

01 STATEMENT UNDER OATH  
02 OF  
03 CASEY ALDEN SHORT

04  
05  
06 Taken pursuant to Notice by Miranda  
07 D. Elkins, a Court Reporter and  
08 Notary Public in and for the State of  
09 West Virginia, at the U.S. Bankruptcy  
10 Court, 324 West Main Street,  
11 Clarksburg, West Virginia, on Monday,  
12 January 25, 2006, at 12:52 p.m.

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P R O C E E D I N G S

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MR. O' DONNELL:  
My name is Joe  
O' Donnell. I'm an accident  
investigator with the Mine

07 Safety & Health  
08 Administration, an agency of  
09 the United States Department  
10 of Labor. With me is Bob  
11 Wilson from the Solicitor's  
12 office, and Brian Mills with  
13 the West Virginia Office of  
14 Miners' Health & Safety &  
15 Training.

16 I have been assigned to  
17 conduct an investigation into  
18 the accident that occurred at  
19 the Sago Mine on January the  
20 2nd, 2006, in which 12 miners  
21 died and one was injured. The  
22 investigation is being  
23 conducted by MSHA and the West  
24 Virginia Office of Miners'  
25 Health, Safety & Training to

9

01 gather information to  
02 determine the cause of the  
03 accident. And these  
04 interviews are an important  
05 part of that investigation.

06 At this time the  
07 accident investigation team  
08 intends to interview a number  
09 of people to discuss anything  
10 that may be relevant to the  
11 cause of the accident. After

12 the investigation is  
13 completed, MSHA will issue a  
14 written report detailing the  
15 nature and causes of the  
16 accident. MSHA accident  
17 reports are made available to  
18 the public in the hope that  
19 greater awareness about the  
20 causes of accidents can reduce  
21 their occurrence in the  
22 future.

23 Information obtained  
24 through witness interviews is  
25 frequently included in these

10

01 reports. Your statement may  
02 also be used in other  
03 enforcement proceedings.

04 I'd like to thank you  
05 in advance for your appearance  
06 here. We appreciate your  
07 assistance in this  
08 investigation. The  
09 willingness of miners and mine  
10 operators to work with us is  
11 critical to our goal of making  
12 the nation's mine safer.

13 We understand the  
14 difficulty for you in  
15 discussing the events that  
16 took place, and we greatly  
17 appreciate your efforts to

18 help us understand what  
19 happened.

20 This interview with Mr.  
21 Short is being conducted under  
22 Section 103(a) of the federal  
23 Mine Safety & Health Act of  
24 1977 as part of an  
25 investigation by the Mine

11

01 Safety & Health Administration  
02 and the West Virginia Office  
03 of Miners' Health, Safety &  
04 Training into the conditions,  
05 events and circumstances  
06 surrounding the fatalities  
07 that occurred at the Sago Mine  
08 owned by International Coal  
09 Group in Buckhannon, West  
10 Virginia on January 2nd, 2006.

11 This interview is being  
12 conducted at the U.S.  
13 Bankruptcy Courthouse in  
14 Clarksburg, West Virginia on  
15 January 25th, 2006.  
16 Questioning will be conducted  
17 by representatives of MSHA and  
18 Office of Miners' Health,  
19 Safety & Training. This is  
20 not an adversarial proceeding,  
21 therefore, cross examination  
22 will not be permitted.

23 Mr. Short, the  
24 interview will begin by my  
25 asking you a series of

12

01 questions. If you do not  
02 understand a question, please  
03 ask me to rephrase it. Feel  
04 free at any time to clarify  
05 any statements that you make  
06 in response to the questions.  
07 After we have finished asking  
08 questions, you will have an  
09 opportunity to make a  
10 statement and provide us with  
11 any information that you  
12 believe may be important.

13 If at any time after  
14 the interview you recall any  
15 additional information that  
16 you believe may be useful in  
17 the investigation, please  
18 contact Mr. Richard Gates at  
19 the phone number or e-mail  
20 address provided to you with  
21 these business cards, and  
22 there's also one from the  
23 State of West Virginia.

24 Your statement is  
25 completely voluntary. You may

13

01 refuse to answer any question  
02 and you may terminate your

03 interview at any time. If you  
04 need a break for any reason,  
05 please let me know.

06 A court reporter will  
07 record your interview and will  
08 later produce a written  
09 transcript of the interview.  
10 Please try and respond to all  
11 questions verbally since the  
12 court reporter cannot record  
13 nonverbal responses. Also,  
14 please try to keep your voice  
15 up. Copies of the written  
16 transcripts will be available  
17 at a later time.

18 If any part of your  
19 statement is based not on your  
20 own first-hand knowledge, but  
21 on information that you  
22 learned from someone else,  
23 please let us know. Please  
24 answer each question as fully  
25 as you can, including any

14

01 information you have learned  
02 from someone else. We may not  
03 ask the right question to  
04 learn the information that you  
05 have, so do not feel limited  
06 by the precise question asked.  
07 If you have information about

08 the subject area of a  
09 question, please provide us  
10 with that information.

11 At this time, Mr.  
12 Mills, do you have anything  
13 that you'd like to add on  
14 behalf of the State of West  
15 Virginia?

16 MR. MILLS:

17 Mr. Short, the West  
18 Virginia Office of Miners'  
19 Health, Safety & Training is  
20 conducting this interview  
21 session jointly with MSHA and  
22 are in agreement with the  
23 procedures outlined by Mr.  
24 O'Donnell for these interviews  
25 that will be conducted here

15

01 today. But the Director  
02 reserves the right, if  
03 necessary, to call or subpoena  
04 witnesses or require the  
05 production of any record,  
06 document, photograph or other  
07 relevant materials necessary  
08 to conduct this investigation.

09 MR. O'DONNELL:

10 Mr. Short, you're  
11 permitted to have a  
12 representative with you during  
13 this interview and may consult

14 with your representative at  
15 any time. You may designate  
16 any person to be your  
17 representative. Do you have a  
18 representative with you?

19 MR. SHORT:

20 Yes, sir.

21 MR. O' DONNELL:

22 And who is that?

23 MR. SHORT:

24 Joe Yuhas.

25 MR. O' DONNELL:

16

01 And have you selected  
02 him to be your representative?

03 MR. SHORT:

04 Yes, sir.

05 MR. O' DONNELL:

06 Do you have any  
07 questions regarding the manner  
08 in which this interview will  
09 be conducted?

10 MR. SHORT:

11 No.

12 MR. O' DONNELL:

13 Can we please swear in,  
14 Mr. Short?

15 -----

16 CASEY ALDEN SHORT, HAVING FIRST BEEN  
17 DULY SWORN, TESTIFIED AS FOLLOWS:

18 -----

19 BY MR. O' DONNELL:  
20 Q. Could you please state your  
21 full name and spell your last name?  
22 A. Casey Alden Short, S-H-O-R-T.  
23 Q. And your address and phone  
24 number, Casey?  
25 A. P. O. Box 603, Burnsville, West

17

01 Virginia, 26335.  
02 Q. And are you appearing here  
03 voluntarily?  
04 A. Yes, sir. 304-853-9113 is my  
05 phone number.  
06 Q. Did you talk to anyone about  
07 your interview statement here today?  
08 A. Does anybody know I'm here?  
09 Q. No. Did you discuss your  
10 interview statement today with anyone  
11 else other than your Counsel?  
12 A. What I'm going to say to you?  
13 No, sir.  
14 Q. Okay. Thank you. May I call  
15 you Casey?  
16 A. Yes, please.  
17 Q. You can call me Joe. How many  
18 years of mining experience do you  
19 have, Casey?  
20 A. I'm brand new. I started  
21 October 31st.  
22 Q. October 31st of last year?  
23 A. Yes, sir.  
24 Q. And tell me what you've done

25 since you've been in the mine?

18

01 A. I've built a lot of stuff.

02 Stoppings, overcasts, seals. We've

03 laid water line. I'm just --- I'm a

04 general laborer. That's what I do.

05 Q. The whole time, has it been at

06 Sago Mine?

07 A. Up until the accident it was.

08 Q. Okay. And you said you were a

09 general laborer; right?

10 A. Yes, sir.

11 Q. Were you scheduled to work the

12 day of the accident?

13 A. Yes, sir.

14 Q. And were you on the mine

15 property?

16 A. Yeah.

17 Q. Tell me a little bit about

18 what time you got there and what your

19 observations were?

20 A. I got there about five 'til

21 6:00. I always get there between

22 five 'til and five after. It's

23 usually six o'clock. We're due to go

24 in at 7:00. And most time I just go

25 in to hang out a little bit, and I

19

01 always try to catch the other section

02 crew before they go in, and

03 --- to mess around with them a little

04 bit before we go inside. So I waited  
05 around and started getting ready and  
06 put my stuff on, and my --- the crew  
07 I go in with, there's just three of  
08 us that always work hand-in-hand. And  
09 then there's four bosses that work  
10 with us, too. I might wait for them  
11 to get there, and about --- I guess  
12 about 6:15 I had all my stuff ready  
13 to go and get on, and George Brooks  
14 and Skip, they were there.

15 It was raining real hard.  
16 Raining hard and storming. And I  
17 remember what time it was, it was  
18 about 6:30 I got ready to go to the  
19 lighthouse to get my light. I  
20 remember what time it was, because it  
21 lightning and thundered real bad, and  
22 Basil --- I think Basil had just  
23 gotten there. So I looked up at the  
24 clock, you know. And the clock's  
25 right there where you go out the

20

01 door, and it was lightning real hard,  
02 thundering. And I opened the door  
03 and just raining to beat the band,  
04 you know. And I shut the door, and  
05 went that crack of thunder, my boss,  
06 Skip, or --- James Scott's his name.  
07 He looked at me and George and he  
08 said that felt like an explosion.  
09 That's exactly what he said. So we

10 went ahead and went over to the  
11 lighthouse, and we went --- you know,  
12 just things.

13 Q. So were you standing by a  
14 window?

15 A. There's no window in the  
16 building.

17 Q. Okay. But you say you felt  
18 the building shake?

19 A. Oh, yeah. It rumbled the  
20 building. But I think it was  
21 thunder. I mean, it happened at the  
22 same time, you know, thunder and  
23 lightning.

24 Q. Yeah. So you couldn't see a  
25 flash or anything?

21

01 A. Oh, Lord, no.

02 Q. Okay.

03 A. I was inside the building.

04 Q. Who is your boss?

05 A. James Scott. His name is  
06 Skip.

07 Q. Skip. You can call him Skip,  
08 because up until today, no one knew  
09 his name.

10 A. I didn't know his name, and I  
11 worked for him. I didn't know his  
12 name. I thought his name was Skip.

13 Q. So Skip is your supervisor,  
14 and has he been your supervisor since

15 you started there?  
16 A. When we first started, he  
17 wasn't our supervisor for a few days.  
18 They were building an intake. We  
19 worked with Jeff --- I forget Jeff's  
20 last name. Do you have any idea?  
21 Q. Yeah, but it doesn't matter.  
22 Snyder?  
23 A. Yeah. Yeah, Snyder. He was  
24 our boss for the first couple days,  
25 maybe a week, and then from then on

22

01 we worked with Skip.  
02 Q. So you worked with Skip every  
03 day?  
04 A. Every day.  
05 Q. And who's the rest of your  
06 crew? Who are the other guys that  
07 you work with?  
08 A. Mainly it's been me, Skip and  
09 George.  
10 Q. George who?  
11 A. Brooks.  
12 Q. George Brooks. Okay. You  
13 said that you had four other ---?  
14 A. Bosses?  
15 Q. Yeah. Who are they?  
16 A. We got Harmon, Mike Triplett,  
17 Marty Conrad and John Jackson.  
18 Q. Well, these guys are all  
19 bosses, too. How do they --- I  
20 thought Skip was just your boss?

21 A. Well, being new ---.  
22 Q. How does that work?  
23 A. Being new, everyone tells you  
24 what to do.  
25 Q. Oh, okay.

23

01 A. I mean, there's no short-  
02 handedness for someone to tell you  
03 what to do in the coal mines, I don't  
04 think.  
05 Q. So you have some interaction  
06 with them throughout the day then;  
07 right?  
08 A. We didn't for --- we didn't  
09 for a long time. Probably maybe  
10 about --- for the first month we  
11 didn't really. Maybe November we  
12 started seeing them a little bit, and  
13 then --- or not November, December.  
14 And then as December progressed, the  
15 more interaction we had with them,  
16 the more we worked with them.  
17 Q. So the start of the shift you  
18 looked up, 6:30, what was your next  
19 observation? What happened?  
20 A. Well, we went on to the  
21 lighthouse, the dispatcher's office.  
22 Q. Yeah.  
23 A. And of course, no one really  
24 knew what had happened. I mean, if  
25 anything had happened at that time,

01 and then the mine boss, you know, the  
02 computer system. It's called the  
03 mine boss. I'm sure you know.

04 Q. Right. Okay.

05 A. Of course, it was going off,  
06 because I guess the belt had shut  
07 down and they had CO sensors. You  
08 could see the CO sensors going off.  
09 They was flashing red and stuff. I  
10 don't know how long it took them to  
11 go off, but during this process,  
12 those were flashing and that was  
13 going off, and you could hear --- of  
14 course, Flea was in there.

15 Q. Flea is the ---?

16 A. Dispatcher. And I don't know  
17 his real name either. But Flea was  
18 in there, and almost immediately, you  
19 know, they started trying to get in  
20 contact with One Left and Two Left  
21 crew to see if everything was all  
22 right, you know.

23 Q. Who is they?

24 A. Who was trying to? Well, you  
25 could hear --- of course, Flea was

01 hollering for them, but then Dick  
02 Wilfong, he was hollering on the mine  
03 phone. He's got one in his office,  
04 and you could just hear him, just ---  
05 I mean, trying to follow --- beat the

06 band to get ahold of somebody to make  
07 sure everything was all right, you  
08 know.

09 Q. You said it was squawking, the  
10 monitor? Does it squawk the same way  
11 for belts down as it does for CO, or  
12 is it two different distinct kinds of  
13 alarms?

14 A. You know, I've been real lucky  
15 since I started in the mines until we  
16 went to this new mine. I've been  
17 underground every day but two.

18 Q. Okay.

19 A. So I don't know a lot about  
20 that mine boss really.

21 Q. So what you did, you were  
22 close to where the dispatch shanty's  
23 at; right?

24 A. Our shower house is probably  
25 20 yards at an angle. So the actual

26

01 distance from it is probably 20 feet.  
02 But from the shower house door to the  
03 dispatcher door maybe about 20 yards,  
04 because it's a trailer. And then the  
05 shower house is a big building and  
06 we're on one end.

07 Q. So after you went in there and  
08 you saw the monitor flashing and all  
09 the people calling on the phone  
10 trying to get ahold of people, tell

11 me what happened after that?

12 A. Well, a little bit of time  
13 went by, and they kept trying to get  
14 ahold of people, you know, to see  
15 what had happened. And I'm going to  
16 be real honest with you. I've been  
17 around mining all my life, and I'll  
18 tell you what, I was nervous, because  
19 I know --- this is because I've been  
20 around, I know the worse that could  
21 happen. So I was nervous. I wanted  
22 to see what I could do to help or  
23 whatever. So I can't remember whose  
24 voices I could hear on the mine  
25 phone, because you know how a mine

27

01 phone works. When you pick it up ---

02 Q. Yeah.

03 A. --- that's the end of what you  
04 can hear. I mean, most of the time  
05 you start hearing through the  
06 receiver.

07 Q. Did you hear any squawking  
08 back on the pager phone or on the  
09 trolley phone?

10 A. Eventually, we did hear some  
11 people. The first person I remember  
12 hearing from, that I remember hearing  
13 from was John Boni. And John Boni  
14 --- and like I said, I know I didn't  
15 hear all of his conversation, because  
16 eventually they picked up the phone,

17 you know.

18 Q. Yeah.

19 A. But my understanding through  
20 Flea was, he thought that there had  
21 been a big fall, because --- a big  
22 roof fall, because he could feel the  
23 pressure off of it from where he was  
24 at. I guess he was --- I don't know  
25 how you --- you said you wanted me to

28

01 phrase it a certain different way,  
02 but ---.

03 Q. Whatever way it feels  
04 comfortable for you. That's all.

05 A. Where he was outby, I guess.

06 Q. Yeah.

07 A. And I'm sure he would have  
08 been --- he was bound to have been in  
09 the return somewhere, the way I  
10 figure it. He felt the compression  
11 from something. He didn't know what  
12 it was at that point. And then  
13 finally they got ahold of One Left  
14 crew. And during this whole process  
15 --- I mean, once they --- once the  
16 communication was established with  
17 One Left and they couldn't get ahold  
18 of Two Left, they knew something was  
19 wrong, you know, I guess. I mean, I  
20 don't know what went through  
21 anybody's mind.

