega block?
10 A. You know, I think they were.
11 Matter of fact, I know they were
12 because we knocked some of them out
13 with a crib block, knocked them out
14 --- you know, real easy to knock them
15 out.
16 Q. What did you do with those ---
17 when you were completed with the ---?

18 A. Well, they were junk blocks.
19 Just like them call blocks, we really
20 didn't --- you know, we didn't use
21 them.
22 Q. Did you just leave them there?
23 A. The ones that were inby?
24 Q. Yes.
25 A. Yeah, they would have been

0146

1 left there.
2 MR. UROSEK:
3 Okay. Can we take just
4 a five-minute quick break?
5 SHORT BREAK TAKEN
6 BY MR. UROSEK:
7 Q. Just a couple more questions.
8 We talked about the mortar ---
9 A. Uh-huh (yes).
10 Q. --- that you used on the
11 bottom, you know, when you leveled it
12 up. Was it the same mortar that you
13 used there that you were mixing with?
14 A. Yes, sir.
15 Q. So you only used one kind of
16 mortar in the whole ---
17 A. The whole shebang.
18 Q. --- shebang?
19 A. Yeah, one type of mortar.
20 Q. Okay. And we had talked about
21 this, but I just want to make sure
22 that I'm clear. On that first row,
23 when we talked about --- you know,
24 you laid the first row down and then
25 you put the mortar on top of it and

0147

1 you tried to put it into the joints,
2 did you try to spread those blocks
3 with anything to get that mortar in
4 or you were able to just get it in by
5 hand?
6 A. Most --- yeah, it would
7 usually go in ---.
8 Q. On the first row I guess is
9 where I was ---.
10 A. On your first row, yeah. In
11 all honestly --- just as honest as I
12 know how to be, most of the time, if
13 you were mudding a row of block
14 across the top, you tried to make
15 that mud a little thinner so that it
16 would go between those --- especially
17 thinner than your last batch of mud,
18 which was having to stick against
19 gravity. It would have to be
20 thicker. It would have to hold
21 itself up. Your batches of mud that
22 was going to be on top, on a flat

23 surface, would be thinner. That's
24 how we pretty well ensured that we
25 were getting her mudded good.

0148

1 Q. Okay. And we talked about
2 that top row, the last block that you
3 put in and how you got the mud in
4 there. And you said something that
5 as you worked your way across and you
6 got to the very end, it was more
7 difficult to get the mud in? Did I
8 understand that correctly?
9 A. Yeah. I mean, --- yeah, it
10 would --- well, you can imagine, as
11 you're working your way from, let's
12 say, left and right, you got to ---
13 your gap, your field area is this,
14 and you're working from left to
15 right. Well, this here is not sealed
16 yet. Once you get to the rib, you're
17 just going to --- one man is going to
18 be --- you'll have to work towards
19 each other. You know, you're not
20 able to work this direction, working
21 back towards. So yeah, it's going to
22 be gradually harder, just the same as
23 laying a stopping or anything. Any
24 time you're building anything all the
25 way up to the top, when you get to

0149

1 the very end, your last course of
2 block, it's always going to be just a
3 little more difficult because that
4 block may need to be cut three times
5 if you're building a stopping.
6 Q. So this is the final block
7 we're talking about? It's harder to
8 get the block cut?
9 A. Yeah, because it's going to be
10 --- anything, I mean, I don't ---
11 anything you're building, if it's
12 going to be from a wall to a wall,
13 it's always harder on your off side
14 because everything needs cut on that
15 side.
16 Q. And how about getting the
17 mortar in around that? Was it harder
18 to get the mortar in the last block?
19 I think you said something to that?
20 A. Once again, it would be harder
21 because at that point you don't have
22 --- you have this big of a work space
23 that you're trying to ---.
24 Q. This big, you're talking about
25 six inches, a foot, something like

0150

1 that?

2 A. Right. And you're trying to
3 fill it completely up with mortar and
4 pieces of Omega block.
5 Q. And again, over on that last
6 piece, how would you get the mortar
7 in there? how would you do that, on
8 the last one?
9 A. Well, you was wearing, you
10 know, rubber gloves and you'd throw
11 it in there the best you could.
12 Q. Okay.
13 MR. UROSEK:
14 I want to thank you
15 very much for helping us out
16 today. You've really cleared
17 up a number of items for us.
18 And if you think of anything,
19 especially on the dates that I
20 asked you earlier, if that
21 comes to mind, please give us
22 a call.
23 A. All right, buddy.
24 MR. UROSEK:
25 Thank you very much.

