



**SARGENT'S
COURT
REPORTING**

Quality Work. Quality People.

Transcript of the Testimony of Gary Quarles

Date: August 26, 2011

Case:

Printed On: September 1, 2011

Sargent's Court Reporting Services, Inc.

Phone: 814-536-8908

Fax: 814-536-4968

Email: schedule@sargents.com

Internet: www.sargents.com

EXAMINATION UNDER OATH
OF
GARY QUARLES, SR.

taken pursuant to Notice by Richard J. Lipuma,
a Court Reporter and Notary Public in and for
the State of West Virginia, at the National
Mine Safety and Health Academy, 1301 Airport
Road, Beaver, West Virginia, on Friday, August
26, 2011, beginning at 11:30 a.m.

Any reproduction of this transcript is
prohibited without authorization by the
certifying agency.

A P P E A R A N C E S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JODY WOOTEN, ESQUIRE

Wooten Law Firm

201 North Kanawha Street

Beckley, WV 25801-4716

COUNSEL FOR GARY QUARLES, SR. AND ESTATE OF GARY

QUARLES, JR.

DANA L. FERGUSON, ESQUIRE

U.S. Department of Labor

Office of the Regional Solicitor

1100 Wilson Boulevard

22nd Floor West

Arlington, VA 22209-2247

COUNSEL FOR MSHA

DEAN CRIPPS

STEVE CAUDILL

U.S. Department of Labor

Mine Safety and Health Administration

302 West Main Street

Benton, IL 62812

APPEARANCES (cont.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BILL TUCKER
West Virginia Office of Miners' Health,
Safety and Training
Welch Regional Office
891 Stewart Street
Welch, WV 24801-2311

PHIL ADKINS
550 Industrial Drive
Oak Hill, WV 25901

ALSO PRESENT:
Patty Quarles

I N D E X

1		
2		
3	DISCUSSION AMONG PARTIES	7 - 9
4	WITNESS: GARY QUARLES, SR.	
5	EXAMINATION	
6	By Mr. Cripps	9 - 17
7	EXAMINATION	
8	By Mr. Caudill	17 - 20
9	EXAMINATION	
10	By Mr. Tucker	21
11	RE-EXAMINATION	
12	By Mr. Caudill	21 - 25
13	EXAMINATION	
14	By Attorney Ferguson	26
15	RE-EXAMINATION	
16	By Mr. Caudill	27 - 28
17	EXAMINATION	
18	By Mr. Cripps	28 - 30
19	DISCUSSION AMONG PARTIES	30 - 31
20	CERTIFICATE	32
21		
22		
23		
24		
25		

1	EXHIBIT PAGE	
2		PAGE
3	NUMBER	DESCRIPTION IDENTIFIED
4		
5		NONE OFFERED
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OBJECTION PAGE

ATTORNEY

PAGE

NONE MADE

P R O C E E D I N G S

ATTORNEY FERGUSON:

Today is Friday, August 26th, 2011. My name is Dana Ferguson. I'm an attorney with U.S. Department of Labor, Office of the Solicitor, Mine Safety and Health Administration representative. This interview is being conducted as part of the accident investigation in the Upper Big Branch Mining accident, which occurred on April 5th, 2010. With me today are representatives of the Mine Safety and Health Administration accident investigation team and I ask that they state their appearance for the record.

MR. CAUDILL:

Steve Caudill, MSHA.

MR. CRIPPS:

Dean Cripps with MSHA.

ATTORNEY FERGUSON:

Also present are representatives of the State of West Virginia also Miners' Health Safety and Training and I ask that they state their appearance for the record.

MR. TUCKER:

Bill Tucker, office of Miners' Health Safety and Training.

