

STATEMENT UNDER OATH

OF

MICHAEL TRIPLETT

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at the U.S. Bankruptcy
Courthouse, 324 West Main Street,
Clarksburg, West Virginia, on
Wednesday, February 15, 2006 at 2:41
p.m.

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A P P E A R A N C E S

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

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I N D E X

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P R O C E E D I N G S

MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. With me is Bob Wilson from the Solicitor's Office, Brian Mills with the West Virginia Office of Miners' Health, Safety and Training and Mr. Dave Stuart with the State of West Virginia.

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

1 Virginia Office of Miners'
2 Health, Safety & Training to
3 gather information to
4 determine the cause of the
5 accident. And these
6 interviews are an important
7 part of the investigation.

8 At this time, the
9 accident investigation team
10 intends to interview a number
11 of people to discuss anything
12 that might be relevant to the
13 cause of the accident. After
14 the investigation is
15 completed, MSHA will issue a
16 written report detailing the
17 nature and causes of the
18 accident. MSHA accident
19 reports are made available to
20 the public in a hope that
21 greater awareness about the
22 causes of accidents can reduce
23 their occurrence in the
24 future. Information obtained
25 through witness interviews is

1 frequently included in these
2 reports. Your statement may
3 also be used in enforcement
4 proceedings at a later date.

5 I would like to thank
6 you in advance for your
7 appearance here today. We
8 appreciate your assistance in
9 this investigation. The
10 willingness of miners and mine
11 operators to work with us is
12 critical in our goal to making
13 the nation's mines safer. We
14 understand the difficulty for
15 you in discussing the events
16 that took place and we greatly
17 appreciate your efforts to
18 help us understand what
19 happened.

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

1 Mine Safety and Health
2 Administration and the West
3 Virginia Office of Miners'
4 Health, Safety & Training into
5 the conditions and events and
6 circumstances surrounding the
7 fatalities that occurred at
8 the Sago Mine owned by the
9 International Coal Group in
10 Buckhannon, West Virginia on
11 January 2nd, 2006. This
12 interview is being conducted
13 at the U.S. Bankruptcy
14 Courthouse in Clarksburg, West
15 Virginia on February 15th,
16 2006.

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

25 Mr. Triplett, this

1 interview will begin with my
2 asking you a series of
3 questions. If you do not
4 understand a question, please
5 ask me to rephrase it. Feel
6 free at any time to clarify
7 any statements that you make
8 in response to the questions.
9 After we have finished asking
10 questions, you will also have
11 an opportunity to make a
12 statement and provide us with
13 any additional information
14 that you believe may be
15 important.

16 If at any time after
17 the interview, you recall any
18 additional information that
19 you believe may be useful in
20 the investigation, please
21 contact Richard Gates at the
22 phone number and e-mail
23 address provided to you on
24 this business card. You can
25 have this.

1 Your statement is
2 completely voluntary. You may
3 refuse to answer any question
4 and you may terminate the
5 interview at any time. If you
6 need a break at any time, just
7 please let us know and we'll
8 do that.

9 A court reporter will
10 record your interview and will
11 later produce a written
12 transcript of the interview.
13 Please try and respond to all
14 questions verbally since the
15 court reporter cannot record
16 non-verbal responses. Also
17 please try to keep your voice
18 up. Copies of the written
19 transcripts will be available
20 at a later date.

21 If any part of your
22 statement is not based on your
23 own firsthand knowledge, but
24 on information that you
25 learned from someone else,

1 please let us know. Please
2 answer each question as fully
3 as you can, including any
4 information that you have
5 learned from someone else. We
6 may not ask the right question
7 to learn the information that
8 you have, so do not feel
9 limited in the precise
10 questions that we ask. If you
11 have information about the
12 subject area of a question,
13 please provide us with that
14 information.

15 At this time, Mr.
16 Mills, do you have anything
17 that you would like to add on
18 behalf of the Office of
19 Miners' Health, Safety &
20 Training?

21 MR. MILLS:

22 Here's our card we can
23 be reached at. The West
24 Virginia Office of Miners'
25 Health, Safety & Training is

1 conducting this interview
2 session jointly with MSHA and
3 are in agreement with the
4 procedures outlined by Mr.
5 Swentosky for the interviews
6 that will be conducted here
7 today. But the Director
8 reserves the right, if
9 necessary, to call or subpoena
10 witnesses or require the
11 production of any record,
12 document, photograph or other
13 relevant materials necessary
14 to conduct this investigation.

15 MR. SWENTOSKY:

16 Mr. Triplett, are you
17 aware that you may have a
18 personal representative during
19 the taking of this statement?

20 MR. TRIPLETT:

21 Yes.

22 MR. SWENTOSKY:

23 Do you have a
24 representative here with you
25 today?

1 MR. TRIPLETT:

2 Yes.

3 MR. SWENTOSKY:

4 And could you identify
5 that person, please?

6 MR. TRIPLETT:

7 Ms. Kilpatrick.

8 MR. SWENTOSKY:

9 Has anyone suggested
10 that you use Ms. Kilpatrick?

11 MR. TRIPLETT:

12 No.

13 MR. SWENTOSKY:

14 Are you aware that your
15 representative may have a
16 conflict of interest in
17 representing you while
18 providing --- being provided
19 by someone else, such as the
20 company?

21 MR. TRIPLETT:

22 Yes.

23 MR. SWENTOSKY:

24 With this
25 understanding, do you still

1 want this person to be your
2 representative?

3 MR. TRIPLETT:

4 Yes.

5 MR. SWENTOSKY:

6 Have you been pressured
7 in any way to accept this
8 person as your representative?

9 MR. TRIPLETT:

10 No.

11 MR. SWENTOSKY:

12 With this
13 understanding, do you still
14 want this person as your
15 representative?

16 MR. TRIPLETT:

17 Yes.

18 MR. SWENTOSKY:

19 Do you have any
20 questions regarding the manner
21 in which the interview will be
22 conducted before we get
23 started?

24 MR. TRIPLETT:

25 I don't guess.

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MR. SWENTOSKY:

Could you swear in Mr. Triplett, please?

MICHAEL TRIPLETT, HAVING FIRST BEEN
DULY SWORN, TESTIFIED AS FOLLOWS:

MR. STUART:

Mr. Triplett, to your understanding, does the firm your attorney's with represent your employer?

A. Pardon?

MR. STUART:

To your understanding, does the firm that your attorney is with represent your employer or ICG?

A. They told us they didn't. ICG employs them but they're --- she said that this is confidential between us.

ATTORNEY KILPATRICK:

You can go ahead and answer your understanding of what our relationship is.

1 A. She represents me not the
2 company.

3 MR. STUART:

4 Okay. And to your
5 understanding, she does not
6 represent - - - .

7 A. No.

8 MR. STUART:

9 - - - ICG?

10 A. No.

11 BY MR. SWENTOSKY:

12 Q. Okay. Could you please give
13 us your full name and spell your last
14 name for us, please?

15 A. Michael Triplett,
16 T-R-I-P-L-E-T-T.

17 Q. And could you provide us with
18 your address and telephone number,
19 please?

20 A. 7 Hillcrest Drive, Buckhannon,
21 West Virginia, 26201. Telephone is
22 304-472-7440.

23 Q. Okay. Are you appearing here
24 voluntarily today?

25 A. Yes.

1 Q. How many years of mining
2 experience do you have, Mr. Triplett?

3 A. About 31.

4 Q. Can you give us a brief
5 description of your coal mining
6 history?

7 A. I was --- I worked for Piston
8 Coal Company as laborer, later on as
9 a section foreman. I worked for them
10 for probably 10 to 12 years. I went
11 to Island Creek Coal Company. I was
12 a longwall foreman for probably eight
13 years. I then went to ADH (phonetic)
14 Coal Company, section foreman. Then
15 with Anker Coal, section foreman and
16 shift foreman for about eight years.

