

## Transcript of the Testimony of Paul Thompson

**Date:** August 6, 2010

Case:

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## STATEMENT UNDER OATH

OF

## PAUL THOMPSON

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 Friday,
August 6, 2010, beginning at 3:20 p.m.

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                 APPEARANCES (cont.)
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- 1 PROCEEDINGS
- 2 ------
- 3 MR. SHERER:
- 4 Okay. My name is Erik Sherer. Today is
- 5 Friday, August the 6th of 2010. I'm with MSHA, and
- 6 I'll be asking some questions this afternoon. With me
- 7 are several people from the State, and I'd ask
- 8 themselves to --- ask them to state themselves for the
- 9 record.
- 10 MR. FARLEY:
- 11 I'm Terry Fraley with the West Virginia
- 12 Office of Miners' Health, Safety and Training.
- 13 MR. O'BRIEN:
- 14 John O'Brien with the West Virginia
- 15 Office of Miners' Health, Safety and Training.
- 16 MS. SPENCE:
- 17 Beth Spence with the Governor's
- 18 independent investigation.
- 19 MR. SHERER:
- 20 We will keep the information from the
- 21 interviews confidential until all interviews have been
- done. And in that point in time, it may be released.
- 23 You can ask for confidentiality and we will try to
- keep it confidential unless we're asked by a judge or
- 25 somebody to turn over the information. The State has

- 1 some different rules, and I'll ask Terry to explain
- 2 that.
- 3 MR. FARLEY:
- 4 To make a long story short, we're covered
- 5 by Freedom of Information laws, and at the end of the
- 6 investigation, they'll be labeled public under the
- 7 Freedom of Information Act, so confidentiality will
- 8 end at that point. Okay.
- 9 MR. SHERER:
- 10 And the information that you give us will
- 11 --- may be used in the report and such, but if you ask
- for confidentiality, we'll try to maintain it as long
- as we possibly can. You have a right to have a
- 14 personal representative or attorney. Do you have such
- 15 a person?
- 16 MR. THOMPSON:
- 17 No, I have a company representative, but
- 18 not personal.
- 19 MR. SHERER:
- 20 Okay. And I'll ask your company
- 21 representative to announce himself for the record.
- 22 ATTORNEY HARDY:
- 23 David J. Hardy, a lawyer for Performance
- 24 Coal.
- 25 MR. SHERER:

- 1 Okay. Thank you. Your testimony is
- 2 voluntary. You may refuse to answer any question and
- 3 you may terminate the interview at any time. You may
- 4 ask for a break at any time. This isn't an
- 5 adversarial proceeding. Formal Cross Examination will
- 6 not be permitted. However, your personal legal
- 7 representative may ask clarifying questions as
- 8 appropriate. Do you have any questions?
- 9 MR. THOMPSON:
- 10 Not at this time.
- 11 MR. SHERER:
- 12 Okay. Thank you. After the
- investigation's complete, the various parties will
- issue public reports detailing the nature and causes
- of the explosion at Upper Big Branch. And we hope
- that this process will help us answer some of the
- 17 questions that we need to convey to the families and
- 18 friends of the deceased and also help us prevent
- 19 explosions like this in the future, so your
- information is very important to us.
- 21 A court reporter will record your
- interview. Please speak loudly and clearly. If you
- don't understand a question, ask us to rephrase it.
- 24 Please answer each question as fully as you can,
- 25 including any information you learned from someone

- 1 else.
- 2 We all thank you for your appearance here
- 3 today and we appreciate your assistance in the
- 4 investigation. Your appearance is critical in making
- 5 the nation's mines safer. After we've finished asking
- 6 questions, you'll have an opportunity to make any
- 7 clarifications of any --- the statements that you've
- 8 made, and also add your own personal statement, if you
- 9 so desire.
- 10 There are some protections afforded to
- 11 you under the Federal Mine Act concerning
- 12 discrimination. If you feel discriminated against,
- please contact Norman Page. And you are protected
- under Section 105(c) of the Mine Act.
- 15 MR. FARLEY:
- 16 Mr. Thompson, on behalf of the Office of
- 17 Miner's Health, Safety and Training I'd like to advise
- 18 you that the West Virginia Code also provides
- 19 protection against potential discrimination which
- 20 might result from participation in these type of
- interviews. I want to pass along some contact
- information to you form the West Virginia Board of
- 23 Appeals. They hear complaints from miners regarding
- 24 discrimination.
- 25 Also, there's a phone number there for

