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Transcript of the Testimony of William Campbell

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Case:

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EXAMINATION UNDER OATH
OF
WILLIAM CAMPBELL

taken pursuant to Notice by Richard J. Lipuma,
a Court Reporter and Notary Public in and for
the State of West Virginia, at the National
Mine Safety and Health Academy, 1301 Airport
Road, Beaver, West Virginia, on Thursday,
August 25, 2011, beginning at 2:00 p.m.

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EXHIBIT PAGE

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DESCRIPTION

IDENTIFIED

One

Blown-up Map,

Old North Mains

67*

* Exhibit not attached

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OBJECTION PAGE

ATTORNEY

PAGE

NONE MADE

P R O C E E D I N G S

1
2 -----
3 ATTORNEY FERGUSON:

4 My name is Dana Ferguson. I'm an
5 attorney with the Office of the Solicitor, U.S.
6 Department of Labor. Today is August 25th, 2011.
7 With me is Jasey Maggard and Dean Cripps, accident
8 investigators with the Mine Safety and Health
9 Administration, an Agency of the United States
10 Department of Labor. There are other people in the
11 room with the State of West Virginia. I ask that he
12 state his appearance for the record, please.

13 MR. TUCKER:

14 Bill Tucker with the West Virginia Office
15 of Miners' Health, Safety and Training.

16 ATTORNEY FERGUSON:

17 There are other members of the accident
18 investigation team also present in the room. However,
19 Mr. Cripps and Mr. Maggard will be conducting the
20 interview.

21 All members of the Mine Safety and Health
22 Accident Investigation Team and all members of the
23 State of West Virginia Accident Investigation Team
24 participating in the investigation of the Upper Big
25 Branch mine explosion shall keep confidential all

1 information that is gathered from each witness who has
2 voluntarily provided a statement until the witness
3 statements are officially released. MSHA and the
4 State of West Virginia shall keep this information
5 confidential so that other ongoing enforcement
6 activities are not prejudiced or jeopardized by
7 premature release of information.

8 This confidentiality requirement shall
9 not preclude accident investigation team members from
10 sharing information with each other or other law
11 enforcement officials. Team member's participation in
12 this interview constitutes their agreement to keep the
13 information confidential.

14 Government investigators and specialists

15 have been assigned to investigate conditions, events
16 and circumstances surrounding the fatalities that
17 occurred at the Upper Big Branch Mine - South on April
18 5th, 2010. The investigation is being conducted by
19 MSHA under Section 103(a) of the Federal Mine Safety
20 and Health Act and the West Virginia Office of Miners'
21 Health, Safety and Training. We appreciate your
22 assistance in this investigation.

23 Mr. Campbell, you may have your personal
24 attorney present during the taking of the statement or
25 another personal representative if MSHA permitted it,

1 and you may consult with your attorney or
2 representative at this time. Do you have an attorney
3 with you here today?

4 MR. CAMPBELL:

5 Yeah. Yes, ma'am.

6 ATTORNEY FERGUSON:

7 He debated about it. Mr. Lefler, could
8 you please identify yourself for the record?

9 ATTORNEY LEFLER:

10 Chris Lefler.

11 ATTORNEY FERGUSON:

12 And who do you represent?

13 ATTORNEY LEFLER:

14 I'm here on behalf of Billy Campbell.

15 ATTORNEY FERGUSON:

16 And your law firm and the address,
17 please.

18 ATTORNEY LEFLER:

19 Lefler & Boggs, 316 North Kanawha Street,
20 Beckley, West Virginia, 25801.

21 ATTORNEY FERGUSON:

22 Mr. Campbell, your statement is
23 completely voluntary. You may refuse to answer any
24 question. You may terminate the interview at any time
25 or may request a break at any time. This is not an

1 adversarial proceeding. Formal Cross Examination will
2 not be permitted. However, your personal legal
3 representative may ask clarifying questions if
4 appropriate.

5 Your identity and the content of this
6 conversation will be made public at the conclusion of
7 the interview process and may be included in the
8 public report of the accident unless you request that
9 your identity remain confidential or your information
10 would otherwise jeopardize a potential criminal
11 investigation by another agency. If you request us to
12 keep your identity confidential, we will do so to the
13 extent permitted by law. That means if the judge
14 orders us to reveal your name or if another law
15 requires us to reveal your name or if we need to
16 reveal your name for other law enforcement purposes,
17 we may have to do so.

18 Also, there may be a need to use the
19 information you provide to use for other information
20 we may ask you to provide in the future in other
21 investigations into and hearings about the explosions.
22 Do you understand that?

23 MR. CAMPBELL:

24 Yes, ma'am.

25 ATTORNEY FERGUSON:

1 After the investigation is complete, MSHA
2 will issue a public report detailing the nature and
3 causes of the fatality in hopes that greater awareness
4 about the causes of accidents will reduce their
5 occurrence in the future. Information obtained
6 through witness interviews is frequently included in
7 these reports. Since we will be interviewing other
8 individuals, we request that you not discuss your
9 testimony with any person aside from your personal
10 representative or counsel.

11 A court reporter is present to take down
12 your statement. If you would please speak loudly and
13 clearly, if you could also answer questions with words
14 instead of nodding your head so that the record can be
15 made clear, the court reporter would appreciate it.

16 MR. CAMPBELL:

17 Yes, ma'am.

18 ATTORNEY FERGUSON:

19 We'd like to thank you in advance for
20 your appearance here. We appreciate your assistance
21 in this investigation. Your cooperation is critical
22 in making the nation's mines safer.
23 Any statements given by a miner witness
24 to MSHA are considered to be an exercise of statutory
25 rights and protected activity under Section 105(c) of

1 the Mine Act. If you believe any discharge
2 discrimination or other adverse action is taken
3 against you as a result of your cooperation with this
4 investigation, you are encouraged to immediately
5 contact MSHA and file a complaint under Section 105(c)
6 of the Act.

7 Bill, do you have anything you'd like to
8 add?

9 MR. TUCKER:

10 Just that you have those similar
11 protections with the State as far as being
12 discriminated against. If that should occur, you got
13 30 days from the time it happens. And I gave you some
14 information last time to contact the Board of Appeals.
15 That's who that complaint would be filed with. I'll
16 give you my card in case you have any questions in the
17 future or anything come up along those lines. You
18 would contact me and I'll help you out on that.

19 MR. CAMPBELL:

20 Thank you, sir.

21 ATTORNEY FERGUSON:

22 Richard?

23 -----

24 WILLIAM CAMPBELL, HAVING FIRST BEEN DULY SWORN,

25 TESTIFIED AS FOLLOWS:

1 -----

2 ATTORNEY FERGUSON:

3 Do you have any questions?

4 ATTORNEY LEFLER:

5 None.

6 ATTORNEY FERGUSON:

7 Okay.

8 EXAMINATION

9 BY MR. MAGGARD:

10 Q. William, ---.

11 A. You can call me Bill.

12 Q. That's what I was going to ask. Okay. Appreciate
13 it. Where are you currently working?

14 A. I work for Newtown Energy at Coalburg No. 2 Coal
15 Mine.

16 Q. Okay. And how long have you been working for that
17 company?

18 A. Since June 1st of 2010.

19 Q. Okay. Are you working as a contractor or a
20 permanent employee?

21 A. Permanent employee.

22 Q. Okay. And is that operation affiliated with
23 Massey Energy or Alpha Natural Resources?

24 A. No, sir. It's affiliated with Patriot Coal.

25 Q. Okay. Let's start back at UBB. As of April 5th

1 when the accident occurred at Upper Big Branch Mine,
2 was you employed at Upper Big Branch?

3 A. Yes, sir.

4 Q. Okay. And who was you working for?

5 A. I was working for David Stanley Contracting.

6 Q. Okay. So you were a contractor working at this
7 mine?

8 A. Yes, sir.

9 Q. Okay. And as I understand it, you started
10 sometime around December; is that correct, or ---?
11 The last time you started working at Upper Big Branch?

12 A. It was in --- I believe it was in November.

13 Q. November?

14 A. Yes, sir.

15 Q. Okay. But that was the last time --- how long
16 before November or that time frame had it been since
17 you worked at Upper Big Branch? Had you been on for a
18 while or ---?

19 A. I believe about a year and a half, something like
20 that, maybe a year and three quarters.

21 Q. Okay. And during that time, was you working at
22 another Massey mine or ---?

23 A. No, sir. I was working for Frasure Creek Mine,
24 Trinity Coal.

25 Q. Okay.

1 OFF RECORD DISCUSSION

2 A. Frasure Creek, Trinity Coal.

3 BY MR. MAGGARD:

4 Q. And just for the record, we're talking about
5 November '09 prior to April 2010?

6 A. Yes, sir.

7 Q. Okay. What was your first job --- I know it's
8 probably already --- a lot of this stuff's already
9 been asked, but kind of refresh to make sure we got
10 everything clear. What was your first job at UBB?

11 A. From November?

12 Q. Yeah.

13 A. Pumping water behind the longwall.

14 Q. Okay. And how long was you pumping water behind
15 the longwall?

16 A. Was I pumping water or they pumping water?

17 Q. Either way or both, whatever.

18 A. I pumped water for I'd say probably close to two,
19 two and a half months maybe, give or take a little
20 while. They pumped water the whole time I was there.

21 Q. Okay. And was you a part of the crew? How many
22 people was in the crew that you was working with?

23 A. Four or five on evening shift.

24 Q. Okay. Do you recall any of the members of your
25 crew?

1 A. Yeah. We had Kyle Anderson. He was the boss.
2 They had Justin Collins (phonetic), Wess Hasher
3 (phonetic), myself and we would have a floater
4 sometimes.

5 Q. Okay. And how many --- I've already said this.
6 How many months was it again that you was back there
7 working on the pump crew?

8 A. Myself? About two and a half months. I can't
9 rightly remember, I mean, but somewhere close to that.
10 Maybe a little less.

11 Q. Kyle Anderson, was he on that crew the whole time?

12 A. Yes, sir.

13 Q. Okay. So did you ever --- all during that time,
14 did you ever have to do any examinations or did you
15 have to lead the crew if Kyle was off for any period
16 of time?