17 Q. And how much of this time was
18 spent at Sago Mine?

19 A. I'm not sure, probably around
20 three months.

21 Q. Three months at Sago Mine?

22 A. Yeah, somewhere in that area.
23 I'm not really sure.

24 Q. Okay. And what is your
25 present position?

1 A. I'm a supervisor, but not in a
2 supervisory position.

3 Q. Okay. And that's at Sago
4 Mine?

5 A. Yes.

6 Q. When you say present, okay.
7 Were you working on the day of the
8 accident?

9 A. No.

10 Q. Okay. How long have you been
11 in the --- your present position?

12 A. Three to four years probably.

13 Q. Okay. But that would include
14 ---

15 A. That's at another mine, yes.

16 Q. --- previous mine ---?

17 A. What it is, I worked at Spruce
18 Fork Mine, they shut it down and
19 we're supposed to go to another mine
20 but it's not ready yet, so they're
21 just using us, floating us around
22 until the mine is ready.

23 Q. Okay. I see. And the time at
24 Sago Mine, those three months, what
25 positions did you hold?

1 A. I didn't really have a
2 position. We worked on falls, we
3 built canopies to --- had four roof
4 falls. We built four canopies in
5 those falls. We set one or two
6 beltheads, just moving around,
7 whatever they needed done, just dust.

8 Q. The general work ---

9 A. Yes.

10 Q. --- that needed to be done?

11 Okay. Thank you. What mining
12 certificates do you hold, such as
13 mine examiner, mine foreman, that
14 kind of thing?

15 A. Mine foreman, shop fire, EMT,
16 dust sampler. That's all I can think
17 of.

18 Q. Okay. Do you hold any
19 certifications in other states, other
20 than West Virginia?

21 A. No.

22 Q. Just West Virginia?

23 A. Just West Virginia.

24 Q. Okay. And who is your
25 immediate supervisor?

1 A. Marty Conrad.

2 Q. And he is --- what position
3 does he hold?

4 A. He was mine foreman at Spruce,
5 but I don't know what --- I don't
6 know what it would be now. It's just
7 ---.

8 Q. Okay. But he was your
9 supervisor at Sago --- during your
10 stay at Sago Mine?

11 A. Yes, I guess he was. That's
12 who told us what to do.

13 Q. Okay. That's good enough.
14 Have you made any examinations at the
15 Sago Mine during your times there?

16 A. I walked the belts a couple
17 times.

18 Q. Walked the belts? And what
19 other examinations have you made as a
20 certified person?

21 A. Just belt and track.

22 Q. Just belt and track. Okay.
23 And how familiar are you with the old
24 Left Two main seals?

25 A. I helped to work on them two

1 to three times I think.

2 Q. Okay. Were you in charge at
3 all of the seals and just tell me a
4 little bit about your activities with
5 those seals?

6 A. We would --- generally we
7 would be working somewhere else if we
8 had an hour or two at the end of the
9 day. They would tell us to go work
10 on them and sometimes we'd plaster,
11 sometimes we'd hand them block,
12 sometimes we would mix mud, just
13 different things.

14 Q. Okay. When you would ---
15 during your help of building those
16 seals, who was in charge?

17 A. The first time was Jeff
18 Snyder.

19 Q. Okay.

20 A. And then the second time we
21 went it was Skip. I don't know what
22 his name is. Everybody just called
23 him Skip.

24 Q. Skip, James Scott maybe?

25 A. I don't know his name.

1 Q. Okay. Do you know --- and how
2 many times up there or how many times
3 were you involved? How many days
4 were you involved in ---?

5 A. I'm thinking three.

6 Q. Okay.

7 A. I'm not real sure but I'm
8 thinking three. I think I was up
9 there four, but the mine foreman came
10 and got me and had me go to the
11 section, so I didn't work on them
12 that day.

13 Q. Okay.

14 A. I'm thinking there's three
15 days that I can remember.

16 Q. How many seals had been
17 installed whenever you were up there?

18 A. I'm not sure, one or two.

19 Q. Do you recall which seals you
20 assisted in working on?

21 A. No, sir, I don't. One was on
22 the right side, Seven, Eight, Six,
23 somewhere in there. I'm not real
24 sure which one it was.

25 Q. So you wouldn't know whether

1 all the seals were the same or not?

2 A. No, sir.

3 Q. Okay. Were they --- when you
4 worked up there, was it just Omega
5 block that was being used?

6 A. Yes.

7 Q. Whenever you went up to assist
8 in constructing those seals, did
9 anyone talk to you about how the
10 seals would be constructed or review
11 any kind of information with you?

12 A. No. I asked the guys that was
13 working on it what they were supposed
14 to do and they told me they had them
15 lay up wet, quarter-inch mud between
16 the seams. But that was the guys
17 laying it, that didn't --- no one
18 else did.

19 Q. And what did you --- what were
20 the --- what jobs did you perform
21 whenever you assisted in construction
22 of the seals?

23 A. Sometimes I handed them
24 blocks, sometimes I helped plaster.

25 Q. Were you ever there whenever

1 they started --- started the seal?

2 A. Number One, I was there when
3 they started One.

4 Q. Number One. Okay. And do you
5 recall --- just tell me a little bit
6 about that Number One seal, how that
7 seal was constructed or what --- just
8 kind of tell me what --- when you
9 arrived there, what you did until you
10 left that particular day.

11 A. We laid up probably two to
12 three rows of blocks, then we ran out
13 of block. We had to get more block
14 in. I'm not sure, two, three,
15 somewhere in that area.

16 Q. Okay. And then when you ran
17 out of block, that was the end of the
18 day or ---?

19 A. Yeah. Well, we went somewhere
20 else. They waited --- it was a few
21 days before they finished that one.

22 Q. Okay. When you say you went
23 somewhere else, you went not to
24 another seal?

25 A. No. We went outby. We went

1 and did --- built stoppings or
2 shoveled belt, something. I'm not
3 sure what it was.

4 Q. Okay. All right.

5 A. But we didn't work on seals
6 anymore. That was our last. That
7 one and the last one on the right
8 wasn't built yet, so they had to
9 order blocks to do those.

10 Q. Okay. Were the ones from in
11 the center, Two, Three, Four, Five,
12 Six and Seven, Eight entries, were
13 they constructed? They had already
14 been constructed?

15 A. Yes.

16 Q. Okay. Can I ask how you know
17 that?

18 A. I walked across.

19 Q. You walked across there, okay.
20 And ---.

21 A. See sometimes when we didn't
22 have --- if we didn't have blocks,
23 we'd go clean up the old blocks and
24 the pallets and stuff and haul it
25 out.

1 Q. Okay. So you were up there
2 before that or before this day that
3 you worked on Number One seal?

4 A. Yes.

5 Q. And noticed that they were ---

6 A. Yes.

7 Q. --- some had already been
8 installed; is that correct?

9 A. Yes.

10 Q. Okay. But Number One is the
11 first seal that you assisted in
12 building?

13 A. No.

14 Q. No?

15 A. The one on the right.

16 Q. The one on the right?

17 A. Yeah. Six, Seven, Eight,
18 somewhere in there. I'm not ---.

19 Q. Okay. But the Number One then
20 is the only one that you started ---
21 that you were there when they started
22 ---

23 A. Yes.

24 Q. --- from the bottom?

25 A. Yes.

1 Q. Okay. Oh, okay. I understand
2 now. And how did they start that?
3 Did they --- how did they --- did
4 they clean the bottom or just ---?

5 A. Yeah, they chipped the bottom
6 out and laid --- poured cement out on
7 the ground and started the first row.

8 Q. Okay. When you say chip the
9 bottom out, how ---?

10 A. The bottom was uneven and they
11 chipped it out so the block would sit
12 in it, then the next one would come
13 --- you'd have like stair step where
14 it would sit level.

15 Q. Okay. When you say chip the
16 block, ---?

17 A. The bottom?

18 Q. The bottom?

19 A. Yes.

20 Q. Okay. They chipped the bottom
21 out. And did they clean the bottom
22 off with a scoop or anything like
23 that or had that already been done?

24 A. I'm not sure, sir.

25 Q. Okay. They didn't use a scoop

1 that day that you saw?

