

01 STATEMENT UNDER OATH  
02 OF  
03 GEORGE DANIEL BROOKS

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 U.S. Bankruptcy  
10 Court, 324 West Main Street,  
11 Clarksburg, West Virginia, on  
12 Wednesday, January 25, 2006, at 3:04  
13 p.m.

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01 A P P E A R A N C E S

02

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

05 Trai ni ng  
06 1615 Washi ngton Street, East  
07 Charle ston, WV 25311  
08  
09 J. DAVI TT MCATEER, ESQUI RE  
10 Wheel i ng Jesui t Uni versi ty  
11 Vi ce Presi dent, Sponsored Programs  
12 316 Washi ngton Avenue  
13 Wheel i ng, WV 26003  
14  
15 JAMES BROOKS CRAWFORD, ESQUI RE  
16 Seni or Tri al Attor ney  
17 Mi ne Safety and Heal th Di vi si on  
18 U. S. Department of Labor  
19 Offi ce of the Sol i ci tor  
20 1100 Wi l son Boul evard  
21 Sui te 2231  
22 Arli ngton, VA 22209-2296  
23  
24  
25

3

01 A P P E A R A N C E S (cont.)  
02  
03 RI CHARD A. GATES  
04 DI STRI CT MANAGER, Di stri ct 11  
05 U. S. Department of Labor  
06 Mi ne Safety & Heal th Admi ni strati on  
07 135 Gemi ni Ci rcl e, Sui te 213  
08 Bi rmi ngham, AL 35209  
09  
10 JOSEPH R. O' DONNELL, JR.

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

4

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

16 BRIAN MILLS  
17 Inspector at Large, Region One  
18 West Virginia Miners' Health, Safety  
19 & Training  
20 205 Marion Square  
21 Fairmont, WV 26554  
22  
23 DAVE STUART  
24 1507 Stonehenge Road  
25 Charleston, WV 25214

5

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

02

03 ROBERT S. WILSON, ESQUIRE  
04 TIMOTHY S. WILLIAMS, ESQUIRE  
05 U. S. Department of Labor  
06 Office of the Regional Solicitor  
07 1100 Wilson Boulevard  
08 22nd Floor West  
09 Arlington, VA 22209

10 COUNSEL FOR MSHA

11

12 JOSEPH YUHAS, ESQUIRE  
13 P. O. Box 1025  
14 Northern Cambria, PA 15714

15

16 MARCO M. RAJKOVICH, JR., ESQUIRE  
17 Rajkovich, Williams, Kilpatrick &  
18 True, PLLC  
19 2333 Alumni Park Plaza  
20 Suite 310  
21 Lexington, KY 40517



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EXHIBIT PAGE

PAGE

NUMBER	DESCRIPTION	IDENTIFIED
One	Map of seal sites	45
Two	40" thick Omega block seal diagram	61

8

01  
02  
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P R O C E E D I N G S

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MR. SWENTOSKY:  
My name is Dennis Swentosky. I am 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, sitting at the other  
12 table. He's from the  
13 Solicitor's Office. And Brian  
14 Mills, with the West Virginia  
15 Office of Miners' Health,  
16 Safety & Training. I've been  
17 assigned to conduct an  
18 investigation into the  
19 accident that occurred at the  
20 Sago Mine on January 2nd,  
21 2006, in which 12 miners died  
22 and one was injured.

23 The investigation is  
24 being conducted by MSHA and  
25 the West Virginia Office of

9

01 Miners' Health, Safety &  
02 Training to gather information  
03 to determine the cause of the  
04 accident, and these interviews  
05 are an important part of the  
06 investigation.

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

12 cause of the accident. After  
13 the investigation is  
14 completed, MSHA will issue a  
15 written report, detailing the  
16 nature and the causes of the  
17 accident. MSHA accident  
18 reports are made available to  
19 the public in the hope that  
20 greater awareness about the  
21 causes of the accident can  
22 reduce their occurrence in the  
23 future. 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 would like to thank  
05 you in advance for your  
06 appearance here today. We  
07 appreciate your assistance in  
08 this investigation. The  
09 willingness of miners and mine  
10 operators to work with us is  
11 critical in our goal of making  
12 the nation's mines safer. We  
13 understand the difficulty for  
14 you in discussing the events  
15 that took place, and we  
16 greatly appreciate your  
17 efforts to help us in

18 understanding what happened.  
19 This interview with  
20 George Brooks is being  
21 conducted under Section 103(a)  
22 of the Federal Mine Safety &  
23 Health Act of 1977 as part of  
24 an investigation by the Mine  
25 Safety & Health Administration

11

01 and the West Virginia Office  
02 of Miners' Health, Safety &  
03 Training into the conditions,  
04 events and circumstances  
05 surrounding the fatalities  
06 that occurred at the Sago  
07 Mine, operated by  
08 International Coal Group in  
09 Buckhannon, West Virginia, on  
10 January 2nd, 2006. This  
11 interview is being conducted  
12 at the U.S. Bankruptcy  
13 Courthouse in Clarksburg, West  
14 Virginia, on January 25th,  
15 2006.

16 Questioning will be  
17 conducted by representatives  
18 of MSHA and the Office of  
19 Miners' Health, Safety &  
20 Training. This is not an  
21 adversarial proceeding,  
22 therefore Cross Examination

23 will not be permitted.

24 Mr. Brooks, the

25 interview will begin by my

12

01 asking a series of questions.

02 If you do not understand a

03 question, please ask me to

04 rephrase it. Feel free at any

05 time to clarify any statements

06 that you make in response to

07 the questions. After we have

08 finished asking questions, you

09 will also have the opportunity

10 to make any statement and

11 provide us with any other

12 information that you believe

13 may be important. If at any

14 time after the interview you

15 recall any additional

16 information that you believe

17 may be useful in the

18 investigation, please contact

19 Richard Gates at the phone

20 number or e-mail address

21 provided to you. And that's

22 on this business card here,

23 Mr. Brooks.

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 just let me know. A court  
06 reporter will record your  
07 interview and will later  
08 produce a written transcript  
09 of the interview. Please try  
10 and respond to all questions  
11 verbally since the court  
12 reporter cannot record  
13 nonverbal responses. Also,  
14 please try to keep your voice  
15 up. Copies of the transcripts  
16 will be available at a later  
17 date. And that would be at  
18 the completion of our  
19 investigation.

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

14

01 answer each question as fully  
02 as you can, including any  
03 information you have learned  
04 from someone else. We may not  
05 ask the right questions to  
06 learn the information you  
07 have, so do not feel limited

08 by the precise question that  
09 we ask. If you have any  
10 information about the subject  
11 area of the question, please  
12 provide us with that  
13 information. At this time,  
14 Mr. Mills, do you have  
15 anything that you would like  
16 to add on behalf of the Office  
17 of Miners' Health, Safety &  
18 Training?

19 MR. MILLS:

20 Mr. Brooks, the West  
21 Virginia Office of Miners'  
22 Health, Safety & Training is  
23 conducting this interview  
24 session jointly with MSHA and  
25 are in agreement with the

15

01 procedures outlined by Mr.  
02 Swentosky for these interviews  
03 that will be conducted here  
04 today. But the Director  
05 reserves the right, if  
06 necessary, to call or subpoena  
07 witnesses or require the  
08 production of any record,  
09 document, photograph or other  
10 relevant materials necessary  
11 to conduct this investigation.

12 MR. SWENTOSKY:

13 Mr. Brooks, you are

14 permitted to have a  
15 representative with you during  
16 the interview, and you may  
17 consult with your  
18 representative at any time.  
19 You may designate any person  
20 to be your representative. Do  
21 you have a representative with  
22 you today?

23 MR. BROOKS:

24 Yes, I do. Joe Yuhas.

25 MR. SWENTOSKY:

16

01 Is this the  
02 representative of your choice?

03 MR. BROOKS:

04 Yes.

05 MR. SWENTOSKY:

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

10 MR. BROOKS:

11 No.

12 MR. SWENTOSKY:

13 Will you please swear  
14 in the witness, please?

15 -----

16 GEORGE BROOKS, HAVING FIRST BEEN DULY  
17 SWORN, TESTIFIED AS FOLLOWS:

18 -----

19 BY MR. SWENTOSKY:

20 Q. Could you please state your  
21 full name and spell your last name  
22 for us, please?

23 A. George Daniel Brooks. Last  
24 name is spelled B-R-O-O-K-S.

25 Q. And could you please give us

17

01 your address and your telephone  
02 number, please?

03 A. 539 Removal Road, Diana, West  
04 Virginia, 26217. Phone number is  
05 (304)847-5660.

06 Q. Are you appearing here  
07 voluntarily today?

08 A. Yes, I am.

09 Q. Did you talk to anyone about  
10 your interview statement here today?

11 A. No, I didn't.

12 Q. How many years of mining  
13 experience do you have, Mr. Brooks?

14 A. I was employed on October 31st  
15 at the Sago Mine. That's the first  
16 employment I ever had in the mines.

17 Q. Are you employed by  
18 International Coal Group?

19 A. No. I was hired by Garrett  
20 Mine Service & Repair.

21 Q. Is that who you work for now?

22 A. Yeah.

23 Q. Then you worked at Sago Mine  
24 as a contractor worker or as ---?

25 A. Yes, as a contractor worker.

18

01 Q. Okay. I was going to ask you  
02 to give a brief description of your  
03 coal mining experience, but that's  
04 just October 31st, ---

05 A. Yeah.

06 Q. --- that's the first mine you  
07 ever worked at?

08 A. Yeah.

09 Q. What is your present position?

10 A. General laborer.

11 Q. And you worked as a general  
12 laborer since starting?

13 A. Yes.

14 Q. Were you at the mine on the  
15 day of the accident, January 2nd,  
16 2006?

17 A. Yes, I was.

18 Q. Were you scheduled to work  
19 that day?

20 A. Yeah.

21 Q. Could you give me just a  
22 description of your duties that day  
23 or what your assigned duties were  
24 that day?

25 A. I come in to work about six

19

01 o'clock. Put my work clothes on, my  
02 belt, sat down with Casey Short and  
03 James Scott in the shower house. It

04 was pouring rain down, lightning and  
05 thundering very hard. And we was  
06 getting ready to exit the lighthouse  
07 to go get our --- exit the shower  
08 house to go to the lamp house to get  
09 our lights to go under, and we heard  
10 a loud crack of thunder, which I  
11 assumed it was thunder at the time.  
12 We exited the shower house and went  
13 over to the lamp house, where the  
14 dispatcher was on the mine phone.  
15 Something had went wrong underground.  
16 The mine boss computer system was  
17 flashing. Two belts was down and  
18 they had a couple CO monitors going  
19 off. At this time, I went ahead and  
20 got my light because I didn't know  
21 exactly what was going on or  
22 anything. We just sat in the lamp  
23 house there for a little while. And  
24 the superintendent, Jeff Toler, Al  
25 Schoonover and Dick Wilfong, the

20

01 maintenance foreman, entered the lamp  
02 house. All of them got their lights  
03 and said they was going under to see  
04 what was going on because the  
05 dispatcher had no communication with  
06 nobody underground.

07 At that time, John Boni, who's  
08 a fire boss, I guess walks the  
09 airways, does a little pump work, got

10 on the mine phone and said he had  
11 felt something inside. It felt like  
12 a real big fall, that he was going to  
13 proceed in and investigate and see  
14 what it was. At this time, Jeff  
15 Toler and Al Schoonover and Dick  
16 Wilfong and Vern, I'm not sure what  
17 his last name is, that was all we  
18 ever called him, went underground.

19 And it was approximately five,  
20 ten minutes later somebody was on the  
21 mine phone, it sounded to me like it  
22 was Ronnie Grall, and said they had  
23 an explosion underground that felt  
24 like it come from the Two Left  
25 section. And they had the crew of

21

01 men who was going to head outside to  
02 the intake primary escapeway.

03 And after that, we just hung  
04 around there. Approximately five  
05 more minutes, ten more minutes,  
06 somebody got on the phone and said  
07 they was needing supplies, get all  
08 the curtain, nails, fly boards ready  
09 to send underground, that they had  
10 several stoppings out in the  
11 ventilation on the track entry and  
12 they was going to try to start  
13 hanging a few curtain and  
14 re-establishing ventilation back up

15 toward the Two Left section. At this  
16 time, I'm not sure what the forklift  
17 guy's name --- we always called him  
18 Muff. I'm not sure what his name  
19 was. Myself and Casey Short loaded  
20 some nails and stuff on the forklift,  
21 which he had already had the fly  
22 boards on and threw two bow saws  
23 on, and we entered the pit and  
24 started --- first I moved the mantrip  
25 back and got a new mantrip that had a

22

01 fully-charged battery in it, and we  
02 started loading fly boards, curtain  
03 and everything onto the mantrip.  
04 As I was walking into the pit,  
05 the One Left crew had started walking  
06 out. And a couple of them looked at  
07 us and said, you boys don't need to  
08 get in a hurry, you're not going  
09 underground today, which we was  
10 loading supplies up to go underground  
11 and try to help the Two Left crew.  
12 At this time, Dick Wilfong exited the  
13 mine and got on the mantrip and took  
14 it under. And I went back up to the  
15 lamp house and tried to help some of  
16 the guys. Some of them had --- their  
17 eyes, had dust and stuff and their  
18 eyes was burning. We tried to flush  
19 their eyes. A couple of them was  
20 having problems breathing. We hooked

21 oxygen up to them and just tried to  
22 be with them there and listen to see  
23 what we could find out, what was  
24 going on.

25 Q. If we can just back up a

23

01 little bit and then get into more  
02 specifics. You arrived at the mine  
03 approximately what time?

04 A. Approximately six o'clock.

05 Q. Six o'clock. And what did you  
06 do then when you arrived at the mine?

07 A. I just went into the shower  
08 house and started changing clothes,  
09 talked to a couple guys that was in  
10 there, which was Casey Short and  
11 Skip. They was already in there  
12 getting changed.

13 Q. Skip is?

14 A. James Scott.

15 Q. Scott.

16 A. We just was talking there just  
17 like a normal day, putting our  
18 clothes on and getting ready to go to  
19 work. And then --- on the way to  
20 work that morning it was lightning,  
21 lightning bad. I mean, thundering  
22 and lightning bad, raining hard. We  
23 was sitting there until about 6:30,  
24 6:25. We was talking about going  
25 over to the lamp house and getting a

01 cup of coffee and waiting the rest of  
02 the time to go under, because we  
03 didn't enter the mine until seven  
04 o'clock.