- 1 Mr. Bill Tucker, our lead underground investigator,
- and a phone number for me, too. Should you experience
- any problems, you can feel free to give us a call and
- 4 we'll try to help you. I would caution you that
- 5 should you have a problem, you should --- you need to
- file a claim within 30 days of the occurrence. Thank
- 7 you.
- 8 MR. SHERER:
- 9 Okay. Would you please swear the witness
- 10 in?
- 11 -----
- 12 PAUL THOMPSON, HAVING FIRST BEEN DULY SWORN, TESTIFIED
- 13 AS FOLLOWS:
- 14 -----
- 15 EXAMINATION
- 16 BY MR. SHERER:
- 17 Q. Thank you, Mr. Thompson. We really appreciate you
- 18 coming down to talk to us this afternoon. Roughly how
- 19 many --- well, first, would you please state your name
- and spell your last name for the record?
- 21 A. Paul R. Thompson, Jr., Thompson, T-H-O-M-P-S-O-N.
- 22 Q. Thank you. What is your address and telephone
- 23 number, please?
- 24 A. (b) (7)(C)

- 1 Q. Okay. Thank you. Roughly, how many years of
- 2 mining experience do you have, Mr. Thompson?
- 3 A. I started in the mines in '86 up until now.
- Q. Okay. When did you start with the Massey
- 5 Organization?
- 6 A. Fall of '97.
- 7 Q. Okay. And when did you first become associated
- 8 with Upper Big Branch?
- 9 A. At that time.
- 10 Q. In '97. So you started out at Upper Big Branch?
- 11 A. Yes.
- 12 Q. Okay. And have you been at Upper Big Branch since
- 13 1997?
- 14 A. I have been away from there at other
- 15 operations ---
- 16 Q. Okay.
- 17 A. --- between '97 and now.
- 18 Q. Okay. And were you employed at Upper Big Branch
- 19 at the time of the explosion?
- 20 A. Yes.
- Q. Okay. Where are you working now, please?
- 22 A. Performance Coal Company.
- 23 Q. Okay. How long had you been at Upper Big Branch
- 24 prior to the explosion, just roughly?
- 25 A. Roughly ---. I've had other mines under my

- 1 area ---
- 2 Q. Oh, okay.
- 3 A. --- like Marfork, and ---
- 4 Q. Okay.
- 5 A. --- Performance was one of those mines, and ---.
- 6 Q. Okay. So you had multiple duties up there?
- 7 A. Yes, sir.
- 8 Q. Okay. And Upper Big Branch was one of your
- 9 responsibilities?
- 10 A. Yes.
- 11 Q. Okay. Who do you report to?
- 12 A. Keith Hanger and Chris Blanchard.
- Q. Okay. Who reports to you from Upper Big Branch,
- or who did report to you?
- 15 A. Dave Taraczkozy and Rick Nicolau, Virgil
- 16 Bowman ---
- 17 Q. Okay.
- 18 A. --- and any of the others that need to.
- 19 Q. Okay.
- 20 A. But the managers were Virgil, Dave and Rick ---
- 21 Q. Okay.
- 22 A. --- over maintenance.
- 23 Q. Okay. Just on average how often would you go
- 24 underground at Upper Big Branch?
- 25 A. Once or twice a month, just guessing.

