

STATEMENT UNDER OATH
OF
GEORGE DANIEL BROOKS

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 10:57
a.m.

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2

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A P P E A R A N C E S (Continued)

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I N D E X

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WITNESS: GEORGE DANIEL BROOKS

INTRODUCTION 6 - 12

QUESTIONS

By Mr. Urosek 12 - 74

By Mr. Rutledge 74 - 78

By Mr. Urosek 78 - 109

By Mr. Rutledge 109 - 111

By Mr. Urosek 111 - 114

CERTIFICATE 115

EXHIBIT PAGE

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

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE IDENTIFIED</u>
One	Diagram of Seal	35

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
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P R O C E E D I N G S

MR. UROSEK:

My name is John Urosek. I'm an accident investigator with the Mine Safety & Health Administration, an agency of the United States Department of Labor. With me is James B. Crawford of 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.

3 This is a continuation
4 of an interview of Mr. George
5 Brooks, previously conducted
6 by the accident investigation
7 team. Mr. Brooks has agreed
8 to come back so that we may
9 ask some follow-up questions.
10 This interview is being
11 conducted at the Wingate Inn
12 in Bridgeport, West Virginia
13 on March the 29th, 2006. I'd
14 like to thank you for your
15 agreement to appear here
16 today. We appreciate your
17 assistance in the
18 investigation.

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

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

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

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

8 A. All right.

9 MR. UROSEK:

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

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

25 MR. RUTLEDGE:

1 George, just a quick
2 statement here. The State of
3 West Virginia Office of
4 Miners' Health, Safety &
5 Training is conducting this
6 interview session jointly with
7 MSHA. We are in agreement
8 with the procedures as has
9 been outlined by Mr. Urosek
10 for the interviews we'll do
11 today. However, the Director
12 of the Office of Miners'
13 Health, Safety & Training does
14 reserve the right, if
15 necessary, to call or subpoena
16 witnesses or to require the
17 production of any record,
18 document, photograph or other
19 relevant materials necessary
20 to conduct this investigation.

21 The State also thanks
22 you for taking time to be
23 here. We appreciate your
24 help. You have previously
25 been given contact information

1 for Mr. Brian Mills. If you
2 have any questions as far as
3 the State's part of this
4 investigation, please feel
5 free to contact him.

6 MR. BROOKS:

7 All right.

8 MR. RUTLEDGE:

9 Thanks.

10 MR. UROSEK:

11 Do you have any
12 questions regarding the manner
13 in which this interview will
14 be conducted?

15 MR. BROOKS:

16 No.

17 MR. UROSEK:

18 Mr. Brooks, you have a
19 right to have a representative
20 present with you. Do you have
21 a representative?

22 MR. BROOKS:

23 Yes, I do.

24 MR. UROSEK:

25 Will you please

1 identify that person?

2 MR. BROOKS:

3 John Yuhas.

4 ATTORNEY YUHAS:

5 Joe.

6 MR. BROOKS:

7 Joe. Joe Yuhas.

8 MR. UROSEK:

9 Thank you. Will you
10 please swear in Mr. Brooks?

11 -----

12 GEORGE DANIEL BROOKS, HAVING FIRST
13 BEEN DULY SWORN, TESTIFIED AS
14 FOLLOWS:

15 -----

16 BY MR. UROSEK:

17 Q. May I call you George?

18 A. Yeah.

19 Q. And you may call me John.

20 A. Okay.

21 Q. For the record, could you
22 please state your full name?

23 A. George Daniel Brooks.

24 Q. And is your address and
25 telephone number the same as it was

1 when we interviewed the last time?

2 A. It is.

3 Q. And are you appearing here
4 today voluntarily?

5 A. Yes, I am.

6 Q. Today, we're going to focus on
7 --- a lot on the old Two Main Left
8 seals and the construction thereof.
9 And I guess to start with, how many
10 of those seals --- I think you told
11 us last time how many you did. But
12 can you recall that for us?

13 A. Worked on nine of them.

14 Q. Nine of them?

15 A. Nine of them. One was
16 completed at my start date at the
17 mines.

18 Q. I'm sorry. What ---?

19 A. One of them was already
20 completed at my start day, when I
21 started working on them.

22 Q. Oh, okay. When was your start
23 date at the mine?

24 A. November 1st.

25 Q. November 1st. So there was

1 one already completed by November
2 1st. Do you know when it was
3 started?

4 A. I have no idea.

5 Q. Okay. And of the ones that
6 you worked on, what was the last day
7 that you would have worked on the
8 seals? Or recall, even if you just
9 know roughly, approximately?

10 A. I'm not exactly sure now, what
11 day.

12 Q. Would it have been before
13 Thanksgiving?

14 A. It was after Thanksgiving,
15 maybe.

16 Q. Okay.

17 A. It was after Thanksgiving when
18 we completed them. Because we worked
19 on overcast during vacation.

20 Q. Okay. And vacation period
21 would have been when?

22 A. Week of Thanksgiving.

23 Q. The week of Thanksgiving. So
24 in the construction of those seals,
25 when you started on November 1st, did

1 you work on them every day after
2 that?

3 A. Off and on. We had stoppings
4 to build with them and a series of
5 overcasts also had to be completed
6 with the seals before that could be
7 completed.

8 Q. Okay. So the --- did you work
9 on the seals, get all the seals done
10 first and then go to the stoppings,
11 or ---?

12 A. We done them as they needed to
13 be built. We worked on a few of the
14 seals and we built some stopping
15 lines and we worked on the overcasts
16 for the return to ventilate the
17 seals.

18 Q. Okay.

19 A. Then after all that was
20 completed, we finished the last two
21 seals and sealed it off and built one
22 last stopping.

23 Q. Okay. Just to get an
24 understanding of that, there were ten
25 seals; is that correct?

1 A. Yeah.

2 Q. Okay. And how many of the
3 seals did you leave an opening in to
4 ventilate that area while you were
5 doing other work?

6 A. The Number One seal and Number
7 Ten seal was the last two we
8 completed.

9 Q. Okay. Were seals Number Two
10 through Nine previously completed
11 before you did those last two?

12 A. Yeah.

13 Q. Do you know when about that
14 would have been? Were they all
15 completed starting November 1st to
16 some point in November?

17 A. I don't recall the exact dates
18 of that.

19 Q. Okay. Do you think it would
20 have been before Thanksgiving that
21 you had those eight seals completed?

22 A. I think so.

23 Q. Okay.

24 A. I'm not exactly sure, but I do
25 believe it was before Thanksgiving.

1 Q. Okay. And the last two seals,
2 were they completely left open to
3 provide ventilation or were they
4 partially built?

5 A. We had partially built them up
6 and left openings in them to
7 ventilate it.

8 Q. And did you leave about the
9 same amount of opening in each one?

10 A. Yeah.

11 Q. Do you recall approximately
12 how much that was?

13 A. Not approximately. But you
14 could --- we built steps up so the
15 fire boss could, you know, walk back
16 in there and check it.

17 Q. Okay. So was it ---?

18 A. Big enough you could step
19 through them.

20 Q. The size of a man door?

21 A. It was bigger than that.

22 Q. Bigger than a man door?

23 A. Yeah.

24 Q. Size of a door in --- a
25 conventional door in a house?

1 A. Maybe just a little bigger.

2 Q. A little bigger than that?

3 A. They stepped out and how they
4 was laid together.

5 Q. And those holes, were they on
6 one side of the seal or the other?

7 A. Yeah.

8 Q. Okay. And you completed the
9 eighth, and then these last two.
10 Were they completed after you did the
11 work for the overcasts or were they
12 completed and the holes left in them
13 and then you did the work on the
14 overcasts?

15 A. We worked on --- we finished
16 our overcast. But I think the seals
17 was already --- the best that I can
18 remember, was already built up. Just
19 left to ventilate.

20 Q. Okay. And those last two ---
21 and I know it's hard to remember the
22 times. And it's been a while ago.
23 But do you think they might have been
24 completed, except for the holes,
25 prior to Thanksgiving?

1 A. I don't believe Number Ten was
2 even started before Thanksgiving.

3 Q. Okay. Do you know
4 approximately --- can you give me any
5 idea on Number Ten? That would have
6 been the last one?

7 A. Yeah.

8 Q. Okay.

9 A. I have no idea.

10 Q. Thanksgiving vacation or ---?

11 A. It was after that, I do
12 believe.

13 Q. Okay. All right. I
14 appreciate that. The seals, were
15 they all built in the same --- pretty
16 much the same manner?

17 A. Yeah.

18 Q. Except for the last two; was
19 that ---?

20 A. Yeah. Last two. I mean, you
21 really couldn't complete the very end
22 seals, the backs of them, because you
23 had to come back through and set your
24 block and work your way out.

25 Q. Okay.

1 A. Because there wasn't no way
2 out of there.

3 Q. Okay. On those holes that are
4 for the last two, how did you --- can
5 you describe how you would have
6 filled those holes in? I mean, were
7 you present when that was done?

8 A. Yeah. We built them up enough
9 so me or Casey Short, whichever one
10 was on the back, could crawl through.

11 Q. Okay.

12 A. And we just mudded and set
13 blocks in, mudded and set blocks in.
14 All of it was probably mudded up real
15 good except for the very back wall
16 where you couldn't get into it.

17 Q. Sure.

18 A. Yeah.

19 Q. Did you put the blocks --- you
20 put the blocks in. And then did you
21 put wood on top of those, the holes
22 that was left, is that how it was
23 done?

24 A. Yeah.

25 Q. And were they wedged in at the

1 top then?

2 A. Yes. Yeah.

3 Q. Okay. And ---. Okay. Let's
4 get back to the blocks themselves
5 when you were building the seals.
6 When they brought the blocks up to
7 you, were they still wrapped in
8 plastic?

9 A. Yeah.

10 Q. And would you actually be the
11 one that took the plastic off of the
12 blocks?

13 A. Some of them, yes.

14 Q. And can you describe the
15 blocks, what they looked like when
16 you took the plastic off?

17 A. It just depends on the Omega
18 blocks. Some of them, you know, was
19 green, kind of heavy. Some of them
20 was kind of light. Sometimes half of
21 them's even busted and you have to
22 throw them away.

23 Q. Okay. And this is from the
24 ones that you just took out of the
25 plastic?

1 A. Yeah.

2 Q. Okay. Did you ever have a
3 case where maybe you didn't use all
4 the blocks out of that pallet during
5 that particular day and you left them
6 sit unwrapped until the next day and
7 then you started again?

