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Transcript of the Testimony of Michael Webb

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STATEMENT UNDER OATH
OF
MICHAEL WEBB

taken pursuant to Notice by Danielle Ohm, 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 Wednesday, August 4, 2010, beginning at 9:00 a.m.

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

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EXHIBIT PAGE

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DESCRIPTION

IDENTIFIED

One

Mine Map

60*

* Exhibit not attached

P R O C E E D I N G S

1
2 -----
3 ATTORNEY BAXTER:

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

12 MR. FARLEY:

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

15 MR. O'BRIEN:

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

18 MS. SPENCE:

19 I'm Beth Spence with the Governor's
20 independent investigation.

21 ATTORNEY BAXTER:

22 There are also members of the
23 investigation team present in the room today. And Mr.
24 Sherer, Mr. Farley and Ms. Spence will conducting the
25 questioning today.

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

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

1 Miners' Health, Safety and Training. We appreciate
2 your assistance in this investigation.

3 You may have your personal attorney
4 present during the taking of this statement or another
5 personal representative if MSHA has permitted it and
6 may consult with your attorney or the representative
7 at any time.

8 Your statement is completely voluntary.

9 You may refuse to answer any question and you may
10 terminate your interview at any time or request a
11 break at any time.

12 Since this is not an adversarial
13 proceeding, formal Cross Examination will not be
14 permitted. However, your personal legal
15 representative may ask clarifying questions as
16 appropriate.

17 Your identity and the content of this
18 conversation will be made public at the conclusion of
19 the interview process and may be included in the
20 public report of the accident unless you request that
21 your identity remain confidential or your information
22 would otherwise jeopardize a potential criminal
23 investigation. If you request us to keep your
24 identity confidential, we will do so to the extent
25 permitted by law.

1 That means that if a judge orders us to
2 reveal your name or if another law requires us to
3 reveal your name or if we need to reveal your name for
4 other law enforcement purposes, we may do so. Also,
5 there may be a need to use the information you provide
6 to us or other information we ask you to provide in
7 the future in other investigations into and hearings
8 about the explosion. Do you understand?

9 MR. WEBB:

10 Uh-huh (yes).

11 ATTORNEY BAXTER:

12 Is that a yes?

13 MR. WEBB:

14 Yes.

15 ATTORNEY BAXTER:

16 Okay. And do you have any questions?

17 MR. WEBB:

18 No.

19 ATTORNEY BAXTER:

20 Okay.

21 ATTORNEY MCCUSKEY:

22 Hey, Derek, may I make one --- or request
23 a clarification? I've done this with the other
24 interviews. You stated that --- the confidentiality
25 requirements of this Commission, and then you stated

1 that this interview constitutes my client's agreement
2 that he will keep this interview confidential, and I
3 want --- would like you to make it clear to him that
4 there is no --- at least that's my understanding. If
5 I'm wrong ---. Let him know on the record that there
6 is no requirement that he keep this interview
7 confidential. That's simply your request. And if I'm
8 wrong about that, let me know, but I don't want him to
9 be misled into thinking that because you all have to
10 keep it confidential, that he doesn't.

11 ATTORNEY BAXTER:

12 No, that's correct. After the
13 investigation is complete, MSHA will issue a public
14 report detailing the nature and causes of the
15 fatalities in the hope that greater awareness about
16 the causes of accidents can reduce their occurrence in
17 the future. Information obtained through witness
18 interviews is frequently included in these reports.
19 Since we will be interviewing other individuals, we
20 request that you not discuss your testimony with any
21 person aside from your personal representative or
22 Counsel.

23 A court reporter will record your
24 interview. Please speak loudly and clearly. If you
25 do not understand a question asked, please ask me to

1 rephrase it. Please answer each question as fully as
2 you can, including any information you've learned from
3 someone else.

4 We'd like to thank you in advance for
5 your appearance here. We appreciate your assistance
6 in this investigation. Your cooperation is critical
7 in making the nation's mines safer.

8 After we have finished asking questions,
9 you will have an opportunity to make a statement and
10 provide us with any other information that you believe
11 to be important. If at any time after the interview
12 you recall any additional information that you believe
13 might be useful, please contact Norman Page at the
14 telephone number or e-mail address provided to you, or
15 have your representative contact, as the case may be.

16 Any statements given by miner witnesses
17 to MSHA are considered to be an exercise of statutory
18 rights and protected activity under Section 105(c) of
19 the Mine Act. If you believe any discharge,
20 discrimination or other adverse action is taken
21 against you as a result of your cooperation with this
22 investigation, you are encouraged to immediately
23 contact MSHA and file a complaint under Section 105(c)
24 of the Act.

25 MR. FARLEY:

1 Mr. Webb, on behalf of the Office of
2 Miners' Health, Safety and Training, I want to advise
3 you that the West Virginia Mine Health and Safety
4 Regulations also protect miners against potential
5 discrimination as a resulting from participation in
6 these interviews. I want to pass along some contact
7 information to you for the West Virginia Board of
8 Appeals, which hears complaints about possible
9 discrimination. Also, I want to provide you with my
10 business card, and should you have a problem, you can
11 contact me or you can also contact Mr. Bill Tucker,
12 whose name and number are on the memo, should you have
13 a problem.

14 MR. WEBB:

15 Okay.

16 MR. FARLEY:

17 I would caution you that should you have
18 a problem, you would need to file a claim within 30
19 days of the event.

20 MR. WEBB:

21 Okay.

22 ATTORNEY BAXTER:

23 And would you please swear the witness?

24 -----

25 MICHAEL WEBB, HAVING FIRST BEEN DULY SWORN, TESTIFIED

1 AS FOLLOWS:

2 -----

3 ATTORNEY BAXTER:

4 Please state your full name and address
5 for the record.

6 A. Full name is Michael Paul Webb. I live at (b) (7)
(C)

8 (b) (7)(C)

9 ATTORNEY BAXTER:

10 And do you have a personal legal
11 representative here with you today?

12 A. Yes.

13 ATTORNEY BAXTER:

14 Will your personal legal representative
15 please identify himself?

16 ATTORNEY MCCUSKEY:

17 Yes, John McCuskey with the law firm of
18 Shuman, McCuskey & Slicer in Charleston, West
19 Virginia.

20 ATTORNEY BAXTER:

21 And Mr. Webb, did you voluntarily choose
22 to have Mr. McCuskey as your personal legal
23 representative?

24 A. Yes.

25 ATTORNEY BAXTER:

1 And did you feel that you had a choice in
2 the matter?

3 A. No, I just figured I wanted to bring somebody with
4 me, just to have.

5 ATTORNEY BAXTER:

6 Okay. And Mr. McCuskey was your choice?

7 A. Yes.

8 ATTORNEY BAXTER:

9 Do you consent now to having Mr. McCuskey
10 as your personal representative?

11 A. Yes.

12 ATTORNEY BAXTER:

13 Do you understand that Massey Energy, its
14 affiliates or its officers or directors or attorneys
15 may not represent or direct you in this matter?

16 A. Yes.

17 ATTORNEY BAXTER:

18 And Mr. McCuskey, are you legally
19 representing Mr. Webb in this matter?

20 ATTORNEY MCCUSKEY:

21 I am, sir.

22 ATTORNEY BAXTER:

23 Do you understand that you may not
24 communicate with Massey Energy, its affiliates or its
25 officers or director or attorneys concerning the

1 substance of this representative --- of this
2 representation?

3 ATTORNEY MCCUSKEY:

4 I understand that I am bound by the West
5 Virginia Rules of Professional Responsibility on that
6 topic, and I will abide by those rules.

7 ATTORNEY BAXTER:

8 And are you being paid by a third party
9 to provide such representation?

10 ATTORNEY MCCUSKEY:

11 I am.

12 ATTORNEY BAXTER:

13 Please confirm that you have Mr. Webb's
14 informed consent in writing which reflects that you
15 have explained in person the risks and advantages of
16 such representation, including any real or potential
17 conflicts of interest.

18 ATTORNEY MCCUSKEY:

19 I will confirm that that --- yes.

20 ATTORNEY BAXTER:

21 And please confirm that this written
22 consent reflects that the witness has been given a
23 reasonable opportunity to consider the risks and
24 reasonably available alternatives of such
25 representation and to raise questions and concerns

1 with you.

2 ATTORNEY MCCUSKEY:

3 I better clarify that. I have an

4 engagement letter with Mr. Webb. That's not the same

5 as what I think your question was about his informed

6 consent. I put it this way. All the topics that you

7 have discussed are topics that deal with my

8 obligations under the Rules of Professional

9 Responsibility in West Virginia, and I have abided by

10 those rules.

11 ATTORNEY BAXTER:

12 And have you discussed these issues with

13 Mr. Webb?

14 ATTORNEY MCCUSKEY:

15 That'd be attorney/client privilege, the

16 things I have discussed with him, but I will tell you

17 that I've abided by all requirements of the West

18 Virginia Rules of Professional Responsibility.

19 ATTORNEY BAXTER:

20 Please confirm that the third-party payer

21 will not direct, regulate or interfere with your

22 professional judgment in representing your client.