17 A. I did during Christmas.

18 Q. Okay. And could you tell me about what you did
19 during Christmas? How would you go about --- why was
20 you having to work during Christmas?

21 A. They needed the pumps checked and moved, if they
22 needed moved. They needed the water levels checked,
23 you know, measured and --- for the superintendent to
24 know, you know, what it was.

25 Q. Okay. Was they producing coal during

1 Christmas ---

2 A. No, sir.

3 Q. --- work ---? Okay. How many guys was on the
4 crew during that time period when you were working
5 Christmas?

6 A. Myself and two other guys.

7 Q. And could you --- who performed the pre-shift
8 examination at that time? Was there anybody there to
9 do a pre-shift examination?

10 A. No, sir.

11 Q. Was there anybody else working outby other areas
12 of the mine that you know of?

13 A. Not that I know of. Well, I was on --- at that
14 time, it was the old bathhouse. I don't know if there
15 was anybody at the new bathhouse working. I don't
16 know.

17 Q. Okay. Do you recall anybody being outside at the
18 old bathhouse when you were working?

19 A. Yeah. I can't remember his name. They had a
20 dispatcher there.

21 Q. Okay. So who would have been the responsible
22 person at the mine in charge while you guys were
23 underground at that time?

24 A. It would have been, I guess, the dispatcher and
25 then myself.

1 Q. Okay.

2 A. I mean, if you're wanting somebody that was there
3 at the mines, but the mine foreman and the
4 superintendent also. You know what I mean?

5 Q. Was they there that day?

6 A. No, no. But that's who was posted on the board.

7 Q. So you didn't have --- are you for sure that you
8 even had a responsible person at the mine that day ---
9 or those days? How many days was it?

10 A. Two.

11 Q. Two days. Okay. Are you for sure that you even
12 had a responsible person at the mine those two days?

13 A. Well, I ---.

14 BRIEF INTERRUPTION

15 A. Now, what was it, sir?

16 BY MR. MAGGARD:

17 Q. Are you for sure that you even had a responsible
18 person at the mine that day?

19 A. I was responsible for the men that was there, or
20 you know, taking care of them, but other than that, I
21 mean, I don't guess I was responsible for the whole
22 mine.

23 Q. Okay. Did they --- was you --- who had the
24 multigas detector out of your crew at that time?

25 A. Me and I gave Justin Collins one.

1 Q. Okay. And where did you --- was that one that
2 you'd already had assigned to you, or where did you
3 get that from?

4 A. Everett Hager told me where they was at. They was
5 in his desk. He told me to use them.

6 Q. How many did he keep in his desk?

7 A. Four, I'd say.

8 Q. Okay. And for that work, that pumping water back
9 there behind --- I assume this is behind the longwall
10 panel? Could you kind of explain where you was
11 pumping water again for me, please?

12 A. From 85 Break to like 137, in that vicinity there.

13 Q. Okay. Who assigned you to work that Christmas?

14 A. Everett Hager.

15 Q. Okay. Did he give you any kind of specific
16 instructions as to why they needed you to work those
17 two days?

18 A. Just to maintain the water. He told us to go in,
19 move the pumps and, you know, take care of them, and
20 then when we got outside to call him and let him know
21 what the measurements was on where the pumps was.

22 Q. Okay. So did you call him after you performed the
23 work ---

24 A. Yes, sir.

25 Q. --- he asked?

1 A. Yes, sir.

2 Q. Okay. That multigas detector that you used, did
3 you use that for a while for belt examinations?

4 A. No, sir.

5 Q. Okay. Did you swap detectors?

6 A. Swap detectors?

7 Q. Did they assign you one for you personally?

8 A. Yes, sir. When I started --- when I got off the
9 pump crew because one of the fire bosses got hurt,
10 twisted his knee or something, they issued me one.

11 Q. Okay. I think the last time you said probably .2
12 percent might have been the highest methane
13 concentration you've ever seen. Does that ring a
14 bell?

15 A. I've seen a little higher, but I mean, you know,
16 that was just about the normal.

17 Q. Okay. Give us what you can remember. What was
18 the highest and where at, where did you see it at?

19 A. You don't have it on your map where we found it
20 at. Me and Jim Bosier (phonetic) found it and it was
21 way before November. It was after we sealed all the
22 longwall panels off. It was up at --- where --- it'd
23 have been Five --- it'd have been Six North Head, 72
24 Break, I believe. And we got over --- it was in the
25 return and we maxed our methane detectors out.

1 Q. Okay. Do you remember what the reading was
2 or ---?

3 A. The oxygen reading I believe was 18.5, and CH4
4 reading was --- I'm not for sure. It maxed our
5 detector out, because if you was over there for very
6 long, it would burn the sensor up in it. I can't
7 remember how much it was.

8 Q. Was it a high spot or what --- was it just right
9 out in the entry it was doing that?

10 A. It was at the seals that led back to the older
11 branch span. That's where we --- that's where all the
12 returns come off from the longwall panels. And we
13 have to go back here and take an anemometer reading,
14 but that was before they sealed it off and --- to make
15 sure it was 18 point, and then when they sealed it
16 off, we still had to go back there and the check seals
17 there and date up on them.

18 Q. Okay. Your detector, did you take it home to
19 charge it?

20 A. Yes, sir.

21 Q. Okay. And that detector now, was it returned ---?

22 A. Yes, sir.

23 Q. Who did you give that to?

24 A. Gary May.

25 Q. Okay. And when did you have to return it to him?

1 A. Well, I helped with the preparations of getting
2 the guys out and it was returned when I left.

3 Q. Okay. Did that detector have your name on it?

4 A. Well, one of my detectors did and the oxygen
5 sensor burnt up in it. And they sent it off, and then
6 they gave me another one to use. And it didn't have
7 my name on it, that one didn't.

8 Q. Okay. Very good. Let's talk a little --- did you
9 ever get the other one back or ---?

10 A. No, sir.

11 Q. Okay. About how long did you --- did that happen
12 before the accident that you had to swap? Got any
13 idea?

14 A. I would say maybe around February, something like
15 that. I'm not quite --- I couldn't tell you an exact
16 date, but I'd say it was probably around February or
17 so.

18 Q. Okay. Okay. Let's talk about your --- let's talk
19 about how they started putting you on the belts and
20 doing belt exams. When did that --- we know you was
21 pumping water for about two and a half months. How
22 did that come about that you started to do belt
23 examination?

24 A. Well, like I said, I can't remember the guy's name
25 right off. He ended up getting hurt and they knew

1 that I was certified because that's --- what they
2 asked for was a certified man. They called up Stanley
3 and they just come to me and told me, you know, that
4 I'd be working starting on evening shift, 6:00 to
5 6:00. And that I'd be walking belts.

6 Q. Okay. Did it appear that they was probably
7 shorthanded on examiners at that time or ---?

8 A. Well, at that time with the guy hurt --- or with
9 the guy that they had, they had three guys on the ---
10 on the side that the explosion happened.

11 Q. The north side?

12 A. Yes, sir. And when the guy was off, you know, I
13 made the third guy then.

14 Q. Okay. And normally --- let's talk about what was
15 your normal route. I know we talked about this a
16 little bit, but where did you primarily do belt
17 examinations?

18 A. It depended on the days because we had two --- we
19 got two guys per shift and then you had --- the third
20 guy alternated --- you know what I mean, alternated
21 with us and there was one day out of seven that we
22 would --- all three was at the mines together.

23 Depending on which days it was, I'd fire boss the
24 longwall belt, the headgate section for Headgate 22,
25 and a lot of outby stuff, and then I usually worked my

1 way up towards what was 6 North Head.

2 Q. Okay. Let's talk about when you started these
3 pre-shifts, did they just show the area that you
4 needed to travel on the map? How did you end up
5 knowing your route and stuff?

6 A. Well, we all sat down together, all of us before
7 we went underground and we --- they say, well, you
8 know, this person will get you this, this person will
9 get you this, and then we would go do it, you know.

10 Q. Okay. Did anybody try to explain to you what to
11 be looking for during your belt examination as far as
12 what they wanted you to try to correct or put in the
13 books or anything like that?

14 A. You know, not at that present moment they didn't,
15 but when I started bossing at UBB back in '06, they
16 did. They went over it with me.

17 Q. Okay. What about when you first started at UBB,
18 who --- the first day you went underground, was you on
19 the pump crew that first day or do you recall?

20 A. When I started as a contractor?

21 Q. Yeah.

22 A. I can't remember. I know I worked --- I worked a
23 few days on dayshift.

24 Q. Okay.

25 A. And then after that, they switched --- no, I'm

1 lying to you. I worked one day on dayshift, and we
2 come in. They didn't have no lights for us or
3 anything, and we didn't have lights, so they sent us
4 home and told us to come back when we got our --- you
5 know, got our own mining light. And then they told us
6 to report on the evening shift the following day and
7 we come in, and yeah, we was on the pump crew.

8 Q. Okay. So let's say your first visit underground,
9 was that a working visit or did you have any kind of
10 training they gave you while you was there?

11 A. When we started the first day, when we come in
12 there, they showed us the map and told us where our
13 escapeways was and, you know, where your primary and
14 your secondary escapeway was and everything, and that
15 was basically about it.

16 Q. Okay. So I'm guessing that you probably had MIT
17 training; is that correct or ---?

18 A. Yeah, I believe so. Yeah.

19 Q. Do you remember who gave you that training?

20 A. The MIT?

21 Q. Does that ring a bell?

22 A. No. When we started --- you're talking about the
23 eight hour deal? That was Noah --- I can't remember
24 his last name. He's an old man.

25 Q. Does Norman Lester ring a bell?

1 A. No.

2 Q. Okay. Was it a Massey employee that gave you that
3 training or ---?

4 A. Yeah, it was the safety guy over at Marfork.

5 Q. Okay.

6 A. I said Noah ---.

7 Q. Jonah Bowles.

8 A. Yeah, that's it. That was him.

9 Q. Okay. So you took this class at Marfork; is that
10 correct?

11 A. Yeah. And there was another guy also in there,
12 too.

13 Q. Okay. And do you remember who give you --- went
14 over the map with you at the mining site?

15 A. Everett Hager.

16 Q. Okay. Did Everett take you underground that day?

17 A. No, sir.

18 Q. Who'd he send you with, do you remember?

19 A. We didn't go underground. We didn't have lights.

20 Q. Okay. So when you come back on the evening
21 shift ---?

22 A. We went with Kyle.

23 Q. Okay. Did they ever give you any kind of training
24 on how to do a pre-shift or on-shift examination?

25 A. When I first started bossing in '06, yes, sir,

1 they did.

