

STATEMENT UNDER OATH

OF

JOHN PATRICK BONI

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at the MSHA Bridgeport
Field Office, 105 Platinum Drive,
Suite B, Bridgeport, West Virginia,
on Monday, February 20, 2006, at
10:47 a.m.

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A P P E A R A N C E S

DENNIS J. SWENTOSKY

Supv. MS&H Specialist (Ventilation)

U.S. Department of Labor

Mine Safety & Health Administration

CMS&H, District 2

Paintersville Road

R.R. #1, Box 736

Hunker, PA 15639

JOHN COLLINS

West Virginia Miners' Health, Safety

& Training

One South Tenney Drive

Buckhannon, WV 26201

DAVE STUART

1507 Stonehenge Road

Charleston, WV 25214

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

TIMOTHY S. WILLIAMS, ESQUIRE
U.S. Department of Labor
Office of the Solicitor
Mine Safety and Health Division
1100 Wilson Boulevard
Room 2211
Arlington, VA 22209-2296

COUNSEL FOR MSHA

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

COUNSEL FOR MR. BONI

I N D E X

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19
20
21
22
23
24
25

INTRODUCTION	6 - 15
<u>WITNESS:</u> JOHN PATRICK BONI	
QUESTIONS	
By Mr. Swentosky	15 - 59
By Mr. Collins	59 - 65
By Mr. Swentosky	65 - 78
CERTIFICATE	79

EXHIBIT PAGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PAGE

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENTIFIED</u>
One	Map	34

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
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25

P R O C E E D I N G S

MR. SWENTOSKY:

My name is Dennis Swentosky. I'm an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. With me is Tim Williams from the Solicitor's Office, John Collins and Dave Stuart with the West Virginia Office of Miners' Health, Safety & Training.

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

The investigation is being conducted by MSHA and the West Virginia Office of Miners' Health, Safety &

1 Training to gather information
2 to determine the cause of the
3 accident, and these interviews
4 are an important part of the
5 investigation.

6 At this time, the
7 accident investigation team
8 intends to interview a number
9 of people to discuss anything
10 that may be relevant to the
11 cause of the accident. After
12 the investigation is
13 completed, MSHA will issue a
14 written report detailing the
15 nature and causes of the
16 accident.

17 MSHA accident reports
18 are made available to the
19 public in the hope that
20 greater awareness about the
21 causes of accidents can reduce
22 their occurrence in the
23 future. Information obtained
24 through witness interviews is
25 frequently included in these

1 reports. Your statement may
2 also be used in enforcement
3 proceedings.

4 I would like to thank
5 you in advance for your
6 appearance here today. We
7 appreciate your assistance in
8 this investigation. The
9 willingness of miners and mine
10 operators to work with us is
11 critical to our goal in making
12 the nation's mines safer.

13 We understand the
14 difficulty for you in
15 discussing the events that
16 took place and we greatly
17 appreciate your efforts in
18 helping us to understand what
19 happened.

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

1 Safety and Health
2 Administration and the West
3 Virginia Office of Miners'
4 Health, Safety & Training into
5 the conditions, events, and
6 circumstances surrounding the
7 fatalities that occurred at
8 the Sago Mine, owned by
9 International Coal Group in
10 Buckhannon, West Virginia, on
11 January 2nd, 2006. This
12 interview is being conducted
13 at the MSHA Bridgeport, West
14 Virginia Field Office on
15 February 20th, 2006.

16 Questioning will be
17 conducted by representatives
18 of MSHA and the Office of
19 Health, Safety & Training.

20 Mr. Boni, this
21 interview will begin by my
22 asking a series of questions.
23 If you do not understand a
24 question, please ask me to
25 rephrase it. Feel free at any

1 time to clarify any statements
2 that you make in response to
3 the questions. After we have
4 finished asking questions, you
5 will also have an opportunity
6 to make a statement and to
7 provide us with any other
8 information that you believe
9 may be important.

10 If at any time after
11 the interview, you recall any
12 additional information that
13 you believe may be useful in
14 the investigation, please
15 contact Richard Gates at the
16 phone number or e-mail address
17 provided to you. And it's on
18 this business card. You can
19 have that.

20 Your statement is
21 completely voluntary. You may
22 refuse to answer any question
23 and you may terminate your
24 interview at any time. If you
25 need a break at any time, just

1 please let me know.

2 The court reporter will
3 record your interview and will
4 later produce a written
5 transcript of the interview.
6 Please try and respond to all
7 questions verbally since the
8 court reporter cannot record
9 non-verbal responses. Also
10 please try to keep your voice
11 up. Copies of written
12 transcripts will be made
13 available at a later date.

14 If any part of your
15 statement is based not on your
16 own first-hand knowledge, but
17 on information that you
18 learned from someone else,
19 please let us know. Please
20 answer each question as fully
21 as you can, including any
22 information you have learned
23 from someone else. We may not
24 ask the right question to
25 learn the information you

1 have, so do not feel limited
2 by the precise question asked.
3 If you have information about
4 the subject area of a
5 question, please provide that
6 information to us.

7 At this time, Mr.
8 Collins, do you have anything
9 you would like to add on
10 behalf of the Office of
11 Miners' Health, Safety &
12 Training?

13 MR. COLLINS:

14 Yes. Mr. Boni, the
15 West Virginia Office of
16 Miners' Health, Safety &
17 Training is conducting this
18 interview session jointly with
19 MSHA and is in agreement with
20 the procedures outlined by Mr.
21 Swentosky today.

22 But the Director
23 reserves the right, if
24 necessary, to call or subpoena
25 any documents that may be

1 necessary to conduct this
2 investigation. And also
3 here's a card if you have
4 additional comments or
5 questions after the interview.
6 Thank you.

7 MR. SWENTOSKY:

8 Mr. Boni, are you aware
9 that you may have a personal
10 representative present during
11 the taking of this statement?

12 MR. BONI:

13 Yes.

14 MR. SWENTOSKY:

15 Do you have a
16 representative with you here
17 today?

18 MR. BONI:

19 Yes, Joe Yuhas.

20 MR. SWENTOSKY:

21 Has anyone suggested
22 that you use Mr. Yuhas as your
23 representative?

24 MR. BONI:

25 No.

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MR. SWENTOSKY:

Are you aware that Mr. Yuhas may have a conflict of interest in representing you while being provided by someone else, such as the company?

MR. BONI:

I don't think there's a conflict of interest. I think the company should provide us lawyers.

MR. SWENTOSKY:

Okay. Have you been pressured in any way to accept Mr. Yuhas as your representative?

Mr. BONI:

No.

MR. SWENTOSKY:

Do you have any questions regarding the manner in which the interview will be conducted prior to us getting started?

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MR. BONI:

No.

MR. SWENTOSKY:

Would you swear in Mr.
Boni, please?