8 A. Yeah.

9 Q. Did that ever happen?

10 A. Yeah. Sometimes.

11 Q. Did you notice any difference
12 in the blocks after they had sat for
13 a day?

14 A. I couldn't really tell any
15 difference in them.

16 Q. Okay.

17 A. I mean, usually, there's so
18 much difference between the blocks
19 anyway. I mean, some of them would
20 be maybe seven inches thick, some of
21 them would be eight and a half inches
22 thick.

23 Q. Okay. So the blocks, when
24 they came, they weren't all identical
25 sized?

1 A. Right.

2 Q. They were off a little bit?

3 A. Yeah.

4 Q. Okay. And you'd mentioned
5 about the --- some of them were green
6 and some of them were not. So within
7 the pallet, I mean, like was the
8 center of the pallet dry and the
9 outer ones were green, or ---?

10 A. Usually ---.

11 Q. Was there any ---?

12 A. Usually, we got a pile that is
13 all green or it is all dry, I
14 mean ---

15 Q. Oh, okay.

16 A. --- you could tell by the
17 difference in the weight of them.

18 Q. So it would be based on that
19 particular pallet?

20 A. Yeah.

21 Q. Oh, okay. Was there a
22 significant difference in the weight?
23 I mean, between ---?

24 A. Some of them, yeah. They was
25 very heavy and some of them seemed to

1 be real light.

2 Q. Okay. Well, the ones that
3 were green and you put mortar on
4 those, did the mortar stick any
5 different to the ones that were ---?

6 A. It stuck a lot better to a wet
7 block than what they would a dry one.

8 Q. Okay. Okay. And as you were
9 constructing the seals and, you know,
10 you were using these blocks, you
11 mentioned that they were different
12 sizes. How would you compensate that
13 if you had one that was maybe a
14 little bigger than ---?

15 A. If we got like a seven inch
16 block, we usually throwed them out. I
17 mean, it's too much size difference
18 to do anything with them.

19 Q. Okay. Did you ever cut them?
20 I mean, to get them to the right
21 size.

22 A. Yeah. On the top, we --- on
23 the top row, we usually did cut them
24 so we could get our wood in there to
25 wedge them down.

1 Q. Okay. The ones that were ---
2 you know, some of them were green and
3 heavier, and some of them were dryer
4 and lighter. Did you notice that any
5 of them were harder than other ones
6 or ---?

7 A. Not really.

8 Q. Any consistency difference?

9 A. No.

10 Q. Okay. Let's get back to the
11 actual construction method. And
12 trying to reconstruct, you know, how
13 it was done. The first thing you
14 would do to an area when you got to
15 it, okay, what would you do?

16 A. We'd usually landscape that a
17 little bit, try to level it up best
18 we could and dump our mortar down on
19 the floor. Usually, we tried to get
20 it three or four inches thick, you
21 know. Set our blocks down in it.

22 Q. Well, let's talk a little
23 about leveling --- you know, the
24 leveling process, did you use a level
25 to try to get it level or did you

1 just try to get it smooth?

2 A. Just smoothed out by
3 eyeballing it and looking at it,
4 getting level.

5 Q. Okay. And on that bottom
6 there, would you have to chip part of
7 it away with something?

8 A. Yeah. Sometimes there'd be a
9 rock there. We'd try to bust it up
10 to level it out some or ---.

11 Q. Okay. And how would you do
12 that?

13 A. Just an axe or a mason hammer,
14 pick hammer.

15 Q. And I know there were ten
16 different seals, so obviously,
17 they're going to be a little bit
18 different. But would you say that
19 the area was as smooth as this table,
20 that you started with, or did it
21 maybe have some ruts in it that you
22 had to actually add some mortar to,
23 or ---?

24 A. Well, some had ruts. And we
25 tried to take a scoop and landscape

1 it up the best we could with the
2 scoop and level it up.

3 Q. Okay. Then you would level it
4 up? Now, describe for me the mortar
5 when you put it down. Well, first of
6 all, did someone mark exactly for you
7 where they were going to put the
8 seals?

9 A. Yeah. The bosses would come
10 in, look it over and I guess they
11 measured it and stuff.

12 Q. Did they paint any markings on
13 the roof or the rib or the floor to
14 tell you exactly where they wanted it
15 to be?

16 A. I think Jeff Snyder took chalk
17 and marked one of them - - -

18 Q. Okay.

19 A. - - - right on it. Usually the
20 boss is right there with us when we
21 was building it and told us to put it
22 right there.

23 Q. I guess what I'm thinking is
24 so when you line the blocks up. Was
25 there a chalk line there or a string

1 line or you just kind of eyeballed
2 it?

3 A. Eyeballed it.

4 Q. Okay. Now, before you put the
5 first block down, can you describe to
6 me --- you know, you mentioned you
7 tried to level it out. And then you
8 would put the dry mortar on?

9 A. Yeah.

10 Q. And describe for me the best
11 you can how you would do that. Would
12 you go all the way across from rib to
13 rib or just start ---

14 A. Yeah.

15 Q. --- go ahead.

16 A. Yeah. Rib to rib. And
17 sometimes they'd put 15, maybe 20
18 bags in if they're real bad, you
19 know, get it to level up.

20 Q. Okay. And so from the
21 smallest amount that you would have
22 had on a seal, what do you think the
23 thickness of the mortar, the dry
24 mortar, would have been on the ---
25 probably the least one that you had.

1 A. You could step in it, about
2 all of them have at least three to
3 four inches.

4 Q. So they'd have at least three
5 to four inches of the mortar?

6 A. Yeah. When you can step, and
7 I mean, your feet sink down in it.

8 Q. Okay. And when you did that,
9 how --- did you just dump them in
10 piles and then kind of smooth it out
11 or ---?

12 A. Yeah. We had a rake sometimes
13 or shovellers, take our hands down
14 there and smooth it out.

15 Q. Okay. Would you put like all
16 14 bags down and level it or would
17 you kind of ---? How would you do
18 that?

19 A. Sometimes there was like six
20 or seven of us working. Some of us
21 would be dumping, others would be
22 leveling it out or ---.

23 Q. Okay. So you would do that
24 across the entire entry?

25 A. Yeah.

1 Q. And how wide would it be?

2 A. Well, it'd be wider than the
3 Omega blocks.

4 Q. Okay. It'd be wider than the
5 Omega block?

6 A. Yeah.

7 Q. Did you do anything to kind of
8 mash it down?

9 A. Yeah. You put your blocks on
10 it. I mean, it pretty much mashed it
11 down.

12 Q. It mashed it down?

13 A. Yeah.

14 Q. So you didn't walk on it or
15 anything ---

16 A. No.

17 Q. --- before that? Okay. And
18 the bottom, around the seals, was
19 there a lot of water?

20 A. No. No water on the other
21 seals, I don't believe. Not exactly
22 where the seal was setting at. It
23 was pretty dry.

24 Q. Pretty dry. How about next to
25 it? Was there any standing water in

1 the entries next to the seal?

2 A. Behind Number Ten, it was
3 bottom mined and there was a big
4 puddle of water in it.

5 Q. In the bottom mined area?

6 A. Yeah.

7 Q. But I mean actually in ---
8 within five feet of the seal, were
9 there --- I mean, was there any
10 standing water?

11 A. No.

12 Q. Even little puddles of it?

13 A. No.

14 Q. Or was it muddy or was it dry?

15 A. Well, the ground was damp, but
16 it wasn't muddy.

17 Q. It was damp but not muddy?

18 A. Just mine damp. I mean, it
19 ain't muddy or nothing.

20 Q. Okay. And when you put the
21 mortar down and you spread it out,
22 before you put the first block on,
23 did it start getting damp at all or
24 was it dry across it?

25 A. The biggest part of the time.

1 It didn't have time to really get
2 damp because we was laying block on
3 it since we'd got it down.

4 Q. Oh, okay. So as soon as you
5 got it all the way across, then you'd
6 start on the block?

7 A. Yeah.

8 Q. Okay. Okay. And I asked you
9 what the minimum thickness would be,
10 but I mean, I realize there's some
11 ruts in that. If there were --- what
12 would be the thickest you had to put
13 that to get it level?

14 A. I'm not sure. I mean,
15 whatever it took to make it level,
16 that's what we used. I mean, I
17 couldn't really give you an exact
18 measurement of it.

19 Q. Well, I understand. I mean,
20 is it like six inches versus two feet
21 or --- I mean ---.

22 A. No. We never left no two feet
23 of mortar.

24 Q. Okay. I mean, so I'm just
25 trying to get a rough idea. So it

1 wouldn't be that much. It could have
2 been a foot? Would there ever be any
3 ruts ---?

4 A. I doubt ever that much,
5 because we'd try to scoop it ---

6 Q. Okay.

7 A. --- and do the best we could
8 leveling it.

9 Q. Okay. So eight inches, six
10 inches, somewhere?

11 A. Yeah. Somewhere like that.

12 Q. Okay. Okay. Now, we have the
13 dry mortar down and it's level all
14 the way across. And we're going to
15 start the blocks. Is that the
16 process of how it goes?

17 A. Yeah.

18 Q. Okay. And where would you lay
19 the very first block?

20 A. You'd just start from one rib
21 or another rib and just work our way
22 across.

23 Q. Okay. You'd work your way
24 across. And there's two rows; right,
25 of blocks?

1 A. Yeah.

2 Q. Back to back?

3 A. One longways and one
4 widthways.

5 Q. And can you describe for me
6 the sequence? Would you work one row
7 across or would you work them away
8 --- work them both together or ---?

9 A. Work one whole row across and
10 come back and start another row
11 across.

12 Q. Okay.

13 A. And a couple times, we worked
14 this row across and then worked it
15 back to stagger where we had to cut
16 block to get them in.

17 Q. Yes. Okay. On the first row
18 that you would start across, you
19 would start at the rib and you would
20 put one block down. Would you put
21 the second block behind it or would
22 you put the first single course of
23 blocks all the way across and then
24 come with the one that's the second
25 row that's part of ---? I'm not

1 explaining this very well. Let me
2 use this picture that we have. This
3 --- we'll use this as Exhibit One.
4 You can see we have two rows of block
5 on the first series that goes all the
6 way across.

7 (Brooks Exhibit One
8 marked for
9 identification.)

10 A. Yeah.

11 BY MR. UROSEK:

12 Q. When you put these down, would
13 you lay all the ones that would be
14 along the front first and then lay
15 the ones along the back, or how would
16 you do them?

17 A. We'd lay them together. We'd
18 lay three of these and put one behind
19 them and lay ---.

20 Q. Okay. So what you're saying
21 is you would lay three in the front
22 and then maybe catch up the ones
23 behind?

24 A. Yeah. I mean, we'd lay two or
25 three and then lay one behind it.

1 That way we could get them pretty
2 close together. I mean, you didn't
3 want to lay them down and have six
4 inches between them.

