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**Transcript of the Testimony of Jodi Price**

**Date:** July 24, 2010

**Case:**

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STATEMENT UNDER OATH  
OF  
JODI PRICE

taken pursuant to Notice by Alicia R. Brant, a Court Reporter and Notary Public in and for the State of West Virginia, at the National Mine Health and Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Saturday, July 24, 2010, beginning at 10:00 a.m.

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

2

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EXHIBIT PAGE

PAGE

NUMBER

DESCRIPTION

IDENTIFIED

One

Mine Map

57\*

\* Exhibit not attached

## P R O C E E D I N G S

1  
2 -----  
3 ATTORNEY BABINGTON:

4 My name is Matt Babington. Today is July  
5 24th, 2010. I'm with the Office of the Solicitor,  
6 U.S. Department of Labor. With me is Erik Sherer, an  
7 accident investigator with the Mine Safety and Health  
8 Administration, MSHA, an agency of the U.S. Department  
9 of Labor. Also present are several people from the  
10 State of West Virginia. I ask that they state their  
11 appearance for the record.

12 MR. FARLEY:

13 I'm Terry Farley with the West Virginia  
14 Office of Miners' Health, Safety and Training.

15 MR. O'BRIEN:

16 John O'Brien with the West Virginia  
17 Office of Miners' Health, Safety and Training.

18 MS. SPENCE:

19 I'm Beth Spence with the Governor's  
20 independent investigation.

21 ATTORNEY BABINGTON:

22 There are several members of the  
23 investigation team also present in the room today.  
24 Erik Sherer will be conducting initial questioning.  
25 All members of the Mine Safety and Health

1 Accident Investigation Team and all members of the  
2 State of West Virginia Accident Investigation Team  
3 participating in the investigation of the Upper Big  
4 Branch Mine explosion shall keep confidential all  
5 information that is gathered from each witness who  
6 voluntarily provides a statement until the witness  
7 statements are officially released. MSHA and the  
8 State of West Virginia shall keep this information  
9 confidential so that other ongoing enforcement  
10 activities are not prejudiced or jeopardized by a  
11 premature release of information. This  
12 confidentiality requirement shall not preclude  
13 investigation team members from sharing information  
14 with each other or with other law enforcement  
15 officials. Your participation in this interview  
16 constitutes your agreement to keep this information  
17 confidential.

18 Government investigators and specialists  
19 have been assigned to investigate the conditions,  
20 events and circumstances surrounding the fatalities  
21 that occurred at the Upper Big Branch Mine-South on  
22 April 5th, 2010. The investigation is being conducted  
23 by MSHA under Section 103(a) of the Federal Mine  
24 Safety and Health Act and the West Virginia Office of  
25 Miners' Health, Safety and Training. We appreciate

1           your assistance in this investigation.

2   MR. PRICE:

3   Thank you.

4   ATTORNEY BABINGTON:

5   You may have your personal attorney

6       present during the taking of this statement, or

7       another personal representative if MSHA has permitted

8       it, and you may consult with your attorney or

9       representative at any time. Your statement is

10      completely voluntary. You may refuse to answer any

11      question and you may terminate your interview at any

12      time or request a break at any time. For the record,

13      do you have a personal representative or legal

14      representative with you today?

15   MR. PRICE:

16   No, I do not.

17   ATTORNEY BABINGTON:

18   Have you been advised of your right to

19       have a representative with you?

20   MR. PRICE:

21   Yes, I have.

22   ATTORNEY BABINGTON:

23   And you still consent to go forward with

24       this interview?

25   MR. PRICE:

1 Yes, sir.

2 ATTORNEY BABINGTON:

3 Your identity and the content of this

4 conversation will be made public at the conclusion of

5 the interview process and may be included in the

6 public report of the accident unless you request that

7 your identity remain confidential or your information

8 would otherwise jeopardize a potential criminal

9 investigation. If you request us to keep your

10 identity confidential, we will do so to the extent

11 permitted by law. That means that if a judge orders

12 us to reveal your name or if another law requires us

13 to reveal your name or if we need to reveal your name

14 for other law enforcement purposes, we may do so.

15 Also, there may be a need to use the

16 information you provide to us or other information ---

17 or other information we may ask you to provide in the

18 future in other investigations into and hearings about

19 the explosion. Do you understand?

20 MR. PRICE:

21 Yes, sir.

22 ATTORNEY BABINGTON:

23 Do you have any questions?

24 MR. PRICE:

25 Do not.

1 ATTORNEY BABINGTON:

2 After the investigation is complete, MSHA  
3 will issue a public report detailing the nature and  
4 cause of the fatalities in the hope that greater  
5 awareness about the cause of accidents can reduce  
6 their occurrence in the future. Information obtained  
7 through witness interviews is frequently included in  
8 these reports. Since we will be interviewing other  
9 individuals, we request that you not discuss your  
10 testimony with any person aside from a personal  
11 representative or counsel.

12 A court reporter will record your  
13 interview. Please speak loudly and clearly. If you  
14 do not understand a question asked, please ask the  
15 interviewer to rephrase it. Please answer each  
16 question as fully as you can, including any  
17 information you've learned from someone else.

18 I'd like to thank you in advance for your  
19 appearance here. We appreciate your assistance in  
20 this investigation. Your cooperation is critical in  
21 making the nation's mines safer.

22 After we've finished asking questions,  
23 you'll have an opportunity to make a statement and  
24 provide us with any other information that you believe  
25 to be important. If any time after the interview you

1 recall any additional information that you believe  
2 might be useful, please contact any of us or Norman  
3 Page, Chief Investigator at the contact information  
4 previously provided to you.

5 Finally, any statements given by miner

6 witnesses to MSHA are considered to be an exercise of  
7 statutory rights and protected activity under Section  
8 105(c) of the Mine Act. If you believe any discharge,  
9 discrimination or other adverse action is taken  
10 against you as a result of your cooperation with this  
11 investigation, you're encouraged to immediately file  
12 --- immediately contact MSHA and file a complaint  
13 under Section 105(c) of the Act. Terry?

14 MR. FARLEY:

15 Mr. Price, on behalf of the Office of  
16 Miners' Health, Safety and Training I want to advise  
17 you that the State Mine Health and Safety Regulations  
18 also protect miners against discrimination for  
19 participation in these type interviews. And I want to  
20 pass along some contact information here for the West  
21 Virginia Board of Appeals which hears discrimination  
22 complaints. Also, I want to give you my business  
23 card, and ---

24 MR. PRICE:

25 Thank you.

1 MR. FARLEY:

2 --- there's a phone number on there for

3 Mr. Bill Tucker, who's our lead underground

4 investigator. Should you have any problems, be sure

5 and give us a call. Now, also, should you have a

6 problem, you need to file a complaint and you need to

7 do it within 30 days of when it happened.

