

STATEMENT UNDER OATH

OF

LANCE HURST

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 Friday, September 21, 2007 beginning at 8:04 a.m.

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1 A P P E A R A N C E S

2

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A P P E A R A N C E S (continued)

MARCO M. RAJKOVICH, JR., ESQUIRE
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ALSO PRESENT: Kelly C. Kirkwood

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P R O C E E D I N G S

MR. GAUNA:

My name is Mike Gauna.
I'm a mining engineer with the
--- and an accident
investigator with the Mine
Safety & Health
Administration, an agency of
the United States Department
of Labor. With me is James
Crawford from the Solicitor's
Office. And we will 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

1 conducted by MSHA under
2 Section 103(a) of the Federal
3 Mine Safety & Health Act, and
4 the Utah Commission of Labor.
5 We appreciate your assistance
6 in this investigation.

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

21 You may have a personal
22 representative present during
23 the taking of the statement
24 and may consult with the
25 representative at any time.

1 Your statement is completely
2 voluntary. You may refuse to
3 answer any question and you
4 may terminate your interview
5 at any time or request a break
6 at any time. If you need to
7 take a break, just let us
8 know. Since this is not an
9 adversarial proceeding, formal
10 Cross Examination will not be
11 permitted. However, your
12 personal representative may
13 ask clarifying questions as
14 appropriate.

15 Joining us now is
16 Sherrie Hayashi. She's with
17 the --- she's the Utah
18 Commissioner of Labor, and
19 she'll be here working with us
20 on this.

21 A court reporter will
22 record your interview. Please
23 speak loudly and clearly. If
24 you do not understand a
25 question asked, please ask me

1 to rephrase it. Please answer
2 each question as fully as you
3 can, including any information
4 you have learned from someone
5 else.

6 I would like to thank
7 you in advance for your
8 appearance here. We
9 appreciate your assistance in
10 the investigation. Your
11 cooperation is critical in
12 making the nation's mines
13 safer.

14 After we have finished
15 asking questions, you will
16 have an opportunity to make a
17 statement and provide us with
18 any information you believe to
19 be important. If at any time
20 after the interview you recall
21 any additional information
22 that you believe might be
23 useful, please contact Richard
24 Gates at the telephone number
25 or e-mail address provided to

1 you right here. And later if
2 you think of anything, just
3 give this gentleman a call.

4 Ms. Kirkbright, would
5 you swear in the witness ---
6 Kirkwood, excuse me.

7 -----

8 LANCE HURST, HAVING FIRST BEEN DULY
9 SWORN, TESTIFIED AS FOLLOWS:

10 -----

11 MR. GAUNA:

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

15 MS. KIRKWOOD:

16 I am.

17 MR. GAUNA:

18 When does your
19 commission expire?

20 MS. KIRKWOOD:

21 August 15th, 2008.

22 MR. GAUNA:

23 Have you sworn in Mr.
24 Hurst?

25 MS. KIRKWOOD:

1 I have.

2 BY MR. GAUNA:

3 Q. Is it okay to call you Lance?

4 A. Yeah.

5 Q. Okay. Lance, do you have any
6 questions about the interview process
7 as I described it?

8 A. Yeah. What the hell is he
9 doing?

10 Q. Okay. He's recording what we
11 are saying, every one of us up here.
12 And he's got a computer linked to
13 this thing that train --- recognizes
14 voice and put the words into text.
15 Like instead of typing it, the
16 computer automatically puts that
17 material like a typewriter would.
18 It's a high tech way of doing this
19 stuff without him having to write
20 special notes.

21 ATTORNEY CRAWFORD:

22 He's the court
23 reporter.

24 BY MR. GAUNA:

25 Q. Yeah. And he's the court

1 reporter. Any other questions?

2 A. No.

3 Q. Okay. Lance, do you have a
4 personal representative with you here
5 today?

6 A. Yeah, him.

7 Q. Okay. All right.

8 MR. GAUNA:

9 Would your
10 representative identify
11 himself by name and address
12 for the record?

13 ATTORNEY RAJKOVICH:

14 Marco Rajkovich, 2333
15 Alumni Park Plaza, Suite 310,
16 Lexington, Kentucky, 40517.

17 BY MR. GAUNA:

18 Q. Okay. Are you aware that your
19 representative may have a conflict of
20 interest in representing you while
21 being provided by someone else, such
22 as the company?

23 A. Yeah.

24 Q. Okay.

25 MR. GAUNA:

1 Mr. Rajkovich, would
2 you state for the record
3 whether you also represent the
4 mine operator in these
5 matters?

6 ATTORNEY RAJKOVICH:

7 I do.

8 BY MR. GAUNA:

9 Q. Okay. With this
10 understanding, do you still want this
11 person as your representative?

12 A. Yeah.

13 Q. Okay. Are you appearing here
14 voluntarily today?

15 A. Yeah.

16 Q. And how many years --- just
17 give me your general mining
18 background. How much mining
19 experience have you had?

20 A. Thirteen (13) years and nine
21 months.

22 Q. Thirteen (13) years. Okay.
23 And could you give me a brief
24 description of where you worked in
25 that time frame?

1 A. Crandall Canyon. I was
2 transferred to West Ridge for the
3 first two and a half years they was
4 open. I went back to Genwal. They
5 shipped me to Tower for a couple
6 months and then back to Genwal.

7 Q. Okay. So how much time you've
8 been at the Crandall Canyon Mine now
9 this last time, this last time
10 period?

11 A. I don't know. Four or five
12 years.

13 Q. Four or five. Okay. And what
14 is your present position? What do
15 you do at the mine?

16 A. Right now just pulling stuff
17 out of the mine.

18 Q. Oh, okay. What were you doing
19 prior to these accidents?

20 A. Belt mechanic.

21 Q. Belt mechanic. Okay. And is
22 that what you were doing, you know,
23 prior to that August 6th accident,
24 the first accident, you were the belt
25 mechanic?

1 A. Yeah.

2 Q. Okay. Have you held any other
3 jobs at the mine at Crandall Canyon?

4 A. Yeah, I reckon I've done just
5 about everything, every job there is.

6 Q. Okay. Do you have any mining
7 certificates?

8 A. Fireboss papers.

9 Q. Anything else?

10 A. No.

11 Q. Okay. And are they for the
12 State of Utah?

13 A. Yeah.

14 Q. Okay. Could you give me an
15 idea of what your work schedule was
16 the week or the time frame of the
17 first August 6th accident?

