

STATEMENT UNDER OATH

OF

JESSE GORDON

Taken pursuant to Notice by Richard J. Lipuma, CCR, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at the Southeastern Utah Association of Governments, 375 South Carbon Avenue, Price, Utah, on Thursday, October 11, 2007, at 1:05 p.m.

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22 ALSO PRESENT:

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24

25

I N D E X

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P R O C E E D I N G S

MR. O'DONNELL:

My name is Joe O'Donnell. I'm an accident investigator with the Mine Safety and Health Administration (MSHA), an agency of the United States Department of Labor. With us is Sherrie Hayashi from the Utah Commission of Labor. We'll be conducting the questioning today.

I, together with other government investigators and specialists have been assigned to investigate the conditions, events, and circumstances surrounding the fatalities that occurred at the Crandall Canyon Mine in Utah in August of 2007. The investigation is being conducted by MSHA under Section 103(a) of the Federal

1 Mine Safety and Health Act and
2 the Utah Commission of Labor.
3 We appreciate your assistance
4 in this investigation.

5 After the investigation
6 is complete, MSHA will issue a
7 public report detailing the
8 nature and causes of the
9 fatalities in the hope that
10 greater awareness about the
11 causes of accidents can reduce
12 their occurrence in the
13 future. Information obtained
14 through witness interviews is
15 frequently included in these
16 reports. Your statement may
17 also be used in other
18 proceedings.

19 You may have a personal
20 representative present during
21 the taking of this statement
22 and may consult with the
23 representative at any time.
24 Your statement is completely
25 voluntary. You may refuse to

1 answer any question and you
2 may terminate your interview
3 at any time, or request a
4 break at any time. Since this
5 is not an adversarial
6 proceeding, formal cross-
7 examination will not be
8 permitted; however, your
9 personal representative may
10 ask clarifying questions as
11 appropriate.

12 With me is Tim Williams
13 from the Solicitor's office.
14 And he will also be conducting
15 the questioning today.

16 A court reporter will
17 record your interview, so
18 please speak loudly and
19 clearly. If you do not
20 understand a question, please
21 ask me to rephrase it. Please
22 answer each question as fully
23 as you can, including any
24 information you have learned
25 from someone else.

1 I would like to thank
2 you in advance for your
3 appearance here. We
4 appreciate your assistance in
5 the investigation. Your
6 cooperation is critical in
7 making the nation's mines
8 safer.

9 After we have finished
10 asking questions, you'll have
11 an opportunity to make a
12 statement and provide us with
13 any other information that you
14 believe to be important. If
15 at any time after the
16 interview you recall any
17 additional information that
18 you believe might be useful,
19 please contact Mr. Richard
20 Gates at the telephone number
21 and e-mail address that I've
22 provided to you.

23 Ms. Kirkwood, would you
24 swear the witness in, please?

25 MS. KIRKWOOD:

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Please raise your right
hand.

JESSE GORDON, HAVING FIRST BEEN DULY
SWORN, TESTIFIED AS FOLLOWS:

MR. O'DONNELL:

Ms. Kirkwood, are you
empowered as a notary in the
State of Utah?

MS. KIRKWOOD:

I am.

MR. O'DONNELL:

And when does your
commission expire?

MS. KIRKWOOD:

August 15th, 2008.

MR. O'DONNELL:

Have you sworn in Mr.
Gordon?

MS. KIRKWOOD:

I have.

MR. O'DONNELL:

Thank you.

EXAMINATION

1 BY MR. O'DONNELL:

2 Q. Would you please state your
3 full name and address for the record?

4 A. Jesse Wade Gordon, (b) (7)(C)

5 (b) (7)(C)

6 Q. Mr. Gordon, do you have any
7 questions about the interview process
8 as I've described it?

9 A. No.

10 Q. Mr. Gordon, do you have a
11 personal representative with you
12 today?

13 A. Yes.

14 MR. O'DONNELL:

15 Would your personal
16 representative identify
17 himself by name and address
18 for the record.

19 ATTORNEY HOLBROOK:

20 Allen Holbrook, 100
21 Saint Ann Street, Owensboro,
22 Kentucky.

23 BY MR. O'DONNELL:

24 Q. And are you aware that your
25 representative may have a conflict of

1 interest in representing you while
2 being provided by someone else, such
3 as the company?

4 A. Yes.

5 MR. O'DONNELL:

6 Mr. Holbrook, would you
7 state for the record whether
8 you also represent the Mine
9 Operator in these matters?

10 ATTORNEY HOLBROOK:

11 No, I do not. I
12 represent the witness.

13 BY MR. O'DONNELL:

14 Q. And with this understanding,
15 do you still want this person as your
16 representative?

17 A. Yes.

18 Q. Okay. Are you appearing here
19 today voluntarily?

20 A. Yes.

21 Q. And how many years of mining
22 experience do you have?

23 A. Thirty (30).

24 Q. And if you would, just give us
25 a brief description of where you've

1 worked and what you've done, just
2 briefly.

3 A. I started out in 1976 for
4 American Coal Company for Des-Bee-
5 Dove Mine, which was later purchased
6 by Pacific Corp. And I worked there
7 until 1987, when they shut the mine
8 down. I started at Genwal Coal
9 Company, Crandall Canyon in 1988, and
10 I've been there ever since.

11 Q. Okay. Sir, what is your
12 present position there?

13 A. Shift foreman.

14 Q. And how long have you had that
15 job?

16 A. Approximately three-and-a-half
17 years.

18 Q. And what other positions did
19 you hold at the mine?

20 A. Outby construction foreman,
21 section foreman. That's pretty much
22 it, three jobs.

23 Q. And what kind of mining
24 certificates do you have?

25 A. I have fireboss papers and

1 mine foreman papers.

2 Q. From the State of Utah?

3 A. Yes.

4 Q. On August 6th, did you hold
5 the same position that you do ---

6 A. Yes.

7 Q. --- that you told us about?
8 And who is your immediate supervisor?

9 A. Gary Peacock.

10 Q. And how long has he been your
11 boss?

12 A. Probably five, six years. I'm
13 not sure.

14 Q. And the week of the accident,
15 what was your work schedule?

16 A. I was on a weekend schedule,
17 which was Friday, Saturday, Sunday,
18 Monday, on dayshift.

19 Q. Now, you were on the four-
20 three, four on, three off?

21 A. Yes.

22 Q. Okay. And so you were
23 scheduled --- did you work on August
24 6th?

25 A. Yeah, I was called at 3:30 in

1 the morning.