05 Q. Okay. Then what happened?

06 A. You mean in the shower house  
07 or ---?

08 Q. In the lamp house. You went  
09 over to get your lamp and a cup of  
10 coffee.

11 A. We went over to get the lamp.  
12 And as I entered the lamp house, you  
13 could tell something was going wrong.  
14 I mean, there was beeping going off  
15 and we noticed on the computer  
16 screen, too, the belts was flashing  
17 red.

18 Q. The computer screen is in the  
19 lamp house there?

20 A. Yeah. That's where the  
21 dispatcher office was.

22 Q. Okay.

23 A. And I asked Flea, the  
24 dispatcher, you know, what was going  
25 on. He said, I don't know. I got

01 two belts went off. I got a CO  
02 monitor. I believe he said it was  
03 going off.

04 Q. Okay.

05 A. At this time, I went ahead and

06 got my light because I thought we  
07 would be going under to help whatever  
08 it was, help get it going again.

09 Q. Okay.

10 A. And I got a cup of coffee and  
11 was just waiting, sat there and  
12 waited. And that's when Jeff Toler  
13 and them came in the lamp house and  
14 got their lights and tagged in and  
15 entered the mine.

16 Q. And they came in the lamp  
17 house. Was it Jeff Toler and ---?

18 A. Al Schoonover and Dick  
19 Wilfong.

20 Q. Did they say anything at that  
21 time to you?

22 A. They didn't know what was  
23 going on. They was going in to  
24 investigate what had happened.

25 Q. Did the dispatcher have any

26

01 discussion with them prior to them  
02 going underground?

03 A. I believe he talked to them on  
04 the mine phone before they entered.  
05 I'm not a hundred percent sure, but  
06 he was talking to somebody on the  
07 mine phone when they come over.

08 Q. He, meaning the dispatcher was  
09 speaking with someone before Mr.  
10 Toler and Mr. Wilfong and Mr.

11 Schoonover ---

12 A. Entered the lamp house.

13 Q. --- entered the lamp house?

14 A. Yes.

15 Q. And you don't recall what that  
16 conversation was?

17 A. No. I was in the next room  
18 over, getting my light and stuff on.

19 Q. So when they came in and got  
20 their light and then they --- did  
21 they say anything additional to  
22 anyone at that time, before they left  
23 the lamp house?

24 A. They didn't say nothing. I  
25 did ask to go with them, and they

27

01 told me, no, I could not enter the  
02 mine right now.

03 Q. So they left the lamp house.  
04 And what happened next?

05 A. They exited the lamp house and  
06 went underground. I'm not for sure  
07 on the time frame at this time, but I  
08 knowed something was probably bad  
09 wrong because we was sitting there  
10 and listening. And that's when one  
11 of the guys from the Two (sic) Left  
12 crew got to a mine phone and was  
13 calling out.

14 Q. Did you actually see them  
15 going underground or they just said  
16 they were going underground?

17 A. They just said they was going  
18 underground.

19 Q. You assumed that that's what  
20 they were doing. And then you said  
21 that someone called on the mine  
22 phone?

23 A. Yeah.

24 Q. And who do you think that was?

25 A. I'm thinking it was Ronnie

28

01 Grall. That's who it sounded like to  
02 me.

03 Q. Just by voice recognition?

04 A. Yeah, voice recognition, it  
05 sounded like Ronnie Grall.

06 Q. And could you overhear his  
07 conversation?

08 A. No. They had the phone picked  
09 up. After he come across the mine  
10 phone, they picked the phone up.

11 Q. So you don't know what  
12 conversation that was with the  
13 dispatcher at that point?

14 A. Well, I do remember the  
15 dispatcher saying we had an  
16 explosion. He repeated that out loud  
17 to himself and his face --- his  
18 facial expression, he was real  
19 nervous and he was trying to figure  
20 out what was going on, what we needed  
21 to do and who we needed to call

22 and ---.

23 Q. Then after that conversation  
24 --- how long did that conversation  
25 last approximately?

29

01 A. I'm not exactly sure. Maybe  
02 three minutes, two minutes.

03 Q. Was there any other  
04 information that the dispatcher may  
05 have repeated that you ---?

06 A. Just said he had an explosion.  
07 I did hear him say that 11 of the men  
08 --- well, all the men, except one,  
09 was coming out --- well, they started  
10 to walk out of the One Left section.  
11 One of them's name was Owie Jones.  
12 He was still in the mines. He was  
13 trying to get to the Two Left crew  
14 because his brother was working up  
15 there and he wouldn't come with them.

16 Q. And all that information you  
17 have from the discussion ---

18 A. The discussion in the  
19 dispatcher's office.

20 Q. --- in the dispatcher's  
21 office. And when you said all the  
22 men, you're speaking of the One Left  
23 ---

24 A. One Left crew.

25 Q. --- crew?

30

01 A. And I think they had a couple  
Page 24

02 fire bosses in there with them.  
03 Q. After that conversation, then  
04 what happened?  
05 A. After that conversation, a few  
06 minutes passed by and then I heard  
07 Jeff Toler come across the mine  
08 phone, which again they picked it up.  
09 I didn't understand what was going  
10 on, but Flea, our dispatcher, told  
11 Muff, the forklift man, that they  
12 needed supplies loaded up to take  
13 underground. And I went --- at this  
14 time, I went with, well, the forklift  
15 man to start loading supplies up.  
16 Q. And where was --- and you said  
17 Muffie was the forklift person?  
18 A. Yeah.  
19 Q. And where was he at at this  
20 time?  
21 A. He was in the dispatcher's  
22 office also.  
23 Q. With you?  
24 A. Yeah.  
25 Q. And you said you went with  
01 him? Did you do that on your own?  
02 A. Yeah, I just went on my own.  
03 Nobody told me. They needed help  
04 getting stuff loaded up, so I went on  
05 my own to ---.  
06 Q. And who else --- you and ---?

07 A. Casey Short was also with me.  
08 Q. The three of you then?  
09 A. Yeah.  
10 Q. So then you three exited the  
11 lamp house together?  
12 A. Yeah. Well, Muff left before  
13 we did to go get the fly boards  
14 because they was up above the pit.  
15 And we grabbed a couple buckets of  
16 spads out of the lamp house. And  
17 there was a box trailer sitting  
18 beside the lamp house that had nails  
19 in it. We grabbed some nails.  
20 Somebody brought us two bow saws. I  
21 don't know who that was, but they was  
22 laying there. We loaded them on the  
23 fly board and Muff arrived back with  
24 them.  
25 Q. He brought those down, and

32

01 then what happened?  
02 A. Well, he had already started  
03 up the hill. Me and Casey got ahead  
04 of him, so he waited until we got to  
05 the bottom before he started down.  
06 At that time, that's when we seen the  
07 One Left crew coming out.  
08 Q. Did anyone tell you to go down  
09 there, just --- and help out?  
10 A. I just went by myself.  
11 Q. Just trying to help out?  
12 A. Yeah, just trying to help out.

13 Q. You and Casey?  
14 A. Yeah.  
15 Q. The two of you. Was anyone  
16 else going to go down with you at  
17 that point?  
18 A. No.  
19 Q. When you got to the bottom of  
20 the hill, then you said that Muffie  
21 was bringing the supplies down?  
22 A. Yeah. Down in the pit, yeah.  
23 Q. Go ahead then.  
24 A. Once me and Casey got down  
25 there, Vern and Dick Wilfong had come

33

01 back out. I guess they come back out  
02 on the mantrip with the Two Left ---  
03 One Left crew. I didn't see it, but  
04 I'm just assuming they did because  
05 they was in the pit and they went in  
06 with Jeff and Al Schoonover.

07 Q. So they exited the mine and  
08 you say you didn't see them, but the  
09 One Left crew was down there?

10 A. Yeah, they was coming out.

11 Q. Tell me about what happened  
12 then.

13 A. And Vern told me the mantrip  
14 they had was low on charge, wanted me  
15 to get a fully-charged mantrip out so  
16 they could take it back in. So by  
17 this time I pulled it over to the

18 switch going into the return, which  
19 was coming out. I went and got the  
20 new mantrip that was fully charged  
21 and pulled it on the track.

22 Q. Is that the same type of  
23 mantrip?

24 A. Yeah.

25 Q. Okay.

34

01 A. And at that time, Muff was  
02 down there. We just started loading  
03 fly boards and all the curtain we had  
04 outside and nails and spads, anything  
05 we could get on there that they said  
06 they needed and just loaded it up.

07 Q. Did they take any detection  
08 instruments in with them; do you  
09 recall? Or did you take any down to  
10 them or ---?

11 A. I didn't take none down to  
12 them. I know I heard one of them  
13 hollering, give me a couple spotters,  
14 give me some spotters.

15 Q. Do you know if they took that  
16 underground with them?

17 A. I do not know if they took it.  
18 I didn't personally see it.

19 Q. After you loaded this material  
20 up and changed the mantrip out, then  
21 what happened?

22 A. Me and Casey then exited the  
23 pit and went back up to the shower

24 house, where the One Left crew was.  
25 Q. Okay. And that One Left crew,

35

01 they just came out and then they went  
02 up to the lamp house?

03 A. Shower house.

04 Q. Shower house before you.

05 A. One of the crew members went  
06 and got his truck and drove it down  
07 into the pit because two of them was  
08 having a real rough time walking and  
09 breathing. So he took his truck down  
10 in the pit and brought them up to the  
11 shower house.

12 Q. One of the crew members, one  
13 of the One Left crew members?

14 A. Yes.

15 Q. Do you know who that was?

16 A. Eric Hess.

17 Q. And he got his pickup and  
18 brought it down to the pit to take  
19 two gentlemen up?

20 A. Yeah.

21 Q. When they came out, was there  
22 anybody still wearing an SCSR or did  
23 ---?

24 A. A couple of them, yeah, still  
25 had them around their neck. They was

36

01 not breathing in them, but they still  
02 had them around their neck.

03 Q. Do you know who those people  
04 were?

05 A. No, I don't. I was --- I  
06 ain't for sure who it was. I was  
07 more concentrating at that time in  
08 getting stuff loaded up to get  
09 inside.

10 Q. I understand. Okay. Did you  
11 go up after the crew, the Toler crew  
12 went up and after the pickup went up?

13 A. Yeah.

14 Q. When you went up, then you  
15 went up to the lamp house again?

16 A. Yeah, I stopped in the lamp  
17 house and --- maybe one or two crew  
18 members in there. At that time, I  
19 exited and went over to the shower  
20 house with the rest of them, which  
21 one of them was having problems  
22 seeing. We tried to, you know, get  
23 his eyes flushed out for him a little  
24 bit. And a couple of them was having  
25 problems breathing.

37

01 Q. You gave them oxygen? Did  
02 they have oxygen tanks there?

03 A. One of the EMTs, yes.

04 Q. Those are EMTs from a ---?

05 A. No, EMTs from --- our mine  
06 guys.

07 Q. Your mine guys?

08 A. The EMS hasn't arrived yet.

09 Q. So at that point there wasn't  
10 any ambulance or any ---?  
11 A. No.  
12 Q. Do you know approximately what  
13 time that was?  
14 A. I had no idea. I wasn't  
15 looking at my watch.  
16 Q. Then tell me what happened.  
17 A. We was just sitting there and  
18 was listening to some of their story,  
19 you know, what happened, and had the  
20 stoppings knocked out. Some of them  
21 had got their hard hats blown ---  
22 come off their head, and I was  
23 listening to a few of their stories,  
24 what they had to say about it.  
25 Q. Then what did you do?

38

01 A. We just sat with them there.  
02 Just everybody was sitting still. No  
03 one was saying a word. And the EMS  
04 --- I'm assuming after about 15  
05 minutes maybe the EMS arrived. The  
06 rescue squads was pulling in the  
07 parking lot.  
08 Q. Then what happened?  
09 A. As the EMT entered the shower  
10 room where Roger Perry was laying, he  
11 was having a little problems seeing,  
12 his eyes were burning, she then  
13 exited and went and got an IV bag

14 with sterile water in it, and me and  
15 Casey helped her flush --- get his  
16 eyes flushed out.

17 Q. Okay.

18 A. Then after that, we just  
19 walked around. I had a family member  
20 come and check on me. I walked over  
21 to the pit and just stared at the pit  
22 for a long time, just hoping to see  
23 them walk out.

24 Q. Do you have any idea  
25 approximately what time that was

39

01 whenever you walked over to the pit?

02 A. It was probably getting closer  
03 to ten o'clock.

04 Q. From that time then what did  
05 you do?

06 A. Ty, I ain't for sure what his  
07 last name is, Ty Anderson maybe, the  
08 main safety man for ICG, asked me if  
09 I could find out who was in charge of  
10 the church across the road, the Sago  
11 Church, because we have a full mine  
12 rescue operation going on and we  
13 needed room to put the family members  
14 over there. At that time, I exited  
15 the mines property and went out to  
16 the bridge where there's a couple  
17 church officers at, and I asked them  
18 who owned it. And they gave me a few  
19 names and I went back to the mine

20 property and let Ty know, and he  
21 contacted and got the church open for  
22 family members.

23 Q. Do you have any idea what time  
24 that might have been?

25 A. No idea.

40

01 Q. I know you weren't worried too  
02 much about time.

03 A. I wasn't worried too much  
04 about time.

05 Q. Right. I understand. When  
06 you went back over and provided that  
07 information, then what did you do?

08 A. We just sat around and talked  
09 to some of the miners. At  
10 approximately one o'clock an MSHA guy  
11 informed everybody that they had so  
12 much carbon monoxide coming out of  
13 the mines, they wanted us to back up  
14 to the backside of the shower house.  
15 And approximately 40 minutes later  
16 they had us leave the whole mine  
17 property, outside the gate.

18 Q. During the time you were near  
19 the pit area and what you were doing  
20 there, did you observe anyone going  
21 down into the pit to take any CO  
22 readings or any ---?

23 A. Yeah. Skip entered the pit  
24 several times and took readings out

25 of the return.

41

01 Q. Were you able to observe him  
02 doing that?

03 A. I didn't --- well, I watched  
04 him walk down into the pit. I mean,  
05 I didn't go back over and watch him  
06 walk back in.

07 Q. Did he relate any information  
08 to you when he came back?

09 A. He came back up and said the  
10 CO level was high coming out of the  
11 return. I don't remember the exact  
12 numbers of it.

13 Q. Did he provide you any other  
14 information?

15 A. No. He knowed just about as  
16 much as what I did. Wasn't allowed  
17 to enter the mines whatsoever. I did  
18 observe a couple federal mine  
19 inspectors. They was down there  
20 taking readings, and they come up and  
21 said it was, I think it was 20  
22 percent. I don't remember the exact  
23 number. They said it was real high,  
24 the carbon monoxide level coming out  
25 of the return.

