

STATEMENT UNDER OATH

OF

ROBERT VASQUEZ

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 Wednesday, October 3, 2007, beginning at 1:14 p.m.

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1 A P P E A R A N C E S (cont.)

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A P P E A R A N C E S (cont.)

GARY SMITH
Mine, Safety & Health Administration
619 Paintersville Road
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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. MORLEY:

My name is Thomas Morley. I'm an accident investigator with the Mine Safety & Health Administration (MSHA), an agency of the U.S. Department of Labor. With me is Richard Gates from MSHA, and Sherrie Hayashi with the Utah Commission of Labor. We will be conducting the questioning today.

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

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

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

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

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

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

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

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

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

18 Ms. Kirkwood, would you
19 swear in the witness?

20 -----

21 ROBERT VASQUEZ, HAVING FIRST BEEN
22 DULY SWORN, TESTIFIED AS FOLLOWS:

23 -----

24 MR. MORLEY:

25 Ms. Kirkwood, are you

1 empowered as a notary in the
2 State of Utah?

3 MS. KIRKWOOD:

4 I am.

5 MR. MORLEY:

6 When does your
7 commission expire?

8 MS. KIRKWOOD:

9 August 15th, 2008.

10 BY MR. MORLEY:

11 Q. Would you please state your
12 full name and address for the record?

13 A. My real name's Robert William
14 Vasquez. Nickname's Butchy Vasquez.

15 **(b) (7)(C)**

16 Q. Can I call you Butchy?

17 A. Yeah. That's what I go by.

18 Q. Okay. Do you have any
19 questions about the interview process
20 as I have described it?

21 A. No.

22 Q. Do you have a personal
23 representative with you today?

24 A. Yes.

25 MR. MORLEY:

1 Could your personal
2 representative identify
3 himself by name and address
4 for the record?

5 ATTORNEY RAJKOVICH:

6 Marco Rajkovich, 2333
7 Alumni Park Plaza, Suite 310,
8 Lexington, Kentucky, 40517.

9 BY MR. MORLEY:

10 Q. Are you aware that your
11 representative may have a conflict of
12 interest in representing you while
13 being provided by someone else such
14 as the company?

15 A. Yeah.

16 MR. MORLEY:

17 Mr. Rajkovich, would
18 you state for the record
19 whether you also represent the
20 mine operator in these
21 matters?

22 ATTORNEY RAJKOVICH:

23 I do.

24 BY MR. MORLEY:

25 Q. And with this understanding,

1 do you still want this person as your
2 representative?

3 A. Yeah.

4 Q. Okay. Are you appearing here
5 today voluntarily?

6 A. Yes.

7 Q. How many years of mining
8 experience do you have?

9 A. About three years.

10 Q. And can you give me a brief
11 description of your employment
12 history? Was it all at Crandall
13 Canyon?

14 A. Yeah. Well, for the first two
15 weeks I was at West Ridge.

16 Q. Okay.

17 A. And then after the second
18 incident, I went to Tower for a week,
19 and now --- I went back to Crandall
20 for a month. Now, I'm at West Ridge.
21 Other than that, it's been mostly
22 Crandall.

23 Q. What is your present position?

24 A. Longwall support.

25 Q. Longwall support. And was

1 that the same job you had on August
2 5th?

3 A. No.

4 Q. What was your job then?

5 A. I was roof bolter.

6 Q. Okay.

7 A. Timber man when we was pulling
8 pillars.

9 Q. And how long had you worked at
10 that?

11 A. The whole time I've been up
12 there.

13 Q. Did you have any other jobs at
14 the mine before that?

15 A. Ran shuttle car.

16 Q. How long ago was that?

17 A. Running shuttle car?

18 Q. Uh-huh (yes).

19 A. I'd spell off for lunch and
20 stuff when we'd pull pillars. When
21 we developed, I'd just roof bolt.

22 Q. Pretty much your whole three
23 years was spent at Crandall Canyon as
24 a roof bolter?

25 A. Yeah.

1 Q. Okay. Do you have any mining
2 certifications?

3 A. Yes.

4 Q. What are they?

5 A. My gas card, and I got NOE
6 (phonetic) training.

7 Q. Okay. And who was your
8 immediate supervisor on August 5th?

9 A. Dale Black.

10 Q. How long had he been your
11 supervisor?

12 A. I'm not for sure. The one I
13 had before quit and he took over.

14 Q. And you're talking like a
15 month, six months?

16 A. No. It's probably close to
17 six months. I'm not for sure.

18 Q. Okay. What was your work
19 schedule that week, do you remember?

20 A. August 5th?

21 Q. Yeah.

22 A. I worked Friday and then until
23 Monday, was working four 12s.

24 Q. So you were in the ---?

25 A. Dayshift.

1 Q. Did you work the four on,
2 three off schedule?

3 A. Yeah.

4 Q. So you were in the middle of
5 --- at the end of your four on?

6 A. Yes. The coming Monday was
7 our last ---.

8 Q. That was your last day of the
9 workweek?

10 A. Yeah.

11 Q. Okay. What time did you start
12 your shift?

13 A. On Monday?

14 Q. Yeah.

15 A. Seven o'clock.

16 Q. On that Monday, seven o'clock?

17 A. We come in --- we was going to
18 start that Monday at 5:00. I got up
19 the mine about 4:30 ---

20 Q. Okay.

21 A. --- on that Monday.

22 Q. On Sunday?

23 A. On Sunday?

24 Q. On Sunday.

25 A. On Sunday I worked 7:00 to

1 7:00.

2 Q. Okay.

3 MR. GATES:

4 That's 7:00 a.m. to

5 7:00 p.m. ---

6 A. 7:00 a.m. to 7:00 p.m.

7 MR. GATES:

8 --- on Sunday, August

9 5th.

10 A. On August 5th --- 6th ---.

11 MR. GATES:

12 Sunday was the 5th?

13 A. Yeah.

14 BY MR. MORLEY:

15 Q. The shift before the accident?

16 A. Yeah.

17 Q. Okay. If you could, I'd like

18 you to tell me everything you

19 remember about that shift before the

20 accident starting at the time you

21 arrived at the mine until you left

22 that day, just in your own words, if

23 you can.

24 A. Got in there to finish up some

25 power move. And then we had to cut a

1 little bit of floor coal out of
2 Number Two entry around the feeder
3 because the buggies couldn't fit.
4 You know, just a little bit. And we
5 started mining --- it was probably
6 about 2:00 or 3:00 that afternoon.
7 Started pulling pillars. And I was
8 doing some outby work and Dale come
9 and got me and told me to go help
10 them move MRSSs ---

11 Q. Okay.

12 A. --- because he had to do his
13 preshift. And when it was quitting
14 time, we just left.

15 Q. Okay. When the --- at the
16 beginning of the shift, you had to
17 cut floor coal?

18 A. It was probably about around
19 11:00, 10:00 or 11:00.

20 Q. And what --- why were you
21 cutting floor coal?

22 A. Because the buggy wouldn't
23 fit. It was roughing out.

24 Q. Was it heaved or was it ---
25 was it loose coal? What was it that

1 you were cutting?