2 A. No, sir.

3 Q. Did they shovel any material
4 away off of the bottom?

5 A. I don't think they shoveled, I
6 think they took their hands and raked
7 it away.

8 Q. Okay. And the material that
9 you --- that was chipped off on the
10 bottom, that was raked away ---

11 A. Yes.

12 Q. --- with hand --- by hand?
13 Okay. How about the ribs, did they
14 do anything to the ribs that day?

15 A. No, sir.

16 Q. Okay. Do you recall any ---
17 was there any wire mesh or anything
18 up in that area?

19 A. One day there was wire mesh in
20 the belt heading --- track heading
21 out, one of those had had screen in
22 it and another one that I worked on.

23 Q. Okay. But not Number One?

24 A. Not Number One.

25 Q. Okay.

1 A. And we did cut the --- with
2 the seal in it, we cut the screen
3 down.

4 Q. Okay. Now, going back to this
5 Number One seal, you chipped the
6 bottom out and then what did they do?

7 A. Poured the cement down and
8 started the blocks.

9 Q. Okay. What do they do, just
10 dump that out of the --- take a bag
11 and dump it out on the ---

12 A. Yes, sir.

13 Q. --- on the bottom? Kind of
14 like --- does it come in like a rock
15 dust consistency when it's dry?

16 A. I don't know what you call it.
17 It's just that blue cement, had a
18 blue bag.

19 Q. Okay. And they just dumped
20 --- or when I say they, I mean you
21 assisted them in doing this?

22 A. Yes.

23 Q. Okay. And you just dumped it
24 out on the bottom dry; is that
25 correct?

1 A. Yes, sir.

2 Q. Was that what you used then to
3 level it out on the bottom?

4 A. I don't know if it leveled it
5 out or not. I guess it could, yes.

6 Q. Okay. Was the bottom damp or
7 anything like that whenever you put
8 it down?

9 A. I don't recall.

10 Q. Okay. This mortar, just
11 dumping it out dry on the bottom, did
12 you do that the entire width of the
13 entry, from rib to rib?

14 A. The left side is the only one
15 I saw anything dumped out.

16 Q. And you're saying ---.

17 A. I'm not sure about the ---.

18 Q. And you're saying the left
19 side, that would be looking inby
20 toward the old area --- part of the
21 mine?

22 A. Yes.

23 Q. Okay.

24 A. I know it was done on the
25 left, I'm not sure about the right.

1 Q. And you say the left from
2 center to about the rib or about that
3 or - - -

4 A. Yea, something like that.

5 Q. - - - distance? Okay. And you
6 don't recall whether the bottom was
7 damp?

8 A. I don't recall on the other
9 side.

10 Q. Okay. But was the bottom damp
11 in that area at all?

12 A. I'm not sure.

13 Q. Okay. When you laid the - - -
14 when you dumped the bag out, you had
15 just dry mortar down, was there any
16 water applied to that?

17 A. No, sir.

18 Q. No. Okay. Whenever you
19 started building the blocks, tell me
20 a little bit about that. Did you lay
21 them down dry or how did you do that?

22 A. No. They put the - - - they
23 laid the first row down, mortared it,
24 sides and the top, laid another one
25 down and did the same thing.

1 Q. Okay. Now, you have this dry
2 mortar down and you say you mortared
3 the block, the Omega block. What do
4 you mean --- did you mix up cement
5 ---

6 A. Yes.

7 Q. --- or mix up BlocBond ---

8 A. Yes.

9 Q. --- in these bags? And those
10 colored bags were what color.

11 A. Blue.

12 Q. Blue bags. Was there any
13 other type of bag that was used to
14 mortar, do you recall?

15 A. Not when I was there.

16 Q. Not when you were there. Just
17 this same type of mortar?

18 A. Yeah.

19 Q. Did anybody happen to read
20 those instructions, do you recall,
21 that may have been on the bag or may
22 not have been on the bag?

23 A. I think someone read them, but
24 I don't know. I think I read them.

25 Q. Okay. Do you recall what

1 they - - - ?

2 A. No, they just told how much
3 water to add and - - -

4 Q. Okay.

5 A. - - - that's about all I
6 remember.

7 Q. Okay. And when a block was
8 laid down, you say that there was
9 some mortar mixed up?

10 A. Yes.

11 Q. And who mixed that mortar?

12 A. Just different people. John
13 Jackson mixed a lot.

14 Q. Pardon me?

15 A. John Jackson mixed some.
16 Harmon Jordan mixed some. Just
17 everybody. Just someone gets tired,
18 someone else will take over.

19 Q. Okay. The first name that you
20 said, and I apologize, but I didn't
21 pick up the last name.

22 A. Jackson.

23 Q. Oh, John Jackson, okay. And
24 did you mix up any mortar?

25 A. I'm not sure. I may have. I

1 don't know.

2 Q. Okay. And how much water was
3 applied per bag whenever you mixed
4 --- or how --- let me start it this
5 way. How many bags did you --- were
6 you able to mix up in the ---?

7 A. Most of the time they mixed
8 probably two, two bags to two.

9 Q. Okay. And how much water
10 would you have applied?

11 A. I don't know. I couldn't
12 guess.

13 Q. Did it come in --- did you use
14 five-gallon buckets or two-gallon
15 buckets?

16 A. Five-gallon.

17 Q. Five-gallon buckets. When you
18 put two bags in, do you recall, did
19 you dump the whole bucket in ---

20 A. No.

21 Q. --- or half the bucket in?

22 A. No. They dumped half to
23 three-fourths and then they'd mix it
24 and they'd keep adding cement to it
25 until they got what they wanted.

1 Q. And approximately how many
2 bags again?

3 A. One and a half usually to two.

4 Q. Okay.

5 A. Most of the time, probably one
6 and a half.

7 Q. One and a half bags?

8 A. Yeah.

9 Q. And about a half to
10 three-quarters of a five-gallon
11 bucket of water?

12 A. Yeah, something like that.

13 Q. Okay. And kind of describe to
14 me how you would have laid that first
15 block down when you say you applied
16 mortar to it. Could you kind of
17 describe that a little bit.

18 A. They laid the first one down
19 and then we put mortar on top of it,
20 the sides of it and then laid another
21 one on top of it and mortared the
22 sides and top of it.

23 Q. Okay. When you laid those
24 blocks down, did you lay them down
25 dry or wet or --- when I say dry or

1 wet, the block itself?

2 A. The first row they put down,
3 they put cement on all of it, all the
4 top of it, completely plastered the
5 top.

6 Q. Okay.

7 A. Then they lay the block on top
8 of it. And then you did the sides
9 and stuff and then they did the top
10 again, laid another block on it.

11 Q. And I apologize for having to
12 back up here. I'm just trying to
13 completely understand this. Going
14 back to that first block, the
15 underneath portion, you just laid the
16 block down dry ---

17 A. Yes.

18 Q. --- on top of the dry mortar
19 that you had sprinkled out over the
20 bottom out of the bag?

21 A. Yes, sir.

22 Q. Okay. There was no wet mortar
23 ---

24 A. No.

25 Q. --- laid down on top? Okay.

1 A. None that I saw.

2 Q. Okay. And how many blocks did
3 you lay side by side? What I'm
4 getting at is, the thickness of the
5 seal?

6 A. You laid two blocks. One this
7 way and one this way. I don't know
8 how to say it.

9 Q. So it would be one parallel,
10 say longways, --- those blocks ---
11 let's put it this way, those blocks
12 are 16 by 24; is that correct?

13 A. It's 40-inches thick.

14 Q. Okay. And you have laid one
15 block parallel to the width of the
16 entry which would be the 24 and then
17 the one behind it, you would have
18 laid perpendicular---

19 A. Yes.

20 Q. --- to that block? In other
21 words, the opposite direction,
22 butting against that first block?

23 A. Yes, sir.

24 Q. And would that give you the 40
25 inches; is that correct?

1 A. Yes, sir.

2 Q. Now, when you laid your first
3 row of block, was that a complete
4 double row or was that just a single
5 row?

6 A. Double block.

7 Q. Okay. So that would have been
8 clear across the entry?

9 A. I'm not sure it's clear across
10 or halfway or what.

11 Q. Okay. But it was some
12 distance across?

13 A. Yeah.

14 Q. And during the laying of those
15 initial blocks, you laid one block
16 down and then you would lay one
17 butting against it. Was there any
18 mortar placed on those blocks prior
19 to getting a number of blocks set
20 down and then pouring the cement on
21 top?

