STATEMENT UNDER OATH

OF

JAMES FRED JAMISON

Taken pursuant to Notice by Miranda D. Elkins, a Court Reporter and Notary Public in and for the State of West Virginia, at Clarksburg Bankruptcy Court, 324 West Main Street, Clarksburg, West Virginia, on Tuesday, January 17, 2006, at 9:07 a.m.

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A P P E A R A N C E S

DOUG CONAWAY, DIRECTOR
Office of Miners' Health, Safety &

Training
1615 Washington Street, East
Charleston, WV 25311

J. DAVITT MCATEER, ESQUIRE
Wheeling Jesuit University
Vice President
Sponsored Programs
316 Washington Avenue
Wheeling, WV 26003

JAMES BROOKS CRAWFORD, ESQUIRE
Senior Trial Attorney
Mine Safety and Health Division
U.S. Department of Labor
Office of the Solicitor
1100 Wilson Boulevard
Suite 2231
Arlington, VA 22209-2296

A P P E A R A N C E S (cont'd)

RICHARD A. GATES, DISTRICT MANAGER
District 11
U.S. Department of Labor
Mine Safety & Health Administration
135 Gemini Circle
Suite 213
Birmingham, AL 35209

11 JOSEPH R. O'DONNELL, JR.
12 Supervisory Coal Mine S&H Inspector
13 U.S. Department of labor
14 Mine Safety & Health Administration
15 District 11
16 3867 Pine Lane, Suite 205
17 Bessemer, AL 35022
18
19 R. HENRY MOORE, ESQUIRE
20 Jackson Kelly, PLLC
21 Three Gateway Center
22 401 Liberty Avenue - Suite 1340
23 Pittsburgh, PA 15222
24
25

4

01 A P P E A R A N C E S (cont'd)
02
03 SAM KITTS
04 6002 Pinnacle View Road
05 Hurricane, WV 25526
06
07 DENNIS J. SWENTOSKY
08 MS&H Specialist (Ventilation)
09 U.S. Department of Labor
10 Mine Safety & Health Administration
11 CMS&H, District 2
12 Paintersville Road
13 R.R. #1, Box 736
14 Hunker, PA 15639
15

I N D E X

WITNESS: JAMES FRED JAMISON
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EXHIBIT PAGE

NUMBER	DESCRIPTION	PAGE IDENTIFIED
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One	Large map of mine	25*
Two	Large map of mine	29*
Three	Small map of mine	30*
Four	Entry into record book	40*

(EXHIBITS NOT ATTACHED)

* NOT ATTACHED

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P R O C E E D I N G S

MR. GATES:

Good morning. My name is Richard Gates. I am the District Manager with the Mine Safety & Health Administration, an agency of the United States Department of Labor. I'd like to introduce Mr. Jim Crawford with the Solicitor's office, Mr. Doug Conaway, with the West Virginia Office of Miners' Health, Safety & Training, and Mr. Davitt McAteer. Representing International Coal Group is R. Henry Moore and Sam Kitts.

I've been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January 2nd, 2006, in which 12 miners died and one was injured. The

investigation is being conducted by MSHA and the West Virginia Office of Miners' Health, Safety & Training to gather information to determine the cause of the

07 accident, and these interviews
08 are an important part of the
09 investigation.
10 At this time, the
11 accident investigation team
12 intends to interview a number
13 of people to discuss anything
14 that may be relevant to the
15 cause of the accident. After
16 the investigation is
17 completed, MSHA will issue a
18 written report detailing the
19 nature and causes of the
20 accident. MSHA accident
21 reports are made available to
22 the public in hopes that
23 greater awareness about the
24 causes of accidents can reduce
25 their occurrence in the

9

01 future. Information obtained
02 through witness interviews is
03 frequently included in these
04 reports. Your statement may
05 be used in other enforcement
06 proceedings.
07 I would like to thank
08 you in advance for your
09 appearance here, and we
10 appreciate your assistance in
11 this investigation. The

12 willingness of miners and mine
13 operators to work with us is
14 critical to our goal of making
15 the nation's mines safer. We
16 understand the difficulty for
17 you in discussing the events
18 that took place, and we
19 greatly appreciate your
20 efforts to help us understand
21 what happened.
22 This interview with
23 James F. Jamison is being
24 conducted under Section 103 of
25 the Federal Mine Safety &

10

01 Health Act of 1977 as a part
02 of an investigation by the
03 Mine Safety & Health
04 Administration and the West
05 Virginia Office of Miners'
06 Health, Safety & Training into
07 the conditions, events and
08 circumstances surrounding the
09 fatalities that occurred at
10 Sago Mine owned by
11 International Coal Group in
12 Buckhannon, West Virginia, on
13 January 2nd, 2006. This
14 interview is being conducted
15 at the U.S. Bankruptcy
16 Courthouse in Clarksburg, West
17 Virginia on January 17th,

2006.

Questioning will be conducted by representatives of MSHA and the Office of Miners' Health, Safety & Training. After MSHA and state officials have finished asking questions, the

11

representative of the mining company may ask clarification questions only. This is not an adversarial proceeding, therefore, Cross Examination will not be permitted.

Mr. Jamison, the interview will begin by my asking you a series of questions. If you do not understand a question, please ask me to rephrase it. Feel free at any time to clarify any statements that you make in response to the questions. After we finish asking questions, you will also have an opportunity to make a statement and provide us with any other information you believe may be important. If at any time after the

23 interview you recall
24 additional information that
25 you believe may be useful,

12

01 please contact me at the
02 number or e-mail address
03 provided to you.
04 Your statement is
05 completely voluntary. You may
06 refuse to answer any question
07 and you may terminate your
08 interview at any time. If you
09 need a break for any reason,
10 please let me know. A court
11 reporter will record your
12 interview and will later
13 produce a written transcript
14 of the interview. Please try
15 and respond to all questions
16 verbally, since the court
17 reporter cannot record
18 nonverbal responses. Also,
19 please try and keep your voice
20 up. Copies of written
21 statements, written
22 transcripts, will be available
23 at a later time. If any part
24 of your statement is based not
25 on your own firsthand

13

01 knowledge but on information
02 that you learned from someone

else, please let us know.
Please answer each question as
fully as you can, including
any information you've learned
from someone else. We may not
ask the right questions to
learn information that you
have, so do not feel limited
by the precise question asked.
If you have information about
the subject area of a
question, please provide us
with that information.
At this time, Mr.
Conaway, do you have anything
that you would like to add on
behalf of the State?
ATTORNEY CONAWAY:
Yes. I'd like to make
a statement that the West
Virginia Office of Miners'
Health, Safety & Training is
conducting this interview

14

session jointly with the Mine
Safety & Health
Administration. And we are in
agreement with the procedures
outlined by Mr. Gates for
these interviews that will be
conducted here today. But the

08 Agency reserves its right, if
09 necessary, as outlined in the
10 West Virginia Code, to call or
11 subpoena witnesses TO require
12 the production of any record,
13 document, photograph or other
14 relevant materials necessary
15 to conduct this investigation.
16 Mr. Gates will do the initial
17 questioning, and then I'll
18 follow up with additional
19 questions. Richard?
20 MR. GATES:
21 Mr. Jamison, you are
22 permitted to have a
23 representative with you during
24 this interview and you may
25 consult your representative at

15

01 any time. You may designate
02 any person to be your
03 representative. Do you have a
04 representative with you?
05 MR. JAMISON:
06 I didn't bring nobody
07 with me. Is that what you're
08 talking about?
09 MR. GATES:
10 Yes.
11 MR. JAMISON:
12 No.
13 MR. GATES:

Do you have any
questions regarding the matter
in which this interview will
be conducted?
MR. JAMISON:
No.
MR. GATES:
Could you try to speak
up, ---
MR. JAMISON:
No.
MR. GATES:

16

--- please, for the
court reporter? Will you
please swear in Mr. Jamison?

FRED JAMISON, HAVING FIRST BEEN DULY
SWORN, TESTIFIED AS FOLLOWS:

BY MR. GATES:
Q. Mr. Jamison, do you prefer to
go by Fred or ---?
A. Fred.
Q. Fred, okay. Fred, would you
please state your full name and spell
your last name?
A. James Fred Jamison,
J-A-M-I-S-O-N.
Q. And could you please state
your address and telephone number?

A. 68 Red Lake Road, Roanoke, West Virginia, 26447. Phone is (304)452-8244.
Q. And Fred, do you have an e-mail address?
A. No.
Q. Are you appearing here today

17

voluntarily?
A. Yeah.
Q. Fred, how many years of mining experience do you have?
A. I started in the mine very close to saying June the 18th of '76.
Q. And could you give a brief description of your coal mining history, employment history?
A. Well, when I was a red hat, I done red hat work. And then I started running equipment. In '80 I went to school and got my fire boss papers.
Q. What mines have you worked at during your mining career, briefly, those that you recall?
A. A lot.
Q. Okay.
A. I've worked for Eastern, EAP, Republic Steel, Kitt Energy, Global Coal, Light Coal, Anker, ICG now. Probably more, but ---.
Q. Okay. Thanks. And how much

25 of that mining experience was at the

18

01 Sago Mine?
02 A. Sago Mine, I started in --- I
03 believe it was right after vacation,
04 July. I worked over at Spruce and
05 then they moved me over to Sago.
06 Q. And that was July of ---?
07 A. '05.
08 Q. 2005. And when did you begin
09 employment with ICG?
10 A. When they had taken over. I
11 really don't --- it was November,
12 January.
13 Q. Do you recall when you started
14 working at Spruce Mine?
15 A. It was January, I believe, of
16 '99 or 2000. It was one of them
17 there. I believe it was '99.
18 Q. And what is your present
19 position at the Sago Mine?
20 A. I was a fire boss and belt
21 examiner.
22 Q. And did you hold that same job
23 position on January 2nd, 2006?
24 A. Yes.
25 Q. Would you give us a

19

01 description of your job duties on
02 January 2nd, 2006?
03 A. What do you mean?

04 Q. You mentioned that your job
05 title was fire boss and belt ---?
06 A. Belt examiner.
07 Q. Could you please kind of go
08 into a little description of what
09 that entailed or what your duties
10 consisted of?
11 A. Well, I'll go in and I'll
12 shovel in the belt until like
13 pre-shift time. And then I make my
14 examination and walk the belt,
15 inspect hot rollers, gas, float dust,
16 and then I would call out and report
17 it.
18 Q. Okay. And how long have you
19 worked in that position, in that
20 particular position as fire boss and
21 examiner?
22 A. Since '81.
23 Q. Pardon?
24 A. 1981.
25 Q. And how long have you had that

20

01 position at the Sago Mine?
02 A. I started there.
03 Q. That was your position
04 immediately after you started?
05 A. Uh-huh (yes).
06 Q. Have you held any other
07 positions at the Sago Mine?
08 A. No.
09 Q. And Fred, do you have any

10 mining certifications?
11 A. Just fire boss. I mean, I'm
12 not an electrician or shop foreman or
13 anything like that, you know. Would
14 that be good enough, just ---?
15 Q. Right.
16 A. Okay.
17 Q. And that's with the State of
18 West Virginia?
19 A. Yes.
20 Q. Any other State Certifications
21 in any other states?
22 A. No.
23 Q. And who's your immediate
24 supervisor at the Sago Mine?
25 A. Well, it would be Carl

21

01 Crumrine.
02 Q. And how long has Mr. Crumrine
03 been your supervisor?
04 A. Well, I'm just guessing.
05 Heck, you go out there and there's
06 somebody there all the time, but I
07 would say maybe permanent, three
08 months.
09 Q. Three months?
10 A. Uh-huh (yes). Brad Phillips
11 was the other one.
12 Q. Brad Phillips was your
13 supervisor prior to Mr. Crumrine?
14 A. Yeah.

