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23
24 **Also Appearing: Davitt McAteer, Governor's**
Independent Investigation team; Jasey Maggard
and Dean Cripps, MSHA

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1 MR. KOERBER: My name is Barry
2 Koerber. I'm the Assistant Attorney
3 General, and I'm assigned to the accident
4 investigation team for the West Virginia
5 Office of Miners' Health Safety &
6 Training.

7 Today is February the 9th, 2011.

8 I would ask that the other
9 members of the interview teams who are
10 sitting to my left identify who they are
11 and who they're with for the record.

12 MR. SCOTT: My name is John
13 Scott. I'm an electrical inspector with
14 the State of West Virginia.

15 MR. MAGGARD: I'm Jason Maggard
16 with MSHA.

17 MR. CRIPPS: Hi, Randy. I'm Dean
18 Cripps. I'm also with MSHA.

19 MS. HAMPTON: Pollyanna Hampton.
20 I'm with the Solicitor's Office for the
21 Federal Department of Labor.

22 MR. MCATEER: I'm Davitt McAteer
23 with the Governor's Investigation Team.

24 MR. KOERBER: We have three

1 people in the back. I'd ask that they
2 identify themselves and who they're with
3 for the record as well.

4 MR. HESS: Leland Hess with
5 MSHA.

6 MR. MACROY: Keith MacRoy with
7 MSHA.

8 MR. PAGE: Norman Page with MSHA.

9 MR. KOERBER: Sir, the court
10 reporter here works for a firm by the name
11 of Johnny Jackson & Associates. Johnny
12 Jackson & Associates is a court reporter
13 firm out of Charleston, West Virginia.
14 I'm going to give you their business
15 card.

16 They are operating under a three-
17 day turnaround as far as reviewing and
18 typing up the transcripts, which means
19 today being Wednesday, three business days
20 from today would take us through Monday
21 evening. So come Tuesday morning, if you
22 desire, you can call Johnny Jackson &
23 Associates and schedule a time that's
24 convenient for you where you would go to

1 Johnny Jackson's office in Charleston and
2 they'd put you in a conference room so
3 that you can read your transcript and
4 review your transcript, and they'll give
5 you an errata sheet that you'd be able to
6 make corrections upon if you believe that
7 there's some error that the court reporter
8 put in the transcript.

9 Now that you can do, that you do
10 not have to do. That is totally your
11 choice.

12 You do not have to call Tuesday
13 morning exactly. Tuesday is the earliest
14 you can call, but you can call anytime
15 next week or the following week, if you
16 want to do this. This is not something
17 you have to do, but if you want to, it's
18 your option.

19 I'd also like to mention that if
20 at any time during the interview you'd
21 like to take a break for whatever reason,
22 just say so and we'll take a break.

23 We're going to ask that you not
24 discuss your testimony with anybody after

1 you leave here today just to protect the
2 integrity of the interview and the
3 investigation.

4 Do you have an attorney with you
5 here today?

6 THE WITNESS: No.

7 MR. KOERBER: Did you have one at
8 your prior interview?

9 THE WITNESS: No.

10 MR. KOERBER: Polly, is there
11 anything you want to add before we move
12 on?

13 MS. HAMPTON: Yes. I would just
14 like to mention on the record that before
15 we started this afternoon, I handed you a
16 letter on behalf of the accident
17 investigation team for MSHA.

18 And did you get a chance to look
19 at that letter?

20 THE WITNESS: Yes.

21 MS. HAMPTON: And do you have any
22 questions for me about it?

23 THE WITNESS: No.

24 MS. HAMPTON: And again, I'd like

1 to point out that the contact information
2 for Norman Page is contained in that
3 letter. If after the time you leave this
4 interview you have any other information
5 that you'd like to share with us, please
6 don't hesitate to contact us.

7 MR. KOERBER: Mr. Gwinn, are you
8 appearing here today as a result of
9 receiving a subpoena?

10 THE WITNESS: Yes.

11 MR. KOERBER: This is a copy of
12 that subpoena that I'm going to have
13 marked as Exhibit 1.

14 And this is a copy of the
15 affidavit of service that the process
16 server filled out evidencing that he
17 served your wife on the 5th day of
18 February 2011. I'm going to ask that that
19 be marked as Exhibit 2. Okay?

20 (Exhibit Nos. 1 and 2 marked for
21 identification.)

22 MR. KOERBER: Would you swear in
23 the witness, please.

24 RANDY GWINN, WITNESS, SWORN

1 MR. KOERBER: Would you please
2 state your full name for the record and
3 spell your last name.

4 THE WITNESS: Full name Randy H.
5 Gwinn, G-w-i-n-n. And I'm a junior.

6 MR. KOERBER: And what's your
7 address and telephone number?

8 THE WITNESS: It's (b) (7)(C)
9 (b) (7)(C)

10 MR. KOERBER: And your phone
11 number.

12 THE WITNESS: Area code
13 (b) (7)(C)

14 MR. KOERBER: I'm going to give
15 you the business card for Johnny Jackson &
16 Associates, which I explained earlier.
17 This is a court reporter firm.

18 I'm also going to give you the
19 business card of Bill Tucker. Bill Tucker
20 is our lead investigator for the State of
21 West Virginia. He had to depart right
22 before the interview. But if there's
23 anything that comes up after this
24 interview that you think that we need to

1 know about, please feel free to give him a
2 call.

3 I'm also going to give you a
4 memorandum containing the address to the
5 West Virginia Board of Appeals. The board
6 of appeals is the administrative tribunal
7 that's charged with the duty of hearing
8 discrimination cases, among other types of
9 cases.

10 West Virginia Code 22A-1-22
11 provides that coal miners cannot be
12 discriminated against for participating in
13 interviews such as this. If you feel you
14 are discriminated against, you need to
15 file a complaint with this board. The
16 complaint can be very informal, simply a
17 handwritten letter explaining what
18 happened will suffice.

19 I do want to caution you, though,
20 however, that under the statute you only
21 have 30 days from the day of the
22 discriminatory action to lodge your
23 complaint with the board. Okay?

24 And at this time I'd like to turn

1 A. It was a mechanic welder. I was an
2 electrician, but I was a mechanic welder also.

3 Q. And you was actually on the longwall?

4 A. Yes.

5 Q. On what crew did you work on?

6 A. A crew.

7 Q. A crew. Who was your supervisor?

8 A. Who was my boss?

9 Q. Your boss.

10 A. My boss section?

11 Q. Yes.

12 A. Michael Webb.

13 Q. Mike Webb.

14 A. Yeah.

15 Q. Luke Ford was also on that crew?

16 A. Yes.

17 Q. Is that correct?

18 What was his function on the crew?

19 A. He was the main electrician, you know. He
20 was ovetop of me also.

21 Q. I have been reading a lot of transcripts
22 and people's job titles. Explain to me how it
23 worked. Who actually gave you your work orders for
24 the day, was it Luke or was it Mike?

1 A. I'm trying to think here. Pretty much our
2 work orders come from outside, because we had a
3 boss outside, too, that was up above the
4 electricians. He was an outside chief, you know,
5 and was overtop of all of the electricians on the
6 longwall.

7 And if they had something that needed
8 done, they would tell me and him to go do it. You
9 know what I mean? And if a problem occurred, you
10 know, we'd both take care of it together normally.

11 Q. If a problem occurred while you was --

12 A. Working.

13 Q. -- the wall was running?

14 A. Yes.

15 Q. Who was the person outside that would give
16 you orders?

17 A. There was actually two of them. One of
18 them is over all the longwalls. His name is Bobby
19 Goss. And the one that was there at Performance,
20 his name was Danny Lafferty?

21 Q. If you would, just give me a description
22 of your job duties, what you did in a normal,
23 normal day.

24 A. Normal day. Fixed, I worked on a lot of

1 shields, a lot of busted hoses.

2 Q. That's hoses that would bust --

3 A. Yes.

4 Q. -- during the course of production?

5 A. Yeah. You have 176 moving shields,
6 hydraulic hoses all in them, you're going to have
7 to work on them constantly.

8 And then normally at lunchtime, me,
9 myself, Luke Ford, and Michael Webb, we'd normally
10 go float the guys out for lunch so they can have
11 their half hour lunch and we would run the
12 equipment.

13 Q. So did you run the shearer?

14 A. Yeah.

15 Q. Pull shields?

16 A. Yeah.

17 Q. When you'd run the shearer, which drum did
18 you run normally?

19 A. Normally I run the head end drum.

20 Q. The head end drum.

21 A. Yeah.

22 Q. And you'd do that for, what, 30 minutes a
23 day?

24 A. Yeah.

1 Q. While the regular operator was at lunch?

2 A. Right.

3 Q. At the start of the shift, explain your
4 routine to me from the time you arrived on the
5 section, say you just pulled up on the mantrip,
6 just tell me what you do in the next hour or so.

