

STATEMENT UNDER OATH  
OF  
CASEY SHORT

Taken pursuant to Notice by Miranda  
D. Elkins, a Court Reporter and  
Notary Public in and for the State of  
West Virginia, at the Wingate Inn,  
350 Conference Center Way,  
Bridgeport, West Virginia, on  
Wednesday, March 29, 2006, at 12:16  
p.m.

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P R O C E E D I N G S

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MR. UROSEK:

My name is John Urosek.  
I'm an accident investigator  
with the Mine Safety and  
Health Administration, an  
agency of the United States  
Department of Labor. With me  
is James B. Crawford, from the  
Solicitor's Office, and Mike  
Rutledge, 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 jointly by MSHA and  
the West Virginia Office of  
Miners' Health, Safety &  
Training to gather information

1 to determine the cause of the  
2 accident. This is a  
3 continuation of the interview  
4 of Mr. Casey Short previously  
5 conducted by the accident  
6 investigation team. Mr. Short  
7 has agreed to come back so  
8 that we may ask some follow-up  
9 questions. This interview is  
10 being conducted at the Wingate  
11 Inn, in Bridgeport, West  
12 Virginia, on March 29th, 2006.

13 I'd like to thank you  
14 for your agreement to appear  
15 here today. We appreciate  
16 your assistance in this  
17 investigation.

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

1 of Miners' Health, Safety &  
2 Training. Questioning will be  
3 conducted by representatives  
4 of MSHA and the Office of  
5 Miners' Health, Safety &  
6 Training.

7 Mr. Short, as in the  
8 last interview, we will ask  
9 you a series of questions. If  
10 you do not understand a  
11 question, please ask me to  
12 rephrase it. Feel free at any  
13 time to clarify any statements  
14 that you make in response to  
15 the questions that I ask. If  
16 at any time after the  
17 interview you recall any  
18 additional information that  
19 you believe may be useful in  
20 the investigation, please  
21 contact Richard Gates at the  
22 telephone number or e-mail  
23 address that has been  
24 previously provided to you.

25 Your statement is

1 completely voluntary. You may  
2 refuse to answer any question  
3 and you may terminate your  
4 interview at any time. If you  
5 need a break for any reason,  
6 just let me know.

7 As before, the court  
8 reporter will review your  
9 interview and will later  
10 produce a written transcript  
11 of the interview. Please try  
12 and respond to all questions  
13 verbally since the court  
14 reporter cannot record  
15 nonverbal responses.

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

22 MR. RUTLEDGE:

23 I have a short  
24 statement I think you've heard  
25 before. But in any case, the

1 Office of Miners' Health,  
2 Safety & Training is  
3 conducting this interview  
4 session jointly with MSHA and  
5 is in agreement with the  
6 procedures outlined by Mr.  
7 Urosek for the interview to be  
8 conducted today. However, the  
9 Director of the Office of  
10 Miners' Health, Safety &  
11 Training does reserve the  
12 right, if necessary, to call  
13 or subpoena witnesses or to  
14 require the production of any  
15 record, document, photograph  
16 or other relevant materials  
17 necessary to conduct this  
18 investigation.

19 We also appreciate you  
20 taking the time to be here  
21 today. If you have any  
22 questions concerning the  
23 State's part of this  
24 investigation, you can contact  
25 Mr. Brian Mills at the

1 information that was  
2 previously provided to you.  
3 We thank you again for being  
4 here.

5 MR. UROSEK:

6 Do you have any  
7 questions regarding the manner  
8 in which this interview will  
9 be conducted?

10 MR. SHORT:

11 No, sir.

12 MR. UROSEK:

13 Mr. Short, do you have  
14 a representative present with  
15 you?

16 MR. SHORT:

17 Yes, sir.

18 MR. UROSEK:

19 Will you please  
20 identify this person?

21 MR. SHORT:

22 Mr. Yugas.

23 MR. UROSEK:

24 Will you please swear  
25 in Mr. Short?

1 -----  
2 CASEY SHORT, HAVING FIRST BEEN DULY  
3 SWORN, TESTIFIED AS FOLLOWS:  
4 -----

5 BY MR. UROSEK:

6 Q. Will you state your full name  
7 for the record, please?

8 A. Casey Short.

9 Q. Is your address and telephone  
10 number the same as it was during the  
11 last interview?

12 A. Yes, sir.

13 Q. Are you appearing here today  
14 voluntarily?

15 A. Yes.

16 Q. As we had discussed before,  
17 we're going to go into a little bit  
18 more detail and ask you a few  
19 questions about the seals that were  
20 constructed in the old Two Left mains  
21 area. Are you familiar with those  
22 seals?

23 A. Yes, sir.

24 Q. Okay. Can you tell us how  
25 many of those seals you worked on?

1 A. Nine out of the ten.

2 Q. Nine out of the ten. Do you  
3 know which one that you didn't work  
4 on?

5 A. They asked me that last time.  
6 I don't remember.

7 Q. Okay.

8 A. It was --- you all should  
9 know. It was the one that had to be  
10 rebuilt. It was the one that Jeremy  
11 and them boys had built before. They  
12 was built before we got hired, that  
13 one.

14 Q. And when did you start?

15 A. Our first workday was either  
16 October 31st or --- the last day of  
17 October, the first day of November.

18 Q. And was that seal already  
19 complete when you started?

20 A. My understanding is yes.

21 Q. Okay. And so your first  
22 assignment at the mine was to begin  
23 building seals?

24 A. Yes.

25 Q. Had you built any seals prior

1 to that?

2 A. No.

3 Q. Well, let's talk a little bit  
4 about the seals. And we're real  
5 interested on any dates that you may  
6 be able to remember for us. Do you  
7 remember the last day that you worked  
8 on the seals?

9 A. You know, I'm thinking it was  
10 December 15th or 16th.

11 Q. Okay. Did you ---?

12 A. The reason why is --- maybe if  
13 I looked at a calendar, I could be  
14 more specific. Because it was a  
15 weekend ---

16 A. Okay.

17 Q. --- and we had two days to  
18 finish. I told this last time. Then  
19 seals were more than just sealing off  
20 a section. They was part of an air  
21 change, too, you know. We had to  
22 redirect our air and --- so we put  
23 some seals in there. So pretty much  
24 we needed to have the seals done and  
25 our overcasts done to be ready. So

1 we had two days to finish everything.  
2 We had a regulator we had to put in  
3 and things like that. So we had two  
4 weekend days, around the 15th or 16.  
5 I don't know. Right in there.

6 Q. On those two days, did you  
7 have to completely build two seals?

8 A. No, sir.

9 Q. What was there? What did you  
10 have to actually do to the seals on  
11 those two days?

12 A. We had to finish --- we had to  
13 leave enough in the far --- I'll say  
14 the far Right and far Left seal, the  
15 one in Number Eight entry and Number  
16 One entry, you know. We had to leave  
17 them open far enough for somebody to  
18 go back in there fire bossing. Of  
19 course, we had to leave them open for  
20 enough air to get through there and  
21 ventilate it.

22 Q. Okay.

23 A. So we had to finish what we  
24 hadn't done up to that point.

25 Q. Okay. Can you describe for me

1        what --- how big those openings were  
2        in those two seals?

3        A.        On the --- the one with the  
4        water traps, Number One, ---

5        Q.        Yes.

6        A.        --- it actually had a bigger  
7        opening in it because it was such a  
8        big seal. I'd say the bottom of it  
9        --- the top of it was probably six  
10       foot and the bottom of it may have  
11       been three or four foot, I don't  
12       know, you know, but it was such a big  
13       seal, you know. It left a pretty  
14       good hole. They had to go in there  
15       and fire boss it and stuff. It still  
16       had to be ventilated, you know.

17       Q.        Where was that hole at in the  
18       seal?

19       A.        On that one, we started from  
20       the left and worked to the right.  
21       So it would have been on the right  
22       rib.

23       Q.        Right rib. Was it at the top  
24       or at the bottom of the seal?

25       A.        Well, it had to have been the

1 top.

2 Q. Okay.

3 A. But you know, like we was  
4 building with blocks, so it was  
5 staggered. You know, you have to tie  
6 your blocks in together, so we built  
7 from left to right. So we came this  
8 way and then was stair-stepped down.  
9 You know how you build any wall?

10 Q. Sure. Yes. I understand.

11 A. And then on the other one ---  
12 I think on that one, at that point,  
13 when we went back in to finish it  
14 that day, I think it was pretty much  
15 --- I think it was pretty much  
16 straight across. I don't think we  
17 finished --- hadn't finished up as  
18 much of it as we had on the Number  
19 One entry. I think the Number Nine  
20 entry was --- or the far right seal  
21 ---

22 Q. Yes.

23 A. --- was --- I think we just  
24 pretty well finished it flat across.  
25 I can't remember for sure. I'm just

1       assuming.

2       Q.       Do you remember how big that  
3       opening was in that seal?

4       A.       Well, that's what --- I can't  
5       remember if we had finished it all  
6       the way up one rib and stair-stepped  
7       it down or if it was straight across  
8       the top. I can't --- I would be  
9       assuming if I told you. I don't know  
10      for sure.

11      Q.       Oh, okay. So to make sure I  
12      understand that, there might have  
13      been a row at the top that wasn't  
14      complete versus an opening on one  
15      side, is that what you're saying?

16      A.       Right. We may have ---  
17      instead of stair-step it down to  
18      leave a hole big enough for a man to  
19      walk through there and fire boss, we  
20      may have just built it straight up  
21      and not took it plumb up to the top  
22      on one side. I can't remember on  
23      that.

24      Q.       I have a diagram here of a  
25      seal and it has other things on it.

1 But for the purpose so I can  
2 understand what you just described,  
3 if I give you a pen, can you draw  
4 that on this picture so I can get a  
5 better --- and I realize it's not  
6 exact. The best you can remember.

7 A. The only thing I can't  
8 remember, if --- on the Number One,  
9 ---

10 Q. Yes.

11 A. --- I know for sure that we  
12 had built it up and stepped it down.

13 Q. Okay. Could you just draw it  
14 on here, as approximate as you can  
15 for us?

16 A. It was more like this, you  
17 know, say --- it wasn't all the way  
18 up to the top, so say it was  
19 somewhere in here. I'll put a ---.  
20 And then, of course, it was so much  
21 longer. To me, it was a long one.  
22 Pardon?

23 Q. Make the lines dark.

24 A. I'd say we stopped here and  
25 then came out and then stair-stepped

1 it down here and came out, and  
2 stair-stepped it down here and came  
3 out, and stair-stepped it down here,  
4 you know, so they could go in there  
5 and fire boss. Because you couldn't  
6 take this all the way across and  
7 straight down because you was  
8 staggering your blocks.

9 Q. Okay.

10 A. Do you understand what I'm  
11 saying? And then on the ninth one, I  
12 don't remember. Actually, it was the  
13 tenth seal finished. I can't  
14 remember if we had built it straight  
15 across and stopped or if we had taken  
16 it up and stair-stepped it down to  
17 the hole. I can't recall ---

18 Q. Okay.

19 A. --- is what I was trying to  
20 say.

21 Q. On the Number One seal, I  
22 think you told me the distance from  
23 the rib to the top --- on the top  
24 block was approximately ---?

25 A. It may have been six foot or

1 something like that.

2 Q. So if you could just ---.

3 A. Say from here, we'll put this  
4 line like this, ---

5 Q. Okay.

6 A. --- and we'll put this ---.

7 Q. So this line would extend all  
8 the way to the roof or it would be  
9 staggered?

10 A. It was staggered down. That  
11 kind of got --- this is an  
12 assumption, ---

13 Q. Yes.

14 A. --- I mean.

15 Q. I mean, it looks like it's  
16 further on this picture, but it's  
17 actually only six feet across?

18 A. I'd say, yeah.

19 Q. Okay. And the bottom would  
20 have only been about three feet?

21 A. That's --- again, that's just  
22 an assumption. I can't remember.

23 Q. And how high off the bottom  
24 would that bottom row have been; do  
25 you remember that?

1 A. You know, it was --- I know  
2 for sure it was definitely high  
3 enough that both our drainpipes was  
4 through.

5 Q. Okay.

6 A. And I think the drainpipes  
7 were in the wall 12 inches ---

8 Q. Okay.

9 A. --- up in. I'd remember it  
10 better three months ago, guys,  
11 especially them small details. But  
12 we had two drainpipes coming out of  
13 the Number One seal. And I know that  
14 --- I think they had to be 12 inches  
15 off the ground --- or 12 inches in  
16 the wall because they had an elbow in  
17 them.

18 Q. Okay.

19 A. And you know, in that six-inch  
20 line --- or four-inch line, that  
21 elbow came down and back up, it  
22 almost took 12 inches. So it had to  
23 at least be two blocks tall on this  
24 end. You know what I'm saying?

25 Q. Okay.

1 A. Because those drainpipes were  
2 already in.

3 Q. Did you ever have to crawl  
4 through that hole?

5 A. When we was building this part  
6 of the wall. At that point, we'd  
7 have had --- I'd have had to walk all  
8 the way up to the ninth seal to get  
9 back out. So yeah, I would have  
10 crawled over that hole.

11 Q. Did you have to put any ---  
12 I'm just trying to get an idea on  
13 that bottom to help you remember.  
14 Did you have to put any blocks up  
15 against it to step through the hole  
16 or were you just able to step right  
17 through it or ---?

18 A. On this one?

19 Q. Yes.

20 A. Yeah, just pretty well walked  
21 across it.

22 Q. That's the Number One?

23 A. Uh-huh (yes). But now at some  
24 points, you now, say, you had a  
25 ten-hour workday, you may have got a

1 seal done up to a certain point,  
2 yeah, you would have had to stack  
3 blocks up and crawl across the top of  
4 it. Either that or walk six blocks  
5 around.

6 Q. Well, I understand that when  
7 you're building. But I'm trying to  
8 make --- on the Number One, the  
9 opening that was left that you  
10 finally closed on December the 11th.  
11 I'm trying to get an idea how big  
12 that hole was. That's where I'm ---.

13 A. I'm just assuming. I don't  
14 remember.

15 Q. Okay.

16 A. Now, if you asked me --- if  
17 you asked me how many guys was there  
18 that day working on it, I remember  
19 that fact. But I don't remember how  
20 many ---.

21 Q. You just don't remember how  
22 big that hole was?

23 A. We done a lot of work that  
24 day. I mean, I just don't remember  
25 how many blocks we laid in each seal.

1 Q. Okay. The part of the seal  
2 that was completed, do you know when  
3 that would have been completed?

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

5 Q. Do you ---?

6 A. Especially on this one, if  
7 you're talking ---.

8 Q. This is the Number One we're  
9 talking ---?

10 A. If you're talking about Number  
11 One ---.

12 Q. Yes.

13 A. There were stages of it that  
14 was spread out more than some of the  
15 other ones. Some of the other ---  
16 there was a couple that we had built,  
17 we started in the morning, we'd have  
18 it done.

19 Q. Okay.

20 A. You know, four men, it's done  
21 in a shift. No big deal, you know.  
22 But this one, we had to build it up  
23 and had to let it dry so we could put  
24 our drainpipes in it ---

25 Q. Okay.

1       A.       --- because, you know, we  
2       didn't have anything to drill those  
3       pipes.  So what we done, we built it  
4       up to that point where we were going  
5       to put our drainpipes in, and we had  
6       to cut out a groove to lay our  
7       drainpipes through.

8       Q.       Okay.

9       A.       Then that day, once the  
10      drainpipes was laid through, they had  
11      to be completely sealed and leveled  
12      out with mud.  Well, that had to dry  
13      because if you didn't let it --- and  
14      then let that dry around them pipes.  
15      And then --- and actually me and  
16      Harmon --- you know him?

