EXAMINATION UNDER OATH

OF

JAMES ALLEN SCHOONOVER

Taken pursuant to Notice by Miranda D. Elkins, a Court Reporter and Notary Public in and for the State of West Virginia, at U.S. Bankruptcy Court, 324 West Main Street, Clarksburg, West Virginia on Wednesday, January 18, 2006, at 1:13 p.m.

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* Exhibits not attached

P R O C E E D I N G S

MR. GATES:

My name is Richard Gates and I am a District Manager with Mine Safety and

07 Health Administration, an
08 agency with the U.S.
09 Department of labor. I'd like
10 to introduce Mr. Robert Wilson
11 with the Solicitor's Office
12 and Mr. Joe O'Donnell, a field
13 office supervisor with Mine
14 Safety & Health
15 Administration.
16 With me are also Brian
17 Mills and Dave Stuart with the
18 West Virginia Office of
19 Miners' Health, Safety &
20 Training. And representing
21 International Coal Group is
22 R. Henry Moore and Sam Kitts.
23 Also as representatives of the
24 miners are Ron Bowersox and
25 Gary Trout. I've been

9

01 assigned to conduct an
02 investigation into the
03 accident that occurred at the
04 Sago Mine on January 2nd, 2006
05 in which 12 miners died and
06 one was injured. The
07 investigation is being
08 conducted by MSHA and the West
09 Virginia Office of Miners
10 Health, Safety & Training to
11 gather information to

12 determine a cause of the
13 accident. And these
14 interviews are an important
15 part of the investigation.
16 At this time, the
17 accident investigation team
18 intends to interview a number
19 of people to discuss anything
20 that may be relevant to the
21 cause of the accident. After
22 the investigation is
23 completed, MSHA will issue a
24 written report detailing the
25 nature and causes of the

10

01 accident. MSHA accident
02 reports are made available to
03 the public in hopes a greater
04 awareness about the causes of
05 accidents can reduce their
06 occurrence in the future.
07 Information obtained through
08 witness interviews is
09 frequently included in this
10 report and your statement may
11 also be used in other
12 enforcement proceedings. I'd
13 like to thank you in advance
14 for your appearance here. We
15 appreciate your assistance in
16 this investigation.
17 The willingness of

18 miners and mine operators to
19 work with us is critical in
20 our goal in making the
21 nation's mines safer. We
22 understand the difficulty for
23 you in discussing the events
24 that took place and we greatly
25 appreciate your efforts to

11

01 help us understand what
02 happened.
03 This interview with Mr.
04 Schoonover is being conducted
05 under Section 103(a) of the
06 Federal Mine, Safety and
07 Health Act of 1977 as a part
08 of an investigation by MSHA
09 and the West Virginia Office
10 of Miners' Health, Safety &
11 Training into the conditions,
12 events and circumstances
13 surrounding the fatalities
14 that occurred at the Sago Mine
15 owned by International Coal
16 Group in Buckhannon, West
17 Virginia on January 2nd, 2006.
18 This interview is being
19 conducted at the U.S.
20 Bankruptcy Courthouse in
21 Clarksburg, West Virginia on
22 January 18th, 2006.

23 Questioning will be
24 conducted by representatives
25 of MSHA and the Office of

12

01 Miners' Health, Safety &
02 Training. After MSHA and
03 state officials have finished
04 their questions, the
05 representative of the mining
06 company and the a
07 representative of the miners
08 may ask clarification
09 questions only. This is not
10 an adversarial proceeding,
11 therefore Cross Examination
12 will not be permitted.
13 Mr. Schoonover, the
14 interview will begin by me
15 asking you a series of
16 questions. If you do not
17 understand a question, please
18 ask me to rephrase it. Feel
19 free at any time to clarify
20 any statements that you make
21 in response to the questions.
22 And after we're finished
23 asking the questions, you'll
24 have an opportunity to make a
25 statement and provide us with

13

01 any additional information
02 that you believe may be

important.

If at any time after the interview, you recall additional information that you believe may be useful in the investigation, please contact me at the number or e-mail address provided to you. Here is my contact information.

Your statement is completely voluntary. You may refuse to answer any question and you may end your interview at any time. If you need a break for any reason, please let me know. A court reporter will record your interview and will later produce a written transcript of the interview, so please try and respond to all questions verbally since the court reporter cannot

14

record non-verbal responses. Also please try and keep your voice up. Copies of the written transcripts will be made available at a later time.

If part of your

08 statement is based not on your
09 own firsthand knowledge, but
10 on information you learned
11 from someone else, please let
12 us know. Please answer each
13 question as fully as you can,
14 including any information you
15 have learned from someone
16 else. We may not ask the
17 right questions to learn the
18 information you have, so don't
19 feel limited by the precise
20 question asked. If you have
21 information about the subject
22 area, please provide that
23 information.
24 At this time, Mr. Mills
25 do you have anything you'd

15

01 like to add on behalf of the
02 Office of Miners' Health,
03 Safety & Training?
04 MR. MILLS:
05 I'm glad you came.
06 Here's a card ---
07 MR. SCHOONOVER:
08 All right.
09 MR. MILLS:
10 --- I can be reached
11 at. The West Virginia Office
12 of Miners' Health, Safety &
13 Training is conducting this

14 interview session jointly with
15 MSHA and are in agreement with
16 the procedures outlined by Mr.
17 Gates for these interviews
18 that will be conducted here
19 today, but the Director
20 reserves the right, if
21 necessary, to call or subpoena
22 witnesses or require the
23 production of any record,
24 document, photograph or other
25 relevant materials necessary

16

01 to conduct this investigation.
02 MR. GATES:
03 Mr. Schoonover, you're
04 permitted to have a
05 representative with you during
06 this interview and you may
07 consult with your
08 representative at any time.
09 You may designate any person
10 to be your representative. Do
11 you have a representative with
12 you?
13 MR. SCHOONOVER:
14 I do not.
15 MR. GATES:
16 And do you have any
17 questions regarding the manner
18 in which this interview will

be conducted?
MR. SCHOONOVER:
I understand there's
UMWA representatives in the
room?
MR. GATES:
That's correct.

17

MR. SCHOONOVER:
I'd like for them to
leave.
MR. GATES:
Okay. For the record,
Mr. Schoonover has requested
that his testimony be given
without the presence of the
representative of the miners,
Mr. Trout and Mr. Bowersox.
Mr. Bowersox and Mr.
Trout, do you recognize the
interviewee's request?
MR. BOWERSOX:
Yes. We recognize Mr.
Schoonover's request. We will
be excused.
UMWA REPRESENTATIVES LEAVE COURTROOM
MR. GATES:
The record would
indicate that Messrs. Bowersox
and Trout have left the
courtroom. Mr. Schoonover,
would you please state your

25 full name and spell your last

18

01 name?

02 OFF RECORD DISCUSSION

03 ----------

04 JAMES ALLEN SCHOONOVER, HAVING FIRST

05 BEEN DULY SWORN, TESTIFIED AS

06 FOLLOWS:

07 ----------

08 BY MR. GATES:

09 Q. Now, Mr. Schoonover, would you

10 state your last name --- or full name

11 and spell your last name?

12 A. James Allen Schoonover,

13 S-C-H-O-O-N-O-V-E-R.

14 Q. And could you please state

15 your address and telephone number?

16 A. 245 Boundary Avenue, Elkins,

17 West Virginia, 16241, 636-6915.

18 Q. That's area code 304?

19 A. Yes, sir. I'm sorry.

20 Q. And do you have an e-mail

21 address that you would be willing to

22 share with us?

23 A. Come ---?

24 Q. That's up --- that's entirely

25 up to you.

19

01 A. The company, yeah.

02 Aschoonover@intl.com. ---

03 intlcoal.com.

Q. Thank you. And are you appearing here today voluntarily?
A. Yes, sir.
Q. And Mr. Schoonover, how many years of mining experience do you have?
A. Twenty-four (24).
Q. Twenty-four (24). And could you give a brief description of that 24 years experience?
A. Started out in low coal, Wilcox Miners equipment operator. Moved onto a little bit higher coal in
40-inch range and thought I'd hit big coal there. Moved onto Spruce Fork in '97, where it was about five and a half feet and I thought that was the be all/end all there. Like I say, equipment operator, mine rescue team, two different mine rescue teams for approximately 15 years, 16 years.

20

Probably four of those years were team captain on the barber station, the foreman.
Q. It's interesting that your career has taken you from low coal. It seems like each job, the coal seam gets a little higher?
A. Yeah, started out about 26 inches.

10 Q. And how long have you been
11 employed at the Sago Mine?
12 A. January of '04.
13 Q. And what's your position?
14 A. Safety director.
15 Q. And did you hold that same job
16 position on January 2nd, 2006?
17 A. Yes.
18 Q. And could you briefly describe
19 your job duties as they laid out on
20 January 2nd, 2006?
21 A. As far as ---?
22 Q. Just really what ---
23 A. What I did that day or ---?
24 Q. --- what your duties as safety
25 director ---

21

01 A. Oh.
02 Q. --- entailed just in general.
03 A. Safety meetings, postings, you
04 know, safety postings, training,
05 accident reports, roof fall reports,
06 you know, the whole gamut of safety
07 job.
08 Q. Do you normally travel with
09 the MSHA inspectors during the course
10 of their ---?
11 A. MSHA and state also.
12 Q. And state?
13 A. Yes, sir.
14 Q. How long have you worked as a

--- in that position as safety director at Sago Mine?

A. I had my unlimited card, my trainer's certificate was June of '04, so ---.

Q. So have you held other positions then at the Sago Mine, other than ---

A. No.

Q. --- mine safety director?

A. No.

22

Q. And on January 2nd, is there anything specifically that your duties consisted of on that day?

A. Nothing in specific as far as --- the only thing different, other than the safety part of it, you know, just got there and was going to do my thing for that day.

Q. Okay. And do you have any mining certifications from any state or --- state or federal groups? And if so, describe what those might be.

