

STATEMENT UNDER OATH
OF
JOSEPH RANDY BOULDIN

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 Tuesday, October 30, 2007 beginning at 3:03 p.m.

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P R O C E E D I N G S

MR. WATKINS:

My name is Tim Watkins.
I am an accident investigator with the Mine Safety & Health Administration (MSHA), an agency of the United States Department of Labor. With me is Derek Baxter, from the Solicitor's Office, and Sherrie Hayashi, from the Utah Commission of Labor. She's outside. She'll be joining us in a minute. 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

1 August of 2007. The
2 investigation is being
3 conducted by MSHA under 103(a)
4 of the Federal Mine Safety &
5 Health Act and the Utah
6 Commission of Labor. We
7 appreciate your assistance in
8 this investigation.

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

23 You may have a personal
24 representative present during
25 the taking of this statement

1 and you may consult with your
2 representative at any time.
3 Your statement is completely
4 voluntary. You may refuse to
5 answer a question. You may
6 terminate your interview at
7 any time. And you may request
8 a break at any time.

9 Since this is not an
10 adversarial proceeding, formal
11 cross-examination will not be
12 permitted; however, your
13 personal representative may
14 ask clarifying questions as
15 appropriate.

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

1 someone else.

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

10 After we have finished
11 questioning, you will have an
12 opportunity to make a
13 statement and provide us with
14 any other information that you
15 believe to be important. If
16 at any time after the
17 interview you recall any
18 additional information that
19 you believe might be useful,
20 please contact Richard Gates
21 at the telephone number or
22 email address provided on this
23 card.

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

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MS. KIRKWOOD:

Please raise your right
hand.

JOSEPH RANDY BOULDIN, HAVING FIRST
BEEN DULY SWORN, TESTIFIED AS
FOLLOWS:

MR. WATKINS:

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

MS. KIRKWOOD:

I am.

MR. WATKINS:

And when does your
commission expire?

MS. KIRKWOOD:

August 15th, 2008.

MR. WATKINS:

Have you sworn in Mr.
Bouldin?

MS. KIRKWOOD:

I have.

BY MR. WATKINS:

1 Q. Do you go by Randy?

2 A. Yes.

3 Q. Randy, do you have any
4 questions about the interview process
5 as I have described it or explained
6 it to you?

7 A. No, sir.

8 Q. Could you state your full name
9 and address for the record, please?

10 A. Joseph Randall Bouldin, (b)(7)
11 (C)

12 Q. Randy, do you have a personal
13 representative with you today?

14 A. Yes.

15 MR. WATKINS:

16 Could your personal
17 representative please identify
18 himself by name and address
19 for the record.

20 ATTORNEY MORTENSEN:

21 Sure. Alan Mortensen
22 from the Law Firm of Dewsnup,
23 King & Olsen, 36 South State
24 Street, Suite 2400, Salt Lake
25 City, Utah, 84111.

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MR. WATKINS:

And would you state for the record whether you also represent the mine operator in this matter.

ATTORNEY MORTENSEN:

I do not.

BY MR. WATKINS:

Q. Randy, are you appearing here today voluntarily?

A. Yes.

Q. Just some basic background information questions for you, to begin with. How many years of mining experience do you have?

A. About one-and-a-half.

Q. Okay. And where have you worked and what have you done for that year-and-a-half?

A. I've worked --- I started at Genwal, and I started as a laborer there. And then when it was bought, I went to West Ridge, and I done pretty much roof bolting, buggy operating, laboring, outby, quite a

1 bit of different things.

2 Q. So you're currently employed
3 at West Ridge?

4 A. Yes.

5 Q. What's your position there?

6 A. I operate a buggy, shuttle
7 car.

8 Q. You mentioned you previously
9 worked at Crandall?

10 A. Yes.

11 Q. How long did you work at
12 Crandall?

13 A. About three months.

14 Q. About three months. Can you
15 remember what time frame, when that
16 was?

17 A. It was in --- right around
18 May, I believe. May to July, I
19 think, of 2006.

20 Q. And then you went to work at
21 West Ridge?

22 A. West Ridge.

23 Q. Why did you switch, if you
24 don't mind me asking?

25 A. Bob Murray bought it, and they

1 did a big switch thing. And I helped
2 move the longwall from Genwal up to
3 there and then set it up and then I
4 ended up staying there. It wasn't my
5 choice. That's just the way it went.

6 Q. So you wasn't employed at
7 Genwal at the time of the accident?

8 A. No.

9 Q. Do you hold any mining
10 certifications, mine foreman papers?

11 A. No, I don't.

12 Q. Okay. How did you learn of
13 the accident on August the 6th?

14 A. The initial one?

15 Q. The initial one, yes.

16 A. We was just getting ready to
17 get off shift and they called down
18 and told us we had to stay over extra
19 to load batteries in a scoop and ---
20 so we ended up staying an hour-and-a-
21 half extra. Well, we loaded
22 batteries in a scoop and was taking
23 it outby, and then as we got out
24 there was rumors that something ---
25 there had been a cave-in.

1 Q. Okay. Did you go to Crandall
2 to assist in any rescue operation?

3 A. Yes.

4 Q. Okay. When did you leave and
5 go to Crandall?

6 A. It was two days before the
7 second ordeal.

8 Q. Okay. The second ordeal
9 happened on the 16th.

10 A. Sixteenth (16th), yes. So the
11 14th.

12 Q. The 14th. Do you remember who
13 contacted you to request your
14 assistance?

15 A. I went to work and there was a
16 note on a thing that said, see Jack
17 before you get dressed. So I went
18 and seen Jack Marinos.