17     Q.       Yes.

18     A.       I'm sure you talked to him.  
19     Me and him went back there one day  
20     --- I'm pretty sure it was me and  
21     him, and where that mud had settled,  
22     we put more mud in those grooves.  I  
23     think it was --- I can't be sure.  Me  
24     and somebody done that, I'll put it  
25     that way, ---

1 Q. Okay.

2 A. --- and filled those grooves  
3 up more level, you know, because that  
4 stuff seeps out, you know what I  
5 mean?

6 Q. Okay. The mortar? The mortar  
7 seeps out?

8 A. Yes, mortar. So we went back  
9 there and leveled them up again. And  
10 then I guess on the --- you said the  
11 11th?

12 Q. Well, I think you said the  
13 15th or 16th.

14 A. Yeah. The 15th or 16th, then  
15 we went back in and finished them.

16 Q. Okay.

17 A. You know, actually, that  
18 statement there wasn't true either  
19 because after this was --- after  
20 these two drainpipes were put in,  
21 then another day we built this part  
22 of the wall.

23 Q. Okay. Do you know what day  
24 that would have been?

25 A. No, sir.

1 Q. Can you give me any idea? I  
2 mean, was it a couple days before you  
3 put the --- you finally closed it up?  
4 Was it a couple weeks before you  
5 finally closed it up?

6 A. Well, the whole period was  
7 only a month and a half, so I  
8 wouldn't say it would be a couple  
9 weeks.

10 Q. Okay.

11 A. I could assume something, but  
12 that's all it would be, would be an  
13 assumption.

14 Q. Okay. And I'm trying to ---  
15 it's really important to us to try  
16 and figure out when the majority of  
17 the part was --- the majority of the  
18 seal was completed. Do you remember  
19 if it was around Thanksgiving, it was  
20 at Thanksgiving vacation? Did you do  
21 any work around that time?

22 A. You know, during Thanksgiving  
23 vacation, I worked Monday, Tuesday,  
24 Wednesday. And on Monday and  
25 Wednesday I dispatched, so ---. And

1       then on Tuesday, we set --- we had  
2       had a fall across the track. I'm  
3       sure you're aware of that. And all  
4       what I done that whole day that day  
5       was set super timbers. And that  
6       Saturday they called me back in to  
7       work. And what I done that day was  
8       pack six-inch blocks all day. I'll  
9       not forget that day.

10      Q.       So would this seal have been  
11      completed before that Thanksgiving or  
12      ---

13      A.       Oh, heavens no.

14      Q.       --- after?

15      A.       No, it was completed after.

16      Q.       So it was after that?

17      A.       Uh-huh (yes).

18      Q.       Okay.

19      A.       But there again, though,  
20      you're talking about, you know, those  
21      weeks still that --- I can't narrow  
22      it down any more, I don't think, than  
23      that.

24      Q.       When you actually built this,  
25      did you do it on the weekend when you

1 finished it? Was it a weekend that  
2 you finished this?

3 A. Uh-huh (yes).

4 Q. Can you remember if you would  
5 have worked on the rest of the seal  
6 that week?

7 A. You know, I don't know.  
8 Indeed, I don't. And I hate to say  
9 that, but at that point, we was ---  
10 we had a lot of --- you know, we had  
11 overcasts to build and we had a lot  
12 of stoppings and stuff we had to  
13 build. And we was --- they were  
14 allowing us to get a lot of hours.  
15 You know, when you work six, seven  
16 days in a row, those days kind of  
17 bleed in together. You really don't  
18 remember what you done on the 7th or  
19 the 14th. You know what I mean?

20 Q. If at any time something jogs  
21 your memory on when you would have  
22 completed that, if you can contact  
23 us. Or if it's while we're here,  
24 just interrupt me and let me know.

25 A. Probably I shouldn't ask this.

1 Is that something that some of the  
2 other guys could remember the day  
3 they ---? I mean, because I can't  
4 remember. I ---.

5 Q. We are asking everyone we've  
6 talked to the same ---.

7 A. I mean, I'll try to remember  
8 real hard today if I can. I don't  
9 think --- I don't know that it will  
10 come to me, though. I didn't know  
11 what the day was until a little bit  
12 ago. I was using the bathroom and I  
13 seen on my watch it was the 29th.  
14 That's the dead's honest truth.

15 Q. That's fine. That's fine.  
16 You're doing a great job. We  
17 appreciate the help that you can  
18 give. I just thought if you do  
19 remember, we appreciate that.

20 Let's go back and talk about  
21 the actual construction of these  
22 seals a little bit. The blocks, when  
23 they brought the blocks in to you,  
24 did they bring them in on a scoop, or  
25 how would they deliver them to where

1       you were building a seal?

2       A.       They came in on track up there  
3       at 60 wall. And then we got them off  
4       the flat cars on a scoop, most of the  
5       time, and drove them around.

6       Q.       When they got them to you, to  
7       the seal construction site, were they  
8       still wrapped in plastic?

9       A.       Yeah. I mean, there would be  
10      some that --- say you had a few left  
11      over on the Seventh seal that, yeah,  
12      you'd put in a scoop and take down to  
13      Six seal to build. You know, you  
14      wouldn't want to waste all those.  
15      Now, when you do have a lot of waste,  
16      because if the blocks were cracked or  
17      something, you know, you'd throw them  
18      by the rib.

19      Q.       Okay.

20      A.       But most of them, yeah, they  
21      was all real good block. I'll say  
22      they were all real good block. But  
23      now you know as well as I do, if  
24      you've dealt with Omega blocks, you  
25      can get them right off a flat car and

1       some of them ain't no account. And  
2       then you use the good ones out of the  
3       pack and then --- unfortunately,  
4       there's a lot of waste in those.

5       Q.       When you say no account,  
6       what's wrong with them?

7       A.       Well, when you go to get it  
8       off of a pallet, you know, you start  
9       carrying it over to the seal and it  
10      may break right in the middle. You  
11      know what I mean? Well, and it ain't  
12      no good unless you got one that needs  
13      cut, and then you can use it.

14     Q.       Okay.

15     A.       But then, yeah --- but most of  
16     them are still wrapped in plastic.  
17     You know, a lot of times, say the  
18     motormen brought them in in the  
19     evening shift. Well, we got them in  
20     a crosscut somewhere, had been loaded  
21     off. And I wouldn't say we unloaded  
22     every pallet off a flat car because  
23     that wouldn't be so. A lot of times  
24     we just get them out of a crosscut  
25     and take them around.

1 Q. Of the ones that --- when you  
2 got a pallet full and you said there  
3 were a number of them that would be  
4 broken, about how many out of a  
5 pallet would you ---?

6 A. It depends on where the ---.  
7 Like if you load them up in a scoop  
8 bucket, well, the only way to get  
9 them out of a scoop bucket is with a  
10 ram. Well, that ram's got a big  
11 thing that comes out of the middle.  
12 Well, that's got to push those out.  
13 Well, you know what it does to the  
14 ones that it hits, it's going to  
15 break those. When you go to pick  
16 them up again, well, if you try to  
17 get two lifts at one time, what's it  
18 going to do where the ram's at in the  
19 middle? It's going to break those.

20 Q. Okay.

21 A. It's just --- you know, it's a  
22 shame that coal mines have so much  
23 waste, but they do, you know. We'll  
24 say the ones that --- the blocks ---  
25 in a pallet of blocks, the --- let's

1 say there would be almost guaranteed  
2 in every pallet of blocks, if they  
3 weren't loaded straight off the flat  
4 car and brought straight to you, if  
5 they had to be picked up three or  
6 four times with a scoop before you  
7 got them, the percentage of the  
8 number of broken blocks would get  
9 greater every time. Let's say to  
10 start with the pallet had ten percent  
11 broken out of 40. Well, the more  
12 times you drop them off the scoop and  
13 pick them back up, it probably  
14 increased by ten percent. You know  
15 what I mean? It's a shame, but it  
16 just does.

17 Q. Is that how many is on a  
18 pallet, 40?

19 A. I could --- let me --- I could  
20 --- there's four rows, you know, on a  
21 pallet like this, and there's --- I  
22 think there's darn --- I think  
23 there's 40, yeah.

24 Q. So ---.

25 A. Ten in each. I think there's

1 40.

2 Q. So of the 40, you're saying  
3 about four of those would be broken,  
4 if you treated them gently?

5 A. If you treated them gently.  
6 If you didn't treat them gently, I  
7 mean, shoot, they've brought us ---  
8 they've run skids around that just  
9 almost every one of them were call  
10 blocks that we could only use to cut  
11 along the --- you know, use along the  
12 ribs if we need one cut in half. I  
13 mean, but you know, in the perfect  
14 world, yeah, you'd be lucky if you'd  
15 get a whole pallet across there and  
16 only have to throw four away. You  
17 know what I mean?

18 Q. Okay.

19 A. I mean, them blocks --- you've  
20 dealt with them, I'm sure.

21 Q. Okay.

22 A. They're Styrofoam.

23 Q. Some of them you might have  
24 used in the seals, the ones you  
25 could. But the ones that were extra,

1       there were too many broken ones, what  
2       did you do with those broken ones?

3       A.       We used them for --- well, I  
4       mean, if you couldn't use them at all  
5       in a seal?

6       Q.       Yes.

7       A.       Well, we had to clean and  
8       clean and clean back there along ---  
9       so some of them were hauled out.  
10      Some of them were crushed in  
11      roadways, you know, to fill up holes  
12      and things like that.

13     Q.       Okay.

14     A.       I mean, those seals --- I  
15     think Mr. Conn, who I think's back  
16     there now, he made us really clean up  
17     around those. And we put a lot of  
18     shifts in rock dusting and cleaning  
19     because he didn't like the way it  
20     looked.

21     Q.       How many do you think were run  
22     over on a roadway and smashed up if  
23     you had to venture a guess?

24     A.       That would be just exactly  
25     what it would be, it would be a

1 guess.

2 Q. Would it be a lot of them or a  
3 few?

4 A. Well, I mean, a lot of pieces.

5 Q. A lot of pieces?

6 A. Yeah. Because I mean on that  
7 Number One seal, every course of  
8 blocks took one whole skid.

9 Q. Okay.

10 A. So just right there, you're  
11 talking about a lot of call blocks  
12 just right there.

13 Q. Did you ever get a whole skid  
14 in that was --- they were all bad?

15 A. I wouldn't say a whole skid  
16 where every one was bad.

17 Q. Okay.

18 A. But now in mines, just like  
19 with every job, I'm a new coal miner.  
20 So my ability on a scoop is way less  
21 than probably what some of yours is.  
22 So if I had to pick up two skids of  
23 Omega block three or four times, the  
24 number of blocks I'm going to break  
25 is going to be greater than, say, the

1 section boss, because he's going to  
2 be able to handle them better. And  
3 it all depends on who handled those  
4 blocks before they got to us.

5 Q. Okay. So the function of how  
6 many broken blocks is how much the  
7 blocks were handled?

8 A. Exactly.

9 Q. Now, these blocks, the good  
10 ones that were in the plastic, what  
11 were they like? Were they wet or  
12 were they dry? Can you tell me  
13 anything about those blocks?

14 A. You know, it really varied. I  
15 mean, you may go in there and have a  
16 whole pile of blocks that were nice  
17 and light, and the other ones would  
18 be --- we always called them green  
19 because they would be heavy. It felt  
20 like they was damp or just heavier  
21 blocks, like they hadn't dried good  
22 or something. I don't know. But the  
23 same way with cinder blocks. I mean,  
24 you'll get cinder blocks sometimes  
25 that you'll consider green, that

1 haven't set up completely or  
2 something like that, and you try to  
3 cut them with an ax or whatever and  
4 they seem like they crumble worse or  
5 whatever. The thing with those,  
6 sometimes you'd get real nice Omega  
7 blocks that you didn't care to lift  
8 above your head all day, and then  
9 sometimes you'd get ones that were  
10 heavy.

11 Q. Were heavy. When you had them  
12 and you took them out of the plastic  
13 --- so they could vary even coming  
14 out of the plastic then? Some of  
15 them could be green and some of them  
16 would be kind of dry?

17 A. Yeah. But most of the time it  
18 seemed like the whole skid was going  
19 to be that way.

20 Q. Oh, okay.

21 A. You know what I mean? Now, I  
22 don't know if that's --- my knowledge  
23 of Omega blocks is very limited. I  
24 don't know if maybe that's where they  
25 set out in the weather, you know, or

1        --- I don't have any idea.

2        Q.            The ones that were green  
3        versus the ones that were dry, were  
4        they any stronger or did they seem to  
5        hold together better than the dry  
6        ones or --- did you ever notice  
7        anything in that way?

8        A.            Those blocks, some of them's  
9        heavier than others. I don't know if  
10       you've ever noticed that. Some of  
11       them's real heavy. And it did seem  
12       like those were stronger. I mean,  
13       just like when you set --- I mean,  
14       maybe it was a mental thing, just  
15       because they were heavier and stuff  
16       like that. Now, I don't know. I  
17       don't know. I never tested any ---  
18       you know what I mean? I never  
19       dropped them on purpose or nothing  
20       like that just to test them or saw  
21       --- I don't remember the saw going  
22       through them any harder or the ax  
23       cutting them any harder. So no, I  
24       don't know.

25       Q.            Were they all pretty much the

1 same size?

2 A. They vary in size.

3 Q. Do they?

4 A. Uh-huh (yes).

5 Q. By about how much, if you were  
6 to ---?

7 A. Well, just like the other day,  
8 we was doing that re-cut --- when we  
9 was rehabilitating the lines, there  
10 was one block in there, I would have  
11 swore came off a six-inch pallet.

12 But I know it didn't because I  
13 hand-loaded them into the scoop  
14 buggy. I mean, it varied a lot.  
15 Most of them didn't vary bad.

16 Q. By a half inch, an inch,  
17 quarter inch?

18 A. One block may be --- 16 blocks  
19 may be perfect, and then you'd have  
20 one that looked like it came out of  
21 the form wrong or something. I don't  
22 know how they pour them, but I mean  
23 it may have sloped off to one side  
24 or, you know, may have been a good  
25 eight-inch block on one side and

1 seven-inch block on the other. You  
2 know what I mean? It was just --- it  
3 wasn't like building with regular  
4 cinder blocks. They're just not  
5 perfect cut every time it didn't seem  
6 like.

7 Q. When you were building this,  
8 and we'll get into it in a little bit  
9 more detail, but if you had a block  
10 --- did you ever have a block in a  
11 row that you were putting down that  
12 would stick up a half inch or  
13 something more than the other blocks?

14 A. Yeah, you'd have --- I mean,  
15 we was building in the mines and not  
16 --- unfortunately, your base wouldn't  
17 always be perfectly level. And  
18 sometimes maybe you would have a  
19 little sway in your wall. And what  
20 you'd really try to do is try to take  
21 that out, you know, but you couldn't  
22 always do it.

23 Q. Okay. Did the mortar stick to  
24 the ones that were green better than  
25 it stuck to the dry ones or ---?

1 A. No. But I'll tell you right  
2 now, that mortar don't stick to the  
3 furry blocks very good.

4 Q. To the what?

5 A. To the furry ones. And if you  
6 all have ever messed with Omega  
7 blocks, you know which ones I'm  
8 talking about. They're kind of fuzzy  
9 on one end.

10 Q. No. Explain that.

11 A. You know; don't you?

12 Q. If you could explain what ---.

13 A. There's a good side you can  
14 mud and a bad side on them Omega  
15 blocks that you can mud.

16 Q. Okay.

17 A. And anybody that worked on  
18 those with us, they'd know exactly  
19 what I was talking about, the furry  
20 side.