18 A. I was on nine-hour shifts.

19 Q. Okay. And on what type of
20 cycle?

21 A. Straight days.

22 Q. Straight days.

23 A. I worked from 5:00 to 2:00.

24 Q. That would be 5:00 a.m. to
25 2:00 p.m.?

1 A. Yeah.

2 Q. Okay. And is that what you
3 --- the day before the accident, is
4 that what you worked, the dayshift
5 5:00 to 2:00 on August 5th?

6 A. The two days before it was the
7 weekend.

8 Q. Okay.

9 A. And I was off.

10 Q. You were off that weekend.
11 Okay. Did you then report to work on
12 Monday, August 6th?

13 A. Yeah.

14 Q. All right. And what time did
15 you start your shift on that day, on
16 the 6th?

17 A. I was supposed to start at
18 5:00, but I'm always there ready to
19 go about a half hour early. So I
20 actually went in a little bit early,
21 see what was happening.

22 Q. Okay. And who was your
23 immediately supervisor then on that
24 August 6th day?

25 A. I usually answered to Gary

1 Peacock or whichever shift foreman
2 was on dayshift. I didn't have a
3 specific boss other than Gary.

4 Q. Okay. So is that your normal
5 process that even before then, you
6 just --- whoever was boss that day,
7 that'd be your boss for the shift?

8 A. I didn't really have a boss to
9 say --- I was the lead man, and I
10 took care of what I had to take care
11 of. If I had trouble, I'd go to
12 whoever was boss.

13 Q. Okay. Well, on August 6th,
14 can you just tell me, to the best of
15 your recollection and whatever detail
16 you can, things that happened that
17 morning all the way through that day?
18 Just give me the story of how you
19 recollect things happened.

20 A. I showed up. When I showed
21 up, there was an ambulance down in
22 the yard. And I just figured that
23 somebody had gotten hurt. And as I
24 was walking up the hill, Lyle
25 Christensen, he's maintenance

1 foreman, he come up behind me and got
2 out of his car. And I asked him who
3 was hurt, and he said alls he knew
4 was that they lost communications
5 with the guys in the face. And
6 that's all he knew. So we went in
7 and hurried, threw our diggers on and
8 got dressed and run back in the
9 office there.

10 Was trying to talk to Gary.
11 He was on the phone with a bunch of
12 other people. Tried to talk to Gale
13 Anderson. He was on the phone.
14 Pretty much didn't learn anything new
15 other than we just didn't have any
16 communication with them guys and
17 there was a big bounce and that we'd
18 lost our air up in the face, and
19 there was a couple guys that was
20 trying to put up some temporary
21 stoppings, just hang some rag in the
22 crosscuts to push the air up there.

23 So Gale asked me to take in
24 some supplies, some rag and pogos.
25 And the guys that was up there doing

1 it was Brent Hardee, Tim Curtis and
2 Brian Pritt. So I ran down below.
3 And I had my helper with me, too,
4 Brian Allen. He was with me. He
5 worked for me.

6 We went and loaded up that
7 stuff and took it in. And I don't
8 remember what crosscut we ended up
9 meeting them guys at. It was
10 somewhere in the 90s. And I dropped
11 all that stuff off, and I dropped
12 Brian off, I believe.

13 And then during the whole
14 time, I was kind of trying to talk on
15 the phone with Gale Anderson, too.
16 He was still outside. I was trying
17 to tell him where I was at and what
18 I'd done. And he had me come back
19 outside --- had me drop off all them
20 supplies and then come back outside.
21 And I don't remember what else it
22 was, but he had me come back out for
23 more stuff. I don't remember what it
24 was, though. I don't remember if it
25 was more pogos or what, but I went

1 out and then come back in.

2 And by then, I'd met up with
3 Gary Peacock and Lyle. And as they
4 advanced --- as everybody was
5 advancing the rags, I was staying on
6 the phone communicating outside with
7 Gale. And I just kept advancing from
8 phone to phone. As the ventilation
9 got up to the next phone, somebody
10 would holler at me. And I'd just
11 leave that phone and I'd move up to
12 the next phone to let him know where
13 we had fresh air to, where we had air
14 at. And went up pretty much as far
15 as we could in the section there. I
16 don't remember what crosscut it was.
17 And pretty much waited there, and
18 then the mine rescue team showed up.

19 When the mine rescue team
20 showed up, I asked them if they was
21 taking charge of the fresh air base,
22 and that's just the furthest point in
23 with the phone and stuff. There
24 wasn't anything really set up. There
25 was just a phone there. And they

1 said, yeah, they was. It was --- oh,
2 hell, Jeff Palmer. He said, yeah,
3 we'll take over. I told Gale, hey,
4 Palmer's here. He's going to take
5 over. So I gave the phone to him.
6 And I took off and left. I went up
7 in the beltline and I told a couple
8 guys, I'm going to go search. You
9 can follow me if you want. And a
10 couple of them did.

11 And we went up all four
12 entries as far as we could. I
13 searched all four entries up as far
14 as I could go until I couldn't go any
15 further.

16 And I come back out and ran
17 into the miner rescue team. They
18 come up --- I think it was the
19 beltline they come up. And they
20 wasn't sure what to do. They was
21 hanging around. They didn't know
22 what to do, what to do next. So I
23 left and went outby. Gary told me,
24 you need to get the belt cut in half.
25 You need to go back out the belt as

1 far as you can where we can get
2 equipment across the beltline and
3 into the return. He says, take
4 whoever you need with you.

5 So I took a couple of guys
6 with me and went back and cut the
7 belt, ripped the structure out so we
8 had access into the return. After I
9 finished doing that --- let's see.
10 And I'm sure I'm leaving out a lot of
11 stuff, too. It's been a while. They
12 asked me --- oh, they asked me to go
13 see about getting a compressor and
14 hooking it up into the water line,
15 run in the water line and then
16 hooking the compressor up into it and
17 blowing air out towards the face.

18 So I grabbed Rich Maxwell. He
19 was a material man. He was on 975.
20 And I told him where the compressor
21 was. I told him, go get and bring it
22 back to this point, which was the
23 tail piece for seven belt right there
24 at the exchange on six and seven,
25 right on the corner of the section.

1 And while he was doing that, I
2 finished tearing the stopping that'd
3 been blowed out. I tore it apart and
4 threw it onto the rib so he could
5 back the compressor in there. Once I
6 got that done, I went up above and
7 killed the shutoff valve on the water
8 line so no water was coming inby, and
9 then I opened up a bunch of fire
10 valves just to drain the line as best
11 as I could.