22 A. I'm not sure.

23 Q. Okay. Did you leave spaces
24 between the joints of the blocks for
25 mortar to run down or did you just

1 butt them up tight?

2 A. Most of them had spaces.

3 Q. Had spaces. And what was that
4 space for?

5 A. Well, some of them just put
6 the mud on top and force it --- then
7 tried to force it down in.

8 Q. Okay. So that was the reason
9 for the spaces, to let the mortar run
10 down between; is that correct?

11 A. Yes. I guess. I always put
12 mud on the back of the ones I did.

13 Q. Explain that to me again.

14 A. When the block is laying flat,
15 ---

16 Q. Yes, sir.

17 A. --- I put mud on this side and
18 on this side and then set it in, is
19 the way I did it.

20 Q. Okay. And the consistency of
21 the mortar, was it mixed up at
22 different consistencies, try to get
23 all the same consistency or ---?

24 A. Well, they tried to get the
25 same.

1 Q. The same. Can you kind of
2 explain what that is?

3 A. You know, you can't get it the
4 same.

5 Q. Yeah. And what type of
6 consistency were you looking for?
7 Can you explain it?

8 A. Well, something that wouldn't
9 fall off or something --- something
10 that sticks but something that would
11 be easy to work with, too.

12 Q. Okay. Would they ever mix it
13 up kind of, I'll use the word, soupy,
14 so that it would run down into the
15 joints that you had not put mortar,
16 ---

17 A. Yes, sir.

18 Q. --- you know, in? So they
19 would try and get it a thin
20 consistency so that it would go down
21 between spaces that you had left
22 during the laying of the block; is
23 that correct?

24 A. Yes, sir. Sometimes they tell
25 you they wanted it a little thicker.

1 Q. Okay.

2 A. Some of the blocks were
3 chipped up on the corner and you had
4 a big hole, if they wanted to fill
5 that up, then they'd get it thicker,
6 fill that up.

7 Q. And those holes, where would
8 you put those holes? You just tried
9 to keep those on the inside so they
10 could fill up with mortar?

11 A. Well, some were inside, some
12 were outside.

13 Q. Some were outside?

14 A. We just filled --- wherever
15 they were, we just filled them up
16 with mortar.

17 Q. Okay. Did you use all new
18 block or did you use some old blocks?
19 I notice you said ---.

20 A. All new.

21 Q. All new? But some of those
22 even had the little ---?

23 A. Yeah, you'd bring them in,
24 unload them and then pick them up and
25 haul them back up there, they get ---

1 some of them get bent up, beat up,
2 banged.

3 Q. Okay. Sometimes rather than
4 use mortar or anything, did they ever
5 use any like pieces of a bag? You
6 know, like when you're building the
7 stoppings and stuff, did you ever
8 stick any bag ---?

9 A. Not that I saw.

10 Q. Okay. And then you continued
11 across after you put so many blocks
12 across a --- as an example, halfway,
13 then you continued across the ---?

14 A. I'm not sure whether it was
15 halfway or all the way, I can't
16 remember. But I know we put up
17 probably three rows.

18 Q. Three rows?

19 A. Maybe four, I'm not sure.

20 Q. Okay. Well, then you would
21 have continued across the entire way
22 and you would have kept going up; is
23 that ---?

24 A. Well, they was out of blocks
25 after that four rows.

1 Q. Those three or four layers,
2 whatever it may have been, they were
3 all installed the same? In other
4 words, you put the blocks down and
5 then the mortar on top, squeezed down
6 between, then lay another block on,
7 is that how you did that?

8 A. Yes, sir.

9 Q. And when you laid the blocks
10 down, you laid them down dry and then
11 left space in between those also, so
12 that the mortar would run down, is
13 that what ---?

14 A. Some of them did, yeah. Like
15 I said, I plastered the side, two
16 sides of it before I laid it up
17 there.

18 Q. When you say the two sides,
19 did you plaster or put mortar on the
20 wide sides or the narrow sides?
21 Meaning the 24-inch length or the 16-
22 inch length?

23 A. Both, one the 24, one the 16
24 is what I --- when I put it on, I put
25 one up the 16 and down the 24 and

1 laid it on.

2 Q. Okay. Did others do the same
3 thing or did they do it differently
4 or anything?

5 A. I'm not sure. I really didn't
6 notice.

7 Q. Okay. What did the
8 individuals that --- you had
9 mentioned that the individuals who
10 were laying the block there told you
11 how to do this.

12 A. They said lay it up wet, so
13 that's what I was doing.

14 Q. Okay. How did you tie the
15 ends into the ribs whenever ---?

16 A. We didn't.

17 Q. Okay. When you butted the
18 blocks against the rib, did you
19 mortar those in between the rib and
20 the block?

21 A. Yes.

22 Q. Okay. Do you wedge those in
23 with wedges or how did you do that?

24 A. I didn't see any wedges there.
25 There may have been, but I didn't see

1 any.

2 Q. Okay. Did you ever have an
3 opportunity to --- against the ribs,
4 whenever you had spaces in between
5 there that --- I know like you do in
6 the stoppings, you put paper in
7 there, you know, to kind of fill it
8 up. Did they ever have an
9 opportunity to have to do that, fill
10 up those voids against a rib?

11 A. I'm sure there had been an
12 opportunity, but I didn't see
13 anything. All I saw was mud there.

14 Q. Mud?

15 A. I didn't see any --- if it was
16 two or three inches, they would fill
17 it up with mud from what I saw.

18 Q. And how did they cut the
19 blocks?

20 A. Saw. They had a saw.

21 Q. You had a saw, okay. What
22 other seals did you assist on, do you
23 recall?

24 A. The one with the screen cut
25 down.

1 Q. Did you ever have an
2 opportunity to install a seal which
3 it was near the roof line?

4 A. No.

5 Q. Or finished it off? Were you
6 around whenever they had to finish
7 ---?

8 A. I was there one day. They
9 finished one off and I think we had
10 to go somewhere. I think he sent me
11 and somebody else somewhere else. I
12 didn't see them top it off.

13 Q. Okay. Do you remember them
14 putting boards up at all on top of
15 --- on top of the ---?

16 A. Yeah, we put two boards up
17 before I left on that one.

18 Q. On top of the seal?

19 A. Yeah, put two fly boards
20 across the top.

21 Q. How far from the roof were the
22 blocks whenever they inserted
23 that ---?

24 A. That one was probably two to
25 three inches.

1 Q. Two to three inches. And then
2 that's the block to the roof?

3 A. Yes.

4 Q. And they inserted the fly ---
5 how thick were those fly boards?

6 A. Probably an inch to maybe a
7 little --- some of them was a little
8 thicker and some of them was thinner.

9 Q. Approximately how long were
10 they?

11 A. Sixteen (16) foot.

12 Q. Sixteen (16) foot.

13 A. Sixteen (16) to 18. I'm not
14 sure what Sago uses. We use 16 at
15 Spruce, but I'd say Sago uses 16,
16 too.

17 Q. Well, let me ask you this,
18 whenever you put the board on top,
19 did it go rib to rib or was there a
20 little bit of gap between?

21 A. One of them they couldn't get
22 rib to rib, but it was a --- probably
23 a four-foot rib.

24 Q. Four feet. Because the roof
25 was kind of ---

1 A. Yeah.

2 Q. --- irregular right there?

3 A. Yes, sir.

4 Q. That was the reason. Okay.
5 So they had --- you said they had two
6 boards up on that particular seal?

7 A. I think so.

8 Q. Or about that, okay. The
9 wedges, how did they install those
10 wedges?

11 A. I didn't see them install the
12 wedges. I left then, I think.

13 Q. Did you notice --- did they
14 put any trenches in the rib or
15 anything like that?

16 A. No, sir.

17 Q. No?

18 A. Not that I saw.

19 Q. Notched the rib or anything
20 like that?

21 A. No.

22 Q. The seal that we were just
23 talking about and you think it was
24 approximately six. It doesn't make
25 any difference but it was about the

1 Number Six seal?

2 A. What the top?

3 Q. Yeah.

4 A. It was a screen down, it was
5 either the belt or track.

6 Q. Okay.

7 A. It would be Four or Five
8 probably.

9 Q. Okay. And that seal there,
10 where was it positioned whenever you
11 started on it, do you recall?

12 A. I'm not sure it was started.
13 I think we just cut screen down for
14 that one. You mean the one that was
15 fly boards?

