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Transcript of the Testimony of John Cox

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STATEMENT UNDER OATH

OF

JOHN COX

taken pursuant to Notice by Alicia R. Brant, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine Health & Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Monday, May 24, 2010, beginning at 4:07 p.m.

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2

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

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ALSO PRESENT:

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Personal Representative

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P R O C E E D I N G S

1
2 -----
3 ATTORNEY BABINGTON:

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

12 MR. BECK:

13 My name is Jim Beck. I work for the West
14 Virginia State independent team.

15 MR. FARLEY:

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

18 MR. TUCKER:

19 Bill Tucker, with the Office of Miners'
20 Health, Safety and Training.

21 ATTORNEY BABINGTON:

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

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

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

1 your assistance in this investigation.

2 You may have your personal attorney

3 present during the taking of the statement or another

4 personal representative, if MSHA has permitted it, and

5 you may consult with your attorney or your

6 representative at any time. Your statement is

7 completely voluntary. You may refuse to answer any

8 question. You may terminate your interview at any

9 time or request a break at any time. Since this is

10 not an adversarial proceeding, formal Cross

11 Examination will not be permitted. However, your

12 personal representative may ask clarifying questions

13 as appropriate.

14 Your identity and the content of this

15 conversation will be made public at the conclusion of

16 the interview process and may be included in the

17 public report of the accident, unless you request that

18 your identity remain confidential or your information

19 would otherwise jeopardize a potential criminal

20 investigation. If your request is to keep your

21 identity confidential, we will do so to the extent

22 permitted by law. That means that if a Judge orders

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

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

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

1 We request that you refrain from
2 discussing your statement with others who may be
3 interviewed. Also, there may be a need to use the
4 information you provide to us or other information we
5 may ask you to provide in the future in other
6 investigations into and hearings about the explosion.
7 Do you understand? Do you have any questions?

8 MR. COX:

9 Yes, I understand.

10 ATTORNEY BABINGTON:

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

21 A court reporter will record your
22 interview. Please speak loudly and clearly. If you
23 do not understand a question asked, please ask to
24 rephrase it. Please answer each question as fully as
25 you can, including any information you may have

1 learned from someone else. I'd like to thank you in
2 advance for your appearance here, and we appreciate
3 your assistance in this investigation. Your
4 cooperation is critical in making the nation's mines
5 safer.

6 After we finished asking questions,
7 you'll have an opportunity to make a statement,
8 provide us with any other additional information that
9 you believe to be important. If at any time after the
10 interview you recall any additional information,
11 please contact or have your representative contact
12 Norman Page at the contact information provided
13 previously.

14 Lastly, any statements given by miner
15 witnesses to MSHA are considered to be an exercise in
16 statutory rights and protected activity under Section
17 105(c) of the Mine Act. If you believe any discharge,
18 discrimination or other adverse action is taken
19 against you as a result of your cooperation with this
20 investigation you're encouraged to immediately contact
21 MSHA and file a complaint under Section 105(c) of the
22 Act. And I'd like for your personal representative to
23 state her name for the record.

24 (b) (7)(C)

25 (b) (7)(C)

1 ATTORNEY BABINGTON:

2 And are you related to ---?

3 (b) (7)(C)

4 Yes.

5 ATTORNEY BABINGTON:

6 Are you his wife?

7 (b) (7)(C)

8 Yes.

9 ATTORNEY BABINGTON:

10 Okay. Thank you. Terry?

11 MR. FARLEY:

12 John, just a couple words on behalf of

13 our agency. As I've mentioned, I'm Terry Farley.

14 This is Bill Tucker. And we're lead investigators for

15 the State in this investigation. I would also like to

16 mention that the West Virginia Code, Chapter 22(a),

17 Article Two, Section 22, also protects you from

18 discrimination for speaking with us. I would also

19 caution you that if there's a discrimination action

20 that has to be filed, it has to be done within 30 days

21 after the event occurs. I'm going to hand you a memo

22 which has the mailing address for the West Virginia

23 Board of Appeals, which would handle such complaints.

24 It also has the phone numbers for Mr. Tucker and

25 myself should you want to contact us, and you can tell

1 us how to proceed, if need be.

2 MR. COX:

3 Thank you.

4 MR. FARLEY:

5 Thank you.

6 -----

7 JOHN COX, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS
8 FOLLOWS:

9 -----

10 EXAMINATION

11 BY MR. GODSEY:

12 Q. John, will you please state your full name and
13 spell your last name?

14 A. John P. Cox, C-O-X.

15 Q. What's your home address and telephone number?

16 A. It's (b) (7)(C)

17 (b) (7)(C)

18 Q. You're here today voluntarily?

19 A. Yes.

20 Q. Has anyone other than a government representative
21 interviewed you before this concerning after the
22 accident?

23 A. The Massey lawyers has.

24 Q. Did you receive any instructions on how to give
25 your testimony?

1 A. They just said to be truthful.

2 Q. How many years have you worked in the mining
3 industry?

4 A. Five years.

5 Q. Give us just a brief description where you worked
6 and ---.

7 A. I've been with the longwall the whole time,
8 setting up their belts. We worked probably about two
9 years at UBB and went to Logan's Fork for about two
10 years and then come back to UBB.

11 Q. Does the longwall move from mine to mine or ---?

12 A. They have. Normally they don't, but they did move
13 to Logan's Fork for about two years. We pulled three
14 panels down there.

15 Q. Are you presently employed?

16 A. Yes.

17 Q. Where?

18 A. Still through Performance, but I'm working under
19 Peerless Elk Run Mines.

20 Q. About when did you start?

21 A. It's been about three weeks ago.

22 Q. And presently, what is your job title?

23 A. Electrician trainee.

24 Q. Now, after these other questions I ask you, it
25 will be all pertaining to Upper Big Branch, nothing

1 that you're working on now. Okay? What was your
2 first day that you was employed at Upper Big Branch?