19 Q. And Jack was your supervisor
20 at West Ridge?

21 A. Well, he's pretty much like
22 over the whole mining sections.

23 Q. Okay. So what did you do when
24 you went to --- when did you actually
25 go up to ---?

1 A. I went up --- the following
2 morning I showed up for dayshift at
3 five o'clock in the morning. Well, I
4 had to be there by 4:45 so we could
5 go up, and I did my training and then
6 went to work.

7 Q. Just walk me through that day,
8 what you did that day.

9 A. The very first day?

10 Q. The first day you got to
11 Crandall, yes.

12 A. Hopped on --- went and parked
13 my car, loaded my gear in the bus,
14 went up to the bathhouse, changed
15 out, went in. They --- a couple of
16 my buddies told me to stay out of the
17 face because really nobody can go
18 into the face, I guess, because of
19 the situation. And they went through
20 a safety --- pretty much a quick
21 safety meeting, with the new guys,
22 us, the one that came with me. And
23 they asked me, what do you do? I
24 said I'm on buggy. They said, do you
25 want to run buggy?

1 A. I said yeah. We loaded up and
2 went to work.

3 Q. Who conducted the meeting that
4 morning?

5 A. The safety meeting was Steve
6 Radmall and Bodee Allred.

7 Q. Okay. Did anyone give you a
8 briefing or tell you what had
9 happened and what was going on?

10 A. Not really, just kind of ---
11 no, not really.

12 Q. Okay. Do you remember who
13 took you in that morning? Who did
14 you go in with?

15 A. Yeah. We --- I went in with
16 Dale Black, Carl Grossman, Casey
17 Metcalf and another --- Brandon or
18 Brandy --- I can't remember his last
19 name.

20 Q. So you went underground and
21 got to the section. What did you do
22 then?

23 A. We got out. And I never
24 operated a diesel buggy before, so
25 the guy that was running it before

1 the shift, they went and showed us
2 how it worked and everything and
3 showed us the routine, what they
4 wanted done, and we started running
5 coal.

6 Q. Let me get just a general map
7 of that area. Maybe we can go over
8 that just a little bit.

9 A. Okay. Sure.

10 ATTORNEY MORTENSEN:

11 Derek, these maps that
12 they're marking, will they be
13 attached to the statements?

14 MR. BAXTER:

15 They will be, yeah. In
16 fact, we'd like to mark that
17 exhibit and put it with his
18 testimony today.

19 ATTORNEY MORTENSEN:

20 So if I request in
21 writing the statement of Mr.
22 Payan, I can also get a copy
23 of the marks that you made on
24 the map?

25 MR. BAXTER:

1 That's right.

2 MR. WATKINS:

3 Mark this as Exhibit

4 One.

5 (Bouldin Exhibit One

6 marked for

7 identification.)

8 BY MR. WATKINS:

9 Q. Does that look a little bit
10 familiar, I guess, in that area, the
11 one down at the bottom? You said you
12 got there on --- the 14th was your
13 first day?

14 A. Right.

15 Q. Okay. And they assigned you
16 to run a diesel ram car?

17 A. Right. Yes, sir.

18 Q. And do you remember where it
19 was at, which entry it was in or ---?

20 A. I can't remember exactly where
21 the feeder breaker was. Gosh, to be
22 honest with you, I can't remember
23 even the exact crosscut. I knew ---
24 I don't ---.

25 Q. That's okay. Is that what you

1 did the entire shift, was ---?

2 A. Well, I'd run buggy and when
3 the weight --- whichever buggy was
4 waiting to get out and help set props
5 and do a chain link and whatever
6 else ---.

7 Q. So you did help set the ---?

8 A. The rock props and all that,
9 yes. And I'm not for sure exactly
10 even which crosscut that it took
11 place at.

12 Q. Okay. Just describe that
13 process to me of, you know, pushing
14 the --- you guys loaded it out, then
15 you set the props and that ---. Just
16 kind of walk me through that a little
17 bit.

18 A. We'd go up, and usually there
19 would be a few people that ran buggy
20 or whatever. You'd get one and then
21 you'd set your props, you know,
22 alongside the miner. Really, towards
23 the end it started getting, I guess,
24 a little bit carried away as far as
25 they'd mine and then they'd back the

1 miner or they'd leave the miner and
2 then they'd set the props. Then you
3 started doing --- instead of doing
4 two, we started doing three and four,
5 so ---. And then they'd take the
6 chain link, put chain link and that.

7 And they had cable that you ran
8 through the bottom of it and put C
9 clamps on 'em.

10 Q. When you said it started
11 getting carried away, what did you
12 mean by that?

13 A. Well, just --- I mean, kind of
14 pushing faster, probably, than we
15 should have. I don't know. I'm not
16 an expert, though. You know, I just
17 --- as you can see, I can't even tell
18 you really where we was.

19 Q. That's okay. About how far
20 would the miner advance before it
21 would stop?

22 A. It kind of varied. Sometimes
23 it would be ten feet. Sometimes it
24 would be 15. Sometimes it would be
25 even a little more than that.

1 Q. Okay. What would it depend
2 on?

3 A. Well, if you seen an opening,
4 you know, they didn't want to go too
5 far because of the people that were
6 trapped. And so if like there was an
7 opening, they'd go a little further,
8 try to get through the opening
9 or ---.