23 ATTORNEY MCCUSKEY:

24 I will simply represent that I will abide

25 by all Rules of Professional Responsibility in West

1 Virginia on that topic.

2 ATTORNEY BAXTER:

3 Okay. Please confirm that there's no
4 current attorney/client relationship between you and a
5 third-party payer.

6 ATTORNEY MCCUSKEY:

7 I think that's an inappropriate question.

8 That borders on attorney/client privilege and I'm not
9 going to answer that question.

10 ATTORNEY BAXTER:

11 Please confirm that you are prohibited
12 from communicating with a third-party payer concerning
13 the substance of the representation of this client.

14 ATTORNEY MCCUSKEY:

15 I'm not willing to answer that question.

16 I think it's an inappropriate question to be asked.

17 ATTORNEY BAXTER:

18 Please confirm that it is your
19 understanding that the third-party payer shall process
20 and pay all such invoices within the regular course of
21 its business, consistent with manner, speed and
22 frequency it pays its own counsel.

23 ATTORNEY MCCUSKEY:

24 That's an invasion of attorney/client
25 privilege, and I believe that that's an inappropriate

1 question for you to be asking.

2 ATTORNEY BAXTER:

3 Please confirm that it is your

4 understanding that once the third-party payer

5 committed to pay for your representation, the

6 third-party payer shall not be relieved of its

7 continued obligations to pay without leave of MSHA or

8 a court or on prior written notice to the lawyer and

9 the client.

10 ATTORNEY MCCUSKEY:

11 Again, I believe that's an invasion of

12 attorney/client privilege and that information is

13 inappropriate to be asked of me as Mr. Webb's

14 attorney.

15 ATTORNEY BAXTER:

16 Okay, Mr. McCuskey. So you decline to

17 answer these questions?

18 ATTORNEY MCCUSKEY:

19 That is correct. Well, I gave an answer.

20 I declined to give the answer you wanted.

21 ATTORNEY BAXTER:

22 You declined to provide the substance ---

23 ATTORNEY MCCUSKEY:

24 That's right.

25 ATTORNEY BAXTER:

1 --- of the answer?

2 ATTORNEY BAXTER:

3 Mr. Webb, having heard these

4 representations, do you still want this person as your
5 personal legal representative here today?

6 A. Yes.

7 EXAMINATION

8 BY MR. SHERER:

9 Q. Okay. First of all, I want to thank you for
10 coming down here this morning, Mr. Webb. Could you
11 please state your address and telephone number?

12 A. Okay. It's Michael Paul Webb, (b)(7)(C) ,
13 (b)(7)(C) . Phone number is (b)(7)
14 (b)(7)

15 Q. Okay. Thank you. Roughly how many years of
16 mining experience do you have, Mr. Webb?

17 A. A little over five and a half.

18 Q. Five and a half. Has that been with the Massey
19 companies?

20 A. Yes.

21 Q. Okay. How long were you employed at UBB? When
22 did you start?

23 A. Again, the same, five and a half years. This is
24 the only company that I've worked with.

25 Q. Okay. What was your title at the time of the

1 explosion?

2 A. I was a longwall section foreman.

3 Q. Okay. And what shift did you work, please?

4 A. We done a swing shift.

5 Q. Okay.

6 A. We would work six days dayshift and then we'd be
7 off for three. Then you'd come back and work six days
8 evening shift.

9 Q. Okay.

10 A. So you'd rotate from week to week.

11 Q. Sure. That's a rough schedule. Do you recall
12 what the shift you worked immediately preceding the
13 explosion was?

14 A. I worked a dayshift. It was a Saturday, two days
15 before the explosion.

16 Q. Okay. So you worked the dayshift on the 3rd?

17 A. Uh-huh (yes).

18 Q. Where were you at at the time of the explosion?

19 A. I was at home.

20 Q. Okay.

21 A. It was my day off.

22 Q. Okay. Now, when you worked on the 3rd, what did
23 you do that day?

24 A. We ran coal, you know. We produced coal, just
25 basically like a normal day, you know. We didn't

1 notice anything different, you know, as far as our
2 air, the amount of air that we had. You know,
3 everything was --- everything was the same.

4 Q. Okay. Did you have any problems with the hinge
5 pin on the shearer that day?

6 A. No.

7 Q. Okay. Now, the curtains in the headgate to keep
8 the air going across the face, have you ever seen
9 those go slack or actually reverse and come back out
10 toward the headgate?

11 A. No.

12 Q. Okay.

13 A. No, I've never seen that.

14 Q. Have you ever noticed any fluctuations in the
15 quantity or the velocity of the air on the longwall?

16 A. Just a couple thousand, ---

17 Q. Couple thousand.

18 A. --- you know, here and there. Normally that would
19 have to do with, like, doors, you know, somebody
20 coming through a door.

21 Q. Okay. Now, we understand that there was two doors
22 constructed some period of time, a week or two,
23 possibly, before the explosion on the headgate. Do
24 you recall those doors?

25 A. Yes. We actually had four doors, you know. Well,

1 two sets, two sets of doors coming up on the longwall.

2 Q. Okay. Did you help construct those last two
3 doors?

4 A. No.

5 Q. Do you recall if those doors had an opening on the
6 side ?

7 A. Not that I recall.

8 Q. Okay. Do you know who directed those two doors to
9 be constructed there?

10 A. No, no. The one --- the second set of doors was
11 actually done on the day that I was off. The first
12 set of doors, they were done --- I think they were
13 done before we event started, ---

14 Q. Sure.

15 A. --- started the panel.

16 Q. Okay. Did that surprise you when you came in and
17 saw those two doors there?

18 A. No, not really. I mean, I kind of just took it
19 that they had one a change in the ventilation ---

20 Q. Sure.

21 A. --- or something. Kind of more aggravation than
22 anything.

23 Q. Sure. Did you participate in the planning for
24 this longwall setup?

25 A. No.

1 Q. Okay. Were you there when they did set the wall
2 up?

3 A. I was outside when they set this wall up. We had
4 been down at Elk Run and we had brought the longwall
5 here. I was with a crew that worked outside as they
6 were setting this up, so as far as, you know, the
7 initial setup, you know, I wasn't involved.

8 Q. Okay. What'd you do, just service equipment,
9 service the shields?

10 A. We was rebuilding the shields outside.

11 Q. Okay.

12 A. So as we would get done with them, we would send
13 them in and ---

14 Q. Sure.

15 A. --- they would set them up.

16 Q. Okay. Now, we understand that the --- either the
17 face was getting a little wide or something was
18 happening and they were having trouble on the tailgate
19 with the cutouts. Did you have any problem like that
20 on Saturday?

21 A. No. I know from time to time as the longwall was
22 --- as we are advancing, one end might come out an
23 entry a little more.

24 Q. Uh-huh (yes).

25 A. And you know, by looking at it, it'll look as if

1 the coal block is wider, but all it is, is just where
2 the face line --- the line has moved out into that
3 entry.

4 Q. Sure.

5 A. Now, when that happens, you have to get it steered
6 back over, which, you know, it takes a while.

7 Q. Sure. Did you try to keep any certain amount of
8 lead in the wall?

9 A. What do you mean?

10 Q. One end advanced a little further than the other.

11 A. No, you normally tried to keep it, keep it even.

12 Q. Okay.

13 A. The only time you would have an offset like that
14 would be if one end was out an entry, ---

15 Q. Yeah.

16 A. --- you know. And to kind of clarify on what I'm
17 talking about, if the head is out in this entry, okay.
18 What we do, we take cuts off of this end down here to
19 get the line to go back ---

20 Q. Sure.

21 A. --- go back that way. So after several pushes
22 it'll eventually start.

23 Q. Uh-huh (yes).

24 A. We call it walking the line.

25 Q. Sure.

1 A. And so eventually it's going to start going back
2 the other way.

3 Q. Sure. Yeah, that's what I was referring to as
4 lead.

5 A. Okay.

6 Q. Now, we understand that there was holes drilled in
7 the tailgate. Are you aware of those holes?

8 A. No.

9 Q. Okay. Did you ever use explosives on this
10 longwall face?

11 A. We did in the past. I don't recall how many times
12 we did, but you know, there was occasions where we had
13 to use, you know, some powder.

14 Q. Okay. Now, what'd you use that powder for?

15 A. Whenever we'd get, like, a lot of rock in the face
16 change, you know, something that it's so big where we
17 don't have a choice but to use explosions and blow it
18 up.

19 Q. Okay. Do you ever have to use explosives to free
20 a shield?

21 A. No.

22 Q. Okay. Did you ever have to shoot on the tailgate
23 because you couldn't cut out into the tailgate?

24 A. We have in the past. I don't know about this
25 panel.

1 Q. Okay.

2 A. I don't know if we had to on that.

3 Q. Sure. Now, when you shot, how would you shoot it?

4 I guess you'd load the holes. And where would the
5 initiator for the explosion be? Where would you ---?

6 A. Where we would stand?

7 Q. Yeah.

8 A. It kind of depended. I mean, if you was ---. So
9 if you're on the tail and you're going to set that
10 powder off right there where the face is, you know,
11 you can run your line on out and come out this block.

12 Q. Okay.

13 A. You know, it's putting you --- you know, giving
14 you distance and then it's putting you and of the way,
15 you know, of any debris.