2 Q. Okay. But you were on your
3 --- you were on your off-days
4 normally?

5 A. Monday would have been our
6 overlap day, we call it.

7 Q. Monday was the overlap day?

8 A. A scheduled day to work, yes.

9 Q. Okay. All right. And what
10 time was your shift going to start?

11 A. 7:00.

12 Q. Okay. So on August the 6th,
13 when you --- you were saying you were
14 called out at three o'clock in the
15 morning?

16 A. Right.

17 Q. Who called you?

18 A. Gary Peacock's wife.

19 Q. And what time did you report
20 to work?

21 A. I was there sometime around
22 4:00 or 4:30.

23 Q. And when you got there at the
24 mine, just give us a run-through of
25 everything that you did from the time

1 you got there until you left that
2 day, what your jobs were, what you
3 did, where you traveled.

4 A. When I first got there, I was
5 making arrangements for rides, for
6 the mine rescue teams and different
7 people to go in. We were short
8 trucks, so I was trying to arrange
9 rides for everybody, get the mine
10 rescue teams in, and coordinating
11 that. I'm not sure what time,
12 approximately around ten o'clock, I
13 finally had a ride available for
14 myself.

15 And I went into the section.
16 And I met up with Deer Creek's mine
17 rescue team. And I was there with
18 them for probably a couple of hours.
19 And I was working on the Number One
20 seal, trying to punch a hole through
21 it when I was there with them guys.

22 And I went over to the intake
23 side of the section, where the fresh
24 air base was. There was telephone
25 communications set up there, and some

1 guys were setting up a tail piece
2 where we was going to break the belt.
3 And I hung out with them guys there
4 for a while. I talked to the scoop
5 operators that was doing some cleanup
6 work.

7 I'm not sure on times, but
8 probably a couple of more hours in
9 that area. And probably back outside
10 by 6:00 or 7:00. And that's where I
11 stayed until whichever time I left,
12 which I'm not sure, it may be 9:00,
13 10:00 that night.

14 Q. So when you got there, for the
15 first few --- you got there, you
16 said, at what time?

17 A. Probably around 4:00, 4:30.

18 Q. And for about what, five
19 hours, six hours, you coordinated
20 transportation, is that what you
21 said?

22 A. Right.

23 Q. When you got there, did you
24 get briefed by anyone? Did you meet
25 with a group, or your supervisor, and

1 they gave you a rundown of what had
2 happened?

3 A. Duane Gilbert was the other
4 shift foreman. He was already there
5 when I got there. And he pretty much
6 filled me in on what he knew.

7 Q. Uh-huh (yes). What did he
8 tell you?

9 A. Just not really much of
10 anything. He was doing what I was
11 doing. So we really didn't know what
12 they had in the section.

13 Q. But did anybody tell you what
14 had happened or ---?

15 A. Not at that moment, no. I'm
16 not sure anyone was on the surface
17 that had been in to talk to at that
18 time, so ---.

19 Q. So you went in the mine at ten
20 o'clock. And where did you first
21 stop? What was your first --- did
22 you go in the mine with anyone? Let
23 me ask you that first.

24 A. I believe I was by myself.

25 Q. Okay.

1 A. Sure.

2 Q. Okay.

3 A. Let's see. I traveled right
4 to here.

5 Q. To here is at --- you just
6 indicated on the mine map Crosscut
7 109, in what would be the what, the
8 Number Two entry of old west mains?
9 Does that sound right?

10 A. Yes.

11 Q. So what did you do there?

12 A. Parked my vehicle ---

13 Q. Okay.

14 A. --- and traveled on foot to
15 where I met the mine rescue team in
16 this area right here.

17 Q. And this area is in the area
18 of 117 in Number Two entry?

19 A. Approximately there.

20 Q. Okay. And you met what mine
21 rescue team, did you say?

22 A. It was Deer Creek's mine
23 rescue team.

24 Q. And how many people were
25 there?

1 A. I'd say at least ten.

2 Q. And what were they in the
3 process of doing? What was the plan?

4 A. They were working on knocking
5 a hole in the seal.

6 Q. Which seal were they trying to
7 open up?

8 A. Number One.

9 Q. And that would be the Number
10 One seal ---

11 A. Correct.

12 Q. --- of old west mains, between
13 118 and 119; is that correct?

14 A. Right here.

15 Q. Okay. Let's put a circle
16 around that, too.

17 WITNESS COMPLIES

18 BY MR. O'DONNELL:

19 Q. And Mr. Gordon, how long did
20 you stay up there with the team? Did
21 you ---?

22 A. Between one and two hours.

23 Q. Okay. And if you would, just
24 tell us about what they were doing
25 and what the plan was. Was there a

1 plan before you went in that you knew
2 that they were going to do?

3 A. I had heard.

4 Q. And what was that?

5 A. They was trying to get a hole
6 through Number One seal to see if
7 they could travel down the old
8 entries.

9 Q. Okay. And did all of the mine
10 rescue team --- did they have
11 apparatuses with them?

12 A. They had them there, yes.

13 Q. And was there anyone else
14 there other than that mine rescue
15 team? Were there any other people,
16 like say a representative for MSHA
17 or ---?

18 A. Yes.

19 Q. There was? Do you remember
20 who that person was?

21 A. I know there was Gary Jensen.

22 Q. Okay. And the tools that you
23 brought in, were they special tools
24 in any way, or were they just regular
25 sledgehammers?

1 A. Just regular sledgehammers and
2 axes.

3 Q. Had they already started the
4 hole when you got there?

5 A. Yes.

6 Q. And how much of it was
7 complete?

8 A. I didn't walk right up to the
9 seal. I just asked how it was going.
10 They said they thought they was maybe
11 three-quarters of the way through.

12 Q. Okay. Do you remember an
13 airlock built there?

14 A. They had braddish running to
15 the seal. Like I said, I didn't go
16 right to the seal.

17 Q. A line curtain?

18 A. A line curtain, yeah.

19 Q. But they didn't have an
20 airlock built?

21 A. Not that I recall. They may
22 have done right by the seal. Like I
23 said, I didn't walk right to the
24 seal.

25 Q. About how far away from the

1 seal were you?

2 A. Probably the closest I got was
3 60 to 70 feet.

4 Q. Okay. So you had a clear
5 vision to the ---?

6 A. Right.

7 Q. You could see the seal, but
8 you didn't see anything that
9 would ---?

10 A. No.

11 Q. Okay. So did you help them at
12 all?

13 A. No.

14 Q. You didn't help them?

15 A. No.

16 Q. So what did you do there for
17 two hours?

18 A. Mostly just discussed things
19 with Garth Nielsen, he was there.

20 Q. Who was that?

21 A. Garth Nielsen?

22 Q. And who is Garth Nielsen?

23 A. He's with Deer Creek mine
24 rescue team.

25 Q. Did they have communication

1 established to that point?

