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**Transcript of the Testimony of James Walker**

**Date:** August 17, 2010

**Case:**

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CONFIDENTIAL STATEMENT UNDER OATH

OF

JAMES WALKER

taken pursuant to Notice by Alison Salyards, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine Health & Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Tuesday, August 17, 2010, beginning at 1:10 p.m.

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\* Exhibit not attached

## P R O C E E D I N G S

1  
2 -----  
3 ATTORNEY BABINGTON:

4 My name is Matt Babington. Today is  
5 August 17th, 2010. I'm with the Office of the  
6 Solicitor, U.S. Department of Labor. With me is Erik  
7 Sherer, an accident investigator with the Mine Safety  
8 and Health Administration, MSHA, an agency of the U.S.  
9 Department of Labor. Also present are several people  
10 from the State of West Virginia. I ask that they  
11 state their appearance for the record.

12 MR. FARLEY:

13 I'm Terry Farley, with the Office of  
14 Miners' Health, Safety and Training.

15 MR. O'BRIEN:

16 John O'Brien, with the West Virginia  
17 Office of Miners' Health, Safety and Training.

18 ATTORNEY KOERBER:

19 Barry Koerber, Assistant Attorney  
20 General. I'm assigned to represent the West Virginia  
21 Office of Miners' Health, Safety and Training.

22 MS. MONFORTON:

23 Celeste Monforton, with the Governor's  
24 independent team.

25 ATTORNEY HARDY:

1 David J. Hardy with Allen Guthrie &  
2 Thomas from Performance Coal.

3 ATTORNEY SEARS:

4 Chris Sears from Shuman, McCuskey &  
5 Slicer on behalf of Mr. Walker.

6 ATTORNEY BABINGTON:

7 Barry?

8 ATTORNEY KOERBER:

9 Would you please swear in the witness?

10 -----

11 JAMES WALKER, HAVING FIRST BEEN DULY SWORN, TESTIFIED  
12 AS FOLLOWS:

13 -----

14 ATTORNEY KOERBER:

15 Mr. Walker, would you please state your  
16 full name for the record and spell your last name?

17 A. James F. Walker, W-A-L-K-E-R.

18 ATTORNEY KOERBER:

19 And would you please state your address  
20 and your telephone number?

21 A. (b) (7)(C)

22 (b) (7)(C)

23 ATTORNEY KOERBER:

24 Mr. Walker, do you have an attorney  
25 representing you here today?

1 A. Yes.

2 ATTORNEY KOERBER:

3 And would you please identify that  
4 attorney?

5 A. Chris.

6 ATTORNEY KOERBER:

7 Thank you. And you've already identified  
8 yourself, Mr. Sears, for the record.

9 ATTORNEY SEARS:

10 Yes.

11 ATTORNEY KOERBER:

12 I would just ask you, Mr. Sears, is Mr.  
13 Walker your client?

14 ATTORNEY SEARS:

15 Yes, he is.

16 ATTORNEY KOERBER:

17 Mr. Walker, are you appearing here today  
18 as a result of being served with a subpoena?

19 A. Yes.

20 ATTORNEY KOERBER:

21 This is a copy of that subpoena, but  
22 you're free to look at that to make sure that it is a  
23 copy of the one you received.

24 WITNESS REVIEWS DOCUMENT

25 ATTORNEY KOERBER:

1 Does that look like the copy you  
2 received?

3 A. Yes.

4 ATTORNEY KOERBER:

5 I would ask that this be Exhibit One.

6 (J. Walker Exhibit One marked for  
7 identification.)

8 ATTORNEY KOERBER:

9 This is a copy of the green card signed  
10 by you received on August 7th. Does that look like  
11 the green card you signed?

12 A. Yes.

13 ATTORNEY KOERBER:

14 I would ask that that be made Exhibit  
15 Two.

16 (J. Walker Exhibit Two marked for  
17 identification.)

18 ATTORNEY KOERBER:

19 Mr. Walker, pursuant to the statute that  
20 authorizes the director to serve subpoenas on  
21 witnesses, that statute also requires the director to  
22 provide to a subpoenaed witness a \$40-a-day witness  
23 fee and mileage reimbursement to and from here if you  
24 came in your personal vehicle at the rate of 15 cents  
25 a mile. If you would like that money, I have two

1 forms that need to be filled out at the end of this  
2 interview. One is a W-9, an IRS form, requesting your  
3 Social Security number. And another is a document  
4 that requests your name, address, and will calculate  
5 the amount due you. You are certainly welcome to that  
6 money, and we can fill these documents out at the end  
7 of the interview or you can decline that money, but  
8 you need to make an election at this point in time.

9 A. I didn't drive my personal vehicle.

10 ATTORNEY KOERBER:

11 Then you would only be entitled to the  
12 \$40 witness fee.

13 A. I'll accept that.

14 ATTORNEY KOERBER:

15 You'll accept that?

16 A. Yes.

17 ATTORNEY KOERBER:

18 Okay. We will put out the forms at the  
19 end. Go ahead.

20 ATTORNEY BABINGTON:

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  
2 voluntarily provides 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 a  
7 premature release of information. This  
8 confidentiality requirement shall not preclude  
9 investigation team members from sharing information  
10 with each other or with other law enforcement  
11 officials. Investigation team members' participation  
12 in this interview constitutes their agreement to keep  
13 this information confidential.

14 Government investigators and specialists

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

23 You may have your personal attorney

24 present during the taking of this statement or another  
25 personal representative if MSHA has permitted it. You

1 may consult with your attorney or representative at  
2 any time. Since this is not an adversarial  
3 proceeding, formal Cross Examination will not be  
4 permitted. However, your personal legal  
5 representative, as well as Mr. Hardy, may ask  
6 clarifying questions as appropriate.

7 Your identity and the content of this  
8 conversation will be made public at the conclusion of  
9 the interview process and may be included in a public  
10 report of the accident, unless you request that your  
11 identity remain confidential or your information would  
12 otherwise jeopardize a potential criminal  
13 investigation. If you request us to keep your  
14 identity confidential, we will do so to the extent  
15 permitted by law. That means that if a judge orders  
16 us to reveal your name or if another law requires us  
17 to reveal your name or if we need to reveal your name  
18 for other law enforcement purposes, we may do so.  
19 Also, there may be a need to use the information you  
20 provide to us or other information we may ask you to  
21 provide in the future in other investigations into and  
22 hearings about the explosion. Do you understand?

23 A. Yes.

24 ATTORNEY BABINGTON:

25 Do you have any questions?

1 A. No.

2 ATTORNEY BABINGTON:

3 After the investigation is completed,

4 MSHA will issue a public report detailing the nature  
5 and causes of the fatalities in the hope that greater  
6 awareness about the causes of accidents can reduce  
7 their occurrence in the future. Information obtained  
8 through witness interviews is frequently included in  
9 these reports.

10 Since we will be interviewing other  
11 individuals, we request that you not discuss your  
12 testimony with any person, aside from a personal  
13 representative or counsel.

14 A court reporter will record your  
15 interview. Please speak loudly and clearly. If you  
16 do not understand a question asked, please ask the  
17 interviewer to rephrase it. Please answer each  
18 question as fully as you can, including any  
19 information you've learned from someone else. I'd  
20 like to thank you in advance for your appearance here.  
21 We appreciate your assistance in this investigation.  
22 Your cooperation is critical in making the nation's  
23 mines safer.

24 After we finished asking questions,

25 you'll have an opportunity to make a statement and

1 provide us with any other information that you believe  
2 to be important. If at any time after the interview  
3 you recall any additional information that you believe  
4 might be useful, please contact any of us or Norman  
5 Page at the contact information previously provided to  
6 you.

7 Finally, any statements given by miner

8 witnesses to MSHA are considered to be an exercise of  
9 statutory rights and protected activity under Section  
10 105(c) of the Mine Act. If you believe any discharge,  
11 discrimination or other adverse action is taken  
12 against you as a result of your cooperation with this  
13 investigation, you're encouraged to immediately  
14 contact MSHA and file a complaint under Section 105(c)  
15 of the Act. Barry?

16 ATTORNEY KOERBER:

17 Mr. Walker, on behalf of the West

18 Virginia Office of Miners' Health, Safety and  
19 Training, I would like to inform you that West  
20 Virginia Code 22A-1-22 also protects miners from  
21 discrimination for participating in interviews such as  
22 this. I would like to provide to you the address of  
23 the Board of Appeals, which is the entity that hears  
24 discrimination matters. And I also am providing you  
25 with some contact information in the event that you

1        need assistance in determining how to file such a  
2        complaint if you deem that to be necessary. I would  
3        like to mention to you that the statute provides only  
4        a 30-day window from the time that the discriminatory  
5        act occurred until such time that you must file the  
6        complaint. I would just ask that you take that along  
7        with you, sir.

8        ATTORNEY BABINGTON:

9        Mr. Hardy, I just have one clarifying  
10       question before we begin. You say you're appearing  
11       here on behalf of Performance Coal; is that correct?

12       ATTORNEY HARDY:

13       Yes.

14       ATTORNEY BABINGTON:

15       Okay. And I guess what is --- in what  
16       capacity are you appearing here today?

17       ATTORNEY HARDY:

18       Counsel.

19       ATTORNEY BABINGTON:

20       I guess I'm --- as I understand, you  
21       indicated prior to this interview that you believe  
22       that Mr. Walker is a corporate party; is that correct?

