

01 STATEMENT UNDER OATH
02 OF
03 OWEN MARK JONES
04
05
06 Taken pursuant to Notice by Miranda
07 D. Elkins, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Clarksburg
10 Bankruptcy Court, 324 West Main
11 Street, Clarksburg, West Virginia, on
12 Tuesday, January 17, 2006, at 11:55
13 a. m.

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01

I N D E X

02

03 WITNESS: OWEN MARK JONES

04 QUESTIONS

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01

EXHIBIT PAGE

02

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03

NUMBER	DESCRIPTION	IDENTIFIED
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04

One	Large map of mines	36*
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05

Two	Large map of mines	47*
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*NOT ATTACHED

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P R O C E E D I N G S

01

02

03

MR. O' DONNELL:

04

My name is Joe

05

O' Donnell. I'm an accident

06

investigator with the Mine

07

Safety & Health

08

Administration, an agency of

09

the United States Department

10

of Labor. I'd like to

11

introduce the State. With me

12

is James Crawford, Solicitor's

13

Office; Doug Conaway, with the

14

West Virginia Office of

15

Miners' Training. And

16

representing the International

17

Coal Group is Henry Moore.

18

I've been assigned to

19

conduct an investigation into

20

the accident that occurred at

21

the Sago Mine on January the

22

2nd, 2006, in which 12 miners

23

died and one was injured. The

24

investigation is being

25

conducted by MSHA and the West

8

01

Virginia Office of Miners'

02

Health, Safety & Training to

03

gather information to

04

determine the cause of the

05

accident, and these interviews

06

are an important part of the

07 investigation. At this time,
08 the accident investigation
09 team intends to interview a
10 number of people to discuss
11 anything that is relevant to
12 the cause of the accident.

13 After the investigation
14 is completed, MSHA will issue
15 a written report, detailing
16 the nature and causes of the
17 accident. MSHA's accident
18 reports are made available to
19 the public, in the hope that
20 greater awareness about the
21 causes of accidents can reduce
22 their occurrence in the
23 future.

24 Information obtained
25 through witness interviews is

9

01 frequently included in these
02 reports. Your statement may
03 also be used in other
04 enforcement proceedings.

05 I'd like to thank you
06 in advance for your appearance
07 here. We appreciate your
08 assistance in this
09 investigation. The
10 willingness of miners and mine
11 operators to work with us is

12 critical to our success in
13 making the nation's mines
14 safer. We understand the
15 difficulty for you in
16 discussing the events that
17 took place, and we greatly
18 appreciate your efforts to
19 help us understand what
20 happened.

21 This interview with Mr.
22 Owen Jones is being conducted
23 under Section 103(a) of the
24 Federal Mine Safety & Health
25 Act of 1977, as part of an

10

01 investigation by the Mine
02 Safety & Health Administration
03 and the West Virginia Office
04 of Miners' Health, Safety &
05 Training into the conditions,
06 events and circumstances
07 surrounding the fatalities
08 that occurred at the Sago
09 Mine, owned by International
10 Coal Group in Buckhannon, West
11 Virginia, on January 2nd,
12 2006. This interview is being
13 conducted at the U.S.
14 Bankruptcy Courthouse in
15 Clarksburg, West Virginia, on
16 January 17th, 2006.

17 Questioning will be

18 conducted by representatives
19 of MSHA and the Office of
20 Miners' Health, Safety &
21 Training. After MSHA and the
22 state officials have finished
23 asking questions, the
24 representative of the mining
25 company and the representative

11

01 of the miners may ask
02 clarifying questions only.
03 This is not an adversarial
04 proceeding, therefore cross
05 examining will not be
06 permitted.

07 Mr. Jones, the
08 interview will begin by asking
09 you a series of questions.
10 And if you don't understand a
11 question, ask me to rephrase
12 it. Feel free at any time to
13 clarify any statements that
14 you make in response to your
15 questions. And after we
16 finish asking questions, you
17 will have an opportunity to
18 make a statement on your own
19 and provide us with any other
20 information that you believe
21 is important.

22 If at any time after

23 the interview you recall any
24 additional information that
25 you believe may be useful in

12

01 this investigation, please
02 contact Richard Gates at the
03 phone number or e-mail address
04 provided to you. And those
05 are on the cards there that we
06 just gave you.

07 Your statement is
08 completely voluntary. You may
09 refuse to answer any question
10 and you can end this interview
11 at any time. If you need a
12 break for any reason, let me
13 know.

14 A court reporter will
15 record your interview and will
16 later produce a written
17 transcript of the interview.
18 Please try and respond to all
19 the questions verbally, since
20 the court reporter cannot
21 record nonverbal responses.
22 Also, please try to keep your
23 voice up. Copies of the
24 written transcript will be
25 available at a later time. If

13

01 any part of your statement is
02 not based on your own

03 firsthand knowledge, but on
04 information that you learned
05 from someone else, please let
06 us know.

07 Please answer each
08 question as fully as you can,
09 including any information you
10 have learned from someone
11 else. We may not ask the
12 right questions to learn the
13 information that you have, so
14 do not feel limited in the
15 precise questions that are
16 asked. If you have
17 information about the subject
18 area of a question, please
19 provide us with that
20 information.

21 At this time, Mr.
22 Conaway, do you have anything
23 you'd like to add on behalf
24 the Office of Miners' Health,
25 Safety & Training?

14

01 MR. CONAWAY:
02 Yeah. Owen, we
03 appreciate you appearing
04 before us here today. And as
05 was mentioned, we want you to
06 be as comfortable as possible.
07 And at any time you need to

08 take any break, please let us
09 know.

10 But I've got a
11 statement. The West Virginia
12 Office of Miners' Health,
13 Safety & Training is
14 conducting this interview
15 session today jointly with the
16 Mine Safety & Health
17 Administration. And we are in
18 agreement with the procedures
19 outlined by Mr. O'Donnell for
20 these interviews that will be
21 conducted here today. But the
22 Agency reserves its right, if
23 necessary, as outlined in the
24 West Virginia Code, to call
25 and subpoena witnesses or

15

01 require the production of any
02 record, document, photograph
03 or other relevant materials
04 necessary to conduct this
05 investigation.

06 So right now Mr.
07 O'Donnell will go ahead and
08 he'll proceed with the main
09 line of questioning.

10 BY MR. O'DONNELL:

11 Q. Mr. Jones, you are permitted
12 to have a representative with you
13 during this interview, and you may

14 consult with your representative at
15 any time. You may designate any
16 person to be your representative. Do
17 you have a representative with you?
18 A. No, I'm not --- I don't have a
19 representative.
20 Q. You don't have a
21 representative? Do you have any
22 questions regarding the manner in
23 which this interview will be
24 conducted?
25 A. No.

16

01 MR. O' DONNELL:
02 Will you please swear
03 in Mr. Jones?

04 -----
05 OWEN JONES, HAVING FIRST BEEN DULY
06 SWORN, TESTIFIED AS FOLLOWS:

07 -----
08 BY MR. O' DONNELL:

09 Q. Can I address you as Owen?
10 A. Yeah, that's fine.
11 Q. You can call me Joe.
12 A. Okay.
13 Q. Owen, could you please state
14 your full name and spell your last
15 name for us?
16 A. Owen Mark Jones, J-O-N-E-S.
17 Q. And please state your address
18 and telephone number, if you would.

19 A. Route 2, Box 143, French
20 Creek. The ZIP is 26218. And what
21 else?
22 Q. Do you happen to have an
23 e-mail address?
24 A. We do, but I don't know what
25 it is.

17

01 Q. Are you appearing here today
02 voluntarily?

03 A. Yes.

04 Q. And how many years have you
05 --- how much mining experience do you
06 have?

07 A. Starting on 17 years.

08 Q. And what have you done since
09 you've worked in a coal mine?

10 A. Run just about every piece of
11 equipment that you can run, except
12 running longwalls. I've never worked
13 on that. And I've been a section
14 boss since 1998, I think. I think
15 that's what it is.

16 Q. That's long enough. And how
17 much time have you been a boss at
18 this mine?

19 A. This March would make three
20 years.

21 Q. Three years. How long have
22 you worked at this mine?

23 A. This coming March will make
24 three years.

25 Q. So your whole time you've been

18

01 a boss and ---?

02 A. Yeah.

03 Q. Okay. And is that what you
04 were doing on January the 2nd, you
05 were a foreman?

06 A. Right.

07 Q. And what were your assigned
08 duties for that day?

09 A. Just to go in and to run coal
10 like we always do.

11 Q. What section are you a foreman
12 in?

13 A. One Left.

14 Q. You're One Left foreman. And
15 how long have you been the foreman in
16 that section?

17 A. Ever since we started that
18 panel.

19 Q. Have you done anything else
20 other than face boss in the mine, at
21 this mine?

22 A. No.

23 Q. No? What kind of certificates
24 do you have in West Virginia and any
25 other states that you may have worked

19

01 in?

02 A. I got my shop fireman paper
03 and my dust sampling card. And as

04 far as I know, I just got my EMT
05 card, or I passed the test.
06 Q. And your Foreman
07 Certi fi cati on?
08 A. Foreman Certi fi cati on.
09 Q. In West Vi rgi ni a?
10 A. In West Vi rgi ni a.
11 Q. And no other states?
12 A. No.
13 Q. And who i s your supervi sor,
14 Owen?
15 A. In whi ch way do you mean?
16 Superi ntendent?
17 Q. Who' s your boss?
18 A. Jeff Tol er. He' s the
19 superi ntendent.
20 Q. He' s the superi ntendent?
21 A. He and Carl Crumri ne
22 (phoneti c), he' s the mi ne foreman.
23 Q. Okay. What ti me do you
24 norma lly start your shi ft each day?
25 A. Si x o' clock.

20

01 Q. Si x o' clock. And do you
02 rotate shi fts or ---?
03 A. Rotate out at the face. I
04 mean, hot seat at the face.
05 Q. You hot seat at the face?
06 A. Ri ght.
07 Q. And do you work three shi fts
08 or do you work just ---?
09 A. Three shi fts, day, eveni ng and

10 hoot owl.

11 Q. Okay.

12 A. I mean, my crew, we only
13 worked dayshift.

14 Q. Oh, you're steady daylight?

15 A. Steady daylight. That's a
16 misunderstanding.

17 Q. That's okay. And you were
18 working at the day of the accident?

19 A. Right.

20 Q. Now, I'm just going to let you
21 tell your story. And I want you to
22 start at the time you arrived at the
23 mine. Please tell us everything that
24 you did until you left the property
25 that day. Include as many details as

21

01 you can recall, including any times
02 you might remember. And I'm not
03 going to stop you. Just start from
04 the beginning and work through the
05 whole thing.

06 A. Okay. We take our pre-shift
07 call, which was --- mine was called
08 out by Terry Helms himself. So I
09 took it, wrote it all down. So we go
10 off the hill, me and my brother
11 always went off the hill a few
12 minutes earlier to get the mantrips
13 ready. And he --- we always let them
14 go first because they was inby. So

15 as I pull up behind them there, they
16 are getting loaded in their mantrip,
17 and some of them started getting in
18 my mantrip. But I realized that some
19 of the men that done got in mine,
20 that it was too small to hold all of
21 us. So everybody gets back out and I
22 take it back out in the yard there,
23 switch out, get a bigger mantrip.
24 Then we reload everybody and we take
25 off. I'm going to say five after

22

01 6:00 we probably started. I'm
02 guessing we're eight to ten minutes
03 behind the other crew. And we travel
04 all the way in to, I think, the first
05 right. Then I let John Boni off, and
06 he's off there to do something. Then
07 I get on up to Four Head and I let
08 Pat Boni off, because he's a beltman,
09 and we pull up to our switch. Right
10 at the switch my miner operator gets
11 off to throw the switch, gets back
12 in, and just as soon as he sits back
13 down, it hits us.

