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Transcript of the Testimony of Russell Gunnoe

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Case:

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STATEMENT UNDER OATH
OF
RUSSELL GUNNOE

taken pursuant to Notice by Alicia Brant, a
Court Reporter and Notary Public in and for the
State of West Virginia, at the National Mine
Health and Safety Academy, 1301 Airport Road,
Room C-137, Beaver, West Virginia, on Tuesday,
May 25, 2010, beginning at 10:14 a.m.

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STATEMENT

By Mr. Gunnoe

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ATTORNEY BABINGTON:

My name is Matt Babington. Today is May
25th, 2010. I'm with the Office of the Solicitor,
United States Department of Labor. With me is Tim
Watkins, and accident investigator with the Mine
Safety and Health Administration, an agency of the
U.S. Department of Labor. Also present are several
people from the State of West Virginia. I ask that
they state their appearance for the record.

MS. SPENCE:

I'm Beth Spence, with Davitt McAteer's
independent team.

ATTORNEY BABINGTON:

Terry?

MR. FARLEY:

Terry Farley, Miner's Health Safety and
Training.

MR. KINDER:

John Kinder, West Virginia Office of
Miner's Health Safety and Training.

ATTORNEY BABINGTON:

There are several members of the
investigation team also present in the room today.

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

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

1 Safety and Health Act and the West Virginia Office of
2 Miner's Health, Safety and Training. We appreciate
3 your assistance in this investigation.

4 You may have your personal attorney
5 present during the taking of this statement, or
6 another personal representative, if MSHA has permitted
7 it. You may consult with your attorney or
8 representative at any time. Your statement is
9 completely voluntarily. You may refuse to answer any
10 question. You may terminate your interview at any
11 time or request a break at any time. Since this is
12 not an adversarial proceeding, formal Cross
13 Examination will not be permitted, however your
14 personal representative may ask clarifying questions
15 as appropriate. So in this case, you can ask
16 clarifying questions

17 MR. GUNNOE:

18 Okay.

19 ATTORNEY BABINGTON:

20 And for the record, do you have a
21 personal representative with you here today?

22 MR. GUNNOE:

23 No.

24 ATTORNEY BABINGTON:

25 Thank you. Your identity and the content

1 of this conversation will be made public at the
2 conclusion of the interview process, and may be
3 included in the public report of the accident, unless
4 you request that your identity remain confidential or
5 your information would otherwise jeopardize a
6 potential criminal investigation. Also there may be a
7 need to use the information you provide to us, or
8 other information we may ask you to provide in the
9 future in other investigations into and hearings about
10 the explosion. Do you understand or have any
11 questions?

12 MR. GUNNOE:

13 No. No questions.

14 ATTORNEY BABINGTON:

15 Okay. After the investigation is
16 complete, MSHA will issue a public report detailing
17 the nature and causes of the fatalities in the hope
18 that greater awareness about the causes of accidents
19 can reduce their occurrence in the future.
20 Information obtained through witness interviews is
21 frequently included in these reports.

22 The court reporter will record the
23 interview. Please speak loudly and clearly. If you
24 do not understand a question asked, please ask me to
25 rephrase it. Please answer each question as fully as

1 you can, including any information you've learned from
2 someone else. Also I'll note that if you're referring
3 to the map, please be as specific as possible. It's
4 easy to get into a habit of saying we started here,
5 and then we went over here, but if you could describe
6 the actual area, either by the belt or by the headgate
7 or tailgate name, we would appreciate it.

8 MR. GUNNOE:

9 Okay.

10 ATTORNEY BABINGTON:

11 I'd like to thank you in advance for your
12 appearance here. We appreciate your assistance in
13 this investigation. Your cooperation is critical in
14 making the nation's mines safer.

15 After we've finished asking questions,
16 you'll have an opportunity to make a statement and
17 provide us with any other information that you believe
18 to be important. If at any time after the interview
19 that you recall any additional information that you
20 believe might be useful, please contact Norman Page at
21 the information --- at the contact information
22 previously provided.

23 Now, finally, any statements given by
24 miner witnesses to MSHA are considered to be an
25 exercise of statutory rights and protected activity

1 under Section 105(c) of the Mine Act. If you believe
2 any discharge, discrimination or other adverse action
3 is taken against you as a result of your cooperation
4 with this investigation, you're encouraged to
5 immediately contact MSHA, and file a complaint under
6 Section 105(c) of the Act. Terry?

7 MR. FARLEY:

8 Russell, I want also to advise you West
9 Virginia State Law, specifically West Virginia Code
10 Chapter 22A., Article 1, Section 22 protects miners
11 from discrimination. And if you should experience
12 what you might think is discrimination as a result of
13 doing these interviews with us, I'm going to offer you
14 a memo which contains the address of the West Virginia
15 Board of Appeals, which hears complaints about such
16 matters, along with my phone number and the phone
17 number for Bill Tucker, who's also taking the lead on
18 this investigation for the State of West Virginia.

19 MR. GUNNOE:

20 Okay.

21 -----

22 RUSSELL GUNNOE, HAVING FIRST BEEN DULY SWORN,
23 TESTIFIED AS FOLLOWS:

24 -----

25 EXAMINATION

1 BY MR. WATKINS:

2 Q. Good morning, Russell.

3 A. Morning.

4 Q. I appreciate you coming in. I got just some
5 background question I need to ask you to begin with;
6 okay?

7 A. Okay.

8 Q. Just bear with me here a little bit. Could you
9 please state your full name and spell your last name,
10 please?

11 A. Russell Lee Gunnoe, G-U-N-N-O-E.

12 Q. Okay. Russell, what is your address and telephone
13 number, please?

14 A. (b) (7)(C)

15 (b) (7)(C)

16 Q. Okay. Russell, are you are appearing here today
17 voluntarily?

18 A. Yes.

19 Q. Okay. How many years of mining experience do you
20 have, Russell?

21 A. Nine, I think.

22 Q. Okay. Just give me a brief description of your
23 work experience, where you worked at, you know, about
24 how long. I mean, just get it close. You don't have
25 to ---.

1 A. Well, you mean what kind of jobs I've had ---

2 Q. Yeah.

3 A. --- and where I worked or ---?

4 Q. Yeah. What mine you worked at, what job you had
5 at that particular mine.

6 A. Well, I've been at a lot of different Massey mines
7 there on Route 3. I mean, I worked at Marfork and
8 Performance. I was on the mine rescue team, and a
9 section boss for a short time, about three months. I
10 was a fire boss for about a year. And let's see,
11 before that I worked at Black Castle surface mine,
12 driving a coal truck. And I started as a red hat at
13 Elk Run. Worked there a couple months.

14 Q. Okay.

15 A. That's pretty much all my background.

16 Q. Okay. So your nine years, was all that with
17 Massey?

18 A. Yes.

19 Q. All nine years, Massey.

20 A. Yes.

21 Q. How long at Upper Big Branch? Do you remember
22 when you started there?

23 A. Yeah. It was a little over a year that I was
24 there. It was maybe --- I think I started there in
25 February of last year.