2 Q. Okay.

3 A. But ---.

4 Q. Was that on a section or was that on a belt exam?

5 A. Both.

6 Q. Both. Could you tell us a little bit about what
7 you remember? I know that's a long time ago.

8 A. Well, on the section when I got my bossing papers,
9 I was --- they took me for --- I think it was two
10 weeks, and they set me up there with Mike Belcher on
11 North Main Section and --- which is butted off up
12 there at the upper end of your map. And what we was
13 --- we was driving past the Glory Hole when I started
14 up there going to where it's butted off now. Matter
15 of fact it was up there where the gas well is. We was
16 driving around it. I spent two weeks up there with
17 him. And he trained me, you know, what I was to look
18 for on the section and, you know, on each entry and
19 everything like that.

20 Q. Who did you --- as far as Dave Stanley goes, how
21 did that work? How did you report to them? How often
22 would you have to ---?

23 A. I didn't.

24 Q. Oh, you didn't?

25 A. No. They faxed my --- they faxed the timesheet to

1 Beth Stratten (phonetic). Then she faxed it, I guess,
2 to the main office and I got my check in the mail.

3 Q. Okay.

4 A. I was pretty much a full-time employee at UBB.

5 Q. Okay. As far as what you remember about the
6 beltlines and staff at UBB, was it --- was you having
7 to do a lot of maintenance type work during your
8 examinations to keep things ---?

9 A. Explain maintenance.

10 Q. Well, greasing and shoveling, anything you had to
11 do, a little bit of rock dusting. What did you have
12 to ---?

13 A. We pretty much would, you know, look and see stuff
14 in the pre-shift book. And between me and Glenn and
15 John Skaggs, we would pick parts and, you know, we
16 would work on it and clear it up.

17 Q. Okay. So normally if you had to do the cleanup,
18 would you just --- I know you had a lot of belts that
19 you had to take care of on the examination. Would you
20 normally just pick the worst place and ---?

21 A. We'd prioritize. Yes, sir.

22 Q. Okay. Was you getting much help out of anyone
23 else, the owl shift or anything about maintaining
24 belts or ---?

25 A. No, sir. I mean, you know, they had a rock dust

1 crew, but other than that, it was, you know, just me
2 and Glenn and John. And then, you know, the other
3 guys on dayshift, they would take care --- you know,
4 if they started working on something, then we would
5 try to finish up on it. You know what I mean?

6 Q. Uh-huh (yes).

7 A. That's about it. You know, I mean, we didn't ---
8 there wasn't no --- they didn't have a full outby crew
9 or nothing to --- you know, to maintain. We tried to
10 do the best we could.

11 Q. Yeah. I know you worked, you know, like 12 hour
12 shifts, ---

13 A. Yes, sir.

14 Q. --- 6:00 p.m. to 6:00 a.m. and probably some 6:00
15 a.m. to 6:00 p.m. Did that rotate or was it ---?

16 A. No, we was strictly 6:00 p.m. to 6:00 a.m. And
17 then right at the end, they was switching us around to
18 where we would actually rotate on --- from days to
19 evenings.

20 Q. Okay. So you would have been underground a lot
21 when the rock dust crew should have been underground
22 as well?

23 A. Pretty much.

24 Q. Okay.

25 A. Six hours of it.

1 Q. Okay. And how often would you see them up in the
2 north area of the mine?

3 A. On the headgate or like outby or on the belts?

4 Q. Let's say from, you know, Four North --- I don't
5 know. Did you examine Four North or Five North belts?

6 A. I have.

7 Q. Okay. From say Five North all the way to the
8 working sections, how often would you see them?

9 A. Well, there for a long time they didn't have any,
10 and like I remember that inspector shut the headgate
11 section down, which was where Dino's section was ---
12 or Edward Jones. And they shut it down for --- I
13 don't know. It was a while. And we had to hand dust
14 it because there wasn't really no way to get the pod
15 duster down there to dust it. And then they finally
16 come up with a little sprinkle duster and put it at
17 the head blowing down the belt line.

18 Q. Okay. Those pod dusters, trickle dusters, about
19 how effective do you think they was? How many breaks
20 would it actually help?

21 A. Pod duster?

22 Q. Yeah.

23 A. That's the track duster. It helped a great deal.
24 That's what --- the whole time that I was employed
25 from the get-go from UBB that's what we used to dust

1 the belts with, dust the track entry and everything
2 with. Now, trickle dusters, depending on your air
3 flow, you know, you could get four breaks out of it.
4 You know, it'd be dusted slightly. It wouldn't be
5 thick or anything, but it would change the color, you
6 know, of the area you use it.

7 Q. Okay. In your opinion, if you can remember back,
8 which belts do you think were in the most need of rock
9 dust?

10 A. The most need --- like at any time or right before
11 the explosion?

12 Q. Well, let's talk about right before the explosion
13 and then tell me about ones that gave you --- you
14 know, you had the most problems with, you seen them
15 having the worst condition.

16 A. Okay. The belt for Headgate 22, I mean, it was
17 probably the most needed, and then when they flipped
18 over, when they flipped over the belt there, the
19 crossover belt between where the tailgate section was
20 and the headgate section or the other headgate section
21 that was driving the tailgate for the next longwall,
22 it was --- it had to be that belt, the crossover belt
23 and Headgate 22's belt. And then when they flopped
24 over where Headgate 22's belt dumped onto Seven ---
25 that'd been Six --- Seven North, Seven North was in

1 pretty bad shape. We had to do a lot of work to it,
2 you know --- you know, to get it running.

3 Q. Okay. Did you ever have to do the longwall belts
4 very many times?

5 A. On and off.

6 Q. Okay. What about it? How was it?

7 A. Well, they had a duster hooked to a little man
8 ride, a little rubber tired man ride. Most of it was
9 in fairly good shape until you got up to where the
10 airlock doors was going towards the head, going
11 towards the storage unit. And then from there, like
12 it was like way off the beaten path. It was two
13 breaks, something like that from the track entry. So
14 you really couldn't get it dusted. You'd just have to
15 hand dust it from, I guess, about seven breaks maybe
16 or something to the mother drive, the discharge roll
17 on the mother drive or it may have been a little more
18 than that, but ---.

19 Q. You know, had you ever had an opportunity to ---
20 or had to shut the belts down for what little time you
21 did after examining the belts?

22 A. Yes, sir. I shut them down twice.

23 Q. Can you tell us a little bit about why you had to
24 shut them down?

25 A. Well, I come in, you know, about five o'clock one

1 morning --- or evening and got ready, and it was me
2 and John Skaggs' turn, you know, to do the fire
3 bossing. And we walked in, you know, --- or got
4 dressed, and John Bickford, he said that we need to go
5 and check on a guy that the longwall guys had left at
6 a tailpiece that it was smoking a little bit. And so
7 you look at the drift mouth and here there's smoke ---
8 you know, you could see smoke rolling out. I mean, it
9 wasn't real thick, but you know, it was --- you could
10 tell it was smoking. And I go up there and me and
11 John drove a mantrip --- or a jitney, and we go up
12 there. And here's this guy sitting on a bucket
13 pumping grease just as hard as he can go. And I told
14 him --- I grabbed him, I said, buddy, you're going to
15 have to get out of here. And he said I can't. I
16 can't ditch my job. I got to stay here, stay here and
17 pump this grease in this tailpiece. And they had
18 water flowing on it, you know, and so I just said ---
19 I said, well, hold on, buddy, I said I want to show
20 you something. So I took the water off the tail
21 roller and automatically you could see the roller ---
22 or the bearing heating up in it and the grease just
23 started boiling out of it like water. And so I put
24 the water back on it. And I told him, I said, go get
25 fresh air. I said we'll take care of this and I said

1 I'll --- we'll get it taken care of. And he's like,
2 well, what are you going to do. I said, well,
3 officially, I said this place is shut down. So I shut
4 the belts off.

5 And Rick Hutchinson, he called up there and --- I
6 can't remember the longwall guy. He called and asked
7 what was wrong. I told him, I said, the belt's shut
8 down. He's like is there any way we can work. I
9 said, yeah, you get a new bearing up here and another
10 tail roller. I said you can get work, I said, but
11 otherwise, you're shut down.

12 And between Rick Hutchinson and the guy from the
13 longwall, he was --- you know, they was talking back
14 and forth. And I told Rick, I said, well --- I said,
15 Rick, I'll probably get fired for this one. He said,
16 no, he says, you don't worry about it. He said if
17 anybody asks you, he said, I --- he said, tell him I
18 shut the belts down. And that was one time, you know,
19 they had to get a tail roller and put it in.

20 And the same thing happened again about a month
21 later maybe or a couple weeks later on ---. It'd have
22 been Five --- I'd have been Five North Head, Four
23 North tailpiece, same thing happened. We just
24 stumbled upon it. And we had to shut the belts down
25 and made them fix it.

1 Q. How long ago was it when Rick Hutchinson was
2 working there? Do you remember?

3 A. He may have left in February or March before the
4 explosion happened.

5 Q. Like in '09 or ---?

6 A. '10.

7 Q. Okay. How about when you normally put in the
8 books that an area needs cleaned and dusted and ---
9 did you ever see anybody trying to correct some of the
10 stuff that you found in the mines or ---?

11 A. Some, you know, when they had a crew to dust, but
12 most of --- you know, most of it we took care of. We
13 tried to take care of on our own what we could, you
14 know, as a group of fire bosses, you know.

15 Q. Knowing what your --- a little bit about your
16 duties and the --- all the places you got to travel,
17 do you think that was a good method for a fire boss
18 trying to correct hazards?

19 A. Well, you wasn't correcting them as you was fire
20 bossing. We would correct them between our first fire
21 boss run and our second fire boss run.