3 A. 2/10/05.

4 Q. Did you receive any of the MIT training, the
5 Massey initial training?

6 A. Yes. Yes.

7 Q. And what was the --- when was the last time you
8 had any annual refresher training?

9 A. Back in March.

10 Q. Do you remember who give it, who presented it to
11 you?

12 A. It was a Massey training group. I don't know what
13 you'd call it.

14 Q. What was your job title on April 5th, the day of
15 the accident?

16 A. Longwall utility.

17 Q. Describe what a longwall utility job is.

18 A. That's my title, but really I set beltheads. I
19 don't really go to the face or anything. I set up the
20 longwall belt, the storage unit and then any other
21 mainline belts that's needed.

22 Q. Okay. Anything else you do on that? I mean, do
23 you ever run a track or, I mean, ---?

24 A. Yeah. I run motors and stuff if we need supplies
25 or anything.

1 Q. Are you qualified to conduct methane checks?

2 A. Yes.

3 Q. Do you carry a methane monitor with you?

4 A. Yes.

5 Q. What type is it?

6 A. Solaris.

7 Q. Have you ever participated in evacuation drills
8 like for explosions, fires or water?

9 A. Yes.

10 Q. When's the last --- do you remember the last time
11 you did one?

12 A. Not for sure. Not the date.

13 Q. You don't remember who was with you when it
14 happened, who was the supervisor or anything?

15 A. Marvin Purdue, I think, was the boss, but we done
16 the secondary the last time. The previous one would
17 have been the primary, walked it out and stuff.

18 Q. What conditions are the primary escapeway? How is
19 it maintained?

20 A. It's pretty good. One spot has a little water in
21 it, but it wasn't real deep.

22 Q. Was it passable?

23 A. Yeah, we got around it.

24 Q. What about the emergency lifelines and the SCSR
25 storage?

1 A. They were fine.

2 Q. Explain to us exactly what you do on the ---
3 moving bridges and the belt and stuff.

4 A. The belt. We're advancing ahead of the longwall.
5 We'll be on the next setup where they'll be going,
6 setting up the Mother Drive storage unit and any
7 triggers that that panel may need.

8 Q. What panel is that? What ---?

9 A. We was working on Headgate 22 recently.

10 Q. What is the conditions up there, the roof and the
11 rib and the floor?

12 A. They're good. They got a little wide up there and
13 they was all cribbed off and ---.

14 Q. Is the roof pretty solid or is it ---?

15 A. Yeah.

16 Q. Do you have any water coming through the roof or
17 anything?

18 A. No, we didn't have any water there. It's pretty
19 dry.

20 Q. Do you ever go on the section?

21 A. No.

22 Q. You stay outby. What about the Glory Hole? Have
23 you ever been to the Glory Hole?

24 A. Yes.

25 Q. What's that look like over there? What do you

1 find over there?

2 A. When I set that up originally, it was in real good
3 shape. They had some bad top, but they had them
4 straps across it and took care of it. Recently, it's
5 just a little muddy and stuff over there when I been
6 close to it.

7 Q. Okay. What portal do you usually enter the mine?

8 A. The UBB side.

9 Q. When you travel up through there, what's the track
10 like? How is it maintained?

11 A. It's kept up good.

12 Q. Now, what about the roof and the ribs, how are
13 they ---?

14 A. Well, the ribs have rolled a little bit, but where
15 they needed to they set timbers and stuff. They've
16 kept it up.

17 Q. On the way to Headgate 22, do you have to travel
18 through some equipment doors?

19 A. Yes.

20 Q. Have you ever found those open?

21 A. A few times I've seen like one of them open, and
22 I've actually --- like where you're shutting them,
23 sometimes you'll see it, the ones inby you come open
24 on you. You have to stop and go get the other one.
25 That was within like a two-week period. I don't know

1 if they --- why it was doing that, but they corrected
2 it.

3 Q. Did the company have a problem with excessive ---
4 people leaving that door open? Ever have a ---?

5 A. No. No. It didn't happen very often. I think I
6 might have found it open once or twice, just one set
7 of them, just one of the two doors.

8 Q. Did you ever hear any other miners talk amongst
9 themselves about what would happen if those doors were
10 left open and if there was a fire on the track or
11 anything?

12 A. No.

13 Q. Did you ever see --- was you ever on the longwall,
14 in that area on --- the headgate on the panel up here
15 when they developed this?

16 A. Yes.

17 ATTORNEY BABINGTON:

18 You're --- sorry. Go ahead.

19 A. I set the Mother Drive up. It would be right at
20 the mouth of the wall, down in this area.

21 BY MR. GODSEY:

22 Q. Have you been toward the back end of it when they
23 were developing it?

24 A. That's the trip where I think that was at around
25 Break 44. That's just ---.

1 Q. Did you know of any problems at --- what kind of
2 problems did they have developing that headgate; do
3 you remember?

4 A. No.

5 Q. Do you know of any time they had any roof problem?

6 A. I've heard them talking about using cable bolts
7 and stuff where it was broke up, but nothing in
8 particular.

9 ATTORNEY BABINGTON:

10 To clarify for one second, you're talking
11 about the Headgate One North section? Is that
12 what --- John, is that the section you're referring to
13 with the questions?

14 MR. GODSEY:

15 I'm on Headgate One North, right.

16 ATTORNEY BABINGTON:

17 Okay.

18 BY MR. GODSEY:

19 Q. Did you ever talk to any of the men that was on
20 the longwall section?

21 A. Some. But since they moved them to the other
22 side, I didn't get to talk to them very much.

23 Q. Okay. I was wondering, did they ever hear anybody
24 ever talk about how the rock fell in behind the
25 longwall shield, how tight it was or how ---?

1 A. No. On the headgate side they was having problems
2 holding a couple entries over there.

3 Q. Did you have --- what kind of problems did they
4 have getting ventilation back in behind the longwall
5 on the headgate side?