1 ATTORNEY FERGUSON:

2 Okay. Yes, please.

3 MR. ADKINS:

4 Phil Adkins, Miners' Health Safety and
5 Training.

6 ATTORNEY FERGUSON:

7 There are other representatives of the
8 accident investigation team present in the room today,
9 but Mr. Caudill and Mr. Cripps will conduct the
10 questioning. Mr. Quarles, I know that you had
11 provided a statement to the accident investigation
12 team before and I remind you that the same conditions
13 apply and we ask that you don't share the information
14 discussed in this investigation interview with anyone
15 other than your personal representative. And at this
16 time I would ask you to let us know that you have a
17 personal attorney with you here today. Is that
18 correct?

19 MR. QUARLES:

20 Yes, ma'am.

21 ATTORNEY FERGUSON:

22 And, Mr. Wooten, are you Mr. Quarles'
23 personal representative?

24 ATTORNEY WOOTEN:

25 I am.

1 ATTORNEY FERGUSON:

2 And could you put your appearance on the
3 record?

4 ATTORNEY WOOTEN:

5 Yeah. Jody Wooten with Wooten Law Firm
6 here in Beckley. I already provided my address and
7 contact information for the record.

8 ATTORNEY FERGUSON:

9 Would you swear the witness, please?

10 -----
11 GARY QUARLES, SR., HAVING FIRST BEEN DULY SWORN,
12 TESTIFIED AS FOLLOWS:
13 -----

14 ATTORNEY FERGUSON:

15 Mr. Quarles, if you could state your full
16 name and address for the record, please.

17 A. Gary Quarles. Address is (b) (7)(C) ,
18 (b) (7)(C) . The ZIP's (b) (7) .

19 ATTORNEY WOOTEN:

20 Thank you. At this time I'll turn the
21 questioning over to the accident team.

22 EXAMINATION

23 BY MR. CRIPPS:

24 Q. Okay. Mr. Quarles, do you prefer Mr. Quarles,
25 Gary?

1 A. It don't matter.

2 Q. Okay. I prefer to call you Gary if you don't
3 mind.

4 A. That's fine.

5 Q. My name's Dean Cripps. You can call me Dean.
6 That's perfectly acceptable. Once again, I just want
7 to thank you for coming in today. I think I want to
8 tell you I'm from the mid west out in Illinois, so if
9 I use a term or I say something you don't understand
10 by all means say something and I'll try to clear it up
11 for you. We read over your first transcript when you
12 come in for your first hearing and we're not going to
13 rehash a lot of that. We just got really just a few
14 questions we want to ask you and get some stuff on the
15 record and clear up a few things. So once again we
16 appreciate you coming in. I'd like to start --- if
17 you don't mind explain to me if you would, please the
18 location where your son lived in relation to you. I'm
19 not clear about that. Could you explain that to me?

20 A. Right beside my neighbor, within 50, 80 feet.

21 Q. Okay. So his home was right next door to yours?

22 A. Yes, sir.

23 Q. Okay. I know in your previous interview you said
24 that you and he talked quite a bit. You spent quite a
25 bit of time together when you wasn't at work?

1 A. Yes.

2 Q. Okay. One of the things we were wanting to find
3 out for sure is that if your son normally carried a
4 methane gas detector with him when he worked on the
5 longwall at UBB. Did you ever have discussions with
6 him about multi gas detectors?

7 A. Only one. At some time or another I --- and I
8 can't say when that I told him that he should carry a
9 detector with him being on the tail end of the shear
10 and where they was located at in that mine, but I
11 can't say how long that was before the explosion
12 happened.

13 Q. Okay. The fact that you told him he needed to
14 carry one, what gave you the indication that he, in
15 fact, wasn't carrying one that made you make that
16 statement?

17 A. It was just because of who he worked for and who I
18 worked for. I mean, I worked for them, too. I know
19 the situations and --- but I really didn't know for
20 sure if he carried one or if they told him, ever went
21 over with him to carry one. I just was trying to for
22 his own personal safety and trying to give him some
23 help in case he didn't know or they had never
24 suggested you need to carry one. I went over that
25 with him and that was just about the only thing I said

1 to him at that time. I said, you need to carry a
2 detector with you being that you're on the shear end
3 of the tail.