2 A. Yes.

3 Q. And what was that?

4 A. Mine phones.

5 Q. Pager phone?

6 A. Pager phones.

7 Q. How far did they have it up
8 there, how close?

9 A. Probably within 60, 70 feet.

10 Q. Right where you were ---?

11 A. In my vicinity, yeah.

12 Q. So would you say that where
13 you were at was a fresh-air base?

14 A. Yes.

15 Q. Okay. And how much work had
16 been done by the time you left? Did
17 they continue to work?

18 A. They were continuing to work.

19 Q. Okay. And did you leave that
20 area by yourself or did someone
21 travel with you?

22 A. I left by myself.

23 Q. And when you left that area,
24 where did you go then?

25 A. I went to Number One entry, to

1 our communication point. I believe
2 it was at Crosscut 120 or 121 at that
3 time.

4 Q. Would that be the other ---
5 would you consider that another fresh
6 air base?

7 A. Yeah.

8 Q. Okay. Could you put a circle
9 around that, if you would, please?

10 WITNESS COMPLIES

11 BY MR. O'DONNELL:

12 Q. Thanks. So you went up ---
13 how close could you drive up there,
14 Jess?

15 A. I believe I parked my truck
16 clear outby by Seven belt drive.

17 Q. Was there a reason why you had
18 to park it back there?

19 A. Not really. It was just an
20 open spot there, and I figured I'd
21 walk in from there.

22 Q. Okay. So you go into the
23 section. Did you see anyone else
24 from the time you left the Number One
25 seal until the time you parked your

1 truck?

2 A. I possibly passed several ---.

3 Q. I mean, did you have a --- no
4 conversations?

5 A. No.

6 Q. And then you got out of your
7 truck and you were on foot and
8 traveling into the --- towards 119?

9 A. Right.

10 Q. And who did you next contact?

11 A. Steve Wilson.

12 Q. And who is ---?

13 A. He was manning the
14 communications at the fresh air base,
15 120, 121.

16 Q. And who is Steve Wilson?

17 A. He was a fireboss.

18 Q. Did you have a conversation
19 about what was going on in the
20 section?

21 A. Yes.

22 Q. And what did he tell you?

23 A. He said they were running
24 scoops over in the three entry, doing
25 some cleaning. And another crew was

1 setting the tail piece on Seven belt
2 line.

3 Q. Was there any other supervisor
4 in the section?

5 A. Later on. Yes, there was,
6 Josh Fielder was ---.

7 Q. Okay. Josh was ---.

8 A. He was helping a guy on ---.

9 Q. He was taking care of the
10 operations?

11 A. Yes.

12 Q. Okay.

13 A. And later on, I seen Gary
14 Peacock. I also talked to him.

15 Q. And where did you go next
16 after you talked to Mr. Wilson?

17 A. I walked over to the Number
18 Three entry where the scoop operator
19 was cleaning and talked to him for a
20 few minutes and seen how he was
21 doing.

22 Q. How were things going?

23 A. Things were working. We was
24 making progress.

25 Q. And this cleanup process had

1 already begun before you got there;
2 is that right?

3 A. Right.

4 Q. How much work had they done?

5 A. I'm not positive, because I
6 wasn't sure where they had started
7 before I got there.

8 Q. Where were they putting the
9 material?

10 A. Just moving it outby at the
11 time.

12 Q. In the crosscut?

13 A. Set it in the roadway.

14 Q. The feeder belt wasn't set up
15 yet?

16 A. Not yet, no.

17 Q. And how long did you stay in
18 the section?

19 A. Probably two more hours.

20 Q. And did the cleanup continue?
21 Did they ever get the feeder running
22 while you were in there?

23 A. No.

24 Q. And they continued to clean
25 the hours that you were there?

1 A. Right. They cleaned the
2 crosscut to bring the feeder in, is
3 what the scoop driver was
4 working ---.

5 Q. And where would that be
6 located?

7 A. I believe it was 120.

8 Q. 120, between ---?

9 A. Either 119 or 120. I'm not
10 positive.

11 Q. And did you indicate the
12 Number Two entry?

13 A. Yes.

14 Q. Okay. So do you know how far
15 they had cleaned up, what the deepest
16 point was when you had left?

17 A. I don't. I didn't walk up to
18 where they had cleaned for sure. I
19 was mostly looking at this area,
20 where the guys were working on the
21 tail piece and where the feeder was
22 going.

23 Q. Okay. Did you happen to go
24 inby any further, into the One, Two,
25 Three, or Four entries to check out

1 what was up there?

2 A. No.

3 Q. So the only part of the ---
4 where the accident occurred, you just
5 saw in the Number Three entry; is
6 that right?

7 A. Right. I remember 121 was
8 dangered off, just past where the
9 phone was. So I didn't venture
10 beyond there.

11 Q. Do you remember what you saw?

12 A. Rubble.

13 Q. What about in Number Three?

14 A. Just rubble that the scoop
15 operator was moving.

16 Q. So you did see in Number Two
17 and Number Three then?

18 A. Yeah.

19 Q. Tell me, how much material did
20 you see?

21 A. But not beyond the crosscut,
22 121.

23 Q. Was there ---?

24 A. You could still see the belt
25 structure in place in Number Two

1 entry, and just coal in One and
2 Three.

3 Q. But based on your observations
4 there, what did you believe had
5 happened?

6 A. The ribs had blown out.

7 Q. What would cause that?

8 A. I'm not sure. I'd never seen
9 anything like it before. The top
10 still looked good, but it looked like
11 the ribs had exploded in.

12 Q. Would a bounce cause something
13 like that?

14 A. I'd say it could.

15 Q. What is your definition of a
16 bounce?

17 A. A sudden settlement of the
18 mountain, just a quick thump. And
19 then usually it's over with.

20 Q. Do you feel it?

21 A. Sure, the concussion.

22 Q. Do you feel it under your
23 feet?

24 A. Sure.

25 Q. Does it always throw coal?

1 A. Not really.

2 Q. Okay.

3 A. When it bounces, where it just
4 hits, it sounds like a big clap of
5 thunder and never moved anything.
6 Just the concussion you felt.

7 Q. Does it knock walls out?

8 A. But I've --- in bounces where
9 it's broke the top loose. And I've
10 seen bounces where it's knocked coal
11 loose. And I've seen bounces where
12 it's blown ribs off. Nothing quite
13 this extensive.

14 Q. Have you experienced bounces
15 in the mine here before?

16 A. Yes, I have.

17 Q. Okay. We'll talk about that
18 in a little bit. Let's just finish
19 up the day here. So you didn't go
20 any further than Crosscut 121?

21 A. No.

22 Q. Okay. And did you have any
23 other conversations with any other
24 management people before you left the
25 section?

