

STATEMENT UNDER OATH

OF

JEFF BENNETT

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  
Court, 324 West Main Street,  
Clarksburg, West Virginia, on Friday,  
March 24, 2006, at 12:17 p.m.

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A P P E A R A N C E S

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

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P R O C E E D I N G S

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MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. With me is Bob Wilson, from the Solicitor's Office, Mike Rutledge and Mr. Dave Stuart, with the West Virginia Office of Miners' Health, Safety & Training. I've been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January 2nd, 2006, in which 12 miners died and one was injured. The investigation is being conducted by MSHA and the West Virginia Office of Miners' Health, Safety & Training to

1 gather information to  
2 determine the cause of the  
3 accident, and these interviews  
4 are an important part of that  
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. MSHA accident  
17 reports are made available to  
18 the public in hope that  
19 greater awareness about the  
20 causes of accidents can reduce  
21 their occurrence in the  
22 future. Information obtained  
23 through witness interviews is  
24 frequently included in these  
25 reports. Your statement may

1           also be used in other  
2           enforcement proceedings.

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

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

1 and the West Virginia office  
2 of Health, Safety & Training  
3 into the conditions, events  
4 and circumstances surrounding  
5 the fatalities that occurred  
6 at the Sago Mine, owned by  
7 International Coal Group in  
8 Buckhannon, West Virginia, on  
9 January 2nd, 2006.

10 This interview is being  
11 conducted at the U.S.  
12 Bankruptcy Court in  
13 Clarksburg, West Virginia, on  
14 March 23rd, 2006. Questioning  
15 will be conducted by  
16 representatives of MSHA and  
17 the Office of Miners' Health,  
18 Safety & Training.

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

1           any statements that you make  
2           in response to the questions.  
3           After we have finished asking  
4           questions, you will also be  
5           given an opportunity to make a  
6           statement and provide us with  
7           any information that you  
8           believe may be important. If  
9           at any time after your  
10          interview you recall any  
11          additional information that  
12          you believe may be useful in  
13          the investigation, please  
14          contact Richard Gates at the  
15          phone number or e-mail address  
16          provided to you on the  
17          business card.

18                   Your statement is  
19                   completely voluntary. You may  
20                   refuse to answer any question  
21                   and you may terminate the  
22                   interview at any time. If you  
23                   need a break for any reason,  
24                   please just let me know.

25                   The court reporter will

1 record your interview and will  
2 later produce a written  
3 transcript of the interview.  
4 Please try to respond to all  
5 questions verbally since the  
6 court reporter cannot record  
7 nonverbal responses. Also,  
8 please try to keep your voice  
9 up. Copies of the written  
10 transcript will be made  
11 available at a later time.

12 If any part of your  
13 statement is based not on your  
14 own firsthand knowledge but on  
15 information that you learned  
16 from someone else, please let  
17 us know. Please answer each  
18 question as fully as you can,  
19 including any information you  
20 have learned from someone  
21 else. We may not ask the  
22 right questions to learn the  
23 information that you have, so  
24 do not feel limited in the  
25 precise question that we ask.

1           If you have information about  
2           a subject area of the  
3           question, please provide us  
4           with that information.

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

11                         MR. RUTLEDGE:

12                         Yes.    The Office of  
13          Miners' Health, Safety &  
14          Training is conducting this  
15          interview session jointly with  
16          MSHA.   We're in agreement with  
17          the procedures outlined by Mr.  
18          Swentosky.   The Director does,  
19          however, reserve the right to  
20          call or subpoena witnesses, if  
21          necessary, or require the  
22          production of any record,  
23          document, photograph or other  
24          relevant materials necessary  
25          to conduct this investigation.

1                   MR. SWENTOSKY:

2                   Thank you. Mr.  
3                   Bennett, are you aware that  
4                   you may have a personal  
5                   representative present during  
6                   the taking of this statement?

7                   MR. BENNETT:

8                   Yes.

9                   MR. SWENTOSKY:

10                  And do you have a  
11                  representative with you here  
12                  today?

13                  MR. BENNETT:

14                  No.

15                  MR. SWENTOSKY:

16                  And do you have any  
17                  questions regarding the manner  
18                  in which the interview will be  
19                  conducted before we get  
20                  started?

