WEST VIRGINIA MINE SAFETY HEALTH ADMINISTRATION

IN THE MATTER OF:

THE INVESTIGATION OF THE APRIL 5, 2010 MINE EXPLOSION AT UPPER BIG BRANCH MINE

The interview of KEVIN BROWN, taken upon oral examination, before Lisa Marie Short, Certified Court Reporter and Notary Public in and for the State of West Virginia, Wednesday, February 9, 2011, at 9:00 a.m., at the Mine Academy, 1301 Airport Road, Beaver, West Virginia.

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MR. KOERBER: Would you please swear in the witness, please.

First of all, let me give the preliminaries. My name is Barry Koerber. I'm the Assistant Attorney General. I'm assigned to the accident investigation team for the West Virginia of Office of Miners' Health Safety & Training.

Today is February the 8th, 2011. We're here at nine o'clock for an interview of Kevin Brown.

And I'd ask that the court reporter swear in the witness.

KEVIN BROWN, WITNESS, SWORN

MR. KOERBER: Mr. Brown, would you please state your full name for the record and spell your last.

THE WITNESS: Kevin Chadwick Brown, B-r-o-w-n.

MR. KOERBER: And would you please state your address for the record as well and your telephone number.

THE WITNESS: Street address is 258 Glen Rogers Raven Cliff Road in Bolt.

(b) (7)(C)

MR. KOERBER: And you appeared here for an interview on May 22nd, 2010. Does that sound about right?

THE WITNESS: Yes.

MR. KOERBER: And we're asking you here again for some clarifying questions from what we learned before.

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

THE WITNESS: Yes.

MR. KOERBER: Is that a copy of the subpoena?

THE WITNESS: Yes.

MR. KOERBER: I'd like that to be Exhibit A.

And this is a copy of the Affidavit of Service, which I'd like to be Exhibit B, or 1 or 2, however you want to do it.

(Exhibit Nos. 1 & 2 marked for identification.)

We also have several members of

the accident -- of other accident investigation teams here today.

Beginning with the person to my left, I would ask that the people identify themselves and who they're with.

MR. TUCKER: Bill Tucker with Office of Miners' Health Safety & Training.

MR. MAGGARD: I'm Jasey Maggard with MSHA.

MR. CRIPPS: Hi, Chad. I'm Dean Cripps. I'm also with MSHA.

MS. HAMPTON: I'm Pollyanna Hampton. I'm with the Solicitor's Office for the Federal Department of Labor.

MR. MCATEER: I'm Davitt McAteer with the Governor's investigative team.

And for the record, today is February the 9th.

MR. KOERBER: My apologies.

MR. MCATEER: That's okay.

MR. KOERBER: I'm one day behind.

We also have some other people in

the back of the room. I'd ask that they identify themselves and who they are with.

MR. WATKINS: I'm Tim Watkins with MSHA.

MR. HESS: Leland Hess with MSHA.

MR. STEFFNER: Clead Steffner with MSHA.

MR. PAGE: Norman Page with MSHA.

MR. KOERBER: Mr. Brown, the court reporter here is with a firm by the name of Johnny Jackson & Associates. That court reporter firm is in Charleston, West Virginia. They are operating under a three-day turnaround for those individuals that would like to have an opportunity to review their transcript after it is printed up.

Today being Wednesday, three business days would be Monday. Come Tuesday morning, if you would like, you can call Johnny Jackson & Associates, and I'm going to give you their business card

with their telephone number on it, to schedule a time that is convenient for you as well as them. It will have to be during regular business hours for them.

And if you would like, they will put you in a conference room where you have privacy, and you will have the opportunity to read your transcript. And you will be given an errata sheet, which is another sheet of paper that goes along with the written transcript, that if you find any errors in the transcript, you can note those errors on the errata sheet.

That is something that you can do; it is not something that you have to do; it is your choice.

As we also mentioned, I'm sure, back in May, West Virginia Code 22A-1-22 provides certain protections for coal miners from being discriminated against for participating in interviews such as this.

What I have also that I want to give you is a memorandum which contains

the address of the board of appeals. The board of appeals is the administrative body that hears discrimination cases.

If you believe at some time you are discriminated against for participating in this interview, this is the body that you file your complaint with. And the complaint can be very informal, just simply write a letter explaining what happened.

I would caution you, though, that you only have 30 days from the day that the discriminatory action occurs to which to file your discrimination action. Okay?

I'd also like to give you a business card for Mr. Bill Tucker, our lead accident investigator. Should anything come up after this interview that you think it would be beneficial for us to know about, I would urge you to contact Mr. Tucker. I'm going to give you that.

Ms. Hampton, I think, has something that she would like to mention

to you as well, and I'm going to give her an opportunity to speak, but this is yours to take home with you.

MS. HAMPTON: Hi, Mr. Brown. I'd just like to put on the record that before we went on the record today, I handed you a letter from the accident investigation team for MSHA; is that correct?

THE WITNESS: Yes.

MS. HAMPTON: And did you get a chance to read that letter?

THE WITNESS: Yes.

MS. HAMPTON: Did you have any questions for me about the content of that letter?

THE WITNESS: No.

MS. HAMPTON: I just would like to point out to you that similar to what Mr. Koerber had said is that our contact information is contained in that letter, and if after you leave here today you have any other information you think is relevant that you would like to share with the accident investigative team, please

don't hesitate to contact us.

THE WITNESS: Okay.

MR. KOERBER: At this point in time, I'm going to turn it --

What's your name again, sir?

MR. CRIPPS: Dean Cripps.

MR. KOERBER: To Dean Cripps to begin the questions.

EXAMINATION

BY MR. CRIPPS:

Q. Do you mind if I call you Chad?

A. No.

Q. Is that all right?

A. That's fine.

Q. Chad, you came in I think on May 22nd. We appreciate you coming back in. Since the day of your first interview, we've been underground, been on the longwall a lot since then. We've seen the condition, and naturally we have a lot more questions now since we've actually seen the conditions of the longwall, so I appreciate you coming in and helping us out with the questions we've got.

The thing I want to point out, I have

already found out with being with all the guys on longwall from out here, I'm from the Midwest. The terminology I use is a little bit different than what you guys use out here, so if you don't understand what a DA rim is or something like that, just say it and then we'll get together. I have already had to change my lingo considerably since I have been here.

How about let's start out today, just pick out a normal day from the time you arrive on the mantrip on the section, get off the mantrip, just explain to me what your normal shift would consist of.

A. The first thing we do is go -- and depending where we hot seated and depending on where they was at with the shearer, whether we bitted up there, or if it was on the face, we automatically changed our bits, checked the water sprays, the electricians would do all the other servicing, greasing, check the oil and the water pressure.

If all that was normal, we would go ahead and start running.

Q. I'm going to back you up just a little

bit. When you get off the mantrip, you stop at the power center?

A. Yeah, that's where they would set our packman, the remote controls for the shearer, stop and pick that up, and that's the only time I would stop there.

Q. And would each of the shearer operators pick up a packman?

A. Yes.

Q. And carry it onto the face with you?

A. Yes.

Q. Let's say a day shift, when you arrived on the unit on day shift, would the shearer be running at that time?

A. No.

Q. So you would go in and do what?

A. That's when you'd go in and wherever it's sitting at there, you go ahead and do your pre-op, check your bits, see if they need changed, check to see if there's any water sprays out, check the water pressure on the shearer.

It's been a while.

And the electrician will go ahead and grease and check the oil and all that.

Q. What about when you was on the second shift?

A. The second shift is the same, it just depended on where they was at.

If they were running, if they were close, like say mid face, close to the head or tail, either way it was going, we would finish it out before we would check anything.

Q. And why is that?

A. I don't really know why. It was just force of habit, I guess.

When we would go in, the first thing that was on our mind or told to was to run coal until we get to a head or tail, because mid face usually was a little bit lower than head or tail to check your bits.

Q. Now, let me confirm something here. You're the shearer operator; is that correct?

A. Yes.

Q. And you operate the --

A. Tail side.

Q. -- the tail side of the shearer. Okay.

Do you work on A crew?

A. I was on C crew.

Q. You were on C crew.

Kevin Medley is your boss?

A. Yes.

Q. And you worked, the last shift you worked was?

A. The Saturday prior to the accident.

Q. Okay. Okay. Very good. Okay.

Let's talk about your pre-op that you did, you do when you first go in. Explain that to me in as much detail as you can, if you would.

A. That's been a while since I have been on the wall now. But we would, when we got to the shearer, you pull the line back to get out there to check your bits and see to pull shields in to cover yourself.

You just made sure the bits weren't dull, check the oil, they'd check your oil in the arms while you check your bits and your water sprays, spin the drum around, if there was any sprays out -- on the head drive I know we usually kept a bucket of extra water sprays to change if we had any out. And that's pretty much all the operator would do.

They had a pressure gauge to hook, but I

have never hooked it up myself on a shearer to check the water pressure. I always seen electricians hook it up.

Q. Where did they hook it up, do you know?

A. On the back of the shearer. I've never seen it hooked up on the head.

I know on a miner you hook it up on the head and it would spray the cutter head, but on the shearer, I've never seen it hooked up there.

Q. So you've never seen it hooked into the drum?

A. No.

Q. When you say on the back of the shearer, you mean the face side of the shearer?

A. Yes.

Q. And that's the sprays that spray onto the face, I guess?

A. Onto the face.

Q. So what would they do, take a spray out?

A. Yeah, take a spray out, put the hose in where the spray was with the pressure gauge on it to check the pressure. Then if it was right, they'd put the spray back in.

Q. You said you pulled the line back?

A. Yes.

Q. The line, is that the conveyer?

A. Yeah, the pan line.

Q. The pan line. I have learned that since I have been here, but that's ...

Now, why would you pull the pan line back?

A. To get the shearer itself out of the face so we could pull the shields in over our head to protect us from the top where we was at.

Q. The bits on the drum would be sumped into the face somewhat?

A. Somewhat, yeah.

Q. And so you pull the pan back to make it, what, easier to spin the drum?

A. Easier to spin the drum and to get ourselves away from the face in case it would roll out.

Q. And then you said you pulled shields in?

A. Yes. Usually two to three shields over top, one over top of the drum and at least one or two over you.

Q. And that's just, why is that?

A. Just extra protection in case the top had a little bit of draw rock.

Q. You say you checked the sprays. What does that entail?

A. All we do was check if they're there. If they were there, we considered them okay to run.

Q. By being there, do you mean --

A. They were in the slot the water spray was supposed to be.

Q. Did you count the number of sprays that was operating?

A. Usually, if you spin it all the way around, once you got back to where you first started setting bits, if you'd seen all the sprays, I've never counted them myself, I know I think there was supposed to be 43 maybe. Like I say, it's been a while, but I've never actually sat down and counted them myself.

Q. When you spin the drum, how did you actually do that?

A. My foot on one bit or insert and my hands on the other.

Q. And just use your body weight to --

A. Yeah.

Q. -- just kind of step on it and reach up and grab it and turn it real slow?

A. Yes.

Q. When they would check the pressure, do you know what pressure you was required to have on the shearer?

A. It's been a while. I don't know.

Q. Okay.

A. I can't remember that.

Q. That's fine. If you don't remember, you don't remember.

But you say the mechanic normally did that?

A. Yes.

Q. Who would that be on your shift?

A. That would have been Tommy Estep or Dustin Ross.

Q. Did they both do that, or did you see them both do that?

A. Yeah, they worked together. If one of them was done on one side, they would go ahead and do whatever it was that wasn't finished yet.

Q. So while that was going on, they would also be servicing the shearer?

A. Yes.

Q. Did you say that?

A. Yes.

Q. Setting the bits, who set the bits on the shearer?

A. The operators, the shearer operators, and the jack setter would usually help one side or the other.

Q. And so that would be you?

A. Well, yeah. Myself and the other operators.

Q. So you have set bits on the shearer?

A. Oh, yes.

Q. How about just, in as much detail as you can, explain the process to me of setting bits.

A. Well, you would -- it depends on how bad they were. If you definitely use the wrench that they had and beat them out with a hammer, we would just toss them back across over into the line that you walk on the face where the pontoons of the shields are, and they usually just piled up there.

Q. The wrench you talk about, a crescent wrench, a socket wrench?

A. No, it looks like -- it's a bit wrench. It looks like a weird fork, just two prongs. Had a rubber piece on the back of it and a small metal

handle to hold on to.