5 Q. Okay. Okay. That's what I
6 was getting at. So both rows would
7 work all the way across?

8 A. Yes.

9 Q. Okay. Now, on the first row,
10 when you put it down, would you wet
11 the block before you put it down?

12 A. The very first one?

13 Q. Yes.

14 A. No. We just sat them on top
15 of the dry mortar.

16 Q. Okay. So would the blocks
17 have any mortar on them at this
18 point?

19 A. No. Not usually the first
20 one. We just stacked them on there
21 then we got buckets of mud and dumped
22 on top of them and smeared them down
23 in the cracks and ---.

24 Q. Okay. Would you put the
25 entire row dry across before you put

1 any mud on it? Is that how you would
2 do it?

3 A. Well, it just depends on how
4 many guys we had. If we had four or
5 five guys one would be laying, we'd
6 have a couple of the guys starting
7 the mud across behind you.

8 Q. Oh, okay. So if you had
9 enough guys, you would actually work
10 the first row, say halfway across.
11 And if you had extra guys, they would
12 start putting the mud on the ones
13 that you've already laid dry?

14 A. Yeah.

15 Q. And then somebody else would
16 continue putting them across?

17 A. Yeah.

18 Q. Okay. And on the first row,
19 would you normally start with a full
20 block?

21 A. Yeah.

22 Q. And as you worked your way
23 across, at some point, it sets up
24 that you don't have enough room to
25 put a full block at the end. You

1 maybe have to cut it; is that
2 correct?

3 A. Yeah. Yeah.

4 Q. And would that happen?

5 A. Yeah.

6 Q. And on the block that was cut,
7 where would you usually put it?
8 Would you put it at the end or would
9 you put a full block against the rib
10 and put the partial block next to it?

11 A. Put the cut block against the
12 rib.

13 Q. Cut block against the rib?

14 A. Yeah.

15 Q. Okay. And you would work that
16 --- the first row entirely --- it
17 would be completely across and you'd
18 have all the cutting done. And then
19 what would you do? You would --- how
20 would ---?

21 A. Well, you'd usually start the
22 second row.

23 Q. Start the second row. And the
24 mortar would be put on top of that?

25 A. Yeah.

1 Q. And as you laid these blocks
2 down, and I realize the bottom
3 sometimes is a little uneven, you
4 know, the cracks between the blocks
5 may be bigger. About how much gap
6 between the blocks --- each block as
7 you went across, would you leave?

8 A. Usually on Omega block, you
9 always had at least a quarter, half
10 inch sometimes.

11 Q. A quarter, half inch between
12 these?

13 A. Yeah. I mean where it's
14 unlevel. Some of your blocks are
15 going to be crooked and you always
16 have cracks in them.

17 Q. Okay.

18 A. We always filled them full of
19 mud.

20 Q. Okay. And between the rows
21 that was in the front and the back,
22 would there be a crack in between
23 those also?

24 A. Yeah.

25 Q. And it would be what? Usually

1 a quarter to half inch?

2 A. Quarter, half inch.

3 Q. Could some of them be, if the
4 blocks were crooked, be bigger than
5 that?

6 A. Oh, yeah. Sometimes you'd
7 have a little bit of cracking. Not
8 very often.

9 Q. Okay. And the mortar that you
10 put on top, was it --- can you
11 describe the consistency the best you
12 can of what it would be?

13 A. The thickness of it?

14 Q. Yeah. Was it like watery or
15 was it thicker or ---?

16 A. It was thick enough you could
17 smear it. But I mean, if it weren't
18 thick enough, it just clumped up and
19 you dumped it out.

20 Q. Okay. And it was --- and how
21 did you smear it? What did you use
22 to smear it with?

23 A. Rubber gloves.

24 Q. Rubber gloves. And how about
25 the joints? When you tried to get it

1 into the joints in between each
2 block, how did you do that?

3 A. You just --- most of the time,
4 when you make it kind of watery, it
5 just runs down in the joints.

6 Q. Runs down in the joints?

7 A. Yeah.

8 Q. Okay. And if --- did it go
9 all the way through, the best you can
10 tell?

11 A. Yeah. It poured out the
12 bottom of your ---.

13 Q. Poured out the bottoms?

14 A. Yeah.

15 Q. Okay. And where the blocks
16 met the rib, you know, and I realize
17 the rib may be uneven, how did you
18 fill in that gap between the blocks
19 and the rib?

20 A. Mud.

21 Q. With mud?

22 A. Yeah.

23 Q. Stuff it down in there?

24 A. Stuff mud down in it.

25 Q. Okay. And as you went across

1 and did the rows, did you coat the
2 front and the back side of the blocks
3 with each row?

4 A. Yeah. Sometimes, we'd let it
5 go, you know, one row then. Because
6 when you put your next row in you
7 would smash your mud out.

8 Q. Okay.

9 A. You've always got mud in front
10 and you can just smear it on.

11 Q. Okay.

12 A. As you go, you just keep
13 putting mud on it.

14 Q. All right. So when I look at
15 the first row, you've now completed
16 the first row. It would have mud on
17 the top?

18 A. Yeah.

19 Q. And it would be filled up
20 against the ribs?

21 A. Yeah.

22 Q. And did you ever use anything
23 to kind of --- any tools or anything
24 to kind of spread the block so you
25 could get it down in there more?

1 A. Somehow use a hammer or
2 something, maybe.

3 Q. Use a hammer or something?

4 A. Have an axe there, spread a
5 little bit, you know, of mud down in
6 them.

7 Q. Okay. Is that kind of hard to
8 do?

9 A. Usually, I mean, if it had
10 cracks in it, it filled right up.

11 Q. Okay.

12 A. Then you make your mud where
13 it would drain down in the crack and
14 fill them up.

15 Q. Okay. Now, I'm ready to start
16 my second row. So the first row is
17 all the way completed. And that's
18 how you did all of the seals that you
19 did, the first row would be done and
20 I'm ready to start the second row?

21 A. Yeah.

22 Q. Okay. And where would you
23 start it at?

24 A. Most of the time, back at the
25 same side and start across to the

1 end.

2 Q. Okay. And on the first block
3 of the second row, then, how would
4 you put it down?

5 A. Staggered from your bottom
6 row.

7 Q. Okay.

8 A. Your front row of --- lay
9 longways, your front block, you lay
10 it widthways on your second block.

11 Q. Would the construction
12 technique be the same, in other
13 words, there's mortar on top of the
14 first row?

15 A. Yeah.

16 Q. Would you put a dry block on
17 there for the second row?

18 A. Yeah.

19 Q. And just keep stacking dry
20 blocks across?

21 A. Yeah.

22 Q. And if you had enough people,
23 then, somebody would start putting
24 mortar on top of those?

25 A. Yeah. On these rib block,

1 usually when you put mud on the ends
2 of them.

3 Q. On the rib ones?

4 A. Just shoved them against the
5 rib, too.

6 Q. Okay. When you first put it
7 down?

8 A. Especially when you get up
9 high and you can't get on top to put
10 the mud down in them.

11 Q. Okay. So you would put mortar
12 on the block that was going against
13 the rib?

14 A. Yeah. Especially the ones
15 high.

16 Q. Uh-huh (yes).

17 A. Sometimes it's hard to keep
18 the mud on the block because the
19 block's so dry and it falls right off
20 of them.

21 Q. Okay. Okay. And they get
22 heavy, too, as they get to the top,
23 don't they? Okay. So we would work
24 our second row across. And you
25 wouldn't be putting mortar on the

1 block as you put the blocks up, the
2 blocks would be stacked up dry; is
3 that correct?

4 A. Yeah.

5 Q. And then would you coat the
6 top of that again just like you did
7 the first row?

8 A. Yeah.

9 Q. They would be put up dry and
10 then you would coat the top and try
11 to get it into the joints?

12 A. Yeah.

13 Q. And along the rib, as you got
14 higher, if there were a gap because,
15 you know, the rib wasn't straight,
16 and let's say it was a couple inches,
17 would you ever put a piece of other
18 block in there to fill?

19 A. Yeah, we'd maybe slap a piece
20 of Omega block off and put in with
21 it.

22 Q. Okay. To fill that in. Did
23 you ever use any wedges or anything
24 in there also to ---?

25 A. I never did, no.

1 Q. Okay. And paper, anything
2 like that?

3 A. No.

4 Q. Okay. So we would do that for
5 the second row, it would be dry
6 coming across and you would push the
7 mortar down in. And the gaps would
8 be about the same on the second row?

9 A. Yeah.

10 Q. About how big would the gaps
11 be?

12 A. A quarter inch, half inch.

13 Q. Quarter inch, half inch.
14 Enough that you could get the mortar
15 in?

16 A. Yeah.

17 Q. And so you would lay the
18 second row completely across?

19 A. Yeah. Sometimes, if we had
20 enough guys, they'd start the second
21 row, so I'd be mudding. Maybe
22 another guy would come back and start
23 laying your third row across.

24 Q. Okay. Okay. So ---.

25 A. Just depends on the manpower

1 you had at the time.

2 Q. Okay. So you may have two
3 rows going at a time?

4 A. Yeah.

5 Q. And if you had two rows going
6 at a time, if they're working on the
7 first row, or the --- of the two that
8 they're working on, and it's halfway
9 across, and someone would start the
10 third row, would they do it the same
11 procedure, they would ---

12 A. Yeah.

13 Q. --- mud the top of this, the
14 row, and then they would put a dry
15 block on top of that. Would they ---
16 and would they put mortar on the ---
17 that block against the rib, also?

18 A. Yeah. I mean, if they
19 couldn't reach up to put the mud down
20 into the rib, they'd put it on the
21 block and slide it against the rib.

22 Q. Okay. But it would be laid
23 dry across and then the mortar pushed
24 in from the top and tried to squeeze
25 down into it?

1 A. Yeah.

2 Q. Would that method be the same
3 for the entire building of the seal,
4 or did you change that at some point?

5 A. When you get toward the top,
6 sometimes you didn't have enough room
7 to do that, so you had to put it on
8 your block and set your block.

9 Q. Okay. To the best that you
10 can remember, how far would that be?
11 Would it be the last two rows or ---?

12 A. It'd be the very last row. I
13 mean ---.

14 Q. The very last row?

15 A. We'd put it in little buckets
16 and sit it up there and dump it out
17 the best we could. But sometimes you
18 didn't have enough room to even get
19 your hand back in there.

20 Q. Okay.

21 A. To smear it.

22 Q. So you end up with mortar all
23 over your arm?

24 A. Yeah. And it burns on your
25 arms.

1 Q. Okay. So that would be the
2 --- would that be the last row that
3 you cut or would it be the next to
4 the last row that would be a full
5 block?