21                  MR. BENNETT:

22                  No.

23                  MR. SWENTOSKY:

24                  Could you swear in Mr.  
25                  Bennett for us, please?

1 -----  
2 JEFF BENNETT, HAVING FIRST BEEN DULY  
3 SWORN, TESTIFIED AS FOLLOWS:

4 -----  
5 BY MR. SWENTOSKY:

6 Q. Could you please provide us  
7 with your full name, and spell your  
8 last name for us, please?

9 A. Jeffrey Arvel (phonetic)  
10 Bennett, B-E-N-N-E-T-T.

11 Q. And could you give us your  
12 address and telephone number, please?

13 A. 100 Tanglewood Drive,  
14 Buckhannon, West Virginia, 26201.

15 Q. And the telephone number?

16 A. And the telephone number is  
17 area code (304) 472-8397.

18 Q. And are you appearing here  
19 voluntarily?

20 A. Yes.

21 Q. And what is your present  
22 position?

23 A. I'm a district inspector for  
24 the Office of Miners' Health & Safety  
25 Training.

1 Q. And how long have you worked  
2 in that position?

3 A. Approximately three and a half  
4 years. I started September 23rd,  
5 2002.

6 Q. And who is your immediate  
7 supervisor?

8 A. Brian Mills.

9 Q. And how long have you been a  
10 member of the mine emergency unit?

11 A. Since approximately November  
12 of 2002, with the State. I had  
13 previous experience with other teams.

14 Q. And what other teams did you  
15 have experience with?

16 A. I was first certified in mine  
17 rescue training with Badger Coal  
18 Company. It was a Pittston company.  
19 And that was in the early '80s,  
20 approximately '83. And then I was on  
21 the Barbour County Mine Rescue Team  
22 from approximately '96 until 2002,  
23 until I got this job.

24 Q. And what position do you hold  
25 on the team?

1 A. I'm just a map man.

2 Q. Don't say just. That's  
3 important. And who notified you of  
4 the explosion?

5 A. Brian Mills. He notified me,  
6 yes.

7 Q. And do you remember  
8 approximately what time that was?

9 A. On my caller ID, it was 7:59  
10 a.m., Tuesday morning, January 2nd.  
11 That was a Monday. I'm sorry,  
12 Monday.

13 Q. And when you were notified,  
14 what did you --- did you go directly  
15 to the mine?

16 A. Yes, I did. Yes.

17 Q. And when you arrived, do you  
18 know approximately what time that  
19 was?

20 A. It was at 8:23.

21 Q. And when you arrived there,  
22 who else was there, like State,  
23 company and federal officials?

24 A. From the State, John Collins  
25 was there. And Barry Fletcher, he

1 was there.

2 Q. And who is Barry Fletcher?

3 A. Barry Fletcher is another  
4 district inspector from the State  
5 that works out of the same region  
6 that I do.

7 Q. And was there any federal  
8 officials there?

9 A. Not at that time, no.

10 Q. Okay. And what activities  
11 were ongoing at that time?

12 A. John Collins, he --- I  
13 remember that he was making sure that  
14 the gate was secured outside. He  
15 gave me some job duties which I had  
16 to do. John wanted me to find out  
17 who all was on the First Left  
18 mantrip, who all on that mantrip was  
19 outside, and try to get who all was  
20 underground at that time. Then after  
21 that, he wanted me to secure the  
22 record books and also start  
23 monitoring the atmosphere coming out  
24 of the return. And that was  
25 approximately a little after 9:00.

1 Q. And were you the initial  
2 person that took reading ---?

3 A. There was one reading taken  
4 prior to me doing it, from the  
5 company, James Scott.

6 Q. What were the readings that  
7 you got?

8 A. Right now, I'd have to look  
9 back at my notes, and I really don't  
10 know.

11 Q. I understand.

12 A. I did submit that to MSHA.

13 Q. Okay. Maybe just start from  
14 that point there and just kind of go  
15 through your activities that the ---  
16 during the 2nd --- January 2nd and  
17 January 3rd, your activities during  
18 the rescue and recovery.