6 A. I'm not aware of that.

7 Q. You're not aware of any problems?

8 A. No.

9 Q. How about on the belt? Which way did the air
10 travel on the belt?

11 ATTORNEY BABINGTON:

12 Sorry. Which belts are you referring to,
13 John?

14 MR. GODSEY:

15 On the --- the mainline belts.

16 A. On the mainline belt? Traveling outby.

17 BY MR. GODSEY:

18 Q. Traveling outby you on the Ellis Portal?

19 A. I'm not sure on the portal.

20 Q. Did you ever work --- travel Ellis Portal?

21 A. The day that that happened was the only time I was
22 ever at it.

23 Q. Are you aware of any ventilation changes at the
24 mine that --- where ventilation reversed itself on its
25 own or had low velocity occurring on the sections?

1 A. No, I'm not aware of it.

2 Q. Do you know of any ventilation changes they made?

3 A. I know they was having some problems. I think it
4 was when they starting up the Two section.

5 Q. Which section is that?

6 A. That would have been right here.

7 ATTORNEY BABINGTON:

8 You're referring to the area I think

9 we've previously referred to as the Tailgate 22

10 section. Does that sound right?

11 A. Tailgate 22, yeah.

12 BY MR. GODSEY:

13 Q. What kind of problems do they have?

14 A. I'm not sure what the specifics were, but I know
15 they had inspectors up there and they had to correct
16 the problem to get the air right.

17 Q. Okay. On March 9th of this year they had a pretty
18 good ventilation change on the longwall. Do you know
19 how long that section was down before they started
20 running coal again?

21 A. I believe it was two to three days.

22 Q. Do you remember what was the problem that they had
23 on the longwall?

24 A. Not for sure. I know they done a lot of changing
25 and changing back. They had a hard time getting it

1 right, but I don't know what the specifics were.

2 Q. Did they change it during the shift?

3 A. No. That's --- we was all off work when that
4 happened. They just had people working on air.

5 Q. Have you ever visited the Eight North area, up in
6 this area here?

7 A. Not much. I went down and helped a guy get a ride
8 back on the track one time, in that curve.

9 Q. Did you ever notice any floor heaving or anything
10 while you were up there?

11 A. Not in that area.

12 Q. What about methane checks? Did you check ---?

13 A. I always have my spotter on me, and I didn't
14 detect anything on the track.

15 Q. How many people do you have working for you?

16 A. There's two guys working with me all the time and
17 then there's three more that we would go up there and
18 help a lot.

19 Q. Who's your supervisor?

20 A. I guess Mike Kiblinger would be the ---.

21 Q. Who was his supervisor?

22 A. Everett Hager.

23 Q. Do you ever know of any time that one of the
24 sections was having problems with any kind of low air
25 or anything and they stopped production and they was

1 ordered to go back to work?

2 A. No.

3 Q. Do you know anything about the tailgate entry over
4 there, One North Tailgate?

5 A. I was over there one time setting a four-foot head
6 when they was driving it.

7 Q. Okay. Well, what did it look like?

8 A. There was a lot of hooving in that area going up
9 the track. Two or three places on the track I
10 remember it.

11 Q. Okay. Have you --- I know you've had quite amount
12 of time to think about it. Have you had your thoughts
13 on what happened on April 5th?

14 A. Uh-huh (yes). I just figured it was something
15 that happened suddenly, like gas coming in quickly for
16 some reason.

17 Q. Have you ever witnessed or heard anybody talk
18 about floor gas or anything?

19 A. No.

20 Q. That time a rib in the floor breaking open?

21 A. I heard some guys talking about that it happened
22 in the past, and I'm not sure what year it was. It
23 was before I started, so it's been more than five
24 years, and they had gas come in and they had to
25 evacuate the section.

1 Q. Okay. Do you know of any problem with gas wells,
2 unknown gas wells or --- not being on the map of the
3 mined area?

4 A. I don't, but I'm not up in the face where they run
5 into that.

6 Q. Okay. The longwall was down on Monday, that
7 Monday of the accident, ---

8 A. Yes.

9 Q. --- from 11:45 to 2:00 something. Do you
10 remember --- did you hear what was wrong?

11 A. I never did hear what was wrong.

12 Q. You never heard anybody talk about it?

13 A. No.

14 Q. Do you know if anybody worked on the day of
15 the --- Sunday, the day before the accident?

16 A. I don't know who did. I'm sure there was people,
17 but I was off.

18 Q. But was there work scheduled?

19 A. Yeah. It was --- I think the longwall was
20 scheduled seven days a week.

21 Q. What was management's attitude towards safety
22 versus production?

23 A. They wanted you to be safe about what you was
24 doing.

25 Q. Would production ever override safety?

1 A. I don't really know. I'm not up there in the
2 production end of it.

3 Q. Do you know --- you worked on the track and stuff.
4 Did you ever know if the tailgate was ever blocked,
5 tailgate travelway?

6 A. Not to my knowledge. I know they had a problem
7 with water, but I don't know if it was so bad that it
8 blocked. I wasn't there when they was pumping
9 and ---.

10 Q. Well, did you know of any time that they had a
11 roof fall or something that blocked the passage of the
12 longwall besides the water?

13 A. Not that I know of.

14 Q. How about the --- are you familiar with the
15 roof --- have you done any roof drilling over there or
16 anything or roof bolting?

17 A. No.

18 Q. Have you ever heard anybody at any time on the
19 longwall when they had a roof fall that they had
20 sparks or anything like when metal --- rock against
21 rock, it created a spark or anything?

22 A. No, I haven't heard anyone discuss it.

23 Q. On the longwall, when --- are you aware at any
24 time that they had like an ignition or any kind of
25 pop, like a firecracker or something, not firecracker

1 but sparks across it?

2 A. Not to my knowledge.

3 Q. How long was your shift?

4 A. Nine hours.

5 Q. And you say you portalled at the UBB side?

6 A. Right.

7 Q. Who was the track assistant? How did the tracking
8 system there work?

9 A. What do you mean how the ---?

10 Q. I mean, what did you all --- did you all have ---
11 do they keep track of you on paper or did you ---?

12 A. Yeah, until we got our trackers. We had our
13 trackers working.

14 Q. What kind of trackers did you all use?

15 A. I don't know the make or model but little black
16 taggers is what they called them. You wore it on your
17 side, and it tracked you throughout the mines.