21 Q. The free side you're calling  
22 it?

23 A. The furry.

24 Q. Furry side. Furry side, okay.  
25 I'm sorry.

1 A. Like where it would be ---  
2 like say it was the bottom of the  
3 skid of blocks.

4 Q. Okay.

5 A. And a lot of times, if you  
6 take them blocks off, there would be  
7 about that much, like ---

8 Q. You're indicating about what,  
9 a half ---?

10 A. --- maybe a quarter of an inch  
11 ---

12 Q. Quarter of an inch, okay.

13 A. --- on the bottom row or  
14 something that was against the form.  
15 When that would come off, there would  
16 be a lot of fibers sticking out  
17 because it's an Omega --- it's a  
18 fiber block, you know. It's made up  
19 of fiberglass and stuff.

20 Q. Sure.

21 A. And with all those fibers  
22 sticking out and that wet mud, it  
23 wants to roll off as you're smearing  
24 it on. And it don't stick to the  
25 furry blocks very good.

1 Q. Are all the blocks furry ---

2 A. No. I mean, ---.

3 Q. --- or just certain ones?

4 A. What you really try to do is  
5 put --- I know this sounds silly, but  
6 you try to put your furry side in to  
7 where the mud has to stay against it.

8 Q. I guess what I'm getting to,  
9 on each block, I mean, is there one  
10 side that's that way of every block  
11 ---

12 A. No.

13 Q. --- or just certain ones that  
14 they were put in the pallet that way?

15 A. Well, in some of them, like if  
16 they were broke, ---

17 Q. Sure.

18 A. --- the broke side wouldn't be  
19 the side you'd want to try to have  
20 facing where mud could roll off on  
21 its own. You'd want the side that  
22 was broke and uneven and with all the  
23 fibers sticking out where mud would  
24 have to sit against it, ---

25 Q. Okay.

1 A. --- like inside, where you was  
2 filling your seams up with mud.

3 Q. Okay.

4 A. You see what I mean? Mud has  
5 to stay there as opposed to your face  
6 of your seal, where you're smearing  
7 mud on it. It doesn't have to stay  
8 there because gravity is forcing it  
9 off.

10 Q. Okay. The ones that were  
11 green, would they look darker than  
12 the ones ---?

13 A. Sometimes.

14 Q. Okay.

15 A. They kind of looked like they  
16 was damp.

17 Q. Did you ever notice that some  
18 of the blocks were harder than other  
19 ones?

20 A. Well, that's like I said. It  
21 seemed like they were. The  
22 damp-looking blocks, the ones we're  
23 calling green, it seemed like they  
24 were. But as far as ever really  
25 doing a durability test --- you know

1        what I'm saying?

2        Q.            Yes.

3        A.            I mean, trying to recall  
4        whether the draw saw went through  
5        them harder, things like that --- the  
6        ones that sawed harder were the ones  
7        that had the most fiber in them.

8        Q.            Okay.

9        A.            I mean, that's whether they  
10       were green or --- it seemed like the  
11       more fiber that you ran through when  
12       you're running your buck saw through  
13       them, if you start getting cotton  
14       balls on the other --- on your off  
15       side of your saw, all that fiber,  
16       those were the hardest ones to saw  
17       through.

18       Q.            Did some of them appear to  
19       have more fiber in it than others?

20       A.            Fiber? Oh, yeah. You may ---  
21       sometimes you'd cut through and you'd  
22       find a bundle of fiber in them. You  
23       know what I mean? Just you know,  
24       some of them had a lot of fiber and  
25       some of them --- I'm sure there's a

1 certain amount of fiber they all have  
2 to have by Omega seal --- or Omega  
3 block standards, but ---. And with  
4 anything, you're going to get little  
5 places where there's going to be more  
6 fiber.

7 Q. So that was normal, to find  
8 some of them that had more fiber?

9 A. Seemed like it.

10 Q. Okay.

11 A. And you got to understand, my  
12 first day in the coal mines, this is  
13 what I was doing. So I didn't know  
14 what to expect, the very first day.  
15 I never seen an Omega block before.

16 Q. There's nothing --- we're not  
17 saying there's anything wrong. We're  
18 just trying to understand.

19 A. You know, I didn't have  
20 nothing to compare it to, whether or  
21 not this had more fiber in it as  
22 opposed to the ones I had cut before.

23 Q. Okay.

24 A. But over the course of a month  
25 and a half, doing it day in and day

1 out, you start seeing differences.

2 You know what I mean?

3 Q. Okay. Let's go down and take  
4 the construction method for each seal  
5 and just take it apart from the  
6 beginning when you do it. The first  
7 thing that --- you're going to build  
8 a seal in an entry. What would you  
9 do, the very first thing, in that  
10 entry?

11 A. Well, a lot of the entries,  
12 when we would start, a lot of them  
13 already seemed to have been scooped  
14 out and taken care of. Probably ---  
15 maybe whenever they were up there  
16 mining it was just nice and clean to  
17 start with. I don't know. I hadn't  
18 seen it before. But the first thing  
19 you do is try to level it out. We  
20 always had a hoe there. And of  
21 course, we had a hammer, an ax and  
22 everything. Try to level it out the  
23 best you could.

24 Q. Well, then did you --- who  
25 picked the area where the seal was

1 going to be?

2 A. That was already done before  
3 we ever got there, I guess.

4 Q. Did they put any marks ---?  
5 How did you know where it was going  
6 to be?

7 A. The boss would tell us.

8 Q. But I mean, did you draw ---?

9 A. But you know, most of the time  
10 --- like I know for sure --- now, I  
11 can't say on every one because most  
12 of the time I'd be packing blocks or  
13 smearing mud. I mean, where they was  
14 going it didn't matter. I just  
15 followed everybody else, where they  
16 was wanting me to work. I was just a  
17 red hat and I done what everybody  
18 said. But I know for sure on that  
19 Number One there was lines on the rib  
20 where it needed to be built because  
21 it was at an angle. And I guess  
22 because of the height or maybe  
23 because of the length of it, it had  
24 to be built in a certain exact spot.  
25 And I know there was some chalk lines

1 on the ---.

2 Q. So for the Number One seal,  
3 you think there were lines on ---

4 A. I know there was.

5 Q. --- both ribs, on both sides?

6 A. I know there was. I know for  
7 sure I seen lines on the right rib.

8 Q. On the right rib?

9 A. Uh-huh (yes).

10 Q. Do you remember if there were  
11 lines on the left?

12 A. I'm sure there was. You know  
13 what I mean? There would have had to  
14 have been. But I know for sure I  
15 seen lines on the right rib.

16 Q. On the other ones, were there  
17 lines on the ribs? Or how did you  
18 know which place you were going to  
19 build it?

20 A. Most of the time somebody  
21 said, you know --- I was the lowest  
22 man on the totem pole. You know what  
23 I mean? Well, they'd say, we're  
24 going to build a seal here.

25 Q. Okay. And so the first thing

1       you did --- in that area where they  
2       said they're going to build the seal,  
3       what would you do to the bottom in  
4       that area?

5       A.       Well, you want to try to level  
6       it out as best you could.

7       Q.       And how would you do that?

8       A.       Well, like I said before, we  
9       always had a hoe with us because we  
10      was mixing so much mud, mortar, that  
11      we was using the wheelbarrows. So we  
12      always had a hoe with us. You always  
13      had the poleaxes with you because you  
14      was going to be driving wedges and  
15      stuff. And of course you always  
16      carried your hammer and everything.  
17      So you had plenty of tools to flatten  
18      the bottom up best you could. That's  
19      how you flattened it up.

20      Q.       Was there any dust left in  
21      that area where the seal was going to  
22      be built from --- or how did you  
23      clean that area, sweep it off or just  
24      shovel it off or ---?

25      A.       We couldn't sweep down there.

1 Q. Okay.

2 A. I mean, most of that stuff is  
3 pretty --- I mean, I wouldn't say it  
4 was --- that's actually a pretty nice  
5 part of the mines, but you still  
6 wouldn't want to run a broom over the  
7 bottom there.

8 Q. Was it wet?

9 A. You know, it wasn't wet, wet,  
10 but it seems like everything in the  
11 coal mine draws --- sometimes seems  
12 like it's moist. You know what I  
13 mean?

14 Q. So you'd call it damp?

15 A. Yeah. It's definitely damp.

16 Q. Was there any little puddles  
17 of standing water around or ---?

18 A. We never built a seal on any  
19 standing water. Thank goodness.

20 Q. I mean, just in the area, in  
21 the general area around.

22 A. Yeah. On that Ninth seal ---  
23 or the Tenth one that we built, you  
24 know, it --- they bottom mined right  
25 behind it. So yeah, one break inby

1       there was a sump.

2       Q.       Okay.  But where you were at,  
3       you didn't get water ---?

4       A.       We never had to walk through  
5       mud.

6       Q.       There was no mud?

7       A.       Not there.

8       Q.       Okay.  So now we've got it  
9       cleaned off and we got it kind of  
10      level.  What would be the next thing  
11      that you would do there?

12      A.       You dumped a lot of bags of  
13      --- and I'm sure you're going to want  
14      to know how many, and I can't tell  
15      you, but we'd dump a number of bags  
16      of BBond, blue bags, out on the  
17      bottom.

18      Q.       On the bottom?

19      A.       Uh-huh (yes).

20      Q.       Would you spread it across the  
21      entire entry?

22      A.       Oh, yeah.  Yeah.  Yeah,  
23      because what you was wanting to do  
24      because now --- I know that I'm sure  
25      most of you --- I won't assume that

1     you've been in Sago. But in any coal  
2     mine, I'm sure it's not going to be  
3     perfectly level. And you're not  
4     going to get it perfectly level  
5     unless you bring the miner in there  
6     and maybe --- because you know, we  
7     try to --- we're on rock most places  
8     up there, so if --- you do the best  
9     you could leveling it out, and then  
10    you use that mud to --- or the mortar  
11    to level it out the best you could  
12    and things like that. So you know,  
13    ---.

14    Q.        So you would get bags of dry  
15    mortar. What would you --- I mean,  
16    exactly how would you do it? Would  
17    you get a bag and just go dump it and  
18    then start to spread it or would you  
19    put multiple bags and then start to  
20    spread it? How would you do that?

21    A.        Well, you'd dump a bunch of  
22    bags out, you know. I mean, there  
23    was like certain --- it depended on  
24    how many guys was working, too.

25    Q.        Okay.

1 A. I mean, like on the days all  
2 the bosses, all the foremen was up  
3 there, I mean, we was getting them  
4 bags over there quick.

5 Q. Okay.

6 A. I mean, because we had an  
7 assembly line and we was busting the  
8 bags and somebody was leveling it  
9 off. On the days it was just me,  
10 Skip and George, well, it didn't go  
11 quite that quick. We'd carry a bag  
12 from a pile over there and open it up  
13 and dump it out and carry another one  
14 all the way across the length of the  
15 entry, and then you'd kind of level  
16 it out. And it may take 20 bags. It  
17 may take 10 bags. You know, I don't  
18 have the number of bags, but ---.

19 Q. Would it be more than two  
20 bags?

21 A. Oh, guaranteed.

22 Q. Would it be more than five  
23 bags?

24 A. Them's big --- yeah, it would  
25 take --- even if it was just a

1 quarter of an inch thick, it would  
2 take more than five bags, I'd say, to  
3 go across one of those whole entries,  
4 you know, four foot wide.

5 Q. So could it have been ten  
6 bags? I'm not trying to trick you.  
7 I'm just trying to get an idea in my  
8 mind how many ---.

9 A. It took a few. I don't ---.

10 Q. Okay.

11 A. I would say it definitely took  
12 --- I'd say it definitely took ten  
13 bags. And I'd say that it never took  
14 more than 25.

15 Q. Okay. Were there places that  
16 --- what would be the thinnest it  
17 would be?

18 A. Well, you know, you're putting  
19 this down on powder. And I learned  
20 something real quick up there,  
21 because after we'd lay our mortar on  
22 the bottom, and then you'd go to put  
23 your blocks down, you know, that  
24 first layer you had to lay down  
25 pretty soft. But still, as you laid

1 that block down, it would squeeze  
2 that powder out, you know, to a  
3 certain extent.

4 Q. Oh, it would?

5 A. Yeah, to a certain extent.  
6 You'd lay it down there the best you  
7 could. The thinnest it would  
8 probably be? I'd say the thinnest  
9 --- well, underneath the block it's  
10 hard to tell how much it squeezed  
11 out. You know what I mean? But I'd  
12 say probably the thinnest it ever was  
13 was probably something like that  
14 probably.

15 Q. About an inch?

16 A. I'd say an inch. Inch to an  
17 inch and a quarter, something like  
18 that.

19 Q. And were there ruts that you  
20 had to put more than that in to level  
21 it off?

22 A. Well, like I said, we was  
23 pretty fortunate up there. Most of  
24 those entries were pretty clean. You  
25 know what I mean? But yeah, I mean,

1 the bottom's not ever --- don't run  
2 fairly level, you know.

3 Q. Yes.

4 A. But it didn't have a lot of  
5 bad ruts. I mean, somebody done a  
6 good job scooping in there. I didn't  
7 see them do it. The only one I ever  
8 seen anybody really scoop out for us  
9 was --- you know how the seals were  
10 built. You had two that were further  
11 inby than the other row?

12 Q. Yes.

13 A. So the only one --- I think  
14 --- yeah. The only one I ever seen  
15 anybody scoop out was the third one,  
16 the one that was like --- angled from  
17 --- you know, instead of running  
18 across the entries, it run ---.

19 Q. It was perpendicular to the  
20 other ones.

21 A. Well, I seen Skip scoop it  
22 out. That was the only one I seen  
23 actually get scooped out so we can  
24 build up.

25 Q. What do you think the thickest

1 you ever had to have it put in there?

2 A. You know, this is a little bit  
3 different than the last interview  
4 because they didn't want me to assume  
5 so much. They wanted me to tell them  
6 just facts.

7 Q. To the best that you know, the  
8 best that you know. And I realize,  
9 you know, we're looking at distances,  
10 and you're giving us the best  
11 information that you can.

12 A. I'd say --- I wouldn't think  
13 that we ever probably had to put any  
14 thicker than three inches. I mean,  
15 that's not three inches. That's  
16 about two inches right there. I'd  
17 say, on average, probably no thicker  
18 than two inches. Two or three inches  
19 tops probably, because if you put any  
20 more powder than that, you know, it's  
21 going to --- you put your blocks in,  
22 you know what it's going to do, it's  
23 going to come out from underneath it,  
24 you know.

25 Q. Okay.

1       A.        I mean, you really tried to  
2       --- like I said, we was real  
3       fortunate. Most of that bottom up  
4       there wasn't real bad. Now, there's  
5       some places that if you tried to  
6       build a seal you'd have ---  
7       especially on a buggy road or  
8       something, you'd have, you know, ruts  
9       that were eight inches, ten inches  
10      deep that you'd have to do something  
11      with, you know, but we didn't have  
12      that so bad up there.

13     Q.        Now, just getting back to that  
14      area, the seals, about how thick?

15     A.        Well, you've got one course  
16      running length-ways and one course  
17      running width-ways. And I think  
18      they're about 40 inches thick.

19     Q.        And how wide would you put the  
20      mortar? Would it be wider than that,  
21      this path that you --- this form that  
22      you built on the bottom?