19 A. Well, you know, I was told to  
20 take, you know, air readings at the  
21 return and to monitor the fan every  
22 15 minutes. And at the Sago Mine, by  
23 the time you walk in the pit and take  
24 your air readings and go back out of  
25 the pit on the surface and give them,

1 I think, to one of the company  
2 officials, I forget right now who  
3 that was, but I did that from shortly  
4 after 9:00 until four o'clock that  
5 evening. Now, in the early  
6 afternoon, the Barbour County Mine  
7 Rescue Team, the CO levels picked up.  
8 They were under apparatus and did  
9 that. But I would stay at the top of  
10 the pit and watch those guys down in  
11 until they came back out. So I had  
12 that job until about, you know, four  
13 o'clock.

14 Q. Just start at that time and  
15 kind of go through the activities,  
16 you know, just your complete  
17 activities from that time until ---  
18 and then during the rescue and  
19 recovery. Could you do that for me?

20 A. Well, I benched my machine  
21 approximately between four and five  
22 o'clock, and I was ready to go. And  
23 I didn't go underground until Tuesday  
24 morning, at approximately nine  
25 o'clock. I went underground with the

1       Blacksville Two team.   And at that  
2       time, I think it was approximately at  
3       --- on Three track, 30 block  
4       approximately, we had to go in and  
5       take air quality and quantity.   And  
6       that was at the same time that the  
7       robot went in.   And I came out of the  
8       mine approximately 11 o'clock that  
9       morning, and I got home 12:06 Tuesday  
10      afternoon.

11      Q.        So you were underground with  
12      the Blacksville team?

13      A.        Yes.

14      Q.        And how far did they explore  
15      to?

16      A.        I'd have to look at my notes.  
17      I'm really not sure.

18      Q.        Then you went home and then  
19      you came back?

20      A.        Yes.

21      Q.        And what time did you get  
22      back?

23      A.        I got back at the mine shortly  
24      after 10:00 p.m.

25      Q.        That would be ---?

1 A. Monday evening, yes.

2 Q. That would be Tuesday evening,  
3 January --- the day after the  
4 accident?

5 A. Tuesday evening. You're  
6 right. Yes.

7 Q. January 3rd?

8 A. Yes. And when I got back to  
9 the mine, I think Mike told me ---  
10 Mike Rutledge told me and Mark  
11 Wilfong told me that I was going to  
12 go in with the Viper team to bring  
13 out the first body that they found.

14 Q. And you went in the mine with  
15 the Viper team?

16 A. Yes.

17 Q. And just tell me the events  
18 that took place during that period of  
19 time?

20 A. Well, Mark Wilfong gave me a  
21 mine map to, you know, plot Terry  
22 Helms or this first victim. We  
23 didn't know, but I thought it would  
24 probably be Terry Helms, and I was  
25 under that assumption. But I told

1 those guys from the Viper team going  
2 in that, you know, we had to take a  
3 lot of measurements and I knew this  
4 guy personally and, you know, I said,  
5 I need some help. So on the way in,  
6 they told me that they'd help me.  
7 And when we got off the mantrip,  
8 which was parked outby the other - - -  
9 I believe there was two mantrips in  
10 there at that time. It was parked  
11 out the First Left switch, we started  
12 walking in the vicinity where this  
13 first body they had found, and they  
14 started hollering at the fresh air  
15 base, and they said that they needed  
16 help. There was an emergency, for us  
17 to run up there, that they needed  
18 help. So we proceeded to run up  
19 there at that location. I think it  
20 was at the Two Left switch where they  
21 was hollering. And as soon as we got  
22 there, I looked to the left and they  
23 were bringing a person out on a  
24 stretcher from the - - - which would be  
25 the Two Left section or Two Left

1 area.

2 At that time, they brought him  
3 out to the switch, and I didn't know  
4 who it was at that time. I didn't  
5 know if it was somebody from the mine  
6 rescue team had went down or if it  
7 was one of the miners. We didn't ask  
8 any questions. He needed to get to  
9 the outside. So we put my apparatus  
10 on him. And I think at that time he  
11 had an SCSR on, but we put my  
12 apparatus on him, and I know that he  
13 was really struggling to breathe.  
14 And it seemed like every breath that  
15 he took, you'd just hear him gasp for  
16 breath and then he was taking a  
17 breath about every five seconds. And  
18 when he did so, you could see his  
19 neck collapse. So we put my machine  
20 on him. And then, like I say, I  
21 didn't ask who it was. I don't think  
22 anybody else did. At that time, we  
23 immediately took him out to the  
24 mantrip that we had came in on and we  
25 was going to take him outside. And

