

1                   **WEST VIRGINIA MINE SAFETY AND HEALTH**  
2                   **ADMINISTRATION**

3  
4  
5                   **IN THE MATTER OF:**

6                   **THE INVESTIGATION OF THE**  
7                   **APRIL 5, 2010 MINE EXPLOSION**  
8                   **AT UPPER BIG BRANCH MINE.**

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15                   The interview of LARRY D. BROWN, taken upon  
16                   oral examination, before Jenny Marmol, Court  
17                   Reporter and Notary Public in and for the State of  
18                   West Virginia, Friday, February 11th, 2011, at the  
19                   Mine Academy, 1301 Airport Road, Beaver, West  
20                   Virginia.

21  
22                   **JOHNNY JACKSON & ASSOCIATES, INC.**  
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1           MR. KOERBER: My name is Barry Koerber.  
2 I'm the Assistant Attorney General.

3           I'm assigned to the West Virginia Office  
4 of Miners' Health, Safety and Training. I am also  
5 a member of the Office of Miners' Health, Safety  
6 and Training's UBB Accident Investigation Team.

7           Today is Friday, February the 11th, 2011.

8           I am going to ask, beginning at our left,  
9 beginning at my left, for us to go around this side  
10 of the -- the front side of the table for the  
11 people in the accident investigation teams to  
12 identify themselves and who they're with.

13          MR. O'BRIEN: John O'Brien with the West  
14 Virginia Office of Miners' Health, Safety and  
15 Training.

16          MR. PAGE: Norman Page from MSHA.

17          MR. CRIPPS: Dean Cripps with MSHA.

18          MS. HAMPTON: Polly Hampton, Solicitor's  
19 Office, U.S. Department of Labor.

20          MR. BECK: Jim Beck with the Governor's  
21 Independent Team.

22          MR. KOERBER: Mr. Brown, we also have a  
23 court reporter here today. She is with the court  
24 reporter firm known as Johnny Jackson &

1 Associates. It's located in Charleston, West  
2 Virginia. I'm sure Mr. McCuskey knows where it's  
3 located at.

4 For her benefit, please say "yes" and "no"  
5 and not "uh-huh," "uh-uh."

6 Please allow the question to be asked  
7 before you begin to answer, and I will ask that the  
8 interviewers allow you to finish your question  
9 before they begin the next question so we don't  
10 have people talking over each other.

11 In the event there is a need to describe  
12 something on the map, we'll either have you mark  
13 something with a marker, or we will have you  
14 specifically identify what you're talking about.

15 Because although it's easy for us to see  
16 where you point to, as far as I was here and then  
17 went there, it's not easy when you read the  
18 transcript.

19 One other thing I want to mention about  
20 the court reporter is she is going to be  
21 transcribing everything that's said here today.  
22 She is working under a three-day turnaround, as far  
23 as taking what is said here today and typing it  
24 onto paper.

1           Three business days from today puts us  
2 through Wednesday -- puts us through Wednesday. So  
3 come Thursday morning of next week, the transcript  
4 will be ready for review.

5           If you desire to review your transcript,  
6 either by yourself or with your attorney, you may  
7 do so come next Thursday, or a reasonable period  
8 thereafter, by calling Johnny Jackson & Associates  
9 and scheduling a time that's convenient for all;  
10 and then you'll be able to go to Johnny Jackson's  
11 court reporter firm in Charleston, they'll put you  
12 in a conference room, either you or you and your  
13 attorney, and you'll have the opportunity to review  
14 your transcript.

15           You'll be given an errata sheet, which is  
16 a separate piece of paper, that you'll be able to  
17 make any corrections that you find -- if you find  
18 errors in the transcript, you'll be able to make  
19 corrections on that errata sheet.

20           You will not be allowed to take the  
21 transcript with you. You will have to do your  
22 review at Johnny Jackson & Associates. And I'll  
23 give you this business card here momentarily.

24           I also want to let you know that if for

1 any reason whatsoever you want to take a break, if  
2 you want to talk to your attorney, or you just want  
3 to take a break for whatever reason, just let us  
4 know and we'll take a break.

5 I would request that you not discuss your  
6 interview with other people, other than your  
7 attorney, after you leave here today just to  
8 protect the integrity of the investigation  
9 process.

10 Polly may have something that she would  
11 like to add at this point in time and I am going to  
12 allow her to proceed.

13 MS. HAMPTON. Yes. Before we went on the  
14 record, I handed you a letter on behalf of MSHA's  
15 Accident Investigation Team.

16 Did you get a chance to review that  
17 letter?

18 THE WITNESS: Yes, I did.

19 MS. HAMPTON: And did you have any  
20 questions for me before we go forward?

21 THE WITNESS: No.

22 MS. HAMPTON: In that letter is contact  
23 information for Norman Page, who is sitting here in  
24 the interview. If you leave here today and you

1 think of other information that you think is  
2 relevant to the investigation, anything else that  
3 you think we need to know, feel free to contact him  
4 or have your attorney contact us with that  
5 information.

6 THE WITNESS: Okay.

7 MR. KOERBER: Will the court reporter  
8 administer the oath now, please.

9 LARRY D. BROWN, DEPONENT, SWORN

10 MR. KOERBER: Sir, would you please state  
11 your full name for the record and spell your last.

12 THE WITNESS: Larry Dean Brown, B-r-o-w-n.

13 MR. KOERBER: And would you please state  
14 your address and telephone number?

15 THE WITNESS: (b) (7)(C)

16 (b) (7)(C)

17 (b) (7)(C)

18 MR. KOERBER: And do you have an attorney  
19 with you here today?

20 THE WITNESS: Yes, I do.

21 MR. KOERBER: And would the attorney  
22 please identify himself and his firm.

23 MR. MCCUSKEY: Yes. John McCuskey -- John  
24 F. McCuskey, since there is a John B. here, too.

1           John F. McCuskey, the law firm of Shuman,  
2 McCuskey & Slicer in Charleston, West Virginia, and  
3 I am counsel for Larry Brown.

4           MR. KOERBER: I see we have some other  
5 people at the table, and at this point in time I  
6 would ask that that individual identify himself,  
7 his firm, and the client he represents.

8           MR. AKERS: My name is Robert Akers. I'm  
9 with Allen, Guthrie & Thomas in Charleston, West  
10 Virginia, and I'm here on behalf of Massey Energy  
11 and Performance Coal Company.

12          MR. KOERBER: There is one person sitting  
13 in the back. I would ask that he identify himself  
14 and who he is with.

