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**Transcript of the Testimony of Cody Irwin**

**Date:** August 25, 2010

**Case:**

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STATEMENT UNDER OATH  
OF  
CODY IRWIN

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 Wednesday, August 25, 2010, beginning at 9:16 a.m.

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

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EXHIBIT PAGE

PAGE

NUMBER

DESCRIPTION

IDENTIFIED

One

Subpoena

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Two

Green Card

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\* Exhibit not attached

P R O C E E D I N G S

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MS. FERGUSON:

My name is Dana Ferguson. Today is August 25th, 2010. I'm with the Office of the Solicitor, U.S. Department of Labor. With me is Erik Sherer, an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. Also present are several people from the State of West Virginia. I would ask that they state their appearance for the record at this time.

MR. FARLEY:

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

MR. KOERBER:

And I'm Barry Koerber, Assistant Attorney General assigned to represent the West Virginia Office of Miners' Health, Safety and Training.

MS. MONFORTON:

And I'm Celeste Monforton with the Governor's independent team.

MS. FERGUSON:

There are also several members of the investigation team present in the room, but Mr.

1 Sherer, Mr. Farley and Ms. Monforton will be doing the  
2 questioning today. If you'll swear the witness,  
3 please?

4 -----

5 CODY IRWIN, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS  
6 FOLLOWS:

7 -----

8 ATTORNEY FERGUSON:

9 Barry?

10 ATTORNEY KOERBER:

11 Sir, would you please state your full  
12 name for the record and spell your last name?

13 A. Cody Nicholas Irvin, I-R-V-I-N.

14 ATTORNEY KOERBER:

15 And would you state your address and  
16 telephone number?

17 A. (b) (7)(C)

18 ATTORNEY KOERBER:

19 And what city are you in?

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

21 ATTORNEY KOERBER:

22 Do you have an attorney or other personal  
23 representative that you're expecting to appear you  
24 today?

25 A. No.

1 ATTORNEY KOERBER:

2 Are you appearing here today as a result  
3 of receiving a subpoena?

4 A. Yes.

5 ATTORNEY KOERBER:

6 And this is a copy of that subpoena.

7 Feel free to take a peak at it. And I'd like that to  
8 be marked as Exhibit One.

9 (Exhibit C. Irvin One Marked for  
10 identification.)

11 ATTORNEY KOERBER:

12 And this is the copy of the green card,  
13 showing that a (b) (7)(C) signed for it on  
14 8/23/10. I'd like that to be Exhibit Two.

15 (Exhibit C. Irvin Two marked for  
16 identification.)

17 ATTORNEY KOERBER:

18 Sir, the statute that authorizes the  
19 director to subpoena individuals to interviews such as  
20 this also requires the director to offer to each  
21 witness subpoenaed a \$40 per day witness fee and  
22 roundtrip mileage from your home to here and back, so  
23 long as you drove in your personal vehicle, at the  
24 rate of 15 cents a mile plus reimbursement for any  
25 tolls that you might have passed. In order to receive

1 that money, I have to two forms filled out, one of  
2 which is an IRS form W-9, which is requesting your  
3 Social Security number, because the \$40 witness fee is  
4 considered income and you would receive a 1099  
5 miscellaneous at some later time in the year.

6 In order to receive that money, I'll need  
7 you to fill those forms out at the end of the  
8 interview, or if you choose, you can decline the  
9 money. And whatever your choice is, you need to make  
10 it on the record now.

11 A. I'll decline it.

12 ATTORNEY KOERBER:

13 Okay. Thank you, sir. Okay.

14 ATTORNEY FERGUSON:

15 Mr. Irvin, all members of the Mine Safety  
16 and Health Accident Investigation Team and all members  
17 of the State of West Virginia Accident Investigation  
18 Team participating in the investigation of the Upper  
19 Big Branch Mine explosion shall keep confidential all  
20 information that is gathered from each witness who  
21 provides a statement until the witness statements are  
22 officially released.

23 MSHA and the State of West Virginia shall

24 keep this information confidential so that other  
25 ongoing enforcement activities are not prejudiced or

1       jeopardized by a premature release of information.  
2       This confidentiality requirement shall not preclude  
3       investigation team members from sharing information  
4       with each other or with other law enforcement  
5       officials.