A. Like shop fireman?

Q. Yeah.

A. Yes.

Q. Papers or ---.

A. State of West Virginia Boss or Foreman's papers, shop fireman, McKay --- trained on McKay mine rescue equipment, Dregor (phonetic) mine

21 rescue equipment. Of course my ---
22 well, my trainer's certificate also.
23 My MSHA gas testing card. That's
24 right off the top of my head. I've
25 got a few more I think.

23

01 Q. Sure. Any in any other states
02 aside ---
03 A. No, sir.
04 Q. --- from West Virginia?
05 A. No, sir.
06 Q. Okay. And who's your
07 immediate supervisor?
08 A. I ---.
09 Q. I guess, who's your boss?
10 A. I guess Jeff Toler would be.
11 Q. And how long had Jeff been
12 your boss?
13 A. I think he come there in
14 August. I'm not real sure about the
15 day.
16 Q. Okay. And on a normal day,
17 you start your work shift at what
18 time?
19 A. I'm usually there around 5:00
20 in the morning, a little after.
21 Q. And were you working at the
22 mine on January 2nd?
23 A. Yes, sir.
24 Q. And starting at five o'clock
25 or a little after when you arrived at

the mine on January 2nd, could you describe what you did, what you encountered during the course of events from the time you arrived until you left the property that day?

A. When I got on the property that morning, I set up my computer, always, you know, check e-mails from other, you know, sister mines, you know, as far as accident reports, things like that, check safety observations. We have a box in our foreman's room that our foreman put in safety observations. Kind of just, you know, BS with everybody, you know, talk with everybody. And that morning I just --- I did actually notice though and I made the comment of an old wive's tale, you know, what does this mean, this lightning and thunder in January because where I'm from there's always a --- you know, the frogs in certain part of the year and things like that. But I went to the door and

opened the door because it was lightning and thunder carrying on so bad and it was so warm for the second day of January. You know, I asked two or three people, you know, what

could this mean, you know. I mean, there's got to be a tale of some sort, you know.

Q. Did anybody have any?

A. Nobody had any.

Q. Nobody had any.

A. And I brought up the --- brought you the timesheets on my computer and started to print those. And we had an employee with a hand-held radio, that we couldn't get the battery off of and I worked with him. We were trying to get this thing --- this battery off the back of his hand-held radio until he said, it's time to go. And that was the course, you know, up until the men went underground. Continue?

Q. Yeah. Go ahead throughout the course of the day.

26

A. Well, within the next 30 minutes or so, I --- you know, the timesheets were printed off and I may have been getting those together, I'm not real sure about that. But I just know that there was just a large clap of thunder. I mean, just --- I didn't see the lightning because there's not a window in my office, but just bang, bang. And just a

minute or two later, you know, there was a call from underground --- or excuse me. The dispatcher called over and said that the CO monitoring system had gone out inby. And just assumed it might have been fuses. Nobody knew at the time. And just minutes later, Owe Jones called from a mine phone underground and said there --- something terrible had happened. And at that time, Jeff --- I did hear Jeff's office directly across from mine, Jeff Toler, or caddy-corner and I could hear him say, you know, there was smoke and

27

evidently Owie confirmed that. Told him to get into the intake escapeway and head outside. And of course, Jeff was telling me get my stuff ready, but I was already doing that. And when he come by my door, I was right behind him and maintenance superintendent right behind us and to the pit we went. We were probably --- we were on the road from the time we got --- you know, from the time that the lightning or whatever it was struck within 10, 11 minutes max, we were on the trip. I was the man driving the trip. Continue?

Q. Sure.

17 A. I'm going to say about three
18 breaks underground, we met Fred
19 Jamison, who's the fire boss. He
20 appeared to be okay. You know, we
21 were in a rush and told him to exit
22 the mine. And I was careful not to
23 get the trip off the rail, you know,
24 I was paying more attention to that
25 than anything, you know. Got to the

28

01 One Right switch and John Boni, who's
02 another --- examines our intake
03 escapeways and pumps and things like
04 that. Met him there. He got in the
05 trip with us and myself, Dick
06 Wilfong, John Boni and Vernon Hofer
07 were all in the mantrip and headed
08 inby. We stopped at a phone between
09 25 and 30 break on Four belt.
10 Hollered outside, I don't even
11 remember who it was, hollered outside
12 and asked if they heard from the Two
13 Left crew. No, they hadn't. And we
14 just proceeded inby. I don't recall
15 what break or what man door that the
16 Two Left --- or the One Left crew
17 come out of, but we heard them, you
18 know, we kind of passed them by and I
19 backed up. And they said they were
20 having trouble with a mechanic,
21 Keith, Hoy. He's an older gentleman,

22 kind of heavy set, you know, he has a
23 tough time getting around. But they
24 said get him out of there. Got him
25 into the track entry. Got him on the

29

01 mantrip. Dick Wilfong, that crew. I
02 can't name everybody on that crew.
03 That crew, John Boni and Vernon Hofer
04 headed for the outside. And Jeff
05 Toler and myself stayed behind. And
06 Owie, Owen Jones was also on that
07 crew was not on that --- on that
08 ride. He was in by the phone. I
09 don't recall what break phone he was
10 at. But Jeff and I went to him and
11 brought him out. You know, told him
12 to get out of the --- out of the
13 smoke. There was some smoke and ---
14 light smoke up in that area. Brought
15 him back out of there for fear that,
16 you know, he may go down, too. We
17 got Owie back and Jeff and I had
18 proceeded inby, I think, the first
19 stopping out that we noticed was 32
20 on Four belt. And we walked in by
21 that and there was --- the next one
22 was at 42. So we come back to ---
23 come back to the phone. Jeff calls
24 for ventilating supplies and Dick
25 Wilfong and Vern Hofer brought them

30

01 back in the mine. Like I said, that

left --- that put me, Owen Jones and Jeff were there. Dick Wilfong and Vernon Hofer come back up. Had five of us.

At that time, when they brought the equipment in, we put a curtain up at the 32, spad it tight, trammed to 42, put one there and de-energized the Jeep, because we were afraid, you know, maybe bad air, didn't know what was out. Didn't know if, you know, the bad air would come right back down the tracks, so we de-energized the Jeep.

From that point, we just started carrying supplies. I can't tell you exactly what stoppings were out, what were intact, but there might be one intact and then two out, or two out and one intact. I really can't --- I don't know. We proceeded to 47 block --- or excuse me, 57, hanging tightened curtains. And when we got to 57, the smoke was real

31

heavy going across 58 block. We waited a few minutes there, listened, heard a few noises. It may have been rock, may have been a piece of a stopping that was still, you know, plastered to the top that had fell.

You know, we hollered in different directions but there was no response.
In that time frame, it appeared to me that the smoke was across 58, directly in front of us. We were 57, on the corner of 57, just appeared to pick up a little more, a little bit thicker. And we --- like I said, we hollered several times and then finally made the decision to back away from it.
Q. And all of you ---?
A. Headed out the intake escapeway, yes, sir.
Q. And do you recall once you got to the surface --- can you continue with what happened there?
A. We got to the surface and got --- you know, got out of the

32

lamphouse and walked up the hill and I don't remember --- I know it was a mine inspector but I don't remember who it was said, they need you guys in the office. And you know, didn't take a light off or anything like that. We immediately went in, went in the superintendent's office, Jeff Toler's office and was asked what information we had because, in fact, they wanted to know how far we actually got, but I don't remember

13 who even asked or --- you know, from
14 that point on. I mean, it was ---.
15 Q. Pretty tough?
16 A. Yeah. I mean, I don't
17 remember, you know, who I talked to
18 or, you know, who I actually even
19 said, you know, how far we got to or
20 anything like that.
21 Q. Okay.
22 MR. GATES:
23 Well, I appreciate it,
24 Al. And I'm going to step
25 back and Joe O'Donnell is

33

01 going to slid in and resume
02 the questions. Joe?
03 MR. O'DONNELL:
04 Thanks. Let me get
05 situated here.
06 BY MR. O'DONNELL:
07 Q. What we're going to do now is
08 we're just going to back up a little
09 bit. Explain everything that
10 happened and we're just going to walk
11 it through and I'm going to ask you
12 some ---
13 A. Okay.
14 Q. ---- specific questions on how
15 it unraveled here. So we'll start
16 out on the surface. And you said
17 that you heard --- you didn't see any

lightning but you heard thunder.
That's where we're going to start.
A. Right. Yes, sir.
Q. And right after that, what
happened next?
A. That's when the superintendent
was actually on the phone with the
dispatcher and he said the CO system

34

in the top end of the mine had gone
out.
Q. Do you know if the dispatcher
called the superintendent or ---?
A. I don't know.
Q. Did you hear an alarm going
off, the pipe boom?
A. We're not in the same
building.
Q. Oh, you're not? So where are
you in relationship to where that
dispatcher is?
A. We're in a --- we have a
bathhouse facility and the pipe boom
system is in the dispatcher's
trailer, lamphouse.
Q. And that signal, you have a
pager phone in your office?
A. Yes.
Q. It's not over the pager phone
or is it ---?
A. No.
Q. Just in the lamphouse ---

24 A. Uh-huh (yes).
25 Q. --- dispatcher area?

35

01 A. Yes, sir.
02 Q. Do you know who the dispatcher
03 was that date?
04 A. William Chisolm.
05 Q. William Chisolm. And does he
06 have a nickname?
07 A. Flea.
08 Q. Flea, okay. So anyway, the
09 alarm goes off or you find out. And
10 how were you notified that something
11 happened? How were you alerted? I
12 mean, did someone ---?
13 A. Something bad had happened or
14 ---?
15 Q. Yeah. How did you know? I
16 mean, ---?
17 A. I could hear Jeff talking on
18 his mine phone.
19 Q. Okay.
20 A. I mean, it was just like we're
21 sitting right here. I have excellent
22 hearing.
23 Q. Did he call you or did you go
24 over to him?
25 A. I just started immediately ---

36

01 when he told me hit the intake
02 escapeway, I just immediately put my

stuff on. I didn't ask any
questions. I knew I was ---.
Q. Okay. You heard him talking
to Owen?
A. Yes.
Q. Okay. And do you recall that
conversation?
A. The only thing I remember is
him telling --- I didn't hear Owen in
the conversation.
Q. Okay.
A. I just heard him say, you
know, get your people and get in the
intake escapeway.
Q. About how much time transpired
between the time that you heard all
this start and the time that you
heard Jeff and Owen talk?
A. Just minutes, I would say. It
wasn't a long time frame.
Q. And then after that, what was
the next series of events that
happened?