18 Q. Do you know of any time it failed, the tracking
19 system?

20 A. Not to my knowledge.

21 Q. Do you know how many people were employed on the
22 longwall section, how many worked on there?

23 A. No, I don't know how many.

24 Q. You don't know on the Headgate or the Tailgate 22
25 section, ---

1 A. Yeah.

2 Q. --- number of people?

3 A. I don't know the number of people.

4 Q. All right. When they went over your training, did
5 they go over the mine map with you, the ventilation?

6 A. Yes.

7 Q. What depth do they go into it?

8 A. Took you to the map and discussed it and showed
9 you your escapeways on the track and where the
10 sections and stuff were at.

11 Q. Okay. Did you ever see any --- while you were on
12 the outby, did you ever see any problems with
13 accumulations or float dust or anything like that?

14 A. No, not really. That Headgate 22 beltline, it was
15 getting pretty bad, but I think it was the Friday
16 night before it happened they dusted it real good.
17 And I come in there and I had heavy dust on my toolbox
18 right there at Headgate 22.

19 Q. Did they have a --- did the company have a certain
20 day or --- day of the week that they did the rock
21 dusting? Did they have a schedule?

22 A. I think they dusted every night in different
23 areas. I don't know.

24 Q. How did they do that? Is the track and the belt
25 together, or are they separated or ---?

1 A. I think there's a break between them, and they use
2 that pod duster on the track and dusted it.

3 Q. How often has the AMS system went into alert or
4 alarm mode?

5 A. What is AMS?

6 Q. Atmospheric monitoring system, you know, the CO
7 monitors and stuff on the belt?

8 A. You talking about COs?

9 Q. Yeah, CO.

10 A. Yeah. I'm not aware of how often or nothing. I
11 know every now and then they would go off and they
12 would get right on it, checking them.

13 Q. How would they react to it?

14 A. They'd usually send an electrician into the area
15 where it was alerting to determine what the problem
16 was.

17 Q. Are you aware of any time that an oncoming shift
18 was cancelled due to conditions at the mines?

19 A. Just around March, when you was talking about over
20 ventilation changes.

21 Q. Have they ever cancelled due to methane or any
22 problem like that?

23 A. Not to my knowledge.

24 Q. Are you aware of any condition that required the
25 mine to be evacuated?

1 A. They pulled some guys off the section one time
2 over air. It might have been around March or --- I'm
3 not for sure if that's the same incident or not, but
4 the inspectors pulled them back and had to correct it
5 before they could come back up there.

6 Q. Do you know how long they were down?

7 A. I don't --- I think it was just maybe a shift. I
8 think that was One section, if I remember right.

9 Q. Well, how did --- when you had that --- back to
10 that ventilation change on March 3rd --- March 9th,
11 excuse me. Do you know what effect it had on the
12 other sections? Did it increase ---? I mean, did
13 anybody talk to you how much it increased or decreased
14 air on the section?

15 A. It should have increased it, because that's when
16 they was putting that new exhaust fan in. But I don't
17 know for sure what it was doing.

18 Q. When was the exhaust fan put in?

19 A. It was right in that same time. It was within a
20 week, I think. I think that was --- they put it in
21 and was getting it coming up.

22 Q. Are you talking about the Bandytown fan?

23 A. Yes.

24 Q. Was you ever --- are you --- one time, the
25 longwall, it was out of seam, it was mining rock.

1 Were you aware of that happening?

2 A. No.

3 Q. Were you ever aware of any time or did you see the
4 velocity on the belt change quite a bit?

5 A. No.

6 Q. Even when the doors were left open?

7 A. No.

8 Q. When did you find out that the accident happened?

9 A. About 4:30 the same day. I already left work and
10 I saw them in the shower.

11 Q. Do you remember who notified you?

12 A. My wife called. Somebody called my wife.

13 (b) (7)(C)

14 We got --- my brother called to check on
15 him because he heard what happened.

16 BY MR. GODSEY:

17 Q. Did anyone from the company notify you or talk to
18 you?

19 A. No.

20 Q. What was your directions about work?

21 A. After it happened?

22 Q. Uh-huh (yes).

23 A. I called up there the next day and they said they
24 --- nobody was allowed on the property is what they
25 said.

1 Q. And you said up there on the Headgate 22 entry
2 that the water --- you never seen any water pumps
3 or ---?

4 A. They had a water pump sat right at the beltline,
5 where they had been cutting there. And I don't know
6 if they had a water leak or what, where the water come
7 in there.

8 Q. What about on the track, the beltline?

9 A. There was a little bit on the track, but they kept
10 it pumped down. Maybe one or two days it was there,
11 and then they'd pump it and get rid of it.

12 Q. What other --- were you ever assigned any other
13 job there other than working on --- what your regular
14 job was? You ever work out of your position?

15 A. No, not very often. I've been to other mines and
16 stuff during this period.

17 Q. How did this work? Do they --- you work a while
18 here and then they send you to another mine?

19 A. Yeah, I've done that. But most recently, we had
20 to go back to Logan Fork and pull some of the Mother
21 Drive and storage unit out of there for a couple
22 months.

23 Q. How often does this happen?

24 A. It just depends on what's going on. If we don't
25 run out of belt work in our mines, then sometimes

1 they'll send us to another mine at Seven head or
2 something.

3 Q. How many mines do you travel to?

4 A. When I was at Logan Fork, I was between Logan Fork
5 and Roundbottom a lot. And most recently I --- I
6 mainly stayed at UBB, but I did have to go back to
7 Logan Fork for about a month to get that storage unit
8 and Mother Drive out.

9 Q. How do they manage your training?

10 A. When you arrive at the mine site, you got to go
11 over the map, the same stuff all again.

12 Q. Okay. Do you have --- how do they do your annual
13 refresher review? Depends what mines you're at at the
14 time or ---?

