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Transcript of the Testimony of Andy Coalson

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STATEMENT UNDER OATH
OF
ANDY COALSON

taken pursuant to Notice by Danielle Ohm, a Court Reporter and Notary Public in and for the State of West Virginia, at the National Mine Health and Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Friday, August 6, 2010, beginning at 1:00 p.m.

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A P P E A R A N C E S (cont.)

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P R O C E E D I N G S

1
2 -----
3 MR. SHERER:

4 Okay. This is Friday, August the 6th.

5 We're here to conduct an interview of Mr. Andy Coalson
6 on the accident that occurred at the Upper Big Branch
7 Mine. Mr. Coalson, you have various rights under the
8 Mine Act. This testimony will be protected under the
9 Mine Act, Section 105(c). If you have any problems
10 with discrimination, please talk to the people at
11 District Four. They can help you out. And the State
12 also has some ---.

13 MR. FARLEY:

14 Yeah. I'll pass along a memo here that
15 includes the mailing address for the West Virginia
16 Board of Appeals. They hear discrimination complaints
17 for coal miners. And the West Virginia Code, Chapter
18 22(a), Article 1, Section 22 provides protection
19 against potential discrimination, so I'll pass along
20 this memo. It has my phone number and a phone number
21 for Bill Tucker, who's the lead underground
22 investigator.

23 Should you have any issues along that
24 line, feel free to give us a call. Also, if you
25 should have a problem, you need to file a claim within

1 30 days of the event. All right.

2 MR. SHERER:

3 Did you receive a letter from us

4 concerning your appearance, Mr. Coalson?

5 MR. COALSON:

6 No, sir.

7 MR. SHERER:

8 Then we'll get you a copy of that

9 sometime in the future.

10 MR. COALSON:

11 Okay.

12 MR. SHERER:

13 You have a right to ask for

14 confidentiality. If you choose that, we will hold

15 this testimony confidential until the end of the

16 investigation. At that point in time, it will be

17 FOIA-able, probably. The State has some different

18 rules concerning that.

19 MR. FARLEY:

20 Actually, at the end of our

21 investigation, everything we gather will be available

22 in the Freedom of Information, so any confidentiality

23 is only going to last as long as our investigation.

24 MR. COALSON:

25 Not a big deal.

1 MR. SHERER:

2 Okay. Would you please speak up for the
3 record?

4 MR. COALSON:

5 Yes, sir. I don't have any problem with
6 confidentiality.

7 MR. SHERER:

8 Okay. Thank you. I notice you have a
9 gentleman accompanying you. What is his position this
10 afternoon?

11 MR. COALSON:

12 Dave Hardy, Performance Coal Lawyer.

13 MR. SHERER:

14 Would you please state your ---?

15 ATTORNEY HARDY:

16 Yes. David J. Hardy, lawyer for
17 Performance Coal.

18 MR. SHERER:

19 Okay. And you chose this gentleman to
20 accompany you?

21 MR. COALSON:

22 Yes, sir.

23 MR. SHERER:

24 Okay. Good enough. Would you please
25 state your full name and spell your last name for the

1 record, please?

2 MR. COALSON:

3 Andrew Paul Coalson, C-O-A-L-S-O-N.

4 MR. SHERER:

5 Okay.

6 -----

7 ANDY COALSON, HAVING FIRST BEEN DULY SWORN, TESTIFIED
8 AS FOLLOWS:

9 -----

10 EXAMINATION

11 BY MR. SHERER:

12 Q. Could you state your address and telephone number
13 for the record, please?

14 A. (b) (7)(C)

15 (b) (7)(C)