1 Q. What did you start off doing? What was your first
2 job?

3 A. Section boss.

4 Q. Section boss?

5 A. Yes.

6 Q. On which section?

7 A. Three section.

8 Q. Which ---?

9 A. That's the portal section.

10 Q. Portal section. Okay. That would be down towards
11 the south end of the mine?

12 A. Yes.

13 Q. Okay. How long did you section boss for?

14 A. Two or three months. Three months, I think.

15 Q. Okay. At the time of the accident on the 5th,
16 April 5th, what was your job title at that time?

17 A. Fire boss.

18 Q. Fire boss?

19 A. Yes.

20 Q. And how long have you been doing that job?

21 A. I think I started fire bossing in May of last
22 year. So it was right at a year, ---

23 Q. Okay.

24 A. --- I guess.

25 Q. Okay. So you went from section boss to fire boss?

1 A. Yes.

2 Q. Okay. Do you have certain areas of the mine that
3 you were responsible for, as far as for fire bossing?

4 A. Yes. I started --- I walked the outby belt. I
5 started at the Mother Drive and walked the beltline to
6 the Ellis Portal.

7 Q. Okay.

8 A. That was Six North, Five North, Four North, belt,
9 Ellis Five and Ellis Four belt.

10 Q. Okay. Did you ever ride or did you have to walk
11 at all?

12 A. I walked.

13 Q. You walked?

14 A. Uh-huh (yes).

15 Q. About how long would it take you to make that
16 trip?

17 A. About two hours and 15 minutes, usually, you know,
18 if I didn't run into something I had to --- you know,
19 a gob out or something I had to clean up along the
20 way.

21 Q. Okay. Well, just kind of walk me through ---
22 through that day, if you will, what --- you know, when
23 you first get to the mine, what did you do?

24 A. The day of the explosion, I didn't --- I didn't
25 work there.

1 Q. No, just your regular day.

2 A. Oh, regular day?

3 Q. Regular day, when you showed up at the mine.

4 A. Most days I would ride in from the Ellis Portal,
5 up to Four North belt head.

6 Q. Now, you can --- that's your map. You can mark on
7 it, if --- you know, if you want to mark on, you're
8 more than welcome to.

9 A. I'm sorry. I said the belt head. I rode to the
10 belt tail.

11 Q. Okay.

12 A. Four North belt tail. And there I would just see
13 if I needed to do any cleaning there and rock dust
14 that belt head.

15 Q. What ---? I don't mean to interrupt you. I don't
16 want to.

17 A. Okay.

18 Q. The belt tail, where's --- about where was that
19 at?

20 A. It was at 41 Break, which is probably up in here
21 somewhere (indicating).

22 Q. Okay. I think these are numbered. I'm just going
23 to help you a little bit.

24 A. Yeah.

25 Q. On the outside, so 41.

1 A. Yeah, it'd be right here.

2 Q. Why don't you just grab a colored pen and just
3 mark tail or head or whatever it was, just so we mark
4 it on the map. We have a highlighter there. That can
5 make it easier.

6 A. Okay. I would ride into 41 Break, which is, like
7 I said, Five North belt head, Four North tail.

8 Q. Okay.

9 A. And that's where I would get out of --- get out of
10 the ride at. I would clean that belt head if I needed
11 to and rock dust, and just take care of anything there
12 that I knew of that needed to be done. When I got
13 done there, most ---. Most of the time I would walk
14 up the track entry, up to the next belt head up, which
15 was Six North belt head, Five North tail.

16 Q. Okay.

17 A. I walked there and did the same thing. Cleaned up
18 any spillage that was at that belt head, cleaned the
19 tail up and rock dust that. And then sometimes I
20 would catch a ride, but most times I would walk. And
21 then I would walk --- once I got finished there, I
22 would walk on down to the Mother Drive. Right here.

23 Q. Okay.

24 A. I'd walk down there to the Mother Drive, clean up
25 Six North tail. They had another fire boss that took

1 care of the Mother Drive, so I didn't really mess with
2 that too much. I cleaned up around that tail. By the
3 time I did all these things and walked that, it would
4 be close to 12 o'clock, which was time to start your
5 fire boss.

6 Q. Okay.

7 A. When I'd get up here, I'd usually eat my lunch.
8 And then I would --- at 12 o'clock I'd start walking
9 the beltline to the outside.

10 Q. Okay.

11 A. During my walk --- I mean, during my fire boss
12 walk, anything I saw on the beltline, you know, I'd
13 write down. Well, when I came --- as I was walking up
14 through there, I would check to see if the evening
15 shift fixed whatever I had wrote in the book, and if
16 they didn't, I would work on that, you know, maybe a
17 timber that needed to be reset or something.
18 Something like that, small stuff.

19 Q. Okay. Which shift did you work?

20 A. Dayshift.

21 Q. Dayshift?

22 A. Uh-huh (yes).

23 Q. So your hours was what? What time did you start,
24 what time did you end and all that?

25 A. Most of that, it was from 6:00 to 6:00.

1 Q. 6:00 to 6:00?

2 A. Uh-huh (yes). It was a 12-hour shift. Most of
3 that time it was. Some --- there towards the end, I
4 was on nine-hour shifts, which was 6:00 to 3:00 ---
5 6:00 to 4:00.

6 Q. Okay. And who did you report to? Who was your
7 boss?

8 A. Everett Hager, ---

9 Q. Everett Hager.

10 A. --- superintendent.

11 Q. Okay.

12 A. Terry Moore was the mine foreman, but I --- most
13 of ---. Most of my orders came from Everett Hager.

14 Q. Okay. When you found something and put it in the
15 book, who usually countersigned the book?

16 A. Terry Moore.

17 Q. Terry Moore?

18 A. Uh-huh (yes).

19 Q. So whose responsibility is it to see that the
20 things you put in the book gets corrected?

21 A. Terry Moore, since he's the one that countersigns
22 it, but, you know, like I said, I would check to see
23 if the other people had fixed anything I put in. If
24 they hadn't, I'd take care of it.

25 Q. Uh-huh (yes).

1 A. What I could. Anything I couldn't, I made sure
2 that Terry and Everett knew about it and they'd get
3 somebody on it.

4 Q. Uh-huh (yes). So pretty much every day that's the
5 routine that you went through?

6 A. Yeah. Pretty much every day. I mean, my times on
7 the date board were two, three minutes different every
8 day, because, you know, you do the same thing every
9 day, it's --- you're about the same time.

10 Q. Okay.

11 A. And like I said, unless I run into something that
12 needed immediate attention, I had to spend more time
13 there or something.

14 Q. Okay. Unless you had to clean up, what, the head
15 drives and tail drives?

16 A. Uh-huh (yes).

17 Q. And that's a regular occurrence that they would
18 gob --- I mean, you had spillage or what?

19 A. Yeah. I wouldn't call it gobbled out, but it's
20 pretty regular that there was a little spillage.

21 Q. Okay.

22 A. I mean, you get some stuff there around the tail.
23 I mean ---.

24 Q. About how long would it take you to clean that up?

25 A. Most of the time just a few minutes. I mean, five

1 minutes tops.

2 Q. And you mentioned you rock dusted. Was it --- was
3 it by hand, or do you have a machine, or by hand?

4 A. I had --- we had trickle dusters at all the belt
5 heads. I would fill those up and start them, let them
6 ---. I would hand dust a little around the tails and
7 stuff like that.

8 Q. Okay. You mentioned trickle dusters. What
9 sequence were they on? I mean, how often did they ---
10 would they run?