A. We headed out of the building.
Q. We who? Who ---?
A. Jeff Toler, myself, Dick
Wilfong. And Vernon Hofer was
already in the pit.
Q. Okay. So there were three of
you that went down over the hill?
A. Yes. And Vernon ---.

Q. Met Vernon?
A. Uh-huh (yes).
Q. Okay. And then when you got to the bottom, what did you do there?
A. I got a mantrip.
Q. Was it an open-type mantrip?
A. We have covered trips. The operator's compartment's open.
Q. Is it battery?
A. Yes, sir.
Q. Okay. What kind of supplies did you guys take in with you? Did you grab anything with you and head in?
A. No. No.
Q. Okay. So then where were you at? You say you were driving?

38

A. Yes.
Q. Okay. So go ahead, start from there and you traveled how far into the mine before you saw ---
A. Jamison.
Q. --- Jamison, yeah.
A. Three breaks --- I'm going to --- 300 feet, whatever the scale is. It was a third break.
Q. Third break. Did he seem to be in any distress or ---?
A. No. No.
Q. Did he relay any information

to you that he had experienced
anything?
A. Not that I recall.
Q. And what did you have --- what
comment --- did you have any
conversation?
A. I didn't personally, no.
Q. Did you overhear a
conversation?
A. Somebody from within the trip
asking if he was all right. And he
said, yeah and left ---

39

Q. Okay.
A. --- just walked on out.
Q. And then next, what happened?
A. The next --- at One Right
switch was John Boni.
Q. Okay. Let's go over to the
map and we're going to take this
purple pen and we're going to make
from the surface at --- not the track
entry as to where you went in ---
where you first met on the one on the
right. That'd be Exhibit One.
(Schoonover Exhibit One
marked for
identification.)
BY MR. O'DONNELL:
Q. Just explain --- what you have
to do is, you have to describe where
you start. Don't worry about making

a mess of that.
A. Okay. We started from the outside approximately, here was Fred Jamison.
Q. That's the third break. You can just put an arrow to it.

40

WITNESS COMPLIES
A. I think Fred's his proper name.
BY MR. O'DONNELL:
Q. Yeah.
A. From there, ---.
Q. So you went --- what do you call this number here?
A. What would I call what?
Q. What do you call this, when you make a turn?
A. This would be Number One track, this would be Number Two.
Q. Okay.
A. This would be Number Three.
Q. Where did you meet the next gentleman?
A. At here, the switch here.
Q. That would --- could you describe the switch? Is it One Right?
A. The One Right, the One Right switch.
Q. Just mark it, mark it Right.

25 A. I don't remember if it's One

41

01 Right or Two Right now.
02 Q. Well, where do you think that
03 you met? Do you think it was the Two
04 drive or Two Right? One Right?
05 A. Right here.
06 Q. And that's where you met who?
07 A. John Boni.
08 Q. Okay. When you traveled into
09 the mine, did you notice anything on
10 the track?
11 A. No, sir.
12 Q. I mean, was there smoke?
13 A. No, sir.
14 Q. Dirt, dust, heat?
15 A. No.
16 Q. Did you notice anything
17 different in the air quality?
18 A. Not on the section there, no.
19 Q. Did you notice any controls
20 that were out on the way in?
21 A. No, sir.
22 Q. So everything up to this point
23 was normal?
24 A. Yeah, it appeared to be, yes.
25 Q. Okay. What about detectors?

42

01 Did you have any detectors with you?
02 A. No, sir.
03 Q. You had no detectors at all?
04 A. No, sir.

Q. Did you see anyone else along the way as you were going out, other than the few gentlemen that you just described?

A. That's the only thing I recall.

Q. You saw no one here on the surface that had exited the mine?

A. No, sir.

Q. Okay. So go ahead.

A. Then we --- I don't know exactly where the men coming through the main were at. I really don't know. I believe it was out by 32, I'm sure.

Q. Just where you think that it might be in the general area, just put an arrow to it. It just gives us an idea of where you were at.

WITNESS COMPLIES

BY MR. O'DONNELL:

43

Q. And how many people did you meet there?

A. I didn't count.

Q. Was it the One Right --- One Left crew?

A. The One Left crew, yes, sir.

Q. And were all the people there?

A. Yes, they were accounted for, except for Owen.

Q. Except for Owen? Okay.
A. Yeah.
Q. Well, what kind of conversation did you have with them?
A. Just basically is everybody okay. And then that's, like I say, I think --- well, everybody heard that they were having trouble getting Hoy.
Q. Was anybody hurt, other than Hoy, having problems?
A. Not that I'm aware of. Not that I'm aware of. And like I said, from that point, it's just real sketchy about where --- what door they came through from that point. They took our mantrip that we had

44

with Dick Wilfong and Vernon Hofer and John Boni and that entire crew got to the surface, except for Owen Jones.
Q. Okay. So they took your ride and then what did you do?
A. Jeff and I stayed behind and we walked inby in the track.
Q. Inby on the track entry?
A. Yes, sir.
Q. When did you start noticing a change?
A. The closer we got ---.
Q. I mean, where on the track, the first signs that you had of any

problems?
A. Not up until --- in this area here (indicating).
Q. And that area is?
A. The 48, 47, 48 block.
Q. So everything appeared to be normal up until then? Did you see any damage controls?
A. Oh, yes.
Q. Okay. Here's what I want you

45

to do, I have an orange marker and if you would just ---.
MR. MILLS:
Do you want to use the larger ---?
BY MR. O'DONNELL:
Q. Yes, we'll go to the large one over here now. If you could just mark what stoppings --- just I know you're not going to be exact. But if you can remember.
A. Thirty-two (32) out.
Q. And what do you mean out?
A. It was blown out toward the track.
Q. Completely?
A. Completely.
Q. Any blocks hanging?
A. Not that I seen.
Q. Do you know what kind of

stopping it was? Was it ---?
A. It was on the Omega blocks.
Q. Okay. It was your standard
hollow cement?
A. Yes.

46

Q. Okay.
A. Just write out here?
Q. You can put a circle around it
and put an arrow. We'll know that
the orange means damage; okay?
A. Okay. And then next one was
42, was out completely.
Q. That one was the same as the
other one?
A. Yes, sir.
Q. Okay. What about the ones in
between?
A. They seemed to be intact. I
mean, ---.
Q. Were they pushed at all?
A. I don't remember that.
Q. Okay. Go ahead.
A. And then from that point, it's
just real sketchy, you know, which
stoppings were out. You know like I
said, there may have been --- this
one could have been in and two out
here.
Q. So the further that you
traveled inby, the more damage you

47

saw, is that ---? You had more walls up.

A. Well, not necessarily. Like I said, it could have been one out here and then two intact. Two out and then one intact.

Q. Did you notice that the direction of airflow changed at all? I mean, the way that they were --- not airflow, but the direction that the forces were. Did you notice if they were all the same way or did any of them change?

A. From what I remember, all the directions were toward the track.

Q. Okay. Did you notice any return walls out there?

A. No, there wasn't on that side.

Q. Okay. Go ahead.

A. I'd be really sketchy telling you, you know, what was out and what was not. But I know ---.

Q. How far did you get before you met the other --- before you met Vernon and Wilfong?

A. From where?

Q. Well, they came --- they went out of the mine and then they returned?

A. Yes. They returned when we

06 started at 32, repaired.
07 Q. Oh. So let's back up a little
08 bit. They were already --- you ---.
09 A. They had left, got supplies
10 and come back and this is where we
11 started.
12 Q. Okay. So now all four of you
13 are here.
14 A. Yes, sir.
15 Q. Where was Owen?
16 A. At the phone.
17 Q. Where's that, going in?
18 A. I don't know.
19 Q. I mean, was he close to you?
20 A. Yeah, he was with us for a
21 ways up here, yes.
22 Q. Let me ask you this, the other
23 crew --- Vernon and the guys come
24 back in, what kind of supplies did
25 they have?