22 Q. About how much time has gone  
23 by now?  
24 A. If I told you, I'd make  
25 something up.

29

01 Q. Don't make it up then.  
02 A. I have no idea. I don't have  
03 any idea how much time went by.  
04 Q. So you heard that the One Left  
05 crew was okay and they were coming  
06 out of the mine?  
07 A. Yeah. We heard that, you  
08 know, they was okay. And I don't  
09 know where I heard it from, but it  
10 was said that Owie wasn't --- Owie  
11 wasn't coming out with the rest of  
12 them.  
13 Q. And that's Owen Jones?  
14 A. Uh-huh (yes).  
15 Q. Okay.  
16 A. Well, during the middle of all  
17 this, of course, you can still hear  
18 Dick screaming for Two Left, Two  
19 Left, Two Left. Two Left, Two Left,  
20 anybody at Two Left. You know,  
21 hollering for them. The  
22 superintendent, Jeff, come over, and  
23 he --- of course, he's running and  
24 grabbing. He gets his light and he  
25 tags in and everything. And Jeff,

30

01 Al, and Dick finally comes over ---  
Page 24

02 well, actually, I was the last one to  
03 come over. Dick came in and Vern.  
04 They all get ready and they go  
05 inside. Well, they go inside and  
06 I ---.

07 Q. And you're listening to all  
08 this on the phone?

09 A. Yeah, running around. When  
10 Jeff came over, and of course, me ---  
11 he wouldn't let me, of course, but me  
12 and George both wanted to go in and  
13 help, you know, because --- just  
14 because we're there. We wanted to  
15 help, you know. We wanted to go do  
16 something. And of course, he told us  
17 explicitly that we couldn't help, and  
18 they went ahead and entered the  
19 mines. And I don't have any idea  
20 what time that was. I can tell you  
21 it was still raining. I was getting  
22 wet. I don't know what time it was,  
23 though.

24 Q. So how long did you stay  
25 there?

31

01 A. That day?

02 Q. Yeah.

03 A. Oh, I didn't go across the  
04 bridge until after 6:00.

05 Q. That evening?

06 A. Uh-huh (yes).

07 Q. Other than what you heard on  
08 the telephone and the conversations,  
09 what kind of role did you play? Did  
10 you help in any way, did you --- tell  
11 me what you did.

12 A. Well, we --- some time went  
13 by, and of course, you know, the  
14 people, they're still trying to get  
15 ahold of Two Left. We knew One Left  
16 was headed out, but we didn't know  
17 where they was. Honest to goodness,  
18 we didn't know what kind of shape  
19 they was in. It was dark. You  
20 couldn't see nothing. We couldn't  
21 see no signs of smoke or nothing, you  
22 know what I mean, like that coming  
23 out of the pit mouth. I mean, so  
24 that makes you kind of think, well,  
25 maybe it was just a fall. So anyway,

32

01 that's just what I was thinking.

02 So Jeff goes inside and  
03 somewhere between the time that Jeff  
04 goes inside and I'd say 20 minutes  
05 later One Left crew starts walking up  
06 over the hill, but before they come  
07 over the hill, I'm in the lighthouse  
08 just trying to --- you know, what can  
09 we do, guys? What can we do?

10 Q. Had ambulances already arrived  
11 by then?

12 A. No.

13 Q. Okay. So this was still  
14 pretty early on?

15 A. This happened 6:30, this was  
16 probably 7:15, somewhere in there.

17 Q. Okay.

18 A. I mean, I'm just ---.

19 Q. That's fine.

20 A. You know, like I said, I  
21 wasn't paying a bit of attention to  
22 my watch. I know it was still dark.  
23 But Jeff, when he went in, I guess,  
24 and kind of seen what was going on,  
25 that it was a bad situation, I know

33

01 for sure he called back out and he  
02 told Flea to start --- and he gave  
03 him a list of people to get ahold of.  
04 MSHA, mine inspectors and Johnny  
05 Stemple, I think. He gave a list of  
06 names. And I remember the one  
07 individual called back, and George  
08 was standing over by the pager phone  
09 and everything. And when this  
10 individual called, I know Jeff wanted  
11 to talk to him. And they put that  
12 call into the mines. And they was  
13 able to talk to one another. And  
14 then after whoever was on the phone,  
15 I don't ---.

16 Q. So somebody from --- away from  
17 mine property was talking to Jeff

18 underground?

19 A. Uh-huh (yes).

20 Q. And who was that guy?

21 A. I'm thinking --- I thought it  
22 was --- I thought they said --- I  
23 don't know. I was thinking Johnny  
24 Stemple, but that may just be a name  
25 that I've heard, because I know I've

34

01 met Johnny Stemple. But I don't know  
02 if that's who it was or not.

03 Q. Did you hear any part of that  
04 conversation? Not at all?

05 A. No. Though, Dick called ---  
06 or we --- Jeff or Dick, once that  
07 conversation was done and over with,  
08 said they had some stoppings and  
09 stuff out. Well, they was going to  
10 need curtain and fly boards and  
11 nails, and then that's whenever I  
12 started to be able to help finally.

13 Q. So did you go down over the  
14 hill then?

15 A. Oh, yeah.

16 Q. And did you ever go into the  
17 mine that day?

18 A. No.

19 Q. Did you take any gas readings,  
20 or ---?

21 A. I didn't.

22 Q. Okay. Do you know of anybody  
23 that did?

24 A. Well, yeah, after a lot of  
25 time went by.

35

01 Q. Yeah.

02 A. Everybody was --- I mean,  
03 there was --- I don't if any of you  
04 all was there, but there was  
05 truckloads of inspectors, and they  
06 had their gas --- they was taking gas  
07 readings up at the shower house. And  
08 I know --- I'm almost positive that  
09 --- I know he did. Skip went down a  
10 couple times to the pit mouth and  
11 took gas readings and stuff like  
12 that. So yeah, people were taking  
13 gas readings, but you know, at this  
14 point, still --- I don't guess  
15 anybody really knows what had  
16 happened.

17 Q. Yeah. Who was in charge  
18 pretty much?

19 A. The inside or outside?

20 Q. Both.

21 A. The superintendent was there.

22 Q. Jeff?

23 A. Jeff.

24 Q. He was underground. So he was  
25 running the underground. And who was

36

01 running things on the surface?

02 A. There wasn't much of us left

03 up top.

04 Q. Oh, okay.

05 A. The dispatcher, as I've said a  
06 hundred times since then, I was glad  
07 I wasn't him that day. He had a hard  
08 job.

09 Q. Yeah.

10 A. But once they finally gave me  
11 and George something to do, because  
12 there wasn't many of us left outside.  
13 There was me and Skip, George and  
14 Basil, and I don't think Mike had got  
15 there yet. The other motorman, I  
16 don't think he had gotten there yet.  
17 And then Flea --- or Muff ---.

18 Q. Who's Muff?

19 A. I have no idea what his real  
20 name is.

21 Q. Okay.

22 A. He's the guy that runs the  
23 extended boom outside.

24 Q. Okay.

25 A. A little guy with a beard. He

37

01 was outside. Well, he runs the  
02 extended boom, the forklift. So he  
03 runs over in the forklift and gets  
04 the fly boards. Well, I run to the  
05 --- see, we got a supply trailer  
06 there beside the dispatcher's office  
07 and I get two boxes of nails and run  
08 in the office and get a bucksaw,

09 anything I think they may need to  
10 hang curtains.  
11 Q. So what you did was, when  
12 Wilfong came out ---?  
13 A. No, he hadn't came out yet.  
14 Q. Who ---?  
15 A. They called from inside.  
16 Q. Okay. They came out, and you  
17 helped load stuff up?  
18 A. Well, we --- they hadn't came  
19 out yet.  
20 Q. Okay.  
21 A. I mean, this may not be  
22 important. They hadn't came out yet,  
23 but Muff, the guy that runs the  
24 extended boom, he went and got some  
25 fly boards, and we went down in the  
38  
01 pit mouth and he dropped off the fly  
02 boards and stuff. And then me and  
03 George and Muff, we loaded up the  
04 mantrip full of curtain, stacked fly  
05 boards on, threw the nails in. And  
06 then Dick came out and Vern.  
07 Q. Okay.  
08 A. And Dick took the ---.  
09 Q. And then, when you were done  
10 at the bottom, you went back up to  
11 the bathhouse, and what did you do  
12 the rest of the day?  
13 A. Well, as we was --- just the

14 same time as we was going down in the  
15 pit mouth, One Left crew was coming  
16 out.

17 Q. Okay.

18 A. And we passed by them, and you  
19 know, of course, they was, you know,  
20 bad --- no one was hurt real bad, but  
21 just filthy, and you could tell  
22 something was wrong. But anyway,  
23 went down there and done what we  
24 done, so we run back out and seen  
25 these guys --- as dirty as they was,

39

01 you know, debris and a lot of stuff,  
02 so I did --- I run back to the pit  
03 mouth and got a case of water,  
04 because I know these guys need to  
05 wash their mouths out, and that's  
06 where we keep our water at, down the  
07 returns so it don't freeze. And just  
08 right at the pit mouth in front of  
09 it, it's there when you come out.

10 I ran over and got a case of  
11 water and came back, and Doc --- you  
12 know, Doc. I have no idea what his  
13 real name is.

14 Q. Do you know Doc?

15 A. Well, Doc, he was on One Left  
16 crew, I'm sorry.

17 Q. Okay.

18 A. He was in the lighthouse and  
19 he was having a hard time breathing.

20 So I told Butcher, Butcher's an EMT,  
21 you need to go need to look at Doc,  
22 and --- Mike Butcher.

23 Q. Who are you referring to as  
24 Doc? What's his name?

25 A. I have no idea.

40

01 Q. Okay. Well, I didn't know who  
02 you were ---?

03 A. I'm sorry.

04 ATTORNEY YUHAS:

05 Is he just a guy on the  
06 One Left crew?

07 MR. O' DONNELL:

08 Yeah, just a crew guy.

09 ATTORNEY YUHAS:

10 Okay.

11 BY MR. O' DONNELL:

12 Q. All right.

13 A. So he was sitting in the  
14 lighthouse, you know, and I ran over  
15 --- basically all I could do, you  
16 know, is just try to help them guys.

17 I flushed one guy's eyes out for  
18 quite a while. An EMT --- it was  
19 shortly thereafter the EMTs arrived  
20 on site, or the, you know, ambulance  
21 services and stuff came on site. And  
22 then they pretty well took care of  
23 everything else.

24 Q. And you just stayed there for

25 the rest of the day in support?

41

01 A. You never know --- I didn't  
02 know what --- they may say, hey, come  
03 on, we need to build some stoppings.

04 Q. No, no. What you did was  
05 fine. I mean, that's good. But you  
06 didn't have any other involvement  
07 other than just what you were doing  
08 then; right? Just posted on the  
09 surface and ready to do what was  
10 needed?

11 A. Right. I didn't do nothing  
12 else.

13 Q. Okay. Is there anything you  
14 want to add to that that maybe I  
15 didn't ask, that I might have missed  
16 that was important as far as the  
17 communication between anybody,  
18 or ---?

19 A. Well, after everybody came  
20 out, I know that --- what's his name?  
21 That one fellow, I can't remember  
22 his name. We talked about him over  
23 and over. I know he continued to ---  
24 he was on One Left crew. He came out  
25 and he sat in Dick's office. And

42

01 every couple minutes, he kept yelling  
02 for Two Left, Two Left, Two Left. I  
03 don't know if that's important, but I  
04 know that the guy was back at the

05 shower house this time, because there  
06 was just so much going on inside the  
07 lighthouse that I just left. And you  
08 could hear him hollering for them,  
09 just --- for hours.

10 Q. So somebody was always trying  
11 to communicate?

12 A. Uh-huh (yes). And I didn't  
13 mention this to you. This is  
14 probably pretty important, but  
15 eventually, I guess you all know that  
16 --- it's self-explanatory, but Jeff  
17 and Owie came out with him, and those  
18 guys that entered later all did come  
19 back out.

20 Q. Right.

21 A. I didn't say that, but they  
22 did.

23 Q. It's all important. Okay. So  
24 when would be the next, I guess, ---  
25 when did you work prior to the day of

43

01 the accident? When was your last  
02 day?

03 A. The day before.

04 Q. Oh, okay. I mean, I don't  
05 remember what day of the week that  
06 was, but we didn't miss any days. Do  
07 you know what day of the week it was?

08 Q. Monday.

09 A. Oh, well, then I'm glad ---

10 because we didn't work that weekend.  
11 We worked Friday.  
12 Q. Okay. So I take it then since  
13 you started in October, you don't  
14 have any mining certificates?  
15 A. Just my apprentice miner and  
16 my hazard training forms and stuff.  
17 Q. Okay. Other than that --- and  
18 the only time you worked in the mine  
19 is ---  
20 A. Yes.  
21 Q. --- right here at Sago? Okay.  
22 Now, how familiar are you with those  
23 seals that were built up in the old  
24 Two mains?  
25 A. I worked on every one of them,  
01 but one for sure, maybe two. I think  
02 I worked on every one of them but  
03 one. And I think it was Number Six,  
04 but I couldn't swear to that, which  
05 one was already built by the time we  
06 got there.  
07 Q. So you worked on just about  
08 all of them except one?  
09 A. Yeah. There was one that was  
10 completely finished.  
11 Q. Would you say that you began  
12 and completed construction from start  
13 to finish? You know the process from  
14 the time you start until the time  
15 that you ended; right?

16 A. Well, my first day in the  
17 mines, that was the first time I had  
18 ever done it, and that's what we was  
19 doing that day.

20 Q. And who did you work for? You  
21 worked for Skip?

22 A. No. The first couple days,  
23 Jeff Snyder. And even those first  
24 couple days, those bosses did filter  
25 in. I mean, for the very first day,

45

01 we worked with Harmon, Mike, Jackson,  
02 Marty. They was there.

03 Q. What kind of special  
04 instructions did they give you about  
05 how to build it? Did they show you  
06 any of the specifications,  
07 instructions how to build it, or did  
08 they explain those instructions to  
09 you?

10 A. Jeremy Toler?

11 Q. Yeah.

12 A. He was the one that was there  
13 when we first started that day. I  
14 guess --- you know, I can't remember  
15 the first day we ever started, if we  
16 went in at 7:00 and they done started  
17 at 6:00, and were already at the old  
18 Two Left working on them. We didn't  
19 --- I don't think we rode in with  
20 them that morning. But anyway ---

21 that's not true. We did ride in with  
22 them that morning. But he was the  
23 one that was with us and started  
24 showing us how to do it. I guess he  
25 had built them in the mines he worked

46

01 at before. And us being general  
02 laborers, you know, we didn't have to  
03 do much measuring or anything like  
04 that. It's just block laying.

05 Q. Did he tell you how to do it  
06 by showing you? I mean, did he say  
07 this is how you do it, or did he  
08 explain to you how to do it?

09 A. When we first started with the  
10 one that we started building, it was  
11 already knee high. I mean, it had  
12 been built, I guess, the day before  
13 up to knee high probably. So yeah,  
14 we --- of course, you know, he had to  
15 show us that our blocks had to ---  
16 one row had to be laid without and  
17 the other had to be --- you know,  
18 you've seen an Omega block, I think  
19 they're 24 by 18 by 8, and they also  
20 come in six-inch thickness, too. And  
21 one row will go the 24-inch inby, the  
22 outby side of that row will be, you  
23 know, the 18-inch facing this way. I  
24 know you can't record this, but you  
25 got a long block facing this way, and

47

01 on the back side you have your blocks  
02 facing the other way. And yeah, of  
03 course, he had to show us that,  
04 because we wouldn't have known to do  
05 that.

06 Q. Okay.

07 A. And then how to mix the mud  
08 and all that stuff.

09 Q. So who was with you? I mean,  
10 Jeff came up and instructed you and  
11 who else?

12 A. Me and George. Me and him  
13 started the same day.

14 Q. Oh, so he's --- all right.  
15 And you were the only two that were  
16 up there laboring?

17 A. No, no. Jeremy, he always  
18 worked hand-in-hand with us.

19 Q. Okay.

20 A. And a guy named Seth. I think  
21 it --- I don't know his last name,  
22 though. He went to Massey. I don't  
23 know his name.

24 Q. Okay. So what --- just talk  
25 about that day. Did he tell you that

48

01 --- was there anything special about  
02 the cement that you were using?

03 A. Well, yeah, but he never  
04 really told us what was so special  
05 about it. We learned later that, you

06 know, it's full of fiberglass and it  
07 eats your skin off real good. You  
08 know, of course, he showed us how to  
09 lay the blocks.

10 Q. Right.

11 A. And you can't learn as much  
12 from --- I mean, he taught us from  
13 midways up. He wasn't able to teach  
14 us how the --- what you need to do on  
15 foundation and stuff, because that  
16 foundation had already been leveled  
17 up and stuff like that.

18 Q. Right.

19 A. But you know, he told us how  
20 to lay the blocks, alternate them so  
21 they'd be tied in together and stuff.  
22 And when we got to the top of it, I  
23 guess at that point would have been  
24 the point where he said, you know,  
25 you can't have over so much wood on

49

01 top of it, and they've got to have  
02 fly boards across the top of them.  
03 You know, it was a learning process.  
04 We had to be showed how.

05 Q. So he stayed there with you  
06 step by step?

07 A. Jeremy? Yeah, he was a good  
08 teacher. I mean, he helped us out a  
09 lot. And you know, the main thing on  
10 the seal, I'm sure all ya'll built  
11 them before, I guess, is --- you

12 know, just there's not a whole lot of  
13 hard stuff to do. You just stack  
14 blocks up and make sure they're  
15 mudded in, mud around them, mud the  
16 ribs, you know, and just make sure  
17 that, you know, they're built good.