11 A. They run when I turned 'em on, which was every
12 morning. As I came --- as I came in, I started
13 the ---. Starting there at 41 Break. There was a
14 trickle duster at 40 Break. And the first thing I did
15 after I got the --- I would clean the tail there
16 first, so I wasn't blowing dust in my face. And then
17 I would start that trickle duster. And then I would
18 go on up, like I said. And after I cleaned that tail,
19 and hand dusted. Start that trickle duster and move
20 on up. And then by the time I done my fire boss run,
21 you know, it wasn't like it is when you first turn 'em
22 on, it was blasting all that dust. It's trickling by
23 then.

24 Q. Okay. So how long did they run, when you turned
25 'em on? Did you turn 'em off when you come back by or

1 did you let 'em run?

2 A. I let them run until they emptied. Most of the
3 time the evening shift guys would turn 'em off,
4 because when I come back down, they wasn't empty.
5 Evening shift guys would turn 'em off as they came
6 back in. And then like I say, I got out at 42 Break,
7 so as I --- once I pass that point, when I got here to
8 Ellis Switch there was a trickle duster. I would
9 start it on my way out, on my fire boss walk. I'd
10 start that one, and then also the one that was at
11 Ellis Five head. I would start that one on my way
12 out. And the evening shift guy would start that up
13 when I was on nine-hour shifts. When I was on 12-hour
14 shifts, I would walk all the way to the outside, fill
15 out my books, and then come back in, and usually work
16 around Ellis Five head or here at the Ellis Switch,
17 which was Four North head.

18 Q. Okay.

19 A. I would work around there, ---

20 Q. Okay.

21 A. --- to take up the rest of my day.

22 Q. These trickle dusters, how much --- how much dust
23 do they hold? How much could you put in 'em?

24 A. About six bags.

25 Q. Did they seem to do a pretty good job? I mean, on

1 the beltline?

2 A. Yeah. They done a good job, but --- they done a
3 good job there around the belt heads and stuff. They
4 had a --- they didn't --- they wouldn't really dust
5 down the beltline real well. I mean, once you get
6 five or six breaks outby the head, it didn't do any
7 good down there, but they had a ---. They had a dust
8 crew that came in and dusted the beltlines anyway at
9 night. So the belt heads were about --- that was
10 really the main thing, for, you know, the trickle
11 dusters.

12 Q. Okay. You say you had a dust crew come in every
13 night, like they dusted the belts every night?

14 A. I assume they dusted somewhere every night.

15 Q. Okay. But not necessarily the belt?

16 A. Not necessarily where I was, no.

17 Q. Yeah.

18 A. Not every beltline every night.

19 Q. Okay. I would say that'd be a lot of dust.

20 A. Yeah.

21 Q. What about the --- was the belt by itself or did
22 it have entries adjacent, adjacent to the beltline?
23 Do you know what I'm talking about?

24 A. No.

25 Q. Did it have air courses that was --- or entry that

1 was common with the beltline?

2 A. Yeah. Yeah. The track entry, and the beltline
3 were common and ---. Somewhere --- I think this other
4 entry on the other side of the beltline, that was
5 common, too.

6 Q. Okay.

7 A. Across the intake, it came up this North,
8 parallel ---. So all these --- the track entry, the
9 belt entry and the one to the right side of beltline
10 was all common.

11 Q. Okay. So the track crew --- or the belt crew you
12 mentioned coming in and they would dust. Did they
13 come up the track entry or which entry was they
14 dusting?

15 A. They came up the track entry. It was the track
16 nine duster.

17 Q. Okay. What about the entry to the far right that
18 you mentioned? How was it dusted?

19 A. I don't remember. It was fairly well ---. I
20 mean, I don't know how ---. I don't how they got the
21 dust over there, but most of the time it was in fairly
22 good condition.

23 Q. So you didn't have a problem with accumulations
24 or ---?

25 A. No. Wait. Accumulation of coal dust, like I

1 said, this --- at 42, or 41 Break, that would
2 accumulate. I would get some dust there for a while.

3 Q. Uh-huh (yes).

4 A. That's why --- that's why that was my place that I
5 started. That was my belt head that I had to grease
6 and stuff, so ---. That's where I started every day.
7 That one, if I didn't keep it dusted, keep that
8 trickle duster running every day, it would accumulate
9 a little coal dust but, you know, like I said, I tried
10 to stay on, tried to keep that duster running every
11 day, and --- which mostly took care of ---.

12 Q. When you see accumulations, everybody got a little
13 bit different opinion of what --- what you put in the
14 book, and stuff. It's kind of a hard question. How
15 much would it take --- as far as dusting, how thick
16 would it have to be before you actually put in the
17 book what it needed to be --- keep it clean and
18 dusted?

19 A. If it don't look white, it needs to be clean and
20 dusted.

21 Q. Okay. So black at all just means ---?

22 A. Yeah. If it's gray, it needs to be dusted.

23 Q. Okay.

24 A. I mean ---.

25 Q. Is that just your call or was there any guidance

1 or direction given to you as far as what does or
2 doesn't go in the --- needs to be put in the book?

3 A. No. I mean, I guess it was my call, because I
4 never had ---. Nobody ever told me not to put
5 something in the book that I had, and nobody ever told
6 me to --- you know, they didn't tell me I was putting
7 too much in or I wasn't putting enough in or anything
8 like that.

9 Q. Okay. How about any methane readings or anything
10 like that, that you had along the ---?

11 A. On my beltline, I never did find any methane. At
12 the Mother Drive, there was a --- on the Sixth North
13 belt at 85 Break there was a pump over in the intake.
14 Before they done the ventilation change, I would get
15 three or four-tenths of methane over there at that
16 pump.

17 Q. Okay.

18 A. But once they changed that ventilation, that
19 intake ---. I say chance the ventilation, but I mean
20 the fan that they put in at Bandytown.

21 Q. Okay.

22 A. Once that started, that took care of all that
23 methane that was out there. I never found any more
24 methane around that pump. But that was the only place
25 I would ever find any is at the 85 Break pump on Sixth

1 North belt.

2 Q. That would have been an electric pump? That was
3 an electric pump?

4 A. Yeah.

5 Q. Okay. Was there any other pump that you --- that
6 you examined?

7 A. Uh-huh (yes).

8 Q. Where are they at?

9 A. Got the one at 85 Break. Then there was --- there
10 was a couple down the beltline. There was one at 46
11 Break, I think. Then there were --- there was one at
12 40 Break. There was a ---. At one time there was a
13 trash pump, but it was out of service. There was a
14 couple --- there was one at 37 Break. There was --- I
15 was trying to think what break that ---. There was a
16 couple over in here, but I can't remember what break
17 they were.

18 Q. Over here, you're referring to ---?

19 A. Over in the North --- Parallel North Mains.

20 Q. Okay.

21 A. There was two pumps over there, but I can't
22 remember what break numbers they were.

23 Q. Okay.

24 ATTORNEY BABINGTON:

25 Mr. Gunnoe, do you mind marking with this

1 green pen the pumps that you've identified thus far?

2 A. Okay.

3 ATTORNEY BABINGTON:

4 And if you could mark with maybe an X and

5 label it pump.

6 WITNESS COMPLIES

7 A. One at 85 Break. They had --- 52 Break, there was
8 one. It was ---. Let me see exactly where that set
9 at. It's right here. 53 Break pump's what they
10 called that. There was one on the beltline, at 46
11 Break. I don't remember exactly where the --- what
12 break numbers the ones were in the North Mains --- or
13 the North Parallel Mains.