1       then going outside, I was on the  
2       outby end of the mantrip, which I  
3       didn't know at the time was McCloy,  
4       and there was a person from the  
5       Tri-State Mine Rescue Team, and I was  
6       on the same end of the mantrip as  
7       they were. And we was going outside  
8       and I looked at this --- now, I  
9       didn't know who it was. And I asked  
10      this boy, he was on the Tri-State  
11      Mine Rescue Team, I asked him, I  
12      said, who is this. He said, this is  
13      one of the miners. I said, this is  
14      one of the 13 miners? He said, yes.  
15      I said, did you see the other miners.  
16      And he said, yeah. I said, how many  
17      did you see together, because I knew  
18      that there was one outby. And he  
19      said, well, I seen 12. I said, are  
20      they living? He said, no. I said,  
21      you're telling me that there's 11  
22      dead miners up there then together?  
23      And he said, yes. Then I said, this  
24      is the only survivor? And he said,  
25      yes.

1 Q. And prior to that, did you  
2 think that there were more persons  
3 that were alive?

4 A. I didn't know. I did not  
5 know. And like I say, I didn't know  
6 that Randal McCloy was one of the  
7 miners or somebody from the mine  
8 rescue team.

9 Q. All right. Go ahead.

10 A. But bringing him outside, I  
11 just didn't think that --- I didn't  
12 think that this boy was going to make  
13 it, you know. After we put my  
14 machine on him, I felt like he was  
15 breathing a little bit quicker. You  
16 couldn't hear him gasp for breath,  
17 but his fingers was drawed up. And  
18 the track --- and going outside, the  
19 track, if the mantrip would hit a  
20 kink or bump in the track, his  
21 eyelids was opening, and you'd see  
22 his eyes were rolled back in his  
23 head. You'd just see the whites of  
24 his eyes. And then going outside, I  
25 didn't think that this boy was going

1 to make it. And I knew that --- I  
2 thought maybe time might be a factor  
3 in going outside. I seen --- there  
4 was a bunch of lights approaching us,  
5 and I didn't know at that time if  
6 they were on foot, if it was another  
7 mantrip coming in. I couldn't make  
8 it out. And as we got closer, I  
9 realized it was a motor that was on  
10 the inby end, pulling a flat car, and  
11 there were several people on it, and  
12 there was a mantrip outby that flat  
13 car. And we just came to a stop on  
14 the track, and I told those guys, we  
15 have --- I said, we've got to get ---  
16 we got to get outside. And somebody  
17 said, you're at a switch. And I  
18 screamed, I said, guys, throw the  
19 switch, so somebody threw the switch.  
20 And the mantrip operator said, I  
21 don't know if I'm clear or not. And  
22 I told him, I said, back up until you  
23 hit something. So he was backing up.  
24 And I've ran them over a lot before,  
25 and I'm looking out the windshield, I

1       could see the mainline track and I  
2       told him, I said, stop, because  
3       they'll clear. I said, guys, throw  
4       the switch and get out of the way.  
5       So then the motor and flat car and  
6       mantrip went inby. How far they went  
7       inby, I don't know. But at that  
8       point, the mantrip operator was  
9       talking to somebody, and I told him  
10      that we had to go. I didn't --- I  
11      turned around and looked and I think  
12      that he identified himself as being a  
13      doctor. And he was standing --- this  
14      was either at One Right or Two Right  
15      switch. And he was standing on the  
16      tight side of the mantrip, which is  
17      all enclosed, except for that little  
18      window that he was able to look  
19      through, which is about approximately  
20      10 or 12 inches high the width of the  
21      mantrip. And he just made a  
22      statement like, is he breathing. And  
23      I said, yes. And he said, is he on  
24      oxygen? I said, yeah. And the only  
25      question I asked him was, I mean, can

1       you give him too much, because there  
2       is bypass on that BG-4, and he said  
3       no. Then he stood there and I told  
4       him that we've got to go. And I told  
5       the mantrip operator, I said, let's  
6       go. And that's when we left.

7       Q.       Okay. And you say you're  
8       around One or Two Left --- or excuse  
9       me, One or Two Right?

10      A.       That's where I thought, yes.  
11      That's where I thought, yeah.

12      Q.       And when you came out and you  
13      stopped and you said about them  
14      throwing the switch, are you talking  
15      about throwing a switch for them to  
16      go into One or Two Right or wherever  
17      you were so they could get out of the  
18      way and you could go past, is that  
19      what you were meaning?

