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Statement Under Oath of David Covey

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STATEMENT UNDER OATH

OF

DAVID COVEY

taken pursuant to Notice by Brett Steele, 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
Wednesday, June 2, 2010, beginning at 8:07 a.m.

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P R O C E E D I N G S

1
2 -----
3 ATTORNEY WILSON:

4 Good morning. My name is Bob Wilson, and

5 I'm with the Office of the Solicitor, United States
6 Department of Labor. We're here this morning, today
7 is June 2nd, 2010, to conduct an interview of Dave
8 Covey. With me is Jasey Maggard, an investigator with
9 the Mine Safety and Health Administration. Also
10 present are officials with the State of West Virginia.
11 I ask at this time that they state their appearance
12 for the record.

13 ATTORNEY MCATEER:

14 I'm Davitt McAteer, with the Governor's
15 independent review.

16 MR. FARLEY:

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

19 MR. O'BRIEN:

20 John O'Brien, with the West Virginia
21 Office of Miners' Health, Safety and Training.

22 ATTORNEY WILSON:

23 There are also other members of the
24 investigation teams present in the room. All members
25 of the Mine Safety and Health Administration Accident

1 Investigation Team and all members of the State of
2 West Virginia Accident Investigation Teams
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. Everyone's participation in this interview
16 constitutes their agreement to keep this information
17 confidential.

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

1 Training. We appreciate your assistance in this
2 investigation.

3 After the investigation is complete, MSHA
4 will issue a public report detailing the nature and
5 the causes of the fatalities in the hope that greater
6 awareness about the causes of accidents can reduce
7 their occurrence in the future. Information obtained
8 through witness interviews is frequently included in
9 those reports. You should know that if you request
10 confidentiality, confidentiality will only be granted
11 on a case-by-case basis. Your statement may also be
12 used in other enforcement proceedings. You may have a
13 personal representative present with you during the
14 taking of this statement, and you may consult with
15 that representative at any time. Do you have a
16 representative with you?

17 MR. COVEY:

18 No.

19 ATTORNEY WILSON:

20 You may refuse to answer any question.

21 You may request a break at any time. This is not an
22 adversarial proceeding, and so Cross Examination is
23 not permitted. However, clarifying questions, as
24 appropriate, are allowed.

25 A court reporter will be recording the

1 interview today. Please speak loudly and clearly. If
2 you do not understand a question asked, please ask
3 that the question be rephrased. Please answer each
4 question as fully as you can, including information
5 that you may have learned from someone else.

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

10 After we have finished asking questions,
11 we will provide you an opportunity to make a statement
12 or provide us with any additional information that you
13 believe to be relevant to the investigation. If at
14 any time after the interview you recall additional
15 information, you can contact Norman Page at the
16 contact information that was provided in the letter
17 that we provided to you or you can contact the Office
18 of Miners' Health, Safety and Training.

19 Any statements given by miner witnesses
20 to MSHA are considered to be an exercise of statutory
21 rights and is protected under Section 105(c) of the
22 Mine Act. If you believe that any discharge,
23 discrimination or any other type of adverse action is
24 taken against you as a result of your cooperation with
25 this investigation, we strongly encourage you to

1 immediately contact MSHA and file a complaint under
2 Section 105(c) of the Act. Remedies under the Mine
3 Act include back wages and immediate temporary
4 reinstatement to your most recent position with the
5 company. In order to file such a complaint, you
6 should contact the MSHA District 4 office in Mount
7 Hope. And again, that contact information is included
8 in the letter that we provided to you. For more
9 information concerning your rights as a miner under
10 the Mine Act, I encourage you to visit MSHA's website
11 at www.msha.gov.

12 At this time I will ask that the court
13 reporter swear you in.

14 -----
15 DAVID COVEY, HAVING FIRST BEEN DULY SWORN, TESTIFIED
16 AS FOLLOWS:
17 -----

18 ATTORNEY WILSON:

19 Thank you. Jasey is going to start the
20 questioning this morning.

21 MR. MAGGARD:

22 Terry is actually going to start.

23 EXAMINATION

24 BY MR. FARLEY:

25 Q. Mr. covey, let me begin by advising you that the

1 West Virginia Coal Mine Health and Safety Regulations
2 also protect miners against discrimination. And I'm
3 going to give you a memorandum here with contact
4 information in the event that you feel that you are
5 mistreated after --- by your employer for making ---

6 A. Okay.

7 Q. --- any statement to us during this interview.

8 Thank you very much.

9 Mr. Covey, would you please begin by giving us
10 your full name, mailing address and telephone number?

11 A. Name is Dave Owen Covey. Phone number is (b)(7)

12 (b)(7)(C)

13 West Virginia.

14 Q. Where are you currently employed?

15 A. UBB.

16 Q. You're still at the UBB Mine?

17 A. Yes.

18 Q. What's your position there now?

19 A. Electrician.

20 Q. Okay. Are you working on the surface now?

21 A. Yes.

22 Q. Okay. How long have you been employed at the UBB
23 Mine?

24 A. Six years.

25 Q. Six years? What's your total mining experience?

1 A. I'm going to say probably eight years.

2 Q. Eight years total?

3 A. Yes.

4 Q. Where did you work before you came to UBB?

5 A. Celanese.

6 Q. I'm sorry?

7 A. Celanese.

8 Q. Celanese.

9 A. That's a plant in Narrows, VA.

10 Q. Okay. All right. Any other coal mining
11 operations where you worked before UBB?

12 A. Maben Energy.

13 Q. Maben Energy. How long were you there?

14 A. Two years.

15 Q. Okay. What West Virginia coal miner
16 certifications do you hold?

17 A. Underground electrician.

18 Q. Underground miner and electrician?

19 A. Yes.

20 Q. Hold any certifications in other states?

21 A. No.

22 Q. Okay. What shift are you currently working?

23 A. Hoot owl.

24 Q. Okay. What shift were you working at UBB prior to
25 the explosion?

1 A. Hoot owl.

2 Q. Midnight?

3 A. Yes.

4 Q. Okay. What was the last shift you worked at UBB
5 prior to April the 5th?

6 A. Friday night.

7 Q. Okay. Into Saturday morning?

8 A. Saturday morning. My three days off. I was
9 supposed to come back Tuesday night.

10 ATTORNEY WILSON:

11 Hey, Dave, ---

12 A. Yeah.

13 ATTORNEY WILSON:

14 --- I just want to remind you, try not to
15 talk over each other.