14 BY MR. WATKINS:

15 Q. If you can ---.

16 A. I think it was ---. I think it was 38 Break and
17 maybe 40.

18 ATTORNEY BABINGTON:

19 Those are approximate locations, ---

20 A. Yeah.

21 ATTORNEY BABINGTON:

22 --- those last two?

23 A. Yeah. Approximately 38 and 40 Break.

24 MR. WATKINS:

25 That's fine.

1 A. --- in the North Parallel Mains, but I can't
2 remember exactly where they were. Let's see. A
3 little bit more. It's been a long time, so I'm trying
4 not to forget anything.

5 MR. WATKINS:

6 You're doing fine. You're just ---.

7 A. There's one on the beltline at 17 Break. One at,
8 I think it was 11. It was 11 or 12 Break. There's
9 one at track entry --- I think it was right here at
10 this curve. 29 Break, I think, is what it was.

11 ATTORNEY BABINGTON:

12 For the record, could you describe where
13 these last two pumps are that you just labeled?

14 A. Okay. There's one at --- I think it's 29 Break,
15 on Ellis Five belt. There was one at --- I think it
16 was 104 Break. They had them numbered for me. It was
17 104 Break on Ellis Four belt.

18 BY MR. WATKINS:

19 Q. It's almost to the ---.

20 A. It's almost to the punch-out.

21 Q. Yeah.

22 A. It's right at the --- it's like, two breaks
23 underground.

24 Q. Okay.

25 A. There was one in the intake straight across from

1 that one. Right at the punch-out. There was one ---
2 one intake around ---. Let's see. I can't remember
3 the breaks, where they were at, really, roundabout. I
4 don't remember what break. It was in the intake pump,
5 thought.

6 Q. Okay.

7 A. And it was right around that head (indicating). I
8 probably forgot one or two, because it seems like
9 there was a bunch around this ---.

10 Q. Right in that intersection there?

11 A. Right. Yeah. Right there at Ellis Four tail and
12 Ellis Five head. There was two or three there
13 somewhere, but I'm not sure exactly where they were
14 located. One of 'em was right --- I don't know, there
15 use to be a intake pump but it had been moved out of
16 that intake, I think. And it was in this neutral over
17 here, just --- it was a 110 pump right there that was
18 pumping. Right in there somewhere. I think that's
19 all of 'em. I may have missed one.

20 Q. That's quite a few pumps.

21 A. That's a bunch of pumps.

22 Q. Those are all electric --- electric pumps?

23 A. Uh-huh (yes).

24 Q. No air pumps in any of these?

25 A. No, none of these were air pumps. These --- the

1 ones I was marked that was in that --- where I
2 couldn't remember that was over in the North Parallel
3 Mains, ---

4 Q. Uh-huh (yes).

5 A. --- those pumps plugged into a D box at 36 Break.

6 Q. Okay.

7 A. And they were locked out most of the time. They
8 were --- they stayed locked out, because they only
9 needed to be run about one day a week and we'd go over
10 and check and then come back and run 'em.

11 Q. Okay.

12 A. We'd go over and check that area and see if they
13 needed to be run. And if they did, we'd come back and
14 take the locks off, plug 'em in and run 'em. But they
15 stayed locked up most --- most all the time.

16 Q. Let's just start from Ellis Portal coming in. The
17 one that you had in the intersection?

18 A. Uh-huh (yes).

19 Q. If those pumps were off, how much water would
20 accumulate?

21 A. A lot of these pumps would just --- you could run
22 'em one day a week and keep your water down. I mean,
23 if they wasn't run, you might get water, I don't know,
24 four inches deep, ---

25 Q. Uh-huh (yes).

1 A. --- four, maybe five inches deep but, most of
2 these, I mean, one day a week you could run 'em ---

3 Q. Uh-huh (yes).

4 A. --- and they was all right. The intake, this
5 intake pump here, I can't remember what break that was
6 at exactly.

7 Q. You marked just outby the ---

8 A. Yeah.

9 Q. --- intersection there?

10 A. Yeah. It ran, it would fill up. It would get
11 water in the escapeway, so we'd try to run that every
12 day or every other day. Most of the time it would run
13 just about every day.

14 Q. Okay. If any of those pumps, say on the intake,
15 went down for a day or so, could you tell the
16 difference of no air flow on the sections or anything?

17 A. No.

18 Q. No?

19 A. No. It didn't have --- it wasn't no water like
20 that.

21 Q. Okay.

22 A. It wasn't affecting the airflow.

23 Q. Okay. What about your stopping lines that's going
24 up, are they --- how are they maintained? Are they in
25 pretty good condition or did you have issues with 'em?

1 A. They were in pretty good condition. I mean, I
2 didn't have any issues with them. I never had any
3 problems with the stopping line or any air ---. Like
4 I said, I was on the outby beltline. I mean, ---

5 Q. Uh-huh (yes).

6 A. --- I had air all the time.

7 Q. Okay.

8 A. I had lots of air.

9 Q. Did you hear the guys on the section ever complain
10 about not having --- not having enough air and you had
11 to go back and plaster stoppings or anything like
12 that?

13 A. I stayed busy on the beltline. I've heard them
14 complain about air, and I know that it --- it was
15 worked on. But I didn't --- I was busy on the
16 beltline. I mean, I had three miles of belt to take
17 care of. I didn't have time to do a lot of other
18 things.

19 Q. Just to clarify, when you say you heard them
20 complain, do you remember which section or which crew,
21 or anything like that complained?

22 A. No. I've heard people say, you know, we don't
23 have much air or --- and it was mostly --- most of the
24 work of them stoppings that I remember was, like I
25 said, when they was putting that fan in, doing the

1 ventilation changes, getting ready for the longwall.
2 And they came --- they come up to the stopping line
3 from right here on Four North belt, the left side of
4 the track. They went up the stopping line, checking
5 every stopping and replastering, or got spray foam,
6 they foamed 'em or plastered 'em from ---. I know
7 they did it from Ellis Switch up across ---. I
8 remember them working on that.

9 Q. Do you remember who was working on that?

10 A. Jamie Ferguson. He was working on it, I know. He
11 was the vice-president at the time. I know he was
12 working on it, but I don't know who else. I know he
13 had some guys with him, but I don't know who all it
14 was.

15 Q. I think you told me, but it didn't register with
16 me. When did they do that? When was that done?

17 A. When they were setting up for the longwall.

18 Q. Way back when they first set it up?

19 A. Yeah. When they first set that up, they come up
20 that stopping line and replastered everything. And
21 that's when they bored the hole for the fan. When
22 that fan was being set, that's when they --- or it may
23 have been right after the fan was set, they done that
24 whole stopping line all the way.

25 Q. Okay. Do you remember them working on any other

1 ventilation changes or making any changes?

2 A. I don't know. I've heard 'em talk about
3 ventilation changes, but I don't know. I didn't know
4 what was going on up there. Like I say, I stopped at
5 the Mother Drive, so ---

6 Q. Okay.

7 A. --- I really don't have any knowledge of what
8 happened past that Mother Drive.

9 Q. Okay.

10 A. A time or two, if the other fire boss was out, I
11 would go up to the longwall and walk the longwall
12 belt, but, you know, I stopped ---. I just walked the
13 beltline. I never was up there too much.

14 Q. Do you know when the last time you was up in that
15 area?

16 A. I was up there ---. No. I don't remember exactly
17 when. I'd say maybe a month before the explosion, I
18 was up there.