1 A. No.

2 Q. You said that you saw Gary
3 Peacock?

4 A. Yes, I did. I believe he left
5 before I did.

6 Q. Okay. Did you happen to go
7 back to the Number One seal before
8 you left?

9 A. No.

10 Q. Okay. So you don't know how
11 that work was progressing?

12 A. I do. I had a conversation
13 with Garth Nielsen on the phone. And
14 he said they was withdrawing the mine
15 rescue team out. That's when I had
16 no reason to venture back in that
17 area.

18 Q. So did you know that they had
19 already done the exploration? I mean
20 --- or did they breech the seal or
21 what did he tell you?

22 A. Through that conversation, I
23 knew they had went in and come back
24 out.

25 Q. Oh, they did?

1 A. Right. When I was on this
2 side, they did.

3 Q. Did they tell you anything
4 else, what they found, what they
5 observed?

6 A. No. That's the last I talked
7 to them, just a short conversation
8 over the phones.

9 Q. And you said they were heading
10 out?

11 A. Right.

12 Q. Did you go out by yourself?

13 A. And that was kind of an
14 indirect conversation, because there
15 were several people on the phone at
16 the same time. He was talking to
17 people outside and we was all part of
18 the conversation.

19 Q. Do you know who he was talking
20 to outside?

21 A. I don't recall for sure.

22 Q. So did you go out yourself
23 then?

24 A. It seemed like it was a while
25 later, it was more like the end.

1 Q. After the time you finished up
2 in the section, and then you talked
3 to the guy at the seal, and then did
4 you --- you said you waited some time
5 there, or did you go out after that?

6 A. I spent some more time up
7 there, with the guys who were still
8 working on the belt before I left.

9 Q. Okay. All right.

10 A. So it was some time later.

11 Q. And what was --- what kind of
12 work were they doing?

13 A. Setting a tail piece. And at
14 the time when I left, they had the
15 belt pulled on and was trying to
16 tighten the belt.

17 Q. So they were just about ready
18 to go?

19 A. Right.

20 Q. And now you're getting ready
21 to leave the section?

22 A. I left the section probably
23 before them guys.

24 Q. Were they still scooping up in
25 the Number Three or Four entry,

1 wherever ---?

2 A. It seemed like they had
3 problems with the scoops. They had
4 shut down. And that was --- they
5 weren't running a while after, if I
6 remember.

7 Q. What had happened, do you
8 know?

9 A. I'm not sure.

10 Q. Was it a mechanical issue?

11 A. I think it was mechanical
12 issues or maintenance issues.

13 Q. So both of them were down?

14 A. There was only one running
15 when I was there. The other one, I
16 think, was already shut down. For
17 some reason or another, I didn't ---
18 like I said, I only talked to the one
19 scoop driver when I was there.

20 Q. Okay. Was one scoop down
21 where you were working?

22 A. He was in Crosscut 120 area.

23 Q. Okay. And he was down there?

24 A. He was the one that was
25 running.

1 Q. Oh, he was the running guy?

2 A. Yeah. The other guy was
3 already down when I got there.

4 Q. All right.

5 A. I never did see two scoops
6 running at the same time when I was
7 there.

8 Q. So where was the other one at?

9 A. I'm not sure. I didn't see
10 it.

11 Q. Do you have any idea why they
12 were shut off?

13 A. It could have been a number of
14 reasons. Waiting on fuel or what
15 have you. Like I said, I didn't go
16 with the scoop drivers and see where
17 they was cleaning.

18 Q. Okay.

19 A. I was mostly in the area where
20 they was setting --- doing the belt
21 work.

22 Q. So then you go outside?

23 A. Right.

24 Q. And after you're outside, what
25 do you do there?

1 A. I really can't recall what I
2 did for sure.

3 Q. Did you go talk to anyone in
4 the command center?

5 A. I'm sure I talked to several
6 different people.

7 Q. Do you remember maybe being
8 debriefed by someone, asking you,
9 hey, Jess, you were up in the
10 section, what did you see, what did
11 you do, how far along was the job
12 going, that kind of stuff?

13 A. No.

14 Q. What about the oncoming shift?
15 Did you talk to anybody about who was
16 going into the mine?

17 A. Indirectly. Like I said,
18 probably several people discussed
19 things here and there and back and
20 forth. I don't recall one person
21 that I went over anything. Just I
22 went home ---.

23 Q. And then you went home. Were
24 you scheduled to come the next shift?

25 A. Yes.

1 Q. Okay. And what time did you
2 report back?

3 A. Either 6:00 or 7:00 the next
4 morning.

5 Q. Okay. And when you got ---?

6 A. It could have been earlier,
7 too. Them days all kind of run
8 together there where we was pretty
9 much going home, going back.

10 Q. From the day after, from the
11 6th --- you've already told me about
12 the 6th. The day after the 6th, and
13 leading up to the 16th, what was your
14 job and your shifts and what did you
15 do? What was your assignments?

16 A. They assigned me as a surface
17 coordinator after that. I was in
18 charge of loading materials, getting
19 material haulers and trailers loaded,
20 to keep moving in the mine.

21 Q. Okay.

22 A. Unloading equipment outside
23 that was arriving, and organizing
24 things outside. Coordinating rides
25 for MSHA personnel in and out of the

1 mine. And taking care of the
2 preshift books and things in the book
3 room.

4 Q. Did you ever go back in the
5 mine after that?

6 A. I did not.

7 Q. Not on the 16th?

8 A. No.

9 Q. So you coordinated the
10 outside. Were you involved in any of
11 the briefing of the oncoming shifts?

12 A. Yes.

13 Q. And tell me about that.

14 A. They had a meeting every
15 morning at 5:00 and a meeting at
16 night at 5:00 with all of the
17 supervisors. And I attended all of
18 them.

19 Q. Okay. Did any of the miners
20 that were going in on that shift ---
21 were they involved in the meeting?

22 A. Yes.

23 Q. And where did you have the
24 meeting at?

25 A. It was in the foremen's

1 offices above our bathhouse.

2 Q. So was the whole shift
3 involved, everybody that was going
4 underground?

5 A. Yes.

6 Q. And what did they talk about?
7 What was the briefing on?

8 A. Usually it was on MSHA's
9 recommendations and plans, how they
10 was to proceed. The supervisors
11 would go over everything and discuss
12 any information back and forth. And
13 also the safety department was
14 meeting with the men, letting them
15 know the plan and what they planned
16 on doing each time.

17 Q. So before they went in, they
18 had that meeting, and everybody was
19 brought up to speed on what was going
20 on?

21 A. Right.

22 Q. What about when they came out
23 of the mine, the other shift? Was
24 the same thing done?

25 A. The supervisors that had been

1 on shift were out at the meetings, to
2 share their information. But as far
3 as the manpower, I mean it was pretty
4 much changing out in the section.