8 MR. PRICE:

9 Okay.

10 MR. FARLEY:

11 All right.

12 -----

13 JODI PRICE, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS

14 FOLLOWS:

15 -----

16 EXAMINATION

17 BY MR. SHERER:

18 Q. Okay. Thanks for coming down here this morning,

19 Mr. Price. This is something we're trying to do for

20 the families and the friends and the coworkers of the

21 victims. They deserve some closure as far as finding

22 out what lead up to the loss of their friends and

23 loved ones. We're also trying to do this because we

24 want to prevent this in the future, and we think

25 finding the cause of this explosion is critical to

1           that.

2       Would you please spell your --- or yeah, state  
3       your full name and spell your last name for the  
4       record?

5       A. Jodi Allen Price, P-R-I-C-E.

6       Q. What's your address and telephone number, please?

7       A. Physical or mailing?

8       Q. Physical, please.

9       A. (b) (7)(C)

10       (b) (7)(C)

11       Q. Okay. Thank you. Are you appearing here today  
12       voluntarily?

13       A. Yes, sir.

14       Q. Thank you. Has anyone or any attorney interviewed  
15       you concerning the event?

16       A. Yes, sir.

17       Q. Who is that, please?

18       A. I do not recall the names, but my understanding,  
19       they were Massey's attorneys.

20       Q. Okay. About when did that take place?

21       A. Roughly a month and a half, a month, month and a  
22       half.

23       Q. Okay. Where did it take place?

24       A. On mine property. At Upper Big Branch.

25       Q. Okay. What sort of questions they ask you?

1 A. If I was aware of anything that had been jumpered  
2 out or anything that I was aware of that was not  
3 kosher.

4 Q. Sure, uh-huh (yes).

5 A. That's about it.

6 Q. Okay. Well, we're going to ask you some very  
7 similar questions today, probably. Roughly, how many  
8 years of mining experience do you have?

9 A. Five.

10 Q. Okay. Did you start working for Massey?

11 A. No, sir.

12 Q. Where'd you start at?

13 A. At Speed Mining.

14 Q. Speed Mining with Pete Henderson?

15 A. Yes, sir.

16 Q. Pete's an old friend of mine.

17 A. He's a good man.

18 Q. Yeah. I always had a lot of fun with Pete.

19 A. He's quite intelligent.

20 Q. Sure. Where are you currently employed?

21 A. Currently employed with Massey at the Upper Big  
22 Branch Mines.

23 Q. Okay. What are you doing up there now?

24 A. At the current moment I'm doing track rehab on  
25 evening shift.

1 Q. Okay. What were you doing at the time of the  
2 explosion or right before the explosion?

3 A. At the time of the explosion about 13 breaks in  
4 from the Ellis Portal we --- the night before we'd set  
5 a flow-through.

6 Q. Okay.

7 A. We was getting ready to start up the panel about  
8 13 breaks in.

9 Q. So you were working on the belts?

10 A. Yes, sir.

11 Q. Setting drives and ---?

12 A. The only thing we'd set is a flow-through.

13 Q. Okay.

14 A. That's all I'd seen of what we was going to set.

15 Q. Okay. What's your job description, or what was  
16 your job description at the time of the explosion?

17 A. Owl maintenance foreman.

18 Q. Owl shift, hoot owl shift maintenance foreman?

19 A. Correct.

20 Q. Okay. Did you have people that reported to you?

21 A. What do you mean by reporting to me? People under  
22 me that ---

23 Q. Yeah.

24 A. --- I managed? Yes.

25 Q. Exactly. Are you hourly or salary?

1 A. Am I?

2 Q. Yes.

3 A. I'm salary.

4 Q. Okay. Do you consider yourself part of the  
5 management structure at UBB?

6 A. Yes.

7 Q. Okay. Who did you report to?

8 A. I reported to David Taraczkozy and Gary May.

9 Q. Okay. And David Taraczkozy is --- what's his  
10 title?

11 A. He was dayshift maintenance foreman, well,  
12 maintenance chief.

13 Q. Oh, maintenance chief; okay. Did all the  
14 maintenance foremen report to Mr. Taraczkozy?

15 A. No, sir.

16 Q. How did that work?

17 A. Well, we had two dayshift maintenance foremen.  
18 Two controlled this section; two controlled this  
19 section. Well, David Taraczkozy, as well as the new  
20 setup, he was taking care of the barrier section.

21 Q. Oh, okay. Now, we understand that this mine had  
22 been split up kind of north and south. I think Gary  
23 May took care of the south end of the mine and Mr.  
24 Foster took care of the north end; is that correct?

25 A. To be fully honest, I don't know.

1 Q. Okay, sure. Well, we're a bit confused, too,  
2 so ---.

3 A. Well, from --- oh, it seems like once a week  
4 somebody else was taking care of something else.

5 Q. Okay. Typical mine there. Got a question for  
6 you. On this map we understand you guys were working,  
7 what, somewhere on this LBB part of the mine, they  
8 call it?

9 A. This here would be the outside?

10 Q. Uh-huh (yes).

11 A. If I'm right, to me it seems like it would be  
12 right here somewhere.

13 Q. Okay.

14 A. I hadn't even looked at the map ---

15 Q. Okay.

16 A. --- over there.

17 Q. So it was along the same entries you'd take to go  
18 to the longwall?

19 A. Yes, sir.

20 Q. Okay.

21 A. Yeah, one entry over from the track entry.

22 Q. Okay.

23 A. You know. I spent that shift, probably 90 percent  
24 of my time in the track entry.

25 Q. Okay. And that's where you were installing ---?

1 A. The flow-through ---.

2 Q. Was the belt going to go to the south? Do you  
3 know?

4 A. I believe so, yes.

5 Q. Okay. So they were probably going to put it ---.

6 A. Well, yeah, it would be going toward the south,  
7 toward the old LB panels.

8 Q. Okay. Was Rick Foster or Gary May going to be in  
9 charge of this? Do you know?

10 A. I'm pretty sure Gary May.

11 Q. Okay. I was just wondering. Thank you.

12 A. Now, from my understanding, Gary May --- yeah, my  
13 opinion --- that was my understanding. Gary May was  
14 going to be in control. The two shifts that I come  
15 outside that's who I told what I'd done ---

16 Q. Okay, sure.

17 A. --- as far as helping the new panel get set up.

18 Q. Okay. That was just a minor question we had. We  
19 couldn't quite figure it out. We've asked --- talked  
20 to a couple other people that they weren't quite sure,  
21 so appreciate that information. And you're basically  
22 setting up to --- so they could put a short longwall  
23 panel in this area?

24 A. Yes, sir.

25 Q. How long had you worked in this area where you

1 were putting the flow-through?

2 A. Two shifts.

3 Q. Two shifts.

4 A. There actually at the flow-through, one shift.

5 Q. Okay. What had you done the previous shift?

6 A. The previous shift as ---. The entry next to the  
7 portal that's in the track, I come up that entry. I  
8 worked a little bit on a set of doors. Then we ended  
9 up going outside and tramping a miner in.