16 Q. Okay. Thank you. Roughly how many years of
17 mining experience do you have, Mr. Coalson?

18 A. Roughly ten years.

19 Q. Okay. When did you start with the Massey
20 Organization?

21 A. In January of 2001.

22 Q. Okay. When did you start working at Upper Big
23 Branch?

24 A. In I'm going to say --- let's see. Was it April
25 or ---? I think it was December or January of 2008.

1 Q. Okay. That's close enough.

2 MR. FARLEY:

3 December or January would be in 2008?

4 A. It'd be December 2008.

5 MR. FARLEY:

6 Okay.

7 A. I'm pretty sure.

8 MR. FARLEY:

9 All right.

10 BY MR. SHERER:

11 Q. Okay. And what's your position at Upper Big
12 Branch?

13 A. When I first started there I was a section
14 foreman, and then I got moved to mine foreman.

15 Q. Okay. And as mine foreman, were you responsible
16 for the entire mine or just a portion of the mine?

17 A. I was responsible for the Ellis side half.

18 Q. And that's in the northern portion ---

19 A. Yes.

20 Q. --- basically?

21 A. Yes.

22 Q. Okay. When did you get that promotion, roughly?

23 A. I'm going to say February of 2009.

24 Q. Okay.

25 A. Maybe March.

1 Q. Okay. Now, who did you report to, Mr. Coalson?

2 A. I reported to Homer Wallace.

3 Q. Okay.

4 A. Superintendent.

5 Q. Okay. And we understand that Mr. Wallace left the
6 organization at some point in time?

7 A. Yes, sir. He retired.

8 Q. Okay.

9 A. And then I reported to Everett Hager.

10 Q. Okay.

11 A. Superintendent.

12 Q. Okay. Who reported to you?

13 A. My section foremen and well, I guess just about
14 any man at the mine.

15 Q. Okay, sure. Did the people on the longwall report
16 to you?

17 A. No, not really. They have a longwall coordinator,
18 which I would say would be an equal to me.

19 Q. Okay. So it's like two parallel groups, kind of?

20 A. Yeah. I mean, we work together, but ---

21 Q. Sure.

22 A. --- not ---. You know, I didn't go tell his
23 people what to do, and he didn't come tell mine what
24 to do.

25 Q. Okay, sure. Now, were you ever involved in any

1 planning functions concerning the longwall, like
2 setting up --- laying out the entries and the panels
3 and so on and so forth?

4 A. I mean, I drove the --- I was responsible for the
5 headgate and tailgate when they were driving up for
6 the longwall.

7 Q. Okay. Do you know who actually planned things
8 like the pillar size and the number of entries and
9 things like that?

10 A. I'd say Route 3 Engineering and Chris Blanchard,
11 probably.

12 Q. Okay. Do you recall any meetings where things
13 like that were discussed?

14 A. No, sir.

15 Q. Okay.

16 A. They were already driving those block sizes when I
17 came there.

18 Q. Okay, sure. Now, you mentioned you were in charge
19 of driving both the gate roads. Were you in charge
20 from the beginning of the drivage of those gate roads?

21 A. No.

22 Q. About where did you take over, location-wise?

23 A. I took over as mine foreman. What they called it
24 was block superintendent at first on this side at
25 about 90 to 95 Break.

1 Q. Okay. Now, because we're looking at the map, we
2 know where this side is.

3 A. On the tailgate side, I'm sorry. I'm sorry.

4 Q. Not a problem, not a problem. Do you recall about
5 where the headgate was?

6 A. The headgate was behind the tailgate when we were
7 driving this. I'm going to say in this 55 to 60 Break
8 area.

9 Q. Okay. And you continued on up to the Bandytown
10 fan area?

11 A. I continued up and then whenever we connected the
12 headgate and tailgate, I got both sections, ---

13 Q. Oh, okay.

14 A. --- the headgate and the tailgate.

15 Q. Okay. Do you recall if you had any problems
16 driving up to the Bandytown fan?

17 A. Problems as in what?

18 Q. Low air, bad roof, bad ribs?

19 A. We were fighting for low air at times on the
20 headgate.

21 Q. Okay. And that was being ventilated, I
22 understand, from the UBB fans ---

23 A. Yes, sir.

24 Q. --- located at ---?

25 A. That's the only fans we had at that time.

1 Q. Okay. Now, when the shaft was raised for the
2 Bandytown fan, were you in charge of that?

3 A. Yes.

4 Q. Okay. Do you recall what was done with the
5 cuttings coming out of that shaft?

6 A. We loaded them onto the feeder and sent them
7 outside.

8 Q. Okay.

9 A. Or sent them to the plank.

10 Q. Okay. Thank you. Okay. So you got the headgate
11 and the tailgate driven. About how long after the
12 Bandytown fan was completed did they start setting the
13 wall up? Do you recall?

14 A. Really just as soon as the Bandytown fan was put
15 in, they started setting the wall up.

16 Q. Okay. How'd the setup go? Do you know?

17 A. Meaning ---?

18 Q. Were there any particular problems related with
19 the wall setup ---

20 A. Not that I know of.

21 Q. --- getting equipment in and getting it situated
22 and everything?

23 A. Not that I know of.

24 Q. Okay.

25 A. I was moving a section at that time. I wasn't ---

1 Q. Sure.

2 A. --- any part of that.

3 Q. Okay. Now, when you were driving for the ---
4 excuse me, you were driving for the Bandytown fan, we
5 understand that there was some bottom grading that
6 needed for water control in the probably 20, 30, 40
7 breaks outby the fan. Do you remember that?