6 A. It just depends on how high
7 the roof was in there.

8 Q. Okay. Did you ever like stand
9 on Omega blocks to kind of reach up
10 in there?

11 A. Yeah.

12 Q. Okay. All right. Okay.
13 These blocks, especially as you put
14 them across, you would always put the
15 end piece that you cut, would be
16 against the rib?

17 A. Yeah.

18 Q. Okay. Did you ever have a ---
19 have to change how you did that so
20 that the joints would be staggered?

21 A. Sometimes, yeah.

22 Q. Were the joints staggered?

23 A. We staggered an inch.

24 Q. About an inch?

25 A. Yeah. Well, they told us to

1 make sure they're staggered an inch
2 or more.

3 Q. Okay. An inch or more, so you
4 made sure that that --- they were all
5 staggered. Okay. Let's go to the
6 top of the seal. We've had --- we
7 have all but the last two rows of the
8 seal intact now. So I'm looking at a
9 seal that's, you know, eight or nine
10 or ten courses high, whatever it is.

11 And I put the last full block that
12 will fit up in there. And about how
13 much gap between the last full block
14 and the roof would there be before
15 you start cutting blocks for the last
16 row?

17 A. He'd told us that we could use
18 up to two inches of wood in it. You
19 put your fly board up there and use
20 the wedges, that'd mean you had two
21 inches of wood.

22 Q. Okay.

23 A. Sometimes we'd have to cut
24 blocks three inches, four inches.
25 And they even brought some six-inch

1 block in, Omega block in, we used on
2 a few of them.

3 Q. Okay.

4 A. So we didn't have to cut them
5 all. We just put the six-inch block
6 up there.

7 Q. Before you got to the row
8 where the wood was, and this would be
9 the top --- the row right below that.
10 The row below that one, would it be
11 complete before you started the final
12 row that you had to make the cuts in?

13 A. Yeah.

14 Q. So the next to the last row,
15 I'm calling it, would be laid
16 completely across? This would be ---
17 and I'll just mark next to last row.
18 Or do it upside-down. The next to
19 the last row, would it be completed
20 before you started the final row?

21 A. Yeah.

22 Q. Okay. And how would you do
23 that? Would you put mortar on that
24 next to the last row on the top of it
25 and try to force it down in the

1 joints just like you had done the
2 previous rows?

3 A. Yeah. On the very top,
4 sometimes you had to --- like I said,
5 you, had to smear mud on your block
6 before you'd shut it when you got
7 real high.

8 Q. Okay. So this --- would this
9 be the row, this next to the last
10 row, would that be the row that you
11 have to actually start putting the
12 mortar on the joints to get it in
13 there?

14 A. Yeah.

15 Q. Okay. Now, that row's in and
16 you've had to smear some mortar on
17 the joints of that row. Would you
18 try to put mortar on top of the next
19 to the last row before you put the
20 final row in?

21 A. Yeah, sometimes. I mean, if
22 you could reach it, yeah, that's the
23 way we done it.

24 Q. Okay. So the next to the last
25 row's completed. And now we're going

1 to start the final row. And there's
2 not enough room up there for a full
3 block. Is that true sometimes?

4 A. Yeah.

5 Q. So you have to cut those
6 blocks?

7 A. Yeah.

8 Q. And you tried to cut those so
9 there's how much above them for the
10 wooden plank?

11 A. Two inches, sometimes a little
12 less.

13 Q. Okay. And did you ever have
14 to cut the block like twice to get it
15 to fit?

16 A. Oh, yeah.

17 Q. Okay. Did you ever have to
18 cut them like in a wedge or anything
19 to get them to fit up in there if the
20 roof wasn't quite ---?

21 A. Yeah. I mean, whatever it
22 took to get them in there, that's
23 what we had to --- I mean, we had to
24 cut them, wedge like and slide them
25 in the back and push them plumb up or

1 - - - .

2 Q. Okay.

3 A. However we had to get them in
4 there.

5 Q. Would that be done from one
6 side of the seal or would there be
7 people working on both of the sides?

8 A. Usually both sides of the
9 seals, have people working on it both
10 sides.

11 Q. Okay. And would they be
12 cutting on both sides?

13 A. Yeah. On the top, you had to.

14 Q. Okay. So on that last row, as
15 they're putting it in, there's
16 someone on the back and someone on
17 the front. Would you start on one
18 side against the rib and work your
19 way across; is that - - - ?

20 A. Yeah.

21 Q. On that last row, how did they
22 get the mud on that last course that
23 was cut?

24 A. On the last on the very top?

25 Q. On the very last course of

1 Omega block. How would that be
2 mudded?

3 A. We'd just throw mud up there
4 the best we could to get it in there.

5 Q. Okay. Would you mud the block
6 themselves, some of them?

7 A. Yeah. If we couldn't get our
8 hand in there, we --- usually you can
9 get your hand in a two-inch --- to
10 mear, I mean.

11 Q. Yeah.

12 A. You'd just get a handful and
13 take it up and smear it in.

14 Q. Okay. Would you mortar the
15 blocks before you put them in?

16 A. Yeah, some of them.

17 Q. Some of them? Okay.

18 A. It just depends on your work
19 space you had.

20 Q. Okay. So it's pretty hard to
21 reach up in there?

22 A. Yeah.

23 Q. Okay. So once this --- the
24 final row that you cut to fit is all
25 the way across the entry, is that

1 when you would start putting the
2 boards in?

3 A. Yeah. I mean, when we was
4 done usually at the top we put the
5 boards in. I was usually on the back
6 side working.

7 Q. Oh, you would be on the back
8 side?

9 A. Yeah.

10 Q. Okay. Can you explain how you
11 did that when you put that board in?

12 A. We just --- I just sat the
13 board up in and I never did see one
14 of these blueprints until my last
15 interview. But we always drove our
16 wedges in staggered to each other.

17 Q. Okay.

18 A. We didn't drive them in like
19 the diagram shows there.

20 Q. Okay. But this board, was it
21 one full board? Was it ---?

22 A. Sometimes, we had to cut them.
23 I mean ---.

24 Q. Okay. And when I --- before
25 you put mud on that, if I looked

1 across the top of the seal, would it
2 be wood the whole way across or
3 how - - - ?

4 A. On the front?

5 Q. On the back where you were.

6 A. Yeah. I mean, I'd put the fly
7 board up to cut. Usually I'd put
8 like a four-foot piece in or
9 something.

10 Q. Okay.

11 A. Your boards are 16 foot, and
12 sometimes you have to add two foot,
13 three foot. It just depends on the
14 entry. And I just - - - starting this,
15 I'd put a wedge in, drive one back,
16 put a wedge in, drive one back
17 against it.

18 Q. Okay. So what you're
19 indicating is you would start on one
20 edge against the rib and put a wedge
21 against the rib and then put another
22 wedge against that one - - -

23 A. Yeah.

24 Q. - - - and just keep working your
25 way across?

1 A. Yeah.

2 Q. So when I look at --- if I
3 looked at what you'd finished before
4 you put any mud on the front of it,
5 what would it look like?

6 A. Just a strip of wood going
7 across the top to wedge it in tight.

8 Q. With wedges on top. Would it
9 be solid wedges?

10 A. Yeah.

11 Q. Solid. Was it right on the
12 edge of the seal?

13 A. Well ---.

14 Q. Or would it be ---?

15 A. When you start your wedge, you
16 put your first wedge on --- your fly
17 board's level. When you let your
18 wedges dry it will stick out about an
19 inch so you can drive it in.

20 Q. Okay. And what did you use to
21 drive that in?

22 A. Poleax.

23 Q. I'm sorry?

24 A. Poleax.

25 Q. A pole axe?

1 A. Yeah.

2 Q. Okay. Would you put mortar on
3 the board before you put it in?

4 A. No.

5 Q. Did you put mortar up on top
6 before you put the board in?

7 A. On your open space?

8 Q. Yes. The two inches.

9 A. We'd even put in pieces of
10 Omega block in there, if we had to.
11 And you get it filled up and put
12 mortar on them.

13 Q. Okay. Put mortar on them. To
14 fill in that two-inch gap?

15 A. Yeah.

16 Q. So the ---.

17 A. I mean, sometimes, you
18 wouldn't even have it. You'd have an
19 inch gap, you'd have to use thin
20 wedges or ---.

21 Q. Okay. Did you have different
22 sized wedges there?

23 A. Yeah. We had glunts (sic) and
24 had the thin wedges.

25 Q. Okay. And the thin wedges

1 would be about --- on the thick side
2 of a thin wedge ---?

3 A. Half inch.

4 Q. Half inch. And on the thick
5 side of a ---?

6 A. Glunt, two inch, two and a
7 half. Just depends.

8 Q. So you would use both kinds?

9 A. Yeah.

10 Q. About how many would you use
11 going across that?

12 A. Sometimes it'd take two to
13 three bundles.

14 Q. Two or three bundles. Did you
15 always put that board in all the way
16 across?

17 A. Yeah.

18 Q. So that --- and you always
19 used a fly board and a piece of a fly
20 board to fill it in?

21 A. Yeah.

22 Q. Did you ever just use wedges
23 on the side?

24 A. Well, I think on one of them,
25 we couldn't --- I mean, we was down

1 to a half inch of room on top.

2 Q. Okay.

3 A. so we put --- just used a
4 couple wedges on it.

5 Q. Okay. And putting these
6 wedges in, did you ever --- if the
7 roof was --- if it was really tight,
8 to get those in, did you ever end up
9 splitting some of those wedges
10 getting them in there?

11 A. Some of them, yeah, we split.

12 Q. Okay.

13 A. On the Omega block, most
14 times, if they're still green, you
15 can drive them in. I mean, it gives
16 out a little bit and tightens it up
17 real good.

18 Q. Did you put the wedges on the
19 top of the board, between the board
20 and the roof or between the board and
21 the Omega block?

22 A. The board and the roof.

23 Q. The board and the roof. Okay.
24 After you've got --- after you got
25 the back board where you were working

1 completed, what would you do then?

2 A. Mud it up real good.

3 Q. Mud it up real good. Okay.

4 And the middle board, how did it get
5 in?

6 A. The front guy usually put the
7 middle board in because we just put
8 what we needed on the back to finish
9 the back.

10 Q. Okay. So you would be working
11 on the back while they're trying to
12 put --- did you ever --- were you
13 ever there when they put the middle
14 board in?

15 A. No. I never did watch them
16 put it in. Usually by the time I got
17 the back done, just walked back
18 around the front, they had theirs
19 pretty much completed on the front,
20 too.

21 Q. Well, they would have had the
22 middle board and the front board done
23 while you finished your back?

24 A. Yeah.

25 Q. Would they be working on the

1 middle board at the same time you're
2 working on the ---?

