

STATEMENT UNDER OATH

OF

PAUL GILBERT

Taken pursuant to Notice by Richard J. Lipuma, CCR, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at Southeastern Utah Association of Governments, 375 South Carbon Avenue, Price, Utah, on Thursday, September 27, 2007, at 10:06 a.m.

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A P P E A R A N C E S

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

THOMAS C. MEANS, ESQUIRE

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1001 Pennsylvania Avenue, Northwest

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ALSO PRESENT:

Kelly C. Kirkwood, Notary Public

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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 & Health Administration, an agency of the United States Department of Labor. With me is Derek Baxter from the Solicitor's Office and Sherrie Hayashi with 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 and 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 this 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
6 break. Since this is not an
7 adversarial proceeding, formal
8 Cross Examination will not be
9 permitted. However, your
10 personal representative may
11 ask clarifying questions as
12 appropriate.

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

23 I would like to thank
24 you in advance for your
25 appearance here today. We

1 appreciate your assistance in
 2 this investigation. Your
 3 cooperation is critical in
 4 making the nation's mines
 5 safer.

6 After we have finished
 7 asking questions, you will
 8 have an opportunity to make a
 9 statement and provide us with
 10 any other information that you
 11 believe to be important. If
 12 at any time after the
 13 interview you recall any
 14 additional information that
 15 you believe might be useful,
 16 please contact Mr. Richard
 17 Gates at the telephone number
 18 or e-mail address on his
 19 business card.

20 Ms. Kirkwood, would you
 21 swear in the witness?

22 -----
 23 PAUL GILBERT, HAVING FIRST BEEN DULY
 24 SWORN, TESTIFIED AS FOLLOWS:
 25 -----

1 MR. O'DONNELL:

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

5 MS. KIRKWOOD:

6 I am.

7 MR. O'DONNELL:

8 And when does your
9 commission expire?

10 MS. KIRKWOOD:

11 August 15th, 2008.

12 MR. O'DONNELL:

13 Have you sworn in Mr.
14 Gilbert?

15 MS. KIRKWOOD:

16 Yes.

17 BY MR. O'DONNELL:

18 Q. Mr. Gilbert, do you have any
19 questions about the interview process
20 as I described it?

21 A. No.

22 Q. Mr. Gilbert, do you have a
23 personal representative with you
24 today?

25 A. Yes.

1 Q. Would your personal
2 representative identify himself by
3 name and address for the record?

4 ATTORNEY MEANS:

5 Yes. I'm Thomas C.
6 Means of Crowell & Moring,
7 L.L.P., in Washington, D.C.
8 And I'd just clarify that as
9 Mr. Gilbert and I have
10 discussed, I'm the company's
11 attorney, the mine operator's
12 attorney, not his personal
13 attorney, but he has the right
14 to have anybody he wants here
15 with him, and I'm happy to be
16 here at his request.

17 BY MR. O'DONNELL:

18 Q. 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. Yes.

24 MR. O'DONNELL:

25 Mr. Means, would you

1 state for the record whether
2 you also represent the mine
3 operator in these matters?

4 ATTORNEY MEANS:

5 Yes, I represent the
6 mine operator.

7 BY MR. O'DONNELL:

8 Q. And Mr. Gilbert, with this
9 understanding, do you still want this
10 person as your representative?

11 A. Yes.

12 Q. Paul?

13 A. Yeah.

14 Q. Can I address you as Paul?

15 A. Sure.

16 Q. Are you appearing here
17 voluntarily?

18 A. Yes.

19 Q. And how many years of mining
20 experience do you have?

21 A. Close to two and a half years.

22 Q. Two and a half years?

23 A. Yes.

24 Q. And where have you worked in
25 those two and a half years?

1 A. Crandall.

2 Q. Your whole time?

3 A. Yeah.

4 Q. Okay. Do you have any other
5 mining experience prior to Crandall?

6 A. No.

7 Q. Okay. And what do you do at
8 the mine?

9 A. I'm usually on the outby
10 stuff, outby taking equipment in. A
11 little of everything. I'm all over
12 the mine.

13 Q. Are you? And is that what you
14 --- I guess you haven't had any
15 steady job then or just --- like a
16 face job or ---?

17 A. Well, yeah. I'd get directed
18 every day different --- you know,
19 some days I was replacing rollers,
20 helping on the belts. Some days I
21 was in the section where I was
22 driving buggy or being a faceman or
23 shoveling. If there's any violations
24 or anything or --- not violations, as
25 far as --- or anything the fireboss

1 wrote down, I would go and take care
2 of the issues, shovel belts,
3 whatever.

4 Q. Do you have any mining
5 certificates in Utah?

6 A. I don't.

7 Q. And who is your supervisor?

8 A. Phillip Cox.

9 Q. What was your work schedule
10 the week of the accident?

11 ATTORNEY MEANS:

12 Would that be the week
13 before?

14 A. The schedule right after the
15 accident or before?

16 BY MR. O'DONNELL:

17 Q. When was the last day you
18 worked?

19 A. I think it was the Friday,
20 because I had to be back to work that
21 day. The accident happened in the
22 morning, and I was scheduled to work
23 that morning.

24 Q. That morning?

25 A. Yeah, until --- there was a

1 crew right before I worked.

2 Q. Are you on the four on and
3 three off schedule also?

4 A. Yes.

5 Q. And what shift do you work?
6 Do you work the same shift all the
7 time?

8 A. No. They're rotated every two
9 weeks.

10 Q. Every two weeks. And this
11 particular week that you were coming
12 back, you would have been on the
13 six ---?

14 A. Yeah. It would have been from
15 7:00 to 7:00.

16 Q. 7:00 a.m. until 7:00 p.m.?

17 A. Uh-huh (yes).

18 Q. Okay. So you worked the last
19 Friday before the accident. And
20 where did you work at that day, if
21 you can remember?

22 A. I can't specifically remember
23 what I was doing that day. You know,
24 after it all happened, things kind of
25 went blank on that. Like I told

1 these guys when I was --- I can't
2 remember specifically what I done.