19 Q. Okay.

20 A. Maybe. I can't really remember exactly how long
21 it was. I mean, it's been a long time.

22 Q. Yeah. Okay. But the other two miner sections,
23 the One Tailgate and Headgate, were you ever on those
24 sections?

25 A. No. I don't think I was ---. That tailgate was a

1 fairly new section. I have never been up there. And
2 the headgate, it had been a long --- a really long
3 time since I was up there. I know that --- I knew
4 where you went over to it, but I never went up to that
5 section.

6 Q. Okay.

7 A. So ---.

8 Q. And do you know about where the wall is --- how
9 far up the wall in the mine whenever you --- when you
10 made that run?

11 A. They were --- they were just maybe ---. I can't
12 really tell on this map here. They were maybe, I
13 don't know, maybe ten or --- ten breaks up above where
14 the headgate section belt came.

15 Q. Okay.

16 A. 'Cause they dumped on the same belt there. When I
17 was last up there, they were maybe ten breaks from
18 that.

19 Q. Okay. They didn't go on the wall or on the
20 headgate or tailgate of the wall?

21 A. I was on the headgate. I got right into the
22 headgate. That's where I started coming back at.

23 Q. Do you know what the condition was like on the
24 headgate when you were there?

25 A. It seemed okay to me, but I'm not a ---.

1 Q. Plenty of air, nobody complained of air or
2 anything?

3 A. Plenty of air on the longwall. Had lots of air on
4 the longwall, when I was up there.

5 Q. Okay. Any water? You're pretty familiar with
6 water. You got a lot of pumps in here, so ---.

7 A. There was a little water, I mean, there at the
8 jacks, but not ---. I mean, it wasn't ---. It wasn't
9 even enough I'd really consider it water.

10 Q. Okay.

11 A. I mean, it was just a little damp.

12 Q. I believe if I remember right, earlier on you said
13 you might have worked in the mine above these; is that
14 correct?

15 A. I don't even know for sure which mine's above.

16 Oh, Logan's ---. I never worked at Logan's Fort.

17 Q. Okay.

18 A. That's above the Glory Hole, I know. I've been in
19 it, when I was on mine rescue, but I never did work
20 there.

21 Q. Okay. Are you still on the mine rescue team?

22 A. No. I had to give that up.

23 MR. WATKINS:

24 Okay. Well, before we get too much

25 further, I'll let ---. I'm sure these guys have some

1 follow-up questions.

2 EXAMINATION

3 BY MR. FARLEY:

4 Q. A couple --- few things, Russell. When did you
5 start dayshift?

6 A. When I first started fire bossing, I was --- I
7 went on dayshift, which was ---. It was about April
8 or May of last year.

9 Q. Okay. Have you occasionally worked another shift?

10 A. No. I was on dayshift the whole time. Straight
11 dayshift ever since I started fire bossing.

12 Q. No time worked the nightshift?

13 A. Uh-uh (no).

14 Q. Never did work the evening shift or a midnight
15 shift or anything?

16 A. No.

17 Q. Okay.

18 A. Not while I was fire bossing at UBB.

19 Q. Okay. Did you work another shift for any ---?

20 A. Not --- well, when I first started section
21 bossing, we was on swing shift, so I worked evening
22 shift some.

23 Q. Okay. That would have been last year?

24 A. Yeah. That was last June.

25 Q. Okay. What was your last shift before the

1 explosion?

2 A. The 3rd. I worked the Saturday before the
3 explosion.

4 Q. Okay. Was the mine idle on April 4th?

5 A. I don't remember. That was ---. I don't know.
6 That was a Sunday. I was off on a Sunday.

7 Q. Okay. You were also off on April 5th, too?

8 A. Well, I went in to work, and that's when I --- I
9 just ---. Saturday, after I got home from work, they
10 called me about my knee, my MRI was back, so they put
11 me on (b) (7)(C) . I went to work and
12 Everett said --- he said, you might as well just go
13 home and get that knee better, go down and talk to 'em
14 in the safety department, he said because I don't
15 really know anything you can do. So I couldn't --- I
16 obviously couldn't walk my beltline.

17 Q. Okay. And that was on the morning of April 5th?

18 A. Right.

19 Q. Okay. While you were talking --- while you were
20 there on the morning of April 5th, did you overhear
21 anything about the longwall being down that morning
22 for any reason?

23 A. No. No, I don't know anything about that.

24 Q. Okay.

25 A. The dayshift longwall crew hadn't even went

1 underground when I was --- when I was there. I mean,
2 I was ---.

3 Q. Okay. All right. What time were you there on
4 April 5th?

5 A. I would say it was about 5:00 a.m.

6 Q. Okay. What time does the longwall crew generally
7 go ---?

8 A. Around 6:00.

9 Q. Okay.

10 A. And, too, I mean, I wouldn't overhear that anyway.
11 The longwall had their own room. It was separate, so,
12 you know what I mean? Unless they were just really
13 cussing loud about it, I wouldn't have heard it.

14 Q. Okay. All right. When you would operate the
15 duster, at the belt heads and tail, which way was the
16 dust usually moving?

17 A. Inby.

18 Q. Okay. In all cases?

19 A. Yeah.

20 Q. Ever experience it going the opposite direction?

21 A. Not since --- it went inby after they put the fan
22 at Bandytown.

23 Q. Okay. When was that, do you remember?

24 A. Before they started the longwall.

25 Q. Okay.

1 A. It was --- it's been a while.

2 Q. Okay. I think that answers my next question, too,
3 which was, they put the Bandytown fan in before the
4 longwall started; right?

5 A. Right.

6 Q. And it was about that time or before when you
7 indicated you found three-tenths to four-tenths
8 percent methane at a pump around 85, on Six North
9 belt; is that right?

10 A. Right. Eighty-five (85) Beak pump, before the fan
11 went on --- went in up there, you would get methane
12 there. After the fan, it pulled all that out.

13 Q. Okay. Did you ever pre-shift --- do any pre-shift
14 examinations anywhere other than the belts?

15 A. Yeah. Yeah. Occasionally.

16 Q. Such as?

17 A. Such as Three and Four section, which is the
18 portal section and the barrier section on occasion.
19 And like I said, the longwall belt on occasion. And
20 the beltline for, well --- the beltline for the old
21 --- what we call Two section.

22 Q. Uh-huh (yes).

23 A. There's the beltline for the old Two section
24 before they ---.

25 Q. Okay.

1 ATTORNEY BABINGTON:

2 To clarify the number, the old Two
3 section at the Tailgate One North?

4 A. Yes.

5 BY MR. FARLEY:

6 Q. All right. Did you ---? There's a construction
7 area outby somewhere ---

8 A. Yes.

9 Q. --- around the Ellis Switch area.

10 A. Uh-huh (yes).

11 Q. Did you ever work in that area?

12 A. Right. Yeah. Right before I fire bossed, I went
13 down there one day to --- there wasn't much of
14 anything down there. There was a pump. And when I
15 was down there, there was a pump down there and a
16 scoop charger.

17 Q. Okay.

18 A. That was the only thing in there when I went down
19 there.

20 Q. Okay. All right.

21 A. They had a guy that --- the boss usually took care
22 of that down there, the foreman that was working down
23 there.

24 Q. Who was that foreman, do you recall?

25 A. No. Oh, Marvin Perdue was down there some. He

1 set up a lot and stuff.