16 Q. So you normally locate yourself around the corner
17 on the tailgate?

18 A. Yeah. Yeah, you would try to do something like
19 that.

20 Q. Okay. Seems reasonable. Now, on the Saturday
21 that you worked was there anything unusual?

22 A. I don't recall anything and kind of a normal day.
23 The area that we were in, we had a lot of sandstone
24 down on the tail, so for the past couple weeks, I
25 believe, you know, production was pretty down, you

1 know, because we had a lot of sandstone and that was
2 really taking a lot of time, you know, cutting that.

3 Q. Okay. How many passes did you make on that
4 Saturday? Do you recall?

5 A. I don't recall, but guessing, I'm going to say
6 around four, maybe.

7 Q. Okay.

8 A. You know, I mean, it wasn't much. There was
9 pretty much what we were averaging, three to four cuts
10 in a shift.

11 Q. Okay. What about methane? I assume you carry a
12 detector with you.

13 A. Yes.

14 Q. What sort of methane did you have on Saturday?

15 A. It was normal. I think we would get normal
16 readings throughout the day, you know, like a .1 to
17 maybe up to a .3 on the tail. And that's on the
18 shearer, you know, the methane monitor on the shearer.

19 Q. Sure.

20 A. Now, as far as my detector, I don't know if there
21 was ever a case that I ever picked up any methane.
22 The only way I would pick up methane was if I would
23 take my detector off and hold it, you know, out ---
24 out into the face.

25 Q. Okay, yeah. Now, have you ever had your detector

1 alarm for methane?

2 A. No.

3 Q. Okay. Do you know what it's set at for alarm?

4 A. I believe it's five. It'll alarm at five, I
5 believe.

6 Q. Five percent or .5?

7 A. .5.

8 Q. Okay. You scared me there for a minute.

9 A. Yeah, I --- I was thinking of CO right there. I
10 think CO is five, you know, five parts.

11 Q. Sure. Okay. Was there any maintenance problems
12 on Saturday?

13 A. No, not that I recall.

14 Q. Okay. How many passes would you normally get
15 before you had to bit up?

16 A. We were having to set the bits on the head and
17 tail each pass, and we would ---. You know, say, if
18 we started on the head that morning, the hoot owl
19 shift normally would have bits set but by the time we
20 cut out on the tail and would get done, we'd have to
21 set bits. When we'd get back to the head, we'd have
22 to set bits again.

23 Q. That's a lot of bits.

24 A. Yeah.

25 Q. Would you put the bits on the shearer to change

1 out on the tail?

2 A. Yeah. We would put them on the shearer to --- as
3 we were cutting, you know. That way when we got to
4 the --- got to the tail, you know, we would have the
5 bits down there rather than somebody pocketing
6 Them, ---

7 Q. Sure.

8 A. --- you know, 1,000 feet all the ---

9 Q. Sure.

10 A. --- way down.

11 Q. Okay. About how long would it take you to change
12 the bits on the tail?

13 A. Twenty (20) minutes, maybe.

14 Q. Okay.

15 A. You know, it really just depending on how many we
16 were setting.

17 Q. How would you power down to set those bits? Where
18 would you cut the power at?

19 A. Well, you would of course back the shearer up.
20 You know, you wouldn't have it all the way out on the
21 tail.

22 Q. Sure.

23 A. You know, you'd back it up, put it underneath the
24 shields. We would pull the line back. You would set
25 both arms up and away to where you can, you can set

1 the bits ---

2 Q. Sure.

3 A. --- where you can spin them. And then you would
4 just hit the E-stop, you know, on the shearer.

5 Q. Okay.

6 A. What that does, hitting the E-stop, it kills the
7 power on the shearer.

8 Q. Sure. Now, have you talked to anybody about the
9 condition of the face as it was immediately after the
10 explosion?

11 A. I am underground now here. Just from what I've
12 been hearing in front of the guys down there,
13 according to them the face looks good. Now, I haven't
14 been on the face.

15 Q. Sure.

16 A. You know, so I probably would know it myself.

17 Q. Okay. Now, what are you doing in the mine, then?

18 A. I go in as a pre-shift examiner.

19 Q. Oh, okay.

20 A. Myself and two other guys, along with two guys
21 from MSHA and one guy for the state.

22 Q. Okay.

23 A. And my part, my duty is I come here. I get
24 dropped off here with an MSHA guy. We come all the
25 way up the tail. We take some air readings. And we

1 come down. We come through this --- we call it a cut-
2 through. We come over here to the head. We take some
3 readings.

4 Q. Okay.

5 A. And then we call out, and then that's when the
6 investigating teams come in.

7 Q. Okay. That's a very important job, particularly
8 in the circumstances that you're doing it in. We
9 appreciate you doing that. Let me tell you what we
10 know about the longwall, and I'm asking for your help
11 here. We know that the shearer was pretty close to
12 being cut out on the tail.

13 A. Uh-huh (yes).

14 Q. It's several feet short of the end of the rack.
15 We think it may have been cut out for all practical
16 purposes. We know that the cables was tight, so they
17 were probably cut out as far as they were going to go.
18 We know that the pan was empty of coal and the stage
19 loader was empty, so the coal had been run off the
20 face.

21 We know that the wall had been down most of the
22 shift on Monday, dayshift. We know that they had
23 called out sometime around 2:30 or so that they were
24 going to start up the wall, and they had been down
25 because of hinge pins, problems on the --- one of the

1 ranging arms, that, in fact, they was scheduled to
2 replace that hinge pin, I think on the hoot owl shift
3 that night.

4 We know that the power had been --- the visible
5 disconnects had been pulled on the headgate and power
6 was off, and the water was turned off. We know that
7 the wall had been pushed up. We know that the closest
8 victims to the shearer were about mid-face and that
9 the rest of the victims were up on --- up further
10 toward the headgate. That's about all we know right
11 now.

12 A. Okay.

13 Q. What do you think that might've been going on when
14 that happened?

15 A. I've been with several of the guys from MSHA ---

16 Q. Sure.

17 A. --- and they were all a part of the recovery, you
18 know, the mine rescue.

19 Q. Sure.

20 A. You know, I've listened to what they said and, you
21 know, pretty much everybody's kind of getting their
22 own assumptions ---

23 Q. Sure.

24 A. --- and opinions, you know. And like I said, you
25 know, I was told that the water was cut off on the

1 shearer and that the men were found, you know, around
2 mid face. Now, I was back there at the shearer that
3 day that they measured the distance from the shearer,
4 what it had to cut out.

5 Q. Uh-huh (yes).

6 A. And I think they measured, like, two and a half
7 feet. It still don't make sense as to why the men
8 were that far away from the shearer, you know. From
9 what people are saying, and the explosion happened,
10 like, a little after 3:00, now, to me that's too early
11 for them to quit and go home, you know, because the
12 evening shift normally didn't get there until about
13 3:30, 3:35. And the way --- the way my crew would do,
14 if we was back there on the tail, I would've had my
15 guys quit at, like, 20 after 3:00 and start walking
16 off the face, because it would've took them 10 to 15
17 minutes, you know, to walk off the face.

18 So by the time they get off the face, we come up
19 here to the mantrip, the evening shift crew was there
20 and so we were ready to switch out.

21 Q. Sure.

22 A. But you know, for a little after three o'clock and
23 them guys to be that far away, you know, to me that's
24 --- it don't sound right for them to just quit. And
25 even had they had quit, you wouldn't have left the

1 shearer sitting in that location, you know, because
2 part of it was not covered by the shield.

3 Q. Uh-huh (yes).

4 A. So I mean, if you were quitting, you know,
5 planning on quitting, you would've backed the shearer
6 up. And again, the shearer wasn't fully cut out. So
7 that crew could not have counted that footage for
8 their, you know, their coal report. Anybody would've
9 finished that cutting, you know, a few feet to get
10 their, you know --- for their report. I mean, that's
11 kind of a pretty much common thing, you know. They
12 wouldn't have just stopped, ---

13 Q. Sure.

14 A. --- you know. And you know, again, I heard the
15 water was turned off. The only way that water goes
16 off is by the headgate man.

17 Q. Sure.

18 A. You know, he is the one that controls the water.
19 These guys up here on the face, the Control box is
20 what we use to communicate with. On one side you have
21 the button. Push to talk. And then on the other side
22 you have the button. It locks the line out.

23 Q. Uh-huh (yes).

24 A. And what I mean by that, say, if you see something
25 wrong with the face chain or for any reason whatsoever

1 you want that face chain to stop, you hit that other
2 button and it kills the line. The headgate man ---
3 it's kind of a normal procedure. If that line goes
4 off, the headgate man knows right off to go and shut
5 that water off, you know, because to him, that's
6 telling him that something's broke down.

7 Q. Sure.

8 A. You know, for some reason, you know, they got the
9 line turned off, so he's going to turn that water off
10 to keep these guys on the face from ---

11 Q. Sure.

12 A. --- starting to holler and, you know, turn the
13 water off.

14 Q. Sure.

15 A. But I don't know. I mean, for them to be that far
16 away ---.

17 Q. Well, do you care to speculate what could possible
18 be going on?

19 A. Well, people have talked about a crack back here
20 on the tail. And like I said, I've been back there,
21 you know. I have seen a large crack in the floor.
22 Some people are seeming to think that there was a huge
23 outburst of methane. Now, suppose that would've
24 happened, you know. These guys were up here running
25 coal, you know. They're cutting all that sandstone

1 and, you know, sparks are flying everywhere. And
2 right there it could've been, you know, that ignition.
3 Now, it may not have been such to an extreme that it
4 would've killed them, you know. Maybe they saw it
5 ignite, you know, just a flash or something, and
6 maybe they saw that as a reason to get out of there,
7 you know.