15          MR. John B. MCCUSKEY: J. B. McCuskey,  
16 Shuman, McCuskey & Slicer, here with Mr. Brown.

17          MR. KOERBER: Mr. Brown, are you appearing  
18 here today as a result of receiving a subpoena?

19          THE WITNESS: Say that again, please.

20          MR. KOERBER: Are you appearing here today  
21 as a result of receiving a subpoena?

22          THE WITNESS: Yes, sir.

23          MR. KOERBER: Okay. Sir, this is a copy  
24 of that subpoena that I'm going to have marked as

1 Brown's Exhibit No. 1. Okay?

2 THE WITNESS: Uh-huh.

3 (Exhibit No. 1 marked for  
4 identification.)

5 MR. KOERBER: And, sir, you may or may not  
6 have seen this document. This is an Acceptance of  
7 Service, signed by Mr. John McCuskey, your  
8 attorney, because he is the person that accepted  
9 service of the subpoena on your behalf, showing  
10 that he did so on February 4th, 2011.

11 THE WITNESS: Yes.

12 MR. KOERBER: I'm going to ask that this  
13 be marked as Brown's Exhibit No. 2.

14 THE WITNESS: Okay.

15 (Exhibit No. 2 marked for  
16 identification.)

17 MR. KOERBER: Mr. Brown, I'm not only  
18 going to give you the Johnny Jackson business card  
19 that I mentioned earlier, I'm also going to give  
20 you Mr. Bill Tucker's business card as well.

21 Mr. Tucker is the lead investigator for  
22 the UBB accident for the Office of Miners' Health,  
23 Safety and Training.

24 In the event something would occur to you

1 after this interview is over that you think would  
2 be helpful to the investigation team, feel free to  
3 contact Mr. Tucker.

4 Also, I am going to give you a memorandum  
5 containing the address to the West Virginia Board  
6 of Appeals.

7 The West Virginia Board of Appeals is the  
8 administrative body that's charged with hearing,  
9 among other things, discrimination cases involving  
10 coal miners.

11 West Virginia Code 22A-1-22 protects coal  
12 miners from being discriminated against for  
13 participating in interviews such as this.

14 In the event you find that you have been  
15 discriminated against for participating in this  
16 interview, this is the body where you would lodge  
17 your complaint. Mr. McCuskey could help you with  
18 that.

19 I would caution you that under that  
20 statute, you only have 30 days from the day of the  
21 alleged discriminatory action to file your  
22 complaint with the Board.

23 At this time, I'm going to give you these  
24 three items. And with that, I'm going to ask

1 Mr. O'Brien to begin the interview.

2 EXAMINATION

3 BY MR. O'BRIEN:

4 Q. Mr. Brown, on behalf of the Office of  
5 Miners' Health, Safety and Training, I would like  
6 to thank you for coming in and helping us on this  
7 investigation.

8 First of all, would you state what your  
9 job title was on April 5th, 2010?

10 A. I was a longwall foreman on the midnight  
11 shift at UBB.

12 Q. And what was your last shift worked prior  
13 to or on April 5th?

14 A. I worked the midnight shift on April 5th.

15 Q. What were your duties as a longwall  
16 foreman, briefly?

17 A. On the midnight shift, I handled the outby  
18 stuff, such as moving belt structure, monorail  
19 track, pretty much prepping to run coal.

20 Q. And you just stated a minute ago that last  
21 shift was midnight shift April 5th.

22 A. Yeah.

23 Q. What time did you report to work?

24 A. I show up about 10:30.

1 Q. That would have been on the 4th?

2 A. Yeah.

3 Q. Evening of the 4th?

4 A. Right.

5 Q. April 4th, 2010?

6 A. Yeah.

7 Q. Okay. Did you regularly countersign the  
8 longwall pre-shift fire boss reports?

9 A. Yes.

10 MR. O'BRIEN: At this time, what I would  
11 like to do is enter this, copy of this pre-shift  
12 examination report from 4/4/2010 from the evening  
13 shift, pre-shift for the midnight shift as -- I  
14 would like to make it Exhibit 3, and I have copies  
15 for everyone, also.

16 (Exhibit No. 3 marked for  
17 identification.)

18 Q. All right. First of all, do you recognize  
19 the handwriting on this pre-shift examiner's  
20 report?

21 A. Yes.

22 Q. Whose is it?

23 A. That's mine.

24 Q. That is yours?

1           A.    Uh-huh.

2           Q.    Okay.  At the bottom there are two  
3 signatures.  There is one, John Skaggs is the  
4 pre-shift examiner.  Do you know Mr. Skaggs?

5           A.    Just of, yes.

6           Q.    Okay.  And the other side, is that your  
7 signature?

8           A.    That is mine, yeah.

9           Q.    Okay.  Thank you.

10                  Now, you said this report that the  
11 handwriting is your handwriting, correct?

12           A.    Yes, yes.

13           Q.    The question I have, on the report at the  
14 very top, it says, Was this report brought or  
15 phoned to the outside.  It was checked no, and by  
16 whom, brought out.

17           A.    Uh-huh.

18           Q.    Did you receive that report that night?

19           A.    Yes.  Mr. Skaggs brought it out and I was  
20 in the office so I filled the book out for him.

21           Q.    He brought it out and you filled the book  
22 out for him?

23           A.    Yes.

24           Q.    When did you countersign the pre-shift,

1 this pre-shift examiner's report?

2 A. Before I went underground that morning.

3 Q. Okay. Do you know when Mr. Skaggs signed  
4 it?

5 A. When we were done with it.

6 Q. So you both signed it approximately the  
7 same time?

8 A. Yes.

9 Q. Now, let me ask a question. If Mr. Skaggs  
10 would say that when he brought this pre-shift  
11 examination out that all was on the report was the  
12 intake reading of 53,285, all that appeared on the  
13 report was the intake reading --

14 MR. KOERBER: When he signed it.

15 Q. When he signed it, when he signed this  
16 report, all that was on there was the intake  
17 reading, would you dispute this?

18 A. Yes. I just wrote down what he gave me.

19 Q. Was this a normal area of -- did  
20 Mr. Skaggs normally pre-shift the longwall?

21 A. No.

22 Q. Had he ever pre-shifted the longwall, to  
23 your knowledge, before?

24 A. That, I don't know.

1 Q. Who normally would pre-shift the longwall  
2 for your shift?

3 A. Whoever was on the face. Whoever the  
4 production guy was.

5 Q. On the -- okay. This was on a Sunday  
6 evening?

7 A. Yeah.

8 Q. There was no production shift that day, I  
9 don't believe, on a Saturday?

10 A. No.

11 Q. Okay. So normally you would have a  
12 production crew there on a Sunday?

13 A. Yeah. Yes.

14 Q. Going back to completing the document or  
15 the pre-shift examiner's report, if both you and  
16 Mr. Skaggs were out there at the same time, why  
17 didn't he fill out the report?