23       ATTORNEY HARDY:

24       I believe he's an agent as defined by the  
25       Federal Mine Safety & Health Act of '77 and

1 interpretative case law. I also think that MSHA had  
2 conceded in your May 7, 2010 letter from Robert  
3 Wilson, that a safety director from the company fits  
4 your definition of a corporate party.

5 ATTORNEY BABINGTON:

6 Okay. Thank you, Mr. Hardy. Erik?

7 EXAMINATION

8 BY MR. SHERER:

9 Q. First of all, I want to thank you for coming down  
10 here, Mr. Walker. We're trying to determine what  
11 happened with this explosion, the conditions and  
12 practices and everything we can. And there's two  
13 reasons for doing that. The first one is the 29  
14 families and the friends and the coworkers of these  
15 miners, they deserve some closure. And the second  
16 reason is we're trying to prevent this type of  
17 explosion in the future. So any information that you  
18 can give us that will help us determine those things  
19 and prevent this type of explosion in the future is  
20 greatly appreciated. Roughly, how many years of  
21 mining experience do you have?

22 A. Thirty-eight (38).

23 Q. Thirty-eight (38). When did you start with Massey  
24 organization?

25 A. 1995.

1 Q. 1995. When did you start at Upper Big Branch?

2 A. The latter part of September' 09.

3 Q. Okay. Thank you. And I understand --- what's  
4 your position description?

5 A. My description is safety director.

6 Q. Safety director. Is that just over Upper Big  
7 Branch or is that over more than one mine?

8 A. Upper Big Branch.

9 Q. What is the normal duties of a safety director at  
10 Upper Big Branch?

11 A. My job was to more or less inspect, train,  
12 investigate, dust sampling and those types of  
13 activities.

14 Q. Okay. Did you have anybody working for you?

15 A. No.

16 Q. Okay. Who did you report to?

17 A. Chris Blanchard.

18 Q. Chris Blanchard.

19 A. Up until January, when Wayne Persinger came to  
20 UBB, I reported to him.

21 Q. Did you still have like a dotted line relationship  
22 to Mr. Blanchard?

23 A. You mean now?

24 Q. Prior to the explosion. Did you --- sometimes you  
25 may get somebody else that you need to report to and

1 still report to the original party. Did you do that?

2 Did you report to Mr. Persinger and Mr. Blanchard?

3 A. No, just --- when Mr. Persinger came on board,  
4 reported to him.

5 Q. Okay. Thank you. Was there more than one safety  
6 director ---

7 A. Yes.

8 Q. --- at Upper Big Branch?

9 A. Yes.

10 Q. Who else was safety directors, please?

11 A. Berman Cornett.

12 Q. So you two handled the entire mine?

13 A. Yes.

14 Q. Was there any geographic split of the mine? Did  
15 you have like one part and Mr. Cornett have another  
16 part or did you share duties or --- how did that work?

17 A. We tried to split it up. He more or less took  
18 care of the north end, and I tried the south end.  
19 After we had gotten into this type of work, a few  
20 months into it we decided to try to split it up  
21 because of the size of it.

22 Q. Sure. What shift did you normally work?

23 A. I worked the evening shift up until mid-December,  
24 then I went to dayshift. And we were both on dayshift  
25 then.

1 Q. Have you received any special training in safety-  
2 related items?

3 A. Well, in 38 years I was compliance inspector with  
4 Westmoreland Coal back in the '80s. Other than that,  
5 I've been a mine foreman, superintendent, section  
6 foreman, just with a lot of experience in mining.

7 Q. Okay. Sure.

8 A. I've traveled with inspectors a lot.

9 Q. Do you have any education, a degree or anything?

10 A. Yes, I do. I have a recent B.S. degree from West  
11 Virginia State.

12 Q. Do you have any State or Federal mine  
13 certificates?

14 A. I'm a certified mine foreman, fire boss. I'm a  
15 certified instructor with MSHA. I have a shot fireman  
16 certification, EMT, dust sampling, of course a  
17 certified underground miner.

18 Q. That's an impressive list. So you --- the entire  
19 time you were with Upper Big Branch, were you a safety  
20 --- working in safety?

21 A. Yes.

22 Q. Did you travel throughout the mine or just in the  
23 southern part of the mine?

24 A. No, I traveled throughout the mine. I tried to  
25 make myself familiar with the entire mine when I went

1       there. I needed to be familiar with it.

2       Q. Okay. Good. When you traveled throughout the  
3       mine, did you travel with inspectors, did you travel  
4       to hang dust pumps, did you travel just for your own  
5       reasons, or did you travel for all those reasons?

6       A. Well, for all those reasons mainly because I  
7       wanted to know --- if I was underground, I needed to  
8       know the layout of the mine.

9       Q. Okay. Good. When you were doing that, did you  
10      notice the conditions of the ribs throughout the mine?

11     A. What conditions are you speaking of?

12     Q. Did you notice any places that had bad ribs?

13     A. Not that I can recall. I don't recall nothing  
14     major, no.

15     Q. Did you notice any places that needed additional  
16     roof support?

17     A. On occasion, yes. Uh-huh (yes).

18     Q. What did you do when you noticed those?

19     A. I would report that to the --- to management.

20     Q. And who would you report that to?

21     A. The mine foreman, superintendent.

22     Q. And who was that?

23     A. Early in '09 the superintendent was Everett Hager,  
24     Gary May. And the mine foreman, they were Andy Kolson  
25     and Rick Foster. And in '10, Kolson was sent to

1 another operation, and Terry Moore was the mine  
2 foreman.

3 Q. Okay. And when you reported problems with the  
4 roof support, did you think that they were fixed?

5 A. Do I think they were fixed?

6 Q. Or do you know that they were fixed?

7 A. I don't know, but I think they were. I don't  
8 know.

9 Q. Okay. Thank you. Did you go to the 22 Headgate  
10 when it was producing coal?

11 A. Yes.

12 Q. Okay. When you were on the 22 Headgate, do you  
13 think the ventilation was adequate?

14 A. I was up there when they were producing. I was  
15 with MSHA inspectors at times up there, and they had  
16 the ventilation.

17 Q. Okay. When was the last time you were on the 22  
18 Headgate?

19 A. I'm going to say early March.

20 Q. Okay. Do you recall --- first of all, I assume  
21 you probably carried a methane detector with you?

22 A. Yes.

23 Q. Do you recall what that methane detector was  
24 reading or do you recall what you may have seen on a  
25 methane monitor on the continuous miners?

1 A. On the headgate?

2 Q. Yes.

3 A. No, I don't remember what the detector was  
4 reading. I don't remember seeing any problem with the  
5 monitors on the miners.

6 Q. Do you recall getting a methane alarm anywhere on  
7 the 22 Headgate?

8 A. Never. No.

9 Q. Okay. Did you get on the 22 Tailgate?

10 A. I was just at the mouth when they first started  
11 the section.

12 Q. Did you notice any problems with either  
13 ventilation or methane?

14 A. No.

15 Q. Okay. When is the last time you were on the  
16 longwall?

17 A. Probably a month to three weeks prior to the  
18 problem.

19 ATTORNEY SEARS:

20 Just for clarification, you meant prior  
21 to the explosion; right?

22 MR. SHERER:

23 Yes.

24 ATTORNEY SEARS:

25 Okay. My understanding is he's been down

1           there after the explosion.

2   MR. SHERER:

3   Okay.

4           A. I've been down there since. Prior to?

5   BY MR. SHERER:

6           Q. Yeah. Yeah, that's exactly ---.

7           A. Probably a month or three weeks prior to.

8           Q. Everything I'm asking you about now is in  
9           relationship to the explosion. Thank you. When you  
10          were on the longwall, did you notice any problem with  
11          ventilation?

12          A. No.

13          Q. Did you take any air measurements?

14          A. No. I had never worked on a longwall section  
15          before, so I was not familiar with the ventilation and  
16          so forth on the longwall.

17          Q. Okay. Did your detector ever alarm when you were  
18          on or near the longwall?

19          A. No.

20          Q. Have you ever had your detector alarm anywhere in  
21          this mine?

22          A. No, I have not.

23          Q. Thank you. Do you participate in ventilation  
24          changes?

25          A. I have.

1 Q. When was the last ventilation change you  
2 participated in prior to the explosion?

3 A. February 10th.

4 Q. Okay. Do you recall what that ventilation change  
5 was?

6 A. Yes.

7 Q. And what was it?

8 A. We made some changes in this area here for this  
9 section that just started, this tailgate. And they  
10 were --- actually, this return used to come this way  
11 and the intake was going this way, and we made that  
12 change.

13 Q. Just for the record so that it's right in the  
14 transcript, you're referring to this area as the ---  
15 we're calling it the connector. I think some people  
16 refer to it as a cut-through?

17 A. Crossover.

18 Q. A crossover, okay. And that's the general area  
19 that you're referring to?

20 A. Yeah, this area right here. Yes.

21 ATTORNEY BABINGTON:

22 Excuse me. You said the crossover,  
23 you're referring to that area, the crossover between  
24 Headgate 22 and Tailgate 22?

25 A. Correct.

1 BY MR. SHERER:

2 Q. So you reversed the air in the return and made it  
3 an intake?

4 A. Yes. This used to be a return. They made it an  
5 intake. And this used to be intake coming up and they  
6 made it a return.