10 Q. Okay.

11 A. Yeah, we'd tramped the miner in and stationed it  
12 out of the way. There was already a buggy, a bolter  
13 and a miner there.

14 Q. Do you know what that miner was going to do?

15 A. No.

16 Q. Okay.

17 ATTORNEY BABINGTON:

18 Just to clarify, also, this area you're  
19 talking about is at Ellis Portal and just inby Ellis  
20 Portal?

21 A. Yes, sir.

22 MR. SHERER:

23 Thank you.

24 BY MR. SHERER:

25 Q. Had anybody cut out, like, a belt channel or

1 overcasts?

2 A. Not while I was --- the only thing that had been  
3 cut out while I was there is the head hole for the  
4 belt head that was going to set on the flow-through.

5 Q. Oh, okay.

6 A. I think they had --- wasn't doing it as I was  
7 there, but it was done, like, dayshift or an evening  
8 shift prior ---

9 Q. Sure.

10 A. --- to my two shifts.

11 Q. Sure, uh-huh (yes). Do you know if it was cut  
12 with that miner that you trammed in?

13 A. I do not believe, no. I think it was --- they was  
14 a miner already there.

15 Q. Oh, okay. Okay. Now, you say you'd worked on the  
16 Three section previously?

17 A. Yes, sir.

18 Q. And that's in the southern part of the mine?

19 A. Yes, sir.

20 Q. Had they just shut that Three section down?

21 A. Yes, sir.

22 Q. Okay. Do you know if it was abandoned or if it  
23 was idle?

24 A. Truly I don't know how they listed it, ---

25 Q. Okay.

1 A. --- you know? I was told to get my toolboxes  
2 outside. I was going to the other side. That section  
3 --- well, my understanding, it was going to be idle.

4 Q. Okay.

5 A. They was going to keep the equipment there in case  
6 we had some form or problem over here while we was  
7 driving this panel. We could just go straight over  
8 there, do our permissibility and get in the coal.

9 Q. Run a little bit of coal; okay.

10 A. That way they could keep, you know --- instead of  
11 us being or the men being idle ---

12 Q. Sure.

13 A. --- have somewhere's else to go.

14 Q. Sure. Now, was that a lower section, low coal  
15 section?

16 A. In places. In places it was in places roughly 40  
17 inches.

18 Q. Okay. Did you run without canopies down there?

19 A. Once upon a time in what was low, yes.

20 Q. Oh, okay. But you put the canopies back up?

21 A. Yes, sir.

22 Q. Okay.

23 A. At that time we had 1410 miners. Once we brought  
24 in the 12 miners, the low area that we had already  
25 mined we had to cut into high enough to get the 12/12s

1 in.

2 Q. Oh, okay.

3 A. So once that took place, I start putting canopies  
4 back on, like, our scoops, forklifts. Then I ended up  
5 bringing in super ten cars.

6 Q. Okay. So basically you replaced all the low  
7 equipment with ---

8 A. Yes, sir.

9 Q. --- higher equipment? Okay. Just another  
10 question. We'd heard a couple different things about  
11 that. Did you go through many equipment doors in this  
12 mine?

13 A. What do you classify as equipment --- like, just  
14 general doors?

15 Q. Track doors, yeah.

16 A. Going up to the Three section, four sets.

17 Q. Okay.

18 A. Going to the new setup on the Ellis side, there  
19 was two sets getting to the area I was working in.

20 Q. Okay.

21 A. Roughly eight to ten breaks. I think they was one  
22 right outby the flow-through. I think it was the  
23 second break outby the flow-through. And I think it  
24 was the following --- skipped a break and there was  
25 another set, so two breaks outby that door was another

1 set of doors.

2 Q. Okay. What condition were those doors generally  
3 in?

4 A. As far as mechanically working to do their job?

5 Q. Uh-huh (yes), sure.

6 A. They seemed to been fine.

7 Q. They ever get beat up or bunged up?

8 A. On occasions, yes. The ones over on the south  
9 side at the Three section, those were decently  
10 maintained.

11 Q. Okay.

12 A. The only problems I ever had on those, from time  
13 to time I would have a switch problem. That side of  
14 the mine seemed to sweat a lot. I might would have a  
15 switch malfunction. We'd have to pull the pins out of  
16 the electric jacks to operate it.

17 Q. Okay. You ever come up on those doors and find  
18 any of them open?

19 A. The ones at the Three section?

20 Q. Any of them.

21 A. Any of them? Yes, I have.

22 Q. Where was that, please?

23 A. The ones at the Three section side, the third set  
24 of doors in were tilted just enough, if a man had to  
25 unpin the jacks, they would come open on their own.

1 Q. Oh, okay.

2 A. Besides that set of doors, no, sir.

3 Q. Okay. You found them that way one time, several  
4 times?

5 A. I've found them that way a couple times.

6 Q. Okay. Thank you. Now, when you guys were setting  
7 up the two shifts you worked in by the Ellis Portal,  
8 did anybody review any of the plans with you like the  
9 roof control plan or vent plan or anything like that?

10 A. No, nobody had reviewed those with me.

11 Q. Okay. Thank you. Do you recall who did the pre-  
12 shift in this area where you're setting up that flow-  
13 through?

14 A. Don't recall.

15 Q. Okay. Who worked for --- with you or for you up  
16 here in this area?

17 A. Adam Fraley and J. Adame.

18 Q. Okay. And who are Adam Fraley and J. Adame?

19 A. Adam Fraley, certified electrician and J. Adame  
20 was a trainee.

21 Q. Okay.

22 A. Adam Fraley as well as being a certified  
23 electrician, he was also a certified mine foreman.

24 Q. Okay. One very experienced individual.

25 A. At that time he was my right-hand man.

1 Q. Sure. What sort of certificates do you have,  
2 Federal or State?

3 A. I guess it'd be State.

4 Q. Okay.

5 A. Well, I've got a miner's card and a certified  
6 electrician's card.

7 Q. Okay. Do you have any foreman's papers?

8 A. No, I do not.

9 Q. Okay. Thank you. On that hoot owl shift, was  
10 that a straight shift or a swing shift?

11 A. Straight.

12 Q. Okay. In this Ellis --- inside the Ellis Portal  
13 where you're putting that flow-through in, you have  
14 good ventilation?

15 A. We seemed to.

16 Q. Okay. Did you notice if it changed the two shifts  
17 you were in there?

18 A. No, I did not.

19 Q. Okay. Now, which two shifts did you work prior to  
20 the explosion?

21 A. I worked the Sunday night prior and the --- it'd  
22 been the Thursday morning prior.

23 Q. Uh-huh (yes), okay. And we understand that was a  
24 long weekend because of Easter.

25 A. I believe so.

1 Q. Do you know if the mine ran over the weekend?

2 A. Not that I'm aware of.

3 Q. Okay. Now, that Sunday nightshift that you  
4 worked, do you recall anything out of the ordinary?  
5 Does anything stand out to you?