JOHN PATRICK BONI, HAVING FIRST BEEN
DULY SWORN, TESTIFIED AS FOLLOWS:

BY MR. SWENTOSKY:

Q. Would you please state your
full name and spell your last name
for us, please?

A. John Patrick Boni, B-O-N-I.

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

A. 5 Maple Street, Buckhannon,
West Virginia, 26201. Telephone
number is 304-472-0021.

Q. And are you appearing here
today voluntarily?

A. Yes.

Q. How many years of mining
experience do you have, Mr. Boni?

1 A. Two.

2 Q. And these --- what mines have
3 you worked?

4 A. I worked at Whitetail Mine for
5 seven months and Sago Mine for 15
6 months.

7 Q. And what is your present
8 position?

9 A. Run the belts.

10 Q. Okay. And when you say 15
11 months, that's all at Sago Mine?
12 That's your employment at Sago Mine?

13 A. Right.

14 Q. Okay. And how long have you
15 worked in the beltman position?

16 A. Since I've been here.

17 Q. Okay. And you held the same
18 position on January 2nd, the day of
19 the accident?

20 A. Yes.

21 Q. Could you describe your job
22 duties as a beltman?

23 A. Clean it, dust it and keep the
24 head clean and tail. Just generally
25 take care of the belt, keep it

1 cleaned up and ---.

2 Q. And do you have any mining
3 certifications?

4 A. Just underground card.

5 Q. And who is your immediate
6 supervisor?

7 A. Well, right now, I'm not sure
8 now because dad retired. He was.
9 I'm not sure who's in there. John
10 Boni was.

11 Q. Okay. On the day of the
12 accident ---?

13 A. John Boni, John Nelson Boni.

14 Q. And how long was he your
15 supervisor?

16 A. Fifteen (15) months.

17 Q. Okay. He was your supervisor
18 the entire time you were there?

19 A. Yes.

20 Q. And what time do you normally
21 start your shift?

22 A. 6:00 a.m.

23 Q. And you were working on the
24 day of the accident?

25 A. Yes.

1 Q. Okay. I wonder if you could
2 just kind of start when you arrived
3 at the mine and just kind of go
4 through the events that occurred up
5 until the time you left the property.
6 And I'll try not to interrupt you.
7 And just kind of go through it. And
8 then after we're done with that,
9 we'll kind of back up and start and
10 fill in some blanks I may have. Can
11 you do that for me, please?

12 A. I arrived at about --- I don't
13 know, I usually get there about 5:15,
14 get dressed, get a pop. I probably
15 went over got my light. Just talked
16 to the men. I always just talked to
17 the guys until it was time to go in.

18 We went over the hill and Two
19 Left left, and we had to change a
20 mantrip so we were behind them. And
21 I got to my head about --- Four Head
22 about probably 6:15, something like
23 that. When I got there, I fueled my
24 duster up, got it going. Ate a cake
25 and drank a milk and just walked out

1 on my belt line and that's when it
2 happened, just poof and got dusted
3 with --- air hit me.

4 I went to the phone and called
5 the dispatcher and asked him what
6 happened --- see what happened. He
7 wasn't sure yet. Said the lightning
8 had hit and knocked the power in the
9 mine. I said I don't think that's
10 what happened.

11 By the time I got down to the
12 phone, like I said, it was real dusty
13 and air was going back towards the
14 face, so I didn't think that's what
15 happened. So I asked him if the fan
16 was running and he got ahold of the
17 guy down in the yard and he said
18 yeah, it was running. Saw my
19 supervisor. He was outby me. He got
20 on the phone. He thought maybe there
21 was a fall close, so I walked inby
22 looking for a fall. I went up to
23 Eight Block where the maintenance
24 shack is and got back on the phone
25 with the dispatcher and asked him if

1 they figured out what was going on
2 yet. And he said no. And I talked
3 to Dick Wilfong on the phone. He
4 said come on out. So I walked back
5 down to Four Head and got my stuff,
6 got in the intake and came out. I
7 got out about 7:20, 7:25, right
8 around there. That's pretty much
9 what happened.

10 Q. Okay. And I believe you said
11 you were --- what time did you get to
12 the mine?

13 A. Probably around 5:15.

14 Q. Okay. And when you arrived at
15 the mine then, you went in --- you go
16 into the bathhouse, you went in the
17 bathhouse and you got dressed?

18 A. Yeah.

19 Q. Okay.

20 A. Yes.

21 Q. And do you speak to anyone
22 there at all? Just ---.

23 A. I usually talk to everybody,
24 whoever's in there.

25 Q. Just general conversation?

1 A. Yeah.

2 Q. Okay. And then after you were
3 dressed, what did you do next?

4 A. I went and got a pop, went
5 over and got my light. I came back
6 to the bathhouse. I was going to talk
7 to Carl, see if there's anything
8 special to do on that day.

9 Q. Okay. When you went in the
10 lamp house to get your light there,
11 the dispatcher is in that shanty
12 also?

13 A. Yes.

14 Q. Okay. Did you have any
15 conversation with him or ---?

16 A. Just give him a, you know,
17 how's it going.

18 Q. Okay. And did you hear
19 anything different or was ---
20 everything just seemed normal?

21 A. Everything was --- well, it
22 wasn't normal because nobody worked
23 the night before, so they was just
24 starting a new shift. The mine was
25 out.

1 Q. And did you --- you say you
2 did have some conversation with the
3 dispatcher?

4 A. Yeah.

5 Q. And what was the extent of
6 that conversation?

7 A. Just good morning, you know,
8 how you doing.

9 Q. Okay. Was there any CO
10 monitor alarms or anything like that
11 going off at all?

12 A. No.

13 Q. Do you recall any of that?

14 A. No.

15 Q. And then after you got your
16 light, what did you do?

17 A. I went back over to the
18 bathhouse. I always go back, sit
19 down and Marty and I passed, you
20 know, I sit and talked to him for a
21 while. He was eating a sandwich. We
22 talked.

23 Q. Okay.

24 A. All the guys just sit around
25 and talk for a while and then ---

1 until it's time to go over the hill.

2 Q. Anything unusual or --- was
3 there a storm that day?

4 A. It was storming when we went
5 in, yeah, pretty bad.

6 Q. Okay. During your time on the
7 surface there, did you see any
8 lightning flashes or anything like
9 that?

10 A. Yes.

11 Q. Any close by, anything ---?

12 A. Yes.

13 Q. And where was that?

14 A. I don't know what direction it
15 is. I'm not good with directions.
16 But as we went over the hill, I think
17 I walked over the hill with Junior,
18 George Hamner. As we were going over
19 the hill, out like across --- over
20 from the stacker, there was a big
21 lightning bolt that came.

22 Q. As you're looking in toward
23 the mine --- in the pit looking in
24 toward the mine, would that have been
25 right, left, behind you?

1 A. The pit mouth would have been
2 to the left and the stacker was kind
3 of 45 degrees to the right, and like
4 over the stacker there was a real
5 bright lightning strike.

6 Q. Out at a distance?

7 A. Well, yeah. I couldn't tell
8 you exactly how far it was or
9 anything.

10 Q. Yeah.

11 A. It was a pretty good strike.

12 Q. Okay. So then on the surface
13 there prior to going in the pit,
14 nothing unusual or ---?

15 A. No.

16 Q. And then when you went to the
17 pit to board the porta-bus, tell me a
18 little bit about that. What was
19 going on?

20 A. We went in down at the pit
21 mouth, we put our stuff on the
22 mantrip. I always ride in with One
23 Left. And I don't know why but Owie
24 had the little mantrip and everybody
25 wouldn't fit on it, so we had to

1 change the mantrips. So he backed it
2 out and went back over. Our charging
3 stations have a track that runs out
4 if you're looking at the pit mouth,
5 to the left of the pit mouth. He had
6 to go get a bigger mantrip, so he
7 backed out and got a bigger mantrip.
8 We waited for him, then we boarded
9 the mantrip and went in. So we were
10 probably ten minutes behind Two Left
11 crew.