16 A. Oh, okay.

17 ATTORNEY WILSON:

18 The court reporter can't get that down.

19 A. No problem.

20 BY MR. FARLEY:

21 Q. If you worked the midnight shift, what section did
22 you normally work on?

23 A. At the time the explosion happened, I worked on
24 One section.

25 Q. One section?

1 A. Headgate 21, maybe.

2 Q. Was that Headgate 21 or 22, possibly?

3 A. It's the one that the crew was killed on, Dino's
4 crew.

5 Q. Would it be the Headgate ---

6 A. Yes, that's it.

7 Q. --- 22 section I'm pointing to on the map? I
8 think it's referred to as MMU 029.

9 A. Yes, it was that section.

10 Q. All right. Now, how long had you worked on that
11 section prior to April 5th?

12 A. Off and on. It varied because we was on one
13 section, they moved us to another section.

14 Q. Uh-huh (yes).

15 A. And they brought another crew from different
16 mines, then they moved us back to One section.

17 Q. Okay. But just prior to April 5th, how long on
18 that section, meaning Headgate 22?

19 A. I would say two months.

20 Q. Okay. All right. Did the midnight shift produce
21 coal on a regular basis?

22 A. No.

23 Q. Okay. What about the longwall? Same for the
24 longwall?

25 A. No. They didn't produce coal neither.

1 Q. Okay. I assume if you were an electrician on 22
2 Headgate section you were responsible for maintenance
3 of equipment; would that be correct?

4 A. Yes.

5 Q. Okay. Were you responsible for maintaining mining
6 machine methane monitors?

7 A. If they had a fault or something, we would repair
8 it, yes.

9 Q. Did you do any routine examinations or calibration
10 work on the methane ---

11 A. Yes.

12 Q. --- monitors?

13 A. Yes.

14 Q. Okay. When you say routinely, how often was that?

15 A. It was recorded in the book. I can't remember how
16 often we did it.

17 Q. All right.

18 A. It's weekly, I think.

19 Q. Okay. Did you sign the books yourself?

20 A. It was either me or the chief.

21 Q. Okay. Who was the chief?

22 A. On my --- the crew that I was on, it was Brandon
23 Waddell.

24 Q. Okay. All right. When you did the methane
25 monitor calibrations, did you use a gas mixture, a

1 known gas mixture?

2 A. Yes.

3 Q. Okay. Now, in the days or weeks prior to the
4 April 5th explosion at UBB, did you detect any
5 problems with the methane monitors you used on the
6 continuous miner on 22 Headgate at any time?

7 A. No, sir.

8 Q. Okay. Are you involved in maintaining section
9 equipment for permissibility?

10 A. Yes, sir.

11 Q. Okay. What area --- what's your responsibility
12 there? Do you have --- are you assigned to specific
13 equipment or all of it?

14 A. It varied. It's --- you got --- a sheet of paper
15 comes out each day ---

16 Q. Uh-huh (yes).

17 A. --- and it's depending on what day it is you have
18 to do permissibility on that equipment.

19 Q. Okay. Prior to April 5th, in the days or weeks
20 preceding the explosion, were you experiencing any
21 ongoing problems with permissibility of the Headgate
22 equipment?

23 A. No, sir.

24 Q. Okay. Did you routinely do any cutting or
25 welding?

1 A. Occasionally.

2 Q. Now, when you say occasionally, would that ---?

3 A. Maybe once a week.

4 Q. Maybe once a week. What about the week prior to
5 the explosion, do any cutting or welding?

6 A. No, sir.

7 Q. Okay. Did you personally carry a methane detector
8 prior to April 5th?

9 A. No, sir, just the chief.

10 Q. Just the chief. The chief maintenance
11 electrician?

12 A. Yes.

13 Q. What was your procedure when you were going to do
14 cutting and welding, for making methane examinations?

15 A. Well, we'd monitor the equipment and make sure it
16 was in, you know, a break in by the last open cut, ---

17 Q. Uh-huh (yes).

18 A. --- and we'd monitor every --- you know, the
19 monitor would be on completely, you know,
20 continuously.

21 Q. When you say the monitor, does that mean ---

22 A. The methane monitor.

23 Q. --- the methane detector?

24 A. Yes.

25 Q. Okay. Whose methane detector did you use?

1 A. The chief's, Brandon Waddell's.

2 Q. Okay. Was he usually present while you were doing
3 the welding then?

4 A. Yes.

5 Q. You said you worked on the Headgate 22 section for
6 approximately two months prior to the explosion on
7 April 5th. At any time when you were cutting or
8 welding or at any other time, are you aware of anyone
9 detecting any levels of methane?

10 A. Yes, at one time.

11 Q. Okay. Can you tell me when that was?

12 A. What day or date, no, I can't.

13 Q. Obviously, I guess, that was prior to April 5th?

14 A. Yes. Yes. It was way prior to that.

15 Q. When you say ---?

16 A. I'm going to say two or three weeks before.

17 Q. Okay. All right. That gives us an idea. How
18 much methane was detected?

19 A. I'm going to say 0.2, 0.3.

20 Q. 0.2 or 0.3?

21 A. Yes.

22 Q. Okay. Do you recall where that amount of methane
23 was detected?

24 A. In the return.

25 Q. In the return?

1 A. Yes.

2 Q. Okay. Now, while you were working on the midnight
3 shift on the Headgate 22 section, did you operate any
4 equipment at any time, other than for troubleshooting
5 purposes?

6 A. No.

7 Q. Okay. What about the ventilation on the Headgate
8 22 section, in what condition would you usually find
9 the ventilation on the section when you would arrive
10 at the start of the shift?

11 A. Average, excellent.

12 Q. Okay. Are you aware of any ventilation
13 deficiencies on Headgate 22 section?

14 A. No.

15 Q. Are you aware of any type of ignition that may
16 have occurred at this mine prior to April 5th?

17 A. No.

18 Q. When I say this mine, I mean the UBB Mine. Excuse
19 me. Do you recall having to be withdrawn from the UBB
20 Mine at any time due to ventilation or methane
21 problems?

22 A. No.

23 Q. Okay. At any time since you've been employed
24 there?

25 A. No.

1 Q. Okay. On the 22 Headgate section, prior to April
2 the 5th, were you aware of any floor hooving at any
3 time?

4 A. Yes.

5 Q. Okay. When was the last time you noticed that?

6 A. Well, we was driving the headgate of the
7 longwall ---

8 Q. Uh-huh (yes).

9 A. --- I guess for about 80 Break.

10 Q. Okay. When you say the headgate of the longwall,
11 do you mean the Headgate One North area ---

12 A. Yes.

13 Q. --- down by the longwall panel?

14 A. Yes.

15 Q. All right.

16 A. If I ain't mistaken, it was somewhere around 80
17 Break, 81, 80 Break.

18 Q. Eighty (80) Break would be around the location
19 where the longwall panel was started ---

20 A. Started, yes.

21 Q. --- last year; would that be right?

22 A. Yes.

23 Q. Okay. Can you describe what you saw?

24 A. Just, you know, the bottom moving. We set them
25 sand jacks up.

1 Q. Uh-huh (yes).

2 A. --- and we was sitting there watching the sand
3 jacks buckle.

4 Q. Okay. All right. Now --- and again, did you
5 notice any hooving on the 22 Headgate section?

6 A. No, sir.

7 Q. Okay. Prior to today's interview with us, have
8 you been interviewed by Performance Coal or Massey
9 Energy or anyone else?