6 A. No, no. The only thing that stands out to me is  
7 one of the elderly belt bosses that was there telling  
8 me that I put the legs on wrong. That sticks out in  
9 my head.

10 Q. Okay.

11 A. I was still thinking about --- he was telling me  
12 that the way I put them on, he wasn't going to be able  
13 to get the doors open on it to change an impact  
14 roller.

15 Q. Oh, okay. I've run into a few folks like that.

16 And who was this elderly belt boss?

17 A. His name was Kenny Farmer.

18 Q. Kenny Farmer, okay.

19 A. Quite intelligent.

20 Q. Sure, uh-huh (yes). Did you notice anybody ---  
21 even when you came out of the mine at the end of the  
22 shift, did you notice anybody that you didn't normally  
23 notice there?

24 A. No.

25 Q. Okay. Did you hear anything over the mine phone

1 that was out of the ordinary?

2 A. No.

3 Q. Did you smell anything that was out of the  
4 ordinary.

5 A. No.

6 Q. Okay. What do you think about the overall mine  
7 ventilation? Did you ever get up to the --- well, let  
8 me ask a different question. You ever get up to the  
9 longwall or the 22 Headgate or Tailgate section?

10 A. No, sir.

11 Q. Okay.

12 A. I've been to the longwall one time. They had a  
13 bolter outby the mule train. I went up there, done a  
14 little bit of work to that bolter, hour tops since  
15 that longwall's been set up. That's all I've been ---

16 Q. Okay.

17 A. --- into that location.

18 Q. Okay. Well, maybe this is just based on the  
19 conversations you had with folks. Do you think the  
20 ventilation was adequate back in that part of the mine  
21 toward the longwall section? Did you hear of any  
22 problem?

23 A. Within the aspects of people saying it?

24 Q. Uh-huh (yes).

25 A. No, but with knowing that they're doing --- that

1 they had done two or three air changes there had to  
2 have been a problem somewhere, in my opinion.

3 Q. Sure, uh-huh (yes). Now, which air changes have  
4 you heard about? Now, we ---?

5 A. I really don't know. I just know that they had  
6 done some within a month or so prior. Maybe even two  
7 weeks prior.

8 Q. Okay. Now, we actually have --- had an order  
9 where we shut them down on ---

10 A. That's one of them.

11 Q. --- March the 9th, I think.

12 A. I could be wrong, but I believe they was an  
13 inspector present or there right after it had --- they  
14 had supposedly completed it. And he took it on his  
15 opinion that it was not completed. That was one of  
16 them. Truly that might be the only one that I'm aware  
17 of.

18 Q. Okay. Did you have to go out of the mine or stay  
19 out of the mine?

20 A. I was not there that shift.

21 Q. Oh, okay. Well, let me ask you this. Have you  
22 heard of any ventilation changes roughly a week before  
23 the explosion?

24 A. I had not, no.

25 Q. Okay. Had you heard anything about ventilation

1 changes over that weekend when the mine was down?

2 A. Myself, no.

3 Q. Okay. What about methane problems? You ever hear  
4 of any methane problems in this mine?

5 A. Six to eight months prior the fellow that was the  
6 belt boss on the Three section went to the north side  
7 to help fire boss on a Sunday shift. Where at, I  
8 don't know. It would have to be One or Two section.  
9 He found 0.5 --- I think it was 0.5 percent methane in  
10 one of the faces. Called it out, took care of it,  
11 come outside.

12 Q. Sure.

13 A. Prior to that or after that, no.

14 Q. Sure. Did you carry a methane detector?

15 A. Yes, sir.

16 Q. What model did you carry?

17 A. Solaris.

18 Q. Three-gas or 4-gas?

19 A. Three.

20 Q. Okay. Did you carry that thing home and charge  
21 it?

22 A. No, sir.

23 Q. Charge it at the mine?

24 A. Yes, sir.

25 Q. Where'd you calibrate that?

1 A. In the same state --- well, in the same cabinet  
2 that we charge in. On the top shelf there's a bump  
3 machine.

4 Q. Oh, okay. Was that at the Ellis Portal or the UBB  
5 Portal?

6 A. UBB.

7 Q. Okay. What sort of normal readings did you get on  
8 that detector?

9 A. Myself, zero.

10 Q. Okay.

11 A. Zero, 20.8.

12 Q. Okay. Did you ever see a tenth of a percent  
13 anywhere?

14 A. No.

15 Q. Okay. Now, this fire boss that found the half  
16 percent in the face, who was that gentleman?

17 A. Jeremy Burdoff.

18 Q. Jeremy Burdoff. Now, we understand he also wound  
19 up with a pumping crew. Does that sound about right?

20 A. Yes, he left the Three section and from my  
21 understanding, over around the wall, started taking  
22 care of pumps. After he left a fellow then, Brian  
23 McClane, took over heading the belt crew.

24 Q. Okay. Ever talk to Mr. Burdoff after he started  
25 working on those pumps?

1 A. I have, not in reference to the pumps.

2 Q. Oh, okay. Did he mention problems with the water  
3 back there?

4 A. Yes.

5 Q. What'd he say?

6 A. Well, he was just telling me that they --- top or  
7 your boot in places. And from time to time he would  
8 tell me that he'd have problems keeping the pumps  
9 running.

10 Q. Now, we understand those were air powered pumps.

11 A. That I don't know.

12 Q. Okay. Did you ever get out to the Bandytown fan  
13 for any reason?

14 A. Prior to?

15 Q Uh-huh (yes).

16 A. No sir.

17 Q. Okay. Have you been out there since ---

18 A. Yes, sir.

19 Q. -- the explosion? How's that set up for the ---  
20 we understand there's a diesel generator. It runs a  
21 compressor?

22 A. There was.

23 Q. There was?

24 A. I could be wrong, but from my understanding, I  
25 think they changed everything over to electric ---

1 Q. Oh, okay.

2 A. --- within the past month, maybe.

3 Q. Don't know. We were just curious about that.

4 We've heard some different things. Were you up there  
5 when it was diesel?

6 A. Yes.

7 Q. Did you ever have to fuel the diesel gas ---?

8 A. Yes, sir.

9 Q. How long would that thing run if you topped off  
10 the tanks? Do you recall or do you know?

11 A. Truly I don't know.

12 Q. How often did you have to fuel?

13 A. I fueled it every day.

14 Q. Okay. When you fueled every day, was it ---?

15 A. Actually I wasn't fueling the pump itself. Up on  
16 top of the hill there was a 1,000 gallon tank. 2,000,  
17 maybe a 3,000 gallon tank at the bottom of the hill.

18 I would take a fuel truck with 300 gallon tank from  
19 the bottom of the hill to the top of the hill, fill up  
20 the big tank. Whoever was taking samples would start  
21 the pump on the 1,000 gallon tank, plug into the  
22 generator or the compressor.