23     A.        Not a whole lot wider.

24     Q.        A little bit?

25     A.        Well, you --- most of the time

1       you didn't have any blocks laying  
2       there in the direction you was going  
3       to go. And you was leveling this  
4       out, just trying to make you a good  
5       worksite. You know what I mean? And  
6       you'd lay your mortar out there and  
7       spread it out. So it may have --- I  
8       mean, after you built nine of them,  
9       you started getting better at it,  
10      which you know, whenever we was first  
11      dumping bags of stuff, it may have  
12      went a little wider.

13      Q.       A little wider. Now, do you  
14      finish that all the way across before  
15      you put your first block in?

16      A.       There again, it depended on  
17      how we men was working. Like I can  
18      remember one --- I don't remember  
19      which seal it was, but I remember one  
20      day we had all them bosses with us.  
21      Them guys right there, buddy, they're  
22      go-getters, which is great. But like  
23      they was laying blocks on the left as  
24      some of us was still opening bags and  
25      smoothing it out on the right. You

1 know what I mean?

2 Q. Okay.

3 A. Well, we had --- and if it was  
4 me, George and Skip, well, you only  
5 got two red hats and a boss. So we  
6 have to --- we didn't really slow  
7 down, but it was just the number of  
8 workers decreased, so productivity  
9 decreased, too. But we would usually  
10 take our mortar all the way  
11 across ---

12 Q. All the way across.

13 A. --- and then start laying our  
14 blocks. Because there was just two  
15 of us.

16 Q. Okay. Now, after you got the  
17 mortar --- it's dry, right, it's dry  
18 mortar, all the way across, did you  
19 put any water on top of that? Did  
20 the ground start ---?

21 A. Like I said before, it was  
22 damp in there.

23 Q. Yeah.

24 A. And so me being --- especially  
25 the very first day, you didn't

1 realize, you know, that it would get  
2 hard. But now I've seen evidence of  
3 it that afterwards it gets hard real  
4 quick. Even a bag of steel, if you  
5 leave it in the mines, laying under  
6 plastic, most of the times they'll  
7 start to set up on their own. You  
8 know how it is. But no, we didn't  
9 have to wet it down. We, I guess ---  
10 I don't know if we should have or  
11 not, but we weren't wetting it down.  
12 We'd put it down, then lay our blocks  
13 on it, which of course your blocks  
14 were muddy. So there was dampness  
15 from the mud in the --- you know, the  
16 blocks had mortar on them, not actual  
17 mud.

18 Q. I understand.

19 A. Okay. So you'd lay that on  
20 top of the mortar. The moisture from  
21 the bottom, I guess --- I guess it's  
22 supposed to set it up real good and  
23 hard.

24 Q. Okay. But I mean, when you  
25 looked at it, it was --- it still

1        looked white.    It was still a light  
2        color.

3        A.            Oh, it was white.

4        Q.            Okay.    So let's get to that  
5        first row now.    Now we've got the  
6        mortar down.    And it's all the way  
7        across if it's just a few of you.  
8        But if there's more of you, you might  
9        be putting it across and someone  
10       starting the blocks?

11       A.            Right.    Right.

12       Q.            Okay.    So let's get to that  
13       first row of blocks now.    That first  
14       row of blocks, the very first block  
15       you would put in, where would you put  
16       it?

17       A.            You know, most of the time it  
18       seemed like we built left to right.

19       Q.            Would it be against the rib?

20       A.            Oh, yeah.

21       Q.            So you would start with a full  
22       block against the rib?

23       A.            Yes, sir.

24       Q.            And using this picture, there  
25       are two --- and I'll call it two rows

1 per layer. Would you put the first  
2 row all the way across before you  
3 started the second, or would you just  
4 work your way with the two on the  
5 first?

6 A. That varied, too. If you had  
7 supplied on the inby side and  
8 supplies on the outby side, well,  
9 most of the time you'd have two men  
10 on the inby side laying block, you'd  
11 have two men on the outby side laying  
12 block. And these guys on the outby  
13 side were the ones mixing the mud,  
14 reaching the mud to you in buckets to  
15 mud your blocks and everything.  
16 Well, you had blocks back there, so  
17 these guys were laying --- you know,  
18 your courses vary. You got your  
19 length-ways and your width-ways, and  
20 then the next row they vary.

21 Q. Yes.

22 A. So a lot of times I was on  
23 this back side and when we were ready  
24 to lay blocks, well, with these guys  
25 up here, we'd lay together. We'd

1 just go with the wall.

2 Q. So you'd work your way all the  
3 way across?

4 A. Uh-huh (yes).

5 Q. Would you lay the entire first  
6 course in before you started the  
7 second? In other words, this entire  
8 course would be in before you would  
9 start this second row?

10 A. Almost always.

11 Q. Okay.

12 A. There again, it depended on  
13 how many men you had working. If you  
14 had all them bosses up there and me  
15 and --- say me and George and Jeremy  
16 would be almost done with this row  
17 while them guys was back here getting  
18 ready to start on the next row. You  
19 know what I mean?

20 Q. Okay.

21 A. If it was me, George and Skip,  
22 yeah, we'd finish a whole row, unless  
23 we knew we had to leave a hole in it.

24 Q. Okay.

25 A. Like on that one, yeah, we

1 finished two or three rows, and then  
2 the next day or whenever we finished,  
3 you know.

4 Q. So let's go back to that first  
5 row. The first block you put in,  
6 would it be dry? Would it be just a  
7 dry block? You'd set a dry block up  
8 on the first very row? Would you put  
9 any mortar on that block or would you  
10 just --- you would put it in place  
11 first?

12 A. Each row was completely  
13 mudded.

14 Q. At some point, it was. But I  
15 mean, when you first started laying  
16 these blocks, would you use a dry  
17 block and just keep stacking the dry  
18 blocks all the way across?

19 A. Yeah. And then we'd mud them  
20 all.

21 Q. Okay. So we would put ---  
22 would you leave a gap in between each  
23 block?

24 A. If you mess with them Omega  
25 blocks very much, they'll almost

1 always leave a gap themselves, yeah.  
2 But you always had a gap between them  
3 that you'd fill with mud.

4 Q. About how much would that gap?

5 A. Sometimes it varied. You know  
6 what I mean? Sometimes it may be  
7 like that. In all honesty, back  
8 --- it seemed like your middle row  
9 back here, where your blocks did vary  
10 in size, sometimes you may have ---  
11 sometimes you may have a gap like  
12 that.

13 Q. So you're indicating ---?

14 A. Sometimes you may have a  
15 quarter-inch gap and sometimes you  
16 may have an inch-and-a-half gap.

17 Q. So it would vary depending on  
18 the bottom or how --- where the block  
19 was going?

20 A. Most of the time, though, your  
21 biggest --- I mean, your biggest  
22 variance in your gap would be in your  
23 middle seam.

24 Q. In the middle seam between the  
25 two portions of the block?

1 A. Right.

2 Q. So would you lay the first row  
3 all the way across before you started  
4 putting the mud in?

5 A. Most typically.

6 Q. Okay. So on the first row  
7 that's how you would ---?

8 A. It depended on how many men  
9 was there.

10 Q. Okay.

11 A. I mean, because you had all  
12 these --- we didn't always have that  
13 many men.

14 Q. Right.

15 A. But like when we had all those  
16 men, like I said before, I had  
17 already stated that me and --- me,  
18 George and Jeremy may be still laying  
19 out here while these guys here is  
20 mudding. And then as soon we get ---  
21 we'd start mudding. You know what I  
22 mean?

23 Q. Let's go back and make sure I  
24 understand that. So if you had  
25 enough people, you would put the dry

1 course --- you would start putting  
2 them across the entry, maybe get  
3 halfway across the entry, then  
4 somebody would come behind you ---

5 A. Yeah.

6 Q. --- and start filling in the  
7 mud ---

8 A. And most usually ---.

9 Q. --- on that first course; ---

10 A. Exactly.

11 Q. --- is that right? Okay. And  
12 then if you had enough people, then,  
13 of course, they may start the second  
14 row on top of that mud?

15 A. Right.

16 Q. Okay. Let's go back to that  
17 mud that you put in there. Okay. If  
18 you didn't have enough help and you  
19 were doing it with just a few of you,  
20 you would lay the entire row and then  
21 you would put mud on top of that.

22 Explain to me how you would do that.

23 A. Well, if you had a row laying  
24 there and you was going to mud it,  
25 well, you'd just --- you'd pour your

1 mud on top of the blocks.

2 Q. Okay. Dump it out of the  
3 bucket on top?

4 A. You may use a bucket or you  
5 may use the wheelbarrow. If you were  
6 on your first course, you could push  
7 the wheelbarrow right over next to  
8 the wall, dump the whole wheelbarrow  
9 out and let the other guy keep mixing  
10 mud while you and --- a lot of times  
11 it was me and George and Skip. Skip  
12 would mix the mud and me and George,  
13 the first row, they'd wheel the  
14 wheelbarrow right over there, dump it  
15 out and we would smear it on top them  
16 blocks and, of course, you know,  
17 against your ribs. Your ribs aren't  
18 perfectly level. They're not  
19 perfectly flat. You have to get in  
20 that rib real good with your mortar.  
21 You know what I mean? And you have  
22 to ---.

23 Q. So you would just kind of  
24 stuff it in against the rib. Would  
25 you just try to put it down with your

1 gloves to try and fill in that area  
2 in between the first block and the  
3 rib?

4 A. Well, I mean, that mortar will  
5 go in itself. You know what I mean?  
6 You can try to stuff it in, but ---  
7 and you can push it in as good as you  
8 can. But once you fill that up, then  
9 you start leveling it out, you know.

10 Q. Okay.

11 A. It will ---

12 Q. So the mortar was ---?

13 A. --- find the path of least  
14 resistance. And you know, it's going  
15 to go into the crack as good as you  
16 can shove it in there. You know what  
17 I mean?

18 Q. What was that mortar like, I  
19 mean, the consistency of it? Was it  
20 like a more liquid or was it more  
21 like mortar like when you lay a wall?

22 A. The consistency of that BBond  
23 most of the time was about like what  
24 you'd want if you was laying brick.

25 Q. Okay.

1 A. You know what I mean?

2 Q. Yeah.

3 A. It's got to be solid enough to  
4 --- it will stand on its own a little  
5 bit. I mean, it can't be pure water  
6 because it would run off your blocks.  
7 And it can't be so thick that you  
8 dump it out of the bucket and there  
9 it sets. You know, it's in between  
10 --- it's in between Playdough and ---  
11 I don't know, biscuit dough or  
12 something like that. You know what I  
13 mean? It's not thick enough that it  
14 will hold its own shape, ---

15 Q. Okay.

16 A. --- but it's not thin enough  
17 that it will run plumb off the  
18 blocks.

19 Q. So how would you get it in  
20 between the joints of each block?  
21 You put it on top, right, and then  
22 you tried to push it into the joints  
23 or ---?

24 A. Well, a lot of times, like I  
25 said before, as you was laying a row

1 across, depending on how many men you  
2 had, you didn't always lay a whole  
3 row across. Most of the time that  
4 was just on your first row.

5 Q. Okay.

6 A. You would mud as you went ---

7 Q. Okay.

8 A. --- because --- or else you  
9 couldn't get your blocks all mudded.  
10 That was almost always typically the  
11 case once you started building a  
12 wall. Then somebody would be ---.

13 Q. Once you got past the first  
14 row ---?

15 A. Somebody would be mixing mud,  
16 reaching it to you, you'd lay a few  
17 blocks up there, you'd start mudding  
18 the tops of them and down the sides  
19 of them. And then you'd lay some  
20 block. Well, you had two or three  
21 buckets of mud. Well, once --- and  
22 it just varies. I mean, especially  
23 this guy on the back, once he got  
24 caught up, because he's having to  
25 reach his mud over the wall and use

1       it, well, when he got ahead, he'd  
2       start mudding the face of the wall.  
3       So I mean, you just done ---.

4       Q.       So you may put three or four  
5       blocks in, then put the mortar on the  
6       top, and then try to smear it down  
7       in?

8       A.       Yeah.    There wasn't a perfect  
9       ---.

10      Q.       There was no one particular  
11      way to do it?

12      A.       Exactly.

13      Q.       Okay.

14      A.       I mean, I could --- which  
15      method we used the most, I can't tell  
16      you which.    You know, it varied,  
17      depending on your number of men and  
18      who was there, I mean, how --- I  
19      mean, you know, if it was just me and  
20      George, we kind of --- you know, we'd  
21      lay a few blocks and mud them and go  
22      because that's the best you could do.  
23      You wouldn't want to lay two or three  
24      courses and then it's quitting time  
25      and you can't get them mudded.    You

1 know what I mean?

2 Q. Sure. Did you --- when you  
3 tried to put it down in a gap, I  
4 mean, did you use any tools or did  
5 you just use your hand and kind of  
6 rub it? How did you try ---?

7 A. We always used our hands.

8 Q. You just used your hands. You  
9 didn't have a trowel or anything like  
10 that?

11 A. Uh-uh (no).

12 Q. Did you ever try to --- did  
13 you ever have to move the blocks  
14 apart to try to get it to go down in?

15 A. Well, as you're building your  
16 wall across, most of the time you can  
17 see --- you can always see three  
18 faces of your block, top, the side  
19 facing you and the side that's  
20 getting ready to butt up against the  
21 next block. So most of the time you  
22 didn't have a lot of problem getting  
23 mud on most of your sides. You know  
24 what I mean? Do you understand what  
25 I'm saying?

1 Q. I'm not sure if I'm clear with  
2 that. My understanding --- let's  
3 make sure I understand. When you put  
4 the blocks in across and you're  
5 working the blocks across the rows,  
6 okay, let's suppose you put the first  
7 three blocks in ---

8 A. Okay.

9 Q. --- and now you poured mortar  
10 on top of those, right, ---.

11 A. You just said we laid three  
12 blocks here.

13 Q. Yes.

14 A. Well, you know, I can see this  
15 face on this block ---

16 Q. Okay.

17 A. --- and I can see this face of  
18 this block, ---

19 Q. Right.

20 A. --- and I can see the top of  
21 that block.

22 Q. Okay.

23 A. Well, that block there is easy  
24 to mud. And if the guy on the back  
25 hasn't caught up, guess what else I

1 can see? I can see that back side.  
2 You know what I'm saying?

3 Q. You can see the back side of  
4 his block. I understand.

5 A. That's easy to mud.

6 Q. What if you --- I mean, is  
7 there any --- so many that you would  
8 do --- I mean, it would be easy to  
9 get to this --- the vertical joint on  
10 the last row of blocks that you're  
11 working on.

12 A. These vertical joints is easy,  
13 too. That mud would go right inside  
14 of them.

15 Q. Oh, you'd just squeeze it  
16 right down through there?

17 A. Yeah. And most of the time it  
18 would start running out your sides  
19 here.

20 Q. Start running out the front?

21 A. You know, and I'll tell you  
22 this, too. They wanted a quarter  
23 inch mud in all your seams. And  
24 that's all well and good, but as this  
25 wall gets bigger, higher, it gets

1 heavy. You know what I'm saying?  
2 Well, your mortar starts squeezing  
3 out of your lower seams of blocks.  
4 You know what I'm saying? So yeah,  
5 it's good that you put a quarter inch  
6 in there. But as you build this wall  
7 up, guess what it's going to start  
8 doing? It's going to start squeezing  
9 out of these bottom seams if it don't  
10 set up fast enough. But we tried to  
11 put as much mud in as we can make  
12 them hold. And the same way on here.  
13 We built --- say these three blocks  
14 was in. We'd pour mud in there.  
15 We'd mud around them. We'd maybe lay  
16 three, four, five more. You know, it  
17 just varied.

18 Q. So the mortar was of the  
19 consistency that it would go down  
20 through the joints? You had no  
21 trouble getting it through the  
22 joints?