3 Q. Well, let me ask you this. Do
4 you think that you worked in the
5 section?

6 A. I didn't, no. I wasn't inside
7 the section for sure that whole week
8 that I worked the last.

9 Q. Okay.

10 A. Because during the week before
11 that I worked on cleaning belts, it
12 seemed like --- oh, we moved some
13 equipment out of the section way, ---

14 Q. Okay.

15 A. --- and I did put a trailer in
16 there. The first aid trailer, I took
17 it up to the transformer that week.

18 Q. So the day --- how did you
19 find out about the accident on August
20 6th?

21 A. Well, when we showed up, the
22 cops and stuff were all there. And
23 one of the guys told me before I went
24 up and got dressed, he says, there
25 was a cave-in and he didn't know what

1 --- at that time, he didn't know what
2 happened, but ---. So I was running
3 a little bit late or right on time.
4 It just like getting there a little
5 early and ---. I went and hurried
6 and got dressed. And they kept us
7 out of there until things were okay
8 as far as --- they kept us out, and
9 then I went in with the fireboss at
10 that time, as soon as they let ---
11 you know, they give us the okay.

12 Q. About how long were you
13 outside before you went underground?

14 A. Oh, like I said, I bet it was
15 --- I bet it was nine o'clock at
16 least before --- I'm not specific on
17 the time, but ---.

18 Q. Okay. Who was coordinating
19 your time? Who did you report to?
20 Who was telling you, hey, you can't
21 go in the mine yet, just hold tight?

22 A. Phillip Cox.

23 Q. Phillip Cox, your boss?

24 A. Yeah. Well, he's my boss. He
25 was the one that told me to stay out

1 until we're ---.

2 Q. Okay. So nine o'clock he came
3 to you?

4 A. He did not. The fireboss was
5 headed in there, and I hopped in with
6 him.

7 Q. Who was the fireboss?

8 A. Danny Daley.

9 Q. Danny Daley. So he really
10 didn't tell you to go in the mine
11 yet, you just ---

12 A. No.

13 Q. --- you went on ---?

14 A. Yeah, I went with the
15 fireboss. I think he was directed
16 --- I'm not sure, but I think he was
17 directed to go in, and I went in with
18 him.

19 Q. What was he directed to do; do
20 you know?

21 A. I don't. Oh, yeah, I do. I
22 know what we was doing. He was
23 taking stuff in there. We had a
24 bunch of foam packs and --- to get
25 the air back. And then we went and

1 raided all the lock-downs and took in
2 a bunch of equipment, shovels, stuff,
3 what we started taking into the mine.
4 And I just --- when he had all --- he
5 had some of it loaded up already, and
6 I just hopped in and helped him take
7 it in.

8 Q. Did you ever make it up into
9 the working section?

10 A. Yeah. Well --- yeah. Where
11 those guys were trying to go in?

12 Q. Yeah.

13 A. Yes.

14 Q. So tell me about that. What
15 did you see? What did you hear?

16 A. Well, we went in there and
17 went in --- we started dropping those
18 foam packs off. People started
19 working on barriers to get the air
20 moving up into it. I went and ---
21 went up to the --- where it was caved
22 in, heaved up, I guess, blown in, and
23 we went in there as far as we could,
24 as far as digging, until we were
25 stopped. There was quite a few of us

1 that were trying to go in there and
2 get in, looking for openings to go
3 get the guys out.

4 Q. Who were you with?

5 A. Who was all in there?

6 Q. Yeah. Who were the people
7 that you were with?

8 A. There was --- well, Danny was
9 there. He went in with --- that I
10 know. A lot of them were the
11 rescuers. They had our rescuers
12 there from the Crandall/West Ridge
13 Group, and they also had some guys
14 from Deer Creek.

15 Q. So how many people would you
16 say that was up in that area?

17 A. Just guessing or ---?

18 Q. Yeah.

19 A. Because I really don't know.

20 Q. More than five, more than ---

21 A. Yeah.

22 Q. --- ten?

23 A. It was more than five. No,
24 there wouldn't have been more than
25 --- there wouldn't have been more

1 than ten.

2 Q. Okay.

3 A. I don't know for sure.

4 Q. So do you remember what entry
5 you tried to get into first?

6 A. Yeah. We went up that --- the
7 belt line.

8 Q. Which would have been number
9 what?

10 A. Two.

11 Q. Number two entry. Do you know
12 what crosscut you started at?

13 A. I don't remember.

14 Q. Do you remember how far you
15 got in, to what crosscut?

16 A. No. I can't remember the
17 number of that now.

18 Q. How far did you go? I
19 mean ---.

20 A. We went in a couple crosscuts.
21 You know, it was open enough where we
22 could go get in there. And the roof
23 looked good. We were seeing bolts.
24 The screen was still intact there.

25 Q. Well, between --- were you

1 crawling between --- where were you
2 at, more towards the ends or more
3 towards the middle?

4 A. Towards --- I'm not sure. I
5 think it was to the one side.

6 Q. Okay. To which side, the ---?

7 A. To the ---.

8 Q. If you're crawling towards the
9 face ---.

10 A. Well, we did both. I mean, we
11 started in the middle and then we
12 kind of moved over to the right,
13 which would be to the number three
14 entry.

15 Q. Okay. So ---.

16 ATTORNEY MEANS:

17 Clarification, were you
18 crawling ---?

19 A. Yeah. When we got it that far
20 in, yes, we were crawling and
21 moving ---.

22 BY MR. O'DONNELL:

23 Q. So there were some areas where
24 you could walk?

25 A. Yeah.

1 Q. And do you have any idea where
2 that area was?

3 A. I can't remember the numbers
4 on any of them right now. Sorry.

5 Q. So did you have a methane
6 detector with you?

7 A. Danny did.

8 Q. And do you recall if you hit
9 any bad air?

10 A. We did not. Matter of fact,
11 there was several meters up in there.
12 The guys that were there from the
13 previous shift was still in there
14 and ---.

15 Q. You mean they were still in
16 there? Like who would that be?

17 A. Well, the one I remember for
18 sure was Dale Black was still there.
19 And I remember Brian Pritt was in
20 there.

21 Q. So there were more --- like as
22 you were crawling into the number two
23 entry, the belt entry, there were
24 other people with you?

25 A. There was people way up in

1 front and then --- those guys had
2 meters, I'm sure. And then there was
3 several of us that were crawling in.
4 And they were foreseeing getting in
5 front and clearing just enough for
6 them, and then we were clearing more
7 so if we did find people, that they
8 could come out.