16 Q. Yes. The one you said that
17 had the fly boards?

18 A. I'm not ---.

19 Q. Where was the seal ---?

20 A. I think it was on the right
21 side, but I'm not sure.

22 Q. Okay. But where was it at in
23 relationship to the construction, was
24 it --- did you --- were you there
25 when they started from the bottom?

1 A. It was probably three-fourths
2 of the way.

3 Q. Three-fourths of the way up?

4 A. Something like that.

5 Q. Okay. And was it installed in
6 the same manner that you described in
7 --- as you --- for Number One seal?

8 A. I'm not sure. I didn't --- we
9 didn't work on it. It was already
10 there when we got there.

11 Q. Okay. So it was
12 three-quarters of the way up. But
13 didn't you have to put more blocks on
14 it to get up ---

15 A. Yes, yes.

16 Q. --- to where you put the fly
17 ---? Okay. And that's what I was
18 alluding to. Did you install the
19 blocks for that seal to get to those
20 three inches --- within three inches
21 of the roof the same way that you
22 installed the seal blocks for the
23 Number One seal which you described
24 earlier?

25 A. I think so.

1 Q. Okay. They --- let's put it
2 this way. When they mix the mortar
3 up and they laid the blocks up there,
4 you laid the blocks up --- or put the
5 mortar on top of the blocks, is that
6 how you did that? Dumped it on top
7 and spread it around?

8 A. That's the way they did it up
9 so high, yes.

10 Q. Okay. And then you laid the
11 blocks up on top of that and across
12 and then you put more mortar on top;
13 is that correct?

14 A. Yes, sir.

15 Q. And then how did you get it
16 down into the seams?

17 A. I don't know they did the top.

18 Q. No. The blocks as you went
19 up, how did they get the mortar ---
20 when you dumped the mortar on top,
21 how did they get it up there?

22 A. In five-gallon buckets.

23 Q. Okay. They dumped it on top?

24 A. And made them so high.

25 Q. And how did they get it down

1 in the vertical joints?

2 A. They just took their hands and
3 worked it down in.

4 Q. Okay. Do you recall them
5 using any bags on that particular
6 seal at all, in the cracks or take up
7 space or anything like that?

8 A. No, sir.

9 Q. Did you assist in any of the
10 other seals?

11 A. Just those three.

12 Q. Okay. We talked about two of
13 them. Where approximately ---?

14 A. Number One and the one on the
15 right side and one in the middle
16 somewhere.

17 Q. Okay. So we had one you
18 started from the beginning about four
19 blocks high?

20 A. Yes, up at Number One.

21 Q. And then the one in where the
22 wire was, it was like three-quarters
23 of the way up and then you finished
24 it off. And then the third one,
25 where was it at?

1 A. It was on the right side. I'm
2 not sure.

3 Q. What position was it in
4 whenever you ---?

5 A. It was probably three to four
6 rows up and we built three to four
7 rows on it probably.

8 Q. Okay. And did you have an
9 opportunity to --- or how were the
10 fly boards put in that one?

11 A. I don't know. I wasn't there
12 for it.

13 Q. You didn't get any fly boards
14 at all?

15 A. No.

16 Q. Did they tell you how you're
17 supposed to put the fly boards in or
18 anything like that? Did you hear any
19 discussions about that?

20 A. No.

21 Q. Those blocks were laid the
22 same way as the other two?

23 A. When I was there they were,
24 yes.

25 Q. The mortar that was in ---

1 that you used, it was the same mortar
2 that you used all the time?

3 A. Yes.

4 Q. You didn't use any other that
5 like come in buckets or anything like
6 that?

7 A. No, sir.

8 Q. You said you did read the
9 instructions on the bag?

10 A. Yes, sir, I did.

11 Q. Do you recall what it said?

12 A. No, sir, I don't.

13 Q. Do you recall seeing any roof
14 supports installed on either side of
15 the ---?

16 A. Cribs.

17 Q. Cribs. About how many cribs
18 were ---?

19 A. Two on the backside. Supposed
20 to have been two --- they built two
21 on the backside as we went, so that
22 we wouldn't have to go back around to
23 build them. There was supposed to
24 have been two on the outby side, too,
25 I think, but those weren't built.

1 They were building the two cribs as
2 they built the seal.

3 Q. Okay.

4 ATTORNEY WILSON:

5 Just to clarify
6 something, when you say they
7 weren't built, are you saying
8 they weren't built when you
9 were there or they weren't
10 built at all?

11 A. The outby weren't built when I
12 was there. I didn't see it. I
13 didn't go back after. After we
14 finished up there, I never went back.
15 The last day I was up there was on
16 Number One and I haven't been back in
17 there.

18 ATTORNEY WILSON:

19 Okay. So you don't
20 know if they were built later?

21 A. No, I have no idea.

22 ATTORNEY WILSON:

23 Okay.

24 BY MR. SWENTOSKY:

25 Q. Getting back to the Number One

1 seal, was there a water trap in that
2 seal?

3 A. There was stuff there to put
4 one in. We put it together and cut
5 out in the block to set it down in.

6 Q. Okay.

7 A. But we didn't finish it. I'm
8 sure there was because Marty said he
9 went back to put --- to fill that
10 water trap up.

11 Q. Okay. And how did you cut
12 that out for the ---?

13 A. We just took a hammer and
14 picked it out where the elbow would
15 sit down in it and then we poured the
16 cement over it.

17 Q. Okay. And you put the pipe
18 in?

19 A. We put the elbow in and we had
20 it all stuck together ---

21 Q. Okay.

22 A. --- but we didn't ---.

23 Q. Did you lay the pipe into the
24 little notch, so-called notch, that
25 you made for it?

1 A. Yes.

2 Q. You did.

3 A. We cemented that in. The pipe
4 was in it, but it wasn't --- the
5 elbows and stuff wasn't glued
6 together.

7 Q. Okay. And when you did that,
8 did you lay another block on top of
9 it? Were you there for that?

10 A. I'm not sure. I don't think
11 we did because we was out of block.

12 Q. Did you notice whether there
13 was any cables or any reels or
14 anything like that running through
15 there, pipes?

16 A. No, sir.

17 Q. Metallic pipes or anything,
18 cables?

19 A. There was rail in there. We
20 drug it out.

21 Q. Okay.

22 A. All the rail.

23 Q. It didn't --- the rail didn't
24 protrude ---?

25 A. It didn't extend in the seals,

1 it just went --- there was an intake
2 stopping after the return stopping
3 outby the seals one block and it went
4 --- I think it went through it and we
5 pulled it out of there.

6 Q. Okay.

7 MR. SWENTOSKY:

8 Brian, do you have
9 anything?

10 MR. MILLS:

11 Just a couple.

12 BY MR. MILLS:

13 Q. Do you remember names of
14 people that were at the Number One
15 seal the day you were working there?

16 A. Marty Conrad.

17 Q. Any others?

18 A. John Jackson.

19 Q. Okay.

20 A. Harmon Jordan. Skip and there
21 was two red hats.

22 Q. You don't recall the red hats'
23 names?

24 A. George --- I'm not sure of his
25 last name. George and Casey, Casey

1 Short.

2 Q. George something and Casey

3 Short. Are these --- the other two
4 seals you worked on, same guys?

5 A. The first one Jeff Snyder was
6 there.

7 Q. Instead of?

8 A. Skip.

9 Q. Okay. Who did Jeff Snyder
10 work for?

11 A. ICG.

12 Q. How about Skip?

13 A. I think Skip worked for a
14 contractor.

15 Q. Do you know which contractor?

16 A. No, I don't.

17 Q. How about the two red hats,
18 who were they employed by?

19 A. They were contractors, too.
20 I'm not positive but I think they
21 were.

22 Q. So the first couple seals you
23 saw were under the direction of Jeff
24 Snyder and he was an ICG employee?

25 A. The first one. Not the ---

1 the second one, I'm not sure who was
2 in charge of the second one.