8 A. We graded bottom, I'm going to say a couple breaks
9 back from the fan shafts. We graded back and then
10 graded across, then graded down.

11 Q. Okay. So you're looking at the Number One entry
12 back, what, three of four breaks, you said?

13 A. I'm going to say two to three.

14 Q. Two to three.

15 A. I can't remember.

16 Q. So you graded back two to three breaks in the
17 Number One entry, then you cut across and then you
18 graded back up in the Number Four entry?

19 A. Yes.

20 Q. And that would be the down dip entry?

21 A. Yes.

22 Q. Okay. Do you recall how far back you graded?

23 A. We didn't grade back but a couple breaks in Number
24 Four.

25 Q. Okay. Do you recall how deep that grading was,

1 just roughly?

2 A. It started --- I think on the down dip side it
3 started at two to three feet and went to, I'm going to
4 say around eight feet ---

5 Q. Okay.

6 A. --- in Number One entry. It may've been more or
7 less, but in that area.

8 Q. Okay. Did you have certain elevations you were
9 trying to grade to?

10 A. Yes, they had brought elevation maps and told us
11 what we needed to cut to get to those elevations.

12 Q. Okay. When you were doing that, were you under
13 the understanding that once you got it done, the water
14 would naturally drain to that pump that was installed
15 down there?

16 A. Yes.

17 Q. Do you know why it doesn't?

18 A. Yes.

19 Q. What happened?

20 A. There was a swag that needed graded and it wasn't
21 graded.

22 Q. Just the time pressures?

23 A. Got to get the wall running.

24 Q. Thank you. Now, are you over the pumping crew
25 that was back behind the wall?

1 A. Yes.

2 Q. How many pumps do you guess were --- air pumps
3 were placed back in that area?

4 A. From here back, altogether?

5 Q. Uh-huh (yes).

6 A. Probably 25.

7 Q. Okay. Now, are you familiar with the compressor
8 they used to drive those pumps?

9 A. No. No, it was outside.

10 Q. Okay. Who was in charge of that? Do you know?

11 A. In charge of the what, the compressor?

12 Q. The maintenance and operation of the compressor.

13 A. Paul Thompson.

14 Q. Okay.

15 A. I believe. I'm not a hundred percent sure on
16 that, but ---.

17 Q. Okay, sure. Appreciate that. Okay. You ever get
18 back behind the wall after they started production?

19 A. Yes.

20 Q. How deep was the water?

21 A. In the Number --- in that swag in the Number Four
22 entry, it had roofed out. I'm going to say it was six
23 feet deep.

24 Q. Okay.

25 A. In the Number Three entry it had roofed out. In

1 the Number Two entry it was 18 inches to 2 foot from
2 roofing, and the Number One entry it was probably 4
3 and a half feet deep

4 Q. Okay. And roughly how high was the mining height
5 through there?

6 A. Six and a half. Six to seven foot.

7 Q. Okay. So you actually lost most of your cross
8 sectional area?

9 A. Most of it, yes.

10 Q. Okay.

11 A. But when we found that problem, also, we shut the
12 longwall down and both the sections affected in that
13 return.

14 Q. Okay. And then you --- did you install the pumps
15 after you found that?

16 A. Yes. That's when we started bringing pumps, more
17 pumps back there. We already had a few air pumps back
18 there that were sustaining some small waterholes.

19 Q. Okay.

20 A. And then we brought in more pumps to set in those
21 --- in that area.

22 Q. Okay. Are you aware of an inrush of water that
23 occurred sometime in October or November in the
24 longwall?

25 A. Yes.

1 Q. Did you have to do anything from your side of the
2 operation because of that? Did you have to put more
3 pumps in or ---?

4 A. That was why it was flooded, ---

5 Q. Oh, okay.

6 A. --- was that inrush of water.

7 Q. Okay.

8 A. The water was fine behind the wall until that
9 came.

10 Q. Oh, okay.

11 A. We were just, you know, keeping it pumped down,
12 and then that inrush of water came and it roofed
13 out ---

14 Q. Oh, okay.

15 A. --- back there.

16 Q. Okay.

17 A. And that's when we shut everything down.

18 Q. Okay. Do you recall about when that happened?
19 We've got late fall.

20 A. Yeah, it was either late --- I'm going to say late
21 October to early November, in that area.

22 Q. Okay. Did you actually get up on the wall to see
23 the water coming in?

24 A. It was affecting the wall some, but most of it was
25 running inby the wall.

1 Q. Okay. Let me change topics a bit on you here. We
2 know there was a lot of things going on in the
3 ventilation in this mine.