18 Q. Let's just go back. Now, that  
19 was your first day, and you got ---?

20 A. My first day.

21 Q. He was teaching you how to  
22 build one from halfway up. Let's  
23 start with one that you started from  
24 scratch.

25 A. All right.

50

01 Q. Okay. Tell me a little bit  
02 about how you prepared the area?

03 A. Well, my understanding was,  
04 because me being new, I'm trying to  
05 learn everything I can, you know.

06 Q. Sure.

07 A. My understanding is with these  
08 seals, if they're over a certain  
09 height, well, a whole new set of  
10 rules come in. I mean, they have to  
11 be thick or built different so on and  
12 so forth. You already know all this  
13 stuff, but ---. I guess all the  
14 areas that was going to be --- they  
15 were going to be built in were  
16 already pre-selected, because ---.

17 Q. Yeah. Were they marked on the  
18 rib where you had to build them?

19 Somebody had picked the location?

20 A. Somebody had done figured out,  
21 but I guess they walked through there  
22 with an inspector or something and  
23 they must --- the person that had the  
24 roof control plan, somebody, had to  
25 have told them, because they knew,

51

01 hey, this one can't be built here,  
02 it'd be too high.

03 Q. Okay.

04 A. You know. So yeah, they was  
05 marked where they needed built and  
06 everything, and ---. As far as  
07 getting the foundation ready?

08 Q. Yeah. How much did you clear  
09 out, what was the bottom like?

10 A. It all depended. You know,  
11 every seal we built was different.  
12 And everywhere in the coal mine was  
13 different. Sometimes you're building  
14 in mud, and sometimes you're building  
15 on solid rocks. But we was real  
16 lucky up on Two Left. It's dry up  
17 there, I mean, where we built the  
18 seals. And it just needed leveled  
19 out, you know. We always tried to  
20 take it down to solid ground, you  
21 know.

22 Q. Did you do it by hand or did

23 you use a scoop?

24 A. Well, depending on how you all

25 have them numbered, there was one we

52

01 had to clear out with a scoop because

02 it had been --- and you all probably

03 already know this, too, but it had

04 been gobbed off. They piled gobbing

05 stuff there previously. And that one

06 was cleared out with a scoop. For

07 the most part, the small work --- I

08 mean, that was a pretty clean section

09 up there, you know. Most of it could

10 be done, you know, with a hoe and

11 shovel, like that.

12 Q. So how much of the bottom ---

13 like if the stopping --- if the seal

14 was in a location, how far did you

15 clear out in front and back?

16 A. Well, the main thing when we

17 first started building, as far as the

18 front and back, we never --- of

19 course, unless it was completely

20 blocking --- blocking us from working

21 on it.

22 Q. Yeah.

23 A. We had to clear it with ---.

24 I mean, if it was just a couple

25 stumble hazards or stuff, we'd move

53

01 those. But we'd just clear off the

02 foundation, just like you would for a  
03 house or something, so you'd have a  
04 good foundation to work with.

05 Q. What about the rib, did you  
06 have to scrape the rib down, or ---?

07 A. There was --- on the Nine ---  
08 well, the Nine seal and Ten seal, the  
09 top was --- not so much the ribs, but  
10 you know, the top would --- varied a  
11 little bit and it made it harder to  
12 put your top in. The ribs didn't  
13 need cleaned off that much, no.

14 Q. Okay.

15 A. Maybe just straight down at  
16 the bottom, but that was ---.

17 Q. Now, you know there was wire  
18 mesh in the roof in some of them?

19 A. Some of the entries had wire  
20 mesh in them.

21 Q. Did you remove that wire mesh  
22 at all?

23 A. I never messed with any wire  
24 mesh. I never ---.

25 Q. Okay. Do you recall any of

54

01 that when you were putting the top  
02 row up being in the seal?

03 A. You know, I --- there would  
04 have had to have been some screened  
05 entries in there, in Two Left I would  
06 have thought. But I know that ---  
07 usually in our mines --- I don't

08 know. Am I allowed to talk like  
09 this?

10 Q. Talk anyway you'd like.

11 A. All right. In our mines, our  
12 roof control plan --- or no, I guess  
13 there wouldn't be as much roof  
14 control plan, but we always screen  
15 our intake. But I know on our tenth  
16 seal that there wasn't any screen in  
17 that one, because the top was shotty  
18 in there. But as far as messing with  
19 screen, I really don't ---.

20 Q. You didn't mess with any of  
21 it?

22 A. No. Now, I know that they had  
23 said --- I'll tell you who said it.  
24 It was Jeremy who told me that they  
25 had had to take some screen out. But

55

01 as far as me having to take any out,  
02 I didn't take any out.

03 Q. Okay. Only what you know and  
04 what you did, that's all. What  
05 about ---?

06 MR. MILLS:

07 If you can just clarify  
08 something. I think he's  
09 mentioned Jeremy. Is he  
10 talking about Jeff Toler, or  
11 that's another one?

12 A. Jeff ---.

13 BY MR. O' DONNELL:

14 Q. Who is Jeremy?

15 A. He's a black hat. He worked  
16 with us for quite a while and then  
17 they put him in section.

18 Q. That's Jeremy ---?

19 A. It's Jeremy Toler.

20 Q. And it was Jeff's ---?

21 A. That's his son.

22 Q. That's his son. Okay. Where  
23 was I?

24 A. You was asking me about the  
25 wire, and then I gave you an answer.

56

01 Q. Okay. What about the roof  
02 control --- now we got the area set  
03 up. You say the bottom, you went  
04 down to hard bottom. Was all the  
05 bottom hard that you prepared for the  
06 seals?

07 A. Well, like I said, up there,  
08 it was pretty dry up there.

09 Q. Okay.

10 A. So most of it was pretty ---  
11 we was pretty lucky, we weren't  
12 wading in mud up there, most places  
13 that were selected to build the seals  
14 in.

15 Q. Did you have to build any  
16 cribs behind them to start with?

17 A. Yeah. You asked earlier how  
18 far in front and behind we cleared.

19 Q. Yeah.

20 A. Now, we didn't build the cribs  
21 first. The way we built them was  
22 usually there would be a man  
23 accompanying --- on the best case  
24 scenario, it would be two men on  
25 front and two men in back.

57

01 Q. Right.

02 A. Depending on how many men you  
03 had, it had varied. But there would  
04 be a couple men in the back, and when  
05 you was setting up your area to start  
06 building, in the perfect world, your  
07 boss had already set two bundles of  
08 cribs back there so you could build  
09 those cribs when he left on the inby  
10 side. But yeah, we --- about five  
11 foot in front and five foot behind.  
12 We had to at least have two cribs  
13 set. I'm sorry.

14 Q. Go ahead.

15 A. But we had to make some  
16 exceptions and build more cribs in  
17 some places.

18 Q. So the minimum number was  
19 two ---?

20 A. On the outer side.

21 Q. On how many of the cribs did  
22 you have two?

23 A. How many of the seals do we

24 have just two in the front and two in  
25 the back?

58

01 Q. Yeah.

02 A. I know that ---.

03 Q. Would it be better if you went  
04 over and marked them on this ---?

05 A. Yeah.

06 Q. Let's go over there and see  
07 what you can ---.

08 ATTORNEY YUHAS:

09 Just mark what you  
10 remember.

11 A. All right.

12 BY MR. O' DONNELL:

13 Q. This will be Short Exhibit  
14 One.

15 (Short Exhibit Number

16 One marked for

17 identification.)

18 BY MR. O' DONNELL:

19 Q. Okay. We'll call the seal to  
20 the far left Number One, the seal to  
21 the far right Number Ten.

22 A. On Number One, that was our  
23 seal with the PVC pipe in it.

24 Q. Just assume I don't know  
25 anything. Tell me it all.

59

01 A. They had PVC pipe in it, and I  
02 think it was Marty, and I know Skip  
03 said we needed more cribs, because he

04 kept bringing crib block. We had at  
05 least four cribs behind that, at  
06 least. And then, of course, we had  
07 the two was close, five --- it had to  
08 be within five-foot, you know, of the  
09 seal. So we had the two that was  
10 close to it here, and out front we  
11 had three.

12 Q. And why?

13 A. Why did they ---?

14 Q. Why did you put more cribs  
15 here?

16 A. On that one someone felt that  
17 the top wasn't as good and they  
18 didn't want the ---. Well, I know  
19 why they explained it to me, because  
20 I had to learn all this stuff, you  
21 know what I mean. They want the  
22 cribs to take the pressure from the  
23 top instead of the seal taking ---  
24 make the decision instead of your  
25 seal breaking, you're going to go in

60

01 there and pay a man for a month and a  
02 half for doing all this stuff. You  
03 don't want it cracking at the top of  
04 it, so we built three cribs here.

05 Q. Okay. He's talking about  
06 Number One. Go ahead.

07 A. And at least --- I was  
08 thinking there was five back here.

09 Like I said, we don't know for sure.  
10 We had --- can we number them?  
11 Q. You can just put the number up  
12 here. Just put an X.  
13 A. Right here we had one, right  
14 there, I think. Here, of course, we  
15 had one. And I know we had one back  
16 here. In the intersection they look  
17 good. And we had one here.  
18 Q. So you had four in the back  
19 and three in the front on the Number  
20 One seal?  
21 A. On Number One. Now, this one.  
22 This one I know that we had two.  
23 Q. That's Number Two?  
24 A. Number Two, we had two here.  
25 And then the other two right here.

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01 Another reason, too, it makes --- I'm  
02 the type of person that I'll second  
03 guess myself probably quicker than  
04 maybe what you would even second  
05 guess me. The reason I know that all  
06 these had two behind them is because  
07 John Collins told me they did, the  
08 mine inspector, because he went back  
09 there with Marty Conrad and checked  
10 them all. And we actually had to go  
11 back in because we were running out  
12 of cribs here, and we only had one  
13 half here, and John Collins went  
14 back, what we had was we went out and

15 we had to do another crib right  
16 there. Then we had two here.  
17 Q. That's fine. Just show me ---  
18 just mark which seals you worked on.  
19 Or it would probably be easier to  
20 tell me which one you didn't work on.  
21 A. Yeah, I think --- I know I  
22 definitely put this one as far as  
23 cribs and this and that.  
24 Q. That would be Number Ten?  
25 A. We set cribs two here, one

62

01 here and one here and we set cribs  
02 all the way up.  
03 Q. That had to be along the right  
04 rib of the Number Ten?  
05 A. Right. And on the back we set  
06 the two we needed, and then this is  
07 our gas check valve in this one,  
08 about 18 inches from the top.  
09 Q. Okay.  
10 A. So our gas --- I don't know if  
11 you can see it.  
12 Q. Go ahead.  
13 A. Our gas line was two-inch  
14 steel pipe. It was like 40-foot  
15 long, you know what I mean. So it  
16 wouldn't hold itself up, so we had to  
17 build cribs going back through to  
18 hold the steel pipe and the copper  
19 pipes fed through it from --- you

20 know, about --- it was about 18  
21 inches down. And it was built in the  
22 Number Ten seal.  
23 Q. Okay.  
24 A. To my best recollection, I  
25 can't tell you --- I can't be honest

63

01 with you, because I'm not sure.  
02 Q. Just what you know.  
03 A. I don't think I built --- I  
04 know I built this one, this, this and  
05 this one. I'm thinking I built --- I  
06 know I built these three. The one I  
07 may have missed off on was this one  
08 right here.  
09 Q. So that would be the  
10 Number ---?  
11 A. The Number Seven.  
12 Q. Eight.  
13 A. Eight. And you know, probably  
14 at that time this was when I started  
15 halfway up.  
16 Q. That was your first day seal?  
17 A. Yes.  
18 Q. Okay. So now we got the area  
19 set. We got solid bottom, you said  
20 all of the bottom was solid. Did you  
21 set it on any mud at all?  
22 A. Yeah. Yeah, what we tried to  
23 do --- there again, me being new ---.  
24 Q. How did you level your bottom?  
25 It can't be even, so how did you

01 level it?

02 A. Well, of course we --- you  
03 know, we worked on it with a hoe. We  
04 had a hoe we was mixing it up with.  
05 And most typically, we had axes and  
06 stuff like that.

07 ATTORNEY YUHAS:

08 Can we go off the  
09 record one second until I  
10 clarify something?

11 OFF RECORD DISCUSSION

12 BY MR. O'DONNELL:

13 Q. When I asked you the question,  
14 did any of the --- were any of the  
15 seals started on mud, I meant mud  
16 from the bottom. Bottom mud, not  
17 concrete.

18 A. No, no. We tried to clear all  
19 that out, because just --- you  
20 wouldn't want to build your house on  
21 mud.

22 Q. Right.

23 A. And it's just not something  
24 you'd want to do. Most things I've  
25 learned so far in the coal mines, all

01 that was common sense. If you do  
02 what you're told, you're doing it  
03 right.

04 Q. Okay. So now, if the bottom

05 wasn't even, you want to get a nice  
06 flat surface, how did you do that?  
07 A. We'd use B-bond.  
08 Q. And how did you apply that?  
09 A. Well, like I said, most of the  
10 time the bottom was pretty good in  
11 there, and we didn't have to build  
12 --- we didn't really have to build a  
13 footer, because we had a good solid  
14 bottom anyway. We had to apply some  
15 B-bond, dry B-bond and just level up  
16 what little bit needed leveled. And  
17 the best thing I --- you know, I've  
18 noticed already, the moisture in the  
19 mines and the moisture from the  
20 ground, because whether the ground  
21 seems --- when you say a dry mine,  
22 you're still --- you still got creeks  
23 running in the intake maybe, you know  
24 what I mean.  
25 Q. Right.

66

01 A. But you're not wading up to  
02 your waist, like where we're at now.  
03 But there wasn't much water. It was  
04 maybe a little damp, but then we'd  
05 try to put some dry B-bond there, and  
06 that would make a good solid hard,  
07 you know, foundation. And then we'd  
08 start laying our blocks on top of  
09 that.  
10 Q. So you would lay the block

11 right on top of the hard bottom?  
12 A. Well, you lay your B-bond  
13 down.  
14 Q. Okay. That's what I mean.  
15 You emptied it, dry bags and leveled  
16 it?  
17 A. Yeah. And then when you got  
18 that good and level and you start  
19 laying your first row of block on it,  
20 and then you'd start from there.  
21 Q. When did you start using the  
22 mixed cement?  
23 A. On the first row. Yeah, none  
24 of them was --- they was all --- I  
25 mean, you lay your first row

67

01 down, ---  
02 Q. Yeah.  
03 A. --- and as you went you would  
04 mud them.  
05 Q. How did you do that? I mean,  
06 you mixed up mud, which was the  
07 B-bond you're talking about.  
08 A. B-bond. That's what we call  
09 it, B-bond. I'm sorry.  
10 Q. That's okay.  
11 A. We'd mix B-bond with water and  
12 mix it in a wheelbarrow, and then  
13 apply it with rubber gloves. And  
14 what you'd do is, most of the time  
15 --- this is what they told us, you

16 know, you want a quarter-inch seam,  
17 you know, on your blocks and in all  
18 your seams, which you know ---. I'll  
19 be real honest with you, I don't  
20 carry tape with me most of the time,  
21 I never really measured the seams,  
22 but it wasn't hard really to get a  
23 lot of mud on them. So you'd mud  
24 your block and put the mud in between  
25 them, and lay them as you went.

68

01 Q. That first row, that's what I  
02 want to focus on. You put your  
03 B-bond down and put your first row.  
04 Did you lay your first row lengthwise  
05 and then the second row on end  
06 towards the seal?

07 A. Can I show you how we done it?  
08 I mean, it's --- and maybe you can  
09 explain it better. Like I said,  
10 Omega block ---.

11 MR. O' DONNELL:

12 We'll call this Short  
13 Exhibit Two.  
14 (Short Exhibit Number  
15 Two marked for  
16 identification.)

17 A. An Omega block is about  
18 two foot, about 18 inches. I mean, I  
19 never got my tape out measuring them.  
20 And your thickness varies between  
21 eight and six inches, depending on

22 what size block they brought you.  
23 The ones, say, we was building with  
24 the eight-inch block, and it varies.  
25 The first row, the --- and this could

69

01 depend on how you started it.

02 BY MR. O' DONNELL:

03 Q. Right.

04 A. Your first row would be your  
05 24-inch running this way.

06 Q. Okay.

07 A. And all these seals are two  
08 rows thick. I'm sure you all know  
09 that, because ---.

10 Q. Right.

11 A. I'm not the first person you  
12 talked to. All right. Here would be  
13 your first row block. Well, you  
14 would come out here and all your  
15 joints have to be staggered, see. So  
16 see, this joint here couldn't hit  
17 like that, it'd have to get in the  
18 middle of the blocks, and --- I  
19 didn't draw it good. And then this  
20 row of block would run this way. And  
21 that would be a row.