4 Q. Did he say anything in response to that?

5 A. No.

6 Q. Okay. Tell you what I'm going to do. This is a
7 multi gas detector. It's called a Solaris. It's made
8 by MSA. I'd like to show this to you. Are you
9 familiar with this instrument?

10 A. Yes, sir.

11 Q. Have you seen one before?

12 A. Yes, sir.

13 Q. Have you ever used one?

14 A. No.

15 Q. Okay.

16 A. Only in taking gas test on our retraining. That's
17 the only time.

18 Q. Okay. You said you have seen one though. Where
19 have you seen one before?

20 A. On section bosses, fire bosses.

21 Q. Other mines where you have worked?

22 A. Yes.

23 Q. Okay. Did you ever see Gary have one of these at
24 home?

25 A. No.

1 Q. Ever see it in his dinner bucket, in his truck or
2 a cabinet in his house?

3 A. No.

4 Q. Okay. Do you think you would have known if he had
5 one of these at home?

6 A. Yes, most likely.

7 Q. Okay. Why is that?

8 A. I'll say it this way. At the time that --- two
9 months, three months before the explosion he was
10 having lots of problems. He was going through a
11 divorce and we hadn't talked a whole lot about the
12 coal mines, if any, but I mean, I was over at his
13 house not a whole lot, but every now and again. You
14 know, just walked over for some reason or some other.
15 If I would have seen that --- I mean, if it would have
16 been out in the open I would've knowed it, but ---.
17 You know what I mean? I've never seen one and I've
18 never seen one in his truck. I mean, I can't remember
19 being in his truck for a while, you know. I can't
20 recall my last time I was in his truck before the
21 explosion. I can't remember, you know, but as far as
22 that goes he never had one in his truck or at the
23 house that I can see to be, you know, a hundred
24 percent sure. Now, if he had one put up somewhere
25 that'd be different, but just out through the kitchen,

1 through the living room there was none. I didn't go
2 through his bedroom or nothing like that. And, you
3 know, there was people after --- right after the
4 explosion the next morning, his ex-wife took stuff out
5 of the house without us knowing what she took and just
6 things like that. I mean, I can't tell you for sure
7 that he had one in his house, ---

8 Q. Okay.

9 A. --- you know, for sure.

10 Q. This is actually the charger for this multi gas
11 detector. Once again let me ask you. I guess any
12 time you --- prior to the explosion or perhaps any
13 time after the explosion that you been in his house
14 have you seen an instrument or device like this at
15 all?

16 A. No, no.

17 Q. Okay. I guess maybe I'll preface this. I'm going
18 to ask you some questions that, you know, if you have
19 any difficulty at all by all means speak up. But, you
20 know, there's some things we got to ask and talk
21 about. After the accident did you actually travel to
22 the mine and pick up any of the --- any of your son's
23 personal effects?

24 A. No.

25 Q. Okay. Did anybody represent or do that for you?

1 A. Yes.

2 Q. Who would that be?

3 A. My brother as far as I know and, you know --- I
4 mean, there's actually ---. I mean, I didn't even
5 think about this. I've got a building beside my house
6 that I --- we use to hunt and there's a bag, a mesh
7 bag, that's in there that I've never touched or even
8 went through yet. I don't know what's in it.

9 Q. And that bag is ---?

10 A. That come from the mine.

11 Q. Okay. You said that was your brother, he
12 retrieved that?

13 A. I think that's what it was.

14 Q. Okay.

15 A. Wasn't it?

16 MS. QUARLES:

17 Him or Gary.

18 A. Yeah, I believe it was my brother.

19 BY MR. CRIPPS:

20 Q. Okay. And was that the personal belongings that
21 was in his locker?

22 A. As far as I know. Like I said, I ain't never went
23 --- I don't know what's in the bag. It's still
24 sitting right there. I've never touched it. It's
25 still right there.

1 Q. Okay. I understand that. Do you know
2 approximately how long after the explosion that he
3 actually retrieved those items?