14 I mean, more wind and dust
15 than you could even think about.
16 There was no warning, no nothing,
17 just it was right there on us. And
18 at first I thought it was a waterline
19 blowed up in my face for a split
20 second, but then I knew what it was

21 from being in an ignition once
22 before. So I get up on top of the
23 mantrip to try to run it to get out
24 of it somewhere, somehow, and it
25 blows me off the top of the mantrip,

23

01 the wind does. And I'm standing
02 there and it's pushing me forward.
03 It's making me walk. And I'm
04 thinking it's going to absolutely
05 pick me up and throw me, I mean, and
06 then it quits. Then one of my guys,
07 which I'm pretty sure it was my miner
08 operator, screams, the mine's just
09 blew up. Then we're all hollering at
10 each other, everybody all right,
11 everybody all right. And everybody
12 is saying, let's get to the intake
13 immediately. And I'm looking around
14 for my hardhat because it blowed it
15 off my head somewheres, but I can't
16 find it. So we all take off. It's so
17 dusty that you can't even see the
18 ground. You can't even see your
19 feet. We're following the track the
20 best we can down through there, going
21 through the mud and the slop,
22 stomping. Some of them is ahead and
23 I'm screaming at them all to stick
24 together, stay together. And I know
25 I'm ahead of some of my men even

01 because we're all going, I mean, you
02 know we all took off there. And two
03 of them, I think it's Ron Grall and
04 Paul Avington, and I might be wrong
05 about this because it's so dusty and
06 dark, but go to the first man door
07 that we come to, and they say it's
08 too dusty here. We can't see, can't
09 breathe. As we go on down through
10 there, they holler --- they get to
11 the second man door and they say, we
12 can see and breathe a little bit in
13 here.

14 But I only stopped there for a
15 second because my miner operator had
16 fell down behind me, where he had so
17 much dust in his eyes. And my one
18 bolter operator, Randy Helmick, comes
19 along and I say, help me pick him up
20 so we can get him to the man door.
21 And I say, where's everybody else at,
22 and he said, they're coming. And
23 they was, but you couldn't see them
24 from ten feet away. You couldn't
25 even see their lights, it was still

01 so dusty. And I say --- and
02 everybody gets there. And some of
03 them, the reason they wasn't there,
04 they had stopped and donned the
05 rescuers. And I asked them, I said,

06 is that everybody behind you, and
07 they all said yes. So we proceed
08 forward and go to that door and then
09 get everybody in. I said --- I'm
10 looking to see that we got everybody.
11 I'm telling my men, I said, you men
12 get out of here immediately. Get
13 going down the intake.

14 I said, I'm going to stay in
15 here and see what I can do because I
16 got a brother up here. And I know --
17 - you know what I mean, I'm knowing
18 that they're still trapped up there
19 somehow, someways. And my men begs
20 me to go with them, but I said, no,
21 you all go. I said, I got to go see
22 if there's anything I can do.

23 But I do --- let me take this
24 back. As we're walking down through
25 there, I do come upon a mine phone up

26

01 where we get to that second man door,
02 and I call out and said, we've had
03 something happen in the mine, an
04 explosion or something, I said, get
05 the people in here. I did call that
06 out.

07 And as they're going down
08 through there, I think to myself ---
09 my carbon monoxide detector went off
10 immediately after the explosion,

11 whatever. I'm thinking to myself,
12 after men take off down through
13 there, I start to go up that way. I
14 didn't even go up a half a break and
15 I'm thinking to myself, all this
16 carbon monoxide, if I go, I'm going
17 to be dead with them. So I just went
18 back, back and forth from the track,
19 the intake, watching them guys. And
20 they come in on the rails to get
21 them, to get my men. I don't know,
22 one of them, I looked through the man
23 door and seen them --- seen the
24 mantrip and flagged them off. The
25 chief electrician, Dick Wilfong,

27

01 hollers to me from a phone down there
02 and says, get your --- I won't say
03 the cuss word he said, but get down
04 here. And I said okay. But he goes
05 on without them. And by that time,
06 Jeff Toler and some of them rode in
07 to come in, had rode in with him to
08 get the men. And they come up to me
09 where I'm at.

10 So we started going up through
11 there. I seen them putting up
12 curtains. I'm sorry. Let me
13 rephrase that.

14 Q. Take your time. No hurry.

15 A. Okay. We're there, looking
16 things over, and he hollers on the

17 phone and tells --- I can't remember
18 who it was, Dick or Vern Hofer, one
19 of them to bring in lots of curtains,
20 fly boards, nails, extra detectors
21 and get back in here immediately. So
22 we're back and forth. They were
23 looking. And I can't tell you how
24 long it was in between the time that
25 they got in and out. But when they

28

01 get up there, we start going through
02 there, putting some curtains up. My
03 superintendent tells me, he says, you
04 stay here. He says, I don't want you
05 going up there. I know why. He's
06 saying that in case my brother is up
07 there and he didn't want me seeing.
08 So I do sit there. I'm thinking to
09 myself, I don't want to see this
10 either. But he goes on up and gets
11 to another phone. And I help him put
12 up some curtains, but he told me,
13 too, to stay there and answer the
14 phone in case somebody hollered.

15 So they get up there a ways to
16 the next phone and he hollers and
17 says, come on up here. And I go up
18 and help him hang a few more
19 curtains. But the one block break we
20 made it to, I know we was in by our
21 switch up there for a ways, and he

22 looks at me and says, you and Vern,
23 because Vernon Hofer went back to get
24 a new roll of curtain from probably
25 37 break, where they parked the

29

01 mantrip, up to where we was, and he
02 looks at me while we're up there and
03 he says, how about you and Vern
04 getting a new roll of curtain and
05 heading out of here and any stopping
06 that you come to that's been blowed
07 out, put a curtain across it. I said
08 okay. So we walked down there,
09 checking all the stoppings. And we
10 get to Two Right and the overcast
11 wall there is blowed over. I told
12 Vern, I said, this is where the air
13 is short circuiting because there
14 wasn't much air going up the intake
15 at all. So I said, we need to put
16 this curtain up across where the
17 overcast was. So we put the curtain
18 up and, I mean, you feel air, I
19 mean, going up through there
20 immediately then. By that time, Vern
21 had walked over there and looked up
22 the intake for some reason, just ---
23 he said that he sees lights coming.
24 So it's Dick Wilfong and the guys
25 coming down there and they said we

30

01 need to get out of here because
Page 24

02 there's fresh air going back up
03 there. It's liable, if there's gas
04 --- if there's a fire, it'll push
05 that gas back over top of the fire
06 and blow it up again. So we walked
07 out then. We got out. I don't know
08 what time we got outside for sure or
09 nothing. Just we walked upstairs, I
10 mean, to the office.

11 You could see where it blowed
12 out stoppings. As we was
13 reventilating, you could see where it
14 blowed out on the intake stoppings,
15 even some return stoppings.

16 Q. What time did you go to the
17 mine that day?

18 A. That morning?

19 Q. Yes.

20 A. I'm going to say right around
21 5:00.

22 Q. And what time do you usually
23 start?

24 A. On that hill, at 6:00.

25 Q. Do you remember what you did

31

01 before you went underground that day,
02 after you got dressed and your
03 procedure that you ---?

04 A. Usually I just sit back there
05 in the office, take my pre-shift and
06 we talk and --- you know, like

07 everybody does, about what's going on
08 and ---.
09 Q. Was your pre-shift called out
10 that day?
11 A. Yeah.
12 Q. And who called it out to you?
13 A. Terry Helms.
14 Q. And do you recall what he
15 reported to you?
16 A. Can't remember. All I know is
17 no CH on the faces and gave me my air
18 reading and maybe a place or two down
19 on bolting, I think, but I can't
20 remember for sure.
21 Q. But any hazardous conditions?
22 A. I don't think. No.
23 Q. And did anyone go in the mine
24 before you that day?
25 A. That morning?

01 Q. Yes. You said that ---
02 A. No.
03 Q. --- you --- the other mantrip
04 ---.
05 A. Oh, yeah. I'm sorry, the
06 other mantrip, yeah, went in before.
07 Q. Let me ask you this, when you
08 guys went in the mine that morning,
09 was anybody underground or was
10 everybody out?
11 A. Terry Helms would have still
12 been in there somewheres.

32

13 Q. Terry Helms stayed in?
14 A. As far as I know.
15 Q. Do you know where he stayed
16 at? I mean, do you know where he
17 called you from?
18 A. No, he did not give us ---.
19 Q. But he did not exit the mine?
20 A. No, not that I know of.
21 Q. So then he would have been the
22 only one underground?
23 A. Right.
24 Q. Okay.
25 A. Unless --- don't get me wrong,

33

01 now unless he did exit the mine and
02 went back in with my brother and
03 them, the first crew. Because like I
04 say, they got took off before we did,
05 so I don't --- but I'm assuming that
06 he stayed under there.
07 Q. Okay. And you say that the
08 other crew went in ahead of you then.
09 And how long --- and you say that you
10 had to change mantrips?
11 A. Right.
12 Q. What was the reason?
13 A. The one we had was too small
14 to hold all the men. It didn't have
15 enough room.
16 Q. And what kind of mantrip do
17 you usually go in on? Is it an open

18 mantrip?

19 A. Well, they got a top on them
20 and wire screen in front of you where
21 men sit.

22 Q. Was it a diesel or electric?

23 A. Battery.

24 Q. Battery. And so that crew,
25 that was the Two Left crew then. Did

34

01 you ever hear from them after that?

02 Did you have any contact with them at
03 any time?

04 A. No.

05 Q. None. Once they went in the
06 mine, then ---?

07 A. Right.

08 Q. Okay.

09 A. That's one thing, I thought
10 you might hear a little noise, you
11 might see a light or something or
12 anything.

13 Q. So how many people did you
14 have in your mantrip?

15 A. I'll have to figure it up.
16 You mean everybody, all together?

17 Q. What you can recall.

18 A. There would have been 14 or 15
19 of us.

20 Q. Fourteen (14) or 15. Do you
21 remember who they were?

22 A. Yeah, my whole crew. Gary
23 Rowen, Randy Helmi ck, Al ton Wamsl ey,

24 Joe Ryan, Roger Perry, Denver
25 Anderson, Chris Tenney, Ron Grall and

35

01 Pat Boni, John Boni, Eric Hess.

02 Let's see who else I'm missing. I
03 said Gary Carpenter, didn't I?

04 Q. No.

05 A. Paul Avington. And Chris
06 Tenney, I said him. I think that's
07 pretty well everybody. Oh, my
08 mechanic, Hoy.

09 Q. Okay. Was that a normal
10 number of people you usually go in
11 with or ---?

12 A. John Boni, not every day, no.
13 And Ron Grall, not every day.

14 Q. Okay.

15 A. It depends on where they're
16 going and what they got to do all
17 day.

18 Q. But you mentioned Pat Boni and
19 John Boni. Where did you drop those
20 guys off?

21 A. I think John Boni got off at
22 One Right. I might have said Two
23 Right, but it was One Right. And Pat
24 Boni got off at Four Head.