15 Q. And do you recall how long he
16 had been your supervisor?
17 A. Well, he --- I was with him at
18 Spruce, too, so maybe we'd say seven
19 months, just a guessing. It's pretty
20 hard to ---.
21 Q. Right. To the best of your
22 recollection.
23 A. Yeah, it's just the best I
24 can.
25 Q. Okay. And you were working at

22

01 the Sago Mine on January 2nd, 2006?
02 A. Yes.
03 Q. Starting at the time you
04 arrived on the mine property, could
05 you tell us what you did that day,
06 including as many details as you
07 recall and times that you might
08 remember?
09 A. I arrived at the bathhouse and
10 I was changing clothes, and Terry
11 Helms come in. So we were talking,
12 you know how guys do, just talk. And
13 we was getting dressed, and I said,
14 where are you going to get today.
15 And he said, well, I'll just do my
16 regular run and you do yours, and
17 said I'll leave the Jeep at Four
18 Head. So my regular job is One, Two,
19 Three belt and track.
20 Q. Do you recall what time you

21 arrived at the mine, on the mine
22 property that day?
23 A. It was probably quarter after
24 2:00 a.m.
25 Q. And you mentioned when you

23

01 were at the mine getting dressed you
02 were talking with whom?
03 A. Terry Helms.
04 Q. Terry Helms?
05 A. The other fire boss.
06 Q. Did you begin your shift at
07 your normal time on January 2nd? Was
08 2:15 about your normal time to arrive
09 at the mine?
10 A. Yeah. I usually got there
11 about 40, 45 minutes early, and our
12 starting time was at 3:00.
13 Q. And I know you briefly
14 described it a minute ago, but can
15 you kind of go over what you remember
16 doing on the surface prior to going
17 into the mine?
18 A. We were just talking,
19 bullshitting, like coal miners do.
20 And he said he would do that area,
21 and I'd do my regular area. And we
22 went back and countersigned the
23 books.
24 Q. And what books are you ---
25 particular books are you referring

to?
A. Yeah. That was the fire boss --- the area you fire bossed, you'd go back and look at it and co-sign that you've read it. And I went out and got my light and he did, too, and got my spotter. And I stepped outside, smoking a cigarette, and he was bullshitting with the dispatcher. And then we left and went down the hill and he was going to get a Jeep. Is that what you want me to do, just keep right on going?
Q. Right.
A. And he was going to get a Jeep, mantrip.
Q. And when you mentioned you were --- or there were some discussions with the dispatcher, who was the dispatcher at the mine on January 7th?
A. I believe his name is --- we call him Flea. I think his name is Chisolm. Everybody got a nickname.
Q. That's true. That's true.

There is a map up on the easel of the underground mine workings. Do you recognize that map as a map of the Sago Mine? And you can certainly get up and take a closer look if you

like. Looking at the map, it would be on your far left.

A. Yeah.

MR. GATES:

And could you mark that map as Jamison Exhibit One, please?

(Jamison Exhibit One marked for identification).

BY MR. GATES:

Q. Mr. Jamison, I'm going to provide you with a marker, and if you could use that marker and draw a line on the map indicating your path of travel during your pre-shift examination. I'd just start on the surface and work your way in. And if you could describe in any details any of your observations as you travel.

26

A. I came down in the mantrip with Terry, over the derail, went over on the belt came down to about 11 block, come out ---.

Q. Could you go ahead and just use the marker and outline your path of travel?

A. I came out and opened the derail for him and the door.

Q. Excuse me. Opened the?

A. Derail. It's a thing that goes across the track. If you don't open it, you get a derail, it will throw you off the track so you don't run through there.
Q. Okay.
A. Opened it up, heard him acoming, got in with him.
Q. Got in with?
A. Terry.
Q. Terry?
A. Helms. Rode up to Three Head, got out.
Q. Could you go ahead and just mark that, use the marker and

27

continue your route travel, please?
A. Got out. Terry went on. I walked up the belt.
Q. So you got out?
A. Yeah, and walked the belt.
Q. You got out of the ---?
A. The mantrip.
Q. Where at, please?
A. Three Head.
Q. Three Head. Could you mark that location, please?
A. Okay. Right here it is.
Q. Just label it Three Head.
WITNESS COMPLIES
A. Walked up the belt to Four Head. Do you have Four Head marked

on here?
BY MR. GATES:
Q. I'm not sure if it's specifically marked. That's the mine map that was provided by the mine. If you'd like to point out Four Head.
A. Terry had left the mantrip sit here.
Q. Sit here, could you mark that?

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A. Four Head.
Q. At Four Head. Okay. Would you just mark that as Four Head?
WITNESS COMPLIES
BY MR. GATES:
Q. The mantrip was left at Four Head; is that correct?
A. Right. Right. I got on the mantrip and I proceeded to go to Two Left. That's what he wanted me to get. He was going to his run and asked me if I'd pick up Two Left for him. I parked the Jeep here because I was afraid of getting off track by myself. Crossed the Jeep at Two Left switch.
Q. Two Left switch?
A. Walked up ---.
Q. Okay. When you entered the mine, were you actually conducting your examination when you entered the

22 ---?
23 A. Yeah, down to 11 Head, One
24 belt.
25 Q. Okay.

29

01 A. I went to Two Left, came over
02 into One, checked the face.
03 Q. If you'd like to, there is a
04 blow-up of the Two Left section that
05 may be easier to --- easier for you
06 to see and understand and you'll have
07 more room to make any marks.
08 MR. GATES:
09 And if you could mark
10 that as Jamison Exhibit Two,
11 please.
12 (Jamison Exhibit Two
13 marked for
14 identification).
15 A. Over here?
16 BY MR. GATES:
17 Q. Yes.
18 A. All right. Came up, went over
19 up to the face, checked the face,
20 went back, took an air reading, went
21 across down to Two, back --- Three
22 Left, Three --- never had no like .0
23 CH, no buildup. Curtain draw good.
24 Section is well dusted. It was made
25 --- it really looked good. Checked

30

01 in here, noticed here that the

curtain was that high. The air
---.
Q. Now, when you say you noticed
where --- and I was going to ask,
Fred, if you could, to the best of
your recollection, put the curtains
or the ventilation controls that were
in place at the face, if you recall
where they were located on that day,
with a black marker and just label
them as curtains. If you want to sit
back down, we got another ---.
MR. GATES:
I guess if you want to
mark that as Three, please.
(Jamison Exhibit Three
marked for
identification).
BY MR. GATES:
Q. And again, if you could just
kind of outline as you worked your
way across the section, and include
any of the curtains that you referred
to.

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A. Well, the curtains were up.
The only one I noticed was ---
really, was the one in the intake
that was blowing up because we had a
lot of air.
Q. And when you say in the

intake, where exactly are you
referring to?
A. Right in here. Right in here.
This is where the curtain went.
Q. Could you mark that and label
it as a curtain on the map where you
believe that it was located?
A. You want me to draw it to the
face or just mark ---?
Q. To the best of your
recollection, if you could draw how
the curtains were positioned on that
particular day.
WITNESS COMPLIES
A. That curtain would be there.
BY MR. GATES:
Q. Which particular curtain? And
when you're finished --- take as much
time as you need. And when you're

32

finished, we can go over and you can
explain what you've drawn.
WITNESS DRAWS ON MAP
BY MR. GATES:
Q. Is that the best of your
recollection?
A. Yeah. I'm not up there every
day, you know what I mean?
Q. I understand that, Fred. And
this is just to the best of your
recollection on that particular day.
A. Because usually --- I'm not a

face man, you know what I mean? But you know, I can tell if we've got curtains down and stuff like that.

Q. Could you just briefly describe the location of the curtains that you just marked on the map then as you saw them going across the section? Just kind of briefly describe what you drew there on the map and ---.

A. Line curtain. I put line curtains through the face.

Q. Starting in ---?

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A. Like One.

Q. When you say one, that's ---?

A. It's left to right ---

Q. Okay.

A. --- for curtain.

Q. In Number One?

A. This is a line curtain run to ten feet of the face.

Q. To within ten feet of the face, okay.

A. Right.

Q. Okay.

A. Line curtain, same thing.

Q. Same thing in entry Number Two?

A. Two, yeah. And this is Three, Three Left, ten foot of the face.

Four.
Q. There was also a curtain going into that connecting crosscut from Three to Two?
A. Yeah.
Q. And was that --- so that had not been cut through?
A. No.

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Q. Okay.
A. Four to the face.
Q. Entry Four, the same curtain to within ---?
A. Ten foot of the face.
Q. Okay.
A. And the same thing on Five. They go ten foot of the face. Six, Seven and Eight.
Q. And also you have drawn some curtains ---?
A. Them would be line curtains or check curtains.
Q. Across ---?
A. You're going to hold the air up.
Q. If you could just kind of describe what entries or where those curtains --- where those check curtains were located.
A. This would be in Seven. This would the air up into here, Seven Entry. If you don't, it would come

24 right back down.
25 Q. Okay.

35

01 A. So you got to have these here
02 to keep your air up here. The same
03 thing here.
04 Q. The same thing here in ---?
05 A. Six, Five, Four, Three and
06 Two. And you want to leave One open
07 because it's the intake and you want
08 it to go down.
09 Q. And when you say the intake,
10 the intake is in entry ---?
11 A. Number Eight.
12 Q. And ---.
13 A. See, it's open. And this is
14 your return. It's open because it
15 doesn't go down.
16 Q. And when you say that the
17 return is then in entry --- what
18 entry is ---
19 A. One.
20 Q. --- considered the return?
21 Number One, okay. When you say
22 you're not a face man, what are you
23 referring to?
24 A. I usually work outby face. A
25 section boss is usually --- you know,

36

01 he's there every day. You know, he
02 can --- he's the expert on this. You

03 know what I mean?
04 Q. But part of your assignments
05 are, in fact, to conduct the
06 pre-shift for this area?
07 A. Yes, I have done it. Yeah, I
08 have done it like --- just like
09 Christmas and New Year's I done it.
10 But I'm certified to do that.
11 Q. On January 2nd, did you, in
12 fact, conduct the pre-shift for the
13 Two Left working section?
14 A. Yes, I did.
15 Q. Prior to entering the mine on
16 January 2nd, did you review anything
17 or speak to anyone regarding the
18 pre-shift examination?
19 A. Terry. I talked to Terry.
20 You know, we talked. He said like,
21 you know, you get your regular run
22 and I'll get mine.
23 Q. And again, your regular run is
24 One, Two, Three?
25 A. And he said, you get your

01 regular run and I'll get mine and
02 asked me if I'd pick up Two Left for
03 him.
04 Q. So normally, Two Left was not
05 a part of your ---?
06 A. No.
07 Q. When was the last time that
08 you had performed a pre-shift on the

Two Left section prior to January 2nd?

A. It was after the 26th maybe of December, after Christmas.

Q. After Christmas?

A. First day back after Christmas.

Q. On January 2nd, do you recall if you observed any hazardous conditions during the course of your examination?

A. No.

Q. No, you did not observe any?

A. I didn't observe no --- nothing out of the ordinary. In fact, I thought it looked good.

Q. When you say you thought it

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looked good ---?

A. It was clean. The section was clean and dust --- sometimes you go up on a section, there's spillage up to your knees, there's no rock dust and there's curtains down and, you know, you got to put them curtains up. Because I always put a curtain up when I find it down because it might catch me before we get outside, and I made that rule a long time ago. But it looked good. It was just a good-looking section.

Q. Do you recall when the last time was that you observed any of these conditions that you just referred to, the spillage or the curtains down or some of the conditions that you just laid out for me?
A. No. I don't think I ever did at that mine because I never went up that area. I've always been outby, what we call outby. In fact, that was the second time I had ever been

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on that section.
Q. This was only the --- January 2nd was the second time ---?
A. Second time I had ever been up there.
Q. So the second time that you had been on the section or the second time that you had conducted a pre-shift --- the pre-shift for the section?
A. Right, both.
Q. Both, okay.
A. I didn't work up there.
Q. Did you fill out a pre-shift report after exiting the mine?
A. Yes.
Q. And did you identify this as a copy of that pre-shift report?
A. Yeah, that's mine.

20 MR. GATES:
21 And could you mark that
22 as Jamison Exhibit Four?
23 (Jamison Exhibit Four
24 marked for
25 identification).