7 A. Usually as soon as we get there, we get
8 off the mantrip, walk by the power center, which we
9 called the mule train, and we normally end up
10 trying to figure out if there was anything wrong by
11 talking to the other electricians on the other
12 crews. And if there was a problem or something,
13 we'd try to address the problem and get it fixed.

14 And then after that, we would normally go
15 up on the face and walk down there and watch the
16 shearer run, you know, watch them pull the shields,
17 just to see how everything was going.

18 And then normally, if there was a whole
19 lot of gob like on the toes of the shields or
20 anything, usually we'd take water hoses and try to
21 wash it down, because normally if you had a whole
22 lot of gob, it would bend the pans and cause lots
23 of problems, break stuff and that sort of thing.

24 Q. What about did you ever get involved in

1 checking the bits and checking the water sprays on
2 the shearer?

3 A. I can remember one incident that we did,
4 we shut the shearer down because of the water
5 sprays and we ended up changing a lot of them.

6 Q. What was wrong with the sprays?

7 A. They were stopped up.

8 Q. Which sprays in particular?

9 A. They were drum sprays.

10 Q. The drum sprays?

11 A. Yeah.

12 Q. Do you recall when that was, how long
13 prior to the explosion?

14 A. It was a good while beforehand.

15 Q. Okay.

16 A. But I can't remember exactly when.

17 Q. I understand completely.

18 Have you ever got involved in checking the
19 pressure, the water pressure on the shearer?

20 A. I have seen Luke do it. I have seen Luke
21 check the water pressure on the shearer.

22 Q. How did he do that?

23 A. He would take a spray, spray block and
24 hook a gauge up to it.

1 Q. Where was the spray block that he hooked
2 to?

3 A. It was mounted on the side of the shearer.

4 Q. On the face side of the shearer?

5 A. Face side of the shearer.

6 Q. And did he take a spray out?

7 A. He took a spray out and stuck the hose in
8 and it had a gauge on it and he would check the
9 pressure.

10 Q. So you had a pressure gauge with the short
11 holes attached to it?

12 A. Yes.

13 Q. And then you would screw the poles into
14 the block?

15 A. Yes.

16 Q. How often did you see him do that?

17 A. Actually, I seen him do it quite often. I
18 couldn't tell you exactly how many times, but I
19 have seen him do it quite a few times.

20 Q. Do you think it was every shift?

21 A. I would say probably not every shift.

22 Q. Do you recall seeing any missing sprays
23 out of the drums?

24 A. No.

1 Q. When you're watching the shearer operate,
2 are you following him to the tail? Are you
3 watching him come to the head? Just how do you do
4 that?

5 A. Following him to the tail, so while you're
6 still in fresh air.

7 Q. Inby is not a good place to be?

8 A. No, it ain't. It's too dusty back there.

9 Q. Do you know what kind of water pressure
10 you was required to have on the shearer?

11 A. Right offhand, I couldn't tell you.

12 Q. Okay.

13 A. That's why I said, Luke, he took more care
14 of that than I, you know, so I didn't have -- at
15 the time I didn't have a whole lot of experience,
16 because I have not had my electrical card but about
17 a year.

18 And that's to date I'm talking about,
19 because I was actually a trainee for a long time up
20 there when I was working with him. That's the
21 reason that we would work together is because, you
22 know.

23 Q. So he had his electrical card and you
24 didn't?

1 A. I had my trainee card.

2 Q. So you was working under him to get your
3 experience?

4 A. Right. And then in January before the
5 explosion, I think January 18th or 19th, I got my
6 electrical card.

7 Q. Just prior to the explosion you got your
8 electrical card?

9 A. Yes.

10 Q. So you've had your card just over a year
11 then; right?

12 A. Yes.

13 Q. Do you like being an electrician?

14 A. I ain't sure sometimes. I get tired of
15 hearing people hollering my name.

16 Q. You're a popular guy when stuff is broke
17 down, isn't it?

18 A. Yeah.

19 Q. Anybody ever talk to you about lockout and
20 tagout?

21 A. Yeah.

22 Q. You know what that means?

23 A. Yeah.

24 Q. Don't ever forget it.

1 A. Trust me, I won't.

2 Q. Off the subject. I like to talk about
3 that every chance I get.

4 A. They actually made us sign a paper saying
5 we've been talked to about it.

6 Q. Been talked to about it?

7 A. Yeah, locking and tagging.

8 Q. Locking and tagging?

9 A. Yes.

10 Q. Well, I hope you do it.

11 A. I do. Trust me.

12 Q. Very good. Very good.

13 Let me think here. When was the last
14 shift you worked prior to the explosion?

15 A. Saturday on day shift.

16 Q. Saturday day shift?

17 A. Yes.

18 Q. Do you recall any problems with the
19 shearer, any problems with water or water pressure?

20 A. Not that I can remember.

21 Q. The shearer's got a, the red E-stop button
22 on the side of it. Are you familiar with that?

23 A. Yeah.

24 Q. Do you have any knowledge of any problems

1 with it or it not functioning in just the few weeks
2 prior to the explosion?

3 A. Not that I can remember.

4 Q. Do you know what the E-stop does when you
5 push it?

6 A. Yes, it shuts the power off on the
7 machine.

8 Q. Does it kill power on the cable or just
9 the machine itself?

10 A. Just kills it on the machine itself, I
11 think. Let me think here a minute.

12 Q. Okay.

13 A. I'm trying to remember how that works,
14 because my miner's different. I'm thinking.

15 It cuts power to the machine, the cable
16 itself, I'm thinking.

17 Q. And if you don't remember, you don't
18 remember.

19 A. I don't remember.

20 Q. Okay. And that's fine.

21 Are you familiar with the junction box on
22 the front of the shearer?

23 A. Yeah.

24 Q. The box where the cable enters into, do

1 you recall that?

2 A. Yeah.

3 Q. Had you ever been inside of that, do you
4 recall?

5 A. No.

6 Q. Never had to go in there?

7 A. I have never been in it.

8 Q. As far as you know, did that E-stop button
9 on the shearer work?

10 A. Yeah, it killed the power to the machine.
11 But as far as, like I said, the de-energizing the
12 cable, I don't know. I'm trying to recall in my
13 head, but I'd say it de-energizes the cable,
14 because you'd always have to holler at the headgate
15 man to set the shearer back up.

16 Q. It should de-energize the cable when it's
17 working right.

18 A. My brain is trying to think and it's not
19 doing real good today, I don't guess.

20 Q. Up at the headgate on the headgate
21 controller.

22 A. Yeah.

23 Q. You're familiar with what I'm talking
24 about?

1 A. Yeah.

2 Q. That headgate controller, where does it
3 get its power from?

4 A. It gets its power from down at the mule
5 train. Okay.

6 Q. How much power or voltage is coming into
7 that box?

8 A. To tell you the truth, I'm not sure.

9 Q. What about the shearer, where is its power
10 coming from?

11 A. It originates, there's a -- at the mule
12 train also.

13 Like I said, a shearer disconnects at the
14 starter box. I mean, at the gate box. I'm sorry.
15 And then it goes on up from the gate box to the
16 shearer.

17 Q. The 480 controller, the box that's on the
18 end of the monorail at the headgate, are you
19 familiar with the E-stop button on it?

20 A. Yeah. I'm thinking. You got me thinking
21 again. I have not run the headgate that much, so
22 I'm not real, real familiar with it.

23 I remember seeing the E-stop button. If
24 you hit the E-stop button, it kicks it all the way

1 to the mule train.

2 Q. Does it kill all the power on the face?

3 A. Yeah.

4 Q. Have you ever tested it or seen anybody
5 test it?

6 A. I have never done it. They've always told
7 me if I had a problem to hit that button, you know,
8 and it would kill the power.

9 Q. Who told you that?

10 A. I'd heard it from other electricians and
11 stuff, if you ever run into a problem -- I'd hear
12 them tell the headgate men especially, if you run
13 into a problem, hit the stop button.

14 Q. So as far as you know, if you hit the stop
15 button, it kills all the power on the face?

16 A. Right.

17 Q. Do you have any reason to believe or know
18 if it didn't function or didn't work?

19 A. No.

20 Q. So you don't know if it did or did not
21 work?

22 A. I didn't try it myself, so I couldn't tell
23 you for sure.

24 Q. Are you familiar with the ground monitors

1 that they use up there on the section, specifically
2 being about the diode that has to be at the end of
3 the cable?