8 Q. That's possible. Of course, if you had an
9 ignition, why would you cut the water?

10 A. Yeah, that's something, unless, you know, they
11 tried to get out of the --- get off the line. Maybe
12 as they were walking by one of them phones, they hit
13 the button to stop the line. And maybe they just
14 didn't, you know, want to take the few seconds to
15 holler and say, guys, hey, we need to get out of here.
16 You know, maybe they just hit the line and took off
17 --- you know, took off.

18 Q. Sure.

19 A. And maybe that guy saw that they shut it off and
20 shut the water off.

21 Q. Now, have you seen the crack that you're referring
22 to?

23 A. Yes. The crack that I've seen is back here on the
24 tail. I'm not sure of the distance from the shearer.
25 You know, it's a pretty big crack, but you know, it

1 could be from the bottom, you know, just hooved up,
2 you know. Now, you know, the other guys that I've
3 heard, you know, that's been across the face, ---

4 Q. Uh-huh (yes).

5 A. --- you know, talking about a large crack, I don't
6 know if that's the crack that they're talking about or
7 if maybe there is something on the face.

8 Q. Uh-huh (yes), sure.

9 A. You know, it's not anything --- I haven't asked
10 anybody about.

11 Q. Now, have you ever noticed cracks around the
12 tailgate anyplace else in the mine?

13 A. Yeah. I mean, as I'm walking, you know, doing my
14 daily walks now, you know, there's quite a few areas
15 on the tail and even over in the Number One entry that
16 there's a lot of cracks, and even back here there's a
17 large crack in this area, in the cut-through area.

18 Q. Okay.

19 A. And that's one of my weekly routes. And myself
20 and the guy from MSHA, when we went back through there
21 the first time, we noticed a lot of this area is
22 actually --- it's been coked in coal in that area, you
23 know, just from the heat, ---

24 Q. Sure.

25 A. --- you know. We thought that was kind of

1 strange. But as far as on the head side, I don't
2 recall seeing any cracks anywhere.

3 Q. Okay. Did you ever check for methane around these
4 cracks?

5 A. Yeah. Yeah, we check for methane, you know, as we
6 go all through.

7 Q. You ever pick up any methane coming out of those
8 cracks?

9 A. No.

10 Q. Okay.

11 ATTORNEY MCCUSKEY:

12 Mr. Sherer, let me ask for a
13 clarification. I believe that the witness is --- that
14 Mike's talking in all these situations about things
15 he's observed ---

16 MR. SHERER:

17 Yeah.

18 ATTORNEY MCCUSKEY:

19 --- since he's been going back in, but it
20 may not be clear on ---

21 A. Yeah.

22 ATTORNEY MCCUSKEY:

23 --- the record.

24 MR. SHERER:

25 Sure.

1 ATTORNEY MCCUSKEY:

2 I just wanted to make ---

3 MR. SHERER:

4 Sure.

5 ATTORNEY MCCUSKEY:

6 --- sure that is clear.

7 MR. SHERER:

8 Yeah. Yeah, no problem.

9 ATTORNEY MCCUSKEY:

10 Is that correct?

11 A. Yeah.

12 ATTORNEY MCCUSKEY:

13 Okay.

14 A. Yeah, since it would've --- you know, this
15 would've been after the fact. Now, before this
16 happened, you know, I was up here on the head side. I
17 had never been out in the tail side. I mean, from
18 what this tail looks like today, you know, I don't
19 know what it looked like before.

20 BY MR. SHERER:

21 Q. Sure, yeah. I can guarantee that it's vastly
22 different, particularly when it comes to the
23 ventilation controls and such.

24 A. Uh-huh (yes).

25 Q. Let me ask you this, Mr. Webb. When you were

1 working on the face for several weeks prior to the
2 explosion, do you know if anyone was working on
3 ventilation over on the tailgate?

4 A. No. I know a couple weeks prior to this there was
5 a ventilation change, and it occurred on the tail. I
6 don't know exactly where, but you know, I know there
7 was a change in the ventilation. Hopefully what I'd
8 heard was there was some stoppings that had to be
9 built.

10 Q. Uh-huh (yes).

11 A. Now, I don't know if there wasn't any stoppings
12 there to begin with or if the stoppings had been,
13 maybe, crushed and they had to rebuild them. But you
14 know, I'd just heard that they had to build some.

15 Q. Okay. Do you know who was in charge of that
16 stopping building exercise?

17 A. No, not right off. I mean, I wouldn't know who
18 would be in charge. I know one of the guys that was
19 there was the guy that told me about what they had
20 done.

21 Q. Okay.

22 A. He was, like, an outby, like, an outby boss.

23 Q. Okay. Who was that, please?

24 A. That was Timmy Davis.

25 Q. Okay. Was Mr. Davis --- what that the Mr. Davis

1 that was a victim?

2 A. Yeah.

3 Q. Okay. What about when the wall, oh, roughly the
4 past --- the few weeks previous to the explosion, we
5 understand there was a lot of changes made as the
6 wall, particular the mule train, advanced up on this,
7 what we call the connector.

8 A. Uh-huh (yes).

9 Q. Do you recall those changes?

10 A. No. I know that this section over here, that
11 miner section that was driving up the new tailgate
12 entry, ---

13 Q. Uh-huh (yes).

14 A. --- I know they were having a lot of trouble
15 getting the amount of air that they needed. You know,
16 I don't know where the problems were or, you know, how
17 much they had to have, ---

18 Q. Sure.

19 A. --- things like that. But I know when the changes
20 in the ventilation were done over here on the tail,
21 supposedly that was going to help, you know, them get,
22 you know, more air, because when they done this, it
23 actually took a lot of air from what we were getting,
24 you know, on a normal --- on a normal day.

25 Q. Okay. Do you recall roughly what that change in

1 quantity, air quantity was?

2 A. I think before they made the change we were
3 getting between 70,000 and 80,000 cfm.

4 Q. Uh-huh (yes).

5 A. And after the change, we were getting, like,
6 50,000 and 60,000, you know, in that range.

7 Q. Okay. Do you recall what the velocity on the face
8 did?

9 A. It dropped a little bit. Now, I think Number 17
10 shield is where we take a reading, and Number 160
11 shield. Before that we were getting readings of,
12 like, 800.

13 Q. Uh-huh (yes).

14 A. You know, sometimes even higher. After they done
15 their readings, we were getting, like, around 600 ---

16 Q. Okay.

17 A. --- right in that area.

18 Q. And that was at the 17 shield?

19 A. Yeah.

20 Q. What about at the 160 shield? What sort of
21 readings?

22 A. You were getting, like, around 400 ---

23 Q. Okay.

24 A. --- around in that area.

25 Q. After the change?

1 A. Yeah.

2 Q. Okay.

3 A. Well, now, no. Before the change we were getting
4 around --- like, around 400 or 500. After the change
5 it was a little bit lower than 400. It wasn't a whole
6 big much of a change, but you were getting a little
7 bit less.

8 Q. Okay. Did you have to do anything while they were
9 making these changes through this disconnect or did
10 you have to assist in any of the ventilation changes
11 or ---?

12 A. No.

13 Q. Okay. Are you aware of the gluing of the, I guess
14 the top near the mouth of the longwall headgate?

15 A. Are you talking about where they glued?

16 Q. Uh-huh (yes).

17 A. Yeah.

18 Q. Do you recall who did that? We understand ---.

19 A. It was a contract company. I don't know --- I
20 don't know the name of the company, but it was a
21 different company that came in to glue the top.

22 Q. Do you know why they were doing that? Was there
23 any particular problem?

24 A. I don't know --- I don't remember what break it
25 was, but we had a fall in our track entry.

1 Q. Uh-huh (yes).

2 A. And it was a pretty big fall. I think we were
3 down for about a week, ---

4 Q. Okay.

5 A. --- you know, trying to get it all cleaned up.

6 Q. Sure. Uh-huh (yes).

7 A. And so after that they had noticed some areas
8 outby that they were okay, but they didn't look great.

9 Q. Sure.

10 A. So they wanted to bring in this outfit to glue the
11 top. I mean, they glued that part of that track entry
12 that looked bad.

13 Q. Uh-huh (yes).

14 A. And then over in the belt entry there were some
15 areas that had some cracks in it, so they wanted to
16 glue them, you know, just to --- just to maintain, you
17 know, that entry.

18 Q. Okay. Kind of as a preventative ---

19 A. Yeah.

20 Q. --- measure? Okay. Do you know if they had
21 finished that job prior to the explosion?

22 A. I don't recall seeing them there in the last few
23 days, but you know, I'm not going to say they were
24 done.

25 Q. Okay.

1 A. But the last few days of work, I don't recall
2 seeming them.

3 Q. Do you recall seeing any of their supplies, like
4 drums or resin or tanks or chemicals or anything like
5 that?

6 A. Yeah, I remember seeing, you know, a lot of their
7 --- a lot of their stuff they used that come in a
8 bucket.

9 Q. Uh-huh (yes).

10 A. In about, like, a bucket of our hydraulic oil.

11 Q. About a five-gallon bucket?

12 A. Yeah, about like a five-gallon bucket.

13 Q. Okay. Do you know if they had cleaned that out
14 prior to the explosion?

15 A. To my knowledge. They usually tried to keep, you
16 know, all that stuff with them as they kept moving
17 ahead, you know. They was pretty good on keeping all
18 that stuff with them.