2 A. I think it was just low, I
3 thought. I wasn't there. I just saw
4 them cutting floor coal. I was out
5 doing outby work.

6 Q. Okay. So you don't know why
7 they had to cut floor coal?

8 A. They just told me they had to
9 cut some floor coal because the
10 buggies wouldn't fit through.

11 Q. And then after --- after the
12 floor coal, you mined started about
13 2:00 or 3:00 ---

14 A. Yeah.

15 Q. --- the rest of the shift?

16 A. I think so. I'm not for sure
17 what time. Somewhere in there.

18 Q. Do you remember where you guys
19 were mining at, where the crew was
20 mining at?

21 A. On the work shift ---.

22 Q. If I got you a map, could you
23 show me?

24 A. Yes.

25 Q. Could you take one of the

1 colored markers and mark up where you
2 were mining that day?

3 ATTORNEY RAJKOVICH:

4 And for the record,
5 this is a map that was
6 provided by the company; is
7 that right?

8 MR. GATES:

9 That's correct.

10 ATTORNEY RAJKOVICH:

11 Has it been changed in
12 any way by MSHA?

13 MR. MORLEY:

14 No. We printed it off
15 the AutoCAD file.

16 BY MR. MORLEY:

17 Q. Do you recognize this as the
18 west main section?

19 A. Yes. We was right down here
20 mining. I think we left off right
21 here when we left. I think it was
22 that one. I can't remember on this
23 one.

24 Q. Okay.

25 A. I know it was in the barrier

1 here, just on this left side.

2 Q. Okay. Do you remember if the
3 pillars in front of you were mined or
4 left?

5 A. Yeah, they were left. These
6 ones here, we took the barrier here.
7 I'm pretty sure the barrier was all
8 mined, but these pillars were left.

9 Q. Okay. Could you mark the area
10 that you think was mined out in the
11 barrier?

12 A. All this was ---. This is
13 where I think we left off right here.

14 MR. MORLEY:

15 Okay. And for the
16 record, he's --- he thinks
17 that the area is just inby the
18 140 crosscut to Crosscut 142.

19 BY MR. MORLEY:

20 Q. Do you remember where the
21 feeder would have been?

22 A. The feeder was 138.

23 Q. Can you put an X and mark it
24 as feeder?

25 WITNESS COMPLIES

1 MR. MORLEY:

2 We'll mark this as
3 Robert Vasquez Exhibit One.
4 (Vasquez Exhibit One
5 marked for
6 identification.)

7 BY MR. MORLEY:

8 Q. And do you remember where the
9 scoop charger was?

10 A. The scoop charger was 137, I
11 think.

12 Q. Okay. 137. Okay.

13 MR. GATES:

14 Did you help set that
15 feeder there? Was that part
16 of your --- part of your
17 assignment that day?

18 A. We got started and then I got
19 sent off to do some stuff outby.

20 BY MR. MORLEY:

21 Q. When they were cutting bottom,
22 was that before they set feeder or
23 was that ---?

24 A. That was after they set it.
25 It was running.

1 Q. Did you have any idea of where
2 they had to cut the bottom?

3 A. Just right in here.

4 Q. Do you want to color that I
5 guess in this pink color?

6 MR. MORLEY:

7 He's going to mark
8 where they had to cut bottom
9 in front of the feeder.

10 WITNESS COMPLIES

11 MR. MORLEY:

12 Okay.

13 MR. GATES:

14 Did you see that
15 bottom, then, that they were
16 cutting or see how much
17 material they had to move?

18 A. Yeah. They just --- when I
19 walked past, they was cutting right
20 there. That buggy was just --- just
21 right in front of the feeder.

22 MR. GATES:

23 Had it heaved up?

24 A. I couldn't tell.

25 BY MR. MORLEY:

1 Q. What were conditions like in
2 the section that day? Did they seem
3 to be normal?

4 A. Yeah. They seemed all right.

5 Q. Were they any different from
6 any other days that you worked up
7 there?

8 A. One Friday morning, it was a
9 little different than usual.

10 Q. What was that about?

11 A. Here in this crosscut --- I
12 think it was right up here. That
13 pillar was pulled away from the roof
14 in the crosscut.

15 Q. And that would be ---?

16 A. 142. We mined in here.

17 Q. Okay. That would be the
18 pillar ---?

19 A. Right here, yeah.

20 Q. Was that before that pillar
21 was pulled, before it was mined?

22 A. Yeah, it was pulled. We come
23 in here and we was pulling this and
24 we pulled out of here.

25 Q. So you were mining --- you

1 were mining in the Number Two entry
2 between 143 and 142?

3 A. Yeah, Friday morning.

4 Q. On Friday morning. And then
5 the corner of the pillar ---?

6 A. From the corner to the end
7 crosscut was ---.

8 Q. That would be in the 142
9 crosscut between the Number Two and
10 Three entries?

11 A. Number two and three.

12 Q. It was pulled away from the
13 roof. What do you mean by that?

14 A. It had just like separated,
15 like a six-inch separation that you
16 could see.

17 Q. Could you see over top of it?

18 A. Yeah.

19 Q. How far back in there could
20 you see over top the pillar?

21 A. I couldn't tell you.

22 Q. Could you ---

23 A. We set a breaker --

24 Q. --- estimate or ---?

25 A. --- over there. I'd say about

1 six inches. It looked like it was
2 away from the roof six inches and it
3 looked like it was back a ways.

4 Q. It was back a ways, but five
5 feet, 10 feet, 20 feet?

6 A. I couldn't tell you, honestly.

7 Q. Okay.

8 A. I couldn't see. And when we
9 got in there, they were starting to
10 set timbers here and ---.

11 Q. They set them in the
12 number ---

13 A. Two entry.

14 Q. --- Two entry?

15 A. Some of the rib blew off the
16 right side.

17 Q. So some of the --- the pillar
18 between entries two and three blew
19 into the Number Two entry?

20 A. Yeah. The one and two entry.

21 Q. Okay.

22 A. That rib on the right side was
23 blew out, and the graveyard crew was
24 setting timbers, cleaning up.

25 Q. Okay.

1 A. And they set timbers. And we
2 didn't do any mining until our shift
3 foreman came in and gave us the okay.

4 Q. Okay. Did you set timbers in
5 the crosscut as well?

6 A. Yeah, we set a breaker row
7 right here.

8 Q. So you set a breaker row
9 across Crosscut 142 between entries
10 two and three?

11 A. Uh-huh (yes).

12 MR. GATES:

13 Was it after that
14 event, then, when you saw that
15 gap --- the gap above the
16 pillar?

17 A. No, it was before.

18 MR. GATES:

19 It was before. Okay.
20 Had you seen a gap like that
21 before anywhere in the mine?

22 A. No.

23 BY MR. MORLEY:

24 Q. So when exactly did you see
25 the gap?

1 A. Friday morning before the
2 incident.

3 Q. And when did --- that was a
4 month after --- that was at the same
5 time as coal had been displaced into
6 the Number Two entry?