2 Q. Was he a --- was he a foreman or was he a crew
3 leader?

4 A. Crew leader, I guess, is what he was. I really
5 don't know if he was a foreman or a crew leader or
6 what.

7 Q. Okay.

8 A. I know --- I know he fire bossed his area.

9 Q. Okay. What was usually the difference between the
10 foreman and the crew leader? If you know.

11 A. I don't really know.

12 Q. All right.

13 A. I don't really know, I didn't ---. I think just
14 the title is the only difference.

15 Q. Okay. All right.

16 A. I mean, I know Marvin has his papers, he just
17 didn't want to be a section foreman, maybe. I don't
18 know.

19 Q. Okay. All right.

20 A. But I know he was the guy in charge.

21 EXAMINATION

22 BY MS. SPENCE:

23 Q. Mr. Gunnoe, do you know of any ventilation changes
24 that were made on that last Saturday you worked?

25 A. No. I don't know of anything.

1 Q. Did you ever hear anybody talk about if you go to
2 certain places in the mine, take the air with you,
3 because there's none up there?

4 A. No.

5 Q. Never heard anybody make a comment like that?

6 A. No.

7 Q. Did Massey have any kind of a stop smoking program
8 or any program to keep tobacco out of the mine?

9 A. Well, I don't really know about a program to keep
10 tobacco out of the mines, but when I started with
11 Massey, you had to take a physical. If you couldn't
12 pass the breathing test ---. I mean, if you was a
13 smoker, you wasn't going to pass it. So they wouldn't
14 hire you if you was a known smoker. If they knew you
15 smoked, you didn't get a job. You wasn't allowed to
16 smoke anywhere on Massey property. So they had a
17 pretty strict policy on smoking.

18 MS. SPENCE:

19 Thank you. That's all.

20 RE-EXAMINATION

21 BY MR. WATKINS:

22 Q. I got a couple of follow-up questions, before we
23 take a break here in a minute. You mentioned, I
24 guess, when Terry was talking to you about the
25 longwall, Russell.

1 A. Uh-huh (yes).

2 Q. You mentioned they had their separate room?

3 A. Yeah.

4 Q. Do you remember who was in that room?

5 A. Jack Roles. He was the longwall coordinator, he
6 stayed over there and their maintenance people, Bobby
7 Goss. I mean, they had ---. The longwall crew was
8 their own bunch. They had their --- their own people
9 they answered to. They didn't answer to the same
10 people we did, I didn't think. They answered to Jack.
11 I don't know who Jack answers to, but --- but the
12 longwall guys are different than the other guys. I
13 mean, they travel to different mines and they set the
14 longwall up. I mean, they're the --- if that thing's
15 running good, they're the chosen few. I mean, they
16 --- they wasn't in the office with --- the other
17 office with us. They had their own office. And to be
18 honest with you, I've never been over there.

19 Q. Okay.

20 A. I wasn't ---.

21 Q. Tried to stay away from that one, did you?

22 A. Yeah. I didn't want in that mess.

23 Q. Okay. You mentioned when you first started, you
24 said you rode in to 41?

25 A. Uh-huh (yes).

1 Q. Who did you ride in with?

2 A. Just most days the other fire bosses. I mean,
3 sometimes I'd catch a ride with the section crew, or
4 I'd just catch a ride. Sometimes I didn't catch a
5 ride and I walked from the outside but that's a long
6 walk, too, both ways. But most of the time it was
7 with the other fire bosses, whoever was working then.

8 Q. How about the equipment along the --- along the
9 track entry coming in? Was there ever any problem
10 with those being maintained, the way you could open
11 and close 'em easily?

12 A. Can you rephrase that question?

13 Q. Yeah. Just your doors when you come in, the
14 equipment doors when you come in, was there any
15 problem with them being maintained?

16 A. They opened and closed. They've been hit a few
17 times, but you could open 'em. When I say they've
18 been hit a few times, they've been hit, they've been
19 bent, but when they got to where they were --- they
20 wouldn't close and stop the air, they were fixed.
21 They maintained them in that sense. But I've heard a
22 lot of people fuss and complain about them doors,
23 because they were not electric doors. They didn't ---
24 they were when they was put in. And after they got
25 hit so many times, they disconnected them. And so a

1 lot of people would tell you that they think they were
2 not maintained because they had to get out and open
3 'em by hand, but if they opened and closed and stop
4 air, they work, so ---.

5 Q. Did you ever see anyone leave both of 'em open,
6 just go through both of 'em, rather than getting out
7 and closing one?

8 A. No. No. They were pretty good about closing the
9 doors. I know they got a violation one time for that,
10 but ---. And this is --- I didn't see this happen,
11 but a mantrip went through, and they hollered, leave
12 them doors open, we're coming behind you, and there's
13 about three mantrips ---. There was an inspector in
14 one of the mantrips, so ---.

15 Q. Pretty bad timing on that.

16 A. Yeah. That was bad timing. That's the only issue
17 I ever know of them doors being left open. They got
18 a ---.

19 MR. WATKINS:

20 Let's take a small break here and we'll
21 come back.

22 ATTORNEY BABINGTON:

23 Yeah. Off the record.

24 SHORT BREAK TAKEN

25 BY MR. WATKINS:

1 Q. Russell, just got a few questions here, probably
2 the same ones ---. Some that you may have answered.
3 Where you made an entry into your belt books, what's
4 going to be cleaned or dusted, ---

5 A. Uh-uh (no).

6 Q. --- usually how long would it take before that
7 would get corrected? Did it go time after time, day
8 after day? About how long would it take before it
9 would get corrected?

10 A. Well, most of the time it's a pretty quick thing
11 getting it fixed. I mean, a day.

12 Q. Uh-huh (yes).

13 A. But when you look at the books, these beltlines
14 are going to say needs dusted, needs dusted, needs
15 dusted. That was almost a constant thing because like
16 I said, they had a dust crew, but these are big mines.
17 And by the time they made their round of that belt,
18 where they started needed it again. You know, they
19 --- it was constant dusting all the time.

20 Q. Were there any areas that say day after day, when
21 you went there, that they always had to put something
22 in the book for that day, any one area worse than the
23 others?

24 A. No. No, not really. It was Four belt needed
25 dusted, a lot, but like I said, to me if it gets ---

1 if it's not white, it needs dusted. And that area
2 stayed damp. And you know how damp rock dust
3 gets, ---

4 Q. Uh-huh (yes).

5 A. --- it just ---. I wanted it to be white. So
6 Ellis Four belt, it stayed wrote up a lot for needing
7 dusted.

8 Q. Okay. What about air readings along the --- along
9 the belt? Did you have to take any air readings?

10 A. Yeah. Not all the time, every now and then I take
11 some air readings.

12 Q. What would cause you to take an air reading?

13 A. Well, they asked me to take some after --- they
14 had another ventilation change on a weekend, and they
15 had asked me to take some just random air readings up
16 this --- up the beltline, to make sure that, you know,
17 we still had the right air, we still had good air. So
18 I did that. And then from time to time, I mean, I'll
19 take some air readings myself, just to know what we
20 have. I mean, you always have air under the belts.
21 You could always feel the air, but I'm just a curious
22 person, sometimes I just want to know how much.

23 Q. You mentioned a ventilation change with the air,
24 you'd take air readings. Do you know what that
25 ventilation change was?