4 A. Uh-huh (yes).

5 Q. Who was in charge of the ventilation?

6 A. Engineering, Jamie Ferguson and Chris Blanchard, I
7 guess.

8 Q. Okay. Now, when you say Engineering, who's that?

9 A. Route 3 Engineering. I'm not a hundred percent
10 sure who our engineer was. You know, they've got a
11 few engineers that work down there.

12 Q. Sure.

13 A. And they make up what our plans need to be and
14 they send it up to us.

15 Q. Okay. Did you ever work with Route 3 Engineering
16 on the ventilation?

17 A. Very rarely, if I did.

18 Q. Who did that?

19 A. Usually Chris Blanchard or Jamie Ferguson would
20 work with them, and then they would bring the plan up
21 to us and review it with mine foreman, superintendent,
22 with me and Everett or me and Homer or whoever, and
23 then we would put it in place.

24 Q. Okay. Thank you. Are you aware of anybody going
25 through all or part of the northern part of the mine

1 and doing a ventilation survey at any time, where you
2 measured quantities and pressures and ---?

3 A. In the whole mines?

4 Q. Uh-huh (yes).

5 A. Well, I mean, we would do that after a ventilation
6 change to make sure, you know, we still had our air
7 going in the direction it needed to be and the amount
8 going.

9 Q. Yeah, but that's generally not the detail you need
10 to really plan for ventilation. You need to basically
11 measure all the splits.

12 A. Right.

13 Q. You need to measure the pressures, which would you
14 guys do that?

15 A. I'm not a hundred percent sure of anybody doing
16 anything like that.

17 Q. Okay. Do you know if anybody asked either Route 3
18 Engineering or asked an outside consultant to take a
19 hard look at the ventilation?

20 A. I do not know.

21 Q. Okay. Thank you. What'd you think about the
22 ventilation in the mine?

23 A. It was working great when I was there.

24 Q. Now, when were you there?

25 A. I was there from, what was that, December of 2008

1 until December of 2009.

2 Q. Okay. And where'd you go in December of 2009?

3 A. Marsh Fork mines.

4 Q. Okay. So you weren't anywhere around the mine at
5 the time of ---

6 A. No, sir.

7 Q. --- the explosion? Okay. Who took your place?
8 Do you know?

9 A. I'm not a hundred percent sure. I think Terry
10 Moore did.

11 Q. Okay. Now, when you left in December of 2009 had
12 they started the 22 Headgate?

13 A. We had just drove this across, the ---

14 Q. The connecting ---?

15 A. --- mouth of the tailgate, or mouth of the
16 headgate across.

17 Q. Okay.

18 A. We were setting up to turn left-handed.

19 Q. Okay.

20 A. And no, they had not started driving left-handed.

21 Q. Okay. So this is the area that we're calling the
22 connector.

23 Q. Okay.

24 A. There may be a better term for that, but that's
25 just what we've settled on.

1 Q. Okay.

2 Q. What do you guys call this?

3 A. I mean, that was the One Section at the time I was
4 there, and then we changed it to Headgate 22 and ---.

5 Q. That's confused everybody since then, ---

6 A. I know.

7 Q. --- including us.

8 A. That was the headgate crew. They were going to
9 start driving the headgate, so ---.

10 Q. Sure, uh-huh (yes). Okay. What about rock dust
11 in the mine?

12 A. What about it?

13 Q. How did you keep up with it?

14 A. We had crews on the third shift that used the
15 pull-behind track dusters. And section shad scoop
16 dusters on them. And then hand bag dust. That's
17 really about it.

18 Q. Did you keep up with your rock dust usage some
19 places out of, like, so many pounds per ton, some
20 places so many bags per foot of advance or did ---?

21 A. No, we didn't have any special, you know,
22 recommendation.

23 Q. Okay.

24 A. Trying to keep it white every week.

25 Q. Okay.

1 A. Keep it as thick as possible.

2 Q. Sure. Now, the pull-behind unit that you were
3 talking about, was that --- how often did you guys use
4 that? Was that every shift?

5 A. They dusted every night on the third shift. We
6 had a dust crew. Every night ---

7 Q. Okay.

8 A. --- they dusted.

9 Q. So just on the third shift?

10 A. Yes, sir.

11 Q. Was that unit used every night, then?

12 A. As far as I know, it was. Yes, sir.

13 Q. Okay.

14 A. It was while I was there.

15 Q. Okay. Now, when you say every night, is that five
16 nights a week or seven nights a week?

17 A. Probably six nights a week.

18 Q. Okay.

19 A. Five to six nights a week.

20 Q. Okay. Do you know if that unit was kept in good
21 repair?

22 A. Yes, sir. I mean, it was fine while I was there.

23 Q. Okay.

24 A. Every time something went wrong, I would have my
25 dayshift fix it, so they would be ready for them again

1 on the third shift.