5 Q. Were you involved in any of
6 the decision making of what was
7 happening underground?

8 A. No.

9 Q. Did you ever go into the ---
10 where was the command center?

11 A. MSHA's command center or ---?

12 Q. The command center, where the
13 company and MSHA were together.

14 A. It was in our parking lot, in
15 front of our warehouse. I don't
16 understand which command center
17 you're getting at. The command
18 center I understood was MSHA's
19 command center.

20 Q. You mean there was more than
21 one command center?

22 A. Where the bosses would meet
23 together was in Gary Peacock's
24 foremen's office, if that's what you
25 mean.

1 Q. Okay. So there were two
2 separate groups? Is that what you're
3 saying, there was MSHA in the truck
4 and ---?

5 A. As I understood it, Gary and
6 Laine Adair, whoever would meet with
7 MSHA, then they'd bring us up to date
8 in Gary's office.

9 Q. Okay. When things were
10 happening underground, where was the
11 communication directed through?

12 A. It would have been in MSHA's
13 command center, in our safety office,
14 I guess, over at our warehouse.

15 Q. So there wasn't one group
16 where they were all sitting together,
17 is that what you're saying, while
18 communication was being filtered
19 through the fresh air base to the
20 command center?

21 A. The only one I'm aware of was
22 MSHA's command center. And they was
23 pretty much doing that.

24 Q. Okay. So your responsibility
25 was then to take care of the

1 transportation and stocking equipment
2 and supplies that was going in and
3 out of the mine?

4 A. Right.

5 Q. Anything else you want to ---?

6 A. How it ended up, we had two
7 shift foremen there at the same time.
8 It was pretty much two shifts we was
9 working, so they had one that was
10 going underground, one that was
11 staying on the surface.

12 Q. So you never went in on August
13 16th or after that?

14 A. No. On August 16th, I wasn't
15 on the property.

16 Q. You weren't?

17 A. No. I had worked 13 days
18 straight and Mr. Peacock asked me if
19 I'd take a couple of days off.

20 Q. So when was your first day off
21 then?

22 A. The 15th.

23 Q. The 15th. So you were
24 off ---?

25 A. The 15th and the 16th.

1 Q. And you came back on ---?

2 A. It would have been --- they
3 shut things down after the 16th, so I
4 think it was three days later.

5 Q. Okay. So there's absolutely
6 --- after you were told to take a few
7 days off, you didn't come back to the
8 mine for anything?

9 A. No.

10 Q. Like when the accident
11 happened on the 16th?

12 A. No.

13 Q. No involvement?

14 A. No.

15 MR. O'DONNELL:

16 Let's take a five-
17 minute break and see if these
18 guys have any questions up to
19 this point. And then we'll
20 roll into the next part.

21 SHORT BREAK TAKEN

22 BY MR. O'DONNELL:

23 Q. Mr. Gordon, did you work the
24 day before the accident?

25 A. Yes.

1 Q. And tell us about what you did
2 the day before, where you traveled,
3 what you did.

4 A. Let's see. I was on dayshift,
5 which would have started at 7:00. I
6 find out from my firebosses on some
7 things in the preshift books. I
8 probably traveled into the section,
9 the time I'm not sure, probably 9:00,
10 10:00, like I usually do. Was
11 finishing up a belt and power move.

12 The scoop was broke down. It
13 had been broke down for the whole
14 shift before and our shift. So I
15 talked to the section foreman about
16 backing the miner up as far as they
17 could to the feeder, and pushing the
18 beltways and cleaning up with the
19 buggy until we could get another
20 scoop brought in. At which time I
21 lined out one of these men that was
22 going to go out and bring another
23 scoop from the other section in, as
24 soon as we could get him in there,
25 and to move the other one out of the

1 way. It was blocking the roadway.
2 And then went back outside, where I
3 spent maybe an hour, hour and a half
4 in the section.

5 I went back outside, I think
6 it was around 2:00 or 2:30 that
7 afternoon, we had a lightening storm
8 come through and kill our power. So
9 I probably spent the next hour and a
10 half helping the mechanics to get
11 power reset.

12 And then around 4:00, I went
13 back in the section. They had just
14 finished mining a lift. I went down
15 and was talking to the foreman and
16 asked him what his intentions were
17 there then. And he asked me about
18 the size of stump, were we allowed to
19 work on it some more. And I says,
20 no, you better leave that, and take
21 some of that bottom coal.

22 We had a new miner operator
23 and I said it would be a good place
24 for your operator to learn how to do
25 that, teach him how to do that. I

1 watched him for maybe a half hour or
2 so until they finished that. In the
3 meantime, I could see the lights of
4 the scoop coming in the section. I
5 told him I'd go help him get that
6 scoop moved around, get the scoop in
7 so they could do some more cleaning.
8 And that's what I proceeded to do,
9 help the operator move the one broke-
10 down scoop out of the way. I helped
11 him get that one by some Isuzus and
12 stuff that was parked in the road.
13 And I went back outside.

14 Q. Who was the section foreman?

15 A. Dale Black.

16 Q. And do you remember where they
17 were mining? You were up there with
18 this operator. Where were they
19 mining at?

20 A. As I recall, somewhere in this
21 vicinity.

22 Q. And you're marking the --- oh,
23 it would be the --- let me get over
24 there where I can see. There in the
25 barrier pillar?

1 A. In the barrier.

2 Q. Between 143 and 142?

3 A. Near as I recall. Somewhere
4 in that vicinity. I'm not exactly
5 sure. I didn't --- I was blocked
6 there on number one and there was ---
7 the miner and everything was in here.

8 Q. Was he just starting into the
9 barrier there?

10 A. He took one lift off the side.
11 Like I said, we finished up the belt
12 move and then a lot of cleanup and
13 stuff, so they hadn't run very long,
14 maybe an hour or so.

15 Q. So was he taking this out left
16 and right?

17 A. No. He just took a lift off
18 the one side at an angle, like that.

19 Q. A single miner pass?

20 A. About a miner and a half.

21 Q. So like a full lift?

22 A. Yeah.

23 Q. And he had taken one off the
24 right?

25 A. Right. He took the lift, the

1 stump was left, something like that.

2 Q. Yeah.

3 A. And that's what he was asking
4 me, if he ought to narrow that down.
5 I said how is it acting? He said
6 good. And I said, well, this will be
7 a good place for Cody. I said, I'd
8 leave that for protection and go
9 ahead and take some bottom coal
10 there. So the rest of the time I was
11 there, they were just working on
12 getting that bottom coal.