25 Q. What I want you to do now is

36

01 could you take this green marker and
02 go to the far right map, and we'll

03 call that Jones Exhibit One, and just
04 in your --- draw a line and describe
05 where you went in the mine and where
06 you stopped with the mantrip. And
07 also here's a black marker, if you
08 could mark where you dropped Pat and
09 John Boni off, too.

10 (Jones Exhibit Number
11 One marked for
12 identification.)

13 A. Do you want me to color this
14 the whole ways from outside with
15 this?

16 BY MR. O' DONNELL:

17 Q. Yes.

18 A. That's where we stopped in
19 there.

20 Q. Could you describe where you
21 stopped your mantrip?

22 A. Right at the switch, just
23 enough for a man to get out and throw
24 the switch.

25 Q. Okay. And could you please

37

01 mark where you dropped the Boni s off,
02 draw it on the map?

03 WITNESS COMPLIES

04 A. He got off right here.

05 BY MR. O' DONNELL:

06 Q. And you're saying that that is
07 at First Right?

08 A. Yeah.

09 Q. And is that a switch?
10 A. Yeah, there's a switch there.
11 Q. Okay. And what person exited
12 there?
13 A. John Boni .
14 Q. Could you mark --- put an
15 arrow to it and mark ---?
16 A. Right here?
17 Q. Yes. That's fine. You can
18 draw.
19 Q. So the location is ---?
20 A. Pat Boni .
21 Q. Pat Boni . What crosscut is
22 that; do you know? What do you call
23 that location?
24 A. It would be right at 39 block,
25 on the three --- three belt, really.

38

01 That's right where he went out.
02 Q. Okay. Thank you. Do you know
03 what their assignment was that day,
04 why you were dropping them off along
05 the track?
06 A. John Boni is a --- he walks
07 airways, plus keeps the pumps going,
08 checks pumps. And he might have got
09 off that day and be checking a pump
10 right there.
11 Q. Okay.
12 A. And Pat Boni is a beltman. He
13 works on the belts.

14 Q. So it's just a normal
15 occurrence that you pick up a couple
16 of the belt boys or ---?
17 A. Right. They catch one of the
18 two crews in. They see which one's
19 got enough room and get in and ride
20 with us.
21 Q. Owen, did you see Pat or John
22 any time after that?
23 A. No.
24 Q. So if they exited the mine,
25 they exited before you?

39

01 A. Right. They would have caught
02 --- I think they caught the mantrip
03 out, ---
04 Q. Okay.
05 A. --- as far as I know. That's
06 what I was told.
07 Q. And the furthest point of
08 travel that you said was then the
09 switch at One Left?
10 A. Right.
11 Q. And you never made the turn in
12 or traveled any further in by?
13 A. No.
14 Q. Okay. I have to go back to
15 the time that you felt that rush of
16 air. Now, the miner operator's name
17 was?
18 A. Roger Perry.
19 Q. And Roger got off to ---?

20 A. Throw the switch.
21 Q. Okay. And did he complete
22 throwing the switch?
23 A. Right. And there was an old
24 ladder --- or not an old ladder, but
25 a new ladder there. I said, get that

40

01 ladder and throw it on our mantrip,
02 Roger. I said, I don't know whose it
03 is, but I said we're going to take
04 it. So he throws it on there, and
05 then he gets in the mantrip.

06 Q. Okay.

07 A. And like I say, he just sits
08 down. And I don't even think I got
09 to hit the tram, and it just ---
10 immediately right on top of us. You
11 know what I'm saying? There was no
12 noise, no nothing. It just ---.

13 Q. Did you feel your ears pop,
14 too?

15 A. Nothing.

16 Q. Nothing. Just a gush of air?

17 A. Right now.

18 Q. Was it dust?

19 A. Yeah, there was stuff flying,
20 air. And it was hitting my back so
21 hard --- I had a flannel coat on with
22 a lining in and my coveralls and a
23 T-shirt. The air was hitting my back
24 and stuff so hard, that I could feel

25 it stinging me.

41

01 Q. And you say it knocked your
02 hat off?

03 A. I'm sure it did. I mean, as I
04 got up on the mantrip, it just --- I
05 couldn't find it, so I don't know
06 where it went. You couldn't see.

07 Q. You say you got up on the
08 mantrip?

09 A. To try to get --- I was going
10 to run it if I ---.

11 Q. Oh, you were just ---?

12 A. Yeah. I was ---.

13 Q. What about the rest of your
14 crew, what were they doing when this
15 happened, too? I mean, ---.

16 A. I thought I heard one of them
17 yell, but I don't know because just a
18 lot of noise. But they was trapped
19 sitting in a mantrip. I mean, they
20 was --- the force was right against
21 them and they was --- so they were
22 stuck there until it quit blowing.

23 Q. And how long did that air
24 continue?

25 A. I'm going to guess eight

42

01 seconds maybe.

02 Q. Did anybody get hurt?

03 A. Not critically or bad, but the
04 one, my scoop operator, his back was

05 peppered and stung pretty good. And
06 Denver Anderson's face had little
07 skin pieces all over it. It stung
08 everybody's face. It didn't matter
09 what direction you was sitting,
10 forwards or away, everybody got
11 stung.

12 Q. So it was just mostly force.
13 What about smoke? Did you smell
14 anything?

15 A. Not at first, no. But you
16 could --- after we got in the intake,
17 you could smell it then.

18 Q. What did it smell like?

19 A. I can't describe that for you.
20 Like oil, like a coal burning.

21 Q. It smelled like coal burning?

22 A. Right.

23 Q. Okay. But we kind of know
24 what that smells like.

25 A. Right.

43

01 Q. And you say that you didn't
02 hear anything. You didn't hear an
03 air rush or ---?

04 A. No.

05 Q. Nothing?

06 A. It was so quick. Like I say,
07 I just --- I mean, we were just
08 getting ready to hit the tram and
09 take off, and I mean it was

10 immediately on top of us. There was
11 no split second or nothing, no little
12 noise or nothing, it just, right now.
13 Q. You don't know if you had any
14 damage to that mantrip, do you?
15 A. Don't know.
16 Q. Now, how about your detectors,
17 did they go into alarm immediately?
18 A. Mine did.
19 Q. Yours did?
20 A. Right. The other --- the
21 regular men's, it just checked
22 methane for them. And mine was
23 carbon monoxide, oxygen and CO.
24 Q. Did you notice what those
25 readings were?

44

01 A. It was so covered with dust at
02 the time. And you couldn't have seen
03 anyhow because --- then when I got in
04 the intake, it was so covered with
05 dust. I just knew it was beeping, I
06 mean steadily beeping.
07 Q. So this lasted, you said, six
08 to eight seconds?
09 A. I'm going to say that, guess
10 that.
11 Q. And then what was it like
12 after that happened, I mean ---?
13 A. It was so dusty. That's why I
14 say so much dust that you couldn't
15 see your feet.

16 Q. I mean, did the air reverse?

17 Did it go back in or come out?

18 A. We couldn't tell because of

19 all the dust. It was just ---.

20 Q. Just hanging?

21 A. Yeah, hanging.

22 Q. And did it happen any time

23 after that again? Did you feel any

24 popping in your ears or a pressure

25 change? What we're trying to ---.

45

01 A. Right.

02 Q. Did you get another one?

03 A. No.

04 Q. So there was no evidence that

05 anything happened after that initial?

06 A. Right. There was nothing.

07 Q. Okay.

08 A. And the dust was --- as we got

09 in the intake and stuff. When I went

10 back on the track, the dust was

11 settling real fast in the track

12 entry.

13 Q. So Owen, you're saying it was

14 dust and not smoke?

15 A. Right.

16 Q. Okay.

17 A. Just your rock dust, your

18 little --- you all know how it is in

19 the mine.

20 Q. Yeah.

21 A. All your little pebbles and
22 everything, just --- I do remember
23 seeing a Omega block further down the
24 track, looked like, I don't know, a
25 couple hundred feet, a half of an

46

01 Omega block.

02 Q. And you saw that go by you?

03 A. No. We just seen it laying
04 down on the track.

05 Q. Oh, you saw it?

06 A. So we knew that it had blowed
07 down through there.

08 Q. Now, after this --- you're
09 standing there and it's dusty and you
10 can't see, and you rounded your men
11 up?

12 A. Yeah. We're all --- everybody
13 --- not only me, everybody was
14 screaming, let's get to the intake.

15 Q. Okay.

16 A. So we all come out of there
17 and we all take off at the same time,
18 walking through.

19 Q. If you would, could you --- I
20 have a marker here. And what I want
21 you to do is to mark with this
22 marker, mark it with the pink, where
23 you left your mantrip and explain it
24 and where you got into the intake.

25 Okay?

47

01 A. All right.
02 MR. O' DONNELL:
03 This would be Owen's
04 Exhibit Two.
05 (Jones Exhibit Number
06 Two marked for
07 identification.)
08 WITNESS COMPLIES
09 BY MR. O' DONNELL:
10 Q. And could you describe where
11 that was?
12 A. At the One Left switch.
13 Q. Okay, One Left switch. Draw a
14 line and mark the One Left switch.
15 Q. So go ahead and explain where
16 you traveled to.
17 A. Where we traveled to?
18 Q. Yes.
19 A. You mean walked?
20 Q. Yes. That's what you did, you
21 walked?
22 A. Right, we walked.
23 Q. You left your mantrip parked
24 on the track?
25 A. We were in a hurry to get out
48
01 to get the fresh air. We had to.
02 Q. Okay.
03 A. Do you want me to color it in?
04 Q. Yes, please.
05 A. I can't tell you exactly where

06 the man doors are. So we come in
07 wherever the first man door was along
08 there.
09 Q. Okay.
10 A. It goes up here.
11 Q. If you think that's where it's
12 at, just go ahead and mark it.
13 A. I think we come down --- I
14 don't know.
15 Q. You walked the track down?
16 A. Right.
17 Q. Okay. That's fine.
18 A. Right there, too, I could be
19 looking at it. It was still so
20 dusty. We couldn't see, so we needed
21 to go in there, so we came back and
22 went down there --- and then to right
23 in here. I'm assuming that's a door.
24 Because I know for a fact from years
25 ago at 37 Crosscut.

49

01 Q. And that is 37 Crosscut on?
02 A. Four Belt.
03 Q. Four Belt. Okay. Now, Owen,
04 when you went through that --- when
05 your men went through the --- they
06 went into the Number --- is it Eight
07 entry?
08 A. Seven entry.
09 Q. Number Seven entry. Tell us
10 what happened then.
11 A. When we were all down there, I

12 think we had everybody.

13 MR. CONAWAY:

14 For the record, turn
15 around this way, so the court
16 reporter can hear. And Joe,
17 you may want to turn around so
18 that the voices go towards the
19 court reporter.