12 Once I got the water to quit
13 draining, I went back and shut all
14 the valves. About that time, Max
15 showed up with the compressor, and I
16 hooked the hose up into the --- from
17 the compressor into the four-inch
18 water line and then fired it up. And
19 then I took some rag and
20 kitty-cornered it and short circuited
21 it so any exhaust coming off there
22 wasn't going in the face or down in
23 the section. I short circuited it
24 into where it'd go into the return so
25 they wasn't getting any seal off that

1 compressor up there.

2 And then I sat there and
3 watched that compressor for, I don't
4 know, about 45 minutes until somebody
5 else showed up. And I don't remember
6 who it was, but I wasn't standing by
7 that compressor anymore. So I told
8 them to stay by it. And then one of
9 the three and a half scoops showed up
10 from Deer Creek. And it quit running
11 right about the time they got to that
12 compressor. It quit running. So it
13 was kind of broke down there. They
14 had Blaine Fillmore come in and fix
15 it. And I can't remember what it
16 was. It was something in the
17 scrubber that quit working and
18 plugged up.

19 So Blaine come in and fixed
20 it, and we filled it up with ---
21 well, we didn't have no water. He
22 just fixed it. And I took it in. I
23 went across the beltline where I tore
24 that structure out. And I went to
25 number four entry and I started

1 mucking down that entry. And
2 somewhere after that, I don't know, a
3 half hour or so, another three and
4 half scoops showed up. Danny Daley
5 was driving it.

6 Between the two of us, we sat
7 and mucked and mucked for a long
8 time. And we went down there two
9 breaks. We mucked almost two solid
10 breaks. And it wasn't the rib or
11 nothing. It was just wide enough for
12 the bucket and machine to go right
13 down the center of the entry. And it
14 wasn't down to the floor or anything.
15 We was just taking enough to --- for
16 clearance to get the machines through
17 there.

18 We went just under two breaks
19 and my scrubber ran out of water.
20 And I just damn near wired it out. I
21 was thinking about wiring it out so I
22 could keep going, because they hadn't
23 run any water to me yet. The air was
24 coming back on us, and it was so
25 dusty you couldn't hardly see

1 anything. And them scrubbers get so
2 hot, especially when they're out of
3 water. I was afraid I was going to
4 blow everything clear to hell. So I
5 just shut it down. I just left it
6 sit right in the middle of the road
7 where it died on me.

8 And I went and told Danny, and
9 he run out of water just before me.
10 Told him, well, there's nothing we
11 can do now. If they ain't got us no
12 water, we can't keep going. So we
13 walked out and we run into the rest
14 of the guys. They was trying to
15 bring a miner up in there and a
16 transformer up in there.

17 And I don't know, by then, it
18 was about 7:00 or 8:00 at night,
19 somewhere around there. And Gary
20 told me, you know, you guys need to
21 get out of here. There's other guys
22 here that can do it. You need to go
23 home and get some sleep. So I told
24 everybody, anybody that's on dayshift
25 that's going home, get your ass in my

1 truck. We're leaving. And we left.
2 And that's about all I really
3 remember that day.

4 Q. Okay. I had some questions
5 about it. When you came in, did you
6 just --- bringing in the rag and
7 pogos, were you in a truck or ---?

8 A. Yeah.

9 Q. Just an Isuzu?

10 A. Yeah.

11 Q. Okay. And when you --- you
12 were working at the telephone while
13 they were putting up the rag, do you
14 remember what phone you started
15 making the calls to Gale at, what
16 break that was?

17 A. That would have been --- the
18 last time I would say was about 110.
19 It was on six belt. Six belt really
20 ain't got any numbers on the
21 stoppings. It's only four breaks
22 long, and they go into 110 and then
23 it goes down 110 four breaks and then
24 starts again.

25 Q. Okay.

1 A. It was right at the --- right
2 at the head roller on six belt.

3 Q. Head roller of six belt.

4 Okay. I know where that --- let me
5 get a map out and maybe you can help
6 us get some of this information.
7 I'll bring it to you. Let me see if
8 I can get it far enough to where you
9 can look.

10 ATTORNEY RAJKOVICH:

11 And this is the same
12 map we've been using?

13 MR. GAUNA:

14 This is the same map
15 we've used in the past.

16 BY MR. GAUNA:

17 Q. And over the --- is the one
18 --- I guess this is supposed to be
19 the transfer points.

20 A. Yeah. The phone was right
21 there.

22 Q. Could you put a mark where the
23 phone you used at the first
24 intersection? Here's a pen. Just
25 put an X and mark phone.

1 A. You know, I think the first
2 phone I talked to Gale on was clear
3 back here at 89.

4 Q. Okay.

5 A. Where you go from zone three
6 to zone four.

7 Q. Okay. Go ahead. Just put a
8 mark.

9 WITNESS COMPLIES

10 BY MR. GAUNA:

11 Q. And you're making a mark at
12 break 89 and number two entry where
13 the zone phone is between --- what
14 two zones did you say?

15 A. Three and four.

16 Q. Between three and four?

17 A. Yeah.

18 Q. And you just kept moving down
19 following the --- do you recall where
20 the other phones were along that ---?

21 A. The next one, let's see, was
22 right here at 110, right here on this
23 exchange.

24 Q. And that would be a mark that
25 you're placing in --- we'll just do

1 it like --- this is just a bunch of
2 entries. It would be at the --- it
3 would be break 110, and if you want
4 --- projection with the number three
5 entry of the west main. Would that
6 be where the head roller is for the
7 six belt?

8 A. Yeah.

9 Q. Okay. And where'd you go from
10 there? Is that the last time you
11 used the phone?

12 A. No. I come down here to the
13 tail piece.

14 Q. All right.

15 A. That was the next --- that was
16 the next phone.

17 Q. Put a mark in the 110 crosscut
18 of the number two entry of the
19 development of where the section was
20 running. Would that be like the head
21 roller for the seven section belt
22 area?

23 WITNESS COMPLIES

24 A. Yeah. The head roller, yeah.
25 Tail of six, head of seven.

1 BY MR. GAUNA:

2 Q. All right. And could you show
3 us with maybe a colored marker ---
4 because you said you stayed there
5 until you had an opportunity to be
6 relieved? Is that where you were
7 relieved by the --- as a fresh air
8 base?