10 A. No, sir.

11 Q. I know I asked some questions about the methane
12 monitors and the maintenance of them. Have you ever
13 been asked by any person affiliated with the UBB Mine
14 to bypass or bridge out a methane monitor on any
15 mining machine?

16 A. No, sir.

17 Q. Are you aware of anyone else who might have ---

18 A. No, sir.

19 Q. --- done so? If you worked --- your last shift
20 would have been Friday night into Saturday morning of
21 April 3rd. When did you return to work after that?

22 A. Wednesday night.

23 Q. Wednesday night. After the explosion?

24 A. Yes.

25 Q. Okay. When you returned to work, did you become

1 aware of the possibility that the longwall shearer
2 might have been down for some period of time on April
3 5th?

4 A. No, sir. I didn't know nothing about that.

5 Q. Okay. Have you heard anything about that since
6 April 5th?

7 A. No.

8 Q. Okay. When you returned to work, which I guess
9 would have been April 7th, a Wednesday, did you hear
10 anything about a possible ventilation change in the
11 mine on Sunday, April 4th?

12 A. No, sir.

13 MR. FARLEY:

14 Jasey?

15 EXAMINATION

16 BY MR. MAGGARD:

17 Q. You said that you worked about two months on
18 Headgate 21?

19 A. Yes, sir.

20 Q. What other sections did you work at?

21 A. It was the Two section. It was --- I don't know
22 what they call it now. I just went from One to Two.

23 Q. Are you talking about ---

24 A. Yes, sir.

25 Q. --- this area right here where MMU 040 ---

1 A. Yes, sir.

2 Q. --- is shown on the map? How long did you work on
3 that section?

4 A. Probably about a year.

5 Q. Could you kind of tell us about any conditions you
6 seen up there? How was the roof? How was ---?

7 A. The top was fine. The bottom was great, a little
8 wet, but ---.

9 Q. How about the belt entry? Was there any water
10 accumulations in the belt entry ---

11 A. No.

12 Q. --- on that section?

13 A. No.

14 Q. When you say wet, what do you mean, just ---?

15 A. Just where they --- where they go deep, dig deep,
16 you know, trying to get underneath the rock or above
17 the rock, it'd gather in that area.

18 Q. You said that on Headgate 21 you hadn't noticed
19 any kind of bottom hooving. Did you ever notice the
20 bottom hooving in the tailgate ---

21 A. No.

22 Q. --- section?

23 A. No.

24 Q. What about cracks?

25 A. Never did see any, no.

1 Q. When you ran into .3 percent methane in the return
2 entry on Headgate 21, where was that?

3 A. Well, let me rephrase that. It wasn't .3, it was
4 .03.

5 Q. .03?

6 A. Yeah.

7 Q. Oh, okay. Where was that in the return?

8 A. It was in the return. I don't know what break it
9 was.

10 Q. Just ---?

11 A. Just --- it was upby, though.

12 Q. It wasn't coming from the floor? It wasn't coming
13 from the top? It wasn't coming from the ---?

14 A. No, it was --- I believe just there. I mean, it
15 was just ---.

16 Q. Just in the ---?

17 A. Intake, yeah.

18 Q. Okay. When you --- you're doing permissibility
19 checks on the equipment. What particular pieces of
20 equipment do you check, normally?

21 A. It was all depending. On the hoot owl we had the
22 center shuttle car, both miners, and the feeder.
23 That's what we did permissibility and maintenance on.

24 Q. When you did those checks, do you ever operate the
25 piece of equipment?

1 A. Yes. I move it to where I can work on it.

2 Q. Okay. And tell us about how you was trained on
3 those pieces of equipment, how to operate 'em.

4 A. By the task trainer, by a boss.

5 Q. And who was that?

6 A. One was Andrew Lucas. And on the bolter it
7 was --- well, I was trained by two of 'em on the
8 bolter, which was --- one's retired now. His name is
9 Dean Lucas. And the other one is Lowell Cook.

10 Q. Do you normally get task trained on every piece of
11 equipment ---

12 A. Yes.

13 Q. --- that you check?

14 A. If you operate it, you get task trained.

15 Q. On the methane monitors that --- you sometimes do
16 the calibrations and you said that you did 'em weekly;
17 is that correct?

18 A. Yes.

19 Q. Do you swap out? Who does them the most, you or
20 Brandon or ---?

21 A. Oh, it varies.

22 Q. It varies. How many electricians you got working
23 on the section?

24 A. Three. Three electricians on the section.

25 Q. Do you --- what kind of spare parts do you keep up

1 there for working on a methane monitor?

2 A. We keep a sniffer, an extra bottle of gas, zero
3 air, and the readouts is in the warehouse.

4 Q. Could you kind of explain how you do a calibration
5 on a methane monitor, talk about flow rate, time of
6 application ---?

7 A. Oh, I can't tell you that. The only thing I know,
8 you put the magnet on the readout until it comes
9 CC --- or I mean, AC, and then you put the gas to it.
10 And when it says CC, calibration complete, you take
11 your thing off. Then put the gas on it to see if it
12 kicks off.

13 Q. When you get to AC, what gas do you put on there?

14 A. You put zero air on.

15 Q. And how long do you put it on?

16 A. Two minutes, I think.

17 Q. And what kind of flow rate do you ---?

18 A. Oh, I don't know. It's --- we got a little gauge
19 that's got a mark on it.

20 Q. Okay. Do you keep the calibration kit --- do you
21 keep that on the section?

22 A. Yes, sir.

23 Q. Okay. When you normally calibrate, what --- have
24 you ever bump tested one just to see how far out of
25 calibration it was before you started calibrating?

1 A. I don't understand your question.

2 Q. Let's say you go up to the methane monitor. You
3 just want --- maybe the inspector is with you, and he
4 wants to see that the methane monitor will read
5 two-and-a-half percent, and you just put two-and-a-
6 half percent gas on the methane monitor, have you ever
7 done that?

8 A. Yes, sir.

9 Q. What do you normally see? Do you ever see low
10 readings, high readings, more or less than
11 two-and-a-half percent?