6       Government investigators and specialists  
7       have been assigned to investigate the conditions,  
8       events and circumstances surrounding the fatalities  
9       that occurred at the Upper Big Branch Mine-South on  
10      April 5th, 2010. The investigation is being conducted  
11      pursuant to Section 103(a) of the Federal Mine Safety  
12      and Health Act and the West Virginia Office of Miners'  
13      Health, Safety and Training. We appreciate your  
14      assistance in this investigation.

15     Your identity and the content of this  
16     conversation will be made public at the conclusion of  
17     the interview process and may be included in the  
18     public report of the accident, unless you request your  
19     identity to remain confidential or your information  
20     would otherwise jeopardize a potential criminal  
21     investigation. If you request to keep your identity  
22     confidential, we will do so to the extent permitted by  
23     law.

24     That means if a judge orders us to reveal  
25     your name or if another law requires us to reveal your

1 name or if we need to reveal your name for other law  
2 enforcement purposes, we may do so. Also, there may  
3 be a need to use the information you provide to us or  
4 other information we may ask you to provide in the  
5 future in other investigations into and hearings about  
6 the explosion. Do you understand or have any  
7 questions?

8 A. I understand.

9 ATTORNEY FERGUSON:

10 After the investigation is complete, MSHA  
11 will issue a public report detailing the nature and  
12 cause of the fatalities in hopes that greater  
13 awareness about the causes of accidents can reduce  
14 their occurrence in the future. Information obtained  
15 through witness interviews is frequently used in these  
16 reports. Since we will be interviewing other  
17 individuals, we request that you not discuss your  
18 testimony with any person aside from a personal  
19 representative or attorney.

20 A court reporter will record your  
21 interview. Please speak loudly and clearly. If you  
22 do not understand a question, please ask that it be  
23 rephrased. Please answer each questions as fully as  
24 you can, including any information you have learned  
25 from someone else. And I would tell you, too, to

1 answer verbally yes or no. If you shake your head or  
2 say uh-huh or uh-uh, it doesn't come across in the  
3 transcript. So if you could remember to do that,  
4 that's helpful.

5 I would like to thank you in advance for  
6 your appearance. We appreciate your assistance in the  
7 investigation. Your cooperation is critical in making  
8 the nation's mines safer.

9 After we have finished asking questions,  
10 you'll have an opportunity to make a statement or  
11 provide us with any additional information you believe  
12 to be important. If at any time after the interview  
13 you recall additional information you might believe to  
14 be useful, please contact Norman Page at the telephone  
15 number provided in the letter to you this morning. Do  
16 you have any questions before we get started?

17 A. No, ma'am.

18 ATTORNEY FERGUSON:

19 Terry?

20 MR. FARLEY:

21 Mr. Irvin, before we begin, one little  
22 bit of housekeeping. I'd like to inform you that the  
23 West Virginia Coal Mine Health and Safety Regulations  
24 also provide protection against potential  
25 discrimination for participating in these type

1 interviews. I'd like to pass along some contact  
2 information for the West Virginia Board of Appeals.  
3 It's a body that hears complaints from miners  
4 concerning discrimination.

5 Should have any problems as a result of  
6 participating in these interviews, you should contact  
7 the Board immediately. Now, I would advise you that  
8 should you have a problem, you need to file a claim  
9 within 30 days from when it occurs.

10 A. Okay.

11 MR. FARLEY:

12 All right? All right.

13 A. So this means if I couldn't go to work last night  
14 because I had to be here? What if I got in trouble  
15 for that?

16 MR. FARLEY:

17 Could be. That could be discrimination.

18 A. All right.

19 MR. FARLEY:

20 I think we could investigate that.

21 A. Okay.

22 MR. FARLEY:

23 Did someone suggest that you need to be  
24 at work and forget the interview?

25 A. Oh, no.

1 MR. FARLEY:

2 Okay.

3 A. But just in case we do ---.

4 MR. FARLEY:

5 Okay. Well, I doubt if they will, but if

6 they do, you just ---. Okay.