9 A. No, I was --- when I got
10 relieved, I was up here in the
11 intake, but I don't remember which
12 crosscut it was.

13 Q. So you would have been roughly
14 --- between what range of crosscuts
15 would that have possibly been when
16 you could have been relieved on the
17 phone?

18 A. Oh, I don't know. Maybe 116.

19 Q. And the general area of 116
20 was the last time you were
21 communicating on the phone, and then
22 you were relieved by some other
23 gentleman, as I recall?

24 A. Yeah. I just --- yes. And I
25 don't remember what crosscut it was.

1 It's the same place where we started
2 cleaning in the intake.

3 Q. Okay. Let's also go over what
4 you did next. You said you then went
5 exploring up into the section as far
6 as you could. Can you recall ---
7 could you trace out, if I gave you a
8 colored marker, the route you took
9 going up in there?

10 A. No.

11 Q. Okay. Just too confusing? Do
12 you recall roughly maybe how deep you
13 got in those entries before you
14 couldn't go any farther?

15 A. I got about two --- two, three
16 breaks maybe, and the beltline I
17 think was the deepest that I'd go
18 before I come back.

19 Q. Okay. Do you have any sense
20 of what crosscut that could have
21 been?

22 A. No.

23 Q. Okay. You were then asked to
24 break the belt and to --- in order to
25 set up --- I guess to set up maybe

1 breaking the belt or cutting
2 the belt?

3 A. In case we had to take --- so
4 we could take equipment into the
5 return and start mucking that way if
6 that was the best way. They wanted
7 to be able to get across there with
8 equipment.

9 ATTORNEY CRAWFORD:

10 Okay. Thank you.

11 BY MR. GAUNA:

12 Q. So you broke the belt where
13 the feeder was then stationed during
14 the rescue recovery process. Then
15 you made mention that you went in
16 with the diesel muckers. And you
17 went in two breaks from that crosscut
18 or two --- did you muck outby any on
19 that crosscut or was it always inby?

20 A. It was inby. I went across
21 wherever that --- wherever that
22 feeder was sitting. You all know
23 where that feeder was sitting?

24 Q. Yeah, we do.

25 MR. GAUNA:

1 Am I allowed to show
2 him?

3 ATTORNEY CRAWFORD:

4 Yeah.

5 BY MR. GAUNA:

6 Q. The feeder, by other
7 testimony, was sitting right here at
8 120 just inby --- outby that
9 crosscut.

10 A. If that feeder was sitting
11 right here, then I was probably at
12 122 when I was relieved off the
13 phone. I was cutting breaks inby
14 that feeder ---

15 Q. Okay.

16 A. --- where the phone was.

17 Q. You said you and one other
18 fellow mucked in from --- from that
19 crosscut of 120 about two breaks
20 inby?

21 A. We went in 120 and then we ---
22 clear across the return, and then we
23 went up over two breaks to where the
24 ribs had blowed in. And then from
25 that point where the ribs had blowed

1 in, we went in two more breaks, just
2 shy of two breaks.

3 Q. So you were able to muck in
4 from 120 roughly how many breaks?

5 A. We probably went up around 124
6 or something.

7 Q. 124?

8 A. Just guessing.

9 Q. So can you tell me just how
10 bad those pillars were as far as, you
11 know, bumped or how much coal was in
12 --- when you did the mucking from 120
13 to 124? Was it filled real high when
14 you first starting mucking? Was
15 it ---

16 A. Yeah.

17 Q. --- part way?

18 A. There was probably three foot
19 from the top of all that rubble to
20 the roof.

21 Q. So it was --- only had three
22 feet of air space left?

23 A. Yeah.

24 Q. And this was before you
25 started mucking. Was it like that

1 the entire way or did it start less
2 and get higher as you went in?

3 A. The entire time I was --- for
4 everything I seen, it was like that
5 the whole way.

6 Q. Okay.

7 A. But that's when I was mucking.
8 When I was out walking around, it got
9 to where you could crawl through.

10 Q. Okay.

11 A. Clear to the roof.

12 Q. Okay. And you only mucked in
13 what entry?

14 A. Number four.

15 Q. Number four. And someone else
16 was mucking in the other entry?

17 A. No. Danny Daley was mucking
18 with me.

19 Q. Oh, with you.

20 A. In the same entry.

21 Q. In the same entry?

22 A. We was just cleaning it out.
23 We was hauling back the crosscuts and
24 just piling it in crosscuts out of
25 the way until they got the feeder

1 going.

2 Q. Okay. So you're cycling back
3 and forth. You'd load, back out ---.

4 A. Then he'd go in.

5 Q. And he'd load and you'd back
6 out?

7 A. Yeah.

8 Q. And no mucking was done in the
9 other --- in the three entry?

10 A. No.

11 Q. Okay. Did you get a chance,
12 when you cut the belt, to look at how
13 high the coal was in by 120 in the
14 belt entry?

15 A. Right there where it was it
16 was --- you could still see the
17 structure.

18 Q. Still see the structure?

19 A. It was all mangled up and
20 buried. That was the furthest.
21 Right there where I cut it at 120
22 where that feeder sit, that was the
23 first place where you could actually
24 cut the belt and get the structure
25 out and drive across.

1 Q. Okay.

2 A. That was the first crosscut
3 you could get across. Everything
4 inby, it was just all tangled
5 together. You couldn't have got
6 through there without torches and
7 scoops, and it would have took
8 forever.

9 Q. Okay. All right. Thank you.
10 That was very helpful. It's been
11 very helpful.

12 MR. GAUNA:

13 Could I mark this as
14 Hurst Exhibit Number One?
15 (Hurst Exhibit One
16 marked for
17 identification.)

18 BY MR. GAUNA:

19 Q. Just as we go on, while you
20 were in there that --- during that
21 time period, was there any bounces or
22 bumps going on?

23 A. Yeah.

24 Q. Okay. Could you describe how
25 bad there were or how loud they were?

1 What was ---?

2 A. It hitting like a bastard,
3 hitting hard. I got out of that
4 mucker twice. I knew I --- I could
5 tell I was losing my bottom. I was
6 getting too deep and taking too much
7 out. Before long, I'd be down on the
8 --- the solid down on the bottom. So
9 I got out twice so I could see what
10 was going on. It was so dusty you
11 couldn't --- with that air coming
12 back on us, it was so dusty we
13 couldn't see nothing. I got out
14 twice and it chased me back in there
15 as damn near as quick as I got out.
16 It was hitting hard. The top wasn't
17 falling. It wasn't blowing out no
18 more ribs, but you could hear it
19 hitting hard up above it.