23 Q. Okay. That's a big inset.

24 A. Yeah.

25 Q. Big inset.

1 A. That's the reason --- my understanding, the reason  
2 they ended up transferring to electric.

3 Q. Sure. That's a lot of fuel and lot of labor to  
4 get the fuel up there. Okay. Thank you.

5 A. You got one man ---

6 Q. Sure.

7 A. --- you know. At the same time I would have to  
8 take care of how many ever fans we had running on top  
9 of Blue Pennant Mountain.

10 Q. Oh, jeez. Yeah. There were several with all  
11 those boreholes.

12 A. Once upon a time, I believe. I could be wrong,  
13 but I think we're down to four now.

14 Q. Okay.

15 A. If dayshift didn't touch the Bandytown fan, I  
16 could fuel it up today, top it off and wouldn't have  
17 to hit it again until the day after tomorrow. So it  
18 takes two days and it would be roughly a quarter tank  
19 to three --- a quarter tank to half a tank on the  
20 1,000 gallon tank.

21 Q. Okay. So it would get --- use about three-  
22 quarters of that 1,000 gallon tank in a couple days?

23 A. Yes.

24 Q. Okay. Thank you. How long did it take to get to  
25 the Bandytown fan from the UBB Portal?

1 A. Hour.

2 Q. Well, that's a long way.

3 A. Roughly an hour.

4 Q. Did you go on the public roads or did you have a  
5 mine road that took you back there?

6 A. Public. Well, you'd come from Upper Big Branch  
7 down to Whitesville, the mouth of Blue Pennant,  
8 public. Hit Blue Pennant, you're mine property.  
9 Across the mountain, once you hit the other side,  
10 which I take to be Bandytown you take the public road  
11 through Bandytown back onto company road.

12 Q. Okay. I got to get up there one of these days.

13 A. Stay away.

14 OFF RECORD DISCUSSION

15 BY MR. SHERER:

16 Q. What about the roof, rib and floor down on Three  
17 section? Was that in good shape?

18 A. My opinion, yes. My opinion, Three section  
19 probably had the best top in the whole mines by far.

20 Q. Okay. What about up where you were putting that  
21 flow-through? How was the conditions up there?

22 A. Fairly decent. You know, the top was in pretty  
23 good shape. The bottom seemed to be in pretty good  
24 shape. The ribs, as well.

25 Q. Okay. Did you ever hear of any problem with

1 methane outbursts or inundations at this mine?

2 A. No, sir.

3 Q. Okay. When you were underground, did you ever  
4 hear that --- somebody call in that MSHA or state  
5 inspectors were on the property?

6 A. Yes, sir.

7 Q. How common was that?

8 A. Truly I don't know. If I was a man to stick  
9 around the phone, I could possibly say.

10 Q. Sure. You'd just hear it --- heard it a few times  
11 in passing?

12 A. Right. You know, within a year and a half to ---.  
13 See, I left Massey for a short while, come back. I  
14 could count it on one hand.

15 Q. Okay.

16 A. No. With me, any man that's worked for me, my  
17 understanding and their understanding, we shouldn't  
18 have to be told that we have a State or a Federal man  
19 coming. If you have to be told that, you're not doing  
20 something right.

21 Q. Sure.

22 A. And so that's always been the understanding  
23 between me and my men.

24 Q. And I think we all agree with you. Do you think  
25 the ventilation in this mine was adequate at all

1 times?

2 A. Truthfully I have not reviewed the ventilation  
3 maps ---

4 Q. Okay.

5 A. --- well enough to comment if it had been. In my  
6 opinion, if it had been, this wouldn't have happened.

7 Q. Okay.

8 A. So something's wrong somewhere.

9 Q. Okay. Do you have any idea what that something  
10 could've been?

11 A. No, I do not.

12 Q. Okay.

13 A. I've sit and racked my heads on ideas, theories.

14 Q. Sure.

15 A. The closest thing that --- and I've had 15 people  
16 shoot it down. Top of Blue Pennant Mountain was  
17 burning. Surface cracks up there I could sink my  
18 truck in.

19 Q. Sure.

20 A. Burning ten foot from it.

21 Q. And when you say Blue Pennant Mountain was  
22 burning, was it ---? I assume that's an old mine up  
23 there that caught on fire?

24 A. The mine itself had caught on fire? Not that I'm  
25 aware of. From my understanding, it's a forest fire

1 that had somehow got into the coal seam.

2 Q. Oh, okay.

3 A. And it's burning now.

4 Q. So somewhere on the outcrop, then, probably?

5 A. Yes, sir.

6 Q. Roughly where is that on fire? Do you know?

7 A. Well, in location to the areas in the mine?

8 Q. Uh-huh (yes), sure.

9 A. That would be, from my understanding, just right  
10 outby the Bandytown fan around the headgate and  
11 tailgate.

12 Q. Okay. Do you know ---?

13 A. If I get to the top of the mountain to the HG21-2  
14 cite or the power line borehole cite I can look over  
15 the mountain at a great distance and see the Bandytown  
16 fan. Or the light from the Bandytown fan area.

17 Q. Sure, uh-huh (yes).

18 A. So it would have to be, you know, in that general  
19 area.

20 Q. Okay. I think we've actually checked on that. We  
21 had a geologist up there.

22 A. I think it may --- well, I think I'd been told the  
23 same thing. It was, you know, how it got shot down.

24 Q. Oh, okay. And you think that there was a crack  
25 that possibly communicated with that fire?

1 A. Possibly.

2 Q. Okay.

3 A. I mean, I've racked my mind just like everybody  
4 else has.

5 Q. Sure.

6 A. In my opinion, if there would've been a methane  
7 problem somewhere, I would've heard about it.  
8 Somebody would've mentioned something to --- about it  
9 to me. The men at the mines on the owl shift, we seem  
10 to communicate with each other fairly well ---

11 Q. Sure.

12 A. --- you know. And nobody ever mentioned anything  
13 about it, any. If they was finding anything it was a  
14 tenth or so, and you know, it was not enough to even  
15 --- hey. Hey, Jodi, we just found a tenth of methane.

16 You know what I mean?

17 Q. Uh-huh (yes), sure. What about the air on the  
18 section? Did you ever hear anybody talking about not  
19 having enough air to run?

20 A. No.

21 Q. Okay.

22 A. The fellows that actually run on that section I  
23 haven't talked to, you know. I hadn't talked to for  
24 months.

25 Q. Sure.

1 A. Most of the --- most of the fellows that was put  
2 on the new headgate and the new tailgate portal on  
3 Ellis side. I portaled at Upper Big Branch.