23 A. No. Like I said, it was ---  
24 it wouldn't hold its own shape.

25 Q. Okay.

1       A.       It's enough that it would ---  
2       it was thin enough that it would ---  
3       you know, I can't say that it was  
4       soup, but --- because it would stick  
5       on the blocks, but it wasn't thick  
6       enough that it would hold its own  
7       shape. You could definitely get it  
8       in the grooves, no problem.

9       Q.       When you used the example of  
10      the three blocks, was that typical,  
11      you would go three and then mud it or  
12      --- and I realize it depended on how  
13      many people you had. Or was it more  
14      typical that you may go five and then  
15      mud it or ---?

16     A.       You may go a good ways.

17     Q.       Could you go the whole way  
18     across and then come back and mud it?

19     A.       You didn't usually get that  
20     far before another batch of mud was  
21     done being mixed. You know what I  
22     mean?

23     Q.       So would it be a factor of  
24     when you ran out of mud, you'd stop  
25     and just put solid blocks?

1       A.           When you smeared all your mud  
2       and the guy was mixing more mud, that  
3       was the time you laid more blocks.  
4       You know what I mean? And then  
5       whenever he got done with some more  
6       mud, well, you were ready to start  
7       mudding so he could --- you wanted to  
8       keep him busy, so ---.

9       Q.           He wasn't happy about that?

10      A.           Well, it was Skip, so --- I  
11      mean, it was the boss. You wanted to  
12      keep him sweating if you could.

13      Q.           Okay. Now, the block layers,  
14      would you have one block layer in the  
15      back and one block layer in the front  
16      usually?

17      A.           Almost always, yeah. Well,  
18      not just one. Like a lot of times me  
19      and Jeremy was in the back.

20      Q.           Okay.

21      A.           But then when it was just me  
22      and Skip and George, there would  
23      always be one person in the front and  
24      always be one person in the back,  
25      always.

1 Q. And would you use that  
2 construction method --- let's go to  
3 the next-to-the-last row. Let's just  
4 talk from everything below the next-  
5 to-the-last row, where I just drew  
6 the arrow from.

7 A. Okay.

8 Q. Would it be all the blocks  
9 below the next-to-the-last row you  
10 would use that same construction  
11 technique?

12 A. Pretty much.

13 Q. Did it change as they got  
14 higher at all? Because I realize  
15 it's sometimes hard to get those  
16 blocks up?

17 A. Still the same.

18 Q. Still the same. And where the  
19 blocks met the rib, how did you get  
20 the mortar in into those joints?

21 A. Like I said, it wasn't very  
22 hard.

23 Q. Wasn't hard.

24 A. I mean, as long as you had  
25 this much room on top of your wall,

1       which is, you know, ---.

2       Q.       Which is about a foot and a  
3       half or so that you're indicating?

4       A.       Foot and a half.   Big enough  
5       to get a bucket there, pour it over.  
6       I mean, it wasn't hard to fill up  
7       against your rib.   That was ---  
8       getting the rib mudded good and  
9       sealed off good is way easier than  
10      the way that you all have it written  
11      down there for us to seal the top of  
12      those.

13     Q.       Okay.

14     A.       I mean, it just is.   I mean,  
15     because, you know, that's --- your  
16     mortar is going to want to run down  
17     through your cracks.

18     Q.       Okay.

19     A.       I mean, gravity is going to  
20     try to force --- and the same thing  
21     on the top.   And you know, when  
22     you've got a space on top to try to  
23     fill, it's a whole lot harder to fill  
24     that space because this here is  
25     pretty easy to fill, I mean, as far

1 as shoving it down in there and  
2 things like that. That wasn't hard.

3 Q. Did you ever have to use any  
4 blocks or wedges along the side?

5 A. We never had to use any wedges  
6 on the side. Pieces of block?

7 Q. Yes.

8 A. You may have had to --- say  
9 your wall was built like this. Well,  
10 say your wall was built perfectly  
11 straight.

12 Q. Perfectly straight to the rib,  
13 okay.

14 A. Well, say your rib run at an  
15 angle.

16 Q. Okay.

17 A. You're using square blocks in  
18 unsquare surroundings. I mean, you  
19 know, it's just not square down  
20 there. I mean, they shoot center  
21 lines and things like that, but it's  
22 just never square down there. So you  
23 may try to butt your blocks up there.  
24 Well, you may have to cut a block  
25 kind of shaped like a piece of cheese

1 on the end, ---

2 Q. Okay.

3 A. --- a wedge of cheese or a  
4 piece of pizza, I don't know, to fill  
5 in that gap against your rib and your  
6 wall.

7 Q. Okay.

8 A. And you had to do things like  
9 that.

10 Q. Did you ever use anything like  
11 paper or anything like that?

12 A. You're not allowed to use  
13 paper.

14 Q. You didn't use any mortar bags  
15 to kind of fill that in?

16 A. Well, like those guys that  
17 came down there and seen where we  
18 built those, no, we didn't use no  
19 mortar bags. They had to all be  
20 cleaned up and picked up. But no ---  
21 you didn't use anything like that.  
22 And at that point, with us being  
23 brand new, the thought of using paper  
24 wouldn't have crossed my mind. You  
25 know what I mean? That may --- now,

1 on a stopping, you know, that may  
2 happen on a stopping or something  
3 like that. It shouldn't. But now  
4 that you've been around and seen  
5 things like that, you know --- but at  
6 that point we was just doing exactly  
7 what we knew to do, smear the mud in  
8 there the best you can. Get her,  
9 boys.

10 Q. When you were building the  
11 rows across, did it always fit or at  
12 some point did you have to cut a  
13 block to make it --- for the row to  
14 fit?

15 A. Yeah. And actually sometimes,  
16 you know, these courses were  
17 staggered.

18 Q. Yes.

19 A. And it seemed like after so  
20 many rows, sometimes you would get a  
21 seam that wouldn't stagger far  
22 enough. Well, I never caught that.

23 Q. Okay.

24 A. One time --- and I don't know  
25 which inspector it was was down

1       there, and we did --- they was still  
2       staggering them, but it was only  
3       staggered like that far.

4       Q.       And you're indicating about an  
5       inch, inch and a half?

6       A.       I'm indicating an inch, inch  
7       and a half. And he was down there, I  
8       think, with Carl. And he watched me  
9       work for a long time. I didn't know  
10      what --- I thought I was maybe doing  
11      something wrong.

12     Q.       That was Carl Crumrine?

13     A.       Uh-huh (yes).

14     Q.       Okay.

15     A.       And he watched for a long  
16     time. And I completely finished that  
17     area right there, and I thought it  
18     was looking pretty good, and he  
19     indicated at that point, you know,  
20     those seams need to be staggered  
21     maybe a little more. He said, that's  
22     fine there, he said, but watch your  
23     seams. If your blocks would run  
24     together, you need to cut them. So  
25     from that point forward, you know,

1       that was something we knew to look  
2       for.

3       Q.       Okay.

4       A.       But yeah, sometimes you'd have  
5       to cut blocks to make them fit.  They  
6       just didn't always fit right.

7       Q.       And if you had a --- on a row  
8       that you were working across and you  
9       had to cut a block, did you put the  
10      cut block on the end or did you put  
11      it one or two blocks in from ---?

12      A.       It almost always goes on the  
13      end.

14      Q.       Almost always on the end.  And  
15      did you have to sometimes cut those  
16      blocks more than once, I mean, like  
17      you said, a pizza shape or a pie  
18      shape, to fit tight against the rib?

19      A.       Did my cuts usually be right  
20      the first time?  Is that what you're  
21      asking?

22      Q.       No.  Sometimes you might have  
23      to cut it at one angle and then you  
24      have to cut another angle just to  
25      make it fit into the rib tightly?

1 A. Yeah, most of the time. I  
2 mean, you may have to cut them twice.

3 Q. Okay. And what would you cut  
4 them with?

5 A. Well, you'd use a buck saw. I  
6 mean, we had buck saws. And you  
7 know, say you had a piece that needed  
8 to --- let's say you had a piece that  
9 needed to be an eight inch square,  
10 well, your blocks are eight inches.  
11 You could cut them with a --- you  
12 could cut them with an ax.

13 Q. And did they cut pretty easy  
14 with an ax?

15 A. If it's just a small piece you  
16 need.

17 Q. Okay. We talked about the  
18 rows, except the next-to-the-last  
19 row. Now, when we get to the next-  
20 to-the-last row, assuming the last  
21 row is only --- you're going to have  
22 to cut the blocks for that, so this  
23 is the last full solid row that you  
24 put across, was it put in the same  
25 way as the courses below that, as far

1 as put the dry block up and try to  
2 mortar the top? Or how would you do  
3 that?

4 A. A lot of times on the top  
5 block, what you could do --- you'd  
6 set them up there.

7 Q. This is the last full block?

8 A. Last full block.

9 Q. Not the last piece, the last  
10 full block?

11 A. Well, and I don't know if you  
12 all knew this. After we started  
13 building those, I guess maybe Jeremy  
14 mentioned that six-inch blocks would  
15 come in handy, too, for the top row,  
16 which that was nice. We didn't  
17 always have to use them, but that did  
18 make it nice. It made a better fit  
19 some places and things like that.  
20 But on that top row, a lot of times  
21 what you do, you set a block up  
22 there. I mean, some of these were  
23 high. Or you could mud it --- of  
24 course you tried to build your ladder  
25 out of Omega blocks. You can mud it

1 and set it in there. You could  
2 mud ---.

3 Q. Okay.

4 A. Because you couldn't --- you'd  
5 kind of have to do this. You  
6 couldn't pour your mud out on them no  
7 longer. You know what I mean? You'd  
8 have to kind of mud as you went in,  
9 definitely, because you just couldn't  
10 --- you can't get a bucket on top,  
11 pour mud out. You'd kind of have to  
12 mud as you went.

13 Q. So that would be the --- the  
14 very top row, did you have to  
15 sometimes cut the block to fit the  
16 top row?

17 A. Oh, yeah. Sometimes you  
18 didn't --- there wasn't always  
19 necessarily a straight line that you  
20 had to cut them. I mean, it depended  
21 on how your top was. It depended on  
22 how straight your wall was. It  
23 depended on --- you know, it depended  
24 on a lot of things, you know.

25 Q. I want to make sure that we're

1 talking about the --- not the road  
2 that you're going to cut, the road  
3 below that that's a solid --- you  
4 know, a solid block. There's no cuts  
5 on it. And when you would mortar  
6 those to put them up in there,  
7 because you said you had to do those  
8 a little different, how would you ---

9 A. Well, you have to understand  
10 ---.

11 Q. --- put the mortar on those?

12 A. Well, most of the time, as you  
13 went across, --- you're talking your  
14 second-to-last row?

15 A. Yes.

16 Q. Well, as you went across this  
17 other row, it was two rows from the  
18 top. So you could set your mud  
19 bucket there. Do you see what I  
20 mean? And get down and get a block  
21 and put it up there. You had your  
22 mud bucket sitting right there.  
23 You'd lay a good seam of mud down.  
24 We had mud buckets sitting there. So  
25 if you needed some mud, you could

1 smear mud on the block as you went.

2 Q. Okay.

3 A. If you need to, vice --- you  
4 know, depending on what you needed to  
5 do, you could ---

6 Q. Sure.

7 A. --- you kind of just done the  
8 best you could with different  
9 situations. You know what I mean?

10 Q. Would you mud all the joints  
11 on the ones that you couldn't pour it  
12 on top or there's just certain joints  
13 you would do, or how ---?

14 A. No, there wasn't no certain  
15 joints.

16 There was never --- no one  
17 said that you could not mud this  
18 joint. All of your joints are  
19 supposed to have a quarter inch of  
20 mud.

21 Q. Okay.

22 A. Meaning, you done the best you  
23 could.

24 Q. So if you couldn't get it from  
25 the top, then you would put it on the

1 blocks itself and put them up there?

2 A. Most of the time, as you're  
3 doing that top row, you kind of ---  
4 like I said before, and I won't say  
5 that every inch of the block got hit  
6 now. You know, you done the best you  
7 could.

8 Q. Sure.

9 A. You'd set the block up there  
10 and you'd mud as you went on that  
11 last --- second-to-last row. And the  
12 same thing on your very last row, ---

13 Q. Okay.

14 A. --- kind of the same type  
15 deal. You know what I mean? And  
16 then you all know as well as I do ---  
17 well, we'll get to that when you ask  
18 me, I guess.

19 Q. No. Go ahead.

20 A. You know, it's ---.

21 Q. Because I'm going to ask you  
22 that anyway, so ---.

23 A. On your very last row, I mean,  
24 you start having to throw mud in  
25 there, ---

1 Q. Okay.

2 A. --- I mean, you know, to try  
3 to fill up your gaps and stuff. And  
4 they asked me last time, how did you  
5 fill up your gaps. And I said, with  
6 mud and pieces of block because ---  
7 you know, the best you could, in  
8 between your wedges or in between  
9 your fly boards. You may have to cut  
10 blocks. Like we went over before, a  
11 lot of these blocks were junk anyway.  
12 So you had all these pieces at the  
13 bottom of the --- that you could fill  
14 in holes, that you could, you know,  
15 across the top. And you'd kind of  
16 like --- you'd just have to mud as  
17 you went, throw mud in there, do the  
18 best you could.

19 Q. On this last row, ---

20 A. Uh-huh (yes).

21 Q. --- let's make sure I  
22 understand on the last row. There's  
23 only, what, about six inches or  
24 something there. And you're cutting  
25 the block so that ---

1 A. It varied.

2 Q. --- there's some room at the  
3 top of it; is that right?

4 A. Well, as far as your six  
5 inches or whatever, that would vary.  
6 Sometimes whole blocks would fit in  
7 and be fairly tight.

8 Q. Oh, okay.

9 A. It would be a pretty good fit,  
10 you know, enough room to drive a  
11 wedge or whatever. And sometimes it  
12 would be loose. You may have to fill  
13 it in a little bit with another piece  
14 of block. Or sometimes it would be  
15 so tight, yeah, you would have to cut  
16 a block, depending on the ---.

17 Q. Did you ever have to beat the  
18 blocks in or ---?

19 A. You can't beat them Omega  
20 blocks very good. You know what I'm  
21 saying? I mean, you just really  
22 can't beat them. I mean, they start  
23 --- if you tried to pound an Omega  
24 block in there that's sitting real  
25 tight, the next thing you got to do

1 is mud a furry block because you beat  
2 the side of it. You know what I'm  
3 saying? So you really couldn't beat  
4 them a whole lot with anything.

5 Q. It would be pretty hard to get  
6 the mortar in there.

7 A. It is hard.

8 Q. How did you --- did you coat  
9 those on the ground and then stick  
10 them up in there or how did you get  
11 the mortar on that last course?

12 A. Like I said, most of the time  
13 you was throwing. You was up there  
14 and there again, on your very last  
15 course, ---

16 Q. Yes.

17 A. --- well, this first block  
18 goes in. You still got room here to  
19 work as you went across. Now, over  
20 here, you're about out of room.

21 Q. Right.

22 A. You know what I mean?

23 Q. You're mentioning the other  
24 end of the ---?

25 A. The side opposite the side you

1 started on.

2 Q. Right. Correct.

3 A. Well, as you went across, you  
4 still had room a little bit to mud, a  
5 little bit to work a little bit up  
6 there. So you was doing the best you  
7 could. You could mud and go as you  
8 went.

9 Q. So you're indicating you would  
10 put mud on the next-to-the-last  
11 course. You'd reach up in there and  
12 put mud on it. Now you have the  
13 block that you're going to put on  
14 top?