22 Q. Okay. So now we got that  
23 first row down, as you illustrated.  
24 When did you put --- did you put any  
25 mixed cement down on top of the

70

01 B-bond that you had on the bottom to  
02 level, or did you just put the block  
03 down on it?  
04 A. The blocks. We put block on  
05 that and then we B-bonded these  
06 blocks as we went.  
07 Q. Okay. So now, the first layer  
08 of B-bond that you used, you smeared  
09 on top of that bottom row?  
10 A. No. Well, everything has to  
11 be B-bond. Your seams.  
12 Q. Yeah. How did you get it in  
13 the joints?  
14 A. It wasn't real hard.  
15 Q. If they were butted together  
16 like this dry, how did you get it in  
17 between the joints?  
18 A. Again, these blocks are  
19 different sizes. Your bottom's like  
20 this, and --- it would be nice if  
21 they would all butt up together like  
22 that, but they don't. Most of the  
23 time you have --- sometimes you got  
24 gaps in them like that, and sometimes  
25 your gaps were like that. And you

71

01 have to fill that with mud.  
02 Q. So you filled in all the gaps?  
03 A. Yeah. You filled in all your  
04 seams with mud.  
05 Q. All right.  
06 A. And then later on what we

07 started doing was as we laid --- we  
08 would lay a block, and this worked  
09 pretty good, I mean, because you  
10 wanted to make sure it was all mudded  
11 good. We'd lay a block, we'd mud the  
12 sides of it. And that's when you  
13 start getting burns all over you, but  
14 that's part of it, because you get  
15 mud all over you then, or B-bond all  
16 over you then. But then you mud the  
17 sides as you go, and the tops as you  
18 go.

19 Q. So for the first couple rows,  
20 or how many rows did you go, and you  
21 laid them dry together and then just  
22 tried to squeeze the B-bond down in  
23 between the joint?

24 A. Was there a set amount of rows  
25 you're asking me?

72

01 Q. Yeah.

02 A. No. No. No, there wasn't a  
03 set amount of rows. What we done  
04 was, we just --- instead of trying to  
05 shove that mud in there and just  
06 shoving the mud, and trying to make  
07 sure there's a quarter-inch  
08 everywhere, that was easier.

09 Q. Okay.

10 A. So yeah, and like right here,  
11 if it was easier to start with and we

12 mud all the sides, we'd lay them that  
13 way. It just depended on --- you  
14 know, it wasn't as --- they didn't  
15 say, hey, build --- Jeremy never  
16 said, hey, build three rows and then  
17 dip them in mud and then lay them or  
18 nothing like that.

19 Q. Did you wet the block at all  
20 while you were laying them?

21 A. With water?

22 Q. Yeah.

23 A. Uh-uh (no).

24 Q. They were always dry?

25 A. Dry as they could be. And

73

01 then we would mud them as we went,  
02 you know.

03 Q. Yeah. Now, what about as you  
04 got a few rows up, how did you  
05 tighten the wall where the block met  
06 the rib? Okay. You butt it up, it  
07 was never, I'm sure, perfectly flat.  
08 Some of them may have been. But what  
09 did you put between the rib and the  
10 Omega block?

11 A. Like, did we use fly boards,  
12 or --- no. No, we did --- when we  
13 build stoppings, you know, you use a  
14 little more wood, wedges and blocks  
15 and stuff to tighten in your sides.  
16 But we'd cut our blocks to fit those  
17 gaps.

18 Q. Okay.

19 A. And if, you know, say there  
20 was just a small gap, well, we used a  
21 bucksaw. And if it was --- say, you  
22 needed a block there 18 inches wide,  
23 you needed a block 6 inches wide,  
24 well, it ain't too hard to take an  
25 axe and run down through there and

74

01 break you off six inches of the block  
02 and shove it down in there. You  
03 know, and then fill --- once again,  
04 you know, you have to fill it with  
05 mud.

06 Q. So did you wedge any of them,  
07 tighten some of them up?

08 A. The sides?

09 Q. Yeah.

10 A. I never drove a wedge in the  
11 sides. We've always B-bonded them  
12 into the ribs. I mean, I don't know  
13 --- none of you all ever came down  
14 there, I don't think, while I was  
15 working on them, but when you got a  
16 seal there, instead of like a  
17 stopping or stop right there, most  
18 times you mud your rib there and tie  
19 your seal into your rib.

20 Q. Right.

21 A. All that's full of mud.

22 Q. So if you had to cut a block,

23 you say you used an axe, or what did  
24 you use?  
25 A. A bucksaw and an axe.

75

01 Especially when you're going across  
02 the top, if you got an eight-inch  
03 block and you needed a three-inch  
04 block, but it still needs to be 18 by  
05 24, you ain't going to do that with  
06 no axe. You're going to have to use  
07 the bucksaw to cut it right down the  
08 middle.

09 Q. Was it easy to cut them with  
10 an axe sometimes?

11 A. Well, yeah. Like, if you  
12 needed half a block, you just ---.

13 Q. Just the same way you do  
14 concrete?

15 A. Yeah. If it was concrete  
16 block, we cut concrete blocks in  
17 mines with hammers, axes, you know,  
18 whatever you need to cut it with.

19 Q. So the Omega block was  
20 probably a little --- was it easier  
21 because it's softer?

22 A. It's softer. Omega blocks are  
23 like a fiber-based block.

24 Q. Right.

25 A. And depending on --- if you

76

01 needed a precise cut, yeah, you  
02 always went to your bucksaw.

03 Q. Right.

04 A. But if you needed --- they're  
05 two-foot long, right. You needed it  
06 cut in half, approximately in half,  
07 you know, you didn't always need ---  
08 but we used bucksaws and ---.

09 Q. And axes. Okay. And any of  
10 the walls --- I need to go back on  
11 this one. Were any of the seals that  
12 you built in any kind of standing  
13 water, or were they all dry?

14 A. Like I said, I got spoiled  
15 there, because I didn't know what  
16 Sago had to offer until we got in the  
17 --- it was dry there.

18 Q. Did you have to cut trenches  
19 into the rib for any of them?

20 A. Hitch them in the rib. Not  
21 with --- my understanding was ---  
22 like I said, my dad has been in the  
23 coal mines --- when I first started  
24 he wanted to know what we done,  
25 yadda, yadda. And he said, well, I

77

01 can remember we was building them out  
02 of solid blocks, we had to hitch them  
03 a foot into the rib. And I think he  
04 said a foot in the bottom or maybe a  
05 foot in the top. I can't remember,  
06 but he said we always had to hitch  
07 them in the rib.

08 Q. He's right.  
09 A. And my understanding was with  
10 an Omega seal, that was an advantage  
11 with an Omega seal, you didn't have  
12 to hitch them.  
13 Q. Right.  
14 A. Because I tell you, now --- we  
15 were fortunate, because we would have  
16 done a lot hitching on the ladder.  
17 Q. So now we get to the top of  
18 the seal, and tell me the space that  
19 you had between the top of the Omega  
20 seal and the roof was about how much?  
21 A. It varied. I mean, because  
22 all your entries are different  
23 height.  
24 Q. From what to what? What's the  
25 biggest gap and the smallest gap?

78

01 A. Do you mean whenever it's  
02 completely finished, when we was  
03 ready to call it a day?  
04 Q. Yeah.  
05 A. We didn't leave a gap.  
06 Q. No, when you were putting the  
07 fly boards up.  
08 A. Well, when we first started,  
09 we didn't have any six-inch block at  
10 the mines. Well, Jeremy had built  
11 these before, and he told the  
12 superintendent, you know, it would be  
13 better if we got some six-inch block

14 to make things go faster, because if  
15 you got a ten-inch gap, you put an  
16 eight-inch block in there, you're  
17 looking pretty good with the fly  
18 board, because the fly board's about  
19 two inches thick, you know. But if  
20 you've got a --- you only got a  
21 seven-inch gap, or an eight-inch gap,  
22 when you try to put an eight-inch  
23 block, guess what, you can't get a  
24 fly board in there. So we got some  
25 six-inch blocks.

79

01 Q. Okay.

02 A. So it varied. You know, it  
03 varied bad. I mean, sometimes we'd  
04 take six-inch block and have to cut  
05 it right down the middle, you know  
06 what I mean.

07 Q. How many fly boards did you  
08 put on top of the seal?

09 A. Well, there again, that --- my  
10 understanding was we always tried to  
11 put three across it.

12 Q. Okay.

13 A. But like, especially on ---  
14 and that too was to distribute the  
15 weight across the top, you know,  
16 because you don't want it ---.

17 Q. About how long were they?

18 A. The seals?

19 Q. No, the fly boards.  
20 A. I can guess.  
21 Q. Did they come in stacks?  
22 A. Well, where we'd get them from  
23 was, we'd just put in them in the  
24 scoop from the track entry. I mean,  
25 I'm sure they was in stacks outside,

80

01 but they wasn't when they got to us.  
02 Q. So you put the one piece up,  
03 whatever that length was?  
04 A. Yeah. And then sometimes you  
05 would have to cut one.  
06 Q. Okay. So they were long  
07 enough that you had to cut some of  
08 them?  
09 A. No. Very seldom were they  
10 ever long enough. I mean, sometimes  
11 they were long enough, they'd go  
12 right across --- they were the same  
13 length as the entry, you know what I  
14 mean. The whole entry. But I don't  
15 know if you ever looked at Number One  
16 seal, it was longer, because it was  
17 an angle with the rib.  
18 Q. Right.  
19 A. Well, and even there on your  
20 top --- now, I'm just telling you  
21 stuff that --- but on that seal, I  
22 wasn't in the back. It was really  
23 hard to get a fly board on the back  
24 the way the top was. So the fly

25 board had to be cut, and another

81

01 piece had to be put on the end. You

02 know, you have to make do.

03 Q. You pieced it in?

04 A. Sometimes, yeah, you got

05 to.

06 Q. And how did you tighten those

07 up?

08 A. Wedges.

09 Q. And how far apart were the

10 wedges that you tightened up?

11 A. I mean, if there's supposed to

12 be an exact distance, I have never

13 been told that.

14 Q. Just tell me what you did.

15 That's all. How far apart --- like,

16 if you got the fly board that's going

17 across the top of the seal, and you

18 had to wedge it this way ---?

19 A. Well, usually --- I mean,

20 maybe you don't want to know this,

21 but usually I don't try to drive my

22 wedges this way.

23 Q. Okay.

24 A. I mean, you got more wood

25 exposed, and you know, you want the

82

01 least exposure as you can. Most of

02 the time you try to drive your wedges

03 this way.

04 Q. Okay.

05 A. Well, and say your wedges are

06 ten inches long, you may not

07 necessarily need a wedge, or there's

08 a gap big enough that you do drive

09 the wedge this way, and it takes the

10 whole --- you may need to put another

11 wedge four inches, because they're

12 four inches wide, depending on which

13 way you drove your wedges, and ---.

14 Q. So the fly board is from rib

15 to rib?

16 A. Rib to rib. Right.

17 Q. And you drove your wedges

18 towards the rib; is that what you're

19 saying?

20 A. Most of the time, if you can.

21 But now, if you got enough room ---

22 most of the time we use glucks

23 instead of wedges. I mean, we got a

24 lot of --- that's what we call them.

25 Q. What do you call them?

01 A. They're real big --- they're

02 thicker wedges. They're a whole lot

03 nicer than ---.

04 Q. And you call them what?

05 A. Glucks.

06 Q. Glucks, okay.

07 A. I don't know what you all call

08 them.

09 Q. Thick wedges.

10 A. And they're bigger. And they  
11 may be this wide, two inches thick at  
12 the back and about an eighth inch in  
13 front.

14 Q. Right.

15 A. Well, say you could drive that  
16 in good enough and get it solid in  
17 and you drove it straight, just like  
18 you would when you're building a  
19 stopping.

20 Q. Right.

21 A. You could drive that in, and  
22 you know you can pretty much get all  
23 that wood in inside your block and  
24 you won't have all that crap exposed.

25 Q. So what did you do, you tried

84

01 to fill the gap between the roof, the  
02 fly board. And the next wedge, how  
03 did you fill that void in?

04 A. That varied, too, depending on  
05 how much space there was. Sometimes  
06 we put pieces of Omega block in it if  
07 we needed to, you know what I mean.

08 Q. The main thing --- what my  
09 understanding was, was you want that  
10 fly board to take the weight all the  
11 way across the seal. So once you got  
12 that tight against the top, that fly  
13 board against your wall, your seal,  
14 and against the top, you wouldn't

15 necessarily --- I mean, we didn't  
16 split wedges if we didn't have to,  
17 just to fill in every little gap.

18 Q. Okay. So now we got the back  
19 fly board in, how did you put --- you  
20 put one in the middle then, too;  
21 right?

22 A. A fly board.

23 Q. Yeah. Well, what about the  
24 space between the back fly board and  
25 the middle fly board, what did you

85

01 fill that in with?

02 A. On the very top ---.

03 Q. Uh-huh (yes). I got my back  
04 fly board in towards the seal side.  
05 That's in. Now I have to put my  
06 second, my middle fly board in.

07 Okay?

08 A. All right. Okay.

09 Q. Okay. So now before ---.

10 A. Well, all that was muddled.

11 Q. Oh, okay.

12 A. B-bonded. You know there was  
13 B-bond on top of the seals; right?

14 Q. No, that's what I was trying  
15 to get you to tell me.

16 A. Oh, I'm sorry. I'm going to  
17 tell you, man, we used so much of  
18 that dang gone stuff. I mean, I  
19 still got burns. Look at the burns.

20 I mean, that stuff's good wicked

21 stuff. I mean, we used a lot of it.

22 On that tenth seal, we used --- it  
23 was taking one skid of --- well, you  
24 didn't ask me that.

25 Q. Go ahead. How much ---?

86

01 A. Well, I sat there and figured  
02 it out the one time how heavy these  
03 seals were, because you're putting  
04 all this time in these things. And  
05 this was pretty much what I'm hired  
06 for at this point, is build these  
07 things. So we're using well over a  
08 skid on some of them. That tenth  
09 seal, or the first one that you all  
10 call them, because that's how you  
11 originally numbered them. We was  
12 using one skid of block per row  
13 (sic), that sucker. That was big.

14 And we was mixing up 50-pound  
15 sacks, and there was well over 2,500  
16 pounds just of B-bond in them things,  
17 I mean, when that's dry. I mean,  
18 even before you put the water in it.

19 Q. So how many bags are you  
20 talking?

21 A. Fifty (50) bags, I mean, at  
22 least.

23 Q. Fifty (50) bags for the whole  
24 thing?

25 A. Yeah. Oh, yeah, yeah. Not

01 per row, no. Heavens, no. But I  
02 mean, yeah, we could very easily use  
03 a skid of B-bond per seal. I mean,  
04 that stuff ---.

05 Q. Let's go back to the top now.

06 A. Okay.

07 Q. All right. So between the  
08 middle fly board and the back fly  
09 board ---.

10 A. Well, you mudded your rows,  
11 like you asked me before.

12 Q. Did you fill it in with ---?

13 A. Pieces. If there was a gap or  
14 something like that, you'd try to put  
15 another piece of Omega block in  
16 there.

17 Q. So on the top of the seal you  
18 mudded it solid?

19 A. Yeah.

20 Q. Between the back fly board and  
21 the middle fly board?

22 A. I can't say it was mudded  
23 solid because it wasn't solid mud. I  
24 mean, we mudded all that, and I  
25 guess, theoretically, you'd hope it

01 would dry solid. I mean, I  
02 don't ---.

03 Q. Well, that's what I mean, did  
04 you throw cement back in the void?

05 A. Yeah, yeah.

06 Q. Okay.

07 A. I'm sorry. I've never done  
08 this before. I'm just trying to  
09 answer the best I know ---

10 Q. I understand that.

11 A. --- you want me to answer.

12 Q. So then you got the middle fly  
13 board in and you need to put the last  
14 fly board in, and you tighten it the  
15 same way you did the back one; right?

16 A. The middle one?

17 Q. Yeah.

18 A. The best you could reach it,  
19 you know. If your top's like that,  
20 you do the best you can.

21 Q. But you try to tighten it ---

22 A. Yeah.

23 Q. --- in every spot that you  
24 can?

25 A. Yeah. You try to put your

89

01 wedges across.

02 Q. Okay. Now, what did you put  
03 between that middle fly board and  
04 your outby, your fresh air side fly  
05 board?

06 A. Well, you're still going to  
07 try throw mud in all your voids. I  
08 mean, you still try to mud  
09 everything. That stuff dries like  
10 --- it's harder than concrete.

11 Q. What about the front and back,  
12 how did you face it?

13 A. With lots of B-bond. The  
14 thing was, they were --- that was  
15 done as you went.

16 Q. So as you put a couple courses  
17 up ---?

18 A. Yeah. You tried to go as you  
19 went along, because --- especially if  
20 you was on the back. Then somebody's  
21 going to have start giving you  
22 buckets of B-bond. Then you pour  
23 them down your front. So if you can  
24 keep up mudding as you're low on the  
25 wall --- the seal, that's less you

90

01 have to reach across to the other  
02 guy, because then he's got pretty  
03 much the whole seal mudded except for  
04 the top, and how much you're going to  
05 have to walk around the --- you know,  
06 around the block.