20 A. After we got in the intake, I
21 told my men, I said, get outside
22 immediately. I said, I'm going to
23 stay. And some of my men were
24 begging me to go with them. I said,
25 no, I got my brother in here, I'm

50

01 going to stay. Ron Groll tells me,
02 come on, Owen, he said, think of
03 yourself. I said, no, I got a
04 brother up there. I'm going to stay
05 and see if I can do anything. I
06 said, you all go. And they proceeded
07 to go on down through. Do you want
08 me to draw it?

09 Q. Yes. Just mark it in pink,
10 where they traveled.

11 A. They would have traveled down
12 like this. And I think they got
13 picked up in here somewhere by a
14 mantrip.

15 Q. And you marked down the Number
16 Seven entry. Do you know where they

17 were picked up along ---?
18 A. No.
19 Q. You don't know?
20 A. No.
21 Q. They were picked up by whom?
22 A. I think it was Dick Wilfong.
23 Q. And then they rode out the
24 rest of the way?
25 A. Right.

01 Q. Okay. Do you know if any of
02 them had put on their SCSRs?
03 A. They did.
04 Q. They did? When did you guys
05 put them on?
06 A. They --- some of my men put
07 them on before they --- when I said
08 my --- remember me saying my miner
09 operator fell down ---
10 Q. Yes.
11 A. --- and I said I knew some of
12 my men was behind me? I said, where
13 is everybody at, and one of them
14 said, they're up there --- they had
15 stopped to put their rescuers on. So
16 they come down through there and,
17 yes, some of them had stopped and put
18 on their rescuers.
19 Q. So they put them on at
20 different times, is that what you're
21 saying?
22 A. Probably.

51

23 Q. You had some that were up at
24 the mantrip ---?

25 A. Some of us going down, never

52

01 even stopped, just kept right on
02 getting ahead of me to the man door.

03 And some of the ones that were
04 behind, there was about three that
05 was behind, that had stopped and
06 donned the rescuers. Now, I don't
07 know if they put them on at different
08 times there together and done it.

09 Q. Did you have to put yours on?

10 A. I should have, but I didn't.

11 Q. Do you know if they had any
12 difficulty putting them on or did
13 everybody ---?

14 A. I never ---.

15 Q. Don't know?

16 A. Didn't ask them. I was too
17 worried about getting us all in the
18 intake.

19 Q. Did anybody have any trouble
20 with their SCSR?

21 A. I don't know that either.
22 Because like I say, I was just too
23 worried about getting everybody in
24 the intake.

25 Q. When you said that you poked

53

01 in at that one door and it was still

02 pretty dusty, when you got outby had
03 it cleared?
04 A. To the next door? It was
05 still dusty in there, but it was
06 breathable at least. The first door,
07 it was just like it was on the track.
08 Q. Now, was your CO detector
09 still on alarm there?
10 A. Yes. It went clear to
11 failure.
12 Q. So at what point did it fail?
13 A. I think it done it when it
14 first went off. Even after I went in
15 the intake and I set there a little
16 bit, back and forth by myself, after
17 the men left, it never did quit
18 beeping. And I had wiped it off
19 then, at some time in there, and it
20 showed failure.
21 Q. Okay. And did you shut it off
22 or ---?
23 A. No.
24 Q. Just left it on because it was
25 cooked?

54

01 A. Right.
02 Q. Okay. So then your men are in
03 the intake escapeway and they travel
04 out. Now, what did you do next?
05 A. Like I say, I thought to
06 myself, I'll go up in there and see
07 if I can get to them. I started ---

08 I went up the same entry and the
09 intake that we got to, so I started
10 to go up through there. I went about
11 a half a break and I got to thinking
12 to myself, if I go, I'm going to be
13 dead, too, from knowing that that
14 detector went off.

15 Q. Sure.

16 A. And I knew what was in there,
17 carbon monoxide. So I just went back
18 to the phone and waited there.

19 Q. Now, what phone did you go to?

20 A. The one that I said I found
21 coming down through there, you know,
22 real close to that man door
23 somewheres. I can't tell you where.

24 Q. That would be outby where the
25 men went into Number Seven. So that

55

01 would be around 37?

02 A. There's a phone close to that
03 area in there somewhere, yes.

04 Q. And who did you call and what
05 did you say?

06 A. When we first found the phone
07 walking in through there or ---

08 Q. Yes.

09 A. --- after I stayed, you mean?

10 Q. When you first made your first
11 phone call, the crew was still with
12 you?

13 A. Yes. I called out and I said,
14 we've had a mine explosion in here.
15 I said, get mine rescue team here
16 now. That one?
17 Q. Yes. How soon was that after
18 the rush of air? I mean, ---.
19 A. Long enough for us to just
20 walk down through there.
21 Q. Five minutes, ten minutes?
22 A. Five minutes maybe.
23 Q. And you got on that phone, and
24 do you know who you talked to?
25 A. Not for sure. I just said

56

01 something --- I said something bad
02 has happened. I said, we've had an
03 explosion in here. I said, get mine
04 rescue team here.
05 Q. What was your call, outside,
06 outside?
07 A. Yeah.
08 Q. Just to anybody?
09 A. Yeah.
10 Q. You don't recognize who that
11 was?
12 A. Not for sure, no, because of
13 panic, I mean.
14 Q. Right. Did they acknowledge
15 your call?
16 A. Yeah.
17 Q. And what did they say?
18 A. They screamed --- I ain't sure

19 what they were answering back, but
20 they said, what's going on. I said,
21 we've had some kind of an explosion
22 in here. I said, get people in here
23 now.

24 Q. Okay. And then you traveled
25 with your men?

57

01 A. No.

02 Q. You stayed there?

03 A. That's what I say, I stayed
04 --- this is before we got in the
05 intake I'm telling you.

06 Q. Okay.

07 A. And the men --- after I got my
08 men going down the intake, I went
09 back and talked to them a little bit.
10 And what I said to them, I don't
11 remember.

12 Q. So you did make a second call
13 at the same location?

14 A. Yeah. I talked to them. I
15 can't remember what all I said.

16 Q. Okay. And then about how long
17 were you there before someone met
18 you?

19 A. I don't know. Fifteen (15),
20 20 minutes, I guess.

21 Q. You still had your SCSR off?

22 A. Right. But the dust was
23 settling pretty good on the track.

24 And I was back and forth on the
25 intake, too, where I could breathe.

58

01 I went back in the intake to get
02 fresh air.

03 Q. Were you injured in any way
04 yourself?

05 A. No.

06 Q. And were you sick from the CO?

07 A. I got a bad headache.

08 Q. Did you?

09 A. And my wife made me go to the
10 doctor on Tuesday of the second week,

11 and I let them --- because I was
12 having a funny feeling in my chest.

13 And they did take blood and they did
14 tell me that I had a high level of
15 carbon monoxide in me.

16 Q. So you stayed there until the
17 other people got in the mine. Now,
18 how did they get to you? Did they
19 drive in?

20 A. I think when the mantrip come
21 in to get the men, that I think then
22 when --- that Jeff Toler and Al
23 Schoonover had rode in with him, and
24 then they come on up there to me.

25 Q. So how many men met you?

59

01 A. Just two at the time.

02 Q. It was Schoonover and ---?

03 A. And Jeff Toler.

04 Q. Toler. That's the safety
05 director and the ---?

06 A. Superintendent.

07 Q. Okay.

08 A. But I will say this, Wilfong
09 had hollered at them to get blankety-
10 blank down there with them. But then
11 he had took them --- went ahead and
12 took the men and went on outside.
13 Because Jeff and them seen me sitting
14 up there, so they came up there with
15 me.

16 Q. Now, the three of you are
17 together. And what did you do then?

18 A. Just walked up the track some
19 and looked at the stoppings
20 blowed-out and stuff. Jeff hollered
21 outside then and told them to get fly
22 boards and curtain and nails and
23 extra self-contained rescuers and
24 stuff in there. And we more or less,
25 sat around there in the air, waiting

60

01 on them to bring a mantrip in with
02 that stuff.

03 Q. So you noticed a lot of
04 damaged controls?

05 A. Yes.

06 Q. Do you recall where they were
07 damaged?

08 A. I'm thinking --- if it went

09 back as far as I'm thinking, that's
10 back as far as 37 block.
11 Q. Okay. We're going to --- if
12 you could --- or would you, would you
13 start from the outside, not from the
14 outside of the mine, but from where
15 you first noticed the first damage
16 control and explain to us, if you
17 can, how it was damaged, and work
18 your way into the furthest point that
19 you were. That would be --- I think
20 you're going to have to start over on
21 the far right. Or no, you can go on
22 Exhibit Two, can't you. There were
23 no damaged controls outby?
24 A. That's the reason I say I
25 don't know for sure where them doors
61
01 was because I think this is where the
02 last stopping was blowed out, outby.
03 So I ain't sure. That's what I was
04 trying to get across to you a minute
05 ago. I ain't sure exactly where the
06 man doors are.
07 Q. Now, were those doors open or
08 are you just talking about ---?
09 A. We crawled through a stopping
10 with a man door in it.
11 Q. Go ahead, explain it.
12 A. I'm thinking that we found our
13 first stopping blowed out here. I'll
14 say here.

15 Q. Now, was it completely blown
16 out?
17 A. Your edges were still there,
18 the sidewalls, but pretty well your
19 whole stopping's gone. The blocks
20 ain't blown out far, but they're
21 just blown out.
22 Q. They were blown over?
23 A. Yes, laying down there. And I
24 can't remember if like it blew out
25 one, maybe skip one or two, then blew
62
01 out another one.
02 Q. Now, when you say blown out,
03 were they blown towards the intake or
04 towards the track?
05 A. Some of them I seen were
06 blown in this way.
07 Q. You're pointing towards the
08 ---
09 A. The track.
10 Q. --- toward the track?
11 A. Right.
12 Q. Okay. And you can't --- well,
13 ---.
14 A. But I can't remember what all
15 walls it is, is what I'm telling you.
16 Q. Okay. That's fine. But they
17 were both directions, you're saying?
18 A. Some of them I think was.
19 Q. If you can --- well, go ahead.

20 A. Do you want me to just ---?
21 Q. Mark which ones, if you can
22 remember, that were damaged.
23 A. Let's see. I would say this
24 one, probably this one. It looks
25 like it might have skipped one or

01 two, maybe three, then maybe blowed
02 this one out.
03 Q. So all of them weren't out?
04 A. No. It's blow out a couple,
05 skip one, blow out a couple, skip one
06 or two, blow out a couple.
07 Q. And the first one you marked
08 was 48 crosscut?
09 A. I'm just guessing. That's
10 what I'm saying, I can't remember.
11 Q. So around 48, 47?
12 A. Right. It might have even
13 took this one out, but I couldn't
14 see.
15 Q. Forty-three (43), 37 along the
16 Number Four belt?
17 A. Right. The reason I knew some
18 of these, we couldn't see this when
19 we first walked out. This is after
20 we stayed and ventilated some of this
21 back up through there.
22 Q. Okay. And we'll just talk
23 about from the Second Left switch.
24 So you and the other two men then
25 started to curtain up the ---?

63

01 A. Well, that's what I said, they
02 waited until we got the curtain that
03 was in there. We waited there and
04 talked on the phone and I don't know
05 what all we did talk about.

06 Q. Who was directing the
07 rescuers? Who was in charge?

08 A. Jeff.

09 Q. Jeff was? And so he was
10 pretty much telling you guys what
11 needed done. Okay. Where did you
12 start repairing the controls?