15 A. Yeah. It's always been through Performance.

16 Q. Did that ever cause a problem with you, going from
17 mine to mine like that?

18 A. No, not really.

19 Q. You never --- you say you've never worked on any
20 one of these sections?

21 A. No, not on the section.

22 Q. Not on the section, all outby.

23 MR. GODSEY:

24 Okay. I don't have any more.

25 EXAMINATION

1 BY MR. FARLEY:

2 Q. John, do you have a Mine Foreman/Fireboss
3 Certification?

4 A. No.

5 Q. Do you function as a supervisor?

6 A. Some, like a team leader.

7 Q. Okay. All right. So you know, you work at UBB
8 and they may send you somewhere else. Is it sort of
9 like you're a specialist?

10 A. Yeah. Usually they send a boss with me, though.

11 Q. Okay. All right. Now, I think your wife said
12 that you got a call about 4:30 on April 5th, the night
13 of the accident; is that right?

14 A. Yes.

15 Q. You were in the shower or something?

16 A. Yes.

17 Q. Okay. What time did your shift start that day?

18 A. Six o'clock.

19 Q. 6:00 a.m. in the morning?

20 A. Uh-huh (yes).

21 Q. When did you normally leave?

22 A. Three o'clock.

23 Q. Is that a routine schedule for you?

24 A. Yes.

25 Q. Okay. The day before, on April the 4th, was the

1 mine idle?

2 A. I think the section --- the longwall section still
3 runs on Sunday.

4 Q. Okay. Do you know if it ran on the Sunday before
5 the explosion?

6 A. I don't know for sure. I was off.

7 Q. Okay. You were off on April 4th?

8 A. Yes.

9 Q. Did you work on Saturday, April 3rd?

10 A. I can't remember.

11 Q. Okay. While you're entering or exiting the mine,
12 in and out, have you found doors on the track open at
13 any time as you approached them?

14 A. I've never found both sets. I have found that one
15 set open, like one of the two.

16 Q. Okay. Do you recall approximately where that was?

17 A. That would be, approximately, Break 80.

18 Q. Approximately Break 80?

19 A. Yeah, on the North Main side.

20 Q. Okay. How often did you encounter that?

21 A. I found that twice the whole time I was working
22 there.

23 Q. Is that recently?

24 A. It's probably about two months prior to the
25 explosion.

1 Q. Okay. All right. Now, when you're setting
2 beltheads, do you do any drilling into your bottom?

3 A. Yes.

4 Q. Okay. Now, at UBB, as you were setting these
5 beltheads and you were drilling into the bottom
6 sometimes, did you ever encounter what might have been
7 a coal seam below --- down below?

8 A. No.

9 Q. How deep did you normally drill?

10 A. Approximately three foot.

11 Q. Okay. Now, when you were --- these times when
12 you're drilling in the mine floor to set beltheads or
13 for whatever reason, did you ever detect any methane
14 once you were drilling, John?

15 A. No.

16 Q. Do you carry a meth --- I think you said you
17 carried a methane detector; is that correct?

18 A. Yes.

19 Q. What's the most methane you've ever detected while
20 working at UBB personally?

21 A. I've never detected any.

22 Q. Okay. Back to the doors. I know you indicated
23 you seen one set of doors left open, and that was
24 sometime early this year. Do you have any idea why
25 that happened?

1 A. No. That was the same time. Like when you'd
2 close them, sometimes that one would open. I think
3 that's what's happened. They didn't notice it coming
4 back open.

5 Q. Okay.

6 A. That's what I assumed happened to it.

7 Q. Okay. The area here immediately outby the current
8 longwall panel, ---

9 A. Okay.

10 Q. --- have you done any work there in preparation to
11 move the longwall, any advanced preparation there?

12 A. To move it from where it's currently located?

13 Q. Yes. You know, as it --- we see where the
14 longwall face is now.

15 A. Right.

16 Q. Now, ultimately, if this event hadn't occurred, it
17 would eventually finish up down here at the end of the
18 panel and would have to be moved at that point. Have
19 you been involved in doing any preparatory work down
20 there?

21 A. No.

22 Q. Do you know if anyone else has been?

23 A. Not to my knowledge, they haven't.

24 Q. Okay. Is that the kind of work you might be
25 involved with?

1 A. No. After they're completely done running and
2 after they have moved most of their equipment off,
3 then I'd go in there and take that Mother Drive out,
4 but there's no prep work for it.

5 Q. Okay. I think you said earlier, if I'm correct
6 here, that you had observed some hooving in the mine
7 floor in the existing longwall tailgate entries
8 someplace; is that correct?

9 A. Yes.

10 Q. Do you recall when and where?

11 A. It was even before the longwall had started
12 running, so it would have been prior to September.

13 Q. Okay. September 2009?

14 A. They was still --- what they was doing, they was
15 still driving this, so I think it was around 40 Break
16 is where we set the head, and it would have been in
17 between the mouth and 40 Break.

18 Q. Okay. In between the mouth of the longwall and 40
19 Break?

20 A. Yeah. And I seen it on the track in two spots
21 because you could see where it pushed the track up,
22 and they had them sandbags set and you could see where
23 they had weight on them.

24 Q. Okay. Now, when you say 40 Break, do you mean ---
25 which numbers are you --- are you using the numbers on

1 the tailgate side?

2 A. It would have started right here, actually.

3 Q. Now, when --- excuse me. When you say right here,
4 just for the purpose of the court reporter, ---?

5 A. That would have been 78 Break at the North Mains?

6 Q. Okay. All right. Started about there, and where
7 else --- where did you see it inby from there?

8 A. I'm thinking it was around 30 Break in, but I'm
9 not exactly sure.

10 Q. Okay. Also, if I understood you correctly, more
11 recently you've been on what's called the 22 Tailgate
12 section; is that right?

13 A. Right.

14 Q. Or 22 Headgate section?

15 A. Uh-huh (yes).

16 Q. Okay. Did you observe any floor hooving in that
17 area?

18 A. No.

19 Q. Okay. Did you happen to advance, move --- travel
20 inby to the face area of 22 Headgate?

21 A. No.

22 Q. Okay.

23 EXAMINATION

24 BY MR. BECK:

25 Q. John, I appreciate you coming in today. You said

1 you worked at Peerless; is that right? I missed the
2 name of the mine.