22 Q. Okay.

23 A. You know, you had a little bit of time there to do
24 so.

25 Q. If you see a --- like Headgate 22 probably, you

1 know, needed dusted, the whole belt, would that be
2 something you'd be able to correct and be able to do
3 your other duties on a normal day?

4 A. No, sir. You couldn't --- we couldn't hand dust
5 that whole belt line in a day between two or three of
6 us.

7 Q. Okay. Would you ever see other people --- would
8 they put other people trained to take care of some of
9 that --- some of the belts or it was just periodic and
10 you didn't --- you noticed stuff that wasn't getting
11 corrected?

12 A. Sir?

13 Q. Say you done all these belts ---

14 A. Right.

15 Q. --- one shift, okay, and you found three belts
16 that needed cleaned and dusted and pretty extensive,
17 you know, the whole belt needs a little attention, ---

18 A. Right.

19 Q. --- would you notice that when you come back the
20 next shift that anything had been done to the belts
21 that you put in the record book?

22 A. Whatever we done really, unless the inspectors
23 would --- like I said, come in and shut it down and
24 then, you know, they'd be forced to work on it.

25 Q. Who would have been responsible for, you know, any

1 kind of hazards that you observed and you recorded on
2 --- who was responsible for making sure those got
3 corrected?

4 A. We was, the fire bosses for the most part. You
5 know, that's --- we was the only ones doing anything
6 to anything, you know, so I guess we was responsible.

7 Q. Do you feel like that was the best way to maintain
8 the belts and maintain the mines, make the fire bosses
9 have to do the cleanup and removal of accumulations or
10 --- how do you feel about that?

11 A. Yeah, it's a --- I feel that if it's our --- if it
12 needs to be fixed, fix it myself. You know, that's my
13 mentality.

14 Q. I guess my question is, do you think it would have
15 been better if they would have gave you additional
16 resources?

17 A. Oh, yes, sir. It would have helped us greatly if
18 we'd have had extra people working on the belts and
19 belt heads and stuff like that.

20 Q. Let me ask an opinion of you. As far as all the
21 belt lines were concerned, would you say that the
22 elimination of accumulations was not --- how should I
23 say? Do you feel that they had done an adequate job
24 at this mine to maintain the belts? Do you think they
25 could have done more?

1 A. Oh, they could have --- you know, you could do
2 more if you're there at one time. In fact, before I
3 was a contractor there, you know, we dusted on three
4 shifts. You know, we dusted the belt lines and stuff,
5 you know, there for a while, you know. And we had
6 outby crew, you know, and we all dusted, every shift
7 dusted.

8 Q. So I assume what you're saying is there used to be
9 three shifts and now it's basically owl shift or
10 whatever you can hand dust during a fire boss run; am
11 I right or wrong, when I say that?

12 A. Well, not every place was hand dust, you know, you
13 had to do a hand dust job on. But, you know, there'd
14 be times that, you know --- like when we was dusting
15 on three shifts, you know, there was a lot of ---
16 there's a lot of belt there, you know. There at one
17 point we had seven miles. You know, you're going to
18 have to step up and do more because you've got seven
19 miles of belt. You know, you got to take care of your
20 violations. We needed --- well, they needed more
21 people working on the belts, yes. Did that answer
22 your question?

23 Q. I appreciate that. As far as --- I know you have
24 to state your own opinion sometimes. Along the belt
25 entries and stuff, just explain to me some things

1 you've seen in the belt entries about, you know, rib
2 problems or anything you've observed during your exams
3 and stuff.

4 A. Well, there --- when they put Seven North End up
5 into --- back in service, me and Glenn, I mean, we
6 spent days trying to break up this rock, and it was
7 --- it was probably four feet thick, seven foot long,
8 solid. And I ended up stealing a motor and a sheave
9 rope and shivving it out of the way instead --- you
10 know, because there wasn't no way you could bust that
11 kind of rock up, you know, stuff like that.

12 We set our own timbers. They have an outby crew
13 --- or, you know, the supply men would drop off
14 timbers or jacks or whatnot, you know, in certain
15 locations and we'd pick them up and take them to
16 Seven. We'd tried to do the best we could with what
17 we had.

18 Q. You made --- sometimes I think you made a list,
19 did you, of things that you'd pass on to somebody
20 else, I assume; is that correct?

21 A. Pretty much.

22 Q. And who would you pass the information to most of
23 the time, like if you needed timbers set somewhere and
24 you didn't have any or couldn't get none up there to
25 you or ---?

1 A. I'd give it to Everett and then he would take care
2 of getting our timbers in there to us, or you know,
3 they'd come in from the other side. They'd come in
4 from Gary May's side. So, you know, I guess they'd
5 --- you know, they'd tell him what they needed and all
6 the supplies come in from there, so they'd bring it in
7 for us.

8 Q. How long would it normally take them to come in
9 and maybe correct something like that, install some
10 additional supports or anything you asked them to do?
11 Would it get done the next shift or sometimes be a few
12 days or ---?

13 A. Well, a lot of it just --- I mean, like I said, it
14 was done by us. They didn't really have --- we didn't
15 have the help, you know, trying to take care of stuff
16 like that. A lot of --- you know, now Harold --- he
17 took care of the longwall belt pretty well.

18 Q. Lilly?

19 A. Yeah, Harold Lilly.

20 Q. Okay. And, you know, so sometimes would you have
21 to wait a few days before you'd get some supplies?

22 A. Sometimes, yes, sir.

23 Q. What would you do in the meantime just to --- hope
24 for the best or ---?

25 A. Find something else to work on, you know. You get

1 ahead and clean it and dust it and do it with hand
2 grease.

3 Q. Did you normally when you'd done your exam just
4 record like accumulation hazards or was it --- when
5 you come up to wide places or something like that, is
6 that something you'd just normally handle and try to
7 report accumulations, try to get help? Explain to me
8 what --- how do you report that.

9 A. Well, you know, like I said, we'd prioritize. You
10 know, the worst things that needed the most attention,
11 that's what we took care of, you know, and it got done
12 when it got done. You know what I mean? We was
13 always doing something every day. The rest of it, you
14 know, like it needs spot dusting or it needs spot
15 cleaning or it needs cleaned or needs dusted or
16 whatever it may be, you know, we would put that stuff
17 in the book.

18 Q. Okay.

19 A. Now, you know, like that big rib I told you about,
20 I think it did get --- it's still placed in our belt
21 book.

22 Q. Do you think there were a lot of wide entries in
23 the belt lines? Did you ever notice that?

24 A. No, I don't guess. I really didn't carry around a
25 tape measure and measure everywhere.

1 Q. You didn't have a tape measure?

2 A. You know what I mean? I mean ---.

3 Q. I know you had to supply your own anemometers.

4 A. Yeah.

5 Q. Did they not supply you with tape measures?

6 A. No, no.

7 Q. Okay. But they did give detectors?

8 A. Yeah. Yes, sir.

9 Q. Did you have to supply your own light and ---

10 A. Yes, sir.

11 Q. --- CSR?

12 A. No, that CSR they give us.

13 Q. Okay.

14 A. Marfork, when we did our little training down
15 there, our safety training.

16 Q. Have you ever told them --- expressed any kind of
17 --- been upset, aggravated or told them, hey, I'm not
18 getting any help, I need this, I need that and ---?

19 A. We all did, every one of us. Every one of the
20 fire bosses, because you know, we would converse, you
21 know, between shifts. You know, as the dayshift was
22 going into the mines and as we was coming out, you
23 know, we was filling out books. They was
24 countersigning them. We would talk, you know.

25 Everybody would be there, you know, and we would all

1 --- we would all say the same thing, you know.

2 Q. Do you think a lot of hazards on the belt line
3 would have been a pretty good lot or ---?

4 A. What kind of a hazard are you talking about? I
5 mean like a ---.

6 Q. Just like what we've been talking about. Why
7 there is accumulations here and there and a little bit
8 of float dust around, which I know you was talking
9 about reporting that.

10 A. I didn't pay no attention to wide places, you
11 know, to tell you the truth about it. But you know,
12 you look for, you know, rib rolls, stuff like that
13 and, you know, draw rock and pull it, you know. If we
14 had time --- you know, time or if we had stuff there,
15 we would pull down ribs and pull the top down where it
16 needed to be. But I mean, you know, the belts did
17 need some TLC.

18 Q. Okay. Did you have any close clearance problems
19 on any of the belts? Can you remember back that far?

20 A. There was a place there at the Glory Hole that you
21 had to go from one side then go underneath the
22 crossover and then go to the other side and then come
23 back over across. That'd have been on Six North or
24 Five --- it's either Seven or Six --- Seven North ---

25 Q. Okay.

1 A. --- is where it was at.

2 Q. How far would you --- how far was it --- how many
3 breaks or whatever you remember it being?

4 A. A couple breaks. You had to crossover and walk, I
5 think, two breaks or three and then you need to cross
6 back over and --- at the Glory Hole and come back
7 across onto the regular walkway side of the belt. And
8 then there was a big hole that was actually like steps
9 built down at where --- Headgate 22 where they set a
10 new head or where it really discharged was --- that
11 was, you know --- it was deep, water deep and mud and
12 slop and ---.

13 Q. Did a lot of that come from the Glory Hole
14 flooding out or ---?

15 A. Yeah, that was --- yeah. Yes, sir.

16 Q. Do you remember when that happened?

17 A. All the time.

18 Q. Okay.

19 A. It looked like a big log spill coming down the
20 belt lines everywhere. I mean, it was terrible.

21 Q. Did they have any areas posted off or marked off
22 that you traveled from the belt entries anywhere?

23 A. Not that I'm aware of. I don't remember none.

24 Q. Did you ever have to post any yourself or ---?

25 A. Like the one --- I think Scott Hostead (phonetic),

1 he was the one that endangered it off right there where
2 that big rib roll was I was talking about. That's
3 basically about the only one, you know, that was
4 endangered off.

5 Q. I appreciate it.

6 MR. MAGGARD:

7 I'm going to take a break and I'll let
8 the other guys talk a little bit. Thank you.

9 MR. CRIPPS:

10 You doing okay? You need a break, small
11 break or ---?

12 A. Just whatever.

13 MR. CRIPPS:

14 If you need a break, we'll take a break.

15 A. Let's take a break.

16 SHORT BREAK TAKEN

17 EXAMINATION

18 BY MR. CRIPPS:

19 Q. Okay. Bill, I'm going to take over a little bit
20 and give Jasey a break. You don't get a break. I
21 want to back up and talk a little bit about --- get
22 some information from you about your overall total
23 mining experience. How about telling me when you
24 started and where and just work up to the time of the
25 explosion for me, please?