12 Q. Okay. The number of people on
13 the mantrip, that's basically the
14 normal number of people on the
15 mantrip?

16 A. Yeah, you had the crew and
17 myself, Ron Grall and John Boni.

18 Q. Approximately what time did
19 you enter the mine on the trip?

20 A. I'd say it was probably 6:10,
21 something like that. Around 6:10 or
22 6:15, right around there.

23 Q. Okay. When you --- did anyone
24 --- who called for clearance that
25 day?

1 A. Owen Jones.

2 Q. Owen Jones. And how did he
3 get that clearance --- how did he
4 make that call?

5 A. On the radio, on the mantrip
6 radio with the dispatcher.

7 Q. In what they call a trolley
8 phone, I believe. Is that what they
9 call it?

10 A. Right.

11 Q. And that's the phone on the
12 porta-bus?

13 A. Yes.

14 Q. He used that phone to get
15 clearance?

16 A. I'm pretty sure he did, yeah.

17 Q. Okay. You entered the mine on
18 the porta-bus and what was the first
19 stop that was made?

20 A. The bottom of the hill to the
21 derail.

22 Q. Okay.

23 A. Stopped on derail and went
24 through and then close the derail.

25 Q. Okay. And then what?

1 A. Airlock door, the first
2 airlock door. Then went inby airlock
3 door. And then we didn't stop until
4 we got to Four Head --- no, we
5 stopped down at One Right switch,
6 Three Belt and let John Boni off. He
7 was going to the return to check the
8 pump there. That was the first stop,
9 the airlock doors, I think.

10 Q. All right. And then continue.

11 A. Then at the Four Head where I
12 got off. That's where I got off.

13 Q. Okay. Maybe we could look at
14 this map here and you could make some
15 markings on it. It's over here on
16 that tray. No on the tray, there's
17 some on the tray. Let's use a green
18 marker. You enter the mine at the
19 --- on the track. And if you could
20 just draw a circle at the first place
21 that you --- the one, I believe you
22 said that was ---?

23 A. The first place we let
24 somebody off?

25 Q. Yes.

1 A. It would be here.

2 Q. And you're drawing a circle
3 around the intersection at One Right
4 switch.

5 A. Right.

6 Q. That's correct? And that's
7 where you left Mr. Boni off?

8 A. Yes.

9 Q. And then where was the next
10 place that you stopped?

11 A. Right here.

12 Q. You've drawn a circle in green
13 marker around the intersection where
14 you exited the mantrip and that is
15 One crosscut outby the ---

16 A. Four Belt drive.

17 Q. --- Four Belt drive?

18 A. Yeah. It's here, the exit's
19 here.

20 Q. Okay. And that's where you
21 exited the mantrip ---

22 A. Right.

23 Q. --- on the track? Okay. And
24 then --- had you had any conversation
25 with Mr. Owens (sic) or any other

1 conversations with anyone else at
2 that point?

3 A. No. When I got off here, I
4 told them to be careful and have a
5 good shift.

6 Q. And then where did you go from
7 there?

8 A. I went from the crosscut.
9 Right here's the power center. I had
10 a trickle duster that sits there.

11 Q. You're pointing at the
12 intersection where you exited?

13 A. Yeah.

14 Q. And that trickle duster sits
15 ---?

16 A. It sits right here on the
17 corner outby the belt. I just leave
18 it at the intersection in the corner
19 there in the crosscut.

20 Q. And you're locating the
21 trickle duster just on the left side
22 of the track entry toward the belt
23 entry.

24 A. Right. It's over just inside
25 the crosscut on the corner right

1 here.

2 Q. So in the crosscut between
3 belt entry and track entry?

4 A. Right.

5 Q. Okay. And what did you do
6 there?

7 A. Filled my trickle duster up
8 with gas, set the breaker up and
9 turned it on, then I --- I'm not
10 sure. I ate a snack cake or
11 something and a milk. And then I
12 walked down the belt and I had taken
13 two steps and pop and just air hit me
14 and the dust.

15 Q. So at that point there, you
16 walked over into the belt entry at
17 the same intersection?

18 A. Right. I just walked up the
19 belt entry, taken two or three steps
20 when it happened.

21 Q. Up to that point, was anything
22 unusual or as per usual ---?

23 A. Just as it is every morning.

24 Q. All right. And then whenever
25 this, as you called it, pop, were you

1 facing inby in the belt entry?

2 A. Yeah, I was walking inby.

3 Q. Okay. You had already entered
4 the belt entry and walked into it?

5 A. I walked outby the head and
6 looked at the head, wasn't anything
7 wrong down there. As I walked up, I
8 was walking up to look at the take-up
9 and took about three steps and that's
10 when it happened. The take-up's just
11 inby the drive here.

12 Q. If you would, please, take the
13 green marker and draw a line from the
14 point you think you were, draw the
15 cross over into the white area and
16 mark that as location whenever
17 explosion occurred.

18 A. That would probably be right
19 here.

20 Q. And then write there location
21 when the explosion occurred or
22 something like that.

23 Q. Okay. And when that --- you
24 were facing inby at that point?

25 A. Yeah.

1 Q. Okay. And what did you see at
2 that point?

3 A. The air hit me and just got
4 real dusty, was just dusty
5 immediately.

6 Q. Did it knock your hat off?

7 A. I grabbed my hat. I don't
8 know that it was strong enough to
9 knock it off me. I always wear a hat
10 and if you're in the wind that's just
11 your instinct to grab your hat. So I
12 don't know if it was strong enough to
13 knock my hat off or not or whatever,
14 but I put my hat on and knew where I
15 was at because there was a phone
16 right here.

17 Q. Just if I may, was there any
18 smoke? Did you notice any smoke?

19 A. Just dust.

20 Q. Just dust. Did you smell any
21 smoke?

22 A. Didn't smell anything, just
23 covered with dust.

24 Q. Just dusty. Okay. And what
25 was the visibility would you say?

1 A. Probably a good bit away,
2 probably 14, 15 feet or something
3 like that.

4 Q. Did you get any dirt in your
5 eyes or anything like that?

6 A. No, not real bad. I mean, it
7 hit me in the face, but it really
8 didn't get in my eyes. It just got
9 real dusty and just dusted up.
10 Immediately it was dusted up.

11 Q. And how long did that last?

12 A. The air?

13 Q. The air, the rush of air?

14 A. Maybe a second and a half or a
15 second. It just hit me and that was
16 it, it was over.

17 Q. And you say you thought it
18 might have been a roof fall?

19 A. That's that I thought at
20 first. I thought there might have
21 been a fall close.

22 Q. Okay. And then you said you
23 walked. At that point, you then
24 walked inby?

25 A. Yeah.

1 Q. Toward what is identified on
2 this Exhibit One as --- identified as
3 Number Four drive; is that correct?

4 (J.P. Boni Exhibit
5 Number One marked for
6 identification.)