1 A. Well, it's been --- it's been a long time. They
2 had a --- there was a problem in this area here around
3 the --- we refer to that as 78 Break.

4 Q. Okay.

5 A. It was around there, there was some --- some of
6 those doors you were talking about.

7 Q. Yeah.

8 A. The intake crossed --- right here's where the
9 intake crossed, and here's the doors. Where the
10 intake or where the beltline air was coming down
11 through there, it didn't want to --- it wanted to go
12 down and then come back up here, (indicating) then go
13 down this way. They needed to get --- it turned from
14 one break right here, and come back up there and then
15 back down.

16 Q. Okay. Could you just maybe clarify that? Just
17 mark the way the air went. Could you highlight that
18 with a blue highlighter, please?

19 WITNESS COMPLIES

20 A. So it's the air off the belt, and down to ---.

21 BY MR. WATKINS:

22 Q. Okay. So just outby the --- just outby the double
23 doors?

24 A. Just outby that door it wanted to come down toward
25 the old Tailgate One North, ---

1 Q. Uh-huh (yes).

2 A. --- instead of --- instead of going on across and
3 --- or on down this way.

4 Q. Okay. Down this way meaning up the ---?

5 A. North belt.

6 Q. Okay.

7 A. Instead of going up Six North beltline at one of
8 the --- come down toward Tailgate One North.

9 Q. Okay.

10 A. But like I said, that was a --- that was a problem
11 that they had me check the air direction right here to
12 make sure what was going because like I said, it was
13 like coming away from that door and then down this
14 way. And when they seen what direction it was going,
15 they wanted me to take an air reading over in --- to
16 see what kind of air we had coming up off this
17 beltline.

18 Q. Do you know about how much air you measured?

19 A. It's been a long time. I can't remember now.

20 Q. Okay.

21 A. But I mean, that was a --- that was a one-time
22 problem, and I took the air readings and they got it
23 fixed.

24 Q. Okay.

25 A. It was --- they told me to check it, and I told

1 'em it was doing what they thought it was doing. And,
2 you know, I was --- it was during my fire boss walk,
3 and I went over and checked how much it was. And they
4 said that somebody was going to fix it, so I went on
5 out. And I don't know what --- who fixed it, but it
6 was --- I know it was fixed the next day when I got
7 there. They said somebody was on their way to fix it.
8 I walked down the beltline, when I got back the next
9 day, it was fixed, so ---.

10 Q. How was that --- how was the air going the next
11 day?

12 A. It was --- it was going the right way, coming down
13 the beltline. Of course some of it come down this
14 way, but most of it's going --- straight down Six
15 North belt.

16 ATTORNEY BABINGTON:

17 Mr. Gunnoe, could you, with that same
18 blue highlighter, draw an arrow showing that the air
19 was moving towards Tailgate One North?

20 WITNESS COMPLIES

21 ATTORNEY BABINGTON:

22 Thank you.

23 BY MR. WATKINS:

24 Q. So the next day when you came back, they had it
25 going ---?

1 A. Yeah. They told me there was somebody on the way
2 to fix it. And the next time I was there, it was
3 fixed, so ---.

4 Q. Okay. So you don't know what they had to do to
5 fix it?

6 A. No. I don't have any idea.

7 Q. Okay. One of the --- one of the areas we haven't
8 talked about too much was the AMS system, or the
9 sensors.

10 OFF RECORD DISCUSSION

11 BY MR. WATKINS:

12 Q. Do you know where the sensors is located?

13 A. No.

14 Q. You never had to check the sensors or ---?

15 A. No.

16 Q. Do you know who maintained those --- that system?

17 A. No, I don't --- I really don't know.

18 Q. Okay. Do you ever know of 'em going into alarm or
19 anything and calling down the --- and go to a certain
20 area and check it out because it went into alarm or
21 anything?

22 A. (Indicates no.)

23 ATTORNEY BABINGTON:

24 Is that a no?

25 A. Yeah, it's a no.

1 ATTORNEY BABINGTON:

2 Okay.

3 RE-EXAMINATION

4 BY MR. FARLEY:

5 Q. One more. In your job, you're up and down the
6 belts all day long?

7 A. Uh-huh (yes).

8 Q. Is it fair to say there are mine phones along
9 these belts?

10 A. Yes.

11 Q. Okay. Do you routinely hear production reports
12 called out from the working sections of the longwall?

13 A. Yeah. I wouldn't say I routinely hear 'em, but I
14 know that they make 'em.

15 Q. Okay. How frequently are the section foreman and
16 the longwall foreman required to call out production
17 reports during a shift?

18 A. I think it's every two hours or something like it.
19 I think it's every two hours. Dayshift they call
20 like 9:00. I think they call it 9:00 and 1:00 on
21 dayshift or 11:00 and 1:00. I think it's 11:00 and
22 1:00 on dayshift.

23 Q. Okay. If a longwall shearer or a continuous miner
24 on one of the sections is down, would the foreman be
25 required to call out and notify the superiors

1 immediately when that occurred?

2 A. I don't --- I don't like the word required. They
3 did. They called out all the time. I don't know if
4 they were ever told to. I know when I section boss,
5 any time I had a piece of equipment down, I called out
6 and let 'em know. I was never told I had to do that,
7 but --- but I did.

8 Q. Okay.

9 A. Because that's what everybody I saw --- everybody
10 I ever worked for did, too, so ---. It's just common
11 practice.

12 Q. All right.

13 RE-EXAMINATION

14 BY MR. WATKINS:

15 Q. Your methane detector that you use, what kind was
16 it?

17 A. Solaris.

18 Q. Solaris. Did you charge it when you were --- were
19 you responsible for charging it and calibrating it?

20 A. Yeah. I had a charger at my house. I take it
21 home and charged it every night, and calibrated it
22 once a month.

23 Q. Okay. Was any record made of that calibration
24 whenever you calibrate it?

25 A. Yes.

1 Q. Did you have a separate book that you ---?

2 A. Well, the instrument says --- you know, it would
3 say last calibration, but we have a book, too, we kept
4 a record of it.

5 Q. Now a couple more questions on the trickle duster.

6 I know that you said that you turned 'em on ---

7 A. Uh-huh (yes).

8 Q. --- and turned 'em off. Did other shifts also?

9 Did the other guys do it, too, do you know, or were
10 you the only one that turned 'em off?

11 A. Most of the time I was the only one. Sometimes I
12 would turn 'em --- a couple of 'em on, but I ran --- I
13 ran 'em all every day.

14 Q. Uh-huh (yes).

15 A. And I guess if they saw something that they
16 thought needed to have dust, they would turn those on,
17 but they didn't run all of 'em every day.

18 Q. Okay. And just so I have 'em on the map, I know
19 you went over 'em when you were ---. Can you just
20 mark ---. Get the red pen and everything and mark
21 those where they're at.

22 WITNESS COMPLIES

23 ATTORNEY BABINGTON:

24 Mr. Gunnoe, could you also describe where

25 you're marking them as your marking them, please?

1 A. Okay. Six North head. I'm not sure if it's still
2 there, but there was one at Five North tail. And
3 there's one's at 40 Break. This one is at the Ellis
4 Switch. There was one at Ellis Four head, and there's
5 one at --- I said Ellis Four head up here, that was
6 Four North head. There's one at Ellis Five head. And
7 that's all of them. I think there was one at the
8 Mother Drive. I know there was. There was one at the
9 Mother Drive but I didn't take care of that one. That
10 was ---.