10 Q. When you set the props, would
11 it be one on each side or would it be
12 down on one side and one down on the
13 other? How would it ---?

14 A. It would be --- no, we'd jump
15 back and forth.

16 Q. Okay.

17 A. Or try to, you know. It just
18 depended on which side looked like it
19 needed it more.

20 Q. Okay. And you said they put
21 chain-link fence on that?

22 A. Right.

23 Q. Was that put up before the
24 props or after the props?

25 A. No, after. After props, yeah.

1 Q. Okay. About how close would
2 they try to get the props to the back
3 of the miner?

4 A. You mean as far as ---

5 Q. The distance.

6 A. --- the distance? Probably
7 four foot.

8 Q. Then they'd put the chain link
9 up, then you put the fence?

10 A. Right. We'd set the props and
11 you'd try to keep the chain link as
12 you went. But sometimes you
13 couldn't, so ---.

14 Q. About how many people were
15 involved ---?

16 A. Involving in putting it up?

17 Q. Yes.

18 A. There was me, Brandon, Dale,
19 Carl, Mitch Horton and then the MSHA
20 guys. Well, and then on the second
21 day there was a couple people from
22 back east that was up there, too.

23 Q. Okay. Was there any work
24 taking place outby where you guys
25 were up setting the props? Was there

1 anybody doing anything outby?

2 A. There was way back down by
3 towards the feeder.

4 Q. Okay. So up towards the
5 section, how many guys would you say
6 was on that area, behind the miner?

7 A. Probably seven or eight,
8 including MSHA.

9 Q. As the cleanup was taking
10 place, where was everybody at at that
11 time?

12 A. They had --- there was a break
13 back in the crosscut back. They'd be
14 inside of it.

15 Q. So the only people who were
16 near the miner would be who?

17 A. Would be the miner operator.
18 And really, he would kind of stand
19 back on the side of the crosscut,
20 too. And then once we was done
21 setting props, then everybody would
22 come up.

23 Q. Okay. What was the conditions
24 like while you were in there cleaning
25 that up as far as, you know, ground

1 conditions, rib conditions?

2 A. You know, earlier in the day
3 that the incident happened, the first
4 day there were little bumps. The
5 second day there was a little one in
6 the morning, you know. And as far as
7 the initial one, there was no warning
8 at all. There wasn't a crack. There
9 wasn't a pop. There wasn't nothing.
10 Really, it seemed pretty good for
11 most of the day, besides the one
12 bounce that happened first thing when
13 we come on shift.

14 Q. Okay. When you say a bump or
15 a bounce, I guess what's your
16 definition of a bump or a bounce?

17 A. The mountain shaking.

18 Q. Would coal be displaced,
19 thrown off the ribs?

20 A. Yeah. Yeah. And if you
21 looked, it would be dusty and you
22 couldn't --- you know, you couldn't
23 see.

24 Q. So these bumps that you were
25 talking about --- when you said the

1 initial one, what did you mean by the
2 initial one? You said the initial
3 bump, it was ---.

4 A. The one that killed Dale
5 Black.

6 Q. Okay. The one on the section.

7 A. Right.

8 Q. Okay. When you were in there,
9 as you were doing the cleanup work,
10 was it bumping or bouncing at that
11 time also?

12 A. Yeah. Just the one. Just the
13 one that it bounced.

14 Q. Okay.

15 A. Well, besides the one where he
16 --- when the accident happened.
17 There was one before that in the
18 morning.

19 Q. Okay. The one that happened
20 before, did it stop the cleanup
21 process?

22 A. Yeah. It bounced pretty good.

23 Q. How much material did it
24 displace?

25 A. Well, it --- we had cleaned up

1 --- I can't remember. It was like a
2 20-foot section, I think, is what
3 they had said, and filled it back up.

4 Q. Did it cover up like any of
5 the miner, entry miner? Did you ever
6 see anything like that?

7 A. It did on some of them. You
8 know, I don't know if you could back
9 it out, but there was --- you know,
10 it was on top.

11 Q. But you was able to back it
12 out?

13 A. Right.

14 Q. And you say that happened that
15 morning of the 16th?

16 A. Yeah, on the 16th.

17 Q. Up until that point, the 16th,
18 you really didn't experience any
19 bumping or bouncing?

20 A. Uh-uh (no).

21 Q. Okay. As you were cleaning
22 up, what did the left side of the
23 barrier, the pillar side --- or the
24 barrier block to the left, south
25 side, ---

1 A. Right.

2 Q. --- what did it look like?
3 What were the conditions of it?

4 A. It was sloughing.

5 Q. Okay.

6 A. Sloughing and bopping off the
7 ribs.

8 Q. Did you notice any areas where
9 it looked like it may have been
10 shifted out into the entry?

11 A. Yeah, there was, as a matter
12 of fact, on the left side, up on top.

13 Q. Okay.

14 A. And the only reason I really
15 remember that is because Dale Black
16 had said something about it, said
17 that it made him nervous.

18 Q. Did he say anything else
19 besides it made him nervous? I mean,
20 did he ---?

21 A. Well, he said it made him
22 nervous and he didn't like it. Other
23 than that, he didn't really say
24 nothing.

25 Q. Okay. About how far out was

1 it shifted?

2 A. Probably four feet, three or
3 four feet it shifted. You could see
4 it, where it was.

5 Q. Okay. Did it affect any of
6 the roof bolts or anything that was
7 in that entry? I mean, did it shift
8 them over, bend them over or do
9 anything like that?