9 Q. So you had to clear your way
10 as you went in then?

11 A. Well, they basically --- I
12 don't know where they were at or what
13 they done, but they got in. And then
14 we cleared more out so that it was a
15 better path.

16 Q. How hard was it to clear the
17 material out? Was it big chunks or
18 was it smaller?

19 A. They were smaller. I mean,
20 there wasn't a lot of ---.

21 Q. Was it dry? Was it coal?

22 A. Yeah, it was coal.

23 Q. Did it appear that the
24 material came form the ribs or did it
25 come from the inside out?

1 A. I'm not sure.

2 Q. Okay. Could you see the belt
3 at all or was the belt completely
4 covered?

5 A. In parts you could see the
6 belt and part of the structure. You
7 could see structure that was pushed
8 up. So it kind of seemed like it
9 either come up a little bit, because
10 we had to dodge some of the belt
11 structures.

12 Q. Was it turned over or
13 anything?

14 A. I don't recall any spots that
15 were turned over.

16 Q. So you tried to get in as far
17 as you could. You don't remember how
18 far you got. And the reason why you
19 stopped is because of what?

20 A. The people in front said that
21 they hit a barrier and retreat,
22 retreat back.

23 Q. Okay. So your whole time you
24 stayed in two. And then where did
25 you go after two?

1 A. I went back and started doing
2 a temporary air line, brattice,
3 putting brattice up. Because some of
4 the stuff already blew down and, you
5 know, they were just throwing it up
6 as fast, and I was tightening it up,
7 foaming it all up and ---.

8 Q. Paul, what did the roof sound
9 like, the bottom of the ribs, while
10 you were in there? Was it still
11 making noise?

12 A. Uh-uh (no).

13 Q. Was it all quieted down by
14 then?

15 A. Yeah. When we were in there,
16 it wasn't popping at all. I don't
17 remember. I don't remember it
18 popping while we were --- especially
19 when we were crawling in there. I
20 know it wasn't.

21 Q. So you came out at two. You
22 went back to where you helped with
23 the curtain?

24 A. Yeah. And then I just started
25 doing the curtain.

1 Q. Where at? Close to the face
2 area or ---?

3 A. Yeah. From there outby we
4 just started.

5 Q. So what other kind of activity
6 was going on? How much time had
7 passed from the time that you went in
8 and got into the section, tried to
9 explore number two and then come back
10 to the stopping? So how much time
11 did you actually spend up there?

12 A. I don't recall.

13 Q. Half an hour, an hour?

14 A. I don't recall.

15 Q. So you came back, you started
16 working, then what?

17 A. We started work that first
18 day, the brattice. And they were
19 looking at all kinds of options and
20 started setting an air compressor up,
21 trying to pump air into it.

22 Q. So what time did you go home
23 that day?

24 A. I don't recall. I'm sure I
25 worked my full 12 for sure, at least.

1 Q. Was that the extent of the
2 rest of your shift? You just did
3 support work, helped set the
4 compressor up, that kind of stuff?

5 A. Yeah.

6 Q. No more involvement up into
7 the ---

8 A. No.

9 Q. --- accident area?

10 A. They retreated us out of
11 there.

12 Q. Everybody was out?

13 A. Yeah. Well, I don't know
14 about everybody. I was.

15 Q. You were?

16 A. Yeah, I was out of there.

17 Q. And what were your
18 instructions when you got out of the
19 mine? Did anybody talk to you,
20 debrief you, ask you what you saw?
21 No?

22 A. No.

23 Q. After the 6th then, did your
24 boss --- after you exited the mine,
25 did he give you any other

1 instructions of when to report back,
2 when your next shifts were going to
3 be and what ---?

4 A. Yeah. They told us as the
5 other crew started coming in. We
6 probably worked later that night, but
7 I'm not sure. But just because they
8 --- we would have waited until they
9 got there before we started moving
10 out of there. And he told us, go
11 home, get some rest so that we can be
12 good for the next day.

13 Q. Okay. So just tell me ---
14 walk me through your assignments.
15 Did you work between the 6th and the
16 16th?

17 A. I worked up until the ---
18 well, two days before the same thing
19 happened. We worked --- I should
20 have looked at the calendar and
21 figured this out before, but I worked
22 up and then they gave us two days
23 off.

24 Q. Did you work four and then two
25 off; is that what it was or ---?

1 A. I think it was more than that.

2 Q. Was it?

3 A. Because we were supposed to
4 come back that morning again when ---
5 so it would --- when did the second
6 one happen, the 16th?

7 Q. The 16th of August.

8 A. So I was off on that night,
9 but I was supposed to show back up
10 the next morning.

11 Q. So you weren't there at the
12 time?

13 A. I wasn't there at that time
14 either.

15 Q. Okay. What kind of work were
16 you assigned after the first accident
17 up until the day --- to your days
18 off?

19 A. When we got back there, we
20 were --- I was taking square sets in
21 first and then started doing the rock
22 props, taking rock props in the mine
23 and hauling the material in was
24 my ---.

25 Q. So did you ever work setting

1 rock props?

2 A. Yeah, I did. After I got most
3 of the material in --- the first
4 couple of days, all I done was just
5 hauled this in now, just as fast as
6 we could, you know. And then after
7 we got supplies in there, I started
8 going in for a couple hours every day
9 just setting rock props.

10 Q. Tell me a little bit about the
11 process of how you had cleaned up and
12 advanced with the rock props and how
13 many people it took to do the jobs.

14 A. We had --- well, just --- and
15 see, at first I was just going in
16 there and helping for a couple hours,
17 because I'd haul material in the
18 morning and then I'd help them doing
19 that after I had material in for
20 them. Three --- I'm not sure how
21 many people were there, but the ones
22 I can remember, we had two buggies
23 running. And then I brought in a
24 third one, so --- the diesel coal
25 haulers. And I brought one of those

1 in, two of those guys. And then at
2 one time I think they were running
3 three just because it started getting
4 so far away, like our last day,
5 struggling.

6 Q. Was all the cleanup done in
7 number one?

8 A. Yes.

9 Q. You're not aware of any other
10 cleanup done in any of the other
11 entries?

12 A. I'm not aware of any of that,
13 if there was. Oh, no, we started
14 over. Right at the first, they were
15 going to go into three. They did do
16 some cleanup there. And then they
17 pulled back and we went to one.