1 A. Just mine related too?

2 Q. Or both.

3 A. I started in '99, 2000 working for Precision
4 Testing and we done coal samples underground, coal
5 samples above ground at the prep plant, plant tests,
6 float and sunk and done analysis and everything on
7 them. Then I worked at CT&E which we done the same
8 thing, but we done it all for Eastern Associated. And
9 I quit there and went to work for Mountaineer Mine
10 Safety. And I was contracted through them with --- or
11 contracted through them, I was working for Massey at
12 Shoemaker Mine.

13 Q. Okay. Say that again now.

14 A. Which part?

15 Q. The Massey.

16 A. Yeah, I worked for Shoemaker Mine, contractor.

17 Q. Okay. So you was a contractor for
18 Mountaineer ---?

19 A. Mine Safety, yeah.

20 Q. Okay.

21 A. Yes, sir.

22 Q. At a Massey Mine?

23 A. Yes, sir.

24 Q. Okay. Do you know when that was?

25 A. Right before Enron because I got laid off during

1 Enron, the whole Enron thing. I couldn't tell you.

2 Q. Are you talking about the Enron down in Texas?

3 A. Yeah, when Enron went --- whatever they done, ---

4 Q. Uh-huh (yes).

5 A. --- that's when I got laid off.

6 MR. MAGGARD:

7 That would have been about 2003.

8 A. Something like that. I was laid off for about
9 eight months, I guess. And Massey was holding a job
10 fair, so I went to it, got hired on with UBB then.

11 BY MR. CRIPPS:

12 Q. Do you know about when that was?

13 A. 2003, I guess.

14 Q. Okay. When you got hired on there, was you
15 actually a Massey employee?

16 A. Yes, sir.

17 Q. You was not a contractor?

18 A. Right.

19 Q. Okay. And you went to work at UBB?

20 A. Yes, sir.

21 Q. Okay. How long did you stay there?

22 A. I stayed there 'til late '08, I guess, and I was
23 in a car accident and got my head crushed. And I was
24 still employed with them when I got in the accident
25 and they let me go.

1 Q. Okay. And you got hurt in the accident and they
2 let you go?

3 A. Yeah.

4 Q. Okay. Okay. Then what happened?

5 A. And I recouped for a few months and went to work
6 at Trinity Coal, Frasure Creek.

7 Q. Is that where you're at now?

8 A. No.

9 Q. Oh, okay. Was that still in '08?

10 A. I believe so.

11 Q. Okay.

12 A. And then went and worked, I don't know, probably
13 six, eight months, something like that, and they ended
14 up laying us off. So I took a couple months off and
15 went and applied at David Stanley and they sent me to
16 work at UBB again.

17 Q. Okay. And that was when you went to work this
18 last time ---

19 A. Yes, sir.

20 Q. --- prior to the explosion? That was in roughly
21 November of '09?

22 A. Yes, sir.

23 Q. Okay.

24 A. And I was there 'til the explosion and after. And
25 I left and went to work for Newtown Energy.

1 Q. Was you still with David Stanley?

2 A. No. I got hired on with Newtown Energy.

3 Q. As far as going to work for David Stanley, just
4 how did that work exactly?

5 A. You go and fill your paperwork out, and then as
6 they need people, they'll place you where you need to
7 be.

8 Q. Okay. So you just sign up with them and then wait
9 for them to call you?

10 A. Pretty much. I guess, yeah.

11 Q. Okay. When you went to UBB, had you requested to
12 go to UBB or does it work that way?

13 A. No, they don't request. They just send you there
14 --- send you wherever you need to go. Jack Roles
15 called and said he needed a certified man. I was the
16 only certified man, I guess, and off I went.

17 Q. Okay. Was many of the same management people
18 still there as when you left in '08?

19 A. No. Well, Jack Roles was still there, but he had
20 went from face boss to longwall coordinator. The
21 superintendent --- superintendents changed hands.
22 Most of the mine foremen changed hands. They had
23 changed hands. That was about it, you know. Most of
24 the bosses had changed hands, you know, production
25 bosses, outby bosses. They had all left or, you know,

1 retired or just whatever.

2 Q. Okay. When you went to work for Stanley, do you
3 spend time going through training with them prior to
4 going to the mines or just how does that work?

5 A. I did, you know, start training with MSHA. I
6 could use a CSR. And then they sent us to safety
7 training down at Marfork.

8 Q. You said CSR. Are you talking about ---?

9 A. SCSR.

10 Q. SCSR. Okay. So you did that where, at Stanley?

11 A. Yeah, I showed them that I could use one and I
12 could change it over from, you know, having one and
13 then changing it over to another and then went on, you
14 know, through Marfork.

15 Q. Okay. But you did that at Marfork after you'd
16 already went to work or when you was going to work at
17 UBB?

18 A. Well, we done it there, too. We done it at
19 Marfork, too, done the whole thing, watched videos and
20 all that stuff.

21 Q. Who was your boss or who did you work for for
22 David Stanley, or who did you report to, I guess?

23 A. Everett Hager.

24 Q. Everett was at UBB; correct?

25 A. Yes, sir.

1 Q. What about for David Stanley?

2 A. I didn't have a boss. I worked at UBB, for UBB.

3 Q. Okay. So who actually called you from Stanley and
4 told you to go to UBB?

5 A. Beth Stratten.

6 Q. And who is she?

7 A. She runs the Beckley office or did. I don't know.
8 I haven't talked to her in a while. She run the
9 Beckley office for David Stanley here in Beckley.

10 Q. Okay. And so what --- she just called you up and
11 say report to Upper Big Branch?

12 A. Yes, sir.

13 Q. Okay. And then so just --- did David Stanley have
14 any dealings or any authority or any management
15 responsibility over you?

16 A. No.

17 Q. Okay. So you'd report directly to Everett Hager
18 at the mine then?

19 A. Exactly.

20 Q. Okay. What if --- have you seen any other
21 contractors while you've been working there that's
22 been let go by Massey?

23 A. What do you mean?

24 Q. Let's say for poor job performance, discharged.

25 A. No.

1 Q. Okay. If that was the case, who would handle
2 that? Would it be Massey's management or would it be
3 David Stanley's people?

4 A. It'd be Massey's management would let them go.

5 Q. Okay.

6 A. Now, there was --- there was one guy, but he like
7 came in drunk and he was stoned and all kind of stuff,
8 and they let him go.

9 Q. Okay. When Massey lets him go, does he stay
10 employed with Stanley then?

11 A. Yeah, I guess they'll find him someplace else, but
12 you know, they had --- there was like two different
13 contract bunches there. You had David Stanley and
14 somebody out of --- down close to Charleston that done
15 it, too, that contracted, too, there. I can't
16 remember the name of their contract outfit.

17 Q. Okay. So I mean, if you have a problem with
18 somebody at UBB, is there anybody at David Stanley
19 that you could talk to to try to get remedies?

20 A. Well, if I wanted to leave UBB, I could have
21 called and told Beth I wanted to leave, find someplace
22 else to put me, you know. I could.

23 Q. Okay.

24 A. But UBB was my home. They knew that I worked
25 there a long time, knew all the guys. I worked with

1 every one of them that got --- almost every one of
2 them that got killed. You know, it was just like a
3 family.

4 Q. You was there from '03 to late '08. When you came
5 back in November of '09, did you notice any changes in
6 the condition of the mine?

7 A. It had gotten poorer, the conditions had.

8 Q. The conditions had gotten poorer?

9 A. Uh-huh (yes).

10 Q. What do you mean by the conditions had gotten
11 poorer?

12 A. Well, you just look at things and you just seen
13 how stuff would run before and how we had done things,
14 and then it was just --- some of the stuff that they'd
15 done was half assed, excuse me language, but it was.

16 Q. Did that --- let me ask you this. What about your
17 opinion of the management at the mine when you was
18 there prior compared to the management when you came
19 back? Do you have an opinion on that?

20 A. Well, Everett's a top notch guy. I mean, he did
21 everything I --- you know, if I needed anything, he'd
22 make sure I got it. Wayne Persinger had got there and
23 he was the same way. You know, if I needed anything
24 --- because he was at the --- he was at the mines, you
25 know, a lot, too. He'd make sure that we got what we

1 needed.

2 But the overall, I guess, knowledge of the way
3 things work on the wall went out the door. You know,
4 I guess they just more or less hurry, hurry, hurry
5 then, you know, actually see that it was done, it was
6 done right. You know what I mean? You know, set up
7 and --- the way everything was set up as opposed to
8 when I come back.

9 Q. After you come back the next time, did you have
10 much interaction with Chris Blanchard?

11 A. No. And I'm glad of it, too.

12 Q. Why's that?

13 A. He's a prick, top notch.

14 Q. He was the president of Performance; is that
15 correct?

16 A. President of Marfork.

17 Q. Marfork?

18 A. Yeah. See, they integrated ours --- they
19 integrated us in with Marfork right --- just it hadn't
20 been too long before I left and went elsewhere.

21 Q. What about Terry Moore, did you have interaction
22 with Terry Moore?

23 A. Occasionally. Not a whole bunch.

24 Q. Okay. I noticed that Terry Moore countersigned a
25 lot of the pre-shift books that you filled out.

1 A. Uh-huh (yes).

2 Q. Did you ever actually have discussions with Terry
3 about the conditions listed in the books?

4 A. Sure did. I had discussions with him and, you
5 know, that he needed to get us help, had to, you know,
6 tell --- you know, tell him --- try to beg for
7 whatever we got. You know, on that end, you talk to
8 him. But, you know, at least Everett would --- he'd
9 make sure that --- you know, if you said you need
10 something, he'd make sure that you pretty much got it
11 when you needed it. You know what I mean?