20      A.       Yeah. I told them to throw  
21      the switch because I knew that we was  
22      closer to the switch. The mantrip  
23      operator said that we can't clear.  
24      And I thought, well, he didn't know  
25      if we'd clear or not. And I thought,

1 well, if he's in doubt that our  
2 mantrip would clear, then I know that  
3 the motor and the flat car and the  
4 other mantrip won't clear, so we had  
5 to switch out.

6 Q. Yes. So you ---?

7 A. And I thought all along, too,  
8 that if we did jump track, I knew  
9 that there's a mantrip outby where we  
10 could transport this boy from our  
11 mantrip to the other one.

12 Q. So you're the one that pulled  
13 into the switch?

14 A. Yes.

15 Q. And then the motor moved inby  
16 and then you cleared and went ---?

17 A. Correct. But there's only  
18 three right-handed switches in the  
19 mine. I think there's one off the  
20 bottom, which I think they call it  
21 the motor switch, and One Right and  
22 Two Right switch. But I think it was  
23 one of the ---.

24 Q. So this person that --- he  
25 identified himself as a doctor, you

1       said?

2       A.       I don't know if he did or not,  
3       but I think he had a stethoscope  
4       around his neck, which made me think  
5       that. But he possibly could have  
6       said that he was a doctor.

7       Q.       So I guess if --- we don't  
8       have a name. Did he say who he was?

9       A.       I heard later if --- I heard  
10      later it was Robert Blake, I think.

11     Q.       And did he get out of he  
12     mantrip at all?

13     A.       Out of what mantrip?

14     Q.       The trip that he was in.

15     A.       The trip that he was in he got  
16     out, yes. The switch that we was  
17     parked in, he was on the tight side  
18     of that mantrip that McCloy was in.  
19     And it's all enclosed except for that  
20     little window at our backs.

21     Q.       But he came in on the trip  
22     ---?

23     A.       That we ran it or ---?

24     Q.       Yes. He was on your trip  
25     then?

1 A. He came in on a mantrip with  
2 that motor crew.

3 Q. Oh, with the motor crew?

4 A. I think that he was probably  
5 possibly on that flat car.

6 Q. Okay. Oh, on a flat car?

7 A. Yes.

8 Q. So then he got off and then he  
9 looked in that window on the side  
10 there and spoke to you?

11 A. Yeah. He was just asking us,  
12 you know, if he was breathing  
13 and ---.

14 Q. Okay. And then that was the  
15 last conversation that you had with  
16 him?

17 A. Yes.

18 Q. And then you told the --- at  
19 that point then you told the trip  
20 operator ---

21 A. We had to go.

22 Q. --- you had to go?

23 A. Right.

24 Q. And then you --- at that  
25 point, you left?

1 A. Right.

2 Q. And you started out of the  
3 mine?

4 A. Yes.

5 Q. And then kind of pick it up  
6 from there.

7 A. Well, we --- you know, it just  
8 seemed like it --- with the track,  
9 you know, it's not --- we didn't jump  
10 track or anything, but it was a slow  
11 process bringing him outside. And by  
12 the time we got outside, I remember  
13 Eugene White, he was on the other end  
14 of the mantrip, and he hollered at  
15 people, he said, hey, you know, we  
16 need some help. And that's when we  
17 put --- as soon as we got him  
18 outside, we put McCloy in the  
19 ambulance that was in the pit, and  
20 then I didn't go back in the mine  
21 after that.

22 Q. So then after he was loaded in  
23 the mantrip and then you went up to  
24 the --- what did you do then?

25 A. I went up to the mine --- out

1 in the mine yard, I guess right  
2 outside of the office, and I asked my  
3 assistant supervisor, Mark Wilfong, I  
4 said, Mark, I said, you know, why did  
5 you allow those people to go in the  
6 mines when this boy is, you know,  
7 fighting for his life and you know.  
8 And he said that there was some  
9 miscommunication and that, you know,  
10 they said that they reported that the  
11 miners were alive when they weren't.  
12 He said we sent some personnel in  
13 there to take care of those people,  
14 and you know, he said that's the only  
15 reason. He said, we didn't know. We  
16 did - - - .