42

01 Q. Going ahead, whenever --- you  
02 said that they told you to leave the  
03 mine property; is that correct?

04 A. Yeah.

05 Q. Then what?

06 A. I stood outside the gate for  
07 probably two hours just waiting to  
08 hear information. Other mine rescue  
09 teams arrived at this time, and we  
10 just stood out there. I stood  
11 outside there until approximately  
12 three o'clock, 3:30, and then I went  
13 home.

14 Q. Did you return to the mine at  
15 any time?

16 A. I returned the next day, which  
17 at this time the State Police had the  
18 road blocked on down below Sago Mine,  
19 wouldn't let nobody in but inspectors  
20 or family members.

21 Q. And that was the last time you  
22 were on the mine property until after  
23 the occurrence?

24 A. Yeah, until after the  
25 occurrence. It was approximately

43

01 five days later I entered the mine  
02 property and got all of my stuff to  
03 go back to work at another mine.

04 Q. Where did you go to work?

05 A. Well, I went to work up here  
06 at Sycamore Two, another ICG mine.

07 Q. Okay.

08 A. Our contracting company also  
09 called and said they was making plans

10 for us to go to the Makeeke  
11 (phonetic) Mine down there outside of  
12 Maryland. That's where we had  
13 intentions to go to, but ICG had a  
14 meeting the following next Saturday  
15 and placed us up here at the Sycamore  
16 Two Mine.

17 Q. Who would be your immediate  
18 supervisor?

19 A. Underground we worked with  
20 Skip. He would have been our  
21 immediate supervisor.

22 Q. And is he employed by ---?

23 A. He was employed by Garrett  
24 Mine Services, but recently he just  
25 got hired on with the company.

44

01 Q. And how long was he your  
02 supervisor at Sago Mine?

03 A. The first two weeks we worked  
04 for Jeff Snyder. He was our boss  
05 working on the seals. That was our  
06 first project. The very first day in  
07 the mine, they took us up to the  
08 seals. That's what we started on.  
09 And he --- approximately two weeks he  
10 was my supervisor. Then Skip I guess  
11 was assigned to us to oversee the  
12 seals.

13 Q. The seals that you were to  
14 work on, would those be what they  
15 called the old Two Left main seals?

16 A. Yeah, the old Two Left.  
17 Q. Do you have any recollection  
18 of when they were built?  
19 A. Completed or ---  
20 Q. Started.  
21 A. --- started? When I was ---  
22 my first day, they completed one seal  
23 for sure and had another one  
24 approximately halfway up.  
25 Q. Then were you involved in the

45

01 construction of the first seal?  
02 A. No.  
03 Q. What were your --- let's go  
04 over to --- we have a map laying over  
05 on the other table. Maybe if we can  
06 just step over there and you can kind  
07 of identify which seals you were  
08 involved in constructing.

09 MR. SWENTOSKY:  
10 This here is --- we'll  
11 call this Brooks One.  
12 (Brooks Exhibit One  
13 marked for  
14 identification.)

15 BY MR. SWENTOSKY:  
16 Q. These seals here, ten seals  
17 are shown on this exhibit. Do you  
18 recognize this area as the area that  
19 you worked in?  
20 A. Yes, I do.

21 Q. Could you, using a black pen,  
22 identify which seals that you worked  
23 on and if you could and if you  
24 remember the seals --- the first seal  
25 that you worked on, the second, the

46

01 third?

02 A. The Number Seven seal I  
03 believe was already completed.

04 Q. Just maybe if you could mark  
05 there completed.

06 WITNESS COMPLIES

07 BY MR. SWENTOSKY:

08 Q. That would be in the Number  
09 Seven entry?

10 A. Yes.

11 Q. Okay.

12 A. Number Six entry was halfway  
13 started. That's the one we started  
14 with.

15 Q. Okay. Let's mark that as  
16 one-half completed, something like  
17 that. Okay. Then the one you've  
18 marked, which is Number Six entry,  
19 that was half completed whenever you  
20 entered the mine for your work shift  
21 the first day; is that correct?

22 A. Yes.

23 Q. And then what was the next  
24 seal you worked on?

25 A. We moved straight down to

01 Number Five entry.  
02 Q. Just mark on there second seal  
03 worked on. Were you involved in the  
04 completion of that seal from start to  
05 finish?  
06 A. Yes, I was.  
07 Q. Which one is the next one you  
08 worked on?  
09 A. I believe we moved down to the  
10 Number Four seal.  
11 Q. Number Four seal being the one  
12 --- Number Four entry; is that  
13 correct?  
14 A. Yes.  
15 Q. Did you start and complete  
16 that one?  
17 A. Yes, I did.  
18 Q. Okay. Which one was next?  
19 A. I believe we moved down to the  
20 Number ---  
21 Q. Seal Number Three entry?  
22 A. --- Three entry.  
23 Q. Did you start and complete  
24 that one also? Were you involved in  
25 it?

48

01 A. Yes, I believe I was.  
02 Q. Could you identify that as a  
03 seal that was completed?  
04 WITNESS COMPLIES  
05 BY MR. SWENTOSKY:

06 Q. And where did you go from  
07 there?

08 A. From there, I believe we  
09 jumped back up to this one. When we  
10 went down, we came back up to this  
11 one. It was setting back in a little  
12 bit further because there was so much  
13 height there for the seal --- for the  
14 standards.

15 Q. Identify that one as ---  
16 that's Number Eight entry?

17 A. Yeah.

18 Q. And were you involved in the  
19 completion of that one also?

20 A. Yes, I was.

21 Q. Start to finish?

22 A. Yes.

23 Q. Then where did you go?

24 A. From that seal, we went ---  
25 there was a stopping right here, so

49

01 we built that one, so we went back  
02 here.

03 Q. The stopping you're referring  
04 to, that was a crosscut between Nine  
05 and Eight?

06 A. Yeah.

07 Q. Immediately outby the seals?

08 A. Yeah. We went back down to  
09 Number Two entry and started on it.

10 Q. Were you involved in the  
11 starting and completion of that one?

12 A. Yes, I was.  
13 Q. Could you mark that for me?  
14 WITNESS COMPLIES  
15 BY MR. SWENTOSKY:  
16 Q. Then where did you go?  
17 A. Then we went to the crosscut,  
18 the Number Three seal in.  
19 Q. That seal is identified as  
20 between --- crosscut between Two and  
21 Three entry?  
22 A. Yes. It had a little gob pile  
23 behind it, so we had to knock a  
24 stopping out. We hung a curtain back  
25 here. The main intake was coming

50

01 down this crosscut, going up to the  
02 section. So we hung a curtain ---.  
03 Q. Could you mark that in red  
04 marker, where you installed it?  
05 WITNESS COMPLIES  
06 A. At the crosscut.  
07 BY MR. SWENTOSKY:  
08 Q. And that was the seal in the  
09 crosscut between Two and Three;  
10 right?  
11 A. Yeah.  
12 Q. And were you involved in the  
13 completion of that one also?  
14 A. Yes.  
15 Q. Mark that one in black.  
16 WITNESS COMPLIES

17 BY MR. SWENTOSKY:

18 Q. Then what?

19 A. Then they moved on down to the  
20 Number One entry. And for three days  
21 I was on third crew and we worked on  
22 the section. So this one was halfway  
23 built when I come down to work with  
24 this crew. It was halfway built and  
25 also had the two PVC pipe running

51

01 through it on the left-hand side. On  
02 the Number One entry seal, I was  
03 pulled off the crew to go work on the  
04 section for two or three days. When  
05 I come back, they had the seal  
06 approximately halfway completed, at  
07 least four blocks laid with two PVC  
08 pipes ran through it approximately 12  
09 inches from the ground.

10 Q. And what size were those  
11 pipes?

12 A. I believe one of them was  
13 probably eight-inch pipe and another  
14 one was a smaller one, probably two.  
15 I'm not a hundred percent sure, just  
16 by looking at it.

17 Q. Do you know what those pipes  
18 were made out of?

19 A. Plastic PVC pipe.

20 Q. Was it white?

21 A. White.

22 Q. Both of them?

23 A. Both of them. They had elbows  
24 that formed a trap on the front side.

25 Q. We'll talk about that a little

52

01 bit more. Can you just mark there  
02 halfway completed when you returned,  
03 something to that effect?

04 WITNESS COMPLIES

05 BY MR. SWENTOSKY:

06 Q. And that's the Number One seal  
07 that you've just identified?

08 A. Yeah.

09 Q. Okay. From there, were you  
10 involved in the completion of that  
11 one?

12 A. Yes, I was. We built it about  
13 three-quarters of the way, so we can  
14 keep a little bit of ventilation  
15 going through here because the One  
16 and Ten seal had to be completed  
17 approximately the same time. But we  
18 got pulled off this project. We  
19 started building overcast return air  
20 to come off of the seals where they  
21 built them, where they were  
22 completed.

23 Q. How far up was the Number One  
24 seal --- or how much of the Number  
25 One seal was completed when you got

53

01 pulled off?

02 A. It was probably three-quarters  
03 of the way completed with the  
04 right-hand side, enough for a man to  
05 cross over, a fire boss, back in  
06 there.

07 Q. And you said the right-hand  
08 side. That was as you're looking  
09 inby?

10 A. Looking inby.

11 Q. Was that hole that you left  
12 there, was that a stair step  
13 configuration?

14 A. Yes. We stacked a few Omega  
15 blocks in front and behind so the  
16 fire boss could get back there and  
17 check the air, check for methane.

18 Q. When you say I laid a few  
19 blocks, was that to step on them?

20 A. Yeah. We just put a couple  
21 blocks there to step on them to get  
22 over.

23 Q. When you were pulled off the  
24 wall, tell me a little bit about  
25 that.

54

01 A. We got pulled off the wall.  
02 They let us --- Skip, he had a map of  
03 it. We had to build four separate  
04 --- well, four overcasts across the  
05 crosscuts going down into the main  
06 section.

07 Q. And that was in the Number Two  
Page 44

08 entry?

09 A. Yeah, headed over to Number

10 Two.

11 Q. Okay.

12 A. The first set was going to be

13 a new main intake airway. The main

14 intake was coming through ---

15 actually the First and Second was air

16 intake. And the Third overcast outby

17 had a track entry. The Fourth

18 overcast was a belt line.

19 Q. Okay. Whenever you were

20 completed with that, then what did

21 you do?

22 A. When we was completed with

23 that, it took us probably maybe three

24 weeks, two weeks. We had

25 Thanksgiving vacation during this

55

01 process. After that was completed,

02 we came up. We knocked a hole in the

03 stopping and we put a man door in.

04 Q. You're indicating a stopping

05 between the ---?

06 A. A stopping was up here on this

07 side of the seal, down this side of

08 the seal.

09 Q. Just draw with the black

10 marker there that stopping and the

11 man door in. Am I correct in saying

12 that?

13 A. We just did the Omega block  
14 stoppi ng.

15 Q. Just mark on here door.  
16 You've drawn a stoppi ng in the  
17 crosscut between Ni ne and Ei ght and  
18 then shown at D in that stoppi ng,  
19 indi cating a door. And that crosscut  
20 is immedi ately outby the seal; is  
21 that correct?

22 A. Yeah.

23 Q. We went in there. Ski p  
24 informed us that Jeff Snyder had  
25 already --- our old boss had already

56

01 had the Omega blocks spotted in the  
02 area, has approxi mately fi ve to si x  
03 ski ds of Omega blocks. I thi nk  
04 that's all they had spotted in there.  
05 And thi s time, we packed B-Bond from  
06 the Number Ei ght entry up through the  
07 door and packed it up there to work  
08 wi th. And we also packed Seven ---.

09 Q. When you say packed, do you  
10 mean carried?

11 A. Yes.

12 Q. Now, j ust for cl ari fi cati on,  
13 when you say B-Bond?

14 A. It's that Qui krete product,  
15 whi ch is mi ne seal for the seals.  
16 It's a blue bag. It's got fi ber  
17 strands in it.

18 Q. Would that have been Bl ocBond?

19 A. No. It was Omega BlocBond. It  
20 had a lot of fiber in it.

21 Q. But it didn't have any little  
22 beads of Styrofoam or anything like  
23 that?

24 A. No, just strands of fiber.

25 Q. It was in a blue bag?

57

01 A. Yeah.

02 Q. Did it happen to have  
03 instructions on it?

04 A. I never looked. They told us  
05 to mix it like you make concrete.

06 Q. Speaking about the Number Ten  
07 seal and Number Nine entry, go ahead  
08 and explain that.

09 A. Okay. We built it up same as  
10 we did Number One, built it up  
11 halfway with a hole left in it to  
12 take air readings and to check for  
13 methane by the fire boss, whatever we  
14 needed to do.

15 Q. Go ahead and identify this as  
16 the first one you built.

17 WITNESS COMPLIES

18 BY MR. SWENTOSKY:

19 Q. So you built that up with a  
20 hole in it?

21 A. Yeah. We left the hole on the  
22 left-hand side.

23 Q. When you say left-hand side

24 ---?

25 A. Toward the rib, looking in by.

58

01 After that, we had a series ---.

02 Q. Excuse me. That hole, was  
03 that the same as Number One?

04 A. Yes. We left a hole the same  
05 as Number One, about the same size,  
06 to get back in.

07 Q. Approximately what size was  
08 that?

09 A. Probably roughly four-by-four.  
10 I could crawl through it with ease.

11 Q. How far up off of the floor  
12 did that hole start?

13 A. Approximately three or four  
14 blocks. The blocks, just pushed mud  
15 in, 36, 40 inches, somewhere in  
16 there.

17 Q. And the hole was in?

18 A. Yeah.

19 Q. Go ahead.

20 A. And at this time, we had been  
21 working on a series of stoppings up  
22 through here, in between ---.

23 Q. Those stoppings you're talking  
24 about is out by and the next block out  
25 by the seals?

59

01 A. Yeah. We was working on a  
02 series of stoppings up through here,  
03 through the --- we had the Third,

04 Fourth, Fifth, Six and Seventh and  
05 Eighth entry. We was working on a  
06 series of stoppings. We could  
07 ventilate this area after all the  
08 stoppings was completed, except for  
09 Number Nine entry. It was one of the  
10 last ones we completed. We didn't  
11 have a main intake air coming back  
12 into our working area. It was a  
13 weekend in December. We worked two  
14 13-hour shifts. We completed Number  
15 --- seal Number One. That one.

16 Q. Prior to the completion of  
17 that, what occurred? They weren't  
18 making any examinations or anything  
19 like that?