- 1 Q. Okay, sure. Where was your official office in
- 2 relation to UBB?
- 3 A. Marfork.
- 4 Q. In Markfork. What was your title?
- 5 A. Maintenance Superintendent ---
- 6 Q. Okay.
- 7 A. --- for that area and ---.
- 8 Q. Okay. Now, what were the general duties of that
- 9 position? What would you generally do?
- 10 A. I was just there for --- I'm there for guidance
- for the managers, equipment, rebuilds and future
- 12 projects, special problems. I perform equipment exams
- on occasion, power lines, substations on the surface,
- 14 those type things.
- 15 Q. Okay. And what certificates do you have, Federal
- 16 and State mining certificates?
- 17 A. I have a West Virginia mine electrician
- 18 certification and a mine foreman certification.
- 19 Q. Okay. Now, do you get involved in deciding what
- 20 sort of mining equipment to buy?
- 21 A. Most of the time. Sometimes we use what's
- 22 available.
- 23 A. Sure. Okay. Are you involved in the setting up
- 24 maintenance schedules and things like that?
- 25 A. Yes.

- 1 Q. Okay. Are you involved in parts acquisitions,
- 2 purchases, things like that?
- 3 A. Sometimes, yes.
- Q. Okay. Let me ask you, what did you do in regards
- 5 to UBB in the week or so prior to the explosion? Do
- 6 you recall?
- 7 A. What did I do in particular?
- 8 Q. Yeah, or just in general.
- 9 A. The week prior to the accident I was mostly
- involved with preparing for a new substation for the
- 11 Eunice Portal ---
- 12 Q. Okay.
- 13 A. --- and building a power line to that site,
- 14 electrical installation of the electric air
- 15 compressors at the fan.
- 16 O. Okay.
- 17 A. That's one of the problems I actually had going
- on. That's pretty much it for that week.
- 19 Q. Okay. And the Eunice Portal is near the Ellis
- 20 Portal, the existing Ellis Portal?
- 21 A. That is the Ellis Portal, yes.
- 22 Q. Okay. All right. Exactly what were you planning
- to do there?
- A. At Ellis?
- 25 Q. Uh-huh (yes).

- 1 A. Well, we were planning to establish a surface
- 2 power substation there to more utilize those
- 3 facilities for future mining ---
- 4 Q. Okay.
- 5 A. --- from that portal.
- 6 Q. Okay. Do you know if that involved a potential
- 7 additional fan for the mine?
- 8 A. Not much was said about a fan for that portal.
- 9 Q. Okay. Just another substation?
- 10 A. Yes.
- 11 Q. Do you know if there were plans to drive
- 12 additional entries up there?
- 13 A. I wasn't included in any of that ---
- 14 Q. Okay.
- 15 A. --- mine planning.
- 16 Q. Okay. Now, you mentioned you were also working on
- 17 electric compressors for the --- I think you said the
- 18 pumps.
- 19 A. Yeah, we have a diesel compressor there now to
- 20 provide air for air pumps underground. And we
- 21 purchased some electric units to replace the diesels.
- Q. Oh, okay. Now, let me ask you a specific
- 23 question. Are you involved with the day-to-day
- 24 maintenance of that diesel unit at the Bandytown
- 25 location?

- 1 A. I walk a mile every day, but not a lot.
- Q. Okay. We've got some questions about that. We
- just don't have much information on that, so if you
- 4 would help me out here. We're looking at what
- 5 happened with that compressor over the Easter weekend.
- 6 We know it was, like you say --- I think it wasn't a
- 7 diesel power compressor. You had a ---.
- 8 A. Well, there's two there. There's an electric unit
- 9 and a diesel unit.
- 10 Q. Oh, okay. Okay.
- 11 A. And we've run both of those and one of those go
- 12 down.
- 13 Q. Okay. Do you know if there was any problems with
- those units in the week or so prior to the explosion?
- 15 A. Oh, yeah, there were some breakdowns and stuff,
- 16 diesel fuel filters or ---
- 17 O. Sure.
- 18 A. --- just general maintenance. We shut them down
- 19 to work on them, check oils.
- 20 Q. Okay. Do you know if there was any breakdowns on
- 21 the day of the explosion?
- 22 A. The day of, don't remember that there were, but
- there were that weekend.
- 24 Q. Okay.
- 25 A. We did have a failure.