40

01 BY MR. GATES:
02 Q. Did you make those entries in
03 the pre-shift record book based on
04 any notes that you kept or wrote
05 while you were underground?
06 A. My notes, when we came
07 outside, our clothes was hanging
08 outside, and my coat, my notes, my
09 glasses, my mining light and spotter
10 were all --- disappeared. But ---.
11 Q. When you say when you came
12 outside --- could you repeat what you
13 just said?
14 A. Yeah. When we come outside, I
15 went back --- we took our clothes
16 off. See, I went back into the mine.
17 Q. Okay. But when you --- the
18 notes that you used to fill out this
19 report, do you ---?
20 A. I have a little United Central
21 book I write notes in. But when we
22 come outside, you know how it is,
23 everybody worried what's this, what's
24 this, what's this. We laid our

25 clothes down on the bench. Here come

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01 the rescue squad. Here come Mine
02 Rescue. It's just hard to tell what
03 happened to the stuff. Mine wasn't
04 the only one. There was other
05 clothes gone, too. But I mean, you
06 know, you see an old shirt laying
07 there, you see an old coat, you got
08 something going on inside, it just
09 don't mean nothing.
10 Q. So you don't have a copy of
11 the --- you don't know what happened
12 to the notes that you took ---
13 A. No.
14 Q. --- while you were underground
15 on January 2nd?
16 A. No, because it was later ---
17 I think it was last Saturday before
18 we ever went to the mine. We went to
19 get our stuff.
20 Q. Could you go over the entries
21 that you made on the pre-shift record
22 book, the one that you're looking at?
23 A. What do you mean by that?
24 Q. Could you just kind of briefly
25 describe the entries that you made in

42

01 the record book on that particular
02 day?
03 A. Well, I went to them, dated
04 them, checked for gas. They was all

05 right. I didn't have no buildup on
06 anything, no gas.
07 Q. Now, when you say that, on the
08 particular face areas ---
09 A. Yeah.
10 Q. --- that you're talking about?
11 A. Yes.
12 Q. Any other locations that you
13 observed? Any methane on that
14 particular day?
15 A. No. If there had been a lot
16 of methane, my detector would have
17 beeped and picked it up.
18 Q. Okay. Back to the notes. You
19 say you normally keep notes in a
20 notebook while you're underground?
21 A. Yeah. I write down like date,
22 where I'm going, entries and what the
23 violation is. And then when we get
24 to a section, I'll put that out, you
25 know, to see what I need to check,

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01 what's wrote. Because a lot of times
02 when I have a place that's not
03 bolted, when you go up there it is
04 bolted. So you clear that up.
05 Q. On this particular day, do you
06 recall anything that may have been
07 out of the ordinary that you would
08 have had in your notes? Or do you
09 recall any of the notes that you took

that day?
A. Well, I never wrote any like violations or anything because everything looked good.
Q. So you don't recall having taken many notes on January 2nd?
A. No. It looked good.
Q. Do you recall taking any notes on January 2nd?
A. On anything --- like if everything is right, you know, you just don't write it.
Q. Okay. On January 2nd, was the main mine fan operating?
A. Yes.
Q. And was it operating at its

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normal speed and pressure?
A. I would say it was. Now, I do not check that. That's the electrician, permissibility and stuff on that.
Q. And who is the electrician that's responsible?
A. There's many of them. I have no idea.
Q. Do you know if the main mine fan was operating on the Sunday prior to the accident?
A. I don't know. I wasn't there. But it was running when I got to the mines. I think those guys worked

16 Sundays, so it would have had to be.
17 Q. When was the last time that
18 you were in the mine prior to your
19 pre-shift examination on January 2nd?
20 A. I don't remember my last day
21 that I worked. Let's see. I think I
22 worked Thursday. I'm just a guessing
23 now.
24 Q. Okay. To the best of your
25 recollection.

45

01 A. A lot's happened. It's been a
02 long time.
03 Q. Sure. I understand.
04 A. I think I was off Thursday,
05 Friday, Saturday, Sunday was a
06 holiday. It would have been on, I'm
07 guessing, Wednesday.
08 Q. The Wednesday between ---?
09 A. Before Christmas.
10 Q. Before Christmas or before New
11 Year's?
12 A. Right, before New Year's.
13 You're right.
14 Q. So the Wednesday between
15 Christmas and New Year's was the last
16 day that you had worked ---
17 A. Yeah.
18 Q. --- prior to January 2nd?
19 A. Yeah. Don't hold me right on
20 that, but I think that's what it was.

Q. And what was your particular job assignment on that day, if you recall?
A. Belt and track, One, Two, Three.

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Q. Do you know when the last time that anybody was in the mine prior to the morning of January 2nd?
A. Well, I believe the boys told me that they worked yesterday, that was Sunday. I was talking to Runyon (phonetic), I think was his name. But you know, a lot of guys, I don't know their first names. You know what I'm saying?
Q. And that name again was?
A. Runyon.
Q. Runyon?
A. Yeah. And he said, the section looked good; didn't it. And I said, yeah. And I don't know if he had been the one up there that cleaned and dusted or what.
Q. And you had had this conversation with Mr. Runyon on January ---
A. 2nd.
Q. --- 2nd?
A. Yeah. He had come out the mines. I think they might have

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called him out because he was a motor man. They were going to try to haul block or something. You know, they get supplies and they would rebuild and rehabilitate. I really don't know. Or maybe he just come down on his own. I don't know.

Q. So you would have had --- you think you had this conversation with Mr. Runyon then on the surface ---

A. Yeah.

Q. --- on Sunday?

A. No, it was on Monday, ---

Q. Monday.

A. --- after I come out. A lot of guys came to the mines that lived close when they heard.

Q. So that conversation wouldn't have taken place prior to you conducting your pre-shift examination?

A. No, it was after.

Q. After. Do you know if the mine fan operated continuously during the weekend, the weekend before

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January 2nd?

A. I wouldn't know, but there is a record of the fan.

Q. And do you know where that record is, where it's kept?

A. No. That's the electrician.
Q. Okay. Do you know if the underground power was de-energized on Sunday, January 1st?
A. No.
Q. And again, back to January 2nd, when you were assigned to conduct a pre-shift. Again, do you recall what time you actually entered the mine that day?
A. No, not exactly.
Q. Well, do you have an estimate as to what time you entered the mine?
A. It was close to three o'clock or 3:00. I mean, we're not always right on the money. You know what I mean?
Q. Right. And again, could you state how you traveled into the mine, not the route of travel, but the

particular equipment that you used to enter the mine?
A. Well, I walked for a ways and then we rode the mantrip up through the --- I rode to Three Head. Terry rode to Four. I walked to Four, rode the mantrip to Two. And then made an examination, started out, got down to One Left, called the dispatcher, Flea, told him that I was going to leave Terry's dinner bucket and coat

at the switch.
Q. At the switch?
A. Of One Left.
Q. Switch of One Left?
A. Right.
Q. When you entered the mine on January 2nd to conduct that pre-shift examination, was there anybody else in the mine when you entered?
A. No, I never seen anybody. I wouldn't have thought there would be anybody.
Q. Was the power on underground?
A. Yes.

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Q. And on your way into the mine, did you energize any electrical equipment on the way?
A. The only thing I tried to do was to set a breaker on a pump at 22 block along Three belt. It wasn't running. And I knew we got a water problem. But I was there at the pump. And you know, I checked it, so I tried to start it and it wouldn't start.
Q. So you tried --- again, could you describe the location where this pump was located?
A. Twenty-two (22) block on Three belt. But it sets in the return, but

it's along Three belt.
Q. And that pump --- when you arrived at the pump, it was not energized, it was not running?
A. Running. We was getting a water buildup.
Q. And when you say a water buildup, ---?
A. It was making water. You got

to keep them pumped or your water will, you know, eventually come over on it, so we run it.
Q. And how much water had --- how much water did you observe at that location?
A. Well, we're coal miners, so I'm just going to say --- we've got a cement block sitting there, half of the block. And you know, when you change shift, the guy asks you, where was the water at, and you'd say, well, it's a foot from the block foot above the block. You know, that tells us something.
Q. So was this --- so the water level ---?
A. Was up to the block.
Q. Up to the block.
A. It could be run, yeah. And I couldn't get it started, so I didn't --- you know, I'm no electrician, so

23 I just went on. And then when I got
24 back outside, I told John Boni about
25 it. He was our pumper.

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01 Q. Would you have made a notation
02 of this in your notebook?
03 A. Yes. I let him know it.
04 Q. Again, could you describe or
05 tell me one more time where the
06 location of this pump installation
07 --- where the pump was located?
08 A. Twenty-two (22) block, Three
09 belt return.
10 Q. Were any of the conveyor belt
11 flags operating when you entered the
12 mine on January 2nd?
13 A. You mean like the belt
14 running?
15 Q. Yes.
16 A. No.
17 Q. Did you start any of the
18 belts?
19 A. No.
20 Q. And when you started your
21 examination underground that day, did
22 you have any type of measuring
23 instruments that you took with you?
24 A. Yes. I had a spotter and an
25 anemometer.

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01 Q. And when you say spotter,

could you describe what you mean by spotter?
A. It's a little hand-held that picks up oxygen efficiently and methane.
Q. So it does detect oxygen and methane?
A. Uh-huh (yes).
Q. And I think you had mentioned earlier about the --- at times, that that device would give an alert or an alarm?
A. Yeah. It was right around .9, it would ---.
Q. .9 ---?
A. Percent.
Q. Percent?
A. Of methane. At .9, it would start beeping, beep, beep, beep, beep. And then that's when you got to figure out what's going on.
Q. Does the oxygen also have an alarm setting on it that you're aware of?

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A. I'm not aware of that.
Q. Had these instruments or the instruments you're referring to, the spotter and the anemometer, had they been calibrated?
A. Yeah. Mine was a good one. I always kept up on it, made sure it

08 worked good, you know, because I put
09 a lot of faith in it and I wanted it
10 to work. Because a lot of times they
11 don't work right, and I made sure
12 mine did. In fact, they borrowed
13 mine to go in when they went in to
14 check to see if they could find the
15 guys, you know, or something. And
16 they come and got mine because they
17 know, you know, I make it work.
18 Q. Do you know where your spotter
19 is now?
20 A. No. Unless they've checked it
21 and had it when I come to get it,
22 which could be.
23 Q. When you say that you kept
24 yours up and running, does that mean
25 that you performed the calibrations

55

01 on it yourself?
02 A. No. I would have the
03 dispatcher come.
04 Q. And again, the dispatcher is?
05 Who is the dispatcher?
06 A. Flea.
07 Q. Flea. So Flea was the person
08 responsible for doing the ---?
09 A. I would say he did. But see,
10 it's really simple, too. If you just
11 watch what you do and do it. When
12 you turn it on, it will say normal or

low battery. And if you got a low
battery, you just tell him. It's not
a big job.
Q. Do you know if it had been
calibrated as far as with any kind of
air --- methane mixture?
A. I don't know that, but that's
how they do it.
Q. When you say they, again, Flea
is ---?
A. Probably Flea.
Q. Do you know if there are
records kept of those calibrations?

A. I don't know for sure, but I'm
sure there is. Everything else is
kept on record.
Q. You mentioned a little bit ago
that the spotter that you carried
will give a signal when .9 percent
methane is ---.
A. One percent.
Q. You said one?
A. Yeah.
Q. Okay. I misunderstood you.
I'm sorry.
A. Well, now it had like a ---
when you're getting close, it will
start, but you're not there yet. You
know what I mean? It's just kind of
giving you a little warning at .9.
And then it goes to one percent and

then, you know, it will just kind of give you a little warning.

Q. Have you heard that spotter give you that warning at any time in the course of your examinations?

A. I'll tell you something. Never in that whole mine as long as I

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worked there or at Spruce. Because I've never been in gas air.

Q. Has the oxygen alert or alarm ---

A. No.

Q. --- ever gone off? So this particular ---.

A. But see --- but I'm a long way from the face, too. You know what I mean? I'm not up there all the time when they're drilling in the mine. I'm talking about myself, no.

Q. And this particular spotter does not have the capability to monitor for carbon monoxide or any other gases?

A. Yes.

Q. Oh, it does?

A. Yeah.

Q. Okay. So now we're at carbon monoxide, ---

A. Oxygen.

Q. --- oxygen and ---?

24 A. CO.
25 Q. Okay. Any other gases

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01 that ---
02 A. No.
03 Q. --- that this particular
04 spotter ---? Do you know what type
05 of --- who manufactures the spotter
06 that you use; do you recall?
07 A. No.
08 Q. Have you ever heard the
09 spotter or the detector give any kind
10 of alert or alarm based on CO levels?
11 A. I have been around mantrips
12 sometimes on hooking where they've
13 been charging, and it will pick it
14 up.
15 Q. When you mentioned and you
16 described or used the term mantrip a
17 couple of times earlier, could you
18 describe exactly --- not exactly, but
19 could you give a little description
20 of the type of equipment that you're
21 referring to that's the mantrip?
22 A. That's what the men ride in
23 and out on.
24 Q. And is that electrically
25 powered?

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01 A. It's battery operated, but
02 it's electrical charge.
03 Q. Okay.

A. And sometimes the battery will get real low on water and you'll have carbon monoxide come out. And the spotter will pick it up. But it usually is just a flash like that, you know. And we also have CO monitors for that, too, and controllers.

Q. At the battery-charging ---

A. Right.

Q. --- stations?

A. Yeah.

Q. And the mantrip, is this a rail --- it's designed to operate on ---?

A. On rail, probably hauling maybe, guessing, ten men, maybe more. I don't know. They're difference sized.

Q. What types of communication are used in the Sago Mine?

A. Like we got a phone, pager

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phone.

Q. Pager phone?

A. Uh-huh (yes).

Q. And where are those phones? Do you recall the locations of those phones?

A. They're along the track. They're at the belt heads, on the

sections.

Q. Where are they located on the sections?

A. Usually at the power centers.

Q. Power centers?

A. Uh-huh (yes).

Q. On both the One Left and Two Left ---

A. Yeah.

Q. --- belt heads? Any other locations that you know of?

A. They're along the track so you don't have to run so far. Like, you know, if you break down or something, you don't have to go a mile or two to get to a phone.

Q. Are there any walkie-talkies

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or any other types of communication used in the mine?