Q. And you beat that wrench with a --

A. Three-pound hammer.

Q. With a hammer?

A. Yeah.

Q. But the wrench is designed to be struck with a hammer?

A. Yes.

Q. And the fork is -- are they kind of wedged shape?

A. Yes.

Q. And that's so that they'll drive in behind the bits to pull the bits out?

A. Yes.

Q. How do you determine when a bit needed to be changed?

A. Depending on how much carbon was left in it.

Some of them, where we was in a lot of sandstone on that face, it didn't matter how often you changed them, it would melt them down to nothing. There would be no carbon left in it period.

Q. By carbon, you talking about the carbide

tip in it?

A. Yes.

Q. So I mean, what's the condition you've seen some of the bits in when you've changed them?

A. Completely nubbed down from the -- I'm trying to -- I guess they were six inches to begin with, estimating, and there would be an inch of a head of the bit left, no carbide period.

Q. When you're cutting in that sandstone with those bits in that condition, how did it cut?

A. That sandstone, one pass and that's just, you know, changing the bits on the head, by the time you got to the tail, there at that instance when you cut out once on the tail, you couldn't even completely cut out at the top. You just back up, change bits, have to change some bits.

Q. Is that when you would see all the sparking --

A. Yeah.

Q. -- coming off the bits?

A. Yes.

Q. I think in your interview before you mentioned about the sparking coming off the bits.

So explain to me how, if you're cutting

towards the tail, for instance, and you need to set bits, explain to me the process of doing that.

A. We usually carried bits. We stuck as many buckets of bits as we could on the shearer itself and packed them with us, because we knew we was going to have to change them by the time we got to the tail at least, when we got to the tail.

If we got there, if we couldn't make it all the way to the tail, because there was some instances we never made it passed 150 shield, the rock just wouldn't let us, so we cleaned up as best we could to get a spot safe enough for us to bit up.

Q. Would you have to turn the shearer around --

A. Yes.

Q. -- to bit? Why is that?

A. Just turned it up to make sure I scrap enough bottom, because the drum itself I think was 64 inches high, and I wanted a little more room than 64 inches to get myself and my tools to work safe out there to bit up.

Q. Okay. I understand.

Go back just a minute to checking the

water and the sprays. So you did check your sprays and the mechanics checked the water pressure?

A. Yes.

Q. Did you or do you know of anybody that made a record of any kind of that exam?

A. No. If anyone did, the electricians may have put it down in their PM sheets, but I've never seen their sheets, so I'm not sure.

Q. They didn't do it on the shearer or have a board hanging at the headgate or the tailgate that you're aware of?

A. Not that I'm aware of.

Q. But that was normal every shift, to check your sprays and check your pressure?

A. Check the sprays, yes. Check the pressure, I didn't pay attention to them what they was doing back there, so I can't say that they did check it every time, every day. But I have seen it checked every now and then, I do know that, but I'm not going to say every day.

Q. That's fair enough.

The gauge that you talk about that they used, do you know where that gauge was kept?

A. Possibly a toolbox, because most

electricians wouldn't leave any of their tools. Like anything they used on a daily basis, wouldn't leave it out for the fact being one shift may not have it and they may put it up in their box.

Q. Oh, surely not.

A. Oh, yes.

Q. I understand. Okay.

So to your knowledge, there was no certain place off the headgate or the tailgate where a gauge was kept just for that purpose?

A. No.

Q. After you check the sprays --

And let me back up. If you come in at the start of the shift and you had sprays missing, what would you do?

A. Usually I would have a couple in the shield, the teardrops of the shields, there would be a couple random there.

If they didn't have them and I was not on the head, we could get them, someone that was passing by there, because the three operators were always to the shearer before anyone else was, and the electricians will usually, and the boss Kevin, would usually follow us down at the first of the

shift anyhow so we could holler on the Comtrol phones to someone to pick up the sprays on their way down.

Q. How difficult is it to change the sprays, either replace missing sprays or change the clogged sprays?

A. Clogged sprays, if you check by turning the water on -- I mean, either way, a staple like that, you know, two minutes at the tops to change one. That's if it's stuck in there good, the staple had been beat from rock and stuff like that. It's very simple.

Q. After you get the run at the beginning of the shift, now you start running. Is it common for sprays to come out?

A. Yes. The sprays, I have seen them -- you'd be full drum at the head, and when you get to the tail, three or four is already missing.

For some reason -- that's like I guess the staple, where the staple would go in the shearer drum itself would get loose and they would fly out from head -- one pass, one head to tail.

Q. So you've seen three or four come out in one pass?

A. Yes.

Q. Normally then in a pass, you've got three or four out. When would you replace those missing sprays?

A. As soon as I noticed them.

Most of the time you'd carry them in your pocket if you knew that was going to happen. If it become a custom problem that they're going to fly out and you know you're going to stop at the tail anyhow, just carry some with you.

Q. And then change them when you get to the tail?

A. Yeah.

Q. Did it normally coincide with setting bits?

A. Yes.

Q. I'll tell you what, if you would, just explain to me, make a cut for me from the -- starting at the head, go all the way to the tail. Tell me everything that's going on with the shearer and going on on the face.

A. Just head to tail?

Q. Yeah.

A. I mean, on that one, you start out, you

could go, I'm going to say a decent speed of about 35 foot per minute to maybe 50. It's been a while, like I said. Until you got to about 75 shield.

Then I think the top was a little bit ragged and you might have to fight some rock. What I mean is when it falls into the conveyer to -- be slightly too big to go under the shearer, have to, you know, fight with it, break it with the shearer itself to get it to fit underneath and then, you know, it's backing up in case you have to re-cut bottom.

Other than that, I think one pass at the end was taking about 58 minutes, maybe a little over an hour. I'm not really -- like I said, it's been a while.

But I think the sandstone may have started around 150 shield at the end. That's an estimate.

That sandstone top, once we got down there, that's where most of our time took was cutting the sandstone out on the tail, because you'd back and forth, back and forth to re-cut the -- it would push the drum itself out of the top where it was so hard, and no matter how good your bits was, it would push them out, plus dull them up

real good.

Q. So that was -- you'd have to go back and trim the top, is that what you're saying?

A. Yes.

Q. Why is that? I mean, why is it important to keep the top trimmed?

A. Well, on the tail and the head, we tried to keep it a certain height just in case something breaks down and you get the parts in on either side. And to clear the head drive and the tail drive itself, you need to at least -- well, not at least, but it's best to have more than 70-some inches. You don't want the shields setting on top of the drives. Just cause problems for everything.

Q. I'll back up, because I asked you about cutting. You're at the head and you're cutting to the tail?

A. Yes.

Q. You're the tailgate shearer operator.

So I understand if you're the tailgate operator, you have control of the tailgate drum as far as the positioning up and down; correct?

A. Yes.

Q. I think you also have control of the tram;

is that correct?

A. Yes.

Q. So when you're going to the tail, where would the tailgate drum be located?

A. In the top.

Q. So when you're going to the tail, the tailgate drum is taken out the top?

A. Yes.

Q. What about the headgate drum?

A. He's cutting the bottom.

Q. So it's tramming.

And I say that in case some people is not familiar with the longwall. I know you, you think everybody understands that, but I found that's not the case, so that's the reason -- I know you probably think I'm asking some pretty simple questions here, but that's...

So when you're tramming the tail, you're cutting the top out. Now, when you turn around and come back to the head.

A. The tail operator is cutting the bottom, the head end operator is cutting the top.

Q. So when you're cutting to the tail, where is the shield man located?

A. Cutting to the tail, he's behind the headgate operator -- the head end operator pulling the shields.

Q. So by behind, you mean he's towards the headgate?

A. Towards the headgate, yes.

Q. Towards the headgate into the longwall?

A. Yes.

Q. Where are the two shearer operators located?

A. I usually stood at the midpoint of the shearer. I know that's not where you're supposed to stand, but to see what I was doing, I was standing at the midpoint of the shearer where all the controls, power and stuff, the JNA unit was, so I could see what I was cutting.

Now, the head end operator, he was always outby his drum at least one or two shields.

Q. By outby, he was towards the --

A. Towards the headgate.

Q. -- headgate?

And so with him being towards the headgate, then he could get a good view of his drum to see the amount of bottoms --

A. Yes.

Q. -- he was cutting?

And by you being located at the midpoint of the shearer, explain the reason for that.

A. Well, I would sit there -- I wouldn't be in as much dust, but I was still in a little bit of dust. But to see what I was cutting at the top, at the midpoint I found that you could see where the air had already blew the dust out and I could see what I was cutting, if I needed to back up and retrim top or if I could just keep going.

Q. Now, when you -- explain to me when you get down to the tail, explain right there at the tailgate when you're actually cutting out the tail where you're located, where the shield man is located.

A. He would step the lines back in a wedge, it's kind of a stair step, the shields back, and he would just sit with the head end operator, they usually sit about 160 waiting on me to cut out.

I would cut all I could out, usually wasn't enough but just to clear the drum out, flip the cowl back up, scrap what bottom I could, then raise the arm up and re-cut the top again as I went

back out.

I usually repeated that process probably three times in that condition with the sandstone the way it was.

And after I got everything to where I wanted it, we were back up to where he stair stepped. The shield operator would pull them into where he stair stepped, lined up toe-to-toe with the ones that have not been pulled in yet, pushed the tail out again, cut that out, repeat the same process when I first cut it out, and then we would head to the head.

Q. You say when you've got the tail cut out, you flipped the cowl?

A. Yes.

Q. Did you have to sump down a little bit to get some clearance to flip the cowl?

A. Yes.

Q. But then when you turn around and go back, you say you cut the head, or I'm sorry, the roof?

A. Yeah. I would cut the top at least two more times. Just by it being at the hardest part it was two more times, but the bottom, I think the bottom wasn't as hard at that time.

Like I said, it's been a while.

But you wouldn't have to cut it but once or twice.

Q. Because what I'm used to seeing is you cut out the tail and you sump down and then you cut the bottoms going the other way.

A. Yeah.

Q. When did you actually cut the bottoms?

A. I would cut the bottom after I was done with the top. I mean, when I would go out, I would sump down a little bit and cut a little bit of bottom on my way backing up to set up to re-cut the top, but I would never sump it down as far as I wanted to go at first.

Q. Would you say if you wasn't in all this sandstone, is that the normal procedure for cutting out the tailgate?

A. No. If we wasn't in all the sandstone, I probably would have cut out top once, wouldn't have had to touch it again, just sump down, cut the bottom, and went out on the bottom one more time just to make sure that I got all of it and then headed back.

Q. Where do you stand or did you stand when

you was cutting out the tail here on this particular panel?

A. At the stagger shield most of the time. I think that's where the ACT. was. It's right where the tail drive hooked to the pan line itself.

Q. That's probably about 173 shield?

Let me put it like this, the ACT box is at 173 shield.

A. Okay. I was trying to remember how many shields.

Q. There's 176 shields on the face.

A. It's been a long time since I was there.

Q. I understand.

And there's three shields that's hooked to your tail pan, then you got I think what you call the stagger shield.

A. Yes.

Q. But that's where the ACT box ...

Was it a little hard to see down there?

A. It wasn't that bad. Well, there when the air got cut in half, when the air went from around 100,000 down to I think around 50,000, I'm not really sure on the numbers anymore, but it got a little bit harder to see, but it wasn't that bad

before then when we had a lot more velocity going.

Q. I noticed that -- I mean, that tail drive and the covers over the top of them is pretty high down there, and it looked like you was losing some height on the tail. There's not a lot of clearance between the shields and the top of that tail drive.

A. Yeah.

Q. And so you've done your -- I always called it the snake. You guys called it the shuffle. That's where, if I'm understanding right, he staggers the shields in, for a better word, and just pushes the pan over.

A. Yes.

Q. And forms kind of, something like an S shape or something like that.

Where would the pan actually be all the way in against the face, what shield approximately?

A. He usually started at 155, so I would say around 145 it would, you'd have a full drum. It would be all the way against the face.

Q. And when in all that process then would he go ahead and pull up the shields the rest of the way?

A. When we would come back after our first cut out on the tail, after we got to where he had stopped and we was clear of his, where he started stepping them back staggering them, he would pull the jacks in to line them back up to where they would be even again and push the line out, cut out on the tail, and then we would go back to the head.

Q. Go towards the head.

And so each time you cut out on the tail, I mean, in the conditions that you're in now, you had to make multiple passes right there at the tail to get the head -- the top and the bottom cut out?

A. Yes.

Q. The three last shields, the tailgate shields, were them normally kept pulled in all the way? Do you recall?

A. Not if we were running. The only time they were pulled in -- I mean, if they thought the top was going to fall, they would spot them before we left again, but normally, no, they were left back with the rest of the line. After it pushed, that's where they stayed.