19 Q. Yeah. The reason I'm asking is during the
20 recovery effort there was a lot of people in this
21 connector area, as you refer to it, that they
22 experienced some strange burning of their eyes and
23 stuff, and we're trying to figure out if there was
24 some chemicals involved or something like that.

25 A. I wouldn't know, and if they had had any, you

1 know, stuff, supplies, it was always right there where
2 they were at. To my knowledge, there was never
3 anything, you know, outby here.

4 Q. Okay.

5 A. You know, it was either outside ---. You know,
6 they would have what they needed to do. And then when
7 they needed more, then ---

8 Q. Okay.

9 A. --- supply crews would bring in what they needed.

10 Q. Okay. Thank you. Now, let's go back to that last
11 shift you worked on Saturday. At the end of the
12 shift, where'd you guys leave the shearer at?

13 A. I can't really recall.

14 Q. Okay. Coming out of the mine, getting the crew
15 together and coming out of the mine on Saturday
16 afternoon, do you recall any little thing that was
17 different?

18 A. No.

19 Q. Okay.

20 A. No, not that I recall.

21 Q. To you recall any odd smells along the longwall
22 that day, particularly a kerosene-like smell?

23 A. No.

24 Q. What about the puddles of water along the face?

25 Did you ever notice any bubbles coming up through

1 those puddles?

2 A. From time to time, you know, you would see some
3 bubbles, you know, coming up, but you know, in the
4 last few days, I don't recall ever seeing them. And
5 then that was kind of something you kind of really had
6 to look ---

7 Q. Sure.

8 A. --- you know, look for. And you know, where it's
9 dark, you know, the floor, everything is black, you
10 know ---. Usually, you'd usually only spot something
11 like that is if you were down and you were just
12 sitting around ---

13 Q. Sure.

14 A. --- and you happened to be right there by a
15 waterhole.

16 Q. Okay. And were you stuck working right by one ---

17 A. Right.

18 Q. --- something like that?

19 Q. So nothing stands out to you?

20 A. No.

21 Q. Okay. Now, we were talking about explosives and
22 how you occasionally use them along the face. And
23 every longwall I've ever been associated with had
24 similar usages. Were did you guys keep the, like, the
25 galvanometer and the detonators?

1 A. We keep the shooting battery located on the
2 headgate, you know, as far as, like, the powder. We
3 didn't have no powder at all on the panel. We did in
4 the past have an area. I don't remember what break it
5 was. I'm guessing --- I'm thinking it was maybe
6 around 30 Break.

7 Q. Uh-huh (yes).

8 A. But now, that was back when we were way up --- way
9 up there, you know, just starting out. But eventually
10 it was --- all the powder was took out. I think they
11 came down to where you wasn't allowed to have any
12 powder whatsoever underground for longer than, like, a
13 24-hour period, and so we didn't even have a magazine,
14 you know, on the panel.

15 Q. Okay. But at one time you did have ---

16 A. Yeah.

17 Q. --- a magazine? Okay. And you say the shooting
18 battery, and that's what I'm referring to as the
19 detonator.

20 A. Yeah.

21 Q. Exactly where did you keep that on the longwall?

22 A. Over on the headgate, the headgate box, which
23 that's ---. The distance was, I'm thinking 200 feet,
24 maybe.

25 Q. 200 feet outby?

1 A. Yeah, outby the face.

2 Q. Okay. Was that actually a battery?

3 A. Yeah. I mean, it had a battery inside. I mean it
4 was like a charge.

5 Q. Uh-huh (yes).

6 A. You know, when you hook your powder up, you take
7 your wires that you got from your blasting cap and you
8 hook it in to the shooting battery.

9 Q. Okay.

10 A. And you just charge it up.

11 Q. Okay. And then it had a button and everything?

12 A. Yeah.

13 Q. Okay.

14 A. Normally the headgate was where we kept it. If it
15 was any other place, it would've been, like, over in
16 the track entry like, where tool cars are.

17 Q. Sure.

18 A. You know, they'd sometimes keep it there.

19 Q. So when you wanted to use it, you might have to go
20 look for it?

21 A. Yeah.

22 Q. That's the way most things work. What about the
23 various tools? We found a tremendous number of
24 battery-powered tools in the mapping process. Where
25 were those stored at?

1 A. We had a couple guys --- they would keep their
2 tool boxes --- they'd like to keep them separate from
3 everybody else, so I mean, it wasn't nothing for them
4 to be five to six breaks away from the face. And then
5 most of the other guys, they would be a couple breaks,
6 you know, outby the face, and they would be located,
7 you know, in your track entry. Like, you know, most
8 of them would be --- you know, say this here is your
9 last open break.

10 Q. Uh-huh (yes).

11 A. They would either be right in this area right up
12 through here.

13 Q. Okay.

14 A. And the other guys that wanted to be separate, you
15 know, they may be as far as this now.

16 Q. Okay.

17 MR. SHERER:

18 And just for the record, the witness is
19 pointing to the map of the longwall area, and he's
20 pointing to the track entry approximately two to five
21 or six breaks outby.

22 A. Yes.

23 BY MR. SHERER:

24 Q. Thank you. When you were working underground, did
25 you know when inspectors were headed underground?

1 A. Sometimes, sometimes we did.

2 Q. Would they call it in on the mine phone?

3 A. They would always come tell me. Like, the
4 headgate man would say, you know, we got an inspector,
5 you know, coming this way.

6 Q. Okay. Do you think the ventilation in the mine
7 was adequate at all times?

8 A. I know as far as us on the longwall, we always had
9 more than what was required. To me our ventilation
10 was always right on the longwall. As far as the miner
11 sections, you know, of course they had problems with
12 their ventilation. Now, I don't know, you know ---
13 like is said, I don't know exactly where they had
14 their problems, where it was located at, you know.
15 But as for the longwall, I mean, we'd always had, you
16 know, good air.

17 Q. Sure.

18 A. Never had any trouble with it.

19 Q. Okay. Did you ever come on the section and have
20 to do anything about the air? Did you ever ---?

21 A. No. From occasions. You know, it's your last
22 open break. You know, we would have curtains hung in
23 the other two entries.

24 Q. Sure.

25 A. And that reason was to get the air to deflect over

1 to the face.

2 Q. Uh-huh (yes).

3 A. So from time to time when you come in, you might
4 have a curtain --- a corner of it might be down. All
5 you got to do is just, you know, just tighten your
6 curtains up.

7 Q. Okay.

8 A. To the most part, that's all ---

9 Q. Okay.

10 A. --- that's all we ever had to do.

11 Q. Okay. Did you ever hear of anybody running the
12 miner section without curtains in place?

13 A. I haven't heard that.

14 Q. Okay.

15 A. No, no.

16 Q. What about the methane monitors on the longwall?
17 How often did you calibrate those?

18 A. That was something that the maintenance crew done.
19 As far as how often they needed to be calibrated, I
20 couldn't tell you.

21 Q. Okay. So that was probably, what, the third shift
22 that did that?

23 A. Yeah.

24 Q. Okay.

25 A. The only way that we would do that is if we had a

1 problem with the methane monitor. Then our
2 electrician, he would do it. And I think I had only
3 seen that done maybe once where they brought that
4 calibration kit. And it was a couple years ago. You
5 know, when he brought that out I didn't know what he
6 was doing with it, and I didn't even know what it was
7 until, you know, he told me what he was doing.

8 Q. Now, as we understand it, there was a sensor on
9 the shearer, and then there was another sensor on the
10 tailgate drive. The shearer, of course, had the
11 monitor right on the shearer.

12 A. Uh-huh (yes).

13 Q. And the tailgate sensor, I guess, connected up to
14 a monitor on the headgate; is that correct?

15 A. Yes, yes.

16 Q. You ever have any problems with the cable going
17 all the way across the face to the monitor?

18 A. I think we did at one point on this panel. I
19 think the cable did get mashed and I think they had to
20 replace it.

21 Q. Uh-huh (yes). When that cable got mashed, what'd
22 you do?

23 A. They would normally bridge it out to repair it,
24 you know, if we had the pieces there. If we had them
25 there with us right then, they would repair it, but

1 likely the methane monitor. I don't recall it on this
2 panel. I know in the panels in the past, one I was
3 on, we had --- the readout went bad and it happened
4 ---. It was, like, an hour before quitting time.

5 Q. Sure.

6 A. And so what we done, we bridged it out. And you
7 know, from what the boss was telling us, you know, by
8 law we were allowed to bridge it out within, like, a
9 24-hour period, like, 12 to 24-hour period.