4 Q. Sure, uh-huh (yes). Were you ever in the mine  
5 when a ventilation change was taking place?

6 A. No.

7 Q. Okay.

8 A. Not that I'm aware of.

9 Q. Sure.

10 A. If it was taking place, I was not aware of it, but  
11 no.

12 Q. Okay, sure. Did you ever hear of mining taking  
13 place without ventilation curtains?

14 A. Yes.

15 Q. Where was that, please?

16 A. On the barrier section one night I had a --- a  
17 Federal man came in with me and they had no curtain  
18 up.

19 Q. Okay. Roughly when did that occur?

20 A. Six to eight months prior.

21 Q. So it would've been about August, September, some,  
22 sometime around ---?

23 A. Roughly.

24 Q. In 2009?

25 A. It'd been a while back.

1 Q. Okay. Did you ever hear of methane monitors being  
2 bridged out?

3 A. Only to troubleshoot.

4 Q. Okay. Did you ever observe one that was bridged  
5 out for troubleshooting purposes?

6 A. Ones that I had myself.

7 Q. Okay. Where was that at?

8 A. Up on the --- or on the portal section, Three  
9 section.

10 Q. Three section. Can you describe what you did to  
11 do that or what was done to do that?

12 A. I pulled the cover off. Had, I want to say ten  
13 terminals. I found the terminal that had power on it  
14 and took it to --- until I found the one that turned  
15 my monitor back on.

16 Q. Okay.

17 A. I had no power going to, into that part of the ---  
18 into that part of the monitor itself. Once I found  
19 out that I had the bad monitor, left the station, went  
20 outside. We had no monitor. Took a monitor off of  
21 the miner that was in the yard that we had brought  
22 outside roughly two months prior. Took it off, took  
23 it back.

24 Q. Okay. Where was the miner at when you did that?

25 A. It would've been Five entry.

1 Q. Now, and you pulled it back out of the face?

2 A. Yes, sir.

3 Q. Okay. Were you outby the last open?

4 A. Yes, sir.

5 Q. Okay. When did you --- connecting that jumper up  
6 and you got the power back on the monitor, what did it  
7 read out? Do you recall?

8 A. No, I do not. Four --- F4, maybe.

9 Q. Okay. And do you know what F4 means?

10 A. I believe it means the monitor --- a problem with  
11 the monitor itself.

12 Q. Okay.

13 A. I could be wrong. It's wrote on it. It either  
14 means that or power supply problem.

15 Q. So it's like an error code or ---?

16 A. Right.

17 Q. Okay. And what about the sniffers? You ever hear  
18 of anybody putting a bag over a sniffer?

19 A. No, sir.

20 Q. You ever hear of anybody spreading Lectra-Clean on  
21 a sniffer?

22 A. No, sir. Destroy one in a heartbeat.

23 Q. That's what I understand.

24 A. Yeah, Lectra-Clean's quite powerful stuff.

25 Q. Sounds like it. I could probably use some of that

1 on some of the stuff I got.

2 A. Maybe to clean parts. That's about it, because  
3 it'll bring the paint off.

4 Q. Okay. Now, that sounds like my cooking. How  
5 about have you ever been injured while you've been in  
6 this mine?

7 A. Have I ever been injured at this mine?

8 Q. Yes.

9 A. No, sir.

10 Q. Okay. Did you ever hear of miners being  
11 threatened or retaliated against for reporting safety  
12 issues?

13 A. No, sir.

14 Q. Okay. And you say you were working on that flow-  
15 through or somewhere around the flow-through at the  
16 time of the explosion?

17 A. The night prior.

18 Q. Oh, the night prior. Oh, excuse me. Where were  
19 you at when you heard about, first heard about the  
20 explosion?

21 A. My house.

22 Q. What was the very first thought that went through  
23 your head when you heard about it?

24 A. I'm standing in my house and having some buys  
25 build --- in the middle of building a garage. I hear

1 sirens after sirens after sirens. You know, and I  
2 didn't realize what had went on.  
3 Hour or so goes by, sirens, sirens. Turn my  
4 scanner on. They said roof fall, 120-some trapped.  
5 And truthfully, the first thing I thought of was the  
6 main line belt entry outby Ellis switch. So I was  
7 thinking to myself if they was going to be able to  
8 come out of the Ellis switch, everything would be all  
9 right.

10 Hour or so goes by. Still hearing sirens, still  
11 hearing sirens and went back and picked up my handheld  
12 scanner. And that's when I heard that it was a mine  
13 explosion.

14 Q. When you heard that it was an explosion, what'd  
15 you think then? Did you think any particular place  
16 or ---?

17 A. No.

18 MR. SHERER:

19 Okay. That's all the questions I've got.

20 You want to take a short break?

21 A. If you all --- it's up to you all.

22 MR. FARLEY:

23 I'm okay.

24 ATTORNEY BABINGTON:

25 Okay.

1 MR. SHERER:

2 Okay.

3 ATTORNEY BABINGTON:

4 Keep going, then.

5 EXAMINATION

6 BY MR. FARLEY:

7 Q. Mr. Price, just let me back up on a couple things  
8 just to clarify some things here and ---. When you  
9 trammed that miner in at Ellis, would've been your ---  
10 I think probably your Thursday shift prior to the  
11 explosion; am I about right?

12 A. Yes.

13 Q. Okay. Can you show me which way you --- which way  
14 you trammed it to? Can you mark the direction of  
15 travel here for me?

16 A. It'd been this direction.

17 Q. Can you just mark the entry that you used to  
18 transport the miner?

19 A. If that red line means track, it would've been  
20 this entry.

21 Q. Yeah.

22 A. Well ---.

23 MR. SHERER:

24 The red line's the belt, I think.

25 A. Red line's the belt line? Then it would've ---.

1 MR. SHERER:

2 Yellow's generally the track.

3 A. It would've been this entry here.

4 BY MR. FARLEY:

5 Q. Okay. Now, where did you actually take the miner  
6 to? Where'd you end up with it?

7 A. Ended up one break outby where we set the flow-  
8 through. This being the track, it would've been in  
9 this area here, roughly.

10 Q. Okay. Now, this map shows a green arrow pointing  
11 in the outby direction, which would mean that air  
12 would've been hitting you in the face when you were  
13 tramming that miner in. Is that the way it was that  
14 time?

15 A. In the entry I went up there's a set of doors.  
16 Actually two sets of doors. I don't recall if it was  
17 hitting me in the face or not, but when I took it in,  
18 I had to go through two sets of doors to get to where  
19 I was going. And my understanding of those doors, I  
20 think they was only three, four breaks from the setup.

21 Q. It'd be these doors right here?

22 A. I believe so. Yeah, so it would've been this  
23 entry here. That's the entry I was in, not the one I  
24 highlighted. Right here. And I took that --- so that  
25 miner would've been right here in this area, because I

1       took it up there, took it one break to the left and  
2       parked it, and then brought a scoop behind me and  
3       pulled up all the cable.

