

STATEMENT UNDER OATH

OF

JASON BELL

Taken pursuant to Notice by Richard J. Lipuma, CCR, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at the Southeastern Utah Association of Governments, 375 South Carbon Avenue, Price, Utah, on Wednesday, November 28, 2007 beginning at 12:58 p.m.

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24      ALSO PRESENT:

25      Kelly C. Kirkwood, Notary Public

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P R O C E E D I N G S

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MR. O'DONNELL:

My name is Joe O'Donnell. I'm an accident investigator with the Mine Safety & Health Administration (MSHA), an agency of the United States Department of Labor. With me is Derek Baxter, from the Solicitor's Office. And we will be conducting the questioning today. I, together with other government investigators and specialists, have been assigned to investigate the conditions, events and circumstances surrounding the fatalities that occurred at the Crandall Canyon Mine in Utah in August 2007. The investigation is being conducted by MSHA under Section 103(a) of the Federal

1 Mine Safety & Health Act and  
2 the Utah Commission of Labor.  
3 We appreciate your assistance  
4 in this investigation.

5 After the investigation  
6 is complete, MSHA will issue a  
7 public report detailing the  
8 nature and causes of the  
9 fatalities in the hopes that  
10 greater awareness about the  
11 causes of accidents can reduce  
12 their occurrence in the  
13 future. Information obtained  
14 through witness interviews is  
15 frequently included in these  
16 reports. Your statement may  
17 also be used in other  
18 proceedings.

19 You may have a personal  
20 representative during the  
21 taking of the statement and  
22 may consult with the  
23 representative at any time.  
24 Your statement is completely  
25 voluntary. You may refuse to

1           answer any question and you  
2           can terminate the interview at  
3           any time. If you need a  
4           break, just let us know and  
5           we'll stop. Since this is not  
6           an adversarial proceeding,  
7           formal Cross Examination will  
8           not be permitted. However,  
9           your personal representative  
10          may ask clarifying questions  
11          as appropriate. A court  
12          reporter will record your  
13          interview, so please speak  
14          loudly and clearly. If you  
15          don't understand a question,  
16          just let me know and I'll  
17          rephrase it. Please answer  
18          each question as fully as you  
19          can, including any information  
20          that you may have learned from  
21          someone else.

22                    I'd like to thank you  
23                    in advance for your appearance  
24                    here today. We appreciate  
25                    your assistance in this

1 investigation. Your  
2 cooperation is critical in  
3 making the nation's mines  
4 safer.

5 After we have finished  
6 asking questions, you will  
7 have an opportunity to make a  
8 statement and provide us with  
9 any other information that you  
10 believe to be important. If  
11 at any time after the  
12 interview you recall any  
13 additional information that  
14 you believe may be useful,  
15 please contact Mr. Richard  
16 Gates at the telephone number  
17 and e-mail address on the card  
18 in front of you.

19 Ms. Kirkwood, would you  
20 swear in the witness, please?

21 MS. KIRKWOOD:

22 Please raise your right  
23 hand.

24 -----

25 JASON BELL, HAVING FIRST BEEN DULY

1 SWORN, TESTIFIED AS FOLLOWS:

2 -----

3 MR. O'DONNELL:

4 Ms. Kirkwood, are you  
5 empowered as a notary in the  
6 State of Utah?

7 MS. KIRKWOOD:

8 I am.

9 MR. O'DONNELL:

10 And when does your  
11 commission expire?

12 MS. KIRKWOOD:

13 August 15th, 2008.

14 MR. O'DONNELL:

15 Have you sworn in Mr.  
16 Bell?

17 MS. KIRKWOOD:

18 I have.

19 BY MR. O'DONNELL:

20 Q. Would you please state your  
21 full name?

22 A. Jason Phillip Bell.

23 Q. And address for the record?

24 A. (b) (7)  
(C)

25 .

1 Q. And Mr. Bell, do you have any  
2 questions about the interview process  
3 as I described it?

4 A. No.

5 Q. Okay. Do you have a personal  
6 representative with you?

7 A. I do.

8 MR. O'DONNELL:

9 And would your personal  
10 representative please identify  
11 himself by name and address  
12 for the record?

13 ATTORNEY RAJKOVICH:

14 Marco Rajkovich, 2333  
15 Alumni Park Plaza, Lexington,  
16 Kentucky, and Mr. Bell has  
17 asked me to be here today.

18 BY MR. O'DONNELL:

19 Q. Are you aware that your  
20 representative may have a conflict of  
21 interest in representing you while  
22 being provided by someone else, such  
23 as the company?

24 A. Yeah.

25 MR. O'DONNELL:

1                                   And Mr. Rajkovich,  
2                                   would you state for the record  
3                                   whether you also represent the  
4                                   mine operator in these  
5                                   matters.

6                                   ATTORNEY RAJKOVICH:

7                                   I do.

8                                   MR. O'DONNELL:

9                                   Thank you.

10                                  BY MR. O'DONNELL:

11                                 Q.            With this understanding, do  
12                                 you still want this person as your  
13                                 representative?

14                                 A.            Yes.

15                                 Q.            Jason, are you appearing here  
16                                 voluntarily?

17                                 A.            Yes.

18                                 Q.            And how many years of mining  
19                                 experience do you have?

20                                 A.            Ten.

21                                 Q.            Ten years.    And just give us a  
22                                 brief description of your mining  
23                                 experience, what mines you worked at.

24                                 A.            I started at Bowie Mine in  
25                                 Colorado.    I was there for a little

1 over three years. Then I went to  
2 Genwall, and I've been there since  
3 --- I went to Consol for four months  
4 in 2004, from October of '04 to like  
5 February of '05, and then came back  
6 to Crandall. When Mr. Murray brought  
7 us, I went to Tower for a week, went  
8 back to Genwall, and then went to  
9 West Ridge. And I quit this year in  
10 February, went to Deserado for four  
11 months, and then came back.

12 Q. You've been around.

13 A. Yeah, I've been around.

14 Q. How many total years can you  
15 estimate that you worked at Crandall  
16 Canyon?

17 A. All but --- from 2001 to now,  
18 except for eight months of it, so  
19 whatever that is.

20 Q. Are you currently employed in  
21 the mine?

22 A. Uh-huh (yes).

23 Q. And what mine do you work at?

24 A. West Ridge.

25 Q. And do you have any mining

1 certificates?

2 A. I have my mine foreman,  
3 fireboss, my Colorado mine foreman.

4 Q. Okay. How were you notified  
5 of the accident? How did you find  
6 out that they had a problem at  
7 Crandall Canyon?

8 A. I was on graveyard at West  
9 Ridge and was notified that morning.  
10 Well, I kind of knew about it in the  
11 middle of the shift because we had  
12 some mine rescue guys on our shift,  
13 on our crew. They came and got them  
14 guys.

15 Q. And when did you first go to  
16 the ---?

17 A. The next day. Actually, that  
18 Monday, after the collapse, I  
19 went --- I reported there at five  
20 o'clock that afternoon.

21 Q. That would have been 5:00 p.m.  
22 on the 7th?

23 A. The 7th, yeah.

24 Q. Okay. And if you would, kind  
25 of walk me through your first day

1       there.    What did you do?

2       A.        I went there, had my on-site  
3       training, and they kind of lined us  
4       out, what we was going to do.    And I  
5       was in charge of --- well, not in  
6       charge, but I was involved with the  
7       --- that's when we was going to start  
8       mining towards them before the --- we  
9       had that little bounce that night,  
10      that bounce that --- yeah, we were  
11      just getting ready to do belts,  
12      getting ready to --- it bounced.   And  
13      I can't remember who the inspector  
14      was, but he withdrewed us that day.

15      Q.        Okay.    But you weren't there  
16      on the 6th?

17      A.        No.

18      Q.        At all?

19      A.        No.

20      Q.        Okay.    So you got there on the  
21      5th --- or the 7th, and who did you  
22      see when you got at the mine?   Who  
23      briefed you?