Q. Okay. Okay. Now, when you're cutting, you've done your shuffle and you're heading for the

headgate now. Explain to me that process going to the head. What I'm looking for is where you stand, where the shield man is at, and where the headgate operator is at.

A. The headgate operator is right around, standing around almost even with his drum, always a little bit ahead, so he's not in, because the head end, when you're going to the head, puts out a lot of dust and water if you stand right there at it, and the air hitting it and you right at the water, you get -- you're a muddy mess.

But I was standing about midpoint of the shearer as always just so I could see what I was cutting.

The shield operator on the tail, he would always just follow behind us pulling the shields in.

Q. Your shearer, does it have like any type of horizon control? Could it determine how much bottom it's cutting and adjust itself, or is it strictly manual?

A. Manual.

I know what you're talking about. They called it memory cut, I believe, on that.

Q. Yes.

A. And I have never seen that work. And I have worked at two different mines, and I have never seen it work.

Q. So it was up to you to determine how much bottom was being cut?

A. Yes.

Q. So consequently, you need to be able to see the drum to determine that?

A. I usually looked at my arm to see how far off the pan line it was to judge how much I was cutting.

Q. And in a normal relatively flat panel, would you, if you was going to the head, would you sump the drum all the way as far as it would go?

A. No. I would usually leave it about six to -- probably about five to six inches off the pan line, and it would usually stay level.

Q. What if you just sumped it down every time, every pass, what would happen?

A. You would be heading to China. It would turn the pan line over. Eventually it turns over so hard that the shearer itself doesn't want to tram. It's like both your shafts that tram it are

broken. We had that incident happen a couple of times with new operators on this panel.

Q. I started to say, it sounds like you've heard of that or seen that.

A. Oh, yeah.

Q. What if you, instead of five to six inches off the pan, you leave it a foot off the pan?

A. It will raise up and you'll -- the pan line itself will tilt back a little bit like this and you'll lose height. That's how you -- if you want to come out of bottom and actually lose height, you'd say your shields are stroked out, they go -- the range on them is nine foot to hit -- be setting on the bottom and the top. If it's anything over that, if something falls, that shield's struck down, it's not holding anything, if something falls, it can slam that shield all the way against the pan line, no problem, with nothing holding it.

If you bring it up like that, that will get it back to where it's anchored in something and then you can level the pan line back out.

Q. And so I guess this is your opinion. Is it pretty important to cut the bottoms correctly at

the right level?

A. Yes.

Q. Some of these questions I already know the answer to, if you haven't been able to tell.

Now, when the shield man is pulling the shields behind you, as I understand, you cut both directions on this pan?

A. Yes.

Q. Or on this face. And so consequently, when you're cutting towards the head, the shields are being pulled in as the shearer makes the cut?

A. Yes.

Q. Then is the pan being pushed also?

A. Yes.

Q. As I understand, you'd been a shield man also; is that correct?

A. Yes.

Q. So explain that process to me if you would as far as how the guy pulls the shields and pushes the pan.

A. On the JOY shields that we had here at Massey, the prime, as they called it, did not work. You would pull in the shields manually one-by-one on the computer itself, not actually

climb inside where the spool valves are.

But the prime for the push actually, that's the only part of it that did work. So after you went, say, 10 or 15 shields, you could push I think it was -- I'm not even going to speculate, I can't remember. I haven't seen a box in a while.

But you could hit the button to have it pushed, and it would push out within say five shields of where you even pushed the button.

As long as you kept pulling shields in, you would be -- you could push the line out all the way.

Q. So when you say that you have to pull them all manually, you did that, it was actually electrically from the adjacent shield?

A. Yes.

Q. So if you wanted to pull in number 150, you stood on 149?

A. Yes.

Q. How would you -- explain that process to me. Was it a one-button process or?

A. No, it was a -- usually a three-button process. You would hit the direction, there's arrows on each side of the CIU, one pointing, say,

if you're at 150, one pointing at 151, one pointing at 149.

You push the directions to pull in 151, hit -- it was pretty simple, just arrows everywhere. Hit the down and advance, and it would pull the shield in, then set it to the top.

Q. Do you know what LAS stands for? Explain that to me.

A. Lower advanced set. You could hit the direction LAS, but half the time in my -- my experience in using that button, they wouldn't come in 100 percent, and you would break a shearer pin, and when you come back through, you're either going to sit there and fight with it to fix it or you're going to try and walk it in doing pretty much the same thing.

That button would lower it, advance it, and set it itself, but like I said, 90 percent of the time it didn't work the way it was supposed to.

Q. And by not coming in all the way, you mean the shield would not advance?

A. The shield would not advance all the -- as far as it needed to go.

Q. And what problems would that create?

A. Your line would be, won't be pushed out of the way, your shield, the pin that holds the shield itself to the line with the ram that pushes the line out after the shield has been pulled in would normally break.

Q. And that's -- it would break when you was pushing the pan line?

A. Pushing the pan line.

Q. That would be because if every shield was in except for one, something has got to give?

A. Yeah.

Q. Right? If that shield sat against the roof, obviously the shield is not going to move.

A. Right.

Q. So if the shield man is advancing each shield individually, how in the world did he keep up?

A. Got to be fast.

Q. I'd say.

A. And it actually got pretty easy. It depends --

Now, there was times that you had to stop and wait on him. Now, you would never leave, especially going head to tail, because what we were

really supposed to do was cut about 20 shields, stop, let him go back and set so he wouldn't be in all the dust. I'm not going to sit here and tell you that's what we did, because that would be a lie.

Q. I understand.

A. And we wouldn't, but we would not take off and leave him. I would keep check on him, me being the tail end operator, I would keep check on him, watching him. If he was getting 10 shields behind, I would stop. Because you don't want a man back there in the dust having problems. You don't know what's going to happen.

One instance, the same shield -- well, he was actually my shearer operating partner at the end. A backboard cover that was on the back of the pan line that covers all the cables, wires, it had fallen off and was covered in gob, all the coal fines from water coming out of the bottom of the pan line. He was pulling the shield in. That cover came and hit him in the leg. And I was just sitting and waiting on him, because he was about 15 shields back.

If I hadn't stopped and waited on him, he

could have just been stuck down there by himself. So I -- and for that reason, I always waited after about 10, 15 shields. I would stop and wait on him regardless.

Q. Right. And so the prime on these shields, have they worked on this face at all?

A. No. The advanced prime, I never did try to use it, but I didn't set shields on it, but I never did see it work. From the whole -- since I have been with Massey, I have never seen that advanced prime work. And on their longwall, I was only with them two years, so ...

Q. Now, was you over at Logans Fork on the longwall?

A. Yes. I'm actually back there now.

Q. Oh, you're at Logans Fork?

A. Yes.

Q. On the?

A. Miner section.

Q. On the miner section.

But was your shield man at Logans Fork?

A. Yes.

Q. And so the lower advanced set prime didn't work?

A. No.

Q. Before I get away from it, the push prime that you mentioned, explain that to me.

A. You would program in the prime on the direction it was going. If you were going to the head, you would prime it towards the tail.

I might have said that wrong.

If you were going towards the tail, you would program it to go towards the tail.

And as you would go, you could push the push prime button, and it would push within three shields of where you would push the button, and as long as you kept -- usually it would even -- that was a little worse than the DBT shields I run at Harris. They would go within five and it wouldn't mess with your line, but after you pushed that, you had to pull in at least two to three more shields so it wouldn't break a shearer pin.

Q. And so the advanced -- so when he's pulling the shields coming towards the headgate, he doesn't have to go back down the face to push the pan over --

A. No.

Q. -- so he can cut back to the tail? That's

what the push prime, he can set that and --

A. And push wherever he's at and he doesn't have to go back.

Q. So it's just individually, he has to lower, advance, and set the shields?

A. Yes.

Q. When he sets the shields, when he pulls them and sets them, how does he determine how much pressure or up pressure to put on the legs, or is the up pressure on all the time?

A. I guess it's on all the time, because it automatically, it will stop going up. You'll watch the legs. I mean, it just -- that's how I -- I never seen a gauge or anything like that.

Q. Do you have to hold the button until it stops?

A. You could. I mean, I usually did until it completely stopped, because I didn't want a shield pushing back on me, then I'd have to stop everything and run back there and pull it back in. That's what I did. And I'm sure that's what the others did, too.

Q. When you go over to the headgate, what about cutting out at the head?

A. I would usually raise my drum up enough to where it wouldn't be cutting deep into the bottom at the head where I was cutting the tail. I would get outby, because cutting out on the head creates a horrible amount of dust for anyone behind it. No one would be hanging out behind the inby where that drum is cutting out. That's just horrible.

Q. So where would you --

A. Usually I would be closer to, say, number three shield.

Q. And the headgate guy, he's around the middle of the shearer by then, or is he out in the --

A. The head end operator, he's usually standing at probably four or five shield.

Q. Have you ever sort of cut out and you need to set bits either on the head or the tail, where do you normally, where on the face do you set the bits?

A. On the head end, we usually set them around -- the tail drum usually was around eight, between 18 and 21 shield. That's where I set all of mine up.

Q. Did they ever set bits with the -- say

they cut out and stick that headgate drum out there in the headgate entry. Did you ever do that?

A. No.

Q. Is there a reason why or?

A. I normally just didn't like to do that, because that's open, it's open and really can't protect it unless you was to set say a timber or something like that. Even though where the stage loader and the crusher and everything was is bolted, I still wouldn't want to trust that where it's just freshly been cut out, plus you've got an extra rib that could roll on you.

Q. What about down at the tailgate, would you ever cut out the tail and set your drum out there to set bits or wash sprays?

A. No, just by experience I have seen that tail entry fall too many times and rocks fall in from the last shield on the line. I wouldn't set them out, out in the tail entry.

Q. Have you ever seen it done?

A. No.

Q. Where would you set it, on the tailgate, where would you?

A. We usually went back to around 160.

That's where the tail end would be, around 160. The head end, probably 10 shields further than that.

Q. Let me look here at my notes real quick, if you don't mind.

I want to talk just a little bit, I want to rehash a little bit about what you said in your first interview about the sparks that you've seen while you was cutting.

Just give me a little history or tell me about seeing sparks as you're cutting.

A. In normal top, the slate top, I wouldn't see it, but in the sandstone, it didn't matter how much air, how much water we had, anytime you're hitting that sandstone, there were sparks flying. Brand new bits, bits that have been half a pass, whatever bits we had, I seen sparks.

Q. Do you recall, did you see them on the 3rd, the last shift that you worked?

A. I don't even remember how much we loaded that day, so -- I'm sure I did. If we cut out on the tail, I'm sure I did, because that was where most of the sandstone was.

Q. I was reading your transcript of your

first interview, and you mentioned something about pop-offs and fireballs.

A. Fireballs. Yes, I did. And apparently, I was the only one -- the crew I was on was the only one to see them, because the crew that we lost and plus the other crew, the A crew, I have asked them and -- well, take that back. The boss that was on the A crew at that time, Michael Webb, was my shearer operating partner when I was seeing the little fireballs.

And I don't remember, to be exact, how many. I know it was around five or six. But the size of -- from the range of a softball probably to something a little bit bigger, maybe a basketball was the biggest.

And when I did see them, they would just -- you know, I wouldn't see them for long. The water and the air would push them towards the tail, and I guess nothing ever came of those.

Q. Where did they originate from?

A. Just cutting in the face from anywhere from mid face. Usually around mid face, actually. It never on either end. The head or the tail, it was always in the middle part of the face.

Q. But it would be when you was cutting towards the tail?

A. Cutting towards the tail. I seen it a couple of times -- the head end operator seen it once or twice cutting toward the head, but I think his was mostly from coal dust, because I mean, it was just orange.

Q. Okay. The ones you seen, was they --

A. Well, some of mine were orange, too. It was dust. But I mean, there was one that was blue flame before it hit the dust.

Q. Let's see. Your chief electrician is Tom Estep?

A. Yes.

Q. And your electrician is?

A. Dustin Ross.

Q. On the shearer, if you need to work on the shearer, how did you kill power on it?

A. I think they locked it out at the headgate. The blade switch that was at the headgate itself, I believe they locked it out and locked it up there.

Q. There's a red E-stop button on the shearer. Are you familiar with that?

A. Yeah.

Q. Did you ever use that?

A. We would use that just to see, but if they were ever going to work on it, they always killed -- locked it out regardless. I mean, I have seen them turn it off and just turn it back on with that E-stop, but I've never seen them just use that to work on it.