12 Q. Okay. And what was Everett's position?

13 A. He was superintendent of the north side.

14 Q. Okay. And what was Gary May?

15 A. The superintendent of the south side.

16 Q. Okay. What was Terry Moore?

17 A. He was the mine foreman of the north side.

18 Q. Okay.

19 A. And Rick Foster was the mine foreman of the south
20 side.

21 Q. Okay. So then Terry Moore reported to Everett?

22 A. Yes, sir.

23 Q. Okay. Did Terry --- what shift did he work, do
24 you know?

25 A. Days.

1 Q. He was straight days?

2 A. Yes, sir.

3 Q. Okay. Do you know Rick Hodge?

4 A. Yes, sir.

5 Q. Okay. Was you working there when Rick was the
6 superintendent?

7 A. See, I come back --- I got transferred for just a
8 little while and worked with Rick at Marfork Eagle.
9 And when --- after we pillared the mines out, they
10 sent us back down to UBB, because they was needing the
11 fire boss --- that's when the longwall left the first
12 time and went to Logan's Fork.

13 Q. Okay. Just the general rock dusting of the mine,
14 when Rick was there, which would have been in probably
15 '07 and '08, I think, did you notice a difference
16 between then and the way it was rock dusted when you
17 came back?

18 A. We had a lot more help back then. Even when
19 Wendell Wills was there, we had a lot more help, you
20 know. I think --- if I ain't mistaken, when I started
21 in '03, we had close to 400 employees working there.
22 I think it was 300 and some, 396, 386, somewhere in
23 that neighborhood at Marfork. You had people running
24 over people, you know.

25 Q. Is that about the time --- I think you said

1 earlier in the interview that you had people rock
2 dusting on all three shifts?

3 A. Oh, pretty much, yeah. That you had outby crews
4 shovel belt and took care of things, you know. I
5 mean, you wasn't --- it was more relaxed on the hurry
6 up and wait type deal. It was just a whole lot better
7 place to work back then.

8 Q. You say during this period from '03 to '08 that
9 you worked for UBB you started face bossing in that
10 period of time?

11 A. Well, I trained as a face boss. I didn't actually
12 really run a section as a face boss.

13 Q. Okay.

14 A. I done a little bit of everything, outby
15 construction, a lot of outby construction, fire boss,
16 you know, did whatever --- filled in on a section when
17 they needed it.

18 Q. Filled in as boss on a section?

19 A. Yes, sir.

20 Q. So you did actually boss, but you didn't have your
21 own crew; is that fair to say?

22 A. On --- in a face?

23 Q. Yes.

24 A. Right. Yes, sir.

25 Q. Okay. And that's the period of time that you

1 talked about earlier when you got instructions about
2 what you should look for when you're doing your pre-
3 shift and your on-shift exam?

4 A. Yes, sir.

5 Q. Okay. This last time that you came back to UBB
6 and you was working for David Stanley, was there
7 anyone from David Stanley that gave you any
8 instructions as far as what you should do as far as
9 fire bossing?

10 A. No, sir, because I was already an established
11 boss. You shouldn't have no instruction. You should
12 know what to do.

13 Q. Okay.

14 A. It don't change from mine to mine. You're still
15 looking for danger, imminent danger, hazardous --- you
16 know, hazards or whatever.

17 Q. Had that fire bossing --- when you were looking
18 for those and you do, in fact, find those hazards,
19 what's your normal course of action?

20 A. Well, if you can fix it right then, you fix it.
21 You know what I mean? If it's a gobbed off tail piece
22 or, you know, the plow is messed up, you know, it's
23 gobbed off or whatever, you know, you try to fix it
24 then. Or, you know, roller catches on fire, you know,
25 shut the belt down, go fix it, you know, take it down

1 and stuff like that. Whatever --- you know, you just
2 don't walk past it, you know, but --- and sometimes,
3 you know, you'd have to stop and wait, you know, ---
4 or you know, go do your fire bossing and come back and
5 have to work on it, you know.

6 Q. When you did your --- at the end of your fire
7 bossing run, though, what was your normal procedure as
8 far as record keeping?

9 A. As in calling like a report outside or ---?

10 Q. Yeah, yeah. Filling out the books.

11 A. We would --- most of us would --- it just depended
12 where we was in the mines. Say one guy would usually
13 walk out to the Ellis bathhouse and fill the books
14 out, or you know, sometimes two of us. Depending on
15 how we was set up, you know, where the ride was, after
16 we got done with our fire bossing run and such, you
17 know.

18 Q. I think you said earlier that the rock dust crew
19 they operated just on the midnight shift?

20 A. Yes, sir.

21 Q. So on your --- you worked 6:00 p.m. to 6:00 a.m.,
22 so that means you actually did two pre-shift exams in
23 this period of time?

24 A. Yes, sir.

25 Q. Now, I'm trying to get straight. I think you pre-

1 shifted from 8:00 p.m. to 11:00 p.m. ---

2 A. Yes, sir.

3 Q. --- for the third shift?

4 A. Yes, sir.

5 Q. And then from 3:00 a.m. to 6:00 a.m., ---?

6 A. Yes, sir, for each day.

7 Q. So when you pre-shifted from 3:00 a.m. to 6:00
8 a.m., any condition you found on the belt, for
9 instance, if it was dirty and needed dusted, was you
10 pretty well sure that that wouldn't be corrected until
11 the next night?

12 A. Pretty much, yes.

13 Q. So consequently if you listed that in your pre-
14 shift book when you come out at 6:00 a.m., in your
15 experience and training as a fire boss, what's
16 required of management when a fire boss lists a hazard
17 in the book?

18 A. It's supposed to be taken care of immediately.

19 Q. Okay. What about if corrective action is taken?
20 Is there a requirement for recording that, are you
21 aware of?

22 A. Yeah, you're supposed to record, you know, you
23 dusted the belt line or you took care of whatever, you
24 know, or you set timbers in such place or whatever.
25 Yeah, you're supposed to add in your corrections.

1 Q. Okay. So if you put a belt needs dusted on the
2 --- you know, on your 3:00 to 6:00 a.m. examination,
3 you're pretty well sure that it's still going to be in
4 that condition when you get back for your next exam,
5 isn't it?

6 A. Yes, sir.

7 Q. I mean, was that frustrating for you at all as a
8 fire boss or just as a coal miner?

9 A. Both. Yes, sir, it was.

10 Q. I mean, did you ever mention it to management at
11 UBB about the fact that the hazards weren't getting
12 corrected?

13 A. Yes, sir, we all did.

14 Q. And what was the response?

15 A. They really didn't give you one, you know. It's
16 just, well, you know, we're trying to get it, you
17 know. That'd be about the only response you get out
18 of them.

19 Q. Who are some of the people that you talked to
20 about that?

21 A. Well, like I said before, Terry Moore, talked to
22 him. When, you know, Wayne got there, we talked to
23 Wayne and he was trying to make preparations to get
24 more help, I guess you'd say. Talked to Everett. And
25 I'm pretty for sure, but I'd say that they had the

1 same problem over on the south side as we did on the
2 north side with stuff.

3 Q. I understand that there was a period of time --- I
4 think maybe from like December to February that the
5 --- maybe November to January that the pod duster was
6 broke down. Was you familiar with that?

7 A. Not --- no, not really.

8 Q. Okay.

9 A. We had two of them. We had two pod dusters. We
10 had one that run on batteries and then batteries that
11 was actually on the pod dusters, and then we had one
12 that run off of a motor with a --- I believe it was
13 --- I can't remember what they're called now. You all
14 know what I'm talking about.

15 Q. Can you ---?

16 A. Those little gray plugs.

17 Q. The Anderson plug?

18 A. Yeah, there you go.

19 Q. That's what supplied power to the ---

20 A. Right.

21 Q. --- to the pod duster? You mentioned that you
22 talked to management people at UBB. There was nobody
23 at David Stanley that you could convey your concerns
24 to?

25 A. Not really. We wasn't given a --- I guess like a

1 miner representative or nothing.

2 Q. Okay. Do you feel --- did you have the authority
3 if you --- say you walked the belt shift after shift
4 and you know it was never getting dusted, nobody ever
5 dusted, could you take that out of service on your own
6 without I guess in fear of repercussions?

7 A. I don't know. I never thought of it to tell you
8 the truth about it.

9 BRIEF INTERRUPTION

10 EXAMINATION

11 BY MR. TUCKER:

12 Q. All right. Bill, I got just a --- got a map here,
13 just the mouth of 22 Headgate. And what I'd like you
14 to do is to the best of your recollection pencil in
15 where the track doors would have been. Were you in
16 this area much on the course of your travels?

17 A. Yeah, some.

18 Q. And, of course, you know, this is the connector
19 going down the 22 Tailgate?

20 A. Yeah, crossover.

21 Q. Yes. And did you make this West Mains or Eight or
22 Nine North area, did you ever fire boss up in here?

23 A. Yes, sir. I pre-shifted it before they put the
24 stoppings up, a few new stoppings.

25 Q. Okay. So you're somewhat familiar with this area

1 then. And what I was looking for just to pick your
2 brain a little bit because I knew that you'd, you
3 know, been up in this area of the mines is to --- like
4 I said, to the best of your ability, if you could mark
5 where those tracks are at?

6 WITNESS COMPLIES

7 A. No, I'm wrong. I'm wrong.

8 BY MR. TUCKER:

9 Q. Just X through them if that's ---.

10 WITNESS COMPLIES

11 A. Do you want them for both sections?

12 BY MR. TUCKER:

13 Q. Yes. Any doors that you remember in that area.

14 A. Let's see here. I can't remember where the other
15 set was.

16 Q. If you know.

17 A. Okay. Okay. They was here. These --- they had
18 them on the other side of the overcast here. Okay.

19 Q. You want to X this one out, too, in the section.

20 A. No.

21 Q. Because that was there?

22 A. Yeah. As soon as you turned off of the track,
23 there was the thing there --- there was a set there.

24 Q. Okay. Just this one set we go through?

25 A. Yes, sir.

1 Q. And if you just draw a line up here to mark the
2 double doors or the track doors. Initial it, if you
3 don't care.

4 WITNESS COMPLIES

5 BY MR. TUCKER:

6 Q. There's this stopping right here. I don't know if
7 you walked this airway.

8 A. I have.

9 Q. And if you remember, if there was a stopping
10 there, a regulator or what might have been there. If
11 you don't remember, that's fine. But if you do
12 remember for sure, if you could identify that.