24      A.        It was Bodee Allred.   I had to  
25      meet with him and have my training

1 stuff done. He pretty much briefed  
2 us on everything, the first group  
3 that came.

4 Q. And what was your  
5 responsibilities?

6 A. I was just supposed to --- you  
7 know, help getting the belts ready so  
8 we could start mining towards them or  
9 mucking towards them.

10 Q. Who were you working with?

11 A. I was working --- like who was  
12 my supervisor?

13 Q. Yes.

14 A. Brandon Kimber.

15 Q. Like I said, tell me what you  
16 did when you went in, what your job  
17 was and what ---.

18 A. First, I was in charge of the  
19 fresh air base, answering all calls  
20 and stuff. And then I was relieved  
21 from that and was helping hang miner  
22 cable, get equipment ready, set up so  
23 when we was ready to go --- when MSHA  
24 gave us the okay to go, then we could  
25 go. There was also people mucking

1 with muckers and stuff. That's about  
2 it.

3 Q. That's what you did the whole  
4 night?

5 A. Yeah, until that bounce, and  
6 then they withdrew us and we worked  
7 on ventilation the rest of the ---.

8 Q. Tell me --- explain all that  
9 to me, too, where you were and what  
10 you were doing.

11 A. I was down towards our  
12 take-up, trying to get it ready. And  
13 it bounced and all our ventilation we  
14 had, we lost it in the end. So we  
15 gathered everything and went outby to  
16 the last --- where we had ventilation  
17 established. And then we wasn't  
18 allowed to move in, so we started  
19 redoing ventilation until we were  
20 okay to go in.

21 Q. So how long did you --- you  
22 said you got there on the afternoon  
23 shift of August the 7th?

24 A. Yes.

25 Q. That would be ---?

1 A. Six o'clock we started.

2 Q. Well, if the accident happened  
3 sometime during ---? Are you sure  
4 it's ---?

5 A. What's that?

6 Q. The accident happened sometime  
7 during the night.

8 A. Yeah.

9 Q. So it would have been ---.

10 A. It was almost the exact same  
11 time the initial blast was, about  
12 2:30.

13 Q. So that would have been the  
14 6th when you started your shift;  
15 right?

16 A. Yeah. So actually --- no ---  
17 yeah. When I started my shift, it  
18 was that Monday, so ---.

19 Q. That Monday. So it was the  
20 6th. So when you were in there for  
21 the bounce, it was after midnight and  
22 it was the 7th.

23 A. Yeah.

24 Q. I'm just trying to help you  
25 put it together. First I thought you

1 were there the following day.

2 A. I was there. I wasn't there  
3 for the initial one.

4 Q. No, I understand that. But  
5 you were there in the afternoon of  
6 the same day?

7 A. Yeah.

8 Q. Okay.

9 A. Yes. Yeah, you're right.

10 Q. Okay.

11 A. So the 7th --- at 2:30 the  
12 next morning is when the second one  
13 we had.

14 Q. Right.

15 A. Tell me about that. Tell me  
16 your experience with when a bounce  
17 occurred on the 7th.

18 A. I gathered myself, made sure  
19 everyone around me was okay. I had a  
20 meeting. I was going inby to check  
21 on everyone else. We gathered in the  
22 Number One entry, at Crosscut  
23 probably 120, and we went outby until  
24 we had fresh air. I made sure  
25 everyone was accounted for. And then

1 I think it was Ron Paletta that was  
2 there and then he called outside and  
3 we just started working on our  
4 ventilation until we got the okay,  
5 until MSHA decided to go further on  
6 or whatever, decided what we needed  
7 to do.

8 Q. Let's just go back that first  
9 day. So you were --- who notified  
10 you at West Ridge that you were going  
11 to be working at Crandall Canyon?

12 A. Mike Allred.

13 Q. And are you a member of the  
14 rescue team?

15 A. No.

16 Q. So you were just a regular  
17 miner that was called to be used in  
18 the rescue and recovery operation.  
19 And did they tell you how long you  
20 would be working there? You were  
21 going to be scheduled there ---?

22 A. I was there until it was done.

23 Q. So you worked every day, all  
24 the way up through the 16th?

25 A. Except for one.

1 Q. Okay. Was your --- the crew  
2 that you normally work with, was your  
3 whole crew sent?

4 A. No.

5 Q. Just you?

6 A. Just me from my crew.

7 Q. And when you got to the mine,  
8 you say you were --- who was it,  
9 Benny you said?

10 A. Bodee.

11 Q. Bodee talked to you, briefed  
12 you?

13 A. Yeah.

14 Q. And you went in the --- what  
15 was your --- what's your regular job  
16 position? What do you do?

17 A. A shear operator.

18 Q. You're a shear operator. But  
19 when you went to Crandall Canyon,  
20 what was ---?

21 A. I was on the belts that day.  
22 For that day I was in charge of  
23 getting belts ready, helping them get  
24 the equipment in place, because they  
25 was bringing equipment in there and

1 stuff, so ---.

2 Q. So you were a supervisor?

3 A. I wasn't supervising. I was  
4 just --- yeah, I was kind of supposed  
5 to be a supervisor of the belts, but  
6 we never had the belts running.

7 Q. Okay.

8 A. So I was up helping do other  
9 stuff until we had our belt running.

10 Q. So that's --- you were cutting  
11 the belt?

12 A. The belt was together. I was  
13 just trying to make sure when we was  
14 ready to have the belts going. We  
15 weren't allowed to have them running  
16 until they were ready to go.

17 Q. When you got into the section,  
18 who was in the section?

19 A. I'm not sure who was there. I  
20 can't even remember.

21 Q. What were they doing?

22 A. The same stuff, just getting  
23 ready to --- establishing airways.  
24 They was doing air line, getting the  
25 air line --- the compressor set up to

1 pump air, just ---.

2 Q. Okay. So when you went in you  
3 were --- what was the plan? What did  
4 they tell you you would be ---?

5 A. The plan was to start taking  
6 the Number Three and Number Four  
7 entries, I think is what it was, to  
8 start mucking them out towards the  
9 men.

10 Q. Had that already started when  
11 you went in?

12 A. Yes. They were using diesel  
13 muckers to start mucking towards.  
14 But we didn't have belts yet, so we  
15 just kind of planned on mucking the  
16 crosscuts and stuff until we got the  
17 belts.

18 Q. So they were --- the cleaning  
19 up in the Number Three and the Number  
20 Four entry?

21 A. Yeah.

22 Q. If I brought a map out, could  
23 you ---

24 A. Uh-huh (yes).

25 Q. --- would that refresh your

1 memory a little bit better? Maybe we  
2 could mark some locations.

3 MR. O'DONNELL:

4 This map has been  
5 reproduced from the AutoCAD  
6 file that the company supplied  
7 to us. Mark this Bell Exhibit  
8 Number One.

9 (Bell Exhibit One  
10 marked for  
11 identification.)

12 BY MR. O'DONNELL:

13 Q. And whenever you're referring  
14 to a location on the map, if you  
15 would, One, Two, Three, Four entry,  
16 and then the crosscuts, what there'd  
17 be between.

18 A. We was cleaning here. The  
19 feeder was here in Crosscut 120.

20 Q. If you would, with the orange  
21 marker could you mark the feeder  
22 location?

23 A. We put it in --- that's the  
24 feeder.

25 Q. And you're referring to ---

1 A. Number Two entry.

2 Q. --- Number Two entry, ---

3 A. Was about ---.

4 Q. --- just outby --- between 119  
5 and 120 crosscut?

6 A. Yeah. At that time, our power  
7 center was here.

8 Q. Here is Number One, between  
9 120 and 121?

10 A. Yeah.

11 Q. Could you mark that power  
12 center? You can do it with the pen.

13 WITNESS COMPLIES

14 BY MR. O'DONNELL:

15 Q. Can mark that the feeder, too,  
16 if you would, please.

17 WITNESS COMPLIES

18 A. This was cleaned out between  
19 119 and 120 in Number Three.

20 BY MR. O'DONNELL:

21 Q. You know what, let's mark that  
22 one. Green means it's cleaned out.

23 A. Okay. This is clean and this  
24 --- and actually I think we were just  
25 getting in the Number Four and had it

1 cleaned up, too, and then --- yeah.