18 A. Usually when I get there, I'll just go  
19 ahead and write all of the -- like the locations  
20 and all in the book, you know, just save a little  
21 time. I don't write what they have to bring out or  
22 anything, you know, just to go ahead and get the  
23 book prepared to write it.

24 Q. As far as the hazardous conditions and

1 action taken, air readings and remarks and all, did  
2 he give you those items to enter into the book?

3 A. Yes. Uh-huh.

4 Q. Okay. Who would normally assign the  
5 pre-shift examiner to examine the longwall, prior  
6 to you coming in, who would normally do that?

7 You say just whoever the production  
8 foreman was?

9 A. Foreman production. Yes, whoever the  
10 production foreman was.

11 Q. Okay. Do you know if Mr. Skaggs had ever  
12 been trained in fire bossing the longwall?

13 A. No, sir, I have no idea.

14 Q. If Mr. Skaggs said he called this report  
15 out, would you dispute that?

16 A. The best of my knowledge, just what's on  
17 the paper.

18 Q. If he said he called it out, he didn't  
19 bring it out, that he called it out, would you  
20 dispute that?

21 A. Yes.

22 Q. Do you know who Mr. Skaggs normally  
23 reported to, who was his immediate supervisor?

24 A. No, sir.

1 Q. Did Mr. Skaggs ever tell you that he had  
2 not gone down the face of the longwall --

3 A. No.

4 Q. -- that night?

5 A. (Witness shakes head.)

6 Q. Do you know if he told anyone that he had  
7 not gone down the face?

8 A. No.

9 Q. Who was the -- was there a shift foreman  
10 on the midnight shift that night?

11 A. I don't recall at this time.

12 Q. Was there a normal shift foreman on the  
13 midnight shift?

14 A. Not on the Ellis side that I remember.

15 COURT REPORTER: Not on the what?

16 THE WITNESS: Ellis, E-l-l-i-s.

17 MR. MCCUSKEY: Side.

18 THE WITNESS: Side.

19 Q. Going back to the air measurements on this  
20 pre-shift examiner's report, the air measurements  
21 or air readings below the intake reading on this  
22 sheet, were they given to you by Mr. Skaggs?

23 A. The best I recall, yes.

24 Q. Okay. Do you know what Mr. Skaggs' normal

1 fire boss duties entailed?

2 A. No.

3 Q. Where you normally fire boss, what areas?

4 A. No, sir.

5 Q. Again, you may not know this, but do you  
6 know how long Mr. Skaggs had been a fire boss?

7 A. No.

8 Q. Was Mr. Skaggs a normal -- did he normally  
9 work the midnight shift?

10 A. I don't know.

11 MR. O'BRIEN: Okay. That's all I have at  
12 this time.

13 EXAMINATION

14 BY MR. CRIPPS:

15 Q. Who is your boss, Larry?

16 A. Jack Roles.

17 Q. Jack Roles?

18 A. Uh-huh.

19 Q. Do you ever see Jack underground?

20 A. I have, yes.

21 Q. Do you ever see him underground on a third  
22 shift?

23 A. On occasions. Very rarely, but yes.

24 Q. Why would he be underground on a third

1 shift?

2 A. I really -- just normal activities of his  
3 job. Making sure things were okay, I guess.

4 Q. Okay. Getting back to your job duties,  
5 you mentioned part of your job duties, moving  
6 power?

7 A. Uh-huh.

8 Q. Does that entail moving the mule train?

9 A. Yes.

10 Q. Okay. Also taking care of the monorail  
11 along the belt line?

12 A. Correct.

13 Q. What about on the tailgate side of the  
14 longwall, do you have any functions over there?

15 A. No.

16 Q. Okay. You never set timbers over in the  
17 tailgate?

18 A. No.

19 Q. Who takes care of the setting timbers on  
20 the tailgate side of the longwall?

21 A. That, I don't know. That's all done in a  
22 plant before we get there.

23 Q. Do you know if the timbers were set all  
24 the way to the mouth of the longwall at UBB?

1           A.   As far as I know, but I really can't  
2 speculate, but I think so.

3           Q.   Okay.  So do you ever go over into the  
4 tailgate entry?

5           A.   Yes.

6           Q.   When would you do that?

7           A.   We would -- the way the air was set up, we  
8 would have to go to the stopping line rim, along  
9 the tail entry, and we, on occasion, would have to  
10 go one break out by the face and put a hole and  
11 stop and you get a movement through into the other  
12 entries.  And every couple of days or so, I would  
13 make sure that was done.

14          Q.   Okay.  Do you know what your roof control  
15 plan requires as far as the timbers in the  
16 tailgate?

17          A.   In the tailgate, no, really I don't.

18          Q.   You're not aware of what the roof control  
19 plan requires?

20          A.   No.

21          Q.   Okay.  But you say you are familiar with  
22 the ventilation requirements there at the  
23 tailgate?

24          A.   On the face?

1 Q. Yes.

2 A. Yes. Well, I say yes, it's been a while.

3 Q. Prior to the explosion, you said you went  
4 out to knock blocks out of the stopping in the  
5 tailgate entry?

6 A. Well, I mean, at a point prior to the  
7 exact date. I don't know when the last I done it  
8 is.

9 Q. Okay. Let me -- if you don't mind, let's  
10 look at this map here. You said you went out in  
11 the tailgate entry to knock blocks out for the  
12 ventilation.

13 Can you show me -- and I'll just show you  
14 right now which -- I know you've been up here to  
15 the shearer many times. I guess we should probably  
16 clarify that on the record.

17 Have you been to the location of the  
18 shearer at UBB since the explosion?

19 A. Oh, yes, many times.

20 Q. Looking at this map, does that appear  
21 accurate to you, as far as the location of the  
22 shearer in relation to the face?

23 A. As far as I recall, yes.

24 Q. And in location to the next outby

1 crosscut?

2 A. Pretty close.

3 Q. Okay. You say you would go out into the  
4 tail entry and knock the -- I'm sorry. Repeat what  
5 you told me.

6 A. There would be occasions we would have to  
7 go and open a hole in one of these stoppings to  
8 make the air move that way.