7 Q. Okay. Can I ask you to highlight those areas?

8 ATTORNEY BABINGTON:

9 I guess one color for the way the return  
10 originally was and then we'll give you a second color  
11 for what the return changed to. And I guess if you  
12 could also mark with arrows in what direction just so  
13 that we're ---.

14 A. You want me to highlight it all the way?

15 BY MR. SHERER:

16 Q. Yes.

17 ATTORNEY BABINGTON:

18 Yes.

19 A. The best I can remember, this used to be a return.

20 This was intake, and they made this a return.

21 ATTORNEY BABINGTON:

22 So I guess for the original configuration  
23 we'll use the pink highlighter. And if you could put  
24 arrows denoting whether it was --- or you can label it  
25 as intake and return.

1 A. This was return ---

2 ATTORNEY BABINGTON:

3 Okay.

4 A. --- prior to and this was intake.

5 ATTORNEY BABINGTON:

6 Okay. And if you could draw with the  
7 highlighter, mark the intake, please.

8 WITNESS COMPLIES

9 A. They had two intakes here. They had two intakes.

10 ATTORNEY BABINGTON:

11 And that was prior to the ---?

12 A. Change.

13 ATTORNEY BABINGTON:

14 Prior to the change, okay.

15 MR. SHERER:

16 February the 10th.

17 A. It was Super Bowl Sunday. I think it was February  
18 10th.

19 ATTORNEY BABINGTON:

20 Okay. And then with this orange  
21 highlighter could you then mark what the intake and  
22 return were after the February 10th air change?

23 A. Just after this was intake and this would be  
24 return.

25 BY MR. SHERER:

1 Q. That's good enough.

2 ATTORNEY BABINGTON:

3 Okay. So just to note for the record,  
4 the same line that you marked with the pink  
5 highlighter labeled in pink return, that became the  
6 intake, and you marked that in an orange highlighter.  
7 And then the two lines that you marked with a pink  
8 highlighter and labeled intake were then changed to a  
9 return, which you then marked with an orange  
10 highlighter.

11 A. Uh-huh (yes).

12 BY MR. SHERER:

13 Q. Okay. So that was Super Bowl weekend?

14 A. Sunday. Sunday night.

15 Q. That's a shame.

16 A. Uh-huh (yes).

17 Q. I assume that it was --- was it a normal  
18 ventilation change with stoppings being knocked out  
19 and rebuilt and things like that?

20 A. I was given a map when I got to the mine that  
21 night. I was not involved in building or taking out  
22 any controls. I was in charge of after the change is  
23 made to take some air readings on the air that come  
24 out of the tailgate.

25 Q. Okay.

1 A. That was my involvement in it.

2 Q. Okay. Who gave you that map?

3 A. Wayne Persinger.

4 Q. Was he in charge of the ventilation change?

5 A. Yes.

6 Q. Okay. I assume there was a crew of workers up  
7 there actually making the changes then?

8 A. I don't know how many, but he had some people  
9 making some changes.

10 Q. Okay.

11 MR. FARLEY:

12 Can we mark the location where he took  
13 the air readings, ---

14 MR. SHERER:

15 Sure.

16 MR. FARLEY:

17 --- please?

18 A. I'm sure I took it in the intake, here, the belt.

19 This is a return coming down here while I was going to  
20 this regulator and then what --- came on down here. I  
21 also took face readings because I came across the  
22 face. I don't know where the face was. The face was  
23 about right in here then, and I took face readings.

24 BY MR. SHERER:

25 Q. Okay. Thank you.

1 ATTORNEY SEARS:

2 And for the record, they were made with  
3 blue checks.

4 ATTORNEY BABINGTON:

5 Okay. Thank you. That was with the blue  
6 highlighter. And again, that was right around  
7 Tailgate 22.

8 BY MR. SHERER:

9 Q. Was the mine down that Sunday?

10 A. I know there was no one else in the mine when we  
11 made these changes.

12 Q. Okay.

13 A. I remember because we had some MSHA people there  
14 also that night, and we made sure everybody was out  
15 before we actually made the change.

16 Q. Okay. Good. Now, when you were traveling around  
17 the mine, did you --- were you --- did you ever take  
18 any samples of rock dust?

19 A. No, I did not.

20 Q. Did you inspect for rock dust?

21 A. Just visually if I were walking the belts or ---  
22 yes.

23 Q. What's your overall impression of the rock dust at  
24 this mine?

25 A. Good.

1 Q. Good. Did you get off in the intake and the  
2 return entries?

3 A. Yes.

4 Q. Do you recall those were good also?

5 A. That I can remember, yes.

6 Q. Did you work with the weekly examiners any?

7 A. When I first went to UBB, I traveled with the belt  
8 and fire bosses for probably about two weeks just to  
9 get to know the mine again and see what --- make sure  
10 they were doing their duties.

11 Q. Okay.

12 A. And that way I was also able to learn, and I  
13 traveled with them for about two weeks. Each one, I  
14 traveled with them.

15 Q. Have you traveled with them since that initial  
16 time period?

17 A. I may --- not travel. I may catch a ride with one  
18 of them to a certain area, but not travel with them.

19 Q. Now, you said that you are also a safety  
20 instructor?

21 A. MSHA instructor.

22 Q. MSHA instructor. Prior to the explosion, what  
23 were the classes you taught --- the last classes you  
24 taught at this mine?

25 A. At our annual retraining I did --- I don't know

1 what my part was, probably the ERP plan. I'm not  
2 sure. I did some training at their annual retraining,  
3 the ERP Plan maybe, ---

4 Q. Okay.

5 A. --- just helping out with retraining.

6 Q. Do you recall roughly when that was?

7 A. February. Some date in February.

8 Q. Did everybody undergo that annual retraining or  
9 did you split it up?

10 A. Well, we didn't do them all at one time. We split  
11 them up. It was so large. You're only allowed so  
12 many people in your retraining classes, so we had to  
13 split them up.

14 Q. But you got all the employees over some period of  
15 time?

16 A. To my knowledge, yes.

17 Q. Have you ever shut down production for safety  
18 reasons at this mine?

19 A. Yes.

20 Q. Can you recall the last incident that you did  
21 that?

22 A. Probably in November '09, in the --- we called it  
23 the Number Two section off of Plumley Switch.

24 Q. What did that entail?

25 A. We went up in the face and the miner was up in

1       there with a curtain had been torn down and made  
2       stoppings and put his curtain back up. He told me the  
3       shuttle car had just torn it down. I said put it back  
4       up.

5       Q. Okay. Did you get any feedback about doing that?

6       A. Yes, I did. The miner operator told me --- he  
7       actually came in the next day when I got to work and  
8       told me I'd never catch him like that again. He  
9       apologized and said he would never --- that would  
10      never happen again.

11      Q. Good. Okay. Now, you mentioned that you were on  
12      the longwall face I think it was sometime in February.

13      Had you traveled either the headgate or the tailgate  
14      back behind the active face?

15      A. I don't know the date. I've traveled this one  
16      time, only one time, to this area in here while I was  
17      at UBB.

18      Q. Okay.

19      A. The tailgate side. I don't even know --- it  
20      zigzagged probably, I don't remember, but I'd just  
21      been there one time.

22      Q. Sure. And was that before or after the wall  
23      started?

24      A. That was after the wall started.

25      Q. Do you recall the general conditions?

1 A. Water in here. Water.

2 Q. Okay. And you're pointing to the diagonal where  
3 it intersects the headgate at about Crosscut 90 or so?

4 A. Yeah, this area right here.

5 Q. Okay.

6 A. I think the water was all down in here and all  
7 around here was collecting water.

8 Q. So from about Crosscut 80 to 90. How deep was the  
9 water?

10 A. I was in water up to my chest.

11 Q. That's pretty deep.

12 A. Uh-huh (yes).

13 Q. Was any of the entries roofed at that time?

14 A. No, not to my knowledge. There again, I didn't go  
15 all the way through it. I could see it, but I didn't  
16 go through it.

17 Q. May I ask what you were doing back there?

18 A. I went with the mine foreman in just to check the  
19 water. I went this way with an MSHA inspector one day  
20 to check the water, and also a violation they had  
21 written in here with him.

22 Q. And this way is the headgate of the longwall?

23 A. Uh-huh (yes).

24 Q. Okay. Do you recall if that was 107(a) Order that  
25 an MSHA inspector issued on the headgate?

1 A. Because of the water?

2 Q. Uh-huh (yes).

3 A. I think so, yes.

4 Q. What did you guys do to abate that particular  
5 107(a) Order; do you recall?

6 A. We had --- I wasn't involved with --- the only  
7 thing I remember is we had a week to do something  
8 because that area had been made --- that week had been  
9 made for that week, and we had a week to do something  
10 about it. And I don't know --- I don't know what they  
11 did, but we did no longer have to travel that. I  
12 don't know if they made it just had to travel this  
13 way. I'm not sure what they did, but I know they  
14 didn't have to travel this way again.

15 Q. Okay. What was the general conditions of these  
16 --- both the headgate and the tailgate that you did  
17 travel at that point in time? We know there was water  
18 back there. How was the roof, ribs and floor?