3 A. Hunter Peerless.

4 Q. And that's a Massey operation?

5 A. Yes. Elk Run operation.

6 Q. Elk Run. And you started at Massey in February of
7 '05; is that right?

8 A. Yes.

9 Q. Did you start as a Massey employee or as a
10 contractor?

11 A. Massey employee.

12 Q. Massey employee. Now, when you worked on 22
13 Headgate, you worked primarily on the belt setup ---

14 A. Yes.

15 Q. --- and getting it going?

16 A. Right.

17 Q. Did you ever hear any jokes around the mine that
18 if you go to 22 Headgate, you need to bring your own
19 air?

20 A. I hadn't heard that.

21 Q. When did the Upper Big Branch shut down for
22 vacation periods during the year?

23 A. You have your summer vacation, which is the week
24 of the 4th of July, and then Thanksgiving and
25 Christmas.

1 Q. And in 2009, did you guys get all three of those
2 periods off?

3 A. Yeah.

4 Q. So you got summer, Thanksgiving and Christmas?

5 A. Uh-huh (yes).

6 Q. Okay. And since you've been ---?

7 WITNESS CONFERS WITH WIFE

8 A. Yeah, that's right. My summer vacation, I took it
9 later.

10 BY MR. BECK:

11 Q. Were there ever any vacation periods where the
12 workforce was told, you can't take vacation?

13 A. Yes.

14 Q. When was that?

15 A. I've had a lot of them. I think there's only been
16 one year that mine ain't been changed, one of the
17 vacations changed, where I've had to work where the
18 --- like if they had the beltlines and stuff down,
19 they wanted me to do something to them.

20 Q. And since you've been working for Massey, have you
21 ever experienced any injuries to yourself?

22 A. I had a rock hit my (b)(7) and my (b)(7) probably
23 about three months ago.

24 Q. Break any bones or anything?

25 A. No. I had three stitches in my (b)(7) and three in

1 my (b)(7)

2 Q. Did you go right back to work your next shift
3 or ---?

4 A. Yeah.

5 Q. So you didn't miss any work at all?

6 A. No.

7 Q. Did they fill out an accident report on it?

8 A. Yes.

9 MR. BECK:

10 That's all.

11 EXAMINATION

12 BY ATTORNEY BABINGTON:

13 Q. Okay. I have a few. You mentioned you carried
14 the --- you had a Solaris methane detector?

15 A. Yes.

16 Q. Did you ever detect any abnormal or high levels of
17 methane?

18 A. No.

19 Q. I think you mentioned that at one point there was
20 water in the primary escapeway?

21 A. Yes.

22 Q. Do you recall what area in the primary escapeway
23 you encountered that?

24 A. Probably about 30 breaks from outside on the Ellis
25 side.

1 Q. Okay. So 30 breaks from Ellis Portal?

2 A. Yeah, approximately.

3 Q. Do you have any idea where that water may have
4 come from?

5 A. No.

6 Q. But you said it was still passable?

7 A. Yes.

8 Q. Just to clarify, you said generally you work on
9 the longwall belt?

10 A. Yes.

11 Q. But recently you said you've been working on ---
12 not on the Headgate 22 section but on the belt off of
13 the Headgate 22 section?

14 A. Correct.

15 Q. How long have you been working off of the Headgate
16 22 section?

17 A. What do you mean off of it?

18 Q. Well, you mentioned that --- I guess I understood
19 that you'd been working on the Headgate One North
20 section at one point, you'd been working off of that
21 --- I guess the longwall belt off of there.

22 A. Yeah. Once the longwall starts, the belt is
23 running, so I'm moving to the next one.

24 Q. I see. So when did you --- once the belt started
25 running, when did you move up and start working on

1 Headgate 22?

2 A. Probably about a month prior to the explosion.

3 Q. And just to clarify, this seems to be kind of the
4 Glory Hole area. Is that generally where you were
5 working?

6 A. Yes.

7 Q. And I think you told John earlier that you never
8 encountered --- that you didn't encounter any problems
9 working in that section on the Glory Hole?

10 A. No.

11 Q. Did you ever come close to the Glory Hole itself?

12 A. Yeah. I walked over there and showed our
13 electrician that I worked with the Glory Hole because
14 he never seen it before.

15 Q. Do you have any past experience with Glory Holes?

16 A. Yeah. I helped set some of it up.

17 Q. Was there anything atypical or remarkable about
18 the Glory Hole at UBB?

19 A. Uh-uh (no). No.

20 Q. And you never detected any high levels of methane
21 in that area?

22 A. No.

23 Q. You mentioned that during a two-week period you
24 repeatedly saw some of the doors on the track entry,
25 one of the doors open?

1 A. Uh-huh (yes).

2 Q. When was that two-week period?

3 A. Probably about two months before the explosion. I
4 don't know exactly when, but ---.

5 Q. Besides that time that you saw the hooving on the
6 Tailgate One section, did you have any other
7 experiences on the Tailgate One section?

8 A. No.

9 Q. You mentioned that you were --- most of the time
10 you went through the UBB Portal?

11 A. Yes.

12 Q. However, you mentioned that on April 5th you used
13 the Ellis Portal?

14 A. Yeah.

15 Q. Why was that?

16 A. We was getting ready to put a set of heads there
17 close to the mouth, where the portal is, and we had
18 took the one toolbox down there from up at Headgate 22
19 that day. We went up that morning and got it and then
20 brought it back down to there and was going to bring
21 in some belt parts. The fork truck was down outside
22 and we was outside that day. We never did go back
23 under. We just took the belt parts --- disassembled
24 them.

25 Q. So did your shift end? Is that why you didn't go

1 back under? Or did you not go back under because of
2 the explosion?

3 A. The fork truck was down outside, so I didn't go
4 back down. We couldn't load anything up, so we just
5 stayed outside, disassembling that head, until our
6 quitting time, and then we --- they trucked us back
7 over to UBB side.

8 Q. Okay. And if I understand correctly, you had
9 already returned home by the time that you heard about
10 the explosion?