12 A. Well, it --- at one point it will start blinking
13 warning. And at 2.5 our miner shuts off. It kills
14 the breaker at the power center.

15 Q. When it gives warning, what percent does it ---?

16 A. If I ain't mistaken, maybe two percent.

17 Q. Two percent?

18 A. Or 1.5. I ain't for sure.

19 Q. When you're doing that, do you leave the pump
20 motor on or how do you know it's shut the power off to
21 the machine?

22 A. You turn the main breaker off, on the machine
23 itself. You'll have the lights on and everything.

24 When the CO monitor --- or I mean, the methane monitor
25 kicks everything, and the lights will go off, the

1 machine will quit running.

2 Q. There's two miners on that section; right?

3 A. Yes.

4 Q. Do you do the methane calibrations on both miners
5 or ---

6 A. It varies.

7 Q. --- do you normally ---?

8 A. It varies.

9 Q. Are you involved with any monthly examinations?

10 A. No. The chief does that.

11 Q. And the chief would be Brandon Waddell?

12 A. Brandon. Yeah, he does all the monthly
13 examinations on the power boxes and D boxes and all
14 that.

15 Q. Let's talk about --- you do the miners and you do
16 the shuttle cars --- one of the shuttle cars; right?

17 A. Uh-huh (yes).

18 Q. Could you go through for me the weekly electrical
19 check on, let's say, the shuttle car? What all do you
20 check for and what all do you put in the book?

21 A. You check the permissibility. That goes from the
22 fire suppression, a gap in the fire box, all the
23 conduit, make sure it has brakes working, horn or a
24 bell, whatever you have. The E stop, make sure it
25 works, or panic bar.

1 Q. Do you check cables?

2 A. Yes.

3 Q. How was the conditions of the cables on that
4 section?

5 A. The cables was fine.

6 Q. Have you changed any recently or ---?

7 A. No, not me personally. I know they had just had a
8 change to the left miner cable.

9 Q. What kind of groundwater monitoring devices did
10 they have on the section for your equipment in the
11 power center?

12 A. It wasn't a filter, it was a ---. I can't
13 remember.

14 Q. Do you remember a brand name or ---?

15 A. No, I don't.

16 Q. Was it a pilot type or a choke type or ---?

17 A. Well, the miner cables had pilots, but the buggies
18 and the bolters, they didn't have ---.

19 Q. They was a filtered-type monitor?

20 A. Well, they wasn't filtered.

21 Q. No?

22 A. It probably was, because ---. I really can't
23 remember.

24 Q. Can't remember. Had you ever experienced any of
25 your machine arcing ---

1 A. No, sir.

2 Q. --- or anything on the section?

3 A. No, sir.

4 Q. Had you ever checked the grounding between
5 machines or anything with the ohm meter?

6 A. No. Not me personally, no. I didn't get my
7 license until February.

8 Q. Oh, okay. Had you ever seen anybody else ---

9 A. Yes. I've seen ---

10 Q. --- check?

11 A. --- Brandon Waddell do it, and I've seen Andrew
12 Lucas do it, and I've seen Billy Graham do it, Greg
13 Shrewsberry.

14 Q. Is Billy Graham Brandon's boss?

15 A. Yeah. He's the hoot owl chief.

16 Q. Have you all ever experienced any fan problems on
17 the North or South Portals in recent months?

18 A. We had the South fan go down once, but it was the
19 motor. We had to replace the motor.

20 Q. Was you involved with replacing the motor?

21 A. Yes.

22 Q. And what shift was that?

23 A. That was --- it started on evening, and we
24 replaced it on hoot owl.

25 Q. Was it, say, February, March time frame or

1 earlier?

2 A. I'd say probably around February.

3 Q. When it happened, what --- you say it was on the
4 evening shift?

5 A. I think. It happened right before our shift
6 started.

7 Q. Can you kind of like tell me what you see going on
8 at the mine, what kind of work was going on?

9 A. When I got there, they was bringing people out. I
10 asked what was going on, and they said, the fan went
11 down. So we got around and got another motor and
12 replaced it.

13 Q. Was everybody out of the mine that day?

14 A. Yes.

15 Q. How long would you say it was down? Did you say?

16 A. It went down at 11 o'clock that evening, and we
17 replaced it. We probably had it back running I'm
18 going to say 4:00, five o'clock that morning.

19 Q. Okay. Have you experienced any ---? Which way do
20 you normally travel to Headgate 22 --- or 22?

21 A. The mainline.

22 Q. From Ellis or UBB?

23 A. Well, at one point I was at Ellis and one point I
24 was at UBB. I've been moved three times now.

25 Q. Which side the last ---?

1 A. The last time was Ellis. I was over at Ellis.

2 Q. Ellis?

3 A. Yeah.

4 Q. Okay. So you came to work Friday night?

5 A. Uh-huh (yes).

6 Q. And you came from the Ellis side. Did you notice
7 anything unusual or just kind of --- any problems at
8 all as you went to the headgate section?

9 A. No, sir.

10 Q. Did you notice any doors open anywhere?

11 A. No, sir.

12 Q. Any damage to any doors?

13 A. About every door in the mine had damage to it.
14 Somebody will run into it sooner or later.

15 Q. Could you ---? Do you know where --- could you
16 point out on a map maybe where some doors could have
17 been damaged, if you recall?

18 A. This is --- there's four sets of doors. I don't
19 know exactly what break it was. I think about 85 or
20 so.

21 Q. And you're looking along Six North ---

22 A. Uh-huh (yes).

23 Q. --- at Break 85?

24 A. Yeah. There was four sets of doors. They would
25 have been ---.

1 Q. A set here, let's say by spad 19659, ---

2 A. Uh-huh (yes).

3 Q. --- I think, and then there's another set at ---
4 between Breaks 83 and 84.

5 A. But those --- those two sets was damaged.

6 ATTORNEY WILSON:

7 Can you go ahead and circle the doors you
8 were just referring to with a blue marker?

9 WITNESS COMPLIES

10 BY MR. MAGGARD:

11 Q. How bad were they damaged? I mean, could you kind
12 of explain that?

13 A. One set was real bad. The other three wasn't as
14 bad as the other one.

15 Q. Was it on the --- was it the first door, second
16 door, third door, fourth door? Do you remember?

17 A. It was the third door, going inby.

18 Q. How long had it been damaged?

19 A. I want to say a year, maybe two.

20 Q. Had anybody told management or the superintendent
21 or anybody that that door needed replaced?

22 A. Oh, yeah. They know --- they knowed about it.

23 Q. They did? Is there anything else you can tell me?
24 How did you feel about the rock dusting program at the
25 mine?