4 A. Yeah. A little bit.

5 Q. So you have a little bit?

6 A. Yeah.

7 Q. On the ground wire and pilot wire and down
8 at the end it's got to see that diode.

9 A. Right.

10 Q. So what would happen if the diode was put
11 in that cable or in the box somewhere before the
12 end of that cable, do you have any idea?

13 A. No, I don't.

14 Q. Have you ever seen or been up there when
15 anybody has been in any of the bays at that
16 headgate controller?

17 A. I have seen it open before, but I have
18 never been around anybody while they're fooling
19 inside of it, really.

20 Q. Do you remember the last time you seen it
21 open, roughly?

22 A. The last time I seen it open is when they
23 started running the longwall at UBB.

24 Q. That is right at the start of the panel?

1 A. Yeah.

2 Q. And so that would have been around
3 September of '09?

4 A. I can't remember for sure. I know it was
5 after July, because I was outside rebuilding
6 shields in July.

7 Q. I know around September, the first of
8 September is when the wall started running.

9 The shearer disconnect you talk about up
10 at the headgate.

11 A. Yes.

12 Q. Did you ever operate it?

13 A. Yes.

14 Q. Why would you operate it?

15 A. If I had a problem with the cable or with
16 the shearer, have to get in the shearer and work on
17 the shearer or if you had a problem with the cable.

18 Q. And so, what, you'd just open the
19 disconnect?

20 A. Open the disconnect and make sure the
21 ground is locked out right there.

22 Q. So you put a lock on it?

23 A. Yeah.

24 Q. Good answer.

1 A. It's got a chain right there, actually.
2 It had a chain where you could wrap around and put
3 your lock on.

4 Q. And so you didn't work on the shearer with
5 just the E-stop button pushed?

6 A. No.

7 Q. The face conveyer, when it's running, how
8 do you shut it off down the face?

9 A. Down the face?

10 Q. Yeah.

11 A. They have what's called a Control phone,
12 and it has a taka (phonetic) switch on one side
13 where you can use it to talk up the line, to talk
14 to the headgate man. On the left-hand side there's
15 another taka switch that will kill the face
16 conveyer. It will lock it out.

17 Q. It kills the conveyer?

18 A. Yes.

19 Q. To your knowledge, just the part of the
20 Control that controls the conveyer, were they all
21 working the last shift that you worked?

22 A. Yeah.

23 Q. Have you ever known of them to where they
24 would not shut off the conveyer?

1 A. The only thing that I have ever seen them
2 do is not be able to communicate with them. I have
3 seen, I have never seen one not shut off the line,
4 but anytime we had a communication problem with
5 one, we would, if it was not the battery in it, we
6 would actually change the whole phone out.

7 Q. So the problems you had was with the
8 phone, but the part of the Control box that
9 controlled the conveyer --

10 A. Right.

11 Q. -- always worked, to your knowledge?

12 A. To my knowledge. Because if you would,
13 that's like if they would cut a Control (phonetic)
14 or something like that, it will kill the conveyer.

15 Q. So in your duties is most of your time you
16 spent down the face or were you up around the
17 headgate a lot?

18 A. Normally it's down the face. Normally
19 it's back and forth.

20 Q. Is that dependent on where the shearer is
21 located?

22 A. Yeah, that depends a lot on it.

23 Q. Who controls the water to the shearer?

24 A. Like as far as on and off?

1 Q. Turning it on and off, yeah.

2 A. The guy at the headgate.

3 Q. Is there a valve on the shearer to turn it
4 on and off?

5 A. On the shearer itself, no. There is a
6 valve on the, up next to the gate box.

7 Q. And the headgate man controls that?

8 A. Yes.

9 Q. When does he turn the water on and off for
10 the shearer?

11 A. Before they start running. And it would
12 turn it off if they would stop running, if there
13 would be a problem with something on the shearer or
14 something and they are not running or if they are
15 going to set bits, he would turn it off, and then
16 when we got done setting bits, he would holler at
17 him, tell him to fire the line up, and then they
18 would holler at him to turn the water on.

19 And normally, if it was the other way
20 around, we were shutting down, we'd knock the power
21 on it and lock it out, you know, the chain itself,
22 you know, on the Control. And then if he didn't
23 shut the water off and forgot, they would be
24 hollering at him, screaming, because I mean, it

1 would flood us out.

2 Q. Would he normally shut the water off
3 without being called?

4 A. No.

5 Q. So the shearer operators would have to
6 call the headgate and tell them to turn the water
7 off?

8 A. Yes.

9 Q. What about if the belt went off and
10 naturally the face conveyer would go off if the
11 belt went off, would --

12 A. Normally they would --

13 I'm sorry to interrupt you.

14 Q. Go ahead.

15 A. Normally they would holler at him and tell
16 him to turn the water off, because normally he'd be
17 busy on the phone trying to figure out why the belt
18 was off.

19 Q. Okay.

20 A. And he would forget, you know, leave the
21 water on, sit down there spraying water everywhere
22 and getting stuff even wetter than it already was.

23 Q. There wasn't much water on that shearer,
24 was there?

1 A. No.

2 Q. Did you ever see the headgate operator
3 open that disconnect for the shearer cable?

4 A. No.

5 Q. Any idea -- the reason I'm asking, because
6 we found the disconnect open on the face after the
7 explosion.

8 A. What do you mean, the blades?

9 Q. The blades for the shearer cable.

10 A. Okay. I have heard people say before when
11 I have been up there, tell them to knock the power
12 on it because something was wrong and they'd be
13 right there to lock it out.

14 Q. So they'd call and tell the headgate
15 operator to go ahead and --

16 A. Yeah.

17 Q. When you say "kill the power," did that
18 mean open the knives?

19 A. Yes. And then I guess the electrician
20 went up there and made sure it was grounded and
21 everything and locked it out.

22 Q. Okay.

23 A. Because I guess it makes sense, because I
24 mean, if you see a spot or something in a cable or

1 something bad going on or something like that, I
2 mean, you want to get power off of it as soon as
3 you can.

4 Q. Right. Okay. Let me just with your
5 experience and what you know that the headgate
6 operators have been told and you've been told, you
7 go up to the gate box and somebody hollers we got a
8 problem, kill the power, and you say they've been
9 told if you got a problem, hit the E-stop.

10 Hit the E-stop and nothing happens, the
11 power doesn't go off, the lights stay on the face.
12 What's your thought then?

13 A. What would be the next step if they wanted
14 that power off?

15 Q. Uh-huh.

16 A. I'd be hollering on the phone and telling
17 them, say, hey, listen, it's not working. And then
18 I would go on down. I mean, just me, I'd go to the
19 next source where I can kill it.

20 Q. And that would be where?

21 A. Mule train.

22 Q. Out to the mule train?

23 A. Yeah.

24 Q. Have you ever known of that happening, the

1 power not knocking when somebody hit that?

2 A. No.

3 Q. Because the reason I ask, there's a diode
4 on that 480 incoming power right where it comes in,
5 so it's got that 480 part of that E-stop jumpered
6 out so it wouldn't work.

7 A. Right.

8 Q. Was you aware of that?

9 A. No.

10 Q. Had any reason to believe it or know that
11 it was like that, I mean?

12 A. No.

13 Q. Did you ever follow the shearer to the
14 tail?

15 A. Yeah.

16 Q. Have you maybe watched it run into the
17 tail recently?

18 A. What do you mean?

19 Q. I keep forgetting that we're almost a year
20 out, aren't we? Let me back up.

21 In the week or so prior to the explosion,
22 and specifically I guess I'm talking about we've
23 heard that they got into some sandstone and some
24 pretty hard --

1 A. Yeah.

2 Q. -- cutting. And I'm just looking for a
3 description of the cutting conditions down there.

4 A. Hard, really hard.

5 Q. Sparks?

6 A. Yeah. A lot of sparks.

7 Q. A lot of sparks.

8 A. Yeah.

9 Q. Off both drums, the headgate drum,
10 tailgate drum?

11 A. I can remember, this was probably the week
12 before the explosion happened, I can remember being
13 down there and on the head side drum coming back
14 from the tail, we set bits and went, I think it was
15 like three or four shields and the coal ring had
16 already wore the bits down.

17 Q. That was on the headgate drum?

18 A. Yes. It was soft sandstone.

19 Q. So that's after you'd done the shuffle and
20 cut the tail out and --

21 A. Yeah, went to go back towards the head and
22 we set bits. And like I said, the coal ring, it
23 wore every one of them bits plum out.

24 Q. Any sparking while that was going on?

1 A. Oh, yeah. Better make sure your face
2 isn't too close. I think it was around, it was in
3 the 160s is where that sandstone started, if I
4 ain't mistaken.