13 A. I think right here, at the 37
14 block.

15 Q. How did you do that?

16 A. By covering the perimeter.
17 And we put blocks on the bottom of it
18 that remained.

19 Q. Spad or ---?

20 A. Spad them, the blocks in. And
21 like I say, they go through there.
22 And I can't remember where the phone
23 is. But like I say, Jeff told me sit
24 there, Jeff said, you sit here, you
25 stay here.

01 Q. And you stayed?

02 A. Until we got through here,
03 somewhere up in here, and it
04 reventilated and I put up a couple

05 curtains.

06 Q. So he told you to remain back
07 in about what area? That would be
08 around 37 ---?

09 A. Yeah, 37 or 38 block where the
10 phone was.

11 Q. So you stayed there and they
12 went in by and did what, now?

13 A. They were hanging curtains.
14 And they got up here to another phone
15 somewheres and hollered to me to come
16 on up.

17 Q. And then you traveled back
18 into the mine.

19 A. From where I was.

20 Q. Where you were.

21 A. I walked up the track. It was
22 pretty clear then.

23 Q. It was?

24 A. I mean, you know, there
25 was ---.

66

01 Q. About how much time has gone
02 by now since the first --- since the
03 explosion?

04 A. I'd say an hour maybe.

05 Q. An hour? So in an hour's time
06 this kind of cleared?

07 A. Yeah.

08 Q. Do you remember what direction
09 the air was going? Which way it
10 cleared? Did it clear to the short

11 circuit side or ---?

12 A. I couldn't tell, because there
13 wasn't that much air going up the
14 intake either, just enough to barely
15 --- it was pushing up slowly. So I'm
16 going to say that my guess is just
17 going both directions. Whatever you
18 can squeeze over, maybe --- I knew I
19 seen it blowed the return wall out
20 here or there or somewhere in there.

21 Q. So not only were there intake
22 walls blown, but there were also some
23 return walls out?

24 A. Uh-huh (yes). I couldn't tell
25 you how many. I just caught a glimpse

67

01 of one or two of them.

02 Q. Where do you think they were
03 at, closer to ---?

04 A. Around in here somewhere.

05 Q. Could you mark those, if you
06 would, and identify them?

07 A. I might be wrong about this.

08 Q. This is just the best you can
09 --- you're doing very well.

10 Q. So you are marking it spad
11 number 3848 and 3829 and 3828 and
12 3847. That would be the walls
13 between those spad numbers. And
14 those were return walls. And do you
15 know --- you don't remember which way

16 they were blown out?
17 A. I couldn't tell you.
18 Q. But they were out?
19 A. I seen holes through them at
20 least.
21 Q. Okay.
22 A. I can't say they were blowed
23 out, but I seen holes through them.
24 Q. Did you repair any over on
25 that side?

01 A. No.
02 Q. Just this intake side. And
03 now did you make your way to the
04 First Left switch?
05 A. Yes, that was the intake. I'm
06 sure Jeff and them went up there a
07 different way, but I went over into
08 the intake and I went up through
09 here.
10 Q. Did everybody go into the
11 Number Seven entry?
12 A. Yes, I'm assuming after we got
13 up to --- in here somewhere. I don't
14 know where they went because, like I
15 said, he told me to stay back and
16 then he hollered at me. When he
17 hollered at me ---.
18 Q. How about marking that one in
19 green?
20 Q. Now, we're going to go from
21 where you --- from One Left switch to

68

22 where you made the jump into Seven
23 and tried to go in by.
24 A. I'm going to say whatever
25 stopping it was --- the intake right

69

01 here.
02 Q. Okay.
03 A. Do you want me to mark it?
04 Q. Yes, please.
05 A. I'll just call it the intake.
06 There's some water holes in here. I
07 might have crossed back and forth
08 here and there, to get ---.
09 Q. But you stayed in the intake
10 side?
11 A. Right. Right. And I'm going
12 to guess that we got up to --- I'm
13 going to say I think I made it up
14 about right here.
15 Q. And you're saying that's ---
16 A. That's where Jeff and all was.
17 Q. --- 56 crosscut of Number
18 Four?
19 A. I'm going to say yeah, I think
20 that's about where ---.
21 Q. So you got that far. Did you
22 repair any controls?
23 A. Yes. We put the curtains up.
24 Q. Besides these ones. But the
25 ones that were in by, One Left?

70

01 A. No, just --- yeah. There was
02 a stopping or two blowed out through
03 here that they --- Jeff and them had
04 hung curtains across.
05 Q. And do you remember where
06 those were?
07 A. I can't remember.
08 Q. How many would you say?
09 A. Maybe two.
10 Q. Two?
11 A. Three at the most. This one
12 right here, he told me to go find
13 Vern back in here because Vern went
14 back in ---.
15 Q. You mean Vern Hofer?
16 A. He said you go in and get Vern
17 and take another curtain and hang in
18 up.
19 Q. Okay.
20 A. Finally stopped and put a
21 curtain up.
22 Q. And what did they do? Do you
23 know what they were doing?
24 A. I don't know.
25 Q. So they remained here. And

71

01 what was the air like there?
02 A. The last stopping I looked
03 through here into the track you could
04 see the yellow smoke just floating
05 around through there real bad.
06 Q. Yellow smoke?

07 A. Uh-huh (yes).
08 Q. And you smelled the same odor
09 that you did before, the burning
10 coal?
11 A. Yeah.
12 Q. Do you know if they had taken
13 any readings?
14 A. I do know that they brought
15 their COs, four new ones in with
16 them. And every time they took one
17 out of the intake it went to failure.
18 Q. So everything went over?
19 A. Yes.
20 Q. Do you know if --- what about
21 methane? Do you remember if there
22 were any methane readings?
23 A. No.
24 Q. There was no methane.
25 A. I will say this, I think when

72

01 I did look at my spotter after the
02 first time I got in the intake, I
03 think it showed 0.2.
04 Q. Where do you think you looked
05 at it at?
06 A. Probably after I got in the
07 intake here and went back and forth
08 while I was talking to them on the
09 phone. I did take it out and look at
10 it, and it was showing 0.2.
11 Q. And you're pointing around 43

12 crosscut?

13 A. Well, wherever we got --- down
14 here, wherever we went into the
15 intake.

16 Q. Did you repair any --- you say
17 you did repair some damage controls
18 on your way out? Mr. Jones, on
19 Exhibit One.

20 A. This is Two Right right here,
21 me and Vern Hofer come down the
22 intake. No, right here is Two.
23 Here's Two.

24 Q. Okay.

25 A. And we was coming down through

73

01 here.

02 Q. So you're traveling down the
03 Number Seven and Eight entry?

04 A. We followed our intake
05 wherever. We're watching our
06 stopping. Wherever they was down
07 here, we watched and seen those
08 blown out. When we get to this
09 overcast, which is right there, I
10 assume.

11 Q. And what overcast do you call
12 it?

13 A. I don't know what they call
14 it.

15 UNIDENTIFIED SPEAKER:

16 The mouth of Two Right.

17 BY MR. O' DONNELL:

18 Q. The mouth of Two Right?
19 A. So we get to right here and I
20 show Vern, I said, that overcast
21 right there has been damaged.
22 Q. How bad was the damage on it?
23 A. It was blowed clear over, not
24 the underfire (phonetic), but the
25 wall on top.

01 Q. You can put an arrow up there.
02 Q. Do you remember which way it
03 was blown out?
04 A. It was blowed towards the
05 return.
06 Q. Towards the return?
07 A. Right.
08 Q. And it was completely out ---
09 what kind of --- what did you do
10 there?
11 A. Like I said, you got your
12 bottom wall, you had Omega blocks on
13 top of it. So what did I do? There
14 was a piece of curtain laying there.
15 Me and Vern picked it up on the first
16 overcast over here and we drug it
17 over to there and we blocked it off.
18 We got on there, a spad or two, and
19 we put blocks on the bottom of it.
20 Q. Did you notice any difference
21 in the air when you did that?
22 A. Oh, yeah. I knew all the air

74

23 was short circuiting, it had to. It
24 all had to go over and straight back
25 outside. So I told Vern, I said, this

75

01 is where all the air is going,
02 straight over. So I put that up. By
03 that time, Vern had looked back
04 somewheres and seen them guys with
05 their lights coming down, like I told
06 you.

07 Q. And those were the other two
08 men in the mine?

09 A. Would have been Dick Wilfong
10 and Jeff Toler. So me and Vern were
11 there fixing to put that up. That's
12 when they said all that fresh air is,
13 if there's a fire burning, it's going
14 to push the gas over top the fire and
15 blow it again, so let's get the hell
16 out of here.

17 Q. Who told you that?

18 A. I think Dick Wilfong.

19 Q. Did you wait for them?

20 A. Yeah. By the time we got back
21 over in the intake, they was right
22 there with us by then.

23 Q. And how did you get out of the
24 mine?

25 A. Followed the intake escapeway

76

01 the rest of the way.

02 Q. And you walked the entire

03 length?

04 A. Yeah.

05 Q. Did you at any time or any of
06 the people that you were with don
07 your SCSRs?

08 A. No, because it was all fresh,
09 clean air there.

10 Q. Did you put it on at all,
11 Owen?

12 A. No.

13 Q. What about the other guys?

14 A. Yes. That's what I said a
15 while ago, some of my men ---.

16 Q. No, no. I mean, the other
17 guy, Wilfong and those guys?

18 A. No.

19 Q. None of them put it on?

20 A. Uh-uh (no). The air that we
21 was breathing up there where we was
22 at doing that, you could breathe.
23 But I'm saying the carbon monoxide
24 was setting the detectors off.

25 Q. And do you recall how much

77

01 that was?

02 A. No. I don't know what they go
03 up to before they go to failure.

04 Q. While you were underground,
05 was there any other contact that you
06 made with anybody on the outside?

07 A. Jeff Toler had talked with

08 some people, but I don't know what he
09 said.

10 Q. Okay. Now, someone from the
11 outside --- when you told them you
12 had an accident underground, they, in
13 turn, told you --- did they tell you
14 anything else, just that ---?

15 A. I told them to come in and
16 look.

17 Q. You told them what you were
18 going to do? You told them you were
19 evacuating; is that right?

20 A. I told them that my men was in
21 the intake headed out.

22 Q. And you didn't see either Pat
23 or John Boni at all?

24 A. Uh-uh (no). They would have
25 been --- Pat Boni would have been

78

01 however long that beltline is, 4,000
02 feet, whatever it is, outby us.

03 MR. O' DONNELL:

04 Do you want to take a
05 ten-minute break?

06 SHORT BREAK TAKEN

07 MR. O' DONNELL:

08 I'd like to go back on
09 the record. Doug, do you have
10 any comments you'd like to
11 make now or some questions?

12 MR. CONAWAY:

13 Yes. I've just got a

14 few questions.

15 BY MR. CONAWAY:

16 Q. You guys, how do you switch
17 --- on the sections, how do you
18 switch your --- do you do a hot seat
19 change normally?

20 A. Yes.

21 Q. How long was your production
22 activity down on One Left? Do you
23 remember when the last shift that
24 worked on One Left was, before you
25 went in on Monday morning?