2 Q. Were you doing any of the  
3 mucking? Did you help out?

4 A. I wasn't doing any mucking.

5 Q. Who was operating the muckers?  
6 Do you know?

7 A. I think Darren Awell was in  
8 charge of that.

9 Q. Okay. So it looks like you  
10 got two crosscuts in Number Three,  
11 between 119 and 120?

12 A. And I never went up this far  
13 to see how far they were, but this is  
14 --- this was cleaned out. This was  
15 cleaned out. They had this cleaned  
16 out to about there. They'd clean to  
17 where the transformer was, to there.

18 Q. Okay.

19 A. Now, I don't know if they had  
20 to do all that cleaning, but I know  
21 it was clean when I was there. The  
22 fresh air base was here at the time.

23 Q. Could you mark a circle around  
24 that, too, if you would, fresh air  
25 base?

1 WITNESS COMPLIES

2 BY MR. O'DONNELL:

3 Q. And you're marking in the  
4 Number One entry of 121?

5 A. Yeah.

6 Q. Okay. So what time did you  
7 get in the section about?

8 A. I was in there probably like  
9 6:30, maybe quarter 'til 7:00.

10 Q. And did you have an  
11 opportunity to go and look and see  
12 what had happened in the entries?

13 A. I had an opportunity to look  
14 here.

15 Q. Here is Number One?

16 A. In Number One. They had it  
17 timbered off, just kind of looking  
18 back, and in Number Two, where we had  
19 moved the belt structure back and  
20 cleaned out just where we put the  
21 feeder in. But other than that, I  
22 never made it up in --- I made it to  
23 here.

24 Q. Here is Number Three entry?

25 A. Yeah, to 121.

1 Q. 121?

2 A. Yeah.

3 Q. And tell me what your  
4 observations were.

5 A. Well, I mean, just the entry  
6 filled ---.

7 Q. Had you ever seen anything  
8 like that before?

9 A. No.

10 Q. While you were in there, have  
11 you ever experienced a bounce before?

12 A. Yeah.

13 Q. Tell me, what's your  
14 definition of a bounce?

15 A. All the bounces I just  
16 remember down on the longwall, got  
17 through the tail gate, throws coal,  
18 and it's done.

19 Q. You never experienced anything  
20 like this?

21 A. No. I mean, I've seen it  
22 break stuff on a shearer and stuff,  
23 but nothing like this.

24 Q. So where are you at when the  
25 bounce hit that night?

1 A. That night I was wherever our  
2 take-up was. Where was --- this is  
3 it. That's the dump point there.

4 Q. These are belts here.

5 A. I was right in this intake. I  
6 was probably right here, about 112.  
7 I think we were ---.

8 Q. So you were at Number Two, 112  
9 on the belt line?

10 A. Yeah.

11 Q. On the belt line?

12 A. Yeah.

13 Q. Was anybody with you?

14 A. No.

15 Q. And were you knocked down?

16 A. No.

17 Q. What about the visibility?  
18 Any dust back there?

19 A. I could see. There was dust.  
20 I could see where I was at. I knew  
21 where I was at. And there was some  
22 guys out here in the power center  
23 trying to get power to the take-up.  
24 I went and checked on them. And then  
25 there was guys at the feeder. And

1       then I come back to the feeder, and  
2       we rounded up the men that were  
3       mucking and we met here and we  
4       evacuated out to our fresh air, which  
5       was I think up here on --- right in  
6       this area.

7       Q.       Somewhere around 107?

8       A.       Yeah.

9       Q.       Okay. And you say that --- so  
10      by the time you got there you didn't  
11      advance any further inward, it had  
12      bounced?

13     A.       No.

14     Q.       You got the guys, you went  
15      back?

16     A.       Yeah.

17     Q.       And was anybody hurt?

18     A.       No.

19     Q.       You said you had to restore  
20      ventilation?

21     A.       Yes.

22     Q.       How much was knocked out and  
23      where did you have to ---?

24     A.       We --- well, knocked out ---  
25      we established it on the return side

1 first.

2 Q. Okay.

3 A. And then --- with just rags.  
4 That's what was in there when I got  
5 in there after the initial one. They  
6 had everything checked off with rags,  
7 curtains or whatever. And then after  
8 we were withdrawed, we came back  
9 toward the initial one, had blew out,  
10 too, and started rebuilding with  
11 Kennedy stoppings.

12 Q. Somewhere around ---?

13 A. It was like '93, in that area.  
14 It was in this area, about '96.

15 Q. So you started putting  
16 Kennedies in?

17 A. Yeah.

18 Q. Did you ever make it back to  
19 the ---?

20 A. No. I didn't make it back  
21 until the next day, and so I ---.

22 Q. So you never got to see what  
23 had happened?

24 A. No.

25 Q. Okay. Your next day on, tell

1 me about --- between the 6th and  
2 16th, what were your duties? What  
3 did you do?

4 A. Well, the next day we came in,  
5 finished gobbing and establishing.  
6 And then we started mining toward,  
7 and I was running the miner and  
8 helping run the miner.

9 Q. You ran the miner?

10 A. Uh-huh (yes).

11 Q. Okay. Were you surprised to  
12 see that now you were over in the  
13 Number One entry?

14 A. No.

15 Q. You ---?

16 A. No. I was --- I knew we was  
17 moving back down here ---

18 Q. Did you?

19 A. --- and all that stuff. It  
20 was a couple days later before we  
21 started mining I could tell, yes.

22 Q. What did you do in the  
23 meantime?

24 A. We was establishing  
25 ventilation, moving the transformer.

1 We moved it back to 119. We set up  
2 chargers for battery scoops. I  
3 brought an extra miner in. We was  
4 doing --- and then we had to support  
5 the rock prop from, I think, like ---  
6 we rock propped along this, from in  
7 here, around our transformer, and  
8 made sure all that was before we had  
9 started advancing forward.

10 Q. So you had ---?

11 A. It was probably my third day  
12 when we actually started mining.

13 Q. And you were a miner operator  
14 then?

15 A. Uh-huh (yes).

16 Q. And who were you working with?

17 A. As far as my partner?

18 Q. Yes.

19 A. Oscar Sosa.

20 Q. Okay. And who was your  
21 supervisor?

22 A. Brandon Kimber at the time.

23 Q. And how was it when you were  
24 cleaning up? Did you get a lot of  
25 bouncing?

1 A. No. The first crosscut from  
2 120 to --- because, see, when that  
3 second bounce, it filled all this  
4 back in, where the transformer was.

5 Q. Yes.

6 A. And we pulled the transformer  
7 out and was scooping, using miners  
8 all the way to that crosscut.

9 Q. That crosscut is?

10 A. 121.

11 Q. Yes.

12 A. And then we rock propped the  
13 ribs and done our cables and chain  
14 link and all that and we started  
15 advancing farther.

16 Q. So your job was at the inby  
17 position, where ---?

18 A. Yeah.

19 Q. Tell me about the process.  
20 How far would you clean up?

21 A. First we was going about the  
22 length of the miner, and then we'd  
23 set our rock props. And then I ---  
24 we'd come on shift the next day, and  
25 we was only allowed to go seven feet

1 and then set two rock props. We  
2 couldn't just get out there and set  
3 them ---.

4 Q. Let me ask you this. When you  
5 advanced --- when you cleaned up with  
6 your miner, did you leave your miner  
7 in?