3 A. They could have been. But I
4 mean, by the time you get your fly
5 board in, you can't see nothing,
6 really.

7 Q. Okay. You can't see
8 what's ---. And you were never on
9 the other side to see how they did
10 that?

11 A. I was always stuck on the
12 back. Usually me and one guy and
13 they had four on the front and two on
14 the back and you had to play catch up
15 with them.

16 Q. Okay. Okay. After you
17 finished the --- getting the board,
18 the backboard in and you filled in
19 against that with mortar, what did
20 you do then?

21 A. After I filled the board in?

22 Q. Yeah. After you finished your
23 back.

24 A. Usually, I'd look around, make
25 sure you ain't got no spots on it,

1 smear the rest of your mud you got
2 left on the wall.

3 Q. Okay. So how thick do you
4 think the coating was on the front of
5 the wall?

6 A. Rough, I don't know. I mean,
7 I never did measure it.

8 Q. Okay.

9 A. It was pretty thick.

10 Q. It was pretty thick?

11 A. Yeah.

12 Q. You went over it again. You
13 indicated that you would put some on
14 as you were building the blocks?

15 A. Yeah. I mean, you just
16 constantly kept on putting mud on
17 these because you'd always have mud
18 coming down on them. You'd just keep
19 smearing it on.

20 Q. Okay. Did you start and build
21 and complete every seal in a day?

22 A. No. Sometimes it took two or
23 three days to get a seal completed,
24 if we just had two or three guys
25 working on it.

1 Q. Okay. And if you only build
2 half the seal in a day, what would
3 you typically do to that seal before
4 you left it? What would it look like
5 if I saw it?

6 A. It'd be usually all mudded up.
7 I mean, mud on top, all around it.

8 Q. Okay. So you'd mud the whole
9 thing up before you left it?

10 A. Yeah. Usually, yeah.

11 Q. And when you came back the
12 next day to start again, what would
13 you do there?

14 A. Well, at first, we'd just mix
15 up mud and put mud on top of our dry
16 mortar and start again.

17 Q. Start again? Okay. Okay.
18 And you never --- and the seals that
19 you built, you were never in the
20 front to see them put the first two
21 boards in?

22 A. No.

23 Q. The middle board and ---?

24 A. No. I usually was always on
25 the back.

1 Q. What tools --- when you cut
2 the blocks, what did you use to cut
3 the blocks?

4 A. Pole axe, bow saw.

5 Q. You cut them with a pole axe?
6 How did they cut with an axe?

7 A. Fairly good. They usually cut
8 better than the saw. I mean, you
9 could just chop them.

10 Q. And would they split, then,
11 when you chopped them, or ---?

12 A. Yeah. You had to hit them
13 four or five times and chop them
14 pretty good.

15 Q. Okay. What all tools would
16 you have had there onsite? Did you
17 have a trowel?

18 A. No.

19 Q. Okay. A level?

20 A. No.

21 Q. Did anyone ever lay a string
22 across them or anything in the
23 building of them?

24 A. No.

25 Q. On the rows --- as you're

1 putting the rows up, and you had
2 mentioned that some of the blocks
3 were a little bigger or smaller than
4 the other ones. How did you fill in
5 that gap, if you had a bigger --- if
6 it wasn't too big, it was just a
7 little bit bigger?

8 A. Mortar.

9 Q. You just filled it in with
10 mortar to level it out?

11 A. Yeah.

12 Q. Okay. How thick do you think
13 the mortar between the rows would
14 have been?

15 A. I don't know. I never did
16 measure it, really. I mean, it's
17 thick.

18 Q. It would have been thick?

19 A. Yeah. It's thick enough when
20 you sit your block on, I mean, it
21 gushed out under.

22 Q. Oh, okay. It would have
23 gushed out from under when you put
24 the block on?

25 A. Yeah.

1 Q. Quarter inch, half inch?

2 A. At least quarter, half inch,
3 probably. I mean, we dumped buckets
4 and buckets on top of it and just
5 smeared it out thick.

6 Q. Okay. Did you ever count how
7 many pallets of mortar you used per
8 seal?

9 A. Never did. We used a lot of
10 it.

11 Q. Okay. When the mortar came
12 in, did it come in on a pallet?

13 A. Yeah.

14 Q. And did you have to unwrap it,
15 also?

16 A. Yeah.

17 Q. On the last --- on the last
18 two seals, did you help build those
19 last two that had the opening in
20 them?

21 A. I helped work on them, yes.

22 Q. How were the boards put in in
23 the part that was built before the
24 hole was built in it?

25 A. It was built up about two

1 inches from the top all the way
2 across. Stuck a fly board in and I
3 wedged it in on the back coming
4 across where the hole was. I crawled
5 back through the hole when it wasn't
6 wedged in probably the last two and a
7 half, three feet.

8 Q. So when I look at this hole
9 that was left in there, would there
10 be a fly board --- piece of fly board
11 still there that there's no block
12 underneath it or ---?

13 A. No. There's block underneath.
14 It just wasn't wedged in tight. But
15 we set block in from the side we was
16 working on.

17 Q. On the picture we have, this
18 exhibit, could you just draw me a
19 rough idea where that opening would
20 have been, whether it's on the top of
21 the seal or the bottom of the seal or
22 ---?

23 A. The hole would've been
24 probably right in here.

25 Q. Right in there. So it would

1 have come all the way to the top?

2 A. Yeah. I mean --- yeah. It
3 was ---. Well, the seal was
4 complete, you know, wherever your
5 block ended. As long as you had
6 enough room to crawl through.

7 Q. Okay.

8 A. Then the fly board was put in.
9 But there wasn't no wedges probably
10 from right here to right here.

11 Q. Okay. And this block, can you
12 mark that just a little bit darker
13 for me? I'm going to just ask you, a
14 couple questions on what you
15 just ---?

16 A. Well, in here, probably here.

17 Q. Oh, it would have been
18 staggered?

19 A. It'd have been staggered. I
20 mean, you didn't have a square hole.

21 Q. Okay. That's fine. Will you
22 just kind of mark that? And I
23 realize ---

24 A. I don't know exactly ---.

25 Q. --- that's not exact. That's

1 okay. It gives us a rough idea to
2 understand that. And you might want
3 to use a pen. It might be easier
4 than that pencil. It's hard to see.
5 Okay. And so this would have been
6 open for some period of time before
7 you ---?

8 A. Actually, it was a little
9 bigger than that when we completed
10 it. I crawled through a hole about
11 that size.

12 Q. Okay.

13 A. To get back to the other side.

14 Q. So if I was looking into this
15 hole, there would be fly boards up
16 against the roof with no blocks
17 underneath them?

18 A. Yeah. Before it was
19 completed?

20 Q. Before it was completed, yes.

21 A. Yes.

22 Q. Okay. And that's how it would
23 have been for some period of time
24 until when they were --- when you put
25 the final blocks in and completed it?

1 There would have been boards kind of
2 hanging there?

3 A. Well, the boards wasn't there
4 until that was completed. Then I
5 stuck the boards in, wedged it
6 across.

7 Q. Okay. So let's talk then
8 about the rest of the seal. Were the
9 boards put in the parts of the seal
10 where the hole was not?

11 A. Where the ---? Right here?

12 Q. Yes.

13 A. No. Well, the fly board would
14 come just about all the way across.

15 Q. Uh-huh (yes).

16 A. I think the front side did
17 have a fly board in it, but I didn't
18 have one on the back at the time we
19 was working on it.

20 Q. Okay.

21 A. So the day we finish it, we'd
22 throw the fly board around. It was
23 put in.

24 Q. Okay. So what you're
25 describing is the fly boards were put

1 in the solid part of the seal, where
2 the opening was not. And the last
3 day, you came in and put a fly board
4 across the back of it?

5 A. Yeah.

6 Q. And then finished it up?

7 A. I believe so. That's how it
8 worked.

9 Q. Okay.

10 A. It's been so long, I don't
11 really exactly remember.

12 Q. Okay. That's fine. That's
13 fine.

14 MR. UROSEK:

15 Mike?

16 BY MR. RUTLEDGE:

17 Q. George, you said you had some
18 blocks you described as green.

19 A. Yeah.

20 Q. Okay. And they were
21 physically a greener looking color?

22 A. Yeah.

23 Q. Okay. And those were the
24 heavier ones?

25 A. Yeah.

1 Q. Okay. So it was also
2 mentioned that those same blocks were
3 called wet. So I mean, that's what
4 you ---?

5 A. Yeah. It was like a wet motor
6 block.

7 Q. They just --- they had some
8 moisture in them or whatever?

9 A. Yeah. Yeah.

10 Q. And how --- you said several
11 times depending on the manpower that
12 you had. How did the crews vary?
13 From how few to how many?

14 A. It would vary from two people
15 to probably seven or eight people.

16 Q. Okay. And most of the time,
17 or if you could just give us an
18 estimate, most often, there would be
19 how many people?

20 A. Well, me, Skip and Casey
21 worked together a lot. But we had
22 some bosses there that come from the
23 old mine. They were usually with us.
24 But they left for periods of time and
25 come up to the other mines and

1 worked. And usually I mean it's ---
2 the biggest part of the seals we
3 built, we had seven people.

4 Q. Uh-huh (yes). And most of the
5 time, did the people that were
6 working keep the same job on each
7 seal? Let me ask this. Did most of
8 the people have a specific job that
9 they did most of the time?

10 A. We all would usually try to
11 help each other, I mean ---.

12 Q. Well, sure. That would be
13 good. But would you maybe, for
14 example ---?

15 A. Yeah. I usually laid block
16 and smeared mud, if that's what
17 you're asking.

18 Q. Okay. And then somebody else
19 would have been ---

20 A. Mix mud and ---.

21 Q. --- mixing for you.

22 A. Someone would dump mud in the
23 wheelbarrow and dump the water in.
24 The other one would run and mix it
25 with the hoe.

1 Q. So on about all of the seals,
2 you would have been laying block and
3 smearing mud?

4 A. Yeah.

5 Q. And somebody else would have
6 been mixing.

7 A. That's the job nobody wants.

8 Q. Yeah.

9 A. Being a red hat, you get them
10 jobs.

11 Q. The mortar guy gets probably
12 the hard part of it there. Did you
13 ever see any inspectors while you
14 were working on any of those seals?

15 A. Yeah. I seen some inspectors.

16 Q. Do you know if they were state
17 or federal or do you remember who
18 they were?

19 A. I think I seen John a couple
20 times and --- John Mehaulic, I
21 believe, was the federal inspector I
22 seen. Then there was one up there
23 that transferred somewhere else. I
24 don't know what his name was.

25 Q. Okay. And just so that I

1 understand now, if you put a --- in
2 the bottom row or the first row or
3 any rows, if you put one block down
4 and then the next block that would
5 butt up against that block, okay,
6 one's down and you put the next one
7 up there, the mud that would be
8 between those blocks would just be
9 what would come down from the top?