07 Q. So you actually did finish the  
08 last one?

09 A. We finished the last ---.

10 Q. I mean, you worked on the very  
11 last seal?

12 A. Well, we tried to finish --- I  
13 don't mean to interrupt. We tried to  
14 finish --- what this was, was kind of  
15 a part of the big air change. And  
16 I'm sure somebody explained it to

17 you, so we needed to leave the first  
18 seal and the Ten seal undone so  
19 somebody could go back and fire boss  
20 that, and that still needed to be  
21 ventilated.

22 Q. So the very last two seals you  
23 built were Number One and Number Ten?

24 A. Right.

25 Q. Okay. Did you build one

91

01 before the other? Did you finish  
02 One ---?

03 A. Oh, finish them up.

04 Q. Did you finish One first and  
05 then went over and built Ten, or ---?

06 A. Uh-huh (yes). Yes, we sure  
07 did.

08 Q. Let's go to the last seal.

09 A. The very last one.

10 Q. And you had a guy on the back  
11 working; right, and a guy in the  
12 front. Once you finished up, they  
13 had the whole back mudded, how did  
14 you finish mudding when he crawled  
15 back through that part?

16 A. That's exactly --- perfect  
17 question. I mean, because I wondered  
18 that too. And at this point, I've  
19 done --- I've been doing this for a  
20 month off and on. I wondered that  
21 too, because it's impossible. I

22 mean, you know, it's impossible to  
23 do. So you know, your boss --- at  
24 this point was me, George and Skip.  
25 And maybe after this is all done, you

92

01 can tell me the right way to do it,  
02 because I don't know the right way to  
03 do it, or the way you all want it  
04 done. But you do the best you can  
05 do, because we would have had to lose  
06 a good man that day if we have done  
07 it the other way. We would have just  
08 had to count our losses, but on the  
09 --- our seal we built was --- you all  
10 call it Number Ten.

11 Q. Yeah.

12 A. The way we done it was, I was  
13 back there, we --- well, previous to  
14 this point, we already built all of  
15 our cribs. And like I said, at that  
16 one there was --- there's five back  
17 there. This one was mandatory. We  
18 had to have that one. She can't see  
19 this, can she? But these were to  
20 hold the gas check --- well, we went  
21 ahead, we had all that done and all  
22 that finished, and we had to finish  
23 this other one down here, so we  
24 finished it, came around ---.

25 Q. So Number Ten had already been

93

01 started?

02 A. Oh, yeah.  
03 Q. How much in Ten was completed  
04 when you were finishing Number One?  
05 A. All but enough room for  
06 airflow and for them to fire boss.  
07 We had to leave enough room for men  
08 to get back in there and fire boss  
09 that old Two Left section.  
10 Q. Okay. Did you finish One and  
11 Ten the same day?  
12 A. Uh-huh (yes).  
13 Q. Okay. Within the same shift;  
14 right?  
15 A. We done a lot --- yeah, we  
16 worked --- I don't know if it was  
17 mandatory, or you need this, but we  
18 worked a 13-hour shift that day. And  
19 what we done was, we finished ---  
20 because like I said, this was part of  
21 the big air change. Do you want me  
22 to explain the air change to you?  
23 Q. No.  
24 A. Okay. Well, what we needed to  
25 do, we needed to continue ventilation

94

01 to that until it was sealed off.  
02 Well, we didn't want to take  
03 ventilation before we had to build  
04 four overcasts so all of our intake  
05 air could sweep these seals. Anyway,  
06 air needed to continue to go in there

07 until we was ready to go.  
08 Q. Right.  
09 A. Well, what we had done was we  
10 finished Number One, finished Number  
11 Ten, and then what we done --- and  
12 that was that wall I was telling you  
13 I was proud of before.  
14 Q. Yeah.  
15 A. We built an angle wall so we  
16 didn't lose our intake air. So our  
17 air would come up then in the intake  
18 and sweep all these seals. Well, as  
19 you know, these back two seals were  
20 set back a block. Well, we didn't  
21 want to lose our air this way, so we  
22 had to build this big angle wall  
23 here, and it come --- well, it was  
24 nice. It come right down here and  
25 ventilated these last three seals and

95

01 come out. And then we had to build a  
02 stopping right here. I could show  
03 you better over here, but we had to  
04 build a stopping here, and then the  
05 air would come up through here  
06 against this angle wall again, and go  
07 across the regular ---.

08 Q. Straight over your overcast?  
09 A. Yeah. That's a nice drawing,  
10 huh?  
11 Q. You should be an artist.  
12 A. Yeah. I'm sorry, that's not

13 very good, but I could do better.

14 Q. Anyway, so you'd say probably  
15 an area in the back four foot by four  
16 foot, five foot by five foot that  
17 wasn't mudded on the back?

18 A. Oh, getting to the back of  
19 that.

20 Q. Okay.

21 A. I'm sorry. On that Tenth seal  
22 you asked how much we left. We left  
23 it on this --- on the left side of  
24 the seal, on the Tenth one. It was  
25 on the right side of the one on the

96

01 First one, but we left this --- we  
02 built all the way up and I was able  
03 to squeeze through it on the back,  
04 and I squeezed across the top of it.  
05 And what we do is, we'd go ahead ---  
06 we had to lay our block. We couldn't  
07 just leave that empty.

08 Q. Right.

09 A. So we'd lay our blocks up in  
10 that void the best we could, but once  
11 again, we was working on this other  
12 side. But no, we finished it, but we  
13 couldn't leave a man back there to  
14 mud all the ---.

15 Q. Right. So there was a small  
16 area that wasn't --- that you could  
17 not face?

18 A. There's no way, I don't think,  
19 to my understanding, up at the top.

20 Q. Okay. Now, you talked about  
21 the trap. The trap was over in  
22 Number One?

23 A. Uh-huh (yes). We had two  
24 traps in there.

25 Q. Two traps?

97

01 A. Uh-huh (yes).

02 Q. Could you tell me a little bit  
03 about that? Two traps, two separate  
04 traps?

05 A. Well, they --- one of them ---  
06 they were both on the left-hand side  
07 of the seal.

08 Q. Okay.

09 A. One of them was, I would say a  
10 six-inch --- it didn't look like it  
11 was --- I would say a five to six-  
12 inch line.

13 Q. Okay.

14 A. PVC line. And the other one  
15 was two or three-inch PVC line.

16 Q. And were they side by side?

17 A. Uh-huh (yes).

18 Q. Two separate traps ---

19 A. Right.

20 Q. --- that ran through that  
21 seal?

22 A. Right. And I was there when  
23 we put them in. I helped, you know,

24 to cut it and stuff. They were to,  
25 you know, check the water ---

98

01 Q. Right.

02 A. --- in case --- so you'd know  
03 if you had water built up back there.  
04 So what we done was --- they had to  
05 be close --- you know, had to be  
06 close to the bottom. You didn't want  
07 to put them halfway up the middle of  
08 the seal.

09 Q. Right.

10 A. So we put them next to the  
11 bottom, well, you had to have your  
12 elbow in there, just like your drain  
13 trap in your house. And what we  
14 tried to do was get that bottom of  
15 that trap as close to the bottom as  
16 we could get. So that made your pipe  
17 going through the wall maybe a foot  
18 up off the bottom.

19 Q. Okay.

20 A. That trap had to be right next  
21 to the bottom.

22 Q. So how far apart were both of  
23 the traps?

24 A. I'd say it was inside the same  
25 block, or close to it, you know. So

99

01 they've got two foot ---.

02 Q. Did you see some plan that

03 someone showed you to do that, or did  
04 someone just tell you to put two  
05 traps in?

06 A. Well, when we were working on  
07 the trap, Skip usually --- Skip  
08 carried the plan in his bucket. But  
09 when we was working on the trap,  
10 Marty, Jackson, Harmon and Mike  
11 Triplett was there. And they had a  
12 plan. And in the two-inch line me  
13 and Harmon put it in ourselves while  
14 we had a little down time.

15 Q. Two-inch line where?

16 A. Right beside the bigger six  
17 --- say, five-inch, six-inch line.

18 Q. Okay. But they did tell you  
19 to put it in?

20 A. Yes. I mean, he's a boss,  
21 Harmon.

22 Q. I understand. So how did you  
23 --- what did you do to fit them in  
24 the block? Did you have to cut  
25 block ---?

100

01 A. Yeah. What we done was before  
02 we put the pipes in, we'd already  
03 laid this seal up, you know, let's  
04 say three courses. And it was dry.  
05 Everything was hard. We was able to  
06 --- we wanted them sunk down in the  
07 block. We didn't just want them  
08 laying there.

09 Q. Right.

10 A. Kind of above blocks, so what  
11 we done was, we cut out a hole big  
12 enough to run the pipe through and  
13 filled it with mud. Well, it made it  
14 nice, because that's all we done on  
15 it that day, on the big line. Well,  
16 that was set up from the day before  
17 when we went back and smoothed that  
18 out with more mud and filled those  
19 gaps in. It made it look nice. And  
20 on the second day when we made that  
21 bigger pipe and mudded across, we put  
22 smaller pipe in, me and Harmon did.

23 Q. So how did you cut ---?

24 A. Well, on the smaller line, I  
25 used my hammer. I used my mason

101

01 hammer and an axe when I needed it.

02 Q. Right.

03 A. Because on the bigger line,  
04 yeah, we used an axe. I mean, that's  
05 cement.

06 Q. And then you filled it in  
07 solid with the mud?

08 A. Mud, or B-Bond.

09 Q. Okay.

10 A. Over two days, because there's  
11 no way --- you can't make that much  
12 --- you can't, you know, defy  
13 gravity. If the main's going to go

14 --- it's going to try to run out. So  
15 you make it thick enough where it  
16 will hold itself up some, but it's  
17 still going to sag and we filled that  
18 in.  
19 Q. Now, you talked about a sample  
20 line over in Number Ten.  
21 A. Oh, gas check?  
22 Q. Yeah. What diameter was that  
23 steel line?  
24 A. The steel line, I'm thinking  
25 it was two-inch.

102

01 Q. Two-inch. And it ---.  
02 A. Maybe two-and-a-half inch.  
03 Q. How much of that metal line  
04 was on the fresh air side of the  
05 wall?  
06 A. I don't know for sure exactly.  
07 I'd say --- it was definitely less  
08 than five feet. It was maybe ---  
09 between three and four feet.  
10 Q. Three and four feet. And that  
11 ran all the way through the seal.  
12 And how far on the other side?  
13 A. Well, it was 40-foot long.  
14 I'm pretty sure those two joints were  
15 20-foot, and so it would have been  
16 --- say your wall was almost four-  
17 foot thick, let's say, it wasn't  
18 quite, and then you have four-foot,  
19 there's eight-foot, so you've got 36

20 feet.

21 Q. And that was a pretty heavy  
22 pipe?

23 A. Yeah, it was heavy.

24 Q. And how was it supported? How  
25 was it ---

103

01 A. Through the cribs.

02 Q. --- kept in place? You put it  
03 through the crib?

04 A. Yeah. On that drawing I  
05 showed you.

06 Q. Yeah. Now, on the fresh air  
07 side, how did you support it?

08 A. Well, there was only --- like  
09 I said, maybe this much sticking  
10 through the wall. And it didn't have  
11 --- I don't think --- no, we didn't  
12 wire it to the top, or anything like  
13 that.

14 Q. Okay. And was there any other  
15 pipe involved?

16 A. Yeah. There was --- about a  
17 half inch copper tubing that we fed  
18 through it.

19 Q. Okay.

20 A. And on the end of that, of  
21 course, it had to have a valve on the  
22 end of it so you could check your  
23 gas.

24 Q. On the fresh air side?

25 A. Exactly.

01 Q. Now, how did they seal that so  
02 there wasn't a space between the  
03 copper line and the steel line that  
04 was used as a conduit, how was  
05 that ---?

06 A. I didn't install --- I didn't  
07 fish the copper line through the  
08 tube, but I did see the fitting that  
09 we used. All it was, it was just a  
10 regular shutoff fitting, you know, a  
11 shutoff valve type deal. The steel  
12 pipe that we used was threaded on the  
13 end. Pretty nice. And you could  
14 thread your cutoff valve on the steel  
15 pipe that came through the wall, but  
16 inside of that there was a copper  
17 that would adapt to that half-inch  
18 copper tubing, make that air go  
19 through there.

20 Q. So it was sealed?

21 A. Yeah, with the threads.

22 Q. Okay. Was it soldered at all?

23 A. I have no idea.

24 Q. Okay. Let's take about a  
25 five-minute break.

104

105

01 SHORT BREAK TAKEN  
02 MR. O' DONNELL:  
03 Brian, do you have  
04 anything before I start?

05 BY MR. MILLS:

06 Q. Question.

07 A. Yes, sir.

08 Q. Who's your employer?

09 A. GMS.

10 Q. GMS. At the time?

11 A. Uh-huh (yes).

12 MR. MILLS:

13 That's all I have,

14 Jeff.

15 MR. O'DONNELL:

16 I'm glad you asked,

17 because I didn't.

18 BY MR. O'DONNELL:

19 Q. On that last seal, I know we

20 --- I tried to get you to give me a

21 number like it was a four-by-four or

22 five-by-five that wasn't mudded that

23 you crawled through. How many block

24 big was it?

25 A. Well, the way you lay blocks,

106

01 with a house or anything, when you're

02 finished, where there are stair

03 steps, it's going to be like this.

04 So at the bottom it may have been a

05 half a block, enough to get my feet

06 through. And then in the next row,

07 it may have been a block and a half.

08 Do you understand what I'm saying,

09 then?

10 Q. Exactly.

11 A. So when I came through it, it

12 was about this big.

13 Q. Okay.

14 A. Do you know what I mean?

15 Q. This big meaning, ---

16 A. Probably ---.

17 Q. --- three foot by three foot?

18 A. I'd say three, but it wouldn't

19 be three foot by three foot square.

20 It'd be maybe two square --- or three

21 and a half square feet. But it would

22 have been a hole that was shaped like

23 this.

24 MR. O' DONNELL:

25 He means at an angle.

107

01 A. Maybe we can figure out the

02 square footage in it, but I'm not

03 that good at math.

04 BY MR. O' DONNELL:

05 Q. You say that you used pieces

06 of block on top of the seal that you

07 would wedge in to fill the void; is

08 that true? Is that correct?

09 A. Yeah.

10 Q. Okay. And the distance

11 between the wedges when you were

12 hammering them in, what was --- just,

13 if you could, what was the space

14 between the wedges, the opening?

15 A. You put in how many you

16 needed. I can give you maybe one to  
17 ---. It varied from one to six  
18 inches, or one to no inches maybe. I  
19 mean, you may have --- you may have  
20 them drove in --- if you drove them  
21 in, especially rib to rib, if you  
22 drove them in this way, well, you  
23 drove them this way to this way,  
24 well, the next one you drive in ---.  
25 Q. Let me ask you this way. Was

108

01 anyplace that you drove them more  
02 than a foot between?  
03 A. Oh, heaven's no. I mean, you  
04 wouldn't want that much space empty  
05 in the wall.  
06 Q. Okay. And the fly boards,  
07 were there three all the time on  
08 every seal?  
09 A. No. Like I was telling you  
10 earlier, the best thing you could do,  
11 they said, you know, you need to use  
12 three if you can. Well, like, you'll  
13 know, you can never use --- you could  
14 never --- I mean, if your roof bolts  
15 sag like this, or you had a roll in  
16 your top or something like that,  
17 well, your middle, your seal may be  
18 right up against the top, well, the  
19 front may not be perfect for a fly  
20 board right across the front.

21 Q. Okay.

22 A. Your back may not be if you  
23 had a swag in your top. I mean, it's  
24 really going to vary how you're ---.

25 Q. How many of the seals do you

109

01 think that had actually three fly  
02 boards on them?

03 A. If I told you, I'd be  
04 guessing.

05 Q. Don't guess. Only if you  
06 know.

07 A. I mean, we had ---.

08 Q. Would it be fair to say that  
09 there were at least one that did not  
10 have three fly boards on it?

11 A. Would that be fair to say?  
12 Yeah. Yeah, it would be fair to say.

13 Q. Two?

14 A. That had three whole fly  
15 boards across the top. It would be  
16 very fair to say there'd be two,  
17 because like I said earlier, you may  
18 have to cut a fly board in the middle  
19 to make it fit.

20 Q. Would you say half of them had  
21 three and half of them didn't have  
22 three?

23 A. I wouldn't say that. I  
24 mean, ---.

25 Q. Okay. All right.

110

01 A. I wouldn't say that. But what  
02 we try to do is, if a fly board would  
03 fit all the way across from rib to  
04 rib, you'd use it --- you know, you  
05 --- great, you put a fly board in  
06 there. If you'd have to cut six foot  
07 off a fly board because your top  
08 sagged, then you'd have cut six-foot  
09 off a fly board, and then you would  
10 only have two and a half fly boards  
11 across that one, or you may --- right  
12 across the front, you know, you may  
13 have to use a fly board and a half  
14 header to go all the way across. Our  
15 whole border, or whatever you call  
16 it.

17 Q. So in other words, it wasn't  
18 just fly boards, sometimes you have  
19 to use a header?

20 A. Or you could cut a chunk off a  
21 fly board. We did do that too. I  
22 mean, some of them --- you know,  
23 they're about the same thickness.