4 A. Probably I would say toward --- I really don't
5 know for sure, but probably toward the end of that
6 week, Thursday or Friday, maybe Saturday or Sunday. I
7 don't know for sure. And it might have been the day
8 that they went and got his truck and I don't even know
9 when that was. People wanted his truck. His ex-wife
10 wanted his truck. She sent four people, different
11 people to get that truck and they wouldn't let her
12 have it. My brother and nephew went and got the truck
13 and probably the same day was when they got this ---
14 the bag of stuff that's in the --- my building.

15 Q. Okay. Did your brother when he picked up the
16 belongings did he mention to you anything --- if he
17 could tell perhaps anything was missing or somebody
18 had been going through it prior to him getting there?
19 Do you recall anything?

20 A. I don't think me and him even talked about ---

21 Q. Okay.

22 A. --- you know, other than ---. I mean, we know his
23 hardhat's not there. They still haven't given that to
24 us.

25 Q. Okay.

1 A. I don't know. I can go through the stuff. I
2 mean, I don't know what's in the bag.

3 Q. Okay. And in the courses of conversation with him
4 did he ever mention anything about keeping any kind of
5 a log or a, you know, journal or did he record his
6 hours he worked there a day or anything like that?

7 A. No, he's never said nothing like that to me.

8 Q. Okay.

9 A. And I don't think he kept his hours.

10 MR. CRIPPS:

11 Okay, okay. That's all I got for right
12 now.

13 EXAMINATION

14 BY MR. CAUDILL:

15 Q. You mentioned the truck and you went three or four
16 times to pick it up and you said they wouldn't let
17 them have it. Who's they?

18 A. From what I can understand Bobby Goss. He's like
19 one of the chief electricians. He knew my son and
20 knew me and he wasn't about to let nobody have it
21 until I said something about letting the truck go.

22 Q. Now, after the accident did you speak to any other
23 people on the longwall crew that worked on the shifts
24 prior?

25 A. Yes.

1 Q. Do you care to tell us about that conversation?

2 A. I can't recall his name. The guy on the --- that
3 was on the head on the shifts before Gary Wayne went
4 back on that Monday. I talked to him probably at
5 least a couple of times and what my main concern was
6 whether or not if he knew anything about the methane.
7 And he told me that he could watch the read out on the
8 methane detector, read out at the head before the
9 sheer got to the tank. And he said, I can tell you
10 almost exactly where the shearer was at by the methane
11 build up on the read out. And he said, just as soon
12 as the shearer would cut out then it would clear up
13 and open up the hole and the air would push the
14 methane on out. He's told me that a couple of times.

15 Q. So he would see methane start to rise as he
16 started ---

17 A. Yes.

18 Q. --- putting on the ---.

19 A. From the detector within the tail.

20 Q. Right.

21 A. The read out for it is out ahead ---

22 Q. Uh-huh (yes).

23 A. --- and he would watch it and he told me himself
24 that the methane would build up when the shearer got
25 close to the tail.

1 Q. Did he say how long this had been going on?

2 A. No, I don't think he did, but the way I was
3 understanding it been going on for a while because I
4 been listening to people talk in these family meetings
5 and they've been talking about this methane been there
6 for a long time. And I just couldn't understand or
7 believe in myself that this was --- this could be
8 until somebody that worked there and was there and
9 seen it themselves, you know. And he had told me that
10 he watched the methane build up on the read out at the
11 head and then it would clear out once a shearer cut
12 the hole out. So he told him --- and then he also
13 told me that the stop in outby the shearer where the
14 shearer was cutting out and that ---

15 Q. Uh-huh (yes).

16 A. --- that Massey somewhere or another whoever they
17 was knocking that stomping out. He told me when he
18 --- he's at Revolution now and when he went to
19 Revolution he said, I will not work down here if y'all
20 allow this, the stopping being knocked out. And from
21 what I can understand him telling me that they did
22 stop that.

23 Q. Now, did he say what his concerns were in knocking
24 that stopping outby?

25 A. Pulling air out of the gob.

1 Q. He was pulling air out of the gob?

2 A. Yes.

3 Q. When he mentioned that, the methane was going up
4 did he mention any numbers as far as how high it would
5 get or ---?