- 1 Q. Okay. Do you have ay records of when those units
- were down?
- 3 A. None comes to mind, but there's probably something
- 4 that we could find, I'm sure.
- 5 Q. Okay. We're interested, and in particular because
- 6 of the water situation in the area behind the
- 7 longwall. Do you have any knowledge of how long it
- 8 would take for those compressors being down to the
- 9 point where the water would start to roof out back in
- 10 those entries?
- 11 A. I couldn't answer that.
- 12 Q. Okay.
- 13 A. I mean, I wouldn't expect them to be working
- 14 today. I mean, they haven't been maintenanced
- 15 underground. They haven't been looked at, so ---
- 16 O. Sure.
- 17 A. --- you know.
- 18 O. Yeah, we do understand there was quite a bit of
- 19 maintenance required underground for the pumps. What
- was the capacity of those two compressors, roughly?
- 21 A. One is a --- I'm thinking a 200.
- 22 Q. Okay.
- 23 A. And the other one is 1,600 cfm.
- Q. Okay. Would you run both of them together or just
- one as a backup or ---?

- 1 A. We'd run them usually one, or both together.
- Q. Okay.
- A. And then if one would fail, the other would still
- 4 have enough air to pump.
- 5 Q. Okay. Do you recall what the supply pressure was?
- 6 A. I'm thinking around 120.
- 7 Q. Okay.
- 8 A. I mean, that's the target.
- 9 0. Sure.
- 10 A. Maybe even less, maybe a hundred.
- 11 Q. Okay.
- 12 A. But I think they run those pumps around 40 and ---
- 13 Q. Okay, sure.
- 14 A. --- we would like to see it around 70, you know.
- 15 O. Uh-huh (yes).
- 16 A. And that's how we tried to keep them. They worked
- 17 best at that, from what I understand.
- 18 O. Sure. Thank you. Okay. What about the miner
- 19 sections? Had you had any particular problems with
- 20 the miners or the supporting equipment in the ---
- 21 roughly the month or so prior to the explosion?
- A. Can you be more specific?
- 23 A. Yeah. Does anything stand out in your memory as
- 24 being a problem maintenance-wise during that time
- 25 period? Had you had to replace a miner or replace a

- 1 bolter or ---?
- 2 A. I'm sure there were, but I can't be ---. I
- 3 couldn't answer ---
- 4 Q. Okay.
- 5 A. --- specifically to a certain machine.
- 6 Q. Okay. Were you also in charge of the outby units,
- 7 such as belts and power distribution and things like
- 8 that?
- 9 A. I would assist them if they needed help, but they
- 10 pretty much governed theirself ---
- 11 Q. Okay.
- 12 A. --- at the mine.
- Q. Do you recall anything that stands out in your
- memory, again, during that roughly month or so prior
- to the explosion? Anything seem unusual about that
- 16 month maintenance-wise?
- 17 A. Not maintenance-wise, no.
- 18 Q. Okay. I'm sure you read some of the stuff in the
- 19 press about methane monitors.
- 20 A. Yes.
- 21 Q. Do you have any knowledge of the bridging out of
- 22 methane monitors in this mine?
- 23 A. No.
- Q. Have you heard of anybody tampering with a methane
- 25 monitor in this mine?