24 Q. Or you use a gluck.

25 A. Yeah. You use a gluck ---.

111

01 Q. Gluck?

02 A. Yeah, to wedge it in there.

03 Q. Okay.

04 A. I don't know if I'm doing a  
05 good job explaining that. I think

06 you're really wanting to know how  
07 much on the top there was a fly board  
08 and how many wedges went across it.  
09 What we tried to do is make it solid  
10 all the way across the top.

11 Q. Let's go over to the picture.

12 And we'll call this Exhibit Three.

13 (Short Exhibit Number

14 Three marked for

15 identification.)

16 BY MR. O'DONNELL:

17 Q. Okay. What you see here, and  
18 I don't know if you've --- have you  
19 ever seen this picture before?

20 A. That was on --- it didn't look  
21 quite like this, of course. That was  
22 on the plan that Skip always carried  
23 in his bucket.

24 Q. Okay. So Skip showed you this  
25 picture?

112

01 A. Yes. It may have been Marty  
02 that had a picture of that.

03 Q. Okay. And these across the  
04 top are the three fly boards?

05 A. Yeah.

06 Q. This is the wedges --- these  
07 are the wedges that I'm talking  
08 about.

09 A. Uh-huh (yes).

10 Q. And you're saying that you put  
11 those wedges in differently?

12 A. Yeah. Like, these here are  
13 showing --- it looks like they're  
14 showing it go straight in inby and  
15 outby.  
16 Q. Right.  
17 A. Outby, inby. We may take this  
18 wedge here and instead of driving it  
19 in this way, we may take it and drive  
20 it this way.  
21 Q. You drove it towards the rib?  
22 A. Yeah. You know, you try to  
23 make it as tight and as nice as you  
24 can get it. And sometimes that's not  
25 the best way to do. I mean, that may  
113  
01 be the prettiest way, or the way they  
02 --- it may not be tight that way. I  
03 mean, it may not even be --- you may  
04 drive your whole wedge in there, and  
05 uh-oh, guess what, it never did get  
06 tight.  
07 Q. Now, did you ever install the  
08 inby most fly board from the back?  
09 A. We always did.  
10 Q. Always from the back?  
11 A. Right. I mean, except, like  
12 when we talked earlier, you know,  
13 there's no way of doing ---.  
14 Q. I understand that.  
15 A. Right.  
16 Q. But I mean, for the most part,

17 if there was --- and you had the  
18 ability for someone to be back there,  
19 ---

20 A. Yeah, always.

21 Q. --- you always put the in by  
22 side, the seal inside the back?

23 A. Yeah. We always finished ---  
24 every one of them finish goes on the  
25 back side, except for, you know, when

114

01 there was no way to ---.

02 Q. This is the area that I was  
03 talking about. It's between the  
04 wedges. How this area was filled?  
05 And you say you filled that with  
06 wedges?

07 A. No.

08 Q. Okay.

09 A. This here shows eight wedges  
10 across the fly board. And I'm not  
11 going to tell you they only put eight  
12 wedges across, because it might have  
13 been 10 or 12, or 15 to get it tight  
14 and to get it right. But if there  
15 was a space --- you know, say one of  
16 the spaces that you could put a piece  
17 of block in, because you don't want  
18 to --- when you're facing up them  
19 seals, the way I've done it, I'm  
20 going just tell you the way I done  
21 it. It was mud in front of our seal  
22 --- you know, you may have a space up

23 that big, but you're trying to throw  
24 mud in --- you know, you're going to  
25 throw some mud in there and if you

115

01 can put a piece of block in there and  
02 mud over it to fill your hole to make  
03 it solid, that's what we done. That's  
04 how we do them. You know what I  
05 mean? Do you see what I'm saying?

06 Q. No. Like, you mean on the  
07 ends. What about inside here?

08 A. See, like right here, you do  
09 the same thing. You try to --- as  
10 you went across, well, you may be  
11 right here on this, what you're  
12 trying to do is try to get as much  
13 block as you could in there to build  
14 up the seal.

15 Q. But how did you do that --- I  
16 understand how you did it on the inby  
17 and outby, but how about the middle  
18 fly board? How did you fill that  
19 void in?

20 A. With mud. As I said earlier,  
21 you know, you try to throw mud in  
22 there or whatever. You know, mud to  
23 seal it off.

24 Q. Okay.

25 A. But now in all honesty, like

116

01 right here, as far as having eight

02 wedges across the fly board,  
03 sometimes that --- you know, you just  
04 try to put it in there as best as you  
05 could. You couldn't --- you know,  
06 try to get your wedges in there like  
07 that to ---. If you can build half a  
08 wall and put a fly board, then build  
09 another part of the wall like that,  
10 you know, you could do it better.  
11 That middle fly board, if you get it  
12 wedged in like that, that would be  
13 great. There aren't too many that  
14 could do that, you know, and make it  
15 look good. It's hard sometimes, you  
16 know. You got that wall built like  
17 that, and getting those wedges drove  
18 in, and that middle fly board makes  
19 it all look right. You see what I'm  
20 saying; right?  
21 Q. I know. Yeah.  
22 A. You wedged in the best you  
23 could, or ---.  
24 Q. So about how many days do you  
25 think you actually worked on those

117

01 seals; do you have any idea?  
02 A. There's ten seals. Just in  
03 construction or the rock dust and  
04 everything?  
05 Q. Everything.  
06 A. I'd say when it was all said  
07 and done, I'd say we had pretty darn

08 close to 18 days. I'd say, 18 to 20  
09 days. We had a lot of days in it. I  
10 mean, because Collins, he walked back  
11 through there. And when we was done  
12 the first time, he said he wanted it  
13 cleaner. So we went back, and we  
14 policed the whole area. I mean, we  
15 really tried to clean it up. That's  
16 what we basically done for our whole  
17 shift. And then one whole shift, we  
18 pretty much rock dusted and hung  
19 curtains.

20 Q. So what did you do when you  
21 said you cleaned up? You got rid of  
22 all the extra fly boards and wedges  
23 and block; is that what you're  
24 saying?

25 A. Got rid of --- we got rid of

118

01 all your paper, your paper bags, all  
02 your pallets. Now, I know there was  
03 --- I think there was two or three  
04 fly boards that we did that were ---  
05 I don't remember if I put them on the  
06 scoop or not, but there was two or  
07 three fly boards laying in between  
08 the first and second seal, extra  
09 ones, you know. Because like we've  
10 established, you asked me quite a few  
11 times, was there always three fly  
12 boards used. No, sir, there wasn't.

13 So there was a couple layi ng there.  
14 Q. Okay.  
15 A. But we had to take everything  
16 out. We had to take the extra blocks  
17 out. Now, some of them was crushed  
18 up and used in roadway to make the  
19 scoop roadway better, and we took all  
20 the pallets out, all the pieces of  
21 wood, all your metal bands and ---  
22 just all kinds of stuff, and then we  
23 had the rock dusting.  
24 Q. How much rock dust did you put  
25 in the area?

119

01 A. We dusted with the scoop  
02 duster.  
03 Q. Yep.  
04 A. And we put --- I believe we  
05 loaded five bags up in that duster  
06 that day. We had it pretty full.  
07 Q. When you said five bags,  
08 you're talking about pods?  
09 A. Yeah. The big --- the ones  
10 you hang. The ones that --- what are  
11 they, 1,000 pounds? So we put 5,000  
12 pounds back there, I guess. I think  
13 we put five bags in there, in the  
14 scoop bucket. It was full.  
15 Q. Did you blow any dust behind  
16 the seals at all?  
17 A. No.  
18 Q. Do you remember what it looked

19 like behind the seals? What was ---?  
20 A. Yeah, it was bottom mined back  
21 there. I mean, it was --- I don't  
22 know that --- you couldn't have drove  
23 a scoop through there because it was  
24 bottom mined.

25 Q. I mean, as far as rock dusting

120

01 goes.

02 A. No, we didn't ---.

03 Q. What did it look like? Was it  
04 black or was it dusted from mining,  
05 or ---?

06 A. Yeah, it was --- you know, it  
07 wasn't --- you could tell that they  
08 mined coal in there before, but like  
09 where it was bottom mined, if you was  
10 working next --- like, the Ten seal,  
11 it was a break and a half outby, the  
12 first place it was bottom mined.

13 Well, from where it was bottom mined,  
14 you could tell where it was bottom  
15 mined, because from there up, it was  
16 kind of rock dusted and from there  
17 down it was black.

18 Q. Okay. So you're saying that  
19 you did put a lot of rock --- were  
20 you the only ones that rock dusted in  
21 front of the seals?

22 A. Me, Skip and George.

23 Q. And five --- you used five

24 pods?

25 A. I think we loaded about --- it

121

01 may have been four, but I think we  
02 loaded five up in that, because I  
03 think you're only supposed --- you're  
04 not supposed to put quite that much  
05 in there, I don't think. But it  
06 would hold it, and it held it.

07 Q. So would you say that the area  
08 in front of the seals between the  
09 seals and the stoppings that you  
10 built was well rock dusted?

11 A. It looked good. It looked  
12 real good. It was white. It was  
13 pretty.

14 Q. Do you have any idea when you  
15 were finished with the seals?

16 A. I do have an idea, but it's  
17 not from recollection. Somebody said  
18 that these seals were done, or they  
19 thought on December 16th. I think I  
20 heard that on the news.

21 Q. Well, you were there, but it  
22 was --- you say it was sometime the  
23 middle of December?

24 A. Yeah. From my recollection.  
25 I don't remember what day it was. It

122

01 was the middle of December though.

02 Q. This is the first time you  
03 ever built Omega seals?

04 A. Uh-huh (yes).  
05 Q. Okay. All ten of the seals,  
06 were they the same?  
07 A. I mean, they varied in height,  
08 they varied in length, and two of  
09 them --- of course, one had two water  
10 checks and one of them had a gas  
11 check valve. I mean, they varied a  
12 lot.  
13 Q. How high was the highest one?  
14 A. I have no idea.  
15 Q. How wide was the widest?  
16 A. You know, we did measure that  
17 first seal, the Number One, and I  
18 don't remember, because it was --- it  
19 was big. I mean, it took a skid of  
20 block per row on that one. It was  
21 big.  
22 Q. If you don't know, that's  
23 fine.  
24 A. I don't know.  
25 Q. Okay. Were they all the same

123

01 thickness?  
02 A. Yeah.  
03 Q. I have to go through my list,  
04 so ---. Is there anywhere in the  
05 seal area where there were conductors  
06 that went through the seal? And  
07 conductors, I'm going to say are  
08 rails, pipes, other than the plastic

09 pipe that you had, cables, antenna  
10 wire, anything that could conduct  
11 electricity. The roof mats, anything  
12 that may have run from the fresh air  
13 side to the inby side?  
14 A. The one thing that you didn't  
15 mention was the methane pipe.  
16 Q. The pipe.  
17 A. The PVC pipe. I mean, that's  
18 plastic. That shouldn't conduct,  
19 but ---.  
20 Q. It's the sample line that run  
21 through it. Is there anywhere that  
22 you can remember where that sample  
23 line was in contact with the mine  
24 roof?  
25 A. Uh-uh (no). No, it was --- we

124

01 measured it, and I'm thinking it was  
02 12 inches from the top, because we  
03 had to wedge it up to get it ---. I  
04 mean, the plan, it said how far it  
05 needed to be from the top and back,  
06 and we had to put wedges underneath  
07 that pipe to try to get it right, you  
08 know what I mean, to get the back end  
09 of it to the right height.  
10 Q. But it wasn't in contact with  
11 the roof mats?  
12 A. Uh-uh (no). I don't know what  
13 a roof mat is. The screen?  
14 Q. The wire screen.

15 A. No. No, it never touched it.  
16 Q. And there wasn't any wires  
17 holding it?  
18 A. Uh-uh (no).  
19 Q. Okay.  
20 A. But that entry that it was in,  
21 now, I know it wasn't screened.  
22 Q. Number Ten was not screened?  
23 A. Number Ten, that entry wasn't  
24 screened.  
25 Q. Okay.

125

01 A. I could say that almost  
02 positively, because that's the one I  
03 showed you earlier that we built so  
04 many cribs, because that top was ---  
05 that top --- you would say maybe a  
06 little, depending on what you wanted  
07 your top to look like, that top Skip  
08 thought needed just a few more cribs.  
09 Q. Did any of the seals have a  
10 pilaster in them? Was there any that  
11 had another formation of block?  
12 A. Uh-uh (no).  
13 Q. They were all completely flat  
14 with no extra thickness of block in  
15 between?  
16 A. Uh-huh (yes).  
17 Q. Okay. What about a pier, a  
18 thick footer on the bottom where you  
19 poured anywhere from six inches to

20 four-foot of cement?  
21 A. Not a one of them.  
22 Q. Okay. The special cement that  
23 you used, do you know what color the  
24 bags were?  
25 A. Yeah.

126

01 Q. What were they?  
02 A. We used --- well, you have to  
03 use blue bags on your seals. The  
04 green bags we used for --- you know,  
05 you used it for your stoppings and  
06 stuff like that.  
07 Q. Okay. Did you only use blue  
08 bags for the seals, or did you mix  
09 them sometimes?  
10 A. No. We always had blue bags  
11 back there and green bags for --- I  
12 mean, we used a lot green bags, too,  
13 but not back on the seal.  
14 Q. Okay. So as far as the cement  
15 material that you were using, you  
16 used only one kind?  
17 A. Yeah. Blue bags, a bunch of  
18 it.  
19 Q. Okay. What about a  
20 respirator; did anybody ever give you  
21 a respirator to wear, or long rubber  
22 gloves, so you ---?  
23 A. Yeah. Oh, they took --- I  
24 mean, I don't know --- a lady asked  
25 me about them burns. That's a

01 typical thing, concrete, you know. I  
02 mean, concrete's acidic, all of it.  
03 Yeah. I mean, your typical mine  
04 gloves are like this. I told Flea, I  
05 said, Flea, I said, tell you what,  
06 why don't you buy me something like  
07 that. And Flea, he made sure we  
08 always had --- especially on that,  
09 because you're mudding --- you want  
10 to help the guy in the back as much  
11 as you can, so you may be mudding  
12 something as wide as this. So you  
13 could get mud up to here sometimes.

14 Q. So he got you long gloves?

15 A. Oh, yeah.

16 Q. Good. What about a  
17 respirator? Did it ever bother you  
18 as far as breathing the stuff?

19 A. That stuff was a lot more mild  
20 on your lungs, I think, than  
21 Qui krete. Qui krete hurts your lungs  
22 a lot worse.

23 Q. Did anybody talk to you at any  
24 time about how this stuff could harm  
25 you as far as the burns that you get

01 or anything?

02 A. Yeah. Well, that's why they  
03 give you rubber gloves.

04 Q. Okay.

05 A. But I mean, anybody that's  
06 ever been around any type of concrete  
07 work, and about all of us I'm sure  
08 have. You know, concrete can get ---  
09 burn you.  
10 Q. Did I ask you how thick the  
11 concrete was that you were putting  
12 on, what the consistency was?  
13 A. Uh-uh (no). You didn't ask  
14 me.  
15 Q. Okay. How thick was it?  
16 A. Well, we didn't have a mixer,  
17 we mixed it by hand.  
18 Q. Yeah.  
19 A. So it's going to vary from  
20 batch to batch. And depending on  
21 what you was wanting to do with it is  
22 the thickness that it may be at that  
23 point, you know what I mean. Say you  
24 wanted --- if your last coat on the  
25 outside, you wanted it to look nice,

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01 you know, because they wanted --- an  
02 inspector came by and watched us one  
03 day. He watched for a long time. He  
04 gave us some hints. He was watching  
05 me work, I'll just tell you, and I  
06 was brand new. And I thought maybe I  
07 ain't working fast enough. So I  
08 tried to speed it up a little bit,  
09 and he sat there and he never said  
10 nothing. He leaned against the wall

11 for a long time, the seal. I was  
12 just sweating, dripping. I was, you  
13 know, just mudding as quick as I  
14 could, and I thought, man, I must be  
15 doing something wrong. So he watched  
16 us mud then he told us what he  
17 wanted. He wanted our joints to  
18 stagger, and he wanted the mud to be  
19 --- you know, he wanted when it was  
20 done, my understanding, that he  
21 couldn't see your seams of blocks on  
22 the outside.

23 So if you're mudding like  
24 that, it can't be water thin, it's  
25 got to be thick. So it varied,

130

01 depending on what you were doing.  
02 But if you wanted to coat your  
03 blocks, like I told you, some of the  
04 blocks edges was coated. If you put  
05 it --- if it was too thick, and there  
06 wasn't a basecoat of mud, when you  
07 --- I don't know --- I mean, you've  
08 dealt with fiber blocks, so when  
09 they're --- some of them's hairy.  
10 They're furry. If it was too thick,  
11 when you try to smear B-Bond over a  
12 furry block and it's thick like that,  
13 you know what happens, it comes right  
14 back on the back side of your gloves  
15 when you're smearing it on.