7 ATTORNEY FERGUSON:

8 Anything else? Okay. Erik?

9 MR. SHERER:

10 Actually, Terry's ---.

11 ATTORNEY FERGUSON:

12 Oh, Terry. Okay.

13 EXAMINATION

14 BY MR. FARLEY:

15 Q. Mr. Irvin, how long have you been a coal miner?

16 What's your experience?

17 A. Three years now.

18 Q. Okay. Is that all with Massey?

19 A. Yeah.

20 Q. Okay. When did you start at UBB?

21 A. I started there first three years ago.

22 Q. Okay. You ever work anywhere else other than UBB?

23 A. No.

24 Q. Okay. Where are you working now?

25 A. Hunter Peerless ---

1 Q. Okay.

2 A. --- at Elk Run.

3 Q. When did you go to Hunter Peerless?

4 A. Two weeks after the explosion.

5 Q. Okay, all right. All right. What was your normal  
6 work location at the UBB as of April 5th of this year?

7 A. I worked throughout the whole mine.

8 Q. Okay. What was your job?

9 A. It was just working on the belts.

10 Q. Okay.

11 A. A little bit of everything, general labor.

12 Q. Okay. Now, were you a belt examiner or a fire  
13 boss?

14 A. No, not a fire boss.

15 Q. Just you just ---?

16 A. Just a belt man.

17 Q. Belt man. You took care of what needed to be  
18 taken care of?

19 A. Yeah.

20 Q. Okay. So you didn't make any required  
21 examinations?

22 A. No.

23 Q. Okay. I got you. Which belts did you usually  
24 take care of?

25 A. Usually all of them.

1 Q. Okay.

2 A. Except for the section belts. We didn't take care  
3 of the section belts.

4 Q. Okay, all right. Well, did you work on April 5th?

5 A. No, because there was a --- if I can remember,  
6 there was a three-day weekend.

7 Q. Uh-huh (yes).

8 A. Was it Easter?

9 Q. Uh-huh (yes).

10 A. So I didn't work the night before, because I was  
11 in a bed and I got a phone call about what had  
12 happened.

13 Q. Okay. And what shift did you actually work on?

14 A. It was hot owl?

15 Q. Okay. Was that consistent? You didn't rotate?

16 A. No.

17 Q. How long had you been on the midnight?

18 A. It was about over a year when that happened.

19 Q. Okay. Now, if you were off on April the 5th, what  
20 was the last shift you worked at UBB?

21 A. Was April 5th on a Monday?

22 Q. Yes, sir.

23 A. Probably --- it was either a Thursday night or a  
24 Friday night, the night before.

25 Q. Okay. How many days --- when were you scheduled

1 to return to work?

2 A. Monday night.

3 Q. Okay. So if you got a three-day weekend, you  
4 probably --- you were off Saturday, Sunday and Monday?

5 A. Yes. Yeah, right.

6 Q. Okay.

7 A. That'd been Friday night, Saturday night and  
8 Sunday night.

9 Q. Okay. Now, on your last shift, probably Thursday  
10 night before the explosion, where in the mines are you  
11 working?

12 A. I'm just trying to remember. I can't remember  
13 what we did. That's so far back now.

14 Q. Okay. Now, do you think it might've been in the  
15 northern part of the mine or the southern part of the  
16 mine?

17 A. It was in the northern part of the mine. I know  
18 that.

19 Q. Okay. Was it some work on the belts someplace?

20 A. Yeah. Pretty much guarantee you.

21 Q. Okay. And you said earlier you didn't take care  
22 of section belts; ---

23 A. No.

24 Q. --- right? But could it have been the longwall  
25 belt?

1 A. It could've been the longwall belt. We took care  
2 of that regularly.

3 Q. Okay. Now, what were your regular duties taking  
4 care of the belts?

5 A. You have to make splices on it, change all the  
6 rollers and rob the Mother Drive.

7 Q. Okay. Now, did you ever work around the Mother  
8 Drive construction site where the 22 Headgate belt  
9 dumps onto Seven North?