18 Q. And was there any reason why
19 it was changed from three to one?

20 A. I don't know the reason. I
21 don't, unless it was from crossing
22 the belt line.

23 Q. Okay.

24 A. I don't know.

25 Q. That's fine. Anything that

1 you have to --- is there any comment
2 you'd like to make about how the
3 process was done or --- the cleanup?

4 A. On the rock props, setting
5 them? Well, when I was in there, we
6 just set --- you know, we had to ---
7 we retreated back every time they set
8 rock prop --- or when they mined, we
9 had to be outby.

10 Q. Okay.

11 A. So we would go in there, set
12 rock props, and then we would retreat
13 back. And I can't remember. There
14 was at least one crossbreak so that
15 we could get out of the buggy's way.
16 And then the buggy would come
17 through. And then once they were
18 done mining, we had to go back up in
19 there and then set rock props again.

20 Q. When you said we have to go up
21 and set rock props, how many people
22 would go up?

23 A. There was only --- at the
24 face, there was only the miner
25 operator, the --- miner operator and

1 someone helping pull cable.

2 Q. Pull cable.

3 A. And sometimes there was an
4 MSHA guy right there, and a lot of
5 times he retreated with us. I'm not
6 saying every time, but most of the
7 times he was back there with us.

8 Q. So the miner operator helper
9 and the shuttle car operator and
10 sometimes an MSHA guy?

11 A. Correct.

12 Q. And then you'd clean up and
13 the miner would just sit there ---

14 A. Yeah.

15 Q. --- while they would go back?

16 A. Well, he would just sit there
17 in front of us and then we'd come in
18 there with either a shuttle car with
19 --- at the end we started using a
20 shuttle car. We used the scoop for a
21 while with the pressure hoses on it.
22 And we would use that to set the rock
23 props.

24 Q. So how many rock props would
25 you set each time? Like you'd clean

1 up some, the buggy or the scoop would
2 bring in how many rock props and
3 you'd set up. Did you set them up on
4 both sides?

5 A. Yeah, but ---

6 Q. At the same time?

7 A. --- we couldn't do --- well,
8 we kind of staggered them. We'd
9 stagger them. One crew was --- there
10 would be two guys over here setting a
11 rock prop, getting it all cleaned up,
12 and then shoveling the area. And
13 then those two would be there, and
14 then someone would come in with a
15 hose and pressure it up. Another ---
16 there would be two more on the other
17 side setting the rock prop, getting
18 it cleaned up and have that ready for
19 --- as soon as that hose was pulled,
20 they went over to the other side and
21 pressured it up.

22 Q. And then while they were doing
23 that ---?

24 A. Yeah. But at first we were
25 only doing two. Sometimes it was

1 only like advancing three or two.

2 Q. A side?

3 A. Yeah. Yeah. We weren't
4 advancing very far.

5 Q. So they would bring up about
6 six?

7 A. Yeah. Yeah.

8 Q. Could you always get them all
9 set or was there occasions where they
10 took a couple out and you just
11 started cleaning up again? Or did
12 you set everything that they brought
13 up?

14 A. We would leave some of them in
15 the scoop.

16 Q. Okay.

17 A. You know, just so that if one
18 didn't work or one broke, whatever,
19 we could set it up.

20 Q. Did you have some of them that
21 did fail?

22 A. Yeah. Some that just, you
23 know --- they blew out is what
24 happened.

25 Q. What part of them blew out,

1 the bottoms?

2 A. The seals.

3 Q. The seals on the top, the
4 O-ring?

5 A. No, the seal inside of it, and
6 then it just ---.

7 Q. Before you locked it?

8 A. Uh-huh (yes).

9 Q. Okay.

10 A. Before we locked it.

11 Q. So what did you do with the
12 junk ones?

13 A. Well, they put them back
14 behind the fence.

15 Q. You just threw it behind the
16 line and ---

17 A. Uh-huh (yes).

18 Q. --- got a new one?

19 A. Got a new one. Yeah, because
20 they wouldn't pressure up. They'd
21 just go up and we'd pull them out.

22 Q. So you put the jacks up. Did
23 you keep mining or did you put your
24 chain-link fence up and the cables?
25 Did you do all that stuff before you

1 advanced or ---?

2 A. We advanced. We'd pull some
3 chain link up behind. And it varied.
4 Sometimes we pulled chain link across
5 there right as we done it. And it
6 seemed like most of the times, we'd
7 --- or some of it we'd have a little
8 ways before we could do our chain
9 link or we'd get our chain link and
10 we advance.

11 Q. So you had kind of a system
12 going?

13 A. Yeah.

14 Q. While you were cleaning up,
15 did you experience any additional
16 bounces?

17 A. I do remember --- not really
18 hard bounces or anything, but we
19 could hear it cracking and stuff and
20 popping a little bit. But none of it
21 come in on us, at least not on me,
22 not us. I don't know about anyone
23 else except me.

24 Q. During your time in the mine,
25 though, have you experienced bounces

1 before?

2 A. Yeah.

3 Q. And tell me about that.

4 A. Well, just little ones. Like
5 if we're up there mining, you'd hear
6 bounces.

7 Q. Tell me what that was, what
8 your definition of a bounce is.

9 A. Stuff coming off the ribs and
10 you'd hear a pop or, you know, a
11 bounce, and some sloughage would come
12 off into it.

13 Q. Do you feel it under your
14 feet?

15 A. You know, when we were pulling
16 backward and stuff, yeah, you'd feel
17 those, where it would come off the
18 top. Those you would feel. You'd
19 feel --- some of them you'd feel air
20 pressure and your ears would pop.

21 Q. Did it ever bounce you around?

22 A. Never. I've never had any of
23 them bounce me around. But as they
24 started pulling pillars and stuff, I
25 was out of there, so --- I remember

1 when I was back further, you could
2 even tell. I'm probably outby 20
3 crosscuts, and sometimes I could
4 feel, you know, your ears pop. You'd
5 go, oh, that was a big bounce right
6 there.