4       Q. Okay. All right. Now ---.

5       ATTORNEY BABINGTON:

6       One second, Terry. Jodi, could you do a  
7       different color?

8       A. Yeah.

9       ATTORNEY BABINGTON:

10      Let's keep the pink one as the one that  
11      you believe is actually the track entry and where you  
12      traveled ---

13      A. Okay.

14      ATTORNEY BABINGTON:

15      --- and then if you could go back over  
16      the original line you did with pink with the blue  
17      highlighter.

18      WITNESS COMPLIES

19      ATTORNEY BABINGTON:

20      Okay. So the blue highlighter is not ---  
21      that's to show that that's not the entry that you  
22      believe you traveled. Okay. And then the pink  
23      highlighter, that line signifies where you did travel.

24      MR. FARLEY:

25      Okay.

1 ATTORNEY BABINGTON:

2 Thank you so much.

3 A. Yes, sir.

4 BY MR. FARLEY:

5 Q. And that would've been, I think, probably April  
6 the 1st? Does that sound about right?

7 A. No. No, the last shift I worked there would be  
8 --- the only thing we done was set a flow-through.  
9 That would've been the Thursday prior.

10 Q. Well, that's what I mean, April 1st.

11 A. Date-wise I'm --- yeah, yes, sir.

12 Q. April 5th was a Monday.

13 A. Yeah, okay. Then yeah, you're right.

14 Q. Okay. Thereabout. Okay. All right. And when  
15 you got back, back in that area on Monday the 5th, do  
16 you recall the air still going in the same direction?

17 A. Truthfully ---.

18 Q. Or did you notice?

19 A. Didn't notice. No, I didn't notice anything out  
20 of the ordinary.

21 Q. Okay. Now, other than moving this miner, were you  
22 ever involved in any more equipment moves at UBB?

23 A. Yes, sir.

24 Q. How often were you involved in those?

25 A. Over on the Three section side we changed out

1 equipment three different times, two different times.

2 I went from 1415s to 1010s, then to the 12s.

3 Q. So would ---?

4 A. I brought --- I was involved in some of the  
5 equipment on the 1410s and the 12/12s

6 Q. Okay. So you changed your equipment on Three  
7 section three times; is that ---?

8 A. No, we'd be changing it twice.

9 Q. Okay. I'm sorry, twice.

10 A. So we originally started out with 1415s ---

11 Q. Okay.

12 A. --- changed to the 10s, 1410s. Then from the  
13 1410s we changed to the 12/12s.

14 Q. Okay. Now, when you changed the equipment, I  
15 assume you brought equipment in from the outside, then  
16 took equipment from the section to the outside?

17 A. Yes, sir.

18 Q. Okay. Did you tram it in or did you bring it in  
19 on a track mounted car?

20 A. Trammed.

21 Q. Okay. Did you tram it up the track entry or an  
22 intake entry?

23 A. Just parallel to the track, right-hand side.

24 Q. Okay.

25 A. Once we got up to ---.

1 MR. SHERER:

2 It's right on that map there.

3 A. Once we got up to the top of the door, top of the  
4 hill, a set of doors cut over.

5 BY MR. FARLEY:

6 Q. Is it possible for you to ---

7 A. Right here.

8 Q. --- to mark your direction of travel on that one,  
9 too?

10 A. I see. This being the track, it'd been this entry  
11 here. And once we got here, right here, it was  
12 brought over and across the track.

13 Q. Okay.

14 A. The only other times that I've moved anything  
15 would be up here. We come out on the main line,  
16 loaded a 1415 in between two sets of doors. It  
17 would've been in our intake. Loaded a 1415 on a  
18 flatcar. Our intake crossed over the track in that  
19 area. And from there we brought it outside on a  
20 lowboy.

21 Q. Okay. Now, when you moved this equipment to that  
22 section from the outside did you have people working  
23 on the section at the time you were tramping the  
24 equipment in?

25 A. I don't recall, I don't recall.

1 Q. Okay. Now, you don't have a fire boss, mine  
2 foreman/fire boss papers. Would there've been a  
3 certified person with you when you made the move?

4 A. Yes, sir.

5 Q. Remember who that would've been?

6 A. On the most recent occasion that I can recall,  
7 Adam Fraley.

8 Q. Okay.

9 ATTORNEY BABINGTON:

10 Sorry. Just to note for the record,  
11 witness used a pink highlighter to mark his movement  
12 from the UBB Portal to Three section.

13 BY MR. FARLEY:

14 Q. Okay. Now, if this map is correct, the entry that  
15 you're traveling in shows neutral air moving in the  
16 outby direction toward the portal. That what it looks  
17 like to you?

18 A. Yeah, on the map. Yes.

19 ATTORNEY FARLEY:

20 Okay, all right. That's all I got.

21 MS. SPENCE:

22 I don't have anything.

23 ATTORNEY BABINGTON:

24 Okay. I actually just have a quick  
25 couple.

1 EXAMINATION

2 BY ATTORNEY BABINGTON:

3 Q. Just to clarify your employment history, you said  
4 you've been mining for about five years?

5 A. Roughly.

6 Q. And you started at Speed Mining?

7 A. Yes, sir.

8 Q. When did you start working for Massey?

9 A. I worked at Speed for roughly a year, year and a  
10 half, left there, come to Massey.

11 Q. And then you said you left Massey again for a  
12 short period?

13 A. Yes, sir. I left roughly for a year.

14 Q. And when was that?

15 A. I've been back. October will be two years. I  
16 left --- I left Massey. I went to Greenbrier  
17 Smokeless, left Greenbrier really quickly. And from  
18 Greenbrier I went to ICG at Eccles.

19 Q. Why did you leave Massey?

20 A. (b) (7)(C)

21 (b) (7)(C)

(b) (7)(C)

23 (b) (7)(C)

24 Q. All right. Thank you. We talked about  
25 ventilation. I think you mentioned some of the

1 ventilation at the Ellis Portal. How was ventilation  
2 on the Three section? Did you feel it was adequate?  
3 A. Yeah. Yeah, on the Three section it was adequate  
4 while I was there, you know, but what went on after I  
5 left, that's them boys' to take care of. But on the  
6 Three section Adam Fraley --- his curtain was there.  
7 When we left that panel the hoot owl belt boss was not  
8 a certified mine foreman.

9 Adam Fraley, my electrician, was the one taking  
10 care of it. He would get there, do an --- I guess  
11 it'd be called an on-shift as soon as we got there.  
12 Every two hours following he would do one up until  
13 time for him to do the pre-shift for dayshift, which  
14 would hurt me tremendously. I would lose him for 45  
15 minutes to an hour every two hours, and the only other  
16 man I had beside him was a trainee who had only had  
17 three, four months' experience as working in  
18 maintenance.

19 Three section was a pretty hard section to work.

20 The equipment was good. It was just there was  
21 something wrong with that side of the mountain. I  
22 really can't explain it except for my opinion, that  
23 side of the mountain is possessed. It's not meant for  
24 running coal over there.