10 A. Yeah.

11 Q. Okay. You wouldn't smear mud
12 on the --- you said you did on some
13 of the rib blocks, put mud on the
14 side of the block and then push it up
15 against the rib?

16 A. Yeah.

17 Q. But did you do that on many or
18 any of the other blocks?

19 A. The biggest part of the time
20 we just dumped it on top and it run
21 down in them.

22 Q. Okay. And you would see it
23 then when you put the next row on
24 maybe or ---?

25 A. Yeah. I mean, it'd come out

1 the sides of them.

2 Q. You'd see it gush out?

3 A. Yeah.

4 MR. RUTLEDGE:

5 Okay. All right.

6 Thanks.

7 BY MR. UROSEK:

8 Q. Just a little bit on the final
9 --- the first and the last seals that
10 were built, the ones with the
11 openings in them. If I were to look
12 at those seals after you were
13 completed while the hole was in them,
14 would the seals be completely coated
15 and you'd have a coat of mortar on
16 them and ---?

17 A. Well, maybe on the ends of
18 them you wouldn't have mortar right
19 in here, maybe.

20 Q. There'd be no mortar where the
21 openings were?

22 A. Where I had to crawl across.

23 Q. Okay. But the rest of the
24 seal would have looked completed?

25 A. Yeah. I mean, it'd be mudded

1 up.

2 Q. And at the top, would it have
3 looked completed?

4 A. Well, it just depends on if we
5 had the fly boards in it or not.

6 Q. Okay. Like you'd mentioned
7 before ---

8 A. Yeah.

9 Q. --- the back didn't. And so
10 if I would have looked at that before
11 that, I would have seen the gap up
12 there?

13 A. Yeah.

14 Q. Okay. Okay. And --- but you
15 were the guy that had to put the
16 blocks up there, manhandle the blocks
17 to put each one up there and spread
18 the mortar on each row of blocks?

19 A. Yeah. I mean, sometimes, we
20 had to pack them a half block, maybe,
21 to get them in there to seal. Just
22 depends on where they sit them at.

23 Q. Okay. So you had to actually
24 carry them from wherever back to the
25 seal to put them up?

1 A. Yeah.

2 Q. Okay. If we could take just a
3 five-minute break, I think we're
4 almost done.

5 A. All right.

6 SHORT BREAK TAKEN

7 MR. UROSEK:

8 Back on the record.

9 BY MR. UROSEK:

10 Q. I'm really trying to
11 understand when the seals were
12 completed, except for the hole.
13 Okay? And I know you're doing your
14 best to try and remember that for us.
15 But I'm going to try to just see if
16 we can get at least a general idea of
17 when these were completed. Around
18 Thanksgiving, you know, typically
19 there's a vacation period around that
20 Thanksgiving. Can you remember which
21 ones were completed before that
22 Thanksgiving vacation?

23 A. I believe all of them was
24 completed, maybe, except One and Ten.

25 Q. Except One and Ten?

1 A. Yeah.

2 Q. Okay. Do you have any idea
3 when those two were completed, except
4 for the hole? I mean, would it have
5 been about a week after that or ---
6 approximately?

7 A. I can't really remember.

8 Q. Can't remember? Would they
9 have been done before Christmas?

10 A. The seals?

11 Q. Yes.

12 A. Sealed completely off?

13 Q. Yes. Yes. Filled up the
14 final hole.

15 A. You're wanting to know when
16 they're exactly sealed off?

17 Q. Yes. Do you know that?

18 A. I worked two 13-hour shifts on
19 a weekend.

20 Q. Oh, okay.

21 A. So you might be able to look
22 at records and find it that way. I
23 mean, I don't exactly know the date
24 of it. We worked two 13-hour shifts
25 on a weekend to complete them.

1 Q. That was to complete them?

2 A. That was to complete the seals
3 and angle wall and other stoppings
4 had to be built the same time they
5 was completed to ventilate that.

6 Q. Okay. That would have been to
7 fill the hole?

8 A. Yeah. That was --- the seals
9 was completely done then.

10 Q. Okay. Before that time, can
11 you --- do you remember if it was a
12 week or any time frames at all that
13 the rest of the seal was completed?
14 I realize that would have been the
15 day that you finished the hole and
16 finished off the seals?

17 A. Yeah.

18 Q. But the rest of it was there.

19 A. They estimate it at two weeks.

20 Q. It may have been two weeks?

21 A. Yeah. With the holes in them.

22 Q. Okay. So that would ---?

23 A. For sure, the Number One seal
24 set two weeks.

25 Q. Okay. For sure, the Number

1 One was two weeks?

2 A. Yeah.

3 Q. At least two weeks before?

4 A. Yeah.

5 Q. Okay. And the other one, you
6 didn't work on the other one?

7 A. I worked on the Number Ten.
8 But I mean, I don't know exactly ---

9 Q. Okay.

10 A. --- when we built it. It
11 wasn't a very big seal. It was kind
12 of a smaller seal. I mean, it didn't
13 take that long to build it.

14 Q. If at any time in the future
15 you remember that, I'd appreciate if
16 you'd let us know. Because that's
17 something we're trying to figure out.

18 On those holes, when you were
19 finishing those up, did you have to
20 add --- you mentioned that there was
21 a fly board that was still there from
22 before. And you had to put some wood
23 in there. Do you remember what ---
24 can you describe that the best you
25 can, what you had to do there?

1 A. On the very end, where the
2 hole is?

3 Q. Yes. When you filled that in.

4 A. We may have put a header in
5 one of them.

6 Q. Okay.

7 A. A couple header boards. We
8 just filled the top with block,
9 stacked block in there and mudded
10 them up as we went.

11 Q. Okay. And you would have used
12 a header board and maybe a gluck,
13 some glucks or ---?

14 A. Yeah.

15 Q. Okay.

16 A. I mean, on this seal, we kind
17 of laid the back one up, kept it
18 ahead of the front one here and we
19 filled the hole in.

20 Q. Okay.

21 A. So we could keep it mudded up.
22 And we left this block out so we
23 could get our wedges in there.

24 Q. Okay. Let's ---. Describe
25 that again for me. On the last one

1 --- well, obviously, you can't get
2 behind it; right?

3 A. Right.

4 Q. So which blocks would you have
5 put in?

6 A. We'd put the very back ones in
7 first.

8 Q. The very back blocks in first?

9 A. Yeah.

10 Q. And then what would --- after
11 you put those blocks in, what would
12 you do?

13 A. We'd mud them up.

14 Q. Mud them up.

15 A. Then we'd lay the front ones.

16 Q. Would you put the boards in
17 first before you put the front ones
18 in, or did you put the boards in
19 last?

20 A. Right here?

21 Q. Yes. Over where the hole was.

22 A. Over where the hole was?

23 Q. Yes.

24 A. Well, we kind of left them
25 kind of sticking out some.

1 Q. Okay.

2 A. They was sticking out over top
3 the hole hanging down.

4 Q. Okay. Hanging down?

5 A. Yeah.

6 Q. And you kind of put the blocks
7 underneath it?

8 A. Yeah, push them up.

9 Q. Okay. Then how did you get
10 the mortar in there?

11 A. Right in here?

12 Q. Yes. And that's --- what
13 you're indicating is between the
14 middle board and ---?

15 A. We couldn't get it in there.

16 Q. Couldn't get it in there?

17 A. Ain't no way to get it in
18 there.

19 Q. Okay. Would you have put all
20 the blocks in before you tried to put
21 the board --- the front board in?

22 A. No. The front board --- when
23 I was working on the back board, they
24 had the front board in.

25 Q. Okay.

1 A. And had it across to the ---
2 wedged in, mudded about right in
3 here.

4 Q. Which is right about to where
5 the opening was?

6 A. Yeah.

7 Q. So they'd have had to board
8 across the completed portion of the
9 seal and it would have ended where
10 the opening is?

11 A. Yeah.

12 Q. And how did --- what did you
13 put ---?

14 A. Well, the board was sticking
15 out and draping down still yet.

16 Q. Oh, it was draping down?

17 A. Yeah. I mean, they put it in
18 while I was putting the back one in.

19 Q. Okay. So the board would have
20 been draping down into the hole that
21 was left there?

22 A. Yeah.

23 Q. And did it extend all the way
24 to the rib?

25 A. Probably. I can't exactly

1 remember. It should have.

2 Q. Okay. So then when you put
3 the blocks in, did the blocks kind of
4 push that board up? Is that
5 what ---?

6 A. Yeah. Then we put wedges
7 above it.

8 Q. And after you put the blocks
9 in and the board is there, how did
10 you get mortar behind that? Did you
11 try to put mortar behind that?

12 A. Well, we done what we could.
13 I mean, you can't get into it then.

14 Q. Okay.

15 A. Ain't no way to get --- it's
16 impossible.

17 Q. Okay. Okay. No, that's okay.
18 It's good. You had mentioned using a
19 poleax?

20 A. Yeah.

21 Q. Can you describe what that is?

22 A. A poleax is a short-handled
23 axe.

24 Q. Short-handled axe?

25 A. Yeah.

1 Q. Is it about two feet long?

2 A. Probably. Three-foot handle
3 in it.

4 Q. Three-foot handle?

5 A. Maybe three pound.

6 Q. Okay. And how --- on the
7 handle of it, how wide or thick would
8 it be?

9 A. The axe itself or the handle?

10 Q. The handle. Or the axe
11 itself.

12 A. Probably four inches where the
13 cutting edge is, cut back into a
14 three inch blunt head to drive with.

15 Q. Okay. So the thickness of
16 that thing would have been what?

17 A. An inch, two inches.

18 Q. About an inch, two inch.

19 A. Inch and a half.

20 Q. Okay. And it had a flat side
21 on it; right?

22 A. Yeah.

23 Q. So you could kind of use that
24 as a --- that's what you were using
25 to tighten the wedges up with?

1 A. Yeah.

2 Q. Okay. Along the sides of the
3 seal as you were constructing it, I
4 think you told me that you put mortar
5 between the block and the rib itself?

6 A. Yeah.

7 Q. Did you just pour it in, did
8 you stuff it in, or how was that ---?

9 A. We stuffed it in, most of the
10 time. A little thicker. Just keep
11 stuffing it in.

12 Q. And would you do that until it
13 was full?

14 A. Yeah.

15 Q. And you ---.

16 A. Usually, it'd run out the edge
17 of it.

18 Q. Oh, it'd run out the edge?

19 A. Then you'd come up your edge
20 there and seal it up.

21 Q. Okay. Did you --- you
22 mentioned you didn't use any wedges
23 or paper or anything. Do you know if
24 anyone else did?