8 A. Uh-huh (yes).

9 Q. You didn't back it out?

10 A. I didn't back it out, unless  
11 we had to bolt something and stuff is  
12 the only time we backed it out.

13 Q. Tell me how you set your rock  
14 props. On both sides? One side at a  
15 time?

16 A. Both sides.

17 Q. At the same time?

18 A. It got to where we'd set a  
19 rock prop down on the miner and we'd  
20 go, and if we had time in between  
21 cars, we would set one on both sides,  
22 two-foot centers. If we could get  
23 one in, we'd set it.

24 Q. About how many guys did you  
25 use for that operation?

1 A. Me and the miner operator.

2 There was probably four of us.

3 Q. Just four?

4 A. Yes.

5 Q. So was the number of people  
6 that were working inby where that  
7 fresh air base was, was it limited,  
8 restricted?

9 A. Yes. Uh-huh (yes). Only the  
10 miner operator and helper and the  
11 supervisor was only allowed up there.  
12 Once we advanced, they let them come  
13 a little bit so they weren't clear  
14 back here when we started doing the  
15 other stuff. For a while they  
16 weren't allowed past 119, the fresh  
17 air base.

18 Q. So did you ever use rock props  
19 before?

20 A. Yes.

21 Q. So you were familiar with how  
22 to set them and everything?

23 A. Yeah.

24 Q. About how many --- when you  
25 set a rock prop, how much pressure

1 did you put on when you knew it was  
2 set?

3 A. I think it was 1,000 psi.  
4 1,015. I can't remember.

5 Q. Or is there a range you loaded  
6 between?

7 A. Yeah. I think we stopped at  
8 1,000. I think we loaded to 1,000  
9 psi.

10 Q. Okay. And then you'd load the  
11 prop up ---?

12 A. Winch it.

13 Q. And what about installing the  
14 chain link? Were you putting chain  
15 link up at that time?

16 A. We was running the chain link  
17 out --- well, we'd leave a roll  
18 there, set a rock prop, pull it  
19 behind it, tie it.

20 Q. Just kept the roll going with  
21 you?

22 A. Uh-huh (yes).

23 Q. So what about the cable?

24 A. The cable maybe went --- we  
25 was allowed to go 40 feet on our

1 cable.

2 Q. Now, when you were at the end,  
3 obviously you had more cable left.  
4 Did you tie it off when you got to  
5 the end of the 40 feet or did you tie  
6 it off as you ---?

7 A. We staggered them so not all  
8 three props were anchored on the same  
9 post. We staggered them. The bottom  
10 one would be --- so it just depended  
11 where you got it. You might have to  
12 do a rope twice in a row because one  
13 rope was on the bottom back here. We  
14 just --- so they weren't anchored on  
15 the same --- in case that one went,  
16 the other one would help hold it.

17 Q. So like I have my start point  
18 for my cable. How many times would  
19 you tie it off during the course of  
20 the 40-foot run?

21 A. You'd run it through the  
22 handles on the rock prop. And then  
23 at the end, you'd tie it off.

24 Q. Then at the end. So you ---?

25 A. Come along, then tie it and

1 clamp it down.

2 Q. Okay.

3 A. Was there ever an occasion  
4 when you had some bounces that kicked  
5 out some rock props?

6 A. Uh-uh (no).

7 Q. None?

8 A. Uh-uh (no).

9 Q. Did it throw any coal while  
10 you were in there, while you were  
11 working?

12 A. When it bounced?

13 Q. Yes.

14 A. Yeah, the one. It would have  
15 been probably the --- see, I took the  
16 15th off, so the 14th. Either the  
17 13th or the morning of the 14th would  
18 have --- we had a bounce that night,  
19 and it threw stuff and it broke both  
20 cutter head shafts on the miner. But  
21 it didn't --- only it threw it right  
22 where we had our glass --- our props,  
23 our chain link, it threw it right  
24 there and no one was hurt. We was  
25 just on all kind of chain links.

1 Q. About how long were you down?

2 A. After four hours we couldn't  
3 get them out. We was down a while.

4 Q. You said you had a shield up,  
5 too?

6 A. Yeah. We was using a piece of  
7 bulletproof gas. We'd hang it, and  
8 that's where the miner operator and  
9 --- see, after everyone had been  
10 working so long on these road caves,  
11 where we went to like a four on/four  
12 off schedule, and then I was  
13 supervising after that. So when that  
14 happened, I was supervising that day.  
15 I was back and I had two other miner  
16 operators.

17 Q. How did you feel about the  
18 supports that were being set?

19 A. I felt good. I was never  
20 nervous about them. I mean, I  
21 thought we were doing everything we  
22 could.

23 Q. You felt comfortable with it?

24 A. Uh-huh (yes).

25 Q. Did any time when you were

1 working there you felt like you  
2 needed to say, hey, I had enough of  
3 this, I want to ---

4 A. Uh-uh (no).

5 Q. --- switch my job or ---? Did  
6 you know if anybody did?

7 A. During the rescue time?

8 Q. Yes.

9 A. Yeah, there was guys who they  
10 didn't want to go into the face, and  
11 we'd let them do stuff outby. Or if  
12 they didn't want to be there, they  
13 could go back to work at whatever  
14 mine they was at.

15 Q. And that happened?

16 A. Uh-huh (yes). There was a  
17 few.

18 Q. Do you remember who they might  
19 be?

20 A. No. None of them on my crew  
21 did. And I don't know who was lined  
22 up on the other crews.

23 Q. So you felt that the supports  
24 that were being installed, you felt  
25 pretty comfortable with it?

1 A. Uh-huh (yes).

2 Q. How did the other people that  
3 you worked with --- I'm sure --- I'm  
4 an old coal miner, too, and we all  
5 talk, and what was the feeling?

6 A. They felt comfortable working.  
7 I mean, we was doing everything we  
8 could. A lot of people thought we  
9 was doing --- putting too much in,  
10 moving too slow. You heard that a  
11 lot.

12 Q. What about low O2? Did you  
13 experience any low O2?

14 A. Nope.

15 Q. So the ventilation was pretty  
16 well up to snuff while you were  
17 loading?

18 A. When we got in there we didn't  
19 have open crosscuts where it would  
20 fill clear to the top. We was  
21 running rag with us and keep our air  
22 there.

23 Q. But you never hit any low O2?

24 A. No low oxygen. The only time  
25 I seen low O2 was the 16th.

1 Q. Okay. We'll get to that. I  
2 just want to kind of get to it. Were  
3 you --- did you load any of the  
4 barrier out when you were there?

5 A. No. As far as the rescue,  
6 doing the ---?

7 Q. That coal, did you hit any  
8 solid?

9 A. Yeah, you would --- I mean,  
10 the barrier shifted.

11 Q. Okay. That's what I'm getting  
12 at.

13 A. You're like --- and if you  
14 didn't pull all your roof bolts and  
15 you had six roof bolts across --- I  
16 was more scared about people getting  
17 in the pillar, and so I'd just count  
18 my roof bolts, and that's where I  
19 would clean.

20 Q. That's how you kept straight  
21 on where you were at.

22 A. You just counted your roof  
23 bolts.

24 Q. When you were running the ---  
25 when you were cleaning up the loose

1 material, were you running whenever  
2 you hit the solid?

3 A. Never hit --- it wasn't ever  
4 solid.

5 Q. Well, I'm talking about where  
6 the barrier shifted over.

7 A. No, we never --- I took where  
8 the barrier shifted to follow the  
9 roof bolts ---

10 Q. That's what I meant.

11 A. --- because I didn't want to  
12 take our pillars out. But it wasn't  
13 --- we never hit solid, solid where  
14 you had to cut it or nothing like  
15 that.

16 Q. Even with the barrier  
17 shifting, it wasn't --- it was still  
18 easy cutting?

19 A. Yeah. The only reason I ran  
20 the head is if we --- so I didn't  
21 break a conveyor shaft or anything,  
22 just kept it off the floor a little  
23 bit and then just cleaned up the ---  
24 just poured into it. You could go  
25 without your head on.