Q. Do you know what the E-stop button actually did?

A. I figured it just killed power to the JNA unit myself, because the power is still feeding in from the cable.

Q. Now, is that -- I mean, have you seen it pushed before?

A. Oh, yeah.

Q. And seen power on the shearer or?

A. No.

Q. Have you ever known of it not working?

A. At Logans Fork.

Q. At Logans Fork?

A. Yes.

Q. What did you --

A. I think there was a wire on the button

itself that went into whatever circuit it was supposed to go into, I think the wire itself was loose or corroded. It just broke loose from the circuit.

Q. Okay.

A. And they locked it out and repaired it.

Q. That was on the shift while you was underground?

A. Yes. That was with the crew that we lost. When I was at Logans Fork, I was with that crew.

Q. So you worked with that bunch at Logans Fork?

A. Yes.

Q. When they fixed it that day, I know it's been a while, do you remember how long it took them?

A. Just to fix that wire, probably 20 minutes. At that time it was Grover Skeens and Dustin Ross. Grover was the chief electrician on that crew.

Q. But now the E-stop switch, is it inside the panel, the actual wiring of it?

A. Yes, yes.

Q. It's inside the panel.

About a week before the explosion, I looked at some of the production reports and you guys had some downtime, had a problem with the E-stop switch on the shearer. Do you recall that at all?

A. No, sir.

Q. You don't remember the switch being replaced on your shift? March the 29th was the exact date.

A. Not the E-stop button, no.

Do you know if it was the day shift or evening shift?

Q. It was your crew, but I don't remember what shift you was on. But I can tell you here real quick.

A. I was on evening shift, I know --

Q. It was on day shift.

A. Was it on day shift?

Q. You guys was on day shift.

A. If it was the 25th, I should have been on day shift.

Q. 29th.

A. 29th.

Q. Exactly, I guess.

Well, on the front of the shearer, there's a junction box. Are you familiar with that?

A. Yes.

Q. That the cable goes into?

A. Yes.

Q. Have you ever even anybody have to get into that on your shift?

A. I have seen them have to get in there to work on them or dry it out. It had a problem with water getting in it for a little bit. I know they got in there and dried it out, but when the electrician is working on something, I usually just leave.

Q. Maybe you've talked to the guys that's been there, but I mean, when we checked, there's a diode inside of that junction box, the diode for the ground monitor. Do you have any idea what I'm talking about or what the diode was for?

A. Yeah, the diode -- shoot, it's something to do with the mule train, I thought, but I can't remember.

Well, I mean, the diode is usually for like feedback or power. I don't remember why it

was in there.

Q. But the E-stop switch on the shearer, as far as you know, if you hit the E-stop switch, if you was cutting, you hit the E-stop switch, would the drums shut off?

A. Yes.

Q. Have you ever known that not to work?

A. Not at -- when we went back to UBB, no.

Q. Let me clarify that. At UBB, at this longwall?

A. No.

Q. I understand you already answered about Logans Fork and I appreciate that.

So at UBB, have you ever known that E-stop switch not to function?

A. Not when I hit it. Every time I have went, have hit it, it's worked, but it's not been very often, really.

Q. Has anybody else told you anything about it not working?

A. No, sir.

Q. If your -- it's three o'clock in the afternoon on day shift and the shearers cut out at the tail, would you be in the crew? Would you stop

right there and leave it to go out for the end of the shift?

A. We hot seated. We did not leave until the following crew relieved us, so we didn't get to stop running until the evening shift was there to take over. And by "there," I mean they would meet us on the face where we were cutting to relieve us out. When they got there, wherever we was at, shut it off, you all have fun, be careful.

Q. And so when they showed up the second shift, they come, the operators come down to the face, they'd have their fresh packman with them?

A. Yes.

Q. You guys then walk off the face, take your packmen with you?

A. Yes.

Q. And put them on charge.

So with what we have now with the shearer being sitting at the tail and I think maybe somebody explained to you in your first interview or the condition of the face right now, the shearer's sitting at the tail, and it's just cut out into the tail entry, but it hasn't sheared down.

A. I have seen the pictures on the internet, yes.

Q. You've seen the pictures.

A. Yes.

Q. So when you seen the pictures, the two shearer operators and the shield man and the utility men are up around 105 shield? So I mean, does it make sense to you that they're just leaving at the end of the day?

A. No.

Q. So would you mind rendering an opinion about if they are not leaving at the end of the shift, why do you think that they might be leaving?

A. If they were leaving, it's because something was wrong. There's no other, because those guys, you know, I worked with them for a year on that crew until the September before when I was pulled to make that third crew, myself and Dustin Ross. They would be on the face until we got there. There's no way unless something was wrong they would leave unless, you know, not early.

Q. And so I think Gary Corrals was the tailgate shearer operator on that crew?

A. Yes.

Q. When you was working on them, when they was cutting out the tail and Gary was operating the shearer, where would he normally be located to cut out the tail?

A. The same place I stood. I learned a lot about running the shearer from Gary. He would stand around the ACT at 173 shield.

Q. Right.

A. And he would do the same as I, watch the top cutting out, but I mean, he could do it a lot quicker. He had a lot more experience than I did.

Q. The other shearer operator, about the same as what I think Roger is the -- or, no, you're with Dakota; right?

A. Yeah.

Q. Joel Price, that was the shearer operator?

A. Yes.

Q. I mean, would he stand outby the --

A. Yes.

Q. -- headgate drum?

A. Yes.

Q. Would they normally -- the headgate drum, now you're cutting out the tail. Would they raise that headgate drum any at all while you're cutting

the tail out?

A. Yes.

Q. Why would they do that, or explain that to me.

A. We always, from a certain distance, I don't remember exactly which shield, but after the shuffle was completely finished, he didn't need to cut the bottom anymore. We just let the -- whatever ends on the tail, we let the tailgate operator decide how much bottom he wanted to gauge from where the shuffle ended to the tail drive itself. That way it would be completely even, he didn't have two people, one guy cutting it deep, the other guy at, say, eight inches off the pan line, the other one four inches off the pan line. To keep the entire tail drive itself even with the last 15 shields, no one else would cut that bottom. The head end would raise it up, if the tail is cutting out, vice versa.

Q. So when you was at the headgate, you would raise your drum and let him do all the cutting --

A. Yes.

Q. -- up there? Okay.

I mean, that's another thing we're seeing,

is the headgate drum is up just a little bit down there now.

I guess you haven't been back to UBB since the accident?

A. I worked one day outside and I couldn't work anymore there.

Q. Okay. I understand.

So you haven't been on the longwall face?

A. No.

Q. Have you talked to any of the guys that's been up there with us?

A. No.

Q. So you're not real familiar about the condition of the face or anything like that?

A. No.

Q. Are you doing okay? Do you need a break?

A. I'm fine.

Q. Heard a lot of talk about wedge cuts. Do you know what I'm talking about?

A. Yes.

Q. Tell me what a wedge cut is.

A. If the head or the tail was behind or if, say, for some reason the miner section got the entry off a little bit and you wasn't completely

cutting out on the head or the tail, there would usually be a ledge, so we would take a wedge, depending on which way you needed to push it, is if you wanted to push it towards the tail, the line itself, the whole line, get more slack, more cut out on the tail, you take extra wedges off the head, cut out one or two times on the head more than you did on the tail and just drop it back.

Q. Who decided?

A. Usually the boss.

Q. And he would tell you where to?

A. Yeah, where to start and where to stop.

Q. When you set up the wedge cut, tell me how you'd set the pan and the shields up to do the wedge cut.

A. Usually in that instance, the line was already kind of crooked and the shields could be -- you could pick out spots where the shields were. Say some shields would be six inches farther pulled than the others, you could start there and just line them up toe to toe, and they would even out eventually and you could just push it all out to make the line straight that way, too.

But if you were just going to do it to be

doing it, you could start -- if I was doing it on the head, I would go probably to 35 shield before I started stepping them out, just so you don't have that big crook right there at the head.

Q. When you take off say from the head going towards the tail, the shield man is right behind you normally pulling the shields in?

A. Yes. Behind the head operator

Q. Behind the shearer? The head operator.

Now, the headgate operator, did he take care of some of the shields, pulling them in?

A. Usually one of the electricians would take care of the, what we called the gate shields, the ones that stood out from -- they got one, two, three, four, that's the shields they took care of. They would pull them in for nine times out of 10.

Q. Let me tell you. You haven't been on the face, so I'll tell you. Right now the shearer is sitting at the tail, and they've been down on day shift and they cut from the head all the way to the tail, but none of the shields are pulled in from, I don't know, probably number 40 all the way to the head. None of the shields are pulled, and consequently, the pan is not pushed. I mean, does

that sound normal to you?

A. They might have been dropping the head. In dropping the head, it's like a reverse wedge. You don't pull any shields in to push the line out. You don't start until, say, maybe you get to 35, then you start stepping them in, and then eventually it will be a full pull to where it will be completely back in the face again. But --

Q. Go ahead. I'm sorry.

A. I guess that's all it would sound like to me, if to 40 shield it's not pulled and pushed.

Q. When you're cutting to the tail and you get to the tailgate, I think you said earlier the shield man started to stagger about 150, 155. Is that what you said?

A. Somewhere in that area.

Q. So from that area towards the headgate, would all them shields be pulled in all the way and the pan pushed.

A. It should be pushed all the way if they are already on the tail. None of them should be pulled in unless they were spot shields.

Q. I understand. But the pan should be pushed over?

A. Yes.

Q. So right now down there, they're not. From back to -- heck, I don't know, do you remember the number? Back to 120, something like that, maybe not that far, there's -- none of the shields are pulled in and the pan is not pushed that we could tell. Does that make any sense to you?

A. Not unless they were going to take an extra cut out of the middle only.

Q. Have you ever seen that done before?

A. Yeah, I have seen it done, but that would be dropping the head and the tail, and that's just kind of confusing to me. But I mean, if the middle is bowed back, then I can understand it, because that causes a little bit of a problem with your Bretby cable.

Q. If the face looks like a smile?

A. Yeah.

Q. That's generally not a good thing, is it?

A. No, it's not, but I have seen it done like that several times. Got a lot of end whackers.

Q. You're saying them wedge cuts not always to steer the face?

A. Yes, sometimes just to pencil a little

extra coal in.

Q. A little coal.

Let's see. Of course, on the second shift on Friday it's always nice to end up at the head, isn't it, than the tail?

A. Well, the way we worked with the three crews, Friday didn't matter, because 6:00 and 3:00.

Q. Okay. But it's -- well, I won't say that. I have seen that before, too.

And we're trying to figure out why the pan is set up now. You get down around mid face in that area and the shields are pushed up and the pan is pushed over against the face. In fact, it looks like some of the shields have been --

Let me ask you this: Have you ever, when you pulled the shields up and you pushed the pan, there's a limited amount of stroke; is that correct?

A. Yes.

Q. A limited distance that the pan will push?

A. Yes. Usually around, I'm going to say three feet.

Q. When the pan is pushed like that, is there any distance between the front side of the pan and

the face?

A. Probably six inches, eight inches, something like that.

Q. Have you ever seen the shields pulled in a little and the pan pushed over to get that extra six inches?

A. Yes, I have. And that over sumps you and slows you down if it's pulled in a little bit too much. You have to undercut it so you won't hit a shield. Our old boss at Logans Fork was notorious for that. And it's not a good thing to do.

Q. What would be the reason for that?

A. Try to take out a bow, that was their theory. But like I said, it over sumps you and slows you down and you lose more time than you gain anything. Instead of taking out an extra cut out of the middle, that would be the easiest way to do it.

Q. I mean, evidence of that, I guess depending on how far they pulled the shields in, the shields would be closer to the pan line than --

A. Yes.

Q. -- than normal?

Have you ever had instances where they

pulled all the shields in and didn't push the pan?

A. I have seen it happen a few times. The push just didn't work through that area and it would actually be an electrical problem in like, say, one of the CIU boxes.

Usually, though, the boss or the electrician always followed on my crew, always follow us down so if we come up to that problem, they pushed it out for us.

Q. Okay. Did it make it difficult for you guys to travel up there if the shields were up and the pan wasn't pushed?

A. We always would stop the shearer before that was happening and make sure they pushed out. If not, that could be a result of the bottom being brought up too quick and it just leaves a ledge, and you could go through there slow re-cutting the bottom. We tried to knock them off push, re-cut the bottom, back the shearer all the way back up to where we was out from under that area, push the line back out, and usually that would clear it up to where you can just continue running.

Q. But you'd have to cut the bottom back out?

A. Yes.

Q. What about when they over sump and you're cutting the top, does that cause you any problems? Say you're cutting rock top.

A. Yeah, it would cause a lot of problems. But if you could just back it up, it would be okay, but I mean, the line is going to be crooked.