11 A. Yeah. I was probably going off the hill when it
12 happened, is what I recollect.

13 Q. Have you talked to any of your co-workers since
14 the explosion about whether they had any knowledge of
15 anything that happened on that day?

16 A. The people I work with directly, they were all out
17 with me, so I didn't know any of them. The guys --- I
18 didn't know of anybody that was there, underground,
19 when it happened, so I don't really know what
20 happened. I've just heard rumors, you know.

21 Q. Of course. Of course. Do you recall, prior to
22 the 5th, the last shift that you worked?

23 A. The last shift I worked?

24 Q. Yeah, the last --- previous shift. I think you
25 mentioned you didn't work on the 4th and you didn't

1 work on the 3rd. Did you work on April 2nd, that
2 Friday?

3 A. The last one I worked would have been on the hoot
4 owl shift. They had us come in and adjust the
5 beltline. I think we raised it, and that's when I
6 noticed it looked kind of black there. Then they come
7 in to dust it. We was up there and they went inby us
8 and dusted, and we left before they got there, where I
9 was at.

10 Q. And which date do you think that might have been
11 at?

12 A. I think that was a Friday night.

13 Q. Okay. So April 2nd?

14 A. Yeah.

15 Q. Okay. And you said --- but you said it was --- it
16 looked like there was --- there were accumulations of
17 coal dust or something like that?

18 A. Yeah. It was just kind of dark looking. It
19 wasn't bright like you would see right after dusting,
20 then they had dusted it that night.

21 Q. Right. And you saw the crew with the rock dust
22 coming in as you were leaving?

23 A. Yeah. They was going to start where we was at.

24 And since we were there working, they went on inby us
25 and started up that way.

1 Q. Right. And so then when you got to your shift on
2 Monday, on the 5th, you said that there was a layer of
3 rock dust on ---?

4 A. Yeah.

5 Q. Okay.

6 ATTORNEY BABINGTON:

7 Let's take a quick five-minute break.

8 SHORT BREAK TAKEN

9 ATTORNEY BABINGTON:

10 Let's go back on the record. John is
11 going to continue from here.

12 RE-EXAMINATION

13 BY MR. GODSEY:

14 Q. Did you feel that you had an adequate knowledge or
15 understanding of the ventilation system, how it
16 worked?

17 A. Yes.

18 Q. Earlier I asked you about a section that was
19 withdrawn for low air. Do you remember which one that
20 was?

21 A. I think it was the One section.

22 Q. And which is that now?

23 A. That would be the Headgate 22.

24 Q. And earlier you talked --- do you remember when
25 that was?

1 A. Not exactly.

2 Q. Earlier you mentioned that up there at the
3 Headgate 22, that you had some water in that area up
4 there.

5 A. Water on the beltline.

6 Q. Yeah. What caused that?

7 A. I think there was a waterline leaking right there.
8 It's close to the tail of --- what is that? Seven ---
9 Seven head. I think it's Number Seven there. The
10 tail should sit right here at the mouth. It's
11 Headgate 22. It was right there in that area.

12 Q. Were you ever instructed to perform any kind of
13 unsafe work or work unsafe?

14 A. No.

15 Q. What if you --- do you know of anybody who had
16 been required to do that or talked to you about it?

17 A. No.

18 Q. Did you ever make any complaints about safety to
19 your supervisor or anybody that was over you?

20 A. If I had a problem with doing anything, usually I
21 talked to my direct boss.

22 Q. Did you ever do that?

23 A. I may have, but I don't remember anything in
24 particular.

25 Q. You don't remember the details?

1 A. Yeah.

2 Q. Did you take your Solaris home with you to charge
3 it?

4 A. Yes, I do.

5 Q. Who calibrated it?

6 A. I calibrated it myself.

7 Q. And do you keep a record of it?

8 A. Yeah. We log it in the book upstairs.

9 Q. Is a dust crew maintained on each shift, a rock
10 dust crew?

11 A. Are you talking about for beltlines?

12 Q. Yeah, for beltlines, track.

13 A. They do it on hoot owl but not at each crew ---
14 not each shift. Now, on the sections it may be
15 different, but ---.

16 Q. What areas did you --- well, when you first went
17 to this mine, what areas --- what sections did they
18 take you to or what areas did they take you to?

19 A. When I first started?

20 Q. Uh-huh (yes).

21 A. I was installing structure on Headgate 20.

22 Q. That's the only place that you went?

23 A. Yeah.

24 Q. Earlier I asked you --- Matt asked you a question
25 about the longwall being down on the day of the

1 accident.

2 A. Yes.

3 Q. And I'm not sure if that's really the time frame
4 that it was down. We just heard that.

5 A. Uh-huh (yes).

6 Q. Did you hear any more?

7 A. I heard about what you did.

8 Q. What did you hear?

9 A. I didn't hear what was wrong with it. I just
10 heard that it had been down and it had fired up close
11 to quitting time.

12 Q. Did you ever work on a ventilation crew building
13 stoppings or overcasts or anything?

14 A. They had me working on it back in --- what was
15 that, March 9th? They had me work on some of it.

16 Q. What did you do?

17 A. We built some stoppings and like we worked on
18 overcasts.

19 Q. What material do they build the stoppings out of?

20 A. Solid blocks.

21 Q. And do they wet lay them or they mortar between
22 the joints?

23 A. For a stopping?

24 Q. Is that what you said?

25 A. On the overcasts they did.

1 Q. What size over --- do they build a regular size
2 overcast or do they reduce them down, or how did they
3 build the overcasts?

4 A. I just built some walls on --- I believe it was
5 about 16 foot wide.

6 Q. Did they ever have any problems with the overcast
7 not maintaining enough area over them to get the air
8 through them?

9 A. Not to my knowledge, no.

10 Q. Were you ever afraid to go underground?

11 A. No.

12 Q. Do you know anyone that has ever mentioned that
13 they would be afraid to work there or afraid to
14 work ---?

15 A. No.

16 Q. Have you ever made a complaint or called an 800
17 number for ---?

18 A. No.

19 Q. Did you ever report anything on safety for a
20 safety program? Ever told not to report anything?

21 A. No.

22 Q. On the date --- you said you were there on the day
23 of the accident. Did you see any --- did you feel any
24 changes or anything that was anything different than
25 what was on the previous shift?