10 A. Yeah.

11 Q. Okay. When were you last in that area?

12 A. It wasn't long before the explosion, just ---. If  
13 we was there, it was making a splice.

14 Q. Would that have been a few days or ---?

15 A. Yeah, probably just a few days before.

16 Q. Okay.

17 A. Of course we only made one splice on Seven North  
18 and it was a while back.

19 Q. Okay. Now, did you do anything else in the area  
20 of the Mother Drive over there?

21 A. No.

22 Q. Okay. Did you ever do any rock dusting on the  
23 belts?

24 A. Yeah, we rock dusted the belt. Even if you run  
25 out of things to do, you always pick up a bag of rock

1 dust and throw it around, you know.

2 Q. Okay. Now, if you don't remember exactly where  
3 you were on your last shift at UBB, ---

4 A. Yeah.

5 Q. --- what about the last week? What stands out in  
6 your mind about the last week you worked?

7 A. I know we probably robbed the Mother Drive,  
8 because we did that at least once a week.

9 Q. Okay. Now, do you mean the Mother Drive for the  
10 longwall?

11 A. Yeah.

12 Q. Okay. Now, what did you do there?

13 A. You robbed it. It's when you take --- when the  
14 longwall advances you have to take the belt out.

15 Q. Okay. All right.

16 A. That's what we did, took 1,000 foot of belt out of  
17 the longwall.

18 Q. Okay. Do you recall the last time you did that?

19 A. No, but I can tell you it was done. It was done  
20 at least once a week.

21 Q. Okay. So is it likely that you did it the week  
22 before the explosion?

23 A. Yeah, it's likely.

24 Q. Okay. All right. Now, how often did you travel  
25 any of the belts from one end to the other? How long

1 did you walk from end of these belts to the other?

2 A. Well, I hardly ever walked from one end of the  
3 belt to another. Just go to wherever you was working.

4 Q. Okay. Now, the last time you saw the longwall  
5 belt or the last time you were at the Mother Drive  
6 area, was the rock --- what was the quality of the  
7 rock dust?

8 A. It was pretty thick dusting, you know.

9 Q. Okay. Do you recall seeing trickle dusters?

10 A. Oh, there's trickle dusters everywhere.

11 Q. Okay. When you say everywhere ---?

12 A. There is at every belt head.

13 Q. Every belt head?

14 A. At that level, and the Mother Drive is considered  
15 a belt head.

16 Q. Okay. Did they all work? Did they all function  
17 properly, that you know?

18 A. Yeah, they all worked, because I would go through  
19 and I would check to make sure they work.

20 Q. Okay. Now, who was your immediate supervisor?

21 A. Immediate is Lacey Cox.

22 Q. Okay. Now, was he a foreman or crew leader or  
23 what?

24 A. A crew leader.

25 Q. Okay. Do you know if he was an hourly worker or

1 if he --- or salary?

2 A. He was hourly.

3 Q. I guess you were an hourly worker?

4 A. Yeah.

5 Q. Okay. Who else worked as part of your crew?

6 A. Dave McFalls and Duane Rusten.

7 Q. Okay. All of you worked on belts?

8 A. Yeah.

9 Q. Okay.

10 A. Yes.

11 Q. When you did rock dusting on these belts, you ever  
12 do any machine dusting or did you always do it by  
13 hand?

14 A. Like, machine dusting, we ---. Sometime ---.  
15 Well, I had that job for using the pod duster.

16 Q. Okay. When did you have that job?

17 A. It was back in November.

18 Q. Okay. We heard that there might've been problems  
19 with the pod duster.

20 A. Yeah, the pod duster, they had it sent off and  
21 worked on. When we come back, it was all right. But  
22 the wheels fell off of it.

23 Q. Really?

24 A. And only one side of it would dust, but we told  
25 them about it and they had it fixed.

1 Q. Okay. And when did they have it fixed?

2 A. It was two or three days after we told them it was  
3 --- because I got in trouble because I went down there  
4 and it was rigged. And I put the jack underneath it  
5 and put it back on track, and my buddy told me to stop  
6 jacking because the wheels were still on the ground.  
7 I took it outside and I parked it. I said, I ain't  
8 doing nothing with it.

9 Q. How'd you take it outside with the wheels off of  
10 it?

11 A. Well, I put the wheels on and we screwed the nut  
12 underneath to keep it from ---. So I parked it  
13 outside so Roger could work on it.