A. The section, I see them picking them up and using them. They got walkie-talkies where they talk back --- but see, I don't work up there, ---

Q. I understand.

A. --- but I'm just --- what I'm seeing, you know, they use them. Like a miner man will say last buggy or something, you know, and then that means that the buggy man won't come back because the miner is being

15 moved.
16 Q. So does everybody on the
17 working section then have a
18 walkie-talkie?
19 A. I don't know if all of them
20 have it or not. I don't know. I
21 would say the miner and the buggy men
22 definitely would have, but I don't
23 know about the scoop and the bolters
24 and stuff like that. I don't know.
25 Q. Other than the required air

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01 quality and quantity measurements
02 that you made and recorded in the
03 examination book on January 2nd, did
04 you take any other readings anywhere
05 in the mine?
06 A. No, I didn't take no air
07 reading.
08 Q. But you had --- your spotter
09 was on?
10 A. I usually carry my spotter on
11 my arm.
12 Q. And you had no alerts or
13 alarms that you heard anywhere during
14 that time?
15 A. (Indicates no).
16 Q. Along the belt and the track
17 entries entering into the mine, are
18 there any high places along that belt
19 of track?

A. High places? Yeah. I don't know a mine that don't have one or two somewhere.
Q. And do you recall where those high places are, where they're located at?

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A. No. It's pretty high all the way through.
Q. When you say pretty high ---?
A. Ten or 11 foot some places.
Q. What was that, I'm sorry?
A. Ten or 11 foot some places.
Q. What's the normal height then, I guess, along the track or the belt?
A. Well, it varies up and down. Probably from six foot maybe to nine, ten foot. Sometimes we can't hold --- they try to and they can't hold it and, you know, it will break out or --- and they just cut it down and bolt it while we're there.
Q. Do you recall or could you identify on the mine map where any of these higher places are located?
A. No.
Q. And do you normally examine these areas?
A. When I'm a walking, usually I'll go like that.
Q. And when you say go like that ---?

A. Yeah. I'll stick it up as I move through, because it will pick up.

Q. So do you have a probe or any kind of --- any mechanism to ---?

A. No, I don't have one. Now, at the real high spots, they keep a probe or try to. They get misplaced, ran over and everything else. But they do have them. But there's none on my area.

Q. Okay. Do you know where these high areas are then that you just mentioned?

A. No. But at other mines, you know, I've seen seem. Now, they had them over at Spruce.

Q. Okay.

A. Because they had a lot of real high falls there.

Q. And these higher areas then that you're responsible for examining, have you ever detected any methane in any of those areas?

A. No. That's why it's so

confusing. You know, you just don't know where it comes from or what.

Q. And on January 2nd, did you examine the higher areas along your

route of work, route of travel?
A. Yes.
Q. And again, no ---
A. No.
Q. --- methane?
A. No. And my spotter would have went crazy in any of that, if I run into any kind of methane problem. I mean, it would have let you know.
Q. During any of your examinations at the Sago Mine, have you encountered any low air velocities or air reversals in the belt track or any of the common entries to the belt track?
A. No, not until that day it happened.
Q. Pardon?
A. The day of the explosion, which is when air started back down the belt.

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Q. So prior to January 2nd, you had not encountered any low velocities or air moving?
A. No. I usually got about 20, 20.9, 21. The air was pretty good. It was outby, too, you know.
Q. In what direction is the air normally traveling in the belt and track entries?
A. Usually in neutral, going up.

11 Q. When you say going up ---?
12 A. Yeah, it's usually going in.
13 Q. And towards the work area?
14 A. Yeah.
15 Q. And working faces? Okay. I
16 believe you may have answered this
17 already, but were your --- the
18 findings of your pre-shift on January
19 2nd any different or significantly
20 different in any way from previous
21 examinations that you had conducted
22 at Sago Mine?
23 A. What?
24 Q. Were your findings on January
25 2nd during the course of your

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01 examination different in any way from
02 previous examinations?
03 A. No.
04 Q. Did you make any observations
05 concerning rock dust in areas that
06 you traveled?
07 A. What do you mean, write it
08 down or anything? I mentioned it to
09 people, how good it looked.
10 Q. And you mentioned any --- did
11 you mention any problems or any
12 concerns with the rock dusting?
13 A. No.
14 Q. Are you okay for ---?
15 A. I could take one.

MR. GATES:
Could we go off the
record?
SHORT BREAK TAKEN
MR. GATES:
At this time, Doug
Conaway I believe has a few
questions for you, Fred. So
Doug?
BY MR. CONAWAY:

Q. Fred, I just want to go back
through and clarify a few things to
this point. You said as you went in
to make your pre-shift examination
you went up to the Two Left switch
and parked your vehicle; is that
correct?
A. Yes.
Q. Could you show us how --- did
you go up the track belt? How did
you go up onto the section? Which
entry ---?
A. Walked up the belt.
Q. You went up the belt?
A. Walked up the belt and come
back this way.
Q. Do you know what time you were
on the section? Do you want to mark
that? Do you want to mark that on,
if you would, how you went up --- how
you entered the section? You say you

22 went up the belt?
23 A. Uh-huh (yes).
24 Q. Could you mark ---?
25 MR. GATES:

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01 Just one thing. If you
02 could take that blue marker
03 and maybe mark your route of
04 travel into the section, Fred.
05 And that's being marked on
06 Jamison Exhibit Three.
07 WITNESS COMPLIES
08 BY MR. CONAWAY:
09 Q. Do you know what time that you
10 arrived and started your exam on the
11 section, Fred?
12 A. 4:00.
13 Q. 4:00 a.m.?
14 A. 4:00 a.m. to 4:25.
15 Q. On the section?
16 A. Yeah.
17 Q. Do you know how long you were
18 on the section conducting ---?
19 A. On the section, 25 minutes.
20 Q. Twenty-five (25) minutes.
21 Could you mark on there where you
22 made your examinations and what
23 examinations you made during your
24 time on the section?
25 A. I made them at the face.

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Q. Okay. You made a what?
A. Examination to check for gas.
Q. You made a methane exam?
A. Right.
Q. On the face?
A. Uh-huh (yes).
Q. On all the face areas, one through ---?
A. Eight.
Q. Okay. Where did you take your air reading? Did you take an air reading?
A. Yeah. I took an air reading here.
Q. And what did that ---?
MR. GATES:
And could you mark where here or could you describe where here is, Fred?
A. It's right here.
BY MR. CONAWAY:
Q. And what was that air reading; do you recall?
A. Eleven (11) something.
Q. Okay.

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A. I've got it in my book.
Q. It's on --- would you look at your --- that's the report ---.
A. Okay. Here it is, 11.241.
Q. That's correct then?
A. Yeah.

Q. That's what you found?
A. Yeah.
Q. When you came off the section, when you came down off the section after you examined the face areas, what was your travel --- route of travel? Could you mark that on there as well?
A. Down the track.
Q. Could you maybe use, just so we can differentiate between in and out, use a ---
A. I'll use a different color.
Q. --- green marker here?
WITNESS COMPLIES
BY MR. CONAWAY:
Q. Now, you're saying you came down the track entry then off of the section?

A. Yeah.
Q. After you had been there approximately 25 minutes. So that should have been approximately 4:25, according to what you're saying?
A. Uh-huh (yes).
Q. You hit the section at four o'clock. Twenty-five (25) minutes, you're exiting off 4:25. Do you recall where the equipment was on the section, any equipment that may have

12 been up there? Did you recall seeing
13 where it may be? And if so, mark it
14 on the ---.
15 A. The miner was in ---.
16 Q. If you can just kind of use
17 the black marker and mark where ---
18 mark any equipment that you might
19 have observed during your exam.
20 A. The miner is really the only
21 one I recall. I mean, I seen the
22 bolters and the buggies, but I don't
23 know --- remember what heading, you
24 know what I mean, because it's not
25 something we do.

01 Q. So the only thing you recall
02 is just the ---
03 A. The miner.
04 Q. --- is you can give me an
05 exact location or general location
06 ---
07 A. That would be right here.
08 Q. --- where you recall the
09 miner? And that is where?
10 A. Number One.
11 Q. Number One entry?
12 A. Yeah.
13 Q. And it's --- where would you
14 say, is it in the face or it's ---?
15 A. No, no, it was back.
16 Q. Back outby the face, a block,
17 is that what you're showing?

18 A. Yeah, right in this block
19 right here.
20 Q. Okay.
21 MR. GATES:
22 And you have got that
23 labeled miner?
24 A. Yeah. Right here it is.
25 BY MR. CONAWAY:

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01 Q. So that's the only piece of
02 equipment that you recall seeing? No
03 tool car?
04 A. I seen a tool car and I seen
05 buggies. In fact, I dated the
06 buggies and the bolters, but I don't
07 remember what heading.
08 Q. Okay. I'm just trying to see
09 what you recall, exactly what you
10 recall.
11 A. It's hard --- you know, you
12 say this and that's here and ---.
13 But usually when I go out, I'll tell
14 the boss coming in where his miner
15 is, and I did do that. And then he
16 goes from there.
17 Q. Were there any
18 battery-charging stations on the
19 section?
20 A. There was one outby the power
21 center.
22 Q. Would you mark where that's at

and where the power center is?
WITNESS COMPLIES
A. The power center is probably

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right in here. Mark it in black?
MR. GATES:
Yes, black is fine.
BY MR. CONAWAY:
Q. Yes, that would be fine. And
you're showing the spad, but --- can
you show that spad mark is where he's
putting it?
MR. GATES:
I think he's labeling
it power center, I believe.
A. And the charger was back, they
had a scoop sitting on it.
BY MR. CONAWAY:
Q. Was it charging?
A. No.
Q. No other equipment that you
recall at all on the section?
A. It was all there, but I don't
know exactly where it was sitting.
MR. CONAWAY:
Do you need an exact
location of the charger? Do
you want to ---?
MR. GATES:

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You're saying it's
located --- if you could just

03 clarify if it's in the
04 crosscut between entry --- the
05 number of the entries that
06 it's between or designate
07 close to a spad number,
08 however you'd like to
09 describe, the easiest for you
10 to describe that location,
11 Fred.
12 A. It would be sitting between
13 Five and Six.
14 BY MR. CONAWAY:
15 Q. Okay. The battery charging
16 station? Okay. Do you recall seeing
17 any Kennedy stoppings on the section?
18 A. No.
19 Q. What about is there
20 battery-charging stations that you
21 saw anywhere else in your examination
22 throughout the mine?
23 A. No.
24 Q. That's the only one that you
25 saw that you've just identified,

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01 which is on the working section?
02 A. Yeah.
03 Q. That's the only
04 battery-charging station?
05 A. Uh-huh (yes).
06 Q. Did you make an exam at that
07 ---?

A. Yeah, because it was right
there.
Q. You made an exam. You've
talked about your spotter. You said
it's called a spotter. I mean, could
you describe your methane detector in
a little more detail? What color is
it? What does it look like? Does it
have a name on it?
A. It's like aluminum. I don't
know the name of it. I should, but I
don't. I can't recall.
Q. You said that you're not
normally on a section. How much
section experience have you had in
your working career, working up on
the ---?
A. I worked all face until I got

78

my paper. So '77 to --- I have four
years.
Q. That you worked on the face
area?
A. Yeah, but at a different mine.
Q. How much pre-shift experience
have you had --- how many times have
you pre-shifted a working section?
A. I can't tell you that.
Q. A lot? Some? Seldom?
A. Seldom, because I've only done
it twice there.
Q. This is only the second time?

A. Right.
Q. December 26th you said and then the 2nd?
A. Yeah, I believe it was the 26th. It was after Christmas.
Q. After Christmas. So those are the only two jobs you've ever been on a working section making a pre-shift examination at this mine?
A. I believe.
Q. Okay.
A. I mean, I'm not for sure. You

79

know, I just can't remember everything. But I know it's not much.
Q. Okay. You said that you walked down the track entry when you were leaving the section. Where did you go from that point?
A. I went ---
Q. What did you do?
A. --- and got on my Jeep and ---.
Q. Which was where?
A. What?
Q. Where was the Jeep located?
A. At the switch.
Q. At the Two Left switch?
A. Two Left switch.
Q. Okay.

A. And then I started outside.
Q. Okay. You mentioned something about working on a pump at 22 block of Three belt. When did you do that in the course of this day's activity?
A. When I was coming back ---.
Q. Coming back from where?

80

A. Outside. From Two Left to outside.
Q. Okay. This is on your way now outside. You stopped at ---?
A. Twenty-two (22) block on Three belt.
Q. Okay. And you went over and checked the pump and you said you tried to start it. What did you do or ---?
A. Just threw the breaker.
Q. Just threw the breaker. And it didn't start, so that's all you did?
A. And that's all I did. I'm not an electrician. I just turn her in.
Q. Do you know anything about what kind of pump it is or ---?
A. I'd say it's a Stanko (phonetic). I'm just guessing.
Q. Okay.
A. You know, they've been painted so many times, I don't know what they are.