16 Q. Right.  
17 A. So it has to be thinner. You  
18 got to work with what you got. So I  
19 mean, there wasn't a continuous  
20 thickness. Skip was our mudman, he'd  
21 mix it most days, and we'd tell him  
22 what we wanted.  
23 Q. Again, what was the size of  
24 the traps? I know you said it was  
25 --- the small one was two or three?

131

01 A. It wasn't a three-inch line.

02 Q. It wasn't?

03 A. No. I think it was --- it  
04 looked more like about a two, maybe  
05 --- probably about two, two-and-a-  
06 half-inch line. I don't believe it  
07 was a three-inch line. It may have  
08 been.

09 Q. And what was the other one?

10 A. It was way bigger. It was  
11 probably a four-inch line, five-inch  
12 line.

13 Q. Four-inch. Okay. Did you  
14 ever take notes or anything while you  
15 were doing this, seals?

16 A. (Indicates no.) No. Sorry.

17 Q. Was it all new block, or did  
18 you have some used block?

19 A. No. On those seals,  
20 everything we was pretty lucky. But  
21 you know there, too, though --- I

22 mean, they was brand new, they' ve  
23 never been built with before, but  
24 they had to be hauled inside, and  
25 sometimes you'd have call blocks,

132

01 but ---.

02 Q. Did the mortar ever come in in  
03 buckets, pre-mixed stuff?

04 A. Not for seals.

05 Q. Okay. Did you ever put more  
06 than one coat of the material on the  
07 outside?

08 A. Oh, yeah. John --- it wasn't  
09 John, this was a federal guy. He  
10 looked at the seals the one day, and  
11 he could see a seam in one. There  
12 were a couple, and I don't know  
13 which, but I was there whenever he  
14 came to me. He was talking --- I  
15 think Snyder was still there at the  
16 time. Jeff Snyder was still boss.  
17 And he said he didn't want to be able  
18 to see them seams when he came back  
19 and looked at them. And so sometime  
20 throughout the course of --- while  
21 Jeremy Toler was still working with  
22 us, he came up to where we was  
23 working on probably the third seal,  
24 and he'd go back down through there  
25 and mud the faces of them, you know,

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01 try to make sure, you know, that  
02 there wasn't any seams.

03 I don't know if I need to  
04 clarify. When I say seams, your  
05 block, and not necessarily there was  
06 a hole in it, but you could just see  
07 where a course went across.

08 Q. How long did it take for the  
09 cement to set up before you could  
10 feel the face and it would be firm?

11 A. Well, always by the next day  
12 when we'd come in. Like, if we only  
13 got a half of one done, always by  
14 then it was hard and the fiberglass  
15 in it was set up sharp.

16 Q. Okay. Did any --- say, the  
17 mine foremen, the superintendent, did  
18 they ever come around and take a look  
19 at the seals while you were building  
20 them?

21 A. Yeah. One day the inspector  
22 for there, I know for sure Carl was  
23 down there.

24 Q. Carl?

25 A. Carl Crumrine.

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01 Q. Okay.

02 A. He was down there. He --- of  
03 course, most of the time the mine  
04 foreman walks around with the  
05 inspectors. But he was down there  
06 and he checked them out. I know he

07 looked at them at least twice with  
08 us. I mean, while we was working, I  
09 seen him down there a couple times.  
10 I know Jeff looked at them, because  
11 he had told us he had looked at them,  
12 but I wasn't there. That's not true.  
13 Jeff --- maybe I shouldn't tell you  
14 this, but I know Jeff was down there,  
15 because one day I was working on the  
16 seal and my glasses were fogging up,  
17 and I had my glasses off, and he  
18 busted it for me. So I know he did  
19 come down and look at them a couple  
20 times.

21 Q. Do you know if they ever  
22 detected any methane around you? I  
23 know Skip was the boss and he was the  
24 guy that was checking. Did you ever  
25 detect any methane? Did he ever tell

135

01 you he did?

02 A. No. No one ever mentioned  
03 never getting a good reading, I  
04 think. And maybe you don't want to  
05 know this or not, but Harmon, Harmon  
06 always has his spotter with him, and  
07 anytime there's a bubble in a puddle  
08 or whatever, he's really --- Harmon's  
09 taught me a lot. And he'll take the  
10 spotter off, and he'll check those  
11 bubbles anywhere, if it's coming out

12 the rib, or whatever. And very, very  
13 seldom where his spotter would be ---  
14 you know, he'll check the bubbles.  
15 And he has gotten some low methane  
16 readings, and he said sometimes  
17 that's gas or sometimes just a little  
18 water bubbling up could cause that.  
19 But very seldom would a spotter ever  
20 go off.

21 Q. Okay. Did you always work  
22 together, or did you split up and  
23 work?

24 A. Was there ever two seals  
25 getting constructed at one time?

136

01 Uh-uh (no).

02 Q. So there was always two or  
03 three of you at the same seal?

04 A. Right. Like I said before,  
05 the numbers varied, because sometimes  
06 the other --- the foremen, all them  
07 foremen that were walking around,  
08 they're working, but they'd go from  
09 job, to job, to job. And sometimes  
10 they'd be there and sometimes they  
11 wouldn't. Sometimes it'd be --- and  
12 right at the beginning, our crew was  
13 completely different. It was me,  
14 George, Jeff Snyder, Jeremy and Seth.  
15 Shortly into it, it went from Jeff  
16 going to fire bossing, and Jeremy  
17 going to the section, and Seth going

18 to Massey. And then it was just  
19 primarily me, Skip and George.

20 Q. Okay.

21 A. With help from the bosses.

22 Q. The seals that you didn't use  
23 three fly boards in, did you decide  
24 that as you were building it, or did  
25 someone tell you --- Skip, was he

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01 directing it? Did he tell you, well,  
02 you don't need them there?

03 A. No. We was never told don't  
04 use --- you know, don't use a fly  
05 board in there. It's more of a ---  
06 well, a fly board won't fit there,  
07 will it? Or the way the top is, you  
08 know, it's going to be pieced in ---  
09 you know, you do what you got to do.  
10 You may have roof bolts in between  
11 them that you had to cut them and  
12 stuff like that, you know what I  
13 mean?

14 Q. Yeah. So it was more of a ---  
15 if it didn't fit, you didn't put it  
16 in?

17 A. Yeah. I guess you could say  
18 that, but you could make things fit  
19 if --- you know, depending on --- you  
20 used what worked best is what, I  
21 guess ---. A half a fly board may  
22 work best because the top over here

23 or something, I guess would be the  
24 way you would put them.  
25 Q. Okay. I'm going to ask you

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01 some training questions now. When  
02 you first started in the mine, did  
03 you get your --- you had no mining  
04 experience before you came to Sago?

05 A. No, sir.

06 Q. Okay. And how long was your  
07 training that they gave you?

08 A. Eighty (80) hours.

09 Q. Two full weeks?

10 A. We went for parts of three  
11 weeks.

12 Q. And where did you go for the  
13 training?

14 A. Canvas, West Virginia.  
15 Summersville, West Virginia.

16 Q. Did you do that on your own,  
17 or did the company send you?

18 A. Oh, no, no. We looked for  
19 jobs for 364 days before we got into  
20 --- our cards would have died soon,  
21 and Sago hired us.

22 Q. So you went to --- do you have  
23 the training records?

24 A. Yeah, I got --- I keep my pink  
25 slip with me, and of course, I got my

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01 apprentice card with me now. But  
02 yeah, I got that stuff.

03 Q. And you paid for that on your  
04 own, and ---?  
05 A. Uh-huh (yes).  
06 Q. Now, when you came to the Sago  
07 Mine, who gave you your mine specific  
08 training?  
09 A. Al.  
10 Q. Al?  
11 A. Yeah. Al --- I can't think of  
12 his last name. If one of ya'll say  
13 it, I'll --- I call him Al. He's the  
14 safety director.  
15 Q. Okay. Would his name be Al  
16 Schoonover?  
17 A. Schoonover. I was going to  
18 say Shoemaker, but that wouldn't have  
19 been right either.  
20 Q. I said it that way a few  
21 times, too. So what kind of training  
22 did Al give you when you first came  
23 onboard?  
24 A. He gave us --- he went over  
25 some stuff we had already learned,  
01 which I'm glad he did, because it had  
02 been a while. But he told us how to  
03 use CSC (sic), or the self-rescuer.  
04 Q. Okay.  
05 A. He issued us a self-rescuer.  
06 And he did, he went over it again.  
07 And he showed us the mine map, just

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08 like that one there. And he showed  
09 us our --- of course, our intake,  
10 primary escapeway, secondary  
11 escapeway and your return. I mean,  
12 I'm not the best person to probably  
13 say this, but he done a good job. I  
14 feel we worked in the intake so much  
15 at that mine. I mean, it don't seem  
16 like a long time, but every day I was  
17 in that mine, I was in the intake and  
18 places. And he showed us how to get  
19 around in there and stuff.

20 Q. Your SCSR training that you  
21 had, you said that --- well, let's  
22 just go to that. Did he go through  
23 that again with you?

24 A. AI?

25 Q. Yeah.

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01 A. He did there at the office the  
02 day we got hired.

03 Q. You say he did?

04 A. Yeah. The day we got hired,  
05 yes.

06 Q. And what did you have to do  
07 with the SCSR?

08 A. Oh, did he have one that was  
09 opened up, and we put it on and  
10 everything, no. No, he didn't. He  
11 gave us one, and he said --- told us  
12 how to use it, you know what I mean.  
13 He told us, you know ---. But we

14 told him, you know, we knew how, and  
15 then he gave us one and he told us  
16 what we needed to do with it.

17 Q. But part of your training that  
18 you paid for yourself, did you go  
19 through the ---?

20 A. Yeah. I'll tell you --- and  
21 maybe you don't care. Jeff Toler,  
22 the superintendent's the one that  
23 actually had given us our class the  
24 year before. And that's why --- he  
25 done a good job. He showed us how

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01 --- and not only that, we was shown  
02 how to use the dragger, the old ones.  
03 I mean, he showed us how ---.

04 Q. Which type do you carry? Do  
05 you carry one on your belt?

06 A. Yeah. We use the CSC self ---  
07 but we had all that. We was learning  
08 about everything.

09 Q. Did you actually put them on?

10 A. At his house.

11 Q. You did? Okay. So you feel  
12 real comfortable that you know how to  
13 put it on, and ---?

14 A. Yeah. They're not --- when I  
15 was shown how to do it, it wasn't  
16 hard to do. I mean, you got your  
17 goggles, your nose piece, mouthpiece,  
18 it's got your strap and everything.

19 I mean, it's pretty, you know, not  
20 real hard.  
21 Q. Did he discuss anything about  
22 the mine emergency evacuation  
23 program, what to do in case of a fire  
24 or explosion?  
25 A. Did who?

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01 Q. Did Al discuss that with you?  
02 A. Well, I mean, I already knew  
03 about your primary escapeway. If  
04 something would happen, after your  
05 80-hour class, you're always taught,  
06 your primary escapeway is your  
07 intake. Al showed us how our entries  
08 were marked.  
09 Q. Do you feel comfortable with  
10 the training that he gave you that  
11 was specific to that mine?  
12 A. I think. Yeah, I really do.  
13 Q. Okay. Do you know who the  
14 responsible person is in case of ---  
15 who would be in charge of the  
16 evacuation if you had to do it? Did  
17 he tell you who the responsible  
18 person was at Sago Mine?  
19 A. I would guess, if I was at the  
20 section working ---.  
21 Q. Don't ---.  
22 A. I don't know.  
23 Q. If you don't know, you don't  
24 know. Don't guess.

25 A. Your boss, I mean.

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01 Q. Okay. And you don't take  
02 methane or oxygen tests?

03 A. I don't.

04 Q. So you've never had annual  
05 retraining yet, only your  
06 initial ---?

07 A. Right.

08 Q. That has to come yet. Have  
09 you ever gotten a fire drill since  
10 you've been there?

11 A. Uh-uh (no).

12 MR. MILLS:

13 You have to say yes or  
14 no.

15 A. Oh, no. I'm sorry.

16 BY MR. O'DONNELL:

17 Q. What about an escapeway drill.  
18 Has anyone talked to you about what  
19 you do in case of an emergency?

20 A. We've never had a drill, like,  
21 where we all had to run outside. But  
22 Skip, all the time tells us --- he's  
23 really --- I mean, I know how I'm  
24 going to get out if something  
25 happens, if that's what you're asking

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01 me.

02 Q. Yes.

03 A. Yeah, I can get out. If

04 something happens and I feel that  
05 barricading is not the best way to  
06 get out, and I'm going to try to make  
07 an attempt out, I know how to do it.  
08 Q. Have you ever walked part of  
09 the escapeway with Skip?  
10 A. We've worked in the intake.  
11 Q. No, I don't mean work there, I  
12 mean, have you --- has he said to  
13 you, Casey, we're going to walk a  
14 couple thousand feet in the escapeway  
15 today.  
16 A. Just to walk it, no.  
17 Q. Okay. Whenever you had your  
18 initial training, did you go over  
19 first-aid?  
20 A. Eighty (80) hours. Yeah, that  
21 was part of the class.  
22 Q. Okay. And you say who gave  
23 that to you?  
24 A. Jeff Toler.  
25 Q. And he gave it all to you? So

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01 he signed your training slip, and the  
02 5023, the one where you got the copy  
03 of?  
04 A. Yeah, he's the one ---.  
05 Q. Okay. And you have a copy of  
06 that if we need it; right?  
07 A. Yeah.  
08 Q. What about the roof control  
09 plan and the ventilation plan, was

10 that discussed by Al?

11 A. I don't remember if Al

12 discussed it with --- it's been

13 discussed to me, but I don't remember

14 Al really talking about it.

15 Q. When you first started, did he

16 take you on a mine tour or anything

17 as part of that initial training that

18 you had?

19 A. The day we was hired, we

20 didn't go underground.

21 Q. The day you got hired then,

22 what did you do?

23 A. We just went and filled out

24 paperwork. He gave us our CSCs and

25 went --- you know, we went in his

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01 office. He gave us reflective tape

02 for our uniforms, all that stuff. We

03 filled out a lot of paperwork. We

04 never went underground that day.

05 Q. And was that first-aid part of

06 that initial training about

07 escapeways and things like that, or

08 was that the next day?

09 A. Uh-uh (no). That was part ---

10 the next day we was ready --- that

11 was on Friday. And Monday we

12 started. Monday we started.

13 Q. So your first day in the mine

14 was paperwork?

15 A. Right. The day we was hired,  
16 it was just for paperwork and  
17 learning the escapeways and how they  
18 mark them and stuff like that.  
19 Q. Okay. And the second day you  
20 went with Skip?  
21 A. Not at that point. He  
22 was ---.  
23 Q. Oh, you went with Snyder?  
24 A. Uh-huh (yes).  
25 Q. And you went to build seals?

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01 A. Uh-huh (yes).  
02 Q. Okay. So between that time  
03 that you first got hired and now,  
04 have you ever --- have you received  
05 any additional training?  
06 A. Yeah.  
07 Q. Other than on-the-job  
08 training?  
09 A. Well, we had to get re-hazard  
10 trained up at the new mines we're  
11 working at, but while we were at  
12 Sago ---.  
13 Q. Oh, you went to another mine?  
14 A. Uh-huh (yes).  
15 Q. Okay.  
16 A. They put me there because ours  
17 is shut down.  
18 Q. What mine did you go to?  
19 A. Sycamore Two.  
20 Q. Okay. Do you think the

21 training that you got was adequate,  
22 that it covered things that you need  
23 to know?

24 A. I feel pretty comfortable in  
25 the mines.

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01 MR. O' DONNELL:

02 Okay.

03 BY MR. MILLS:

04 Q. The ADR class you were  
05 speaking about, that you went to Jeff  
06 Toler's house, was that to become an  
07 underground apprentice miner in the  
08 State of West Virginia?

09 A. Is that why I took it?

10 Q. Yeah.

11 A. Yeah.

12 Q. That's your ADR apprentice  
13 class; right?

14 A. Yes, sir.

15 Q. When you get that class, and  
16 you took your underground apprentice  
17 test, where did you take it at?

18 A. Oak Hill.

19 Q. Oak Hill. You're employed by  
20 GMS?

21 A. Yes, sir.

22 Q. Has GMS given you any kind of  
23 training?

24 A. Uh-uh (no).

25 Q. Nothing? That crew has given

01 you all your training that you've  
02 had?  
03 A. Uh-huh (yes). Yes. Sorry. I  
04 went uh-huh. I was saying yeah.  
05 MR. MILLS:  
06 Okay. That's all.  
07 BY MR. O'DONNELL:  
08 Q. Have you ever been searched  
09 for smoking materials?  
10 A. No, sir.  
11 Q. Even anybody ever ask you if  
12 you have any smoking articles on you  
13 or anything like that?  
14 A. Well, just in 80 hours in  
15 course ---.  
16 Q. No, no. I mean, at the mines.  
17 A. No. At the mines, uh-uh (no).  
18 I don't smoke. They wouldn't need to  
19 ask me.  
20 Q. Have you ever observed anyone  
21 smoking underground?  
22 A. No.  
23 Q. Have you ever found any  
24 smoking articles underground?  
25 A. Yeah.