19 A. There was a lot of props and cribs through there,  
20 a lot. The bottom was heaving in here in places.

21 Q. Was it still travelable?

22 A. As far as I went it was travelable, yes. Up to  
23 that point when we got the water to our chest, yes.

24 Q. Were there any areas endangered off that weren't  
25 travelable that you recall?

1 A. There was a violation written in this area prior  
2 to me going back there that day. I had to set a few  
3 cribs and props in here.

4 Q. Somewhere on that headgate, near the start-up?

5 A. I don't know. You know, the longwall. I don't  
6 know where it was, but it was inby the wall, yes.

7 Q. Okay. But in general, it sounds like you thought  
8 it was in decent condition?

9 A. There was a lot of support through there. You  
10 could zigzag your way back through there with the  
11 cribs and the props.

12 Q. Do you recall if the airflow was --- seemed to be  
13 going in the right directions?

14 A. Yes. Uh-huh (yes).

15 Q. Did you take any air measurements back there?

16 A. I didn't. I didn't.

17 Q. Did the people you traveled with take any air  
18 readings?

19 A. I remember the MSHA inspector saying that, you  
20 know, we had like two-tenths of one percent methane.  
21 He said we've got a lot of air here. I remember that.  
22 We didn't take a reading. We've got a lot of air  
23 here.

24 Q. Was two-tenths methane the highest reading that  
25 you recall back there?

1 A. I didn't --- he told me what he had, but I didn't  
2 look at mine.

3 Q. But your instrument didn't alarm or anything?

4 A. No. No.

5 Q. Okay. Did you go any further inby, toward the  
6 Bandytown fan?

7 A. No. Right here's the farthest I've ever been.

8 Q. Okay. Did you get involved in doing the  
9 examinations of the fans?

10 A. No.

11 Q. Okay. You didn't. Do you know who did that?

12 A. I don't know his name. I don't know his name.

13 Q. Okay.

14 A. I know Paul Thompson, at times I've heard him  
15 talking about going to the Bandytown fan, but somebody  
16 was assigned to it. I don't remember his name.

17 Q. Okay. What about the fans at the UBB Portal, did  
18 you get involved with those in any way?

19 A. As far as ---?

20 Q. Examining.

21 A. No.

22 Q. Do you ever hear anybody on the mine phone or just  
23 yell out to you and say that there's inspectors on the  
24 property?

25 A. I've heard that.

1 Q. Okay. How common was that?

2 A. What do you mean by how common? I mean, I ---.

3 Q. Do you think that most times when inspectors were  
4 on the property it was relayed inside the mine or was  
5 it a rare thing?

6 A. Well, sometimes they might get there before work  
7 time and you'd know they were there or you may ---  
8 they have to tell the dispatcher where they're going.

9 Q. Sure.

10 A. And if I'm on a section, I would want to know if  
11 some --- an inspector is coming. I'm a responsible  
12 foreman. I want to know who's coming to my section.

13 Q. Sure. Okay.

14 ATTORNEY SEARS:

15 I'm sorry. Were you done with your  
16 answer?

17 A. Yes.

18 ATTORNEY SEARS:

19 Okay.

20 MR. SHERER:

21 Thank you.

22 BY MR. SHERER:

23 Q. You mentioned that you also did safety  
24 investigations.

25 A. Accident investigations.

1 Q. Accident investigations. Thank you. Do you  
2 recall the last accident investigation you were  
3 involved in prior to the explosion?

4 A. No, I don't.

5 Q. Okay.

6 A. I don't.

7 Q. Okay.

8 A. I'm sure I would if it would have been something  
9 major, but I don't.

10 Q. Okay. It's been several months.

11 A. Let me back up.

12 Q. Sure.

13 A. I remember. I don't know if it was the last one  
14 or not, but it may have been. The miner operator over  
15 on the portal section, he was moving his miner and he  
16 was --- it was low and he was close to a splice. And  
17 he went and he pulled his cable too tight or something  
18 and probably pulled the splice in, too, and got a  
19 flash ---

20 Q. Oh, okay.

21 A. --- and I had to go and investigate that.

22 Q. Was the miner operator hurt?

23 A. No. He was okay.

24 Q. Okay. Good. What do you think of the condition  
25 of the belts in the northern part of the mine? Did

1 you notice any problems the last time you were up in  
2 that part of the mine?

3 A. I thought the belts at UBB were in good shape. I  
4 thought they were in good shape.

5 Q. Did you examine any of the equipment as part of  
6 your safety duties?

7 A. Yes. Yes.

8 Q. Have you ever found safety-related defects in  
9 equipment at UBB?

10 A. Well, are you calling a violation of a policy or a  
11 violation of the law?

12 Q. Anything that would be a potential hazard to the  
13 miners, that's what I consider a safety defect.

14 A. Yes.

15 Q. What did you do when you found those safety  
16 defects?

17 A. Report it to maintenance.

18 Q. Do you think that those defects were corrected ---

19 A. Yes.

20 Q. --- in a timely manner? Okay. Did you have  
21 any ---?

22 ATTORNEY SEARS:

23 I'm sorry. You asked do you think that  
24 they were corrected? He answered yes. Then you said  
25 in a timely manner, and he didn't respond.

1 MR. SHERER:

2 Okay.

3 ATTORNEY SEARS:

4 So do you believe that they were  
5 corrected in a timely manner?

6 A. Yes.

7 BY MR. SHERER:

8 Q. Okay. Thank you. Did you have any mechanism to  
9 report those safety-related problems to maintenance or  
10 was it an informal ---?

11 A. Informal. I was on evening shift. I could go  
12 talk that night to the midnight shift maintenance  
13 people and told them ---.

14 Q. Did you --- were you involved with anything like a  
15 safety audit of this property?

16 A. Yes.

17 Q. When was the last one you were involved in?

18 A. Probably December '09.

19 Q. Did you produce any sort of report on that audit?

20 A. Had a checklist.

21 Q. A checklist?

22 A. Uh-huh (yes).

23 Q. Was there any particular problems that you recall?

24 A. Nothing major. I mean, a checklist, maybe like a  
25 slate bar missing, not a hold for the slate bar, a

1       sounding device needed to be replaced.

2       Q. Just minor ---?

3       A. Minor.

4       Q. In that safety audit, did you evaluate things like  
5       permissibility?

6       A. No. No.

7       Q. Did you evaluate ventilation?

8       A. I would take air readings on the section, yes.

9       Q. Do you recall if there were any  
10      ventilation-related problems?

11     A. No.

12     EXAMINATION

13     BY MR. FARLEY:

14     Q. Mr. Walker, I want to clarify a few things, so I  
15     may be jumping around, so please be patient with me.

16     I think you state that you had visited the longwall  
17     approximately three to four weeks prior to April 5th;  
18     is that correct?

19     A. Yes.

20     Q. Okay. Now, you also stated that you didn't have  
21     previous experience with a longwall?

22     A. That's correct.

23     Q. Now, did you travel across the longwall face when  
24     you visited from one side to the other?

25     A. I had never been to the tailgate side. Probably

1       halfway across is the farthest distance I've ever gone  
2       on the longwall.

3       Q. Okay.

4       A. I was never over to the tailgate side.

5       Q. Okay.

6       A. I didn't know anything about a longwall. I just  
7       want to say this.

8       ATTORNEY SEARS:

9       Can I ask a clarifying question? You  
10       were asking about the last time he was there most  
11       recently. Prior to the explosion, did you ever go  
12       across the longwall?

13       A. No.

14       MR. FARLEY:

15       That was one of my questions.

16       A. The last time I was up in there?

17       BY MR. FARLEY:

18       Q. Well, no. Prior to the explosion, the question  
19       was, did you travel across the longwall face in its  
20       entirety?

21       A. No.

22       Q. Did you ever travel across that longwall face in  
23       its entirety?

24       A. No.

25       Q. Okay. Did you ever review the pre-shift and on-

1 shift examination books at the UBB Mine?

2 A. Yes.

3 Q. Did you ever review any of the longwall pre-shift  
4 and on-shift books at the UBB Mine?

5 A. No.

6 Q. What books did you actually review?

7 A. The section --- miner section books.

8 Q. Okay. You indicated that you and Mr. Cornett may  
9 have split up the mine for purposes of making it more  
10 manageable for yourselves?

11 A. Uh-huh (yes).

12 Q. Now, when --- about when did you and Mr. Cornett  
13 do that?

14 A. Probably in November.

15 Q. November?

16 A. Yeah, December. Yes.

17 Q. Now, when you say that --- I think you said that  
18 Mr. Cornett was primarily responsible for the northern  
19 part of the mine. Was there a dividing line or a  
20 location where you used as a landmark for splitting  
21 the territory?

22 A. Not really. I just mainly took care of the miner  
23 sections on the south side and he just went to the  
24 north side. I really didn't have a line drawn, you  
25 know, here's the line, no.

1 Q. Would Mr. Cornett's area of responsibility have  
2 included the --- what is called the Headgate 22  
3 section and the Tailgate 22 section?

4 A. I don't know. I'm not sure that the tailgate  
5 section was even up in that area when we started this.  
6 I don't know.

7 Q. Well, as of, let's say, the month of March in  
8 2010, was Mr. Cornett still responsible for the  
9 northern part of the mine?

10 A. I'm going to say no because we had gotten away  
11 from doing those type things at that time.

12 Q. When did you go back to the original format of not  
13 dividing the mine?

14 A. Well, I'd say it was probably --- we probably  
15 ended this probably in January, ---

16 Q. Okay.

17 A. --- about splitting the mine up, because I went to  
18 the dayshift. I was on the evening shift before, and  
19 I went to dayshift at the first of January and we was  
20 involved in some other things, so --- we actually quit  
21 north/south split-up.