7 A. Yeah. Yeah, the graveyard
8 shift cleaned up. When we got in
9 there, it was cleaned up and they
10 started to set breaker rows down the
11 Number Two entry.

12 Q. Okay. So it had already
13 happened and they had already started
14 cleaning up and that's when you saw
15 the gap?

16 A. Uh-huh (yes).

17 Q. Okay.

18 A. We didn't even go into this
19 Number Two Crosscut because there was
20 too much coal in there.

21 Q. Which crosscut had too much
22 coal?

23 A. Two to three entry in the
24 crosscut.

25 Q. Okay. Did you mine that

1 pillar between the two and three
2 entry?

3 A. We took --- on this right
4 side, we took one lift to see --- you
5 know, see how'd it act. And it was
6 quiet. So we took the lift off the
7 lift and another off the right it was
8 fine. Then we pulled out and started
9 moving power and the belt.

10 Q. So that the pillar to the
11 right wasn't completely --- wasn't
12 completely extracted?

13 A. Not that I know of.

14 Q. Could you mark the lifts that
15 you know that that your crew took on
16 there?

17 A. Let's see. This one here,
18 that one here and then that one right
19 here.

20 Q. Okay. So you took one lift
21 out of the left side and two out of
22 the right side? Could you draw them
23 in a little bit? Okay.

24 WITNESS COMPLIES

25 MR. MORLEY:

1 He's just coloring
2 those in in blue pen.

3 BY MR. MORLEY:

4 Q. So after you had --- after you
5 did that on that Friday, then did you
6 start to move that shift or ---?

7 A. Yes.

8 Q. Where were you moving it to?

9 A. We was moving around the
10 barrier over here.

11 Q. You were moving over to start
12 the barrier?

13 A. Uh-huh (yes).

14 Q. Did you start the barrier that
15 shift?

16 A. No. We was moving belt power.
17 Instead of moving power, we took the
18 belt.

19 Q. Okay. And between that Friday
20 and Sunday, where did you guys mine
21 each day?

22 A. We didn't mine anymore. We
23 had to finish up more belt and stuff.

24 Q. Okay. Was that the time that
25 they moved back to to where you moved

1 the feeder back to 138?

2 A. Yeah, because we was leaving.

3 Q. Okay. So when did you resume
4 mining? Was that the --- that
5 Sunday, the 5th?

6 A. Yeah.

7 Q. So that was the first time you
8 started mining again?

9 A. Uh-huh (yes).

10 Q. You didn't do any mining on
11 Saturday, that you know, or did you?

12 A. I don't ---.

13 Q. I know it's a long time ago.

14 A. Honestly, I can't remember, to
15 tell you the truth. I --- I don't
16 know.

17 Q. Do you remember, where did you
18 guys leave the miner at the end of
19 your shift on Sunday?

20 A. Right here 140, I think it
21 was.

22 Q. Could you just put an X there
23 and label it as miner? Maybe use a
24 pen so we can read it later.

25 WITNESS COMPLIES

1 BY MR. MORLEY:

2 Q. What were the conditions like
3 in the section in general? Were you
4 there for the whole time when they
5 advanced the section and then when
6 they started retreating it?

7 A. Yes.

8 Q. And compared to other places
9 in the mine, what did you think of
10 the conditions?

11 A. It was about the same as
12 developing, not any different.

13 Q. Did you have any excessive
14 sloughing of the pillars or any floor
15 heaves anywhere in the section as you
16 were developing it?

17 A. A little bit of floor heave.

18 Q. Do you remember where that
19 was?

20 A. They were spread out, I think.

21 Q. Just from time to time?

22 A. Yeah.

23 Q. Okay.

24 A. And not real bad heaves, just
25 a little bit.

1 Q. Any spots in particular you
2 can remember?

3 A. I remember one day they were
4 going to move lifeline up in the
5 return over here. And it was heaved
6 pretty good.

7 Q. You mean it was around the
8 Number Four entry at 139?

9 A. Yeah, 139, 140.

10 Q. The areas where the floor
11 heaved, were they --- do you remember
12 if they were like in the middle of
13 the section, or where they at the
14 inby end or the outby end of the
15 section or ---?

16 A. No, they were in the middle.

17 Q. The middle of the section in
18 general? Okay. At the time that you
19 were mining in the section developing
20 it, did you ever experience any
21 bounces in the section?

22 A. Yeah. Nothing real bad.
23 Nothing different.

24 Q. What do you consider a bounce,
25 because people seem to have different

1 definitions? Could you describe what
2 you consider to be a bounce?

3 A. Just like a boom. That's what
4 it sounds like to me.

5 Q. Loud noise?

6 A. Yeah.

7 Q. Is there any vibrations?

8 A. Yeah, a little bit.

9 Q. Does it ever move coal?

10 A. Sometimes.

11 Q. Sometimes but not necessarily?

12 A. Uh-huh (yes).

13 Q. Okay. Once you started
14 retreat mining in that barrier, did
15 you experience any --- did the
16 bounces become more frequent, or did
17 you experience any bounces while you
18 were retreat mining?

19 A. They seemed --- on that Sunday
20 they seemed a little more harder than
21 usual.

22 Q. Was there any place in
23 particular?

24 A. Just right where we was
25 mining.

1 Q. How many bounces would you
2 like expect to have in a normal
3 shift, approximately?

4 A. It seemed like every time we'd
5 get close to finishing a lift, that's
6 when it'd start bouncing.

7 Q. At the deepest point of the
8 lift?

9 A. Yeah.

10 Q. Okay. And that was pretty
11 much every lift all the way back out?

12 A. Yeah.

13 Q. When you were taking those
14 lifts, did you --- did you mine floor
15 coal or ---

16 A. Yes.

17 Q. --- anything in there?

18 A. As far as that --- yeah, as
19 far as I know they did.

20 Q. Okay.

21 A. I wasn't --- like I said, the
22 only time I really went up towards
23 the miner was that Sunday just
24 because I had to go preshift.

25 Q. On that Sunday when the ---

1 when you went in there, did you guys
2 have to ---? I guess when you went
3 in there, you did a --- never mind.
4 On that Sunday, when you had some
5 bounces in there, as you're finishing
6 up your lifts, did you have any coal
7 --- was any coal moved?

8 A. Any coal moved?

9 Q. When you had bounces at the
10 end of your cuts, did it throw any
11 coal or were they just the noise?

12 A. They was just a noise.

13 Q. Okay. That was on Sunday.
14 When you came out on the next day on
15 Monday, after the accident, what time
16 did you start your day on that day?