79

01 A. I'm thinking that was on that
02 Friday.

03 Q. Friday. And you were down
04 then Saturday?

05 A. Sunday.

06 Q. Sunday, and started back
07 Monday.

08 A. The weekend crew would have
09 worked Friday.

10 Q. But ordinarily, if they were
11 working, you would have done a hot
12 seat change --- you would have went
13 in ---

14 A. With the hoot owl.

15 Q. --- with the hoot owl. Yes,
16 if they would have started ---?

17 A. They would have been in there
18 at the sections and we would have

19 switched.

20 Q. You would have switched at the
21 face?

22 A. Yeah.

23 Q. Do you recall --- on your type
24 of detectors, do you know what type
25 of detectors they were, what the

80

01 name, what they were?

02 A. I don't know. I never did.

03 Q. Do you know what your alarm
04 settings were on ---?

05 A. How high they went?

06 Q. Yes.

07 A. I don't know. That's why I
08 say ---.

09 Q. They were just pre-set?

10 A. I guess at some range. I just
11 know they were, like I say, after I
12 scraped the dust off of it finally,
13 it showed failure.

14 Q. Okay. You mentioned Omega
15 blocks. Are they used --- you
16 mentioned at the overcast. Are they
17 used for stoppings at some times or
18 ---?

19 A. Yes.

20 Q. So they're used a lot of
21 places in the mine?

22 A. Right.

23 Q. Not just for seals or ---?

24 A. Right. They're used for ---.

25 Q. Just ordinary --- your

81

01 stopping line and so forth?

02 A. Right.

03 Q. When you felt the rush of air
04 that you talked about, did you feel
05 any heat with that?

06 A. A little.

07 Q. A little heat?

08 A. I felt some heat. And some of
09 my men told me that they feel heat,
10 too, so ---.

11 Q. Okay. And then you mentioned
12 the smoke. You saw smoke, this was
13 later, ---

14 A. Uh-huh (yes).

15 Q. --- as you got further up
16 there and you looked back into the
17 track entry?

18 A. Uh-huh (yes).

19 Q. And you said it was a yellow
20 smoke?

21 A. To my eyes.

22 Q. To your eyes, it looked like
23 yellow smoke. What about the dust?
24 You're saying it was just ---
25 initially it was just a blinding

82

01 dust, but it was more rock dust, coal
02 dust?

03 A. Yes. Whatever, yeah.

04 Q. Okay. Just ---?
05 A. Just it was so thick, you
06 couldn't see.
07 Q. And everything was covered?
08 A. Right.
09 Q. The mantrip and everything was
10 covered with dust?
11 A. Right.
12 Q. Do you recall if there was any
13 electrical disruptions or did you
14 lose any power or anything at any
15 time?
16 A. I couldn't tell if the belt
17 was running that morning on the way
18 in or not, but I --- that's all
19 I remember.
20 Q. You don't. If you remember,
21 that's fine. If you don't, ---.
22 A. I don't.
23 Q. You mentioned that you made
24 how many calls outside? Two calls
25 outside?

83

01 A. I think. One to tell them
02 that we've had an explosion.
03 Q. That was initially. And that
04 was just within five minutes of ---?
05 A. Right.
06 Q. And then your second call
07 was ---?
08 A. I can't remember what all was
09 said, just talking to them and

10 telling them that ---.

11 Q. Pretty much the same thing you

12 said before?

13 A. You need to get people in

14 here.

15 Q. Do you have any idea --- and I

16 know times, you know --- but any feel

17 for when Jeff Toler called outside

18 and asked for fly boards and curtain

19 and so forth? Do you have any feel

20 what length of time had passed when

21 that call was made?

22 A. After they came up to me?

23 Q. Yes.

24 A. Ten minutes maybe.

25 Q. After they approached you,

84

01 ten, okay.

02 A. Yeah.

03 Q. You don't know who he talked

04 to at that time? He was just

05 hollering outside to somebody ---

06 A. Right.

07 Q. --- to bring the materials?

08 A. To make sure that Vern and

09 Dick and them bring in fly boards and

10 curtains and nails and tester

11 spotters and extra self-contained

12 self-rescuers.

13 Q. Sure. Any of the readings ---

14 do you recall any --- you may have

15 answered this, but I just want to
16 make sure. You don't recall anybody
17 at any time between Dick and the
18 other guys that came in, Al and those
19 guys, did anybody say any readings of
20 CO or anything at any time? Did
21 anybody mention their detectors?
22 Were there alarms going off?
23 A. Not in the track entry.
24 Q. They stayed in the track
25 entry?

85

01 A. We --- that's where we was.
02 Because like I say, the dust settled
03 ---
04 Q. Right.
05 A. --- quite fast where we was in
06 the track entry.
07 Q. Okay.
08 A. But when we went in the
09 intake, up through there, that's when
10 they was going to failure.
11 Q. So their detectors, you're
12 saying, were going to failure when
13 they went over in the intake. And
14 those were the guys that came in to
15 assist and help you, ---
16 A. Right.
17 Q. --- their detectors?
18 A. Right. Because mine ----.
19 Q. Yours was gone?
20 A. Right. It done burned up I

21 guess.

22 Q. When you say burned up, did
23 the alarm --- do you think --- did
24 the alarm just go off to the point to
25 where you lost the battery or it just

86

01 was reading failure?

02 A. Reading failure. I'm assuming
03 that it was so high that it just
04 burned that up. I mean, it wouldn't
05 clear itself no more. Even in fresh
06 air it wouldn't go back.

07 Q. When you looked at it
08 physically, there was a reading on
09 it, you're saying, that said ---

10 A. Failure.

11 Q. --- failure?

12 A. Yeah.

13 Q. Okay. And no one mentioned
14 any other readings on the other
15 detectors, but they did go off when
16 you went over into the intake?

17 A. Right.

18 Q. They would get alarms?

19 A. Right.

20 Q. Where was the vehicle that
21 Dick and those guys brought in, Owen?
22 Where did they park the vehicle
23 initially; do you recall that?

24 A. I think it was right there at
25 the first stopping that blew out.

01 Q. That would have been ---?
02 A. If I remember right, like I
03 say, it was at 37 block.
04 Q. And that's where they parked
05 their vehicle. And the vehicle
06 stayed there the whole time?
07 A. Well, we did unplug the
08 batteries on it.
09 Q. But you left it there? I
10 mean, they didn't advance it --- as
11 you advanced further on in, you did
12 that on foot?
13 A. Right.
14 Q. Okay. Any reason why the
15 vehicle stayed --- why did you walk
16 out? I'm just curious.
17 A. Well, like I say, me and Vern
18 was going in through there checking
19 stoppings.
20 Q. Okay.
21 A. And I'm assuming that they got
22 worried about that fresh air pushing
23 that gas and probably figured we was
24 better off to --- I'll tell you why,
25 because you got that carbon monoxide

01 that's in there, and they done
02 unplugged the batteries on that
03 mantrip, so you didn't want to ---.
04 Q. They didn't want an ignition
05 source?

06 A. Right.
07 Q. That's why they left it and
08 decided to walk out?
09 A. Right.
10 Q. When you made the first call
11 outside --- and I just want to be
12 clear. I mean, what I heard you say
13 is you said the mine has exploded,
14 get people in here, get us help right
15 away, get somebody in here?
16 A. Right.
17 Q. That was your --- there's no
18 question about that?
19 A. Right.
20 Q. One other thing, you were
21 operating the mantrip?
22 A. Right.
23 Q. Your man bus was the one that
24 they're closed on both ends and the
25 middle is open for the operator?

89

01 A. Like I'm driving around here
02 like this. The rail goes this way,
03 ---
04 Q. Yes.
05 A. --- the driver is open, but
06 your top is covered. You got a
07 little gap in there about that far
08 where your men sit looking out to the
09 track.
10 Q. Sure.

11 A. But your --- towards the
12 beltline side, that wall it's closed
13 in. Just one way in and out.

14 Q. Okay. And you were the
15 operator?

16 A. Yeah.

17 Q. Okay.

18 MR. CONAWAY:

19 Joe, do you want to
20 ---?

21 MR. O' DONNELL:

22 Okay. Thank you.

23 BY MR. O' DONNELL:

24 Q. I just want to go back on a
25 couple of the stopping questions.

90

01 Now, you said the stoppings were
02 blown out. What kind of block?

03 A. Solid on the intake side.

04 Q. They were solid. Were they
05 four, six or eight-inch block; do you
06 know?

07 A. They were 12-by-8, I think,
08 but they're --- they're solid, but
09 they're hollow inside.

10 Q. Okay. Now, you mentioned an
11 Omega block that was down the track,
12 and you kind of referred that it may
13 have come from an area that was in by
14 the mine.

15 A. Well, there was some return
16 stoppings on the other side that had

17 been Omega blocks.
18 Q. So you don't know where that
19 may have come from, or do you?
20 A. Not for sure. And there were
21 some blocks that sit there right
22 around our belt drive there
23 somewhere, but I can't remember
24 where, almost a whole pile of them
25 laying there loose.

91

01 Q. Okay. Did you happen to
02 unplug your mantrip?
03 A. No.
04 Q. Your mantrip was still on. It
05 was the outby one that you unplugged?
06 A. Right.
07 Q. Okay. Other than the
08 ventilation changes that you made on
09 the overcast, did you make any more
10 on the way out?
11 A. No. Everything from there the
12 rest of the way out was intact.
13 Q. Was intact, okay. So Owen,
14 how long would you think you were
15 underground from the time that you
16 went in in the morning, at six
17 o'clock, until you got out?
18 A. I'm going to guess something
19 'till 10:00.
20 Q. Around 10:00?
21 A. Yeah. Something 'till. I

22 don't --- I can't --- I never did
23 look at my watch that morning when we
24 got out. I was glad to see daylight,
25 though. I'll say that.

92

01 Q. Did you play any role in the
02 rest of the operation that transpired
03 the rest of the day?

04 A. No.

05 Q. What did you do the rest of
06 the day?

07 A. Me and my men all just kind of
08 stood there and walked around and
09 stuff. And eventually they asked us
10 to leave because --- the carbon
11 monoxide was coming out so bad, that
12 they asked us to leave. So we left,
13 except the people they needed there.

14 Q. Who asked you to leave?

15 A. Some of the inspectors told us
16 to leave.

17 Q. Okay. And did you leave the
18 property then?

19 A. Yes. I went to the Sago
20 Church.

21 Q. Okay. How familiar were you
22 with any of the --- have you ever
23 gone up to the Two Left?

24 A. I have never made it up there.
25 I helped drive the mains up through

93

01 there.

02 Q. So you were up --- you're
03 talking about the mains towards the
04 old Three Left?

05 A. Before they even started the
06 old Three Left. I helped finish the
07 mains up. They had a super section
08 up in there at the time. But then
09 I've been on One Left ever since. So
10 no, I wasn't up there ever again.

11 Q. Did you ever examine up that
12 way?

13 A. No. All my walking has been
14 on One Left.

15 Q. What about methane liberations
16 in the mine, did you ---?

17 A. No. There's --- you might
18 pick up .2, .4 here and there at your
19 faces every once in a while, but
20 nothing to ever worry you any.

21 Q. Do you have any knowledge of
22 increased levels of methane when they
23 did mine the Three Left area?

24 A. No, I did not.

25 Q. Do you know who was in charge

94

01 of building the seals in that area?