25 Q. Do you know what time that

81

01 was?
02 A. No, I don't.
03 Q. Okay.
04 A. But it was on your way out?
05 A. Uh-huh (yes).
06 Q. At any time did you examine
07 the Number Two belt? And if so, when
08 did you do that?
09 A. Yeah. I come back down to the
10 Three Head, left the Jeep on my way
11 out.
12 Q. Okay.
13 A. Stopped at Three Head and
14 checked the head because there's
15 always rocks getting caught in it.
16 And I checked it to make sure there
17 wasn't no rocks in it. Walked down
18 Two Head and then I come back and got
19 on the track --- got on the Jeep,
20 went down to One Head and done the
21 same thing.
22 Q. Okay.
23 A. I checked that head and looked
24 that One belt over, went down and
25 then checked that pump across from

82

01 Two Head. And then I proceeded
02 outside.
03 Q. Okay. Did you make any

methane readings?
A. I always make methane
readings.
Q. You mentioned you just kind of
carried your spotter, and you're
waiting for it to go off, the alarm
to go off. But did you stop and ---?
A. Yeah. But you're looking ---
you're looking ---.
Q. Did you stop and actually take
readings at some point?
A. Yeah.
Q. Okay.
A. It does it for you. All you
got to do is just put it there. It
does it.
Q. You made a statement. You
said we're not always on the money
with our times. What did you mean by
that?
A. Well, you asked me exactly
what time we departed, and I said it

would have been three o'clock.
Q. Around ---?
A. It could have been 2:50, it
could have been 3:05. I mean, I'm
being honest with you.
Q. I just wanted you to clarify
what you meant by that. Weather
conditions when you entered the mine,
what's your recollection of the

10 weather condition? Anything stand
11 out?
12 A. I have none, you know, because
13 I usually don't pay any attention to
14 the weather. I don't know whether it
15 was raining or what.
16 Q. When you exited the mine, what
17 time was that?
18 A. It was probably 20 'till 6:00,
19 something like that.
20 Q. Twenty (20) 'till 6:00. Do
21 you recall any of the weather
22 conditions at that time?
23 A. I didn't pay attention.
24 Q. Don't pay attention? Did you
25 call your report out or did you bring

84

01 it out with you?
02 A. No, I brought it out.
03 Q. You brought it out. You
04 didn't call it out. Okay. What
05 about the seals in the mains area?
06 We're calling it Two Left? What are
07 we going to officially call it, Two
08 Left, the north mains, the Three
09 Left? Either one. The set of seals
10 that were just put in ---.
11 A. I don't check seals.
12 Q. You haven't examined those at
13 all?
14 A. Never.

Q. Never have?
A. I've never been there.
Q. Okay. What was the closest examination that you made to that area, any kind of methane reading or any kind of exam that you made during your pre-shift of this mine, in this area right here? Did you make any methane exam or anything close in that area at all?
UNIDENTIFIED SPEAKER:

85

For the record, this area ---?
BY MR. CONAWAY:
Q. I'm pointing to the area of the Two Left switch.
A. I never picked up anything.
Q. But you're saying you did make an exam in that area?
A. (Indicates yes).
Q. Do you know exactly where you made it or why?
A. No, I don't know exactly where I made it because I'm always looking at it, you know.
Q. What you're saying is you went through that area and you're confident you had made a methane reading ---
A. Right.
Q. --- in the area of the Two

21 Left switch?
22 A. Right. And there would have
23 been a buildup, I would have knowed
24 it.
25 Q. Okay.

86

01 MR. CONAWAY:
02 Richard, I'll go back
03 to you. That's just a few.
04 MR. GATES:
05 Okay.
06 BY MR. GATES:
07 Q. Fred, we're going to try to
08 avoid switching back and forth as
09 much as we can, try to make things as
10 easy for you as possible. So just
11 kind of easing back into what I had
12 been asking you about your pre-shift
13 examination, I think the last
14 question I had asked about any
15 observations that you had made
16 concerning rock dust in the areas
17 that you traveled, and I believe you
18 responded that you didn't see any
19 areas of concern; is that correct?
20 A. That's right.
21 Q. And during the course of your
22 travels on January 2nd, during the
23 pre-shift examination, did you
24 observe any damage to any of the
25 ventilation controls in the mine

during your pre-shift?
A. No.
Q. Going back to your examination and looking at Exhibit Two that is a blow-up of the One Left and the Two Left section, did you make any examinations at the intersection of the Second Left and the Two North mains?
A. Right there at the switch?
Q. Yes.
A. Yes.
Q. And were there any --- what did your examination reveal or any observations that you made in that particular area?
A. .1 is about all I ever got.
Q. .1?
A. Yeah, methane.
Q. .1 percent methane?
A. Yeah. But that's just normal in a coal mine.
Q. Did you recall if that would have been in any particular entry or any --- at the switch or where was it

normal to find that .1?
A. You can just find that anywhere.
Q. About anywhere?
A. Yeah. You know, we are in the

coal mines.
Q. Sure. Was there any electrical equipment located around the intersection of Two Left and the Two North mains?
A. Toward the belt drives.
Q. Could you mark that belt drive location on Exhibit ---?
A. I don't know exactly right where it does sit.
Q. In other words, grab a black marker and mark where you think that belt drive is on Exhibit Number Two, please.
WITNESS COMPLIES
A. But I'm not that familiar with it.
BY MR. GATES:
Q. Just do the best of your recollection.

89

A. It's in this area right here. Just label that as belt drive or however you want it? Belt drive. It doesn't make any difference.
Q. Any other electrical equipment in or around that area of the mine that you observed during your examination?
A. There was a charger probably right here, the mantrip.

Q. Fred, if you could just mark
that and label it charger, please.
WITNESS COMPLIES
BY MR. GATES:
Q. Any other equipment that you
recall in that general area?
A. I never noticed it.
Q. And again, I understand that
you said this is not a part of your

A. No, I'm not there every day.
Q. --- normal assignments. Do
you recall anything about the roof
conditions around the intersection of
Two Left and the Two North mains, the

90

area we just discussed?
A. I never noticed anything out
of the ordinary.
Q. And just to repeat, I guess,
or to confirm, did you ever examine
any of the old Two Left main seals,
the seals at the end of the --- and I
don't know. I'll just ask maybe what
you refer ---.
A. I've never --- I was sitting
here thinking. I've never examined
any of the seals.
Q. You've never examined any
seals in the mine or any ---?
A. In that mine, because it's not
my job. They have guys that does

17 that.
18 Q. Okay. Do you know who's
19 responsible for making the
20 examination of the seals in the mine?
21 A. Ron Grall and John Boni, I
22 believe, does it.
23 Q. And just for clarification, I
24 guess, what do you refer to those
25 seals as? I mean, I guess I'm just

91

01 kind of looking for some terminology
02 that would make it easy for you to
03 know what I'm talking about.
04 A. A bomb.
05 Q. Pardon? No. I mean, how
06 would you --- what do you refer to
07 this --- and when I say this, it's on
08 Jamison Exhibit Two, set of ten seals
09 on the north mains. What do you
10 refer to this set of seals as? Or is
11 there a designation that you would
12 give to it?
13 A. It would just be --- I would
14 call it --- maybe if somebody wanted
15 to know exactly what they are, Two
16 Left seals maybe. I don't know.
17 Q. Okay. I was just ---.
18 A. Yeah. I really don't know.
19 Like I said, I have nothing to do
20 with them.
21 Q. Okay. And I believe that you

22 indicated that you have marked the
23 electrical equipment on the Two Left
24 Section to the best of your
25 recollection on Exhibit Three?

92

01 A. The equipment?
02 Q. Right.
03 A. Yeah. When I go by, my name
04 is on them, and it should still be
05 there.
06 Q. But I mean you have labeled on
07 this particular exhibit the location
08 that you recall the continuous mining
09 machine being located?
10 A. My initials was on it, and I
11 was there.
12 Q. And I know you mentioned,
13 Fred, that you don't recall the exact
14 location of any of the other
15 equipment on that section.
16 A. No.
17 Q. But do you recall what
18 equipment that you would normally
19 find --- and I say normally,
20 understanding that this is not part
21 of your regular assignment. But what
22 other equipment do you recall being
23 there?
24 A. There was a miner and buggies
25 and bolters.

93

01 Q. One miner? One continuous

miner?
A. Yeah. I believe that's all I seen.
Q. And how many --- when you say buggy ---?
A. I might have seen one or I might have seen two. But I mean, you know, ---.
Q. Right. All I'm saying ---.
A. What I seen is what I signed.
Q. Okay. Right. Just to the best of your recollection.
A. I'm hoping that it's on all of them. I think it is, but it's on enough.
Q. Do you remember how many roof bolting machines you observed on the section that day?
A. No, I don't. But I signed --- I do remember signing on a pie pan on a bolter. And everybody knows what I'm talking about.
Q. On one --- you remember one ---?

94

A. Yeah, I signed. Probably went by and seen the pie pan there, so I just dated it.
Q. Okay.
A. But I don't know which bolter or where it was sitting or ---.

07 Q. So you think there was more
08 than one bolter involved there on the
09 section?
10 A. There might have been.
11 Q. Do you recall any scoops or
12 any ---?
13 A. The scoop was on the charge at
14 the --- where I marked it there.
15 Q. Okay. Any other support
16 equipment, low tracks or forklift or
17 anything of that nature.
18 A. I don't remember.
19 Q. Was there personnel --- do you
20 recall a mantrip anywhere?
21 A. I never seen one.
22 Q. Okay. And what did you do
23 after you had completed your exam of
24 the section?
25 A. I came outside.

95

01 Q. Could you take the green
02 marker, and I know you've started
03 your return route out of the ---
04 outside, if you will, on Exhibit
05 Three, getting you off the section.
06 Do you recall your route of travel
07 from there on out of the mine?
08 A. I just followed the track out.
09 Q. So you took the --- you stayed
10 on the track entry the rest of the
11 way out of the mine?
12 A. That's the only way you can

13 get a mantrip out is on a track.
14 Q. So you rode the mantrip?
15 A. I brought --- I always come
16 out and bring the mantrip out and put
17 it on charge so the next crew coming
18 will have a Jeep.
19 Q. And when you say bring it out,
20 that charger --- you're out of the
21 mine? The charging station is on the
22 surface?
23 A. (Indicates yes).
24 Q. Did you report the findings of
25 your pre-shift examination to anyone

96

01 on January 2nd?
02 A. It was in the book, and I was
03 talking to Junior Toler, and told him
04 that the section looked good and I
05 said your miner is in One.
06 Q. And you mentioned that to,
07 again, I'm sorry?
08 A. Junior Toler, the next boss
09 coming in.
10 Q. And you had that conversation
11 after you had reached the surface?
12 A. Yeah.
13 Q. Okay. Anything else that you
14 recall doing while you were on the
15 surface, after you had exited the
16 mine?
17 A. No. But just a guessing, I

18 probably went and got me a sandwich.
19 I usually do get a little, you know,
20 something to eat before I go back in.
21 Q. Do you recall what time you
22 arrived at the surface on that
23 particular day?
24 A. No. You asked me there a
25 while ago. I just --- I don't know,

97

01 5:40, 5:30. I don't know.
02 Q. Pardon? About ---?
03 A. Yeah, probably about 20 'till,
04 something like that.
05 Q. Twenty (20) 'till?
06 A. 6:00.
07 Q. Twenty (20) 'till 6:00?
08 A. Yeah.
09 Q. And did you re-enter the mine
10 on January 2nd, after you had
11 completed your pre-shift examination?
12 A. Yeah.
13 Q. Do you recall about what time
14 you may have started back into the
15 mine?
16 A. It was probably a little
17 before 6:00, and I went to Two drive.
18 Q. Number Two belt drive?
19 A. Number Two belt drive. Up
20 into Two drive.
21 Q. So you walked back into ---?
22 A. Yeah. I like to walk. I
23 don't ride much, unless I have to.

24 You get fat.
25 Q. I'm kind of like you. I

98

01 prefer to walk. I walk myself when I
02 can.
03 A. That's lazy.
04 Q. And what was your purpose for
05 re-entering the mine then on ---?
06 A. I was starting my shift. I
07 walked in the Two drive and I had a
08 little spillage at the V flap.
09 Q. At the where?
10 A. At Two Head, on One belt there
11 was a piece of rubber that's shaped
12 like a V. And when the cold comes
13 back, it hit on that V and fall off,
14 and we'd clean it up. It keeps
15 getting a buildup. So I had some
16 there, and I also had some behind the
17 drive. And I took a shovel and I was
18 getting ready to shovel it up.
19 Q. When you went back into the
20 mine, Fred, did you --- were you
21 traveling alone or was there anybody
22 who accompanied you?
23 A. I work alone.
24 Q. Alone, okay. And could you,
25 again, take the orange marker and

99

01 kind of just describe the layout of
02 the route that you took to walk back

into the mine?
A. Too many repeats here.
Q. Maybe just if you --- I'm sorry for repeating, but just for clarification. If you'd mark that on Jamison One, please. I believe we've marked blue on the initial trip, to the best of your recollection. Use the orange marker for re-entry into the mine.
WITNESS COMPLIES
BY MR. GATES:
Q. And that was the extent of your travel into the mine?
A. Yeah, on foot.
Q. Okay. Thank you.
A. Did you take any air readings when you re-entered the mine?
A. No.
Q. Did you have your spotter with you when you ---?
A. Absolutely, all the time.
Q. Any findings as far as the

100

spotter that you recall or any methane readings or --- no?
A. No.
Q. Okay.
A. I'm not even going to say it.
Q. And were you underground at the time of the accident?
A. Yeah, I was shoveling.