6 A. I don't think it's --- it was like maybe two or
7 three percent, something like that.

8 Q. Is that what you recall him saying ---

9 A. Yes.

10 Q. --- exactly?

11 A. Not exactly, no. I just know that he talked about
12 --- you know, one or two percent or two or three
13 percent. It wasn't nothing major, you know.

14 Q. Right. But he did notice an elevation as he
15 got ---?

16 A. Yes, yes. And that guy who was the operator of
17 the head.

18 Q. The head gate operator?

19 A. Yes.

20 Q. Did he say anything about they reported this
21 condition to any member of management or ---?

22 A. Not as I can recall he didn't tell me. I don't
23 think he ever did tell me that that was reported or
24 said anything about, you know ---.

25 Q. Did he mention anybody else that knew about it?

1 A. No, I don't think he did.

2 MR. CAUDILL:

3 That's all I got. Do you have any?

4 EXAMINATION

5 BY MR. TUCKER:

6 Q. Just one thought comes to mind, Gary, when you
7 talk about that methane. I know you're just trying to
8 remember. You say 1 or 2 percent or you think it's a
9 whole percent or like 1 or 2 10ths or do you know?

10 A. I don't know.

11 Q. Okay.

12 A. I don't know.

13 MR. TUCKER:

14 That's all I have.

15 ATTORNEY FERGUSON:

16 Do you want to take a break and walk out
17 in the hallway?

18 A. Yeah.

19 MR. CRIPPS:

20 Yeah, let's take a few minutes.

21 SHORT BREAK TAKEN

22 ATTORNEY FERGUSON:

23 Okay. Back on the record.

24 RE-EXAMINATION

25 BY MR. CAUDILL:

1 Q. Gary, before we took a break you were about to say
2 something.

3 A. About his truck. It looked like to my brother
4 that somebody had been through his truck looking for
5 something in his truck and we had got word that the
6 company had went through everybody's trucks, vehicles
7 down there in the parking lot.

8 Q. I'm sure you've talked with other family members.
9 Did they express the same concerns that you had about
10 them going through the truck?

11 A. No, I don't think I've ever talked to anybody
12 about that or said anything about it. Nobody has said
13 anything. When this was going on there was a lot of
14 talk. You know what I mean? I can't recall how many
15 people I talked to and who they were, but there was
16 people --- a lot of talk about it, the company going
17 through people's --- men's vehicles in the parking
18 lot.

19 Q. Did you or your son ever talk about the --- did he
20 ever mention anything about roof falls on the tail
21 side of the longwall or ---?

22 A. On the head side.

23 Q. He mentioned some on the head side?

24 A. Yeah.

25 Q. Did he ever talk about any on the tail side?

1 A. No, not on the tail. And that one area there
2 where the head was found, the top was set down on it,
3 and I think at the same time the water had come in on
4 them and they was having a lot of bad problems. And
5 he was talking about Chris Blanchard was up there and
6 he said Chris didn't know nothing about what was going
7 on. You know, they was trying to clear the rock and
8 stuff off the jacks so they would push the head. They
9 couldn't get the head to push because the top was set
10 down on it and all this time the water was coming in
11 on it, too, you know, wading water up to their waist
12 every day. That was probably three months before the
13 explosion, something like that.

14 Q. Did he mention that they made any changes as far
15 as roof control to try to get away from that?

16 A. No.

17 Q. They didn't change anything or ---?

18 A. No.

19 Q. Is there anything you feel like I should have
20 asked you that I haven't or anything that you'd like
21 to tell me?

22 A. What I would like to say --- it may not amount to
23 anything to y'all, but it did --- it does to me. I
24 talked to a boy last night that was running the tail
25 end of the shearer before --- when Gary wasn't there.