3 Q. Was it Jeff or Skip? You
4 don't remember?

5 A. I don't remember.

6 Q. Okay. Then the Number One
7 seal ---

8 A. Skip.

9 Q. --- was Skip?

10 A. Yeah.

11 Q. And he was working for a
12 contractor, okay. The seal that you
13 helped put the fly boards on, the top
14 row was both sets of blocks on the
15 top row when you put the fly boards
16 on? What I'm saying, was the 16 and
17 the 24 up there?

18 A. I think so, but I'm not
19 positive.

20 Q. Do you remember what row of
21 blocks the pipe through the Number
22 One seal for a water trap was in?

23 A. No, sir.

24 Q. And it was just a straight
25 pipe put in place and not the elbow?

1 A. There was a straight pipe and
2 it elbowed down and we put the elbow
3 down in the block and then the pipe
4 through it. We had it all together.
5 We had the long pipe, the elbow, and
6 everything stuck down in it.

7 Q. Okay. The elbow was part of
8 the block?

9 A. Yes, we had it stuck down the
10 block and cemented. It came down and
11 then back up.

12 Q. Okay. That was part of the 40
13 inches?

14 A. Yes, it was in the 40 inches.

15 Q. So in that 40 inches, we had a
16 section ---.

17 A. I think. Let me think, I may
18 be wrong. Now, that you mentioned
19 that, I don't remember.

20 Q. When you dug out for the trap,
21 the elbow, had you had a row of
22 blocks in?

23 A. Yes.

24 Q. So what would you have dug
25 out, out of the blocks or out of the

1 mine floor?

2 A. It was blocks. It was off the
3 floor.

4 Q. So the trap, you believe it
5 was in the section of block?

6 A. Yes, sir. I believe it stuck
7 out there, I believe it stuck ---
8 stuck out on the outside. I'm not---
9 I'm not sure now.

10 Q. You've seen other seals
11 before?

12 A. I've seen them. I never have
13 worked on them.

14 Q. I mean, throughout your career
15 in mining, you've seen other seals,
16 water traps on those seals, were they
17 part of the seal or away from the
18 seal, ---

19 A. I don't remember.

20 Q. --- the water trap? I'm
21 talking about the U part.

22 A. I think the U part was
23 outside, was away ---. I'm not sure.
24 I don't remember what it was. I just
25 remember putting it together.

1 Q. This first set of Omega blocks
2 seals, you worked on it?

3 A. Yes, sir.

4 Q. And you were up there, I think
5 you said Marty Conrad was your
6 immediate supervisor?

7 A. Yes, sir.

8 Q. Who directed the work at the
9 seals?

10 A. I guess Skip.

11 Q. Skip or Jeff?

12 A. Yeah.

13 Q. Okay.

14 MR. MILLS:

15 That's all I have.

16 A. But Marty told us what to do,
17 too.

18 BY MR. MILLS:

19 Q. So you kind of have two
20 bosses?

21 A. Well, he just --- he didn't
22 tell us what to with the seals, he
23 just --- if he wanted us to go do
24 something, he'd tell one of us to go
25 do it or --- you know, he was our

1 boss. But as far as the seals, I
2 guess Skip was the boss.

3 BY MR. SWENTOSKY:

4 Q. Speaking of Skip, did he give
5 you any instructions at all?

6 A. No.

7 Q. Okay. And who was the foreman
8 that was involved with the other two
9 seals that you worked on?

10 A. Jeff Snyder.

11 Q. Jeff Snyder. Did he give you
12 any instructions?

13 A. No, sir.

14 Q. No. And during those periods,
15 was Marty also your --- guy that you
16 were taking instruction from?

17 A. Yes.

18 Q. Was he up there at the seals
19 whenever you were ---

20 A. Yes, sir.

21 Q. --- working on those? And did
22 he tell you how to install them or
23 anything?

24 A. I asked the guys that was
25 working on them.

1 Q. And who would that have been?

2 A. The one other one on that
3 first one was Toler. I can't think
4 of his name. Jeff Toler's son.

5 Q. Would that have been Jeremy?

6 A. Jeremy. I asked Jeremy and
7 Jeremy told me how to install them.

8 Q. That would have been on the
9 Number One seal; is that correct?

10 A. Not Number One. He wasn't
11 working on it. He was on --- that
12 was the one on the right side, the
13 first one we worked on.

14 Q. Okay. And who would have
15 given you the instructions how to
16 install them in the other seals that
17 you worked on, do you recall?

18 A. No one really gave us any.
19 Skip, I guess.

20 Q. So then he gave you some
21 instruction on how to install them?

22 A. No. No one really ever
23 instructed us how to.

24 Q. Okay. You just got the
25 information from the people that were

1 working there - - -

2 A. Yes, sir.

3 Q. - - - prior to you coming there?

4 A. What it is, we'd be working
5 somewhere else and we may only go up
6 there an hour this day, maybe two
7 hours another day, maybe an hour
8 another day.

9 Q. Sure.

10 A. And we just jumped in and
11 helped them do whatever we could.

12 Q. Okay. You had mentioned
13 earlier about the planks, there was
14 two planks on top of the One seal.

15 A. I'm sure there was two. I'm
16 not sure how many.

17 Q. And you had mentioned it was
18 approximately four feet short?

19 A. Something like that.

20 Q. Something like that. Okay.
21 And wedges, how were those wedges
22 installed?

23 A. I don't know. I didn't see
24 that.

25 Q. You didn't see any wedges,

1 okay. Was the --- at that time when
2 there was just two planks, was that
3 seal installed completely to within
4 --- was the entire seal installed to
5 within, I think you had mentioned,
6 two or three inches of the roof?

7 A. I think so.

8 Q. Okay.

9 A. Or the one side was, the one
10 side I could see was.

11 Q. Okay. How about, did you ever
12 have an opportunity to plaster any of
13 those seals? In other words, face
14 the seals with ---

15 A. No, sir.

16 Q. --- any material?

17 A. We faced it as we went up.

18 Q. You faced it as you went up?

19 A. Yes.

20 Q. And did you face it with the
21 same material?

22 A. In the blue bag, yes. We
23 mixed it all the same. As we went
24 up, we just put one on top, one on
25 the front of it, too.

1 Q. Okay. And approximately how
2 thick did you put that on, do you
3 recall?

4 A. I'm guessing it was a quarter
5 inch, may have been a little less, a
6 little more.

7 Q. Okay. Did you ever see the
8 plan that was --- a copy of the
9 actual plan that was submitted to
10 MSHA and approved on how to install
11 those seals? Did you ever ---

12 A. No, sir.

13 Q. --- see that at all?

14 A. I saw the water --- the day we
15 put the water trap in, Marty had the
16 drawing on the water trap. That's
17 the only part of it that I saw.

18 Q. Okay. Marty would be Marty
19 Conrad?

20 A. Yes.

21 Q. And kind of tell me about
22 that, was he showing you how to do it
23 or did you just see it or --- you
24 know, what ---?

25 A. Well, he got it out. We was

1 putting pipe together and he got it
2 out and looked at it to see how it
3 went.

4 Q. Okay. Did he give you any
5 instructions, this is how you're
6 supposed to put it in or ---?

7 A. No, he stayed there and helped
8 us put it in.

9 Q. Put it in. In other words, he
10 was directing that installation?

11 A. I guess.

12 Q. When you were facing the
13 seals, did you put any additional
14 material on the ribs, the joint
15 between where the seal joined the
16 rib, that seam? Did you put any
17 additional ---?

18 A. Mud.

19 Q. Mud?

20 A. Yes. As we mudded them, we
21 went up and mudded them and they were
22 supposed to come back and re-mud
23 them.

24 Q. Okay.

25 A. Do the whole face of them. I

1 don't know if they did, but you're
2 supposed to.

3 Q. Just going back a moment to
4 the Number One seal, just for my
5 clarification and I apologize again.
6 But when you were leveling up the
7 initial row, did you have to put
8 additional pieces in? In other
9 words, small pieces in to get that
10 level or step that up or anything?