9 Q. Why would the air need to move this way?

10 A. Give you some air over into these entries.

11 Q. The air that's ventilating the face, what  
12 direction or what should be its path off of the  
13 face?

14 A. It should come off the face and head to  
15 the gob.

16 Q. Okay. What provisions were made or did  
17 you take to ensure that that did happen?

18 A. There was none I would have to do except,  
19 like I say, we would open these just to flood this  
20 area.

21 MS. HAMPTON: Let me interrupt. You're  
22 pointing at different areas of the map and saying  
23 "these" and "those." If you could try to use words  
24 to describe the areas on the map you're

1     referencing, it makes it a lot easier when we're  
2     reading the transcript later on and we know what  
3     you're specifically pointing to.

4             A.    So how was your question again?

5             Q.    How would you assure that the air was  
6     traveling to the gob?

7             A.    You could just tell by feel if it was  
8     traveling that way.

9             Q.    Would you open the stopping up in the  
10    crosscut, the first crosscut, outby the face?

11            A.    Generally, if I had to do that, yes.

12            Q.    Okay.  So if that was the case, then the  
13    air coming off the longwall would actually going  
14    outby rather than into the gob; is that correct?

15            A.    A little bit.  When I would open the hole  
16    up, it would help it to come that way.

17            Q.    Okay.  Would there also be air going into  
18    the gob, which would be inby?

19            A.    Yes.

20            Q.    What measures were taken to assure the air  
21    would go inby into the gob?

22            A.    From what I known, it just done it.  If it  
23    didn't, something was wrong.

24            Q.    What would be wrong if it didn't do that?

1           A.    I don't know.

2           Q.    Okay.  So if the air that was in the gob  
3 actually came outby to the first crosscut, would  
4 you see that as a problem?

5           A.    From the gob?

6           Q.    Yes.

7           A.    Yes.

8           Q.    Okay.  When you arrived at work every  
9 evening, did you have a list of work that you was  
10 going to do that evening?

11          A.    Yes.

12          Q.    How did you get that list?

13          A.    It would just be on the desk waiting for  
14 me.

15          Q.    Who developed that list?

16          A.    Jack Roles.

17          Q.    And so Jack Roles would leave you a list  
18 of work to do for that particular shift?

19          A.    Yes.

20          Q.    Was that pretty common?

21          A.    Yes.

22          Q.    So it's fair to say that when you went  
23 underground every night you knew what jobs you had  
24 to do?

1           A.    Yes.

2           Q.    Okay.  As part of your job, did you do the  
3 pre-shift exam on the longwall face?

4           A.    Yes.

5           Q.    What other areas did you pre-shift?

6           A.    On occasions, but very rarely, I would get  
7 the longwall belt.

8           Q.    Okay.  As part of your pre-shift on the  
9 longwall face, what areas did that encompass?

10          A.    From the mule train to the last open  
11 break, and then curtain line there would have three  
12 entries, I think, make sure the curtains were all  
13 good, then across the face.

14          Q.    Okay.  And you did air readings across the  
15 face?

16          A.    Yes, took two.

17          Q.    Okay.  And you did air readings --

18          A.    In the last open break.

19          Q.    Okay.  What about did you pre-shift on the  
20 belt line any at all?

21          A.    Once in a while, on occasion.

22          Q.    As far as just the everyday pre-shift exam  
23 for the oncoming shift of the face -- or the  
24 section?

1           A.    What is that now?

2           Q.    The -- any part of the belt line, was that  
3 part of the pre-shift exam of the section?

4           A.    Not really.  It was not part of it, but on  
5 occasions I would get the belt line.

6           Q.    Okay.  If you did not do a pre-shift of  
7 the belt, who did it?

8           A.    The belt examiners on the midnight shift.

9           Q.    Okay.  But there was a pre-shift  
10 performed --

11          A.    Yes --

12          Q.    -- on the belt?

13          A.    Yes.

14          Q.    Every shift?

15          A.    Yes.

16          Q.    Okay.  When you did your last open  
17 crosscut area -- let me correct that.  When you  
18 determined your total intake air reading for the  
19 longwall, tell me how you did that.

20          A.    In the last open break?

21          Q.    Yes.

22          A.    Just take an air reading.  You measure  
23 width and height of the entry and take your  
24 anemometer readings and multiply it together and

1 get your reading.

2 Q. Okay. Did you also take an air reading on  
3 the belt?

4 A. On the belt?

5 Q. On the belt line?

6 A. Yes, and we would combine them.

7 Q. Okay. Say that again, please.

8 A. And we would combine the reading from  
9 there and the last open.

10 Q. So those two readings, you would add them  
11 together?

12 A. Yes.

13 Q. And that would be your total --

14 A. Yes.

15 Q. -- intake?

16 A. Yes.

17 Q. And so by doing that, that's saying that  
18 the belt air was then coming onto the face?

19 A. Yes.

20 Q. Was there any time where the belt air was  
21 not coming onto the face that you recall?

22 A. Not that I recall.

23 Q. Okay. I reviewed your transcript from  
24 before and I understand that the last shift that

1 you worked that you and your crew had moved the  
2 monorail up.

3 A. Yes.

4 Q. Do you recall that?

5 A. Yes.

6 Q. Is that, in fact, true?

7 A. Yes.

8 Q. Okay. Was part of your job rock dusting?

9 A. No.

10 Q. Did you ever rock dust the face?

11 I'm sorry. Did you ever rock dust on the  
12 belt line?

13 A. Not that I recall. May have had occasions  
14 we had, but nothing for ...

15 Q. Do you recall anybody rock dusting on the  
16 belt line?

17 A. Yes, yes.

18 Q. When would that be?

19 A. Just on -- at different times.

20 Q. Okay. How did you determine they was rock  
21 dusting on the belt line?

22 A. We would get rock dust on us.

23 Q. You mean it would --

24 A. Come toward the face.

1 Q. Come toward the face?

2 A. (Witness nods.)

3 Q. Was that rock dust coming from the trickle  
4 duster at the belt drive?

5 A. I don't know.

6 Q. Okay. You say on occasion that you do  
7 pre-shift the belt?

8 A. Yes.

9 Q. Do you remember the last time you did  
10 that?

11 A. Not right now, no.

12 Q. Would it be safe to say it was just a day  
13 or two prior to the explosion?

14 A. I'm not real sure.

15 Q. Okay. If we found that in a book and your  
16 initials were in a book --

17 A. Yes.

18 Q. -- then would you agree that you, in fact,  
19 pre-shifted the belt?

20 A. Sure.

21 MR. CRIPPS: Okay. I'll tell you what,  
22 I'm going to let -- Jim has got a question, then  
23 I'll come back to you.