11 Q. Do you know where it was at, though?

12 A. Yes.

13 Q. You can mark it, if you want.

14 WITNESS MARKS MAP

15 BY MR. WATKINS:

16 Q. Okay.

17 A. Now, there were a couple more on up that I heard
18 them talk about, but I don't know their location.

19 Q. Spending time at the mine, did anybody ever have
20 any complaints that you know of, or voice any
21 complaints as far as unsafe conditions at the mine?

22 A. Well, not --- not that I know of. Nobody really
23 voiced anything over anything unsafe. People complain
24 all the time, but I never heard anybody say they were
25 afraid to do something or that they felt like they

1 were in danger.

2 Q. Do you ever remember an occasion where the workers
3 may be called off early, or sent home early because of
4 the condition at the mines?

5 A. We got pulled out one time that I can remember. I
6 don't know if they went home early or --- they got
7 pulled out one time because of something. I can't ---
8 it was an air problem, but they pulled 'em out. That
9 one time is all I can remember them ever being pulled
10 out. I don't remember exactly when it was, but one
11 time's all I can think of.

12 Q. About how long ago was that?

13 A. It was probably around --- I'm going to say about
14 the middle of March, maybe.

15 Q. Okay. Do you remember which area of the mine was
16 affected?

17 A. The longwall came out. I don't know what the
18 problem was. We had an inspector up there, I know.
19 And as I was making my longwall walk, I ran into Tim
20 Davis at 78 Break, and he said they're getting ready
21 to ---. He said, I think they're getting ready to
22 pull us out, we got some air problems. And I said,
23 I'm going to walk down my beltline and --- until I see
24 somebody, and I walked on outside. When I got
25 outside, they were coming out, so ---.

1 Q. Did he mention that there was an air reversal
2 problem, methane problem or ---?

3 A. He said --- I think it was on the tail, something
4 with the tail of the longwall. But I don't know --- I
5 don't know what the problem was. And I was trying to
6 walk down my beltline and get outside before they
7 pulled us out.

8 Q. That's the only --- that's the only time that you
9 remember?

10 A. Yeah, that's the only time I can remember being
11 pulled out.

12 Q. What about Christmas vacations and things like
13 that, were they ever cancelled?

14 A. Yeah, we worked through vacation. I mean, some of
15 'em worked through vacation, longwall worked, and the
16 headgate section worked through vacation.

17 Q. Did you ever have your vacation cancelled or ---?

18 A. Yeah, I worked --- I worked through Thanksgiving
19 and, well, Christmas, too. We just took our vacations
20 later.

21 Q. Just a couple of questions as far as training
22 goes. When you first started with UBB, what kind of
23 training did you receive with them?

24 A. Well, I was ---. At UBB?

25 Q. Uh-huh (yes).

1 A. Well, I was going to start section bossing and I
2 worked with the boss they had up there. I worked with
3 him about a week before. And when he left, I took
4 over.

5 Q. Okay. Where did you receive your experience in
6 miner training? When and where did you receive that
7 at?

8 A. I can't remember.

9 EXAMINATION

10 BY ATTORNEY BABINGTON:

11 Q. Did you get any special training as a fire boss?

12 A. No. No, but the job I had before that, I was mine
13 rescue. When our mine rescue team went full time, the
14 first thing we did for the first quarter was travel to
15 all the mines Massey had in West Virginia to do safety
16 audits. So I didn't get any special training on how
17 to fire boss, but considering the job I had before
18 that, I don't really think they thought I needed
19 training.

20 RE-EXAMINATION

21 BY MR. WATKINS:

22 Q. You've been in mines that have safety audits.
23 What kinds of conditions did they have, are they
24 similar to UBB or ---?

25 A. Yeah. Yeah, they're similar. I mean, some of

1 'em were --- some of 'em were better and some of 'em
2 were a little worse, but I didn't think UBB was as bad
3 as what they say. I watch the news, and I hear that,
4 and I don't --- I don't know where they're getting
5 their information, but I never saw nothing like
6 they're talking about on the news, and I worked there
7 a year. I was all over that mines and I never saw
8 that.

9 Q. What kinds of things would you look at during one
10 of these audits?

11 A. Safety audits, we would go up to a section, check
12 their equipment, and make sure they had all their
13 safety stuff on their equipment, and make sure they
14 were wearing their metacarpal gloves, and had their
15 boots on. Wearing their eye protection. And Massey's
16 S1 book is as big as a phone book anyway, and we would
17 check the stuff that's in the S1 book, and make sure
18 their feeder is chained and ---.

19 Q. Did you look at the air course and ventilation?

20 A. Yeah. We usually --- we usually walked intake
21 out. Most of the time we would ride in, and me and
22 Shane McPherson usually walked the intake out, almost
23 every mine we went in.

24 MR. WATKINS:

25 I believe that's it.

1 ATTORNEY BABINGTON:

2 Terry, you got anything?

3 MR. FARLEY:

4 Nothing.

5 ATTORNEY BABINGTON:

6 Okay. All right. On behalf of MSHA and

7 the Office of Miner's Health Safety, and Training, I

8 want to thank you for appearing and answering

9 questions today. Your cooperation is very important

10 to the investigation as we work to determine the cause

11 of the accident. We request that you not discuss your

12 testimony with any person aside from your personal

13 representative.

14 After questioning other witnesses, we may

15 call you if we have any follow-up questions that we

16 feel we need to ask you. If at any time you have

17 additional information regarding the accident that you

18 would like to provide to us, please contact us at the

19 contact information previously provided.

20 If you wish, you may now go back over any

21 answer you've given during this interview. You may

22 also make any statement you would like to make at this

23 time.

24 A. Okay. I want to make a statement. I've worked

25 for Massey for nine years. And I watch this stuff

1 that's going on, on the news, and I hear people talk.
2 And I just want to say that I'm a grown man and so is
3 everybody else at that mine, and you have a hard time
4 to push me to do anything that I don't feel good about
5 doing. And I knew all 29 of them men, and I'd hated
6 to try to push any of 'em into something they didn't
7 want to do. So that's all I got to say.

8 I don't --- I don't feel like I've ever been asked
9 to do anything unsafe. And if I was, I wouldn't be a
10 bit scared to back up and say, I'm not going to do
11 that. And, you know, like I said, I've been talked to
12 by several people and I've watched the news, and I
13 don't --- I don't know where they're getting their
14 information, but I didn't see anything like what's
15 going on, on the news. Okay. Thank you for letting
16 me say what I think.

17 MR. WATKINS:

18 Of course.

19 MR. KINDER:

20 No problem.

21 MR. FARLEY:

22 We appreciate you coming in.

23 ATTORNEY BABINGTON:

24 Yes. And I want to thank you for your
25 cooperation in this matter.

1 A. Thank you.

2 OFF RECORD DISCUSSION

3 ATTORNEY BABINGTON:

4 Sorry. One last thing is, we marked one

5 map. So for the record of the interview, we'll have

6 Exhibit Gunnoe One. Thanks. Off the record.

7 (Gunnoe Exhibit One marked for

8 identification.)

9 * * * * *

10 STATEMENT UNDER OATH CONCLUDED AT 11:33 A.M.

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1 STATE OF WEST VIRGINIA)

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4 CERTIFICATE

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

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

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

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



22 *Alicia R. Brant*

23

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