02 A. I don't know, just outby
03 bosses.

04 Q. And do you know any of the
05 people that were maybe involved in
06 the construction?

07 A. They call him Skip, but I
08 can't think of his first name. He
09 was one of the bosses that would have
10 done that. I think maybe Jeff Snyder
11 may have worked on it.
12 Q. Is Jeff a supervisor?
13 A. He was a section boss, but
14 they put him to be an outby boss.
15 Q. And who was Skip?
16 A. He has been a contractor boss
17 there for a long time.
18 Q. Contractor boss? You mean
19 there's contract miners that also
20 work in the mine?
21 A. Just the boss, just that boss.
22 Q. But what about his crew?
23 A. As far as I know, they was
24 Anker employees.
25 Q. So there was a contract

95

01 foreman, okay.
02 A. And he might ---.
03 ATTORNEY MOORE:
04 Skip is James Scott,
05 for the record.
06 A. I couldn't think of his name.
07 BY MR. O'DONNELL:
08 Q. Okay.
09 A. That's all I've ever called
10 him.
11 Q. Skip. Now, do you have any
12 involvement, any idea of the

13 construction of the seals?

14 A. No. That's why I say I have
15 no idea how they build them, what
16 they was built out of or nothing.

17 Q. Okay. We'll scratch that
18 whole bunch of questions then. And
19 you never examined in that area?

20 A. No.

21 Q. You never made it to the
22 section; right?

23 A. Right.

24 Q. So there you made no
25 examinations at all?

96

01 A. No. The only thing I can tell
02 you is I had my protector on on the
03 way in.

04 Q. Any time when you were mining
05 anywhere in this mine, do you recall
06 ever cutting into boreholes or wells
07 or --- whether they were charted or
08 uncharted?

09 A. Not on our section, no.

10 Q. Did you know of anybody that
11 did? Was there any occasion that you
12 had any knowledge of that?

13 A. No.

14 Q. Okay. Has anyone ever
15 searched you for smoking articles?

16 A. Yeah, I've been searched
17 before.

18 Q. And have you ---
19 A. Yes.
20 Q. --- observed anyone smoking
21 --- have you ever observed anyone
22 smoking underground?
23 A. No.
24 Q. When you've done smoke
25 searches on your crew, have you ever

01 found any?
02 A. No. Some of the men do smoke,
03 but they always leave it in their
04 baskets or in their clothes.
05 Q. Has anyone offered you
06 anything or made a promise for you in
07 exchange for your appearing here
08 today?
09 A. No.
10 Q. Owen, do you have anything
11 that you'd like to add that may be
12 relevant to this investigation? Just
13 take your time and say what you want.
14 A. (Indicates no).
15 Q. I have a few more training
16 questions.
17 A. Okay.
18 Q. Do you remember when the last
19 time is you had annual re-training?
20 A. It wouldn't have been that
21 long ago, but I can't remember when.
22 Q. Was it this year?
23 A. This is the new year, so ---.

97

24 Q. 2005, '05.

25 A. I can't remember when, but

98

01 we've had it.

02 Q. Okay. And do you remember

03 what was covered in those training

04 classes?

05 A. Your typical thing. They

06 teach you how to don your rescuer

07 each and every year and ---.

08 Q. You have hands-on training

09 then?

10 A. Yeah. They show you --- every

11 time you have your annual re-

12 training, they go over that with you

13 each time.

14 Q. Do you remember who the

15 trainer was?

16 A. Al Schoonover.

17 Q. Al Schoonover. Okay. He's

18 the safety director; right?

19 A. Right.

20 Q. And he signs your 5023?

21 A. (Indicates yes).

22 Q. And do you know if he did this

23 time?

24 A. He gave us our little pink

25 slip.

99

01 Q. Okay. And do you go over your

02 evacuation plan during that training?

03 A. Well, we go over the maps and
04 things and stuff, yeah, and then we
05 do it --- I do it at work with the
06 men, too.

07 Q. Who's the responsible person
08 that's in charge of the evacuation;
09 do you know?

10 A. I don't know.

11 Q. Do you know where the
12 emergency firefighting materials are
13 located in the mine?

14 A. Barricade supplies and such?
15 Yes, I do. What block, though, I
16 can't remember. I'm thinking ---
17 it's just outby where some of them
18 stoppings were blowed out, but I
19 can't remember what block for sure.

20 Q. Somewhere around 37 on Number
21 Four belt, is that what you're
22 saying?

23 A. Thirty-some (30-some) block
24 I'm thinking.

25 Q. Is there a switch there with

100

01 the material or ---?

02 A. No. They're stacked along the
03 side of the --- in the crosscut right
04 by the track.

05 Q. Did they go over any of the
06 procedures, what you do in case of
07 fire or explosion during your annual
08 re-training?

09 A. No.
10 Q. What about barricading?
11 A. No.
12 Q. Do they talk about the hazards
13 associated with carbon dioxide or
14 carbon monoxide?
15 A. Well, yeah. You kind of learn
16 that when you don your --- they teach
17 you what it's for, you know, they
18 tell you that.
19 Q. What about your --- well, you
20 said that they go over the escapeways
21 and everything. But what about
22 conducting escapeway drills?
23 A. The section foreman was the
24 one in charge of that.
25 Q. And explain that.

101

01 A. You're supposed to do it once
02 every six weeks or whatever. And you
03 walk your men out, a couple of your
04 men, and you follow your intake
05 escapeway to the outside, off your
06 section.
07 Q. And what section was that that
08 you traveled out?
09 A. What section was it? It would
10 have just been the mains.
11 Q. And you traveled both the
12 primary and secondary?
13 A. Yeah, yeah.

14 Q. What about fire drills?
15 A. Fire drills? In what way do
16 you mean?
17 Q. Do you conduct them or ---?
18 A. Yeah, we simulate. The
19 section boss does that, too, and he
20 records it in his book, that you
21 simulated a fire on a piece of
22 equipment, teach your men how to
23 fight fire.
24 Q. What about first-aid training?
25 Do they go over first-aid training?

01 A. I'm not understanding what
02 you're saying there.
03 Q. Do they cover first-aid in
04 your annual re-training?
05 A. Some. Some of it.
06 Q. What about explosives?
07 A. No.
08 Q. Do you use explosives in the
09 mine?
10 A. No.
11 Q. Do you know of any magazines
12 or anything that are underground?
13 A. No.
14 Q. What about covering the roof
15 control plan and the ventilation
16 plan?
17 A. The section bosses do that on
18 the section.
19 Q. Do you also do it as part of

102

20 your annual re-training?

21 A. Yeah, there's talks about it.

22 Q. Did they go over any of the
23 seal construction?

24 A. No.

25 Q. None of that. Do you think

103

01 the training was good?

02 A. Yeah. I mean, it teaches you
03 what you need to know, I guess.

04 Q. Do you think there's anything
05 they need to add or cover?

06 A. After this happened, since
07 this has happened, I would say that
08 all mines should learn --- teach
09 their men how to barricade
10 themselves properly, to do whatever
11 is possible to protect themselves
12 from carbon monoxide.

13 BY MR. CONAWAY:

14 Q. Just one thing. Owen, did you
15 get the feeling --- you know, you had
16 the initial, what you felt was an
17 explosion. Did you have the feeling
18 that there may be, you know, fires
19 burning or --- I mean, just what was
20 your impression, or did you --- did
21 you have any idea what was taking
22 place while you was there
23 underground?

24 A. I knew we had a methane

25 explosi on. But how big it was and

104

01 what damage it done, no, I didn't
02 know.

03 Q. And you didn't know if it
04 maybe was smoldering or burning or
05 going, you didn't know that?

06 A. Didn't know that.

07 Q. Really no indication?

08 A. Right.

09 Q. Okay. So it's really just a
10 big unknown then?

11 A. Right.

12 Q. You know what you felt, but
13 the rest of it you weren't sure?

14 A. Right.

15 Q. Okay.

16 A. I mean, you know you had the
17 explosi on, but you don't know what's
18 burning or not.

19 Q. Got you.

20 MR. O' DONNELL:

21 Hank, do you have any
22 clari fyi ng questi ons?

23 ATTORNEY MOORE:

24 No, I don't have any
25 questi ons for hi m.

105

01 MR. KITTS:

02 I have one

03 clari fi cati on questi on.

04 BY MR. KITTS:

05 Q. When you first called outside
06 immediately after the explosion,
07 which phone was that?

08 A. It would have been the one
09 where we come down along the track
10 from --- the first one we come to,
11 Sam, from our mantrip, the first
12 phone that I come to along the track
13 there.

14 Q. So it was outby One Left
15 switch?

16 A. Yeah, it was outby One Left
17 switch.

18 MR. KITTS:
19 Okay. Thanks. I
20 wasn't clear on that.

21 A. Okay.

22 MR. O' DONNELL:
23 Owen, we're going to
24 take a quick five-minute
25 break, and then we have a

106

01 closing statement and we'll be
02 finished.

03 A. Okay.

04 MR. O' DONNELL:
05 Is that okay with you?

06 A. That's fine.

07 MR. O' DONNELL:
08 Thank you.

09 SHORT BREAK TAKEN

10 MR. O' DONNELL:

11 Back on the record.

12 BY MR. O' DONNELL:

13 Q. Owen, I just have a couple
14 more questions to ask. You mentioned
15 that there was a pallet of Omega
16 block somewhere. Could you describe
17 where they were, and if you can, mark
18 it on our map for us?

19 A. You want it on the big one?

20 Q. That's fine.

21 A. Here's the switch. I'm going
22 to say they're either sitting here or
23 here. Now, I might be wrong, but
24 they was --- I do remember seeing
25 them in by, so I want to say they're

107

01 here or might even been here. I
02 don't think there's nothing there,
03 but I can't remember.

04 Q. So you're saying that they
05 were in the --- between the Number
06 Five and Number Six entry on the Four
07 Main, 46 or 47 crosscut; is that
08 right?

09 A. Right.

10 Q. And were they still on the
11 pallet?

12 A. No. They just stacked them
13 there loosely, stacked on top of each
14 other, laying there.

15 Q. Now, you said you noticed

16 them. Did you know that they were
17 there before the accident or did you
18 notice them after the accident?

19 A. They was there before.

20 Q. They were there before. So
21 you ---?

22 A. They'd been there for several
23 days.

24 Q. So you say you knew of them.
25 But that day, did you observe them at

108

01 all?

02 A. No.

03 Q. So you didn't see them at all
04 that day, but you knew they were
05 there?

06 A. Right.

07 Q. And they weren't used?

08 A. Right. They was ---.

09 Q. Okay.

10 A. Blocks just stacked up there.

11 Q. Okay. Good. What about when
12 you went in the mine, did you have to
13 energize anything? Did you ---?

14 A. We did not, no. We was
15 heading right straight for the
16 section all the way.

17 Q. Do you know if the belts were
18 running?

19 A. That's what I say, I can't
20 remember, but I don't think they was.

21 I don't think.

22 Q. Okay.

23 A. Because sometimes I look
24 across to see if it is running. But
25 I don't think it was.

109

01 Q. Who turns the belts on once
02 you get into the section?

03 A. Well, you can either start
04 them up from outside or ---?

05 Q. Yes.

06 A. The beltman would start it.

07 Q. Okay. Is he outside?

08 A. No. Your beltman is
09 sometimes, just like I said, inside.

10 Q. Okay. Do you know who it was
11 that day?

12 A. It would have been Terry
13 Helms.

14 Q. Okay. All right. Here's
15 another one. Have you received any
16 kind of specialized training or extra
17 training in examinations of the
18 workplace?