1 Q. Could you?

2 A. But you had the high voltage  
3 cable there. You didn't want to hit  
4 that.

5 Q. See, I kind of thought from  
6 what we hear, the barrier had shifted  
7 and it was solid.

8 A. No. It looked solid.

9 Q. That's what I mean.

10 A. It looked solid, but no, it  
11 wasn't solid.

12 Q. It was ---?

13 A. You could see where the  
14 sandstone come out of the pump and  
15 underneath your bolt ---

16 Q. Yes.

17 A. --- it was just like grabbing  
18 stuff out of a rock dust bag. And it  
19 ---.

20 Q. Really?

21 A. Yeah, that's what it was like.

22 Q. So you didn't even have to run  
23 your head to load it?

24 A. No. The only reason we ran  
25 the head is to break stuff up by high

1 voltage cable, that kind of stuff.  
2 You don't want it wrapped up around  
3 your ---

4 Q. Yes.

5 A. --- gathering head and stuff.

6 Q. So then the left side, too?  
7 The barrier had shifted over, so that  
8 left side was pretty soft, too, then?

9 A. The left --- yeah. The  
10 barrier was soft, uh-huh (yes). I'm  
11 sure it was all crushed.

12 Q. So you would tend to think  
13 that the whole thing was that way  
14 there?

15 A. Probably. I would say so.

16 Q. Would you consider the  
17 consistency --- how loose was it?

18 A. It was just --- you know a  
19 rock dust bag, if you take it and  
20 pack it tight, that's what it was  
21 like. But if you'd start digging, it  
22 just falls out.

23 Q. Okay.

24 A. That's the best explanation I  
25 can give you. It was just like they

1 packed it this way. This side, you  
2 would go along the right side, and  
3 every once in a while your rib would  
4 stand up. You'd get a straight rib,  
5 I don't know, if you just stayed with  
6 your roof bolt bag.

7 Q. What about the left side? Did  
8 the left side stand?

9 A. Yeah. Well, it stood the  
10 whole time. You didn't even have to  
11 --- it was just straight up and down.  
12 It never moved. I think she went  
13 through it, but it never moved.

14 Q. Did you ever run out of where  
15 the barrier had shifted? Did you  
16 start ---?

17 A. Sometimes you would. There  
18 were spots. You didn't really start  
19 seeing it until probably 124, I want  
20 to say, 123, 124. Probably 123 is  
21 where you started seeing bigger  
22 shifts or you --- because we come in  
23 one day and it didn't look right, and  
24 there was roof bolts and they were  
25 cleaning up. It was soft. I mean,

1 they were just cleaning normally.  
2 They were over in the pillar and I  
3 started counting roof bolts and we  
4 only had five roof bolts there, and  
5 there are none on the right. So I  
6 took a shovel and we dug over --- I  
7 think Mike Shumway was there with us  
8 and he was looking --- you could see  
9 where it shifted over, where they  
10 moved over.

11 Q. So you had to move over?

12 A. Yeah, we moved back over.

13 Q. Get back in to where the  
14 entry ---

15 A. Yeah.

16 Q. --- should be? The whole time  
17 before the 16th what was it doing?  
18 What was the activity like?

19 A. You would get a bump here and  
20 there but nothing --- I mean, we had  
21 it --- when it broke the cutter  
22 shaft ---.

23 Q. Do you remember what crosscut  
24 you were in?

25 A. 125. Because 124 was cleaned

1 out. We had self-rescuers and ---  
2 that's where the second one was, 126,  
3 or was we into 127?

4 Q. It's close.

5 A. Maybe it was --- one of them  
6 we had cleaned out. And we had it  
7 all cleaned out because we was back  
8 here. And we was --- I can tell you  
9 this. Where it bounced the 16th and  
10 the night it bounced on us, the miner  
11 was in the exact same spot of the  
12 crosscut the night it broke the  
13 cutter shafts on it. When you'd come  
14 into a crosscut area, it would hit a  
15 little bit.

16 Q. It would?

17 A. Yeah, when you'd come into a  
18 crosscut.

19 Q. As soon as you got into the  
20 crosscut it would hit?

21 A. Uh-huh (yes). That's when  
22 you'd get your bounce. But the  
23 biggest one I seen was --- I'm trying  
24 to think which one we had cleaned  
25 out. We had a door on it, too.

1       Because you could actually climb over  
2       this stuff if you had to escape.  
3       Maybe it was 125.   124, 125 we had  
4       cleaned out ---

5       Q.       Okay.

6       A.       --- in case we had to move  
7       power.   That's why we cleaned it out  
8       And so we had that all cleaned out  
9       and kind of --- when we was about  
10      right there in the corner, it might  
11      either have been 125 or 126, I'm not  
12      sure, and it bounced right when we  
13      could see the corner, see where the  
14      crosscut was.   It bounced right  
15      there.   And the head was there.   But  
16      we were starting to cut.   We started  
17      cutting and it hit --- them guys ---  
18      I don't think on the 16th they were  
19      running the head or nothing when it  
20      bounced.

21      Q.       So you worked --- what was  
22      your shift?   You worked the afternoon  
23      shift?

24      A.       6:00 'til 6:00.

25      Q.       6:00 'til 6:00.   6:00 at night

1       until 6:00 in the morning. The 16th,  
2       that was your shift?

3       A.       No. I was on my days off. I  
4       worked --- I was supposed to go off  
5       for two days. I took one off and  
6       come back the 16th. I come back on  
7       an extra day to help.

8       Q.       Okay. Daylight?

9       A.       No. It was --- I was coming  
10      in on the graveyard shift or the  
11      afternoon graveyard shift.

12     Q.       Okay. Tell me about that  
13      shift.

14     A.       Come in. I was a little late  
15      getting there, so I rode in with Gale  
16      Anderson. And we was coming in ---  
17      there was a phone. There were some  
18      double doors somewhere, in this area,  
19      might even be back there, but ---.  
20      Where you call into the zone, that's  
21      when it bounced. I seen the double  
22      doors move in and out where I was  
23      sitting when we was calling in the  
24      section. And we got to here ---.

25     Q.       You said we. Who were you

1 with?

2 A. I was with Gale Anderson and  
3 some of the Murray people that came  
4 from back east. And we got here and  
5 they said they just had a bounce,  
6 they need some help up there. So I  
7 got out and walked up.

8 Q. Now, you said when you hit 109  
9 is where ---?

10 A. Yeah. That's where the  
11 compressor was. And there was a guy  
12 there that said there was a big  
13 bounce. They need help on the ---.

14 Q. Okay.

15 A. So they said they needed rag  
16 and pogos, so I grabbed some rag or  
17 pogos, came to the first stopping I  
18 see that was out. And there was a  
19 guy there and I handed it to him, and  
20 then I knew it would come up to here,  
21 where was it 26. I think we was  
22 going into 127.

23 Q. So you got into the --- so you  
24 helped in the recovery?

25 A. Uh-huh (yes).

1 Q. If you can, I have a --- what  
2 we did, we went in after the accident  
3 and mapped the area, and this is a  
4 map of where the miner was. This is  
5 a ---.

6 A. The miner was farther in;  
7 wasn't it? You could see that  
8 crosscut.

9 Q. Well, this is where the toe of  
10 the coal was, right here. This is  
11 where --- you know, how it came up  
12 and went in. And this is where the  
13 miner was sitting. Do you think the  
14 miner was in further?

15 A. I thought I could see ---.

16 ATTORNEY RAJKOVICH:

17 Do you want to mark  
18 that?

19 A. I thought I could see ---.

20 MR. O'DONNELL:

21 Oh, yeah. Let's mark  
22 this Bell Exhibit Two.

23 (Bell Exhibit Two  
24 marked for  
25 identification.)



1       have a part. You come in. People  
2       were establishing ventilation. There  
3       were people working on everything, so  
4       I advanced --- I seen one guy come  
5       out, Lester Day, and someone grabbed  
6       him and giving him some medical  
7       attention, first-aid. And then I  
8       come in and I seen all the guys on  
9       this side. And then I started  
10      helping get them out.