01 A. Curtains, spads, nails, fly
02 boards. Vernon's sharp enough to
03 grab more self-contained, self-
04 rescuers, spotters.
05 Q. What kind of detectors did you
06 have?
07 A. ITX.
08 Q. And what type gasses do those
09 ---?
10 A. CO, CH4 and O2.
11 Q. Okay. And were they on when

12 they came in?
13 A. I don't know. They were ---.
14 Q. Did you hear anything, an
15 alarm?
16 A. As we were ---.
17 Q. Well, let's just go back here,
18 What about this, right there where
19 they came in?
20 A. No, I don't remember anything
21 along there, no, sir.
22 Q. Do you remember looking at any
23 of them? Did they give you one? Did
24 you have ---?
25 A. I just picked one up off the

50

01 tray.
02 Q. Do you recall looking at it
03 and checking out the CO?
04 A. No, I don't.
05 Q. Or the oxygen?
06 A. No, I don't.
07 Q. Okay.
08 A. But like I say, we repaired
09 --- or we hung a curtain here.
10 Q. Were you still traveling on
11 the ride or did you drop it?
12 A. We dropped it at 42 from what
13 I remember.
14 Q. And you rode this part of it?
15 A. Yeah.
16 Q. This part of it means from --

-

A. Thirty-two (32).

Q. --- 32 ---

A. Yes.

Q. --- to 42?

A. Uh-huh (yes).

Q. So you rode that distance and you repaired the stoppings that you already described with a curtain?

51

A. With a curtain.

Q. So you just covered them?

A. Covered them, spadded where we were able to.

Q. And then when you got to this one ---?

A. We de-energized the Jeep here. That's when you could tell just a little bit of smoke ---.

Q. De-energized meaning ---?

A. Unplugged it.

Q. Pulled the plug, okay.

A. Yes, sir.

Q. And you say you just started noticing some smoke there?

A. Smoke, debris and --- or not debris, just, yeah, the smoke, dust.

Q. Did you notice any heat?

A. No heat.

Q. Any smell?

A. Smell, yes.

Q. Like what?

23 A. Gas. I mean, like from in
24 your house when you turn on ---.
25 Q. Okay. So it was almost like a

52

01 natural gas kind of smell?
02 A. Yeah. But I ---
03 Q. I know, it was different?
04 A. Yeah, it was different, yeah.
05 In fact, when I got outside that
06 evening or when we got outside, I
07 said, those top three miles there I
08 smelled --- I said I smelled like ---
09 because it was still on my clothes.
10 It was on them.
11 Q. Did it smell different than,
12 say, burning coal?
13 A. Oh, yeah. I've smelled coal
14 burning.
15 Q. It was different?
16 A. Yes, it was different.
17 Q. Okay.
18 A. And then from this point, like
19 I said, we de-energized here the
20 mantrip we were on.
21 Q. You rode this far; right?
22 A. Uh-huh (yes).
23 Q. So what gave you cause to
24 decide that you wanted to start
25 walking and ---?

53

01 A. Well, when we got to this

point and we put this --- started to
put this up, that's when we --- or I
noticed dust or smoke and/or both.
MR. CONAWAY:
What point are you
talking about? When you say
this point or here, please
specify.
A. At 42. At 42. That's why we
decided to pull, yeah. Once we hung
this curtain here and got to this
point, was going to do it again, but
---.
MR. CONAWAY:
When you say here and
you point to the map, the
court reporter --- it won't
show. So if you could just
specify where you're talking
about.
A. Okay. From 32 to 42, once we
hung the curtain at 32, got to 42, we
started noticing a little bit of dust
or smoke, whatever it was coming down

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outby.
BY MR. O'DONNELL:
Q. So you did see air movement
coming outby?
A. Uh-huh (yes).
Q. Was it more than normal, less
than normal?

A. I couldn't tell you.
Q. Now, we're up here at 42. Did you --- did any detectors go into alarm yet?
A. Not that I recall.
Q. Okay. So what entry did you travel now from here? Did you change entries?
A. Yes. From when we de-energized the trip at 42, we took --- we got --- onloaded supplies, headed into the Number ---
Q. Seven.
A. --- Seven entry, Number Seven, and we proceeded inby.
Q. Inby. Now, where was the next damage control, from 42 inby?
A. I don't remember.

55

Q. Do you remember --- let's say, until you got up to the top end at 49, did you --- do you recall how many of those you may have repaired?
A. No, I don't remember.
Q. But did you repair some?
A. Yes.
Q. Okay. But did you --- now, between --- go ahead, what were you going to say?
A. I just don't recall which stoppings were out.

Q. Do you recall the area where your CO detectors first began to alarm if they did?
A. I don't remember.
Q. Do you know if they did? Did you ever hear them going off?
A. Yes. Yes.
Q. Oh, you did?
A. Yes.
Q. More than one?
A. The one I was carrying did. I don't ---.
Q. Did that give you reason to

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look at it?
A. No, I didn't look at it.
Q. So you don't know how high or what your readings were?
A. No, not really.
Q. Okay. Just so I don't have to ask you this again. During this whole time, did you look at your CO detector?
A. If I did, I don't remember what the reading on it was.
Q. Okay. Because they could --- did they continue to alarm while you were doing the work or did they go on and off?
A. They would go off as we advanced the air.
Q. Okay. Go ahead, tell me how

far you got. And who was with you?
I mean, where was Owen? You say Owen
was at a phone; right?
A. Well, he --- after we come
back in and started inby, Owen was
with us from 42 block inby.
Q. All the way ---?

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A. No. No.
Q. To where? First Left switch?
MR. O'DONNELL:
Where the overcast at
51 is, was where he was
pointing.
A. Yeah.
BY MR. O'DONNELL:
Q. And that's where Owen --- Owen
did not go any further inby?
A. No. Jeff, in fact, told him
and Vern, why don't you guys head
outby and see if we missed anything
coming in because we were --- we were
moving along pretty quick.
Q. Now, who was directing this
work?
A. We were just working together.
Q. So it was a team effort?
A. Yes, sir.
Q. Through this time here, do you
recall any phone conversations? I
mean, did you have your walkies with

you?
A. No.

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Q. Okay. So what did you have, either a pager phone or since you don't have the car with you, you don't even have this pager; is that right?
A. No. Yeah, we had pagers on the mantrips, but we didn't have anything on us personally.
Q. Okay. Did you hear any --- after you were at a certain point in the mine, say at 42, do you recall any talks that you had with the surface or ---?
A. I didn't speak to the surface, no.
Q. Did you hear someone speak to the surface?
A. Not that I recall. I know Jeff moved the phone. I don't recall where --- Jeff moved the phone over into the --- on the fresh air side at ---.
Q. Which would be Number Seven entry ---
A. Yes, sir.

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Q. --- First Left?
A. I don't recall.
Q. Okay. So let's talk more

about this. So you traveled inby to ---.

A. Continued to put up curtain where we --- where it was at, where the stoppings were out.

Q. Were there --- was it --- from First Left to Second Left, was there more damage?

A. No, I don't remember that.

Q. I mean, did you repair two, three, four, five? I mean ---.

A. I don't remember.

Q. You just remember repairing all the ones that were damaged?

A. Yes, sir.

Q. And were more completely out or partially out?

A. Completely.

Q. Completely?

A. Yes.

Q. Anything at all or just skinned off clean?

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A. Most of what I saw was skinned off clean.

Q. Okay. All right.

A. We got --- as we advanced, detector would go off.

Q. That's at Number Seven entry?

A. Yes, sir.

Q. The 55 crosscut?

A. Yeah. We would repair whatever, whatever stopping it was and the detector, of course, it would go down, it wouldn't have any alarm. It would advance. You know, you could --- your detector would go off again, get a piece of curtain hung, and we would bring the fresh air behind us.
Q. So it would be back?
A. Right.
Q. At any time, during your rescue attempt, did you put an SCRS on?
A. No, sir.
Q. And why?
A. Because I felt there was no

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need to at that time.
Q. So now we're up at --- mark your furthest point.
A. Furthest point is here (indicating) ---
Q. Here?
A. --- because of the edge of --- or the outby edge of 57 --- or 56 block --- or 58 block.
Q. Fifty-eight (58)?
A. Yes.
Q. Fifty-eight (58) and Number Seven entry?
A. Yes, sir.

15 Q. Okay. Tell me about what
16 happened here.
17 A. When we got to that point, the
18 detector, my detector went off. I
19 didn't look at it. We just backed
20 up. At that point in time ---.
21 Q. Who is ---?
22 A. Me, myself, Jeff Toler and
23 Dick Wilfong.
24 Q. So there were three of you up
25 here (indicating)?

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01 A. Three of us up there, yeah.
02 In fact, I actually come up and set
03 over in this corner, squatted on this
04 corner.
05 MR. CONAWAY:
06 What were you
07 identifying there?
08 MR. O'DONNELL:
09 It's the same spot. We
10 were at 58 crosscut at Number
11 Seven entry. It's the same.
12 So that's where he's at right
13 now. We're not going to move
14 him yet.
15 BY MR. O'DONNELL:
16 Q. But go ahead.
17 A. And we heard a couple of
18 noises, we don't know where they came
19 from. They sounded, you know, up

toward this way. I don't know if it
was, you know, a block long.
Q. Now, you've heard roof falls
before?
A. Oh, yes.
Q. And you've heard scale falls?

A. Yes.
Q. And you've heard block. What
was it closet to?
A. I couldn't say.
Q. Let me just say this, it
wasn't a roof fall?
A. No, sir. Oh, absolutely not.
Q. You're just saying that you
heard a piece of scale fall off ---
A. Yeah.
Q. --- or a block?
A. Yeah.
Q. So it was something ---
nothing major?
A. No, nothing major, no. And we
would holler in all directions. Like
I say, there were four at that point
in time, you know, we waited several,
several minutes, I can't tell you the
time. That it just appeared that the
smoke --- I don't know. I'm going to
say it was probably seven-feet high
in that area. The smoke was probably
three feet from the top.
Q. So the smoke hung?

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A. It looked like it was swirling.
Q. Like a rollback kind of ---?
A. Almost like when you open a cold soda and ---.
Q. Okay. You were looking straight at it this way?
A. Yes.
Q. And the smoke was coming at you?
A. No. Traveling in that direction (indicating).
Q. The smoke was going towards ---?
A. Yeah.
Q. --- Second Left? And was it --- you say it was rolling?
A. It just --- I wouldn't even actually say it was moving that way. It was just kind of a swirl type. You know, for me to say that it was moving in that direction ---.
Q. Did you notice it any hotter there?
A. No.

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Q. It wasn't hotter?
A. No. Just sooty, real sooty from ---- across from the 55 to the edge of ---

Q. Fifty-eight (58)?
A. Yeah.
Q. The edge of 58? Now, did you notice any soot from 55 outby?
A. Not that I recall. I mean, no.
Q. So from 55 inby to 58 is where you noticed the soot?
A. Yeah.
Q. Was it consistent or did it get darker as it went in?
A. It appeared to get darker.
Q. Okay. So now you're standing there, you're looking at the smoke, you made several attempts to try to contact someone verbally.
A. Yes.
Q. Now, you made a decision to exit?
A. Right.
Q. And tell me why?

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A. We just felt that we went as far as we could go.
Q. Is it because you had increased levels of CO? I mean, you said your detectors were starting to ---?
A. Yeah.
Q. And did anyone tell you what maybe their readings were?
A. No.