7 Q. I think I'd keep going. So
8 there were occasions when --- so you
9 did experience bounces in the mine?

10 A. Yeah. But the bounces were
11 behind the pillar lines. And we ---
12 very few that you'd see. I mean, the
13 sloughage that would come off would
14 just be a little sloughage. And I
15 know --- I remember one of the miner
16 operators just saying that he don't
17 mind the little stuff, it's when you
18 start getting the coal that's high
19 and you have a lot, that big section
20 will come off.

21 Q. Do you ever recall whenever it
22 threw enough coal that they had to
23 stop mining?

24 A. I wasn't up there to know, so
25 no, I don't.

1 Q. Okay. In your two and a half
2 years, did you ever mine in the ---
3 were you involved in any of the
4 development of the south mains before
5 they started pulling it?

6 A. Yeah.

7 Q. You worked at the face area?

8 A. Yeah. I was running buggy for
9 a while.

10 Q. What about the conditions
11 while you were driving, developing
12 the south mains? Did you experience
13 bottom heave or ---? You did?

14 A. Yeah, there was some bottom
15 heaving that I know.

16 Q. Do you remember where it was
17 at?

18 A. Not specific. Not right now.

19 Q. So what's the most days you
20 would work in the section? Would you
21 work like a day here, a day there or
22 go a whole week or go two weeks?

23 A. Well, when we were developing,
24 I was in there because some people
25 were off, and so I was running buggy

1 for three or four weeks.

2 Q. Okay.

3 A. Almost. Unless there was
4 something major that I had to go back
5 and help out outby.

6 Q. Did you develop --- how far
7 --- where were you at in the
8 development? If I got a map out and
9 showed it to you, would you know
10 where you were at?

11 A. When I quit going in?

12 Q. Yes.

13 A. Well, as soon as they started
14 pulling pillars, ---

15 ATTORNEY BAXTER:

16 I'll bring it to you.

17 A. --- I was done. I was done in
18 there. I ---.

19 ATTORNEY BAXTER:

20 And this is the same
21 map that we've been using
22 throughout the interviews, the
23 AutoCAD.

24 BY MR. O'DONNELL:

25 Q. Okay. Do you recognize this

1 as a map of the Crandall Canyon west
2 mains north and south barrier
3 sections?

4 A. Yeah.

5 Q. Okay. So tell me when you
6 were in there running the shuttle
7 car, where was the location that you
8 were working for those few weeks?

9 A. Up through here.

10 Q. And that would be --- let me
11 get my glasses.

12 MR. O'DONNELL:

13 And we'll mark this
14 Gilbert Exhibit One.

15 (Gilbert Exhibit One
16 marked for
17 identification.)

18 BY MR. O'DONNELL:

19 Q. Okay. Go ahead. Where were
20 you at now?

21 ATTORNEY MEANS:

22 And is this is the last
23 area or the entire area?

24 A. No. It would have only been
25 --- see, it would have only been for

1 just three or four weeks is all that
2 I was in there. Once they got up
3 into the last couple pillars, I was
4 gone. I was outby.

5 BY MR. O'DONNELL:

6 Q. Which is 148 and 149. So
7 that's where the section ended, up
8 that way; right?

9 A. Yeah.

10 Q. Okay. So you weren't up
11 there?

12 A. I wouldn't have been right at
13 the last couple of pillars that they
14 done. And it would have been
15 somewhere in here that ---.

16 Q. And here is between 143 ---

17 A. Yeah, roughly.

18 Q. --- and 147?

19 A. Yeah, 146 even.

20 Q. Okay.

21 ATTORNEY MEANS:

22 And what was between
23 143 and 146, Paul?

24 A. That's when I was driving
25 buggy in there, shuttle car.

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ATTORNEY MEANS:

So you're saying that
you drove the shuttle car
during development between 143
and up to within a break or
two of the end?

A. Yeah. Yeah. And then they
brought in some other guys that took
that place, and then I started doing
outby work.

BY MR. O'DONNELL:

Q. So can you remember where the
bottom heave was on the belt line
that you were talking about?

A. For sure, no.

Q. General.

A. General (indicating) ---.

Q. And you're pointing
somewhere ---?

A. 139, 140.

Q. Okay.

A. I shoveled that belt in there.
I remember the 139 mark. Wasn't
there a door at 137? Yeah, a door.
Yeah, I was right in there.

1 Q. And that would be the number
2 two belt entry?

3 A. Uh-huh (yes).

4 Q. About how much did you have to
5 shovel? How big was the area?

6 A. There was a couple --- three
7 crosscuts that we cleaned up. The
8 belt kind of rolled up and started
9 dropping some of the coal off, and
10 so ---.

11 Q. What did it do, kick up on one
12 side?

13 A. Yeah, it kicked up one side.
14 So we had one row that we had to go
15 in and shovel all that. And that's
16 when I seen the heaving in there.
17 And then we shoveled those crosscuts.
18 The tailpiece was probably down in
19 here, the 142 range, at that time
20 that we had to shovel that.

21 Q. Who did you shovel it with?

22 A. It was a new guy. I can't
23 remember if it was either Cody
24 Westendskow or Shawn Lyons, one of
25 the two.

1 Q. Okay. Did any other areas of
2 that --- any other entries heave
3 while you were developing that
4 section that you were running car in?

5 A. Not any heaves that I
6 remember. But I wasn't over in
7 number three, so I don't know what
8 --- it was mainly that belt line, the
9 ones I seen.

10 Q. Okay. Nothing up towards the
11 end of the section?

12 A. I wouldn't have been up there.
13 I went and moved power when they come
14 back one time, but that was ---.

15 Q. Did you ever run car while
16 they were pillaring?

17 A. Uh-uh (no).

18 Q. Not at all?

19 A. No.

20 Q. Okay. Did you ever work
21 developing the north barrier pillar
22 at all?

23 A. North barrier?

24 Q. That was this area of the
25 mine.

1 A. No. I was on outby, I know
2 that. Over there I don't run cars.
3 I went in there a few times and
4 helped --- I was a faceman over
5 there.

6 Q. Do you remember what area you
7 were working in?

8 A. I don't.

9 Q. Okay. What was your
10 impression of the north barrier?

11 A. I know it's a coal mine.

12 Q. What did it look like? Did
13 the ribs look the same

14 ATTORNEY MEANS:

15 Comparing the north and
16 the south?

17 MR. O'DONNELL:

18 The north and the
19 south, yeah.

20 A. Yeah, pretty much.

21 BY MR. O'DONNELL:

22 Q. Did they?

23 A. Uh-huh (yes).

24 Q. What about ---?

25 A. Anything specifically that

1 made that ---.