11     Q.       Do you remember where they  
12      were?

13     A.       Uh-huh (yes).

14     Q.       Could you mark it on the map?

15     A.       Uh-huh (yes). Jeff --- I'm  
16      saying that Jeff --- I'm saying that  
17      this needs to be moved up --- like up  
18      here. The pile, to me, I remember  
19      coming over. I can remember seeing  
20      the end of the miner, the tail of the  
21      miner, and it kind of sloughed down  
22      behind the miner.

23     Q.       See, now these were the ---  
24      here's what we did.

25     A.       I'm saying they had their rock

1 props to here. That's how we were  
2 doing it. And when it hit, it was  
3 just like a fly swatter, just swung  
4 everything over.

5 Q. That way?

6 A. Uh-huh (yes).

7 Q. This --- you know, this  
8 was --- these are ones that were out  
9 when we went in there and mapped, so  
10 this is exactly the way it looked.

11 A. All right. And so is this the  
12 start of the pile?

13 Q. Yes. That's where the loose  
14 coal started.

15 A. Okay.

16 Q. And this is up on top of ---?

17 A. The first guy was Jeff. I  
18 don't know his last name. He was  
19 with Marie, Jeff. And then there was  
20 Dale Black.

21 Q. Could you mark ---?

22 A. Dale was --- I'm going to say  
23 that Jeff was probably in this area.  
24 Do you want me to write names or ---?

25 Q. Yes, if you would.

1 WITNESS COMPLIES.

2 A. And he was back in here. He  
3 was right here. Dale Black was right  
4 against this back.

5 BY MR. O'DONNELL:

6 Q. If you would, just put an  
7 arrow to ---?

8 WITNESS COMPLIES

9 A. His back is right against it.  
10 Casey Metcalf was behind the rock  
11 prop, against the barrier, right  
12 behind Dale.

13 BY MR. O'DONNELL:

14 Q. He was behind the rock prop?

15 A. Uh-huh (yes).

16 Q. So between the rock prop  
17 and ---

18 A. And the barrier.

19 Q. --- and the barrier?

20 A. Uh-huh (yes). Greg Jensen,  
21 Frank Markosek. Greg was kind of  
22 facing this rock prop like this, and  
23 Frank was kind of --- we had to get  
24 Frank out first before we could get  
25 Greg out, so ---.

1 Q. So those two MSHA guys were  
2 together?

3 A. Yeah.

4 Q. If you would just mark that.

5 WITNESS COMPLIES

6 A. And then Carl Gressman ---  
7 see, I didn't see him at first.

8 Brandon Kimber --- see, that's why I  
9 think the miner was --- this is ---.

10 Brandon Kimber ---.

11 BY MR. O'DONNELL:

12 Q. That was the last prop right  
13 there.

14 A. Maybe they were farther up in  
15 the pile more. What's this line  
16 mean?

17 Q. This is where ---.

18 A. It peaks?

19 Q. Yes, where it comes up. Like  
20 it ramped. It was like that. It  
21 toed up. This is where --- this was  
22 cleaned up.

23 A. Okay.

24 Q. Because of the bounce, this is  
25 where it threw the coal and then like

1       ramped up.

2       A.       You're talking loose --- all  
3       right. Let's move them down.

4       Q.       Move them where?

5       A.       Move them down.

6       Q.       I have another map.

7       A.       Let's do it again.

8       Q.       Okay.

9       A.       Now I know what you were ---  
10      okay. This is just the loose stuff.

11      Q.       Yes.

12      A.       Jeff was here.

13      Q.       You're saying this was up ---  
14      then it moved up to here.

15      A.       Brandon Kimber was right here.

16      Q.       Okay. We'll get you another  
17      map. See, I kind of thought you were  
18      back a little.

19      A.       I know that for a fact. That  
20      was the last ---.

21                               MR. O'DONNELL:

22                               We're going to mark  
23                               this. We'll mark this one 2A.  
24                               There you go.

25                               (Bell Exhibit 2A marked

1 for identification.)

2 BY MR. O'DONNELL:

3 Q. Now, that's the inby most prop  
4 that was set.

5 A. Okay. Let me start this way.

6 Q. Okay.

7 A. Right here. Probably a little  
8 more over here Brandon. He was  
9 upside down.

10 Q. Could you put an arrow right  
11 there, where he was at?

12 WITNESS COMPLIES

13 BY MR. O'DONNELL:

14 Q. There you go. Upside down,  
15 you mean face down?

16 A. His feet were sticking ---.

17 Q. His feet were sticking up ---?

18 A. He was the first one we dug  
19 out.

20 Q. Okay.

21 A. He might have been up just a  
22 little bit farther. Right in this  
23 area --- right against the barrier,  
24 actually, was Carl.

25 Q. Okay.

1 A. And then you have ---.

2 Q. And that would have been Frank  
3 in front of ---?

4 A. Yeah.

5 Q. Was Gary in between the rib  
6 and the prop or was he ---?

7 A. He was kind of against the  
8 prop, but Frank was kind of up  
9 against him. And the way they was  
10 tightening the cable ---.

11 Q. Like he was thrown against  
12 him?

13 A. Yeah. They were all thrown  
14 against it.

15 Q. That would be Frank there.  
16 Yes, that's good.

17 A. And then you had Casey.

18 Q. Was Casey the only one that  
19 was on the other side of the props?

20 A. No. Carl Gressman was.

21 Q. Okay. Carl was also?

22 A. Uh-huh (yes). Mind if I ---?

23 Q. Sure. Yes. Whichever is  
24 easier.

25 A. Jeff is probably right in here

1        somewhere. I don't know his last  
2        name. This is how I remember it.  
3        Pulled him out first.

4        Q.        You pulled Brandon out first?

5        A.        Frank out second. Guys were  
6        working on him. He --- Jeff come out  
7        in between a couple. It went  
8        Brandon, Frank, Gary and Jeff about  
9        the same time, Casey, Carl and Dale  
10       Black.

11       Q.        Dale was last?

12       A.        Uh-huh (yes).

13       Q.        And you said there was another  
14       guy that was walking out when you  
15       first went in?

16       A.        There was actually two guys.  
17       It was Lester Day and Randy Bouldin.  
18       They walked out of it.

19       Q.        So you wouldn't know where  
20       they were at?

21       A.        No.

22       Q.        Okay.

23       A.        My guess is Casey was probably  
24       doing something to the chain link on  
25       this side. So was Carl Gressman.

1 He's probably kneeling down.

2 Q. Do you think that's why they  
3 were on the other side of the prop?

4 A. I think that's why they  
5 were --- they were instructed to  
6 probably do an air reading or  
7 something in the area. I'm going to  
8 say Brandon was over here doing  
9 something. And Barry was probably  
10 just kind of standing there because  
11 he had the miner on him and like he  
12 was getting ready to start cutting.

13 Q. So he had --- the remote  
14 was ---?

15 A. Still on him, yeah.

16 Q. Okay. Anything else you can  
17 remember that ---?

18 A. I remember low O2, 14.7.

19 Q. Right there?

20 A. Uh-huh (yes).

21 Q. Could you mark that?

22 A. Yeah. Until we established  
23 ventilation.

24 WITNESS COMPLIES

25 BY MR. O'DONNELL:

1 Q. Who was working with you? Who  
2 was helping you?

3 A. There was a lot of guys.  
4 There was --- Daren McFarland, some  
5 of the mine rescue. Cody Westenskow,  
6 Daren McFarland and me were probably  
7 the first three there that I can  
8 actually remember seeing. And then  
9 there was a --- we had some guy from  
10 MSHA with us. He was bringing the  
11 rag up. But I know there was meters  
12 going off everywhere, I remember,  
13 because Brandon had my meter, and I  
14 was going in to get my meter. And  
15 when I found a meter that was just  
16 laying on --- actually, I think I  
17 took it out of Frank's pouch, and  
18 checked, we had 14.7 percent.