17 A. We was going to start at 5:00.
18 I got up there at 4:30.

19 Q. Okay. Had you planned to
20 start at 5:00?

21 A. Yeah.

22 Q. Why was that?

23 A. It was a double-up shift,
24 weekend crew. You know, it was just
25 an extra --- not an extra crew, but

1 we'd --- you know, Monday -- we were
2 Monday through Thursday and then
3 Friday through Monday. So it'd be a
4 double-up day, so we just worked
5 eight hours on Monday.

6 Q. Okay.

7 A. And we usually just come in
8 earlier to get out earlier.

9 Q. Okay. Could you describe that
10 day for me, from the time you got to
11 the property until the time ---?

12 A. I got up to the property and
13 saw an ambulance and sheriffs there.
14 We wondered what happened. So we
15 hurried up and got our stuff. And
16 they says they heard they had an
17 earthquake, can't get ahold of the
18 crew. And then they told us to hurry
19 up and get dressed so we can go down.

20 When we got the okay to go
21 down. We went and foamed behind
22 people that was setting rags
23 --- filling rags in the belt line ---

24 Q. Okay.

25 A. --- to the return side. And

1 that's pretty much all we did the
2 whole day until mine rescue got
3 there.

4 Q. Do you remember where you
5 started repairing those --- or
6 foaming those temporary stoppings in
7 or rags as you said?

8 A. We got in --- we got in it was
9 probably about --- we started down in
10 here.

11 Q. About what crosscut was that?

12 A. I guess it's nine. It would
13 be in Crosscut four, somewhere in
14 there. You know what I'm saying?

15 Q. Yeah.

16 A. How it comes down here and
17 then you come down in the middle, we
18 was down in here.

19 Q. Which belt was that?

20 A. Six.

21 Q. So you're foaming ones along
22 number Six belt?

23 A. Six belt, yeah.

24 Q. Okay. Do you know about what
25 time you got in there to start that?

1 A. Honestly, I couldn't tell you.
2 It was probably 5:30, 6:00 maybe,
3 6:00.

4 Q. So you continued doing that
5 the rest of the shift. How far up
6 did you get?

7 A. We got probably to 119, I
8 think, when mine rescue come in, 117,
9 somewhere around there.

10 Q. Okay. What happened when mine
11 rescue came in?

12 A. They told us to come out in
13 the intake. And mine rescue done
14 their planning. And then whatever
15 they needed, we'd go out and get,
16 like rags and foam.

17 Q. Do you have any idea what time
18 on the shift that was?

19 A. I don't. I spaced off time.
20 I didn't ---.

21 Q. Yeah.

22 A. Because I don't wear a watch
23 when I work.

24 Q. You don't? Okay. Well, the
25 mine rescue --- so you basically just

1 got materials for mine rescue. Did
2 you go outside or did you just go
3 around the section to find ---?

4 A. Just around the section.

5 Q. Where was mine rescue working
6 at at that time? Were they finishing
7 those temporary controls or ---? Do
8 you know what they were doing?

9 A. They were just planning, and
10 you couldn't go anywhere. I think as
11 far as they got to was 122 in the
12 Number Three entry, was it.

13 Q. Okay. So were you there while
14 they were exploring?

15 A. I ran rag up to them at 122
16 and they said they couldn't get
17 through. So we went back to the
18 intake, and then we went down and
19 started working on stoppings. That's
20 as far as I know they went.

21 Q. Did you go up to the caved
22 area or to the bounced area?

23 A. Yes.

24 Q. Do you have a recollection of
25 how far back coal was bounced at?

1 A. I believe it was at 121, 120,
2 I think.

3 Q. Was it the same in all the
4 entries?

5 A. It was worse in two and three
6 than it was in the intake.

7 Q. It was about Crosscut 120, did
8 you say?

9 A. Yeah, where we finished.

10 Q. Okay. So after mine rescue
11 did their exploration, they just told
12 you to go outby and start working on
13 walls?

14 A. Yeah. They just told us you
15 weren't going to go in anywhere. And
16 then we got out at the intake and
17 they just told us to go out and start
18 working on stoppings in the intake.

19 Q. Where did you do that at?

20 A. We started at 95.

21 Q. And do you recall how far you
22 got that night?

23 A. We got to probably about --- I
24 think 97 we just kind of ragged a
25 little bit, I think.

1 Q. Was that the end of your shift
2 then?

3 A. Yeah. And then we went back
4 and started working on the feeder to
5 put into 119.

6 Q. Was that that same shift?

7 A. Yes.

8 Q. So this is the first shift
9 back in you started work on the
10 feeder?

11 A. No, that was the same day.

12 Q. The same day?

13 A. Yeah, on that Sunday --- or
14 Monday.

15 Q. What did you do up at 119?

16 A. We had to cut belt, take the
17 structure out and start setting the
18 feeder.

19 Q. Where did you get the feeder
20 from?

21 A. It was outby --- I think it
22 was either outby 107, 109, something
23 like that.

24 Q. Okay. Did you ---?

25 A. The older feeder we used to

1 have up here.

2 Q. It was a feeder that you used
3 to use in the section?

4 A. Yeah.

5 Q. Did you get the feeder set
6 that shift?

7 A. Yeah, we got --- I think so,
8 yeah.

9 Q. Where did you set it at?

10 A. At 119.

11 Q. Could you mark on the map
12 where the feeder was? Did you finish
13 setting it that shift or ---?

14 A. I left before they finished
15 it.

16 Q. Okay.

17 A. Barry come in and told us that
18 after the shift to leave because we
19 had been there all day.

20 Q. Okay. Do you remember what
21 time you got outside?

22 A. Honestly, I don't.

23 Q. Did you talk to anybody
24 outside?

25 A. Just guys I work with.

1 Q. You didn't have any kind of
2 meeting or anything?

3 A. No, I don't think so.

4 Q. Okay.

5 A. I don't know.

6 Q. After August 6th, what were
7 your assignments in the days
8 following the accident?

9 A. I was just on the corner
10 hauling material up and unloading
11 trucks --- or unloading trailers that
12 was coming in.

13 Q. When you say on the corner,
14 what do you mean?

15 A. We was down here in the Six
16 belt intake there. And when they
17 needed stuff, we'd run it up to
18 'em because we stored everything down
19 here on the feeder right here. We
20 stored everything from here out.

21 Q. So that would be ----?

22 A. Crosscuts ---.

23 Q. Crosscut four and five of
24 Number Six belt?

25 A. Yeah.

1 Q. Between 109 and 108?

2 A. Yeah, that's where we stored
3 stuff. And it was in here.

4 Q. The next day when you came in,
5 were they starting to --- did they
6 try --- had they started the recovery
7 effort?