7 A. That's correct.

8 BY MR. SWENTOSKY:

9 Q. Okay. And you at that point,
10 made a telephone call?

11 A. Yes.

12 Q. I said telephone. I mean, the
13 pager.

14 A. Yes.

15 Q. Okay. And what --- at that
16 point, what did you say or ask?

17 A. Well, the belt box was right
18 here in this corner out of the belt
19 line. There's a mine phone right
20 there. I got on the mine phone and
21 paged the dispatcher, asked him what
22 happened. He said lightning hit and
23 knocked the power out. I said I
24 don't think that's what happened and
25 by that time, the dust was going up

1 towards the face. I said, I don't
2 think that's what happened. I asked
3 him --- I said, was the fan running.
4 He said, I don't know. Hold on a
5 second. And he said the supply man
6 was down in the yard and he said,
7 yeah, the fan's running. So I said
8 well, my air's going back toward the
9 face. Something's wrong.

10 Q. And what person were you
11 speaking to? You say the dispatcher.
12 Who would that have been?

13 A. Flea. I'm not sure what his
14 name is. I mean, I just know him as
15 Flea.

16 Q. And he said the power --- when
17 the lightning struck, the power
18 went ---?

19 A. He said they had a lightning
20 strike and it killed the power. I
21 said, well, I'm not sure that's what
22 happened.

23 Q. And why did you think that?

24 A. Because by that time, air was
25 going back toward the face.

1 Q. And normally which way is the
2 air going?

3 A. Outby on the belt.

4 Q. So it would be hitting you in
5 the face?

6 A. Yeah. The dust was going back
7 toward the face.

8 Q. And how long did that --- did
9 that remain ---?

10 A. A little while, yeah. It was
11 still going back to the face when I
12 left out of there.

13 Q. Then you had this conversation
14 and he said that the lightning struck
15 and power went off. And you had
16 asked him --- or said you didn't
17 think that's what happened; is that
18 correct?

19 A. Yes. I asked if he had any
20 belts running and he said One, Two,
21 Three. Of course Three tail is right
22 here and I said Three is not running.
23 I'm right here. I said Three is not
24 running, Four is not running.

25 Q. And when you say right here,

1 that was at Four --- still at Four
2 Drive?

3 A. Yeah, Four Drive. I said
4 Three and Four are not running and I
5 have no power. My duster wasn't
6 running. My power center was dead.

7 Q. Was it running when you got
8 there?

9 A. Yeah, I had my duster running.
10 So in the meantime, my supervisor got
11 on the phone and he ---.

12 Q. And you say your supervisor is
13 Mr. Boni?

14 A. Yes. He came out of the
15 return and got on the other phone. I
16 told him what it looked like up where
17 I was. I said there might be a fall
18 close. He said, well, there could
19 be. So I said, well, I'm going to
20 walk up the track a little ways, see
21 if I can find a fall.

22 Q. A clarification, when I say
23 your supervisor, Mr. Boni, I'm
24 talking about John Boni?

25 A. Yeah.

1 Q. That's who you was talking to
2 you?

3 A. Well, that's my name, too.

4 Q. All right. So you exited the
5 belt entry?

6 A. Yeah.

7 Q. Went over into the track
8 entry?

9 A. Yeah. Right. I came in
10 through right here.

11 Q. And that's at Four drive?

12 A. One block of Four Drive and I
13 came up to Eight Block which is right
14 here. Right here, the little
15 maintenance shanty right here.

16 Q. Draw a circle around it and
17 just draw a line.

18 A. Here's the maintenance shed
19 here.

20 Q. And you've drawn a circle
21 around the maintenance shanty at
22 Eight Block; is that correct?

23 A. Right.

24 Q. All right.

25 A. That's where I came to the

1 phone and hollered to the dispatcher.
2 Have you figured out what was going
3 on. No. He said, well, ---.

4 Q. Just a second, may I ask from
5 Four Drive to Eight Block, the
6 maintenance shanty, at that point
7 there, what were the conditions like
8 on the track entry?

9 A. It was just dusty.

10 Q. Just dusty. At that point,
11 did you smell any smoke or ---?

12 A. No smoke, no nothing, just
13 dusty.

14 Q. Just dust.

15 A. It was just dust.

16 Q. And do you recall which way
17 that air was traveling at that point?

18 A. It was still going to the
19 face.

20 Q. And how did you know?

21 A. Just looking at the dust. I
22 could tell it was just moving toward
23 the face.

24 Q. Go ahead.

25 A. So I asked him, you know, if

1 they had figured out what was going
2 on. And he said no, they didn't
3 know. I told him, I said I think
4 something has happened up on the
5 section, somewhere up at Two Left
6 because I knew One Left didn't have
7 time to make it to the section. I
8 said, we've got a fire, explosion in
9 there, something, because my air is
10 still going toward the face.

11 Q. And why did you --- is that
12 the first --- was that the first
13 point that you felt that you had an
14 explosion or something?

15 A. Yeah.

16 Q. And how did you arrive at
17 that?

18 A. Well, knowing --- the only way
19 I figured the air to go back toward
20 the face is if you have a fire or
21 something in there, with the oxygen
22 pulling it back.

23 Q. So then ---.

24 A. I talked to the dispatcher
25 there, got the maintenance foreman

1 back on the phone and he said get to
2 the intake, come out. And so that's
3 when I left.

4 Q. You said dispatcher and who
5 else?

6 A. The maintenance foreman.

7 Q. Who's that?

8 A. Dick Wilfong. He got on the
9 mine phone. He said get in the
10 intake.

11 Q. Okay.

12 A. That's when I left the mine.

13 Q. And how did you travel out of
14 the mine?

15 A. By the escapeway.

16 Q. So you were able to enter the
17 primary escapeway at Eight Block?

18 A. No. I knew I had good air. I
19 walked back and got my dinner bucket
20 and I got my coat. Right across from
21 the head there's a man door. I got
22 into the escapeway right here.

23 Q. Okay. Use the red marker and
24 draw a circle where you entered the
25 primary escapeway.

1 A. It would be right here. Right
2 there is my intake.

3 Q. Just draw a line and just put
4 man door.

5 So then you walked from the
6 Number Eight block back to the track
7 and got your dinner bucket and
8 belongings and at that point, you
9 entered the primary escapeway. And
10 then did you see anybody else on the
11 way out?

12 A. I didn't. Didn't see anybody.

13 Q. So you exited the mine through
14 the primary escapeway to the surface?

15 A. Up to the man door at Four
16 Block on the track, then got back on
17 the track, which is a man door ---
18 the man door right here.

19 Q. And so you followed the ---.

20 A. The primary and then opened
21 this man door here and I didn't see
22 any smoke so I got on the track.

23 Q. Okay. Just draw a line across
24 there and just --- track and put an X
25 then to track entry. Now, at that

1 point then, you went the last four
2 blocks on the track entry to the
3 surface?

4 A. Yes, and got to the pit mouth
5 and got on the mine phone at the pit
6 mouth with the dispatcher.

7 Q. Okay. We can sit down. And
8 approximately what time did you get
9 out of the mine?

10 A. About 7:25.

11 Q. Your conversation whenever Mr.
12 Wilfong was at Eight Block there,
13 what all did he --- just explain to
14 me again, what all he said at that
15 point?

16 A. All he said was get in the
17 intake and get out. That's what he
18 said.

19 Q. Okay. Did you at any time don
20 your SCSR?

21 A. No.

22 Q. Okay. And why was that?

23 A. I knew I was in good air.

24 Q. Okay. At any time did --- I
25 guess there was never a time that you

1 smelt smoke, saw smoke,

2 A. No.

3 Q. Okay. At any time, did you
4 feel a second rush of air at all?

5 A. No.

6 Q. Was there ever a --- what
7 about whenever you had that first
8 that rush of air, did your ears pop
9 or anything like that?