Q. Right. What kind of problem would it cause if you're over sumping and you're in rock top?

A. You pretty much have to undercut where the shields are if it's pulled in too close so you don't break a cutter shaft.

Q. What about if the shields are bad?

What I'm getting at, if you're over sumped and the drum is cutting into the face too far and your bit pattern is not matching up with the last cut, is that going to leave a --

A. It's going to leave a ledge on the top.

Q. A ledge on the top?

A. Yes.

Q. The reason I say that, we see some of that down there right now on the face. Does that make sense to you?

A. Yeah, yeah.

Q. Why is that?

A. That's just, I have seen a lot on that face period, I mean, just habits of people that were up there.

Q. We got it right now at the headgate and the tailgate.

A. Wow. Headgate I can understand. There was a few of those shields they was pulling in just trying to push it a little more.

You can pull it up three or four inches and it won't affect anything, but anything more than that, sometimes it gets a little too far.

Q. And at the headgate it's a pretty good distance. At the tailgate it's not very far that they did, but right down there -- in fact, if you know what you're looking for and you get on Massey's web site, they've got some pictures on there and you can see it.

Did you ever see Jack Rolls on the face?

A. Yeah, on day shift I seen him usually, I'm going to say every other day at least.

Q. Did you ever know of him going down in the face, going down to the tailgate?

A. There's times he would come across the

line from the tailgate. You never knew where Jack was going to pop up. Honestly, he was everywhere. If he was underground, he was running around like crazy.

Q. Would he ever call for a wedge cut, or has he ever told you to do a wedge cut?

A. Not at UBB, I don't believe. I know he did at Logans Fork, but that was just I think to aggravate our boss.

Q. So did you ever see him when he's on the face, is he ever talking to Kevin?

A. Yes, yes.

Q. Did you ever hear him -- does he give Kevin instructions?

A. If he seen something that we may have overlooked or he thought needed to be done, if he -- when we was on day shift.

On evening shift, he would have already been underground, and he would tell us before we went underground about it. Like if we needed to take an extra cut off the tail or an extra one off the head or drop it, one way or another, he would inform us.

Q. If the condition of the pan now, if they

was going to take a cut off the middle of the face on day shift on the 5th, if that's indeed what they was planning to do, that's Rick Lane was the boss, would Rick call that, you think? I mean Jack was on the face that day, would jack have called it? Or could either one of them have called it?

A. Either one of them could have called it, but at that time, I would say it was more Rick than it would have been Jack, because Jack was outside when we got there, and I was on evening shift that day. Jack was already outside, so he'd probably been outside since about two o'clock, if not more.

Well, I probably showed up at two o'clock. I forgot we started at 3:00 then. So he'd probably been outside since 1:30 at least, so at that time I'd say Rick Lane made the call.

Q. So when you got to the mine, Jack was already outside?

A. Yes.

Q. You got there about 2:00?

A. About 2:00, yes.

Q. So did you talk to Jack?

A. Yes.

Q. Did he tell you he'd been on the face?

A. Yeah, he said they'd been down until I forget what time that they got the shearer started back up. I don't remember what the problem was, but the shearer was down. I think it had something to do with some kind of pin on the shearer.

Q. A range and arm, tailgate range and arm pin.

A. Yes.

Q. But he told you it had been down?

A. Yes.

Q. Did he tell you if it was running or not?

A. At that time it was running.

Q. But did he tell you where the shearer was when they was working on it?

A. I can't remember if he did or not.

Q. So you say he's outside about 1:30?

A. That's an estimate. I know I got there at 2:00, he was already outside, so that's just an estimate?

Q. Okay. Okay. That's fine.

We've heard or we've had some talks about a 30-minute call out. Do you know what the 30-minute call out is?

A. 30 minutes before the shift the --

Q. I'm sorry. 30 minutes from the longwall. Every 30 minutes --

A. Yes, yes, I do know. I forgot about that. They needed a production report or any kind of report from the longwall. The headgate operator called out every 30 minutes letting them know what was going on. If we were running and say we made it half a cut past the last 30 minutes from the call, he had to call that out. Every 30 minutes he had to call the dispatcher and let them know what we were doing.

Q. Do you know, was there a record kept of that 30-minute call out?

A. I'm not sure. There should have been, because I'm sure it was faxed to the president and all that, Chris Blanchard and all them.

Q. So who did the 30-minute call out?

A. Most of the time, unless it was like a fire boss report, Woody would call out all the 30-minute reports just letting them know. That was the headgate operator's job.

Q. That's Kenny Woodrum?

A. Yes, Kenny Woodrum.

Q. He's the headgate operator on your crew?

A. Yes.

Q. And I have seen the -- and there is some records of those call outs, and I have seen those records. And there's quite a bit of information in them actually, the shearer direction, the shearer speed, the shearer location.

How did the headgate operator determine all of that information?

A. The speed I'd say he guessed.

But there was a screen he could see pretty much where we were at. It would show what shields had been pulled and pushed, what part of the line had been pushed, and it would also show him if we were heading -- he could tell if we were going to the tail or coming back to the head.

Q. So the screen on the shearer, you could see the speed of the shearer; is that correct?

A. Yes.

Q. But every 30 minutes he wasn't calling and asking you guys how fast you're going?

A. No. He knew that we probably wouldn't have answered him anyhow.

Kenny was a real likable guy and he liked to carry on and joke, and we would have probably

thought he was just messing with us, so we wouldn't have answered him or gave him some off-the-wall answer if we did.

Q. So the screen that he's looking at that you were talking about, that's located at the headgate?

A. Yes.

Q. Near his work location?

A. Yes.

Q. And is that that SCC screen?

A. I believe that's what it's called.

Q. It's in the big white box?

A. Yes.

Q. And on that screen, it doesn't show shearer location, nothing to do with the shearer; is that correct?

A. Correct.

Q. But it does show shields?

A. Yes.

Q. Right?

And what you can tell is what shields have been advanced and which ones are currently being advanced and which ones where the pan is being pushed?

A. Pushed, yes.

Q. So from looking at that and knowing how you pull the shields, he had a pretty good idea where the shearer is located?

A. Yes.

Q. And probably have an idea of which direction it was going?

A. Yes.

Q. The speed, now that's a coin toss; right?

A. Yeah. He was guessing.

Q. Now, on day shift we know that they kept a record of the call out. When you guys was on second shift, did he also do a 30-minute call out?

A. Yes.

Q. On the weekends did he do a 30-minute call out?

A. As far as I know. I mean, the dispatcher was there every day like we were, so I'm sure he had to call out the report the same as he would on a weekday.

Q. When you was on day shift on the weekdays, do you actually know who took that 30-minute call out?

A. I'm not sure.

Q. I think it was somebody in the warehouse or something took the longwall call out.

Okay. I think I'm going to take a break and let somebody else ask you some questions that have got some.

Are you okay or do you need a break?

A. I'm fine.

EXAMINATION

BY MR. TUCKER:

Q. I have just got a few, Chad. Dean is very thorough. He does a good job.

When you was cutting out on the tail just say maybe in the last 10 feet or so that you're cutting out under the current conditions, how long would that normally take? Get turned around and head back to the head.

A. Under the conditions, it could take up to 25 to 30 minutes just there in that one spot. That's a little bit more time than needed. I'm just estimating, because it's been since that Saturday prior to that since I have been there.

But there's been instances I have been down there in the same conditions and just for some reason I guess the top would be loose already and

it would cut out and I wouldn't be down there 15 minutes.

Q. Did you normally -- did you notice anybody going out into the tail entry?

A. Only the boss, Kevin.

Q. How often would you estimate that he would go out?

A. Usually once or twice a shift. Depending at that last stopping that was on the tail side that we had to knock when we got up to it, if it needed, he would go out an extra time if we was at it to where it needed knocked.

Q. Would that be a daily thing or just occasionally, or how did that usually work?

A. Knocking the stopping?

Q. As far as going out into the tail entry.

A. Into the tail entry, he'd go out in it every shift.

Q. You mentioned earlier that you have seen maybe going from the head to the tail up to three or four sprays out --

A. Yes.

Q. -- on occasion. What would be the maximum number of sprays that you've ever seen out at one

time?

A. No more than four.

Q. Could you tell what would be the difference in your pressure on the shearer when you started losing sprays?

A. I'm not really sure. I mean, I'm sure it would go down a little bit, but I'm not really --

It was always dusty regardless. The only way I have ever seen a major difference is when the water is just turned off to being on.

Like I say, if we lost water on the longwall for some reason, you could tell real quick and the shearer would be stopped, because if there's no water, you can't see a thing on the longwall.

Q. From out in the jack line where you would be, do you get much spray, much water on you being in the jack line?

A. Only on the head, when you're cutting out on the head at the headgate itself. Other than that, no.

Q. You mentioned that you talked to Jack Rolls on the 5th. You got to the mines approximately two o'clock. About what time would

you estimate you talked to him?

A. After we all were ready, we actually all sat -- that's where the longwall crews would go and sit, and that bathhouse was in the longwall office, which was Jack's office, Bobby Goss' office, so we would sit and talk to him until it was time to go underground.

It was a good way of actually knowing what we was getting into prior to the shift. You know, we were there on the call out 10, 15 minutes before shift starts and all that. So I'd say we talked to Jack approximately 30 minutes before we started the shift.

Q. Are you aware of any conversation he may have had with the longwall crew?

A. Other than -- no, I'm not, other than him knowing that they were down. I mean, I know he'd been underground that day, but I don't know anything that was said other than just they were down and had started running not long before evening shift time was.

Q. What time did you normally leave the longwall office? I mean ...

A. We would go downstairs, we started to go

to our mantrip usually around 10 'til 3:00, 10 minutes 'til 3:00.

Q. So you'd probably been in Jack's office up until about 10 'til 3:00?

A. Yes.

Q. Did you overhear any call outs made from underground?

A. No.

Well, Kevin Medley talked to them on the phone, but everything was fine at that time I know, that I know of, Kevin talked to Rick on the phone like a normal day. And we went downstairs, gathered our stuff up, and went into the drift mouth to get to the mantrip.

Q. So you left probably 10 'til 3:00, headed toward the mantrip, you say?

A. Yeah. Well, by the time we got downstairs and actually gathered our stuff up, we probably five minutes 'til before we started heading towards the underground.

Q. Have you heard anything about any call outs that Mr. Rolls may have taken after you all left the office?

A. No, sir.

Q. On your shift, have you had any problems with the hinge pins on the ranging arm?

A. I myself seen it once. I know what pin you're talking about. That's the same one I think they were down over that day; correct?

Q. Right.

A. Yeah, it fell out once on our shift, and I didn't notice it until it was almost the end of the shift is when we noticed it. So while we were getting prepared to work on it, the following shift was already there.

Q. So you haven't actually seen them repair one on your shift?

A. No.

Q. Are you aware if they would be doing any cutting or welding?

A. I'm not sure.

Q. Not aware. Okay.

That's all I have for now.

EXAMINATION

BY MR. MCATEER:

Q. Chad, it's my turn. And I just want to thank you for coming in again. You've been real helpful.

You said that at one point the hinge pin on the ranging arm, while you were at work had malfunctioned, and you said you were getting prepared to work on it. How would that -- if you could describe how you might -- how a crew might work on it.

A. How they actually repaired it, I don't know.

We were just cleaning up to getting it clean enough to where they could get behind the shearer. I know they would have to get behind it to work on it. We were just getting it cleaned enough, running the shearer back and forth cleaning all the gob we could out so they could get back there to work.

Q. And then would you have moved shields?

A. Yes. Pull shields in over top of them. If the face was bad, we would set a timber or something behind it.

Q. Now, who would do the work then?

A. The electricians.

Q. And how many on your crew, the typical crew, how many would that be?

A. Two.

Q. Two. What would you do?

A. If they needed anything brought up to them, we would bring it to them. Any get extra help they needed, we would do.

Q. So they might, in fact, say can you give us a hand on this or?

A. Yes.

Q. Yeah. And if they didn't say that, what would you do?

A. Sit and watch them.

Q. During that time if you were sitting there, would you have done anything else?

A. If we needed to go ahead and bit up, yeah, we would go ahead and set our bits, check our sprays, do any servicing we needed, anything else, like any small work that needed done, help the utility man set timbers by the headgate operator if he needed help.

Q. Sure, sure. Now, is it possible that in the 30-minute period or an hour period you could lose bits keeping them where they were in the operation?

A. Lose them. Well, yes, I have seen inserts that the bits go in never keep a bit in it. You

could go one, one pass and the bit will fly out just from a bad insert, need to change the whole insert. And that one pass will also dull some bits up.

And from the pictures I seen, though, the bits that I could see on the drum itself didn't look that bad.

Q. Too bad, right.

How about sprays, could sprays malfunction in a short period of time?