10 A. Yeah. The whole thing was
11 bent over.

12 Q. When you say bent over, were
13 they bent towards the right?

14 A. The right, yeah.

15 Q. You mentioned Dale. You
16 mentioned that it made him real
17 nervous and he didn't like it. Did
18 anyone else, while you was on the
19 section, express any concerns about
20 the conditions that were over there?

21 A. Well, there was a lot of
22 people that wouldn't go up there
23 because of it, you know. There was
24 --- well, I mean, there was another
25 deal where --- I'm sure you probably

1 heard this, but somebody put a wedge
2 in a crack that was in that went all
3 the way down in between and was
4 making a big incident about that,
5 saying that if it shifted, he was
6 pulling everybody out.

7 Q. Do you remember who that was?

8 A. Pat Sanchez, I think, is what
9 his name was.

10 Q. Okay.

11 A. But as far as that, everybody
12 was nervous about, I mean, the whole
13 situation.

14 Q. You mentioned there were some
15 people who expressed that they didn't
16 want to go up into the face area. Do
17 you remember who some of those people
18 were?

19 A. Chris Johnson, I think, was
20 one. I can't --- to be honest with
21 you, I can't remember them. But
22 there was a bunch of them.

23 Q. What did they do with those
24 people? I mean, what happened? Did
25 they go somewhere else?

1 A. Yeah. They went outby or
2 shovel belts or ---.

3 Q. They were given a job
4 assignment somewhere else?

5 A. Uh-huh (yes).

6 Q. You mentioned when you first
7 got there some of your buddies said,
8 don't go into the face area. Is that
9 what you said?

10 A. Uh-huh (yes).

11 ATTORNEY MORTENSEN:

12 Is that a yes?

13 A. Yes. Yes, it was.

14 BY MR. WATKINS:

15 Q. Did they talk about why they
16 said that or ---?

17 A. They had said that it was
18 popping and it had been dangerous.
19 See, they had been there --- up there
20 before I had got there, so I didn't
21 really --- wasn't familiar with the
22 situation.

23 Q. Did they remain on the section
24 or did they ask to be assigned to
25 work elsewhere?

1 A. No. They asked to go
2 somewhere else.

3 Q. So they were --- do you care
4 to give me those names?

5 A. Chris was one of them.

6 Q. Chris was one, okay.

7 A. Yeah.

8 Q. That was with some names you
9 gave me earlier.

10 A. Right.

11 Q. Okay. Did anything else take
12 place from the 14th to the 16th,
13 before the other bump, as far as
14 conditions?

15 A. Well, you know, on the first
16 day that I worked there it was slow
17 because things kept breaking down,
18 you know, just normal mining routine.
19 But it wasn't too --- I mean, it
20 wasn't too bad. The second day they
21 had brought in some people from back
22 east, six or eight guys, and I don't
23 know who they was. But it was some
24 kind of management, I would imagine.
25 I don't know. They come down and

1 they switched everything around and
2 wanted to switch where we was
3 switching out and was saying they
4 wanted us to load the cars more, and
5 pretty much started pushing people,
6 you know.

7 Q. Okay. How much was you
8 putting on the cars already?

9 A. Well, we was putting --- I
10 mean, not a whole, whole bunch, but
11 quite a bit, and they was wanting to
12 put more, you know.

13 Q. How far was it hauled back to
14 the feeder?

15 A. It was pretty --- it was
16 pretty far. It was seven or eight
17 breaks, I think. It was quite a
18 ways.

19 Q. Okay. And how many ram cars?

20 A. There was three of them.

21 Q. There was three of them?

22 A. Yeah.

23 Q. Who was running the other ram
24 cars?

25 A. I can't remember the one guy.

1 Wilson something.

2 Q. Okay.

3 A. And the other one, I don't
4 remember the name either. They
5 wasn't --- I didn't work with either
6 one of them until that --- I went in
7 there.

8 Q. The Number One entry was the
9 only one that you were hauling in?

10 A. Right.

11 Q. Where was you changing out at?

12 A. Just in the crosscut and the
13 feeder.

14 Q. Okay. So about how many cars
15 would it take --- or how long would
16 it take to make a round or load, go
17 up and come back and load?

18 A. For one car or ---?

19 Q. Yeah, for one car.

20 A. Probably 15, 20 minutes, maybe
21 a little bit longer. Somewhere right
22 in there.

23 Q. Okay. Did they express why
24 they wanted you to put more on a car?

25 A. You know, they didn't. All

1 they said was, start filling 'em up
2 more.

3 Q. Who was it that told you this?

4 A. One of them guys from back
5 east. I don't know who they were.

6 Q. Did he stay with you the whole
7 shift then?

8 A. The guy from back east, yeah.
9 All of them did. And the one of them
10 that got hurt was with us, was from
11 back east.

12 Q. Okay. So on the 16th, when
13 you came in, can you just take me
14 through that day, when you got there
15 and the things that transpired on the
16 16th?

17 A. When we got there, the same
18 thing. We got in the truck, loaded
19 up, went down there, switched out,
20 started to run the cars. They had
21 --- those guys from back east came
22 down, and they had one that was
23 sitting in a crosscut where we was
24 sitting at and one that was behind
25 some chain link and then one that was

1 up where everybody was going back,
2 where they was mining in the
3 crosscut, mining that. Then they had
4 a couple that were down by the
5 feeder. And we ran coal or dirt,
6 rock or whatever was there.