19 Q. And you say the power was  
20 still on the miner?

21 A. The power was still on the  
22 miner.

23 Q. It never kicked the machine?

24 A. Because they were going to cut  
25 the cables on that because the miner

1 cable had Carl Gressman pinned  
2 against the barrier right there.

3 Q. The miner had power to it, but  
4 were the motors running?

5 A. No.

6 Q. Okay. So it was off with the  
7 power on?

8 A. Yeah. I think it was plugged  
9 into the part and then just around  
10 his --- near Dale.

11 MR. O'DONNELL:

12 Let's take a short  
13 break and pick it up from  
14 there.

15 SHORT BREAK TAKEN

16 BY MR. O'DONNELL:

17 Q. Let's just back up a little  
18 bit. I have a couple questions I  
19 need to clarify. When you --- well,  
20 as far as the cleanup in 121, in  
21 Number Three entry, was there any  
22 work cleaned up ahead of you?

23 A. Not that I recall.

24 Q. And what about in the Number  
25 Four entry?

1 A. I never made it up there. I  
2 only --- it might have been cleaned  
3 up to here. I remember running the  
4 miner cable around like this, and  
5 they had it cleaned.

6 Q. You're talking about Crosscut  
7 120 ---

8 A. Actually, this ---.

9 Q. --- 121 or ---? You know that  
10 was cleaned also?

11 A. Right. Yeah, because we --- I  
12 think they was running a mucker  
13 through there. They had two of them.  
14 One was cleaning here and one was  
15 cleaning up in here.

16 Q. That's Number Four entry?

17 A. I believe that's where ---  
18 yeah.

19 Q. Okay.

20 A. I'm not positive on that, but  
21 I'm pretty sure because I hung miner  
22 slack in there. Because after that  
23 one that night, you couldn't get ---  
24 we had to cut the cable. You  
25 couldn't get to that slack.

1 Q. Okay. Whenever the cutter hit  
2 --- the cutter shaft broke on the  
3 machine, were you the miner operator?

4 A. No. When it broke, I was  
5 supervising them.

6 Q. Oh, you were bossing?

7 A. Yeah.

8 Q. Who was running the miner?

9 A. Oscar Sosa.

10 Q. Okay. And where were you at  
11 when that happened?

12 A. When the bounce was?

13 Q. Yes.

14 A. I was a crosscut back. 125  
15 was cleaned out. I was back here.  
16 We had our bolter parked in here.

17 Q. That's between One and Two of  
18 what crosscut?

19 A. Between One and Two of 1.5.  
20 And when we got to the corner of 126  
21 is when it bounced. I was standing  
22 in this crosscut back here, just  
23 watching.

24 Q. In 125?

25 A. Yes.

1 Q. You were standing in Crosscut  
2 --- and when it bounced, the miner  
3 was almost to the intersection of  
4 126?

5 A. From what I remember, it was  
6 almost just like this.

7 Q. Pretty close.

8 A. Yeah.

9 Q. Well, here's 126 here.

10 A. Yeah. But we were back here  
11 when it hit.

12 Q. Okay. And he was running ---  
13 Oscar was running the miner?

14 A. Uh-huh (yes).

15 Q. Okay.

16 A. And when it bounced, right  
17 there. And it blew this corner ---.

18 Q. You're saying ---

19 A. When it bounced ---

20 Q. --- when it bounced ---?

21 A. --- I'm saying your rock props  
22 were here and we had our glass  
23 hanging there. When it bounced, the  
24 only place it threw stuff was here,  
25 kind of threw stuff back on --- this

1 is a crosscut back, though.

2 Q. This is one crosscut back, the  
3 cutter shaft.

4 A. And it kind of knocked some  
5 stuff down along this rib, kind of  
6 knocked out our stopping right there.

7 Q. So it fanned off the north  
8 side?

9 A. Uh-huh (yes).

10 Q. Did you ever get any kind of  
11 bounces or throw any coal on the  
12 barrier side whenever you were ---?

13 A. On the south side?

14 Q. The south side, whenever you  
15 were cleaning that entry up?

16 A. Never got nothing. It was ---  
17 as a matter of fact, here it was  
18 still standing straight up.

19 Q. Here is ---

20 A. When this happened.

21 Q. --- the August 16th accident?

22 A. It was still pretty straight.  
23 When we pulled Carl out, I remember  
24 it being still pretty straight. It  
25 all come from right here.

1 Q. Okay. When you worked at  
2 Crandall Canyon before, what were  
3 some of the jobs that you did?

4 A. When I first started, we was  
5 in Panel 17, just --- Panel 17 down  
6 in the south. I was running the  
7 shearer, propping on the longwall.

8 Q. You worked the longwall?

9 A. Uh-huh (yes).

10 Q. Did you work the longwall most  
11 of the time?

12 A. Uh-huh (yes). Until we got  
13 done with Panel 19 and that longwall,  
14 went to Tower, and then I started in  
15 the miner section. Seventeen (17) is  
16 down on the bottom of the south, on  
17 the east side.

18 MR. GAUNA:

19 He's in the south  
20 mains, east of the stream.

21 MR. O'DONNELL:

22 Okay.

23 BY MR. O'DONNELL:

24 Q. So you were on the longwall  
25 most of the time then?

1       A.       I was on that panel, that  
2 panel in 19, then I went to the miner  
3 section.

4       Q.       Okay.   What miner section did  
5 you go to?

6       A.       Can I ---?

7       Q.       Yes.   Go ahead.

8       A.       We started our miner section  
9 over here, the east ones here, what  
10 we call the main east. We developed  
11 all this, come around, developed all  
12 the way to here, packed it, came up,  
13 packed it, set it here, then we done  
14 a bunch of pillar work and we started  
15 pillaring this. I was on the pillar  
16 section all the way to here, right  
17 there. Then they brought us around  
18 and did all this. And then I went to  
19 Consol and then I came back and went  
20 over here.

21      Q.       Did you ever run the miner in  
22 the ---?

23      A.       I ran the miner up in this  
24 area a little bit.

25      Q.       Let's talk about your

1       experience of running the miner. You  
2       were in --- this is called the main  
3       west?

4       A.        It was just kind of --- this  
5       is just like the spare section. If  
6       we broke down here, we could always  
7       come in here.

8       Q.        Did you ever work in the main  
9       west at all?

10      A.        No.

11      Q.        What about in the south?

12      A.        I never mined coal --- this is  
13      all mined out. I started in this  
14      panel, this panel ---.

15      Q.        So you longwalled in this deep  
16      cover area?

17      A.        Yeah.

18      Q.        How was that?

19      A.        It was --- it had its moments.

20      Q.        In what way?

21      A.        It just depended on how you  
22      cut it. It bounced in the tailgate.  
23      That's the only time I ever seen it  
24      bounce up there. I know in the upper  
25      panel, like up in 15, I know they had

1 some bounces on their head gate.

2 There wasn't nothing --- I was never  
3 scared or nothing.

4 Q. Do you know if anybody ever  
5 got hurt?

6 A. I don't know. I think they  
7 might have had a broken leg or ---.

8 Q. Okay.

9 A. And I don't know if it was  
10 from bounces or what it was. I don't  
11 know any of that.

12 Q. Did you notice when you were  
13 in the deep cover area that you  
14 experienced more bounces than other  
15 areas in the mine?

16 A. Yeah, that panel there we  
17 never --- that 19 panel, ---

18 Q. Yes.

19 A. --- we never had any bounces  
20 there. So we didn't have nothing  
21 really around us ---.

22 Q. What about when you were  
23 pillaring this area?

24 A. No, never bounced.

25 Q. Nothing? Never bounced at

1 all?

2 A. No.

3 MR. BAXTER:

4 What's that you're  
5 referring to?

6 A. Main east.

7 MR. O'DONNELL:

8 Main east. It's north  
9 of the 19th panel.

10 BY MR. O'DONNELL:

11 Q. So that was ---?

12 A. That was --- we just kept  
13 going in there. We had that roofer  
14 going through, so we had to skip that  
15 corner, then come around and start  
16 where you see some more there, and  
17 then come around that corner there.  
18 Is that a stream or something?