2 Q. Did you ever hear that there was a problem with
3 air pressure on that unit?

4 A. The compressor did give us some trouble.

5 Q. Okay. Did you schedule any maintenance for that
6 compressor?

7 A. Well, I had the outside electrician there look at,
8 and he had worked on it and as far as I know, they
9 weren't having any more trouble out of it.

10 Q. Okay. Thank you. What about the methane
11 monitors? I know you probably kept up with some of
12 the, you know, press and stuff.

13 A. We never bridged any methane monitors at that coal
14 mines.

15 Q. Okay.

16 A. If any methane monitors were ever bridged, it
17 would be just to back something out to work on it.

18 Q. Okay. Now, why would you do that, because I
19 understand there was ---?

20 A. Nowadays, you don't have to. Right. Nowadays you
21 don't have to.

22 Q. Okay. So maybe some of the older miners?

23 A. Maybe some of the older miners, but never ---.

24 While I was there, there was never any methane
25 monitors bridged out that I knew of.

1 Q. Okay. Did you ever know of anybody putting a bag
2 or something over one of the sniffers?

3 A. No, sir. Never.

4 Q. Okay. Thank you. Did you ever hear of any of the
5 sections having problems with air quantities?

6 A. Just when we were driving up the headgate up
7 there ---

8 Q. Okay.

9 A. --- we had some air trouble. And then after the
10 Bandytown fan came in, the problems were cured.

11 Q. Okay. What about floor heaving?

12 A. Bottom hooving?

13 Q. Yeah, uh-huh (yes).

14 A. We had some bottom hooving in the far right entry
15 on the tailgate when we were driving it. There was no
16 major bottom hooving on the headgate that I knew of.
17 Now, after the longwall pulls past it, of course
18 you're going to have bottom hooving and top
19 breaking, ---

20 Q. Sure.

21 A. --- but not on advance or anything, except for on
22 the tailgate in the far right entry.

23 Q. Okay. Let's talk about equipment doors. We
24 understand there was a lot of equipment doors in this
25 mine. And in almost all mines that I'm familiar with

1 there would've been overcasts in most of those
2 positions.

3 A. Uh-huh (yes).

4 Q. Why did you guys go with equipment doors? Do you
5 know?

6 A. No, sir. They were already in place before I came
7 there.

8 Q. Okay. Thank you. Have you ever come upon those
9 doors and noticed that one or more of them were open?

10 A. I mean I've come upon them and one would be tore
11 out or something, but we would fix it as soon as we
12 found the problem.

13 Q. Okay.

14 A. Or the problem would be reported to us and we
15 would go get it fixed.

16 Q. Sure. Did you ever hear of, at shift change, the
17 first crew opening the doors up and the last one
18 shutting the doors?

19 A. I've heard that, but I never witnessed it.

20 Q. Okay.

21 A. And those men knew that that's their intake, that
22 they couldn't do that.

23 Q. What about when you were up on the sections? Was
24 the ventilation fairly consistent or did it fluctuate?

25 A. Like I said, after the Bandytown fan was in, we

1 had good air on both sections, and I mean no air
2 problems. I never felt any fluctuations in there at
3 all ---

4 Q. Okay.

5 A. --- on both of my sections.

6 Q. Okay. Let me ask you just an opinion, and that's
7 --- we're asking virtually everybody we're talking to,
8 now. And that's all it is, is an opinion. What do
9 you think happened with this explosion?

10 A. I think that there was probably the crack in the
11 bottom and it came upon a bunch of gas, shot up on
12 those boys all of a sudden and somehow it got ignited
13 and caused the explosion.

14 Q. Okay. Now, did you know that the power had been
15 pulled on the shearer?

16 A. No, I did not.

17 Q. Okay. The visual disconnects had been pulled, and
18 we're just ---?

19 A. So maybe they new that all the gas had came upon
20 them, and then something happened behind them. Maybe
21 one piece of sand rock fell and caused one spark.