8 A. No.

9 Q. Were they loading any
10 material?

11 A. There's a little material, but
12 they weren't mining it or anything
13 that I was aware of.

14 Q. Do you know where they started
15 the recovery effort at?

16 A. As in ---?

17 Q. What entry?

18 A. Mining-wise?

19 Q. Yeah.

20 A. In the Number One entry.

21 Q. Did you observe them doing any
22 mucking or loading out in entries
23 three or four?

24 A. They was mucking. I think
25 Monday night they were in number

1 three, 119.

2 Q. Is that why you were setting
3 the feeder or ---?

4 A. Yeah. They were just putting
5 it over in these crosscuts out here
6 where we set the feeder.

7 Q. Do you have any idea how long
8 that went on or when it started?

9 A. I didn't see the first mucker
10 come in, so I don't know when they
11 started. I saw the second one come
12 in.

13 Q. Okay.

14 A. I don't know how long they was
15 mucking 'til.

16 Q. What were you doing at that
17 time? You were already setting the
18 feeder, or were you working on the
19 belts?

20 A. We was splicing belt and
21 getting the feeder ready --- getting
22 ready to set up.

23 Q. And did they continue that
24 operation until you left?

25 A. Oh, we didn't set the feeder.

1 That's right. We set the tail piece.

2 Q. Okay. You set the tail piece
3 that shift.

4 A. Sorry about that.

5 Q. That's okay. So you were
6 getting --- you just finished setting
7 the tail piece at the end of your
8 shift?

9 A. Yes.

10 Q. Were they still mucking at
11 that time, when you left?

12 A. Yeah.

13 Q. Okay. The next day when you
14 came in, where was the operation at?
15 Were they doing any recovery on the
16 next day?

17 A. Honestly, I didn't come up
18 this way. I stayed back.

19 Q. You stayed back at the corner
20 the whole time?

21 A. Yeah. I was running --- I
22 went out and got material a couple
23 times on 975. I never go up here, so
24 I don't know what was going on.

25 Q. What type of material were you

1 handling?

2 A. Rock props, cribs.

3 Q. So that would have been on
4 Tuesday morning?

5 A. Yeah.

6 Q. Okay. And you were already
7 doing rock props at that point?

8 A. I guess they were. We just
9 brought them in.

10 Q. Okay. And you did that all
11 shift?

12 A. Yeah. If they needed
13 something, I'd run it up so far.

14 Q. Did you take it up to where
15 they were ---

16 A. As far as I went was ---

17 Q. --- loading out coal?

18 A. 118.

19 Q. And then you'd hand it off to
20 someone else?

21 A. We'd put it in that little
22 crosscut where they had it cleaned
23 out a little as far as we could go
24 and put stuff.

25 Q. Okay. Is that the job that

1 you performed all week?

2 A. Yes.

3 Q. And what days did you work
4 that week?

5 A. I worked all that week. I
6 worked from the Friday before 'til I
7 think I worked 12 straight, I think,
8 or something.

9 Q. Did you work all the way up to
10 the 16th?

11 A. No. I was off that Wednesday
12 --- Wednesday, Thursday I was off.

13 Q. Okay. So you weren't there
14 for the accident on the 16th?

15 A. No.

16 Q. And the whole time you were
17 just handling supplies?

18 A. Yeah.

19 Q. Did you ever make it up to
20 where they were loading out coal?

21 A. The farthest I ever went was
22 to 119.

23 Q. Okay.

24 A. And I had to like --- it was
25 that Sunday before the second

1 incident, and as far as I went was to
2 put fuel in the buggies.

3 BY MR. GATES:

4 Q. Did you talk with any of the
5 guys who were working up on the
6 section, the guys who were loading
7 the coal, who were putting the rock
8 props up at that time?

9 A. I talked to one of them on the
10 way home who I rode with.

11 Q. Did they tell you much about
12 how things were going or how --- if
13 they were making much progress
14 or ---?

15 A. He just said everything was
16 going pretty good he thought, just
17 not fast enough for him.

18 Q. That was this guy you ride to
19 work with?

20 A. Yeah.

21 Q. Who did you ride with?

22 A. Cody Ordener.

23 Q. Are you still riding to work
24 with Cody?

25 A. No, he's --- I don't know if

1 he's quit or not. I haven't seen him
2 since we got transferred to West
3 Ridge.

4 Q. Did he get transferred with
5 you?

6 A. Yeah, he was supposed to. He
7 went on vacation, and I haven't heard
8 back from him, so I don't know.
9 Somebody said he went to Reno and
10 wasn't coming back or something.

11 Q. Butchy, were you on the
12 section when pillar mining started up
13 at the top end of the south barrier?

14 A. Yes.

15 Q. How did --- were you up there
16 when development was finishing in the
17 south barrier?

18 A. Up here?

19 Q. No, the south barrier. I'm
20 sorry.

21 A. Yeah.

22 Q. How did that pillaring start?
23 Everything smooth or ---?

24 A. Yeah, everything.

25 BY MR. MORLEY:

1 Q. Okay. We talked a little bit
2 the conditions as the pillaring
3 progressed outby. Did the conditions
4 ever change much, or they pretty much
5 stayed the same the whole time as the
6 pillaring progressed?

7 A. The only time I saw was when
8 we was up here. And that was the
9 only time I seen a change.

10 Q. What that a bounce that
11 occurred there or did other people
12 tell you or did they hear anything?

13 A. They just told our boss that
14 they had to clean up and put some
15 timbers in. So when we went in
16 there, that's all he told us to see
17 what we had to do to finish putting
18 timbers.

19 Q. And he didn't elaborate on
20 what had happened?

21 A. He didn't tell us. They might
22 have told him, but he didn't tell us
23 nothing.

24 MR. GATES:

25 Again, I'm sorry. This

1 was the coal that was blown
2 out on Friday or on Sunday
3 or ---?

4 A. Friday.

5 MR. GATES:

6 Friday. Okay.

7 BY MR. MORLEY:

8 Q. So that would have happened on
9 the Friday on the midnight shift
10 before you got there?

11 A. Yeah.

12 Q. Okay. Could you --- could you
13 mark on that map where that coal was
14 that you had to clean up?

15 A. For?

16 Q. On that Friday.

17 A. Oh, we didn't clean any up.
18 They had already cleaned it up.

19 Q. Oh, they had already cleaned
20 it up?

21 A. Yeah, they had a couple
22 timbers set, and we set two more and
23 then set a breaker row right there in
24 that crosscut.

25 Q. Why did they have to set the

1 timbers?

2 A. Because the entry was too
3 wide.

4 Q. The entry was too wide at that
5 point. And those were sitting on
6 which side of the entry?

7 A. The right side.

8 Q. The right side of Number ---

9 A. Two.

10 Q. --- Two entry?

11 A. Yeah.

12 MR. GATES:

13 Again, I'm not trying
14 to confuse you, but I'm a
15 little confused myself. Is
16 that the same pillar, then,
17 that you said you could see
18 the gap of it?

19 A. Yeah.

20 BY MR. MORLEY:

21 Q. Okay. Could you mark the area
22 where you could see the gap over the
23 --- over the pillar? Just pick a
24 different color.