24

## EXAMINATION

1  
2 BY MR. BECK:

3 Q. Larry, how far is it from the mule train  
4 to the last open crosscut?

5 A. Really, I can't remember at this time.  
6 Probably no more than five or six breaks at most.

7 Q. That would be, what, 500 feet?

8 A. Yeah, thereabouts.

9 Q. Then the face is how wide?

10 A. A thousand foot.

11 Q. When you did the pre-shift exams, how long  
12 would that typically take you?

13 A. A half hour, something like that.

14 Q. That includes the air readings and all?

15 A. Do what now?

16 Q. That includes your air readings?

17 A. Yeah.

18 Q. And in your travels throughout Upper Big  
19 Branch, did you ever notice cracks in the floor at  
20 any other places in the mine, tailgate area?

21 A. Throughout the mines anywhere you mean?

22 Q. Yeah.

23 A. Yeah.

24 Q. The cracks in the floor, is that commonly

1 called "bottom hooving"?

2 A. That's what I would call it, yes.

3 Q. A crack in the floor is not an uncommon  
4 feature up at Big Branch?

5 A. Well, it happens, I guess, in any mines.

6 Q. And Jack Roles, that's who you reported  
7 to; right?

8 A. Yes.

9 Q. Who did Jack report to?

10 A. I don't know.

11 MR. BECK: That's all I have right now.

12 EXAMINATION

13 BY MR. O'BRIEN:

14 Q. A couple three more.

15 That first night, you were coming -- you  
16 came in and the mine had been idle for a few  
17 shifts?

18 A. (Witness nods.)

19 Q. That first night, when did you first go  
20 down the longwall face?

21 A. When I got on the face that night.

22 Q. At the beginning of the shift?

23 A. Uh-huh.

24 Q. Did you notice any of the shields -- had

1 any of the shields bled off, leaked off from the  
2 roof?

3 A. I can't recall.

4 Q. Was that a -- would that be a normal  
5 occurrence?

6 A. I guess on occasion.

7 Q. Occasion?

8 A. Uh-huh.

9 Q. Especially after an idle period?

10 A. For that long, yes.

11 Q. I'm going to ask a question. I may have  
12 asked it before, and if I did, please bear with  
13 me. Okay?

14 Do you know who would be responsible for  
15 assigning the fire bossing of the areas of the coal  
16 mine?

17 A. No, sir.

18 Q. And this is for clarification for me, I  
19 was taking notes when, I think, the question was  
20 asked.

21 The way you got your intake reading was  
22 you took the last open crosscut and the belt and  
23 added the two together?

24 A. Yes.

1 MR. O'BRIEN: Okay.

2 MR. KOERBER: You got any questions?

3 MR. CRIPPS: Yeah, I got a few more.

4 MR. KOERBER: I'm going to want to take a  
5 break here whenever you want. If you want to ask  
6 your questions, go ahead, but I'm going to take a  
7 five-minute break here in the very near future.

8 MR. CRIPPS: Okay. I'll go ahead. I have  
9 got a couple here.

10 EXAMINATION

11 BY MR. CRIPPS:

12 Q. Larry, we talked to some people that --  
13 apparently this longwall had operated at UBB, and  
14 then it left and went to another mine. Are you  
15 familiar with that?

16 A. Yes.

17 Q. Was you working on the longwall at UBB  
18 prior to it leaving?

19 A. Yes.

20 Q. Okay. When it left, where did the  
21 longwall go to?

22 A. Logan's Fork.

23 Q. Did you go with it?

24 A. Yes.

1 Q. Okay. When was that?

2 A. Dates, I'm not sure.

3 Q. Do you know what year it was  
4 approximately?

5 A. No, not really. I don't even know when we  
6 came back. We came back in, what, in 9 -- around,  
7 2006, maybe in that area.

8 Q. A couple years, is that fair to say?

9 A. Yes.

10 Q. When did you come back to UBB?

11 A. When we got ready to start running the  
12 wall again.

13 Q. Okay. As I understand, the wall started  
14 actually running around the 1st of September of  
15 '09?

16 A. The best I remember, yeah.

17 Q. Okay. Did you come back sometime prior to  
18 that?

19 A. Just a little bit. I stayed at Logan's  
20 Fork and pulled the remainder of what was left out.

21 Q. Okay. So when you came back to UBB, what  
22 jobs did you do when you got there?

23 A. My job I do now.

24 Q. Okay. So your first shift back at UBB you

1 went underground on third shift?

2 A. Yes.

3 Q. Do you recall was the longwall running at  
4 that time?

5 A. No, we hadn't started running it.

6 Q. Okay. Approximately how long after you  
7 went underground?

8 A. From memory, it would be hard to say.

9 Q. Okay. But to your recollection, your  
10 first shift back was on midnight shift?

11 A. Oh, absolutely.

12 Q. And you went to the --

13 A. Yes.

14 Q. -- longwall back to your normal job?

15 A. Yes.

16 Q. When you was at Logan's Fork, was you  
17 performing the same job?

18 A. Same job.

19 Q. Okay. Same equipment?

20 A. Same equipment?

21 Q. Yes.

22 A. Not that I know of. I assume we changed  
23 everything out when we came back.

24 Q. Okay.

1           A. Shields were probably the same, but  
2 everything else would have been different.

3           Q. Okay. A different pan line?

4           A. Yes.

5           Q. Different shearer?

6           A. Yes.

7           Q. What about your crew?

8           A. Crew stayed the same.

9           Q. Same people?

10          A. (Witness nods.)

11          Q. Did your crew come back with you at the  
12 same time?

13          A. No, actually not. Some went -- they were  
14 rebuilding our shields on the surface, best I  
15 remember, and I stayed back at Logan's Fork pulling  
16 some things.

17               MR. CRIPPS: Okay. That's all I've got  
18 right now.

19               MR. KOERBER: Let's take a two-minute  
20 break.

21                               (Break.)

22               MR. KOERBER: Let's go back on the record.

23               MR. O'BRIEN: I have one more question.  
24

## EXAMINATION

1  
2 BY MR. O'BRIEN:

3 Q. Did you ever have to pre-shift the  
4 longwall for your shift?

5 A. In the past I have, yes.

6 Q. Why would you have to -- if so, why?

7 A. Such as holidays and things like that.

8 Q. And when would you do that, when would you  
9 perform that pre-shift?

10 A. I try to get there and be there within  
11 three hours to 11 o'clock.

12 Q. Okay. So you would actually do it, like,  
13 the evening shift prior to the midnight?

14 A. Right.

15 MR. O'BRIEN: Thank you.

## EXAMINATION

16  
17 BY MR. CRIPPS:

18 Q. Larry, before you went underground on your  
19 shift, on your midnight shift, did you normally  
20 review the pre-shift books?