Q. You don't remember if anybody said anything about that?
A. No, not that I remember.
Q. Okay. So you made this decision together to evacuate?
A. Yes.
Q. Okay. Use a different color, come on.
MR. KITTS:
How you doing, Al? You need a break? You all right?
A. Yeah, I'm fine.
OFF RECORD DISCUSSION
BY MR. O'DONNELL:
Q. It was three of you?

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A. Yes. From this point, it was three.
Q. From 58, you and ---.
A. Dick Wilfong and Vern Hofer.
Q. Okay. So tell me how far you traveled before you met ---.
A. I don't know. I don't know far ---.
Q. Is it Owen?
A. Owen and Vernon, we met them outby.
Q. Okay. Just draw down there and just give me --- just so I'll have an idea of where you hooked up with them.

A. Well, we got in the intake escape route. I don't know if we got in here or here (indicating).
Q. So at 58, you jumped over in seven to nine?
A. No, I didn't go inby at 58.
Q. No, no. Fifty (50) --- well, 57.
A. No. I'm going to say ---.
Q. Fifty-seven (57) crosscut,

that you left seven and they waited until the number nine, intake escapeway was the primary escapeway?
A. Yes.
Q. Okay. Go ahead.
A. And we traveled outby, and I'm really not sure where we met these two.
Q. Okay.
A. The intake escapeway is clearly marked.
Q. Now, you went all the way out of the mine?
A. Yeah, when we met them.
Q. Did you make any other --- did you repair any other damaged ventilation controls on the way out of the mine?
A. I did not, no.
Q. Do you know if anybody did?
A. Not that I --- no, I don't

22 recall seeing anybody do that, no.
23 Q. Okay. From the time you left,
24 when did the alarms stop on your
25 detectors?

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01 A. About the time that we come to
02 this point (indicating).
03 Q. So they're out in the ---.
04 A. The 57 corner, I'm sorry.
05 Q. Do you want to take a break
06 and then we'll ---?
07 A. We can, yeah.
08 Q. It's up to you?
09 A. Yeah, that's fine.
10 Q. Okay.
11 SHORT BREAK TAKEN
12 MR. O'DONNELL:
13 What we need to do
14 before we go any further is to
15 mark the exhibit on the left
16 as Schoonover Exhibit Two.
17 A. Schoonover (corrects
18 pronunciation).
19 (Schoonover Exhibit Two
20 marked for
21 identification.)
22 OFF RECORD DISCUSSION
23 BY MR. O'DONNELL:
24 Q. All right. We're outside the
25 mine, you and everybody that is with

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you is outside. Now, tell me what
happened then. What did you do?
A. We walked up the hill and
there was a mine inspector and I
don't recall who it was. But he said
they need to see you all now. We
went into Jeff Toler's office in the
bathhouse part of our facility there
and we all sat down and just several
questions about, you know, what did
you see, how --- you know, how far
did you get? But I don't recall who
was asking the questions, I really
don't.
Q. And do you have any idea how
long you were underground and what
time you got outside?
A. We left --- we left the pit
between 6:40 and 6:45. Time to get
outside, I really don't --- I really
don't know. I really don't know.
Q. So after you --- how long did
you talk to the inspector?
A. I don't know that.
Q. And then after that, what did

you do?
A. I was there the rest of the
night.
Q. The rest of the night?
A. At the mine.
Q. All day and into the next day?

A. Yes.
Q. You never went home?
A. No.
Q. Were you involved in any of the --- well, just tell me what you did the rest of the day as part of why you were there, you were working; right? So what part did you play until the end? Until ---?
A. Once I got outside and we talked about where we were, what point we were in the mine. I don't want to say out of my hands, but I --- it was not.
Q. Who was in charge of the operation at that time?
A. I don't know.
Q. I mean, did you recognize any of the people that were there?

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A. I just --- I can't --- I really can't remember.
Q. Was there a command center set up?
A. Yes, it was set up in the superintendent's office.
Q. Okay. And do you recall when mine rescue teams were called?
A. No, I don't know that either.
Q. Do you recall them being there? I mean, when they got there.

A. I recall seeing teams there, but what time, I couldn't tell you that. I don't know.
Q. Did you get sick?
A. No.
Q. You didn't. And did you have any injuries yourself, other than ---?
A. No, sir.
Q. So what about anybody that was with you?
A. Not that I'm aware of.
Q. Okay. So you never felt bad or had any effects of carbon

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monoxide?
A. Not to my knowledge, no.
Q. Okay. So what part did you play in the rescue and recovery then from this point on?
A. Just file gathering, you know, any kind of data that I guess --- well, that would have pertained to part of the investigation, I guess. My files or ---.
Q. Were you a part of the command center?
A. No.
Q. Did you help in staging mine rescue teams?
A. Setting them up to --- no, sir.

Q. Did you have any communication with them or coordinate anything?
A. No.
Q. Do you --- so in other words, you were there as support?
A. I would say support, yes.
Q. I mean, and had no decision making?

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A. No, sir.
Q. When did you leave?
A. I don't remember that.
Q. Was it the next day?
A. I just don't remember.
Q. Okay.
A. I don't remember.
Q. All right. Now, I want to ask some basic stuff about the mine.
A. Okay.
Q. The communication systems that you have, how many types of different communication systems do you have in that mine?
A. Regular mine phone and we have hand-held radios that they use on the section.
Q. Do you have a bell line at all?
A. No.
Q. So you only have two forms --- or you have the pager phone, you have

the walkies and you also have a
system on your mantrips; is that
right?

75

A. Well, yes. Yes, we have ---.
Q. Tell us about how that works.
A. It's wireless basically.
That's about all I know about it.
Q. Is there an antenna that's
associated with that?
A. There's an antenna on each
trip, yes, sir.
Q. Then how does it --- is there
a line?
A. There's a line, yes.
Q. And where does that line
extend?
A. To the end of the track.
Q. Of each section?
A. Yes.
Q. And how far outby?
A. To the outside.
Q. Does it exit the mine and
where does it go?
A. I'm not sure of that. I don't
know.
Q. Can you talk from the mantrips
to the outside?
A. Yes.

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Q. You can?
A. Yes.

Q. Is it --- so is there a station on the surface where the antenna line exits and transmits to another location or is it a closed antenna system?

A. I don't know how that works. I really don't.

Q. But you can get on a walkie --- you can get on a mantrip anywhere in the mine and talk to the outside?

A. Yes, sir.

Q. Anybody on the outside? I mean, does it go through the pager first?

A. It goes through the pager.

Q. So it's a dual system, it's not only inter-car, ---

A. Uh-huh (yes).

Q. --- but it's also part of the pager system?

A. Yeah, we have a specific system for that. I mean, it doesn't --- it doesn't bleed through on all

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the mine phones, no.

Q. It doesn't?

A. No.

Q. So outside you would have two phones?

A. Yes.

Q. You have one for the pager ---

A. Yes.
Q. --- and one for the mantrips?
A. Uh-huh (yes).
Q. Okay. And the other type communication system that you have is?
A. A hand-held.
Q. Walkie-talkies?
A. Yes.
Q. Are they used anywhere else in the mine, other than your sections?
A. I don't know that.
Q. Have you ever used them?
A. Myself, no.
Q. Okay. So you're not familiar with the kind of range that they have ---
A. No.

Q. --- or how they operate?
A. No.
Q. Okay. Do you know if that line is protected in any way from stray current to the outside?
A. I wouldn't know anything about that.
Q. Okay. What about your track, is your track broken on the outside to the inside? The track runs out into the yard; right?
A. Yes. Uh-huh (yes).
Q. Is there any insulated fish

14 plates?
15 A. I don't know.
16 Q. So in other words, it is
17 continuous from the outside to the
18 inside?
19 A. Yes, sir.
20 Q. What about the belt?
21 A. The belt is continuous from
22 the outside to the inside.
23 Q. Okay. And is the belt on a
24 structure on the bottom or is it
25 hung?

79

01 A. Our structure is hung.
02 Q. Okay. And that goes to the
03 outside also?
04 A. Yes.
05 Q. Is there any breaks in that or
06 is it a --- you just answered that.
07 A. Yes.
08 Q. It's continuous. And the belt
09 entry is the entry that has the
10 fencing; right, on the roof?
11 A. Is one of them, yes.
12 Q. One of them. But I mean, if I
13 traveled anywhere on that belt entry,
14 I would have roof mats?
15 A. Yes.
16 Q. Okay. And they're supported
17 by the roof bolts?
18 A. Right.

Q. Okay. Are the crosscuts that connect between the track and the belt, were they also matted?
A. No, sir.
Q. So the break is between the crosscuts?
A. Yes.

80

Q. Okay. The old track entry that ran on the mains, from the outside to the mains, do you recall if --- well, that track, did it run into the three left section?
A. I don't recall if it did or not.
Q. Okay. Your fan, does it run continuously?
A. Yes, sir.
Q. Do you have a fan stop plan for any ---?
A. We have a plan --- a maintenance stoppage, yeah.
Q. But for the most part, it's ----
A. It runs --- yes.
Q. --- it's a 24-hour ---
A. Yes.
Q. --- operation?
A. Yes.
Q. What about power? Are you familiar with any time you may de-energize on idle days, do you

25 de-energize portions of the mine or

81

01 ---?

02 A. Not that I'm aware of.

03 Q. Okay. Do you do anything

04 other than safety department? You

05 say you're a face boss at this mine

06 also?

07 A. Not at this mine, no, sir.

08 Q. Not at this one?

09 A. At the Spruce Fork Mine.

10 Q. Okay. So your job here the

11 whole time was a safety director?

12 A. Yes.

13 Q. Okay. Are you familiar with

14 the area in the old Two Left seal

15 area?

16 A. I would --- yeah, I

17 investigated roof falls up there,

18 yes.