1 A. Oh, the rock dusting was great.

2 Q. Did you ever travel to the south area of the mine,
3 like the East Mains?

4 A. I used to work over there, yes.

5 Q. Was it --- how did you feel about the rock dusting
6 down in that area?

7 A. It was pretty good, too.

8 Q. And when you say pretty good, was it ---?

9 A. I mean, it was by standard. Let's just say that.

10 Q. How many guys normally rock dust?

11 A. There was two people on a motor crew.

12 Q. Did they work third shift, second shift?

13 A. Sometimes they worked evening shift, sometimes
14 they worked hoot owl.

15 Q. When you guys were up on the section, could ---
16 where did --- where was the last place you remember
17 'em rock dusting?

18 A. Up on the mainline and dusted us out. We had to
19 quit working.

20 Q. Did that happen to you ---

21 A. Quite often.

22 Q. --- regularly?

23 A. Yes.

24 Q. Had you ever experienced any problems getting
25 supplies or materials to do your work?

1 A. About every night.

2 Q. And how come? Was it ---? They didn't keep
3 enough stock or ---?

4 A. They didn't have enough people. I mean, you can't
5 haul parts in on a mantrip, and you didn't have nobody
6 to run the motor on evening --- or hoot owl.

7 Q. So if you needed a part, who would have to go get
8 it?

9 A. Well, we'd usually leave a note. Either dayshift
10 or evening shift motor crew would bring it in.

11 Q. What about if it was something you needed that
12 night?

13 A. Either Billy Graham or Greg Shrewsberry would
14 bring it in to us.

15 Q. Did Billy stay outside most of the time or ---?

16 A. Well, he was outby electrician. He had to take
17 care of the substation and all the power boxes from
18 the outside all the way in to the section.

19 Q. Do you kind of know where he had to examine --- I
20 mean, what areas he ---?

21 A. Pretty much the whole mine. I mean, I'm saying
22 the North Portal and the East Portal.

23 Q. Yeah. Did you ever help him do a substation test?

24 A. No.

25 Q. Did you ever --- did he ever ask you to do

1 anything when he was doing a substation test, ---

2 A. No.

3 Q. --- ask you to help at all?

4 A. No. Because like I said, I just got my license in
5 February. I was a trainee for a year. I never --- I
6 never was in the substation, period.

7 Q. As a trainee, who did you --- who trained you to
8 be an electrician?

9 A. Well, I worked under Greg Shrewsberry for a little
10 while, Andrew Lucas and Brandon Waddell.

11 Q. And how long did you do that before you applied
12 for your card?

13 A. It was one year.

14 Q. Have you --- who normally does their electrical
15 retraining? Have you ever sat in ---?

16 A. Yes. It's either Troop, David Terry, or Jerry
17 Hibner or something like that.

18 Q. Have you ever --- to change gears a little bit.
19 I'm all over the place with you. I apologize, but
20 have you ever checked the CO system at this mine?

21 A. No, sir.

22 Q. Have you had any special training, as far as CO
23 systems?

24 A. Checking the CO, no.

25 Q. What time do you normally arrive on the Headgate

1 22 section?

2 A. It's depending on what time we leave to go
3 underground. Usually it's hard to hit the road
4 because evening shift's coming out. It averaged from
5 I'm going to say 12:15, 12:30.

6 Q. Have they ever --- the evening shift, did it ever
7 stay back and run a little longer into your shift?

8 A. The only thing they would do is stay back and bolt
9 a cut or dust or hang curtains.

10 Q. All right. Do you ever notice any curtains not
11 hung when you got to the section on third shift, tore
12 down or ---?

13 A. May have been tore down, but our boss put 'em up.

14 Q. Had you ever experienced any low air situations up
15 there? You ever heard anybody say that you didn't
16 have enough air on Headgate 22?

17 A. A couple of times, but we was pulled out.

18 Q. Had you ever had anybody trying to get you more
19 air up on Headgate 22 while you was up there, making
20 some adjustments or ---?

21 A. Just hanging the curtains, making sure the doors
22 are shut, something like that, but no, not making no
23 major adjustments.

24 Q. Had you ever --- how many times --- I mean, if you
25 were working third shift, do you see inspectors, any

1 on third shift?

2 A. Every day.

3 Q. Have you ever been up on one of the sections and
4 an inspector arrived after you got there?

5 A. Yes.

6 Q. Before he got there, did you know that he was
7 coming?

8 A. No. He just arrived.

9 Q. Do you think anybody else knew?

10 A. Yeah. Billy Graham knew. He brought him in. And
11 usually it was the electrical inspector.

12 ATTORNEY WILSON:

13 Let me go ahead and mark the map that was
14 marked on as Covey Exhibit One.

15 (Covey Exhibit One marked for
16 identification.)

17 ATTORNEY WILSON:

18 Davitt, did you have any follow-up
19 questions?

20 ATTORNEY MCATEER:

21 I do.

22 EXAMINATION

23 BY ATTORNEY MCATEER:

24 Q. Just a few, Mr. Covey, if you don't mind.

25 A. Go ahead.

1 Q. And I apologize, sometimes I might repeat the same
2 questions but it's slightly different. Could you tell
3 me the number of machines that were on the section ---
4 Headgate 22 now I'm referring to, the machines again,
5 and describe those machines?

6 A. The number, how many or ---?

7 Q. The names of them.

8 A. Okay. Well, you had two Fletcher bolters.

9 Q. Two Fletcher bolters.

10 A. And two Joy miners, 12s, and three Joy buggies,
11 which was 10s. We had a feeder and usually two
12 scoops.

13 Q. Now, on the night of April the --- Friday, the 2nd
14 into Saturday, the 3rd, that would have been the last
15 night you worked?

16 A. Yes, sir.

17 Q. Can you describe for me, to the best of your
18 memory, what you did there? Tell me what time you got
19 in there.

20 A. I really couldn't tell you because I can't
21 remember.

22 Q. Okay.

23 A. Because all this kind of --- it's hard.

24 Q. Sure. I understand that. And you took the
25 mantrip in with the regular crew?

1 A. Just the hoot owl crew.

2 Q. Uh-huh (yes). Do you remember taking any methane
3 tests that evening?

4 A. Me, no, not personally, but Brandon did and the
5 belt crew boss did.

6 Q. And who was that? I'm sorry.

7 A. At the time --- see, on that section there,
8 there's two crews. We worked five on and three off.
9 We'd rotate.

10 Q. Right.

11 A. I can't remember who the boss was that night.

12 Q. But Brandon was ---

13 A. The chief electrician.

14 Q. --- your chief electrician? And he took some
15 samples?

16 A. Yes.

17 Q. Do you remember if it registered ---?

18 A. No, there was no gas.

19 Q. Okay. Do you remember making any repairs that
20 evening?

21 A. No.

22 Q. But you would start these Fletchers or you would
23 move them typically from one place to the section to
24 be able to work on them?