21 A. Yes. On normal occasions, I was the one  
22 that wrote it down when they would call it out.

23 Q. So you would actually receive the --

24 A. Uh-huh.

1 Q. -- pre-shift call and write it down?

2 A. Yes.

3 Q. So it's fair to say that you reviewed

4 pre-shift books --

5 A. Yeah.

6 Q. -- for the longwall?

7 A. Yeah.

8 Q. Okay. When you actually did the  
9 examination, did you call it out or did you bring

10 it out?

11 A. Call it.

12 Q. Then when you got outside, would you

13 review --

14 A. Yes.

15 Q. -- the books?

16 A. Yes.

17 Q. How about when you did the pre-shift on  
18 the belts, would you fill out the pre-shift exam in  
19 the belt book?

20 A. I would fill it out or call it out.

21 Q. Call it out. Okay.

22 Did you normally review those pre-shift  
23 records?

24 A. Yes.

1 Q. Okay. So let me ask you something here.  
2 What I've got here is a copy of the pre-shift  
3 examination of the belt conveyers. Does that look  
4 familiar to you?

5 A. Yes.

6 Q. Okay. What is the date that's on that  
7 record?

8 A. 4/5.

9 Q. Okay. Do you see on there where the  
10 longwall belt was examined?

11 A. Yes.

12 Q. Okay. Whose initials are beside that?

13 A. Those are mine.

14 Q. Did you, in fact, do that examination?

15 A. I guess I did, yes.

16 Q. Okay. And so with what you said a while  
17 ago, it's fair to say that when you would have  
18 performed this examination, you would have looked  
19 at the previous examinations for this belt?

20 A. The previous examinations?

21 Q. Yes, the pre-shift exams.

22 A. Not particularly like on this night, no.

23 Q. Okay.

24 A. Because the longwall belt was not normally

1 part of mine, you know what I'm saying?

2 Q. Uh-huh.

3 A. And occasionally, if I was ahead of my job  
4 or something and knew where the fire boss was at, I  
5 would say I would get the belt for them, so ...

6 Q. Okay. But the longwall belt was part of  
7 your normal work area; is that correct?

8 A. Part of my normal work area?

9 Q. Yes.

10 A. No, just by the mule train, what belt was  
11 up there.

12 Q. Is the monorail on the belt line?

13 A. Yes.

14 Q. How far -- I think Jim asked you, how far  
15 is the mule train normally from the face?

16 A. It depends on what they ran after a power  
17 move. At this time it seems like it was five or  
18 six hundred feet, somewhere in there.

19 Q. Okay. On the nights that you moved power,  
20 explain what's involved with that.

21 A. When we move power we have to -- from the  
22 get-go? All of it?

23 Q. Concentrate on what happens over on the  
24 monorail on the belt line?

1           A.   Okay.  Now, since the ventilation plan has  
2 been changed, there is two stoppings that we have  
3 to open up in order to shiv our monorail down.

4                    So we make sure nobody is on the face,  
5 everybody is outby those stoppings to help us pull  
6 the monorail down.

7                    When we get it down, then we have to put  
8 those two stoppings back, once we get our tables  
9 cables through them and everything and --

10                   I don't know if I'm going into enough  
11 detail for you or not, but we have to open those  
12 stoppings up in order to get the cables back to the  
13 mule train, the ones that come to the mule train  
14 that follow the mule train down, and -- well, they  
15 go -- actually go to the monitor and pull them in  
16 back through.

17                   We have open two stoppings up, and we make  
18 sure everyone is outby those as we do that.

19           Q.   If I may, when you say you pull the  
20 monorail down --

21           A.   Yes.

22           Q.   -- are you actually extending cables and  
23 water lines and the hydraulic lines that's hung  
24 from the monorail, is that what you mean by that?

1           A. I wouldn't call it a standing -- they're  
2 -- they just collapse up into a wall and we pull  
3 them out, so, yeah, I guess, pull them out.

4           Q. Okay. So when you pull them out to their  
5 full length, what would be the distance from the  
6 mule train up to the face at that point?

7           A. Face is about 900 foot.

8           Q. So it could possibly be 900 feet from the  
9 mule train or from the end of the monorail to the  
10 face?

11          A. Yeah.

12          Q. So it's safe to say, or it's fair to say  
13 that 900 feet of belt line there would be part of  
14 your normal work area?

15          A. Yes.

16          Q. Okay. And so consequently, if there's any  
17 hazardous conditions in that part of the belt line,  
18 you and your people would be exposed to those  
19 hazardous conditions?

20          A. Oh, yeah.

21          Q. So would you be interested to know that if  
22 any hazardous conditions were found in that area on  
23 that pre-shift exam?

24          A. Yeah.

1 Q. Okay. How do you determine if any  
2 hazardous conditions were found in those areas?

3 A. It would just be what you see. I think  
4 we're on the same page. It would just be what I  
5 see as I observed through there.

6 Q. As you actually do your examination?

7 A. The belt line is not part of my  
8 examination.

9 Q. But it is pre-shifted before you go in; is  
10 that correct?

11 A. Yeah.

12 Q. So do you check the pre-shift exam records  
13 for the section every day before you go in?

14 A. Yes.

15 Q. Okay. Why do you do that?

16 A. Just to make sure everything is where it  
17 needs to be.

18 Q. Okay. So do you review the pre-shift exam  
19 book for that section of the belt line before you  
20 go in?

21 A. No. Not all the time, no.

22 Q. Okay. Do you ever review it?

23 A. If I know for sure I'm fire bossing that  
24 area.

1 Q. Okay. So, then, it's possible that there  
2 could be hazardous conditions listed in the  
3 pre-shift book that you would not be aware of?

4 A. Yeah.

5 Q. So, then, it's fair to say that if those  
6 hazardous conditions were listed in the book, you  
7 and your crew would possibly be exposed to those  
8 hazards?

9 A. I guess if it was a hazard, somebody would  
10 let me know that it was there.

11 Q. Okay. If it's listed in the pre-shift  
12 book, is that a way of letting you know?

13 A. I guess it would be if that was something  
14 I reviewed.

15 Q. Do you think you should review that?

16 A. Not if it's part of my normal routine.

17 Q. Okay. If there is a hazard that's been  
18 listed for, let's say, five consecutive shifts in  
19 an area where you and your crew normally worked,  
20 would that concern you?