20 A. Yeah. Right before it was  
21 completed, John Collins, a state  
22 inspector, had walked in here with  
23 Marty Conrad, in behind the seals,  
24 looked at the pipes we had in here,  
25 in the Number One seal intake, in the

60

01 Number One seal, looked at the PVC  
02 pipes. They said he also had to  
03 inspect our gas check valve which was  
04 put in Number Ten seal. And after  
05 the inspection was completed, he said  
06 everything --- this was told to me by  
07 Marty, not John, he said everything  
08 looked good back there, except for

09 within the Number Four entry, that  
10 they needed to get another crib and  
11 finish completing that crib built  
12 back there that was half completed.  
13 Other than that, they looked good.  
14 Q. Okay.  
15 A. And we came down that weekend,  
16 completed Number One seal. Due to  
17 this being bottom mined in the Number  
18 Three entry, you had no way to get  
19 back out of there after you completed  
20 the seal. So you had to build it up  
21 the best you could, but leave you  
22 enough room to crawl back out. Then  
23 on the outby side of the seal, you  
24 worked on completing the whole seal,  
25 but you could not get it mudded due

61

01 to the fact you could not get back  
02 out.

03 Q. When you say mudded, do you  
04 mean ---?

05 A. B-Bonded.

06 Q. B-Bonded, like a face bonding?

07 A. The face bonding. We mudded  
08 everything we could mud on the outby  
09 side, reaching up and over and  
10 smeared the mud on.

11 Q. Okay.

12 A. But before we done this, I had  
13 --- I did put a fly board in almost  
14 all the way across to have this

15 wedged in and also had a few  
16 half-headers in there wedged in  
17 tight, and it was all --- everything  
18 was muddy. And we completed it  
19 except for this hole where we had the  
20 step down blocks laid together, just  
21 staggered out.

22 Q. Take a look at this drawing  
23 which we'll mark as Exhibit Two,  
24 Brooks Two.  
25 (Brooks Exhibit Two

62

01 marked for  
02 identification.)

03 BY MR. SWENTOSKY:

04 Q. And it is a drawing of a seal  
05 which shows the boards on the top and  
06 blocks, and it's identified as a  
07 40-inch thick Omega block seal for  
08 use with seals up to eight feet high  
09 by 20-foot wide. Using this here,  
10 does this represent how the seal is  
11 to be built?

12 A. This is actually the first  
13 picture I believe I've seen of a  
14 completion of a seal.

15 Q. Okay. Did anyone --- well,  
16 since you said that's the first time  
17 that you've seen it, did anyone  
18 discuss with you how the seals were  
19 to be completed prior to going in

20 your first day?

21 A. Jeremy Toler, I worked with  
22 him the first day on the seals, and  
23 he described how they're to be  
24 completed. At the top you will have  
25 a four inch or a five-inch hole, and

63

01 he said it had to be --- you had to  
02 cut Omega block to fit the hole  
03 because you going to use two inches  
04 of wood on the seals.

05 Q. And so that would be, you  
06 said, Jeremy Toler?

07 A. Yes. That's who I worked with  
08 the first day.

09 Q. Who was the foreman?

10 A. Jeff Snyder.

11 Q. Jeff Snyder. Did he speak to  
12 you or talk to you or anything about  
13 how the seals were to be completed?

14 A. At this time, I don't think he  
15 had actually seen an actual blueprint  
16 or anything like that, seals  
17 themselves.

18 Q. What makes you think that?

19 A. Well, during the second week  
20 or the middle of the first week, I'm  
21 not sure of the exact day, we had two  
22 federal inspectors come up and was  
23 watching us build a seal.

24 Q. And who were they?

25 A. I don't recall their names.

01 They kind of had me nervous. I was  
02 moving line heads up. I wasn't --- I  
03 didn't --- wasn't taking names, I was  
04 just working as hard as I could.

05 Q. You might want to be an  
06 inspector some day?

07 A. Yeah. One of them had spoke  
08 out and said you need to stagger your  
09 blocks more. We had a couple blocks  
10 that was staggered just about like  
11 the picture here, lined up. He said  
12 you need at least one inch of  
13 staggering.

14 Q. So they'd be offset one inch?

15 A. Yeah, at least one inch.

16 Q. Had anybody told you that  
17 before?

18 A. Well, we knew it had to be  
19 staggered. That was just an accident  
20 on that one there, I guess. Nobody  
21 caught that.

22 Q. Go ahead. What are you going  
23 to say next?

24 A. After a seal was completed,  
25 after we had two inches, we would put

01 fly boards in.

02 Q. And how thick were those fly  
03 boards?

04 A. They looked like they were

05 rough cut lumber, an inch, sometimes  
06 an inch and a half, rough cut.  
07 Q. How long were they?  
08 A. I never did measure. I  
09 believe they were 16 foot. I never  
10 did measure them, but that's what  
11 they're usually cut, 16 foot.  
12 Q. Okay. So you needed  
13 additional pieces to make a single  
14 row across?  
15 A. Yes. We had a bow saw that we  
16 cut a fly board, whatever we had  
17 left.  
18 Q. The boards, were you able to  
19 get three boards across every seal?  
20 A. No, sometimes you couldn't get  
21 three --- the top falling out and  
22 sliding down in places.  
23 Q. Explain that to me.  
24 A. When you got up there, if your  
25 roof was uneven in some places, you

66

01 have a foot over here ---.  
02 Q. Over here, meaning ---?  
03 A. On the ---  
04 Q. Against the roof?  
05 A. --- right-hand side, toward  
06 the rib. And over here you'd just  
07 have a couple inches or maybe even a  
08 half inch or just lined up. So what  
09 we did was put a couple half-headers  
10 in here, then cut Omega blocks and

11 start another row across of Omega  
12 blocks.  
13 Q. So you would lay ---  
14 A. Half-header ---.  
15 Q. --- half-header on top of the  
16 block?  
17 A. On top of the Omega block.  
18 Q. And then you would ---?  
19 A. We'd wedge them in tight.  
20 Q. Where did you insert the  
21 pieces of Omega block you referred to  
22 a second ago?  
23 A. Pieces of Omega block?  
24 Q. Yes.  
25 A. Half blocks?

67

01 Q. Maybe I misunderstood. Let's  
02 just start all over then. Okay. You  
03 laid the seal up and you had this  
04 sort of oversized distance between  
05 the roof and the Omega block, okay, a  
06 larger hole.  
07 A. Okay.  
08 Q. Explain how you filled that  
09 up.  
10 A. Well, it just depends on the  
11 way the roof laid. Some places you  
12 would have no clearance in the  
13 middle, but you'd have a foot on the  
14 right-hand side of the rib and you've  
15 two foot on the left-hand side of the

16 rib.

17 Q. Okay.

18 A. The way the top was. But if  
19 something would happen --- it run six  
20 foot on this side and seven foot on  
21 this side, we would fill this hole in  
22 is what we had to do. Like if you  
23 get an eight-inch block to fill it,  
24 which was five inches or something  
25 like that, we'd cut a block, put it

68

01 in here, then you may not have room  
02 to get your fly board all the way in,  
03 so you get a header board in there,  
04 wedged in, then on your next block  
05 over you'd lay them across and get  
06 your fly board in.

07 Q. So you put a header board in  
08 in place of a fly board?

09 A. Yes, in some places where we  
10 could not get the fly board  
11 installed.

12 Q. When you would wedge that in,  
13 how would you wedge that in?

14 A. We ran the wedges longways  
15 towards the rib.

16 Q. So it would be parallel with  
17 the fly board?

18 A. Yes. We'd lay one wedge like  
19 that and we'd put the other one like  
20 ---.

21 Q. So what you've just described

22 there was a wedge laying parallel  
23 with the fly board, and then you  
24 inserted another wedge on top of that  
25 in the opposite direction?

69

01 A. Yeah. If there was room,  
02 yeah. Sometimes you had blocks,  
03 sometimes you had small wedges.

04 Q. And then what did you tighten  
05 those up with?

06 A. Ax or mason hammer.

07 Q. Did you do that the whole way  
08 across all those?

09 A. Yes. We had them --- put them  
10 across.

11 Q. Okay.

12 A. And if something happens where  
13 you couldn't get all the fly boards  
14 in, we had a space in the middle of  
15 the wedges and the fly board. We  
16 would stuff Omega block back in there  
17 to help fill spaces.

18 Q. The drawing that we have here,  
19 you can see the wedges across the top  
20 on the top of the fly boards. So am  
21 I correct in saying that this is not  
22 exactly how you put the ---

23 A. Wedges in.

24 Q. --- wedges in?

25 A. No.

70

01 Q. The center board across the  
02 top, how did you get those wedges in?  
03 A. Sometimes we didn't get them  
04 in.  
05 Q. Was there always three boards  
06 across the top?  
07 A. Some of them there wasn't.  
08 Q. So some of them you didn't  
09 have the board at all?  
10 A. We did not.  
11 Q. And the reason was for that?  
12 A. Just couldn't get them in  
13 there sometimes.  
14 Q. Was there always a fly board  
15 on the backside?  
16 A. Yeah, every backside that I  
17 done I had to install fly boards.  
18 Q. When you were there, that's  
19 what ---?  
20 A. Yeah. You're working with  
21 this guy, you cannot see ---.  
22 Q. I understand. And those  
23 wedges were installed the same ---  
24 when you did that, ---  
25 A. Yeah.

71

01 Q. --- they were installed the  
02 same, front and back?  
03 A. Yeah.  
04 Q. Okay. Getting back to  
05 whenever you put this --- built that  
06 up, so then once they were inspected

07 and you started to fill in the hole,  
08 how far up did you get before --- how  
09 did you put those back blocks in?  
10 A. We got up as high as we could,  
11 left enough room. I was the  
12 skinniest guy working, so usually I  
13 got on the backside, had to crawl  
14 back through the hole. So we built  
15 it up high enough. It was  
16 approximately maybe 18, 20 inches,  
17 and I crawled back through. Casey  
18 Short and Skip, you know, drug me on  
19 out because I came out head. And  
20 they'd just rest blocks back in the  
21 hole and lay them in the seal.  
22 Q. Did you put any material on  
23 them, ---  
24 A. Yeah.  
25 Q. --- on the horizontal joints

72

01 at all?  
02 A. Well, we usually always had a  
03 crack. Stuff knocked down through  
04 the top, we tried to put it on the  
05 side if we couldn't get it to the  
06 top.  
07 Q. Did you put any mud on the  
08 vertical joint prior to setting the  
09 block in?  
10 A. Some of them we did, some of  
11 them we didn't. It depends if you

12 have enough hand room to get above  
13 them to push them right down to the  
14 joint.

15 Q. The ones that you could push  
16 the mud down through the joints,  
17 could you put the mud on --- you  
18 didn't put the mud on those first  
19 before you set the block in or ---?

20 A. What we done is we dumped the  
21 mud on the seal itself, then we set  
22 the block in, moved that mud on top  
23 the block and just kept on working it  
24 down in the crack, if we happened to  
25 do that. Because we put the mud on

73

01 the block that was a quarter inch  
02 thick.

03 Q. Then after you got pulled  
04 through, then what did you do?

05 A. We finished building the seal  
06 up, put our wedges in, sealed it up  
07 to the Number Ten seal.

08 Q. Just let me back up one  
09 second. The last row of blocks on  
10 the back side of the seal, on the  
11 inby side of the seal, how did you  
12 ---?

13 A. The inby?

14 Q. The inside side ---.

15 A. It wasn't completely to the  
16 top. There was no way to get it  
17 completely to the top.

18 Q. Did it have a fly board on  
19 top?  
20 A. It had a fly board across to  
21 the space where I crawled through.  
22 Q. And then that last space, you  
23 just put a block in there?  
24 A. Yeah.  
25 Q. No fly board on top?

01 A. No fly board on top.  
02 Q. Did you wedge down that piece?  
03 A. No.  
04 Q. No?  
05 A. You couldn't get in at the top  
06 and swing that ax to get in. The  
07 blocks are staggered and built up so  
08 high, you couldn't get in there.  
09 Q. Okay. So you put the back  
10 blocks in. And did you face the back  
11 side of it before you put the block  
12 in?  
13 A. I don't recall doing that. I  
14 don't know.  
15 Q. Did it have a center board in  
16 it?  
17 A. I don't know.  
18 Q. Indicating ---?  
19 A. I don't know if they put a  
20 center board in the middle of it,  
21 around here, because I wasn't with  
22 them.

74

23 Q. But I mean, where the hole was

24 ---?

25 A. Where the hole was, I did not

75

01 see a cinder board, no.

02 Q. Did you put any fly board on

03 the outby side?

04 A. Yeah.

05 Q. And you wedged that up in the

06 same fashion?

07 A. Yes.

08 Q. Okay. Number Ten seal, you

09 went down and did that one. Or how

10 long did it take you to complete

11 this, fill up this ---?

12 A. It took approximately an hour

13 and a half, two hours.

14 Q. And that was completed. Did

15 you wait any period of time before

16 you went down to the Number Ten seal?

17 A. No. We went immediately down

18 to Number Ten.

19 Q. Okay.

20 A. And we finished that crib. It

21 was Number Three seal coming out.

22 Started working on the Number Ten

23 seal. Well, before we done this, we

24 went ahead and put a stopping in

25 here.

76

01 Q. Stopping in ---?

02 A. Stopping in the Number Eight

03 entry and block off the maintake.  
04 Q. And that's --- you're in the  
05 entry block immediately outby the  
06 seal?  
07 A. Yeah.  
08 Q. Okay. Go ahead.  
09 A. We got that built ---.  
10 Q. Just circle that. That's  
11 indicating ---.  
12 A. We blocked the main off.  
13 Q. The stopping that you put in  
14 just prior to completing the Number  
15 Ten seal; is that correct?  
16 A. Yes. At that time, Casey and  
17 myself, we knocked the man door out,  
18 and Skip knocked this stopping here  
19 out.  
20 Q. And that's between Number  
21 Eight and Nine entry immediately  
22 outby the seals at the crosscut?  
23 A. Yes.  
24 Q. You knocked the man door out?  
25 A. We knocked the man door out.

77

01 Skip knocked the wall over. Skip  
02 cleaned it up and hauled it over to  
03 the gob pile. It was built out of  
04 Omega block. We come back and we  
05 started completing Number Ten seal.  
06 Q. Did you complete it in the  
07 same fashion as you described to me?

08 A. Yes.  
09 Q. You were the skinny guy there,  
10 too?  
11 A. Yeah.  
12 Q. And then there would be no ---  
13 there wasn't a fly board on the inby  
14 side in this area?  
15 A. There's a fly board across  
16 where the door was. I installed it.  
17 Q. There on to the rib there was  
18 no fly board installed?  
19 A. No.  
20 Q. Okay. You can go back and sit  
21 down. We're going to get more  
22 involved in how those were built.  
23 You worked for Mr. Snyder initially?  
24 A. Yes. That's who we started  
25 for the first two weeks.