7 Q. Okay. Take me through the ---
8 I guess to the accident.

9 A. We just got done. It was ---
10 it would have been the last buggy of
11 the day we was going to run because
12 we were going to switch shifts. And
13 I happened to be the one that was up
14 there with my buggy at the time, so I
15 got out and they was up setting rock
16 props. So I got out and went and
17 helped them.

18 Q. Before we get too far along,
19 at the time when the bump happened,
20 where the bounce occurred, were they
21 mining coal, or they was mining
22 material ---?

23 A. The initial one?

24 Q. Yeah. The fatal one.

25 A. No, they weren't mining coal.

1 Q. Okay. They weren't mining at
2 that time. They were ---.

3 A. Setting rock props and chain
4 link.

5 Q. About how long had it been
6 since --- how long had they been down
7 setting rock props, I guess is ---?

8 A. Five minutes, maybe, eight
9 minutes.

10 Q. Okay.

11 A. Actually, we would take ---
12 really, we had just gotten on setting
13 the last one and we was getting ready
14 to start mining, so ---.

15 Q. So after they mined, the miner
16 advances up and the crew comes in and
17 starts setting the rock props, how
18 long would it take before the miner
19 would actually start mining material
20 again? How long would it take to set
21 the props, put the chain link up ---?

22 A. Really, ten minutes.

23 Q. Pretty quick?

24 A. Pretty fast, yeah.

25 Q. Okay.

1 A. Everybody was trying to do it
2 fast, but, you know ---.

3 Q. Yeah, I understand. I'm going
4 to give you a little sketch that
5 shows the area at the time of the
6 accident, the one on the 16th. Maybe
7 we can go over it and you can help me
8 locate where people were at and maybe
9 you can tell me what happened.

10 Go ahead, Randy. Just take
11 your time. We're in no hurry here.
12 If you need a break, we'll take a
13 break.

14 A. Could we?

15 MR. WATKINS:

16 Yeah.

17 SHORT BREAK TAKEN

18 BY MR. WATKINS:

19 Q. Before we get into the events
20 of the 16th, let me ask you just one
21 other question. When you came in on
22 the 14th and they provided you the
23 training outside, was there any type
24 of written plan or, you know, a
25 recovery plan or anything that was

1 gone over with you outside before you
2 came underground? Did you see a plan
3 or anything like that?

4 A. Yeah. They had showed us one,
5 an escapeway, I guess. They showed
6 us where it was and, I guess, a way
7 to get out a secondary. I really
8 can't remember too well, you know.

9 Q. But you didn't see any plan
10 that said we want to mine this far
11 or ---

12 A. No.

13 Q. --- anything as far as a ---?

14 A. No.

15 Q. I know it's going to be
16 difficult, but unfortunately you're
17 the only one that can kind of help us
18 piece this thing together a little
19 bit. Just take your time. At the
20 time of the accident, just kind of
21 walk me through. Let's start the day
22 of the 16th. Let's back up and start
23 the day of the 16th, when you got
24 there and what you went through up
25 until the accident.

1 A. Like I said, we got there and
2 was switching out them cars. You
3 know, we all kind of clowned around
4 to ease the tension, you know, above
5 a cave-in. It's kind of just
6 something you don't really ever think
7 will happen.

8 We got there, switched our
9 cars, started running coal. And I'm
10 not even for sure how long until them
11 guys from back east came down, and
12 they started ---. First they watched
13 everything, you know, what everybody
14 did, whatever, and then they started
15 to say, well, we don't want it done
16 --- we want you to move your switch-
17 out spot with your bolter and load
18 more coal. So we started doing that,
19 get out, help 'em do props.

20 Whenever it was my turn or
21 whenever, whoever else was there
22 would help do the same thing. It was
23 kind of just a mutual thing. That's
24 kind of what a buggy runner does, is
25 just switches. When he's not

1 running, he helps do other stuff. I
2 pulled up, I seen them all up there
3 setting rock props, so I got out and
4 I blocked my tire and went up there.
5 And me and --- there was another guy,
6 Mitch Horton, that was up there with
7 me. We was getting rock props and
8 bringing them and we was setting
9 them. We was just going back and
10 forth. And we got to the last one
11 and got done doing it and we was
12 lined up --- say this was the face
13 --- didn't you say you had another
14 map?

15 (Bouldin Exhibit Two
16 marked for
17 identification.)

18 BY MR. WATKINS:

19 Q. Yeah, I do. It's already
20 marked Exhibit Two.

21 A. So this would be the face,
22 right, where the blast was?

23 Q. Yeah, it would be the
24 continuous miner. That's the head of
25 it right there.

1 A. We was --- we set props up to
2 about right here. Well, actually,
3 right about in here.

4 Q. It would be towards the dump
5 of your miner?

6 A. Right.

7 ATTORNEY MORTENSEN:

8 You want him to mark it
9 or ---?

10 BY MR. WATKINS:

11 Q. Yeah, if you don't care.
12 There's a pen there and there's a
13 highlighter there, too, if you need
14 it.

15 A. I can use a marker. Well, I
16 should probably just write it in
17 here. Right in that area somewhere.

18 Q. You marked down X on the south
19 rib, the left-hand rib?

20 A. Yeah. Left-hand rib?

21 Q. You just got to identify it
22 for the reporter there so we can mark
23 that.

24 A. This is the last one we set.
25 We had --- there was me and Mitch

1 Horton right here. Well, probably
2 this is how it went, me, Mitch
3 Horton, then it went ---.

4 Q. If you don't care, just go
5 ahead and write --- just put Mitch
6 and me or whatever you want to put.

7 A. All right. Actually, we was
8 all up here, and we had just turned
9 and started walking out when ---
10 there was more in this area, I guess,
11 and it went back this way. There was
12 me, Mitch --- let's see. There was
13 me, Mitch, then it went the guy from
14 Ohio, Casey ---. I guess this is all
15 wrong because Bird, Dale Black was
16 right here, and then it went --- I'm
17 messing your map up.