15 A. Yeah. So your building  
16 surface is mudded.

17 Q. Okay.

18 A. You can set a block up there  
19 and you can mud it, put it against  
20 the rib.

21 Q. Would you put mud on it on the  
22 floor, on the sides before you put it  
23 in?

24 A. No, because then you're coated  
25 with mud.

1 Q. Okay.

2 A. So you could set it up there

3 ---.

4 Q. You set it up in there dry?

5 A. Yeah, as much --- but now your  
6 building surface is mudded. It's got  
7 mud on the bottom. And as you go to  
8 scoot it against the rib, you got mud  
9 there. Because once again, you're  
10 one layer across, you can dump some  
11 mud up there to work with ---

12 Q. Okay.

13 A. --- the best you can now.

14 Q. Sure.

15 A. And then you can mud as you go  
16 --- kind of the same deal. But I'm  
17 going to tell you, that top row, just  
18 like the last chunk of the last seal  
19 you build, it's not going to be as  
20 strong as your first ten rows. You  
21 know what I mean? It's real hard to  
22 get --- I'm sure you got this space  
23 in between your fly boards. You got  
24 all this --- there's more air up  
25 there ---

1 Q. Okay.

2 A. --- to fill with mud.

3 Q. I just want to make sure I  
4 understand this top row on how you  
5 did get the mud on it, because ---.

6 A. As best you could.

7 Q. The next-to-the-last row had  
8 mud. You put a dry block up in  
9 there?

10 A. Uh-huh (yes).

11 Q. Could you reach on top of that  
12 to put mud up there?

13 A. Very --- sometimes you could.  
14 Like I said before, sometimes block  
15 had to be cut. And remember, you  
16 still had to leave room for fly board  
17 and the wedge, if you could fit one  
18 in, you know, the best you could. So  
19 sometimes you could mud it pretty  
20 fairly easy. Sometimes you had to  
21 throw mud on top of it.

22 Q. So now on the last row, would  
23 you complete the last row all the way  
24 across?

25 A. Uh-huh (yes).

1 Q. Now, all the blocks are  
2 basically completed. And let's talk  
3 a little bit about the wood that  
4 would go on top of that. How would  
5 you do that?

6 A. The first time I really got to  
7 see one of these was the last time I  
8 sat in front of you all.

9 Q. I'm just using this as an  
10 example.

11 A. Well, but I mean, this thing  
12 with the wedges, it looks like maybe  
13 approximately three foot apart on  
14 this diagram.

15 Q. Sure.

16 A. They never said let's put our  
17 wedges three feet apart in a certain  
18 direction drove in.

19 Q. Okay.

20 A. My objective when I was  
21 building that was I thought --- I was  
22 under the impression this was a seal  
23 and you wanted them tight. You know  
24 what I mean? You wanted your wedges  
25 in there. And when I seen that they

1       only put a few wedges, I told the  
2       gentleman that questioned me last  
3       time, how many wedges did you put in?  
4       We put more wedges than that.

5       Q.       Well, let's talk about the  
6       first board.

7       A.       The first board.

8       Q.       Did you put a fly board in the  
9       back?   Where would you be when they  
10      were going to put the fly boards on?  
11      Would you be in the front of the seal  
12      or would you be in the back?

13     A.       A lot of times I was in the  
14     back, and sometimes I was in the  
15     front.   You know what I mean?

16     Q.       Okay.

17     A.       We never had a set place we  
18     worked.   Sometimes I'd be in the  
19     back.   A lot of times I was in the  
20     back.

21     Q.       Let's start at the back then.

22       So you have all of the blocks all  
23     the way across and you're going to  
24     put the board up in --- did you  
25     always put the board up in, the first

1 board, the back board first? Is that  
2 what you would do?

3 A. Before you put what?

4 Q. The top course of blocks is  
5 complete, right, ---

6 A. I understand.

7 Q. --- it's all the way across.

8 Okay. Now, would you put a board, a  
9 long board, a fly board, up on top of  
10 that, between the last course of the  
11 Omega block and the roof? Is that  
12 where you would start? How would you  
13 start to finish that off?

14 A. Are you asking --- let me make  
15 sure I understand the question  
16 correctly. Are you asking me if I  
17 was in the back, would I try to reach  
18 a board across the front or would I  
19 try to reach a board in the middle or  
20 would I try to reach the inby ---?

21 Q. What would you do? I mean, if  
22 you're in the back, what would you  
23 do? Would you try to put the middle  
24 one in, the front one or the back  
25 one?

1 A. If I had --- if I would have  
2 been in the back, me being brand new  
3 building these, and I had two fly  
4 boards back there, I would have tried  
5 to put the first one in, I mean, so I  
6 wouldn't have had to work with ---  
7 the middle one.

8 Q. The one closest to you? Oh,  
9 the middle one? You would put the  
10 middle one in?

11 A. If I would have had two fly  
12 boards back there.

13 Q. Okay.

14 A. Because if I would have put  
15 the one closest to me, then how could  
16 I have reached the one inby --- or  
17 outby.

18 Q. Well, let's talk the scenario.  
19 Did you ever do that, where you put  
20 the middle fly board in from the  
21 back?

22 A. No. Most usually --- the guy  
23 on the back seemed like most usually  
24 done the back fly board and the  
25 wedges, finished up the back side of

1 it.

2 Q. Okay. Let's talk about that.  
3 How would you put that fly board in  
4 in the back?

5 A. Well, I told the guys last  
6 time, your top changes like that.  
7 Sometimes the fly board would go all  
8 the way across. Sometimes it  
9 wouldn't. Sometimes it had to be cut  
10 because of a big sway in your top.

11 Q. Okay.

12 A. You know, you may have ten  
13 foot. Something like this you  
14 couldn't bend your board around.  
15 Because if you would have tried to  
16 bend it around, it would have went  
17 down inside of your seal. You know  
18 what I mean? Maybe we should have  
19 put the fly board up, finished this  
20 side and --- I don't know. I'll tell  
21 you the way we done it.

22 Q. That's what we want to know.  
23 How did you do it?

24 A. You may have to cut your board  
25 --- we done it the best we knew how.

1 Q. Okay.

2 A. The best the condition suited  
3 for.

4 Q. So when I looked at the ---.

5 A. If it would take a whole fly  
6 board and it was just laying there  
7 real nice and pretty, we would put a  
8 whole fly board in there and it would  
9 lay real nice and pretty and we'd put  
10 wedges above it.

11 Q. The fly boards were how long?

12 A. You know, I think our fly  
13 boards are --- I think they're 17  
14 foot long or something, 16 foot long.  
15 I think they're 17.

16 Q. The entry is wider than that;  
17 is that correct?

18 A. Well, we try to cut our  
19 entries, my understanding is 18 foot.  
20 Our roof control plan allows us to  
21 cut 20 foot.

22 Q. Okay.

23 A. So they could be 20 foot.  
24 They could be 18 foot.

25 Q. The fly board isn't long

1 enough to go from rib to rib. What,  
2 would you cut a piece of it, or how  
3 would you ---?

4 A. I do remember now we didn't  
5 always cut a piece. I can remember  
6 cutting some fly boards.

7 Q. Okay.

8 A. But now --- and I know we're  
9 going to get this later, and I  
10 answered this question before, the  
11 last time I was --- they asked, did  
12 you always use three fly boards.

13 Q. Okay.

14 A. And no, we didn't. Most of  
15 the time --- I mean, this fly board  
16 on the inby side and your fly board  
17 on the outby side was almost --- you  
18 know, they was used.

19 Q. Okay.

20 A. Was the one in --- I can ---  
21 I'm sure that we did not always use  
22 three fly boards. And their next  
23 line of questioning was this. How  
24 often did you not use three fly  
25 boards? And then we're getting back

1 to assumptions. You know what I  
2 mean? We done the best we could with  
3 what we had to work with. You know  
4 what I mean? Your top changes in the  
5 way it runs. And you may not  
6 actually be able to squeeze that  
7 third --- that middle fly board in  
8 there because you may have your top  
9 like this or it may have swayed right  
10 in the middle. You know what I'm  
11 saying?

12 Q. You're indicating that the top  
13 would be ---

14 A. It wouldn't be perfect.

15 Q. --- down closer ---?

16 A. Right.

17 Q. Okay. When I looked at the  
18 top of this, okay, would I --- what  
19 would the top between the last Omega  
20 block and the roof look like? Would  
21 it be completely full of wood before  
22 you put mortar up in there?

23 A. Uh-uh (no).

24 Q. What would it look like?

25 A. No. If you was looking --- if

1 we was finishing the very last ---  
2 you know, the very top ---.

3 Q. We're only talking about the  
4 back one now.

5 A. Right.

6 Q. Okay.

7 A. You'd have a fly board up  
8 there.

9 Q. Okay.

10 A. And it shows on this diagram,  
11 it looks like it's completely flush  
12 with the wall the whole way across.  
13 Well, that's indicating a perfectly  
14 straight wall and a perfectly  
15 straight fly board, you know. And  
16 that would have been great if we had  
17 stuff like that to work with, but we  
18 didn't always have --- you know what  
19 I mean?

20 Q. Okay.

21 A. So a lot of times our fly  
22 boards may have set in just, you  
23 know, a little bit. They may have  
24 set in two inches or ---.

25 Q. Set in --- you mean from the

1 outside face?

2 A. Right.

3 Q. They were in about two inches?

4 A. Maybe sometimes.

5 Q. Okay.

6 A. And then being that --- you  
7 know, like I said, our walls were  
8 never this pretty. You know what I  
9 mean?

10 Q. Okay.

11 A. But we done the best we could.  
12 So you'd have a fly board up there,  
13 then you'd drive some wedges in  
14 there. Well, you'd have all this  
15 room. You know what I mean?

16 Q. You mean above the top of the  
17 fly board or ---?

18 A. You'd have some space in  
19 there.

20 Q. Okay.

21 A. And the last time they asked  
22 me, how did you fill that in? Well,  
23 you tried to throw as much mud in as  
24 you could. Well, you had to fill  
25 that gap with something else.

1       Because like I said, the consistency  
2       of that mud wouldn't let you just  
3       keep throwing mud in there without it  
4       wanting to come back out.

5       Q.       Okay.

6       A.       So you would fill in some of  
7       your gaps with pieces of Omega block  
8       so that you can --- you know, so that  
9       you could seal this thing up real  
10      good.

11      Q.       So when I looked at --- I  
12      would look above the last course of  
13      Omega block and I would see a fly  
14      board, ---

15      A.       Right.

16      Q.       --- most cases? Would it go  
17      all --- it wouldn't go all the way  
18      across. There would be an opening  
19      that you would fill with something  
20      else so that it would --- would there  
21      be wood going all the way from rib to  
22      rib?

23      A.       Of some type.

24      Q.       Of some type.

25      A.       I mean, like I can remember,

1     like I said, we have cut fly boards  
2     to make them fit. We didn't always  
3     have to. The fly board may be ---  
4     let's say the fly board was 18 foot,  
5     17 foot long, and your entry was 18  
6     foot wide. You'd have six inches or  
7     less on either side. You're talking  
8     about a piece --- right there's ---.

9     Q.       Do you know what might be  
10    easiest? Let's try something. I'm  
11    really having a tough time  
12    understanding, so I'm going to ask  
13    you to draw something for me. What  
14    I've drawn on this paper is the ---  
15    this is the Omega block. This is the  
16    Omega block wall.

17    A.       Uh-huh (yes).

18    Q.       Somewhere above this is the  
19    roof.

20    A.       Right.

21    Q.       And you've told me that the  
22    roof isn't always straight.

23    A.       Yeah.

24    Q.       So rather than me try to guess  
25    what you're --- could you draw

1 approximately what you think the roof  
2 would have looked like there? And I  
3 realize it's going to ---?

4 A. We built ten of them. I mean,  
5 --- and I can remember, I think it  
6 was Number One there was a good roll  
7 in that top there that the fly board  
8 had to be cut. I can't draw you a  
9 thing that would represent all ten  
10 entries there. I mean --- you know,  
11 and I don't want to be difficult.

12 Q. I understand.

13 A. You all have been real nice to  
14 me and everything, but you're talking  
15 about a lot of variances, and I can't  
16 --- if I would try to draw you --- we  
17 have some top up there that's  
18 absolutely beautiful, but then we  
19 --- and you know, if I tried to draw  
20 you one diagram to represent every  
21 top --- piece of top we have in Sago  
22 Mines, I could not --- I couldn't do  
23 that.

24 Q. Well, let me try to put  
25 something here then. Let's say the

1 mine roof looks something like that.

2 A. Okay.

3 Q. Typical --- this is not ---  
4 this isn't one particular. This is  
5 typical. If you had a mine roof that  
6 looked something like that, and the  
7 board --- the fly board was thicker  
8 in this area that I just drew an  
9 arrow. So the fly board wouldn't fit  
10 through there. It was --- the fly  
11 board is three-quarters of an inch  
12 thick and this area is only a half  
13 inch. How would you put the fly  
14 board in?

15 A. Like I said before, I can  
16 definitely remember us having to cut.  
17 So you would have a fly board running  
18 to that point. And the remainder of  
19 that fly board you just cut, you'd  
20 stick right here.

21 Q. So I'm just going to draw that  
22 in.

23 A. Uh-huh (yes).

24 Q. So I'd have a fly board ---  
25 and this isn't a very good drawing,

1 but that would extend on either side.

2 A. Right. That looks good.

3 Q. So it would look something  
4 like that?

5 A. Yep.

6 Q. Okay. Now, above the fly  
7 board, ---

8 A. Uh-huh (yes).

9 Q. --- some places I have a  
10 little bit of an opening and some  
11 places it's pretty tight?

12 A. You're doing a good job of  
13 describing it. This is exactly what  
14 I was trying to tell you a minute  
15 ago.

16 Q. Okay. You're doing a good  
17 job. That's why I said we're getting  
18 across what we want to do. How would  
19 you --- in this wide area that's  
20 bigger than a wedge, ---

21 A. Right.

22 Q. --- can you show me how you  
23 would put a wedge in there, what it  
24 would look like in the --- like here  
25 the wedge fits.

1       A.        Like I told you before, you  
2       would have bigger areas that you may  
3       have to fill.  And you may have to  
4       put a piece of block right here to  
5       fill in some space.

6       Q.        To fill in that space.

7       A.        Right.

8       Q.        So you may put a --- let's say  
9       you may put a piece of block, and  
10      that little area that I've just drawn  
11      is block, you put a piece of block in  
12      there.  Now, above the block there's  
13      still a little bit of a gap.

14     A.        Uh-huh (yes).

15     Q.        Would you put a wedge in  
16     there?

17     A.        Yeah.  We're supposed to wedge  
18     the fly board down tight against the  
19     ---.

20     Q.        So would this be --- this gap  
21     in between here, would it be solid  
22     wedges?

23     A.        Not necessarily.  We wouldn't  
24     necessarily wedge every inch across  
25     there.

1 Q. Okay.

2 A. Our wedges and things, we done  
3 the best we could. I mean, we may  
4 put 12 wedges across the top on the  
5 front side. We may put ten wedges  
6 across on the back side.

7 Q. Okay.

8 A. We may have put a total of 27  
9 wedges in on the Ninth seal and only  
10 put 26 wedges in on Eight. You know  
11 what I mean? Never at any time was  
12 we sat down and told to put 15 wedges  
13 in each seal. You know what I mean?

14 Q. Okay. We're just trying to  
15 figure out what we did do on there.  
16 If you were to start this, okay, you  
17 put the board up first, right, the  
18 fly board?

19 A. Right.

20 Q. The fly board is put up on  
21 either side. And then if there's a  
22 place that's higher than that, you  
23 would put some block --- cut some  
24 block and put it in there?