78

01 Q. You and who else? You might  
02 have already told me, but for the  
03 record.  
04 A. The first week we worked, they  
05 was Casey Short, Jeremy Toler, Seth  
06 Osbourne, which was another red hat,  
07 and Jeff Snyder.  
08 Q. Okay.  
09 A. And myself. That's who we  
10 initially started with.  
11 Q. And the first day that you  
12 worked at the Sago Mine, you  
13 immediately went in and started on

14 the seals with Mr. Snyder; is that a  
15 correct statement?

16 A. Well, the day before we  
17 started, which was the following  
18 Friday, we went to the mines and got  
19 our hazard training, task training,  
20 and the following Monday we reported  
21 to work. And we rode in with Jeff  
22 Snyder, Jeremy and them other guys I  
23 said and went to work --- straight to  
24 work on the seals.

25 Q. And that day, your first

79

01 construction day, you started on ---  
02 which seal was it; do you recall? I  
03 know you have it marked on the map.

04 A. I have to look on the map to  
05 be exact, but I think it was the  
06 Number Six seal.

07 Q. And it was partially ---?

08 A. Partially laid up.

09 Q. Laid up. Okay. Prior to you  
10 laying these --- starting to lay the  
11 seals, did Mr. Snyder or anybody  
12 review with you on how to lay these  
13 seals?

14 A. We went to the seals and Jeff  
15 Snyder, he run the scoop and got our  
16 supplies, he told us that Jeremy had  
17 built the seals before at a Brooks  
18 Run Mines and knowed how to build

19 them. He said he was not for sure  
20 --- at this time, I don't believe he  
21 had seen the plan on the seals  
22 actually, but he was in charge of us.  
23 Q. Why did you think that?  
24 A. Well, that's who kept our time  
25 for us, and he's the one that

80

01 actually sat down and talked through  
02 things with us, escapeways. He asked  
03 about escapeways since we got in  
04 there, to know where they was and he  
05 checked for methane. So I was  
06 assuming he was their boss. He come  
07 and got us every morning and said,  
08 you're coming with me.

09 Q. At any time, did he ever, as  
10 you rode in on a mantrip, tell you to  
11 wait in the mantrip until he went and  
12 made an examination and then came  
13 back or did you always just follow  
14 him in?

15 A. We just followed him.

16 Q. Okay. And what would he ---  
17 each day, would he make an  
18 examination of all the area or ---?

19 A. He checked it every two hours,  
20 I believe, while we was working in  
21 the area. He had on his fire boss  
22 tag, which was hanging from the roof  
23 bolt.

24 Q. Did you ever see a plan?

25 A. Like I said, it was either the

81

01 middle of the first week or the  
02 beginning of the second week, we was  
03 working and inspectors come up and  
04 was watching us. And he questioned  
05 about how much mud we was using. And  
06 at this time, Harmon Jordan was  
07 working with us. There was  
08 approximately 11 of us, off and on,  
09 working on these seals, back and  
10 forth. Sometimes we had ten.  
11 Sometimes there was just three of us.  
12 But Harmon was our boss. He was the  
13 boss that was working this day. And  
14 the inspector informed us that he  
15 didn't know about the Omega seal, but  
16 he'd let us know. He went down a  
17 couple breaks. I guess he had it  
18 with him or Carl Crumrine, our mine  
19 foreman, may have went and got some  
20 and brought them back in. I heard a  
21 couple other bosses say that's the  
22 first set of prints they had ever  
23 seen on how to build them.

24 Q. But did you ever see an actual  
25 plan?

82

01 A. No, I --- well, Skip, our  
02 boss, he carried one in his lunch  
03 bucket with him.

04 Q. And Skip, that was ---  
05 A. James Scott.  
06 Q. --- James Scott? So you had  
07 worked on these seals a week or so  
08 before you saw actually a written  
09 plan and illustrations on how to ---?  
10 A. I didn't actually see them. I  
11 just seen the paper folded up is all  
12 I seen. I didn't see the actual ---.  
13 Q. So you never did see a ---?  
14 A. No.  
15 Q. And so the instructions that  
16 you received was actually from Mr.  
17 Jamie Toler?  
18 A. Jeremy Toler.  
19 Q. He's the one that showed you  
20 how to install those?  
21 A. Yes.  
22 Q. Did you ever hear any  
23 conversations of management people,  
24 like --- and I know you had mentioned  
25 that Mr. Crumrine or Mr. Toler came

83

01 in with the inspectors and talked to  
02 you about the joints. Did you ever  
03 hear of any other conversations or  
04 how many times maybe they were in  
05 there during the construction  
06 process?  
07 A. That's the only time they ever  
08 looked at them. And Carl came back  
09 to the plan and said, do them as the

10 plan says. That's all he's ever  
11 said.  
12 Q. And were they ever in there on  
13 a different occasion?  
14 A. The inspectors or ---?  
15 Q. Mr. Toler, Mr. Crumrine, do  
16 you ever ---?  
17 A. Mr. Toler came in one day and  
18 walked by us, came over and said, hi  
19 you know, asked us how we was doing  
20 and walked on by.  
21 Q. And that was the extent?  
22 A. Yeah. I mean, he didn't help  
23 build or anything like that. I think  
24 he did get onto Casey for not having  
25 safety glasses on, but that was about

84

01 it.  
02 Q. Okay. Are all ten seals the  
03 same? Are they all Omega seals?  
04 A. Yeah.  
05 Q. Were you ever involved in  
06 cleaning up the area where the seal  
07 was to be built?  
08 A. Before it was built?  
09 Q. Yes.  
10 A. Yeah.  
11 Q. How did you do that?  
12 A. Well, if you could get a scoop  
13 into it, we'd try to scoop it a  
14 little bit. If we couldn't get a

15 scoop in, we had shovels or hammers  
16 and we just dug it down the best we  
17 could.  
18 Q. Okay. And was that like you  
19 clearing away mud and water?  
20 A. Mud and the gob that was piled  
21 up on the side where scooping  
22 equipment had run through it and it  
23 had rutted up.  
24 Q. Was there a lot of water mixed  
25 with it?

85

01 A. No. It was pretty dry.  
02 Q. Pretty dry. Were you able to  
03 get down to a solid or was it a  
04 little soft ---?  
05 A. Some places we did hit solid  
06 rock.  
07 Q. Okay.  
08 A. And other places --- like we  
09 hit solid rock on the right-hand side  
10 of the inby rib. Over here, you  
11 know, it would be real soft and you  
12 couldn't get all the way down this  
13 side of it.  
14 Q. Those areas that you have  
15 indicated were soft, I mean, was it  
16 something where you --- if you would  
17 walk through it with a boot, you  
18 could make a --- you know, sink in or  
19 ---?  
20 A. No, just soft dirt. I mean,

21 where the mud had piled up and had  
22 dried out, where they rerouted the  
23 main intake around to it.

24 Q. And did you remove that?

25 A. Removed all we could.

86

01 Q. But there were some areas that  
02 were --- just kind of remained ---

03 A. Yeah.

04 Q. --- soft?

05 A. We dumped B-Bond actually ---  
06 if we could not put a whole eight-  
07 inch block in there and step it down  
08 off of solid rock or whatever we had,  
09 we'd put B-Bond in it, dry B-Bond and  
10 work with it like that.

11 Q. Would you put it in there and  
12 step it down or just level ---?

13 A. We stepped one seal down  
14 because we had enough room to step it  
15 down and make it level. We stepped  
16 one down.

17 Q. When I mean stepped down, you  
18 may have misunderstood or maybe I  
19 misunderstood you. But when you say  
20 stepped down, what I was meaning was  
21 did you ever put just this B-Bond  
22 down and then step on it to pack it  
23 down?

24 A. Oh, yeah, we put B-Bond down  
25 and we'd set Omega blocks on. They'd

01 smash down and we'd put a little more  
02 B-Bond in to level it up.  
03 Q. When you say put a little more  
04 B-Bond in ---?  
05 A. Dump another bag on it.  
06 Q. Take the block off and dump  
07 another bag?  
08 A. Yeah, dump another bag.  
09 Q. And then would you step it  
10 down or pack it down?  
11 A. Yeah, pack it down a little  
12 more.  
13 Q. With what?  
14 A. Just jumping on it, stepping  
15 on it.  
16 Q. The location of the seals, how  
17 far back from the corners were they  
18 located?  
19 A. Three or four, approximately  
20 eight feet maybe back in. And then  
21 we had one seal that was probably a  
22 good 40 to 50 feet back in due to the  
23 height.  
24 Q. Did you ever assist in  
25 measuring those distances?

01 A. No. They just said it was too  
02 high and I moved it back in.  
03 Q. And the other one, do you know  
04 how far they're supposed to be back  
05 from the corners?

06 A. No.  
07 Q. Who made those ---?  
08 A. At least eight feet, I  
09 believe, I heard one of them say  
10 because they started the seal and had  
11 to knock it out and redo it.  
12 Q. Who made the decisions on  
13 where to put the seals?  
14 A. Jeff Snyder and Jeremy when  
15 they was working with us. Jeremy  
16 only worked with us approximately two  
17 weeks, two and a half weeks, and then  
18 he got put on bolter.  
19 Q. So they were approximately  
20 eight feet, ten feet or something  
21 like that?  
22 A. Yeah.  
23 Q. Did you ever observe any metal  
24 screen on the roof in any of the  
25 entries?

89

01 A. In the Number Eight entry, the  
02 one was sitting back in  
03 approximately, you know, 30, 40 feet.  
04 It had screen on it, and they did cut  
05 it out.  
06 Q. They what?  
07 A. They cut around it.  
08 Q. They cut around it?  
09 A. Yeah, they cut it out so they  
10 could put the Omega block in to get

11 your wedges and fly boards all in.

12 Q. Did any of the screen enter  
13 into the seal at all; do you recall?

14 A. Not on that seal, no.

15 Q. In any of the other seals?

16 A. I can't remember on them.

17 That's the only one I know we cut,  
18 that I helped cut.

19 Q. That you helped cut?

20 A. Yeah.

21 Q. And what did you cut those  
22 with?

23 A. Bolt cutters.

24 Q. Bolt cutters. Approximately  
25 how much screen did you take out?

90

01 A. Approximately --- we took it  
02 out in sections so we could get it  
03 outside better and throw it away.  
04 But I think approximately 50, 60  
05 inches probably wide across the  
06 entry.

07 Q. When the seal was completed,  
08 you could see the end of the seal ---  
09 or excuse me, the end of the screen?

10 A. Yeah, on the outside.

11 Q. It didn't protrude into the  
12 seals?

13 A. Not on that one, no.

14 Q. Do you recall any other ones  
15 that it proceeded into --- or  
16 protruded into the seal?

17 A. I don't remember the other  
18 seals even having screen. They could  
19 have, but I don't remember.

20 Q. When you removed the loose  
21 material, how far on each side of the  
22 seal, in by and out by, did you remove  
23 the loose material?

24 A. Off the floor? Off the  
25 bottom?

91

01 Q. Yes.

02 A. We just raked it out in front  
03 of the seal.

04 Q. How large of an area did you  
05 clean for the seal?

06 A. Wide?

07 Q. Yes.

08 A. Approximately 40, 50 inches  
09 probably.

10 Q. Okay.

11 A. We cleaned it enough just for,  
12 you know, you can lay your one Omega  
13 block longways and your back Omega  
14 block longways, that way.

15 Q. Perpendicular?

16 A. Yeah.

17 Q. And you said there was not any  
18 standing water?

19 A. Not in the seals, no.

20 Q. In the sealed area?

21 A. Yeah, not in the sealed area

22 there wasn't. Now, on the inby side,  
23 the seals would have been bottom  
24 mined. It looked like there was  
25 quite a bit of water in there, but it

92

01 was dangered off. You couldn't even  
02 go back in there.

03 Q. Okay. So you didn't have to  
04 remove any standing water?

05 A. No.

06 Q. When you cleaned the floor,  
07 did you notice any cracks, anything  
08 in the bottom?

09 A. No.

10 Q. Before you started a seal,  
11 were there any roof supports  
12 installed on the inby side of the  
13 seal?

14 A. We had set enough crib block  
15 back there to build two cribs, which  
16 was --- I believe it was five feet  
17 from the seal or maybe six feet from  
18 the seal had to be two cribs built on  
19 the inby and outby side of it.

20 Q. Did you build those before you  
21 started a seal?

22 A. Sometimes we did and sometimes  
23 we didn't.

24 Q. Did you put any notches in the  
25 rib? Did you cut any notches in the

93

01 rib?

02 A. There were no notches cut for  
03 them.

04 Q. Whenever --- did you clean the  
05 ribs, take sloughing material ---?

06 A. If there was overhang or  
07 something, yeah, we tried to knock it  
08 --- the best we could, knock it off,  
09 unless it was sandstone, something  
10 hard we couldn't beat off.

11 Q. But the loose material was  
12 taken off?

13 A. Yeah.

14 Q. Okay. Do you know how high  
15 those areas were where you installed  
16 the seals?

17 A. I'm going to say seven to  
18 eight feet on most of them because I  
19 could stand up and set them in.  
20 There was two or three seals we had  
21 to build some scaffolding on to get  
22 the top couple three or four layers  
23 put on.

24 Q. Did you ever see anyone  
25 measure them or were you involved in

94

01 any measuring of the heights?

02 A. No.

03 Q. Were you ever involved in any  
04 measuring of the width or how wide  
05 those were?

06 A. The first couple days I worked

07 with them, they did do a little  
08 measuring. After that, no.  
09 Q. What was the thickness of  
10 those? Just the two blocks, as you  
11 mentioned, one ---  
12 A. The two blocks ---.  
13 Q. --- horizontal and then one  
14 perpendicular into it?  
15 A. The whole width of the seal?  
16 Q. The thickness of the seal I  
17 guess I would call it.  
18 A. Thickness, I'm not exactly  
19 sure. I think the Omega block might  
20 be 16, 18 inches wide longways and  
21 there's 24 other, I believe. I'm not  
22 exactly sure.  
23 Q. But you used two block ---?  
24 A. Yeah. One block was laid  
25 longways and one was ---?

95

01 Q. Butted against it?  
02 A. Yeah.  
03 Q. Perpendicular to it. Okay.  
04 And you used all the same --- did you  
05 use all the same type mortar?  
06 A. Yeah. We actually --- in the  
07 process of building the seals, we had  
08 to quit building them because we ran  
09 out of the right type of mortar.  
10 Q. And that was in --- what did  
11 you say, what color bag?  
12 A. It would be the blue ones.