5 Q. Yeah, that's about right. And then it
6 goes all the way to the tailgate.

7 A. Yeah.

8 Q. And it looks hard.

9 A. It is hard.

10 Q. And what we're seeing right now, the coal
11 is so thin that the tailgate drum is cutting
12 sandstone on the top and sandstone on the bottom.

13 A. It's hard. I know they have to go real
14 slow going through it.

15 Q. On your crew, if you're down there
16 watching them run, where is the other guy
17 standing? The two shearer operators and the shield
18 man, what's their locations when they're cutting
19 that?

20 A. Normally the shield man, when they are
21 going to cut out, the shield man, he's normally
22 behind them setting shields still.

23 Q. Behind them, you mean towards the
24 headgate?

1 punched out and broke through the rib.

2 MR. CRIPPS: And we don't have
3 any more pictures, do we?

4 MS. HAMPTON: No, we don't.

5 Q. And that's where the drum is sitting right
6 now.

7 A. Okay.

8 Q. He's about, he actually has it trammed all
9 the way as far as he can go. The shearer needs to
10 go about another four feet to be completely?

11 A. He hasn't hit the stop yet.

12 Q. Okay. There is a stop in the pan?

13 A. Yeah.

14 Q. Normally when they're tramming, do they
15 tram all the way up against the stop?

16 A. Yeah.

17 Q. Yeah. He's not to the stop, but he is
18 through the coal block.

19 A. Okay.

20 Q. So in this case here, where would you
21 think that the, your shearer, tail shearer operator
22 would be, would be standing?

23 A. Would be about right here.

24 MS. HAMPTON: Here's a blue

1 marker. Maybe you can mark on there and
2 label.

3 THE WITNESS: I'd say he's
4 probably going to be about right here.

5 MS. HAMPTON: You can maybe draw
6 an arrow out to the margin.

7 THE WITNESS: Out to here?

8 MS. HAMPTON: Somewhere.

9 MR. CRIPPS: Out to here. That's
10 good.

11 MS. HAMPTON: And I'm going to
12 mark this map as Exhibit No. 3.

13 (Exhibit No. 3 marked for
14 identification.)

15 Q. Now let me tell you where we're at right
16 now. Here I'll take that off your hands.

17 The drums is cut out through this rib
18 right here, but it has not been sumped down --

19 A. Right.

20 Q. -- to cut the bottoms out.

21 So from what you've seen in your
22 experience, what would happen? What would happen
23 next?

24 A. If he's done got the top cut?

1 Q. Yeah, the top is cut.

2 A. He'd put it down the bottom.

3 Q. Drop the tailgate drum?

4 A. Yeah.

5 Q. In the bottom?

6 A. Yeah.

7 Q. What about the cowl?

8 A. He'd roll the cowl. This is after they
9 hit the stop, though. Is that what you're talking
10 about?

11 Q. I understand. No, actually, I left that
12 out. I'm glad you brought it up.

13 A. If it was before he hit the stop, he would
14 probably go ahead and cut it out as far as the
15 shearer would cut out.

16 Q. Go ahead. Continue.

17 A. Until it hit the stop. Then once he hit
18 the stop, then he's made sure he's got his height
19 right, he would drop the drum into the bottom and
20 rotate his cowl.

21 Q. Now we're looking at the explosion
22 somewhere around three o'clock in the afternoon on
23 day shift?

24 A. Right.

1 Q. So the shearer operators were located up
2 the face at 105 shields. They weren't located at
3 the shearer.

4 A. Right.

5 Q. Now is what you see there in the time
6 frame, would you think that it's the end of the
7 shift and they're leaving and going home?

8 A. I'd think probably no.

9 Q. Why is that?

10 A. Just the other crew probably hadn't even
11 started underground yet.

12 Q. Well, they actually just walked into the
13 mouth of the portal, so ...

14 A. Right, getting ready to leave.

15 Q. Do you guys normally hot seat?

16 A. I have seen them hot seat, but sometimes
17 they did, sometimes they didn't. It all depends.

18 Q. So if they wasn't leaving to go home and
19 the shearer operators are at 105 shield --

20 Let me give you another bit of
21 information. The shearer cable is not grounded.
22 To the best of our knowledge, there's nothing wrong
23 with the shearer.

24 A. Okay.

1 Q. Any thoughts about why those guys ain't at
2 the shearer?

3 A. Running from something. That's just my
4 first thought.

5 Q. I understand. I appreciate that.

6 If you're down at the tail, which I
7 understand you had been many times.

8 A. Yes.

9 Q. If you've got let's say a problem on the
10 shearer and you're going to run from something or a
11 problem anywhere, which direction are you going to
12 go, up the head or out the tail?

13 A. If it's on the shearer itself, if I got
14 the problem, is that what you're saying?

15 Q. Yeah. Well, let's just say anywhere.

16 A. If it was on the shearer itself, I would
17 go towards the head, because I have got fresh air,
18 and you're right at the tail, it's going to blow
19 back past you. Okay?

20 Now if it was up towards the head side and
21 I was down there and I was right there, I'd
22 probably be tempted, I know I'd do it, I'd go off
23 the tail.

24 Q. Why would you go off the tail?

1 A. Because you'd have all that smoke coming
2 down on you, or whatever.

3 Q. Do you think you could get out of the
4 smoke over in the tail entry?

5 A. I think you probably could. I stand a
6 better chance doing that than going a thousand foot
7 across the face.

8 Q. So now bear with me. I lost my train of
9 thought right there.

10 The shield, the jack setter, what do you
11 call it?

12 A. Jack setter.

13 Q. I'm from out in Illinois and the
14 terminology out there is totally different.

15 The jack setter, that's what you guys
16 have?

17 A. Yeah, the jack setter.

18 Q. When would he come down here and pull
19 these shields down here at the tailgate?

20 A. Normally it was after they, they cut it
21 out. They'd cut, punched out, and dropped the drum
22 and started -- usually about the time they'd drop
23 the drum right here, he would end up catching up
24 back up with them and he'd come down here as soon

1 as they went back by him and it's time to pull the
2 shields in, he would pull the shields in.

3 Now I have seen the shearer operator come
4 back here and pull the shield in.

5 MS. HAMPTON: Just to interrupt,
6 you're pointing to the map and you're
7 saying things like "here." It comes
8 across more clear on the transcript later
9 if you explain rather, because we don't
10 know where you're pointing when we try to
11 read the transcript later on, so try to
12 explain in words where you're pointing
13 to. Thank you.

14 A. When the shearer, when they would go back
15 by and they go to pull the shields in, they go to
16 176 shield, the jack setter would, and then he
17 would start pulling the shields in while they cut
18 back through.

19 And then like I said, if he was way behind
20 the shearer operator, he would go back there and
21 start pulling the shields for him trying to help
22 him out so he could get caught up, because he might
23 be having a hard time stepping the shields off so
24 he could shuffle and stuff, you know.

1 Q. Tell me about pulling the shields.

2 Let me ask you another question first.

3 When you staggered the guys out for lunch, did you
4 also stagger out the jack setter?

5 A. Yeah.

6 Q. So you pulled shields?

7 A. Yeah. I wasn't real good at the shuffle
8 and stuff, because I hadn't done it very much, but
9 as far as going straight up and down, yes.

10 Q. Tell me about pulling the shields as far
11 as how that worked, the process of it.

12 A. The process of it, it has an electronic
13 box on the front of it with CIUs on it. And up
14 towards the, up at the head, they have a button on
15 it and you put in advanced push prime is what they
16 called it. You could pull your shields in, you can
17 hit that button, pull your shields in or you'd have
18 somebody hit it for you.

19 And then as you went down through there,
20 after you got so far down through there, normally
21 about 14 shields or so, you can call your push and
22 it would start pushing the shields out and pushing
23 the line forward.

24 Q. Okay. When you're pulling the shields,

1 did you have to pull every shield individually?

2 A. Yeah.

3 Q. To your knowledge, was this system
4 originally designed to have a prime where you could
5 pull multiple shields?

6 A. Yeah. I heard people talk about it, but I
7 never seen it actually work.

8 Q. Is this the first longwall face you worked
9 on?

10 A. No, I worked -- I mean, when they were at
11 Logans Fork, I worked down there, too, but I was
12 mostly outby doing work and stuff.

13 Q. So this is the first active face you've
14 actually been on?

15 A. Besides that one at Logans Fork. I mean,
16 I go up there from time to time and I actually was
17 on -- I can say, well, I worked up there, too,
18 because I actually worked on the crew that was up
19 there that got killed in the explosion. I worked
20 with them probably four or five months.