25 A. Not that I recall.

1 Q. Okay. You didn't have to tamp
2 that mortar in, it just kind of ---?

3 A. Most of the time, it just fell
4 in.

5 Q. It just fell in ---

6 A. Yeah.

7 Q. --- and then started coming
8 out. So you didn't ---?

9 A. Sometimes, you know, if you
10 had a pretty good little gap there,
11 you had to use a little thicker mud
12 so it didn't fall out, but ---.

13 Q. Okay. And how --- when you
14 needed thicker mud, how did you do
15 that? Did you tell the ---?

16 A. Add a little more BBond.

17 Q. You would tell the guy that,
18 Mixing it to ---?

19 A. Or you just --- usually he
20 mixed it in a wheelbarrow and dumped
21 it in a bucket for you.

22 Q. Okay.

23 A. And if you need it a little
24 thicker, you'd just open your bag up
25 and add a little bit to it and stir

1 it up.

2 Q. Okay.

3 A. Thicken it up yourself.

4 Q. Okay. Where would you
5 typically have to use the thicker
6 mortar?

7 A. Around the edges and around
8 the top to where it wouldn't stick
9 very well.

10 Q. Okay.

11 A. The thicker it was, the better
12 it stuck to the block.

13 Q. Oh, is that right?

14 A. It wouldn't fall off. I mean,
15 if you put runny mud up here, it's
16 just going to run back off.

17 Q. Okay. Were there ever times
18 that you told the guy mixing it to
19 make a batch thinner or thicker for
20 you or ---

21 A. Yeah.

22 Q. --- did you just usually do
23 that yourself?

24 A. Well, you tell him and he says
25 come mix it yourself, so usually we

1 just got a bag and mixed it yourself
2 the way you needed it.

3 Q. Okay. Was he kept pretty busy
4 mixing that?

5 A. Yeah. It takes a lot of
6 mud.

7 Q. Okay. I think you told me
8 that you never worked on the front
9 side of the seals.

10 A. Just on the --- not very
11 often. I mean, I helped complete the
12 one that had holes in it.

13 Q. Okay. I mean as far as
14 completing the seals.

15 A. They was done completed to
16 across about where the hole was by
17 the time I got around there.

18 Q. Okay. And you laid --- you
19 were the one that actually laid the
20 blocks down for the seals? That was
21 your job?

22 A. Yeah. Lay them down and mud
23 them. Usually what we'd try and do,
24 we'd try to spot three or four
25 pallets of blocks behind it.

1 Q. Okay.

2 A. Then spot some in front. So I
3 could be laying back here, he could
4 be laying up here.

5 Q. Okay. You were laying - - -
6 where did you normally lay? From the
7 front or from the back?

8 A. The back.

9 Q. From the back.

10 A. And sometimes, you know, you
11 had to reach block in and you'd have
12 your seal built almost to the top and
13 you had to reach them over the top
14 because you run out back there.

15 Q. Okay. And who was putting
16 them in from the front, then?

17 A. Just one of the other guys
18 working.

19 Q. There wasn't one particular
20 person that did that all the time?

21 A. Casey laid a lot of them.

22 Q. Casey laid a lot of them?

23 A. Front.

24 Q. Did he do it the same method
25 that you did?

1 A. Yeah.

2 Q. Okay.

3 A. I mean, that's the method we
4 was showed to do it. That's what we
5 ---.

6 Q. Oh, okay.

7 A. Neither one of us never built
8 a seal or nothing before until we
9 started there.

10 Q. Well, who showed you how to do
11 that?

12 A. Jeremy Toler, Jeff Snyder.

13 Q. Okay. They showed you how to
14 --- did they actually start you out
15 the first seal doing that and ---

16 A. Yeah.

17 Q. --- said just keep going like
18 this?

19 A. That was the two guys we
20 worked with from our start date, was
21 Jeff Snyder and Jeremy Toler. They
22 had previously --- Jeremy had
23 previously built seals at Brooks Run
24 Mining Company.

25 Q. Okay.

1 A. And he knowed the basic layout
2 of them. And I don't know what all
3 --- Jeff would usually run scoop back
4 and forth and haul supplies and ---.

5 Q. Okay. Did that keep him busy?

6 A. Yeah.

7 Q. Okay. And I think you told me
8 that when you started on November
9 1st, how many seals were completed?

10 A. One.

11 Q. Was it totally completed?

12 A. Yeah. And they had started
13 one before that and they took us up
14 there and showed us where they had to
15 knock it out because it wasn't back
16 in the entry far enough.

17 Q. Okay. Did they take that all
18 the way out?

19 A. There was a little piece still
20 yet on the, I believe, the right side
21 rib ---

22 Q. Okay.

23 A. --- that was still there.

24 Q. Did you guys reuse that block
25 or what did you do with it?

1 A. No. I think they smashed it
2 in the roadway.

3 Q. Smashed it in the road. Is
4 that how you got rid of the pieces of
5 block?

6 A. Omega block, yeah, we usually
7 smash them in a hole somewhere.

8 Q. Oh, is that right?

9 A. I mean, they just disintegrate
10 to dust.

11 Q. Okay. And how did you smash
12 them?

13 A. Scoop.

14 Q. With a scoop, just run scoop
15 over them and ---?

16 A. Yeah. I mean, they'd just
17 smash into nothing.

18 Q. How many do you think, during
19 the building of the seal process, you
20 ended up ---

21 A. Smashing?

22 Q. --- smashing? Yeah.

23 A. I'd hate to say. I mean, it
24 was a bunch of them.

25 Q. Oh, really?

1 A. Yeah.

2 Q. What would be the criteria to

3 - - -

4 A. Smash them?

5 Q. - - - smash them?

6 A. Busted.

7 Q. If they came in - - -?

8 A. I mean, if they was busted up
9 sometimes you'd use a half block, cut
10 it and use it.

11 Q. Okay.

12 A. If they was busted the corners
13 off of them, crumble, we just stacked
14 them on pallets, put them in the
15 roadway, after we was done with all
16 the seals, we went back there and
17 cleaned everything up and dusted and
18 hauled all the trash away.

19 Q. Is there one particular place
20 that you put a lot of these and
21 smashed them up? Was there like a
22 hole somewhere that you - - -?

23 A. Yeah, that whole roadway back
24 there is full of ruts. We just put
25 them in ruts and smashed them in.

1 Q. And he came over with a scoop?

2 A. Yeah.

3 Q. Okay. If you were to guess in
4 a pallet, how many do you think in a
5 pallet that you would have had that?

6 A. I'm going to say 15, maybe 20
7 pallets that we discarded. That's
8 just a rough estimate.

9 Q. Twenty (20) pallets?

10 A. Some pallets you get you
11 couldn't even use none of them.

12 Q. Is that right?

13 A. You'd get a whole ---.

14 Q. You'd get a whole pallet in
15 ---?

16 A. It'd be busted up. I mean,
17 time they got hauled to the mines,
18 moved around and hauled inside and
19 moved around two or three times, when
20 you got them, they'd been hit,
21 banged. I mean, you just couldn't
22 use some of them.

23 Q. And what would you do with
24 that pallet that was no good?

25 A. Just set them off to the side,

1 pile them in a pile.

2 Q. And would smash those up, too?

3 A. Yeah. I mean, we just left
4 them piled up until we was pretty
5 much completed, then we went back and
6 cleaned everything up and got all the
7 stumble hazards out of the way.

8 Q. You didn't haul them outside,
9 you just ---?

10 A. Smashed them all up?

11 Q. So that pile, I mean, like you
12 had a whole pallet full. Was there a
13 particular place you would put that
14 to put that many of them?

15 A. We just stuck it in the
16 roadway.

17 Q. In the roadway?

18 A. We had some pretty good ruts.

19 Q. Okay. When you talked about
20 --- I think Mike asked you about
21 putting the blocks in and he
22 mentioned about putting them butt to
23 butt. Did you leave a gap in between
24 those or did you put the blocks tight
25 together?

1 A. There was always a gap there.
2 I mean, ---.

3 Q. So when you put each block up
4 there ---?

5 A. We always left enough gap to
6 get the mud in.

7 Q. Okay. So there was always a
8 gap?

9 A. There was always a gap there.
10 Biggest part of the time, you didn't
11 even have to leave it, because it's
12 already there.

13 Q. Okay. Did you set any of the
14 cribs that were on the front or the
15 backside of the seals?

16 A. I set a lot of them in the
17 back.

18 Q. You set a lot of them in the
19 back?

20 A. I think the Number One seal
21 had maybe eight or nine cribs behind
22 it.

23 Q. Okay.

24 A. That was in the winter
25 section.

1 Q. Okay.

2 A. We set a lot of cribs behind
3 it. And the Number Ten seal had five
4 or six cribs behind it, because it
5 had the gas check valve pipe laying
6 on it.

7 Q. That gas check valve, was it
8 attached to the crib somehow?

9 A. Yeah, it was run through the
10 middle of it.

11 Q. So it was just sitting on top
12 of the crib blocks?

13 A. Yeah, through the middle of
14 the crib.

15 Q. Through the middle of it. And
16 the copper --- was there a copper
17 pipe inside that?

18 A. Yeah, we had a copper tube. I
19 wasn't there to witness it being put
20 in, but there was one taken up there
21 to be put in.

22 Q. Okay. You didn't have
23 anything with putting that in?

24 A. No.

25 Q. Do you remember seeing that

1 after it was done?

2 A. No. I never did --- never did
3 look at it, physically check it, but
4 ---.

5 Q. Okay. The cribs that you put
6 in, did you wedge them in? Did you
7 install wedges on them?

8 A. Yeah.

9 Q. And how did you tighten those
10 wedges?

11 A. Sometimes we tightened them
12 from the top. If it was bad top and
13 we couldn't get in to pound them, I'd
14 just set them in the middle of the
15 crib, drop them in like that.

16 Q. Would you use the same poleax?

17 A. Yeah, poleax, hammer, another
18 crib block. That's all I had.

19 Q. Would you say that those cribs
20 were pretty tight?

21 A. Oh, yeah.

22 Q. I think you gave us a little
23 idea of how high off the bottom the
24 hole was.

25 A. I mean, we --- matter of fact,

1 we even had a couple Omega blocks
2 stacked up to step over it.

3 Q. To step over it?

4 A. Yeah.

5 Q. Would you say that hole was
6 six feet, five feet high? How far
7 ---?

8 A. Up in there?

9 Q. Yeah.

10 A. Yeah. In the Number One seal
11 it definitely was.

12 Q. It definitely was?

13 A. Yeah.

14 Q. You had to get on these Omega
15 blocks to actually get through the
16 hole?

17 A. Yeah. Matter of fact, Casey
18 actually had to help pull me through
19 the Number One seal.

20 Q. Oh, is that right?

21 A. Because we kind of stacked
22 them up a little too high, I couldn't
23 get --- my rescuer got stuck, so he
24 pulled me on through it.