21 A. I'm sure someone would have already spoke  
22 up about it.

23 Q. So you would expect if a hazard is listed,  
24 it would have been addressed?

1           A.    It would have been addressed, yes.

2           Q.    Let's say if that hazard was listed as the  
3 belt needs dusted.  What action would you expected  
4 to have been taken?

5           A.    Somebody would have dusted it.

6           Q.    Okay.  Would you have noticed if that belt  
7 had been dusted?

8           A.    Yeah.

9           Q.    Okay.  If those hazards had continued to  
10 exist and had not been addressed, would you  
11 continue to allow yourself and your men to work in  
12 those hazards?

13          A.    Not if it was a hazard, no.

14          Q.    If -- for instance, if that pre-shift book  
15 listed three percent methane in that area of the  
16 belt line, would you allow your crew to work in  
17 that area?

18          A.    I don't think a fire boss would just list  
19 it as three percent methane and put it in their  
20 book.  I think he would make sure it was addressed.

21          Q.    How would he do that?

22          A.    He would contact whoever his supervisor,  
23 or he would do whatever he needed to do.

24          Q.    Just if a hazard is listed in the

1 pre-shift book, then, it's normally not addressed?  
2 It takes the examiner specifically mentioning to a  
3 supervisor to get a hazardous condition corrected?

4 A. No, I'm sure whoever he reports to does,  
5 but, like I say, that's not part of my normal  
6 function. Just on occasions I would take care of  
7 the belt line.

8 Q. Okay. So if upper management  
9 countersigned a pre-shift examination book and seen  
10 those hazards listed in the exam, would you expect  
11 that that member of management would see that those  
12 conditions are corrected?

13 A. Absolutely.

14 Q. Okay. How would you feel if those  
15 conditions were, in fact, not corrected and allowed  
16 to continue to exist?

17 A. To what extent.

18 Q. To an extent that a qualified examiner  
19 considered it a hazard.

20 A. I don't think it would carry on like that.

21 Q. Okay. Do you consider float dust a  
22 hazard?

23 A. To a certain degree, yes.

24 Q. What do you mean by that?

1           A.   Well, I can't determine that just by  
2 looks.

3           Q.   Okay.  If a qualified examiner listed  
4 float dust as a hazard on a belt line, would you  
5 accept that, in fact, as a hazardous condition?

6           A.   I guess.

7           Q.   So if you knew that float dust was listed  
8 as a hazardous condition on the belt, would you, in  
9 fact, allow your men or yourself to work in that  
10 hazardous condition?

11          A.   No.

12          Q.   Okay.  Do you feel like that occurred at  
13 UBB prior to the explosion?

14          A.   No.

15          Q.   If the hazardous condition a belt needs  
16 dusted was listed on the book for five consecutive  
17 shifts and no corrective action had been taken,  
18 would you still allow your men to work in that  
19 hazard?

20          A.   Not if it was a hazard.

21          Q.   Okay.  Do you fell you have a duty to see  
22 that those hazards are corrected?

23          A.   Oh, sure.

24               MR. CRIPPS:  Okay.  That's I have.

1 MR. KOERBER: Jim?

2 EXAMINATION

3 BY MR. BECK:

4 Q. Now, Larry, let me see if I understand  
5 this right. You were a longwall foreman  
6 responsible for the outby mule train area belt,  
7 making sure it's ready to run?

8 A. Right. For the next shift coming in.

9 Q. Was there someone on the face that was  
10 responsible for the face area?

11 A. I was responsible as far as the fire  
12 bossing and such as that.

13 Q. No, no, I'm talking about just making sure  
14 the wall is ready to run.

15 A. Yes, we had a maintenance chief up there.

16 Q. So you had a maintenance chief on the face  
17 making sure the face was ready to run. You were  
18 outby making sure everything else was running.

19 A. Correct.

20 Q. And at a longwall mine, would you agree  
21 it's the big producer?

22 A. Absolutely.

23 Q. Lots of eyes are watching?

24 A. (Witness nods.)

1           Q. Did you ever have occasion where you  
2 weren't ready to run and the day shift was ready to  
3 start?

4           A. Ever, yes.

5           Q. I guess what I'm wanting to ask, when that  
6 happened would you get a lot of calls from the  
7 outside?

8           A. Probably about what I would consider  
9 normal, you know.

10          Q. Wanting to know when you're going to be  
11 ready?

12          A. How much longer, that kind of thing.  
13 Normal stuff, yeah.

14          Q. Who would typically call?

15          A. To me, it would either be, like, Jack  
16 Roles or our maintenance people, Danny Laverty  
17 (phonetic) or those fellows.

18          Q. Okay. Were you ever assigned to work on  
19 the longwall face?

20          A. Such as what?

21          Q. Instead of taking care of the outby, they  
22 said, Larry, you're on the face now making sure  
23 it's ready to run?

24          A. As far as the maintenance end of it?

1 Q. Anything on it.

2 A. No. We've had pumps and things on the  
3 face that I would have to take care of, but that's  
4 been a while back.

5 Q. Did you ever notice any state or federal  
6 inspectors on the midnight shift in your area?

7 A. In my area, yeah.

8 Q. Who would travel with them?

9 A. Generally with our maintenance crew, the  
10 chief electricians, all they -- if they come on the  
11 hoot owl, it's pretty much to do permits building  
12 things.

13 Q. Did you ever travel with any of them?

14 A. Have I ever?

15 Q. On your shift at UBB.

16 A. I guess in the past I may have, but none  
17 that I recall at this time.

18 Q. But you weren't regularly assigned to  
19 travel with them if they showed up?

20 A. No, sir. No.

21 MR. BECK: That's all I have.

22 MR. O'BRIEN: I have one more.  
23  
24

## EXAMINATION

1  
2 BY MR. O'BRIEN:

3 Q. Make sure I got this right. You did not  
4 pre-shift for the longwall on the evening shift of  
5 4/4?

6 A. No, sir.

7 Q. Or early on the -- your shift on 4/5? You  
8 didn't pre-shift early --

9 A. I pre-shifted for the day shift.

10 Q. For your shift, though?

11 A. No, not mine.

12 MR. O'BRIEN: Okay. Thank you.

13 MR. KOERBER: Anybody else have any  
14 questions?

15 MR. PAGE: Yeah, I got some.

## EXAMINATION

16  
17 BY MR. PAGE:

18 Q. You do pre-shift the longwall sometimes;  
19 right?

20 A. Yes.

21 Q. What areas do you pre-shift?

22 A. From the mule train inby last open break  
23 and across the face.

24 Q. Across the face?

1           A.    Uh-huh.

2           Q.    How much air is required to go across the  
3 face?

4           A.    I would say I recall, but I can't really  
5 remember at this time what our plan called for.  
6 It's been years.