21 Q. So you worked with them at Logans Fork?

22 A. Logans Fork.

23 Q. So you was, what, the utility man for that
24 crew?

1 A. Basically I helped, there was only one
2 electrician on it, and they had me helping him.

3 Q. Okay.

4 A. Which is one of the ones that got killed.

5 Q. That was Grover?

6 A. Yeah.

7 Q. We talked about the location of the guys.
8 And when the shearer was cutting to the head, where
9 would the operators and the shield man be at that
10 time?

11 A. The head end operator would be at the
12 front of his drum, probably four or five shields,
13 maybe a little more. And the tail end operator
14 would normally be about where the X is on the map
15 now, right in that area, maybe back just a little
16 bit further. I'd say he would probably be about
17 right here.

18 Q. So you're saying towards the tail end of
19 the shearer?

20 A. Yeah. Just a little bit. Not a whole
21 lot.

22 Q. But between the drums on the shearer?

23 A. Yes.

24 Q. What about the jack setter?

1 A. The jack setter would be behind pulling
2 shields in.

3 Q. He would be to the tailgate end?

4 A. Yes.

5 Q. Pulling shields in as they come.

6 Did you ever help set bits?

7 A. Yes.

8 Q. Is that a pretty common occurrence, or was
9 it a pretty common occurrence prior to the
10 explosion?

11 A. Usually if we were done with our servicing
12 and stuff on the shearer and we didn't have much
13 going on, they were setting on the head or
14 something, they were shorthanded, we would help.

15 Q. Okay.

16 A. Because like I said, back there towards
17 the tail, I seen a point that at one time we had to
18 load, we had to take bits to the tail because it
19 was so hard back there, you'd run the shearer to
20 the tail, punch out the first time, set bits, punch
21 out again, and set bits again, go back to the head
22 where it was so hard.

23 Q. When we checked the shearer, it looked
24 like every place they could stash a box of bits on

1 the shearer, they had them there?

2 A. That's what I figured.

3 Q. Is that pretty common here, or right prior
4 to the explosion?

5 A. It wasn't so common right prior to the
6 explosion as it was a little bit before it.

7 I can remember throwing bits on it, but we
8 didn't have to set them as often, it didn't seem
9 like, but it was really hard.

10 But normally there would be bits down the
11 line. You know what I mean? And they would be
12 setting towards the tail or I guess somebody else
13 had took them and dropped them off and didn't use
14 them.

15 Q. That would be down around the tailgate
16 area?

17 A. Yes.

18 Q. I'm going to let somebody else talk to
19 you, if you don't mind, for a little bit.

20 EXAMINATION

21 BY MR. SCOTT:

22 Q. Hello, Randy. I'm John Scott with the
23 State. I have got a few questions.

24 You say lots of times when you would start

1 your shift you would stop at the mule train and
2 maybe talk to the other people to see what was
3 going on?

4 A. Yes.

5 Q. Would it be generally the other
6 electrician on that preceding shift?

7 A. Yes, but we would also talk to the -- when
8 we talked to the shield operator and shearer
9 operators and stuff also just to make sure
10 everything was fine with the shields, because
11 normally they would have a list of leaks or sprays
12 or something going on, you know, where a hose is
13 busted or something like that.

14 Q. But if everything was running normally,
15 would the electricians be maybe at the mule train
16 or around the headgate?

17 A. Normally would be -- I know as far as me
18 and Luke were concerned, when we'd get there, we'd
19 head straight for the face pretty much after we got
20 our tools and stuff.

21 Q. I'm talking about the end of the shift,
22 though, I mean, like if you were, say you were
23 coming on an afternoon shift.

24 A. Right.

1 Q. Or leaving out for day shift. If
2 everything was running okay, would the day shift
3 electricians normally be at the mule train or up
4 around the head?

5 A. Yeah. They would normally be either at
6 the head or they would, up towards the head or they
7 would be at their toolbox.

8 Q. So they wouldn't normally be down the jack
9 line unless there was some kind of problems or?

10 A. It really depends on the person, actually,
11 because some -- I mean, like myself, I stayed on
12 the line all the time until the end of the shift.
13 Until them guys walked off, I was up there
14 normally.

15 Q. You said you worked with Grover before?

16 A. Yes.

17 Q. Was Grover, would he normally stay down
18 the line or did he normally come up to it?

19 A. Normally he was up towards the head or he
20 would be at his toolbox.

21 Q. It was kind of unusual for him to be out
22 on the line unless there was some kind of problem?

23 A. Right, especially if it was past mid face.

24 Q. We were talking a little bit before about

1 the Control boxes communication and also for the
2 conveyer chain.

3 A. Right.

4 Q. Did they normally keep some spares down
5 the jack line, a spare terminator or a spare phone
6 or anything?

7 A. Normally we kept the phones and stuff,
8 they would, there was a -- it was actually Grover's
9 tool car, which was like our parts sled, and they
10 had big magnets on the bottom of it and we'd stick
11 them on the side of it.

12 Q. So you didn't normally keep anything down
13 the jack line?

14 A. Normally, no.

15 Now somebody might leave one laying there
16 that was a bad one or something and didn't have
17 enough hands to carry it off, or sometimes we'd
18 tell the shearer operator, hey, my hands are full,
19 will you come by, it's got magnets on it, and slap
20 it on top of it real quick or put it on the shelf
21 on the side or something.

22 Q. Do you ever recall having much trouble
23 with the Controls as far as the conveyer part of it
24 or where you had to basically use the Control shoot

1 with the terminator box coming back up the line?

2 A. No.

3 Q. Is that a common thing?

4 A. No, just every once in a while. I never
5 really used it. As far as using the terminator to
6 find out where the problem was, most of the time we
7 could find the problem, because normally it was
8 would be a cable or something.

9 Q. And it was obviously enough to tell that
10 that was a problem without having to?

11 A. Right, because normally it would be plum
12 in two. Or if your phone quit working at a certain
13 point on the face, you know ...

14 Q. You know that's about where it was at?

15 A. Right.

16 EXAMINATION

17 BY MR. MAGGARD:

18 Q. I got a few questions.

19 Who would take care of the sump flow
20 pumps, would that be you or a utility guy?

21 A. What do you mean by take care of them?

22 Q. Like changing filters, was that a PM that
23 you had to do?

24 A. No. No, it wasn't. We would -- I have

1 cleaned the baskets out. Is that what you're
2 talking about?

3 Q. Yeah.

4 A. The baskets?

5 I have cleaned the baskets out on them.
6 It wasn't really a PM.

7 I have seen nights where they were
8 using -- they were pumping water. I don't know
9 where they were pumping it from or whatever. And I
10 can remember by the time I changed it -- and they
11 put socks in it to try to filter it more so it
12 didn't contaminate the system.

13 We was down there and by the time I
14 changed the first one and get to the last one,
15 because we had four of them, I'd have to go back
16 and change the first one again, because the pumps,
17 you could tell it was sucking out of water. You
18 could look at the gauge and see the pressure go
19 down on it.

20 Normally they --

21 I'm sorry.

22 Q. No. Go ahead.

23 A. Normally they would have, I did see it on
24 my PM sheets, you go down and look at the pressure

1 and record the pressure of them.

2 Q. And what would that pressure normally be?

3 A. I can't remember. I really cannot
4 remember.

5 Q. Well, that's fine.

6 Did they ever at some point quit using the
7 sock filters, the socks on the basket?

8 A. Yes.

9 Q. Why was that?

10 A. They had switched water sources.

11 Q. How did you find out that they switched
12 water sources?

13 A. Actually, they told us outside and also
14 Luke, which was up there with me, he had told me
15 that they switched them.

16 Q. And was there any problems after that,
17 after they switched water sources? Was there still
18 some plugging issues? Did you have to go down
19 every so often and clean the baskets?

20 A. We cleaned the baskets, but I mean, it
21 wasn't like it was, a big issue.

22 I mean, you could find before when we put
23 socks and stuff in, I mean, you could find caps. I
24 don't even know how they got in there. Caps to

1 like a WD-40 can or something, you know. Every
2 time it rained, it was horrible.

3 Q. As far as the sprays and stuff, I mean,
4 where did they keep the spare parts? You said
5 something about Grover's box?

6 A. Yeah. We had like -- he basically has a
7 toolbox on a cart that had wheels on it. There
8 were spare parts on it, and there was also another
9 car that had spare parts on it also.

10 Q. And what kind of, I mean, what kind of
11 components would you keep? Did you keep like CIUs,
12 Comtrols? What kind of electric type stuff did he
13 keep down there?