20 Q. Okay. A lot of us are from
21 the east, and we're used to hearing
22 different terms for bumps and
23 bounces. Just for the record so that
24 everybody knows what you're talking
25 about that may be reading this

1 elsewhere, can you describe what a
2 bounce is in your opinion so that,
3 you know, just for other people
4 should they be reading this record
5 later? How do you define a bounce,
6 from your experience?

7 A. Well, you got little ones
8 where it's just --- you hear the top
9 crack and it just makes a sound. And
10 then you got big ones. I've been on
11 longwalls before where it bounced and
12 it throws you right on your ass.

13 Q. Okay.

14 A. It hits so hard it throws you
15 right down to the ground.

16 Q. Okay.

17 A. I've been thrown into shields
18 and had a concussion once before.

19 Q. And what kind of sounds do
20 they make? Are they different? Do
21 they make --- is there any type of
22 special sounds or anything that comes
23 with it?

24 A. I don't know how to explain
25 the sound.

1 Q. Yeah. Okay.

2 A. It's just --- I don't know. I
3 don't know how to explain a sound
4 like that.

5 Q. I can understand how it's hard
6 to explain something that you're
7 feeling. Okay. I understand. All
8 right. You went home that evening of
9 the 6th. You come back to work the
10 following day?

11 A. Yeah.

12 Q. Okay. Could you describe what
13 was happening that day or what your
14 duties may have been on the 7th?

15 A. The next day, I come back and
16 they pulled everybody out of the
17 section. Not too long after I left,
18 it bounced and it moved pillars in.
19 Matter of fact, everything that me
20 and Danny had mucked out of number
21 four entry, it bounced so hard it
22 blew them pillars in more and
23 reburied everything that we cleaned.
24 From my understanding, if we'd have
25 been in there another hour or so,

1 we'd have been buried in our
2 machines.

3 Q. Okay. What time did you
4 start ---

5 A. And ---.

6 Q. --- that day? Excuse me.

7 A. You know, I think they started
8 at 5:00 again, but I'm not sure on
9 that time.

10 Q. Okay. Excuse me. Continue
11 on. I interrupted you because I was
12 trying to get a sense of where you
13 were. But continue with your story,
14 please, about what happened after
15 that --- about that rest of that
16 shift.

17 A. The next day?

18 Q. Yeah, on the 7th.

19 A. I showed up and they pulled
20 everybody out, and they wouldn't let
21 anybody in there because it was still
22 hitting so hard. And they was afraid
23 it was going to hurt people, so they
24 pulled everybody out. And I don't
25 --- it seems like they had people

1 working on putting stoppings up and
2 stuff in the face. So I never went
3 in there. They had me on equipment
4 outby all day long.

5 Q. Okay. Can you tell me what
6 --- between, say, then, the 7th, and
7 the second accident on the 16th, what
8 your duties were and what your ---
9 what they had you doing during that
10 time frame?

11 A. I was given the option to do
12 what I wanted, and I told them I'd go
13 back on the belts and keep the belts
14 running, make sure that the belts
15 stayed --- and during that time, I
16 changed rollers and I made a bunch of
17 belt splices. I went and made belt
18 saddles in case they needed to move,
19 advance the feeder. They was afraid
20 they was going to have to advance the
21 feeder around 60 feet for them diesel
22 buggies to dump on it. So I went and
23 gathered up structure and made a
24 60-foot saddle on the belt to put in.
25 They never did used it. But things

1 like that. Pretty much just kept the
2 belts running.

3 Q. Okay. Do you know what's the
4 farthest you were in during that time
5 period where they were doing that
6 rescue work? What crosscut might
7 have been the closest to the face you
8 got during that time frame?

9 A. I know at one time I went up
10 and left the belts and went up into
11 the face. Everybody was telling me
12 about the barrier, how it had blowed
13 over in the intake. So I walked up
14 in there and walked down in the face
15 and looked at it.

16 Q. Okay. And while you were
17 there, was there any bumping activity
18 going on, or was it just ---?

19 A. Nothing that I can remember
20 that was bad enough to remember. Not
21 that I remember.

22 Q. Okay. Can you describe what
23 the conditions were like when you got
24 up to that area where you saw the
25 barrier? You said it was slid over.

1 What were the --- how was it
2 supported and what were the things
3 --- you know, just general impression
4 of what they were doing?

5 A. They had rock props, chain
6 link set up on both ribs. At the
7 time, they wasn't mining. That's why
8 I went up in there. They was setting
9 the rock props. And the barrier was
10 just moved over. It looked like we
11 stopped mining there and it was a
12 brand new face. It was --- I don't
13 know.

14 Q. All right. Had you ever seen
15 anything like that before?

16 A. No.

17 Q. Okay. I'd like to take a
18 break and --- maybe five minutes and
19 see if any of my colleagues have any
20 questions about what you'd seen so
21 far. So let's take a short break,
22 five minutes.

23 SHORT BREAK TAKEN

24 BY MR. GAUNA:

25 Q. Some clarifying questions

1 maybe you could help us with. You
2 talked about how you'd been exposed
3 to different bounces in the past and
4 you talked about a longwall where you
5 had that bounce that was real heavy.
6 Was that at this mine or some other
7 mine?

8 A. At this mine.

9 Q. Do you know roughly what panel
10 that was at?

11 A. No, I don't. I was in so
12 stinking many of them. I don't
13 recall which panel I was in.

14 Q. Okay. When you finished
15 mucking in the number four and ---
16 were those muckers --- I guess you
17 left on your shift --- as far as you
18 know, are those muckers still
19 underground or what become of those
20 machines?

21 A. They've been shipped back to
22 Deer Creek.

23 Q. Shipped back to Deer Creek.
24 So afterwards, somebody must have got
25 them running again and then got them

1 out of the area. Is that the
2 understanding then?

3 A. Yeah.

4 Q. Okay. Do you know whether ---
5 who might have been on the following
6 shift going in to maybe get them
7 going and maybe continue with the
8 mucking process, what people those
9 might be?

10 A. No, I don't.

11 Q. When you ---.

12 A. They couldn't do anything with
13 it until they got water over to it.

14 Q. Yeah. I was wondering whether
15 they had a crew assigned to put the
16 water in and move them that you're
17 aware of.