25 RE-EXAMINATION

1 BY MR. SHERER:

2 Q. Okay. Any specific problems that you recall at  
3 that side of the mountain?

4 A. No.

5 Q. Okay.

6 ATTORNEY BABINGTON:

7 Just two other ---.

8 A. The only true problem on that side of the mountain  
9 that we had is we had a pretty decent middle man,  
10 pretty hard. My opinion, that's what brought us out  
11 of that, out of that panel.

12 BY MR. SHERER:

13 Q. Tough cutting?

14 A. Yeah.

15 Q. Roughly how high was the coal under and over that  
16 middle man?

17 A. Thirty (30) inches, maybe.

18 Q. Thirty (30) inches coal? Roughly how thick was  
19 that middle man?

20 A. In places, 40 inches.

21 Q. Okay.

22 A. In some places it wasn't 12 inches.

23 Q. Okay.

24 A. You could drive two rows up and have no middle  
25 man, go two ---. You could go one more and it could

1 be three foot thick.

2 Q. Okay. Was it sandy or was it slate?

3 A. Sandy.

4 Q. Sand, okay.

5 A. It was hard.

6 MR. SHERER:

7 Okay. Thank you.

8 RE-EXAMINATION

9 BY ATTORNEY BABINGTON:

10 Q. Just two other quick ones. You mentioned that you  
11 traveled the longwall the one time to fix the roof  
12 bolter?

13 A. Uh-huh (yes).

14 Q. About when was that?

15 A. Eight to ten months.

16 Q. And finally, did you end up playing any role in  
17 the rescue/recovery operation?

18 A. The only role that --- not no significant role  
19 underground. Outside we were to have the mantrips  
20 fully charged, fully taken care of, anything on them  
21 that the men might've needed, water, bags, et cetera.  
22 You know, make sure that they were taken care of.  
23 You know, that way they could come out, throw their  
24 apparatuses on, be ready to go. Wasn't no standing  
25 around, waiting around. Just get in there, you know,

1 to try to take advantage of any and all the time that  
2 we could.

3 Q. And since then have you mainly been working on  
4 redoing the track?

5 A. Not necessarily just the track. Around 54 Break  
6 we've got mesh on the top, you know, to keep the rashy  
7 stuff off the track. Well, since the explosion, in  
8 places where we have timbers at have loosened up.  
9 Timbers has come out. The rashy stuff's fell out  
10 between the screen. In places it's two foot, two foot  
11 thick above a screen. Well, it's come out right too  
12 close to the track. Plus, it would be considered  
13 unsupported top due to it's fell out around the bolts.  
14 So we been cleaning it up, setting cribs, setting  
15 timbers, setting jacks, trying to keep the ---. We  
16 got one of the two places around LLB that the track,  
17 the track's --- water's over the track. We've been  
18 trying to keep it blocked up, which has been kind of  
19 rough.

20 ATTORNEY BABINGTON:

21 Erik, do you have anything else?

22 MR. SHERER:

23 I don't have anything.

24 ATTORNEY BABINGTON:

25 Terry?

1 MR. FARLEY:

2 No, I think I'm good.

3 ATTORNEY BABINGTON:

4 Beth?

5 EXAMINATION

6 BY MS. SPENCE:

7 Q. Let me just ask one. When did you go back to the  
8 mine for the first time after the explosion?

9 A. That night. After the explosion --- I was there  
10 working with them guys on my garage roughly five  
11 o'clock when I heard that it was an actual explosion.  
12 Took a shower, didn't make it back on mine property  
13 until the following day. After I took a shower, I  
14 went that direction and never was able to cross either  
15 bridge.

16 Q. Okay. And when were you able to get onto  
17 mine ---?

18 A. The following day, the following morning. So it  
19 happened on Monday. I was able to make it on mine  
20 property roughly at 10, 11 o'clock the next day.

21 Q. And what did you ---

22 A. Tuesday.

23 Q. --- do then?

24 A. I just basically tried to pump somebody for  
25 information on who's still there.

1 Q. Okay. And when did you go back to work?

2 A. Back to physical work?

3 Q. Yes.

4 A. The next day.

5 MS. SPENCE:

6 Okay. Thank you.

7 ATTORNEY BABINGTON:

8 All right. Well, we marked up --- we

9 marked up one map. It's one of the --- one of the  
10 portal maps. That'll be marked J. Price One.

11 (J. Price Exhibit One marked for  
12 identification.)

13 ATTORNEY BABINGTON:

14 On behalf of MSHA and the Office of

15 Miner's Health, Safety and Training, I want to thank  
16 you for appearing and answering questions today. Your  
17 cooperation is very important in the investigation as  
18 we work to determine the cause of the accident. We  
19 request that you not discuss your testimony with any  
20 person aside from a personal representative or  
21 Counsel. After questioning other witnesses, we may  
22 call you if we have any follow-up questions. If at  
23 any time you have additional information regarding the  
24 accident that you'd like to provide to us, please  
25 contact us at the contact information previously

1 provided.

2 If you wish, you may now go back over any  
3 answer you've given during this interview and you may  
4 also make any statement that you'd like to make at  
5 this time.

6 A. Myself, the way I feel at the Upper Big Branch  
7 Mines, you know, I truly feel that safety-wise, if we  
8 ask for it, we'll get it; okay? They're not going to  
9 deny us nothing to do with --- anything to do with  
10 safety.

11 I've been treated fairly well there or I wouldn't  
12 have come back. At the ICG mines there at Eccles,  
13 I've never been treated any better there. I left  
14 there because of methane. It's going to happen. Come  
15 back here. Never in a million years expected it to  
16 happen. I thought we was doing quite well. Whatever  
17 conclusion you all come up with, excuse my language,  
18 but don't let it be a half-ass answer of what went on,  
19 know what I mean?

20 MR. SHERER:

21 Sure.

22 A. No speculations. That's what needs to happen.

23 MR. SHERER:

24 To the extent possible, we'll do that.

25 ATTORNEY BABINGTON:

1 All right. Well, thank you. And again,

2 I want to thank you for cooperation in this matter.

3 \* \* \* \* \*

4 STATEMENT UNDER OATH CONCLUDED AT 11:04 A.M.

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1 STATE OF WEST VIRGINIA )

2 )

4 CERTIFICATE

5 I, Alicia R. Brant, a Notary Public in and  
6 for the State of West Virginia, do hereby certify:

7 That the witness whose testimony appears in  
8 the foregoing deposition, was duly sworn by me on said  
9 date and that the transcribed deposition of said  
10 witness is a true record of the testimony given by  
11 said witness;

12 That the proceeding is herein recorded fully  
13 and accurately;

14 That I am neither attorney nor counsel for,  
15 nor related to any of the parties to the action in  
16 which these depositions were taken, and further that I  
17 am not a relative of any attorney or counsel employed  
18 by the parties hereto, or financially interested in  
19 this action.



22 *Alicia R. Brant*