10 A. I don't know if my ears popped
11 or not. I heard a --- I just heard a
12 noise.

13 Q. When you ---?

14 A. I can't explain what it was, I
15 just heard a noise.

16 Q. When you walked back from
17 Eight Block in the track entry to the
18 number Four Head and before entering
19 the primary escapeway, at that point
20 there, do you recall was the air
21 direction from outby, still from
22 outby to inby?

23 A. It was --- I recall when I
24 went --- when I got in the escapeway,
25 it was still going to the face.

1 Q. And we're talking about in the
2 track entry, the air was still going
3 toward the face?

4 A. Yes.

5 Q. Okay. What direction was the
6 air going in the primary escapeway?

7 A. Toward the face.

8 Q. Okay. And what was the
9 conditions like in the primary
10 escapeway, was there any dust or
11 anything like that?

12 A. Nothing.

13 Q. It was clear?

14 A. It was normal, yeah.

15 Q. Normal. Do you carry a
16 detector with you?

17 A. No.

18 Q. In your conversations with the
19 dispatcher, was there ever an
20 occasion during that conversation
21 that CO levels were discussed or
22 anything about the CO monitoring
23 system, anything like that?

24 A. No.

25 Q. Were you injured in any way at

1 all?

2 A. No.

3 Q. Your eyes, just dust in there,
4 it wasn't ---?

5 A. No.

6 Q. Okay. And the calls that you
7 were involved in, and I'm talking
8 about on the pager phone, were all
9 those calls that you initiated?

10 A. Yes.

11 Q. Okay. When you arrived on the
12 surface and you said you called the
13 dispatcher on the pager phone from
14 the surface?

15 A. Yes.

16 Q. And you told him --- to inform
17 him you were outside. What other
18 parts of that conversation do you
19 recall?

20 A. I just let him know I was out
21 and I was heading up to the lamp
22 house.

23 Q. And you never re-entered the
24 mine?

25 A. No.

1 Q. When you went up to the --- at
2 that point then, you went up the hill
3 to the lamp house?

4 A. Yes.

5 Q. Okay. And do you speak to
6 anyone in the pit prior to going up
7 there or ---?

8 A. No. Wasn't anybody down
9 there.

10 Q. Okay. No one was in the pit
11 at that time?

12 A. No.

13 Q. When you went up to the lamp
14 house, then what did you do?

15 A. Then I took my light off and
16 hung it up and went into the
17 dispatcher's office, started watching
18 the monitors.

19 Q. Okay. Can you tell me
20 anything about what you saw on there
21 or what conversations were going on
22 at that time, please?

23 A. I think there were two
24 monitors dead.

25 Q. Which two were that --- which

1 two were they?

2 A. The two right at the turn of
3 --- right at the turn, it would be
4 the turn at the belt, the first two
5 there I think were dead.

6 Q. When you say the first turn,
7 you mean inby the pit mouth?

8 A. Where the belt turns at Four
9 Head --- at Four Tail and the section
10 belt starts, those first two CO
11 monitors there were dead.

12 Q. Okay. And I apologize.

13 A. That would have been right in
14 there.

15 Q. You're talking about One Left?

16 A. Two Left.

17 Q. Two Left, okay.

18 A. The Four Tail was at the Two
19 Left switch.

20 Q. At the mouth of Two Left?

21 A. And Six Belt starts, right
22 there. Those two were dead I think,
23 as I recall. I think those two were
24 dead. The next two inby toward the
25 section were pegged out. I think the

1 two outby on the Four Belt or Three
2 maybe were pegged out.

3 Q. When you say pegged out, what
4 do you mean, pegged out?

5 A. They were just --- they
6 wouldn't register any higher.

7 Q. Okay. What were they reading?

8 A. I can't remember if it was 107
9 or 170, it was one of the two of
10 them.

11 Q. Okay.

12 A. Then they just kept coming.

13 Q. And when you say kept
14 coming, ---?

15 A. Kept getting worse on the
16 outby.

17 Q. Outby, the outby sensors were
18 starting to pick up CO?

19 A. It took a good while, but once
20 it started, they started moving
21 slowly. A couple of more of them
22 picked up and pegged out. Then I
23 went to the bathhouse.

24 Q. And where were the --- what
25 was the last entry that you recall

1 that was registering CO whenever you
2 left?

3 A. As I recall, I think the last
4 time I was in the dispatcher's
5 office, it was around noon. I think
6 it was up about --- I'm not really
7 sure. It was on Four Belt somewhere
8 I think.

9 Q. When you say you were --- the
10 last time you were in there, did you
11 go back into the ---?

12 A. I went to the lamp house a few
13 times, not actually in the
14 dispatcher's office, because Denver
15 Anderson was having some trouble and
16 we were taking care of him.

17 Q. Okay. The initial point after
18 exiting the mine and you went in and
19 was observing the CO monitor screen.
20 And what time did you leave there,
21 that initial time?

22 A. Probably 8:30.

23 Q. 8:30. And at that point
24 there, the CO level, where was it,
25 the most outby sensor that was

1 registering CO?

2 A. I don't know. I couldn't tell
3 --- I don't recall. I think two of
4 them on Four Belt were pegged out as
5 high as they would read at like 8:30.

6 Q. And were there any phone
7 conversations that you recall during
8 that period of time with anyone that
9 you ---?

10 A. No. I recall Hoy Keith kept
11 every ten minutes or so he was
12 hollering for Two Left. That's --- I
13 didn't stick around the dispatcher's
14 office after that. I just --- I went
15 to the bathhouse, ---

16 Q. Okay.

17 A. --- changed my clothes
18 and ---.

19 Q. Did you have a walkie-talkie
20 with you that day?

21 A. No.

22 Q. Were you assigned any duties
23 on the surface at all?

24 A. No.

25 Q. No. Do you recall anyone

1 being sent to the pit to make any CO
2 readings in the pit mouth at all?

3 A. No. I know my dad went down
4 there.

5 Q. Okay.

6 A. But I don't think he was sent.
7 He just went down to do it.

8 Q. To do what?

9 A. Take a --- see what was coming
10 out.

11 Q. Okay. And what was the
12 results of that examination?

13 A. I think the first couple times
14 he went down there, he didn't find
15 anything. I don't think he went
16 back after that. Jeff Bennett was
17 there and I don't know who else.

18 Q. Of anyone that went down to
19 the pit to make examinations, do you
20 recall what the results of those
21 readings were, what they brought back
22 up or ---?

23 A. I talked to Jeff Bennett. I'm
24 not sure what time it was, it was
25 around noon I think, 11:30 or so,

1 something like that. And if I recall
2 correctly, he was reading about 4,000
3 parts per million coming out of the
4 return.

5 Q. And that's the only readings
6 that you recall?

7 A. Yeah.

8 Q. And after you left the
9 dispatcher's office, and you said it
10 was around 8:30, what did you do
11 then?

12 A. Went to the bathhouse, changed
13 my clothes, put my mining stuff up,
14 went over and one of the offices
15 weren't done yet --- they were still
16 working on the bathhouse. We just
17 went over and sat down.