14 A. Normally try to keep at least three or
15 four CIU boxes, usually three or four Comtrol
16 phones, probably three or four Comtrol cables,
17 hoses variety of sizes, the fittings for the hoses
18 to stay blocked. Normally kept cutter shafts and
19 our conveyer shafts and stuff on it. There's
20 bolts, you know, washers. Just a little bit of
21 everything.

22 Q. Let me ask you, did ever have to replace
23 these CIUs on the face? When is the last time you
24 had one that wasn't working right?

1 A. Tell you the truth, I couldn't tell you.
2 I mean, I have replaced the CIU boxes and I have
3 replaced CIU cables also, but I couldn't tell you
4 for sure the last time I changed one.

5 Q. If you replaced one down toward the tail,
6 would you normally carry it back or have it thrown
7 on the shearer and brought back if you come out on
8 the head?

9 A. It's the same way as I was talking about
10 the Control phones, if I had enough hands, I'd
11 carry it. But some people are lazier than others
12 and they don't want to carry nothing, so they just
13 tell them to throw it on the shearer.

14 Q. Those CIUs are a little heavier than the
15 Control boxes?

16 A. Yeah.

17 Q. What about the light circuit, how well
18 maintained was that, in your opinion?

19 A. It's taken care of pretty good.

20 Q. Did you have any that ever got busted or
21 you'd have to replace or how did you do that?

22 A. Yeah.

23 Q. Or would you just leave it, unplug it and
24 change it, you know, in a week later or something?

1 A. Normally if -- half the time if it was
2 still there, because they had magnets on them and
3 little rubber pieces and sometimes they'd end up
4 hitting a chain and, you know, coming unplugged and
5 everything else, because all the light cords are
6 zip tied up, and if there's one crushed or
7 something like that, I would take and unplug it and
8 put the cap back over it and I would take it off
9 the line.

10 And if I did not have one to replace it, I
11 would either call out for the next crew to bring
12 some in or have the hoot owl or if like I was on
13 evening shift and the hoot owl was coming in, I'd
14 have him bring some in to replace it.

15 Q. Where was the last Control phone on the
16 face? Do you remember what shield it was at?

17 A. It should have been at the stagger shield,
18 which would have been probably, I'm thinking it's
19 the last one, I'm pretty sure, 173.

20 Q. I'm going to switch gears a little bit.
21 Methane monitor sensors, did you keep spare parts
22 for that? Did you keep sensors along the face or
23 did you keep it over on the headgate side or
24 outside?

1 A. What do you mean, spare parts?

2 Q. Spare parts?

3 A. I'd seen sniffer up there like on the tool
4 sled and stuff like that. I never really fooled
5 with as far as the sniffer and calibrating methane
6 monitors and stuff like that, normally that was
7 done on hoot owl.

8 Q. So you never had methane monitor trouble
9 across the wall that caused the headgate boxes to
10 trip out --

11 A. No.

12 Q. -- or anything like that?

13 A. I haven't.

14 Q. When you came to work, what, in was it
15 May? What time prior to the accident? When did
16 you start at UBB?

17 A. Do you want to know when I started at UBB
18 or when I started working on the wall?

19 Q. UBB and the wall. Did you do something
20 earlier than working on the wall at UBB?

21 A. I worked at Logans Fork on the same
22 longwall, same people.

23 Q. So when did you come to UBB?

24 A. When I come, it was probably around June.

1 Q. June.

2 And when you come to UBB, what was your
3 first job assignment? What did you have to do the
4 first day?

5 A. I worked outside to work on the shields.

6 Q. And what about your, how long was you
7 outside working on the shields? I mean, when was
8 your first day trip underground? Could you
9 remember that?

10 A. It was actually right, it wasn't long
11 before the wall first started running.

12 Q. Could you tell me a little bit about who
13 trained you when you started at UBB and while you
14 were there?

15 A. Just at UBB?

16 Q. Yeah, just at UBB.

17 A. As far as the training and doing?

18 Q. Let's say the first day, what kind of
19 training did you get? Did you get some kind of
20 task training or any kind of specialized training
21 or do you remember?

22 A. I can remember the task training forms. I
23 remember this is when I was outside, they had a
24 shield hauler out there and it was one I never

1 fooled with before. I'm sure if you've been down
2 there you've seen them. They are two great old big
3 long ones. I don't even know why they've got
4 them. And there's a guy, he was a higher up
5 electrician too, Delbert Bailey. He's the one that
6 task trained me on it.

7 Q. Have you ever been trained by a, I think
8 his name is Robert Hale?

9 A. Yeah, I know Robert.

10 Q. What kind of training did he give you?
11 Can you remember that?

12 A. No, not really. He might have been, he
13 was up there when Delbert was up there and they was
14 both showing me about the shield hauler, so I don't
15 know which one -- I can't remember which one filled
16 out the paperwork.

17 Q. Can you remember AMS training, receiving
18 that?

19 A. AMS, what's that stand for?

20 Q. Atmospheric monitoring system. It's like
21 your CO system?

22 A. CO systems. I can't remember that.

23 Q. Did anybody ever give you what's called
24 experienced miner training, or do you know, when

1 you come to UBB?

2 A. I'm trying to remember.

3 Q. Or did they put you right straight to work
4 on the shields?

5 A. No. I can remember filling out the
6 papers, but I can't remember when it was exactly.

7 What are they called?

8 Q. 5023s?

9 A. Yeah. I can't remember when it was they
10 gave them to me, to tell you the truth.

11 Q. So on, I mean, I must have missed it, but
12 how long was it -- you worked from like June until
13 probably September or when before you went
14 underground? I'm not clear on that.

15 A. It was probably -- it was probably three
16 weeks, two or three weeks.

17 Q. Okay.

18 A. Before the wall started running. Maybe,
19 it may -- yeah, about two weeks, two or three
20 weeks.

21 Q. As far as what kind of electrical exams
22 did you do? Did you do any electrical records or
23 did you mostly do like maintenance type stuff, like
24 PMs or?

1 A. I done more maintenance than PMs and
2 stuff. I did look at like scoop, scoop and shield
3 hauler, and I remember one time, I can't remember
4 when it was, I looked at the mule train and stuff
5 down there.

6 Q. Okay.

7 A. But I never done the shearer, as far as
8 like the shearer and stuff like that.

9 Q. You had a daily PM --

10 A. Yeah.

11 Q. -- that you did; right?

12 A. Right.

13 Q. Well, you're not doing that now, but could
14 you kind of explain what, what you would do during
15 the day to get all your PM, preventive maintenance,
16 items completed?

17 A. I'm trying to think. There was one of
18 them I can remember I had to wait until I was up
19 there towards the headgate. I'd have to check the
20 oil and stuff and I'd have to wait until they shut
21 down to check the oil and make sure I had oil and
22 everything.

23 I'm trying to think of what else. I'm
24 trying to remember what PM --

1 I had to record the pressure on the water
2 pumps.

3 Q. Where would you get that?

4 A. Down at the mule train.

5 Q. Was part of that anything, did you have to
6 check any pressures on the shearer water line or?

7 A. Normally that was what Luke done.

8 Q. Okay.

9 A. I don't know about it being on his PM
10 sheets or whatever. I'm not quite sure what was on
11 his. Mine was totally different from his.

12 Q. So was there anything that you did
13 during -- other than checking oil, was there
14 anything on your PM sheet that you, if you couldn't
15 get it done, you'd have to shut down the shearer,
16 shut down the line?

17 A. Not that I can remember.

18 Q. Say you get there to hot seat with the
19 second shift and stuff and things are running
20 pretty good. Would that be a pretty quick switch
21 out and you just keep right on cutting?

22 A. No. Normally they would -- normally what
23 would happen was they, when we, if we were hot
24 seating, we'd get there, they would normally be

1 coming off the line while we were walking from the
2 mule train.

3 Q. And how long would it take you to get
4 started back up and back to running?

5 A. A lot of it would depend on where the
6 shearer was located at. If it was on the tail when
7 the shearer operators would get down there and they
8 would holler they were ready to run.

9 Q. So I mean, if you was coming in on second
10 shift, get to the shearer and you started up and
11 get right back on it, huh?

12 A. Yeah.

13 Q. What about, say you was on day shift and
14 prior to the second shift and you was getting ready
15 to leave, did you do anything prior to leaving, I
16 mean, as far as setting anything up for the guys
17 coming in or just pretty much stop what you're, you
18 know, stop running and get ready to go home?

19 A. You talking about as me or like the whole
20 crew?

21 Q. The whole crew. Yeah, the whole crew.

22 A. I'm trying to think. Normally it was
23 pretty much when the other crew got there, they'd
24 stop, and then the other guys would pick up right

1 where it was sitting.