18 A. I don't know.

19 Q. Okay. When you got back on
20 the 7th, did you make it back onto
21 the section after they had their
22 second bump, or did you hear about
23 that bump? I got the impression you
24 may have gone on the section on the
25 7th.

1 A. When I got to work the next
2 day, they just said it bounced in
3 there hard and run everybody out and
4 nobody was allowed back up in there.

5 Q. Okay. So you couldn't go back
6 --- the last time you were on the
7 section, were you able to make ---
8 were you able to look at the number
9 four entry anytime after that to make
10 a comparison of what it was like
11 before and after that second bounce?

12 A. I never went back in there.

13 Q. Okay. And now that you know
14 where the feeder was, can you give a
15 sense on your first exploration maybe
16 how many breaks you went in when
17 you're trying to find out how far you
18 could get in?

19 A. I believe I was up to 124, 125
20 maybe.

21 Q. Okay. And what blocked you
22 from going any farther in? What kept
23 you from going farther in?

24 A. There was no room.

25 Q. Okay. When you did that

1 exploration, did you don any
2 breathing apparatus?

3 A. No.

4 Q. Okay. How about ---?

5 A. I had the meters with us
6 checking for air.

7 Q. Okay. You were taking --- had
8 detectors with you?

9 A. Yeah.

10 Q. And how many people were with
11 you? Can you recall who they were?

12 A. No.

13 Q. And is there --- was there
14 anybody in charge at that time you
15 were doing the exploration as far as
16 a foreman in charge or anybody?

17 A. Me.

18 Q. You're the lead man on
19 that ---?

20 A. They were just following me.
21 They didn't have to. They just
22 followed.

23 Q. Do you know about how many
24 people there were that helped?

25 A. I believe there was two

1 others.

2 Q. Two others. Okay. I guess we
3 can maybe move on to some more
4 general questions about the mine.
5 Let's see. I'm kind of curious about
6 one thing before I go into that.
7 Were you at the mine when they had
8 the second accident on the 16th,
9 August 16th?

10 A. Yeah.

11 Q. Okay. Maybe you can tell me a
12 little bit about what happened that
13 day and your activities and what
14 happened on the 16th.

15 A. I was outby. I had taken Rich
16 Maxwell in to his machine. And I
17 believe that was up at about 64 or
18 so. That's where it was parked. I
19 took him in and dropped him off. And
20 then I told the guys --- the foreman,
21 I told him, I'm hungry as hell. I'm
22 going to take lunch now. He said,
23 yeah, that's fine. So we went back
24 outby the crosscut seven in the west.
25 There's a belt kitchen there, just a

1 heat lamp and a microwave.

2 Went back there and cooked our
3 dinner. And while we was eating, Len
4 (phonetic) and Derek there come on
5 the phone screaming that everybody
6 outby needed to get to the face. So
7 we left there, and on the way up
8 there --- I'd only been there for
9 just a few minutes. On the way
10 there, I picked up Richard Maxwell
11 again. He says, what's the matter.
12 I says, I don't know, but apparently
13 something bad has happened in the
14 face. They need everybody's help.

15 So he got in. And we drove up
16 to 110. And I knew it was a shift
17 change, and there's just the one
18 entry in there for all the Isuzus.
19 So I told Max and Brian that I'm
20 going to park right here. There
21 ain't going to be no room for us.
22 We're just going to be in the way.

23 ATTORNEY CRAWFORD:

24 Where's right here?

25 A. At 110. And I parked the

1 truck there, and I bailed out. And I
2 run down to the section and then I
3 run up in the section on foot. And I
4 run up, a truck passed me headed in
5 there. And as I started getting up
6 in there, I seen all sorts of people.
7 There was people --- it was a mess.
8 There was people just standing there.
9 There was people walking around. I
10 passed people walking out, people
11 running out. I don't remember how
12 many people it was, but it sure
13 seemed like a bunch, 40 maybe. I
14 don't know. It just seemed like a
15 bunch. And nobody knew what the hell
16 was going on. So I kept going
17 towards the face.

18 I remember seeing somebody
19 walking Lester Day out. They was
20 holding him. He was walking. His
21 head was all bloody. I kept going,
22 and I got to a truck and there was
23 people screaming and hollering. And
24 when I got to the truck, they'd
25 loaded Brandon in it. And he was on

1 the stretcher in the back of the
2 truck and he was dead. His eyes was
3 opened. They was all black from the
4 coal dust. And I was just about to
5 jump in that truck because I was
6 afraid the stretcher was going to
7 slide out the back. But for some
8 reason, I don't know why, I decided
9 not to.

10 So I hollered at --- there was
11 three guys in the back of the truck,
12 and I hollered at them, don't let
13 that stretcher slide out, and I kept
14 going up towards the face. Somewhere
15 along there, I seen a stretcher or
16 somebody handed me a stretcher. I
17 don't remember. Anyway, I got a
18 stretcher, a little aluminum one.
19 And I headed up there, and I finally
20 got to the face to the pile.

21 Gale Anderson was there, and I
22 asked him, is there anybody else
23 that's in here, you know, what's
24 going on. He says, yeah, there's
25 more in there. I don't know where.

1 So I threw the stretcher down, and I
2 crawled up on top of the pile. And
3 there was a guy there, and I didn't
4 recognize him. He had his back to
5 me. I didn't recognize him, but I
6 figured it was probably just somebody
7 from West Ridge. I asked him, are
8 you all right. And he told me, no.
9 He says, I think my back's broke and
10 I hurt badly. He was trying to hold
11 himself up with his right arm, but he
12 wasn't doing very good and he was
13 pretty much leaning over. He was
14 buried from about the waist down.

15 So I cut his belt off and his
16 suspenders and everything, threw it
17 to the side and I just started
18 digging. And I'd dig as much as I
19 could, and then I'd have to take my
20 knife out and cut the brattice. I
21 had to cut the chain link with my
22 Dykes. I just kept digging, and I
23 told him, I'm going to try and pull
24 you out of here, okay. And he said,
25 yeah. And I hollered for some help,

1 and somebody come up on the pile.
2 And I told him, you get under that
3 arm and I'll get under this one and
4 we'll try and pull him out.

5 And we did. We pulled him
6 out, and he kind of just rolled on
7 top of me. And I hollered for a
8 stretcher, and they brought a
9 stretcher up. And I rolled him onto
10 it, and that's when I seen that it
11 was MSHA's Gary Jenson. (b) (7)(C)

12 (b) (7)(C)

13 (b) (7)(C) And he was alive. He wasn't
14 talking much, but he was alive.