25 A. Yes. Yes, sir.

1 Q. Do you recall doing that that evening?

2 A. I ain't for sure. I really couldn't tell you.

3 Q. Now, the methane monitors that you, from time to
4 time, calibrated, what's the rule if they get out of
5 calibration? Will they have to be recalibrated?

6 A. Recalibrated, yes, sir.

7 Q. And do you have a 24-hour period to do that
8 or ---?

9 A. You do it right on the spot.

10 Q. But do you know what the rule is, whether ---?

11 A. Oh, I don't know what the rule is.

12 Q. Okay. Was there anybody else on that shift that
13 evening who was present that you can recall? I'm
14 thinking specifically of the rock dust crew.

15 A. The guy that was on the crew was fired. His name
16 was --- he was Nate --- I can't think of his last
17 name, but his first name was Nate, but he was fired.

18 Q. That night?

19 A. Oh, no, he wasn't fired that night.

20 Q. Before that?

21 A. Yeah, before that.

22 Q. And he was one of the rock dusters?

23 A. Yes. And the other fellow, I can't remember his
24 name. He was a red hat, so ---.

25 Q. Do you know his nickname or anything?

1 A. I didn't even know him, to be honest with you.

2 Q. Had Nate been there a long time?

3 A. No. Like I said, he was a red hat. He just had
4 started with the company.

5 Q. Oh, Nate was a red hat as well?

6 A. No. Nate was a black hat.

7 Q. Okay. Had he been there very long?

8 A. He was probably there about a year-and-a-half.

9 Q. Do you know why he was fired?

10 A. Sleeping.

11 Q. Not the first time in history that that's
12 happened?

13 A. No. I mean, you get your work done, go ahead and
14 sleep.

15 Q. Do you recall when that fellow was ---? Again,
16 we're now at the 2nd and 3rd. Had Nate been fired for
17 a little while or ---?

18 A. I don't know how long it was ---.

19 Q. But it was long enough that he hadn't been
20 replaced, to your knowledge?

21 A. No.

22 Q. S, now, would the red hat operate the machine?

23 A. No.

24 Q. How would they get the rock dust ---?

25 A. He would hold the hose and spray it.

1 Q. Okay.

2 A. Nate would operate the machine.

3 Q. I'm sorry. But if Nate's not there ---?

4 A. He ain't working there neither.

5 Q. Yeah.

6 A. Because they got rid of all the red hats.

7 Q. When did they get rid of the red hats?

8 A. I don't know what date it was.

9 Q. Was there a particular reason or just economics
10 or ---?

11 A. Economics, I reckon.

12 Q. These red hats, were they contractors?

13 A. I think so.

14 Q. Would that mean that there wouldn't have been any
15 rock dusting that night because they weren't there?

16 A. Well, on a section, the belt crew ---

17 Q. Sure.

18 A. --- dusted a section. They did that every night.
19 They'd dust around the power box, the belt and the
20 faces.

21 Q. They were pretty religious about that, they ---?

22 A. Oh, yeah. Yeah. They believe in the dust.

23 Q. So in the ordinary course of events, if the dust
24 crew did that on the section, then where would the ---
25 what area would these, you know, rock dust crews rock

1 dust?

2 A. Mainline and the six-foot belts.

3 Q. Did the removal of the --- I mean, the let-go of
4 the red hats, did that occur like a week before
5 or ---?

6 A. No. It was longer than that.

7 Q. Longer than that? Okay. Would the fact that the
8 dust crew weren't there, would that mean that the
9 mainline and the six-foot belts didn't get dusted
10 regularly or ---?

11 A. No, that don't mean that.

12 Q. Okay.

13 A. They always had somebody dust it.

14 Q. Who would that be?

15 A. It depended on whoever had open that day.

16 Q. Okay. Did you do it at any time?

17 A. Years ago I did.

18 Q. But not this round?

19 A. No.

20 Q. But you couldn't remember who --- I'm just trying
21 to think who would they take ---.

22 A. It was all depending on who was free that day.

23 Q. Sure.

24 A. It could have been a supply crew.

25 Q. Okay. Anybody else besides the supply crew that

1 would be typically there or ---?

2 A. Either that or outby.

3 Q. Okay. But you don't recall in this instance of
4 anybody specifically ---?

5 A. No, no, I can't --- I couldn't tell you who.

6 Q. You wouldn't know names?

7 A. No, sir.

8 Q. What type of methane detectors are these?

9 A. Solaris.

10 Q. Solaris?

11 A. Are you talking handheld or ---?

12 Q. Right.

13 A. Yes, it's a Solaris.

14 Q. And the machine-mounted?

15 A. Sir?

16 Q. And the machine-mounted ones?

17 A. Oh, I don't know the name brand of 'em, but they
18 come on the Joy miners.

19 Q. Uh-huh (yes). Have you ever had to dismantle one
20 and put it back together or ---?

21 A. No, sir. We'd just replace it.

22 Q. You just replaced it. How easy is it to replace
23 it?

24 A. Twenty (20), 30 minutes.

25 Q. Okay. Ever hear of anybody bridging out?

1 A. No, sir. And if I did, I'd kill 'em.

2 Q. Uh-huh (yes). Not at this mine, I'm just saying
3 generally.

4 A. Oh, no, sir. Nowhere.

5 Q. Was there a way to bridge out?

6 A. I don't know.

7 Q. Okay.

8 ATTORNEY MCATEER:

9 That's all the questions I have. Thank
10 you, Mr. Covey.

11 A. Uh-huh (yes).

12 EXAMINATION

13 BY ATTORNEY WILSON:

14 Q. I just have one follow-up to something Jasey
15 asked. Maybe you answered this, and I just didn't get
16 the answer. But I think he had asked you on the
17 methane monitors, would you ever test them with a
18 known mixture of air to see if they were in
19 calibration or not. Is that ---

20 A. Yes, ---

21 Q. --- something you would do?

22 A. --- you would.

23 Q. And then I think he asked, did you ever find where
24 they were out of calibration.

25 A. Yeah. Sometimes, you know, we'd find 'em ---.

1 Either that or a fault. You'd get like an F4, F9.
2 And then there's a --- on the back of the calibration
3 over the --- you got all the faults listed. You just
4 look at the fault and calibrate it. And if you can't
5 recalibrate it or can't fix it, you just take it off
6 and replace it with a new one.