22 Q. Did Mr. Cornett have more longwall expertise?

23 A. No, he did not. He had the same as I did.

24 Q. Okay. Whenever it was necessary to do a safety  
25 audit or an inspection or an investigation or anything

1       else involving the longwall, did you and Mr. Cornett  
2       rely on anyone else for assistance?

3       A. No.

4       Q. Okay. Was it necessary at any point to do a  
5       safety audit or an investigation on the longwall while  
6       you were at UBB?

7       A. No. I had nothing --- I knew nothing about a  
8       longwall and --- no.

9       Q. Okay. You've indicated that you participated in a  
10      ventilation change on Super bowl Sunday, February  
11      10th. And you have indicated very clearly on the map  
12      that how you switched the return airways from the  
13      north mains Number One entry to the Number Four and  
14      Number five entries heading outby and the longwall  
15      headgate entries. What was the primary purpose of  
16      making that air change? What was the motivation for  
17      making that air change?

18     ATTORNEY SEARS:

19     If you know.

20     A. I would speculate. I don't know. I was just  
21     asked to come out that night and be there for the  
22     ventilation change, and I was given a map that night  
23     when I got there.

24     BY MR. FARLEY:

25     Q. Okay. Who else was involved in making that air

1 change that night?

2 A. Berman Cornett. He was with me just to take  
3 readings. He didn't make any changes. Wayne  
4 Persinger.

5 Q. Okay.

6 A. And he had some other people, but I don't know who  
7 they were.

8 Q. Okay.

9 A. He had some other people with him to help make  
10 changes.

11 Q. Mr. Persinger, was his title vice-president or do  
12 you know?

13 A. I don't know what his title was, but he came in  
14 January and he was --- he was kind of in charge of UBB  
15 when he came in.

16 Q. Okay. Now, were there any other upper management  
17 people present that evening during the ventilation  
18 change?

19 A. Like what?

20 Q. Such as general mine foreman, superintendents,  
21 presidents?

22 A. No.

23 Q. Was Mr. Blanchard there?

24 A. No.

25 Q. Ricky Foster, Everett Hager?

1 A. No.

2 Q. Gary May?

3 A. No.

4 Q. Since your employment at UBB began in, I believe,  
5 it was September of 2009, did any of the employees  
6 from the Headgate 22 section approach you at any time  
7 with any complaints about the ventilation on that  
8 section?

9 A. Yes.

10 Q. Okay. Who might have approached you?

11 A. Section foreman.

12 Q. Would that --- who would that foreman have been?

13 A. I'm trying to think of his name.

14 Q. Would it have been Dean Jones?

15 A. No. No. Brandon Bowling.

16 Q. Brandon Bowling?

17 A. Uh-huh (yes).

18 Q. When did Mr. Bowling approach you?

19 A. I don't know the date, but he talked about, you  
20 know, just need to get more air up in the headgate.  
21 He said they had enough, he said, but they need to get  
22 more air up there because it's getting deeper and  
23 deeper.

24 Q. Okay. And you don't recall what was the time  
25 frame?

1 A. It was already February. It was in January. It  
2 was early in the year.

3 Q. Would Mr. bowling have approached you prior to the  
4 air change that was made up there?

5 A. It was prior. It was prior.

6 Q. I'm sorry?

7 A. It was prior to the air change.

8 Q. Was it possible that that air change was made in  
9 an attempt to improve ventilation on the Headgate 22  
10 section?

11 A. Yes.

12 Q. Did that ventilation change reduce the quantity of  
13 air in cubic feet per minute passing along the  
14 longwall face?

15 A. I don't know. I took readings here. I took my  
16 readings.

17 Q. Did anyone else take readings elsewhere in the  
18 mine during the ventilation change?

19 A. Yes.

20 Q. I think you indicated Mr. Cornett did.

21 A. Uh-huh (yes).

22 Q. At what location did Mr. Cornett make air  
23 readings?

24 A. I think he was on the headgate taking readings.

25 Q. Was anybody assigned to make readings along the

1 longwall face in places?

2 A. Yes. I don't know, but yes.

3 Q. Okay. All right. Would it likely have been a  
4 supervisor person?

5 A. Yes. Yes.

6 Q. Okay. In terms of safety personnel, you're a  
7 safety director. Mr. Cornett is a safety director.  
8 Are there any other designated safety officers at UBB  
9 prior to April 5th?

10 A. No.

11 Q. Are you familiar with a supervisor named Jeremy  
12 Burdoff or Burghoff? Excuse me if I'm butchering the  
13 name.

14 A. Burdoff.

15 Q. Burdoff, okay.

16 A. I know him.

17 Q. What was Mr. Burdoff's position as of, let's say,  
18 the month of March 2010? What was his area of  
19 assignment?

20 A. I can tell you what I was told what his area of  
21 assignment was.

22 Q. Okay. Please.

23 A. He was in charge of the area behind the wall.

24 Q. Okay.

25 A. Water control, I guess.

1 Q. Okay. All right. Did he have employees to assist  
2 him?

3 A. Yes.

4 Q. Do you recall who they might have been, their  
5 names?

6 A. No.

7 Q. Okay. During your time at UBB Mine, from  
8 September of '09 through the day of the explosion,  
9 this year, were you ever involved in supervising or  
10 planning any major equipment moves?

11 A. No.

12 Q. Do you recall any major equipment moves being made  
13 during that time frame?

14 A. Yes.

15 Q. Could you give me an example of one, please?

16 A. Well, I know they moved two section from down near  
17 Plumley Switch up to --- they mined this area here.  
18 They moved up here and mined this.

19 Q. You're pointing to the ---?

20 A. I don't know what they called it.

21 Q. Forgive me. I don't remember the name. Maybe Two  
22 North. It's immediately outby the mouth of the  
23 longwall where it was cut out?

24 A. Yes, right here. They moved up to here. And then  
25 they moved a section to the tailgate to start this

1 tailgate panel right here.

2 Q. Okay. From where was that section moved?

3 A. I think they brought in equipment for it. I'm not  
4 sure if they moved up from another area of the mine.  
5 They may have brought in equipment for that.

6 Q. Now, when you say it was brought in, would it have  
7 been brought in from outside?

8 A. Yes, sir. I'm not sure, but ---.

9 Q. Okay. Now, when equipment was brought in from  
10 outside the mine, was it routinely transported on  
11 flatcars and pushed or towed by track-mounted  
12 equipment?

13 A. I never did observe anything --- any equipment on  
14 the track.

15 Q. Okay. Do you know if such equipment moves were  
16 routinely made with persons working inby the move in  
17 the same split of air?

18 A. I know on one or two occasions they were given a  
19 violation for bringing a power box out on a supply car  
20 that was made too wide or too high, but not a piece of  
21 equipment with people inby.

22 Q. April 5th, 2010, were you working that day?

23 A. Yes.

24 Q. What time did you arrive at the mine that day?

25 A. Probably 5:30, quarter 'til 6:00.

1 Q. A.M.?

2 A. Yes.

3 Q. What did you do when you arrived? What was your  
4 plan for that day? What were you assigned to do if  
5 there was an assignment?

6 A. Berman and I was both on dayshift. I would  
7 normally get with Berman in our office, and he would  
8 normally get direction from Wayne Persinger what we  
9 were to do that day. I recall on that day we --- he  
10 hadn't talked to Wayne, so we decided to --- being the  
11 new quarter, that we would go to the barrier section.  
12 And we found out that an MSHA inspector and a State  
13 inspector had also gone to the barrier section that  
14 morning.

15 Q. Okay.

16 A. So we decided to go ahead and go up there, walk  
17 some belts, go to the section.

18 Q. Did you accompany the MSHA and State inspectors to  
19 the barrier section?

20 A. No.

21 Q. Did you encounter them on your arrival?

22 A. We were walking One North belt and met the MSHA  
23 inspector coming down the belt, talked briefly to him  
24 and went on to the section. When we got to the  
25 section, the State inspector had already gone to the

1 surface.

2 Q. Okay. Let me back up on something here. What  
3 was --- prior to April 5th, what was your last shift  
4 that you worked?

5 A. I worked a half a day on Thursday, which would be  
6 the 1st, I think. I had a doctor's appointment that  
7 day, and I wasn't back to work until Monday.

8 Q. Were you off for the holiday weekend?

9 A. Yes. We were off Friday, Saturday, Sunday, back  
10 on Monday.

11 Q. Okay. Do you know if the longwall was idle on  
12 Sunday, April the 4th?

13 A. I don't recall. I don't recall.

14 Q. Do you have any knowledge whatsoever of any plans  
15 for a ventilation change that was to be made during  
16 that weekend prior to April 5th?

17 A. A ventilation change?

18 Q. Ventilation change of the mine, any type of major  
19 ventilation change?

20 A. Oh, no. No. On that weekend, no.

21 Q. Okay. Did anyone work underground that you know  
22 of in the UBB Mine on April 4th?

23 A. On Sunday?

24 Q. Yes.

25 A. Not that I'm aware of.

1 Q. All right. Let's go back to April 5th.

2 Throughout the day did you hear any news about any  
3 production problems on the longwall section, about  
4 downtime?