17 Q. So the reason the doctor and  
18 this other trip came in was because  
19 they were under the impression that  
20 there was more alive miners?

21 A. That's what I had heard, yes.  
22 Yes.

23 MR. SWENTOSKY:

24 Do you have anything?

25 BY MR. RUTLEDGE:

1 Q. Jeff, if you would, please,  
2 tell us --- you said that when this  
3 person came and hollered at you  
4 about, you know, something was wrong,  
5 they needed help up there going  
6 toward the Two Left switch, and as  
7 you got there to the Two Left switch,  
8 then they were bringing this man out  
9 on a stretcher.

10 A. Yes.

11 Q. At what point did you put your  
12 apparatus on?

13 A. Immediately. As soon as he  
14 got to the switch, that's when we did  
15 it.

16 Q. So right there they stopped  
17 then at Two Left switch?

18 A. Yes.

19 Q. Put that apparatus on ---

20 A. Okay.

21 Q. --- what turned out to be Mr.  
22 McCloy?

23 A. I remember that I took my  
24 apparatus off and somebody grabbed  
25 the backpack of it, and there was

1       somebody else assisting me in putting  
2       a mask on him. And as soon as it was  
3       put on, the oxygen was immediately  
4       turned on. And I know that the guys  
5       that had brought him out to the Two  
6       Left switch were exhausted, and they  
7       said that they needed help. And I  
8       don't think that really ---  
9       time-wise, it was quick in putting  
10      the apparatus on him. And as soon as  
11      we did that, people changed positions  
12      and grabbed ahold of the stretcher,  
13      and we proceeded outby with him to  
14      the mantrip where we came in on.

15      Q.       So was somebody walking  
16      alongside that stretcher, holding  
17      that apparatus?

18      A.       Carrying the backpack, that's  
19      exactly right. Yes. The backpack  
20      was never rested on him or anything.  
21      Somebody was just carrying my  
22      backpack with him. Yes.

23      Q.       Walking alongside the  
24      stretcher?

25      A.       Walking alongside the

1       stretcher, yes.

2       Q.       And then you had to go to just  
3       outby One Left to where the mantrip  
4       was parked?

5       A.       Yes.

6       Q.       Okay. And what --- you put  
7       the man on the stretcher in through  
8       the door or the opening on the wide  
9       side of the mantrip?

10      A.       Exactly.

11      Q.       Was that difficult to do or  
12      was it ---?

13      A.       No. This boy from Tri-State,  
14      he positioned himself in the deck of  
15      the mantrip with his knees, and these  
16      guys --- I mean, they had to swing  
17      around a little bit like moving a  
18      couch, but it wasn't --- time wasn't  
19      a factor. But as soon as he got the  
20      end of it, he carried the end of the  
21      stretcher and walked back on his  
22      knees and put McCloy in. And the  
23      stretcher was a perfect fit. I know  
24      that the stretcher was hitting both  
25      ends of the mantrip or both sides of

1 the mantrip, but it was a perfect  
2 fit.

3 Q. Okay. Again, you or somebody  
4 else was still holding this  
5 apparatus?

6 A. Yes. When they was putting  
7 the stretcher in, I knew that I had  
8 to get outside with my machine. So I  
9 grabbed my backpack at that time,  
10 when they was putting the stretcher  
11 in, then I was walking along the  
12 stretcher, and then I got in the  
13 mantrip on my knees, making sure  
14 that, you know, they didn't pull the  
15 face piece off, yes. And even going  
16 outside, I didn't say this, but going  
17 outside, I had to position my  
18 backpack to where the hoses wouldn't  
19 kink, which I felt, too, when the  
20 doctor was there, that would have  
21 been obstruction for him to see  
22 McCloy as well. Because this was ---  
23 they have a couple different styles  
24 of mantrips up at the Sago Mine, but  
25 this mantrip only had a bench seat on

1 both ends, one bench seat, and it's a  
2 lower mantrip, which you know, ---.

3 Q. So you all were stopped when  
4 you met these other trips coming in,  
5 ---

6 A. Yes.

7 Q. --- you all were stopped? You  
8 all switched off the mainline?

9 A. Right.

10 Q. And at that point, this fellow  
11 you said that you thought identified  
12 himself as a doctor, ---

13 A. Right.

14 Q. --- that's when he came to,  
15 you said, the tight side?

16 A. The tight side of the mantrip,  
17 yes, which you know, the mantrips up  
18 at Sago, on the tight side they're  
19 all enclosed except for that little  
20 short window on the back side, the  
21 width of the mantrip.