13 A. I don't --- you all don't have nothing else
14 marked. There's no man doors or nothing on it.

15 Q. Yeah, it's pretty much a map of the area in this
16 --- I just want to pull off your memory what you
17 remember being there. That's why this is not a --- up
18 to date with all the information on it. It's just a
19 sketch of that area.

20 A. I believe a stopping was there, because this was
21 the return coming off of Headgate 22 coming right
22 through here and then come over these overcasts, went
23 down through here and then went over into the
24 longwall.

25 Q. Right. Right. But you don't recall if there was

1 any type of ---

2 A. I don't remember if there was ---.

3 Q. --- just a stopping? Okay.

4 A. No, because I don't remember back there, but I
5 know there was a stopping here at one time and they
6 ended up knocking it when they put the overcast in
7 here and they was using whatever air they was getting
8 off of here coming back down and it was ---.

9 Q. Just mark --- draw a circle there where the
10 stopping was at and they had removed it when they put
11 the doors in.

12 A. This one.

13 Q. Okay. What about any double doors up in this
14 area, all the double doors that might've still been in
15 there, anything that you remember?

16 A. I think they was 147, 142. I think they was here.
17 Right --- let's see, 45, 46, 47 --- there was a set
18 here I'm pretty for sure because there was a miner
19 sitting here that when this all flooded out they
20 parked it.

21 Q. Okay.

22 A. I believe that was at 147 Break.

23 Q. All right.

24 A. You want me to put double doors on the ---?

25 Q. If you would, please, yeah.

1 ATTORNEY FERGUSON:

2 Let the record reflect that the portion
3 of the map, the map the witness has been using, has
4 been marked as Campbell Exhibit Number One.

5 (Campbell Exhibit One marked for
6 identification.)

7 A. The Glory Hole is over here.

8 BY MR. TUCKER:

9 Q. No, this is up in the old --- they pulled all this
10 Eight and Nine North areas or West Jarrell (phonetic)
11 Mains. On the map, it's referred to as West Jarrell
12 Mains. Well, how do you refer to this area? Do you
13 recall?

14 A. Old North Mains. That's what we --- because that
15 was the section. That was North Mains.

16 ATTORNEY FERGUSON:

17 So Exhibit One is a portion of the Old
18 North Mains.

19 BY MR. TUCKER:

20 Q. The area inby 22 Headgate section. It's around
21 the gas well area.

22 A. I walk all that, because when they was cutting
23 --- cutting this here, we didn't have no
24 transportation to get down there, so we had to come
25 down. I'd walk all the way back that and then come

1 back up this way.

2 Q. Okay. You're pretty familiar with it.

3 A. Yeah, I helped drive it.

4 Q. All right. When was the last time you were up on
5 the longwall section that you can --- prior to the
6 explosion? Did you work the Saturday before the
7 explosion?

8 A. I did. Yes, sir.

9 Q. Do you have any recollection of the last time you
10 had been up on the longwall section on the ---

11 A. It wasn't Saturday.

12 Q. --- belt or ---?

13 A. It wasn't Saturday, because I can't remember who
14 was bossing up there. They fire runned their belt on
15 Saturday.

16 Q. For the evening shift?

17 A. No. When the production was done.

18 Q. Right. Which would have been after the evening
19 shift ---

20 A. Oh, yes, sir. Yes, sir.

21 Q. --- they probably would have did it probably?

22 Okay. So you don't recall the last time you were up
23 on that ---?

24 A. It was --- actually, it'd have probably been the
25 first part of the week maybe.

1 Q. Okay. Just to follow up a little bit, you were
2 talking a lot about the books and fire bossing and the
3 situation that you all were in. You made two pre-
4 shift examinations of the area each day and in between
5 those runs you were back working on belts or
6 correcting the violations, but so you knew ahead of
7 time you were going to be --- going to be working in
8 those areas. With that being said, do you think that
9 the records that you made in the pre-shift books is a
10 true picture or reflection of the actual conditions of
11 the areas that ---?

12 A. Pretty accurate I'd say.

13 Q. Okay. I was reading over your last interview
14 there. You mentioned in that interview that you had
15 some personal notes where you made your fire boss runs
16 and stuff and they had asked that you provide a copy
17 of those to us. Did you ever find those?

18 A. I found part of them, but the other part was in my
19 locker and they was gone when I went to go get my
20 stuff out of my locker.

21 Q. Okay.

22 A. It wasn't --- the book I had didn't have very much
23 in it, because I think I seen it --- I brung it up
24 there to you and you were supposed to give it to that
25 young guy.

1 ATTORNEY LEFLER:

2 Jim Black?

3 A. Yeah, I guess.

4 ATTORNEY LEFLER:

5 I thought I had, but I can't recall.

6 MR. TUCKER:

7 Okay. I was just going to mention where

8 I was reading over that, I saw that, and if you had

9 found them, if you could get us a copy of them, if
10 they were available.

11 A. He was in their first ---.

12 ATTORNEY FERGUSON:

13 Yes.

14 ATTORNEY LEFLER:

15 I want to say I feel like I recall

16 somebody stopping by the office to get them.

17 MR. TUCKER:

18 Okay. If we do have --- if they have

19 turned them in or we have a copy of them, I'd like to
20 get a copy of them. That's all I have, Bill. Thank
21 you.

22 RE-EXAMINATION

23 BY MR. MAGGARD:

24 Q. Did you have a lock on your locker?

25 A. Yes, sir, and one on my basket.

1 Q. So they cleaned your locker out --- they cut your
2 lock and cleaned your locker out? Is that what I'm
3 understanding?

4 A. My lock was gone, yes, sir, off my locker.

5 Q. How soon was that after April 5th that you ran
6 into that, that your locker had already been cleaned
7 out?

8 A. The day after or so, because I had to take all my
9 stuff and go over on the south side of --- the south
10 side where the rescue efforts was taking place.

11 Q. Did you know who cleaned the lockers out?

12 A. No, sir. You know, the guy's stuff that --- like,
13 you know, you went in there and Kenny Chapman's and,
14 you know, they know --- Jones' stuff and all their
15 stuff was still hanging, you know, their dirties and
16 everything else was gone. I mean ---.

17 Q. Was their locks taken off their lockers, too?

18 A. I didn't pay no attention, because as soon as I
19 walked through the door, you know, I was like the
20 first locker on the right, right there or the second,
21 you know. And I got my stuff and throwed it in a bag
22 and took off over to the --- you know, the south side.

23 Q. Did you have many discussions with Dino --- Dean
24 Jones? Did you know him very well?

25 A. I knew him quite well.

1 Q. Did he keep books ---

2 A. Yes, sir.

3 Q. --- in his locker?

4 A. Yes, sir.

5 Q. How many books would you say he had in his locker?

6 A. I couldn't tell you. I'd say, you know, --- you
7 know, most bosses there kept a CYOA book, you know,
8 for just, you know, purposes, not --- you know, such
9 as this and, you know, just to cover your own butt.

10 Q. How many books would you say you might have had in
11 your locker?

12 A. I had one complete full one. That was like one of
13 them foreman books and then part of another one that I
14 had in my bibs.

15 Q. I'll kind of switch gears a little bit. Who
16 actually paid you for your work? Did Massey write you
17 a check or did David Stanley?

18 A. David Stanley wrote me a check. I got a check
19 from David Stanley.

20 Q. Did you get any extra pay for being a fire boss?

21 A. I got like \$25 an hour, I think that's what it
22 was, and that's what a foreman for David Stanley gets
23 paid.

24 Q. Okay. Who was it that trained you on SCSR down at
25 David Stanley?

1 A. That would be Beth. And then she had a --- I
2 can't remember that guy's name. She was there and
3 another guy was there with it because he was doing red
4 hat training there also. I can't remember his name.

5 Q. Tell me a little bit about MIT training. I know
6 you viewed some videos. Do you remember them going
7 over kind of plans with you or anything when you took
8 that training, or was it mostly videos?

9 A. They went over a couple things, you know, how to
10 enter a life shelter and that kind of stuff, but most
11 of it was videos. And then, you know --- you know,
12 the hands on with the SCSRs and stuff like that.

13 Q. I know you said that there was a lot of bosses
14 that had come and gone. When you come back to work in
15 November 2009, you noticed a lot had left. In your
16 opinion, what was the reason? Why do you think they
17 had the --- did you consider them having a large
18 turnover of foremen? Why would you think that they
19 were having that occur at UBB?

20 A. I'd say a lot of it was Blanchard. He was hell on
21 wheels when it come to --- when it come to certain
22 things. And lot of --- you know, some of it was just
23 for, you know, retired. You know, they left with the
24 longwall, and you know, they retired down there or
25 quit to find another job.

1 Q. Getting back on the exams again just a little bit.
2 Did you ever notice any problems with the belt
3 rubbing, belt structure or anything?

4 A. In places.

5 Q. Was there any places prior to the accident that
6 you might have noticed that that may have been
7 occurring?

8 A. A little bit on the Headgate 22. Yeah, I mean,
9 some of it was just sporadic, you know, changing
10 rollers and stuff and not --- you know, people not
11 watching the belt and not trained to bag properly and
12 stuff like that. You know, it usually occurred every
13 now and again.

14 Q. What kind of things would you look for --- I mean,
15 as the belt was running and you was in your pre-shift
16 before the dayshift, you know, like 3:00 to six
17 o'clock in the morning, what would you look for to ---
18 you know, that the belt was rubbing?

19 A. Well, you look at your placement of the belt, you
20 know, see where it's at. You can look at your
21 structure. If it's all shiny and silver, you know,
22 you know you got a problem.

23 Q. Did you see a lot of belt strings and stuff around
24 on rollers?

25 A. Dog hair?

1 Q. Yeah.

2 A. Some. You know, we tried to take care of it,
3 maintain what we can, you know.

4 Q. What about on the sprinklers or anything like
5 that?

6 A. No, not right off. I don't ever remember seeing
7 them on the loop system on the head.

8 Q. Had you ever got any kind of instructions from
9 anybody countersigning the books or --- that maybe
10 looked at the books from time to time, any kind of
11 instructions on what they would prefer you to record
12 in the book, anything like that --- anybody ever say
13 you shouldn't put this in, you know, the record book
14 or that?