09 Q. Shoveling at that location
10 that you just marked on the map?
11 A. Yeah.
12 Q. Could you describe to the best
13 of your abilities what you remember
14 about that particular time?
15 A. I felt something in my ears,
16 like that, and I thought we had had a
17 fall in the intake or a return
18 because the air coming down the belt.
19 So I walked up towards Three drive to
20 see if there was a stopping
21 crushdown. I never seen none. So I
22 heard Owen Jones on the phone. He
23 was telling that he thought he had an
24 explosion. I don't recall who he was
25 talking to. They told him to get his

101

01 men out, so I started walking back.
02 Q. Starting walking back down the
03 belt, the belt entry?
04 A. I really don't recall right
05 now. I was scared. And I started
06 outside and I met Al Schoonover,
07 Wilfong and I think Jeff Toler, and
08 they told me to get outside.
09 Q. Do you recall where you met
10 those people at, Fred?
11 A. It was probably --- maybe
12 three blocks in, but on my way out.
13 Q. Three blocks in --- I'm sorry,

I know this is difficult.
A. 300 feet in the mine.
Q. Okay.
A. But I noticed on the way out that the man doors were all open on One belt, so I shut them as I came out. That's about it.
Q. I know you mentioned that you felt something in your ears. Did you observe any smoke or feel any heat?
A. The only thing I felt was pressure on the stopping. I mean, it

102

--- a stopping can crush out and you got air that's going to come through. It wasn't a hurting feeling. You know what I mean? It was just --- but I've been around long enough to know something is wrong. And that's just what --- you know, I never even dreamed of this, what really happened. I just thought a stopping had crushed and I was trying to find it.
Q. So you continued --- that's when you started up the Number Three belt?
A. Two belt.
Q. Two, up towards Number Three belt, ---
A. Right.
Q. --- was to ---?

20 A. Because you know, it was a
21 --- I thought it was close because it
22 was a pretty good percussion. And I
23 thought that stopping is close. I
24 wanted to find out and then get on
25 the phone and call and tell them what

103

01 was going on.
02 Q. And while you were traveling
03 up the belt then, did you observe any
04 stoppings, any damage to any
05 stoppings, any roof conditions that
06 were different than you had recalled
07 from your last time there?
08 A. No.
09 Q. And again, you mentioned that
10 when you had met the four gentlemen
11 and were told to exit the mine, that
12 you continued to walk out the belt
13 entry; is that correct?
14 A. Correct. I was coming out the
15 track.
16 Q. You were coming out the track.
17 And you continued out the track to
18 the surface?
19 A. Yes, sir. I shut all the
20 doors. I seen them open when I come
21 outside.
22 Q. Now, do you recall how many
23 doors you ---?
24 A. No.

25 Q. I know it's tough and I know

104

01 there were a lot of things going on
02 at this time, but do you have a feel
03 for what time you may have --- first,
04 what time you may have felt this
05 pressure in your ears or this feeling
06 in your ears initially?
07 A. I never looked at my watch
08 because I never really knew how
09 serious it really was. But they're
10 saying 6:30, so probably right on.
11 Because I hadn't been there very
12 long.
13 Q. You hadn't been at the belt
14 drive very long?
15 A. No. I walked in.
16 Q. Right. And do you have a feel
17 for how long you were in the mine or
18 I guess what time it was when you got
19 back to the surface?
20 A. From the time I went in and
21 heard it until the time I come out?
22 Q. Yes.
23 A. Well, it didn't take me long
24 to get out. I couldn't really --- I
25 can't put no time on it. Because I

105

01 was looking pretty hard to find that
02 air. You know, I was looking left
03 and right, left and right, intake,
04 return, intake, return, trying,

because it just seemed like air
everywhere and you didn't know where
to look. So I was just looking
everywhere and ---.
Q. So you didn't stay in the belt
entry or the track, you looked in the
intakes and the return entries as
well then?
A. You could stay right in there.
You can look. You can see. You can
stand in the track and see the intake
and the return stoppings on just
about everywhere.
Q. Did you look through or open
any doors in any stoppings into the
intake or the returns?
A. No.
Q. No. Okay.
A. Because I was looking for
stoppings to be gone.
Q. Anything else you remember

106

about what you may have seen, heard
or felt around that particular time?
A. Just pressure.
Q. On your way back to the
surface, and I think you said you
were traveling by yourself back to
the surface, did you don your SCSR?
A. No. I had it in my hand. I
just was making sure. You know, I

had it ready to go.
Q. Did you observe anybody
donning an SCSR at that time or ---?
A. The only one I seen was them
three. They was in a mantrip. Some
of them could have had it on and
could maybe not. And you know, I
wasn't looking at them that close. I
remember one of them was hollering, I
--- because you're excited. You
know, you're not writing names and
taking pictures.
Q. I understand.
A. Somebody told me to get out,
get outside, and that's what I done.
Q. And again, do you recall who

107

those people were that you met when -
-- that gave you those instructions?
A. Yeah. I told you that it was
Wilfong, Dick Wilfong, Al Schoonover
and Jeff Toler, I believe.
Q. So there were three people
---?
A. Yeah. But it could have been
four. I mean, that's what I seen.
It's kind of hard to see in them
mantrips.
Q. I'm sure. I'm sure it was a
difficult time. And I appreciate you
recalling it to the best of your
abilities. When you exited the mine,

16 did you have --- what did you see
17 when you exited the mine? Or did you
18 talk with anybody when you got to the
19 surface?
20 A. I don't believe I seen
21 anybody. I come up to the
22 dispatcher's office and they was a
23 hollering. I think somebody was on
24 there hollering inside, you know,
25 inside, trying to get ahold of

108

01 somebody inside.
02 Q. And what do you remember doing
03 yourself when you got to the surface
04 that second time exiting the mine
05 that day?
06 A. I don't recall what I was
07 doing. I was nervous. I was just
08 worried. I don't know what I really
09 done.
10 Q. I mean, do you recall talking
11 with anybody or did you get any ---?
12 A. I probably talked --- I mean,
13 we was talking, but I don't remember
14 who. I don't remember who I talked
15 to. That just didn't seam important.
16 Q. After you got to the surface,
17 did anybody give you any instructions
18 or any assignments or any duties for
19 you to carry out?
20 A. No. I waited, but nobody said

anything. Of course, everybody, you know, wasn't thinking, I reckon. Really nobody knew what they was up against.

Q. And how long did you stay at

109

the mines after you --- stay on the surface of the mine property?

A. We stayed, just guessing, maybe --- I can't really tell you. I can tell you what we done, but I can't tell you times. I'd say two o'clock we went up to the tipple. That's on up the road. And Johnny Stemple come up, and they still didn't know anything. And I told Johnny Stemple that I wasn't in very good shape because I'm a real bad diabetic, and when stuff upsets me, you know, my sugar goes out of whack. And I asked him if I could go home because I needed to take a shot. And he said, sure, go ahead. And I went.

Q. And you recall that being around 2:00?

A. I wasn't up there too long. I'd say I went up at 2:00 and left at 3:00. That's just a time.

Q. Okay.

A. Whether it is or not, I don't know.

110

Q. Like I say, I understand that you weren't paying a whole lot of attention to your watch during that time.

A. No.

Q. I understand that.

A. No. I was getting to where I had to have some insulin.

Q. And I appreciate --- and I know these were some tough questions, and I appreciate you answering them to the best of your abilities.

Again, you mentioned that --- when we talked about the seals up in the old Two Left or the Three Left, whatever we might refer to them to, but you weren't involved in any examinations of those seals and not familiar with ---?

A. Not a thing. I've never seen one laid up and I never seen it when it was running.

Q. Do you have any idea when those seals were built?

A. No.

111

Q. You don't recall. Okay. Were you familiar with any of the mining that went on in that --- what did you say, Three Left area? Ever involved in any examinations of that while

06 mining was going on?
07 A. (Indicates no).
08 Q. So you're not familiar if
09 there was any equipment that was left
10 behind those seals or ---?
11 A. Oh, no, I wouldn't know. I'm
12 just outby.
13 Q. Okay.
14 A. An outby man.
15 Q. Have you ever received any ---
16 in addition to the Part 48 training,
17 have you had any training provided to
18 you on conducting pre-shift
19 examinations and what that would
20 entail and the record keeping
21 requirements of that and so forth?
22 A. I don't know what you're
23 talking about there.
24 Q. I mean, has ---?
25 A. When I got my papers, all that

112

01 was on there.
02 Q. Right.
03 A. And I've been trained on it.
04 Q. And again, when did you get
05 your papers, Fred; do you recall?
06 A. I think it was '81. But they
07 go over stuff like that when we have
08 our eight-hour re-training every
09 year. They go over everything, first
10 stage and all.
11 Q. And on that --- do you want to

12 take another break? Are you all
13 right?
14 A. I want to just get it over
15 with. I can't take much more of
16 this.
17 Q. I just wanted to ask you. And
18 you just mentioned the re-training.
19 Do you recall the last re-training
20 class that you participated in?
21 A. It was --- here we go guessing
22 again, but ---.
23 Q. Well, the best of your
24 knowledge.
25 A. Right. Right. I'm going to

113

01 say around October because there was
02 a lot of people who had vacations
03 scheduled, deer season was coming up,
04 and a lot of guys didn't want to give
05 up the time to go, you know, and we
06 was supposed to start after, you
07 know, like the first of the year,
08 after deer season was over.
09 Q. Okay.
10 A. But we're going to have a lot
11 of classes so you only have to do it
12 once a year. And we're supposed to
13 have a lot of them, so I'm sure it
14 will all be covered.
15 Q. Do you remember what was
16 covered in the last session that you

17 referred to in October?
18 A. No, not everything. Because
19 after you go to them classes for 30
20 years, you know, you've pretty well
21 heard all of it.
22 Q. Do you remember who put the
23 training on?
24 A. Yeah. Ty Coleman and John
25 Stemple.

114

01 Q. And did the person conducting
02 that training sign the training form
03 at the conclusion of the training, at
04 the end of it?
05 A. I'm sure they did. Always
06 have.
07 Q. Do you recall in the course of
08 that training if the emergency
09 evacuation or the firefighting plan
10 was reviewed?
11 A. I've never been in one that
12 that wasn't done.
13 Q. So yes, it was?
14 A. Yeah.
15 Q. Okay.
16 A. Escapeway. Even if they
17 change it, they --- even, you know,
18 sometimes they change an escapeway
19 for something and we're always told
20 about it.
21 Q. And in reference to that
22 emergency evacuation plan, do you

23 know who the responsible person is
24 for giving instruction or information
25 at the mine if an emergency should

115

01 occur?
02 A. Now, repeat that again.
03 Q. In the mine emergency and
04 evacuation plan there's a requirement
05 for a responsible person to be
06 designated. And that person has, in
07 fact, some responsibilities for
08 giving information and instruction to
09 ---.
10 A. On how to get the guys out?
11 Q. Right.
12 A. That would probably be the
13 dispatcher.
14 Q. The dispatcher?
15 A. Yeah.
16 Q. Again, that is?
17 A. Flea.
18 Q. Flea. And are you familiar
19 with the location of emergency
20 materials in the mine?
21 A. They're kept on the section,
22 like if we got a sled it's got so
23 many posts, stuff like that.
24 Q. Any other emergency materials
25 on the sections?

116

01 A. First-aid boxes and stuff.

Q. And that's located?
A. At the power center.
Q. At the power center. Any other locations that you're familiar with outby the sections where any materials would be kept?
A. I don't have any knowledge of it, but ---.
Q. And are you familiar with the evacuation procedures that are included in that plan to any degree?
A. What do you mean?
Q. I mean, are there any particular routes that you were instructed to take or ---?
A. Yeah. You're designated to go like if you got an escapeway, primary escapeway.
Q. And during the course of your training sessions, did anybody explain to you what procedures to follow in the event of an explosion in the mine?
A. Yes.

Q. Yes?
A. You know, you're supposed to try to get out. And if you can't, barricade.
Q. And you just mentioned barricading. Were there any procedures or any instructions for

08 barricading that were covered in the
09 training classes?
10 A. There could have been. I
11 don't remember, but I'm sure we've
12 been told to, you know, get to the
13 biggest area that we can find that
14 would support life and make a block.
15 Q. Any communications included in
16 that barricade training or ---?
17 A. If you hear them drill, you
18 hit five times.
19 Q. If you hear something,
20 you ---?
21 A. If you hear them drill or
22 something, then you can take a hammer
23 and hit a roof bolt five times. And
24 then if you've been located, they'll
25 put off shots.