A. Yes. They could even clog in one pass. I mean, all but on the inside, there is a small hole through a -- I'm going to say a nylon piece that's in it, that could clog up easily. A little piece of rust could clog it.

Q. Did there ever come any time when people would -- when a spray would malfunction and, for example, cause water to be sprayed onto the shearer operator, the tailgate operator, for them to work with that spray and put a nail in it or?

A. No, I have never seen that.

Q. Were you familiar with the water system that was used to disable the, I'm sorry, to spray water onto the shearer in an effort to try to

control if there was a problem with the shearer?

A. The fire suppression?

Q. The fire suppression. I'm sorry. I'm struggling with that.

A. It's supposed to be the right there where both -- I'm trying to think -- the valve chest covers, there was supposed to be a lever, a little hole in the cover itself, there was supposed to be one on I think each side, the head and the tail side.

Q. On your shift on the Saturday before, had you seen that lever, do you remember?

A. I can't remember.

Q. And if the lever were missing, what would you think that that would --

A. If it was missing, it should have been replaced.

Q. Okay.

A. Usually -- well, it should have been replaced the shift that it was found missing on.

Q. Found missing.

And is there ever any time that you saw the levers that were worked or manipulated or wired into place?

A. Those covers broke off a lot. I have seen them weld -- I think actually there at the end, they had two hooks from chains welded to keep the door itself on, so I -- but as far as the fire suppression, I don't know why it would have been messed with.

Q. But those doors would come off and get water out into the working area?

A. Yeah. Well, you could take the doors off, but the way it was supposed to be is you didn't have to take the door off to get to the fire suppression.

Q. So you just flipped a lever?

A. Just turned the valve, yeah.

Q. And the valve, there's one on the left side and one on the right side?

A. I'm pretty sure there is. Like I said, it's been a while since I ...

Q. Sure. I understand.

Now, in the conversation that you, as best you can recall, in Jack Rolls' office, who was there?

A. The crew that I was on, all of us were up there. Jack Rolls was in his office. And I'm

thinking Bobby Goss and maybe Danny Lafferty were over in the electrician's office. It was all just kind of bunched in together.

Q. And you'd just come back from Easter Sunday, or you guys had worked but --

A. We had that Sunday off.

Q. Had Sunday off. Right.

What was the conversation about?

A. We was just asking mainly how they -- if they were running, had they had any problems, things like that.

Q. And the answer was?

A. He said they'd been down most of the shift working on that pin and had just started up not long before that. I can't remember the exact time, how long they had been running.

Q. And if they were down for a lengthy period of time and the sprays weren't changed, the bits weren't bitted up, would that surprise you?

A. Yes.

Q. When Kevin Medley called out to talk to Jack Rolls, were you there at the time? Were you in hearing distance?

A. Not Kevin Medley. You mean Rick Lane?

Q. I'm sorry. Rick Lane. I apologize.

A. No, I was not, not when he talked to Jack. He talked to Kevin, my boss.

Q. Yeah.

A. I didn't eavesdrop on him. I was sitting beside of him, but I didn't really pay attention to what they were saying.

Q. There was no concern or nothing expressed.

A. No, he had no concern. If there was concern, I'm sure Kevin would have said something, because Kevin was -- he's an old school boss, I guess you would say. He's real concerned more about men's safety than he was running coal.

Q. And Gary Corrals who you worked under, you've worked with him, what was his attitude toward?

A. He was a real, real easygoing guy. I mean, he was a real likable guy. You couldn't beat him.

I actually have worked with him and his dad at different situations. But he taught me a lot, and he taught me basically everything I knew about that lot setup on the longwall. The JOY side

was from him, so... He done pretty much what he needed to do.

Q. Had you had any conversations with him in the weeks before the explosion?

A. Not a lot. Just, I mean, passing by him, talking, carrying on. I know he was going through a lot of stress and aggravation. I think he was going through a divorce around that time, so didn't joke as much as normal.

Q. Right. Did he ever have any conversations about his work or about his --

A. We would ask about the, you know, what kind of conditions we had for the day, you know, hard rock or bottom line need turned over or what.

Q. I'm trying not to ask duplicate questions is what I'm trying to do.

You say the headgate operator would be the one to call, to make the 30-minute call out, but did that call go out to the dispatcher, or did that call go out to somebody else, to the best of your knowledge?

A. I'm thinking if, what he said, it was probably -- on day shift it was probably a -- if it was warehouse, it may have been Greg Clay. I'm not

sure. But most of the time I thought it just went to the dispatcher.

Q. And you said that it was your understanding that it also went to other people, Blanchard and headquarters. Is that what your understanding is?

A. Yes, they faxed the reports. I'm not sure if they faxed every 30 minutes or if like every hour and a half, every two hours. I'm not sure on that.

Q. Now, Dean has asked you about this procedure, the fact that the pans weren't in what you might expect them to be, where the locations were. He was suggesting that the pans were different, and you were suggesting that it might be necessary to take a cut out of the middle. Had that happened in your experience to you?

A. Taking a cut? Yes, I have seen situations where you have to take cuts out of the middle to line the face up, because if, as we were talking, the face looks like a smile, then at one point either the head or the tail, if not both, it's going to be hard to cut out and you're going to have ledges on both sides and that will cause

problems.

Q. So would the crew have been -- just guessing, would the crew have been preparing to do that?

A. They could have been. I mean, I don't really know what they were doing at the time. They never said what they were doing as far as how they were cutting the face at that point in time, but it's very possible that they could have been doing that.

Q. Now, you testified about the pops or the fireballs, and you've described one as orange. And what was the other one?

A. Most of them were orange.

Q. Okay.

A. But I mean, they would all turn orange. The blue color, I was always told, I'm not sure, I have never really been shown a methane ignition, so I was always told blue was methane, but it would just light up enough to catch the coal dust that it could on fire. And then at that time we had -- that would be November before, so at that time we had 100,000 plus air, and the air and the water would -- you know, it wouldn't be there no time, it

would blow out in feet.

Q. Did it move at all?

A. It would go towards the tail.

Q. Towards the tail.

Was there ever a time that it would go toward the gob area or go back toward the gob?

A. I have never seen that, no.

Q. Did it give you pause?

A. Huh?

Q. Was it of some concern to you?

A. Yes, very. I mentioned it to everyone.

The first time I seen it, I almost left. I stopped myself and the shearer and was about to head outside, but when I seen it disappeared, I wasn't, you know, too worried.

Q. Do you think the other crews would have had some experience with this as well?

A. I asked and one of the other shearer operators actually is my bolt partner now, Roger Scarbro, and I asked him, and he said he never seen it on that panel. As far as any other panel, I couldn't tell you. He's been with them for years upon years.

Q. Now, the shearers located down on 173,

176, and the operators are located in the lower numbers, the crew, would you leave the shearer?

A. Depending on the situation.

Q. Okay.

A. In their case if they said they seen something that they thought they needed to leave, yes, I would have left it in a heartbeat and wouldn't worry about it. I probably wouldn't have even carried my packman with me. Anything that would have caused me to be slowed down would have been laying down there with the shearer.

Q. And if it was necessary to call out and to tell the head -- direct the headgate operator to pull the power and the water, who would have done that?

A. Any of them on that line could have called Rex, the headgate operator on that crew, and could have had him pull the power, but I would say Grover or Rick Lane probably called him if the power was pulled and the electricians were down the line. I don't really know where everyone that way was located.

Q. Right. In your mind what would have been a reason to pull the power?

A. If they seen gas or they seen something ignite and they knew that they couldn't fight it, they would have left. Other than that, I mean, it would have had to have been gas or something in that nature or they wouldn't have left.

Q. So you wouldn't expect they would have left if they saw a ball of fire or anything like you'd experienced?

A. A small one, probably not, if it done the same thing like the ones I seen did, went out within 15, 20 feet.

Q. Right.

A. But they were -- I think they were on a panel before at UBB where they hit a major gas pocket or well, I'm not sure which one it was, but they were down a period of two weeks, I believe, to bleed that off, and the same -- nothing happened that time. They just had to bleed the gas out.

But the same instance, I guess they seen it and could hear it. I think Spanky and them said it sounded like a freight train coming up out of the bottom when they seen that.

Q. You testified that there was a time when the air was cut in half from 100,000 to 50,000

CFMs.

A. Approximately.

Q. Right. Can you recall when that was?

A. I think the air change that took -- I think March. I'm not a hundred percent sure anymore on the exact month, but I know it was around springtime when it was cut.

Q. Did that impact the dust?

A. Yes.

Q. Did it impact the velocity air coming across or the feeling you had, I guess?

A. Yes. The best way to explain it, before the air was cut in half, even when you was on the tail, you would have to wear a coat if you were down for any time there was so much air, but after the change, I mean, you'd be like walking around this room.

Q. Did you say anything to your supervisors about that or anybody?

A. We asked about it, but I guess it was a known ventilation change that they done for -- someone done for a reason.

Q. You testified that the prime on the JOY shields didn't work on the advancing side and you

had to go to manual?

A. Yes.

Q. Had they not worked to your experience ever?

A. Not the advanced prime. I have never seen it work on the JOY shields with Massey, no.

Q. What would cause you to break the ranging arm pin? What would cause that to happen?

A. I really have no idea.

Q. And you testified a little bit about the coal fines being -- the one fellow who had gotten behind your shearer, your shearer man had gotten behind because of the backboard cover was covered with coal fines and it hit him or caught him in the leg. Were these coal fines created by the cut or had they been there or?

A. No, they built up from -- we had a lot of water running off the face, and just any loose material that had come for, like, say we left a little bit of coal on the top, when the shields moved forward, it just drops in between the cracks and the shields, and it just built up on the tail, if there's a little bit of, like, decline going from mid face to the tail, they would just build up

on the pontoons down there.

Q. What would the attitude have been on the crew that was in there? The day was broken up. They had a lot of downtime, et cetera. If it was you, what would your thinking be?

A. Downtime really didn't affect that crew. I mean, Gary, I keep trying to call him Spanky, I'm sorry, but Gary, it didn't bother him.

Him and Joel had been together so long on that crew as shearer operating partners that they didn't care. They could laugh and joke about anything, and that was pretty much that crew's mind set. They carried on more than they did anything.

MR. MCATEER: That's all the questions I have at the moment. Thank you, sir.

EXAMINATION

BY MR. MAGGARD:

Q. I'm going to ask you a few. Do you need to take a break or anything?

A. No, I'm okay.

Q. When your boss done his preshift call outs, any type of call out, where we would he go do that at?

A. Headgate.

Q. And when he's over at the headgate, you'd be cutting along the face, would it be some time before he could make it back?

A. Usually 15, 20 minutes, depending on where we were at.

Q. I know you was talking the last time about you had a boss that would wander off and be gone for a long period of time?

A. Yes.

Q. And he's no longer --

A. Yeah.

Q. -- working?

A. I don't even know where he's at now.

Q. During that time period, I mean, you guys just keep on running and --

A. We had to call the shots then, because we never knew where he was or what he was going to do. We just -- whatever needed done that we felt, that's what we done.

Q. Who would be responsible for doing gas checks when you was in that position where he was gone and you guys were left up there cutting and?

A. We all wore a -- well, not all of us, but

myself and the chief electrician usually had one of the Solaris multi gas detectors. I just went by what I had on me and the spotter me and the sniffer and the methane detector on the shearer.

Q. So you had a multi gas detector, you had a Solaris?

A. Yes.

Q. Did you take that Solaris home with you and --

A. Yes.

Q. -- charge it?

A. Yes.

Q. Where did you calibrate it at?

A. At the UBB site. I turned it in since then.

Q. When did you turn that in?

A. When I came back, I think it was when they sent me back to Logans Fork, it was a day or two after I started back to work, because I had completely forgotten about it, but Jack called me and asked me if I still had it. I returned it, I'm going to say it was probably a month after the explosion, because I didn't work for three weeks.

Q. Now, I think the last time you said that

probably the highest concentration of methane you'd seen was a half a percent. Was that on the shearer methane readout or where did you see that?

A. I would say on the readout on the shearer.

Q. Did you check that -- did you take your multi gas detector and do any additional readings when you seen the half percent?

A. I did, but I mean, as far as I can go, I can't go any further than where the shearer was. I wasn't about to go out into the actual open top of the face.

Q. Do you recall where the sensors are at for the shearer?

A. For the detector, the one on the shearer is pointing towards the operators, closer to the tail side.

Q. At what point -- do you remember how long back on this panel here that it was that you seen a half percent --

A. No.

Q. -- and what point along the face it was you was cutting or?

A. No, I can't remember where or when.

Q. Do you know, was anybody else on your crew

that had detectors?