15 A. Not --- I haven't. I mean, I haven't had it
16 personally happen to me, no, sir.

17 Q. Have you ever heard of anybody else having that
18 done to them?

19 A. I want to say yes, but I mean, I can't remember
20 who. You know what I mean? I've heard it before.
21 See, me, I just don't care. If I see it, I see it and
22 it goes in the book.

23 Q. Have you ever run into the day that you might have
24 --- and I know you had to charge the methane detector
25 at the house. Did you ever have a day that you might

1 have forgot it at home or anything like that?

2 A. No, sir. Not me.

3 Q. If you would have forgotten it, what would you
4 have to do, get a detector ---?

5 A. They kept extra ones in the longwall room, kept
6 extras in the --- kept extras on the thing right there
7 where the bump test and the calibration unit was.

8 Q. Okay. And I know you talked about Everett having
9 four in his desk.

10 A. Yeah, that's when we was on the south side.

11 Q. Okay. So how many extras did they have --- did
12 they have a shortage of detectors at the mine? Tell
13 me how many you remember, detectors at Ellis?

14 A. I don't ever remember having a shortage of
15 detectors there at all, you know, that we had enough
16 of your one gas, you know, just regular --- like what
17 a roof bolter carries and what the miner man carries
18 and ---.

19 Q. What about Solaris? Would there be a shortage in
20 those compared to --- and not counting the spotters?

21 A. No, sir.

22 Q. Okay.

23 A. Not at all.

24 Q. Okay. So if I was to say that --- I would assume
25 that everybody running the track on mantrips have it,

1 is that what you think so?

2 A. Yes, sir.

3 Q. And what about on the section?

4 A. I know that the bosses carried the Solaris. And
5 everybody else, I know that --- I can't rightly say
6 about the scoop men, but I know, you know, the boss
7 men, they carried, you know, one themselves. I
8 couldn't tell you. You know, I couldn't vouch for
9 anybody else.

10 Q. Okay. Did most of the belt examiners have
11 individual detectors assigned to them, or was they
12 sharing or do you know?

13 A. No, they was --- we was all assigned a detector.

14 Q. Okay. And did most of those guys take theirs home
15 or all of them or ---?

16 A. We was responsible for our own detector. We took
17 them home and charged them up.

18 Q. Okay. Do you know, did you ever do an examination
19 of what's been reported as intake rooms?

20 A. That would be the Old North Mains. And they had a
21 few that was off of the Glory Hole.

22 Q. Okay. So was that where you was pre-shifting
23 electrical installations or what was you ---?

24 A. There was nothing up there. It was just, you
25 know, cuts that they had --- when they pulled off a

1 section that they'd left due to a roof fall, that was,
2 you know, outby probably ten breaks, you know, 12
3 breaks from the face there.

4 Q. Did you make that very often or ---?

5 A. I made it twice a shift.

6 Q. Okay.

7 A. Until they put the Kennedy stoppings up.

8 Q. And how long ago was that? I mean, how long prior
9 to April 5th did you ---?

10 A. It hadn't been too awful long. Maybe a month. A
11 month or two, something like that.

12 MR. MAGGARD:

13 You guys got anything else?

14 MR. TUCKER:

15 I had one other quick question.

16 RE-EXAMINATION

17 BY MR. TUCKER:

18 Q. You had talked about a couple instances where you
19 shut the belt down, you had hot rollers and smoke and
20 apparently that one time it sounded like it was pretty
21 heavy smoke coming from that roller. Was the smoke
22 fairly thick where it would affect your visibility? I
23 mean, how was that?

24 A. Well, yeah, it was thick.

25 Q. Okay. Did you see any actual flames or was it

1 just smoke?

2 A. No, you could see the bearing red. It was red
3 hot.

4 Q. Red, but as far as a flame coming ---

5 A. No.

6 Q. --- out, you didn't see any flames?

7 A. No, sir.

8 Q. Okay.

9 A. Now, I've seen some flames on some belt rollers
10 before on the bottoms, you know, where they got that
11 rubber coating on them. I've seen them catch on fire.

12 Q. Was it turning fine or was it froze?

13 A. I don't know if it was froze or what, but I've
14 seen it before.

15 Q. So you actually --- while you were making your
16 belt line, you encountered something on fire?

17 A. Before, yeah, I have.

18 Q. At UBB?

19 A. Yes, sir.

20 Q. Do you know about what time period that was?

21 A. It was January, something like that, December ---
22 January or February, something like that.

23 Q. Are we talking about 2010?

24 A. Yes, sir.

25 Q. Okay. How long do you think it had been burning

1 when you found it?

2 A. When I found it, all the rubber --- or all the
3 plastic had been off of it and it was --- on one side
4 of the roller looked like a big mushroom. I couldn't
5 tell you how long it had been burning. But I called
6 the dispatcher and told him what I was doing on the
7 radio and told him I was shutting the belt down for a
8 minute, you know, and went and took it out of service,
9 you know, and threwed a bag of rock dust on it.

10 Q. Did he say anything about --- had he gotten any CO
11 alarm?

12 A. No, he didn't say nothing about it.

13 Q. Okay. You say that happened more than once?

14 A. A few times, yeah. I mean, you know, you
15 encounter that every now and again.

16 Q. Did you tell the mine foreman or anybody that
17 you ---?

18 A. Yes, sir. I'd, you know, tell them what you
19 encountered, you know.

20 Q. Would that be something that you'd record in your
21 book, I mean, if you're making an exam and you find
22 the fire, is that something that would be recorded
23 or ---?

24 A. In my book?

25 Q. The pre-shift or on-shift book.

1 A. I didn't record it, no, you know, because I took
2 care of it. You know what I mean? I didn't leave it
3 for the next person.

4 Q. Do you remember who you reported it to in
5 management?

6 A. Terry Moore.

7 Q. Terry Moore. Thanks.

8 MR. MAGGARD:

9 I got maybe a couple more.

10 RE-EXAMINATION

11 BY MR. MAGGARD:

12 Q. I know you did mention before that you never had
13 to travel with inspectors. Am I right about that
14 or ---?

15 A. Not this past time when I worked there from, you
16 know, November --- or you know, I haven't traveled
17 with the inspector.

18 Q. Did you ever know of an inspector being in another
19 part of the mine not where you were at making exams or
20 working on belts? Did you ever recall inspectors
21 being there during that evening shift in the mine
22 or ---?

23 A. Not so much. I don't remember them being there.

24 Q. Do you ever recall any kind of --- anybody calling
25 on the telephone and saying, hey, we got an inspector

1 here or anything ---?

2 A. We was never close to the telephone. You know
3 what I mean? I don't recall it myself. I can't say
4 that it didn't happen, though, but you know, I
5 remember them being there on dayshift a lot, you know,
6 because as we was coming out, you know, he was getting
7 dressed to go inside.

8 Q. Did you ever have a time that the inspector may
9 have been outside during the dayshift and they called
10 in trying to get some stuff --- work done on the belt
11 before the inspector made it inside?

12 A. No.

13 Q. I know you had to take the detector home to charge
14 it. Had you ever --- I know you said you never forgot
15 it. Had you ever brought it from home and forgot to
16 charge it, noticed it that morning and had to still
17 use it that day and have to be kind of saving with it
18 and turn it on and off during your exam when you need
19 to or try to save the battery power or anything like
20 that ever happen to you?

21 A. The Solaris, they wouldn't hold a good charge for
22 12 straight hours.

23 Q. It's a long shift.

24 A. Yeah. So, you know, we'd turn it on and then, you
25 know, you'd have to turn it off when you wasn't fire

1 bossing, you know, when you was working and then turn
2 it back on for you --- you know, for your next run.

3 Q. Okay. They didn't keep any kind of chargers
4 underground?

5 A. No, sir.

6 Q. Okay. All right. I think that's all I've got.

7 RE-EXAMINATION

8 BY MR. TUCKER:

9 Q. Just one quick follow up. I'm just curious. You
10 mentioned about you found a couple instances where you
11 had some bottom rollers ---

12 A. Yes, sir.

13 Q. --- with some --- it was actual flames. Did any
14 of your other fire boss buddies ever mention to you
15 about finding anything, any type of fires?

16 A. Glenn Almond (phonetic) had and I know Rick --- or
17 John Skaggs has to --- had to. He's --- we've all
18 encountered it one time or another.

19 Q. What was Terry's response when you told him you
20 found that fire?

21 A. He'd ask us what we done to it, you know, well, we
22 put it out, you know, dropped the roll and that was
23 basically about it.

24 Q. Okay. You don't remember which belt that would
25 have been on, do you?

1 A. It would have been on --- that'd been like towards
2 the end of Four North --- no, it'd have been on Five
3 North belt. Yeah, it was on Five North belt.

4 Q. Okay.

5 A. And that was --- you know, I counted one there. I
6 counted one on Four North before.

7 Q. Okay. That's all I have. Thanks.

8 ATTORNEY FERGUSON:

9 Mr. Campbell, we'd like to thank you for
10 your cooperation for coming in today. I'd like to
11 offer you an opportunity at this time to make any
12 statement or clarify any responses or say anything you
13 would like to say.

14 A. I'm good.

15 ATTORNEY FERGUSON:

16 You're good. Okay. We'd request that
17 you not discuss your testimony with anyone other than
18 your attorney. And again, you may contact MSHA or the
19 State if you have issues with your employer. Thank
20 you very much.

21 A. Thank you very much.

22 * * * * *

23 EXAMINATION CONCLUDED AT 4:16 P.M.

24 * * * * *

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1 STATE OF WEST VIRGINIA)

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CERTIFICATE

I, Richard J. Lipuma, a Notary Public in and
for the State of West Virginia, do hereby certify:
That the witness whose testimony appears in
the foregoing deposition, was duly sworn by me on said
date and that the transcribed deposition of said
witness is a true record of the testimony given by
said witness;
That the proceeding is herein recorded fully
and accurately;
That I am neither attorney nor counsel for,
nor related to any of the parties to the action in
which these depositions were taken, and further that I
am not a relative of any attorney or counsel employed
by the parties hereto, or financially interested in
this action.



Richard J. Lipuma CCR