19 A. Went to that mine academy
20 school. I don't know, it's been a
21 couple months ago. The federal mine
22 inspectors went over how we're
23 supposed to do everything the right
24 way and everything.

25 Q. Do you recall when the

01 training was? How long were you
02 there?

03 A. Two days.

04 Q. Two days.

05 A. It was --- I think I took mine
06 in August sometime, I think that's
07 when I went.

08 Q. And do all the foremen get
09 sent to the school?

10 A. They was sending them all,
11 fire bosses and all the foremen, yes,
12 which is a good thing from the
13 company.

14 Q. Owen, what do you think ---
15 just your opinion, what do you think
16 caused it?

17 A. I would say possibly a gas
18 well, you know, where they're
19 drilling. And you mine close to gas
20 wells. Everybody knows coal mines
21 does that. Maybe there was a leak
22 come up through the bottom, down
23 through the top even. I got two
24 ideas. Either lightning hit the
25 steel pipe, run down and ignited it

111

01 or you had a roof fall in there. And
02 there's sandstone in those mines, and
03 a piece of rock could have fell and
04 hit a roofbolt plate. And there's a
05 large screen that they bolt up in

06 there to protect the walkers through
07 the intakes, and that wire could have
08 had a roof fall. You know, the wire
09 screen could have hooked on a rock or
10 on a roofbolt or something and
11 possibly done it. That's my only
12 ideas.

13 Q. I figured I'd ask you. Why
14 not; right?

15 A. Yeah.

16 ATTORNEY CONAWAY:
17 We don't have any
18 questions, Owen. We
19 appreciate you coming here
20 today and giving us your
21 testimony. And we can only
22 hope that through that that
23 we'll be able to prevent
24 something like this from
25 happening again.

112

01 A. Me, too.

02 BY MR. MOORE:

03 Q. Owen, you were asked earlier
04 about what you did when you came out
05 of the mine. And was there --- when
06 you came out of the mine, did you
07 meet with a state inspector or
08 federal inspector to talk about what
09 you all had done in the mine?

10 A. Federal inspectors took us
11 into Jeff Toler's office immediately

12 and said, sit down there. They said,
13 we ain't here to lecture you. We
14 want to know what or where you all
15 made it to and what you done exactly
16 in the mines, how far you made it in
17 and what exactly you done with the
18 ventilation.

19 MR. O' DONNELL:

20 Owen, on behalf of
21 MSHA, I want to thank you for
22 appearing and answering the
23 questions today. Your
24 cooperation is very important
25 to the investigation as we

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01 work to determine the cause of
02 the accident. And we ask you
03 not to discuss your testimony
04 with any person who may have
05 already been interviewed or
06 who may be interviewed in the
07 future. This will ensure that
08 we obtain everyone's
09 independent recollection of
10 the events surrounding the
11 accident.

12 After questioning other
13 witnesses, we may call you if
14 we have any other follow-up
15 questions that we feel that we
16 may need to ask. If at any

17 time you have additional
18 information regarding the
19 accident that you'd like to
20 provide us, please contact us
21 at the contact information
22 that we gave you, that number
23 provided to you.

24 The Mine Act provides
25 certain protections to miners

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01 who provide information to
02 MSHA, and as a result, are
03 treated adversely. If at any
04 time you believe that you've
05 been treated unfairly because
06 of your cooperation in this
07 investigation, you should
08 immediately notify MSHA.

09 If you wish, you may
10 now go back over any answer
11 that you have given during
12 this interview. And you may
13 also make any statement that
14 you would like to make at this
15 time. Again, I want to thank
16 you for being here, Owen.

17 Take care.

18 A. You, too.

19 ATTORNEY MOORE:

20 Before you get off the
21 record, Owen, you have a right
22 to get a copy of the

23 transcript that the court
24 reporter prepares. Do you
25 want a copy?

115

01 A. Yes, I'd like to have that.

02 ATTORNEY CRAWFORD:

03 Submit a written
04 request to MSHA, and we'll do
05 that --- to the address that's
06 stated on the card.

07 A. Okay.

08 MR. O' DONNELL:

09 Okay. Thank you again.

10 A. There is one statement I would
11 like to make.

12 MR. O' DONNELL:

13 Go ahead. Back on the
14 record.

15 A. That I would like to see in
16 all the mines in the whole United
17 States or whatever, that they got
18 extra apparatuses on the sections for
19 the men and close enough thereafter
20 all the way to your outside so a man
21 could at least crawl and get to a new
22 one, if he had to, just in case
23 something like this ever happens
24 again, within every 500 or 1,000 feet
25 of each other, have new ones or good

116

01 ones sitting there. That's my only

02 request.

03 MR. O' DONNELL:

04 It's a good one, too.

05 Thank you.

06

07

* * * * *

08

SWORN STATEMENT

09

CONCLUDED AT 1: 36 P. M.

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* * * * *

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MS GPS Well Location (19/27/03)
Fig. 47-209-2128 (Proposed)

MS GPS Well Location (1/06/04)
Fig. 47-209-2128 (Prop. Cont.)

MS GPS Well Location (4/27/04)
Fig. 47-209-2128 (Prop. Cont.)

MS GPS Well Location (12/27/03)
Fig. 47-209-2128 (Proposed)

MS GPS Well Location (1/06/04)
Fig. 47-209-2128 (Prop. Cont.)

MS GPS Well Location (6/29/04)
Fig. 47-209-2128 (Prop. Cont.)

MS GPS Well Location (1/27/04)
Fig. 47-209-2128 (Prop. Cont.)

MS GPS Well Location (1/06/04)
Fig. 47-209-2128 (Prop. Cont.)

MS GPS Well Location (1/06/04)
Fig. 47-209-2128 (Prop. Cont.)

MS GPS Well Location (10/16/03)
Fig. 47-209-2128 (Proposed)

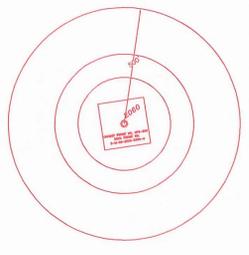
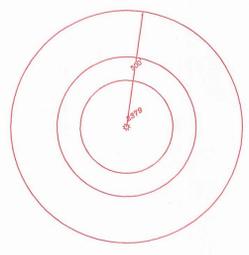
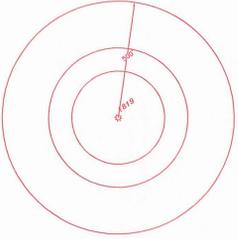
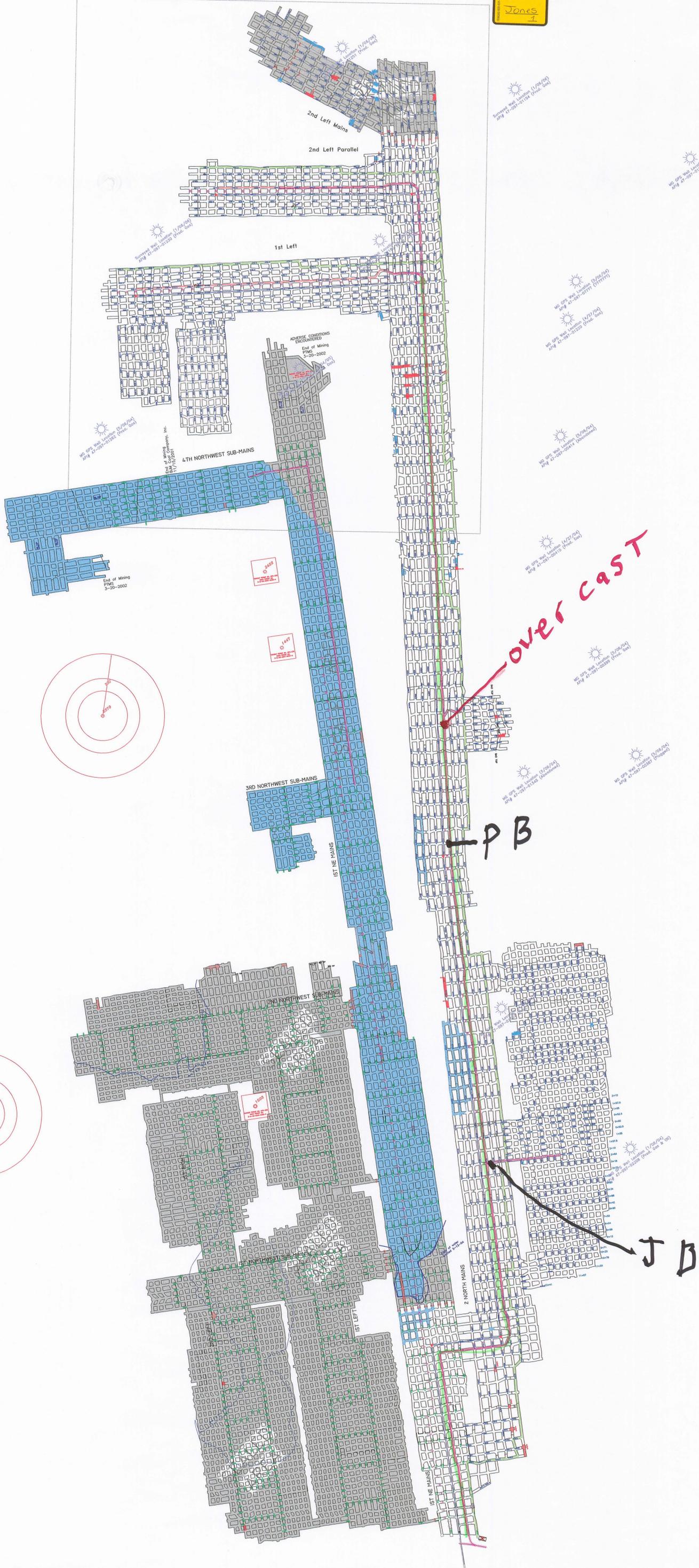
MS GPS Well Location (4/27/04)
Fig. 47-209-2128 (Prop. Cont.)

MS GPS Well Location (5/19/04)
Fig. 47-209-2128 (Prop. Cont.)

MS GPS Well Location (1/06/04)
Fig. 47-209-2128 (Prop. Cont.)

MS GPS Well Location (1/06/04)
Fig. 47-209-2128 (Prop. Cont.)

MS GPS Well Location (1/06/04)
Fig. 47-209-2128 (Prop. Cont.)



Scale: 1" = 100'

EXHIBIT
Jants

Well Location (1/06/06)
API# 47-097-01251 (Prod. Gas)

2nd Left Mains

2nd Left Parallel

Surveyed Well Location (1/06/06)
API# 47-097-01230 (Prod. Gas)

1st Left

Well Location (1/06/06)
API# 47-097-01230 (Prod. Gas)

1-LEFT

ADVERSE CONDITIONS ENCOUNTERED

End of Mining
PTMS
3-20-2002

Well Location (04/05)
API# 47-097-01230 (Prod. Gas)

MG GPS Well Location (5/06/04)
API# 47-097-01262 (Prod. Gas)

End of Mining
BUM Coal Company, Inc.
11/15/2001

4TH NORTHWEST SUB-MAINS