25 A. If you needed it.

1 Q. If you needed it. If you  
2 didn't need it, ---

3 A. Then you just drove your wedge  
4 ---.

5 Q. --- you just drove ---? Where  
6 would you start with your wedges?  
7 Would you start with your wedges  
8 against the rib?

9 A. A lot of times you can work  
10 one way to the other, but not always.  
11 I mean, you may --- your first wedge  
12 may be driven right here.

13 Q. It may be driven in the  
14 middle, where we have the arrow  
15 pointing, is that what you're saying?  
16 So I'll just draw a wedge. For  
17 example, could the first wedge be put  
18 something like ---?

19 A. We could very well put the  
20 first wedge here.

21 Q. Okay. And would you continue  
22 just driving wedges against that  
23 wedge or would you turn it around and  
24 put the thick side of the wedge  
25 against that wedge and have the thin

1 side and drive it into that? How  
2 would you --- that's what we're  
3 trying to get an understanding of,  
4 how you did that.

5 Q. That varied. I'll tell you,  
6 it did. It varied. I mean, my  
7 understanding now, after all this,  
8 that the wedges --- I mean, I seen  
9 these diagrams now, that the wedges  
10 were all supposed to be driven in  
11 length-wise. And no, all of our  
12 wedges weren't driven in length-wise.  
13 Most of the time, the way we'd drive  
14 them in is the best way to get a  
15 good, tight seal. And you know if we  
16 could drive them from rib to rib, ---

17 Q. Yes.

18 A. --- have less wood exposed and  
19 get that real good and tight, that  
20 makes more sense to me, especially  
21 now, knowing that wood is combustible  
22 and all that --- you know, you have  
23 less wood exposed on the outside of  
24 the --- I mean, all of our wedges  
25 weren't driven in.

1 Q. They weren't driven in from

2 ---

3 A. Like the ---.

4 Q. --- like they're shown on the  
5 picture?

6 A. Right. Not all of them were  
7 driven in that way.

8 Q. Well, let's go back to how we  
9 did do it. And I'm just trying to  
10 get an understanding because, for  
11 example, if a wedge fit, you would  
12 put one wedge in?

13 A. Uh-huh (yes).

14 Q. And if there was room for a  
15 wedge against that, would you put  
16 another wedge, if there was room,  
17 against the first wedge?

18 A. Oh, you mean like if there was  
19 this much space and it took two  
20 wedges to get a good tight seal,  
21 yeah, we may have put two wedges  
22 right there.

23 Q. Okay. So would you drive one  
24 wedge into the first wedge, is that  
25 how you would do it, to tighten that

1 up or ---?

2 A. I can show you maybe better.

3 Q. Yeah. That's what I'm trying  
4 to understand.

5 A. If this was my seal, ---

6 Q. Okay.

7 A. --- this is the top, and I  
8 drove a wedge this way, ---

9 Q. Yes.

10 A. --- and I'll point an arrow so  
11 there's no confusion.

12 Q. Okay.

13 A. The thick side right here.

14 Q. Okay.

15 A. Thick side right here. And  
16 this wasn't real tight, yeah, I may  
17 come right here and start a thin  
18 wedge --- the thin side here and  
19 drive it into the thick side.

20 Q. Okay.

21 A. And I got a good, tight ---  
22 that's good and tight there now. You  
23 know what I mean?

24 Q. Okay.

25 A. And then it's good and tight

1       there. I can --- I may move right  
2       here and put another one.

3       Q.       So would there be a gap  
4       between these two and the next set?

5       A.       Yeah. Sometimes there would  
6       be.

7       Q.       So there could be a gap in  
8       between. It wasn't solid wood all  
9       the way across there?

10      A.       No, I wouldn't say all the way  
11      across it was ever solid wood.

12      Because like I said before, a lot of  
13      times you'd have to use pieces of  
14      Omega block to fill in those gaps.

15      Q.       Okay. So in between where  
16      these two wedges were located, and  
17      I'll put something like that, that  
18      might be Omega block?

19      A.       Well, there may be a piece of  
20      --- you know, and I'm not talking  
21      we'd cut an inch thick by --- if you  
22      had all these pieces laying there,  
23      ---

24      Q.       Sure.

25      A.       --- you'd want to try to fill

1 in your gap so you got a real good  
2 seal.

3 Q. So this could be a piece of  
4 Omega block in between there?

5 A. It could be.

6 Q. Did you ever fill it with just  
7 mortar in between there?

8 A. Yeah, if the mortar would  
9 stick. I mean, like I said, that  
10 mortar is going to want to run out.  
11 So if you've got too much space in  
12 there, ---

13 Q. Okay.

14 A. --- it wouldn't hold itself  
15 in.

16 Q. So that's why you put the  
17 piece of Omega block ---?

18 A. You put a piece of Omega block  
19 in there to fill up so something  
20 would be mortared in there. You know  
21 what I mean?

22 Q. Okay. So we wouldn't have  
23 wedges back to back, and anywhere  
24 there was a gap in between, in order  
25 to get the mortar to stick you'd fill

1 Omega block in between?

2 A. It depended on how much space  
3 there was. If it was --- if you had  
4 an inch space above, you could fill  
5 that pretty easy with mud.

6 Q. Okay.

7 A. It will hold itself in there  
8 good enough to set up and not fall  
9 from the top before it dried.

10 Q. Okay. This is --- and we're  
11 describing the back block --- or the  
12 back installation of the board  
13 across. Would that be similar to the  
14 way you did the front?

15 A. Yes, sir. They would be  
16 almost identical.

17 Q. And the middle one, it was  
18 sometimes it was in there and  
19 sometimes it wasn't?

20 A. We did not always use three  
21 boards. And like they wanted me to  
22 give them a for instance on how many  
23 times. I can't tell you how often  
24 there was three boards put in.

25 Q. At any time that you did get

1 the middle board in, did you get it  
2 wedged in at all?

3 A. Well, you showed with your top  
4 there it would have been different.

5 Q. Yes.

6 A. A lot of times it would be  
7 tight on its own in certain areas. I  
8 honestly cannot recall reaching back  
9 in and driving wedges in that top ---  
10 in that middle fly board.

11 Q. Okay. The mortar --- now,  
12 let's talk about the mortar that  
13 would be in between the front and the  
14 back. And then there would be a gap  
15 in there; is that right?

16 A. Uh-huh (yes).

17 Q. What would you do in that gap  
18 in between the front board and the  
19 back one?

20 A. You would throw as much mud in  
21 there as you could. You'd try to  
22 seal it off as good as you could.

23 Q. And trying to get an idea of  
24 about how much mud you would put in  
25 there, would it be a wheelbarrow

1 full, you know, across the whole  
2 seal? Would it be ten wheelbarrows  
3 filled or ---?

4 A. A lot of times when you got to  
5 the very top, ---

6 Q. Yes.

7 A. --- you'd always need on the  
8 back side, if you was working on the  
9 back side --- and the reason I can  
10 say this is because most of the time  
11 I was working on the back side, you  
12 would need at least four or five  
13 buckets of mud.

14 Q. So when you're putting this  
15 --- the first board in ---?

16 A. To seal that top?

17 Q. Yes.

18 A. You'd need --- if we're using  
19 five-gallon buckets, you're talking  
20 25 gallon of mud across that top.

21 Q. That would be on the back.

22 Okay.

23 A. And that's --- how many gallon  
24 are those black buckets? I don't  
25 think they're --- I think they're

1 three and a half gallon or something  
2 like that.

3 Q. Three and a half gallon.  
4 Would you throw mortar up on top?  
5 Does that include the mortar that you  
6 threw up on top before you put the  
7 board in?

8 A. Well, yeah. I mean, most of  
9 the time when you were completely  
10 ready to finish ---.

11 Q. Ready to finish means before  
12 you put the board in or after, just  
13 so I understand?

14 A. You know, let's say it was ---  
15 I'd get my mud over there. I'd have  
16 my mud on my side of the wall, on the  
17 inby side of the wall.

18 Q. Okay.

19 A. I'm ready to start finishing  
20 this wall, okay.

21 Q. And by finish you mean put the  
22 board up, put the wedges in and  
23 finish her out?

24 A. Exactly.

25 Q. Okay.

1 A. I'm starting --- the outby  
2 crew people, whoever it was, would be  
3 finishing their side.

4 Q. Okay.

5 A. They're filling in on that  
6 side while I'm starting to fill in on  
7 my side.

8 Q. So you're trying --- you're  
9 filling in --- this is before the  
10 board goes in now?

11 A. Right. We're going to fill  
12 some of that space in with pieces of  
13 block and mud. You know what I mean?  
14 Because sometimes there would be a  
15 gap in there.

16 Q. Okay.

17 A. And then you'd put your board  
18 in, ---

19 Q. Okay.

20 A. --- wedge it down. Then  
21 you've got four or five buckets of  
22 mud that you can go across your top  
23 with. And at that time, you know,  
24 your whole face was already mudded,  
25 so you didn't have to mud your face.

1 Q. Okay. Then before you put  
2 this board in, did you try to throw  
3 mud up on top of the seal?

4 A. Yeah. You tried to seal it as  
5 good as you could.

6 Q. Okay. About how much? Is  
7 that the ---?

8 A. That included the five 25, 30  
9 gallon of mud. You know what I mean?  
10 So you get a little bit of mud.

11 Q. And you think that --- on the  
12 front side now, when you did the  
13 front, was a similar technique used?

14 A. Oh, yeah.

15 Q. So about five buckets of this?

16 A. Let's say --- we'll assume it  
17 was five buckets. I mean, it's going  
18 to vary with the size of your --- how  
19 many holes you have. I mean, ---.

20 Q. I mean, it may be three and it  
21 may be ---?

22 A. No, I wouldn't say you ever  
23 could get one done with three.

24 Q. So five would be your minimum?

25 A. Yeah. I'd say ---.

1 Q. Probably if you were going to  
2 look at a maximum, I mean, was it 50,  
3 was it 20, was it ---?

4 A. No. Well, I mean, like on  
5 that first seal, ---

6 Q. Yes.

7 A. --- that seal was big.

8 Q. Yes.

9 A. I would say to finish that  
10 seal it took probably four  
11 wheelbarrow loads of mud.

12 Q. Oh, okay. To finish the top?

13 A. Yeah.

14 Q. Is that both sides, front and  
15 back?

16 A. To do both sides, it may have  
17 took a shade more than that. I mean,  
18 ---.

19 Q. You mean more than ---?

20 A. We used a lot of mud. That  
21 was a big one.

22 Q. That was a big one.

23 A. Uh-huh (yes).

24 Q. So you could have used four  
25 wheelbarrows total or four in the

1 back and four in the front?

2 A. No, I wouldn't say ---  
3 probably total --- yeah, well, nine,  
4 eight. I wouldn't say eight  
5 wheelbarrow loads because that would  
6 be 16 bags. Most of the time you  
7 mixed two bags up at a time, so ---.

8 Q. Two bags? That was the next  
9 question I was going to ask you.

10 A. Let's say six.

11 Q. Six wheelbarrows? That would  
12 be on the first one? That was the  
13 big one?

14 A. That would be --- it took a  
15 little more mud, but we used a lot of  
16 mud on all the seals, so ---.

17 Q. So six wheelbarrow loads per  
18 seal on the top would ---

19 A. Close.

20 Q. --- somewhere in that  
21 neighborhood? I mean, it could have  
22 been eight, it could have been five?

23 A. That's probably a pretty close  
24 guess. And that's only 12 bags of  
25 mud.

1 Q. Okay.

2 MR. UROSEK:

3 For the record, the  
4 drawings we've been referring  
5 to ---

6 A. Will be entered in as --- we  
7 done that last time, exhibits.

8 MR. UROSEK:

9 --- are at the bottom  
10 of Exhibit One for the March  
11 29th interview for Mr. Short.  
12 (3/29/05 Short Exhibit  
13 One marked for  
14 identification.)

15 BY MR. RUTLEDGE:

16 Q. You said at one time an  
17 inspector watched you work a while  
18 and said something about a joint  
19 being close?

20 A. Uh-huh (yes).

21 Q. Did he make you take a block  
22 out or ---?

23 A. No. He said it was fine. I  
24 mean, Carl was there. And he said  
25 that it was fine. He said, just

1 watch that, you know, ---.

2 Q. Don't let them lined up?

3 A. Exactly. And you never want  
4 them lined completely. It's just the  
5 same as building a house, but ---.

6 Q. And do you know who that  
7 inspector was?

8 A. You know, I think that --- I  
9 think I've heard his name as Mehaulic  
10 or --- I don't know. I think that  
11 was the fellow that was there  
12 watching me work. But I'll be real  
13 honest with you, I didn't care who he  
14 was. I mean, I knowed he was way  
15 more important than me, and I didn't  
16 want to --- you know what I mean?

17 Q. Yeah.

18 A. I was just ---.

19 Q. Did he have any plans or  
20 paperwork or did he --- how much time  
21 did he spend there?

22 A. He watched me work for a  
23 while, he did.

24 Q. Did he go over anything that  
25 you should or shouldn't be doing with

1       you?

2       A.           Yeah.    He said --- you know,  
3       he said, you want to watch --- you  
4       know, you want to make sure you get  
5       the quarter-inch mud, which I think,  
6       being fairly honest, we was always  
7       getting, if not more than that.    He  
8       said you wanted to watch your seams  
9       being staggered.    And I think that  
10      was really the only two things he  
11      knocked on us about, that I can  
12      remember.    Now, I know that he was  
13      asking about a plan, where was the  
14      plan at, I know.    And at that time,  
15      Carl didn't have one with him.    And I  
16      don't know if he seen somebody's  
17      plan, if he went and found Jeff's ---  
18      whose plan he looked at, but I guess  
19      he did find a plan.

20      Q.           But on the seals that you  
21      worked on, you feel confident,  
22      comfortable, whatever, that wherever  
23      two blocks joined together, two  
24      vertical sides of those blocks joined  
25      together, that there was enough crack

1 in there that you guys got plenty of  
2 mud down in between those cracks or  
3 in those seams between the two  
4 blocks?

5 A. I feel real confident that  
6 there was mud --- I don't figure that  
7 on these walls we built there was any  
8 dry blocks touching each other. And  
9 if it would have been, it would have  
10 just been by happenstance. I mean,  
11 it was --- you know what I'm saying?  
12 We almost always --- we wasn't in  
13 short supply of mud.

14 Q. You're saying then --- and I  
15 don't want to put words in your mouth  
16 or anything, but if there's any place  
17 there in the blocks --- or in the  
18 seals that you worked on where  
19 there's two dry joints together,  
20 you'd think that would be very  
21 unusual?

22 A. It would be unusual.

23 Q. Okay.

24 A. I mean, because you've got  
25 these blocks here. And like I said,

1     you've got a substance that you're  
2     smearing on these blocks that doesn't  
3     hold its own shape, you can  
4     definitely very easily get it in the  
5     seams as you go across. And like I  
6     said before, as you got up higher, as  
7     you couldn't, then you'd have to  
8     start mudding as you went. You know  
9     what I mean? You couldn't rely on  
10    gravity to force that mud to --- you  
11    kind of had to go as you went at that  
12    point. And I don't mean to be rude  
13    --- and I hope I don't come across  
14    --- but I mean, these drawings and  
15    stuff are perfect, I mean, the ones  
16    that --- and we never --- I don't  
17    know that we ever built, like I said,  
18    a seal that was --- all the blocks  
19    were perfectly square, the entry was  
20    perfectly square and the bottom was  
21    perfectly level. I mean, it just  
22    didn't happen for us that way. And  
23    we just really done the best we could  
24    with what we had.