22 Q. And he asked you if this  
23 person was breathing?

24 A. He asked if he was breathing.  
25 And I said, yes.

1 Q. And did he ask you something  
2 else? I'm sorry if I'm repeating  
3 what you've already said or asking  
4 ---.

5 A. I think that he asked if he  
6 was on oxygen. And I said, yes. And  
7 my only question was to him, can I  
8 give him too much. And he said, no.

9 Q. And that was --- was there any  
10 more conversation?

11 A. No. I told him that we had to  
12 go.

13 Q. I know it's hard to estimate,  
14 but that whole conversation may have  
15 taken a minute or what?

16 A. I would say no more than a  
17 minute. No more than a minute. But  
18 looking through this short window on  
19 the tight side of the mantrip --- and  
20 it can't be --- I don't know what  
21 number bus it was at the Sago Mine,  
22 but it was a low --- it can't be ---  
23 I don't think that you could sit in  
24 the seat and sit up. You got to bend  
25 over. But I know that there was a

1 boy from the Tri-State team at  
2 McCloy's head and shoulders. And I  
3 believe that he was on his knees,  
4 which would have obstructed vision  
5 from this doctor. And also, I had my  
6 machine upright to keep the hose from  
7 kinking. And prior to going out to  
8 the switch, I got uncomfortable and I  
9 had to straddle McCloy. So my left  
10 foot is on the other side of McCloy,  
11 and this is a low mantrip. So my  
12 opinion was, where this doctor was  
13 at, he would have been lucky to have  
14 seen McCloy's boots. But for the  
15 doctor to go in on the opening of the  
16 mantrip to look at McCloy, it never  
17 happened.

18 MR. RUTLEDGE:

19 That's all I have for

20 now.

21 BY MR. SWENTOSKY:

22 Q. And once you got on the  
23 surface and then they loaded him  
24 directly into the ambulance?

25 A. Right.

1 Q. And that's the last time that  
2 you had any contact with any of the  
3 --- was the doctor out there?

4 A. At that time?

5 Q. Yes.

6 A. No, not to --- was there a  
7 doctor or this doctor?

8 Q. Well, let's start with this  
9 doctor.

10 A. No, not to my knowledge. No,  
11 he was not.

12 Q. Was there any doctors or any  
13 other doctors out there; do you know?

14 A. I really couldn't answer. I  
15 mean, I really don't know. I know  
16 that I assisted in carrying McCloy to  
17 the ambulance, and I really don't  
18 know.

19 Q. Okay. Did you have an  
20 occasion to --- do you inspect Sago  
21 Mine at all?

22 A. I inspected Sago Mine in 2004,  
23 and I had in the first quarter of  
24 2005.

25 Q. Okay. And so I guess from

1 that then you would have had not had  
2 an opportunity to see the seals there  
3 because they weren't even in; is that  
4 correct?

5 A. Correct. That is correct.  
6 They were not built whenever I was  
7 there.

8 Q. And were they mining up in the  
9 old Two Left area during your  
10 inspection at all?

11 A. No. They was getting ready to  
12 go up to, I think, Second Right at  
13 that time.

14 Q. Okay.

15 A. I remember that they were  
16 constructing a maintenance shanty  
17 along --- I think Four track, Eight,  
18 Nine block, that was so.

19 Q. Okay.

20 BY ATTORNEY WILSON:

21 Q. If I could just clarify  
22 something. You said when you went in  
23 with the Viper team ---

24 A. Uh-huh (yes).

25 Q. --- you got up near the fresh

1 air base, somebody called you over?

2 A. Yeah. They were hollering up  
3 to inform us that they needed help.

4 Q. Do you recall who that was?

5 A. Kerry Lilly. He's on the  
6 Tri-State Mine Rescue Team.

7 Q. And do you recall what he  
8 said?

9 A. He just said that we have an  
10 emergency. You guys need to get up  
11 here. Get up here quick. He said,  
12 Brian, he said, we need help. That's  
13 basically it.