13 Q. Okay. And you didn't see any
14 other mining?

15 A. No.

16 Q. How was the roof in there?
17 How was the bottom? What was it ---?

18 A. Good. That's what I asked
19 Dale, how is the conditions? And he
20 said good. But of course we hadn't
21 mined for two days prior, so
22 everything was pretty calm.

23 Q. It was pretty quiet?

24 A. It was pretty quiet.

25 Q. Did you notice any bottom

1 heaving?

2 A. Not there, not that day. I
3 had recently.

4 Q. Where did you see it?

5 A. That was part of the cleanup I
6 was having them do at Crosscut 139 to
7 140 in Number Two entry.

8 Q. 139 to 140, there was some
9 bottom heave. Tell us about the
10 bottom heave. Was it coal?

11 A. It was coal. The reason we
12 knew it was there, it had previously
13 been reported in the preshift that
14 the coal was rubbing on the bottom
15 belt. I had sent some people in to
16 clean it up. We thought it was
17 spillage. When they got there, they
18 said what it is, they said there was
19 like a ten-inch layer of coal that
20 had heaved up and was rubbing on the
21 bottom.

22 Q. Okay.

23 A. And they really couldn't
24 shovel it to clean it, so what we did
25 was shut the belt down, raised it up,

1 raised the belts or whatever.

2 Q. I see.

3 A. That's what we was cleaning
4 with the miner, also, because the
5 scoop was down. We just backed up
6 and loaded that loose coal.

7 Q. So you're talking about how
8 much heave?

9 A. In this area here, we probably
10 had anywhere from three to five foot
11 of bottom coal. And it was just
12 layers, where there were different
13 layers. It was like --- it was just
14 real solid, so sometimes ten inches
15 would peel up, sometimes six.

16 Q. Is that about how much bottom
17 coal was over on --- when you took
18 the first lift and then ramped out,
19 about how much bottom coal ---?

20 A. It looked like there was about
21 three feet. I was watching them for
22 a few minutes.

23 Q. Was that typical, that you
24 would --- when you were in the
25 pillars that you backed up and took

1 some of the bottom coal, if there was
2 bottom coal there?

3 A. If it was feasible, yes. If
4 the conditions were good.

5 Q. What about in the entries?

6 A. My shift never really had to
7 take any out of the entries. It was
8 either you would take a lift and then
9 if things was good, we'd take some
10 more out of the bottom. It was the
11 last thing we took.

12 Q. Now, you had worked in this
13 section before. You were there for
14 the development of both the north
15 barrier pillar and the south barrier
16 pillar; right?

17 A. Yes.

18 Q. Let's just talk about the
19 development of both. What can you
20 tell me about what the conditions
21 were like in the north and the south?

22 A. The conditions in the south
23 one I thought was better. The top
24 was better. We didn't hit the water.
25 We had water problems in the north

1 side that we had to take care of.

2 And I think that was part of our top
3 problem, too, where it was wetter.

4 Q. Where did you hit the water in
5 the north?

6 A. This would be approximate, but
7 I'd say in the 30s, somewhere in the
8 30s.

9 Q. 130s?

10 A. Yes. This shows it is --- I'm
11 looking at the wrong one. Okay.
12 I've been in the --- let's see. I'd
13 say we started hitting in the 130s to
14 140s, through that area there.

15 Q. All the way in?

16 A. All the way in.

17 Q. How did you control the water?

18 A. We had pumps set up, an aqua
19 line pumping out.

20 Q. And I see they stopped mining.
21 Was that the reason why they stopped
22 the mining?

23 A. That was a big part of it,
24 yes.

25 Q. What was the other part?

1 A. The top conditions.

2 Q. So that also deteriorated?

3 A. I think that's --- in my
4 opinion, the top was deteriorating
5 because of the water. The water was
6 coming out of the top through that
7 area.

8 Q. Out of cracks or out of the
9 drill holes?

10 A. Out of cracks.

11 Q. Out of cracks. Was there
12 anything else done in there? Did
13 they drill any holes to try to
14 control water?

15 A. There was a hole drilled
16 through the barrier into the old
17 works.

18 Q. How did that work out?

19 A. It was just a small hole. I
20 think they were seeing if there was
21 water in this barrier also down here,
22 too.

23 Q. And that would be into the old
24 --- the sealed area of west mains?

25 A. West mains, yes.

1 Q. Where was the hole located?
2 Was it towards the bottom?

3 A. I can't remember for sure. It
4 was probably around 150, something
5 like that. I don't remember the
6 exact one.

7 Q. How big of a hole was it, do
8 you remember?

9 A. It was only a three-inch hole.

10 Q. A three-inch hole? Well, how
11 did they drill it?

12 A. With a face drill, that's what
13 they call it. They drove a hole
14 through there with it.

15 Q. Was it a contractor that came
16 in to do it or ---?

17 A. He was a former foreman that
18 worked at Crandall Canyon, and come
19 back for a few days to drill the
20 hole.

21 Q. Okay. Did you have the
22 equipment already in the mine to do
23 the drilling, or did you have to
24 bring it in?

25 A. We brought it in.

1 Q. So it was a special piece of
2 equipment they brought in to drill
3 the hole?

4 A. Yeah.

5 Q. And then took it out?

6 A. Right.

7 Q. Okay. Did they actually drill
8 into the west mains?

9 A. I wasn't there when they
10 completed the hole, but they said
11 they did. They said they drilled it.

12 Q. Did they want to pump water
13 into it or gravity feed?

14 A. Gravity feed to it.

15 Q. Did that work?

16 A. I don't know. We pillared by
17 it, so ---.

18 Q. Okay. So you said that you
19 believed that the north, on
20 development, was worse than the
21 south; is that right?

22 A. Right.

23 Q. And was it --- you said
24 because of water and deteriorated
25 roof?

1 A. Right.

2 Q. What about any bounces?

3 A. We had bounces in there. I've
4 worked at this mine for 19 years and
5 I've been through a lot of bounces,
6 some a lot worse than what I've seen
7 in either one of these sections. A
8 little past history there. I was
9 aware of them and you just took extra
10 precautions when you are getting
11 them.

12 Q. Where were those bounces at
13 that were worse than the ones that
14 you experienced in the north and the
15 south?

16 A. They're in the north side, in
17 the continuous haulage pillar
18 sections.

19 Q. That would be the section
20 that's marked 36 on the map?

21 A. Right.

22 Q. And would you say that that is
23 in line with the deep cover area of
24 the mine; is that right?

25 A. Some of it was, yes.

1 Q. Is that why you would think
2 they would be ---?

3 A. We also had some pretty
4 serious bounces on all them south
5 longwall panels, too, when I was
6 there.

7 Q. And you're referring to say
8 13, 14?

9 A. Right.

10 Q. Those ones down on that ---?

11 A. All those on the south side,
12 and on the north side, too. We had
13 bounces on those longwall panels,
14 too.

15 Q. When you say serious bounces,
16 what's that?

17 A. A real hard bounce.

18 Q. Where someone got hurt or
19 equipment was broken?

20 A. Equipment might get damaged,
21 yeah.

22 Q. Okay.

23 A. Those sections that you could
24 see on that north side, in the
25 continuous haulage section where it's

1 been left is the reason why, it was
2 getting too bad, bouncing, and
3 blowing top coal off the roof and
4 stuff.