A. Tom Estep should have. He was -- one electrician usually carried one. He was the one to do it.

Q. What about the other crews, did you see them wearing any detectors?

A. I didn't pay attention, but usually the people to have them was the tail end operator and the chief electrician. And the boss, of course.

Q. What types would they have? Would they have the 102s or the Solaris?

A. Solaris.

Q. Let's talk about the water again. You said that, you know, most of the time you'd just have three or four sprays out, but sometimes you did have plugging and stuff and that -- and you also said that anytime the water was -- something happened to the water, you all shut down.

Did you have any times during this panel here that something did happen to the water that you lost pressure or a line busted or anything like that that you recall?

A. We've had lines bust before, but I mean, it wasn't nothing, it was just like -- I'm trying

to think what it was. They had a problem at the mouth of the section, not our section but the mouth of the wall, probably 78 break, where the track split. The water lines there busted on several occasions, and the guys on the miner sections would normally be the ones that would have to go fix it.

Q. Did you ever have to shut down during production because of loss of pressure that you had to go change filters or anything down at the mule train?

A. Yeah. They changed filters, but mostly the filters were for -- those filters were for the shield pressure, the water and the shields going to -- and I mean, I'm sure it went to ours, too, but he could change them while we were still running.

Q. Had you ever seen anybody changing them out before or seen --

A. I know I have seen the sump filters laying everywhere. Dustin Ross -- when it rained and the river got muddy, that was his job. He knew when he went in that day his job was going to be changing filters all shift long.

Q. And what time of the year would it get

worse as far as muddy water?

A. Whenever it was raining hard. Spring, I guess.

Q. Do you know if they were having any trouble with the sock filters, that they were plugging up a lot prior to April 5th?

A. I'm not sure of the exact time it was, but at one time I think they went through an entire box that was ordered, and I don't know how many is in that. I'm not going to estimate. But they used an entire box of them in one night just for them clogging up so quick due to the water reservoir that we used was filthy.

Q. As far as sprays go, you said there was some sprays that they stored over at the conveyer drive, up at the headgate, and then you kept a couple in your pocket as well.

A. Sometimes.

Q. Sometimes. Okay.

Say you were running and cutting down the face and -- was there any way to know how many that was out, or could you tell by the spray pattern that there might have been one out and you'd check it?

A. If I was cutting, no, I would not have been able to tell, unless there was a large amount.

If you was cutting a little bit and that spray wasn't sumped up in the face, yeah, you would have been able to tell by the stream of water shooting out of it.

Now, if you was just -- all of them were sumped in the face and say you had one on the face ring out, I wouldn't have been able to tell until I was not cutting in coal with it.

Q. But that -- if you couldn't tell when it was running, which it may be hard because you're at the middle of the machine, do you think you could tell a little bit better when you got at the tail?

A. After you cut out the first time and when you come back, if you raise it up and it's not sumped into anything at the bottom or top, you'll be able to tell because of the larger stream of water is shooting out. I mean, there's no plug there. You'll have say a quarter-sized hole there for it to shoot out of.

Q. Like a garden hose?

A. Yeah, pretty much.

Q. Now, have you -- I mean, would it be pretty much normal to run with maybe a couple of sprays out, that that wouldn't be seen as a problem for the guys?

A. If you were going back to the head, probably so. If you didn't have them on, you'd probably take it on to the head.

Q. Because that would be where all the sprays were at?

A. All the sprays.

Q. Was there ever a time that there wasn't any -- that you needed to put in sprays that you recall and there wasn't any up at the head? I know there was a lot of bit buckets up there and stuff, it may be hard to find, that you might have had to have somebody bring them in from outside?

A. I don't remember ever being down over them for the fact, if they wasn't on the head, they usually had them on the parts cars, the tool sleds they had. There were usually some somewhere on the section at all times.

Q. Do you ever remember seeing a different type -- you know, there's brass type sprays and there are the stainless looking sprays. Have you

ever noticed any of them being different, that they had the different size orifices or?

A. The brass ones were the screw-in type that went to the front where the arm sprayed down on the conveyor chain itself and the back of the shearer.

The silver stainless steel went in the drum. They were the staple locked. That's the only thing I ...

Q. But as far as let's say like the drum sprays, did you ever see any that were different as far as your spare parts goes?

A. No.

Q. Is there any of them that are different sizes or?

A. I haven't seen any.

Q. Was there any -- I guess on your crew, was changing sprays pretty much just put on the shearer operator, that was his job mostly?

A. Pretty much, yes.

Q. Now, when you got up to the section, let's say day shift, and you get there and you're doing your preoperational checks, okay, and you're checking these sprays, would you ever turn the water on when you checked the sprays or --

A. Yes.

Q. -- would you just do a visual check of --

A. Well, I mean, while you're bitting up -- I didn't mean to interpret you. I'm sorry.

Q. You're fine.

A. While you're bitting up, we would check them, but they would always turn the water on afterwards just to make sure there wasn't nothing missed. Plus, you never know the sprays that's shooting towards the conveyer, you never knew when they were clogged up or not.

Q. As far as dates, dating up or doing a record, you guys wasn't responsible for that; right?

A. No.

Q. So was there ever a time that, you know -- do you think there would be ever a time that the guys might wouldn't have spare parts and, you know, they would be having a bad day, hadn't had a lot of luck during the shift and they possibly would keep running until they got back to the head?

A. I would say it's possible. I mean, I have been there and I have had days that I just quit caring. Because I'm sure we all have, get

aggravated and just give up. It's very possible. I'm not going to give a yes or no, because I can't really speak for anyone but myself.

Q. As far as, you know, when you guys run, what kind of items would you -- let's say like on these sprays, would you ever leave it for third shift to fix?

A. I wouldn't leave anything for third shift. You couldn't count on them. They were basically there for looks, I thought. I mean, if it was a small job, yeah, but if it was anything past say eight shield, it probably wasn't going to get done.

Q. I know that you said the last time that they didn't have very much time to do a whole lot either, I guess maybe six hours.

A. Yeah, yeah, that's true. They really were limited on time. The first hour and a half they were there, we were still running coal on evening shift.

Q. As far as, I don't know what all you can remember on the -- I guess you worked evening shift on the Saturday before this happened?

A. Yes.

Q. Do you remember where you guys left the shearer?

A. No, sir, I do not.

Q. And how many -- I bet you can't remember how many passes you made that evening either, can you?

A. No, no.

Q. When you cut out on the tail, is there any chance that you -- one of the guys might would go down to 176 shield when you were cutting down there? Or would it not normally happen?

A. No. There's a possibility while we was cutting out, because the jack setter had a few fittings down there that he was supposed to grease, and he would grease it on occasions while I was finishing up cutting out like cutting the bottom. Not while I was cutting top, because he wouldn't have been able to really see what was going on.

Q. Do you know of any jack setters that had detectors, or was that not normal for him to have one?

A. Duey wouldn't have had a detector. He didn't carry one.

Q. I'm going to let Dean take over. Thank

you.

EXAMINATION

BY MR. CRIPPS:

Q. If you're doing okay, we're going to plug along here.

A. I'm fine.

Q. You was talking to Jasey about detectors. I'm just going to keep on with that.

The Solaris you carried, did you carry the pouch on your belt?

A. I clipped it on my shirt.

Q. So the clip on the back of the Solaris was still there?

A. Yes.

Q. That's where you carried it.

Do you know if Gary Corrals carried one?

A. I don't think he had a pouch. I know there was times he did carry one. I don't know. I didn't pay attention, I guess, where he kept it.

Q. Okay. But you clipped one on?

A. Yeah, I clipped it on.

Q. So you didn't have a pouch on your belt?

A. No.

Q. Have you seen the video of the water on

the shearer? Have you seen anything?

A. No.

Q. We actually put water on the shearer where it's sitting right there. Now, what's these --

A. That's missing sprays.

Q. What we're looking at is a picture of the tailgate drum on the shearer at UBB, and looking at the water coming down the tailgate drum, and those large streams of water are the missing drum sprays; is that correct?

A. Yes.

Q. You talked about some on the -- what did you call it, the face ring?

A. Yeah.

Q. That you wouldn't be able to see?

A. Yeah.

Q. Do you see any of them in that picture?

A. I see probably two. But this one here is on the very outside ring, you should have been able to see that one.

MS. HAMPTON: You're pointing to that water and you're saying "this one here."

THE WITNESS: I'm sorry. The one

on the very furthest, it's the outby ring closest to the operator. That would have not have been in the face unless it was over sumped.

MS. HAMPTON: Also in the photo, it's the one furthest to the left?

THE WITNESS: Yes.

Q. And so the ones that's missing in the face ring, why would you have not seen them?

A. If you were in the face cutting, I wouldn't have -- myself, I would not have been able to tell just because --

MR. MCATEER: You can call them A or B or C and then put a marker there with him, because it's hard for anybody to follow.

MR. CRIPPS: I'm not familiar with that. I'm a coal miner like you, so when it comes to this...

MS. HAMPTON: I'm actually going to mark this as an exhibit, Exhibit No. 3, so that we'll be able to look at it later when we're reading the transcript.

(Exhibit No. 3 marked for

identification.)

MR. CRIPPS: How do you want to mark those sprays?

MR. MAGGARD: I guess it would be fine to put like face side, make an arrow.

MS. HAMPTON: If you can just draw directly on it.

MR. CRIPPS: Do want him to do it or do you want me to do it?

MR. MCATEER: Him to do it.

THE WITNESS: I don't know if you can read if I do it.

MR. CRIPPS: Here's a pen.

MR. MCATEER: Use your red coloring markers.

What we're trying to do is for somebody who just sees this third hand so they can understand it. If you'd say spray, face ring spray.

MR. CRIPPS: Just circle them two that's on the face ring.

MR. MCATEER: And pull the line out to the white and say what it is.

MS. HAMPTON: What about a pen,

would that show up better, if you circle with a pen and label it in the margin?

MR. CRIPPS: There you go. And then just -- there you go. You got her.

MS. HAMPTON: Just so we have, for the record, you've labeled the face side and on the right-hand side and then the outside.

THE WITNESS: Yes.

MS. HAMPTON: And the face side you've indicated two separate sprays.

THE WITNESS: Yes.

BY MR. CRIPPS:

Q. At the end of your shift on Saturday, was any of those sprays missing?

A. Not that I can recall, but I mean, it's been such a long time, if I did leave them out at the end of a shift, it would have been because I figured they would have been replaced at the beginning of a shift.

Q. We talked about the spotter.

On your crew and you'd also worked with the other crew there at Logans Fork, did anybody wear Airstream helmets on the face?

A. We did at Logans Fork. We did not have to use them once we got to UBB where it was under a different plan. We used -- we mostly used the respirators. I don't remember the name of the respirators we used.

Well, take that back. I believe Gary and Joel still used theirs from time to time and one other person had it, but I don't know if Duey used his or he used a respirator.

Q. Was the Airstream helmets kept on the unit?

A. There were some that I think were stored underneath the head drive. I don't remember whose it was, but it had been laying there for quite sometime. They left it there and never picked it up, I guess.

Q. Was there one available to you if you wanted to use one?

A. Yes, if I wanted to use one, I could have got one.

Actually, I handed mine in when we went to Logans Fork, but when they told me I could use a respirator, I preferred that.

Q. Would you have had to get it from the

surface?

A. Yes.

Q. So there wasn't a spare on the unit for you to use?

A. No.

Q. We found Airstream helmet parts on the face --

A. Yes.

Q. -- after the explosion, so I'm wondering where they came from.

A. I'm pretty sure there was one step, somebody had stored it under the head drive. I'm not sure whose it was. It had just been there for a while.

I don't think Gary and Joel were still using them. At one point in time they did. When we changed those drums out, they clogged up real bad and it was so dusty, I guess it wasn't flushed well enough. We had to change every spray on it twice, and that was due to the water sprays clogged up from all the slag working loose of a new drum.

Q. When was that, do you recall?

A. Might have been March. February or March. End of February, beginning of March,

somewhere in that area.

Q. The Airstream helmets, when you wear them, do you wear your normal hardhat with them?

A. No.

Q. So if the guys was wearing an Airstream, what would he do with his hardhat?

A. Probably place it either under the head drive or hang it up on a shield somewhere.

Q. So it's possibly if they're wearing their Airstream, their hardhats would be on the face?

A. They would more than likely be laying underneath the head drive itself, that way they wouldn't have to wear them when they stepped off the face. But I have seen some that will just wear the Airstream helmet and leave their hardhats on the tool cars.