25 Q. Okay. And looking at the

1 diagram you showed us, the total
2 amount of that hole would it ---
3 would it have been bigger than a man
4 door?

5 A. At the very top, no.

6 Q. At the very top, no?

7 A. It was big enough for a man to
8 crawl through it. I mean, that's
9 ---.

10 Q. Just big enough to crawl
11 through?

12 A. Yeah.

13 Q. Would both holes have been the
14 same size?

15 A. Well, the Number One seal was
16 a little bigger because it's a bigger
17 seal .

18 Q. Okay.

19 A. It was stretched out longer.

20 Q. It was kind of like at an
21 angle; right ---

22 A. Yeah.

23 Q. --- that one? And which side
24 would the hole have been on that
25 Number One seal, the one that's at an

1 angle?

2 A. It'd have been on --- facing
3 inby, it would have been on the right
4 side.

5 Q. Been on the right side?

6 A. Yeah.

7 Q. And that hole would have been
8 about how wide at the top?

9 A. At the very top, probably six
10 feet.

11 Q. About six feet?

12 A. Yeah.

13 Q. And how far off the bottom
14 would the bottom of the hole had
15 been?

16 A. I could barely look through it
17 probably standing up. Just standing
18 flatfooted, I could barely see
19 through it.

20 Q. So it was ---

21 A. It was pretty high.

22 Q. --- six feet or so?

23 A. Yeah.

24 Q. And how --- on the bottom of
25 it, how wide was it?

1 A. Maybe a block and a half.

2 Q. Maybe a block and a half,
3 okay. And it would have been
4 staggered depending on how the blocks
5 were?

6 A. Yeah.

7 Q. Okay. I know I had asked you
8 this about the mortar and when you
9 were spreading the mortar on top of
10 the blocks. Did you have to add any
11 water to your mixture to get it go
12 down in or that's just the way he was
13 mixing it for you?

14 A. Sometimes you had to add
15 water. I mean, it just depends on
16 what you needed it for.

17 Q. Okay. The planks on the top,
18 the fly boards, about how thick were
19 they?

20 A. Some of them varied, some of
21 them an inch, a half inch on one end,
22 another two inches on another one. I
23 mean, ---.

24 Q. Was it rough cut lumber?

25 A. It's rough cut lumber is what

1 it is.

2 Q. Okay. So it would vary?

3 A. Most of the time, they're
4 four-quarter lumber. I mean, one
5 inch thick. Sometimes they had
6 runoff on the end.

7 Q. Okay. The blocks on the top
8 when you were putting the last row
9 in, did you ever have to use the ax
10 or use something to get them in place
11 because they were too tight?

12 A. Sometimes, yeah. We tapped
13 them in.

14 Q. Did that happen on a lot of
15 them?

16 A. Not very --- most of the time,
17 we just cut them.

18 Q. You just cut them?

19 A. If something was catching, I
20 mean, it was just a half inch. You
21 know, you could hit it a couple times
22 and it would break off and slide in.

23 Q. Okay.

24 MR. UROSEK:

25 Mike?

1 BY MR. RUTLEDGE:

2 Q. George, you're talking about
3 the holes in there and One and Ten
4 were done and the holes were left in
5 them; okay, because you had to crawl
6 back and forth through and crawl out
7 after they were done. Is all the
8 others were fully completed from the
9 backside and then you walked around
10 the block to get around them?

11 A. Yeah.

12 Q. Okay. So all the others in
13 the middle entries, okay, would have
14 been completely done? You had
15 complete access to the backside ---

16 A. Yeah.

17 Q. --- and everything? So just
18 that One and Ten ---

19 A. Just One and Ten.

20 Q. --- were the only ones that
21 were done that way? And you said the
22 gas sample pipe that was in Ten was
23 sticking through the cribs there,
24 it'd come out of the seal and then it
25 was stuck --- laid through some

1 cribs. How far back from that seal
2 did that pipe extend?

3 A. The pipe was 40 foot and I
4 think maybe we let it stick out two
5 foot in the front maybe.

6 Q. Uh-huh (yes).

7 A. Twelve (12) inch from the
8 roof.

9 Q. Okay. So it was like 38 feet
10 back through there then or something;
11 right? And it was two joints of pipe
12 there?

13 A. Yeah.

14 Q. Did you help put that together
15 or not?

16 A. Yeah.

17 Q. Okay.

18 MR. RUTLEDGE:

19 That's all I have.

20 Thanks.

21 BY MR. UROSEK:

22 Q. The drying mortar, when we
23 talked about how you laid out the
24 very first one that you built, who --
25 - how did you learn how to do that?

1 Who taught you how to do that?

2 A. Well, they was --- we watched
3 them do it the first day, Jeremy and
4 them. Jeremy Toler.

5 Q. So you watched Jeremy --- they
6 being?

7 A. Jeremy and Seth Osborne. He
8 helped build the first seal. He
9 knowed how to do it.

10 Q. Okay.

11 A. And Jeff Snyder. I mean, we
12 just watched them and picked up on
13 what they were doing.

14 Q. Okay. So that's how they did
15 it?

16 A. Yeah. And that's the way we
17 done it.

18 Q. Okay. Okay. And on the gaps
19 when you were putting the mortar,
20 trying to get the mortar down in, do
21 you think that mortar made it all the
22 way down in?

23 A. It should have.

24 Q. It should have?

25 A. I mean, that is thick block

1 running mortar, it'd go down through
2 anything.

3 Q. Running mortar would go down
4 through it.

5 A. Yeah.

6 Q. Okay. We've learned that
7 behind some of the seals that there
8 were some stoppings that had been
9 there from before. Do you remember
10 seeing any stoppings behind any of
11 the seals?

12 A. As far I was behind the seals
13 was just the next crosscut ---

14 Q. Yes.

15 A. --- inby, so that's the way I
16 walked out. I mean, it was bottom
17 mined.

18 Q. Okay.

19 A. I never did go back in there.

20 Q. So do you remember any
21 stoppings behind --- between the seal
22 and the bottom mined area?

23 A. No. The only thing I remember
24 is a couple curtains.

25 Q. There were some curtains

1 there?

2 A. Yeah, that's the only thing I
3 remember seeing back in there.

4 Q. Okay.

5 MR. UROSEK:

6 I want to thank you
7 very much for helping us out
8 today. You've really cleared
9 up a lot of subjects for us
10 and we really appreciate it.
11 Thank you very much.

12 * * * * *

13 SWORN STATEMENT CONCLUDED

14 AT 12:09 P.M.

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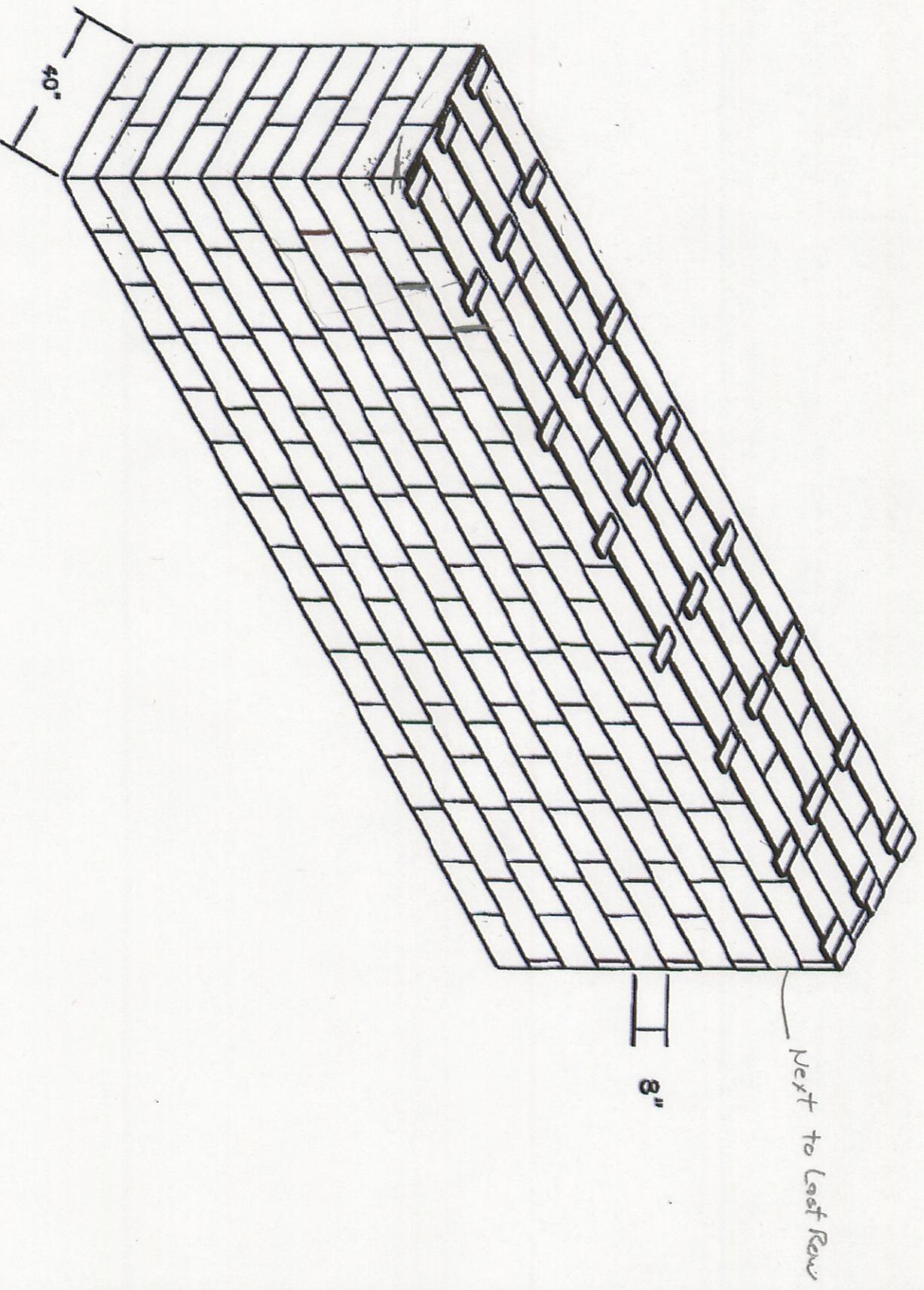
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40" THICK OMEGA BLOCK SEAL
FOR USF WITH SEALS UP TO 8 FT HIGH BY 20 FT WIDE
NO HITCHING REQUIRED

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



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