5 A. No.

6 Q. What time would you and Mr. Cornett have arrived  
7 outside on April 5th?

8 A. Twenty (20) minutes 'til 3:00.

9 Q. Okay. Now, during your time underground that day  
10 up until 20 minutes 'til 3:00, did you notice, feel,  
11 sense anything different, anything unusual?

12 A. No.

13 Q. Okay. Where were you at the time the explosion  
14 occurred?

15 A. In the upstairs office. Upstairs office at UBB.

16 Q. Will you describe for me what you experienced when  
17 the explosion occurred, what you saw, what you felt,  
18 what you heard, please?

19 A. I heard the sound of the fan change. You get used  
20 to that sound, the fan. And I got up and walked out  
21 on the stairs. And I looked at the fan and I could  
22 tell, you know, that the fan was bogging down like it  
23 was going into a stall air reversal. And I could see  
24 dust or smoke, I didn't know, that was coming out of  
25 the track entry in the return. And I asked the

1 dispatcher, I said, is that smoke or dust? He said, I  
2 don't know.

3 Q. Who was the dispatcher?

4 A. Greg Clay. He wasn't the dispatcher, I'm sorry,  
5 he was the purchasing clerk.

6 Q. Okay.

7 A. And you could see the drift from his office. And  
8 he said he didn't know, so ---.

9 Q. Was anyone else with you at the mine when this  
10 occurred?

11 A. There was other people in the office.

12 Q. When you and Mr. Clay were there, who else was in  
13 the office, if you can recall?

14 A. Gary May, Berman Cornett. I know for sure those  
15 people were there.

16 Q. Sure. Okay. Now, we understand the dispatcher or  
17 Mr. Clay or someone from your office last heard from  
18 the people on the longwall section somewhere around  
19 2:30, 2:42, somewhere in that general area. Were you  
20 around when any calls came from the longwall section  
21 that day?

22 A. No. No. No.

23 Q. Okay. During your time underground that day and  
24 while you were at the mine, did you over hear any  
25 conversations coming from any of the working sections

1 underground to the surface?

2 A. No, I did not. No.

3 Q. Okay. Now, at this point, after the explosion has  
4 occurred, what did you do? Were you given an  
5 assignment or did you just instinctively take some  
6 sort of action? Can you elaborate on that for me,  
7 please?

8 A. I wasn't given an assignment. Instinct. I put my  
9 gear back on and started underground with Gary May.  
10 When I realized I had forgotten my detector, I said,  
11 Gary, I'll be right back. I'm going to get my  
12 detector. So I went back upstairs and got my detector  
13 and started back underground.

14 Q. Okay. Did you accompany Mr. May?

15 A. Mr. May, when I left to get my detector, he  
16 started on in.

17 Q. Okay.

18 A. He was ahead of me.

19 Q. All right.

20 A. Once I started back in, I turned and I noticed a  
21 light coming toward me from the surface, ---

22 Q. Okay.

23 A. --- and I noticed it was Berman. So I waited on  
24 Berman.

25 Q. Was anybody with Berman?

1 A. Berman and me were together up to the Plumley  
2 Switch.

3 Q. Were you on foot?

4 A. We were on foot.

5 Q. All right.

6 A. At Plumley Switch we met Rick Foster, and he had a  
7 mantrip. And he had gotten in the switch because the  
8 barrier section, they were on their way out. So we  
9 waited until the barrier section passed us, and then  
10 we got in the mantrip and proceeded up the track.

11 Q. All right. Now, did you take it from there? Did  
12 you eventually catch up with Mr. May?

13 A. We finally caught up with him at the Ellis Switch  
14 and we made the turn.

15 Q. Was he still alone at that point?

16 A. He was still alone.

17 Q. Did you encounter any people who had entered from  
18 the Ellis Portal?

19 A. I didn't know anyone had entered from the Ellis  
20 Portal. There was no one there but us.

21 Q. Now, once you arrived at Ellis Switch, where did  
22 you go from there?

23 A. We made the turn, heading toward what they call 78  
24 Break. As we made the turn and we went one break, I  
25 noticed a few blocks were out of the stopping on the

1 left.

2 Q. Okay.

3 A. And we continued on up the track. Well, by that  
4 time I was walking and Berman was walking behind the  
5 mantrip. We were slowly going up through there, not  
6 knowing, you know, what was going on.

7 Q. Foster is in the mantrip?

8 A. Uh-huh (yes).

9 Q. Okay.

10 A. Gary May is walking, behind the mantrip walking.  
11 Berman and I were behind the mantrip walking. We got  
12 up to 42 Break, that's where the belt head is, and  
13 just looked that area over and started on up the track  
14 towards 78.

15 Q. Okay.

16 A. We got to 47 Break and noticed a couple lights  
17 coming down the track, and it was Jack Roles and Tim  
18 Blake.

19 Q. I'm sorry, Jack Roles and Tim Blake?

20 A. Tim Blake, uh-huh (yes).

21 Q. Now, I assume they were walking toward you?

22 A. Yes.

23 Q. Okay. Now, did you have a conversation with Mr.  
24 Roles when you eventually got to where he was located?

25 A. I don't remember talking to Mr. Roles. I don't

1 remember anything he said.

2 Q. Had Mr. Roles been underground at the time the  
3 explosion occurred?

4 A. I don't know. He was just there. I don't know.  
5 I don't think so.

6 Q. Okay.

7 A. I'm not sure what --- he must have come from  
8 Ellis. I don't know where he came from, but he was  
9 there.

10 Q. Okay. All right. What condition was Mr. Blake  
11 in?

12 A. He was just kind of hysterical. You know, he was  
13 talking. He was --- he was covered with some soot,  
14 and we asked him what had happened.

15 Q. What did Mr. Blake tell you?

16 A. He said it just felt like a force of air. And he  
17 said someone said, put your rescuers on. He doesn't  
18 know who said that. He said somebody said, get your  
19 rescuers on.

20 Q. Okay.

21 A. And he got his on immediately he said. And he  
22 helped the other guys get theirs on, except for one,  
23 and he couldn't find his rescuer. And he said, I  
24 checked, everybody had a pulse. He said, I'm going to  
25 go get help. That's when we met him.

1 Q. All right.

2 A. And he was walking with Jack, I guess going to get  
3 help.

4 Q. Do you recall the approximate time when you first  
5 encountered Mr. Roles and Mr. Blake?

6 A. It was probably --- I don't know exactly. You  
7 know, we started underground probably five or ten  
8 minutes after 3:00. By the time we got up there, that  
9 was after four o'clock, I'm sure, because we were  
10 walking and that's quite a distance. I don't know the  
11 exact time now.

12 Q. Okay. Just in traveling from the UBB Portal to  
13 that location by mantrip, how long would that take?

14 A. Thirty (30) minutes, 40 minutes, until you stop  
15 and open the doors and all that.

16 Q. Okay. All right. Along with Mr. Roles, and  
17 you're not sure where he came from, did you encounter  
18 anyone else that may have entered the mine?

19 A. We were talking to Tim and we saw a mantrip coming  
20 down the track, coming from inby, coming toward us.

21 Q. Coming from inby toward you?

22 A. Coming toward us.

23 Q. All right.

24 A. And someone said, get on the mantrip, get on,  
25 we've got to get out of here. So I got with Tim, I

1 put him in the mantrip and Jack got in the mantrip and  
2 Rick and Berman and we all went to the Ellis  
3 punch-out.

4 Q. Who was in the other mantrip, if you recall?

5 A. I'm not sure because when we got outside, we were  
6 just getting people out of it, doing CPR and all that.  
7 I'm not sure who was in that mantrip. I can just  
8 guess who I saw outside when we got there.

9 Q. Okay. Now, in this mantrip that approached you  
10 and eventually followed you outside, how many people  
11 among the injured or ultimately deceased people needed  
12 assistance? How many people were among those, other  
13 than Mr. Blake?

14 A. There would be eight.

15 Q. Okay. Were there eight people in the mantrip that  
16 followed you out?

17 A. I didn't count them, but I'm assuming there was  
18 eight.

19 Q. Okay. So you think that all of the people who had  
20 been found ---?

21 A. On that mantrip ---

22 Q. Uh-huh (yes).

23 A. --- were brought out.

24 Q. Okay.

25 A. Woodsie would --- Blake would have made the ninth

1 on that crew.

2 Q. Okay. all right. Do you recall who was operating  
3 that trip?

4 A. I think it was either Wayne Persinger or --- it  
5 wasn't Berman. Berman was in the mantrip with some of  
6 the people, trying to help them. I'm not sure who was  
7 operating the mantrip.

8 Q. Now, up to this point and by the time you get back  
9 outside, when do you first see Mr. Everett Hager, or  
10 if you do?

11 A. It's a while after doing CPR and all that. I  
12 remember going into the bath house, looking for a  
13 bottle of oxygen. I think I saw him there then. I  
14 don't know how long, but I saw him in there.

15 Q. Did you see Mr. Blanchard or Mr. Whitehead at any  
16 time?

17 A. NO, I did not.

18 Q. Okay. Did you ultimately learn that Jack Roles  
19 had traveled underground from the Ellis Portal before  
20 you encountered him?

21 A. I had heard that, yes. Uh-huh (yes).

22 Q. Did you have any involvement in the rescue and  
23 recovery operation throughout the evening on April 5th  
24 and into the week following?