18 Q. That's okay.

19 A. Dale Black was right here,
20 then it went --- Casey Metcalf was
21 right behind him, against the rib.
22 The guy from Ohio was right here.
23 And the main mucker was right here.
24 And then --- I guess that wouldn't be
25 right neither because Brandon and

1 MSHA and ---. I don't know.

2 Q. That's okay. Just take your
3 time and think about it. I mean, we
4 can always get another map to draw
5 on. Just take your time thinking
6 about it.

7 ATTORNEY MORTENSEN:

8 Don't guess.

9 A. Well, I know. I was there. I
10 mean, I know exactly how it was. I
11 just --- it's been ---.

12 MR. WATKINS:

13 Let's go ahead and make
14 this one Exhibit Three.

15 (Bouldin Exhibit Three
16 marked for
17 identification.)

18 A. Dale Black was here. Casey
19 was right behind him, against the
20 ribs. That was Casey. Dale Black
21 was there. This is the guy from Ohio
22 was right here. Lester Day was right
23 there. Me and Mitch were right here.
24 And the other guys --- I'll be honest
25 with you, I don't know exactly where

1 Brandon and them was, but I know they
2 was up past Dale. So MSHA and
3 Brandon was up --- Brandon was up
4 here.

5 BY MR. WATKINS:

6 Q. Now, the way you've depicted
7 it on that drawing there, you got
8 Dale and those in by the tail of the
9 miner? Had they been to the miner?

10 A. Yeah.

11 Q. On the left-hand side?

12 A. Right. They was in more
13 towards this part of it, though.

14 Q. Okay. And this is where they
15 were found after the accident?

16 A. After the accident.

17 Q. Okay. Do you know where they
18 were at prior to the bounce, where
19 they were working at?

20 A. We had just barely got done
21 setting the last prop and was turning
22 to leave when it bounced. And I had
23 turned and took two steps, and it
24 blew one right behind me.

25 Q. So everybody was on ---

1 everybody was on the left-hand side
2 of the ---?

3 A. Yes. Everybody was on the
4 left-hand side.

5 Q. There was nobody on the right-
6 hand side of the miner?

7 A. No.

8 Q. When that bounce occurred, how
9 long did it last, do you know?

10 A. Not very long. It was fast
11 --- loud and fast.

12 Q. Again, everybody was on the
13 left-hand side, just finishing up
14 setting the last prop? That's what
15 everybody was doing, putting chain
16 link up or ---?

17 A. Yeah. We just got done
18 putting up the last of the chain
19 link. Everybody turned around. I
20 was just getting ready to go get back
21 in my buggy.

22 Q. Okay. Do you remember what
23 happened after that?

24 A. There was a bounce. I
25 remember getting up off the ground.

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1 remember who it was that brought me
2 out.

3 Q. Okay. What happened once you
4 got to the outside, on the surface?

5 A. We come out through the
6 portal. There was a bunch of MSHA
7 and everybody at the portal. The
8 gentleman that was in the back with
9 me told them that I needed help now
10 and they got me out, set me down and
11 asked me what was wrong with me and
12 then put me in an ambulance, and I
13 went to the hospital.

14 Q. Which hospital did you go to?

15 A. Castleview.

16 Q. Castleview. Okay. Have you
17 spoken with anyone, I guess, after
18 that or since the accident about what
19 happened, any people from the company
20 or anybody like that?

21 A. Yeah. Well, I've not really
22 talked about --- well, yeah, I guess
23 I have. You know, really, I don't
24 --- I don't know what different we
25 could have done, you know. I mean,

1 it's Mother Nature. I don't know. I
2 mean, I'm sure them rock props ain't
3 going to stop from the side blowing
4 in or for the roof.

5 Q. Did you --- on the 14th, from
6 the time you got there, to the 16th,
7 did you ever have an indication that
8 there was material gathering up
9 behind the screens or behind the
10 chain link?

11 A. Yeah, there was.

12 Q. Was that due to the bouncing
13 or just from sloughage, or did you
14 know?

15 A. I would imagine a mixture of
16 both.

17 MR. WATKINS:

18 Let's take about a
19 five-minute break here, and
20 then we'll wrap this thing up.

21 SHORT BREAK TAKEN

22 BY MR. WATKINS:

23 Q. Just some clarifying questions
24 here. You provided us a whole lot of
25 detailed information, and I want to

1 make sure I've got it straight in my
2 mind. When you're looking at this
3 drawing, ---

4 A. Uh-huh (yes).

5 Q. --- you were able to go back
6 in after the accident, the circles
7 that you see illustrate the rock
8 props ---

9 A. Rock props.

10 Q. --- that we observed to be in,
11 okay. Were you using the miner as a
12 point of reference to locate these
13 people or were you using the circles?