13 Q. Blue ones?  
14 A. Yeah.  
15 Q. You never used any cement or  
16 anything like that?  
17 A. No.  
18 Q. Getting back to whenever you  
19 started the seal, the initial --- and  
20 you had mentioned you put a dry bag  
21 of mortar down.  
22 A. Yeah.  
23 Q. Did you put that clear --- the  
24 entire width of the seal?  
25 A. Yeah. Every seal had at least

96

01 20 bags of B-Bond dumped out and kind  
02 of leveled dry so it would seal the  
03 bottom of up. It would suck the  
04 moisture out.  
05 Q. And I believe you did mention  
06 that where the area was a little  
07 softer, the bottom mine floor was a  
08 little softer, that you packed it  
09 down with your feet ---  
10 A. Yeah.  
11 Q. --- sometimes? You'd put  
12 additional on and pack it down?  
13 A. Yeah.  
14 Q. When you started that first  
15 layer and you laid it down dry, did  
16 you apply any mortar material to the  
17 vertical joints before you set the

18 second one on and set it in up  
19 against it?  
20 A. Well, we laid our first row of  
21 block across, and we just took  
22 buckets of B-Bond and just dumped it  
23 on top and just kept rubbing it over  
24 top, pushing it down in the cracks.  
25 Q. Whenever you laid this first

97

01 layer down and you didn't put any  
02 material on the blocks, did you butt  
03 those solid against each other?  
04 A. Most of them had little cracks  
05 in them.  
06 Q. When you say little cracks?  
07 A. Probably an eighth inch, a  
08 quarter inch.  
09 Q. Were you trying to leave that  
10 or did you just slap them down there  
11 because of the width?  
12 A. The biggest part of the time,  
13 where the floor was, you couldn't  
14 keep them butted up square against  
15 each other anyway.  
16 Q. But you tried to do that?  
17 A. No. You're supposed to have  
18 your mud in them. Every joint had to  
19 be mudded.  
20 Q. And to accomplish that then  
21 you laid them all down at one time,  
22 am I correct, rib to rib?  
23 A. Yeah. We put a first layer

24 all the way across.  
25 Q. And then you dumped the mortar

98

01 on top ---  
02 A. Yeah.  
03 Q. --- of the first row?  
04 A. Yeah.  
05 Q. And then how did you spread it  
06 around?

07 A. We had rubber gloves. We  
08 smeared it back and forth then.  
09 Q. Did you have any trowels with

10 you?  
11 A. No.  
12 Q. No trowels?  
13 A. No trowels.

14 Q. And then how did you get it  
15 down between the joints then?  
16 A. You just keep rubbing over it.  
17 Most of the time it would just keep  
18 working its way down. If you had  
19 real soupy mud, what we usually tried  
20 to use, it just poured itself down  
21 into them.

22 Q. Okay. Did you ever mix the  
23 mortar?

24 A. Yeah. That was my job for  
25 about four days when I first started

99

01 out. I mixed mortar. I got a pretty  
02 good concrete burn there the very

03 first day I worked, and I had it  
04 doctored up. And I mixed for three  
05 or four days, letting it heal up  
06 some.  
07 Q. How much water did you mix  
08 with the mortar? What was your  
09 ratio?  
10 A. When I was mixing, I mixed two  
11 bags of B-Bond to a five-gallon can  
12 of water.  
13 Q. One five-gallon can to two  
14 bags?  
15 A. Yeah.  
16 Q. Did anybody tell you anything  
17 different or is that just something  
18 that you decided or was that what  
19 looked good to you or ---?  
20 A. Seth Osbourne was mixing. He  
21 said, hey, it's the best way to mix  
22 it, you dump one full can of water  
23 in, you put your first bag in, you  
24 mix a little bit, then you dump your  
25 second bag in, mix it, and you're

100

01 done.  
02 Q. What type of consistency was  
03 the mortar? You had mentioned just a  
04 moment ago that it was kind of runny.  
05 A. Just whatever the block layer  
06 wanted, that's what you mixed for  
07 him. If he hollered he needed soupy  
08 mud, then you'd mix some soupy, you'd

09 dump a little more water in. If he  
10 needed it thick to put up the edges  
11 toward the rib, to pack it in, keep  
12 it firm, we made it a little thicker.

13 Q. So there were different types  
14 of mixes during the process?

15 A. Yeah.

16 Q. And the thicker mortar was  
17 more toward the ribs, you said?

18 A. It was best, yeah, for toward  
19 the ribs or the outside face of your  
20 block because it stuck a little  
21 better.

22 Q. So then after you had your  
23 first layer down, then you spread the  
24 mortar on top of all of the block,  
25 rib to rib. Then how did you lay the

101

01 second layer down?

02 A. The second layer was staggered  
03 from the first layer. The first  
04 layer was longways and then you'd  
05 start this one, the small one, the  
06 block out, and then you'd lay the  
07 back up longways.

08 Q. And did you just lay them dry  
09 out and then pour the mortar on top  
10 again or did you ---?

11 A. Sometimes we laid them dry and  
12 sometimes we smeared mud on them.

13 Q. On all the vertical joints?

14 A. Yeah.

15 Q. When did you decide to put the  
16 mortar on and not put the mortar on?  
17 How was that decision made?

18 A. If you could get to them to  
19 dump it on, we usually dumped it onto  
20 them. But if you was in a tight spot  
21 and you couldn't, we'd smear them on.

22 Q. What do you mean a tight spot?

23 A. Well, up real close to the  
24 top.

25 Q. Okay.

01 A. Up towards the roof.

02 Q. So from the first layer to  
03 near the roof they were laid dry, and  
04 then you put the material on top and  
05 then pushed it down through the  
06 joints with your hands with gloves  
07 on, is that ---

08 A. Yeah.

09 Q. --- pretty much the procedure?

10 A. We worked with so many people  
11 and if they all had different ways,  
12 then you know --- me being a red hat,  
13 we done whatever --- whoever we were  
14 working with, whatever way they  
15 wanted to do it, that's the way, you  
16 know, you done it.

17 Q. Sure. I understand. Was  
18 there a pilaster in any of the seals?

19 A. No. I heard one of the bosses

20 say the Omega seal didn't require  
21 one.

22 Q. All right. What protective  
23 equipment did you wear during the  
24 installation?

25 A. Safety glasses, rubber gloves,

103

01 coveralls, steel-toed boots,  
02 metatarsals, hard hats and basic mine  
03 safety equipment, I guess, except for  
04 rubber gloves.

05 Q. Did anyone ever talk to you  
06 about a piece of written material  
07 that would be called the Material  
08 Safety Data Sheet, MSDS? Maybe  
09 you've heard that terminology.

10 A. The MSD --- yeah, I guess  
11 they're out in the main office.

12 Q. Did anybody ever talk to you  
13 about those, about that information?

14 A. No.

15 Q. And each of the courses were  
16 staggered, as you've described,  
17 rotated back and forth?

18 A. Yeah, the course was  
19 staggered.

20 Q. You never used a trowel to put  
21 the material on?

22 A. Never did.

23 Q. Did you ever see any trowels  
24 laying around?

25 A. We had --- the week before the

104

01 explosi on happened, we had received  
02 two trowels, but we never did use  
03 them on the seals. But James Scott,  
04 our boss --- Garrett bought us two  
05 trowels to use on this next set of  
06 seals that we was going to start  
07 installing is what they were bought  
08 for.

09 Q. Do you know why they was  
10 starting to use trowels or why was  
11 that?

12 A. It's easier to smear your mud  
13 with because you can make the outside  
14 of your wall look a lot better.  
15 Instead of being real rough looking,  
16 you can smooth it up.

17 Q. Who made that decision that  
18 you needed a trowel?

19 A. I think James Scott just got  
20 them through Garrett himself because  
21 he said we need a couple trowels and  
22 he said --- I guess they told him to  
23 go purchase them and they'd reimburse  
24 him, which he went to Lowe's and got  
25 them.

105

01 Q. Mr. Toler --- the  
02 superintendent, Mr. Toler, or Mr.  
03 Crumrine, did they have any hand in  
04 making that decision; do you know?

05 A. I don't think. I think he  
06 just went and got them.  
07 Q. Himself. Did anybody ever  
08 tell you --- or mention to you that,  
09 you know, you should use a trowel for  
10 this or any discussion ---?  
11 A. I've heard a couple of our  
12 guys we worked with say, well, a  
13 trowel would be nice. That's as far  
14 as it ever went.  
15 Q. How thick was the mortar that  
16 you placed on the blocks?  
17 A. On the outside or ---?  
18 Q. Outside, on the joints.  
19 A. It just depends where we was  
20 at. If it was on the --- dumping  
21 them on top of block, we'd mix it  
22 kind of thin, you know, so you could  
23 get down the cracks better. But on  
24 the outside and up the side of the  
25 edge, rib and top, we'd make it

106

01 pretty thick so it would stick  
02 better. The thicker your mud was,  
03 the better it would stick, they told  
04 us.  
05 Q. So it would mix kind of thin  
06 that it would run down between the  
07 joints?  
08 A. Yeah, when you was laying your  
09 block back across.

10 Q. And I think I might have asked  
11 you this, but as you laid those  
12 blocks --- and they were laid dry  
13 across; am I correct?

14 A. Yeah.

15 Q. And then did you purposely  
16 leave a crack for mortar to run down  
17 in or did you just ---?

18 A. We was told they needed mud in  
19 every joint, so you'd leave some  
20 crack. But the biggest part of the  
21 time, after you got your first layer,  
22 I mean, you had so many ups and downs  
23 in it, that you had cracks.

24 Q. So basically, and correct me  
25 if I'm wrong, that once you laid them

107

01 down, you would have a portion of the  
02 block that had already been  
03 installed, a portion of the block  
04 that you were installing touch the  
05 other block or touch the previously  
06 laid block, but there was still a  
07 crack?

08 A. Yeah.

09 Q. Do you have any idea of how  
10 many bags of mortar you used for a  
11 stopping from start to finish?

12 A. On a seal?

13 Q. Yes.

14 A. Probably two skids, maybe two  
15 and a half. It just depends on the

16 size of our seal. It took a lot of  
17 it, I know that.

18 Q. How many bags are on a ski d;  
19 do you recall?

20 A. I have no idea.

21 Q. How was the seal secured to  
22 the rib?

23 A. Just B-Bond.

24 Q. Did you ever put any wedges  
25 down to tighten it up?

108

01 A. I never did.

02 Q. Did anybody else?

03 A. I don't recall seeing anybody  
04 ever doing that. If there was a big  
05 crack there, when we stuffed --- we'd  
06 cut a small piece of Omega block and  
07 put it in there.

08 Q. How did you cut those blocks?

09 A. Omega block?

10 Q. Yes.

11 A. Cut it with a buck saw or an  
12 ax.

13 Q. Buck saw or an ax. Whenever  
14 you had to --- as you started getting  
15 close to the rib where you needed  
16 less than a full block, how would you  
17 cut those with an ax?

18 A. You'd just measure from your  
19 ax to the rib and you'd slide on  
20 their mark and just chop it. Most of

21 the time we had a bow saw there, and  
22 I always like used a bow saw because  
23 it does a little better job and keeps  
24 everything smoothed up.

25 Q. Smoothed up. Did you use an

109

01 ax on some of them?

02 A. Some of them, yeah, we used  
03 axes on.

04 Q. Do they make a fairly clean  
05 ---?

06 A. They make a fairly clean cut.  
07 And actually you go back and shape  
08 them up a little bit.

09 Q. During the installation  
10 process, do you wet the blocks at all  
11 before you lay them down or were they  
12 just all dry and then ---?

13 A. They was all dry. They'd do a  
14 better job if they're wet, which we  
15 never did.

16 Q. I'm sorry?

17 A. They'd usually do a better  
18 job, mud sticking to them, if they're  
19 wet, but we always done dry.

20 Q. How do you know that it sticks  
21 better?

22 A. We got a skid of them in from  
23 outside that had been rained on.

24 Q. Oh, okay.

25 A. And they was wet and they ---

01 a lot heavier that way, but mud stuck  
02 to them a little better.

03 Q. Did you ever have to use  
04 plywood or anything like that or was  
05 it always a board, fly boards or ---?

06 A. It was always fly boards,  
07 half-headers, never had plywood.

08 Q. Did you face the entire face  
09 of the --- or did you coat the entire  
10 face of the seal ---

11 A. Yeah.

12 Q. --- with the mortar?

13 A. Two or three times usually  
14 just to assure it was thick enough.

15 Q. After you faced it, did you  
16 have an opportunity to actually put  
17 additional mortar around the  
18 perimeter at all?

19 A. Yeah. We went back and  
20 checked and looked for holes maybe,  
21 see if a spot looked like it was a  
22 little thinner than others.

23 Q. What about against the rib and  
24 the roof and ---?

25 A. Yeah. I mean, sometimes when

111

01 you finish it, you may have a little  
02 piece of mortar that fell out where  
03 it was still wet, but it fell down  
04 some and it created a little hole or  
05 something. We'd go back and put

06 additional mortar on.  
07 Q. Both in by and out by sides?  
08 A. Mainly on the out by side I did  
09 smear a bucket that I had left over  
10 from another seal.  
11 Q. When you say a bucket, was  
12 that a bucket that ---?  
13 A. It was a bucket that was  
14 reached over to me that was mixed.  
15 And I got sealed in behind ---  
16 instead of packing it out, I smeared  
17 it on another seal.  
18 Q. That wasn't a pre-mix that  
19 came in in that bag?  
20 A. No.  
21 Q. That was just a bucket that  
22 you used ---?  
23 A. Just a bucket of B-Bond they  
24 reached over to me.  
25 Q. Okay. After you applied that  
01 and you would go back, was it hard  
02 material or was it soft or ---?  
03 A. The B-Bond?  
04 Q. The B-Bond.  
05 A. Hard.  
06 Q. On the outside, approximately  
07 how thick was the mortar?  
08 A. I'd say some of them  
09 three-quarters, maybe even an inch.  
10 Q. Did anyone ever say how thick  
11 that mortar was supposed to be?

112

12 A. I think they said a quarter  
13 inch, just like the rest of it.  
14 Q. Meaning the joints?  
15 A. Yeah.  
16 Q. Did you just eye that  
17 thickness? You never tried to  
18 measure it?  
19 A. I never did take a tape  
20 measure. I measured it with  
21 eyeballing.  
22 Q. What seal contained a water  
23 trap?  
24 A. Number One seal.  
25 Q. Number One seal. And how far  
  
01 was that water trap off the mine  
02 floor?  
03 A. Approximately 12 inches, just  
04 by looking at it. I wasn't there  
05 when it was installed, but I was  
06 around some.  
07 Q. And you say you weren't around  
08 when that was installed. And that  
09 was because ---?  
10 A. I was working on the section.  
11 Q. Yes. That's --- that was  
12 during the time that you were working  
13 on a section that you did not see  
14 that water trap being installed; is  
15 that correct?  
16 A. Yes.