1 A. No.

2 Q. And did anyone say anything, that they had noticed
3 anything different?

4 A. No.

5 Q. This area up here between the longwall Headgate
6 One and the Headgate --- Tailgate 22, on this 040
7 section, there's a set of airlock doors there. Have
8 you ever been to those?

9 A. The ones that come out to the track?

10 Q. Uh-huh (yes).

11 A. Yes.

12 Q. Have you ever seen those left open?

13 A. No.

14 Q. What condition are they usually found in --- or
15 did you find them in?

16 A. They were fine when I was there.

17 Q. Have you ever heard of anybody leaving them open?

18 A. No, I haven't.

19 Q. What did they take through there to travel? What
20 traveled through there?

21 A. I'm not sure what traveled through there. I
22 remember seeing where we come up to the track there,
23 and it seemed like there might have been a scoop
24 sitting there at the mouth of it.

25 Q. Did you ever go over to them?

1 A. I never did go through them.

2 Q. So you don't know how they were instructed or what
3 condition they were in?

4 A. I just the one right there facing the track.

5 Q. Who maintained --- did you have people assigned to
6 the belt transfer points?

7 A. Are you talking about ---?

8 Q. I'm talking about people that work there around
9 them, take care of them, clean them up. How did they
10 clean the belts? Who cleaned the belts and how often,
11 the drives and the tailpieces and stuff?

12 A. The fire boss would be the one responsible for it.

13 Q. You mean ---?

14 A. Go ahead.

15 Q. No, you go ahead.

16 A. I seen him come through there and shovel some,
17 dust some.

18 Q. What about the trash and other stuff, how did they
19 handle that?

20 A. It's supposed to be taken to the track and the
21 motor man pick it up.

22 Q. Okay. What about the conveyor rollers, did you
23 service --- how did they grease the rollers and take
24 care of those?

25 A. I know they greased the heads on a regular basis,

1 but I don't know about all the individual rollers. I
2 don't know when they done that.

3 Q. So you never, the whole time, noticed an air
4 switch on the belt, changing directions?

5 A. No, sir.

6 RE-EXAMINATION

7 BY MR. FARLEY:

8 Q. Since this explosion on April 5th this year, have
9 you become aware of any information that would
10 indicate that there was a ventilation change
11 underground at the UBB Mine on April the 4th this
12 year?

13 A. No, I'm not aware of that.

14 Q. Okay. Now, you've indicated that you had heard
15 that the longwall had been down on February 5th, prior
16 to the explosion. Now, when you say you heard that,
17 did you hear that it was down for some period of time,
18 was it you had a holiday? What's the rest of that
19 story?

20 A. What I heard is it was down most of the shift and
21 they got it going close to the end of the shift.

22 Q. Okay.

23 A. I never did hear what it was down for.

24 Q. All right. Also, correct me if I'm wrong here,
25 but a little while ago I think you said you may have

1 heard some rumors about what caused this explosion.

2 Did you say that?

3 A. No --- yeah.

4 Q. Okay. Well, normally I don't like to ask about
5 rumors, but I'm looking for ideas here. What rumors
6 have you heard ---

7 A. What I heard, ---

8 Q. --- that you would share with us?

9 A. --- people just speculating, really, that
10 something happened fast on the longwall, maybe hitting
11 a gas well or a pocket of gas, and maybe it ignited
12 because they thought maybe that they was still running
13 at the time.

14 Q. Okay.

15 MR. FARLEY:

16 All right. Thank you.

17 RE-EXAMINATION

18 BY MR. BECK:

19 Q. I just had one more. In your dealings with Upper
20 Big Branch and various jobs, who, in your opinion, was
21 calling the shots at the mine, would it be production,
22 safety, ventilation? Who was the guy that was in
23 charge of Upper Big Branch?

24 A. Chris Blanchard was probably --- told everybody
25 what to do is the way I feel about it.

1 Q. What was his job?

2 A. He was president.

3 Q. Did you see him very often?

4 A. Not very often.

5 Q. But you knew he was there?

6 A. Any big decisions, that he was there.

7 Q. Came down from him?

8 A. Uh-huh (yes). I know he was there during the air
9 changes and different things like that.

10 MR. BECK:

11 That's all.

12 RE-EXAMINATION

13 BY MR. GODSEY:

14 Q. Did you have any interactions with Chris
15 Blanchard?

16 A. No. I talked to him one time as he was passing by
17 the head, and I just seen him maybe two minutes
18 and ---.

19 Q. How about Jason Whitehead?

20 A. I've worked with him a little bit, but not very
21 often. We was taking the head out down at 52 Break on
22 the UBB side, and he came up there for a couple hours.

23 Q. When was it?

24 A. Probably two months prior to the explosion.

25 ATTORNEY BABINGTON:

1 Okay. On behalf of MSHA and the Office
2 of Miners' Health, Safety and Training, I want to
3 thank you for appearing and answering questions today.
4 Your cooperation is very important to the
5 investigation as we work to determine the cause of the
6 accident. We request that you not discuss your
7 testimony with any person aside from your personal
8 representative. After questioning other witnesses, we
9 may call you if we have any follow-up questions that
10 we feel that we need to ask you. If at any time you
11 have additional information regarding the accident
12 that you'd like to provide to us, please contact us at
13 the contact information previously provided.

14 If you wish, you may now go back over any
15 answer you've given during this interview, and you may
16 also make any statement that you would like to make at
17 this time.

18 A. I don't have a statement.

19 ATTORNEY BABINGTON:

20 Again, I want to thank you for your
21 cooperation in this matter.

22 * * * * *

23 STATEMENT UNDER OATH CONCLUDED AT 5:16 P.M.

24 * * * * *

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1 STATE OF WEST VIRGINIA)

2)

3

4 CERTIFICATE

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

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

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

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



22 *Alicia R. Brant*

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