7 Q. And what was the most out of calibration that you
8 would find?

9 A. I've seen .1 maybe.

10 ATTORNEY WILSON:

11 Terry, do you have any questions?

12 RE-EXAMINATION

13 BY MR. FARLEY:

14 Q. Mr. Covey, got a couple, three things here. I
15 know you said earlier that you would do welding on the
16 22 Headgate section occasionally.

17 A. Uh-huh (yes).

18 Q. Now, I want to make sure I understood another
19 answer correctly. When you would do the welding, did
20 you do it inby the last open crosscut or outby the
21 last open crosscut?

22 A. Outby.

23 Q. Okay.

24 A. And it would be an intake.

25 Q. Okay. Now, where were your oxygen acetylene

1 tanks?

2 A. At the time, they were on the service ride.

3 Q. On the service ride?

4 A. Yes, sir.

5 Q. Would that be at the track?

6 A. No, sir, probably at the charger.

7 Q. Okay. All right. How many oxygen acetylene tanks
8 did you normally maintain on a section?

9 A. Up on that section, I would say two at the most.

10 Q. Two of each?

11 A. Yes, sir.

12 Q. Okay. I know we've asked a lot of questions about
13 ventilation. During your time on the 22 Headgate
14 section, do you recall any instances where the air was
15 going in the opposite direction of what it was
16 supposed to be going?

17 A. No, sir.

18 Q. Okay.

19 ATTORNEY WILSON:

20 Why don't we just take a short break.

21 We'll look over what we have left, then we'll come
22 back and finish up.

23 SHORT BREAK TAKEN

24 ATTORNEY WILSON:

25 We'll go back on the record. Jasey?

1 RE-EXAMINATION

2 BY MR. MAGGARD:

3 Q. I got a couple more questions. Nothing major, but
4 did you ever notice a lot of belt spillage?

5 A. No, sir.

6 Q. No gob-offs?

7 A. You'd get an occasional gob-off, but they'd clean
8 it up right after it happened.

9 Q. Would they a lot of times on third shift clean ---

10 A. Yes, sir.

11 Q. --- gob-offs? Was that like --- was it a daily
12 thing?

13 A. No, sir.

14 Q. Couple times a week?

15 A. Couple times a week, I'd say.

16 Q. And what areas would the belt gob-off?

17 A. Usually the tailpiece or a rock box.

18 Q. Different head drives or ---?

19 A. Yes, just different ones.

20 Q. When you said the red hats were all let go, was
21 that before the accident or after?

22 A. Yes, sir. It was before.

23 Q. Before? Was it like a week prior, couple weeks
24 prior?

25 A. No. It was probably a month.

1 Q. A month prior. Were you aware of any ventilation
2 --- major ventilation changes being done ---

3 A. No, sir. The last ---.

4 Q. --- during the midnight shift?

5 A. The last ventilation change they had, they pulled
6 everybody out of the mines. They made their change,
7 let the fans run for a period of time, then they went
8 in and fire bossed 'em. Then it was clear for us to
9 go in.

10 Q. Do you remember what time period that was, how
11 long ago?

12 A. I'm going to say maybe around November or
13 December.

14 Q. I don't know if we asked you, but have you ever
15 visited the longwall area?

16 A. Before, not this longwall. Not this --- I worked
17 on it a little while when we was on Headgate 16.

18 Q. Did they maintain their cables when you did ---?

19 A. I don't know about that.

20 Q. Have you heard anybody say that, you know, the
21 shearer cable needs to be changed or ---?

22 A. No, sir.

23 Q. Heard anybody say that the methane monitors
24 weren't working right on the longwall?

25 A. No, sir. That's a different bunch of people.

1 MR. MAGGARD:

2 That's all I got.

3 ATTORNEY WILSON:

4 Davitt, any follow-up?

5 ATTORNEY MCATEER:

6 I just have one.

7 RE-EXAMINATION

8 BY ATTORNEY MCATEER:

9 Q. Mr. Covey, I'm an attorney by training, so by
10 definition, I don't know very much, particularly about
11 machines. But we live on a farm and we have a couple
12 pieces of equipment, and I can tell you that from time
13 to time you'll have sort of a common problem with a
14 machine. In other words, there will be something that
15 goes wrong pretty much every time ---

16 A. Yes.

17 Q. --- with that Ford 9N tractor. I can tell you
18 over the months it will be that problem. Is there
19 anything on the machines at this location, Headgate
20 22, that kind of reoccurred as a problem?

21 A. Other than like a pan jack ---.

22 Q. Right.

23 A. Just mainly jacks on the miner.

24 Q. Right.

25 A. Maybe a hose on a bolter.

1 Q. Uh-huh (yes).

2 A. That's about it.

3 Q. Okay. On the bolting equipment, you can't
4 remember anything that was recent or any kind of thing
5 when ---?

6 A. Changing a tire is probably the recent thing I did
7 on a bolter.

8 Q. Okay. But there's nothing else that comes to your
9 mind that's a nagging problem that we always have?

10 A. No, sir.

11 Q. Okay. How old were the Joy bolters?

12 A. The bolters, if I ain't mistaken, the right one,
13 less than a year old.

14 Q. Okay.

15 A. And then the left one, I don't have no clue.

16 Q. Do you like those Joys, to work on 'em?

17 A. They're pretty good.

18 ATTORNEY MCATEER:

19 That's all the questions. Thank you,
20 sir.

21 RE-EXAMINATION

22 BY ATTORNEY WILSON:

23 Q. I wanted to just follow up something from earlier.
24 You were talking about the doors that you circled here
25 on the map. And I believe you said the third one was

1 the one that was damaged ---

2 A. Yes.

3 Q. --- for about a year? Could you just circle that
4 one in green, just so that we know exactly which ones
5 we're talking about there.

6 A. If I ain't mistaken, it was that one right there.

7 WITNESS COMPLIES

8 BY ATTORNEY WILSON:

9 Q. And you stated that management knew about the
10 damage to that door.

11 A. Yes, sir.

12 Q. When you say management, is there anyone in
13 particular that you know ---?

14 A. The whole mines.

15 Q. So it was common knowledge?

16 A. Yes.

17 Q. And how do you know that management knew about
18 this?

19 A. We told 'em.

20 Q. Okay. Did you specifically?

21 A. No, not me specifically, but they knowed about it.
22 We left notes about it stating the door needed to be
23 fixed. Usually the doors got automatic jacks, and so
24 you didn't have to get out of your mantrip to open it.

25 Q. All right.

1 A. The jacks didn't work, so you had to get out and
2 open it.

3 Q. Oh, that was --- that's what was damaged with the
4 door, that the automatic ---?

5 A. All of 'em. All the jacks didn't work on these
6 doors. And this door here (indicating) was run
7 through. A motor hit it.