5 Q. Oh, so that's what you did up
6 there, you left the top coal in that
7 area?

8 A. Right.

9 Q. Okay. So as you got pressure
10 there, it would pop down on you?

11 A. Right.

12 Q. And that's why they left it?

13 A. And that's part of the reason
14 why we didn't leave top coal in these
15 panels, because we had been through
16 that before. If it bounces, it blows
17 your top coal out. We left it on the
18 floor in these areas.

19 Q. Did that work out better for
20 you?

21 A. I think so. It seemed better.

22 Q. So let's talk about pillaring
23 the north and the south. How would
24 you compare that?

25 A. I actually thought the south

1 side was going a lot better, too, the
2 pillaring. We was having bounces,
3 but I didn't think they was as
4 frequent as we had on the north side.

5 Q. Uh-huh (yes). Now, I see that
6 there was --- the section was
7 stopped. And do you know why the
8 section was stopped there in the
9 north barrier pillar?

10 A. Because of the bounce they had
11 in March.

12 Q. So they had a bounce in March.
13 When (sic) did the bounce in March
14 occur, here or here? And I'm
15 pointing to Crosscut 137 and 135,
16 where the two blocks were left in
17 between.

18 A. I can't tell you that either.
19 I was on my days off when that
20 happened also.

21 Q. Okay. So when you were there
22 last, they were still mining; is that
23 right?

24 A. Right.

25 Q. And when you came back, where

1 were they at?

2 A. When I got back, they had
3 already withdrew everything out of
4 the section and decided to move it.

5 Q. It's already gone?

6 A. Yeah. It was timbered off,
7 dangered off, to where you couldn't
8 travel in by a certain point. So I
9 never did see any of this after I
10 come back after my days off.

11 Q. Did you hear anything about
12 what had happened, how it happened?

13 A. I just heard they had had a
14 bounce. And like I said, that
15 section had --- there was top
16 conditions and stuff. They decided
17 to not mess with it anymore, to pull
18 out of there.

19 Q. And then after that, when they
20 pulled out, where did they go?

21 A. We come back to this area here
22 and started setting up for developing
23 this corner, setting in our beltline
24 and stuff so we can drive the mains
25 west.

1 Q. That would be the south
2 barrier pillar?

3 A. Right.

4 Q. Okay. Did they go mine coal
5 anywhere else?

6 A. I'm not sure. We might have
7 done a little bit of mining in Third
8 North. The guys was doing some work
9 out there. It seemed like we did
10 mine in Third North for a few weeks.

11 Q. And then you drove the south
12 mains, you developed that, and
13 started to --- we've talked about the
14 development already. Let's talk
15 about the pillaring. When they
16 started pulling the section, tell me
17 about that. What was that like?
18 What were the conditions?

19 A. It was a pillar section, you
20 know, and it was bouncing and
21 carrying on like a pillar section
22 does, but nothing extreme that I
23 thought, you know. My biggest
24 concern was in places where the miner
25 operators got a little high

1 developing it. I'd have them set
2 extra timber for the rib sloughage
3 that had fallen off. And I would set
4 timbers on corners, or we did have
5 some rib sloughage. And I was
6 watching them on a daily basis. And
7 none of them showed weight, the roof
8 bolts looked good.

9 Q. Did you get any bottom heave
10 up there?

11 A. Not in the mining area that I
12 noticed that. The bottom heave was
13 outby I had seen in places.

14 Q. That was the top part that you
15 had already talked about?

16 A. Yeah, back in the same area.

17 Q. What about in the west mains?
18 You worked at the mine when they
19 developed the west mains?

20 A. The old west mains?

21 Q. Yes.

22 A. Yes, sir.

23 Q. So you were there on the
24 drive?

25 A. Right.

1 Q. What was that like?

2 A. In fact, I was the face boss,
3 the section foreman when we drove it
4 clear to the very end right here,
5 these mains, with the continuous
6 haulage. The conditions was great
7 clear until we hit the ---.

8 Q. Until you hit the end?

9 A. Until we hit the end, until we
10 hit the fault.

11 Q. Is that the reason why you
12 stopped?

13 A. Yes.

14 Q. What about the condition ---
15 you said the conditions were great on
16 the drive?

17 A. Right.

18 Q. What about after --- now, it
19 sat for some period of time; right?

20 A. Yes. And we left top coal in
21 all of this, too. And a lot of these
22 places where you can see where it
23 shows this ---

24 Q. Yes.

25 A. --- I've traveled this area

1 for years, firebossing different
2 things, checking pumps. And the top
3 coal would fall out around the roof
4 bolts.

5 Q. Is that what that is there?

6 A. It look great. Sandstone,
7 nothing that --- all I had ever seen
8 was just top coal that fell in on the
9 bolts.

10 Q. Is that what that's marked
11 there?

12 A. Pardon me?

13 Q. That's where the roof coal
14 fell out?

15 A. Uh-huh (yes).

16 Q. And what did they do, just
17 danger it off?

18 A. Just dangered it off.

19 Q. I see.

20 A. This was a travel way for
21 years.

22 Q. Could you drive it?

23 A. Sure.

24 Q. Because it was on an intake
25 split; right?

1 A. Uh-huh (yes).

2 Q. What kind of pumps did you
3 have back there?

4 A. A big 58-horse pump that sat
5 here, because there was water that
6 was running out of these old works
7 here. And this was some out of this
8 fault area. We had to keep this pump
9 running at all times. So it was
10 checked daily, and you could drive
11 right to it.

12 Q. What about the rest of the
13 entries? Did you happen to go and
14 look at any of those?

15 A. At various times we'd done
16 rock dusting in this return and
17 stuff. And it was in good condition.
18 You could drive a machine all the way
19 up that return entry for years and
20 years.

21 Q. You could take it all --- I
22 mean it never bumped out or ---?

23 A. No. There was a lot of square
24 sets set in this --- it would have
25 been Number Two entry, because we had

1 a high voltage cable up through there
2 that they worried about. And I had
3 seen in places, when I traveled
4 through there, there was no weight on
5 them or anything. And like I said,
6 it just looked like the top coal
7 broke loose and fell away from the
8 sandstone top.