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01 Q. Any other training associated
02 with barricades or the barricading
03 procedure that you recall, Fred?
04 A. No, not that I can think of.
05 But if I knew --- if I had to do it,
06 I could do it. It would come to me.
07 I can't think of it now. I'm not
08 that great right now. I could do it,
09 but it would be --- it's the last
10 thing you do. But it has worked.
11 Q. And in any of the training, do
12 you recall whether or not carbon

13 dioxide or carbon monoxide hazards
14 were covered or discussed with you?
15 A. I'm sure they had been.
16 Q. Do you recall any of the
17 particulars about any of that
18 training?
19 A. Uh-huh (yes).
20 Q. Okay. Have you, in the course
21 of your training or in the course of
22 your employment at Sago Mine,
23 participated in any escapeway drills?
24 A. No.
25 Q. Have you traveled the primary

119

01 or secondary escapeways?
02 A. No.
03 Q. And do you know how the
04 primary or the secondary escapeways
05 are identified in a mine?
06 A. With reflectors, red and
07 green.
08 Q. Red reflectors and ---?
09 A. Green.
10 Q. And the primary is marked
11 with?
12 A. Red --- with green.
13 Q. The primary is marked with
14 green?
15 A. With green. The secondary,
16 red.
17 Q. Red, red reflectors? Is that
18 ribbon hanging from ---?

19 A. Just a regular reflector on a
20 car.
21 Q. And have you participated in
22 any fire drills at the Sago Mine?
23 A. No.
24 Q. During the course of the
25 training that you received, did you

120

01 have any hands-on training on donning
02 an SCSR?
03 A. I've done that a lot.
04 Q. Do you recall when you
05 received your last training on
06 donning an SCSR?
07 A. I don't remember us doing, you
08 know, --- you just --- you just don't
09 pay attention. You just go through
10 it. They usually have test models
11 and you just ---.
12 Q. Was first-aid covered in any
13 part of the training?
14 A. I'm sure it was.
15 Q. Do you recall any of the
16 particulars of that?
17 A. I just went to so many of
18 them, I just ---.
19 Q. I understand. The roof
20 control plan?
21 A. I'm sure we went over that.
22 Q. All aspects of the plan, the
23 ventilation plan?

24 A. Yeah. You couldn't have a
25 class if you didn't.

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01 Q. Do you feel that the training
02 that you received was adequate?
03 A. Yeah.
04 Q. Any particular areas that you
05 think you could have used additional
06 training?
07 A. No. It was pretty
08 interesting, this one was, because
09 this was a new guy. And everybody
10 new, had a different idea.
11 Q. And it's always nice to hear a
12 different voice during the training?
13 I'm sure of that.
14 A. Yeah, exactly
15 Q. Just a couple more questions
16 for you, Fred, on my end. Have you
17 ever been searched for smoking
18 materials at the Sago Mine?
19 A. Yes, I have.
20 Q. And the results of any of
21 those searches at the mine that
22 you're familiar with?
23 A. I've never knowed anybody
24 being caught with anything.
25 Q. Have you ever observed anyone

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01 smoking underground at the Sago Mine?
02 A. If I did, you'd knowed about
03 it.

Q. I'll take that as a no?
A. No, I haven't. Everybody would know because --- uh-uh.
Q. Have you ever found any smoking materials underground at the Sago Mine?
A. No.
Q. And to appear here today, has anybody offered you anything or made any kind of promises to you for, again, appearing here today?
A. No.
Q. Anything that you would like to add to the questions that I've asked of you today? Anything that you think I didn't ask in --- didn't ask the right question or didn't go into enough detail?
A. No. I think you covered it.
Q. Anything else that you would like to add beyond the scope of the questions?

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A. Well, I don't think there's anything I done to cause this. And I don't think there was anything that I could have done to prevent this. I feel I done my job. And that's all I got to tell you about that.
Q. Okay. I appreciate that.
MR. GATES:

Doug, do you have any
more questions for Fred?
MR. CONAWAY:
Yes.
BY MR. CONAWAY:
Q. Fred, I've just got a couple
real quick questions, just a couple
clarifying questions while we're at
it, and then we're done. I just want
to know, you had your spotter with
you when you were on the belt at ---
was it One Left when you were
shoveling?
A. Yeah.
Q. And you didn't hear any alarms
or anything when it went off?
A. No.

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Q. You didn't feel any heat, you
just felt the pressure?
A. I just felt the pressure. In
the mornings I always turn my spotter
on. And I turned it off when I put
it on charge because it stayed on all
the time. But everybody knew my
spotter worked good, because even the
guys that went back in wanted my
spotter because it did work.
Q. But it didn't alarm when you
were in there at any time?
A. No.
Q. What type of doors --- you

said on the One Left belt the doors were open. Were they walk-through doors or were they the man door ---?

A. Man doors. They were like a four-by-four door where you --- every 500 feet you got to have a door, and that's what they are. We put dust in through the duster or take posts in or a pump or whatever you need.

Q. Were they a door that you walk straight through or were they the

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typical man door that you ---?

A. You just open it up. But you got to hunker down and step through.

Q. Okay.

A. But like a fall --- even a fall will make a man door open. You know, vibration, it will open.

Q. But I was trying to get a picture. It's just a normal man door and it flaps out from the ---?

A. Sideways.

Q. Sideways. So they were all open for side ---?

A. Well, I'm not going to say all of them. Most of them.

Q. I'm just trying to get that picture. And then you said you walked up toward --- was it Number Three? You said as soon as it

20 happened, you walked up toward Number
21 Three to check a stopping or you
22 thought --- you was looking for maybe
23 stoppings ---?
24 A. Yeah. Because, see, the air
25 was coming at me, and that was wrong.

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01 There was a lot of air. So if it had
02 been going up the intake and a
03 stopping hit it first, it's going to
04 come right across and take the
05 easiest way out. That's right down
06 the track.
07 Q. And you were looking for a
08 stopping out, you didn't see any
09 damage?
10 A. I had no idea what had
11 happened. I figured a stopping was
12 broke.
13 Q. But you didn't see any damaged
14 stopping?
15 A. No.
16 Q. How long do you think it took
17 you to ---
18 A. Do that?
19 Q. --- just kind of walk from
20 where you was at up to ---?
21 A. Just a guessing, ten minutes.
22 Q. Ten minutes. And that's when
23 you heard Owen Jones on the radio ---
24 or on the pager? Did you feel any
25 electrical --- was there any

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electrical disruptions or anything at that time that you were aware of?

A. The power was off at Three Head.

Q. Did it go off at 6:30 or was it off ---?

A. No, I don't know. It probably went off when all that happened.

Q. When that happened. At Three Head the power went off?

A. Uh-huh (yes).

Q. Okay. All right.

MR. CONAWAY:

That's all I've got right now.

MR. GATES:

Hank, do you have any clarifying ---?

ATTORNEY MOORE:

I've got a couple clarification questions.

BY ATTORNEY MOORE:

Q. Fred, looking at Jamison Number Three, the map of the section, in the Number Three entry, just outby

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the face curtains and inby the check curtain you drew near spad 4275 there's a black mark there. Was that meant to be a partial curtain?

A. I don't know.
Q. If it's not, I just want to make sure we have that clarified.
A. No, that's no curtain. Because see, your air is going to come up through here, here, here, and it's got to come back down and over to here.
MR. GATES:
And that's not meant to indicate a piece of equipment?
A. Yeah.
MR. GATES:
If I recall, I think you mentioned that you just made a mistake.
A. I'll just draw something right here.
MR. GATES:
X it out or put an X there.

BY ATTORNEY MOORE:
Q. And you've Xed it out with orange. You were asked about air reversals on the belt. And you said prior to the day of the explosion, you hadn't felt any at Sago. And the one you felt on the day of the explosion was a result of the explosion?
A. Yes, it would have had to have

11 been, that much air.
12 Q. And you were on the Two belt
13 head when you felt the air pressure
14 change in your ears?
15 A. (Indicates yes).
16 Q. The doors that you were ---.
17 MR. GATES:
18 He didn't answer the
19 question, for the record. You
20 have to say yes or no.
21 BY ATTORNEY MOORE:
22 Q. Yes. You nodded your head.
23 The doors that you were talking about
24 that you saw open, and forgive me for
25 my not being familiar enough with the

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01 mine, do they open into the belt, do
02 they open away from the belt? Which
03 way do they open?
04 A. Some's in, some's out.
05 Q. And the ones that were open,
06 do you remember if they were ones
07 that opened toward the belt or ---?
08 A. I believe they were towards
09 the track.
10 ATTORNEY MOORE:
11 I have nothing further.
12 MR. GATES:
13 Do you want to take
14 five, just five minutes, and
15 we'll come back to close

things up?
A. We can do it now.
MR. GATES:
Can we go off the
record for a second?
OFF RECORD DISCUSSION
BY MR. GATES:
Q. I know it's been a long,
trying experience today, Fred. We've
got just a couple more questions, and

then that should wrap things up.
You've talked and there's been some
follow-up questions about the
particular doors that you observed
open and that you shut. Do you
recall the locations, specific
locations, of those doors?
A. Along one belt.
Q. Do you recall them to the
extent that you could mark those on a
map, where those doors were located?
A. No. I don't know which one.
And you know when you're hurrying and
--- but I just --- you know, I just
looked and I'd see a door, and I knew
if they're in trouble, we need them
doors shut. So I made it a point to
shut them.
Q. And you were --- I'm sorry.
A. Go ahead.
Q. Okay. And you mentioned that

22 you had been at the Number Two belt
23 drive shoveling when you felt
24 pressure and you started walking inby
25 towards Number Three. And as you

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01 were proceeding inby in the belt
02 entry, that you heard --- or
03 overheard a conversation on the mine
04 phone?
05 A. Uh-huh (yes).
06 Q. Do you recall how far you had
07 traveled in the --- do you recall
08 your location when you heard ---?
09 A. I was up there.
10 Q. You were at ---?
11 A. Yeah, I was at Three Head when
12 ---.
13 Q. You were at Three Head when
14 you first heard the --- overheard the
15 phone conversation. And did you
16 recognize the voices?
17 A. It was Owie. I heard Owie,
18 but I don't remember or recall who he
19 was talking to. He said, we got an
20 explosion. And a few words was said,
21 I can't remember what, and he said,
22 get your men out. And then that's
23 when I left, too.
24 Q. Okay. Owie, that is ---?
25 A. Owie Jones.

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Q. Owen Jones, okay. So that's what --- when you heard that, that's what prompted you to make the decision to ---
A. To get out.
Q. --- get out of the mine?
A. Yeah.
Q. And you proceeded from the Number Three belt head over into the track?
A. To come outside.
Q. And exited the mine?
A. Yes.
Q. Okay, Fred. On behalf of MSHA and the state, I want to thank you for appearing and answering these questions today. Your cooperation has been very important to the investigation as we work to determine the cause of this accident. One thing that I would ask is that you not discuss your testimony with any person who may have already been interviewed or who may be interviewed in the future. This will help us to

obtain everyone's independent recollection of the events surrounding the accident. After questioning other witnesses, we may call you if we have any follow-up questions that we feel we need to

07 ask. Or if at any time you have
08 additional information that you
09 remember that you would like to
10 provide, you can contact me on the
11 information that I had given to you
12 earlier.
13 The Mine Act provides certain
14 protections to miners who provide
15 information to MSHA and, as a result,
16 are treated adversely. If at any
17 time you feel that you've been
18 treated unfairly because of your
19 cooperation in this investigation,
20 you should immediately notify me. If
21 you wish, you may now go back over
22 any answer that you've given or make
23 any additional statement that you
24 would like to make.
25 A. I don't know your name.

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01 Q. My name is Richard Gates.
02 A. I want to mark that.
03 Q. I think I gave you my card.
04 A. I've got three cards. Here it
05 is.
06 Q. Okay.
07 ATTORNEY MOORE:
08 I have one question I'd
09 like to ask on clarification.
10 I'm not sure whether Fred
11 closed the doors on the One

12 belt or on the Three belt. My
13 notes show one thing. Maybe
14 on the second time ---.
15 MR. GATES:
16 I can't hear what --- I
17 don't know if Fred can. I
18 can't.
19 BY MR. MOORE:
20 Q. I just want to ask one
21 clarification question. Looking at
22 my notes, I wasn't sure of this.
23 When you closed doors, Fred, did you
24 close them on the Number One belt or
25 on the Number Three belt?