14 Q. Okay. Now, do you remember ---? Can you give me  
15 an approximate time when this was?

16 A. No, not an approximate time. I know it was before  
17 Thanksgiving, though.

18 Q. Okay. Now, do you recall about when you got the  
19 thing back, if you ever did?

20 A. I got off of that job ---

21 Q. Why?

22 A. --- so I can't ---. It was too much stress for  
23 me.

24 Q. I can see why.

25 A. Oh, yeah.

1 Q. We just --- we had heard stories about the pod ---

2 A. Well, ---

3 Q. --- duster and it wasn't ---.

4 A. --- it would break a lot, too.

5 Q. The stories were that it wasn't very effective.

6 A. No. And I didn't want to wreck it with the wheels  
7 flying off of it. I'd be there all night and day.

8 Q. Okay. Now, if you could get it from one place to  
9 the other, how was it in terms of actually spraying  
10 rock dust?

11 A. If you know how to use it right, it did good. It  
12 was like painting.

13 Q. If you know how to use it right. Was there some  
14 particular trick to it?

15 A. No, you just had to twist all the knobs right.  
16 And sometimes you could turn the air up too high or  
17 have your dust up too high, and it'd clog the hose up  
18 and you'd have to beat on it, but ---.

19 Q. It was kind of an art, then?

20 A. Yeah. You have to have it just right.

21 Q. Okay. Who worked with you on the pod duster?

22 A. His name was Scott Romine.

23 Q. Okay.

24 MR. SHERER:

25 Give us a minute here.

1 OFF RECORD DISCUSSION

2 ATTORNEY FERGUSON:

3 Back on the record.

4 A. Get back on the subject here, guys.

5 BY MR. FARLEY:

6 Q. Okay. I know I asked you earlier what you did the  
7 last shift you worked at UBB, and you didn't quite  
8 remember. And also not too much there what you recall  
9 about the last week. Now, after this interview, if  
10 anything kind of comes back to you on it, give us a  
11 call.

12 A. All right.

13 Q. We appreciate that very much, because, you know,  
14 what we're looking at is we're looking for little  
15 signs, little clues as to what that we could put  
16 together to have a picture of what might've happened  
17 here. And anything that you experienced during the  
18 last shift or the last few days that you worked might  
19 be very helpful, even though it might seem  
20 insignificant to you.

21 A. Yeah.

22 Q. So anything --- you know, if you recall anything  
23 that was unusual or you saw anything strange, smelled  
24 something unusual or experienced something just way  
25 out --- out of the ordinary, you know, if it comes

1 back to you, give us a call.

2 A. All right.

3 Q. Now, along that line, if you worked in the belts  
4 in the northern part of the mines, did you ever  
5 experience any burning sensation in your eyes?

6 A. Oh, never, no.

7 Q. Okay. Now, did you ever smell anything unusual  
8 like a kerosene type smell or a petroleum type smell?

9 A. Usually the only thing we'd smell is rubber, you  
10 know, burning, but we'd just go tram the belt and you  
11 wouldn't smell it anymore.

12 Q. Okay. All right. Now, I know you've indicated  
13 you might have been on the longwall belt within the  
14 last week prior to the explosion. Can you recall  
15 which direction the air was traveling on the longwall  
16 belt?

17 A. I can't recall.

18 Q. Okay. Was the velocity on the air on the longwall  
19 belt strong?

20 A. Oh, yeah, there was quite a bit of airflow.

21 Q. Okay. All right. Was it consistently strong?

22 A. Yeah.

23 Q. Okay. Now, whenever you traveled around the  
24 northern part of the mine, were you familiar with some  
25 doors that were constructed near the mouth of the

1 longwall in the track entry that had part of a side  
2 partition left out?

3 A. No. Well, 78 Break had doors, and then once you  
4 went down towards the mouth of the longwall, it had  
5 doors.

6 Q. Okay. Well, that's what I'm saying. In the mouth  
7 of the longwall here.

8 A. Okay.

9 Q. Now, we think the last set of doors as you  
10 approach the longwall --- were they built in such a  
11 manner as to where you had a door and then you had a  
12 side partition where some of the rocks were left out?