18 Q. Did anyone --- any person from
19 the company talk to you about or ask
20 you what happened or talk to you
21 about what you did, anything like
22 that?

23 A. Not at that time.

24 Q. Okay.

25 A. We were just talking amongst

1 ourselves.

2 Q. And you said not at that time.
3 Did anybody ever speak to you about
4 that?

5 A. Just talking amongst
6 ourselves. I don't think anybody
7 from the company has ever.

8 Q. Okay. And whenever you ---
9 you say you guys were just talking
10 and that and what did you do after
11 that or ---?

12 A. They made us leave the mine
13 site. I'm not sure what time it was,
14 around one o'clock I think.

15 Q. All right. And did you ---
16 during that period that you were ---
17 after you left the dispatcher's
18 office and then you left the
19 property, were you ever back over in
20 the dispatcher's office?

21 A. After I left the property?

22 Q. No. From the --- from the
23 8:30 when you initially left the
24 dispatcher's office until the time
25 you left the property, were you ever

1 at the dispatcher's office again at
2 any point?

3 A. I was there a couple times.

4 Q. Okay. And tell me about those
5 times, what was going on or ---.

6 A. Just went over to talk to Flea
7 and dad was in there, see what was
8 going on. See, nothing --- nothing
9 yet. Just trying to see what was
10 going on, getting rescue teams going
11 on over there.

12 Q. Okay. Were you involved at
13 all in making any telephone calls or
14 anything like that?

15 A. No.

16 Q. And when you --- after you ---
17 you said it was around one o'clock
18 that you were asked to leave mine
19 property?

20 A. I think it's right around one
21 o'clock, yeah.

22 Q. Why was that, do you recall?

23 A. I don't know. They just told
24 us to go to the prep plant.

25 Q. Okay. And you went ---

1 A. So everybody that come out
2 went to the prep plant except for
3 Owen Jones and John Boni, the
4 supervisors.

5 Q. Okay. Did you ever have any
6 additional conversations with anyone
7 underground?

8 A. No.

9 Q. No. And while on the surface
10 there, you didn't have any
11 conversations with any company
12 personnel or ---?

13 A. I talked to Jeff Toler.

14 Q. Jeff Toler. And what was the
15 extent of that conversation?

16 A. After they came out, I talked
17 to Jeff. I found him over in the
18 offices that hadn't been done yet. I
19 talked to him for a couple minutes.

20 Q. What did --- what was the
21 extent of that conversation, do you
22 recall?

23 A. I just asked him how far they
24 got and he said 58 block. He said
25 they couldn't go any farther. That

1 was it.

2 Q. Okay. Did you have any
3 conversation with anyone else, Mr.
4 Wilfong or anyone else that we
5 haven't talked about yet?

6 A. Never even saw Dick.

7 Q. And Mr. Toler would be the
8 only other person that you had a
9 conversation with?

10 A. Yep.

11 Q. Are you familiar with the old
12 Two Left Mains seals?

13 A. Never saw them.

14 Q. Never saw them. Okay. Were
15 you ever --- while they were mining
16 up in that area, were you ever up in
17 that area, in the old Two Left Mains?

18 A. Yeah, a couple times. When
19 I'd have to run motor or something.

20 Q. Okay.

21 A. Take supplies up or something.

22 Q. Okay. You do work on any of
23 those belts up there?

24 A. I never worked on anything
25 past Four Tail. I never worked on

1 there.

2 Q. Four Tail and that's at the
3 intersection of the present Two Left
4 Section; is that correct?

5 A. Yeah. I was never on ---
6 well, I was never on that belt up in
7 there, no.

8 Q. Okay. And you ---?

9 A. I might have gone up there
10 just to tell them about the train, I
11 might have done that. But I'm not
12 sure. As they were driving the
13 motors up, I was up in there and
14 probably someone, just to train the
15 belt.

16 Q. All right.

17 A. But I didn't have --- I just
18 had the first 30 blocks at Four.

19 Q. Okay. And you said a moment
20 ago, you weren't involved in the
21 construction of the old Two Left
22 Mains seals, the ones that blew out?

23 A. No.

24 Q. No. Did you ever help deliver
25 any supplies or anything up there?

1 A. I don't know if I --- I
2 couldn't really tell you if I
3 delivered any supplies for the seals
4 or not. I delivered supplies up in
5 there once in a while if a motorman
6 was off or something.

7 Q. Okay.

8 A. But I don't know if I
9 delivered any supplies for the seals
10 or not.

11 Q. And you weren't up there
12 whenever they were --- during the
13 construction of them, even just to
14 observe or anything like that?

15 A. No.

16 MR. SWENTOSKY:

17 Do you have anything,
18 John? Anything?

19 MR. COLLINS:

20 I just have a couple,
21 please.

22 BY MR. COLLINS:

23 Q. Mr. Boni, when you walked the
24 escapeway out, did you have any
25 trouble with the escapeway?

1 A. No.

2 Q. And I think you said no one
3 walked out with you?

4 A. No. I was by myself. I
5 didn't see anybody.

6 Q. Did you see any ventilation
7 damage?

8 A. No.

9 Q. And then I think you talked
10 some about the air normally travels
11 outby in the track and belt entry?

12 A. Yes.

13 Q. And once this event occurred,
14 it immediately started traveling
15 inby?

16 A. Yeah, as far as I know. When
17 I got to the phone, there's a belt
18 box there, I leaned up against the
19 belt box and called the dispatcher
20 and my air was going inby.

21 Q. And you mentioned earlier
22 something about you were checking
23 your take-up. This is one of the
24 duties of the beltman?

25 A. Just for spillage or whatever.

1 Q. But you weren't examining the
2 belt, so you don't fill out any
3 records on the belt?

4 A. No. I never made it to the
5 take-up.

6 Q. And I think you answered
7 earlier that you don't carry a
8 detector?

9 A. No.

10 Q. When the air reversed on the
11 track in the belt, was it about ---
12 that you had a certain volume that
13 normally traveled outby and you now
14 have a normal volume that traveled
15 inby?

16 A. It wasn't strong. You
17 couldn't feel it, you could just see
18 the dust was going back toward the
19 face.

20 Q. But once you got in the intake
21 there, from there to the outside, did
22 you observe any ventilation damage?

23 A. No. I had strong air from ---
24 where I got in the intake at Four
25 Head it was strong, just like normal.

1 Q. And when you went up to the
2 underground shop, which is at Eight
3 Block or Nine Block, ---

4 A. Right.

5 Q. --- of Four Belt, did you
6 observe any ventilation damage in
7 that area?

8 A. No.

9 Q. And you said something about
10 visibility was 15 feet or so when you
11 went out; right?

12 A. I would say 15 feet good
13 visibility. I could see farther than
14 that, but it was cloudy, a dusty
15 cloud.

16 Q. And you went inside that
17 little shop to use the phone, didn't
18 you?

19 A. Uh-huh (yes).

20 Q. When you came back out, was it
21 about the same?

22 A. Yeah.

23 Q. Stayed the same?

24 A. Yeah.

25 Q. Do you have any idea what

1 happened?