14 A. No. It would have been the
15 miner.

16 Q. Okay. You was using the
17 miner?

18 A. Right.

19 Q. Okay. Because I guess the
20 last rock prop that we observed was
21 approximately towards the tail of the
22 miner or the rear of the miner. I
23 don't know if that's the same thing
24 that you remembered or not or if you
25 remember something different than

1 that?

2 A. No. That would have been
3 pretty much right.

4 Q. Okay. So that was about where
5 the location of the last ---?

6 A. Right. Right.

7 Q. The rock props that burst out
8 on the right-hand side, you had
9 finished installing all of those
10 props?

11 A. Right. It was on the left.

12 Q. It was on the left?

13 A. Right.

14 Q. Okay. Was the chain link and
15 cable advanced up on both sides? Had
16 you advanced it on both sides, or do
17 you remember?

18 A. To be honest with you, I never
19 did none on the right, so I don't
20 know as far as on the right. But I
21 know they was --- we was doing the
22 last one on the left-hand side. And
23 the chain link wasn't --- and the
24 cable wasn't. It was just getting
25 finished as we was turning around to

1 walk away. We were on the last one.

2 Q. That's what they were doing?

3 A. Was just tying off the chain
4 link.

5 Q. Okay.

6 A. Right.

7 Q. And what about the cables,
8 were they doing anything with the
9 cables, do you know?

10 A. I can't remember, to be honest
11 with you.

12 Q. Okay. Do you know if that ---
13 when you installed one of these rock
14 props, for example, the last one, was
15 it pressurized with the water?

16 A. Yeah.

17 Q. You mentioned a strap that
18 was ---.

19 A. They're tall mats is what they
20 are, yeah.

21 Q. How wide are those mats? Are
22 they just ---?

23 A. They're, yeah, about like
24 this.

25 Q. I want to make sure we're

1 talking about the same thing.

2 A. Right.

3 Q. Do you remember a gentleman by
4 the name of Brian Allen? Do you
5 remember if there was someone up
6 there named Brian Allen?

7 A. Not to my memory. I don't
8 know.

9 Q. Okay.

10 A. You mean up in this area here?

11 Q. That was injured during this.

12 A. No, there wasn't.

13 Q. Not that you know of, okay.

14 A. Uh-uh (no). There was the
15 MSHA guy that was deceased and Frank
16 and everybody else. That's who was
17 there. Unless he was the guy from
18 Ohio. I don't know what his
19 name ---.

20 Q. No, he wouldn't be. I think
21 he might have been from West Ridge or
22 somewhere.

23 ATTORNEY MORTENSEN:

24 From where?

25 MR. WATKINS:

1 I think he was from
2 West Ridge.

3 A. Oh, he was running the buggy.
4 I think that's who it is.

5 MR. WATKINS:

6 Okay.

7 A. Yeah. He wasn't up there when
8 the explosion happened.

9 BY MR. WATKINS:

10 Q. Okay. Explosion, you mean the
11 bounce?

12 A. Bounce, yeah. It was just
13 like an explosion the way it bounced.

14 Q. Okay. This mat that you
15 called it, you put up, had that just
16 been installed?

17 A. We had just barely put it
18 across on the --- they had just
19 barely did put it up on the rock
20 prop. What you did was you put it up
21 on the one side and then you come
22 with your rock prop on the other side
23 and finish it.

24 MR. WATKINS:

25 Okay.

1 OFF RECORD DISCUSSION

2 BY MR. WATKINS:

3 Q. These J-channels that you were
4 talking about putting up, how often
5 were those installed?

6 A. You know, they were installed
7 a lot. I don't really even know why
8 we started installing them, if you
9 want to know the truth.

10 Q. How many had you put up?

11 A. I think maybe five or six or
12 something, not very many, that I can
13 remember. I can't remember, to be
14 honest. But I know that we didn't
15 ---. We didn't use them when I first
16 --- worked the first day. And the
17 second day they started using them, I
18 don't even know why.

19 Q. Okay. On every prop going
20 across or how often were those
21 installed?

22 A. I don't remember, to be honest
23 with you.

24 Q. Okay.

25 A. I don't think it was on every

1 prop, though.

2 Q. Okay. Do you remember what
3 the spacing was between ---?

4 A. Every two or three, maybe, two
5 maybe.

6 Q. But you don't know why they
7 decided to start using them?

8 A. I really don't. I don't know
9 why. I just went there to help and
10 they were putting them up.

11 Q. Okay. And you stated the one
12 on the right, the rock props on the
13 right side had been installed and
14 everybody was on the left side.

15 A. Right.

16 Q. Did you normally install these
17 up one side and then come and do the
18 other side or did you ---?

19 A. Say this is your miner, we
20 would have someone digging the hole
21 and installing and then somebody
22 digging the hole over here and
23 installing ---. Just usually go back
24 and forth.

25 Q. Okay. So you did one on one

1 side and then one on the other side?

2 A. Right. Sometimes two and then
3 one on the other side. You know, it
4 just depended on, you know --- but we
5 tried to go back and forth.

6 Q. Okay. Anything else? Randy,
7 have you given a written statement or
8 interview to anyone regarding this
9 accident?

10 A. I gave a thing to --- what was
11 his name? Jim Poulson.

12 Q. Was it just like an interview
13 or written?

14 A. A tape, I guess, just saying,
15 you know, that I thought we did what
16 we could.

17 Q. Okay. When was this?

18 A. Right after it happened.

19 Q. After it happened, okay.

20 MR. BAXTER:

21 Could I ask, did he
22 record you when you were
23 talking?

24 A. Yes.

25 BY MR. WATKINS:

1 Q. Has anyone offered you
2 anything or made a promise to you in
3 exchange for you to appear or not to
4 appear here today?