15 And somebody threwed up some
16 straps for that stretcher. I guess
17 they're called spider straps or
18 something, but it looked like a big,
19 tangled up mess to me. And I asked,
20 does anybody know how to put these
21 straps on, and nobody said nothing.
22 So I hollered for Gale Anderson.
23 He's been an EMT and shit in his
24 life. I told him to get up there.
25 And he come up, and I told him, none

1 of us know how to hook these straps
2 up. You need to tell us how. So he
3 did. And I don't know how long it
4 took, but we got him hooked up. And
5 they put a neck brace on him, and
6 they shipped him off. They started
7 carrying him off the pile. By then,
8 a couple more had come up to help
9 carry the stretcher.

10 And I turned around and went
11 back to digging. There was another
12 guy under him. And I didn't know him
13 either, but it turned out to be Carl
14 Gressman. (b) (7)(C)

15 (b) (7)(C)

16 (b) (7)(C) I dug on him for
17 about 45 minutes maybe. There was
18 --- I dug such a hole that I couldn't
19 get down in the hole because when I
20 did, (b) (7)(C)

21 (b) (7)(C)

22 (b) (7)(C) So I had somebody behind
23 me holding onto my belt, and then I
24 was leaning down in the hole trying
25 to rake everything out. And there

1 was somebody behind me raking what I
2 raked out off to the side so it
3 didn't fall back in.

4 And there was people around
5 the other side of me. They was
6 putting oxygen on him. I kept
7 telling them to talk to him, try to
8 keep him conscious. I don't know
9 why. I guess that's just something
10 I'd heard over the years or
11 something. I don't know. They kept
12 talking to him, and I tried --- like
13 somewhere down there, I told Carl I
14 was going to try and pull him out,
15 and he said, okay. I got --- I
16 believe it was Lee Durrant, hollered
17 at him, and he come over. And he got
18 under the one side and I got under
19 Carl's other arm and we tried pulling
20 him. And we didn't even budge him,

21 (b) (7)(C) So we let
22 him back down.

23 I dug some more. (b) (7)(C)

24 (b) (7)(C)

25 (b) (7)(C)

1 other. I finally got down far enough
2 to where I could see there was ---
3 the miner cable was over top of his
4 legs. So I hollered for a hacksaw.
5 And while somebody went looking for a
6 hacksaw, somebody else started
7 saying, power's on the miner. We got
8 to get the power off first. So
9 somebody was working on that. And
10 somewhere during that whole deal,
11 too, when it was first started, I
12 remember somebody was screaming that
13 the oxygen was getting low. Our
14 oxygen's running out. I didn't know
15 what to do, but I couldn't leave the
16 pile.

17 Somebody eventually went and
18 put rags up and got the air back to
19 us, coming over top of the pile so
20 nobody went down or anything. Before
21 they got back with that hacksaw,
22 somebody asked me, can you get a
23 come-along around him, and I said,
24 yeah, I think so. So I dug a little
25 more, and they handed me to hook on

1 the come-along. And I wrapped it
2 around the cable and just back around
3 itself. And then they hung the
4 come-along up off the roof and pulled
5 that cable up off his legs.

6 And once that was off, Carl
7 says, I think you can get me now. So
8 I got under his arm and Lee got under
9 his other arm, and we pulled Carl up
10 and out and put him on a stretcher.
11 And I don't know. They got him on a
12 stretcher and got a neck brace on him
13 and got him strapped down and started
14 taking him off the pile. And I asked
15 Phil Gordon, is that it, is everybody
16 accounted for. He says, no, Bird's
17 still in here. And I said, does
18 anybody know where. And he says,
19 yeah, he's over here, but he's gone.
20 And I looked over, and they had a
21 blanket on him.

22 And so I crawled over there,
23 and I tried to dig out, but I
24 couldn't see what I was doing. I
25 told Gary, I says, we got to get the

1 blanket off. We can't see what we're
2 doing. He said, okay. Then we
3 jerked the blanket off. And I cut
4 off his suspenders, and I cut the
5 remote off of him. And I had to cut
6 his light cable. Everything was just
7 tangled up in the mesh. And then
8 they hooked up a come-along around
9 the roof jack, and I took a double
10 jack and beat it out because it was
11 pinning him in against another one.

12 So they come along while I
13 beat it out. And we finally got it
14 out of the way and off of him. And
15 we started digging. And I was
16 starting to get nervous that it was
17 going to hit again, so I told them, I
18 says, we're going to have to put a
19 come-along on him and pull him out
20 with that. And nobody really said
21 nothing that I can remember, but all
22 of the sudden, somebody handed the
23 come-along up to Gary.

24 And they gave him a clevis to
25 try and put through a roof bolt

1 plate, but it was too big. I
2 remember looking up and he had a big
3 clevis. I told him, I got a little
4 one here, quarter-inch, on my belt,
5 and I took it off. He hooked the
6 come-along up. And I wrapped the
7 come-along around Bird's belt back to
8 itself. And he come-alonged him up.
9 Bird was dead. (b) (7)(C)

10 (b) (7)(C)

11 (b) (7)(C)

12 And when we got him up so far,
13 me and Phil Gordon grabbed onto his
14 one leg and pulled it up out of the
15 rubble, and then somebody pulled his
16 other one up. And once his body was
17 free, I hollered at everybody and
18 they lifted him up towards the
19 come-along. And I think somebody
20 undone his belt.

21 And once that was done, we
22 pulled him out. We put him on the
23 stretcher. And Gary hollered for a
24 blanket. They gave us one, and we
25 wrapped it up real tight all the way

1 around him so nobody could see him,
2 (b) (7)(C) And
3 they took off with him. And I made
4 sure that everybody was off the pile,
5 and then I come off.

6 And when I come off the pile,
7 Bob Murray, he grabbed my arm and I
8 jerked away. I don't know. And I
9 just knelt down and said a prayer for
10 (b)(7)(C) , and then I left.

11 ATTORNEY RAJKOVICH:

12 Do you want to take a
13 break?

14 A. No.

15 BY MR. GAUNA:

16 Q. I know this is going to be
17 really, really hard, but I was
18 wondering if you could help us locate
19 on the pile where you were working.

20 A. I have no idea.

21 Q. No idea.

22 A. I was inby as far as --- Gary
23 and Carl were the two furthest inby.

24 Q. Okay.

25 A. And I remember seeing the boom

1 of the miner. That's all.