25    Q.       And that was the only

1 inspector that you saw during the  
2 time you were working on those, was  
3 this one instance?

4 A. Now, one day we was almost  
5 finished, and Mr. Collins was there.  
6 And I know he went back there with  
7 Marty because they came back out, and  
8 we had forgotten --- we hadn't  
9 forgotten, we just hadn't done it  
10 yet, we hadn't sealed off the area.  
11 We hadn't finished building a crib  
12 behind, I think it was Number six.  
13 And he told us that needed built, you  
14 know, of course before it was sealed  
15 off. And then we did build that.  
16 And that was --- I seen Mr. Collins  
17 and that other fellow. I think those  
18 were probably the only two that I  
19 seen.

20 Q. Did you help build cribs  
21 behind the ---?

22 A. I built --- yeah, I helped  
23 build a lot of cribs.

24 Q. How about behind the ones in  
25 Number Ten and farthest to the right?

1 A. Yeah, we built those.

2 Q. And did you help put the gas  
3 sample pipe up there?

4 A. Sure did.

5 Q. And how long was that from the  
6 seal inby?

7 A. It was two sections of pipe,  
8 and I think they were 20-foot  
9 sections. I mean, it was a long  
10 pipe, it really was. And we had to  
11 have cribs, one, to --- you know, to  
12 support that pipe because as you got  
13 so far away from the seal, I mean,  
14 that pipe would have been on the  
15 ground. It needed --- I think it  
16 needed to be 12 inches from the top  
17 so we could --- worked out pretty  
18 good. We could slide it through  
19 those cribs to hold the weight of it.

20 Q. And you and some other guys,  
21 did you put those two joints  
22 together?

23 A. Yeah. Yeah, we had to screw  
24 them together.

25 Q. And did it go together easy or

1 was it hard?

2 A. I mean, it was threaded. It  
3 went together pretty easy.

4 MR. RUTLEDGE:

5 That's all I got.

6 Thanks.

7 BY MR. UROSEK:

8 Q. On that gas-sampling pipe, did  
9 you use a wrench to tighten it up; do  
10 you remember?

11 A. I don't think we needed --- I  
12 don't believe we did use a wrench.

13 Q. And that pipe would have been  
14 resting on the crib blocks?

15 A. It was through the cribs and  
16 then it rested in the wall. You  
17 know, we had to cut out a hole for  
18 it, the same as we did for the, you  
19 know, waterlines.

20 Q. Were there any --- did you tie  
21 it to the roof at any place with wire  
22 or anything like that?

23 A. We didn't have to. That's why  
24 we had the cribs. We had cribs inby  
25 and outby, so ---.

1 Q. Were you involved in putting  
2 the copper tubing through the middle  
3 of that?

4 A. Uh-uh (no).

5 Q. Did you ever see that copper  
6 tubing go through there?

7 A. I didn't see it go through  
8 there. I seen both bundles of copper  
9 wire that went in to do it, but I  
10 never seen it done.

11 Q. After it was done, you didn't  
12 see what it looked like on the  
13 inside?

14 A. Uh-uh (no).

15 Q. And the cribs that you said  
16 you built, how close were they to the  
17 seals?

18 A. I think --- I thought that our  
19 plan called for cribs. Now they  
20 didn't by looking at that, but I  
21 think they were five foot.

22 Q. About five foot. Okay. So  
23 you could walk between the cribs and  
24 the seals?

25 A. You could work between the

1 crib and seals. I mean, some of the  
2 cribs were built before the seals  
3 were done, so we did work between the  
4 cribs.

5 Q. And how did you tighten those  
6 cribs up?

7 A. With wedges and half-headers  
8 and a poleax, the same way we used  
9 poleaxes a lot.

10 Q. Would you say they were pretty  
11 tight?

12 A. Oh, yeah.

13 Q. Behind those cribs on some of  
14 the --- inby some of the seals, was  
15 there a stopping built there?

16 A. A stopping left standing?

17 Q. Yes.

18 A. I never seen one, no, sir.

19 Q. You never saw one? And it  
20 would have been in the same crosscut  
21 as the seal was?

22 A. Oh, no. Oh, yeah. Yeah.  
23 Matter of fact, but it wasn't --- you  
24 know, it wasn't left standing. I  
25 mean, there was, you know, maybe

1 pieces of block where it had been  
2 knocked out, you know, so we could  
3 get in there and work. But now that  
4 was --- there wasn't one --- I think  
5 maybe that was only in --- I can only  
6 remember that been standing there and  
7 still left standing there maybe two  
8 or three, and then of course, it was  
9 knocked out, you know, so you could  
10 get in there and out of there to  
11 work. And there was a stopping in  
12 the Number Third one --- in the  
13 Number Three one --- the third seal,  
14 I'm sorry, ---

15 Q. Yes.

16 A. --- whenever it was scooped  
17 out. And it was scooped --- you  
18 know, it was scooped out and taken  
19 care of.

20 Q. On the ones that had some of  
21 the stopping left, was it about  
22 halfway removed or was it mostly  
23 removed?

24 A. I can remember after we had to  
25 go back in there and build that one

1 crib, if that was the sixth seal that  
2 needed a crib built, then on the  
3 seventh seal there was part of a  
4 stopping left, as best as I can  
5 remember, and the whole middle of it  
6 was gone, you know, had been knocked  
7 out.

8 Q. Do you remember what they were  
9 made of? Were they Omega block?

10 A. You know, I think they were.  
11 Matter of fact, I know they were  
12 because we knocked some of them out  
13 with a crib block, knocked them out  
14 --- you know, real easy to knock them  
15 out.

16 Q. What did you do with those ---  
17 when you were completed with the ---?

18 A. Well, they were junk blocks.  
19 Just like them call blocks, we really  
20 didn't --- you know, we didn't use  
21 them.

22 Q. Did you just leave them there?

23 A. The ones that were inby?

24 Q. Yes.

25 A. Yeah, they would have been

1 left there.

2 MR. UROSEK:

3 Okay. Can we take just  
4 a five-minute quick break?

5 SHORT BREAK TAKEN

6 BY MR. UROSEK:

7 Q. Just a couple more questions.

8 We talked about the mortar ---

9 A. Uh-huh (yes).

10 Q. --- that you used on the  
11 bottom, you know, when you leveled it  
12 up. Was it the same mortar that you  
13 used there that you were mixing with?

14 A. Yes, sir.

15 Q. So you only used one kind of  
16 mortar in the whole ---

17 A. The whole shebang.

18 Q. --- shebang?

19 A. Yeah, one type of mortar.

20 Q. Okay. And we had talked about  
21 this, but I just want to make sure  
22 that I'm clear. On that first row,  
23 when we talked about --- you know,  
24 you laid the first row down and then  
25 you put the mortar on top of it and

1 you tried to put it into the joints,  
2 did you try to spread those blocks  
3 with anything to get that mortar in  
4 or you were able to just get it in by  
5 hand?

6 A. Most --- yeah, it would  
7 usually go in ---.

8 Q. On the first row I guess is  
9 where I was ---.

10 A. On your first row, yeah. In  
11 all honestly --- just as honest as I  
12 know how to be, most of the time, if  
13 you were mudding a row of block  
14 across the top, you tried to make  
15 that mud a little thinner so that it  
16 would go between those --- especially  
17 thinner than your last batch of mud,  
18 which was having to stick against  
19 gravity. It would have to be  
20 thicker. It would have to hold  
21 itself up. Your batches of mud that  
22 was going to be on top, on a flat  
23 surface, would be thinner. That's  
24 how we pretty well ensured that we  
25 were getting her mudded good.

1 Q. Okay. And we talked about  
2 that top row, the last block that you  
3 put in and how you got the mud in  
4 there. And you said something that  
5 as you worked your way across and you  
6 got to the very end, it was more  
7 difficult to get the mud in? Did I  
8 understand that correctly?

9 A. Yeah. I mean, --- yeah, it  
10 would --- well, you can imagine, as  
11 you're working your way from, let's  
12 say, left and right, you got to ---  
13 your gap, your field area is this,  
14 and you're working from left to  
15 right. Well, this here is not sealed  
16 yet. Once you get to the rib, you're  
17 just going to --- one man is going to  
18 be --- you'll have to work towards  
19 each other. You know, you're not  
20 able to work this direction, working  
21 back towards. So yeah, it's going to  
22 be gradually harder, just the same as  
23 laying a stopping or anything. Any  
24 time you're building anything all the  
25 way up to the top, when you get to

1 the very end, your last course of  
2 block, it's always going to be just a  
3 little more difficult because that  
4 block may need to be cut three times  
5 if you're building a stopping.

6 Q. So this is the final block  
7 we're talking about? It's harder to  
8 get the block cut?

9 A. Yeah, because it's going to be  
10 --- anything, I mean, I don't ---  
11 anything you're building, if it's  
12 going to be from a wall to a wall,  
13 it's always harder on your off side  
14 because everything needs cut on that  
15 side.

16 Q. And how about getting the  
17 mortar in around that? Was it harder  
18 to get the mortar in the last block?  
19 I think you said something to that?

20 A. Once again, it would be harder  
21 because at that point you don't have  
22 --- you have this big of a work space  
23 that you're trying to ---.

24 Q. This big, you're talking about  
25 six inches, a foot, something like

1       that?

2       A.       Right.  And you're trying to  
3       fill it completely up with mortar and  
4       pieces of Omega block.

5       Q.       And again, over on that last  
6       piece, how would you get the mortar  
7       in there?  how would you do that, on  
8       the last one?

9       A.       Well, you was wearing, you  
10      know, rubber gloves and you'd throw  
11      it in there the best you could.

12     Q.       Okay.

13                               MR. UROSEK:

14                               I want to thank you  
15                               very much for helping us out  
16                               today.  You've really cleared  
17                               up a number of items for us.  
18                               And if you think of anything,  
19                               especially on the dates that I  
20                               asked you earlier, if that  
21                               comes to mind, please give us  
22                               a call.

23     A.       All right, buddy.

24                               MR. UROSEK:

25                               Thank you very much.

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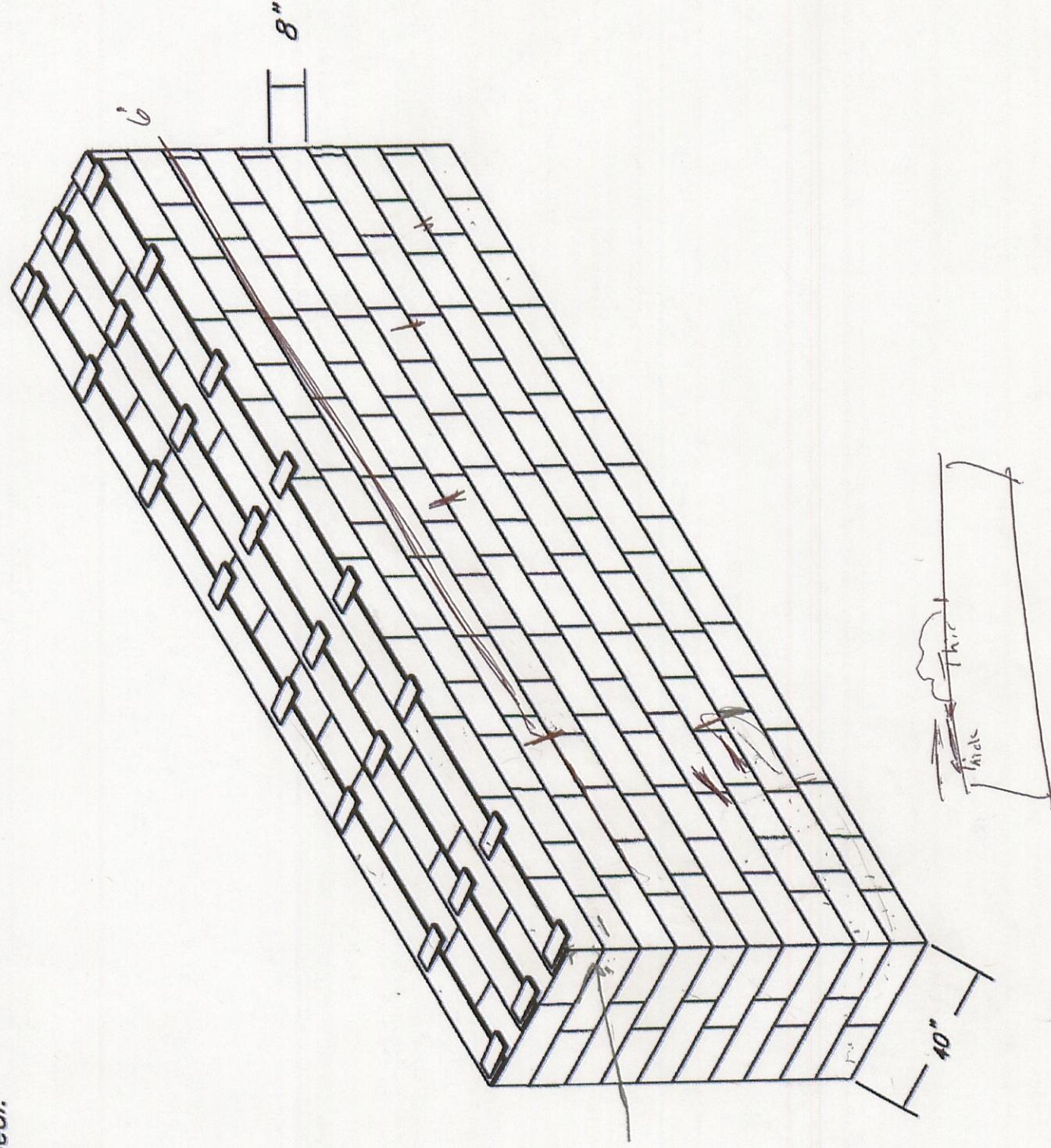
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STATEMENT CONCLUDED AT 2:08 P.M.  
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# SAGO MINE

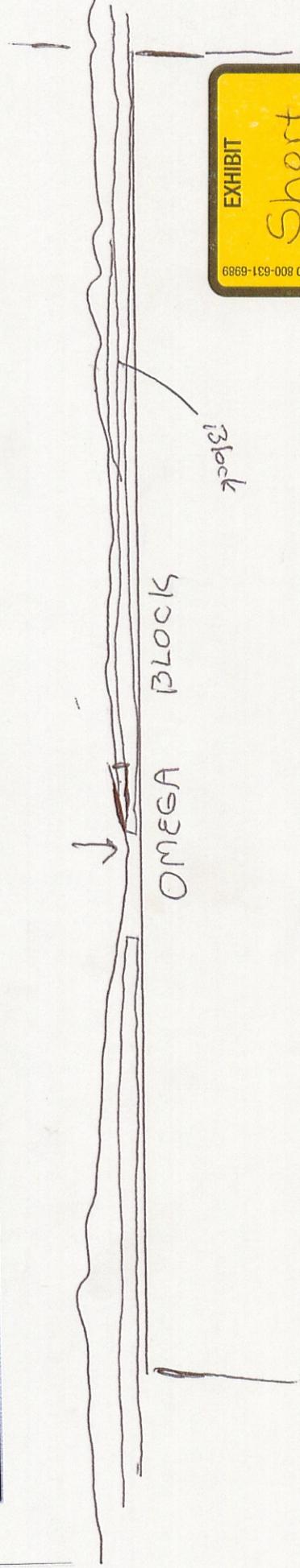
40" THICK OMEGA BLOCK SEAL

FOR USE WITH SEALS UP TO 8 FT HIGH BY 20 FT WIDE

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



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



EXHIBIT

Short I

3/29/06

PENGAD 800-631-6989