25 A. No. The only job that I had was when we were

1 asked to go to the main office and get the files on  
2 people, get their files for the State.

3 Q. Files? What files?

4 A. Personnel files, get their address, their phone  
5 numbers.

6 Q. Would that have been the personnel files for the  
7 deceased?

8 A. Yes.

9 Q. Okay.

10 A. And we were asked to bring them back to --- I  
11 don't remember the State guy's name. I met an  
12 examiner for the State that was there. He needed  
13 those.

14 Q. Okay.

15 MR. FARLEY:

16 I don't think I have anything else right  
17 now.

18 EXAMINATION

19 BY MS. MONFORTON:

20 Q. Mr. Walker, I have just a couple of clarifying  
21 questions. This issue of being asked to go to the  
22 main office to get the personnel files, would that  
23 have been on the afternoon of April 5th or later that  
24 week?

25 A. It was early in the morning on April the 6th.

1 Q. April 6th.

2 A. Yeah, probably four o'clock in the morning.

3 Q. Okay. Thank you. When you originally went to UBB  
4 in September of 2009 as a safety director, had you  
5 been the safety director of another mine immediately  
6 prior to that?

7 A. No. I was a superintendent at Marfork Mine.

8 Q. And when you were hired to be the safety director  
9 at UBB, did you get some type of briefing or  
10 information about what your particular duties were  
11 going to be as safety director?

12 A. We were just asked to travel with the inspectors  
13 --- I mean, the fire bosses, check for --- just go to  
14 the section to do inspections, those type things,  
15 inspection work.

16 Q. Did anyone explain to you any particular safety  
17 issues that you were to pay particular attention to as  
18 safety director? Was there anything they wanted you  
19 to, you know, to really focus on?

20 A. Safety issues?

21 Q. You know, were there problems with roof falls?  
22 Were there problems with dust control? You know, did  
23 they ---?

24 A. No.

25 Q. So your instructions were just to ---?

1 A. Yeah, it was pretty --- we were pretty flexible in  
2 what we were to do when we went in there. It was a  
3 lot by choice where we went and so forth when we  
4 checked.

5 Q. Can you explain to me what the chain of command  
6 was, like where you would fall in authority there at  
7 the mine compared to a mine foreman or a section boss.  
8 You said that you reported directly to --- first to  
9 Chris Blanchard and then eventually to Wayne  
10 Persinger.

11 A. Uh-huh (yes).

12 Q. Were there other people in between that chain of  
13 command that you had to report to?

14 A. No. No.

15 Q. so if you had an issue with something that was  
16 going on with a mine foreman or a section boss, were  
17 you able to give instruction to that person? Were you  
18 above the chain of command of a section foreman?

19 A. I don't know what you mean by the chain of  
20 command. Could I just have been a section foreman?  
21 Could I --- would I need to go to his supervisor if I  
22 had a problem with him?

23 Q. Uh-huh (yes). Correct.

24 A. Yes, I could do that. I was not in charge of him,  
25 but I could go to his supervisor if I had a problem

1 with him.

2 Q. If you had a problem, okay.

3 A. Uh-huh (yes).

4 Q. Were you able to give a section foreman direction  
5 if there was a --- if you saw a violation, would you  
6 let them know that directly?

7 A. I tried. I tried to.

8 Q. As safety director, would you have been involved  
9 in the development or review of ventilation plans?

10 A. No.

11 Q. So as safety director, would you have had input  
12 into ventilation plans?

13 A. No. No.

14 Q. When ventilation plans were submitted and then  
15 approved by MSHA, what was the procedure for letting  
16 you know about what those new plans would be?

17 A. I don't know if there was a procedure. Probably  
18 --- I would communicate a lot with the engineer at the  
19 site, and he would inform me or Berman would.

20 Q. Who was your counterpart?

21 A. Uh-huh (yes). Yeah.

22 Q. So anyone up --- would Wayne Persinger, if there  
23 was a major ventilation change that had just been  
24 approved ---?

25 A. If I was involved in it, he would.

1 Q. If you were involved in it. But in terms of the  
2 plan itself?

3 A. No, not the plan.

4 Q. Okay. Can you characterize about the amount of  
5 time as a safety director that you would spend on the  
6 surface versus underground in a given week?

7 A. I was on a ten-hour schedule. I was underground  
8 at least seven to eight hours.

9 Q. So a lot of time you were spending ---

10 A. We were underground, yes.

11 Q. --- underground? Okay. You indicated that you  
12 thought that the belts at UBB were in good condition.

13 A. Uh-huh (yes).

14 Q. How would you characterize the track?

15 A. The track, good.

16 Q. Were there any places throughout the mine that you  
17 thought the track needed some work?

18 A. On the north side?

19 Q. Anywhere that you were familiar with in the mine.

20 A. On the south side --- they had a steep grade on  
21 the portal section on the south side that needed some  
22 blocking, leveling, tighten joints.

23 Q. Uh-huh (yes).

24 A. But for the rest of the mine, the track was in  
25 good shape. You know, you could --- it was in good

1 shape.

2 Q. Okay. Just to clarify, you said that yourself and  
3 Mr. Cornett were the two safety directors at UBB from  
4 January until the time of the explosion; is that  
5 correct?

6 A. Actually, September.

7 Q. September until the time of the explosion. And  
8 that you testified that neither you or Mr. Cornett had  
9 particular experience with a longwall?

10 A. I didn't and I --- I think Berman did not either.

11 MS. MONFORTON:

12 Thank you. Those are the only questions

13 I have.

14 ATTORNEY BABINGTON:

15 Let's take a short break.

16 SHORT BREAK TAKEN

17 RE-EXAMINATION

18 BY MR. SHERER:

19 Q. Okay. I've got a few follow-up questions, if you  
20 don't mind. Just to clarify things, were you salary  
21 or hourly?

22 A. Salary.

23 Q. You mentioned you had the ability to talk to  
24 section bosses and such. Did you have hire and fire  
25 and disciplinary authority?

1 A. No.

2 Q. Did you have disciplinary authority?

3 A. No. No.

4 Q. Okay. I asked you a question and you responded  
5 that you thought hazards were fixed after you  
6 identified them. Did you ever follow up on those  
7 hazards to ensure that they had been fixed?

8 A. Yes.

9 Q. And were they fixed?

10 A. Yes.

11 ATTORNEY BABINGTON:

12 Is that a yes?

13 A. Yes. I'm sorry, yes.

14 BY MR. SHERER:

15 Q. You also mentioned that you worked --- you  
16 traveled with the fire bosses and you --- when you  
17 first came over you worked with the fire bosses. Did  
18 you oversee those fire bosses in any way?

19 A. You mean --- oversee them? You mean, was I their  
20 supervisor?

21 Q. Or did you direct their work in any way?

22 A. No. No.

23 Q. Were you their supervisor?

24 A. No.

25 Q. Okay. Did you communicate with the fire bosses?

1 A. In what respect?

2 Q. In an official capacity. Did you regularly talk  
3 to them? Did you regularly ---?

4 A. I regularly talked to them.

5 Q. Did you review their fire boss books?

6 A. I looked at all the books. I looked at all the  
7 books at times, except on the longwall. I just didn't  
8 know anything about the longwall, so I didn't --- and  
9 they were in another part of the building, too, so I  
10 didn't ---.

11 Q. And when you reviewed their books, did you get  
12 back to them with comments or anything like that?

13 A. I remember discussing smoke searches quite a bit,  
14 making sure they get those right. In my opinion, they  
15 needed some direction on that.

16 Q. Okay. Did miners come to you with safety  
17 complaints?

18 A. I don't recall any.

19 Q. Okay. When you were on either Headgate or  
20 Tailgate 22 sections, did you ever take any air  
21 readings in the last open or the face?

22 A. I remember taking these the night of the  
23 ventilation change.

24 Q. And those were on the Tailgate 22?

25 A. On the tailgate. I don't remember taking any on

1 the headgate in the face, no.

2 Q. Okay. Now, we understand there's quite a few  
3 doors at UBB. Let me ask you a simple question. Do  
4 you know why there were so many doors?

5 A. When I got there, there was a lot of doors.  
6 That's all I know.

7 Q. Do you know who made the decision to put all of  
8 those doors in?

9 A. No, I don't.

10 Q. Okay. Thank you. Were those doors in good  
11 repair?

12 A. I can remember a couple doors up where the intake  
13 came across the track ---

14 Q. There at 78 Switch?

15 A. --- inby 78, that they were damaged and didn't  
16 seal real well. But those were changed out.

17 Q. Okay.

18 A. Those doors were changed out.

19 Q. Did you ever come up on any of the doors and find  
20 any of them open?

21 A. No, I don't recall that.

22 Q. Okay. Were you familiar with the rock dust crew  
23 that ran the rail-mounted rock dusting unit?

24 A. I just know they had a crew on the midnight shift.  
25 I don't know who --- I didn't get involved with their

1 assignments where they were dusting. I know they had  
2 a rock dust crew on the midnight shift.

3 Q. Did you ever inspect that rail duster?

4 A. No.

5 Q. Did you ever deal with any explosives underground  
6 at UBB?

7 A. What do you mean did I ever deal with any of them?  
8 Did I ever handle any of them or do any shooting?

9 Q. Or directing the shooting?

10 A. No, I did not direct any shooting.

11 Q. Did you ever handle any explosives?

12 A. Never handled them, no, I did not.

13 Q. Do you know who was in charge of those explosives?

14 A. As far as shooting?

15 Q. Or directing or even ---.

16 A. I remember Tim Davis did on the longwall.

17 Q. Okay. Was there anyone in particular that kept up  
18 with the magazines and inventories and things like  
19 that?