22 Q. Yeah.

23 A. Yeah, I mean, nobody will probably ever know, but
24 that's what I would say.

25 Q. Sure.

1 A. I'd say the longwall is where it started somehow.

2 Q. Have you spoken with many of the people since the
3 explosion?

4 A. Not many, no, sir.

5 Q. Okay. Let me tell you what we know about the
6 face.

7 A. Okay.

8 Q. Maybe it'll help you out here. We know that the
9 shearer was cut out on the tail or very close to being
10 cut out, within a few feet. Both the drums were
11 extended. The pan line was empty of coal and the
12 state loader was empty of coal, and we don't think
13 that it was blown of, because we haven't found any
14 coal around the headgate. The visual disconnect on
15 the high voltage for the shearer was pulled. The
16 water was turned off. Both those were done on the
17 headgate. The E-stops had been hit roughly three,
18 four minutes prior to the explosion, and we think that
19 probably occurred prior to the visual disconnect being
20 pulled, but we don't know.

21 The closest victim to the shearer was about
22 mid-face and there were, as best I remember, three,
23 three victims about mid-face. Then the rest of them
24 were further outby the tailgate.

25 A. I'm thinking it was shift change. They was going

1 home.

2 Q. That's been suggested by several people. That
3 sounds reasonable.

4 A. They don't usually hot seat, ---

5 Q. Yeah.

6 A. --- is the only reason that doesn't sound right.

7 Q. Yeah. Exactly. And then we know the crew wasn't
8 even close to take over, and fortunately so.

9 A. Uh-huh (yes).

10 Q. Another thing that's been suggested that seems
11 credible is they had a problem with the high voltage
12 cable or the britby or something like that, because
13 one of the victims near mid-face was an electrician,
14 and another electrician was up near the headgate.
15 Knowing that, what would you --- what would your
16 opinion be? Would it change?

17 A. I just can't see why the shearer operators
18 wouldn't still be on the face or anything, you know.

19 Q. Sure.

20 A. I mean, I could see if you had found them over
21 here setting props or something, ---

22 Q. Sure, uh-huh (yes).

23 A. --- but I don't know. It doesn't make sense.

24 Q. Yeah. That's one of the big questions we got, and
25 that's why I'm asking everybody that has any

1 familiarity or experience with this what they think.

2 Okay.

3 A. I don't know. It just ---

4 Q. Yeah.

5 A. --- doesn't make sense to me.

6 Q. Yeah, and even if there was a big inrush of

7 methane ---.

8 A. If the power was knocked on it, what would've

9 caused it?

10 Q. Exactly. So anyway, I appreciate your

11 information, your candidness. Oh, one other question

12 for you. When you were there, was there any use of

13 explosives in this part of the mine that you're aware

14 of?

15 A. Behind the longwall we had shot some bottom.

16 Q. Okay. And was that for a sump?

17 A. That was trying to ditch the water ---

18 Q. Oh, okay.

19 A. --- back there.

20 Q. Okay. Did you have much success with that?

21 A. No.

22 Q. Okay.

23 A. No, no, we didn't have any success with it.

24 Q. Okay.

25 A. Just a lot of work for nothing.

1 Q. Any other use of explosives that you're aware of?

2 A. Not that I can think of, no, sir.

3 Q. Okay. When the headgate and tailgate were driven,
4 we understand that something got off on the --- near
5 the takeout point, and the block was actually about
6 ten feet over width. Are you aware of that?

7 A. What, now?

8 Q. The longwall panel was about ten feet too wide.

9 A. Too wide, yeah, I remember that.

10 Q. Do you recall what you guys did to try to address
11 that?

12 A. When they went to start this cut-across down here,
13 they took the miner and sheared this up through here.

14 Q. Okay. So you think it was corrected?

15 A. Yes. As far as I know, it was, yes, sir.

16 Q. Okay. Now, we have found holes drilled in the
17 tailgate side of the block, actually near the point
18 where the shearer was when the explosion happened.
19 And those holes are three to five feet deep. Were you
20 aware of that?

21 A. No, sir.

22 Q. Okay.

23 A. When I left, the longwall was probably up in here.

24 Q. Okay.

25 A. We were just --- we just had finished this cut-

1 across here.

2 Q. Okay. And you're pointing about a third of the
3 way ---

4 A. Well, ---

5 Q. --- up the panel?

6 A. --- let's see. I guess they were more right in
7 here if this was November.

8 Q. Okay. About halfway up the panel ---

9 A. Uh-huh (yes).

10 Q. --- roughly?

11 A. About halfway up the panel.

12 Q. Okay. What about notification that an inspector
13 was on the property? Did you ever hear anything like
14 that when you were underground?

15 A. Well, I mean anytime if you'd call outside and you
16 had somebody outside, nine out of ten times the mine
17 foreman's going to travel with him.