2 Q. What about on day shift in the morning, I
3 mean, when you got to the section and you got ready
4 to run -- I don't know what third shift might have
5 been doing.

6 A. Right.

7 Q. What was normal as far as starting up and
8 running in the morning on day shift?

9 A. Normally they would go and if the shearer
10 was at the head, it would be pretty quick to start
11 running. They would holler at the headgate man to
12 start them up and turn the water on. And then
13 they'd start running.

14 Q. Would it be, would the, you know, if the
15 bits hadn't been changed or something like that,
16 what would --

17 A. They would set bits before they took off
18 if the bits hadn't been changed.

19 Q. Was the bits, did they have to be worn a
20 certain amount before they do that? Would they run
21 a little bit and stop a little later if they
22 wasn't -- how would they --

23 A. Normally if they didn't, they'd always say
24 if it ain't got no carbon in it to replace them.

1 Q. Had they ever tried any different types of
2 bits prior to April 5th other than the ones -- had
3 they changed types any?

4 A. I don't know. I'd heard people say they
5 had some people come down there that had some that
6 was supposed to be coated with something to make
7 them last longer, but I think that was before I
8 actually worked down there. We always used the
9 Kinmill (phonetic) bits.

10 Q. Would you ever see them get down so low
11 they'd damage the bit holders and --

12 A. The inserts.

13 Q. -- the inserts? Right.

14 A. When we was cutting in that hard stuff
15 back there, like I was saying before, when we went
16 down that coal rig that time, you were right at the
17 edge of the inserts. Which, I mean, I guess you
18 could say, yes, I have seen it, because I have seen
19 damage to inserts, and the only way that's going to
20 happen is if you wear that bit out, or if the bit
21 comes out, the bit would happen to come out.

22 Q. Now you run the shearer sometimes to spell
23 the guys out for lunch and stuff?

24 A. Yeah.

1 Q. Would you normally get a half a pass or
2 what would you normally get while they're eating
3 lunch?

4 A. Normally about a whole pass.

5 Q. A whole pass?

6 A. Because I was basically still learning,
7 you know, and stuff and I'd normally wait until
8 they got their shuffle done and stuff and usually
9 by the time we got it to the head, because normally
10 we'd wait until it got to the tail to float them
11 out for lunch, then we'd take it to the head, that
12 way you ain't got to walk as far, too, you know.

13 Q. Right.

14 In that distance from the, you know, if
15 you make a pass, did you ever notice when you, I
16 mean, how quick a change, I mean, would changing
17 the remotes over, did you ever stop it and take a
18 look at bit sprays or anything up toward the head
19 after you got done?

20 A. What are you talking about, once we got
21 the shearer on the head?

22 Q. Yeah.

23 A. Normally once we got the shearer on the
24 head, we'd be biting it up anyhow.

1 Q. When you were bitting up, what's the most
2 amount of sprays you've identified missing at
3 any one time?

4 A. Probably one or two. That's all I've ever
5 seen. And usually the shearer operator would point
6 out, say, hey, man, I got a spray out, need to get
7 some sprays in there, and we'd address the problem
8 and put a new spray in.

9 Q. Which side would you normally run, the
10 head side?

11 A. The head side.

12 Q. Out of the experience you've had with
13 this, have you noticed the more sprays coming out
14 of the tail drum or the head drum or did it
15 really --

16 A. It don't really --

17 Q. -- matter?

18 A. Yeah, it don't really matter, I don't
19 believe.

20 I have seen -- which it wasn't a whole lot
21 of them I have seen come out, because they usually
22 stay in there pretty good, you know. But I have
23 seen them come out of the tail end and the head
24 end, but normally it won't be but like one or

1 sometimes you might have every so often two.

2 Q. As far as sprays plugging, have you ever
3 had any problems with, like, high temperature trip
4 outs on the shearer or things that you had to be,
5 try to get ahead of to keep from happening? Was
6 there certain sprays on the shearer that were more
7 important to keep unplugged than others?

8 A. To keep unplugged? Unclogged?

9 Q. Unclogged. Right.

10 A. I can't remember which sprays they are,
11 but there was one set that had your tram, tram in
12 it, had the water that cooled it, and I can't, for
13 the life of me I can't remember which one it was.

14 Q. Had you ever noticed different types of
15 sprays that were being used, like different sizes,
16 different size orifices?

17 A. No.

18 Q. Had you ever noticed any sprays that the
19 plastic insert or the --

20 A. Cap on the back of them?

21 Q. Yeah. That had to be removed or was
22 getting plugged that had to be took out?

23 A. I have seen some with them removed.

24 Q. Would that help about the clogging?

1 times you didn't, was there any rhyme or reason?
2 How would that happen? Or if you weren't hot
3 seating out, when did you change out?

4 A. Normally we'd change out right at the
5 mantrips.

6 Q. At the mantrip?

7 A. Yeah.

8 Q. Did you sometimes change out on the line
9 itself along the wall?

10 A. Yes.

11 Q. The third shift, the hoot owl shift, how
12 much did they get done in terms of maintenance?

13 A. It depended on what they had to do, a lot
14 of it, how big a job it was.

15 Q. You mentioned that there was no carbon in
16 the bit, then you would change them. Do you
17 remember who said that?

18 A. I don't remember.

19 Q. Did you ever change a ranging arm pin like
20 they were changing?

21 A. Yeah, we had changed one.

22 Q. Tell me about that.

23 A. We had a pin come out on us and they, the
24 shearer operator, the head end shearer operator,

1 which is the guy just left here, Roger Scarbro, he
2 knows that the arm was raising up towards the face
3 side, so we had them stop the shearer and got over
4 there looking and the pin was gone. And we ended
5 up, we started putting the pin -- they had a cap
6 that went over it on outside towards the face, it
7 was missing, and we ended up putting the, we was
8 trying to get the pin in. The B locks were still
9 there, which lock to pin it in place, and we were
10 trying to get the pin in, we just backed the bolts
11 out on the B locks and I cut a new cap for the
12 outside of it and the hoot owl had showed up and
13 they finished the job.

14 Q. Was that a large job or take a long time?

15 A. It depends on -- it takes more time than
16 you want it to because of the B locks.

17 As you go around them, it like compresses
18 on them as you tighten them up, and you got to just
19 keep going around and going around and going around
20 to get them tightened up.

21 Q. Now on the time you did this, who worked
22 on that?

23 A. Who worked on putting the pin in?

24 Q. Right, changing the pin, fixing it.

1 A. Well, like I said, me and Luke Ford had
2 started on it, and the hoot owl actually come in
3 and finished it up.

4 Q. Would any of the crew have worked on it
5 with you?

6 A. They were all there. I mean, if you're
7 down, the whole crew is there with you, except for
8 the headgate man.

9 Q. Did you get a PM sheet every day?

10 A. Yeah.

11 Q. You said that the bits were in one period
12 of time that the sand rock, sandstone was so hard
13 that you'd have to change the bits three or four
14 times to get through the shuffle?

15 A. Yeah.

16 Q. And do you recall, was that just before or
17 earlier than the period of time leading up to the
18 accident?

19 A. It was right before the explosion. But it
20 had been worse at a different point in time. I
21 can't remember how long before that it was.

22 Q. But in the period of time right before the
23 explosion, you encountered or re-encountered this
24 very hard sandstone?

1 it's one that you filled out in the past?

2 A. Yes.

3 Q. And you would take that underground with
4 you and then through the course of the shift work
5 on those items? Is that how it worked?

6 A. Yes.

7 Q. Was there a set order that you did things
8 or did --

9 A. No.

10 Q. -- you just try to get all of that
11 accomplished sometime on the shift?

12 A. I just tried to get it all accomplished
13 sometime in the shift.

14 Q. And if you didn't get something
15 accomplished?

16 A. Usually if I didn't get something
17 accomplished, Luke would help me out sometimes.

18 Q. Okay.

19 A. And look at stuff for me.

20 Q. And you did this every shift?

21 A. Yes.

22 Q. Look down there towards the bottom where
23 it says "check water sprays and wrap around, ten
24 minutes" and then your initial over there beside

1 it.

2 A. Right.

3 Q. Explain to me what that involved.

4 A. Make sure they were spraying.

5 Q. So it was a visual examination of all the
6 water sprays?

7 A. Yeah, make sure, on the wraparound to make
8 sure it was spraying.

9 Q. What's the wraparound?

10 A. It's hard -- I'm trying to remember now
11 where exactly it was located, because it was all
12 new to me, and Luke showed me most of it, because I
13 remember they ripped the one off.