10 Q. Okay.

11 A. You know, give it time to where hoot owl would be
12 coming in, and then they'd repair it.

13 Q. Sure. Now, would you take any additional
14 precautions while you were doing that?

15 A. Yeah. Your tail end shearer operator carried a
16 detector. The boss carried a detector. The chief
17 electrician, he had a detector. He wasn't really
18 required to carry it ---

19 Q. Sure.

20 A. --- the whole time, but ---.

21 Q. Uh-huh (yes).

22 A. I know a couple crews, even the other shearer
23 operator had a detector. So you'd take your air
24 readings, you know, every 10 and 15 minutes, ---

25 Q. Okay.

1 A. --- you know, just to check for anything.

2 Q. Okay. Now, the boss that told you that, who was
3 that?

4 A. Timmy Davis.

5 Q. So Timmy Davis was your boss?

6 A. When I first started, you know, I had a different
7 boss. I think I've went through five different
8 bosses.

9 Q. Okay.

10 A. Timmy Davis was --- he bossed me for a couple
11 years.

12 Q. Uh-huh (yes).

13 A. And then when we came to this panel, I went to a
14 different crew and I had a different boss. Back in
15 --- I want to say the first of February, maybe --- or
16 not the first of February, about the middle of
17 February. It was about a month before this explosion
18 was when I was put up to be a boss and I was training.
19 Timmy Davis was the one that was training me.

20 Q. Okay.

21 A. And I actually took his crew when I signed over to
22 be the boss.

23 Q. Okay.

24 A. So Timmy was the one that pretty much taught me,
25 you know, a lot about the longwall.

1 Q. Okay. Now, at the time of the explosion, who did
2 you report to?

3 A. Jack Roles was the longwall coordinator.

4 Q. Uh-huh (yes).

5 A. But now, like I said, Timmy Davis, he got --- he
6 kind of got bumped up to an assistant coordinator ---

7 Q. Okay.

8 A. --- position; okay? We also had another assistant
9 coordinator, which his name was Harold Lilly.

10 Q. Uh-huh (yes).

11 A. And we had another assistant coordinator, which he
12 was actually bossing one of the crews, but you know,
13 his title was assistant coordinator. So just, you
14 know, any of them three guys, you know, if I had any
15 trouble, any questions or whatever, you know, I'd go
16 --- I'd go to them. And then, you know, I'd go to
17 Jack Roles if they wasn't around, or if --- you know,
18 if I felt I needed to talk to Jack, you know, I'd go
19 to Jack.

20 Q. Okay, sure. Now, you mentioned Timmy was an
21 assistant coordinator. Harold Lilly?

22 A. Yes.

23 Q. Who was the third gentleman?

24 A. Kevin Medley.

25 Q. Kevin Medley; okay. Did Mr. Roles ever comment on

1 bridging out the methane detectors? Did he ever say
2 you can operate 12 to 24 hours?

3 A. I don't think I ever heard him say that.

4 Q. Okay. Any other assistant longwall coordinators
5 ever say that?

6 A. No, not that I know of.

7 Q. Okay. You ever see a --- come on the shift and
8 see the methane monitor on the headgate with the cover
9 off of it?

10 A. No, I don't think so.

11 Q. Okay. Who all was on your crew?

12 A. You want the names?

13 Q. Yes.

14 A. Okay. I had ---.

15 Q. And also their position, please.

16 A. Okay. I had --- my chief electrician was Luke
17 Ford.

18 Q. Okay.

19 A. And his electrician helper, his name was Randy,
20 Randy Quinn.

21 Q. Okay.

22 A. I think that was his last name. He was a fairly
23 new guy.

24 Q. Uh-huh (yes).

25 A. You had Roger. Roger Scarbro was the head end

1 shearer operator. Terrance Adkins was the tail end
2 shearer operator. I had Travis Nelson, the shield
3 operator. My headgate operator was --- his last name
4 was Petry. Everybody called him Pacer.

5 Q. Okay.

6 A. I'm not really sure what his first name was.

7 Q. Okay.

8 A. My outby guy, he was an actual --- actually a
9 contractor, and his name was --- I want to say Ricky.
10 I'm not real sure.

11 Q. Okay.

12 A. I'm not real sure on his name.

13 Q. Okay. Was it a good crew?

14 A. Oh, yeah, yeah. Yeah, the chief electrician, he
15 was actually a former boss. He was somebody that I
16 could go to, ---

17 Q. Sure.

18 A. --- you know, if I ever had any questions. And
19 you had, you know, Roger, shearer operator, that he
20 was an older guy. He's been there for years. Other
21 than that, the rest of the crew were kind of
22 young, ---

23 Q. Okay.

24 A. --- you know, have been in for a few years each.

25 Q. Sure. Had you noticed any other maintenance

1 related problems on the wall in the week or so prior
2 to the explosion?

3 A. I can't really recall of anything, anything big.
4 I know we had, you know, a lot of problems with the
5 shearer cable.

6 Q. Uh-huh (yes).

7 A. But I think that happened weeks --- weeks before
8 this.

9 Q. Had they changed out the shearer cable?

10 A. Yeah, we had to change it out.

11 Q. Okay.

12 A. I can't really remember the date, you know, when
13 that was, but ---.

14 Q. But several weeks prior ---

15 A. Yeah.

16 Q. --- to the explosion?

17 MR. SHERER:

18 Okay. That's all the questions I've got,

19 Mr. Web. Why don't we take a short break?

20 SHORT BREAK TAKEN

21 EXAMINATION

22 MR. FARLEY:

23 Q. Mr. Webb, I want to clarify some things. And you
24 know, I may be jumping around, so just please be
25 patient with me. Early in the interview here we were

1 discussing doors in the longwall headgate entries as
2 you approach.

3 A. Uh-huh (yes).

4 Q. Would you be good enough to take one of the
5 markers and circle the locations of those doors as you
6 recall their location prior to the explosion on April
7 5th?

8 WITNESS COMPLIES

9 ATTORNEY BAXTER:

10 And we'll mark this map as Webb Exhibit
11 One.

12 (Webb Exhibit One marked for
13 identification.)

14 BY MR. FARLEY:

15 Q. And just draw a circle around it if you would so
16 we can clearly pick them up.

17 WITNESS COMPLIES

18 BY MR. FARLEY:

19 Q. Okay. Now, I know you haven't had time to study
20 this map, but is this map --- does it accurately
21 represent the location of the doors as you recall
22 prior to the explosion?

23 A. Yeah, they look --- they look about the same.

24 Q. Okay. Now, do you also --- do you also recall
25 some doors, as the map indicates, here at this

1 location where I have my finger, which would seem to
2 separate the longwall ---

3 A. The tailgate.

4 Q. --- the longwall headgate entries from the --- I'm
5 not sure --- return airway or something coming off the
6 miner sections? Do you recall those doors?

7 A. I remember them doors being there as we were up in
8 this area mining.

9 Q. Uh-huh (yes).

10 A. Now, once we got by them, I assume that they had
11 them up. You know, whether they still had them up or
12 if they, you know, done something over there to where
13 they didn't need them, I wouldn't know. You know,
14 once we mined by them, you know, what they done back
15 there, that was their --- you know, that was on their
16 thing.

17 Q. Okay. Now, assuming those doors were in the
18 location as indicated on the map ---

19 A. Uh-huh (yes).

20 Q. --- had those doors been left open at any time,
21 what would the result have been in terms of airflow?

22 A. Most likely it would've put air on us, like,
23 putting some of their return air, or it could've taken
24 --- well, no, it'd have been their return air.

25 Q. Okay. Now ---?

1 A. You know, it could've hurt their intake air, ---

2 Q. Okay.

3 A. --- you know, by keeping them open like that.

4 Q. Now, the map reflects you're at the last open
5 crosscut of the longwall face and shows check curtains
6 in the Number One, Two and Three entries.

7 A. Uh-huh (yes).

8 Q. If you were walking in the inby direction in the
9 Number Three entry toward that check curtain at the
10 last open break and it was blowing in the outby
11 direction towards you, how would you explain that?
12 What would cause that?

13 A. I don't know, unless they had them doors open.

14 Q. I mean, would opening those doors cause that
15 effect?

16 A. Probably.

17 Q. All right. You do recall the last time you
18 might've seen those doors prior to April 5th, if, in
19 fact, you ever saw them?

20 A. I don't remember seeing them.

21 Q. Okay.

22 A. Probably a couple weeks prior to this happening.
23 That area where it's at in the mines, I never went
24 over there. This door --- this set of doors right
25 here, you know, I remember seeing those quite often,

1 just --- just for the reason that, you know, coming up
2 on the longwall you had your One, Two, Three entry.
3 Okay. One entry was your belt, Two entry was your
4 track and Three entry was your intake. Everything
5 else, you had the stopping to separate the rest of the
6 --- the rest of these blocks here.

7 Q. Okay.

8 A. But this door here, you know, I do remember seeing
9 that door. But as far as these doors here, you know,
10 I was never --- I was never over there.

11 Q. Okay, all right. Now, Mr. Sherer asked you if you
12 were familiar with some holes that were drilled into
13 the longwall panel from the tailgate side.

14 A. Uh-huh (yes).

15 Q. And I think you indicated that you were not. Do
16 you know who might've been familiar with those and
17 when they couldn't been there? Any explanation as to
18 why holes would've been drilled into the panel on the
19 tailgate side?