11 A. Not that I'm --- I don't think
12 so.

13 Q. Okay. Do you recall the rock
14 dusting on the inby side of the
15 seals, on the old working side of the
16 seals?

17 A. No, sir.

18 Q. How the rock dust was, do you
19 remember how that was ---?

20 A. Probably not very good.

21 Q. Okay. And why would you say
22 that?

23 A. Well, they pillared that ---
24 not pillared, but they cut the bottom
25 in there. I'd say it wasn't real

1 good.

2 Q. Okay. Right on the inby side
3 of the seals, immediately on the inby
4 side of the seals, was it white,
5 grey, black, do you recall?

6 A. No, sir, I don't. Most of
7 them had a stopping behind them. All
8 of them had stoppings, except one of
9 them, Nine or Ten, whichever one it
10 is.

11 Q. Did you ever see any --- while
12 you were up there, any other company
13 personnel, like the superintendent,
14 mine foreman or anything, anybody
15 like that up there?

16 A. Yes, sir. The one day I was
17 up there, I just got there, Carl came
18 and got me and told me to go --- you
19 know, stopped me on the section.

20 Q. Yes.

21 A. Carl Crumrine, the mine
22 foreman. There was another day he
23 brought an inspector up there.

24 Q. And who would that have been?

25 A. I'm not sure. I think it was

1 --- it may have been Marty Farber
2 (phonetic), I'm not sure.

3 Q. The state inspector?

4 A. It was federal.

5 Q. Federal inspector?

6 A. I'm not sure that he checked
7 the seals but he was up there with
8 him.

9 Q. Okay. Did he converse with
10 you at all about the seals?

11 A. No.

12 Q. No. Do you recall any
13 conversation that he might have had
14 with Mr. Snyder or Skip? Did they
15 converse any or do you recall any
16 conversations that they might have
17 had between each other?

18 A. I think Marty Farber told ---
19 the red hat said that he told him to
20 make sure that he got a quarter inch
21 mud on it, but that's the only thing
22 I've heard.

23 Q. And Mr. --- and that would
24 have been the federal inspector ---

25 A. Yes.

1 Q. --- you're speaking about?

2 A. Yes, sir.

3 Q. Okay. Mr. Crumrine, did he
4 have any conversations with you or
5 anyone there at the time?

6 A. No, sir.

7 Q. Is he the only one that you
8 recall ---?

9 A. I know before we went up
10 there, they said that they had torn
11 one down and moved it. Said that
12 Toler had wanted it, said it was too
13 --- wrong or something. He made them
14 tear it down and move it.

15 Q. Okay. You mentioned that you
16 have built stoppings before in Sago
17 Mine?

18 A. Yes.

19 Q. Okay. Can you describe to me
20 how you installed those stoppings?
21 Were they out of Omega block that you
22 installed?

23 A. Some were. Most stoppings
24 there are hollow block, hollow
25 concrete block.

1 Q. And did you install any Omega
2 block - - -

3 A. Yes.

4 Q. - - - seal - - - or excuse me,
5 stoppings? And we're talking
6 stoppings now - - -

7 A. Yes.

8 Q. - - - not seals. Okay. And you
9 have installed some Omega block - - -

10 A. Yes.

11 Q. - - - stopping? Could you tell
12 me how you built those? Were they
13 dry wall or - - -

14 A. Yeah.

15 Q. - - - just describe to me - - -.

16 A. They were laid up real high
17 and plastered on both sides.

18 Q. Full face plaster?

19 A. Yes.

20 Q. On both sides?

21 A. Most of them. The ones we did
22 were. Now, some of them may not be,
23 some of them may just have seams on
24 one side.

25 Q. Okay. But the ones you

1 installed were ---

2 A. Full face both sides.

3 Q. --- on both sides?

4 A. Yes.

5 Q. And do you recall what part of
6 the mine that you installed those or
7 was it different parts of the mine?

8 A. Well, they had a fall along
9 the track somewhere and we built some
10 stoppings down there in the intake
11 and return. We took equipment
12 through to clean them up and built
13 those.

14 Q. Okay.

15 A. But everything I can recall on
16 the section was hollow block.

17 Q. Okay. And this area that you
18 built the Omega blocks stoppings, was
19 that along the mains in Two North
20 mains?

21 A. No. It was outby.

22 Q. Outby? And approximately
23 where?

24 A. Thirty-some block belt --- 30
25 or 40 block on Four belt.

1 Q. And that would have been on
2 that mains area?

3 A. Yes.

4 Q. Okay. When you build the
5 hollow core blocks, those are
6 concrete blocks; correct?

7 A. Yes, sir.

8 Q. And when you plaster those, do
9 you plaster just the seams or full
10 face or ---?

11 A. Full face.

12 Q. Full face. On both sides?

13 A. Yes. Now, sometimes they use
14 bucket mud on those or --- you know,
15 they don't always use cement on
16 those.

17 Q. Okay. On the Omega blocks,
18 what type of mortar do you use on
19 those?

20 A. Green bag.

21 Q. A green bag?

22 A. Yes.

23 Q. Okay. So that's a different
24 mortar than what you use on the
25 seals?

1 A. I suppose, I don't know.

2 Q. Okay. Just a different color
3 bag?

4 A. A different bag is all I know.

5 Q. Okay.

6 A. We use the green bag on the
7 hollow blocks, too.

8 Q. Okay. You had mentioned very
9 early on that you were only at this
10 mine for three months; correct?

11 A. Yeah, probably, if that.

12 Q. Okay. So you weren't up in
13 roof bolting up in the old Two Left
14 area or anything like that?

15 A. No.

16 Q. Okay. Did you ever have an
17 opportunity to install belt hangers
18 or any roof bolt plates during those
19 three months ---

20 A. No, sir.

21 Q. --- at all? Did you ever see
22 anybody doing that?

23 A. No, sir.

24 Q. Did you ever have opportunity
25 to install belt during that short

1 period of time?

2 A. We set drives, we didn't
3 install belt.

4 Q. Okay. Would they be ---
5 during the drive installation, would
6 there have been an opportunity for
7 you to install, like I say, the
8 beginning chains and so on to hang
9 the ropes on?

10 A. Well, they didn't really use
11 chains --- well, they used chains on
12 the hangers for this structure. We
13 may hang --- we set the drive, we may
14 hang three or four pieces of
15 structure to get the ---- from the
16 drive in.

17 Q. And you hang them off of the
18 belt hangers?

19 A. Yes.

20 Q. The angle iron piece ---

21 A. Yes.

22 Q. --- that they install at the
23 roof or on the roof; is that correct?

24 A. Yes, sir.

25 Q. Okay. When you had that

1 opportunity to install those, did you
2 ever have to adjust them, adjust the
3 hangers themselves, like hammer them,
4 just to maneuver them around to line
5 them up?

6 A. I had before, but I don't
7 think I have at Sago.

8 Q. Okay. You never did at Sago?

9 A. I don't think so.

10 Q. Well, these hangers, would
11 they be always straight up and down
12 or would they be bent at times
13 or ---?

14 A. Well, they can be bent, turned
15 or ---.

16 Q. Okay. To straighten things up
17 sometimes, then you have to say
18 hammer on them to adjust them and
19 sometimes bend them or something like
20 that to adjust them; is that ---?

21 A. I never have bent them.
22 Sometimes you may have to knock them
23 around a little bit.

24 MR. SWENTOSKY:

25 Do you have anything?

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MR. MILLS:

Yeah, a couple more.

BY MR. MILLS:

Q. The water traps in Number One seal, what kind of pipe did you use?

A. Plastic.

Q. Do you know the diameter?

A. No, sir. Six inch probably. I'm not sure. And I'm saying six to eight. I don't know.

Q. There was only one pipe in that seal for a water trap?

A. That's all that was there when I was there.

Q. And you mentioned somebody told you they filled the water trap full of ---?

A. Marty.

Q. Marty Conrad?

A. Yes.

Q. Do you know what he used, water --- did he mention what type filler?

A. I think he used water. He was hunting antifreeze and I don't think

1 he found the antifreeze so I think he
2 used water. I'm not sure. You'll
3 have to ask him.