19 Q. Okay. When you mined that

20 area, did you notice --- and you're

21 the safety department, you would know

22 if there was any increased levels of

23 methane. Do you notice that the ---

24 your fan readings increasing during

25 that period of time?

82

01 A. No.

02 Q. About how long were they in

03 the Three Left area? I call it Three

Left, but you guys call it a ---
A. Old Two Left.
Q. --- old Two Left?
A. Yeah.
Q. About how long did you mine there?
A. I don't know how long it was. I'd just have to look at the map to tell you, honestly.
Q. Well, you want to take a look?
A. Uh-huh (yes).
WITNESS COMPLIES
MR. O'DONNELL:
He's looking at Exhibit One.
A. It's not there.
BY MR. O'DONNELL:
Q. Yeah, none of these maps are ---. All right. But we would say that mining took several months? More than a month?
A. I would say more than a month.

83

Q. Okay. So during that time, you say you encountered roof problems?
A. Yeah. And we had three --- or two falls up there.
Q. Describe them. Were they localized or main falls?
A. One main, which was on the track entry or in the track entry, I

10 don't --- I can't remember what
11 block.
12 Q. How big of an area are we
13 talking?
14 A. Whatever block size is. Rib
15 to rib. Probably the first initial
16 fall, or the first fall in that area,
17 was probably, I don't know, 12 --- I
18 have the report ---
19 Q. Okay.
20 A. --- but I don't ---.
21 Q. You say 12 feet high? Did it
22 occur while they were mining or after
23 mining?
24 A. After.
25 Q. And was it before the bottom

84

01 was mined or after?
02 A. It was before.
03 Q. Before?
04 A. Yes.
05 Q. So what would you ---?
06 A. In fact, we didn't bother
07 mining in that area.
08 Q. Okay. Yeah, ---.
09 A. We went around that. Yeah, we
10 don't put anybody in harm's way.
11 Q. When you did bottom mine, did
12 you notice any increased levels of
13 methane? Did you watch them when
14 they bottom mined?

A. Yes.
Q. Okay. And you probably looked at the methane monitor ---
A. Yes.
Q. --- while they're mining?
A. Yeah.
Q. Did you notice it coming up any?
A. No, sir.
Q. What about when they mined the area?

A. No.
Q. What's the most that you would get while they were mining?
A. Anything that I can ever recall, you know, maybe 110.
Q. That's it?
A. Yeah.
Q. Do you know if they left any old equipment up in that area?
A. I don't know if there's any equipment. If it's bottom mine, probably not.
Q. If you look up there at the Exhibit Two, on --- I noticed that you have a single split that ventilates the seal area.
A. Uh-huh (yes).
Q. On the fresh air side of the --- those ventilation controls, was there any equipment in that area?

21 A. Not that I recall.
22 Q. No charging stations or pumps
23 or ---?
24 A. Not that I recall, no.
25 Q. Have you ever examined that

86

01 area?
02 A. Me personally, no. But as far
03 as making a fire exam --- or a fire
04 boss, no.
05 Q. A weekly ---?
06 A. No.
07 Q. An on-shift --- you don't make
08 pre-shifts or on-shift examinations
09 ---
10 A. No, sir.
11 Q. --- of the mine at all?
12 A. No, sir.
13 Q. And who's responsible for that
14 area, that weekly exam? Do you know?
15 A. I don't know. I know we have
16 two fire bosses, but I don't know who
17 --- which one took --- how far they
18 went.
19 Q. Do you know if the belts were
20 running that day?
21 A. I don't remember if they were
22 or not.
23 Q. Who is responsible for the
24 training?
25 A. I am.

Q. You do all the training in the mine?
A. Yes.
Q. Okay. And you're a certified trainer?
A. Yes.
Q. Well, what about submitting the ventilation plans and ---?
A. No, I don't do that.
Q. You don't do any of that?
A. Uh-uh (no).
Q. Any of the --- are you involved in any of the roof control plans?
A. No. I look at them, but I don't --- I don't sign off on anything.
Q. Do you have any input in the ventilation and roof control plans?
A. I review what is given to me and ---.
Q. Okay. And you're familiar with the --- were you involved in any of the requests for approval for the new seals that you were going to use?

A. I saw the plan, yes.
Q. And did you have any input in the plan?
A. I read the plan, I didn't --- you know, ask --- change anything or

---.
Q. Do you have any experience with installation of seals?
A. I've never worked mines that sealed.
Q. You never did?
A. Worked on a regular basis, other than the seals that are actually in the old --- the old mains. But I ---.
Q. Were you there when those --- the old mains were put in?
A. No.
Q. Do you know what kind of seals they are?
A. The old mains? Strata. Strata's the people that come in and put them in.
Q. So were they contractors who put those in?

89

A. Yes.
Q. What about the people that install --- well, I'm --- so you -- - were you aware that when they submitted --- when the company submitted a new seal plan for ---
A. Yes.
Q. --- the Omega type seals?
A. Yes.
Q. And all your involvement was,

was just review?
A. That's what I do, yeah. I
looked it over, yes.
Q. Okay. And you had no
suggestions or input?
A. No.
Q. The people that installed
these seals, who were they?
A. I don't know who was actually
in charge of them.
Q. Were they contract miners,
were they miners from your company?
A. Let's see, James Scott was a
Garrett Mine Service employee who
worked on it. But I mean, it wasn't

90

like an outside contractor for me is
what I'm trying to say.
Q. Yeah. So he was the guy that
was responsible for the installation,
supervision?
A. I don't know that.
Q. Okay. So when was your Omega
block plan approved?
A. I would have to look at the
plan or approval. I don't ---.
Q. And you had two different
plans that were submitted ultimately,
two different designs.
A. Uh-huh (yes).
Q. And do you recall why those
were submitted?

A. The second one was because of heightened areas.

Q. And that area where those seals were put in?

A. I don't know if it was because of that.

Q. I mean, were they already installed and you asked for the second request or ---?

91

A. I don't remember.

Q. You didn't have any input in that?

A. No.

Q. When it comes to the training, we had --- you had a new addendum to your plan.

A. Uh-huh (yes).

Q. Who gives the training to the people that are going to be involved in that installation?

A. It's going over with the people who's going to be installing it.

Q. Okay. And who would go over it with them?

A. I didn't.

Q. You did not?

A. No.

Q. Okay. What about specific task training in the mine?

22 A. Who ---?
23 Q. Who would have given the task
24 training to the workers that did the
25 installation?

92

01 A. I wouldn't --- I don't know.
02 Q. You don't know who gave it.
03 Do you think that someone gave them
04 task training?
05 A. I'm sure, yes.
06 Q. Okay.
07 A. Probably their foreman.
08 Q. And where would their 5023s
09 be? Would they be ---?
10 A. I should have them, yeah.
11 Q. Okay. Are you aware that it
12 was done?
13 A. No, I'm not aware.
14 Q. Okay. So did you observe at
15 any time the installation of the
16 seals there?
17 A. No.
18 Q. Were you present for the
19 preparation of those seals?
20 A. No, sir.
21 Q. Did you observe them after
22 completion?
23 A. No.
24 Q. So you had absolutely no
25 involvement in any of the seals?

93

01 Have you ever --- you've never looked

at them?
A. Not that I recall, no.
Q. Okay. All of the seals in the old Two Left, were they Omegas?
A. I assume, yes.
Q. And you're --- are you familiar with the plan at all that was submitted, other than just review?
A. Just review.
Q. What assurances does Sago Mine have that the construction of the seals was done according to the plan as a safety director? I mean, what do you do that assures you that this was done according to the plan that was submitted by the company?
A. I don't know that ---.
Q. Let me ask you this. Is it any area of your responsibility that --- whose responsibility is it to assure that the seals are built according to the plan?
A. I wouldn't know. I wouldn't

94

---.
Q. So you're saying it's not you?
A. I'm not a director of the workforce.
Q. Okay. That's what I was getting at.

A. Okay.

Q. All right. Let me take a little ---.

MR. O'DONNELL

The State, do you have any?

MR. MILLS:

Yes.

MR. O'DONNELL:

--- clarifying questions now?

BY MR. MILLS:

Q. I think you mentioned that you were a member of the mine rescue team?

A. Yes, sir.

Q. For how long?

A. Between the Mill Creek and Barber team approximately 15 years.

95

Q. Are you a certified mine rescue instructor or just a team member?

A. Federal ---?

Q. State?

A. On the federal side, not the state side, no.

Q. Tell me a little bit about your experience as a mine rescue team member. Did you help fight fires?

A. No. No. Attended fire school at the MSHA Academy, but other than

that, just trained for that many years.

Q. So no actual underground ---

A. No, sir.

Q. --- where you had the wear the apparatus?

A. No, sir. Other than our six month where we under apparatus underground.

Q. Who provided the mine rescue coverage for Sago Mines?

A. Barber.

Q. Barber Kennedy Mine Rescue?

96

A. Yes.

Q. Do you know if Barber Kennedy Mine Rescue team was notified by you or anybody outside?

A. I didn't notify them. I'm sure they were notified, but I didn't make the call.

Q. Okay. Are any employees at the Sago Mine on this Barber Kennedy Mine ---?

A. Yeah. Teddy Hickman, Roger Hedrick and I think that's it.

Q. Okay. Were any of these guys that are employed by Sago, on the dayshift on January the 2nd?

A. No. I don't think so.

Q. Okay. The apparatus, mine

rescue apparatus, stored at Sago or
where is it stored?
A. The Barber ---.
Q. The Dregors?
A. The Dregors are stored at
their station.
Q. Okay. Let's get to the
underground part of it. Did you ever

97

encounter smoke in the intake?
A. Not that I recall.
Q. But you did get some CO
readings?
A. Yes.
Q. Okay. The smoke in the track
you mentioned. Was there a color to
it?
A. Just a smoky color. I mean,
---?
Q. Not a yellow, green?
A. No. No.
Q. And you're not involved with
any submittals as far as plans. How
about well permits?
A. No.
Q. Do you do any training for GMS
employees at Sago?
A. Yeah, new hire.
Q. Just new hire?
A. Yes.
MR. MILLS:
That's all.