2 Q. Did you hear any bumps, ---

3 A. Yeah.

4 Q. --- bounces over there?

5 A. Yeah. When they started
6 coming out, we started hearing bumps
7 and stuff. You know, you always have
8 little bumps in there. You'll hear
9 cracking, but not when you feel the
10 pressure come out at you. That's
11 usually when they start pillaring
12 you'd feel that, because it was
13 falling behind the pillar line.

14 Q. From the first big fall?

15 A. Well, any of those, you know.
16 And they all --- as you retreat or
17 come back, they drop and you'll feel
18 pressure come through.

19 ATTORNEY MEANS:

20 Are we talking
21 generally now, Paul, about the
22 north and the south?

23 A. Yeah, any time. And then even
24 when I was over on this south mains,
25 it was the same thing as --- they

1 would pull pillars and stuff, that
2 you'd --- it would drop and then ---
3 sometimes they'd let it drop behind,
4 you know, the pillars. You'd have to
5 go redo brattice and all that.

6 BY MR. O'DONNELL:

7 Q. Did that happen very often
8 where you had to go repair brattice?

9 A. When I was over in the south
10 --- well, over in the south I was
11 doing some faceman work there for a
12 couple of weeks, and yeah, I had to
13 replace --- well, not --- just fix it
14 up. When it would fall, you'd have
15 to just make sure it was tight up
16 against.

17 Q. And was it more from a fall or
18 a bounce?

19 A. From when it would fall behind
20 there.

21 Q. Okay. Let's focus on the
22 north barrier pillar now.

23 A. Okay.

24 Q. Would you say that the
25 activity, the roof activity, bottom

1 activity, was more or less than what
2 you experienced in the south?

3 A. I wasn't in there very much
4 except for outby stuff. But what I
5 remember was probably less. I don't
6 remember any ---

7 Q. Okay.

8 A. --- heaving or anything over
9 there at all.

10 Q. Okay. You see where the
11 section is stopped there, where
12 there's a couple of blocks left in
13 the north barrier, in this area?

14 A. Yeah.

15 Q. Okay. Do you have any idea
16 why it was stopped and then started
17 and then pulled?

18 A. It would just all be hearsay
19 stuff because I wasn't up in there,
20 so I don't know why they pulled out
21 of there.

22 Q. Were you up there for any of
23 --- when that mining was happening?

24 A. The only thing I was doing
25 when those guys were doing that, we

1 would put --- I'd pull the belt
2 structure out back here, you know,
3 out behind them and then pull the
4 belt down and roll it up is what I
5 was doing when they were mining.

6 ATTORNEY BAXTER:

7 Did anyone ever say
8 anything to you about why it
9 stopped?

10 A. Not that I can --- I don't
11 know. It would just be speculating.

12 BY MR. O'DONNELL:

13 Q. Okay.

14 A. I thought I heard someone say
15 the top was getting bad or
16 whatever, ---

17 Q. Let me ask you this.

18 A. --- but that's ---.

19 Q. Were you up there when it
20 bounced and they had to pull out?

21 A. Same thing. It happened right
22 before my shift, and I went in there
23 and started doing cleanup.

24 Q. Okay. So you did know there
25 was a bounce then. Okay. Did you

1 happen to see any of the equipment up
2 there when it happened?

3 A. I didn't.

4 Q. You didn't?

5 A. Well, yes, I did. I seen a
6 shuttle car in there. And I can't
7 remember what entry it was in, but it
8 was coming --- it was one over from
9 the belt line, because the --- at
10 first we were going to --- we went in
11 there and evaluated it as far as what
12 we were going to do with the Kennedy
13 panels.

14 Q. So did you have to dig the car
15 out? Was any equipment buried where
16 you had to get it out of there, pull
17 it out with a scoop or anything?

18 A. I didn't, but I think they
19 did.

20 Q. Okay. So you got the
21 equipment --- do you recall how many
22 brattices you had to replace?
23 Because you had to bring in supplies;
24 right? That's what you did?

25 A. Right. And after that, we

1 were --- it was the walls and stuff
2 with the Kennedy panels, and it
3 wasn't brattice ---

4 Q. Okay.

5 A. --- at that time. And we
6 started to --- some of the ones --- I
7 can't remember what crosscuts, but we
8 started ---. And then when we
9 started getting into where they were
10 going way out, that's when they made
11 the decision that we weren't going to
12 do them.

13 Q. So when the bounce happened
14 and you had to pull out of the
15 section, what --- did all the
16 stoppings go at one time or did some
17 go out and then you had to replace
18 them again?

19 A. I only had to do it one time.
20 I didn't --- it could have been
21 another shift. I don't know.

22 Q. Okay. Where were those walls
23 at? Were they between the belt and
24 the return?

25 A. Uh-huh (yes).

1 Q. Okay. How many did you have
2 to replace; do you know?

3 A. Well, we started on them --- I
4 think we had two or three of them
5 done. And then as we started seeing
6 the others, some of the ones were ---
7 because they got --- or no, it wasn't
8 between --- it was between the belt
9 and the return.

10 Q. Okay.

11 A. Because they have to have that
12 walkway going down here so that they
13 can check.

14 Q. Oh, so some of those went out
15 in the walkway?

16 A. Yeah.

17 Q. Okay.

18 A. And those were the ones we
19 were ---.

20 Q. So those were the inby ones
21 that went out between the evaluation
22 point that was up here somewhere?

23 A. Yeah.

24 Q. Okay. I got you.

25 A. Whenever it stopped --- did it

1 stop right here ---?

2 Q. That's where they stopped the
3 section. They pillared --- they
4 stopped here and then they left these
5 blocks, started again and then it
6 bounced again and then they pulled
7 the section.

8 A. Okay. And then it would have
9 been right in here that we were doing
10 walls. And then --- because the
11 buggies would have been up in here.