- 1 A. Tampering meaning repairs or ---?
- Q. No, tampering meaning trying to ---?
- 3 A. Defeat?
- 4 Q. Defeat, yes, exactly. Thank you.
- 5 A. No, that's something we don't do.
- 6 Q. Okay. Thank you.
- 7 A. You know, I mean, if it did happen, I wouldn't be
- 8 aware of it, I wouldn't think. It's easier to fix the
- 9 monitors or, you know, as to tamper with it, I would
- 10 think.
- 11 Q. Sure. Have you ever heard of a regulation or law
- that you could basically bridge out a monitor and
- 13 continue to --- methane monitor and continue to
- operate for some period of time using a handheld unit?
- 15 A. We're not supportive of that. No, I don't know of
- 16 that.
- 17 Q. Okay.
- 18 A. No.
- 19 Q. Okay. When was the last time you were in this
- 20 mine prior to the explosion?
- 21 A. Within the last, well, I'm just guessing six or
- 22 eight weeks prior to that.
- Q. Okay. Last time you were in here, did anything
- stand out as being out of the ordinary?
- 25 A. No.

- 1 Q. Okay. Do you have any knowledge of the rock
- 2 dusting unit, the rail mounted rock dusting unit at
- 3 this mine?
- 4 A. Be more specific.
- 5 Q. Supposedly there's a rail-mounted rock dusting
- 6 unit, a pod duster, I guess you'd call it.
- 7 A. There is a pod duster.
- 8 Q. Have you received any request to rebuild the
- 9 compressor on that unit?
- 10 A. There were some repair issues with that duster,
- 11 but I can't remember any specifics.
- 12 Q. Okay. And in particular, we understand that the
- air pressure wasn't sufficient to keep the hoses from
- 14 getting clogged up with the dust.
- 15 A. I don't know about all that.
- 16 Q. Okay. Would you have reviewed any requests to
- rebuild that compressor roughly a year ago?
- 18 A. Yes.
- 19 Q. Do you recall what the decision was on that?
- 20 A. No, but I think it was in the budget to purchase a
- 21 new duster, and they were repairs made to the old one.
- I'm not sure what they were.
- 23 Q. Okay.
- A. Nothing was denied that I know of.
- Q. Okay. Do you have any idea when that budgeted

- 1 purchase would've been? Would it have been in 2010 or
- 2 do you recall?
- 3 A. I don't remember. I do remember them in the
- 4 budget at one point. I mean, there's more than one
- 5 there. I think there was two there in a month.
- 6 MR. SHERER:
- 7 Okay. Well, that's all the questions I
- 8 got. Terry?
- 9 EXAMINATION
- 10 BY MR. FARLEY:
- 11 Q. Mr. Thompson, a couple --- three things to clarify
- and make sure I understand. Are you actually employed
- by Performance Coal or Massey Coal Services?
- 14 A. Performance Coal.
- 15 Q. Okay. Now, you indicated that you have mines in
- 16 addition to Upper Big Branch which fall into your area
- of responsibility. What are the other mines that
- 18 you're responsible for?
- 19 A. At one point there, John Ward, who's over Marfork
- 20 now left our company, and I had the mines in that area
- 21 for Marfork, along with Performance. And he came back
- to work for Massey, and since then, he just took those
- 23 mines and I'm more geared toward taking care of
- 24 Performance now, so ---. In addition to that I had
- 25 Parker Peerless at one point, and Marfork now takes

- 1 care of that. I had Shumate Powellton, which was
- 2 started by Performance at one point, Parker Peerless,
- River Fork Powellton, Marsh Fork Eagle. Those are
- 4 just some of the --- some of the other mines.
- 5 Q. So it's fair to say that your area of
- 6 responsibility was fairly significant, then?
- 7 A. Yes, more than just Performance.
- 8 Q. Okay.
- 9 A. Now, this is over time, you know, not all at the
- 10 same time.
- 11 Q. Of course. Do you recall the last time you were
- 12 underground at UBB prior to April 5th of this year?
- 13 A. An exact date I don't recall, but I did go
- underground with the tracking guys, Derek Kiblinger.
- 15 And we worked on some problems with the tracking
- 16 system.
- 17 O. Okay. And would that have been 2010?
- 18 A. Oh, yeah. Yeah.
- 19 O. All right. We understand that there was a
- 20 construction project ongoing in the area I'm pointing
- 21 to, where the 22 Headgate section belt dumps onto
- 22 Seven North, called the Mother Drive construction
- 23 site. Did you have any involvement in that?
- A. They had a crew that worked on that.
- 25 Q. Uh-huh (yes).