0151

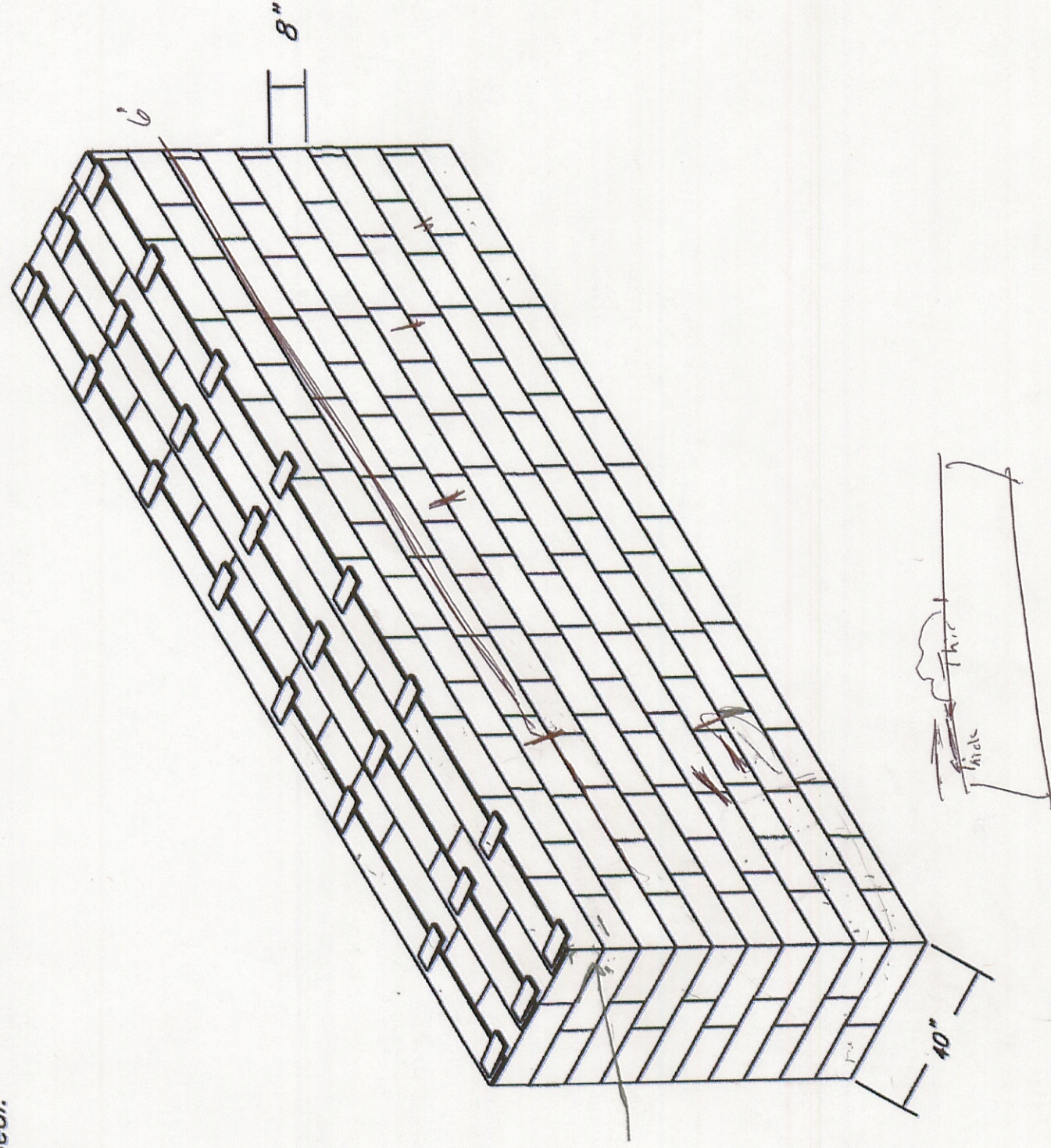
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SAGO MINE

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 mortar/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