12 Q. Okay. So in here, you're
13 referring to what crosscuts?

14 A. It would have been 133, 132.

15 Q. So those are the ones that you
16 replaced. And then these inby ones,
17 you had to repair those also?

18 A. Well, we walked back there and
19 we started seeing how many there was.
20 And I know it was more than what we
21 could do. I know it was --- we
22 couldn't get --- we couldn't clean a
23 good rib up.

24 Q. Were they just pushed out with
25 air or did coal push them out?

1 A. There was some coal come in
2 from the ribs on that.

3 Q. I got you. So you just left
4 those go on the inby side?

5 A. And that's when they --- yeah,
6 when we started --- we started
7 putting some up over here so we could
8 get the air back in. And then once
9 they come in, we just barely got
10 maybe just two, and then they come in
11 and said we're done in there. And
12 another shift probably done some
13 also.

14 Q. Okay. Do you know if they
15 left any equipment in there and just
16 left it go, just pulled back and
17 sealed it?

18 A. They sealed it, but they
19 had --- like I said, there was some
20 equipment in there, but it was back
21 here.

22 Q. Okay. I mean, it wasn't
23 anything that was involved in the
24 bounce?

25 A. Not that I know of.

1 Q. It was just junk?

2 A. Just junk that I know of.

3 Q. Okay. All right. Let's take
4 a five --- five or ten, what do you
5 need? How about ten?

6 A. All right. That's fine.

7 Q. All right. Good enough.

8 Thanks.

9 SHORT BREAK TAKEN

10 BY MR. O'DONNELL:

11 Q. Okay. Let's jump back down to
12 the south barrier pillar development.
13 And specifically in the number one
14 entry, and it would be in the area
15 that you said that you had worked,
16 between crosscut, you said, 147, 146,
17 143; is that right?

18 A. Uh-huh (yes).

19 ATTORNEY MEANS:

20 You weren't shoveling
21 that when you ---.

22 A. Not that far. It would have
23 been up in --- just down in ---.

24 ATTORNEY MEANS:

25 147, down there?

1 A. Yeah. That would have been
2 the last day that I would have
3 even ---.

4 BY MR. O'DONNELL:

5 Q. Okay. So that's as far as you
6 would have been in, 147 and ---

7 A. Uh-huh (yes).

8 Q. --- out to 143?

9 A. I don't think I --- I did some
10 power moves and stuff with those
11 guys, but it was ---.

12 Q. 144?

13 A. Yeah, 144.

14 Q. Okay. Do you ever remember
15 where you had to scoop the number one
16 roadway because there was only room
17 enough for one car?

18 A. Uh-uh (no). No. I don't
19 remember that.

20 Q. Okay. Now, out of the south
21 --- we're back in the north, the
22 north barrier. Whenever you went in
23 there to fix stoppings after the bump
24 or bounce and you said that they had
25 to do some cleanup in there, do you

1 remember how long it took to clean up
2 before they pulled out?

3 A. I don't. I would have been
4 working on walls. I would have been
5 working on Kennedy walls, panels,
6 instead of being over there.

7 Q. Did you do any of the mucking
8 at all?

9 A. Did not.

10 Q. Okay.

11 MR. O'DONNELL:

12 Go off the record.

13 OFF RECORD DISCUSSION

14 BY MR. O'DONNELL:

15 Q. If you would, let's mark on
16 the map with that colored pencil the
17 areas where you had to replace the
18 walls because of the coal that had
19 pushed it out.

20 ATTORNEY MEANS:

21 Can we clarify, was
22 there a place where you
23 replaced the walls or the
24 stoppings because the coal had
25 pushed it out, or were you

1 referring to having observed
2 those areas and not
3 necessarily have replaced
4 stoppings there?

5 MR. O'DONNELL:

6 Both.

7 A. Okay. I'm not 100 percent
8 sure, because I know we was up in
9 this area, ---

10 BY MR. O'DONNELL:

11 Q. Up in this area, ---

12 A. --- but I'm not ---.

13 Q. --- 133?

14 A. Yeah. Like I say, I'm not 100
15 percent sure that it was these,
16 because once you're working in there,
17 sometimes you just go into where
18 they're on out. I think it was ---
19 the ones that we actually did?

20 Q. Yes. Give me the ones that
21 you did. Why don't we put the ones
22 you did in that color and then
23 we'll ---?

24 ATTORNEY MEANS:

25 And are we

1 distinguishing between
2 stoppings that were blown out
3 by a pressure change or by
4 coal or just any stoppings
5 that were blown out? Is
6 that ---?

7 MR. O'DONNELL:

8 Yeah, any stoppings
9 that were taken out.

10 ATTORNEY MEANS:

11 Okay.

12 A. I can't tell you how many or
13 where they were, but I know that
14 there was more than just a couple. I
15 think there was --- I think the ones
16 that we actually replaced ---.

17 WITNESS MARKS MAP

18 A. I would say those. And
19 then ---.

20 BY MR. O'DONNELL:

21 Q. You'd say these ones here?

22 A. Uh-huh (yes).

23 Q. Can you mark these as ---?

24 A. And I think there were some
25 more back here, but --- once we went

1 in there, there was one that was
2 pretty well knocked out, and we
3 couldn't clean it up.

4 Q. Okay. So the two that you
5 marked with the orange pen were 133
6 and 132?

7 A. Uh-huh (yes).

8 Q. And that's roughly, ---

9 A. Yeah.

10 Q. --- to the best that you can
11 remember?

12 A. Yeah, that's the best I can
13 remember.

14 Q. And the ones that --- now that
15 were --- you said that you walked in
16 towards the bleeder and ---?

17 A. Yeah, and we walked around.
18 And there was two more that we ---
19 and it might have been these two,
20 that we got scared and we come back.

21 Q. Okay. And the pink ones are
22 the ones that you did replace, but
23 you looked at and says, it's too
24 shaky, and you left?

25 A. Yep.

1 Q. Did you look at any of these
2 other ones?

3 A. No. I didn't go back that
4 far.

5 Q. Okay. And the two that we
6 marked where he just said that he
7 looked at them and says, we're not
8 going to take care of those, 135 and
9 134; is that right, Paul?

10 A. Yeah.

11 Q. Okay.

12 A. Yeah. Well, our shift --- it
13 took us quite a while to even do
14 these ones right here just because
15 there was --- some debris was just
16 pushing. Like the one that we just
17 tried to push it right back up in
18 there, and ---.