13 A. No.

14 Q. Do you remember that?

15 A. No.

16 Q. Okay. Now ---.

17 A. As far as I can remember there was two doors  
18 there, and they was ---

19 Q. Okay.

20 A. --- fine.

21 Q. That's fine. No problem.

22 MR. FARLEY:

23 Okay.

24 EXAMINATION

25 BY MR. SHERER:

1 Q. When you were using the pod duster, did you take  
2 the hoses over into the intakes and returns?

3 A. No.

4 Q. Okay. How long did you run that pod duster?

5 A. Probably a month.

6 Q. All right.

7 A. I couldn't stand it anymore.

8 Q. Okay. Did you primarily use the dust coming out  
9 of the pod duster itself, or did you use the hoses to  
10 dust with?

11 A. We'd use the hoses.

12 MR. SHERER:

13 Okay, okay. Thank you.

14 MS. MONFORTON:

15 I don't have any questions.

16 BY MR. SHERER:

17 Q. One additional question, Mr. Irvin. If you didn't  
18 use the pod duster to get to the intakes or the  
19 returns, did you ever use anything else, like a scoop  
20 mounted duster or ---?

21 A. They'd use flinger dusters.

22 Q. Okay. Do you know who did that?

23 A. I have no idea who done that.

24 MR. SHERER:

25 Okay. Thank you.

1 MR. FARLEY:

2 Couple of things here.

3 RE-EXAMINATION

4 BY MR. FARLEY:

5 Q. Did any member of your crew carry a methane  
6 detector?

7 A. Yeah, Lacey always carried a methane detector.

8 Q. Okay. Do you recall if Lacey ever detected any  
9 methane while you were working with him on the  
10 midnight shift?

11 A. As long as I worked there, I've never heard of no  
12 large amounts of methane.

13 Q. Did you hear of any amounts of methane?

14 A. Very small.

15 Q. Now, give me a --- give me a number?

16 A. Can't remember that, either, but I remember one  
17 time they said they found gas, but it wasn't --- they  
18 got rid of it. It was just nothing.

19 Q. Now, where was that?

20 A. Probably on One section.

21 Q. Okay. You ever hear Lacey's detector alarm go off  
22 at any time while you were there?

23 A. No.

24 RE-EXAMINATION

25 BY MR. SHERER:

1 Q. Mr. Irvin, what do you think happened with this  
2 explosion?

3 A. What caused it?

4 Q. Uh-huh (yes).

5 A. I don't really have any idea what caused it.  
6 Could've been anything, methane buildup, a arc from a  
7 pump, run into old works. Where did the explosion  
8 take place? Do y'all know? Did it happen at the  
9 headgate or at the --- where the shearer was?

10 Q. Actually the explosion took place in two main  
11 areas. The area around this crossover in the  
12 headgates of the two development sections, on up into  
13 this area around the Glory Hole was a main area that  
14 exploded. The other was the tailgate of the longwall  
15 out into these rooms at the end of the panel.

16 A. Yeah, because I used to do some work --- I used to  
17 work at the Glory Hole back when it was running.

18 Q. Now, you ever run into any methane up around the  
19 Glory Hole?

20 A. No.

21 MR. SHERER:

22 Okay. Thank you.

23 ATTORNEY FERGUSON:

24 Mr. Irwin, on behalf of MSHA and the  
25 Office of Miners' Health, Safety and Training we want

1 to thank you for appearing and answering questions  
2 today. Your cooperation is very important to the  
3 investigation as we work to determine the cause of  
4 this accident.

5 We request that you not discuss your  
6 testimony with any person aside from a personal  
7 representative or attorney. After questioning other  
8 witnesses, we may call you if we have any follow-up  
9 questions.

10 If at any time you have additional  
11 information regarding the accident that you would like  
12 to provide to us, please contact us at the information  
13 provided to you. If you wish, you may now go back  
14 over any answer you have given and you may also make a  
15 statement that you would like to make at this time.

16 A. I have nothing to say, I guess.

17 ATTORNEY FERGUSON:

18 Okay. Thank you very much.

19 A. Thank you.

20 \* \* \* \* \*

21 STATEMENT UNDER OATH CONCLUDED AT 9:45 A.M.

22 \* \* \* \* \*

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1 STATE OF WEST VIRGINIA )

2 )

3

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*

23

24

25