19 Q. What were the north panels  
20 like compared to the south panels?

21 A. Never was in the north panels.  
22 I didn't work there when they was in  
23 them north panels.

24 Q. Okay. Is there anything that  
25 you can tell me about your experience

1 in the rest of the mine that may be  
2 helpful to us in comparing this area  
3 of the mine to others?

4 A. No. Even when we had the west  
5 mains, before we sealed them, we had  
6 a pump back there. You could go  
7 check pumps. We had one entry to  
8 drill. We maintained it. And we  
9 maintained our escapeway out of  
10 there. I mean, you had a little bit  
11 of --- you had your rib sloughage.  
12 You had your --- you had your normal  
13 stuff when you don't maintain certain  
14 parts of your main. That's about  
15 ---.

16 Q. So what would be the reason  
17 for you to go back?

18 A. I just got my fireboss papers  
19 and was checking pumps on the  
20 weekend. I had to go back there and  
21 check the pump. That's the only  
22 reason I went back there.

23 Q. Did you ever do any of the  
24 bleeders?

25 A. I did come there on the south

1 bleeder a few times.

2 Q. You're talking about in the  
3 south barrier?

4 A. And then this here, a bleeder.  
5 From here, when we started pillaring,  
6 this was all bleeder. We pillared  
7 right in here. I walked all this  
8 before.

9 Q. What about any of the north  
10 bleeder, the south barrier bleeder?

11 A. No.

12 Q. But you didn't go back  
13 and ---?

14 A. The west mains ---

15 Q. Here?

16 A. --- here, I've been back in  
17 here and I have been down in here.

18 Q. So you can drive this?

19 A. Yeah, before we sealed it. We  
20 had it coming down this road here  
21 most of the way and then they had the  
22 pump.

23 Q. Why do you think they --- I  
24 guess for a number of years the water  
25 was being pumped from there. Why do

1       you think they sealed it?

2       A.       For more air. We wanted ---  
3       we were done longwalling that there,  
4       so we didn't need that bleeder no  
5       more, and they sealed it up for more  
6       air for other sections. And it was  
7       too much money to maintain probably.

8       Q.       What about the blocks in the  
9       roof? Did you notice the area  
10      getting heavy in time?

11     A.       No.

12     Q.       No?

13     A.       No. You had a few little ---  
14     where the --- a little top rock fall  
15     and stuff. But as far as heavy, no.

16     Q.       Talking about setting down on  
17     the blocks.

18     A.       Right. I mean, they didn't  
19     have cutting in the barrier then  
20     either.

21     Q.       So you were here and they had  
22     none ---?

23     A.       Yes.

24     Q.       So the barrier pillars were  
25     solid when you were in there?

1 A. Yeah. I wasn't at Genwall  
2 when they mined them barriers. I  
3 left --- I was actually --- when I  
4 come back from --- when I left  
5 Consol, we were right --- we just got  
6 done developing some of this. None  
7 of this was pillared. We only  
8 pillared to there. Then I went to  
9 Consol. When I came back from  
10 Consol, I spent all my time at South  
11 Crandall at the time.

12 Q. Okay.

13 A. And then I went to West Ridge.

14 MR. O'DONNELL:

15 Let's go off the  
16 record.

17 OFF RECORD DISCUSSION

18 BY MR. GAUNA:

19 Q. My name is Mike Gauna. I  
20 wasn't able to see how you marked  
21 things on the map, so I'd like to use  
22 that map as an exhibit. Can I have  
23 you mark what you showed Joe so that  
24 we have a record of what you  
25 explained to him a little while ago?

1 A. Okay. As far as ---.

2 Q. Like how much you developed  
3 after you finished Panel 19 until you  
4 started pillaring in the east, I  
5 wasn't able to see that from back  
6 there. If you can mark it with that  
7 orange marker.

8 WITNESS COMPLIES

9 A. This we developed out to this  
10 panel.

11 BY MR. GAUNA:

12 Q. You finished Panel 19.

13 A. I think we started in this  
14 area and came right to there. And  
15 this ---.

16 Q. And that's --- establishing  
17 the bleeders and start doing the east  
18 pillaring?

19 A. Yeah.

20 Q. Do you know about how long it  
21 took before you finished that panel  
22 before you started pillaring in the  
23 main east?

24 A. I want to say probably a year  
25 maybe. Maybe not a year. I know we

1       come up here and we did this overcast  
2       work.  People started doing  
3       pillaring, so we developed this, we  
4       backed out, people worked on the  
5       bleeder system while we came up here  
6       and then done overcast work for these  
7       overcasts.  We had to bridge them  
8       seals and go move some seals over so  
9       we could mine this panel.  There was  
10      seals we breached in here.

11                               MR. GAUNA:

12                               For the record, he  
13                               pointed out that --- Mr. Bell  
14                               pointed out that they did  
15                               construction work on Panel 22  
16                               in the Third North mains and  
17                               also tied into construction  
18                               work in the south mains before  
19                               they were able to begin to  
20                               pillar around main east after  
21                               they made the tie-in.

22       A.       I think we did the pillaring  
23       before we tied in.

24                               BY MR. GAUNA:

25       Q.       How much of the pillaring did

1 you do? I wasn't able to see that  
2 either from back there?

3 A. I was in the section from  
4 where we started to here.

5 Q. Okay. Can you put a mark,  
6 maybe a different color, as to where  
7 you were?

8 A. We started at third left and  
9 went down to the ---.

10 Q. In the main east?

11 A. In the main east, down here,  
12 the second four-and-a-half east.

13 Q. I wasn't able to see that.

14 MR. GAUNA:

15 Can we make this  
16 Exhibit Number Three? Call it  
17 a wall map. We're going to  
18 use that. Make this Exhibit  
19 Number Three.

20 (Bell Exhibit Three  
21 marked for  
22 identification.)

23 ATTORNEY RAJKOVICH:

24 Just for the record, is  
25 this something --- I notice a

1 lot of colors on this. Was  
2 this generated from the mine  
3 or is that what MSHA had also  
4 marked?

5 MR. O'DONNELL:

6 This is from the  
7 AutoCAD files from --- yes.

8 ATTORNEY RAJKOVICH:

9 AutoCAD files.

10 BY MR. O'DONNELL:

11 Q. Have you given a written  
12 statement or interviewed anyone  
13 before this interview regarding the  
14 accident?

15 A. No.

16 ATTORNEY RAJKOVICH:

17 Other than speaking  
18 with me.

19 A. Yeah.

20 BY MR. O'DONNELL:

21 Q. Has anyone offered you  
22 anything or made any promises to you  
23 in exchange for you to appear or not  
24 appear here?

25 A. No.

1 Q. Okay. Is there anything you'd  
2 like to add that may be relevant to  
3 the investigation?

4 A. No.

5 MR. O'DONNELL:

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

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

24 After questioning other  
25 witnesses, we may call you if

1 we have any follow-up  
2 questions to ask you. If at  
3 any time you have any  
4 additional information  
5 regarding the accident that  
6 you'd like to provide to us,  
7 use the contact information  
8 that we gave you earlier to  
9 contact Mr. Gates.

10 A. Okay.

11 MR. O'DONNELL:

12 The Mine Act provides  
13 certain protections to miners  
14 who provide information to  
15 MSHA and, as a result, are  
16 treated adversely. If at any  
17 time you believe that you've  
18 been treated unfairly because  
19 of your cooperation in this  
20 investigation, you should  
21 immediately notify MSHA. If  
22 you wish, you can go back over  
23 any of your answers, clarify  
24 anything that you had  
25 discussed, and you can make a

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statement at this time.

A. No. I'm good. I'm ready to go.

MR. O'DONNELL:

Good. Thank you very much. We appreciate you coming forward. You've been very helpful.

\* \* \* \* \*

STATEMENT CONCLUDED AT 2:20 P.M.

\* \* \* \* \*