8 Q. And that's the one you've circled in green?

9 A. Yes, sir.

10 Q. And could you describe the damage?

11 A. It was bent up on the bottom.

12 Q. How far up was it bent?

13 A. Six inches.

14 Q. Now, when you say notes were left, who would leave
15 the notes for management?

16 A. Well, the chief electrician on hoot owl. They'd
17 leave a message or a note saying we need to replace
18 this door. And they said, all right, we'll get to it.

19 Q. And that went on for about a year, you said?

20 A. Oh, I'd say.

21 ATTORNEY WILSON:

22 Terry, anything?

23 MR. FARLEY:

24 No, sir.

25 ATTORNEY WILSON:

1 Jasey? Davitt?

2 ATTORNEY MCATEER:

3 Just one question.

4 A. Yes.

5 RE-EXAMINATION

6 BY ATTORNEY MCATEER:

7 Q. When you say the jacks didn't work, when you'd
8 come to the door, ---

9 A. Yes.

10 Q. --- what would that mean?

11 A. Well, you'd have to get out of the mantrip and go
12 open it manually and let the mantrip go through, and
13 shut it and then go back to the mantrip.

14 Q. How many times would you have to do that?

15 A. It's just all depending on how many times you come
16 in and out.

17 Q. Right.

18 A. Usually it's just one time, when you go in and
19 then when you come out.

20 Q. But could you get through al four doors? Would
21 you open 'em all at one time or ---?

22 A. No. You'd open one door at a time.

23 Q. And then close that door ---?

24 A. Close it back once the mantrip goes, get back in
25 the mantrip, go to the next door, open it.

1 Q. Did you have occasion to open those doors
2 yourself?

3 A. Oh, big time, about every day. Everybody else too
4 lazy to get out.

5 Q. The jacks, the automatic jacks, just weren't
6 functioning?

7 A. The housing, the motor mounts and everything
8 separated. It broke.

9 Q. Sure.

10 A. And actually at the time of the explosion we
11 didn't have two doors that had automatic jacks on 'em,
12 and that was going in from UBB side. That's the first
13 two doors you come to. The rest of the doors, you had
14 to open manually.

15 Q. But did that mean that the remainder of the doors
16 have not --- didn't have the automatic jacks installed
17 or that they were malfunctioning?

18 A. The second set of doors you come to, which is on
19 28 Break, didn't have jacks installed. It was just
20 manual doors.

21 Q. I'm sorry. 128 Break?

22 A. Yes, sir. And if I ain't mistaken, we had 12 sets
23 of doors we had to go through.

24 Q. From the ---?

25 A. From the mouth all the way to ---.

1 Q. From Ellis?

2 A. Yes, sir. Well, from Ellis we had probably eight
3 sets.

4 Q. So from UBB you had 12 sets?

5 A. I'd say.

6 Q. So that would mean on the Ellis set --- side, you
7 would have to get out of the mantrip ---

8 A. Yes, sir.

9 Q. --- eight times?

10 A. Yes, sir.

11 Q. Open the doors ---.

12 A. And shut 'em.

13 Q. And repeat that?

14 A. Yes, sir.

15 Q. And UBB, the same thing?

16 A. Yes, sir.

17 Q. Okay. And you said it was reported to management?

18 A. Yes, sir.

19 ATTORNEY MCATEER:

20 Okay. Thank you, sir.

21 A. Uh-huh (yes).

22 ATTORNEY WILSON:

23 Just to qualify --- did you ever come

24 across any doors in the mine that had been left open?

25 A. No, sir.

1 ATTORNEY WILSON:

2 Jasey?

3 RE-EXAMINATION

4 BY MR. MAGGARD:

5 Q. One more question. Who done the dispatching when
6 you was on the third shift?

7 A. They rotated. I mean, you'd have one dispatcher
8 for maybe five days, four days, something like that,
9 then they rotated.

10 Q. And where would he do that at?

11 A. At UBB side.

12 Q. Have you --- I know you worked on UBB side. Where
13 did he normally station himself?

14 A. Upstairs mine office.

15 Q. And how did he keep track of everybody
16 underground?

17 A. Well, at one time we'd either use the mine phone,
18 but now they have these radios that we use. And it
19 wasn't for that, we used the radios that was on the
20 mantrip.

21 Q. So did he keep a list? What did he do to keep
22 track ---?

23 A. Yes, he kept a list.

24 Q. On a notebook or ---?

25 A. I don't know. But we had --- we'd have to give

1 him a list of all the people on the crew before we
2 went underground.

3 Q. And as you went underground, did you have certain
4 points ---

5 A. Yes.

6 Q. --- that you had to tell him where you was at?

7 A. Yes. Usually if you was on UBB side or Ellis.
8 Usually at Ellis, going in you'd stop at --- we called
9 it the Ellis Switch. I don't know what break it is,
10 maybe 135, but we'd stop there and call before we rode
11 to the section.

12 ATTORNEY WILSON:

13 Terry?

14 MR. FARLEY:

15 I don't have any more.

16 ATTORNEY WILSON:

17 Mr. Covey, on behalf of MSHA and the
18 Office of Miners' Health, Safety and Training, I want
19 to thank you for appearing and answering questions
20 today. Your cooperation is very important to the
21 investigation as we work to determine the cause of the
22 accident. We will be interviewing additional
23 witnesses, so we require that you not discuss your
24 testimony with anyone else. After questioning other
25 witnesses, we may call you if we have any follow-up

1 questions. If at any time you can think of additional
2 information that you believe would be helpful to the
3 investigation, please contact us at the
4 information --- contact information that was provided
5 to you.

6 Before we go off the record, I told you
7 before we started that I would give you an opportunity
8 to --- if there's any statement that you would like to
9 make or if there's any additional information that you
10 believe to be important that we didn't ask you about,
11 I'd like to give you an opportunity now to give us any
12 additional information that you can think of.

13 A. I don't have anything.

14 ATTORNEY WILSON:

15 All right. Then again, I want to thank
16 you for your cooperation in this matter, and we can go
17 off the record.

18

19 * * * * *

20 STATEMENT UNDER OATH CONCLUDED AT 9:18 A.M.

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1 STATE OF WEST VIRGINIA)

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CERTIFICATE

I, Brett Steele, a Notary Public in and for
the State of West Virginia, do hereby certify:
That the witness whose testimony appears in
the foregoing deposition, was duly sworn by me on said
date and that the transcribed deposition of said
witness is a true record of the testimony given by
said witness;
That the proceeding is herein recorded fully
and accurately;
That I am neither attorney nor counsel for,
nor related to any of the parties to the action in
which these depositions were taken, and further that I
am not a relative of any attorney or counsel employed
by the parties hereto, or financially interested in
this action.



Brett Steele