25 MR. MORLEY:

1 He's going to use a
2 green highlighter here.

3 WITNESS COMPLIES

4 A. On that back side there.

5 BY MR. MORLEY:

6 Q. Okay. And that's, again, in
7 the crosscut of 142. The pillaring
8 that was done in the barrier, do ---
9 you were doing that on Sunday. Was
10 all that done on that Sunday or was
11 some of that done before they moved
12 back?

13 A. I think they done some before.
14 The crew before us did some down
15 here. That crew that's in there, I
16 think they did some down there. I'm
17 not sure.

18 Q. But you think it was all ---
19 none of it was done before they moved
20 the feeder back to 138? Well, I
21 guess you guys said that you started
22 to move the power then on that
23 Friday; right?

24 A. Yeah, after we mined that
25 pillar.

1 Q. So that would have been the
2 extent of the mining at that time?

3 A. Yes, sorry. Kind of threw me
4 off here now.

5 ATTORNEY RAJKOVICH:

6 Are you sure ---?

7 A. I think we was here. I can't
8 remember.

9 BY MR. MORLEY:

10 Q. You're unclear whether you
11 were at almost to 140 or almost to
12 141?

13 A. Yeah. I'm pretty sure that we
14 was here.

15 ATTORNEY RAJKOVICH:

16 When you say here,
17 where are you pointing to?

18 A. Right here where I marked it.

19 ATTORNEY RAJKOVICH:

20 At what crosscut?

21 A. Almost to 140.

22 MR. MORLEY:

23 Just inby Crosscut 140
24 where he thinks that the miner
25 was when they left.

1 BY MR. MORLEY:

2 Q. What was the condition of the
3 section when you left Sunday
4 afternoon?

5 A. It was pretty good, I thought.
6 Nothing different.

7 Q. Was it bouncing when you left?

8 A. Just a little bit. It was
9 bouncing before --- before we come
10 back to --- when we finished this
11 lift that we did.

12 Q. In the barrier?

13 A. Yeah.

14 Q. Okay.

15 A. When the shift foreman come
16 down, it quit bouncing for quite a
17 while. And then it bounced just a
18 little bit before we left.

19 Q. Did you leave at the normal
20 time?

21 A. Yeah, as soon as the other
22 crew got there.

23 Q. When the other crew arrived,
24 did you guys have any conversations?
25 Was there any concerns between your

1 crew or the other crew?

2 A. No.

3 Q. Was the condition of the
4 section a topic of discussion or ---?

5 A. No. We went straight up the
6 intake because the miner operator's
7 light went dead, his PTO light. The
8 remote wouldn't work. And when we
9 saw them come in, we just, you know,
10 all went up to the truck. And they
11 went to the transformer to put their
12 stuff away so we didn't talk to them.

13 Q. Where do you think the other
14 --- that crew that replaced you would
15 have started mining?

16 A. Right here where I left.
17 That's --- where I marked it.

18 Q. Do you think they would have
19 continued in the barrier?

20 ATTORNEY WILLIAMS:

21 You didn't say yes or
22 no.

23 A. Yes. Sorry. Yeah.

24 BY MR. MORLEY:

25 Q. Okay. When they had --- after

1 the other --- the crew that followed
2 you, when they had finished mining
3 the barrier, do you have any idea of
4 where they would have moved to?

5 A. They would have moved to
6 another lift on the barrier.

7 Q. They would have continued down
8 the barrier?

9 A. Yeah.

10 Q. Knowing what --- knowing about
11 how far you mined in a shift, about
12 how far do you think they could have
13 gotten there? Where would you have
14 expected them to be, I guess, is what
15 I'm asking at the time of the
16 accident, if you ---?

17 A. Probably ---.

18 Q. I know you really can't tell,
19 but where would you have
20 expected ---?

21 A. Probably about right here.

22 Q. Somewhere between 139 and 140?

23 A. Yeah.

24 MR. MORLEY:

25 Okay. Why don't we

1 just take a quick five-minute
2 break and see if anybody has
3 any questions on this, ---

4 A. Okay.

5 MR. MORLEY:

6 --- and then we'll come
7 back.

8 SHORT BREAK TAKEN

9 BY MR. MORLEY:

10 Q. I have a couple of clarifying
11 questions. Going back to that Friday
12 where you were mining the pillar
13 between 142 and 143, ---

14 A. Uh-huh (yes).

15 Q. --- did you have to ---?
16 Those timbers that were set in the
17 Number Two entry, did you have to
18 knock timbers out to mine those two
19 cuts out of the right side?

20 A. No. The miner was already
21 down in here. We pulled back a
22 little bit, the MRSSs, and started
23 cutting to where we didn't have
24 to ---.

25 Q. Okay. Then when you backed up

1 and took the second cut, were the
2 timbers in the way then?

3 A. No.

4 Q. So the timbers were outby?

5 A. Well, they were knocked down
6 on --- the first one I think.

7 Q. Just one timber was all ---?

8 A. Yeah, because we didn't go
9 back too far just because of that,
10 where that coal was.

11 Q. You didn't want to get too
12 close to the corner because of where
13 the roof had separated?

14 A. Yeah.

15 Q. Okay. And on Sunday when you
16 were mining in the barrier and after
17 the feeder had been moved, do you
18 know where the power center was?

19 A. It was here at 138.

20 Q. Could you put an X and label
21 it power center or PC or something?

22 WITNESS COMPLIES

23 MR. MORLEY:

24 And he marked that as

25 PC.

1 BY MR. MORLEY:

2 Q. Do you know of any floor heave
3 that caused a problem when they were
4 trying to relocate the power center?
5 Did they have to cut any bottom or
6 anything?

7 A. Locate back here?

8 Q. Yeah.

9 A. No. We just ended up with a
10 little bit like we normally do. We
11 just cleaned up.

12 Q. Okay. Your normal job as roof
13 bolter, when they were pillaring,
14 what did you typically do during the
15 shift?

16 A. Did some outby work, set
17 timbers, breaker rows when they was
18 doing the final cuts. And just spell
19 shuttle cars --- or buggy drivers.

20 Q. You'd spell the buggy drivers?

21 A. For lunch, yeah.

22 Q. Did you run the MRSs?

23 A. Yeah.

24 Q. And you also did that?

25 A. Yeah.

1 Q. When you were doing the
2 barrier mining, where would your MRSs
3 have been?

4 A. Just to the Number One entry
5 there.

6 Q. So there would be two in the
7 Number One entry just inby the miner?

8 A. Yeah. And then ---.

9 Q. Where would the other two have
10 been?

11 A. I think we left those ones
12 over at the Number Two entry over
13 here.

14 Q. So you weren't using the other
15 two while you were in the middle of
16 the ---

17 A. The barrier.

18 Q. --- in the middle of block one
19 in the barrier. You just used two?

20 A. Yeah, just when we was just
21 doing this barrier.

22 Q. Okay.

23 A. But when we did the barrier
24 and this and the pillar ---.

25 Q. The barrier and the pillar?

1 A. Yeah. We put them in the
2 crosscut.

3 Q. You also had them in the
4 crosscut?

5 A. Oh, we had them over in the
6 side here.

7 Q. Okay. Were you involved at
8 all with the mining of the --- what
9 we're calling the north barrier
10 block, the Main West on the north
11 barrier pillar?