113

17 Q. And how far --- you saw them  
18 afterwards, though, after they were  
19 installed, when you went back ---?  
20 A. And finished the back, yeah.  
21 Q. Yes. How far were they apart,  
22 meaning horizontally?  
23 A. Horizontally, approximately  
24 12, 15 inches.  
25 Q. And they were both made out of

114

01 the same material, I believe you  
02 mentioned?  
03 A. Yeah, PVC pipe.  
04 Q. PVC pipe. Were there any  
05 screws, do you recall, in those  
06 joints to hold the joints together at  
07 all?  
08 A. They had a can of glue there,  
09 so I assume they glued them.  
10 Q. But you didn't see any screws  
11 installed in ---?  
12 A. No.  
13 Q. And you were there when they  
14 completed Number Ten seal?  
15 A. Yeah.  
16 Q. Did anyone dump any water or  
17 anything in that water trap?  
18 A. Not that I seen.  
19 Q. Did you ever see water in the  
20 water trap?  
21 A. No. I said after they was  
22 completed, I heard one of the bosses

23 say they was going to go back and  
24 dump anti freeze in it, but I didn't  
25 see them do it or nothing.

115

01 Q. And the size of those water  
02 traps you said you thought was six or  
03 eight inches?

04 A. Six inch and one probably two  
05 inch, maybe even three inch on  
06 another one.

07 Q. Did it have gate valves on  
08 them?

09 A. No, just traps.

10 Q. The Number Ten seal, it had a  
11 gas sampling?

12 A. It had a gas check valve in  
13 it, which was constructed of two  
14 pieces of 20-foot steel pipe,  
15 approximately two inches in diameter,  
16 was coupled together and put through  
17 the seal. It had approximately three  
18 or four cribs built behind it to  
19 support it up. It was supposed to  
20 have a piece of quarter-inch copper  
21 tubing put through, which I did not  
22 help install it, so ---. I know they  
23 brought them in the mines to do.  
24 I did not see it done. And on the  
25 end of it, it had a gas check valve.

116

01 Q. Approximately how much of that

02 pipe was left sticking out on the  
03 outby side?  
04 A. I'd say probably approximately  
05 18 inches, 12 inches from the roof.  
06 Q. And how far protruding through  
07 the back into the inby end?  
08 A. However wide the seal is. The  
09 pipe was 40 foot to begin with, so  
10 probably at least 35.  
11 Q. So the remainder of the ---?  
12 A. The remainder of the pipe was  
13 sticking through.  
14 Q. Do you recall any pipes or  
15 wires or cables of any sort extending  
16 through the seal that you might have  
17 had to go around, build around or  
18 anything like that?  
19 A. No, nothing like that.  
20 Q. Was there any track going  
21 through the seal?  
22 A. No.  
23 Q. Were there any roof supports  
24 installed on the outby side of the  
25 seal?

117

01 A. Every seal had two cribs  
02 placed behind the seal and in front  
03 of the seal, except for Number One  
04 seal. I think we placed seven or  
05 eight cribs behind it because it was  
06 forked off as it went through.  
07 Q. That Number One seal, did you

08 ever have an opportunity or see  
09 anyone measure the width of that  
10 seal?  
11 A. No. It was a fairly wide seal  
12 because it was catty-corner from one  
13 rib to the next?  
14 Q. I mean, did it seem wider than  
15 the other seals?  
16 A. It was pretty wide. It took  
17 almost a skid block for one row.  
18 Q. The height, was it any higher  
19 than ---?  
20 A. We had to build some of the  
21 cribs, stack cribs up and place fly  
22 boards to get on top of it. We built  
23 the scaffolding up from front and  
24 backside of it.  
25 Q. Once you were completed there,

118

01 did you have --- what about any  
02 leftover wedges, any leftover fly  
03 boards?  
04 A. We took a day back there to  
05 clean everything up. Any leftover  
06 busted Omega block we put on the  
07 roadway and smashed it in on the  
08 holes in the roadway. You know,  
09 wedge and like that, we hauled out.  
10 Q. So basically there were not  
11 any extraneous materials or any  
12 additional supplies laying ---?

13 A. There may have been six or  
14 seven bags of B-Bond left back in  
15 there on a skid. Somebody could have  
16 got it, but I wasn't with them when  
17 they did.

18 Q. How did rock dusting look?

19 A. We went back in to put  
20 approximately --- I think they were  
21 200-pound bags or 2,000-pound bags of  
22 rock dust and a slim duster, took a  
23 scoop in and rock dusted all the way  
24 back out.

25 Q. Who was ---?

119

01 A. It was very heavily rock  
02 dusted.

03 Q. Could you see your footprints  
04 in it?

05 A. Oh, yeah.

06 Q. Was there a thickness to it?

07 A. I didn't measure it. I mean,  
08 it was thick enough you could see  
09 footprints in it when you walked  
10 through it.

11 Q. Pretty white?

12 A. Yeah.

13 Q. How about on the inby side?

14 A. On the inby side?

15 Q. Yes.

16 A. That would have been rock  
17 dusted in there. All the rock dust  
18 that was in there was left when they

19 mined. We didn't scatter any rock  
20 dust on the inby side.

21 Q. As you looked back through  
22 there, did it look white or gray or  
23 black?

24 A. On the inby?

25 Q. Yes.

120

01 A. It was kind of gray-looking.

02 Q. Did you happen to take any  
03 notes while you were --- during the  
04 construction process?

05 A. No.

06 Q. When you were cleaning up for  
07 the seals, did you clean enough area  
08 on the outby side of the seals to  
09 accommodate another seal if maybe one  
10 started crushing or something?

11 A. No.

12 Q. So it was just cleaned in the  
13 immediate area of the seal?

14 A. Yeah.

15 Q. Did you ever use like used  
16 block, used Omega block, or did you  
17 use all new block?

18 A. I think we all used all ---  
19 maybe --- I think maybe the boss did  
20 have me put three used Omega block in  
21 that come off from the stopping that  
22 was behind the seal. We needed three  
23 more blocks from the backside, and he

24 did get three used block. I put them  
25 in.

121

01 Q. Was there any mortar on those  
02 blocks?

03 A. They used a pre-mixed bucket  
04 mud on it. It just peels right off  
05 of them.

06 Q. How did you take that mud off?

07 A. You just take your glove and  
08 wipe it off. I mean, it just come  
09 right off.

10 Q. What seals was that put in?  
11 Or which seal, I guess I should say?

12 A. I'm going to say on Number  
13 Five seal, because ---.

14 Q. The seal that you had  
15 identified on the map as Number Five?

16 A. Yes.

17 Q. And all seals were entirely  
18 Omega block?

19 A. Yeah.

20 Q. Were there any pier --- on any  
21 occasion, did you have to build a  
22 pier or like a concrete base before  
23 you put the seal on?

24 A. No.

25 Q. And no pilasters or anything?

122

01 A. No.

02 Q. In all the seals, you used the  
03 same type of mortar?

04 A. Yeah.  
05 Q. You never used any cement?  
06 A. No.  
07 Q. And none of it ever came in  
08 buckets?  
09 A. No.  
10 Q. And you never had --- I think  
11 I did ask you this, but you never wet  
12 the blocks, only that time you were  
13 telling me whenever they came in ---  
14 A. Just them from outside.  
15 Q. --- from outside, okay.  
16 During the construction process, did  
17 you ever encounter any problems of  
18 any sort that you recall?  
19 A. No.  
20 Q. Everything went smoothly?  
21 A. Biggest part of the time, yes.  
22 It just depended on what boss ---  
23 some of the bosses had us packing  
24 B-Bond for two or three blocks at a  
25 time.

123

01 Q. Did you ever think the seals,  
02 some of the seals or anything were  
03 being installed in the wrong way,  
04 that you thought differently or  
05 anything like that?  
06 A. I thought we done a pretty  
07 good on them. When we first started  
08 building them, somebody told me that

09 they was going to pump slurry behind  
10 them, so I was building them the  
11 strongest we could because I thought  
12 they were going to have water, slurry  
13 pumped behind them. Then that was  
14 all wrong. I mean, they just ---  
15 somebody just thought that up and  
16 told me. And I believed them because  
17 I was new. I didn't know what was  
18 going on.

19 Q. Pump slurry?

20 A. Yeah, pump slurry in behind  
21 them.

22 Q. Who told you that?

23 A. I don't remember who it was.  
24 That's what they told me they done at  
25 seals. I guess at one mine, at

124

01 Brooks Run, they do pump their slurry  
02 in behind and pump it back out for  
03 the prep plant.

04 Q. I see. Do you know who the  
05 person is that was responsible for  
06 ordering the supplies for that area?

07 A. I guess our boss just let the  
08 dispatcher know what he needed.

09 Q. And who was ultimately  
10 responsible for the construction of  
11 the seals?

12 A. I guess our foreman of the  
13 day. I mean, we had several bosses  
14 working with us different days.

15 Q. Would I be correct in saying  
16 that you were never in by the seals of  
17 any distance, that you were just in  
18 the immediate area? You were never  
19 up in the old Two Left area?

20 A. No. It was dangered off due  
21 to the bottom mining.

22 Q. Did you ever hear anyone talk  
23 about --- at the mine talking about  
24 cutting through any charted holes or  
25 uncharted holes, mining through those

125

01 at all?

02 A. No. The only thing I ever  
03 heard about the old Two Left is the  
04 top got so bad they couldn't drive it  
05 no further, and they bottom mined it  
06 back out.

07 Q. Did you ever hear anyone ---  
08 or do you know of anyone who may have  
09 detected methane in a sealed area?

10 A. As far as I know, there was  
11 hardly no methane in that mine  
12 whatsoever, anybody even talking  
13 about it.

14 Q. So no one detected methane in  
15 the --- right in the immediate seal  
16 area?

17 A. Not that I'm aware of.

18 Q. Did you ever hear anyone speak  
19 about maybe they had left any old

20 equipment up in that old Two Left  
21 area or batteries or anything like  
22 that? Did you ever hear anyone talk  
23 about that?  
24 A. No.  
25 MR. SWENTOSKY:

126

01 Brian, do you have  
02 anything?

03 MR. MILLS:

04 Just one, or maybe two.

05 BY MR. MILLS:

06 Q. Did you ever count how many  
07 courses you laid?

08 A. Omega block? Never did ---

09 Q. Never did?

10 A. --- count them.

11 Q. So you had to use scaffolding  
12 on Number One?

13 A. On, yeah, Number One. We used  
14 scaffolding on it.

15 Q. On the seal or the ---?

16 A. Yeah, on the seal itself to  
17 get the blocks up high. I think that  
18 was the biggest seal we built, was  
19 Number One.

20 Q. If you were going to  
21 guess ---?

22 A. Yeah, that's the highest one  
23 for sure, because I'm pretty tall and  
24 I was standing on maybe two Omega  
25 block with fly boards, still having

01 problems reaching the top of them.  
02 Q. How tall are you?  
03 A. 6' 3". That's pretty tall.  
04 MR. MILLS:  
05 That's all I've got.  
06 BY MR. SWENTOSKY:  
07 Q. Did you ever measure how high  
08 you could reach?  
09 A. No.  
10 Q. Okay.  
11 MR. SWENTOSKY:  
12 Let's take a break.  
13 SHORT BREAK TAKEN  
14 BY MR. SWENTOSKY:  
15 Q. Who supplied your equipment?  
16 Was it GMS or Anker?  
17 A. Our?  
18 Q. Like hammers, saws, gloves.  
19 A. I bought some of the stuff  
20 myself, and Anker bought the saws,  
21 axes and stuff like that.  
22 Q. Do you know about the  
23 supplies, meaning the block ---?  
24 A. Anker supplied them.  
25 Q. Anker supplied all that?

01 A. Yes.  
02 Q. Okay. What type of training  
03 did you initially have?  
04 A. I had an 80-hour mining

05 course. Went and took my apprentice  
06 miner's test.  
07 Q. And that was prior to you  
08 starting any ---?  
09 A. Yeah. And the day we started  
10 at Sago, Al went over all the  
11 escapeways with us and ---.  
12 Q. During that 80 hours, the roof  
13 control plan, the ---?  
14 A. They went over the roof  
15 control plan. Every mine has a  
16 different roof control plan. There  
17 was never no one certain one.  
18 Q. And that was the type of  
19 training that's provided by West  
20 Virginia? Or who is that provided  
21 by?  
22 A. It was provided by --- well, I  
23 just called the instructor myself and  
24 got a class set up.  
25 Q. Who was the instructor?

129

01 A. Jeff Toler.  
02 Q. Did you sign a form or  
03 anything when you were completed?  
04 A. Yeah.  
05 Q. Did the trainer sign?  
06 A. Yeah.  
07 Q. And you say that was Jeff  
08 Toler ---  
09 A. Yeah.  
10 Q. --- who signed that? Whenever

11 you started at the mine, you had said  
12 that the first day you didn't go  
13 underground, so you went over  
14 escapeways. And did he talk to you  
15 about the mine emergency and  
16 evacuation plan?

17 A. That he had the intakes marked  
18 in green, which is your primary  
19 escapeway. Secondary escapeway is  
20 marked in red, which is your track,  
21 to return to your ---.

22 Q. Did he talk about what to do  
23 in case of an explosion or  
24 emergencies, fires or anything like  
25 that?

130

01 A. Get to the intake.

02 Q. Did he mention to you who the  
03 responsible person would be and who  
04 would give the instructions on the  
05 evacuation if an explosion or fire  
06 occurred?

07 A. I didn't receive none.

08 Q. Are you familiar with the  
09 evacuation procedures?

10 A. Just I guess what I know from  
11 my class and stuff. If your  
12 escapeway is blocked off, barricade.

13 Q. What did they tell you about  
14 barricading?

15 A. If your escapeway is all

16 blocked off, fire barricade yourself  
17 in and pound on a roof bolt five  
18 times every 15 minutes or the floor,  
19 whatever you can pound on.  
20 Q. And he went over the  
21 escapeways with you?  
22 A. Yeah.  
23 Q. How were the escapeways marked  
24 at Sago Mine?  
25 A. Your main intake was your  
01 primary escapeway, it was marked in  
02 green. The track is your secondary  
03 escapeway, which is marked in red.  
04 And the return is marked in yellow.  
05 Q. Did you ever have an  
06 opportunity to participate in any  
07 escapeway drills?  
08 A. No.  
09 Q. By that I mean walk out an  
10 escapeway with anyone.  
11 A. No. Just the track.  
12 Q. You rode the track?  
13 A. Yeah.  
14 Q. Never walked the intake  
15 escapeway?  
16 A. No.  
17 Q. You guys, did you ever  
18 participate in any fire drills?  
19 A. No.  
20 Q. Do you have SCSR training, ---  
21 A. Yes.