18 Q. Uh-huh (yes).

19 A. So I would have to go back outside and ---.

20 Q. Oh, okay.

21 A. --- get him.

22 Q. Okay. So they'd, like, page for you or something?

23 A. They'd holler for me, and when I'd pick up the
24 phone, you got to --- you know, you need to come
25 outside. We got, say, a Federal man be traveling in.

1 Q. Sure, uh-huh (yes).

2 A. I'd say, okay.

3 Q. Yeah. So did you travel with a lot of the
4 inspectors?

5 A. Yes, sir.

6 MR. SHERER:

7 Okay. That's all the questions I've got
8 for right now.

9 EXAMINATION

10 BY MR. FARLEY:

11 Q. Okay. Mr. Coalson, I got a few to clarify, some
12 stuff, so just be patient with me. Do you need to
13 take a break for anything?

14 A. No, I'm fine.

15 Q. Okay. When you were grading the bottom down
16 towards the Bandytown fan here ---

17 A. Uh-huh (yes).

18 Q. --- to facilitate flow of water, was the longwall
19 being set up at the time or ---?

20 A. I'm not 100 percent sure if they were setting
21 jacks yet or not. It may've been while we were
22 starting the grade up there, because we were done
23 loading inby and everything. It may have been. I'm
24 not a hundred percent sure.

25 Q. Okay. Is it possible they could've been producing

1 at the time?

2 A. No, no. I know for a fact they were not
3 producing.

4 Q. Okay. Now, when you finished in the areas toward
5 the Bandytown fan, was the longwall in operation when
6 the equipment was moved out of that area?

7 A. Once we got the equipment out, the longwall did
8 start.

9 Q. Okay. The mouth of the longwall, you know,
10 the ---?

11 A. Seventy-eight (78) Break?

12 Q. Now, I mean, down here where we had the --- where
13 the panel was a little bit too wide ---

14 A. Uh-huh (yes).

15 Q. --- and you believe that they had to shear some of
16 it?

17 A. Uh-huh (yes).

18 Q. Was the longwall in operation then when that was
19 going on?

20 A. Yes, sir.

21 Q. Okay.

22 A. It was way inby.

23 Q. Okay. Do you recall about when that was?

24 A. No, sir. I sure don't.

25 Q. Okay.

1 A. See, when we were finishing up this, Gary May took
2 over this part for me. And he was over this end, and
3 then once he got that connected, then I was moving and
4 I became back over this again. We had that big
5 equipment move. They split it up so that --- you
6 know, because they knew that I wouldn't be able to
7 take care of this and get that big equipment move in
8 and ---.

9 Q. Okay. All right. Just for the record, when you
10 say this, you're pointing to the connector in the ---?

11 A. The connector on the tailgate.

12 Q. Okay.

13 A. Now, I was over the room, rooming going down
14 towards the main line.

15 Q. Okay. Now, you were at UBB roughly a year; is
16 that ---? Now, I think we've just mentioned some
17 equipment moves here. Did you personally supervise or
18 participate in any major equipment moves?

19 A. Yes, I did help with some of the equipment moves.

20 Q. Okay. Now, when the equipment moves were made,
21 were people working inby in the same split of air,
22 passing by the move?

23 A. Are you talking about loading coal?

24 Q. Well, I mean, ---

25 A. No.

1 Q. --- just inby in the same split of air for any
2 reason.

3 A. No, no. When we were moving equipment, the only
4 people that were inby us were other people moving
5 equipment on towards us, and we --- you know.

6 Q. Okay. All right. Was the equipment usually
7 trammed?

8 A. Yes.

9 Q. Okay. When you moved the equipment out of the
10 headgate entries up towards Bandytown fan, where did
11 you all need to take it to?

12 A. We moved it down this return and started setting
13 this panel up here.

14 Q. Okay. Where that was sort of a section move?

15 A. Yeah, that's what it was. Yes, sir, it was
16 section move. We moved off the headgate up there to
17 right here and started loading here.

18 Q. Okay.

19 MR. SHERER:

20 And then right here, you're pointing to
21 the connector?

22 A. At the connector, I'm sorry.

23 MR. SHERER:

24 No problem. Okay.

25 BY MR. FARLEY:

1 Q. Okay. Now, you're participating in the equipment
2 moves where the equipment was transported from the
3 surface to underground to the working section?

4 A. No, sir.

5 Q. Now, when you left UBB and went to Marfork, you
6 said?

7 A. Marsh Fork Mine.

8 Q. Marsh Fork?

9 A. Uh-huh (yes).

10 Q. Now, was that a transfer or promotion? What was
11 the nature of your move?

12 A. I was transferred over there as a section foreman.
13 I was suspended and then transferred over there.

14 Q. Okay. Was there a particular reason for your
15 suspension?

16 A. The suspension said not performing the duties of
17 the mine foreman. There was a tube that went across
18 the road they wanted cleaned out, and I didn't get it
19 cleaned out in ample time for them.