12 A. Over here?

13 Q. Yeah.

14 A. Yeah.

15 Q. And you were a roof bolter at
16 that time as well?

17 A. Yeah.

18 Q. What were roof conditions like
19 in that whole north barrier?

20 A. They were pretty good. I
21 remember one time we --- I can't
22 remember where it was, somewhere up
23 here, that we come in, the crew
24 before us said the ribs blew in.
25 They had to take the miner in to

1 clean it out.

2 Q. Was that on advance or during
3 retreat mining?

4 A. No, they was moving MRSs over
5 to the next entry. I can't remember
6 what entry it was. They just told us
7 about it.

8 Q. So that would have been after
9 they were --- started pillaring?

10 A. Yeah.

11 Q. Okay. On the development, was
12 it a pretty good section on
13 development?

14 A. Yeah. It was a little watery
15 up here. And that's why we quit
16 going so far. We had some water.

17 Q. Is that why they stopped the
18 development?

19 A. Yeah.

20 Q. Okay. And what were rib
21 conditions like in the north? Were
22 they similar to the south or ---?

23 A. Yeah. They looked pretty
24 good.

25 Q. And the south looked pretty

1 good?

2 A. Yeah.

3 Q. No concerns there?

4 A. On the south mains?

5 Q. The south barrier block.

6 A. Yeah, about the same. Yeah.

7 Q. Okay. When you were mining in
8 the North Block when you got to the
9 end and started pillaring back, did
10 conditions change at all in the north
11 barrier?

12 A. Just like I said that one time
13 when that other crew told us when we
14 was coming in. They told us how they
15 --- when they was moving MRSS down an
16 entry, it blew out.

17 Q. Do you have any idea where
18 they would have been?

19 A. I don't know, to tell you the
20 truth.

21 Q. In general terms or ---?

22 A. Honestly, I couldn't tell you.

23 Q. Was that the end of the ---
24 was that when they stopped mining up
25 there, or was it before that?

1 A. It was before that because we
2 was off when they stopped mining.

3 Q. Roughly like --- you know, was
4 this like days before that or it
5 would have been sometime --- months
6 or something before?

7 A. A week or two or something
8 like that.

9 Q. A week or two before. But you
10 don't recall ---?

11 A. I honestly couldn't tell you.

12 Q. Do you know why they stopped
13 mining at 137, why they stopped the
14 pillaring there?

15 A. I think they said because the
16 ribs were blowing out too much. So
17 they'd thought they skip to try to
18 hold it up to see if it'd get any
19 better.

20 Q. Is that just talk around the
21 mine or did anybody tell you that?

22 A. They didn't say. I asked
23 somebody, and they said they think
24 that's why.

25 Q. Okay. Were you up there when

1 they were mining those last several
2 blocks?

3 A. No. We come in and they was
4 --- we was getting ready to move
5 everything back down here and
6 develop.

7 Q. Okay. So you were --- that
8 was your off days or something?

9 A. Yeah.

10 Q. Where was the last place that
11 you were at when you mined up there?

12 A. It had to have been somewhere
13 up here.

14 Q. Somewhere around 138, 139?

15 A. Yeah, somewhere around there
16 or closer.

17 Q. Okay. So when you came back
18 from your days off, they were pulling
19 the section out?

20 A. Yeah.

21 Q. Okay. Let's go back to the
22 south barrier for a minute. What was
23 the --- what was the mining height in
24 there?

25 A. Nine, ten feet, closer. Or

1 you mean before we pulled it?

2 Q. Before you pulled it, what did
3 you mine on advance?

4 A. Probably seven, eight feet, I
5 think.

6 Q. Okay. And did you leave top
7 coal or floor coal?

8 A. Floor coal.

9 Q. Always floor coal?

10 A. Yeah.

11 Q. And that total seam height was
12 --- you estimate it at?

13 A. I think it varied in different
14 places.

15 Q. What was the range?

16 A. About nine, ten feet.

17 Q. Nine or ten feet. When you
18 were mining the barrier, did you get
19 all the floor coal?

20 A. Yeah, we tried.

21 Q. And the same thing with ---?

22 A. I think they did. Like I
23 said, I only --- the last time I was
24 up --- the only time I was at the
25 mine was that last day.

1 Q. Okay.

2 A. Because they had a miner
3 helper and I just stayed outby.

4 Q. Okay.

5 A. But that day they did, yeah,
6 when I was up there helping.

7 Q. Okay. You were being the
8 miner helper?

9 A. Just for like an hour ---

10 Q. Okay.

11 A. --- while Dale preshifted.

12 Q. When they were mining back the
13 blocks in the south barrier, did they
14 ever have to --- did they ever have
15 to leave coal? Were they able to
16 completely extract the blocks while
17 they were pillaring or were there
18 times when they had to leave parts of
19 pillars behind?

20 A. This one they did. Like I
21 said, we didn't take all that. We
22 didn't take the final one and stuff
23 on this.

24 Q. What about inby there?

25 A. We never did, so I don't

1 know ---

2 Q. Okay.

3 A. --- about the other crews.

4 Q. And that was the --- the time
5 that Friday you came in where they
6 had been cleaning up the coal, that
7 was the only place you knew of where
8 that type of incident had occurred
9 down there?

10 A. Yes.

11 Q. Did that damage any
12 ventilation controls? Did you guys
13 have to repair any?

14 A. No.

15 Q. Do you know if the crew before
16 you did?

17 A. Not that I know of.

18 Q. Okay. When you saw them
19 slabbing the barrier, did they take
20 one miner cut right up alongside the
21 other one, or did they leave a little
22 slab or fender of coal between the
23 cuts?

24 A. Yeah, they left a stump ---.

25 Q. Okay.

1 A. That's what they'd call it.

2 Q. Approximately how wide was it?

3 A. Probably about ten feet or so.

4 Q. Were they connected, or was
5 each cut totally separate? Did they
6 hold through from one to the next?

7 A. Yeah.

8 Q. So ---?

9 A. We'd leave that stump in
10 between them.

11 Q. So how did they do that? Did
12 they mine into the barrier and then
13 turn and cut behind the stump or what
14 did they do?

15 A. Yeah, they like turned.
16 They'd cut in and then they'd cut
17 back and then they'd start cutting on
18 this rib until they broke through.

19 Q. So they'd sump in their full
20 distance and then they'd back up and
21 turn to the right and cut into the
22 previous --- previous slab?