14 Q. Was it on the ranging arm?

15 A. Yes. Yeah, it was. I was trying to
16 remember. It's been so long.

17 Q. But that check and when you initial there,
18 that's not an initial stating that you actually
19 checked pressure?

20 A. No.

21 Q. Or the number of sprays on the shearer.
22 You just looked to see?

23 A. I looked to make sure the sprays were
24 spraying water out.

1 Q. Do you recall the wraparound sprays, did
2 they have some significance or some importance?

3 A. They helped keep the coal dust down.

4 Q. Did they also serve for cooling anything
5 on the shearer?

6 A. I'm not sure.

7 Q. You said something was ripped off one
8 time. What was it that was ripped off?

9 A. It was a set of sprays one time. I think,
10 I can't remember if it was the wraparound or what
11 it was. They fixed it. I remember them fixing it,
12 but I don't remember. They ripped off a bar that
13 had sprays on it, but then they put it back on.

14 Q. But during your PM that you do here,
15 you're not checking water pressure?

16 A. Me myself, no.

17 Q. And this may be accomplished anytime
18 during the shift?

19 A. Yes.

20 Q. Just sometime during the shift --

21 A. Yes.

22 Q. -- you're looking to make sure they're
23 spraying, along with all of these items here?

24 A. Right.

1 Q. That's just sometime during the shift?

2 A. And chain tension.

3 Q. That probably gives you a little reminder
4 of everything you have to do, doesn't it?

5 A. Yes, it does. Usually when they was
6 setting bits is when we checked the chain with the
7 potentiometers and take a look at it.

8 Q. We use that thing up there.

9 A. It's heavy, ain't it?

10 Q. Oh, my.

11 A. Especially when it's laying in the trough
12 and you ain't got that much between the backboard
13 and the shield, you can't get overtop of it. It's
14 a good place to smash your fingers.

15 MR. CRIPPS: Okay. Do we need to
16 mark this?

17 MS. HAMPTON: Yes, we do. I'm
18 going to mark this as Exhibit No. 4.

19 And just for the record, this is
20 a document that's labeled Performance UBB
21 Longwall, Saturday 4/3/2010, a crew
22 electrician.

23 (Exhibit No. 4 marked for
24 identification.)

1 Q. Do you know if the face ever run with the
2 methane monitor jumper out?

3 A. No.

4 Q. You don't know that ever happening?

5 A. No.

6 Q. We've heard that that has happened in the
7 past.

8 A. I don't know nothing about it.

9 Q. Not to your knowledge?

10 A. No.

11 Q. Would you know how to jump one out?

12 A. No.

13 Actually, I had an inspector come up and
14 he made me pull the readouts out of the miners
15 where I work at now to look for jumpers, and that's
16 what I asked him, I said, I don't even know how the
17 thing comes apart.

18 Q. Did you find any?

19 A. No.

20 Q. Okay. Good.

21 In your time up on the face, have you ever
22 had rock dust come in on you up on the face and
23 dust you out, basically?

24 A. No. I have seen -- I remember one day, it

1 seemed like it was the week, it was right before
2 the explosion happened, I can remember that the,
3 our utility guy, he was rock dusting right up
4 around near the last open break and dust was coming
5 on the line as I was going off. And I was like,
6 Man, what's going on? And I walked around there
7 and seen rock dust.

8 Q. Was he hand dusting?

9 A. Yeah, hand dusting.

10 Q. So he was just spreading bags of dust by
11 hand?

12 A. Right.

13 Q. When you was a utility man at Logans
14 Fork.

15 A. Uh-huh.

16 Q. Did you ever do any rock dusting?

17 A. Yes.

18 Q. Was it hand dusting?

19 A. Yes.

20 Q. Did you ever go outby and do any machine
21 dusting of any kind?

22 A. No.

23 Q. When you was at Logans Fork, you was with
24 Gary Corrals and that crew, did you work with them?

1 A. Yes.

2 Q. Do you know, did Gary carry a methane
3 spotter?

4 A. I don't know if he did or not. I can't
5 remember seeing Gary Corrals with one.

6 Q. On your crew, who carries one?

7 A. I can't remember. I think it was Terrence
8 Adkins is the one that carried it, if I ain't
9 mistaken, which would be the tail end shearer
10 operator.

11 Q. Just a couple more questions. The guys on
12 your crew, anybody wear Airstream helmets on the
13 face?

14 A. No.

15 Q. Did they have them available?

16 A. Yes.

17 Q. Was there one available for you?

18 A. If I asked for one, they would have gave
19 me one.

20 Q. And you didn't wear one?

21 A. No, we just wore the respirators.

22 Q. What about Joel Price, did Joel?

23 A. He had went back to one, the Airstream
24 helmets.

1 Q. He was wearing an Airstream?

2 A. Yeah. He had went back to wearing it.

3 Q. Anybody else on that crew did you know?

4 A. Not that I know of.

5 Q. Did Gary?

6 A. I think Gary just wore a respirator.

7 Q. Did Joel carry a spotter?

8 A. I don't know if he did or not for sure.

9 Q. I interrupted you about the Airstream. Go
10 ahead.

11 A. That's all.

12 When we was at Logans Fork, everybody had
13 to wear them, all the operators, and then when we
14 got to UBB, they switched it and got approval where
15 you could wear a respirator or the Airstream
16 helmet.

17 Q. So is it fair to say that most people went
18 away from wearing the Airstream?

19 A. Yes.

20 Q. Did you wear one at Logans Fork?

21 A. Yes. It's very aggravating.

22 Q. Uncomfortable?

23 A. Yeah, aggravating.

24 Q. Aggravating?

1 A. Especially if you have a shield that won't
2 pull in, you got to crawl back in the support valve
3 to pull it in because something is wrong with the
4 CIU or something or solenoid (phonetic) or
5 something.

6 Q. There was nothing to get hung up on, was
7 there?

8 A. You got this big old helmet on trying to
9 fit it through, trying to get up in there.

10 Q. You familiar with the fire suppression on
11 the shearer?

12 A. No, I'm not.

13 Q. You're not?

14 A. No.

15 Q. You've never tested it?

16 A. No.

17 Q. You aware if it even worked?

18 A. I have never fooled with it.

19 Q. Never fooled with it.

20 A. Normally the stuff on the shearer was left
21 for hoot owl to take care of, do checks on and
22 other stuff.

23 MR. CRIPPS: I think that's all I
24 have got.

EXAMINATION

1
2 BY MR. SCOTT:

3 Q. I have got one more. You may have
4 answered this, but if you have, I hate to ask you
5 again. Did you ever notice the change in the
6 airflow down the face line, drastic change in a
7 week or two or month leading up to this explosion?

8 A. No, I noticed the air change from the time
9 when we first went up there, like when we first
10 started running when I was up on the face and stuff
11 I noticed a change from then until, you know, prior
12 to right up to the explosion. I know the air had
13 dropped, because it used to be there was so much
14 air coming across there it wasn't even funny.

15 Q. Would you say it's cut in half or just --
16 I'm not --

17 A. I would say over that period of time, from
18 when we started running to then, I'd say yes. But
19 I mean, it was like a tornado going across there.

20 Q. At first?

21 A. At first.

22 MR. CRIPPS: You got any
23 questions for us?

24 THE WITNESS: I don't know.

1 MR. CRIPPS: Can you think of
2 anything that we haven't asked you that
3 you might be able to enlighten us on that
4 would help us out any at all?

5 I don't know what you'd heard or
6 who you talked to, but I mean, hopefully I
7 have explained to you the condition of the
8 face as we seen it with the condition of
9 the shearer and the disconnect open and
10 the water shut off and the shearer
11 operators gone.

12 MR. KOERBER: Do you have
13 anything at all you want to say, any
14 comments, any statements, anything
15 whatsoever, the floor is yours.

16 THE WITNESS: I don't guess, as
17 far as I know.

18 MR. KOERBER: Let's go off the
19 record.

20 (The interview of RANDY GWINN
21 concluded at 3:06 p.m.)
22
23
24

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Lisa Marie Short, a Notary Public and
3 Certified Court Reporter within and for the State
4 aforesaid, duly commissioned and qualified, do
5 hereby certify that the interview of RANDY GWINN
6 was duly taken by me and before me at the time and
7 place specified in the caption hereof.

8 I do further certify that said proceedings
9 were correctly taken by me in stenotype notes, that
10 the same were accurately transcribed out in full
11 and true record of the testimony given by said
12 witness.

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

20 My commission expires the 8th day of
September 2018.

21 Given under my hand and seal this 14th day
of February 2011.

22

23

24

Lisa Marie Short
CCR
Notary Public