20 A. The only people, maybe, that would know would be
21 probably, like, a mine foreman. You know, I'm sure
22 they would know why. You know, of course whoever did,
23 you know, drill the holes and, I guess, you know, if
24 there's drill holes and whatever. Jack Roles, you
25 know, our coordinator, he would probably know. Same

1 way with our assistant coordinator, Harold Lilly.
2 Harold was --- you know, he was our outby guy. A lot
3 of times he would come over on the tail and check out,
4 like, our --- check out, like, an air reading coming
5 off the tail. And he would check, like, our spad
6 measurement. So that would keep us from getting out
7 there and doing it, you know. So he would go out
8 there in the day, you know, on dayshift and just give
9 us a reading. So I'm sure maybe he probably --- he
10 may've seen them ---

11 Q. Okay.

12 A. --- as he --- you know, as he traveled through
13 there, but as far as who done it, you know, I wouldn't
14 know.

15 Q. Okay. Now, based on your experience as a longwall
16 foreman and having worked on the longwall for a few
17 years, why would you drill the panels in that manner?

18 A. I wouldn't know that. The only thing I would
19 think of was if the coal block was too wide for the
20 miner crews when they drove the panel up, it's
21 happened before where they had a place so wide that
22 the longwall --- you wasn't able to mine that area.
23 And what we had to do, we had to maybe shoot it out,
24 shoot out a small area so that the longwall would be
25 able to, you know, come through without being wedged

1 out, you know. I guess you'd call it that.

2 Q. Okay. Now, I think you --- am I correct that you
3 said earlier that you were not aware of any explosives
4 being stored near the longwall face at the time of
5 your last shift on April 3rd?

6 A. Yeah. Yeah, I don't recall anything being stored
7 anywhere.

8 Q. Okay. But I think you did indicate that there
9 were some occasions where you had to use explosives to
10 shoot up, say, a large ---

11 A. Like a large rock?

12 Q. --- large chunk on the line?

13 A. Yes.

14 Q. Now, when you had to do that, what type explosives
15 did you use?

16 A. I think it's called Red --- Red-D Gel.

17 Q. Okay. Now, is that a ---?

18 A. Or Red --- or Red-B gel.

19 Q. Okay. Is that a stick?

20 A. Yes, yes.

21 Q. Did it require drilling?

22 A. Yes, you had to drill a hole in the rock.

23 Q. Okay. You didn't use any sheet explosives?

24 A. No.

25 Q. Okay. Now, recently some powder explosives were

1 found in the crossover area between the longwall
2 headgate entries toward 22 Headgate Section. Any
3 explanation as to why the explosives might've been in
4 that area?

5 A. No. I was actually there the day when we went and
6 got that to retrieve that.

7 Q. Uh-huh (yes). Try a different color here. If you
8 recall where they were found, why don't you mark it on
9 the map?

10 A. I believe it was this, this one right here, that
11 one right there was where it was found. I think a
12 mapping team found it.

13 Q. Uh-huh (yes).

14 A. On my routes as I go through the day, my route's
15 travel, it's coming down this third entry right
16 through here. I don't go over here in this area. And
17 the reason I haven't and the other guy hasn't seen
18 this, there's a large gob pile on the back side of it.

19 Q. Uh-huh (yes).

20 A. So you wouldn't see it unless you would end up
21 crawling over that gob pile.

22 Q. Sure.

23 A. Or if you came around another block, which I think
24 that's what the mapping team ---. You know, as
25 they're mapping the area out, I guess they saw it and

1 I guess that's how, you know, they found out that it
2 was down there.

3 Q. Okay. Any idea as to why the explosives were
4 there and what they had been used for?

5 A. I wouldn't know.

6 Q. Okay.

7 A. To my knowledge, there was no powder underground,
8 you know, beforehand. I know a couple weeks prior to
9 this happening I was in need of using some powder, and
10 it was on evening shift. And they had told me outside
11 that there was no powder available, and nobody was
12 certified to bring me any powder.

13 Q. Okay.

14 A. So I had to go without.

15 Q. Okay. Another question about the door. The
16 newest set of doors on the approach to the longwall
17 area, do you recall when they were installed?

18 A. It wasn't long before this happened, just a matter
19 of a few weeks. And I don't know. I can't really
20 give you an exact date, but it wasn't too long before
21 this happened.

22 Q. Okay. Now, if I got you right here, you became
23 longwall section foreman there no more than about a
24 month prior to the April 5th explosion; is that
25 correct?

1 A. I was actually in training.

2 Q. How long were you in training?

3 A. About a month before this happened.

4 Q. Okay.

5 A. And I officially signed over one week prior to
6 this, to this happening.

7 Q. Okay.

8 A. The first few weeks, you know, before that, you
9 know, I was hourly and I was still listed as a shearer
10 operator.

11 Q. Okay.

12 A. But I was kind of in training, you know, by the
13 boss.

14 Q. Okay. Now, who was the boss who trained you?

15 A. It was Timmy Davis.

16 Q. Okay. Did you work with anybody else or --- did
17 you receive any training or directions from any other
18 boss during your training period?

19 A. No.

20 Q. Now, you've indicated that you've seen a crack on
21 the tailgate side of the longwall during your
22 examinations of that area since April 5th.

23 A. Uh-huh (yes).

24 Q. Can you give me some description of this crack
25 that --- is it parallel with the longwall face? Is it

1 perpendicular to the longwall face?

2 A. It's, like, perpendicular to the longwall face.

3 Q. Okay. Can you estimate approximately how long it
4 is?

5 A. I haven't measured it and I haven't really got
6 that great of a look at it, but from what I could see,
7 just as I'm walking through there, like, 10 to 12
8 feet, maybe.

9 Q. Okay. Now, is it in the headgate --- in the
10 tailgate entries, in one of the tailgate entries?

11 A. It's over here, you know. It's right in the
12 tailgate entry.

13 Q. Okay.

14 A. That's over at Number Seven entry.

15 Q. Okay.

16 A. It's right in that entry.

17 Q. Okay.

18 A. I don't know how many feet it is from the face
19 itself, but it's probably five to six feet, you know,
20 away from the face.

21 Q. Okay. Now, the crack, how wide or deep is it, or
22 --- if you know?

23 A. I mean, I haven't looked to see how deep it is.

24 Q. Okay.

25 A. As far as how wide it is, maybe about like that

1 (indicating), ---

2 Q. Okay.

3 A. --- some areas.

4 Q. The court reporter can't ---.

5 A. Maybe two to three inches.

6 Q. Something that might fit your hand in?

7 A. Yes.

8 Q. Okay. All right. Mr. Sherer asked some questions
9 about methane monitors. And as of your last shift on
10 April 3rd, you know, of course you had two methane
11 monitors on the longwall. You had one on the shearer
12 and you got a monitor at the headgate and a sniffer on
13 the tailgate.

14 A. Uh-huh (yes).

15 Q. Were both fully functional on that day when you
16 left?

17 A. To my knowledge, they were. Usually when we have
18 anything that would be down like that, you know, they
19 would notify ---. You know, the previous shift would
20 let us know that, you know, hey, this is down. You
21 know, it needed repair, you know, whatever.

22 Q. Okay. Now, you also indicated that as part of
23 your training, Timmy Davis told you that it was
24 acceptable or legal to operate for short periods of
25 time while repairs are made to one of the methane

1 monitors on the longwall, in other words, allow you to
2 bridge it out and run for some period of time until
3 the repair's done. When did Mr. Davis actually pass
4 that information to you?

5 A. It's been quite a while. We're talking, like, in
6 one of the previous panels where, what I've talked
7 about, where we had to do it in the pass.

8 Q. Uh-huh (yes).

9 A. It was right in that time.

10 Q. And when you say one of the previous panels, what
11 time frame is that?

12 A. It's been over a year. We came here in September
13 of last year.

14 Q. Right.

15 A. The last panel was at Elk Run. You know, we
16 finished up there last May, I think, last April ---

17 Q. Okay.

18 A. --- was when we finished there. So it was in that
19 area --- somewhere around in that area.

20 Q. Okay. Now, would Mr. Davis have come to the
21 conclusion that it was acceptable to bridge out a
22 methane monitor and operate for a short period of time
23 by himself or would he have received directions from
24 some other person?

25 A. He would've received directions from somebody

1 else.

2 Q. Okay.

3 A. I mean, first and foremost, a call like that
4 would've come from that chief electrician, and he
5 wouldn't have been the one to make that decision
6 himself. He would've been --- he would've called
7 outside and, you know, get clarification from the
8 chiefs outside, you know, as to, you know, hey, we
9 need to do this. You know, is it going to be okay if
10 we do this for, you know, an hour, two hours until we
11 get a new part? You know, something like that.

12 Q. Okay.

13 A. You know, the situation, also, I think would
14 dictate. We never had any trouble with methane on the
15 longwall, you know. I don't recall there ever being a
16 time where I picked up more than .3. I think if we
17 were in a situation where we had been picking up more,
18 more methane, I don't believe we would've done that,
19 we would've bridged out the methane monitor. I know
20 myself, you know, I wouldn't have gave that call.

21 Q. Okay. Now, on the longwall panel as we see it on
22 the map, which --- at UBB, which started in September
23 2009, can you recall any instance where either of the
24 two methane monitors on the longwall face would have
25 been bridged out for any reason?

1 A. I can't recall. I can't recall the head being
2 bridged out. I think the tail --- there was something
3 wrong with the tail there one day, the cable, the
4 methane cable, methane monitor cable. And I think
5 they had to bridge it out until they got the new cable
6 in. I think that's what had happened. We had a lot
7 of guys, a lot of shield operators when we was first
8 starting. They were mashing a lot of the cables,
9 cables with the shields, so we had a lot of problems
10 with the cables.