Q. And you say under the head drive. Just where exactly are you talking about?

A. As soon as you come across the headgate entry there, the drive that sets under the conveyer drive itself where they stored all the bit buckets, they would place them under there.

Q. So that's like at number two or number three shield?

A. Yes, probably two and three.

Q. So it's actually on the face, it's not around the corner --

A. Right.

Q. -- up to the stage lowered (phonetic)?

A. Right.

Q. How did you turn the water on and off for the shearer?

A. The headgate operator had the shutoff valve. He turned it on all the time.

Q. You didn't have a shutoff on the machine?

A. Not that I'm aware of.

Q. When you were sitting idle and you needed to run, getting ready to run, how would he know to turn the water on?

A. He would always turn the water on before we'd start up. Usually we wouldn't have to holler at him on the Comtrol phones or anything.

Q. What about as far as turning the water off the shearer?

A. If it was setting idle and we needed it off, we would have to yell at him on the phones.

Q. What about if the belt went off coming into the unit, what would happen on the face?

A. If the belt went off, the conveyer chain would turn off, then we would know to stop running. He would never shut the water off until we, you know, yelled at him to turn it off. He liked to let us get all that moisture raining everywhere.

Q. So he wouldn't shut the water off until --

A. Until we yelled at him.

Q. You yelled at him?

A. Yeah.

Q. What about on the other crews that you worked with?

A. Rex was about the same way. Until someone let him know that they stopped, he wouldn't shut the water off. He would be a little quicker about it than Woody would, though. Woody would let you -- because he knew what you was trying to do. If the belts were going to be off for a while, you're going to pile up a big pile of coal so you can bed down for a little bit.

Q. That means you filled the conveyer up where the shearer can't run, you can't set bits --

A. Can't set bits, can't do nothing. We're staying put.

Q. We're trying to figure out, the water was turned off at the headgate, which I think you was probably told that in your first interview, that it appears the water was shut off sometime in the headgate. But you don't think it would have been shut off without being called from the shearer operators?

A. No.

Q. Have you ever known -- have you ever seen or known of anybody cutting coal with the water turned off the shearer?

A. No, there's no way they would have been able to see.

Q. So you don't think that.

What if they just happened to be cutting out at the tail and just wanted the water off so it didn't get them soaking wet, would that happen?

A. No, not with those guys.

Q. How about with you guys?

A. No. Ain't no way I would have done it.

Q. Do you know, would the conveyer run with the water turned off?

A. I don't think so. I believe the water still had to be on for the conveyer to run.

Q. So you don't think they would have been loading at the tailgate or cutting at the tailgate with the water cut off?

A. No.

Q. If you need to shut the conveyer, face conveyer off along the -- say you were at the tail and you need to shut off for some reason, how would you do that?

A. There was a -- at 173 or 172, I'm not sure which shield it was now, I think it was 172, there was a Comtrol phone with a -- every Comtrol phone has a switch you can turn the conveyer chain off.

Q. And the switch is just you turn it off and they conveyor stops; correct?

A. Yes.

Q. Also has a page phone --

A. Yes.

Q. -- built into it?

Did you ever know that Comtrol switch not to work? By "not to work," I mean not to shut the conveyer off when you operated the switch.

A. Not if the -- no, not unless the phone itself completely wasn't working. I mean, you couldn't just like talk on it but not shut the line

off. It always done both.

I have known of them to fail and you'll have to go to a different phone, but they would always shut the line off if the phones itself wouldn't work.

Q. Do you recall if on your last shift if you had to shut the conveyer off down at the tail any at all?

A. I can't remember.

Q. Do you recall if the Comtrol switches were functioning in the tailgate area? Let me put it like this, all the Comtrol switches on the face on your last shift you worked.

A. I'm pretty sure as far as the conveyor switch. There was some phones that you couldn't hear or you couldn't talk on, but I'm not a hundred percent, because like I said, it's been a long time, that they all -- as far as shutting off the conveyer chain, they did work.

Q. You've talked at quite length about cutting the sandstone at the tail and the hard cutting. How long has that been going on?

A. I think at the end, like probably from the mid of March, I believe, it's been like that.

Q. Prior to that, what, just --

A. Mostly slate. I mean, sandstone would roll in and out from head to tail, but I mean, it was never a major problem until the tail become the solid sandstone for quite sometime.

Q. Your first interview you was talking about the fireballs that occurred. You stated it was around October, November of '09. Do you recall, was there any after that? Do you recall seeing any after that?

A. No, I did not see any after that.

Q. Even after the air quantity that you talked about dropped, you didn't see any --

A. No.

Q. -- fireballs after that?

A. No.

Q. I want to touch base with you real quick about the fire suppression on the shearer. The hooks you're talking about to hold the cover on over the pump compartment there, the hook on the tail is welded right over the compartment to get to the valve. Any idea how long it's been that way?

A. I couldn't recall exactly how long it's probably been that way. I know what you're talking

about. You would have had to take that one off. It had been like that for I don't know how long, but it had been that way for a little while.

Q. I mean, you recall what I'm talking about?

A. Yes, I do.

Q. The hook that's there and where it's located over the hole?

A. Yes.

Q. Now, also on the backside of that, the valve is on the backside, but there's no handle on the valve. Do you recall when that would have been?

A. No, I didn't know anything about that.

Q. Do you recall it ever being there on this panel?

A. I have seen it. But I mean, like I say, I don't remember when it got covered up.

Q. The valve on the headgate into the shearer -- let me rephrase that. Where the valve on the headgate end should have been, there was no valve there. Do you recall ever seeing a valve there?

A. I never paid attention much to the head side. I just paid attention from the tail down.

Q. So you don't know when and if the fire suppression was ever tested?

A. No.

Q. I want to back up to your last shift when you went underground. I think you said you left the upstairs of the office over there at Ellis Portal you said around 10 'til 3:00. Is that what you normally did, or do you recall specifically that day?

A. No, we normally left about that time, just to get all of our stuff ready so we could leave right at three o'clock.

Q. Would that be the whole crew?

A. Yeah, our whole crew would be under there.

Q. Including Kevin?

A. Yes.

Q. So after 10 'til 3:00 when everybody left the office, do you recall if Kevin talked to anybody on the longwall?

A. No, he's always the first one of us to go down the steps to where the light room was.

Q. Okay.

A. So he didn't talk to anyone else longwall wise until we got back outside.

Q. And that was, well, shortly after the explosion when you guys got back outside.

A. Yeah.

Q. You talked about -- jump around here a little bit and try to fill in a few gaps.

When you go on the wall and you do your pre-op and you're checking the water sprays, does management tell you to do that, or does your boss tell you to do that or how does that work?

A. Really, they didn't -- outside didn't stress it. Kevin, our boss, would tell you to check, make sure -- cover your own hind end, basically, is what he would say, is check everything, make sure your stuff is right. What we did or didn't was probably on us.

Q. So after the beginning of the shift and you replaced all the sprays, then as the shift went on, did you have any guidance at all as far as when to replace sprays or not to replace sprays?

A. No, no. He would always ask us when we thought we needed to bit up and check our stuff. Kevin, was -- I mean, he was -- honestly, I'm not trying to just say it, but he was one of the best bosses I have worked for as far as longwall wise.

He was really good to us and, I mean, anything we figured we needed to do, he went with it.

Q. So is it fair to say that every shift, either at the beginning of shift or very early in the shift, you had downtime?

A. Yes.

Q. To set bits and --

A. Yes.

Q. -- sprays?

A. Yes. It usually took right around 30 to 45 minutes if you're doing it -- the first time we shut down to do it is when they done all the heavy servicing. The electricians would check all the oil and all the PMs they had to do on it. After that it was basically just us changing bits and checking our sprays.

Q. When he called out his production report, his downtime, did you ever listen or know what he turned in for downtime?

A. No. I mean, normally, I know they counted bitting up as downtime. And when they did that, they included all the electricians' PMs with the bitting up downtime. So I'm not sure what all they said.

MR. CRIPPS: Okay. I think I'm done. You got any more questions?

MR. TUCKER: Just a couple real quick.

EXAMINATION

BY MR. TUCKER:

Q. You mentioned that when the foreman would call out his preshift report, he'd go to the headgate and typically call it out from there, and that would be close to quitting time when he did that.

Would it be normal for him to come back in the jack line, or once he called that out, if he wanted to stay there at the headgate?

A. It depended on who it was.

Kevin, we seen him on the face more than we did anywhere else. He stayed with us.

I can't speak for Rick. I didn't work with him, so I'm not sure.

But Kevin would, nine times out 10, he would at least be at the head at the first five shields waiting on us at the end of the shift.

Q. That's kind of what I was just wondering, you know, toward quitting time, once they called

out if it was kind of normal procedure that you would see him back in the jack line, or once they called out if they pretty much, unless something broke down, if they would stay there at the head.

A. Well, on day shift where we hot seated, they knew that after that, I mean, unless they were going to fill out the reports, I would say most of the time -- I seen Rick a few times when we would pass by him. Most of the time he would either be in the last open or he would be on the face a couple shields down spraying off the pontoon. But I don't know. Every day, you know, that differs.

Q. Right. Just trying to think back just say a week prior to the explosion. Can you recall specifically any readings that you may have observed on your methane monitor?

A. No. I didn't read anything that ever set the alarm off on it.

Q. That's all I have.

EXAMINATION

BY MR. MCATEER:

Q. What was the alarm set for on your Solaris?

A. I can't remember.

Q. That's all the questions.

EXAMINATION

BY MR. MAGGARD:

Q. Did you have your Solaris labeled with your name on it, or was that something you normally do?

A. No, I didn't mark anything on mine.

Q. How long did you have it?

A. Probably since October of the prior year.

Q. I know that your buddy there, Woodrum, would take care of your water valve for the shearer and sometimes leave it on a little too long. Do you think it would -- do you ever remember a valve being on the shearer that you could turn it off instead of Kenny having to turn it off?

A. No.

Q. Do you think it would have been handy to have one?

A. It probably would have been. I mean, but he would have eventually turned it off anyhow, because I think the water, the fluid coupling that runs the conveyer chain, I think it comes from that same valve he has to turn off, if I'm not mistaken. And if you put -- I'm not a hundred

percent. It's been a long time since I have been into all that junk with the water running through the couplings. I think if you leave the water on too long, it had a problem starting the conveyer itself, too. But it's been a long time.

Q. But they don't have a separate valve up there at the headgate for the conveyer holders?

A. I don't believe they did.

Q. Okay.

A. They may have. I didn't really, you know, go into detail looking for it.

Q. That's all I got.

EXAMINATION

BY MR. CRIPPS:

Q. I got one more question for you.

I told you the shearer's at the tail and the operators were up around 105. If you had -- if you're operating the shearer and it's at the tail and you had an emergency, which way are you going to go off the face?

A. It depends on the situation. If something is coming from the head that's causing problems, I'm going off the tail and I'm going down until I got to where I could get out into the old track

entry of the old tailgate section.

Q. What would make you go towards the head?

A. There would have to be an ignition on the tail.

Q. Okay. Fair enough.

You got any questions for us? Is there anything that we haven't asked that you might be able to provide us some information to help us find out what went on here? We've grilled you pretty hard here for a couple of hours, and I'm sure we didn't ask you everything, and as soon as you leave there's probably going to be something I wished I'd asked you, so if there's any information you know, we'd appreciate if you'd share it with us now.

A. I can't think of anything. It's been so long and there's a lot of it that I've tried to forget. The antidepressants help with that, too. But I can't think of anything right off.

Q. Okay. I appreciate you coming in, your honesty.

A. No problem.

MR. MCATEER: Thank you very much.

MR. KOERBER: Mr. Brown, on

behalf of the Office of Miners' Health Safety & Training, I'd like to thank you as well for being here today.

Don't forget the stuff that I gave you earlier.

If you have anything at all you'd like to add, now is the time to add it. If you want to make a statement of any sort whatsoever, feel free to make it. Anything you'd like to say?

THE WITNESS: No, there's nothing I can think of.

MR. KOERBER: We'll go off the record.

(The interview of KEVIN BROWN concluded at 11:25 a.m.)

STATE OF WEST VIRGINIA, To-wit:

I, Lisa Marie Short, a Notary Public and Certified Court Reporter within and for the State aforesaid, duly commissioned and qualified, do hereby certify that the interview of KEVIN BROWN was duly taken by me and before me at the time and place specified in the caption hereof.

I do further certify that said proceedings were correctly taken by me in stenotype notes, that the same were accurately transcribed out in full and true record of the testimony given by said witness.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which these proceedings were had, and further I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

My commission expires the 8th day of September 2018.

Given under my hand and seal this 14th day of February 2011.

Lisa Marie Short
CCR
Notary Public