20 A. There's people assigned to that, yes. They had  
21 --- they do an inventory on that, yes.

22 Q. Do you know who those people are?

23 A. I don't know the name. I think one of them deals  
24 with security, the security department, and I don't  
25 know who else is on the list, but I was not on the

1 list.

2 Q. Okay. Who was in charge of the ventilation  
3 planning for this mine?

4 A. I don't know. I mean, I can give you a name, but  
5 I'm not sure.

6 Q. Who do you think was in charge?

7 A. Probably Chris Blanchard.

8 Q. Okay. Now, you mentioned you were --- you  
9 communicated with an engineer about ventilation. Who  
10 was that engineer?

11 A. Eric Lilly.

12 Q. Okay. Are you aware of any ventilation changes  
13 that took place in this mine roughly one to two weeks  
14 prior to the explosion?

15 A. What type of changes?

16 Q. Any major ventilation changes.

17 A. Nothing major.

18 Q. Are you aware that the quantity of air on the  
19 longwall decreased significantly within that time  
20 period?

21 A. No, I'm not aware of that.

22 Q. And are you --- were you also aware that the  
23 quantity of air on the miner sections, development  
24 sections, also increased during that time period?

25 A. (Indicates no).

1 ATTORNEY BABINGTON:

2 Is that a no?

3 A. It's a no.

4 BY MR. SHERER:

5 Q. Thank you. What's your best opinion on what  
6 caused this explosion on the 5th?

7 A. I don't know what caused it. I don't know what  
8 caused it.

9 Q. What would you recommend that we look at as part  
10 of this investigation to try to determine what caused  
11 it, just a suggestion?

12 A. You know, I've been underground since then on  
13 mapping teams and on dust teams, and from what people  
14 tell me, you know, the tail, the shearer inside.

15 Q. I've always been told the origination is probably  
16 less damage. I'm not an expert on that stuff.

17 Q. Okay.

18 MR. FARLEY:

19 Just a couple, please.

20 RE-EXAMINATION

21 BY MR. FARLEY:

22 Q. You indicated you had contact with an engineer,  
23 Eric Lilly. What other engineers, if you can name  
24 them, did you come in contact with from the time you  
25 started at UBB until April 5th?

1 A. I think just Eric. He was kind of the in-house  
2 engineer there. He was stationed at UBB. He had an  
3 office there.

4 Q. Okay. Did you meet any other engineers also?

5 A. Well, I know the other engineers, but I don't know  
6 if they had anything to do with UBB. I know all of  
7 them just about.

8 Q. Can you name others, please?

9 A. Heath Lilly.

10 Q. Okay.

11 A. Matt Walker.

12 Q. Okay.

13 A. Keith Trent. Danny Acord, Scott Tilly. And I  
14 don't know their capacity. I know they work in the  
15 engineering department.

16 Q. Is there an engineering department known as Route  
17 3 Engineering?

18 A. Yes.

19 Q. Would it include the individuals you just named?

20 A. Yes.

21 Q. Where is the Route 3 Engineering facility located?  
22 Or do they have a facility, I assume?

23 A. It's located behind the main office of Performance  
24 coal, ---

25 Q. Okay.

1 A. --- behind the building.

2 Q. So they're on the property then?

3 A. Yes.

4 Q. Do you know if they have responsibility for other  
5 mines besides UBB?

6 A. Yes.

7 Q. Okay.

8 A. They take care of Route 3.

9 Q. All right. One final thing. You indicated that  
10 you were on a ten-hour schedule at UBB and you were  
11 typically underground seven to eight hours per day.  
12 That ten-hour-a-day schedule, was that four days, five  
13 days a week? What was your normal routine?

14 A. It was five days a week, with the exception of  
15 when they produced on Saturdays.

16 Q. Uh-huh (yes).

17 A. We would work on Saturday when they produced but  
18 not 14 hours. We might work four or five hours on  
19 Saturdays ---

20 Q. Okay.

21 A. --- on days they produced. Maybe every other  
22 Saturday, every third Saturday.

23 Q. Okay. Your average workweek then was about 50,  
24 maybe 55 ---

25 A. If you include those, yes.

1 Q. --- with the occasional ---?

2 A. Yes.

3 Q. I think you indicated you were a salaried  
4 employee?

5 A. Yes.

6 Q. Were you paid overtime?

7 A. No.

8 RE-EXAMINATION

9 BY MS. MONFORTON:

10 Q. Mr. Walker, I have two additional questions. On  
11 the morning of April 6th, when you were asked to go to  
12 the main office to get the personnel files, do you  
13 recall who asked you to do that?

14 A. Mr. Farley may know his name. I don't know him.  
15 He's a medical examiner for the State.

16 Q. Okay. So the medical examiner from the State ---

17 A. Yes.

18 Q. --- made that request of you?

19 A. He works for the State, the Mine Health and Safety  
20 Administration.

21 MR. FARLEY:

22 You're probably referring to ---

23 A. If you would say his name ---.

24 MR. FARLEY:

25 --- Hodges.

1 A. Yeah, that's his name.

2 MR. FARLEY:

3 Jim Hodges.

4 MS. MONFORTON:

5 Jim Hodges. Thank you.

6 BY MS. MONFORTON:

7 Q. As safety director and being involved in both the  
8 State and Federal inspections that were going on  
9 there, writing up citations, what responsibility did  
10 you have to inform section foremen or other  
11 individuals at the mine about those citations?

12 A. It wasn't my responsibility. My only  
13 responsibility was to look up the penalty points and  
14 write the dollar amount on the violation. That was my  
15 job as far as the violations.

16 Q. So as safety director, you did not look at he  
17 citations and ---?

18 A. I looked at the citations, yes.

19 Q. And would you have helped --- how would you use  
20 those citations as your job as a safety director in  
21 terms of improving safety at the mine?

22 A. Well, actually, it was management's responsibility  
23 as far as I didn't get involved with the direction of  
24 the workforce. But as far as safety, if I were to see  
25 something that maybe was setting a pattern or

1 something like that, I may --- I would talk with  
2 management. I wouldn't --- you know, I wouldn't have  
3 any --- my responsibility was not to go correct those  
4 or go look at them and see if they had been corrected.  
5 I'm not saying I wouldn't do that at times. I would  
6 go check on a violation, but I wasn't responsible for  
7 correcting violations, those type of things.

8 Q. Given your years as experience working in the  
9 mine, did you see any trends at Upper Big Branch in  
10 the time since you were in September 2009 in terms of  
11 the types and the severity of the violations? How  
12 would you characterize those?

13 A. Well, actually I thought we were headed in the  
14 right direction. I thought we were getting a lot less  
15 S and S violations than they had gotten in the past.  
16 I thought we were headed in the right direction. It's  
17 a big mine. It's a huge mine. I've always been in  
18 smaller mines. So they're going to get more  
19 violations. It's an old mine, and they're going to  
20 get a lot more violations.

21 Q. Can you explain to me a little bit about they're  
22 going to get a lot more violations?

23 A. Well, I'm just saying because it's an older mine.  
24 There's a lot of --- the airways --- deterioration of  
25 your airways and those type of things. It's just an

1 old, bug mine, a lot to take care of.

2 Q. Okay. All right. Thank you.

3 ATTORNEY BABINGTON:

4 Terry, anything else?

5 MR. FARLEY:

6 No.

7 ATTORNEY BABINGTON:

8 Okay. Well, there were two documents at

9 the beginning that we labeled. One was a copy of the

10 subpoena. That will be marked J. Walker One. A copy

11 of the return receipt for the subpoena, that will be

12 marked J. Walker Two. And then we also marked one of

13 the Bandytown fan maps. That will be marked J. Walker

14 Three.

15 (J. Walker Exhibit Three marked for

16 identification.)

17 ATTORNEY BABINGTON:

18 On behalf of MSHA and the Office of

19 Miners' Health, Safety and Training, I want to thank

20 you for appearing and answering questions today. Your

21 cooperation is very important to the investigation as

22 we work to determine the cause of the accident. We

23 request that you not discuss your testimony with any

24 person aside from a personal representative or

25 counsel. After questioning other witnesses, we may

1 call you if we have any follow-up questions. If at  
2 any time you have additional information regarding the  
3 accident that you would like to provide to us, please  
4 contact us at the contact information previously  
5 provided. If you wish, you may now go back over any  
6 answer you've given during this interview, and you may  
7 also make any statement that you'd like to make at  
8 this time.

9 A. No.

10 ATTORNEY BABINGTON:

11 All right. Well, again, I want to thank  
12 you for your cooperation in this matter.

13 ATTORNEY SEARS:

14 And also he would like an opportunity to  
15 read and sign his statement and also would request  
16 confidentiality that's permitted by State and Federal  
17 law.

18 ATTORNEY BABINGTON:

19 Okay. And that's noted. Thank you.

20 \* \* \* \* \*

21 CONFIDENTIAL STATEMENT UNDER OATH

22 CONCLUDED AT 2:48 P.M.

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1 STATE OF WEST VIRGINIA )

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CERTIFICATE

I, Alison Salyards, 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.



*Alison Salyards*