22 Q. --- self-contained self-  
23 rescuer training?  
24 A. I've had it probably two or  
25 three times.

132

01 Q. Two or three times. And who  
02 provided that training for you?

03 A. The first time I took it  
04 through Superior Mine Contracting.  
05 We had a class there at the mines.  
06 Al briefly went over --- he asked you  
07 if you know how to use them. We  
08 explained to him, you know, how to  
09 use them.

10 Q. Did you ever have to  
11 demonstrate on how to don the SCSR?

12 A. Put it on?

13 Q. Yes.

14 A. Yeah, at Superior we did.

15 Q. And how did you do that?

16 A. You just --- you go down on  
17 one knee, pop it open, put it around  
18 your neck, put your mouthpiece in,  
19 pull cord. If no air come out, blow  
20 into your mouthpiece, then put your  
21 nose clamp on and your goggles.

22 Q. And when you went to the mine,  
23 to Sago, Mr. Toler, he just went over  
24 that with you? You didn't do any  
25 demonstration or anything?

133

01 A. Well, Al Schoonover is the one  
02 who went over all that. He's the  
03 safety man at Sago.

04 Q. But did he demonstrate again  
05 or just talk to you about it or what?

06 A. Al, he talked to us about it.

07 Q. Okay. Did you review first-  
08 aid training? Or did they talk to  
09 you about first-aid training?

10 A. I got my first aid card also,  
11 a first-aid and CPR instructor.

12 Q. Okay. While you were at the  
13 mine, were you ever like alone or by  
14 yourself working on those ---?

15 A. There was times, you know,  
16 you're by yourself briefly, for maybe  
17 a couple minutes or so, while they  
18 went and got some supplies. They put  
19 you in a work area and you stayed  
20 there.

21 Q. During your training there and  
22 review with Mr. Schoonover, did they  
23 talk to you about the ventilation  
24 plan or the roof control plan at all?

25 A. Just the ventilation, where

134

01 the intake was and returns.

02 Q. Do you feel the training that  
03 you had was adequate?

04 A. I felt safe in the mines. I  
05 felt that I could get out if  
06 something did happen. I knowed my

07 way out.  
08 Q. Are there any areas that you  
09 think should be added to the  
10 training?  
11 A. I'll take all the training I  
12 can get right now.  
13 Q. Okay. That's good. That's  
14 good. Have you ever been searched  
15 for smoking articles?  
16 A. No. I don't smoke anyway.  
17 Q. Did anyone ever ask you, do  
18 you have smoking materials or did  
19 anyone ever ---?  
20 A. Our first day there, Al asked  
21 --- neither one of us smoked. He  
22 said, you all know you do not smoke  
23 in the mines. And I don't smoke.  
24 Q. But no one ever did a pat-down  
25 or checked your bucket or anything

135

01 I like that ---  
02 A. No.  
03 Q. --- at the mine?  
04 A. No.  
05 Q. Have you ever observed anyone  
06 smoking in the mine?  
07 A. No.  
08 Q. Have you ever found any  
09 smoking materials, such as matches,  
10 cigarettes?  
11 A. No.

12 MR. SWENTOSKY:

13 Do you have anything

14 else?

15 BY MR. MILLS:

16 Q. Two questions. Did you

17 receive any training from GMS?

18 A. No. I've never even met the

19 guy that even runs GMS.

20 Q. The other training you got

21 before you came to Anker, what was

22 the name of that one?

23 A. Superior.

24 Q. What is that?

25 A. That's a contract company in

136

01 Summersville, Superior Contracting.

02 Q. Most of the time it was you,

03 Casey and Skip working on a seal?

04 A. Most of the time. Several

05 times it was Harmon Jordan, John

06 Jackson, Marty Conrad, Mike Triplett,

07 Seth Osbourne, Jeremy. Had several

08 people --- them four bosses, Harmon,

09 John Jackson, Mike and Marty, they

10 come and go helping us.

11 Q. Were there times when it was

12 just you and Casey?

13 A. And Skip, yeah.

14 Q. Skip. How long would it take

15 Skip if he took the scoop down to get

16 supplies to get back to you? How

17 long would he be gone?

18 A. When he first started, he  
19 would have been back and forth in  
20 maybe ten minutes.

21 Q. He would leave you and Casey  
22 alone for ten minutes at a time?

23 A. Most of the time we walked  
24 with him.

25 Q. Oh, you went ---?

137

01 A. Yeah, we had to follow the  
02 scoop.

03 Q. Okay.

04 BY MR. SWENTOSKY:

05 Q. Just one. You said you took  
06 this training from Superior?

07 A. Yeah.

08 Q. That was a training in --- and  
09 who provided that? Who was the  
10 instructor?

11 A. Timothy Grower I think was his  
12 name. I ain't sure what his last  
13 name was.

14 Q. Go ahead, you can spell it if  
15 you want.

16 A. I think it was G-R-O-W-E-R,  
17 something like that.

18 Q. Has anyone offered you  
19 anything or made any promise to you  
20 in exchange for you appearing here  
21 today?

22 A. No. I'm here to try to figure

23 out what caused the explosion and  
24 maybe even keep it from happening  
25 again.

138

01 Q. Do you have anything else that  
02 you could provide to us that you  
03 think might be relevant to the  
04 investigation or help us out in  
05 determining the cause of the  
06 investigation (sic)?

07 A. No.

08 MR. SWENTOSKY:

09 On behalf of MSHA, I  
10 would like to thank you for  
11 appearing here --- excuse me.  
12 On behalf of MSHA, I would  
13 like to thank you for  
14 appearing and answering the  
15 questions today. Your  
16 cooperation is very important  
17 to the investigation as we  
18 work to determine the cause of  
19 the accident. We ask that you  
20 not discuss your testimony  
21 with any person who may have  
22 already been interviewed or  
23 who may be interviewed in the  
24 future. This will ensure that  
25 we obtain everyone's

139

01 independent recollection of  
02 the events surrounding the  
Page 114

03 accident.  
04 After questioning our  
05 witnesses, other witnesses, we  
06 may call you if we have any  
07 follow-up questions and we  
08 feel the need to ask you any  
09 more questions. If at any  
10 time you have additional  
11 information regarding the  
12 accident that you would like  
13 to provide to us, please  
14 contact us at the contact  
15 information that was  
16 previously provided to you.  
17 And that's the business card  
18 with Mr. Gates' name on it.  
19 The Mine Act provides  
20 certain protections to miners  
21 who provide information to  
22 MSHA and, as a result, are  
23 treated adversely. If at any  
24 time you believe that you  
25 would have been treated

140

01 unfairly because of your  
02 cooperation in this  
03 investigation, you should  
04 immediately notify MSHA.  
05 If you wish, you may  
06 now go back over any answer  
07 you have given during the

08 interview and you may make any  
09 statement that you would like  
10 to make at this time.

11 A. I have nothing.

12 MR. SWENTOSKY:

13 Okay. Thank you again  
14 for your cooperation in this  
15 matter.

16 \* \* \* \* \*

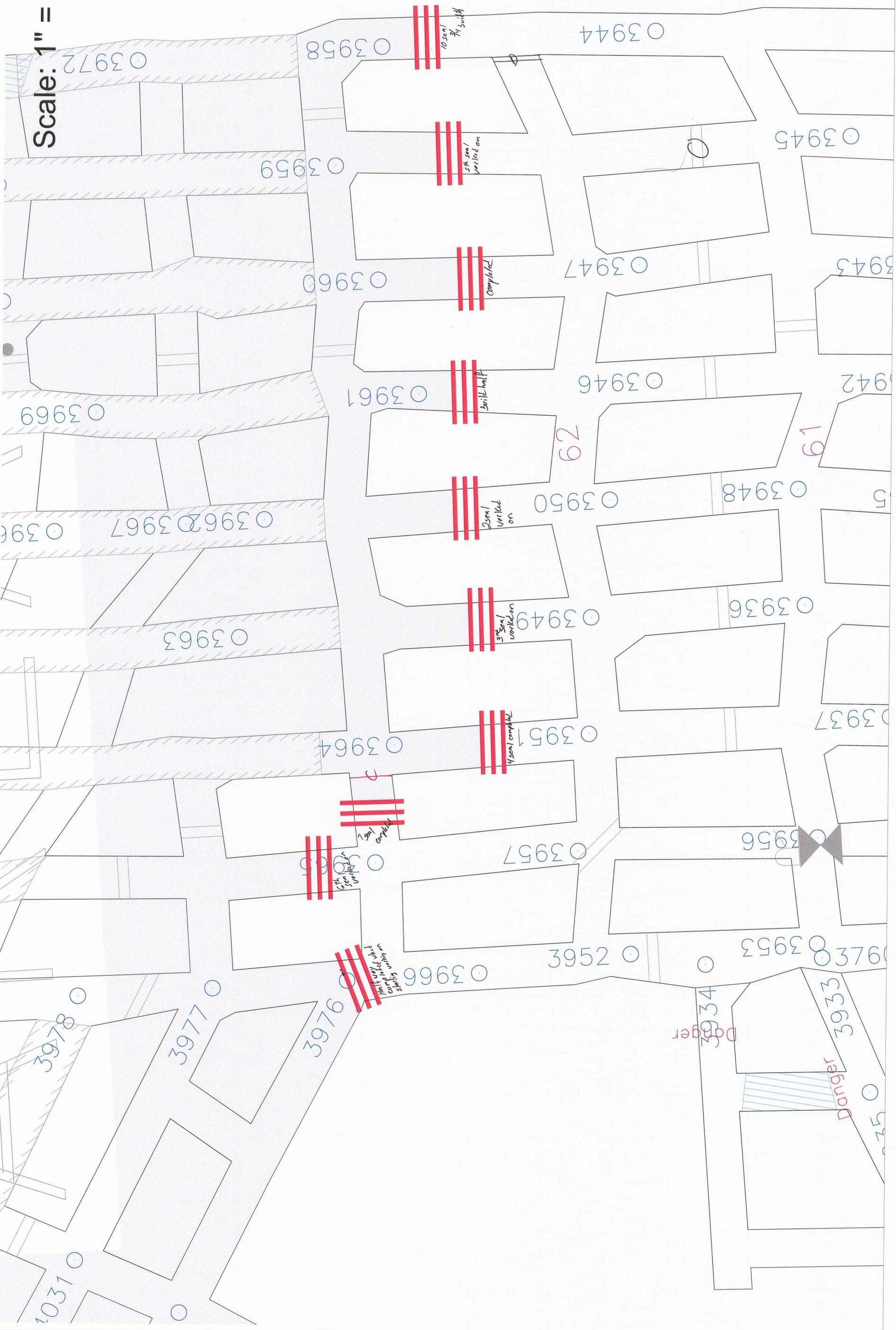
17 SWORN STATEMENT

18 CONCLUDED AT 5:06 P. M.

19 \* \* \* \* \*

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21  
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24  
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Scale: 1" = 50'

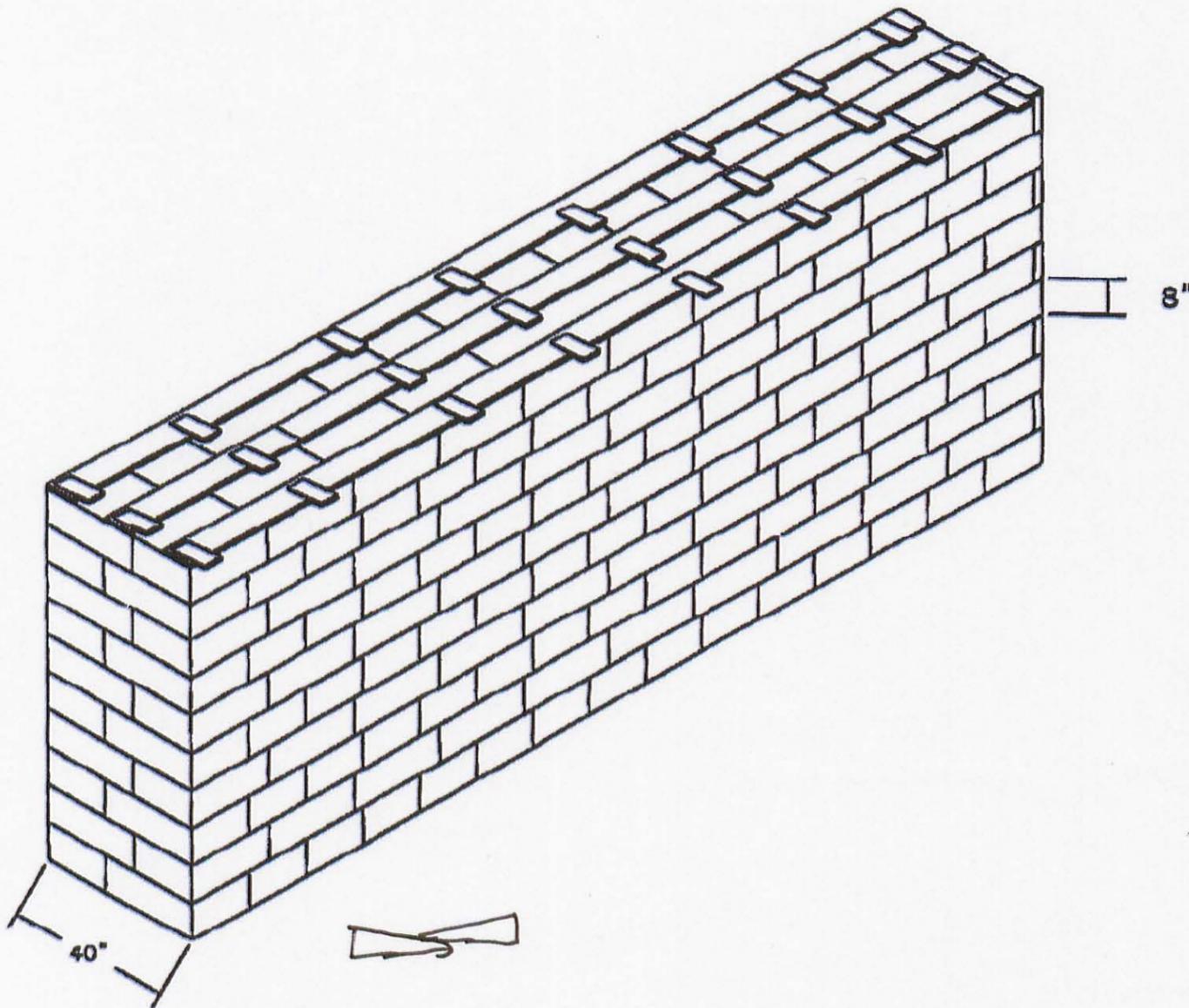


Danger

Danger

**40" THICK OMEGA BLOCK SEAL**  
**FOR USE 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