- 1 A. But as far as --- I haven't been there.
- Q. Okay. All right. On April 5th where were you at
- 3 the time when the explosion occurred?
- 4 A. I was at UBB at the Ellis Portal. I had a fellow
- 5 with me, Mike Kiblinger. We were gathering up parts
- for belt head constructions. I'm not sure where he
- 7 was going to use those parts. Some of them may've
- 8 been for that project.
- 9 Q. Okay.
- 10 A. We were back and forth to Elk Run and looking at
- all the parts that we had available. And just off and
- on that day we were back and forth from Ellis to Elk
- Run, Logan's Fort.
- 14 Q. Okay. So were you at Ellis at the time the
- 15 explosion occurred?
- 16 A. I had just pulled in when it happened.
- 17 Q. Okay. Can you describe what you experienced at
- the time of the explosion, what you saw, what you
- 19 heard, what you ---?
- 20 A. I knew something was wrong when I pulled in, but I
- 21 didn't know what it was. I saw Chris Blanchard there
- and he told me to get a spotter and go to the fan. So
- I took a spotter and went to the fan.
- Q. Okay. By the time you arrived, was the initial
- event over? Was there dust or debris or air coming

- 1 from the mine portal?
- 2 A. From Ellis? No, I didn't see anything like that
- 3 when I was at the portal.
- 4 Q. Okay. Did you participate in the rescue and
- 5 recovery operations during that evening?
- 6 A. No.
- 7 Q. Okay. Did you go underground at any point during
- 8 the evening?
- 9 A. No.
- 10 Q. Okay. Were you present onsite throughout the
- 11 evening on April 5th?
- 12 A. Yes.
- 13 Q. Okay. Where were you located during the evening
- of April 5th?
- 15 A. I can't remember exactly where. I was both sides.
- I was just trying to be supportive in any way that I
- 17 could be. Just nothing stands out, ---
- 18 O. Sure. Okay.
- 19 A. --- you know.
- 20 Q. All right.
- 21 A. Just I was just everywhere.
- 22 MR. FARLEY:
- 23 Okay. Okay. A short break?
- 24 MR. SHERER:
- 25 Yeah, if you don't mind, let's take a

- 1 couple minute break.
- 2 SHORT BREAK TAKEN
- 3 RE-EXAMINATION
- 4 BY MR. SHERER:
- 5 Q. Mr. Thompson, you mentioned that you took a
- 6 spotter and did some monitoring of the fan after the
- 7 explosion. Which fan did you go to?
- 8 A. Bandytown fan.
- 9 Q. Okay. Thank you. Let me ask you some questions
- about UBB in comparison to some of the other mines
- that you work in or around there. How do you think
- the rock dust compared? Was it about the same or ---?
- 13 A. I don't really think about the rock dust, you
- 14 know. I go in with a maintenance state of mind. And
- 15 you know, if it's really black I'd probably notice it
- 16 so it doesn't stand out.
- 17 Q. Okay, sure. Okay. Now, we understand that there
- 18 was just one rail mounted rock dusting unit at this
- 19 mine. What about the other mines in the Performance
- 20 Coal group? Do they have one rail-mounted duster or
- 21 do they have more?
- 22 A. I think Parker Peerless had a rail-mounted duster,
- and some of the others. I don't know that they all
- had rail dusters, but they have dusters.
- Q. Okay. Now, the methane monitors, we spoke a bit