24 MR. KITTS:
25 I have nothing.

98

01 ATTORNEY MOORE:
02 I have one question.
03 BY ATTORNEY MOORE:
04 Q. You were asked whether or not
05 you saw any smoke from the intake. I
06 gather you were in the intake when
07 you were outby the 58 block? You
08 were asked whether or not you had
09 seen any smoke?
10 A. Well, yeah, I saw smoke when I
11 was in the intake at 50 --- or at the
12 edge of 57, yes, there was --- yes, I
13 thought.
14 Q. And that's why the
15 clarification.
16 A. Okay.
17 BY MR. MILLS:
18 Q. As you were going up the
19 intake, now, was the smoke ---
20 A. No.
21 Q. --- coming back toward you?
22 A. It didn't appear to be, no.
23 Q. Everything was going over
24 towards the track ---
25 A. Yes.

99

01 Q. --- at turn seven?
02 A. Like I say, we kept all the

air toward our --- or at our back.
MR. O'DONNELL:
Do you want to take a
short break?
SHORT BREAK TAKEN
BY MR. O'DONNELL:
Q. Al, a couple more questions
and we should be able to wrap this
up.
A. All right.
Q. I need to know on the
communication system that's on the
mantrip, can the dispatcher talk to
the mantrips?
A. Yes.
Q. He can?
A. Yeah.
Q. Okay. But it is two separate
units? It's not interconnected, but
the dispatcher can talk to everyone?
A. Right.
Q. Okay. Now, you said that you
travel with state and federal

100

inspectors?
A. Yes, sir.
Q. Do you recall any time that
you were traveling with those
inspectors that you examined the seal
area?
A. No, not while the seals were
being built, no.

09 Q. Or afterwards?
10 A. No.
11 Q. Okay.
12 A. That was a day we probably had
13 two or three and I'd go with one and
14 ---.
15 Q. Okay. So you're responsible
16 for the --- all of the training ---
17 A. Uh-huh (yes).
18 Q. --- at the mine?
19 A. Uh-huh (yes).
20 Q. And did you conduct the last
21 annual retraining at the mine?
22 A. Our annual refresher is from
23 hire date, like I don't have one
24 bulk.
25 Q. Oh, you don't?

101

01 A. No.
02 Q. You don't do it all in one?
03 A. No, sir.
04 Q. So you do it how many times a
05 year?
06 A. Several.
07 Q. Okay. And briefly, what do
08 you cover in your training?
09 A. Everything under Part 48,
10 under training plan.
11 Q. Okay. And you also go through
12 the firefighting and all of that?
13 A. Oh, yes, sir.

Q. Who's your responsible person?
A. Dispatcher.
Q. And how does he --- how would he conduct that type of --- what would he do? What's his responsibilities?
A. Evacuation of the mine if, you know, you get the call, if there's a fire in the mine, he leads them to the intake escapeway or pinpoints the fire or whatever the case may be.
Q. And how are the miners

102

accounted for?
A. Check-in and check-out tag.
Q. What kind of check-in/check-out system do you have?
A. Tags, brass tags.
Q. Do you have anything else, other than brass tags?
A. No, sir.
Q. Okay. Do you discuss --- in your evacuation plan, do you also discuss barricading?
A. Yes. Yes, it's in the plan.
Q. Escapeways?
A. Escape, yes. Primary, secondary.
Q. Do you participate in escapeway drills, have you or ---?
A. Not at this mine, no.

Q. Okay. Who's responsible for the fire drills?
A. Section foreman, every six weeks.
Q. And do you --- are you --- how do you assure that they're done in a

103

timely manner?
A. A book, record it in ---.
Q. Is that your responsibility?
A. I don't sign the book, no.
Q. No, you don't sign the book, but do you remind them when it's due?
A. Yeah, I'll --- at times, yes.
Q. Okay. What about the hands-on SCSR training?
A. I ---.
Q. You do that?
A. Yes, I have a training canister and a film that comes with the canister itself.
Q. And each person ---?
A. Yeah, when they're newly hired or newly employed or annual refresher, they do that.
Q. Okay. I know you feel that the training is adequate because you do it. What kind of additional training do you think you need to provide? Or do you provide additional training, other than

what's required?

104

A. We've had supervisory trainings at the MSHA Academy. We had crew training where we had an eight-hour training in September with all the mine members. It was an eight-hour training. It was what they call a crew train.

Q. What does that encompass?

A. Escapeways, mining method, process, safety.

Q. In addition to your annual retraining?

A. Yes, sir. Yes.

Q. When you first went in the mine at 6:30 that morning of the accident, at that time, what did you think had happened? Did you ---?

A. I didn't know. I had no idea. I just know that Jeff had told me that the One Left crew had felt a large rush of air off of One Left, and that's all I knew.

Q. How far along into this did you get before you realized that you had had an explosion?

105

A. At the sign of the first stopping being blown out. That would be the closest point I would have gotten to to really realize what it

was or what I thought it might have been.

Q. What do you think happened?

A. My personal opinion, I think that the lightning had something to do with it. That's just my opinion.

Q. Why?

A. I don't know why. It's just so coincidental that the COs went out at that time and the lightning strike was at that time or whatever it was that I heard.

MR. MILLS:

Just a couple things.

BY MR. MILLS:

Q. You mentioned the lightning and thunder.

A. Yes, sir.

Q. It was odd to you because it was in January?

A. Yeah. It just --- it was warm

106

and like I say, I just --- I made the mention that there's an old tale somewhere that says that, you know, lightning and thunder in January means something, you know what I mean? Just ---.

Q. This lightning and thunder, was it pretty intense?

A. It was very intense.

Q. Very intense?
A. Yeah.
Q. Real strong hits?
A. Yeah. When I looked out, out the door when I first heard all this --- or before this --- before 6:30, it was just really intense, this light in the sky, just very intense.
Q. You mentioned that the CO system went out after one of these strikes.
A. Yes.
Q. Was that common during lightning storms to interrupt the CO system there?
A. I'm not going to say common.

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I'm sure at times it had blown a fuse.
Q. Okay. You talked about this fuse. Tell me a little bit more about the fuse.
A. I don't --- I'm not an electrician, I don't ---.
Q. You just know that a fuse was blown?
A. Well, I don't even know that.
Q. Okay.
A. I'm just saying that at times, sometimes the CO monitor would blow a fuse.
Q. Do you know where that fuse

was?
A. No.
Q. Just a quick review, from the first time you thought there was trouble, you heard a phone call.
A. Uh-huh (yes).
Q. Just go through that real quick what you did until you went underground?
A. When I heard --- when the call

come from underground?
Q. Yeah.
A. I just threw my stuff on and ---.
Q. You went straight to the ---?
A. Straight to the pit, yes, sir. Yeah.
Q. When you met Jamison at three block, did he give any of you guys his detector? Do you remember?
A. He didn't give me a detector. I don't ---.
Q. And the first time you can remember getting that detector was when?
A. Getting a detector was when Vernon and Dick come back in the mine.
Q. Okay. You mentioned John Boni.

A. Uh-huh (yes).
Q. Do you recall seeing a Pat Boni?
A. No, sir. No, I didn't --- that's the only two people I saw

109

along the rail.
Q. Was Jamison and John Boni?
A. Jamison and then John Boni and then Owie --- Owie and Boni.
Q. Then you saw the crew from One Left?
A. I saw the crew from One Left.
Q. And you don't remember if Pat was with them, Pat Boni?
A. No, I don't.
Q. You mentioned training. In any of your training, do you talk about barricading?
A. Yes. Yeah, an annual train.
Q. So everybody at the mines that you have trained should ---
A. Should have it.
Q. --- be aware of ---?
A. Should, yes, sir.
Q. Can you tell me a little bit more about this training on barricading?
A. Just that the supplies we keep on the section. You know, if there's an emergency where all your entries

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are smoke filled, you get to an entry
or an area where you can, you know,
seal yourself in, and basically
usually on the outside of your
barricade, you write, you know, how
many people are in there in case
there's a problem that maybe not
everybody's in that area, if a mine
rescue team comes, they need to look
somewhere else, you know, maybe not
everybody's in that barricade.
MR. MILLS:
Okay.
EXAMINATION
BY MR. KITTS:
Q. Al, if you would, the question
was asked, who is your immediate
supervisor. Could you explain to
these fellows how the safety
department is structured now and how
that fits in with mine management?
A. I work directly for Jeff Toler
--- or work for Jeff Toler and Ty
Coleman is actually the head of this
Spruce Division safety department.

111

MR. O'DONNELL:
What's his name again?
A. Tyrone --- is that a proper
name? Tyrone? Tyrone Coleman.
MR. O'DONNELL:

How do you spell his
last name?
A. C-O-L-E-M-A-N.
BY MR. KITTS:
Q. So you made a statement
earlier that you are responsible for
all the training at Sago. But
there's additional training ---
A. Yeah.
Q. --- that's going beyond Sago?
A. Right.
Q. Maybe you can clarify ---?
A. Yeah. Like the additional
training, like the eight-hour crew
training, Ty took care of that. You
know, it was just something
additional to what we do at the mine.
And the supervisory training was
actually set up by Ty, you know, at
the MSHA Academy for all of our

supervisors. And that even included
fire bosses. You know, it just
didn't include section foremen or ---
you know, it included fire boss and
maintenance --- or people who
potentially will be a foreman, which
is very good training I felt.
MR. KITTS:
I have nothing further.
ATTORNEY MOORE:
Nothing further.

BY MR. O'DONNELL:
Q. Tyrone Coleman, he is corporate or does he work at the site?
A. He's corporate. Well, not.
MR. KITTS:
Ty is the safety coordinator for the business unit and he works out of Buckhannon.
BY MR. O'DONNELL:
Q. Okay. And do you have any other assistants that work with you at the safety department?