2 A. Nope. Just theories.

3 Q. Would you like to share those
4 theories with us?

5 A. I think the lightning did it.
6 And I know --- that's what I think.
7 That's what dad said as soon as I got
8 out --- well, as soon as he got
9 outside. He got out after I did. He
10 said that lightning did it. He said,
11 I don't know how. He said the
12 lightning did it. I thought at first
13 they might have got to the section
14 and it happened, but it didn't.
15 That's not where it happened.

16 Q. I think you said when you got
17 off the mantrip, the Number Four ---
18 Three and Four belt was running?

19 A. Yes.

20 Q. And when this event occurred,
21 they both stopped?

22 A. Yes, they did.

23 Q. And the power also went off at
24 your box there?

25 A. Yes.

1 Q. Now, when you got outside you
2 said --- or you were outside when
3 Jeff Toler got outside?

4 A. Yeah, I was out there.

5 Q. And do you know what time that
6 was?

7 A. I have no idea. I don't know
8 what time they got out. When I went
9 to the part of the bathhouse that
10 wasn't done yet, he was over there.
11 He was in the room over there by
12 himself.

13 Q. And before you got to the fan,
14 you went out of the intake, the
15 escapeway and went over to the track
16 and you just decided to go that way?

17 A. Yeah, I just --- I opened the
18 door there. There was a door there
19 at Four Block on the track. I opened
20 the door there and looked out and I
21 don't have any dust or anything. It
22 was normal air. I was --- got out
23 there and went out to the pit mouth.
24 I didn't want to open that door on
25 the fan housing. I didn't know what

1 kind of air we had up in there. I
2 didn't want to chance it.

3 Q. Do you have anything else
4 dealing with the explosion or the
5 events surrounding that you'd like to
6 add or ---

7 A. No.

8 Q. --- tell us?

9 A. That's all I know. I mean,
10 that's where I was and what I did.
11 That's what I felt and saw.

12 MR. COLLINS:

13 That's all I have.

14 Thank you.

15 BY MR. SWENTOSKY:

16 Q. Okay. Do you recall when the
17 last annual retraining class you
18 participated in?

19 A. Yeah, February 2nd I think.
20 It was on Friday, the first Friday in
21 February.

22 Q. This February?

23 A. This month, yeah.

24 Q. Okay. What about the one
25 prior to that?

1 A. That was my first one. I just
2 got my black hat last summer.

3 Q. I'm sorry?

4 A. I just got my black hat last
5 year. That was the first one I was
6 due for, retraining.

7 Q. Okay. So you had initial
8 training when you started at Sago
9 Mine?

10 A. Yeah.

11 Q. Okay. And then when was the
12 next training you had after that?

13 A. February.

14 Q. February of?

15 A. This year.

16 Q. This year?

17 A. Yeah. I was a red hat when I
18 started at Sago.

19 Q. Okay.

20 A. I wasn't due for annual
21 retraining yet 'til February.

22 Q. Do you recall around the date
23 that you started at Sago? I know you
24 said 15 months in general, but do you
25 recall that date?

1 A. It hasn't been quite 15
2 months. It was --- my hire date was
3 in December of 2004.

4 Q. December of 2004?

5 A. Yeah.

6 Q. Okay. And at that point
7 there, you received initial training?

8 A. Yeah, hazard training and
9 stuff. I was a red hat when I
10 started.

11 Q. Okay. You were a red hat,
12 okay. And then the next training
13 that you received was here just in
14 February?

15 A. That's when my annual
16 retraining was, yes.

17 Q. Okay. So between December of
18 2004 and February 6th --- or excuse
19 me, February 2nd of 2006, that's ---
20 you hadn't received any additional
21 training?

22 A. Just task training, hazard
23 training, safety training.

24 Q. Okay. But not --- did not
25 attend like an eight-hour training

1 course through those periods?

2 A. No.

3 Q. Okay. As part of that
4 training, did you receive SCSR
5 training?

6 A. Yes.

7 Q. And can you kind of describe
8 that a little bit to me and how that
9 was conducted and what you did during
10 that training?

11 A. Well, they showed us how to
12 --- how the rescuers worked and told
13 us how they worked, what the
14 chemicals and if you take them out
15 and they don't --- and you pull the
16 thing and they don't inflate by
17 themselves, blow into them three
18 times and it will activate them and
19 continue putting them on and put your
20 goggles on, your nose clips on and
21 go.

22 Q. Okay. Did you --- did it have
23 a training model there, one that they
24 put together and pulled apart?

25 A. Yes.

1 Q. And did you actually have to
2 go through the training of opening up
3 and putting on the goggles and the
4 nose piece?

5 A. No.

6 Q. No? Did they just talk about
7 it?

8 A. He showed us how to do it.

9 Q. And you did not --- they
10 didn't --- you didn't have to
11 demonstrate at all?

12 A. No.

13 Q. No. So it was just a sit and
14 listen type class I guess. And they
15 showed --- they did that in December
16 of 2004 like when you were first
17 hired?

18 A. What's his name? Al
19 Schoonover did, yeah, when I started
20 there.

21 Q. Okay. And the training course
22 that you just participated in here
23 --- you said February 2nd, somewhere
24 in there?

25 A. I think it was the 2nd, it was

1 the first Friday in February. It
2 might have been the 4th. I'm not
3 sure ---.

4 Q. And during that training
5 there, did you have to ---

6 A. I didn't have to don ---.

7 Q. --- don the SCSR?

8 A. No.

9 Q. No. You just talked about
10 them?

11 A. He showed us.

12 Q. Showed you ---?

13 A. He went through it step by
14 step on ours, the SCSR 100s and the
15 W65s and the ones they store
16 underground. See, I was working at
17 Philippi with the annual retraining.
18 They had the W65s down there and they
19 store rescuers underground.

20 Q. Okay. So the training that
21 you received was from Philippi?

22 A. Yeah.

23 Q. And who conducted that class?

24 A. Dick Curry.

25 Q. Dick Curry. Okay. And it was

1 a discussion on how to don them?

2 A. Yeah, he showed us how to don
3 them.

4 Q. Showed you how?

5 A. He put it on.

6 Q. Okay. And you didn't have to
7 --- but you didn't have to do that?

8 A. No.

9 Q. Okay. Do you feel the
10 training that you received for the
11 Sago Mine was adequate?

12 A. Yes.

13 Q. And you said Schoonover is the
14 one that did that?

15 A. Yes.

16 Q. Is there anything additional
17 that you would add to a training
18 session that you think should be
19 added to the training session?

20 A. I think they should have you
21 --- a smoke room and everything while
22 they're retraining. You should have
23 to go through it. You should have to
24 don the rescuer, go through a smoke
25 room. I think we should also retrain

1 - - - everybody underground should be
2 trained for fire extinguishing, what
3 to do when there's a fire, not just
4 certain people. I think everybody
5 should be.

6 Q. Okay.

7 A. Everybody's under there.
8 Everybody should be trained. Because
9 one man can't save everybody. On the
10 motor if you have a fire, especially
11 like for Philippi, you intake's your
12 track. You have a fire on that
13 motor, you better get it put out.

14 Q. Okay. Have you ever been
15 searched for smoking articles?

16 A. Pardon?

17 Q. Have you ever been searched
18 for smoking articles?

19 A. Yes.

20 Q. And how do they do that?

21 A. They search your lunch bucket
22 and pat your pockets.

23 Q. Okay. And how often do they
24 do that, do you recall?

25 A. It ranges from every couple

1 weeks to sometimes every month or so.
2 I know at Philippi, they do it --- I
3 think they did it more at Philippi
4 than they do at Sago.