01 Q. In this mine, Sago Mine?  
02 A. Yeah. I mean, you know, you  
03 got torches and things like that  
04 smoke.  
05 Q. Cigarettes, lighters.

06 A. Oh, no.

07 Q. That's what I was getting at.

08 Has anyone offered you anything or  
09 made any promise to you in exchange  
10 for you appearing here today?

11 A. Uh-uh (no). No, sir.

12 Q. Instead of taking a break ---  
13 well, do we need to? Okay. Do you  
14 have anything that you'd like to add  
15 that may be relevant to this  
16 investigation?

17 A. No, sir.

18 MR. O'DONNELL:

19 On behalf of MSHA, I'd  
20 like to thank you for  
21 appearing and answering  
22 questions today. Your  
23 cooperation is very important  
24 to the investigation as we  
25 work to determine the cause of

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01 the accident.

02 We ask that you not  
03 discuss your testimony with  
04 any person who may have  
05 already been interviewed, or  
06 who may be interviewed in the  
07 future. This will ensure that  
08 we obtain everyone's  
09 independent recollection of  
10 the events surrounding the

11 accident.

12 After questioning other  
13 witnesses, we may call you if  
14 we have any follow-up  
15 questions that we feel that we  
16 need to ask. If at any time  
17 you have additional  
18 information regarding the  
19 accident that you'd like to  
20 provide to us, please contact  
21 us at the contact information  
22 that we previously gave to  
23 you, those cards.

24 The Mine Act provides  
25 certain protections to miners

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01 who provide information to  
02 MSHA, and as a result are  
03 treated adversely. If at any  
04 time you believe that you've  
05 been treated unfairly because  
06 of your cooperation in this  
07 investigation, you should  
08 immediately notify MSHA.

09 If you wish, you may  
10 now go back over any answer  
11 you have given during this  
12 interview, and you may also  
13 make any statement that you'd  
14 like to make at this time.

15 A. No, I don't have anything to  
16 say. Those seals that we built, they

17 were inspect --- because it was over  
18 a month and a half process, we ---  
19 John Collins and the one --- I told  
20 you about the one federal guy, he had  
21 set there and watched us work on them  
22 for a while. And then, there was  
23 another --- I don't know what he was  
24 --- or I don't know his name, but  
25 there was another fellow that said

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01 that --- after he inspected those  
02 seals, I was telling him that they  
03 were undoubtedly --- he felt that  
04 they were some of the better seals  
05 that he had seen and looked at. I  
06 mean, he gave us kudos on them. He  
07 said that they looked good and we  
08 done a good job on them. Said some  
09 of the better ones he had ever seen,  
10 and ---.

11 And John Collins --- I  
12 actually was able to --- you know, I  
13 was there whenever he came out with  
14 Marty. Marty Conrad walked him  
15 around the back side and everything.  
16 And that was before they was dusted,  
17 and walked around the back side. And  
18 John Collins said that everything  
19 looked good on the seals. And then  
20 after they was dusted, of course, he  
21 had looked at them again, but they

22 --- I don't know if that matters, or  
23 if you all ---. But they had been  
24 --- you know, people checked them.

25 MR. O' DONNELL:

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01 You're welcome to say  
02 anything you like.

03 A. They checked them and looked  
04 at them, and said that they looked  
05 good and seemed like they were in  
06 good shape. I don't know --- you  
07 know, I just started in the mines,  
08 and when they said that there was an  
09 explosion behind the seals, and I  
10 know I had built those, you can  
11 imagine what I felt like, you know  
12 what I mean. And then I was real  
13 excited when that fellow called me  
14 the other day and wanted me to come  
15 talk. I was not excited, I just, oh,  
16 well, I can see, you know, all this  
17 anticipation, you know. I knew it  
18 was coming, I just --- I was hoping  
19 that maybe it wouldn't.

20 But we done, I feel --- I'm  
21 going to say, if it's okay. I feel  
22 that the company put a lot of time  
23 and a lot of men's wages in those  
24 seals. I mean, we worked on them,  
25 and worked on them for a long time.

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01 And I feel we done the best that we  
Page 128

02 could with what we had to work with.  
03 We was always given good material to  
04 work with. You guys, I take it --- I  
05 don't know if --- all three, I'm  
06 sure, you've been in the mines. You  
07 know, you may be given good equipment  
08 and good materials, but sometimes the  
09 atmosphere you're working in don't  
10 always say that, hey, this is --- you  
11 may have a picture of the perfect way  
12 to do something, but you may have to  
13 --- the end result is exactly the  
14 same, but you made --- the steps to  
15 get there may have to be varied. You  
16 may have to go one, three, four,  
17 five, six and then back to two, but  
18 you still got the ten at the end of  
19 the day.

20 And it's my opinion, and the  
21 opinion of the fellows that I seen  
22 look at them. They thought they was  
23 good. I don't know if that matters  
24 to you all.

25 MR. O' DONNELL:

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01 Anything you say  
02 matters to us. We appreciate  
03 it. Again, I want to thank  
04 you for your cooperation.  
05 Thanks for coming.  
06

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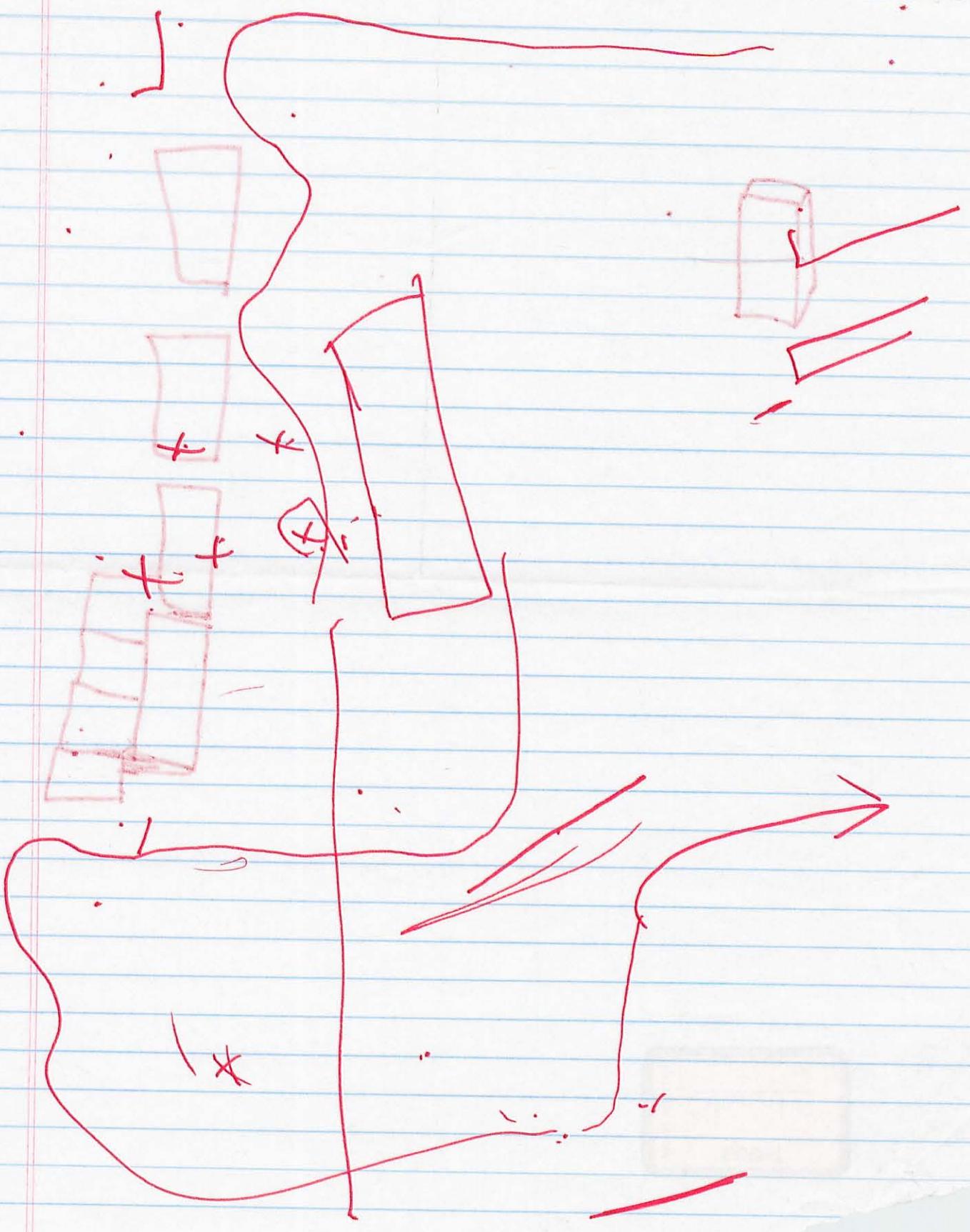
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SWORN STATEMENT

CONCLUDED AT 2: 55 P. M.

\* \* \* \* \*





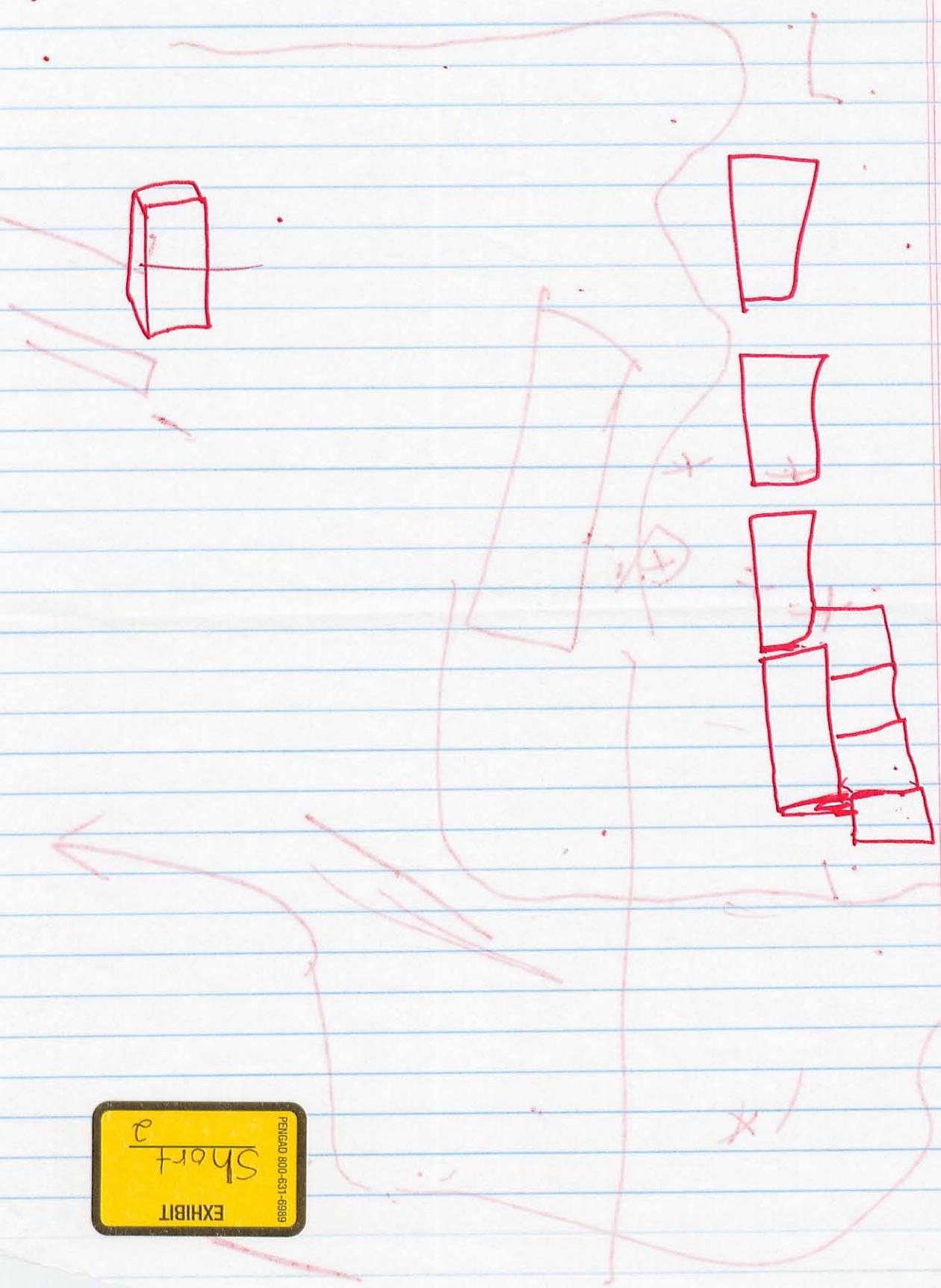
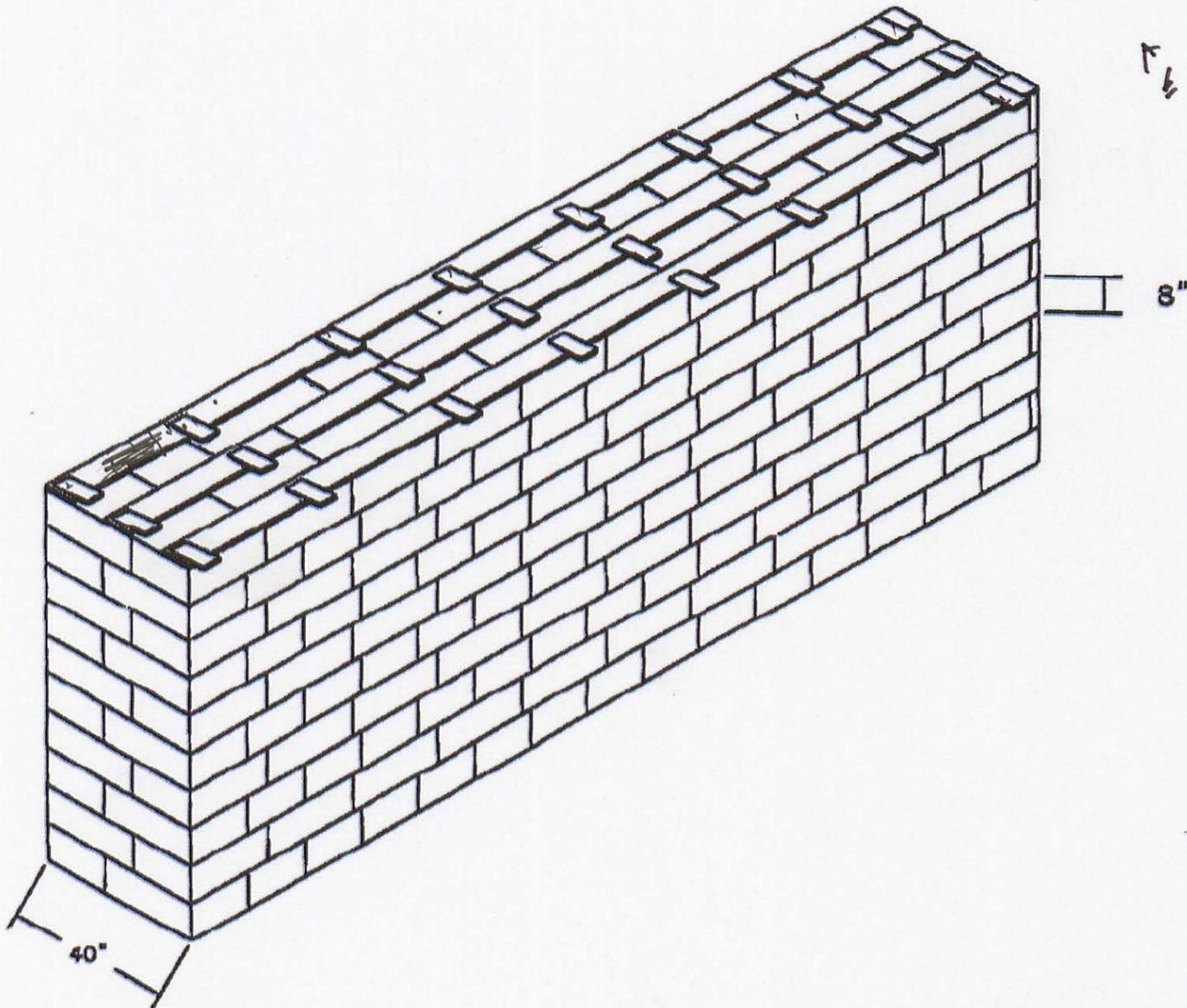


EXHIBIT  
Short  
2  
PENGAAD 800-531-6999

**40" THICK OMEGA BLOCK SEAL**  
**FOR USF WITH SEALS UP TO 8 FT HIGH BY 20 FT WIDE**  
**NO HITCHING REQUIRED**

1. Total thickness of completed seal shall be 40 inches
2. No hitching required
3. Joints must be staggered
4. All joints shall be a minimum  $\frac{1}{4}$  inch thick and be mortared using "BlockBond"
5. Three rows of wood planks running the entire length of the seal shall be installed across the top of the seal
6. Wedges will be placed on 1' centers or less with "BlocBond" used to fill the gaps
7. "BlocBond" shall be used as full face coating on both sides of the seal.



- seals shall be at least 10 feet from the corner of the pillar
- Sampling pipes shall be installed as per 75.335

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