7           Q.    What's the velocity?

8           A.    That's what I said, it's been a year.  I  
9 can't remember at this time.

10          Q.    Did you know?

11          A.    Did I?  Of course, then I'm sure I did.

12          Q.    So how much did you fire boss down in the  
13 face and down on the tail?

14          A.    How much did I?  Every night I worked.

15          Q.    All the way down?

16          A.    Yes.

17          Q.    Tail entry?

18          A.    Not the tail entry.

19          Q.    How far down the tail entry?

20          A.    To the tailgate.

21          Q.    Just to the tailgate?

22          A.    Yeah.

23          Q.    The intersection?

24          A.    Yeah.

1 Q. Did you check which way the air went?

2 A. Yes.

3 Q. Which way did it go?

4 A. Inby.

5 Q. Did you know what was in the plant and  
6 about what was required down in the rib support  
7 down that entry?

8 A. I did at that time. At this time, I  
9 don't.

10 Q. Did you ever go down there and the  
11 tailgate had fallen in and all the air was going  
12 outby?

13 A. Did I ever?

14 Q. Uh-huh, yeah, did you ever find it that  
15 way?

16 A. I remember -- in past, I guess I've seen  
17 it fell in. But as far as the air, I don't recall.

18 Q. If it had, what would you do? If the air  
19 was not going inby at the tail, it was going outby,  
20 what would you do?

21 A. I guess I would contact my supervisor to  
22 see what we needed to do, go from there.

23 Q. You don't know what to do, you would have  
24 to get him to tell you?

1           A.    I'd have to get help, yeah.

2           Q.    What if you was -- I know Dean mentioned  
3 three percent methane.  If you found it up around  
4 the stage loader --

5           MR. MCCUSKEY:  Up around the what?

6           MR. PAGE:  Stage loader.

7           Q.    Three percent, what would you do?

8           A.    I would withdraw.

9           Q.    And --

10          A.    At least outby that until we figured out  
11 what was going on.

12          Q.    Okay.  And you said that the guy on the  
13 evening shift made the exams on the 4th?

14          A.    Yeah.

15          Q.    He brought them outside, is that what you  
16 said?

17          A.    Yeah.

18          Q.    He didn't call them out?

19          A.    No.

20          Q.    You're sure?

21          A.    Best I remember.

22          Q.    What if I said he did.

23          A.    I'd say I don't remember it that way.

24          Q.    Okay.  Did you write down all the numbers

1 down, or did he write the numbers down?

2 A. Best I remember, I wrote them.

3 Q. And he told you while he was sitting  
4 there?

5 A. Do what now?

6 Q. He told you the numbers to write down  
7 while you were sitting there?

8 A. Yes.

9 Q. You're sure?

10 A. Yes.

11 Q. Okay. Do you always call your report out  
12 or do you take it out?

13 A. Generally call it out, because the  
14 production guys are outside waiting.

15 Q. I understand. What would you consider --  
16 if you was walking up that mother belt towards the  
17 headgate and there was float dust on that belt,  
18 what would be a hazard to you?

19 A. If it was dark.

20 Q. If it's dark it would be a hazard?

21 A. (Witness nods.)

22 Q. What would you do?

23 A. Report it and see that somebody went after  
24 it, or tell my supervisor and it would be up to him

1 to see it.

2 Q. Would you continue to run coal if they was  
3 running coal?

4 A. I don't run coal.

5 Q. I said if they were?

6 A. (Witness shakes head.)

7 Q. At what point in time would -- if you  
8 found a belt and it was running, what point in time  
9 would you close it?

10 A. If there was something that I thought was  
11 an eminent danger, as far as a hazard.

12 Q. Have you ever closed anything and -- have  
13 you ever personally shut down anything because of a  
14 hazard?

15 A. As far as belt line or --

16 Q. Anything.

17 A. Yeah, equipment that I ran, yeah.

18 Q. Anybody ever tell you to go ahead and run  
19 it?

20 A. No.

21 Q. Nobody?

22 A. No.

23 Q. What about if you didn't have enough air?

24 A. Wouldn't run it.

1 Q. Have you ever run across air -- where you  
2 didn't have enough air going across the longwall?

3 A. Have I ever? I'm sure in the past I did.

4 Q. What did you do?

5 A. Make sure the curtains were tight.

6 MR. PAGE: Okay. That's all I got right  
7 now.

8 MS. HAMPTON: One housekeeping thing. The  
9 pre-shift exam of belt conveyers that Dean was  
10 referencing, I'm going to mark that as Exhibit 4.

11 (Exhibit No. 4 marked for  
12 identification.)

13 MR. KOERBER: Anybody have any other  
14 questions?

15 MR. MCCUSKEY: If I may tender a request  
16 by Mr. Brown to have a copy of his transcript and  
17 from the August 23rd one, if we could.

18 MR. KOERBER: That would be Exhibit 5?

19 MS. HAMPTON: Exhibit 5, yes.

20 MR. KOERBER: Mr. Brown, at this time, if  
21 there is anything you would like to clarify,  
22 anything you would like to add, anything you would  
23 like to state, any questions you would like to add  
24 or ask, the floor is yours at this time.

1           THE WITNESS: No, I'm good.

2           MR. KOERBER: Okay. I would like to  
3 collect all of the pre-shift forms that I passed  
4 out to begin with, but for the one belonging to the  
5 court reporter. Now we still have one for the  
6 court reporter?

7           MS. HAMPTON: I have one, yes.

8           MR. KOERBER: Thank you. We're off the  
9 record now.

10                           (Deposition concluded.)

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1 STATE OF WEST VIRGINIA, To-wit:

2 I, Jenny Taylor, a Notary Public and Court  
3 Reporter within and for the State aforesaid, duly  
4 commissioned and do hereby certify that the  
5 interview of LARRY D. BROWN was duly taken by me  
6 and before me at the time and place specified in  
7 the caption hereof.

8 I do further certify that said proceedings  
9 were correctly taken by me in stenotype notes, that  
10 the same were accurately transcribed out in full  
11 and true record of the testimony given by said  
12 witness.

13 I further certify that I am neither attorney  
14 or counsel for, nor related to or employed by, any  
15 of the parties to the action in which these  
16 proceedings were had, and further I am not a  
17 relative or employee of any attorney or counsel  
18 employed by the parties hereto or financially  
19 interested in the action.

20 My commission expires the 6th day of March  
21 2019.

22 Given under my hand and seal this 13th day of  
23 February 2011.

24 -----  
Jenny Taylor  
Notary Public