1 They was like a swing set and I've been on them since
2 this all happened if he carried a detector, if he
3 actually carried one. And he told me when they was at
4 Logan's Fort he was a jack setter this guy was, and he
5 said, I know Gary wasn't carrying a detector with him
6 then. He said, when they come back to UBB they got
7 split up. He said, I can't tell you nothing about ---
8 they weren't working together, but that kind of eased
9 my mind a little bit knowing that it wasn't Solaris.
10 It was a different type of detector that he had that
11 the guy told me, but he did have, you know ---.

12 Q. At Logan's Fort?

13 A. At Logan's Fort, yes.

14 Q. Now, these detectors are generally provided by the
15 company and they stay at that particular mines. Is
16 that your experience?

17 A. Most I've ever seen they stay at the mines.

18 Q. So if he had one at Logan's Fort most likely when
19 he left Logan's Fort it stayed at Logan?

20 A. The guy that I talked to on the phone last night
21 he said that Jack Roles had their own for the shift in
22 a lock that they kept locked up. Now, whether or not
23 you had to ask for one if you wanted one or they
24 handed them out to you, I don't know.

25 Q. They had it locked up at UBB is what you're

1 saying?

2 A. I can't recall.

3 Q. I mean, what he said.

4 A. That's what I meant. I can't recall if it was at
5 UBB or at Logan's Fort. I don't know.

6 MR. CAUDILL:

7 Okay. Bill, you got anything?

8 MR. TUCKER:

9 I don't.

10 ATTORNEY FERGUSON:

11 Dean?

12 MR. CRIPPS:

13 No, that's all I had.

14 ATTORNEY FERGUSON:

15 Phil? Okay.

16 OFF RECORD DISCUSSION

17 ATTORNEY FERGUSON:

18 Let's go back on the record and try to
19 make this clear. We went off the record in order for
20 Mr. Quarles' attorney to clarify some issues that were
21 raised in Mr. Quarles' testimony regarding whether
22 Chris Blanchard had actual knowledge, constructive
23 knowledge, any knowledge of the conditions on the
24 longwall. And Mr. Quarles needs to make a clarifying
25 statement and provide some additional information

1 regarding Mr. Blanchard.

2 RE-EXAMINATION

3 BY ATTORNEY FERGUSON:

4 Q. Mr. Quarles?

5 A. Yes. At the time that the longwall the top would
6 sit down on the longwall Chris Blanchard at the time
7 --- I guess every day was trying to help get this rock
8 off the jack so they could push to get the longwall to
9 move. Chris Blanchard was aware of all this when it
10 was going on and to me he just --- he was just in the
11 way of knowing from what --- the way my son talked.

12 More or less when he come up there he just made things
13 difficult for all the rest of the men to do their job.

14 Q. And why do you believe that?

15 A. Most of the time --- any time the president of the
16 company comes around the men, they do things different
17 when a person like him comes around. He's always
18 shooting his mouth off and saying what he wants done
19 and how he wants it done, and he just didn't know
20 nothing about what's going on on the longwall to start
21 with and he ---.

22 Q. Your son didn't believe Mr. Blanchard had any
23 knowledge of longwall mining?

24 A. No, ma'am, he didn't.

25 Q. Is that a correct statement?

1 A. Yes, ma'am.

2 RE-EXAMINATION

3 BY MR. CAUDILL:

4 Q. You made a statement earlier when we were off the
5 record that Mr. Blanchard had said this was --- what
6 was it he said?

7 A. It's my longwall.

8 Q. It's my longwall.

9 BRIEF INTERRUPTION

10 BY MR. CAUDILL:

11 Q. And you said Chris Blanchard came up there and he
12 would be in the way and so forth. When he came to the
13 longwall during the time the top had set down on
14 the ---

15 A. Right.

16 Q. --- gate side he --- was he directing work there?

17 A. Yes, sir.

18 Q. And did your son make any comments about the
19 directions Mr. Blanchard gave?

20 A. That he didn't know what he was doing.

21 Q. Did he say anything that maybe Blanchard had asked
22 him to do something that was unsafe or something he
23 didn't feel safe?