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01 A. One belt.
02 Q. Okay.
03 ATTORNEY MOORE:
04 That's all.
05 BY MR. CONAWAY:
06 Q. Just one quick question. Did
07 you take any --- you said your meter
08 didn't go off after you felt
09 pressure. Did you stop and take any
10 readings --- just by chance, did you
11 take any readings? You just don't
12 recall the meter going off?
13 A. No, I just don't recall
14 because, you know, ---.
15 Q. I understand. I just wanted
16 to know if you actually ---.
17 A. But if it had been something,

you don't have --- you don't have to
stare at that meter. It does that
for you.
Q. One other thing. You said you
laid your coat down and it had your
notes in it. That was after you came
out the second time in the bathhouse
after the explosion? That's when you

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took your coat off?
A. Yeah.
Q. And then you came back and it
was gone. It was the second time?
A. Well, it was the second time,
yeah.
MR. CONAWAY:
That's all I've got.
MR. GATES:
Okay. Again, Fred, I
want to thank you for your
cooperation. Again, I know
it's been difficult to sit and
go through the questions, but
certainly the information that
you've shared with us today is
going to be very helpful for
us in conducting the
investigation. And again, I
want to thank you one more
time.
A. Okay.

23 ATTORNEY MOORE:
24 Before we break, before
25 we go off the record, you

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01 didn't address the issue of
02 his obtaining a copy of this
03 transcript. And I know the
04 letter was sent out to
05 everybody in reference to
06 requesting a transcript in
07 writing. And has that changed
08 or just --- I want to clarify
09 that while we've got Fred
10 here.
11 ATTORNEY CRAWFORD:
12 Well, we did indicate
13 that in the letter. We would
14 want a request in writing.
15 ATTORNEY MOORE:
16 Let me ask this while
17 we're on the record. Fred, I
18 have a quick one-sentence
19 request for a transcript.
20 That's so you can get your
21 transcript. Do you want to
22 submit a request for a written
23 transcript?
24 A. What, me get a copy of this?
25 ATTORNEY MOORE:

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01 Yes.
02 A. Yeah, I'd like to have one.

ATTORNEY CRAWFORD:
Are you asking on his behalf or on ---?
UNIDENTIFIED SPEAKER:
He doesn't need that in writing. If he said it on the record, then it's --- you don't need it. It's silly.
ATTORNEY MOORE:
Because all I did was prepare a one-sentence --- I request a copy of my transcript, knowing that this comes up.
ATTORNEY CRAWFORD:
We clearly indicated in the letter how we would process it, and that hasn't changed.
MR. GATES:
I believe in the opening statement we made a comment that the information

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--- that your testimony was being recorded and that there would be an opportunity to request a copy.
A. So I'll get one.
ATTORNEY CRAWFORD:
At a later time.

A. Yeah. All right.

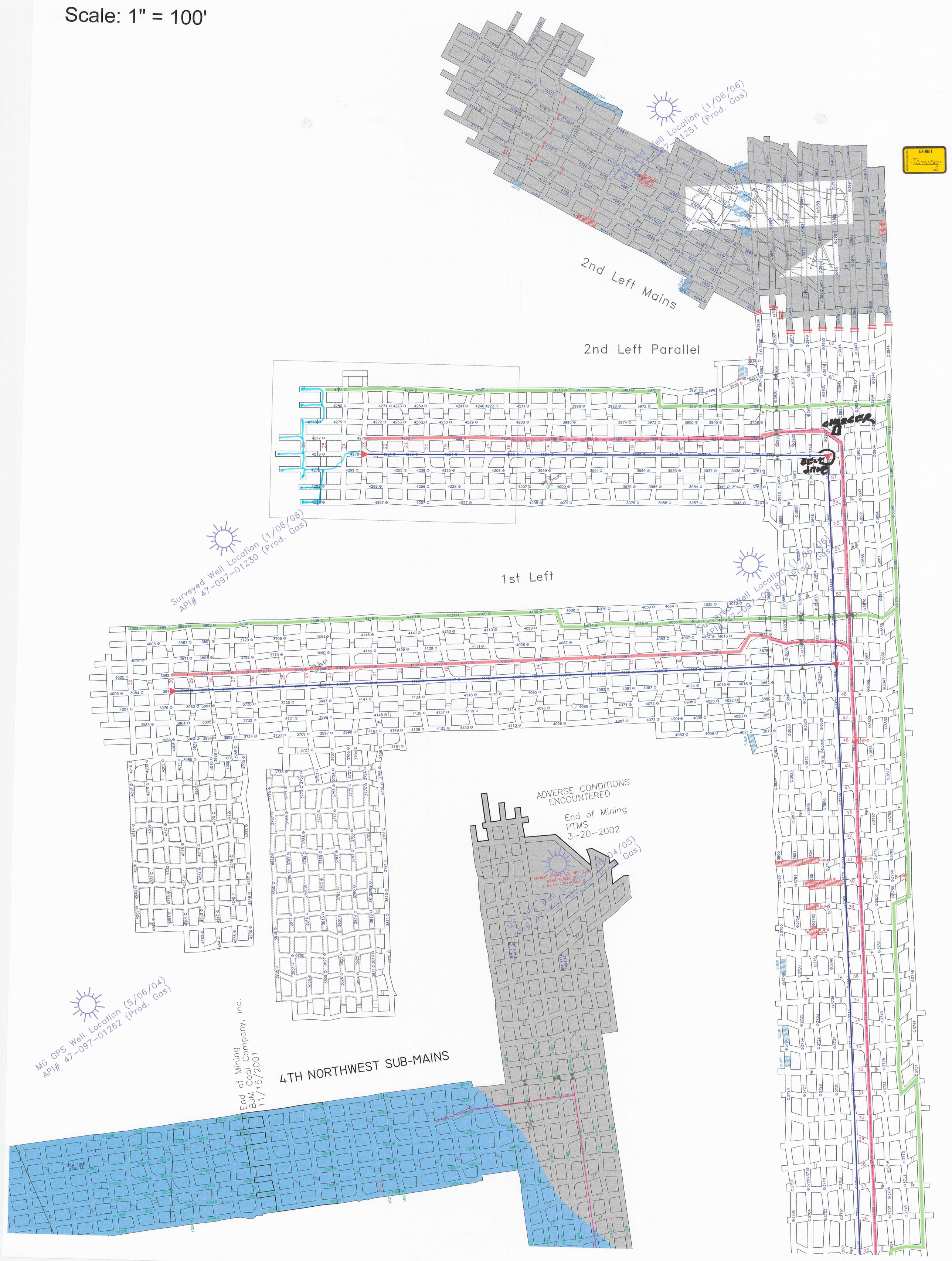
* * * * * * * *

SWORN STATEMENT

CONCLUDED AT 11:40 A.M.

* * * * * * * *

Scale: 1" = 100'


2nd Left Mains
2nd Left Parallel
1st Left
4TH NORTHWEST SUB-MAINS
ADVERSE CONDITIONS ENCOUNTERED
End of Mining
PTMS
3-20-2002
End of Mining
BJM Coal Company, Inc.
11/15/2001
Surveyed Well Location (1/06/06)
API# 47-097-01251 (Prod. Gas)
Surveyed Well Location (1/06/06)
API# 47-097-01230 (Prod. Gas)
Surveyed Well Location (1/06/06)
API# 47-097-02180 (Prod. Gas)
MG GPS Well Location (5/06/04)
API# 47-097-01262 (Prod. Gas)
MG GPS Well Location (5/06/04)
API# 47-097-01262 (Prod. Gas)
OMHS&T PERMIT NO. UPS-2821
MSHA PERMIT NO.
3-M-10-2001-6003-0
SUMP
EXHIBIT
Jamison
2

Use Indelible Pencil or Ink

PRESHIFT-MINE EXAMINER'S REPORT

Report shall be signed when made

Date of Examination 1-2-06 20 Section or Area Examined 2 Left

Time of Examination: from 4:00 a.m. or p.m. to 4:25 a.m. or p.m.

Was this report phoned to outside: Yes ____ no ✓

By whom Dwight Gill Time 5:30 A.M. ____ P.M.

Report received by M Tabor (Signed)

Violations and other Hazardous Conditions Observed and Reported

	Location	*Violation or Hazardous Condition*	*Action Taken*
1.	Entry	Clear	
2.	Entry		
3.	Entry		
4.	Entry		
5.	Entry		
6.	Entry		
7.	Entry		
8.	Entry		
9.			
10.			

Air Measurements

Location	*CFM*	*Location*	*CFM*
Last open Brk	11,241		
Return O_2	20.9		
Return CH_4	0.0%		

1-2-06 J.B. 1-2-06 John Collins

Remarks:

EXHIBIT Jamison 4 PENGAD 800-631-6989

This is to certify that: (a) This section of the mine was properly examined by me, (b) all violations of the W. Va. Mining Laws and the Federal Coal Mine Health and Safety Act of 1969 and other unsatisfactory conditions and practices observed by me are listed in this report.

Signed By Ted Jamison (Preshift-Mine Examiner) 33073 (Certificate No.) Martin Tabor (Assistant Foreman) 28298 (Certificate No.)

Countersigned ____ (Mine Manager Mine Foreman)

____ (Assistant Foreman)

____ (Superintendent or Assistant)

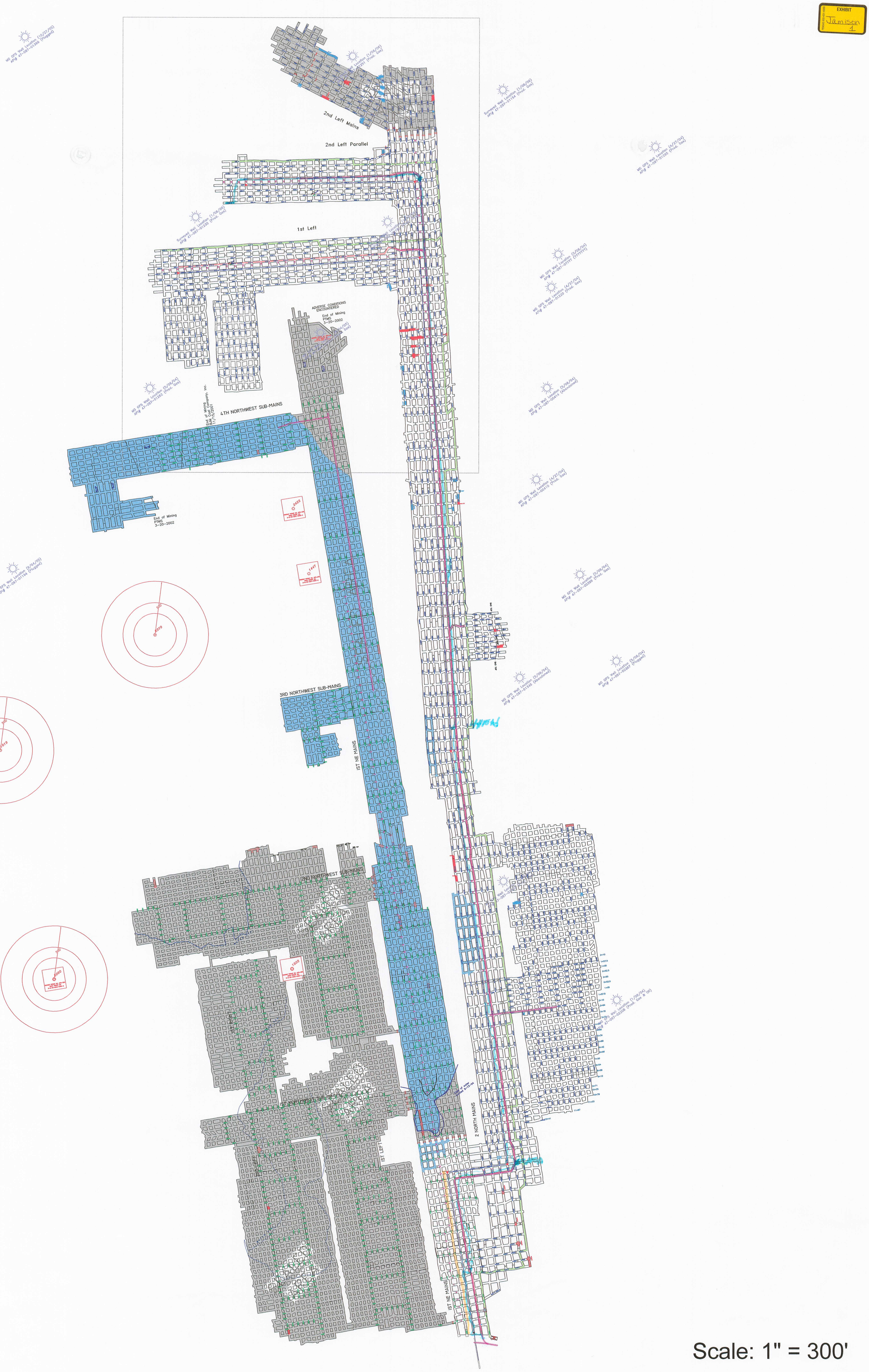
EXHIBIT
Jamison
3

PENGAD 800-631-6989

Scale: 1" = 50'

106)

EXHIBIT
Jamison
1



Scale: 1" = 300'