11 Q. Okay. Now, in this instance that you recall, can
12 you give me a time frame?

13 A. It's been a few months ago.

14 Q. Okay. Now, would this have been before you became
15 a boss?

16 A. Yeah.

17 Q. Okay. Now, who would've been your boss at the
18 time?

19 A. Kevin Medley was my face boss.

20 MR. FARLEY:

21 Okay. All right.

22 EXAMINATION

23 BY MS. SPENCE:

24 Q. I'm going to jump back to the methane monitors.

25 You said there wasn't much methane, so do you believe

1 that there was an assumption that when something
2 happened to one of those, it wasn't caused by methane?

3 A. As far as, like, the monitors being damaged or
4 anything?

5 Q. Yes. Yeah.

6 A. No, no. A methane monitor, if they're damaged in
7 any way, most likely it's a cable, or like on the
8 shearer, you know, you had what we call a sniffer,
9 which, you know, a little bit bigger than this
10 (indicating). That's like the sensor.

11 Q. Uh-huh (yes).

12 A. You know, if something could happen to that ---.
13 You know, a rock might hit it, mash it. You also have
14 the readout which is like a screen that shows --- a
15 digital screen that shows your level of methane. That
16 could go bad. As far as methane ever making it go
17 bad, you know, no.

18 Once the monitor hits a certain amount of methane,
19 a percentage, it will shut everything down, shut the
20 power on everything, you know, so I can't really see
21 methane ever, you know, malfunctioning, you know, the
22 device. Now, as far as our methane monitors, you
23 know, our detectors that we wear, I think if you were
24 to get in a large amount of it, I think it can burn up
25 the sensor.

1 MR. SHERER:

2 Okay.

3 A. As far as the sniffer on the shearer and the tail,
4 I don't know if it can do that or not. I mean, I've
5 never, never heard of it.

6 BY MS. SPENCE:

7 Q. Okay. And you said that somebody would --- that
8 the decision about what to do about bridging out a ---
9 would happen outside? At what level? Who would make
10 that ---?

11 A. At a management level.

12 Q. Like, who? I don't mean individuals, but what
13 position?

14 A. Okay. Not necessarily the longwall coordinator,
15 but usually it would come from, like, your chief --- I
16 think his title was chief longwall electrician. I
17 think that's what his title is.

18 Q. And who is the chief longwall electrician?

19 A. Bobby Goss and Danny Laverty. Bobby is the main
20 guy and then Danny is right under him. Now, I don't
21 know who exactly holds that title, because Bobby, he
22 left at one point and kind of moved up in the Massey
23 Coal Services, and then he came back, so I don't know
24 --- and Danny was put into that position, so I don't
25 know if they both maybe share that title or what, you

1 know.

2 Q. Okay.

3 A. I wouldn't know.

4 Q. Okay. Thank you. And who's in charge of
5 ventilation for the mine?

6 A. I imagine that goes back to, like, the mine
7 foreman and superintendent. You know, I imagine
8 they're the ones that are, you know, solely in charge
9 of, you know, ventilation.

10 Q. And who are those guys?

11 A. The superintendent we had was Everett Hager. And
12 the mine foreman we had, Terry Moore, I believe was
13 his name.

14 Q. Okay.

15 A. I think there was another one, Gary May.

16 Q. Okay.

17 A. I'm not really sure. All the miner men, you now,
18 in the longwall, we kind of keep separate and ---.

19 MS. SPENCE:

20 Thank you.

21 RE-EXAMINATION

22 BY MR. SHERER:

23 Q. Okay. I've got just a few follow-up questions.

24 We were talking about power, and you mentioned you
25 called out to try to get some. Do you know if there

1 was a surface magazine for explosives?

2 A. There was. I'm not really quite sure where that
3 magazine was located. I think I heard guys saying
4 that it was located on up behind where the mine yard
5 is, ---

6 Q. Uh-huh (yes).

7 A. --- supposedly up a road. I believe that's what I
8 was told in the past.

9 Q. Okay, sure. Now, we've been talking about methane
10 monitors quite a bit. During the time you worked on
11 this panel, did you ever see a monitor itself
12 replaced?

13 A. No, no, not on this panel.

14 Q. How about a sniffer?

15 A. I don't think so.

16 Q. Okay.

17 A. Now, you know, there may have, you know, but like,
18 when it goes on, on the other crews, you know, they'll
19 usually --- they'll usually pass on, you know, any
20 information, any events that may've took place, you
21 know, to the next crew ---

22 Q. Sure.

23 A. --- you know, coming on. But you know, sometimes
24 I wasn't always told, you know, about anything like
25 that.

1 Q. Sure. Now, you guys hot seated, didn't you?

2 A. Yeah.

3 Q. Okay. How long did you get to talk to the boss
4 for the previous shift on average?

5 A. Five, ten minutes, maybe.

6 MR. SHERER:

7 Okay. Okay. Thank you. That's all my
8 questions.

9 RE-EXAMINATION

10 BY MR. FARLEY:

11 Q. If you have been at UBB about five and a half
12 years as of April the 5th, you would've started 2004,
13 2005?

14 A. 2005.

15 Q. Okay. Do you recall hearing about any methane
16 outbursts coming from the mine floor on any of the
17 previous longwall panels at UBB?

18 A. I had heard about one. I didn't know that there
19 was two until after this had happened and the stories
20 were coming out about it, but yes, I did actually hear
21 about one instance. And I don't know --- I don't know
22 what panel that was.

23 Q. Okay.

24 A. But yeah, I did hear about it.

25 Q. Okay. Are you familiar with an assistant longwall

1 maintenance manager by the name of Delbert Bailey?

2 A. Yes.

3 Q. Okay. How often did you see him underground?

4 A. He was underground about every day. He worked,
5 kind of worked outby. He worked through the week.
6 When I first started, he was the chief electrician on
7 the crew that I was on, but now he --- you know, he'll
8 just come in and work outby. You might see him on the
9 face if something's down, you know, something big, you
10 know, to where our electricians need help. You know,
11 you might see him come and help.

12 Q. I don't think we asked this previously, but
13 forgive me if we did. Prior to this interview today,
14 have you been interviewed by any other parties or any
15 individuals concerning the April 5th explosion?

16 A. The FBI came to the house, and they talked to me,
17 and the Massey lawyers a couple weeks after this
18 happened, you know, they talked to everybody. And I
19 think it was, like, the next day that the FBI had
20 called my house right after that. And other than
21 that, other than here, this is the only place ---.

22 Q. Okay. When you were interviewed by the Massey
23 attorneys, as you referred to them, what sort of
24 questions did they ask you?

25 A. About ventilation, ventilation and, like, the

1 methane, levels of methane. I think that was pretty
2 --- for the most part, that's what they were talking
3 about.

4 Q. Okay. Did they also inquire about longwall face
5 methane monitors?

6 A. Yes. Yeah, the monitors and the levels of
7 methane. They had asked if they had been bridged out,
8 if I'd known anything about that.

9 Q. Okay. How did you answer that question?

10 A. I just told them that, you know, as far as
11 methane, you know, levels of methane, you know, we
12 never had any trouble with it as far as it being
13 bridged out, you know. You know, I'd never heard
14 about it being bridged out, you know, on this panel,
15 you know, other than what we had problems with the
16 cable back in the past, but the monitor, like, on the
17 shearer, I don't remember that ever being bridged out.

18 Q. Okay. But you do recall the monitor ---?

19 A. The cable --- yeah, our cables getting mashed.

20 Q. The cable getting mashed to the monitor, which
21 would actually be located ---

22 A. At the headgate.

23 Q. --- at the headgate, connected to the ---

24 A. Tail.

25 Q. --- sniffer on the shearer being bridged out?

1 A. Yeah.

2 Q. Okay. And did you pass that information along to
3 them?

4 A. Yes.

5 MR. FARLEY:

6 Okay, all right.

7 RE-EXAMINATION

8 BY MR. SHERER:

9 Q. Got one question. Do you know Pete Hendricks?

10 A. I've heard the name.

11 Q. Okay.

12 A. I don't know him. I know ---- I think he used to
13 be president here.

14 Q. Have you talked to him since the explosion?

15 A. No.

16 Q. Okay.

17 A. No, I've never even seen him.

18 MR. SHERER:

19 Okay. Thank you.

20 ATTORNEY BAXTER:

21 On behalf of MSHA and the Office of
22 Miners' Health, Safety and Training, I want to thank
23 you for appearing and answering questions today. Your
24 cooperation is very important to the investigation as
25 we work to determine the cause of the accident. We

1 request that you not discuss your testimony with any
2 person aside from your personal representative.

3 After questioning other witnesses we may
4 call you if we have any follow-up questions. If at
5 any time you have additional information about the
6 accident that you would like to provide us, please
7 contact us at the contact information that was
8 previously provided. If you wish, you may now go back
9 over any answer you've given during this interview.
10 You may also make any statement that you'd like to
11 make at this time.

12 A. No.

13 ATTORNEY BAXTER:

14 Again, I want to thank you for your
15 cooperation in this matter.

16 * * * * *

17 STATEMENT UNDER OATH CONCLUDED AT 11:00 A.M.

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1 STATE OF WEST VIRGINIA)

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CERTIFICATE

I, Danielle Ohm, 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.



Danielle Ohm