- 1 about those. Since the explosion, has anybody talked
- 2 to you concerning the methane monitors?
- 3 A. No.
- 4 Q. Okay. Are you aware of the methane monitor that
- 5 was bridged out on the barrier section on, we think
- 6 around the middle of February?
- 7 A. No. The only way I'd know about that is from the
- 8 news or the media ---.
- 9 Q. Okay.
- 10 A. so I didn't know that happened.
- 11 Q. Okay. Have you spoken with Mr. Taraczkozy about
- 12 methane monitors?
- 13 A. No.
- 14 MR. SHERER:
- 15 Okay. Thank you.
- 16 RE-EXAMINATION
- 17 BY MR. FARLEY:
- 18 Q. One last question about your area of
- 19 responsibility to make sure I'm absolutely clear. Did
- 20 you have any involvement in the planning and setup of
- 21 the longwall at UBB?
- 22 A. No.
- 23 Q. Okay. Any involvement in the planning of
- 24 maintenance and repairs for the longwall?
- 25 A. The only thing I did for the longwall was prepare

- 1 their power feed up to the longwall.
- 2 Q. Okay.
- 3 A. And that would be up to their last splitter, and
- 4 then we'd put the --- provide power up to their power
- 5 center on the face.
- 6 MR. FARLEY:
- 7 Right. Okay. Okay. Thank you.
- 8 MR. SHERER:
- 9 Any questions, Beth? Okay. Well, again,
- 10 we thank you for ---.
- 11 MR. O'BRIEN:
- 12 Don't forget the statement.
- 13 MS. SPENCE:
- 14 Statement.
- 15 MR. SHERER:
- 16 Yeah. Just we thank you for coming here
- this afternoon and now's your opportunity to make any
- 18 statement that you want or clarify any response that
- 19 you've given.
- 20 A. I would like to clarify on something on the
- 21 dewatering and what I know about it.
- 22 MR. SHERER:
- 23 Sure, uh-huh (yes).
- A. Down at the turbine pump --- the turbine pump does
- 25 the primary ---

- 1 MR. SHERER:
- 2 Sure.
- 3 A. --- pumping, you know what I mean? And they use
- 4 the air pumps to pump puddles or whatever to make it
- 5 travelable for ---
- 6 MR. SHERER:
- 7 Sure.
- 8 A. --- examiners. If it was roofed, I would think I
- 9 would've seen it on the fan charts.
- 10 RE-EXAMINATION
- 11 BY MR. SHERER:
- 12 Q. Sure. Would you examine those fan charts?
- 13 A. Yes. I mean I'd try to examine the fan charts,
- 14 you know, at least all --- as often as I can. And I
- 15 did check them that weekend ---
- 16 Q. Okay.
- 17 A. --- Friday night, Saturday night, and I think I
- 18 did Sunday night.
- 19 Q. Okay.
- 20 A. And plus they were checked again that --- on the
- 21 morning, so ---
- 22 Q. Okay.
- 23 A. --- no problem with the turbine pump ---
- 24 Q. Okay.
- A. --- that I'm aware of.

- 1 MR. SHERER:
- 2 Okay. I appreciate that.
- 3 RE-EXAMINATION
- 4 BY MR. FARLEY:
- 5 Q. Were you at the UBB Mine on April the 4th at any
- 6 time?
- 7 A. Yes.
- 8 Q. Okay.
- 9 A. That night.
- 10 Q. Prior to the beginning of the midnight shift?
- 11 A. Yes.
- 12 Q. Okay.
- 13 A. Not at the UBB Portal. I think I may've been at
- 14 the Ellis Portal.
- 15 Q. Okay. What was your purpose ---?
- 16 A. just stop and get gas and go to the fan, do the
- 17 exam, come back. And I may've filled the book out
- 18 that morning.
- 19 Q. Okay.
- 20 A. Or I may've even called in. I don't remember, but
- 21 I did do the exam.
- Q. Okay. Did you see anybody at the Ellis Portal
- when you were there?
- A. I don't remember anybody, no. I mean, the ---
- 25 may've been someone there, but I don't ---. No one

Page 31 comes to mind, no. MR. FARLEY: Okay. All right. MR. SHERER: Again, we thank you for your coming here and talking to us, and let's go off the record, please. STATEMENT UNDER OATH CONCLUDED AT 4:00 P.M. \* \* \* \* \* \* \* 

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