14 Q. And then what happened when  
15 you got over there?

16 A. As soon as we got to the Two  
17 Left switch, that's when I looked to  
18 the left and they was bringing this  
19 person out on a stretcher. And it  
20 was only approximately 10 or 12 feet  
21 from where I was at. So you know, I  
22 didn't hear this person say anything  
23 else after that.

24 Q. And at that point, you didn't  
25 hear any conversation about anybody

1 else being alive at that point?

2 A. No. And like I say, I didn't  
3 know who this boy was. I didn't know  
4 if he was one of the miners or  
5 somebody from the mine rescue team.  
6 I know that he needed to go outside,  
7 and that's when we put my machine on  
8 him. And you know, I didn't ask any  
9 questions. I didn't want to delay  
10 anything.

11 ATTORNEY WILSON:

12 That's all I have.

13 BY MR. SWENTOSKY:

14 Q. Do you have anything else that  
15 you would like to add?

16 A. No, I don't.

17 MR. RUTLEDGE:

18 Excuse me. May I ask  
19 another question?

20 MR. SWENTOSKY:

21 Sure.

22 BY MR. RUTLEDGE:

23 Q. Jeff, did you hear at any time  
24 about a code system that was to be  
25 used by teams finding either

1 fatalities or survivors?

2 A. I think that they was supposed  
3 to be referred to as items rather  
4 than bodies or, you know, --- yeah.

5 Q. But that's all you really know  
6 of that, and you more or less gained  
7 that secondhand knowledge or just by  
8 word of mouth that ---?

9 A. Mike, I can't answer that. I  
10 really don't know, you know.

11 Q. Did you know anything about  
12 any kind of a written list of names  
13 or numbers that would identify or  
14 would be used to identify specific  
15 people?

16 A. Yeah, I remember our state  
17 mine rescue truck, yes, that there  
18 was numbers that was going to be  
19 identified and used at bodies, if  
20 they found bodies, or people that  
21 they had found, yes.

22 Q. Did you see a written list of  
23 numbers 1 through 13 with the miners'  
24 names on that so that those  
25 individual miners could be

1 identified?

2 A. No. I know that there was  
3 tags, but no, I didn't see the list.  
4 When I got to the mine Tuesday  
5 evening, I wasn't supposed to start  
6 until midnight. And I had to go in  
7 early to get that Terry Helms --- I  
8 was kind of rushed getting in.

9 Q. Okay. Thanks.

10 MR. SWENTOSKY:

11 On behalf of MSHA, I  
12 would like to thank you for  
13 appearing and answering  
14 questions today. Your  
15 cooperation is very important  
16 to the investigation as we  
17 work to determine the cause of  
18 the accident.

19 We ask that you not  
20 discuss your testimony with  
21 any person who may have  
22 already been interviewed or  
23 who may be interviewed in the  
24 future. This will ensure that  
25 we obtain everyone's

1 independent recollection of  
2 the events surrounding the  
3 accident. After questioning  
4 other witnesses, we may call  
5 you if we have any follow-up  
6 questions that we feel we need  
7 to ask you. If at any time  
8 you have additional  
9 information regarding the  
10 accident that you would like  
11 to provide to us, please  
12 contact us at the information  
13 that was previously provided  
14 to you.

15 ATTORNEY WILSON:

16 Excuse me. Let me just  
17 ask one quick follow-up  
18 question.

19 BY MR. WILSON:

20 Q. When they brought Mr. McCloy  
21 to the fresh air base where you were  
22 ---

23 A. Yes.

24 Q. --- at, did he have any sort  
25 of apparatus on him at that point?

1 A. I'll tell you what, fellows, I  
2 think that he had an SCSR on. I  
3 believe that he did.

4 Q. And then you switched that  
5 out?

6 A. Yes. I wasn't involved in  
7 taking the SCSR off, but I did assist  
8 in putting my mask on him, yes.

9 Q. Do you know what happened to  
10 that SCSR?

11 A. No, I don't. I really don't.

12 ATTORNEY WILSON:

13 Denny.

14 MR. SWENTOSKY:

15 If you wish, you may no  
16 go back over any answer that  
17 you may have given during this  
18 interview or you may make a  
19 statement, if you choose, at  
20 this time.

21 A. No, I don't have anything  
22 else.

23 MR. SWENTOSKY:

24 All right. Thank you  
25 for your coming here.

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SWORN STATEMENT CONCLUDED

AT 12:51 P.M.

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