5 A. No, sir.

6 Q. Do you have anything you'd
7 like to add that you think might help
8 us?

9 ATTORNEY MORTENSEN:

10 Randy, when we were
11 outside, you remembered a
12 couple more names of people
13 that had mentioned they didn't
14 want to go up there.

15 A. Right. There was Gabe Hunt.
16 Let me see. Who else was there? I
17 can't remember the rest of the other
18 ones. There was Gabe Hunt, Chris
19 Johnson, Casey Metcalf, but he ended
20 up going anyway, but he didn't want
21 to. I can't really think of the
22 rest. There was like --- the only
23 people really that would go on the
24 face, there was about ten of us out
25 of a hundred, so ---.

1 MR. WATKINS:

2 Off record just a
3 minute.

4 OFF RECORD DISCUSSION

5 BY MR. WATKINS:

6 Q. Just some more clarifying
7 questions on this. You stated that
8 you just finished up and you was
9 heading back?

10 A. Right.

11 Q. There's a lot of people in
12 this area?

13 A. Uh-huh (yes).

14 Q. Do you know why there would be
15 so many people in that area?

16 A. To be honest with you, I think
17 they we were just trying to hurry up
18 and get done so we could get one more
19 car, and so more people than what was
20 normally out there was there.

21 Q. Okay. How many people were
22 normally up there?

23 A. Let's see. I guess not too
24 many more. Usually six and MSHA, you
25 know. The MSHA was there.

1 Q. Do you know what those people
2 were doing at that time?

3 A. Trying to put rock props up.
4 I think probably trying to make it
5 faster so something like what
6 happened didn't happen.

7 Q. The last --- I guess I might
8 be a little bit confused. The last
9 prop, was it completely set in?

10 A. Yeah, it was completely set.
11 And then --- it was completely set
12 --- really, it was completely set and
13 we turned around and walked away.
14 But the MSHA, Dale and Brandon ---
15 well, actually, Brandon was --- I
16 can't remember who was tying off the
17 fence, but the --- pretty much the
18 bosses was talking and everybody else
19 was getting ready to turn around and
20 walk away.

21 Q. So there was a few people
22 congregated up there, talking?

23 A. Right. Right.

24 MR. WATKINS:

25 Okay.

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ATTORNEY MORTENSEN:

I just have a couple
more questions.

BY ATTORNEY MORTENSEN:

Q. On this tape with Jim Poulson,
who is Jim Poulson?

A. He's the safety director of
UtahAmerican Energy.

Q. And is it your understanding
that he's an attorney?

A. No.

Q. Okay. He didn't represent to
you that he was an attorney?

A. No, he did not.

Q. Was there anyone else present
when you gave that statement?

A. Bruce Hill.

Q. Who is Bruce Hill?

A. He's the vice-president.

Q. Do you know if he's an
attorney?

A. No, I don't think so.

Q. Did he represent to you that
he was an attorney?

A. No, he didn't.

1 Q. Did they ever tell you that
2 they were taking this statement in
3 anticipation of a lawsuit or ---?

4 A. No. They told me they were
5 doing it for paperwork.

6 Q. And would you like to see a
7 copy of your statement that was taken
8 by Mr. Poulson?

9 A. Yeah.

10 ATTORNEY MORTENSEN:

11 Thanks.

12 A. They told me they were doing
13 it for paperwork that he had to fill
14 out, a 7,000-page referendum or
15 something. I don't know.

16 BY MR. WATKINS:

17 Q. You mentioned that there was
18 quite a few people that opted not to
19 go ---

20 A. Yes, sir.

21 Q. --- into the face area. But
22 what made you decide to go to the
23 face area?

24 A. Because it was my friends, and
25 I would have wanted somebody to do

1 that for me.

2 ATTORNEY MORTENSEN:

3 Thank you.

4 MR. WATKINS:

5 Randy, on behalf of
6 MSHA, I want to thank you for
7 appearing and answering
8 questions today. Your
9 cooperation is very important
10 to this investigation as we
11 work to determine the cause of
12 the accident.

13 We ask that you not
14 discuss your testimony with
15 any person who may have
16 already been interviewed or
17 may be interviewed in the
18 future. This will ensure that
19 we obtain everyone's
20 independent recollection of
21 the events surrounding the
22 accident.

23 After questioning other
24 witnesses, we may call you if
25 we have any other follow-up

1 questions that we feel we need
2 to ask. If at any time you
3 have additional information
4 regarding the accident that
5 you would like to provide us,
6 please contact Richard Gates
7 at the address on the card
8 provided to you earlier.

9 The Mine Act provides
10 certain protection to miners
11 who provide information to
12 MSHA and, as a result, are
13 treated adversely. If at any
14 time you believe that you have
15 been treated unfairly because
16 of your cooperation in this
17 investigation, please contact
18 MSHA immediately.

19 If you wish, you may
20 now go back over any answer
21 that you have given during the
22 interview, and you may also
23 make any statement that you
24 would like to make at this
25 time.

1 A. I really have nothing to say
2 besides I wish it hadn't happened. I
3 mean, I don't know.

4 MR. WATKINS:

5 We all do. And, again,
6 I want to thank you for your
7 cooperation.

8 A. Thank you.

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STATEMENT CONCLUDED AT 4:17 P.M.

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