19 Q. It was pushed towards the
20 return, that way, or was it pushed
21 towards you?

22 ATTORNEY MEANS:

23 Or do you recall?

24 A. I don't recall. I don't
25 recall.

1 BY MR. O'DONNELL:

2 Q. Okay. You said something
3 about there was coal that had damaged
4 them. It was form the rib coal.

5 A. Uh-huh (yes).

6 Q. Which ones are those?

7 A. Well, these got a little bit
8 of damage. But the ones that we
9 worked on, ---

10 Q. Yes.

11 A. --- we cleaned those up.

12 Q. Okay.

13 A. And then the other ones that
14 you couldn't --- it seemed like we
15 might have even --- just to start
16 getting air in there, we might have
17 ven set some Kennedy panels up on top
18 of the coal just to get ---.

19 Q. That was in 132 and 133?

20 A. Yeah.

21 Q. And you didn't do anything to
22 134 and 135?

23 A. I did not.

24 Q. Okay.

25 A. I only worked on two and

1 then ---.

2 Q. Do you remember where it
3 bounced? Do you remember where the
4 coal started, where that shuttle car
5 was that you were talking about?

6 A. Well, I would have been able
7 to see it from when I come up to work
8 on these.

9 Q. Okay. Where did you see the
10 shuttle car at?

11 A. I would guess that would have
12 been --- and there's another thing.
13 I'm not 100 percent sure. It would
14 have either been --- when I seen it,
15 would have been in one of these right
16 here.

17 Q. You're pointing to number two
18 and number three?

19 A. Yeah.

20 Q. Between 133 and 132, somewhere
21 in this area?

22 A. I seen it up in there. It had
23 some coal up on that.

24 Q. What if we put a circle around
25 that area? Would that be ---

1 A. That would ---.

2 WITNESS MARKS MAP

3 BY MR. O'DONNELL:

4 Q. --- something like that?

5 A. Yeah.

6 Q. We'll put shuttle car there.
7 Do you remember how much of the car
8 was --- was it just from the ribs up
9 to the sides of the car or was it
10 covering it or what?

11 A. I just recall looking up there
12 and seeing some coal up there, you
13 know, a foot or so.

14 ATTORNEY MEANS:

15 A foot or so on each
16 side? Or could you tell?

17 A. I couldn't tell. I probably
18 seen it from this other side, and so
19 when I looked up there I seen it.

20 BY MR. O'DONNELL:

21 Q. I got you.

22 A. And those guys would have been
23 the ones working on that. I wouldn't
24 have been.

25 Q. Okay. Good enough. Thanks.

1 Who was the section boss and crew
2 members when you were up there?

3 A. I think it was Jim Hanna.

4 Q. Jeff?

5 A. Jim.

6 Q. Jim Hanna, okay.

7 A. Jim Hanna.

8 Q. Do you remember any of the
9 guys on the crew?

10 A. When we were up there? That's
11 been a long time. Jim Hanna, Mark
12 --- the ones I can think of would be
13 his crew, you know, ---.

14 Q. It would be Hanna's crew?

15 A. Hanna's crew would all be ---
16 and I don't know if they would have
17 been there that day or ---. And they
18 were the shift after --- or they
19 would have been the same shift that I
20 was on, so that --- which would have
21 been the shift after it happened.

22 Q. Okay. That's good. When is
23 the last time you had your annual
24 retraining?

25 A. The one we go over to the

1 college?

2 Q. Yes.

3 A. It was this spring.

4 Q. This spring?

5 A. Yeah. I think that's when it
6 was. Yeah.

7 Q. Tell me a little bit about the
8 training. Did you cover the donning
9 of the SCSR and ---?

10 A. Yeah, we did that. We do that
11 one on the quarterly now. Did that.
12 Matter of fact, I was telling --- we
13 walked out yesterday with them on,
14 and ---

15 Q. Good.

16 A. --- that was an adventure.

17 Q. But that's good.

18 A. And some of the --- they went
19 over blasting in one class. They had
20 --- what were some of the other
21 things they went over?

22 Q. Did they go over the pillaring
23 plan with you?

24 A. They do --- they did in that
25 class. They went over pillaring, I

1 think. I don't remember that class
2 specific.

3 Q. First aid?

4 A. Yes, first aid. That's one
5 thing that this company has been
6 really good about. He had a company
7 come up and go through first aid with
8 us and we actually got our cards on
9 it. We had our first aid cards. And
10 I'm on the fire brigade. They've
11 been really good about that, too.

12 Q. The fire brigade, do you have
13 a different kind of apparatus that
14 you wear other than --- are you
15 trained in an apparatus?

16 A. Yeah.

17 Q. Which one are you trained in?

18 A. I don't know the name of it,
19 but it was --- it has the oxygen tank
20 on it.

21 Q. Is it a single bottle?

22 A. Uh-huh (yes). Big, single
23 bottle.

24 Q. Okay.

25 A. Lasts an hour and a half.

1 Q. Good. Is there any training
2 that you think that you would like to
3 have that you don't have that may be
4 helpful to you and your fellow
5 miners?

6 A. No. I just --- alternating is
7 good. I think any time that you sit
8 down and learn about things that ---
9 even if it's refreshing, like you
10 say, a refresher course, what's
11 happening in the mine, what --- help
12 us out. That's why I'm here, because
13 I don't want to see this happen
14 again. But I can't think of
15 anything.

16 Q. Okay.

17 A. When we find out what
18 happened, you know, for sure, yeah,
19 let's get it out here. If it's
20 because we left pillars, let's quit
21 that. If you have to leave a pillar
22 because of whatever, if it's the top
23 or whatever, pull out of there. Make
24 them pull out.

25 Q. Thank you.

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MR. O'DONNELL:

On behalf of MSHA, I want to thank you for appearing and answering our 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 feel we may need to ask you. If at any time you have additional

1 information regarding the
2 accident that you would like
3 to provide to us, please
4 contact us at the contact
5 information that I 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 you've been
12 treated unfairly because of
13 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 you have given us during the
19 interview and make a
20 statement. Would you like to
21 make any statement?

22 A. (Indicates no).

23 MR. O'DONNELL:

24 That's it. Thanks for
25 coming.

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A. Thank you.

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STATEMENT CONCLUDED AT 11:20 A.M.

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