5 Q. At Sago. And at Sago, you
6 think about a month you said? Is
7 that what you ---?

8 A. Yeah.

9 Q. Okay. Have you ever ---?

10 A. I don't think you should have
11 to search for smoking articles.

12 Q. Pardon me?

13 A. I said I don't think you
14 should have to search for smoking
15 articles.

16 Q. And why is that?

17 A. Because you're working down
18 there with people if they had a smoke
19 down there, you should take care of
20 it yourself. There should be nobody
21 dumb enough to go underground and
22 smoke.

23 Q. Okay. Have you ever observed
24 anyone smoking underground?

25 A. No.

1 Q. Have you ever found any
2 smoking articles underground?

3 A. No.

4 MR. SWENTOSKY:

5 Do you have anything,
6 John?

7 MR. COLLINS:

8 No, I'm finished.

9 Thank you.

10 BY MR. SWENTOSKY:

11 Q. Has anyone offered you
12 anything or made any promise to you
13 in exchange for your appearing here
14 today?

15 A. No.

16 Q. In closing, do you have
17 anything that you would like to add?

18 A. I'd like to know why it took
19 so long to get rescue teams in that
20 mine. If there hadn't been a (k)
21 order in that mine we would have
22 gotten them out of there ourselves.

23 Q. Well, I can't answer that
24 question right now.

25 A. I mean, we were at 58 block

1 with no rescuer.

2 Q. I'm sorry?

3 A. They were at 58 block without
4 air of any kind, no rescuer, no
5 nothing. They were at 58 block.

6 Q. And you say they ---?

7 A. They're at the mouth of the
8 section with no rescuer.

9 Q. Okay.

10 A. They knew there was no phone.
11 Why did it take so long to get rescue
12 teams in that coal mine?

13 Q. Well, ---.

14 A. That delay cost 11 people
15 their life.

16 MR. SWENTOSKY:

17 Well, as we continue
18 our investigation, we can
19 certainly look into --- will
20 be looking into those things.

21 Okay. On behalf of
22 MSHA, I would like to thank
23 you for appearing and
24 answering the questions today.
25 Your cooperation is very

1 important to the investigation
2 as we work toward determining
3 the cause of the accident.

4 We ask that you not
5 discuss your testimony with
6 any person who may have
7 already been interviewed or
8 who may be interviewed in the
9 future. This will ensure that
10 we obtain everyone's
11 independent recollection of
12 the events surrounding the
13 accident.

14 After questioning other
15 witnesses, we may call you if
16 we have any follow-up
17 questions that we feel that we
18 need to ask you. If at any
19 time you have additional
20 information regarding the
21 accident that you would like
22 to provide to us, please
23 contact us at the contact
24 information that was
25 previously provided to you,

1 and those were the business
2 cards that we provided to you.

3 The Mine Act provides
4 certain protections to miners
5 who provide information to
6 MSHA, and as a result, are
7 treated adversely. If at any
8 time, you believe that you
9 have been treated unfairly,
10 please --- because of your
11 cooperation in this
12 investigation, you should
13 immediately notify MSHA.

14 If you wish, you may
15 now go back over any answer
16 that you have given during
17 this interview and you may
18 also make any statement that
19 you would like to make at this
20 time.

21 Anything else?

22 A. No.

23 MR. SWENTOSKY:

24 Okay. Thank you for
25 your cooperation in this

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matter, Mr. Boni. We really
appreciate it. Thank you.

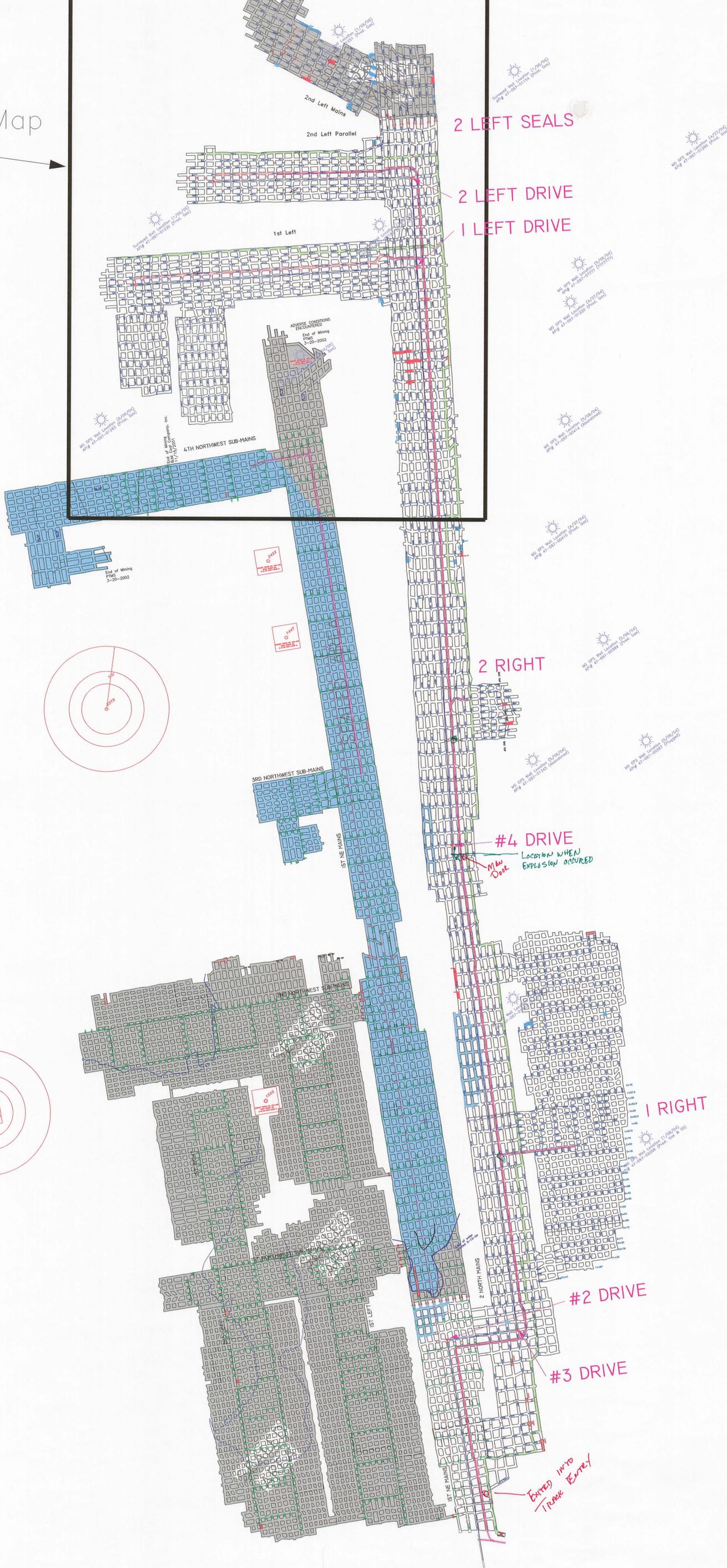
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SWORN STATEMENT

CONCLUDED AT 11:51 A.M.

* * * * *

Area Shown on Map
Scale: 1" = 100'



T36
Scale: 1" = 300'