23 A. Yeah, but they'd leave that
24 stump.

25 Q. But they'd leave the stump on

1 the outside?

2 A. Yeah.

3 Q. About how deep did you guys
4 mine into the barrier?

5 A. When I was up there, they went
6 to the cab of the buggy, to whatever
7 that is.

8 Q. The cab of the buggy to what?

9 A. To the last row of bolts. The
10 cab of the buggy wouldn't go past the
11 last row of bolts.

12 Q. Okay. So the buggy was only
13 up to the --- the canopy on the buggy
14 went to the last row of bolts. And
15 the miner was in there completely
16 into the cut?

17 A. Uh-huh (yes).

18 ATTORNEY WILLIAMS:

19 Is that a yes?

20 A. Yes. Sorry. It's a habit.

21 BY MR. MORLEY:

22 Q. That's okay. In the opposite
23 rib from where you were slabbing, did
24 the pillar look like it was taking
25 any weight when you were doing that

1 slabbing, or did it change in
2 appearance at all?

3 A. No.

4 MR. MORLEY:

5 Okay. I know you have
6 a 2:30 appointment. Why don't
7 we just go off the record here
8 just for a moment?

9 SHORT BREAK TAKEN

10 BY MR. MORLEY:

11 Q. Before you started mining in
12 the north barrier, were you mining in
13 the south mains pillar section?

14 A. Yes.

15 Q. You were --- they were doing
16 that when you started?

17 A. Yeah, we went down in and
18 developed to pull pillars. We
19 developed some of the rest of it, I
20 think. I think we had developed some
21 down at the bottom, but then we
22 pulled.

23 Q. Okay. Down in the south mains
24 down here?

25 A. Yeah, down --- yeah.

1 Q. Down in here?

2 A. Yeah, way down at the bottom.

3 Q. Way down here?

4 A. Yeah.

5 Q. Okay. You would have started
6 in 2004, roughly?

7 A. Yeah.

8 Q. Okay. So you would have been
9 there for that entire time?

10 A. Yeah.

11 Q. What were conditions like in
12 south mains compared to this west
13 main, south barrier?

14 A. It was way --- a lot better.

15 Q. They were better in the south
16 mains?

17 A. The bounces were nothing
18 compared to up here and down here.

19 Q. The bounces in the south mains
20 were a lot less or of less magnitude?

21 A. Uh-huh (yes).

22 Q. How did you --- how did you
23 guys pillar that? There were
24 barriers on either side of south
25 mains. How was that mining planned?

1 A. We went from right to left.
2 Started at --- going all the way
3 down.

4 Q. How did you mine the barriers
5 on each side?

6 A. We would take 40-foot cuts and
7 take barrier --- take pillar, I mean.

8 Q. Did you mine rooms into the
9 barriers on both sides?

10 A. What's that?

11 Q. Did you mine rooms into the
12 barriers before you pillared them
13 or ---?

14 A. Not in the barriers. I don't
15 get what you're saying.

16 Q. The south mains was initially
17 driven with like five entries ---

18 A. Yeah.

19 Q. --- and had big barrier blocks
20 on either side. Had you extracted
21 the big barrier blocks on south
22 mains? Did you split the big
23 barriers first or ---?

24 A. I think we developed down some
25 of that, ---

1 Q. Okay.

2 A. --- if I remember right.

3 Q. You're not really sure?

4 A. We developed some and made a
5 couple entries.

6 Q. Then you pillared all the way
7 across the section?

8 A. Yeah.

9 Q. And you felt the conditions
10 were a lot better for pillaring and
11 then ---?

12 A. A lot better.

13 Q. Better than the north also?

14 A. Uh-huh (yes).

15 Q. Is that a yes?

16 A. Yes.

17 Q. Okay. Have you ever
18 experienced any other --- have you
19 experienced any bounces in the mine
20 where it actually threw coal or
21 displaced coal, ---

22 A. No.

23 Q. --- anywhere in the mine?

24 A. Uh-uh (no). No.

25 Q. Okay. When was your last

1 annual retraining?

2 A. It was last December 15th,
3 something like that.

4 Q. Okay.

5 A. Somewhere around there. I
6 can't remember the exact date.

7 Q. Did they go over the ---
8 where'd you have the retraining?

9 A. The CEU, College of Eastern
10 Utah.

11 Q. Okay. Did they go over the
12 emergency response plan?

13 A. Yeah.

14 Q. How about hands-on SCSR?

15 A. Yes.

16 Q. Roof control plan?

17 A. Yes.

18 Q. Did you review the vent plan?

19 A. Vent plan?

20 Q. Ventilation plan?

21 A. Yeah, I believe so.

22 Q. Okay. Are there any other
23 areas that you think additional
24 training should have been provided?

25 A. No. I don't think so.

1 Q. Okay. Have you given a
2 written statement or an interview to
3 any management official or outside
4 organization before this interview
5 regarding the accident?

6 A. No.

7 Q. Have you been interviewed by
8 the company?

9 ATTORNEY RAJKOVICH:

10 I'm not a management
11 official, but ---

12 A. Marco.

13 ATTORNEY RAJKOVICH:

14 --- we've talked.

15 BY MR. MORLEY:

16 Q. You've talked. Did you talk
17 to anybody else in management?

18 A. No.

19 Q. Has anyone offered you
20 anything or made any promise to you
21 in exchange to appear here or not to
22 appear here today?

23 A. No.

24 Q. Do you have anything you'd
25 like to add that may be relevant to

1 the investigation? Is there anything
2 you can think of that would help us
3 in this investigation? Anything you
4 observed or anything down the
5 section?

6 A. No.

7 MR. MORLEY:

8 Okay. On behalf of
9 MSHA, I want to thank you for
10 appearing and answering
11 questions today. Your
12 cooperation is very important
13 to the investigation as we
14 work to determine the cause of
15 the accident.

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

1 After questioning other
2 witnesses, we may call on you
3 if we have any follow-up
4 questions that we feel we need
5 to ask you. If at any time
6 you have additional
7 information regarding the
8 accident that you would like
9 to provide to us, please
10 contact us at the contact
11 information that was
12 previously provided to you.

13 The Mine Act provides
14 certain provisions to miners
15 who provide information to
16 MSHA and as a result are
17 treated adversely. If at any
18 time you believe that you've
19 been treated unfairly because
20 of your cooperation with this
21 investigation, you should
22 immediately notify MSHA.

23 If you wish, you may
24 now go back over any answer
25 you have given during the

1 interview and you may make any
2 statement you'd like to make
3 at this time. Anything you
4 want to say or add?

5 A. No. Just that it's been a
6 while and everything that's going on,
7 I pretty much --- pretty much gave
8 everything I know.

9 MR. MORLEY:

10 Well, we appreciate
11 that. And again, I want to
12 thank you for your
13 cooperation.

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15 STATEMENT CONCLUDED AT 2:27 P.M.

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