9 Q. So why did they decide to seal
10 it then?

11 A. I never did know for sure.

12 Q. Okay. Because if you were
13 traveling --- I mean you would think
14 that ---.

15 A. Yeah.

16 Q. So what about the pumps, after
17 you pulled it, how was the water
18 controlled?

19 A. We left the mine intact down
20 through I think it was Number Four
21 seal. And it just gravity-flowed
22 down and into our south area, down
23 through ---.

24 Q. Was there some way that you
25 could check the water flow to see

1 that it was still flowing? How did
2 you know there was ---?

3 A. There was valves you could
4 open and see, if you wanted to.

5 Q. So it was a pretty constant
6 thing?

7 A. Yeah. It had a direct line
8 that went down and crossed over and
9 went into some old panels down below.

10 Q. Do you remember ever the water
11 stopping?

12 A. In fact, after the incident on
13 the 16th, that line was still intact
14 in our south mains and there was
15 always water coming out.

16 Q. There was still water coming
17 out of it? Okay.

18 A. Yeah, it never did stop that
19 water. It was in the same entry as
20 the high voltage. But it run water
21 --- the last I seen it, there was
22 still water coming out of it.

23 Or I wouldn't have been on the
24 --- I wasn't in there after the 16th.
25 Probably the last day I was in there

1 was the 5th. Somewhere along that
2 week it was --- the last I seen it,
3 anyways, it still had water. It
4 never did stop.

5 Q. I have a couple of questions
6 to back up here on. On August 3rd,
7 and it was on dayshift, there was a
8 hard bounce that knocked Torrey
9 Harvey down. And you were the shift
10 boss that day?

11 A. August 3rd?

12 Q. Yeah.

13 A. Was that a Friday?

14 Q. We have a map, or a --- yeah,
15 that would be Friday.

16 A. Yeah, that would have been ---
17 I'd have been there.

18 Q. What could you tell me about
19 that? Do you remember?

20 A. This is the first I've heard
21 of it.

22 Q. Okay. So you didn't hear of
23 anything that had happened of a hard
24 bounce that knocked Torrey Harvey
25 down?

1 A. No one reported it to me.

2 Q. Okay. When they were cleaning
3 up in the --- let's see, they were in
4 Number Three entry, the scoop, when
5 it went down. Do you remember you
6 said that they were cleaning up in
7 the Number Three entry, and you were
8 working on the belt, and one scoop
9 went down and one was running?

10 A. This was on the 6th you're
11 talking?

12 Q. No, this was the --- yeah, it
13 was the 6th. That's right. When you
14 were cleaning ---?

15 ATTORNEY HOLBROOK:

16 The 5th or the 6th?

17 MR. O'DONNELL:

18 The 6th.

19 BY MR. O'DONNELL:

20 Q. When they were in cleaning up
21 Number Three entry, or Number Four
22 entry, whatever entry they were
23 cleaning up in there?

24 A. Uh-huh (yes).

25 Q. And the scoop went down. Do

1 you remember what time that scoop
2 went down? Any idea where you were
3 in the day?

4 A. Between noon and four o'clock.

5 Q. Between noon and four?

6 A. That's, you know, the times I
7 was --- in the afternoon.

8 Q. Okay. Did the bounce occur
9 --- do you know anything about the
10 bounce that happened that caused them
11 to end the cleanup in Number Three
12 entry and move to the Number One
13 entry?

14 A. No.

15 Q. Do you know when that
16 happened?

17 A. No.

18 Q. So it didn't happen from the
19 time that you left until the time you
20 went home?

21 A. No.

22 Q. And you were saying those ---
23 the sledgehammers and the axes you
24 picked up, did you get those in a
25 shed or a shanty that you ---?

1 A. I had them in a storage that I
2 kept down there.

3 Q. And it was stuff that you had
4 always used?

5 A. Yeah.

6 Q. Was it just regular steel?

7 A. Yeah.

8 Q. Okay. Steel tools. Okay.

9 MR. O'DONNELL:

10 We're going to take
11 another short five-minute
12 break right now.

13 SHORT BREAK TAKEN

14 MR. O'DONNELL:

15 Let's go back on the
16 record.

17 BY MR. O'DONNELL:

18 Q. We were talking about drilling
19 the hole into the old west mains from
20 the north barrier pillar; right? And
21 you said there was a former foreman
22 that came in to drill the hole?

23 A. Right.

24 Q. Do you remember who the guy
25 was?

1 A. Rodger Ewell.

2 Q. Rodger?

3 A. Ewell.

4 Q. Ewell?

5 A. Ewell.

6 Q. Okay. Thank you. Let me just
7 ask you a quick question on who the
8 responsible person is. Who was the
9 designated responsible person and how
10 is it determined?

11 A. The shift foreman.

12 Q. The shift foreman. How do the
13 men know who that person is before
14 they go underground?

15 A. There was a tag-in, tag-out
16 board in our bathhouse that had a
17 board next to it. And it has on
18 which shift has the responsible
19 person for that shift. It had the
20 names on it.

21 Q. If you would leave during the
22 shift, let's say you were called
23 home, or left the mine property, how
24 would you designate the responsible
25 person in that situation?

1 A. We had what we called step-up
2 people. They're the ones that are
3 used to doing it.

4 Q. And how do the men know who
5 that is?

6 A. We'd tell them. Plus their
7 name is on that board, too, with
8 their tag. They would know who it
9 was.

10 Q. So you would have that two
11 names up there before they went
12 underground?

13 A. You're saying if I left during
14 the shift?

15 Q. Yeah.

16 A. They'd have to be notified, I
17 guess, so they knew who was ---.

18 Q. Have you ever done that, where
19 you had to leave?

20 A. Very seldom.

21 Q. And how did you take care of
22 that?

23 A. There's been days when I have
24 been there that I've had to step up
25 and take over.

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MR. O'DONNELL:

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 future. This will ensure that we obtain everyone's independent recollection of the events surrounding the accident.

After questioning other witnesses, we may call you if we have any other follow-up questions that we may need to ask you. If at any time you have additional information

1 regarding the accident that
2 you'd like to provide to us,
3 please contact us at the
4 contact information that we
5 gave you.

6 The Mine Act provides
7 certain protections to miners
8 who provide information to
9 MSHA and as a result are
10 treated adversely. If at any
11 time you believe that you've
12 been treated unfairly because
13 of your cooperation in this
14 investigation, you should
15 immediately notify MSHA.

16 If you wish, you may
17 now go back over any answer
18 that you've given us during
19 the interview and you may also
20 make a statement that you
21 would like to at this time.

22 A. No.

23 MR. O'DONNELL:

24 Okay. Thank you,
25 Jesse.

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STATEMENT CONCLUDED AT 2:12 P.M.

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