2 Q. Okay. I can understand.

3 Let's take another break. We can
4 take another break.

5 A. If they got a question they
6 want to ask, let's get it over with.

7 Q. Okay.

8 MR. GAUNA:

9 You guys got any
10 questions about ---? No?
11 That's it then.

12 BY MR. GAUNA:

13 Q. I got general questions about
14 the mine, just about the conditions
15 on the section. And if you want to
16 take a break or we can go straight
17 into those. It's your call, Lance.

18 A. Yeah. Let's keep going.

19 Q. All right. What --- well,
20 when was the last time you were on
21 the section belt, the seventh, going
22 to the face area? Can you recall?

23 A. I believe the day before, I
24 did two splices on it.

25 Q. Okay. And when you were on

1 that belt, did you --- any time when
2 they were doing the development, did
3 you notice anything different about
4 any bad ribs or roof conditions or
5 floor heave along that belt and any
6 of your duties or tasks along that
7 seven belt line?

8 A. You're still talking about
9 after the initial collapse where we
10 was still trying to recover ---?

11 Q. No, I'm talking about --- I'm
12 going back to when you're normally
13 running the section. So when they
14 first started driving, done
15 development and up there working in
16 the face area. I'm trying to get a
17 sense for what ---.

18 A. Before everything happened?

19 Q. Before everything happened.

20 A. Oh, I don't remember the last
21 day I'd been in there.

22 Q. Okay.

23 A. I'm sure I'd been in there
24 sometime that week.

25 Q. Okay.

1 A. I went from spot to spot,
2 roller to roller and bad spot to bad
3 spot. I just --- at the beginning of
4 my shift, there'd be a list of
5 complaints, need a roller changed
6 here or got a bad splice on this belt
7 or a scraper on this head roller's
8 worn out. So I'd just prioritize
9 them myself and I'd just go from spot
10 to spot trying to get as much done as
11 I could.

12 Q. That's what I meant. During
13 your spots when they're driving the
14 section up, were there any bad rib
15 places, worse than normal or any bad
16 roof areas worse than normal or
17 things that got worse, like a floor
18 heave that may have happened after
19 they did development or as they were
20 developing, that you can recall?

21 A. Oh, yeah, I seen a bunch down
22 inby. I don't remember what
23 crosscuts they started at, but it was
24 further in towards the face, towards
25 the section.

1 Q. Back where the section ---
2 they had some floor heave?

3 A. Yeah, there was a bunch.

4 Q. You don't recall what
5 crosscuts those were in?

6 A. I don't.

7 Q. Okay.

8 A. I would say within the last,
9 just guessing --- I don't want to
10 guess, but I would say within the
11 last ten breaks that they developed
12 maybe.

13 Q. Okay. In other parts on the
14 north barrier when they did the
15 development up there, were you
16 working on the belt there off and on
17 like you did on the south? Would
18 they have that same type of floor
19 heave that you can recall up in that
20 area any places?

21 A. Not that I can recall.

22 Q. Okay. Did you spend any time
23 on the sections, either the north or
24 the south, when they were maybe
25 pulling pillars? Did you spend any

1 time up there when they were actually
2 pulling pillars, whether they were in
3 the south barrier or in the north
4 barrier?

5 A. Not in the faces.

6 Q. Not in the faces. Okay. What
7 about --- since you already told me,
8 have you ever saw that floor heave
9 before in the old areas of the mine?
10 Was that the kind of floor heave that
11 you saw up on the development on the
12 south barrier in the face? Did that
13 happen, as far as you can recall, in
14 other parts of the mine when they
15 were driving their sections?

16 A. I don't remember anywhere were
17 it heaved when they was developing.
18 I'd seen a lot of heaves when I was
19 on the long wall. You'd see a bunch
20 in the tailgate.

21 Q. I just meant on development.
22 So this is kind of unique to what
23 you've been exposed to at the mine?

24 A. Yeah, I didn't --- I don't
25 remember ever seeing any heaves

1 during development anywhere else in
2 the mine.

3 Q. Okay. I'm trying to think ---
4 do you want me to take a break or
5 have these guys just bring the
6 questions up? Whatever you're most
7 comfortable with.

8 A. Just bring them on. Let's get
9 it over. If you got something to
10 say, then say it.

11 Q. They don't seem to have any.
12 Okay. Let me just close with some
13 comments here. Have you given a
14 written statement or interview to
15 anyone before this interview
16 regarding this accident, a written
17 statement?

18 A. No.

19 ATTORNEY RAJKOVICH:

20 Just talking to me.

21 MR. GAUNA:

22 Just talking to you?

23 ATTORNEY RAJKOVICH:

24 Right.

25 BY MR. GAUNA:

1 Q. And has anyone offered you
2 anything or made any promise to you
3 in exchange for you to appear or not
4 to appear today?

5 A. No.

6 Q. Okay. Do you have anything
7 you'd like to add that may be
8 relevant to the investigation, any
9 questions I've not asked, but you
10 think it may be something important I
11 need to know or we need to know?

12 A. No.

13 MR. GAUNA:

14 Okay. I'd just like to
15 close then. On behalf of
16 MSHA, I want to thank you for
17 appearing and answering
18 questions today. Your
19 cooperation is important to
20 this investigation as we work
21 to continue to determine the
22 causes of this accident.

23 We ask you not to
24 discuss your testimony with
25 any person who may have

1 already been interviewed or
2 who may be interviewed in the
3 future. We want to be sure
4 that we obtain everyone's
5 independent recollection of
6 the events surrounding the
7 accident.

8 And after we question
9 other people, we may call you
10 if we have any follow-up
11 questions that we feel we need
12 to ask you. And if any time
13 you have additional
14 information regarding the
15 accident that you would like
16 to provide to us, please
17 contact us with that card and
18 information I gave you
19 earlier.

20 The Mine Act provides
21 protections to miners who
22 provide information to MSHA,
23 and as a result, are treated
24 adversely. If at any time you
25 believe you're being treated

1 unfairly because of your
2 cooperation, just contact MSHA
3 immediately, notify us.

4 And if you wish, you
5 may now go back over any
6 answers you had during this
7 interview and make any other
8 statements you'd like to make
9 at this time. Anything else
10 you'd like to say?

11 A. No.

12 MS. GAUNA:

13 Okay. Again, I want to
14 thank you for your cooperation
15 then.

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18 STATEMENT CONCLUDED AT 9:13 A.M.

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