4 MR. MILLS:

5 That's all I've got.

6 MR. SWENTOSKY:

7 Just take a short
8 break, just five minutes.

9 SHORT BREAK TAKEN

10 BY MR. SWENTOSKY:

11 Q. Just a clarifying question
12 concerning the water trap, Mr.
13 Triplett, the --- how was that water
14 trap put together, was it --- can you
15 describe that to me a little bit?

16 A. It was just stuck together.
17 We didn't glue it. We didn't have it
18 glued the day I was there. It was
19 plastic that was stuck together and
20 we glued it.

21 Q. Okay.

22 A. But it wasn't together.

23 Q. So the pieces were just laying
24 there?

25 A. No, they were stuck together

1 but it wasn't glued.

2 Q. Okay.

3 A. They had the glue and
4 everything there, but it wasn't
5 glued.

6 Q. Okay. Did they have any
7 screws or anything laying around
8 where they would screw the joints or
9 anything?

10 A. I didn't see any.

11 Q. Okay. What was the last day
12 that you worked before the accident?

13 A. Thursday.

14 Q. And what did you do that day?

15 A. I was on the evening shift,
16 filling in --- I was the shift
17 foreman on the evening shift.

18 Q. The shift foreman on ---

19 A. Evening.

20 Q. --- evening of Thursday prior
21 to the accident?

22 A. Yes.

23 Q. Okay. And where were you that
24 night?

25 A. I was outby, walked the belts

1 that night, had to fire boss. I
2 walked the belts to One Left out and
3 up in Two Left and then tracked back
4 to Four head.

5 Q. In the Two Left section,
6 approximately what time were you up
7 --- do you recall what time you would
8 have been up there?

9 A. No, sir.

10 Q. Were they mining when you were
11 up there?

12 A. Yes, sir.

13 Q. Was it before the end of the
14 shift?

15 A. Yes, sir.

16 Q. Do you recall like ---?

17 A. I'd say probably 10:00 or
18 after.

19 Q. Okay. So that would have been
20 a couple hours ---?

21 A. I'm not sure. I may ---.

22 Q. But a couple hours before ---

23 A. Yeah.

24 Q. --- the end of the shift?

25 Okay.

1 MR. SWENTOSKY:

2 And Brian, I'm going to
3 go into these training
4 questions, do you need
5 anything before that?

6 MR. MILLS:

7 No.

8 MR. SWENTOSKY:

9 Okay.

10 BY MR. SWENTOSKY:

11 Q. I know you only started three
12 months ago, but when was your last
13 annual retraining?

14 A. I'm not sure. I remember
15 having it, but I don't remember what
16 the date was.

17 Q. Okay. Who would have
18 conducted that? Who was the
19 instructor on that?

20 A. I'm not sure. Main Street Inn
21 is where we had it, but I'm not sure
22 --- I'm not sure who taught it.

23 Q. Okay. At the end of that, did
24 they fill out a ---

25 A. Yes, sir.

1 Q. --- one of those little pink
2 slips?

3 A. Yes, sir.

4 Q. And you signed it?

5 A. Yes, sir.

6 Q. And the instructor, he signed
7 it also?

8 A. Yeah.

9 Q. Did he give you a copy of
10 that?

11 A. Yes, sir.

12 Q. Okay. When you went to Sago
13 Mine, what type of --- let's just say
14 your first day there, what did they
15 --- what type of training did you get
16 there?

17 A. They talked to all of us
18 outside and then they took us inside,
19 a tour of the mine.

20 Q. Who was all there? You say
21 all of us, what do you mean?

22 A. Me and Jackson and Marty and
23 Harmon Jordan.

24 Q. Okay. Jackson, that would
25 have been John Jackson?

1 A. John Jackson, Harmon Jordan
2 and Marty Conrad.

3 Q. Okay. And what did they tell
4 you or what did they talk about?

5 A. They just went over the mines
6 and things like that. Had a map of
7 the mines and they reviewed it with
8 us and then they took us inside and
9 took us around.

10 Q. The escapeways?

11 A. No, sir.

12 Q. Okay. On the surface, did
13 they show you on a map where the
14 escapeways are?

15 A. Yes, sir.

16 Q. Okay. As part of the training
17 that you received, did they talk
18 about the mine emergency evacuation
19 plan when you had your retraining?

20 A. I think the retraining I had
21 was Spruce.

22 Q. Okay. But did they talk about
23 ---

24 A. Yes.

25 Q. --- the emergency evacuation

1 plan for that mine? Okay. Do you
2 know where the escapeways are in Sago
3 Mine?

4 A. Yes, sir.

5 Q. And how is the primary
6 escapeway marked?

7 A. Green, it's got green
8 reflectors.

9 Q. Okay. And the alternate?

10 A. Red.

11 Q. And who is the responsible
12 person at the Sago Mine? In other
13 words, the person who is responsible
14 for directing the evacuation of the
15 mine? Did they tell you that?

16 A. The dispatcher as far as I
17 know.

18 Q. Okay. As part of the
19 retraining that you did have, did
20 they talk about the hazards of carbon
21 monoxide?

22 A. Yes, sir.

23 Q. How about self-rescuer
24 training, did you have that? And
25 tell me a little bit about that?

1 A. They have a training model,
2 you just take it apart and you put it
3 on.

4 Q. Okay. And you went through the
5 motions?

6 A. Everything but the mouthpiece.

7 Q. Okay. Did they review the
8 roof control plan, ventilation plan
9 with you?

10 A. They reviewed some of it, not
11 all of it.

12 Q. Okay. And I'm talking about
13 Sago Mine?

14 A. Yeah. They came over a couple
15 days before we went over there and
16 went over what the roof control plan
17 was.

18 Q. Okay. Do you feel the
19 training was adequate?

20 A. Yes, sir.

21 Q. Anything that should be added
22 to that training?

23 A. Maybe they should walk the
24 escapeway.

25 Q. While you were at the Sago

1 Mine, did you ever have an
2 opportunity to walk the escapeway out
3 with a foreman, - - -

4 A. No.

5 Q. - - - escapeway drills? No?
6 How about the other mine?

7 A. Spruce, yes.

8 Q. Spruce. You and the foreman
9 walked out together?

10 A. No. I was usually the one - - -
11 the foreman walking out.

12 Q. Walking out with the other
13 individuals?

14 A. Yes.

15 Q. Okay.

16 MR. SWENTOSKY:

17 Do you have anything,
18 Brian? Okay. On behalf of
19 MSHA, I would like to thank
20 you for appearing here and
21 answering the questions today.
22 Your cooperation is very
23 important to the investigation
24 as we work to determine the
25 cause of the accident.

1 We ask that you not
2 discuss your testimony with
3 any person who may have
4 already been interviewed or
5 who may be interviewed in the
6 future. This will ensure that
7 we obtain everyone's
8 independent recollection of
9 the events surrounding the
10 accident. After questioning
11 other witnesses, we may call
12 you if we have any follow-up
13 questions that we feel that we
14 need to ask you. If at any
15 time you have additional
16 information regarding the
17 accident that you would like
18 to provide to us, please
19 contact us at the contact
20 information that was
21 previously provided to you,
22 and that was on the business
23 card of Mr. Gates.

24 The Mine Act provides
25 certain protections to miners

1 who provide information to
2 MSHA, and as a result, have
3 been treated adversely. If at
4 any time, you believe that
5 you've been treated unfairly
6 because of your cooperation in
7 this investigation, you should
8 immediately notify MSHA.

9 If you wish, you may go
10 back over any answer that you
11 have given during this
12 interview and you may also
13 make any statement that you
14 would like to make at this
15 time. Is there anything that
16 you would like to add or ---?

17 A. I may have got some things
18 wrong or mixed up because that's ---
19 I didn't --- you know, when we was
20 doing this, we didn't know this was
21 going to come up.

22 MR. SWENTOSKY:

23 That's right.

24 A. We don't remember a lot of it.
25 I may have got a few things wrong.

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MR. SWENTOSKY:

Well, that's fine. You do it the best of your ability and that's all we ask.

A. I answered them the best I could.

MR. SWENTOSKY:

Thank you. Okay. Again, we'd just like to thank you for your cooperation in this matter. Thank you, Mr. Triplett.

* * * * *

SWORN STATEMENT

CONCLUDED AT 3:59 P.M.

* * * * *