20 Q. Okay, all right. And who would've been the person
21 to make the decision regarding your suspension?

22 A. I guess Jamie Ferguson or Chris Blanchard.

23 Q. Okay. October or November 2009 when you had the
24 inrush of water that resulted in the flooding in the
25 headgate entries in here and back towards the back end

1 of the longwall, now, when you're talking about an
2 inrush of water, are we talking about coming from the
3 top?

4 A. You couldn't tell, because it was coming out of
5 the gob.

6 Q. Okay.

7 A. I mean, you didn't know if it was coming out of
8 the bottom. You couldn't tell if it was coming out of
9 the top ---

10 Q. Okay.

11 A. --- because it was running out of the back of the
12 gob line.

13 MR. FARLEY:

14 All right. Okay.

15 EXAMINATION

16 BY MS. SPENCE:

17 Q. Looking back now from this perspective, is there
18 anything about that mine that maybe should've raised
19 some warning signals that maybe something like this
20 could happen, or was this a total surprise for you?

21 A. I mean, I was in sheer shock whenever I heard
22 about this happening. I mean, out of all the mines in
23 West Virginia, I never would've dreamed UBB would've
24 blew up.

25 Q. How come?

1 A. Well, I mean, we weren't --- you know, it wasn't
2 that gassy of a mines. I mean, we did liberate some
3 methane, but it wasn't very much, and they was pretty
4 safe workers everywhere. I mean, everybody did what
5 they were supposed pretty good and you know, I just
6 didn't --- I just didn't see that ---. It was a lot
7 of older coal miners that, you know, knew their jobs
8 well and a lot of really good men.

9 Q. What about the leadership? You sort of smiled
10 when you were talking about Blanchard and Ferguson.

11 A. What?

12 Q. How was their leadership?

13 A. They were good men. I mean, Chris Blanchard is
14 smart as a tack. He knows coal mining very well.
15 Jamie Ferguson's a smart coal miner. I mean ---.

16 Q. Just nothing, nothing to predict this, huh?

17 A. No, I swear I would never have thought that UBB
18 would blow up. I really didn't.

19 MS. SPENCE:

20 Okay.

21 RE-EXAMINATION

22 BY MR. SHERER:

23 Q. I have one question, Mr. Coalson. Did you have
24 the resources and support to produce coal safely?

25 A. Yes, sir.

1 Q. Okay. Do you think you had adequate examination
2 resources, fire bosses and weekly examiners?

3 A. Yes, sir.

4 MR. SHERER:

5 Okay. Thank you.

6 RE-EXAMINATION

7 BY MR. FARLEY:

8 Q. Sorry to ask this again, but concerning your
9 suspension, what was it you were supposed to have
10 cleaned out, tube?

11 A. Yeah, the tube going across the belt, right there
12 where it comes out of Ellis or comes out of UBB, goes
13 into Ellis, that tube there.

14 Q. Okay. Now, when you say have it cleaned out ---?

15 A. Shoveled.

16 Q. Okay.

17 A. The bottom of the tube.

18 Q. All right. I got you.

19 A. Coal accumulation in the bottom of it.

20 Q. I got ---.

21 A. Elk Run's tube had just burnt a couple weeks
22 before that or ---

23 Q. Okay.

24 A. --- a month.

25 MR. FARLEY:

1 Okay.

2 MR. SHERER:

3 Okay. I don't have any more questions.

4 Okay. We want to thank you for coming down here and
5 talking to us this afternoon, Mr. Coalson. Your
6 testimony is very important to us and if you have any
7 problems, this is is a protected act under the Federal
8 Mine Act, so if you have any problems, just let us
9 know.

10 A. All right. Thank you all.

11 MR. FARLEY:

12 Thank you.

13 MR. SHERER:

14 Thank you.

15 MS. SPENCE:

16 Erik, might, Mr. Coalson, want to make a
17 statement?

18 MR. SHERER:

19 Oh, I forgot that. I'm sorry. I'm a
20 poor substitute for our attorney, so I apologize for
21 that. If you have any additional comments or
22 statement that you wish to make on the record, we'd be
23 glad to entertain that.

24 A. No, sir.

25 MR. SHERER:

1 Okay. Thank you.

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STATEMENT UNDER OATH CONCLUDED AT 2:00 P.M.

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CERTIFICATE

I, Danielle Ohm, 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.



Danielle Ohm