24 A. No, I don't think he ever did say anything as far
25 as Blanchard asking him to do anything unsafe, but he

1 had told me several times Chris would make statements
2 before the longwall was even rounded, that this is my
3 longwall. I don't know if he had ever been involved
4 with the longwall or not, but he was wanting that one
5 to do good for some reason.

6 Q. Did your son say that Mr. Blanchard pushed
7 through?

8 A. Yes. They was pushed very hard from Mr.
9 Blanchard. Something had happened; I can't remember
10 where this was on the longwall. Something had
11 happened about some stoppings that needed built way
12 down in that. The only way to get them there was pack
13 them by hand and something. They had to do all that,
14 too, for something about the air or --- maybe the
15 miner sections air, the way it was going, the way it
16 had to go. Some stoppings needed built or --- and it
17 was down in towards off --- inby the longwall and they
18 had to pack the cinderblocks and get all that down to
19 build the stoppings, but he ---. Yeah, anybody I've
20 ever talked to that been around Chris Blanchard
21 they've always said he would push you to the limit.

22 RE-EXAMINATION

23 BY MR. CRIPPS:

24 Q. I guess your son his boss on the longwall was Rick
25 Lane. Did he ever have any discussions with you about

1 his thoughts about Rick?

2 A. No. You know, we talked so much, but right there
3 at the last two or three months we hadn't talked a
4 whole lot about the mines or anything going on with
5 them, but, you know, a lot of the guys that they would
6 put up there as far as being a boss on the longwall
7 Gary Wayne would have a whole lot more experience than
8 what they would. And he would, you know --- if they
9 had to go do something and it wasn't right he would
10 help them, you know. It wasn't he wanted to be the
11 boss. He just knew that if they was doing something
12 wrong they would suggest it to him, you know. They
13 wanted to listen if they did. If they didn't, they
14 didn't. That was up to them, you know, but he ---
15 most of the guys for a pretty good while that come up
16 there as being a longwall boss, they never had hardly
17 no experience on the longwall at all. The one did,
18 Joe did, too. He said that he would suggest things,
19 you know, if they was doing stuff that wasn't right to
20 try and help them out, you know, as far as keeping the
21 line straight and making sure they won't get cut out
22 on the tail and just little odd and end things, you
23 know.

24 Q. Did he ever indicate to you that he felt that the
25 bosses were under a lot of pressure from their

1 supervisors or ---

2 A. Yes.

3 Q. --- their superiors to produce coal?

4 A. Yes, he always was talking about that. Gary Wayne
5 was --- he liked to run that longwall and he liked to
6 run coal, too. And I've heard him say that, you know,
7 if it was close to quitting time and he was at, say,
8 30 coming to the head that he would bring the shearer
9 on out to the head at the end of the night. I was
10 always the type of person at quitting time I wanted to
11 be outside at quitting time. He talked about some of
12 them guys, they get mad at him. I said, no, you need
13 to realize some of them guys, you know, they got a
14 quitting time and they want to be outside. And he
15 said, I can't help it, dad. When I get close to the
16 end and it's close to quitting time I'm coming on out
17 to the head with the shearer, you know. So I don't
18 know. I guess it's the way he was trained, you know.
19 He liked running the shearer and he liked most of the
20 men that he worked with. They was always carrying on
21 and joking and fooling around, you know. And then the
22 other guy that run the shearer with him was a Joe
23 Price. Joe was a black guy and he talked quite a bit
24 about Joe. You know, people say thing about --- you
25 know, making statements about people being black and

1 stuff. And he said it would really make him mad and
2 things like that.

3 MR. CRIPPS:

4 Okay. That's all I have.

5 ATTORNEY FERGUSON:

6 Mr. Quarles, thank you very much ---

7 A. Yes, ma'am.

8 ATTORNEY FERGUSON:

9 --- for your time today and we're very
10 sorry for your loss. Thank you.

11 * * * * *

12 EXAMINATION CONCLUDED AT 12:17 P.M.

13 * * * * *

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF WEST VIRGINIA)

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I, Richard J. Lipuma, 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.



Richard J. Lipuma CCR