113

A. No, sir.
Q. You know, how often does Tyrone travel to the mine? What's his presence there? How often do you see him?
A. You know, once a week maybe, twice. I speak to him on the phone probably daily.
Q. Does ---.
A. Or every other day.
Q. Does he ever go underground?
A. I don't think he's been underground in our mine. I'm not sure.
Q. Have you ever been searched for smoking material?

A. Have I ever been?
Q. Yeah.
A. Yes, I've been checked.
Q. And have you ever observed anyone smoking underground?
A. No, sir.
Q. Have you ever found any smoking articles underground?
A. No, sir.

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Q. Has anyone offered you anything or made any promise to you in exchange for you appearing here today?
A. No. Absolutely no.
Q. Do you have anything that you'd like to add that may be relevant to the investigation?
A. No, sir, not at this time.
MR. O'DONNELL:
Al, on behalf of MSHA, I want to thank you for appearing and answering questions today. Your cooperation is very important to the investigation as we work to determine the cause of the accident. We ask that you not discuss your testimony with any person who may have already been interviewed or who may be interviewed in the

23 future. This will ensure that
24 we obtain everyone's
25 independent recollection of

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01 the events surrounding the
02 accident. After questioning
03 other witnesses, we may call
04 you if we have any other
05 follow-up questions that we
06 feel that we need to ask you.
07 If at any time you have
08 additional information
09 regarding the accident that
10 you'd like to provide to us,
11 please contact us at the
12 contact information that was
13 given to you, that would be
14 Mr. Gates' card and I'm sure
15 the state. The Mine Act
16 provides certain protections
17 to miners who provide
18 information to MSHA, and as a
19 result, are treated adversely.
20 If at any time, you believe
21 that you've been treated
22 unfairly because of your
23 cooperation in this
24 investigation, you should
25 immediately notify MSHA. If

116

01 you wish, you may now go back

over any questions that you have given during this interview and may also make any statement that you would like to make at this time.

A. No.

MR. O'DONNELL:

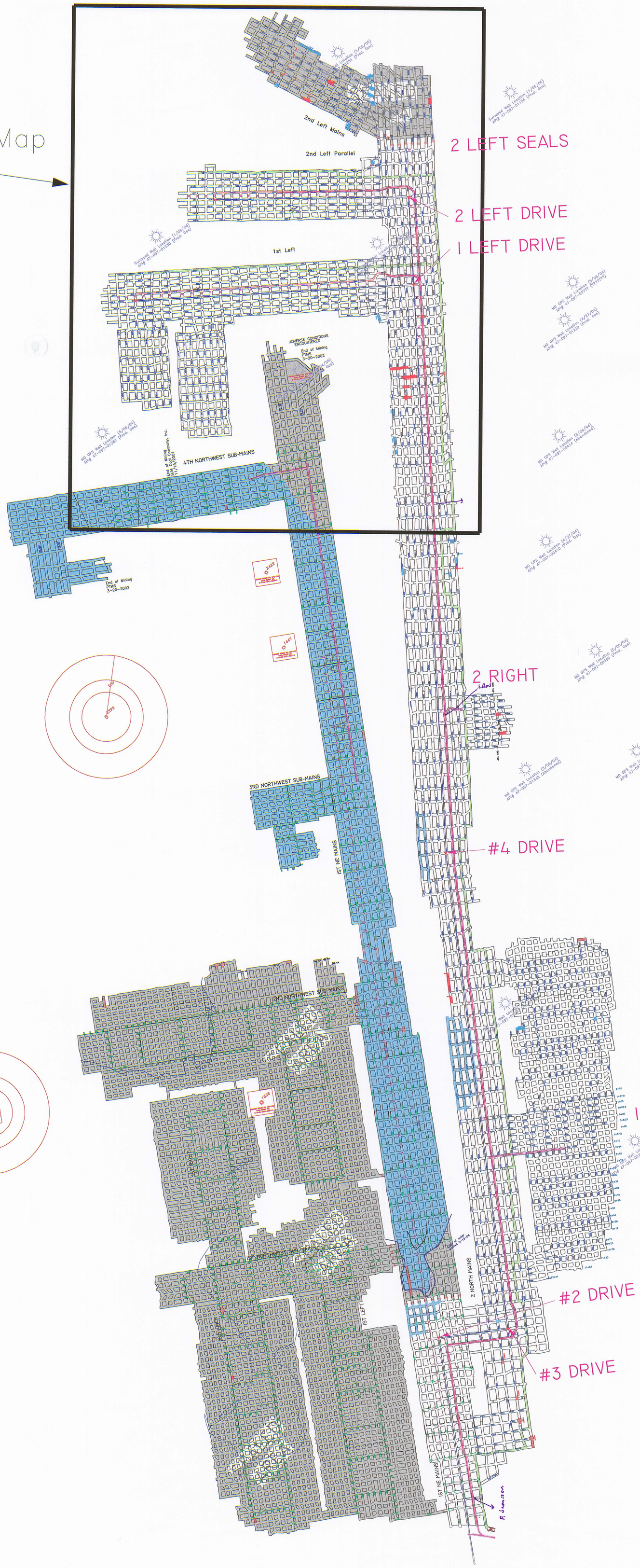
Again, thank you for your cooperation. We appreciate you coming in and talking with us. Thanks a lot.

* * * * * * * *

EXAMINATION CONCLUDED AT 3:07 P.M.

* * * * * * * *

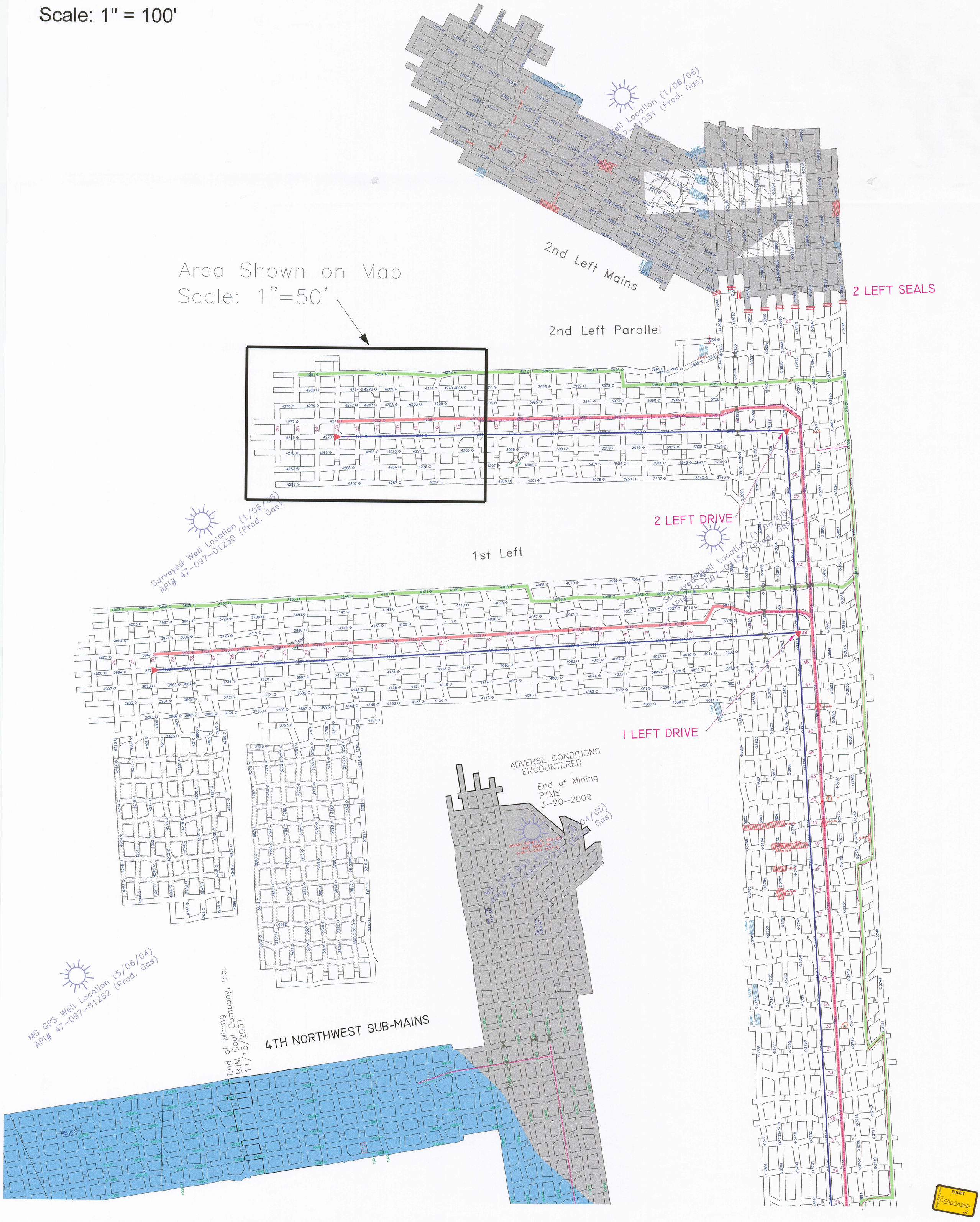
Area Shown on Map
Scale: 1"=100'



Scale: 1" = 300'

EXHIBIT
Schoonover 1

Scale: 1" = 100'


Area Shown on Map
Scale: 1"=50'
2nd Left Mains
2nd Left Parallel
2 LEFT SEALS
2 LEFT DRIVE
1st Left
1 LEFT DRIVE
Surveyed Well Location (1/06/06)
API# 47-097-01230 (Prod. Gas)
Surveyed Well Location (1/06/06)
API# 47-097-02180 (Prod. Gas)
ADVERSE CONDITIONS
ENCOUNTERED
End of Mining
PTMS
3-20-2002
MG GPS Well Location (5/06/04)
API# 47-097-01262 (Prod. Gas)
End of Mining
Bill Coal Company, Inc.
11/15/2001
4TH NORTHWEST SUB-MAINS
EXHIBIT
Schoonover
2